

**THE NEXUS BETWEEN ELECTORAL MANAGEMENT SYSTEM AND POST-
ELECTION VIOLENCE IN KENYA SINCE 1963**

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**A Thesis Submitted in Partial Fulfilment of the Requirements for the Conferment of the
Degree of Doctor of Philosophy in Peace and Conflict Studies of Masinde Muliro
University of Science and Technology**

OCTOBER, 2023

DECLARATION AND CERTIFICATION

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DEDICATION

I dedicate this work to my children: Gloria Otieno, Addis Otieno and Clement Otieno.

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I want first of all to thank God for his mercy and love upon my life.

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ABSTRACT

An electoral management system is made to make sure that the outcomes reflect the preferences of the majority of voters, to give elected officials credibility, and to prevent any challenges to the election results. However, post-election violence has continued in Kenya despite numerous reforms and adjustments to the country's electoral system. This indicates structural issues with the nation's electoral administration system. In light of this, the goal of this study was to establish a connection between post-election violence since 1963 and the electoral management system. This involved analyzing the core components of Kenya's electoral management system, pinpointing the causes of the post-election carnage, and evaluating the difficulties and opportunities that Kenya's electoral management body (IEBC) will encounter in planning and overseeing elections. This study examined the relationship between Kenya's majoritarian electoral system and post-election violence by reviewing related literature studies thematically in accordance with the research goals. Consociationalism theory, voting theory, and rational choice theory served as the foundation for this work. A historical study design using both qualitative and quantitative methodologies was used by the researcher. The research was carried out from July 2022 to December 2022. Citizens eligible to vote, lawmakers, IEBC members, political analysts and journalists (both print and electronic media), representatives of humanitarian aid organizations, local and international observers, security personnel, and county administrative staff were the study's target audiences. The researcher employed the stratified random sampling technique. The target population established the strata, and a random sample was taken from each stratum. In the study, primary and secondary data were both used. Data were gathered utilizing a questionnaire, interviewing guidelines, and secondary sources that included question items derived from the research's aims and questions. Voters received questionnaires, and information was gathered via interviews with political experts, electoral experts, IEBC officials, lawmakers, humanitarian aid officials, security agents, local and international observers, and county administration personnel. While qualitative data was classified into themes, subjects, and important issues, quantitative data was calculated and displayed in figures and charts. Regarding the first goal, the study found that Kenya's electoral administration method is based on the First Past the Post concept, a type of plurality/majority system. Regarding the second goal, the study found that the "winner-takes-it-all" election system, disputed election results due to perceived bias of the electoral management body, and voter incitement by politicians are among the major causes of post-election violence in Kenya dating back to 1963. Regarding the third goal, the study revealed that the IEBC has a variety of operational, administrative, and legal difficulties while planning, running, and overseeing elections in Kenya. Based on first objective results, the study came to the conclusion that Kenya's electoral management system is fundamentally based on the First Past the Post principle. On third objective, the study came to the conclusion that the electoral management's ability to supervise fair and credible elections is hampered by the impunity and self-interest of political leaders, ethnicity, mistrust, and fear of exclusion. The study's second objective's findings also support the conclusion that voter provocation by politicians has been one of the main drivers of post-election violence in Kenya since 1963. Among other recommendations, the study suggested that the cure to the current divisive first past the post electoral management system in use in Kenya is to explore other electoral management system options such as proportional representation and mixed member models as they are more inclusive and result in fair representation. In drawing a nexus between electoral management system and post-election violence which is a relatively understudied new field in Kenya and the region, this study made a contribution to peace and conflict studies.

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LIST OF ABBREVIATIONS AND ACRONYMS

ACTED	Agency for Technical Cooperation and Development Kenya
AFSC	American Friends Service Committee
APC	All Progressives Congress
AU	Africa Union
AV	Alternative Vote
BC	Border Count
BUR	Biometric Voter Registration
CEC	Central Election Commission (Albania
CENA	National Electoral Commission
CMVE	Centre for Monitoring Election Violence
COMESSA	Common Market for Eastern and Southern Africa
COSOME	The Coalition of Civil Society for Electoral Monitoring
CPA	Centre for Policy Alternatives
DCI	Directorate of Criminal Investigation
DRC	Democratic Republic of Congo
EAC	The East Africa Community
ECK	Electoral Commission of Kenya
ECN	Electoral Commission of Namibia
EMB	Electoral Management Body
EYC	Elimu Yetu Coalition
FF	Fiji First
FLP	Fiji Labour Party
FPTP	First past the Post
FUFP	Fiji United Freedom Party
ICC	International Criminal Court

IEBC	Independent Election and Boundaries Commission
IGAD	Inter-Governmental Authority on Development
INEC	Independent National Elections Commission
IPi	International Peace Institute
IPOA	The Independent Policing and Oversight Authority
IREC	Independent Review Commission
IRV	Instant Run Off
KADU	Kenya African Democratic Union
KANU	Kenyan African National Union
KHRC	Kenya Human Rights Commission
KIEMS	Kenya Integrated Election Management System
KPU	Kenya's People Union
KRCS	The Kenya Red Cross Society
LDP	Liberal Democratic Party
LRA	Lord's Resistance Army
LV	Limited Vote
MEC	Malawi Electoral Commission
MMP	Movement for Multi-Party Democracy
MPLC	Multi Party Liaison Committee
NARC	National Rainbow Coalition
NASA	National Super Alliance
NCAJ	National Council for the Administration of Justice
NCIC	National Cohesion and Integration Commission
NCRC	National Crime Research Centre
NEWS	National Early Warning System
NFP	National Federation Party
NFP	National Federation Party
NGO	Non-Governmental Organization
NRC	The Norwegian Refugee Council
ODM	Orange Democratic Movement

OFP	One Fiji Party
PAC	Public Affair Committee
PDP	People’s Democratic Party
PEV	Post-Election Violence
PNG	Papua New Guinea
PNU	Party of National Unity
PR	Proportional Representation
SCOK	Supreme Court of Kenya
SNTV	Single Non-Transferable Vote
SODELPA	Social Democratic Liberal Party
STV	Single Transferable Vote
SWAPO	South West Africa People’s Organization
TRS	Two Round System
UDA	United Democratic Alliance
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNIP	United National Independence Party
USA	United States of America
WANEP	West Africa Network for Peace Building
WASH	Water, Sanitation and Hygiene

OPERATIONALIZATION OF KEY CONCEPTS AND VARIABLES

Conflict

Conflict in this study refers to a serious disagreement that usually results to physical violence between two communities or groups. Conflict is a struggle or contest between people with opposing needs, ideas, beliefs, values, or goals.

Data

Data is used in the study as the collection of observations that is made by the researcher. Data is a symbol set that is quantified and or qualified.

Election process

The election process is defined as choosing of a person or individuals by vote from among candidates for a position particularly a political post. It is the vehicle through which political power is acquired, maintained or trailed. The campaign of candidates and political parties is governed by a legal code in order to win support, which will catapult them to power.

Electoral System

The term "electoral system" is used in this study to refer to the set of regulations that govern the conduct of presidential, senatorial, gubernatorial, member of parliament, women representative, and member of county assembly elections in Kenya as well as referendums. Governments conduct political electoral systems, but non-political elections can happen in corporations, nonprofit organizations, and unofficial groups.

All aspects of the political process are governed by these laws, including when elections will take place, who is eligible to vote, who is eligible to run for office, how votes are counted (election technique), how much money can be spent on campaigns, and other factors that could affect the outcome. The founding constitution of Kenya and electoral regulations, which are

typically supervised by the Commission of Kenya (IEBC), set forth the country's political democratic system, which uses a range of election procedures to elect candidates to various seats. It is the process by which the votes cast by the public convert into legislative seats and elected officials.

Electoral Management System

The definition of an electoral management system is a set of procedures for gathering, tallying, averaging, and then collectively interpreting voter preferences to determine the outcome of an election. This is the process used to determine how many elected positions in the government are given to candidates and parties following an election.

Electoral Violence

The term "electoral violence" refers to any coercion, intimidation, or bodily harm that is used in an election or that is expressed as threats or acts during an election campaign. If it is used to influence a democratic system, violence may be used to impede, interrupt, or hijack an election and impact the direction, either by deciding victors in tight campaigns for political office or by securing acceptance or rejection of plebiscite proposals. It is the range of activities aimed at subverting the will of ordinary citizens to freely exercise their choice during general elections.

Legitimacy

Legitimacy will be used in the study to mean the popular acceptance of a government, political regime, or system of governance arising from General elections periodically held in Kenya after every five years.

Liberal Democracy

According to the study, liberal democracy is a form of government in which representative democracy operates according to libertarian ideals. The separation of powers between the executive, judicial, and legislative branches of government, the application of due process in all spheres of life as a component of an open society, and the equal protection of everyone's civil liberties, political freedoms, and human rights are its defining characteristics. It is a method that permits citizens of a country to cast secret ballots in regularly scheduled elections for the government while selecting from a variety of political parties.

Post-Election Violence

Post-election violence will be defined as violence that occurs after the election. The common trigger events are the following: malpractices in the registration in voters' lists, unfair establishment of the electoral administration, stolen elections and manipulation of electoral results. In Kenya, it entails to all the violent activities that have taken place before, during and after 1963, 1966 (little elections), 1969, 1974, 1979, 1983, 1988, 1992, 1997, 2007, 2013 and 2017 elections and directly or indirectly influenced election outcomes in Kenya

Representative Democracy

Representative democracy is used in the context of this study as a political system where citizens participate in the selection of individuals to represent their interests and make decisions on their behalf within a structured legislative framework denoted in Kenya by periodic elections held after every five years since 1963.

CHAPTER ONE

INTRODUCTION

This chapter provides an overview of the study's setting, issue statement, study objectives, research questions, justification for the investigation, and scope.

1.1 Background to the study

Kenya achieved independence in 1963 and has had representative democracy ever since 1963 (See Appendix II:). Representative democracy is a political system where citizens participate in the selection of individuals to represent their interests and make decisions on their behalf within a structured legislative framework. In a representative democracy, individuals are elected by the eligible electorate through periodic elections. An election is a process used by legitimate citizens of a sovereign democratic state to choose the candidates they want to lead their country. Democratic elections are supposed to promote peace, sustainable development and bring legitimate government to govern through transparent, fair, and afterwards implement policies and program for benefit of all citizens. The electoral system will determine whether or not good elections produce results that are acceptable (Bogaards, 2014; Bratton, Vande walle, and Nicholas, 1997).

All elections held in Kenya since 1963 have been conducted under a majoritarian system; however, the electoral system under the democratic elections has not lived up to expectations of democratic processes and outcomes. Kenya inherited its electoral management system from Britain, the colonial master, and had little to no input on its structure or design (Chege, 2008). Since 1963, every election has left a bad taste, reaching its boiling point in 1992, 1997, and 2007 with violence erupting after presidential election results were revealed. The outcome, which the public felt had been influenced and did not represent the will of the people, was criticized by the public. This violence demonstrated the connections between Kenya's electoral

administration system and electoral violence, exposing its systemic and structural processes (Chege, 2008). The electoral management system has two potential outcomes: either it promotes peace or it fuels conflict and division in the nation (Gallagher & Mitchell, 2018).

Kenya adopted the majoritarian electoral management system in 1963, when the country gained its independence. Under this system also known as winner take all, the candidate who receives the majority of the votes gets the seat in an election that takes place on the same day, time, and location. This election management system, which Kenya inherited from Britain, reflects the unique political circumstances that go into their design (Lindberg, 2006). An electoral management system outlines the procedures that voters' selections or preferences are gathered, totaled, gathered, and collectively interpreted to produce election results (Herron, Pekkanen & Shugart, 2018). Any government adopts a distinct election management system for a variety of complicated reasons that are influenced by its own history and ideologies (Mozaffar et al., 2003). The three most widely used electoral systems are plurality, majority, and proportional representation (Caraman, 2017). These electoral management systems establish who is in charge and the future course of action for policy (Shugart, Taagepera, Herron, & Pekkanen, 2018).

Globally, the majority of Western European nations elect their parliaments according to proportional representation laws. Britain and France are the two main outliers, where plurality and majority rules, respectively, predominate despite the fact that both nations also employ proportional representation systems to elect members of the European Parliament and candidates in other second-rank elections (Sinnott & Farrell, 2017). All federal, state, and local elections in America are currently conducted using a plurality electoral system which is used to elect the three members of the US House of Representatives and local legislatures (Duncan, 2017). According to Shugart, Taagepera, Herron, and Pekkanen (2018), voters only cast one

ballot for the representative of their district, with the candidate with the highest overall vote total winning the election even if they earned less than 50% of the vote.

In the African regional context, South Africa's national election system, which combines parliamentary standards with an extreme form of proportional representation, is one of the world's most liberal (Lockwood & Kronke, 2018). Despite limited seat-winning parties and single-party control by the African National Congress at the national level, South Africa's political system consistently defies expectations (Mancebo, 2019; Gallagher & Mitchell, 2018). Despite having an extremely proportional election system, majoritarian results have frequently occurred in South Africa. Nigeria has a first-past-the-post electoral system that is majoritarian in nature where the Independent National Electoral Commission (INEC) organize, administer, and monitor elections. However, the election process is tainted by violent episodes, election manipulation, and other irregularities in the majority of young democratic African nations (Ashindorbe, 2018).

Locally, Kenya's electoral system follows the "First Past the Post" approach, where voters select a single candidate from those nominated, and the candidate with the most votes wins, even if they don't have an absolute majority. When Kenya uses this system, there are a variety of positions up for grabs, including the president, the senate, the governorship, the women's representatives, and the member of parliament. The presidential election, conducted using a modified two-round voting method under the current constitution passed in 2010, requires the winner to receive more than 50% of the total votes cast and at least 25% of the votes cast in 24 of the 47 counties to avoid a second round (Gutierrez Romero, 2013; KHRC, 2011). Kenya's presidential and general elections are synonymous with violence, death, damage, and relocation in counties like Nairobi, Kisumu, Homabay, and Siaya (USAID 2010; KHRC, 2011; Mutugi, 2016).

Hoglund and Jarstad (2010) stated that elections and the consolidation of the democratic institutions are key components in the promotion of peace and maintenance of peace and stability in a country. Free, fair and transparent elections are directly linked to peace and democratic development. The reasons for this are that they promote the aspect of inclusion and participation of the voters in determining the leaders that they want to govern them, and create a reliable environment to resolve conflicts in war-torn societies (Birch, & Muchlinski, 2017). However, the nature of elections necessitates a sense of rivalry and mobilization, which can lead to disputes over a country's electoral agencies authority, the fairness of the procedures, and the validity of the results (Bardall, 2013). If the free, fairness, and transparency of elections are affected, it can affect the peace and democratic development of a country contributing to electoral violence (Collier, Gutierrez Romero & Kimenyi. 2010).

Electoral violence is characterized as a physical violence and coercive intimidation that is directly linked to an imminent electoral contest or announced electoral results, according to (Taylor & Straus, 2012). According to Hoglund (2009), election violence is primarily used to manipulate the democratic process or its outcomes. It can be carried out in many ways such as voters threatened and intimidated, direct physical violence, targeted murders, intimidation (printing of posters warning a certain community against voting for their perceived preferred candidate), unlawful arrests and detention of opposition leaders, forceful displacement of voters, suppression of information, and destruction of campaign polling stations, attack of materials of rival political parties or attack of leaders, and opposition and security forces clashing (Bekoe, 2012).

Election's violence impacts negatively in democratic process since it not only undermines free and fair elections, but also has direct physical and psychological harm (Gutierrez Romero & Le Bas, 2016). Furthermore, and more importantly, there have been instances of violent

intimidation (such as the printing of posters warning a certain community against voting for their perceived preferred candidate), opposition candidates being arrested, unlawful detentions, torture, forceful displacement of votes, suppression of information, and the destruction of campaign materials, polling stations attacked, and clashes between rival political parties or leaders and security forces (Bekoe, 2012).

Electoral violence cannot only encourage authoritarianism and other non-democratic approaches, but it also it can erode citizens' confidence in the democratic process (Soderstrom, 2019). IPI (2012) notes that the causes of this form of violence are either directly related to political, economic and social grievances or political greed whereby incumbent leaders want to maintain their leadership positions even when they have fairly lost the elections. These factors and increased unemployment among the youth population create a form of rivalry and antagonism in a country and contribute to a high likelihood of political violence (Boone *et al.*, 2010; Alston, 2009). Laakso (2007) notes that in the 1992 and 1997 elections that were held in Kenya, the unemployed youth were the main contributors to the violent outcomes of the polls. Hafner-Burton *et al.* (2014) using a database of all the elections that have been conducted from 1982-2004 noted that the highest incidences of electoral violence are normally state-sponsored.

The failure of the electoral management system has resulted in post-election unrest, underscoring the crucial role of elections in allowing voters to choose their preferred leaders in a democratic system (Dercon & Gutierrez-Romero, 2012). They also present a unique milestone whereby countries can either strengthen their democratic credentials or if stringent measures are not taken, they become failed states (Drummond, 2015). Young democracies, especially in the African continent, have for years failed to exercise their democratic rights because of either perceived or blatant election malpractices that in most cases lead to election injustices and exacerbate conditions that lead to post-election violence. This study sought to

determine the nexus between Kenya's majoritarian electoral management systems and the electoral violence every election cycle since 1963.

The majoritarian election system in Kenya has the potential to either intensify or defuse tensions, violence, and conflict. There is a clash between candidates who feel sorry for the incumbent and opponents who emphasize minority representation and those who support one-party rule at one point. On the other hand, Losers may resort to intimidation, illegal tactics, including violence, if they perceive the electoral system as unfair and lack confidence in the opposition's chances of winning the next election (Barkan, 2008). The disputed elections in 1992, 1997, 2007, 2013, 2017 and 2022 have led to post-election violence that was ethnic in nature (Bratton & Kimenyi, 2008). However, the post-election violence in Kenya in 2007 was the epitome of ethnic strife, and it was extensively covered by both the local and international media (Aljazeera, 2017, October 18).

Although this type of violence does not transition to a civil war, it can lead to the loss of many lives, damage of property, internal displacement of people, undermine the legitimacy of the electoral process and the governments that are formed during that period as has been the case in Kenya, especially after the 2007 general elections (Brown, & Raddatz, 2014). It is noted that while there are excellent studies that have provided an insight on electoral violence (Wilkinson, 2004; Klopp, Elke, 2007; Mueller, 2011), multiparty elections in Kenya generally and specifically, the correlation between electoral management system and post-election violence in Kenya is still an understudied topic in comparison to large works of literature of democratization in Kenya.

1.2 Statement of the Problem

The problem for the study was that post-election violence across the globe especially in developing countries like Kenya could be linked to the adopted electoral management systems. Kenya has experienced multiple instances of post-election violence since gaining independence, including the most notorious events in 2007-2008 and subsequent elections (Bratton & Kimenyi, 2008). The majoritarian electoral management system used in Kenya is susceptible to manipulation by majority and incumbency and this is the cause of political tensions during elections culminating to electoral violence (Lindberg, 2006). Another consequence of majoritarian electoral management system is the effect on political parties. According to Reynolds (1999), majoritarian electoral management system tends to create and develop parties where patronage and patron-client relationships thrive, while also encouraging personality cults in the formation, organization, and management of these parties.

The majoritarian electoral management system affects the way party leaders and elites behave, which in turn influences the party's policies and programs. In order to win elections, the majoritarian electoral management system may favor and appeal to a coalition of dominant ethnic groups. However, this increased ethnicity, geographical affiliations, and historical circumstances which could be linked to tensions after elections (Brown, 2009). Majoritarian voting systems in Kenya have been linked to political tensions and conflict. This was clear during the 1992, 1997, 2007, 2013, 2017, and 2022 presidential elections. Since 1963, Kenya has held regular elections, but every one of those elections has been tainted by post-election violence (International Peace Institute, 2012).

Since the return of the multiparty system in late 1991, there have been disputed presidential elections in six of the seven elections, which have led to violence. As an illustration, in the elections of 1992, 1997, 2007, 2013, 2017, and 2022 (Birch & Muchlinski, 2017). The worst

was between December 2007 and February 2008, when more than 300,000 people were displaced following the publication of the results of the presidential election, and around 1,300 people died as a result of post-election violence (KNHR, 2018). The worst occurrence involved 200 internally displaced people who sought safety in a church, but the church was destroyed by fire, resulting in 35 fatalities. According to a regular pattern (Adhiambo, 2017), many people suffer injuries and are forced to flee their homes.

The study examined Kenya's electoral management system after independence, concentrating on the relationship between it and electoral violence in Kenya since 1963. Because of its majoritarian winner-take-all procedure, elections in Kenya are a high-stakes process. No side wants to lose the elections because the stakes are so high; therefore, each side uses violence as a tactical strategy to guarantee that they are not entirely outmatched. Due to this, post-election violence in Kenya has increased dramatically since 1963 (Mozaffar, Scarriet & Galaich, 2003). Additionally, post-election violence has persisted despite numerous reforms and modifications to Kenya's electoral processes, which was why this research was done.

1.3 Objectives of the Study

The main goal of the study was to investigate the relationship between Kenya's post-election violence since 1963 and the country's electoral management system.

The specific objectives were to:

- (i.) Establish the essence of Kenya's electoral management system and its influence on post-election violence since 1963.
- (ii.) Examine the causes and consequences of post-election violence in Kenya, dating back in 1963.

- (iii.) Evaluate the opportunities and problems the Kenyan electoral management system faces in respect to planning, carrying out, and managing elections in order to achieve electoral peace in Kenya.

1.4 Research Questions

The research was motivated and focused on answering the following questions;

- (i.) What are the key components of Kenya's electoral management system and its influence on post-election violence?
- (ii.) What are the causes and consequences of Kenya's post-election violence since 1963?
- (iii.) What challenges and opportunities does Kenya's electoral management system face when it comes to organizing, conducting and managing elections to achieve electoral peace in Kenya?

1.5. Justification of the study

1.5.1. Policy Justification

This study is important as it will help to create policy measures and standards that can be used by future election body to ensure elections in Kenya are free, fair, transparent and credible and have greater Integrity. This implies that the selection of the election management body in Kenya will have to be re-evaluated. Furthermore, the study acknowledges that electoral management systems differ from one country to another. In this case, the researcher compared the Kenyan electoral management system with other countries so as to develop effective recommendations that can provide solutions to the Kenyan problem of post-election violence precipitated by ineffective electoral management system which makes poll outcomes unacceptable to the participants and avoid future conflicts before, during and after democratic elections as we have witnessed in a larger scale in Kenya.

From a policy perspective, it is demonstrated that there is the need to implement effective electoral management reforms (Elklit & Reynolds, 2002). The norm of the country has been that after every election, there are new challenges that are identified, an inquiry process is formed, and solutions are formulated. However, during the implementation process some of the solutions are not conducted as was recommended leading to future election problems such as use of the election digital kits. In addition, it has been determined that politicians, especially from the incumbent government find loopholes in the election laws that they use to their advantage.

1.5.2. Academic Justification

From an academic perspective, this study provides new information about post-election violence in Kenya. It is shown that the country's political structure has been based on ethnicity since independence, contributing to existing ethnic divisions. Previous studies such as (Chege, 2018; Drummond, 2015& Elischer, 2008) focused on the ethnicity, voting process, rigging, divisions as the root for electoral violence while the current study expounds more into the electoral management system.

Besides, previous studies (Hansen 2009; Bratton & Kimenyi, 2008; Barkan, 2008& Dercon *et al*, 2012) have conducted studies on post-election violence in Kenya with a special focus on the 2007- 2008 post-election violence. They have attributed the cause of this chaos to ethnic division and rivalry. This study demonstrates that a weak majoritarian electoral management system such as the one that exists in Kenya, a country with diverse communities has a negative impact on the democratic nature of the country.

In addition, it shows that the electoral management systems that have existed were designed to favor the incumbent governments and ensure that they maintain power even when it seemed imminent that they would lose. In addition to that, it also demonstrated that even in countries

with ethnic divisions, if they have an effective electoral management body that ensure and guarantees free, transparent and fair elections then there is less likelihood of post-election violence taking place (Anderson, 2012).

1.5.3. Philosophical Justification

This study was grounded first, on the philosophical works of John Stuart Mill (1806-1873), particularly on representative democracy and plural voting system. According to Mill, there are two ways that democracy is most adapted to advance the common good in the appropriate situations. First, the best guarantee that the interests of the governed will be adequately understood by political decision-makers is provided by universal suffrage and political engagement. Second, according to Mill, democracy is the best type of government due to the positive benefits that political engagement has on citizens' moral development.

Secondly, the study is anchored on Karl Marx (1818 – 1883) philosophy who believed that the state was a tool of the state and the powerful in society or the ruling class to maintain their stranglehold on the poor, less privileged and the working class in the society. He saw the electoral management system as one of the ways and means the ruling class use to legitimize their rule and maintain their control over the political system. In his view, elections were not true expression of democracy because they were dominated by the wealthy and powerful in society and the state. Karl Max John Stuart Mill's understanding of human physiology aids in our comprehension of how conflict develops in societies like Kenya. We learn from them as supported by research findings that despite the existence of class stratification in society, the political elite shouldn't take advantage of the situation to further their goals. To achieve their

goals, Kenyans must comprehend the reasons behind the post-election violence and develop answers without turning against one another. Understanding how post-election violence inside the boundaries of the political order will affect events in the social order, and vice versa, is also helpful.

Based on Mill's, Karl Marx's and John Locke's philosophical grounding, this study built on the existing body of knowledge regarding variations of electoral management systems and how they influence representative democratic elections, peace and stability in ethnically diverse societies like Kenya. For instance, the study looks at the strengths and weaknesses of the current majoritarian electoral management system in comparison to proportional representation systems and other mixed variations to determine the ideal electoral system for the Kenyan case. From the past literature analyzed, it has been established that majoritarian system led to instability and marginalization of smaller ethnic groups. In this case, previous studies have indicated that variations of proportional representation systems will be more effective in attaining sustainable peace and nurturing democracy in ethnically diverse societies like Kenya which corroborates the findings of this research study.

Locke's (1997) political philosophy emphasizes the consent of the governed and the importance of representative government. Locke argued that political authority is derived from the consent of the people. In a representative system, the government is chosen by the people to act on their behalf and protect their rights. Therefore, it is crucial to ensure that the electoral management system accurately represents the will of the people and guarantees fair and transparent elections. Studying the relationship between the electoral management system and post-election violence is essential to assess whether the system effectively represents the interests and choices of the citizens. Locke would argue that if the electoral management system fails to accurately reflect the will of the people, it undermines the legitimacy of the

government and can lead to political unrest and violence. It starts with the premise that men have different wants, goals, and values and as such live in a world of scarcity and must choose between alternative courses of action that leads towards the most preferred goal (heath, 1976; carling 1992, Coleman, 1973, Ritzer, 1); it then proceeds to assume that men have different wants, goals, and values and as such live in a world of scarcity. According to the rational choice theory, highly valued prizes will be depreciated if the actor believes they will be hard to obtain, whereas lesser valued rewards will be enhanced if the actor believes they would be feasible.

In his book "The Social Contract," Jean-Jacques Rousseau (1964), emphasized the significance of a righteous and equitable social contract between the people and the government.

According to Rousseau, a legitimate government must be based on the general will of the people, meaning that the electoral management system should accurately represent the collective desires and interests of the citizens. When the electoral system fails to do so, it undermines the legitimacy of the government and can lead to post-election violence as people feel their voices are not being heard and their rights are being disregarded.

John Stuart Mill (1998), in his influential essay "On Liberty," argues for the protection of individual freedoms and the importance of open and robust public discourse. Mill believes that a well-functioning electoral management system should encourage free and open debates, allowing citizens to express their diverse opinions and preferences. When the system restricts freedom of expression or suppresses dissenting voices, it can create tensions and frustrations, potentially leading to violent outbursts following elections.

John Dewey (2023), a pragmatist philosopher, highlights the significance of active citizen participation in a democratic society. For Dewey, democracy is not just about voting; it is a continuous process of engaging in public life and decision-making. A flawed electoral

management system that hinders meaningful citizen participation can lead to feelings of alienation and disempowerment. Consequently, disenfranchised citizens may resort to violence as a way to express their discontent and reclaim agency in the political process.

John Rawls(1972), in his seminal work "A Theory of Justice," proposes the idea of a just society based on the principles of fairness and equality. Rawls argues that institutions, including electoral management systems, should be designed to benefit the least advantaged members of society. In the context of Kenya, where historical disparities and inequalities persist, a fair electoral management system should address these issues to prevent the potential eruption of post-election violence rooted in social and economic grievances.

1.6. Scope of the Study

The research spans Kenya's history from its birth at independence. It examines the country's electoral management structure and how it has inspired and influenced post-election violence since 1963. The objective scope focused on the country's electoral management system, procedures, and practices as well as how they have led to post- election abuse, and how it has affected and contributed to post- colonial Kenya's post-election brutality and turbulence. On the methodological scope, the study adopted a historical research design. The information was gathered from voters in various parts of the country, IEBC officials, and politicians from the government and opposition sides, security and county administrators, humanitarian agency officials, election observers and political experts in relation to these issues. The researcher's geographic study area included the counties of Nairobi, Kisumu, Eldoret, Nakuru, and Mombasa. These counties were chosen because, following each election, there were pockets and hotspots of violence throughout these counties, which had devastating effects (Kakuba, 2016). The research was done from June 2022 to December 2022).

1.7 Chapter Summary

The chapter has covered the development of the study in great detail. The study's discourse, along with the research's premise, justification, description of the problem, aims, and research questions, as well as the chapter summary, developed as a crucial instrument. The literature on the subject of the study is reviewed in detail in the next chapter.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter discusses literature drawn from relevant sources and studies. The chapter starts off by reviewing the conceptual literature pertinent to the nexus between the electoral management system and post-election violence in Kenya since 1963. The review is organized thematically, from general to specific, in accordance with the study's specific goals, which include defining the core elements of Kenya's electoral management system, examining the causes and effects of post-election violence in Kenya, which dates back to 1963, and identifying the opportunities and challenges the Kenyan electoral management body faces in relation to organizing, conducting, and managing elections in order to achieve electoral peace in Kenya.

The theoretical structure and application of the theories to the analysis are then presented in this chapter. The theoretical literature review is categorized as per the research objectives into sub themes on historical background on the nature of elections and electoral management system in Kenya, the causes and effects of election violence in Kenya and challenges and opportunities IEBC faces in organizing, conducting and management of elections in Kenya. The theoretical framework is informed using three theories namely the Consociationalism Theory, voting theory and rationale choice theory. A chapter review concludes the chapter

2.1 General Overview of electoral management system

A complete system used to manage numerous components of the electoral process is known as an electoral management system (EMS). It includes every step of the electoral process, from voter registration through the declaration of election results. Both the hardware and software elements necessary to administer the election are included in the system. The free, fair, and

transparent nature of the electoral process is greatly influenced by the electoral management system. Its goal is to effectively and efficiently administer the entire process, ensuring that the election results accurately reflect the will of the electorate. The system is also intended to give voters, candidates, and election authorities a safe and reliable environment. The EMB must establish and maintain ongoing communication with national lawmakers who have a bearing on EMBS' ability to manage elections since EMBS is crucial at the national level.

In order to facilitate the collaborative review and reform of electoral laws, the EMBS should take immediate action with regard to the legal and institutional framework of the electoral environment. This is especially important in light of the recommendations made by various election observer missions immediately following elections in order to reduce future uncertainty. To improve the timeliness of the review, adoption, and publication of electoral reforms, the EMBS should also work closely with parliament. This will give candidates, voters, and other stakeholders enough time to become familiar with the new laws and carry out effective civic and voter education.

An electoral management system, according to Bratton (2008), is a set of procedures and guidelines used to elect representatives and chief executives in a government organization. According to Corradetti (2015), an electoral management system, also known as a voting system, is a set of regulations that govern the conduct of elections and referendums as well as the methods used to decide the outcomes. Governments are chosen via electoral management systems in politics, whereas informal, business, and non-profit organizations may also have elections (Birch, 2011).

All aspects of the voting procedure are governed by these laws, including when elections take place, who is eligible to vote, who may run for office, how ballots are marked and cast, how they are counted, how the results of the vote are determined, spending caps on campaigns, and other elements that may have an impact on the outcome. Constitutions and electoral laws define

political electoral systems, which are normally run by election commissioners and are capable of using a variety of elections for various offices (Anderson, 2005).

A single winner may be chosen for a specific office, such as prime minister, president, or governor, while several winners may be chosen for positions like members of parliament or boards of directors. Areas may be split into constituencies with one or more representatives for electing a legislature (Klopp & Kamungi, 2010). Voters have the option of casting their ballots directly for a single candidate or for a slate of candidates put up by a political party or coalition. The most popular electoral management systems include first-past-the-post voting, block voting, the two-round (runoff) system, proportional representation, and ranked voting. There are many different electoral administration systems. The advantages of proportional and non-proportional voting systems are combined in some electoral management systems, such as mixed systems (Wasik, 2017).

Social choice theory, sometimes known as voting theory, is the study of officially specified election processes. It can be found in the domains of political science, economics, or mathematics, more specifically in the subfields of game theory and mechanism design. No preferential voting system can ensure the race between two candidates remains unaffected when an irrelevant candidate participates or withdraws from the election when voters have three or more alternatives, as shown by impossibility proofs like Arrow's impossibility theorem (Soderstrom, 2019).

2.1.1 Global Overview of Electoral Management Systems

In the Global context, Electoral management systems (EMS) vary widely across the globe, depending on the political, legal, and social context of each country. However, there are some common features that are found in many electoral systems around the world. One of the most important features of an effective EMS is its independence and impartiality (Saurugger &

Terpan, 2016). In order for an electoral system to be considered credible, it must be seen as free from any undue influence or interference from political actors or other external forces. This implies that the electoral management body, which is responsible for overseeing the entire electoral process, must be independent and able to carry out its duties without fear or favor. Another important feature of an effective EMS is the ability to conduct accurate and timely voter registration. This involves creating and maintaining an accurate list of eligible voters, and ensuring that all eligible voters are able to register and participate in the electoral process. This often involves the use of technology and data management systems, as well as outreach to communities to ensure that all eligible voters are aware of the registration process.

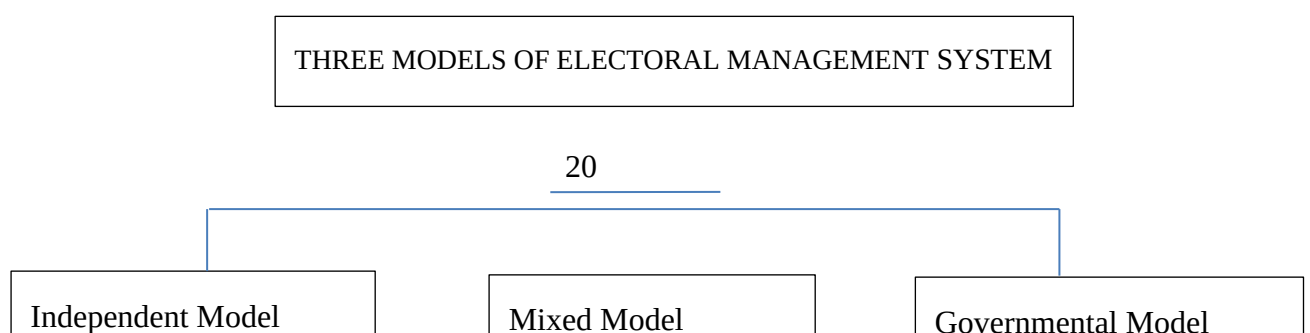
The voting process itself is also an essential component of any EMS, and there are many different methods of voting that are used around the world. These include in-person voting at designated polling places, early voting, mail-in voting, and online voting. Each of these methods has its advantages and disadvantages, and the choice of voting method often depends on factors such as the size of the electorate, the geographical spread of voters, and the availability of resources.

In several nations, the idea of an election management body (EMB)—also known as an electoral commission—has been conceptualized differently. 2006 (WALL & IDEA). However, it should be noted that political scientists frequently use both terms to refer to electoral management organizations, and these organizations' primary duty continues to be to conduct elections (PINTOR, 2000). For instance, the EMB is run by the federal electoral institute in Mexico, the federal electoral justice in Paraguay, the national electoral tribunal in Honduras, the central election commission in Russia, and the federal electoral commission in the United States.

Additionally, according to Wall and Idea (2006), various election management bodies (EMBS) may be established for various electoral processes. For instance, in Mexico and Poland, the

EMB is in charge of both presidential and parliamentary elections; in Lithuania, one EMB handles presidential elections and a different one handles parliamentary elections. The way elections and referendums are conducted in the UK is considerably distinct from one another overall. Election-related obligations could be separated amongst bodies at many different levels in addition to the distribution of intentional responsibility for distinct aspects of the electoral process. As an illustration, while some aspects of election administration may also be handled by a national government agency, others are carried out by local level commissions, regional ministries of the government, or local authorities (Wall & Idea, 2006).

The independent, governmental, and mixed models are the three main types or models of electoral management designs that are commonly utilized by different countries. There are many differences in the specifics of EMBS design based on design choice (Wall & Idea, 2006). The effectiveness of EMBs as institutional pillars of electoral governance, however, is mainly, though not entirely, reliant on their independence from the executive branch (Mozaffar, 2002). Figure 2.1 categorizes the various models.



Ministry
Of
Interior

CEC: Central Electoral Commission

Source: Wall & Idea, 2006

As seen in Figure 2:1, the countries where elections are organized and managed by an EMB that is institutionalized, independent and autonomous from the executive branch of government and that has and manages its budget are those that use the independent model of electoral management. Kenya, Burkina Faso, Liberia, Mauritius, Nigeria, and South Africa are a few nations that have EMBS. The governmental model of electoral management, on the other hand, is used in nations where the executive branch organizes and oversees elections through a ministry (such as the ministry of the interior) or municipal authorities.

The majority of the nations whose EMBS fit into this model are outside of Africa, and they include Denmark, New Zealand, Tunisia, and the United Kingdom for elections but not referendums. In the mixed model of electoral management, there are typically two components EMBS, and dual structures exist: a policy monitoring or supervisory EMB that is independent of the executive branch of government and an implementation EMB that is housed within a department of state, state, or local government. France, Japan, Spain, and many other former French colonies in Africa, particularly in West Africa, such as Mali, Senegal, and Togo, follow the mixed model (Wall & Idea, 2006).

In the end, EMBS should be focused on how officials manage their political environment to hold elections that can be evaluated as being free, fair, credible, and verifiable, with an uncontested result (Olaniyi, 2017). The three-fold categorisation must therefore be accepted at face value. There is no ideal model because each one has pros and cons (Fombad, 2016).

Election systems give political parties—the various factions or ideological groups that make up a nation—the chance to participate in the formulation of public policy and the process by which votes are converted into seats. Three essential components of any electoral system, according to Saurugger and Terpan (2016), are district size (the number of representatives elected in one electoral district), the electoral formula (which determines how a seat will be filled), and the

ballot structure (which determines whether a voter votes for a candidate or a party, and whether they make a single choice or express a number of preferences) (Oucho, 2002).

According to O'Driscoll (2017), there are three main families of electoral systems (plurality/majority, mixed, and proportional systems), which are categorized based on how votes are converted into seats, and a fourth family, which is used to group individual electoral systems that don't fall under the three main families. Within these primary families, 12 different election systems have been found. The basis of plurality/majority systems is the idea that the candidate or party with a majority of votes (i.e., 50% plus 1—an absolute majority) or a plurality of votes (i.e., more than any other) is declared the victor. According to Nurmi (2018), such a system may use multi-member districts (such as block voting or party block voting) or single-member districts (such as FPTP, alternative voting, or the two-round system).

In a plurality voting system, the candidate or candidates with the most votes prevail, without a majority of the vote being necessary. First-past-the-post is the second most popular electoral system for national legislatures, with 58 countries using it for this purpose, the vast majority of which are current or former British or American colonies or territories. It is used when there is only one position to be filled. With 19 nations using it, it is also the second most popular system for presidential elections (Norris et al., 2015). Block voting, multiple non-transferable votes, or plurality-at-large are terms used to describe plurality voting when there are many places to be filled, most frequently in multi-member constituencies (Muchlinski et al., 2019). There are two major ways to do this. In one, voters have the same number of votes as seats and can choose any candidate, regardless of party, and this is the method utilized in eight nations.

Variations on this system include single non-transferable vote (SNTV), in which voters can select only one candidate in a multi-member constituency, with the candidates receiving the most votes being declared the winners (this system is used in Kuwait and Vanuatu), and limited

voting, in which voters are given fewer votes than there are seats to be filled (Gibraltar is the only territory where this system is in use). Voters may only select more than one candidate from a single party under the second most common type of block voting, usually referred to as party block voting, in which case the party with the highest votes wins all open slots. This is employed as a component of hybrid systems in five different nations (MacWilliam, 2012).

Voters in Nauru rank candidates according to how many seats are available in their constituency through the Dowdall system, a multi-member constituency variation of the Borda count (Mancebo, 2019). First preference votes are totaled; second preference votes are divided by two; third preference votes are divided by three; and so on, all the way down to the last position. The winners are determined by the sums that each contestant attained (Lockwood & Krönke, 2018).

According to Klaus et al. (2015), majority voting is a system in which candidates must earn a majority of votes in order to win an election, whether it be in a runoff election or the final round of voting. However, in some circumstances, only a plurality is needed in the final round of voting if no candidate can win a majority. There are two primary types of majoritarian systems, one that uses ranked voting in a single election and the other that uses numerous elections to gradually reduce the number of candidates. Both are mainly applied to constituencies with a single member (Kanyinga & Long, 2012).

Instant-runoff voting (IRV), where voters rank candidates in order of preference, allows for majority voting in a single election; this method is used for parliamentary elections in Australia and Papua New Guinea. The second preferences of the lowest-ranked contender are then added to the totals if no candidate obtains a majority of the votes in the first round (Willis & Chome, 2014). Until a candidate receives more than 50% of the total number of valid votes, this process is repeated. If not, and each voter casts all of their preferred choices, the count may continue

until only two candidates are left, at which point the candidate with the most votes is declared the winner.

The dependent vote is a modified version of IRV where voters have a set number of preference votes but do not rank all candidates (Kakuba, 2016). All candidates are eliminated from consideration after the first round if no candidate receives a majority of the votes. The top two candidates remain, and their highest remaining preference votes are then added to the totals to decide the winner. Voters may express up to three preferences under this system in the presidential elections in Sri Lanka (Herman, 2013).

The two-round system, which is the most widely used method for presidential elections worldwide and is used in 88 countries, is the other main type of majoritarian system. The legislature is also chosen using it in 20 other nations (Hafner- Burton et al., 2018). A second round of voting is conducted to choose the winner if no candidate receives a majority of the votes in the first round. Most of the time, only the top two candidates from the first round advance to the second round; however, in some elections, more candidates may decide to run in the second round; in these situations, the second round is decided by plurality voting. Some nations employ a modified version of the two-round system. Examples include Ecuador, where a presidential candidate is declared the victor if they receive 40% of the vote and are 10% ahead of their closest rival, or Argentina, where the ballot-age system is used (45% plus 10% ahead).

The last-placed candidate is eliminated in each round of voting in an extensive ballot, which is not limited to two rounds. This system is not used in any significant popular elections due to the potentially high number of rounds, but it is used to choose the Speakers of Parliament in a number of nations and members of the Swiss Federal Council. In some designs, rounds may be held repeatedly without any candidates being eliminated until a candidate receives a majority, similar to the Electoral College system used in the United States (Flores & Irfan, 2016).

The electoral system family known as proportional representation (PR) is founded on the idea that a party's or group's total votes should translate into a proportionate number of seats in an elected body. For instance, a party that receives 30% of the vote will hold roughly 30% of the seats. The usage of multi-member districts is a need for all PR systems. List PR and STV are the two main subtypes of PR systems (Fjelde, 2020).

The majority of national legislatures around the world pick their representatives using some variation of the proportional representation electoral system (Kimeu, 2022). Eighty nations employ the party-list proportional representation electoral system, which entails voters selecting candidates from a party-suggested list. Voters in closed list systems have no say in the candidates that the party puts out, but in open list systems, they can vote for the party list and have an impact on the order in which candidates are given seats (Taylor et al., 2017).

Elections are conducted using 'pure' proportional representation in several nations, including Israel and the Netherlands (Doring & Manow, 2017). In these nations, votes are counted at the national level before seats are allotted to parties. To provide some degree of regional representation, many multi-member constituencies are typically employed rather than a single nationwide constituency; nonetheless, this can lead to the distribution of seats not accurately reflecting the national vote totals. In order to award parties whose seat totals are lower than their share of the national vote, some nations have leveled seats (De Vidovgrad, 2015).

There are various possible ways to distribute seats in proportional systems, in addition to the electoral threshold (the minimum percentage of the vote that a party must receive to acquire seats) (Dercon et al., 2012). Highest average and greatest remainder are the two primary categories of systems. Highest average systems, such as the D'Hondt method (of which there are variants including Hagenbach-Bischoff method) and the Webster/Sainte-Lagu method, entail dividing the votes received by each party by a number of divisors to get statistics that

decide seat allocation. In largest-remainder systems, the quota (obtained by dividing the total number of votes by the number of seats available) is used to apportion the vote shares of the parties.

This typically results in some seats remaining vacant, which are distributed among parties according to the highest fractions of seats they still possess. The Hare quota, Droop quota, Imperial quota, and Hagenbach-Bischoff quota are a few examples of greatest remainder systems (Freitas-Tamura, 2017).

Another proportional representation method is known as Single Transferable Vote (STV), which is used in Malta and the Republic of Ireland. In STV, voters rank candidates in a multi-member constituency rather than choosing from a party list. Candidates must meet a quota in order to be elected, with the Droop quota being the most frequent. Candidates who reach the required threshold on the initial count are elected. When all seats have been filled by candidates who have met the quota, votes from the least successful candidates are subsequently reallocated, together with extra votes from successful candidates (Daxecker, 2012). The single non-transferable vote (SNTV) system is a multi-member-district system in which voters can cast one vote for one candidate. The limited vote (LV) and Borda count (BC) systems are two other forms of individual electoral systems. According to Duncan (2017), LV is comparable to the SNTV system in that voters have more than one vote, but not as many as the total number of candidates.

Mixed systems are employed in a number of nations to elect the legislature. These include mixed-member majoritarian and parallel voting, also referred to as mixed-member proportional representation. There are two methods by which members of a legislature are elected in non-compensatory, parallel voting systems, which are used in 20 countries (Collier et al., 2010). Part of the membership is elected by a plurality or majority vote in single-member constituencies, and the other part by proportional representation.

The outcome of the proportional vote is unaffected by the outcomes of the constituency vote (Cheeseman, 2008). The results of the proportional vote are modified in compensatory mixed-member representation to balance the seats obtained in the constituency vote. There is sufficient compensation in mixed-member proportional systems, which are used in eight countries, to guarantee that parties have a number of seats proportional to their vote share (Ndungu, 2021).

Other systems might not provide enough compensation, which could lead to overhang seats, where parties receive more seats than they should have based on their vote share (Brown & Siram, 2012). In variations of this, such as the Additional Member System and Alternative Vote Plus, voters cast ballots for both single-member and multi-member constituencies; the allocation of seats in the latter is adjusted to reflect the number of seats won by parties in the former in order to achieve an overall seat total proportional to the parties' vote share (Bratton & Kimenyi, 2008).

In contrast to MMP's seat linkage (top-up) approach, mixed single vote systems often use a vote transfer mechanism and may or may not be able to achieve proportional representation. From 1993 to 2006, Italy used Scorporo, an innovative mixed-member compensatory representation system that uses negative vote transfer (Boone & Norma, 2012). According to Rasmussen (2018), certain electoral systems include a majority bonus scheme to either guarantee that one party or coalition wins a majority in the legislature or to provide the party getting the most votes a significant numerical advantage. When there is no majority in the first round of voting in San Marino's modified two-round system, the top two parties or coalitions advance to the second round of voting. 35 seats in the 60-seat Grand and General Council are guaranteed to the second-round victor (Bogaards, 2014).

Following the 2019 elections, Greece eliminated the arrangement that gave the party with the highest votes an additional 50 seats. In Uruguay, a process known as the double simultaneous

vote is used to elect both the president and members of the general assembly. Voters cast a single ballot for the party's nominees for president, senator, and chamber of deputies. The Dominican Republic and Bolivia have both previously employed this system (Bleck & Van de Walle, 2013). In a hybrid system, representatives are chosen by voters using two distinct systems: PR and plurality/majority. Parallel systems and mixed-member proportional systems are the two types of mixed systems (Blais et al., 2015). Women are generally more represented in plurality/majority systems than PR systems, so strategically designing a mixed system—for example, electing half of the parliamentarians using a PR system and the other half using a plurality/majority system—can be an efficient way to boost women's representation (Bjarnegard, 2018).

One of the most significant political institutions in shaping the strategic nature of democratic competition is the electoral system. Elections organize political debate over distributional outcomes in democratic politics, according to Mozaffar (Mozaffar, 2003). At its most basic level, the electoral system turns votes cast in a general election into seats controlled by political parties and candidates in the national and, where necessary, subnational legislatures (Reynolds et al., 2005). Election procedures and procedures for counting votes to determine election results, as well as electoral structure and laws, all have a big impact on patterns of political mobilization and representation (Birch and Lindbergh, 2005).

The voting method (majority/plurality), whether proportional, mixed, or another: These constitute the essential components of an electoral structure. The district magnitude (the number of legislators that a particular district elects) and the ballot structure (such as whether the voter has a single choice or a range of options) are also factors (Reynolds et al., 2005).

Numerous factors make electoral structures significant. First off, there is a conviction that affects the degree of coherence/fragmentation of the party structure and, consequently, the efficiency of the executive branch. Electoral systems can also reduce or increase conflict and

abuse. Additionally, they help to shape the outcomes of public policy as well as the motivations and incentives of political actors. Whether politicians depend directly on voters or their parties for the advancement of their careers depends on the formula that is used to elect them to office as an important factor in deciding whom they feel most accountable to, what use they may make of public resources to create connections with their constituents, and also what kinds of incentives there might be for corruption and electoral fraud.

Understanding these diverse complications is crucial from a governmental perspective because it sheds light on the social contexts in which political players operate and the motives driving them. However, it is important to remember that election procedures do not take place in a vacuum. Not just electoral processes, but also other mechanisms shape election results (Reynolds et al., 1995; Horowitz, 2003; Cox, 1997). Is a nation's government federal or unitary, for instance, if it has a president or members of parliament? What are the social divisions on an ideological, religious, ethnic, racial, geographical, linguistic, and/or class basis? Is the country a formal democracy with a long history or a hybrid with elements of both authoritarianism and democracy? Exists a stable party organization or is one currently being formed?

Are the supporters of a particular political party geographically grouped together or dispersed across a wide area? How does a political party's diverse orientation impact its interactions with political leaders and candidates? Are political parties programmatic, clientele, or charismatic in nature? As can be shown, contextual factors have a big impact on how well voting systems work. There are several electoral system types and modifications in use today (Reynolds et al., 2005). They can be grouped into three categories for ease of reference: plurality/majority systems, sometimes referred to as first past the post (FPTP); proportional representation; and a mixed model (Reynolds et al., 1995). This model is shown in Figure 1.1.

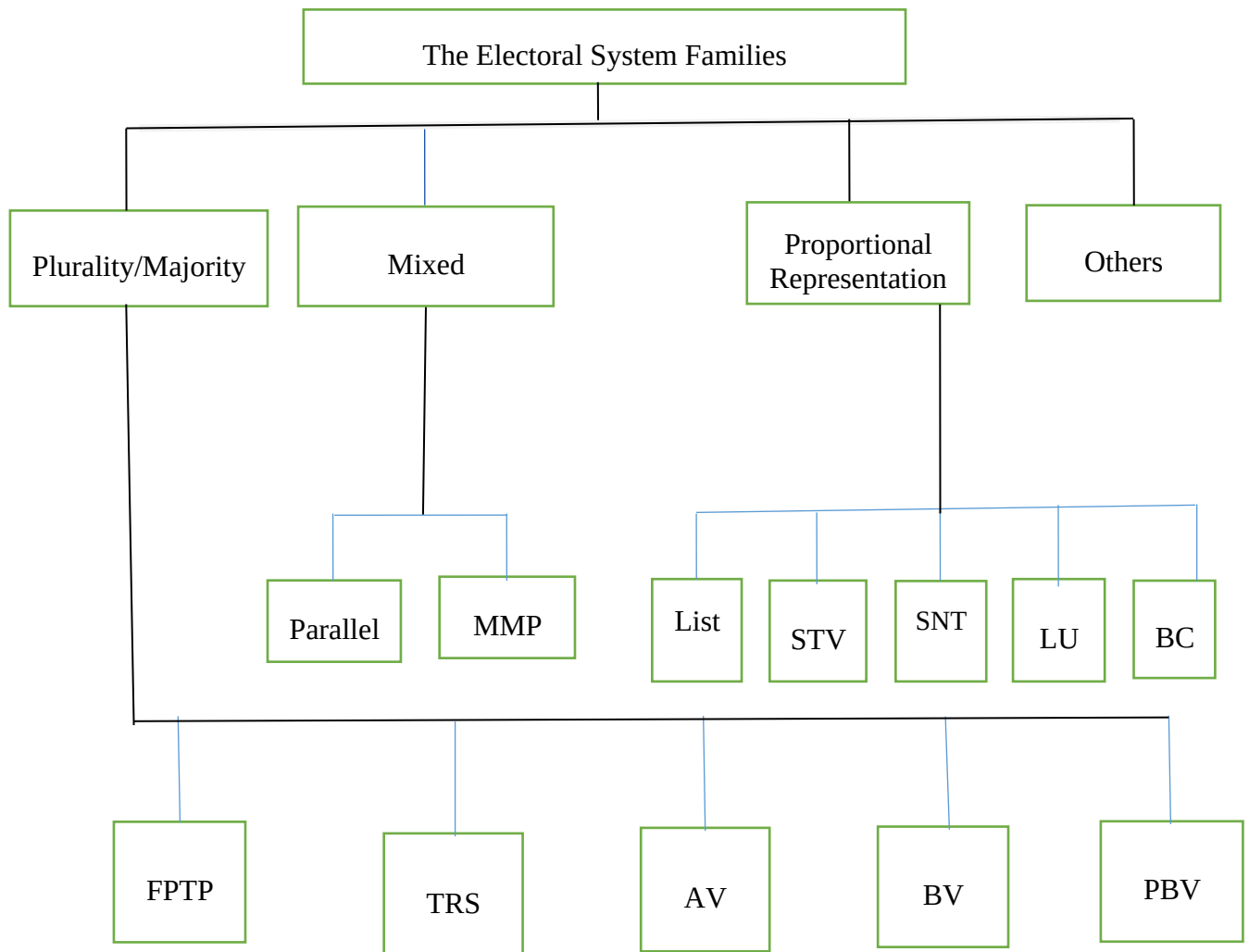


Figure 1.1: The Electoral System Families

Source: Reynolds *et al.* (1995)

The three main electoral families' salient traits and traits are described here (Reynold et al., 1995). In a plurality system, each electoral district has a single seat, and only one candidate is to be chosen. If a candidate receives the most votes under the First Past the Post system, they may not necessarily need to get more than 50% of the vote to win the seat. A two-round voting process, on the other hand, aims to ensure that the winning candidates achieve a resounding majority [i.e., more than 50% by choosing the winner based on voters' second preferences]. The plurality system, in which the candidate with the most votes wins without needing to receive a

majority of the vote, is characterized by multiple voting. It is also referred to as first past the post when there is only one open position. 58 nations, the bulk of which are former British colonies or of American ancestry, elect their parliaments using this as the second most common electoral method for national legislatures. With 19 countries having presidents, it is also the second most popular system for presidential elections. Figure 2 provides a good illustration of this.

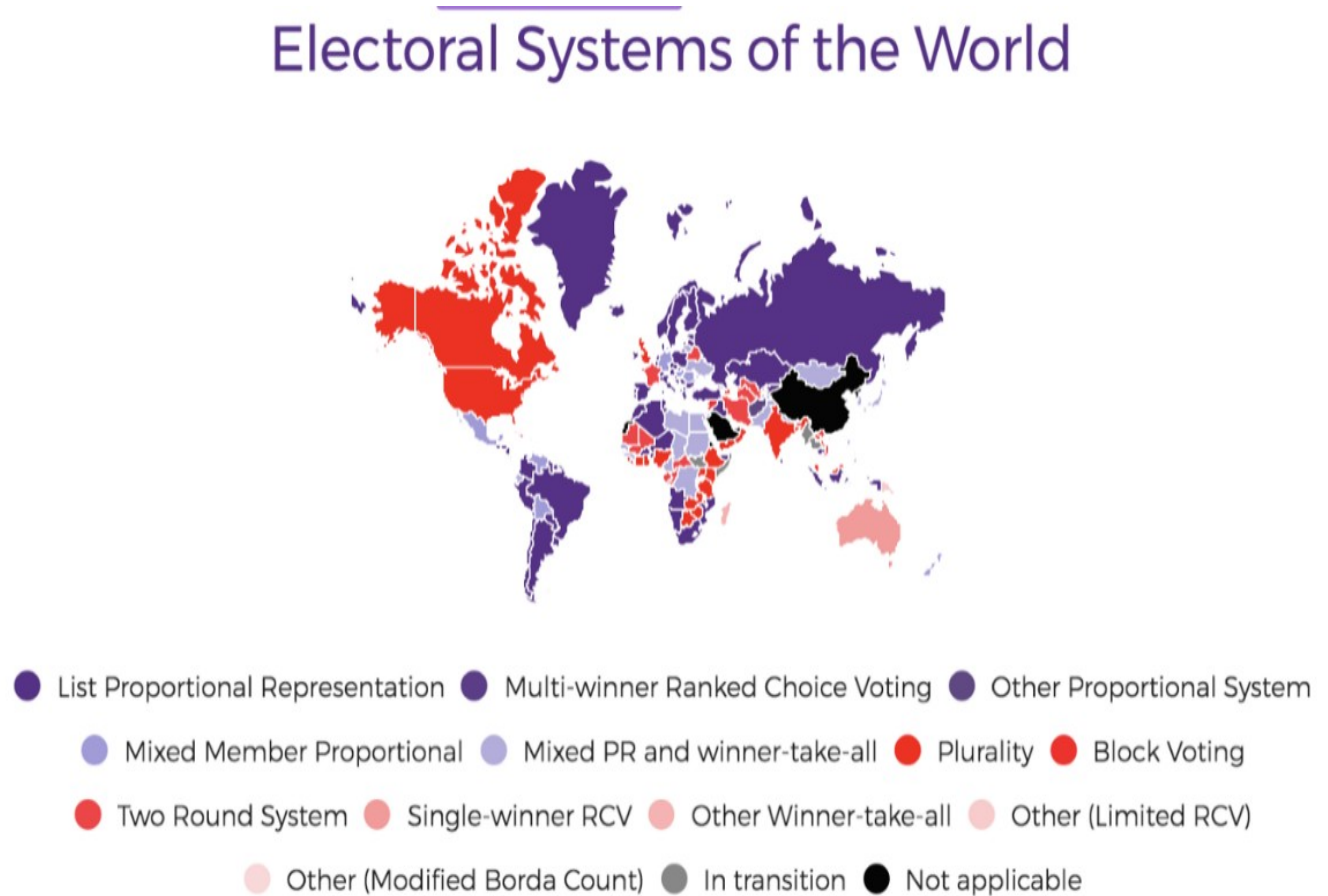


Figure 1.2: Distribution of Electoral Systems in the World

Source: Adopted from Institute for Democracy and Electoral Assistance

All proportional representation (PR) systems are designed to intentionally narrow the gap between a party's share of the national vote and the distribution of its parliamentary seats. A

major party should hold about 40% of the seats in the legislature if it receives 40% of the votes, while a minor party should hold 10% of the seats if it receives 10% of the votes. Party lists of candidates are typically used to achieve proportionality; these lists can be open (where voters rank the candidates in order of preference) or closed (where the party leadership determines the ordering in advance of the elections). Delegates are chosen in mixed systems, for instance, by fusing aspects of the PR and plurality systems.

Of the 199 countries and territories having direct elections to the legislature, 91 (or 46% of them) utilize a plurality arrangement, making it the most widely used system in the world. Only six (30%) of the systems are used, compared to 72 (36%) PR-type systems, 30 (15%) mixed systems, and 72 (36%) PR-type systems.

In the 199 countries and territories with direct elections to the legislature, the plurality system is the one that is used the most frequently (91 or 46% of the time). Only 30 (3%) of the remaining 72 (or 36% of the total) use one of the other arrangements, while 15% use mixed arrangements and 72 (or 36% of the total) utilize PR-type arrangements (Reynolds, 1995).

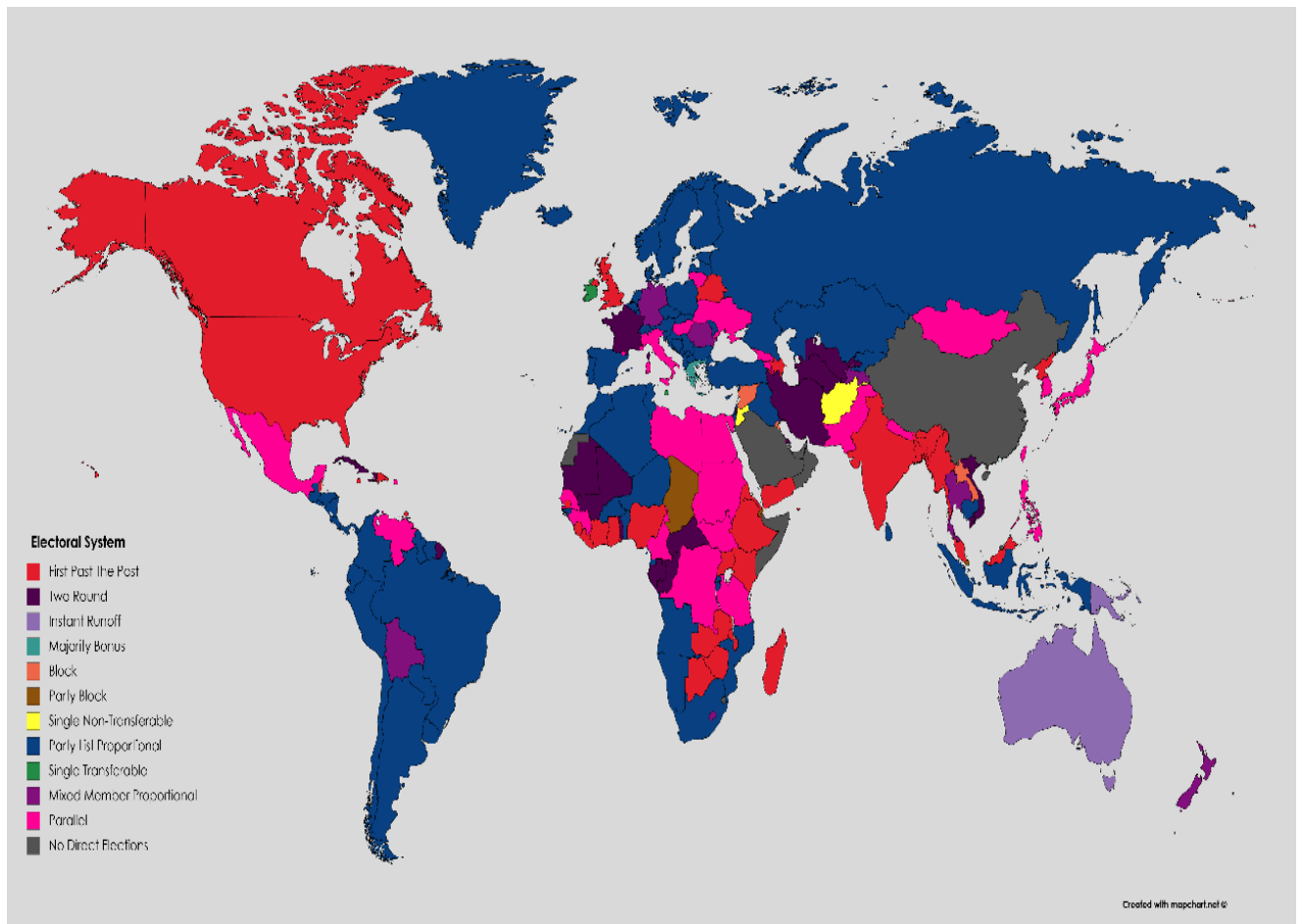


Figure 1.3: Shows Description of Regional Distribution of Electoral Systems around the World

Source: adopted from Institute for Democracy and Electoral Assistance

The systems that produce clear victors and losers, the absence of efficient functional electoral regulations, and administration with little influence and few checks are the enabling conditions in concerns relating to the connection between electoral processes and post-election abuse (Hoglund, 2009). According to Cohen (1997) and Benoit (2004), none of the widely used election systems—proportional representation, majority rule, and mixed rule—tend to be more democratic than the others.

It has been suggested that violence is so much likely in arrangements in which a limited percentage of electors may well have a huge influence on the outcome of an election, such as

First Past the Post configurations, violence is more likely to happen (Hoglund, 2010). Scholars are divided in which electoral structure is best suited to ethnically diverse, divided or conflict prone communities and states. There are two schools of thought that predominate. One school of thought has long argued that, in the face of deep-seated ethnic divides, some kind of proportional representation is needed in order to adequately represent minorities (Fjelde & Hoglund, 2016).

The electoral design principles of consociational representation strategies to manage ethnic cleavages, which are centered on elite power sharing systems, have been significantly influenced by such ideas. Party list PR is the ideal solution for divided communities, according to proponents of this school of thinking regarding electoral systems, because it enables various groups to develop their own identities (Fjelde & Hoglund, 2016).

Additionally, they demand proportionate representation for their demographic in the parliament. This recommendation was made by Lijphart (1963), the researcher most closely connected with the consociational model, based on a thorough examination of the characteristics of power-sharing democracies in a number of European nations, particularly the Netherlands, Belgium, and Switzerland.

However, there is disagreement over how much, if any, these interventions should be used when there is violence or conflict in developing nations (Sisk, 1998). Other academics contend that PR-based voting systems encourage division and the hardening of narrow identities, which are more likely to exacerbate conflict lines than to foster consensus (Harrowitz, 1993). This exacerbates rather than narrows divides in a setting with many social cleavages, making coalition building challenging. Furthermore, they may cause hopelessness and even polarization. This school of thought contends that because candidates must gather a sizable amount of support in order to succeed, the issue is made worse in PR when certain rewards are

more easily obtained. In order to prevent or eliminate parochialism and regionalism, for instance, the procedure employed in Kenya and Nigeria for presidential elections requires winning candidates to collect support from various regions.

This is only true, as was already established, if possible adversarial organizations are not geographically centralized (Harrowitz, 1993). It's important to note that the majority of research on election systems, democracy, and conflict violence is theoretical, and that when empirical findings are made, they are frequently country-specific. However, other studies have made an effort to offer more dependable proof of the connections between electoral procedures with low thresholds and the substantial incentives for party expansion. As a result, very few groups that have the power to make or break an administration, like Israel, may exert disproportionate influence over decisions about public policy and patronage.

Accordingly, researchers in this tradition contend that while equilibrium and tolerance are both admirable objectives, they can be challenging to achieve at the same time and may even move in the opposite direction (Harrowitz, 1993). According to this tradition, political systems that make compromise among various subgroups necessary for electoral success are needed in order to foster bridge-building between clusters. The majority of electoral systems are thought to be violent or conflict-prone. In addition to developing a statistical model of good administration, Lijphart's 1963 book *The Pattern of Democracy* also seeks to investigate the link between electoral systems and conflict. He suggests a consensual (PR democracy) conflict control method that is far more effective.

The author's data, however, seems to be heavily rehashed and somewhat dated. According to Lijphart's research, it is incredibly challenging to make even a preliminary determination that one or more types of systems consistently produce more violence than others. Reynolds and Reilly (1999) examine a wide range of ethnically divided societies, both those that are already established and those that are just beginning to do so, as well as the electoral systems those

societies have put in place to deter further violence and conflict. Their findings suggest that four different kinds of electoral systems are suitable.

Surprisingly, these include PR systems as well as Consociationalism (a type of PR system based on list proportional voting), as well as both majority/plurality and majority/plurality families of systems. Belgium, Switzerland, and the Republic of South Africa are three examples of centripetalism, which is based on combining the power of the alternative vote (AV), or majority rule. Papua New Guinea and Fiji are two examples of integrative consensualism, a PR strategy based in part on the single transferable vote (STV).

Examples include Estonia and Northern Ireland, as well as the idea of explicitism, which formally recognizes communal groups and gives them institutional representation. The block vote (BV) of the majority family can be used as a foundation for the explicitism principle. As instances, consider Singapore and Mauritius. The authors also emphasize how fractured communities that have experienced a conflict can be; as the list above illustrates, there is no one-size-fits-all electoral system for managing conflict-related violence that will work in every situation. There are a number of political dispute-related elements that may directly affect the electoral process. The nature of the aggression, the scope of the conflict, its geographic and demographic expressions, colonial history, and other factors all have a role in determining the best voting system in a political setting.

Last but not least, Reynolds and Reilly (1999) contend that while selecting an election system is important, it is not the only critical component that can help to foster the growth of a structured, stable democracy that is able to settle disputes amicably. The analysis that came before it sheds light on the difficulties that the world community encounters when dealing with deeply polarized, unstable nations that are also attempting to make the democratic transition. There are

no easy choices. As was previously discussed, plurality structures may be more likely to draw parties with a broad base of support while excluding extreme parties, but only if electoral support is not geographically concentrated. Additionally, they may entail costs for fairness and representation that are simply unaffordable (such as in Iraq).

While AV and SNTV systems can help with some of these problems, they also create new ones. Due to its dynamic nature, AV requires a complex voter population and a high level of numeracy. Due to its emphasis on intra-party rivalry, SNTV has the potential to aggravate patronage, internal party friction, and fragmentation. However, it appears that two round majority procedures produce very expensive electoral systems that are also much more demanding on the voters, with electors expected to vote more than once. Two round majority mechanisms may also be essential in fostering more coherence and continuity of the party structure.

The electoral system is one of the most significant political distributions for shaping the strategic context of electoral competition. Mozaffar claims that "election systems structure political disagreement over distributional results in democratic politics" (Mozaffar, 2003). The process of turning votes into seats, or the choice of electoral laws, has a big impact on trends in political mobilization and representation (Birch, 2011; & Lindberg, 2006). Majoritarian systems frequently increase the electoral success of powerful parties, but PR systems are less likely to open up seats for minor parties.

As a result, electoral institutions have a big impact on how the parties involved are distributed (Benoit, 2001). Purely majoritarian laws can make smaller parties feel considerably under-represented or even excluded from political power because they primarily reward the majority party and place higher hurdles to membership (Linberg, 2006; Reynolds, Reilly, & Sisk, 1996).

Majoritarian voting regimes tend to increase the stakes of political elections since they are designed to provide a clear winner and unambiguous results. Politicians in nations with solidly established democratic systems should not be encouraged to engage in violent election methods by the possibility of electoral defeat. To borrow Przeworski's terminology, formal institutions are essential for creating confusion and transferring authority from individual political actors to a body of laws (Przeworski, 1991). The strength of these institutions encourages people to uphold democratic principles and accept election defeat because it provides the promise that the loser will still be successful in politics.

The literature further reviewed global electoral management systems and best electoral management practices which consolidate democracies and which Electoral Management institutions can learn from in various countries including USA, United Kingdom, Bosnia and Herzegovina, and Fiji. Each one of their electoral reforms is discussed in the subsequent sections.

According to Ross (2015), presidential elections throughout the U. S are held every four years on the first Tuesday in November. Therefore, the next presidential elections will be held on November 4, 2024, the last having been held on November 3, 2020, Ross (2015). The presidential candidates are selected through the primary elections and caucuses' process, which provide an opportunity for all the states in the country to assist the political parties to select the nominees for this position. After the primaries and caucuses are completed, the political parties normally hold national conventions where they finalize their choice for their selected presidential and vice-presidential nominees (Ross, 2015). The two most popular parties in the US are the Republican and Democratic parties. A typical national convention is meant to confirm the candidate who won the primaries and caucuses by getting the required number of delegates. However, if there was no outright winner, the occasion is used to select the party's presidential nominee.

The General Elections campaign period begins after the Presidential and Vice-Presidential candidates from each political party are selected. The candidates are provided with the opportunity to travel across the country to provide the citizens with their manifestos, while trying to win the support of the potential voters (Ross, 2015). The three methods that are used for campaigning purposes are: rallies, debates and advertising.

While the other candidates vying for the state and federal posts are elected directly by the people, the presidential and vice president positions are elected by the 'electors' through a process called the Electoral College, which is in the US constitution. Each state has electors (Amar, 2013). The number of electors in each state depends on its members of Congress (House and Senate). Therefore, it means that some states have more electors than others. For instance, the State of California has 55 electors, while South Dakota has 3. There is a total of 538 electors, and for a presidential candidate to be declared a winner, he or she needs at least 270 electors (Amar, 2013).

Although the presidential elections winners are determined by electors, the general vote from the public in many cases influences who will win. In most cases, the electors will vote in the same manner as the popular vote of the people in the state that they represent. However, there are occasions where the electors do not follow the will of the people and also, their party's choice. Therefore, there is likelihood that a candidate can win the Electoral College votes but lose the popular vote. It has happened 5 times in American elections and the most recent was in 2016 (Amar, 2013).

There are also rare cases whereby there is no presidential candidate who achieved the threshold of 270 electoral votes. The House of Representatives and Senate is provided with the mandate in such cases to elect a new president and vice-president among the top three and two candidates respectively (Amar, 2013). Just one occasion the legislature branch and senate have been required to elect a president was during the 1824 elections and the emerged winner was

Quincy Adams. -The inauguration day for the president occurs on January 20th (or 21st if January 20th is on a Sunday) at the U.S. Capitol building in Washington, D.C.

In the UK, general elections are held in May every five years, as noted by Dunleavy (2005). The legislative body, Parliament, can, however, decide to hold the elections sooner. There are 650 seats in the UK, each with a comparable population (Dunleavy, 2005). An MP who sits in the hall of commons (the UK's lower chamber of parliament) is assigned to each constituency. The Scottish National Party, Labour, and the Conservative party, also known as the Tories, are the most well-liked political organizations in the UK. Political parties often select their favored candidates for each constituency before holding a general election. Some of the smaller parties, on the other hand, choose candidates for a small number of constituencies where they believe they have a strong chance of winning. Additionally, some politicians decide to run as independents.

'First-past-the-post' is the electoral system in use in the UK. This implies that the candidate who is able to receive the most votes will win the election (Dunleavy, 2005). On the advice of the Prime Minister, the Queen appoints members to the House of Lords, the upper house of parliament. The winning party must receive at least 320 of the 650 total seats in order to establish the government in the UK (Wasik, 2017). The Queen then appoints the winning party's leader as prime minister, who then forms a Cabinet (Dunleavy, 2005). The party with the second-highest number of seats becomes the opposition right away, and all those other political parties effectively become it. This party's leader is thought of as the opposition leader. A "hung parliament" occurs when no party is able to win more than half of the seats in each constituency. This is when the party with the most seats either decides to form a government coalition with a smaller party or goes it alone. The smaller political parties, however, must provide it with unofficial support (Dunleavy, 2005).

It's vital to remember that the UK does not have a president, making the prime minister the highest executive position in the country. Despite being the head of state, the Queen is not in charge of running the nation. The country's system is set up such that the monarch, parliament, their party, and the electorate have the power to hold the executive (the prime minister and cabinet) accountable (Wasik, 2017). A key point to note about UK's electoral system is that it favors big parties to form governments (Dunleavy, 2005). This means that in every election, the favorite parties to win are either the Conservatives or the Labor party.

Georgia has a multi-party system and a representative democratic republic with a semi-presidential style of government. This implies that the Prime Minister of Georgia is the head of government and the President of Georgia is the head of state. The president and legislative branch of Georgia's government are chosen at the general elections (Jones, 2014). Elections at the national level in Georgia are held to choose the leader of the nation and the legislative branch of the government (Jones, 2014).

The elected president typically holds office for five years, whilst the 150 members of parliament hold office for four years. It is significant to note that 73 of the 150 seats have single-seat constituencies, while 77 of the seats have proportional representation (USAID, 2011). The Georgian Dream, United National Movement, Christian Democratic Union, and Labour Party of Georgia are the major political parties (Jones, 2014).

A multi-party system is in use in Bosnia & Herzegovina. Because there are so many political parties in the nation, none of them can amass sufficient support to become the dominant force. As a result, parties are compelled to create coalition governments (Arapovic & Brljavac, 2012). It is crucial to note that Bosnia and Herzegovina is split into two separate countries: the Federation and the Republika Srpska. Bosnia and Herzegovina uses a directly elected tripartite presidency, in contrast to other nations that are led by a single president (Turner, (Ed) 2017).

Bosniaks, Serbs, and Croats make up the three members of the presidency, who represent the three member countries. A candidate must assert one of the identities stated in order to be eligible to serve as a member of the presidency. According to Arapovic and Brljavac (2012), each member of the presidency is chosen individually using a plurality vote, which requires a candidate to receive more votes than the other contenders even if they do not gain a majority.

The House of Representatives and the House of Peoples are the two chambers of the country's parliament. The 42 members of the House of Representatives are chosen democratically using a proportional representation method. In the federation, 28 members are chosen, and 14 come from the republika srpska. Five Croats, five Bosniaks, and five Serbs are among the 15 members of the House of People who are indirectly chosen by their respective ethnic groups (Turner (Ed), 2017). While the republic of Srpska has 83 representatives in the House of Representatives, the federation of Bosnia and Herzegovina elects 98 of its members directly (Arapovic & Brljavac, 2012).

The country's parliamentary representatives are chosen through open lists and proportional representation. Bosnia and Herzegovina is split into 8 electoral units on the national level, with five in the Federation and three in the Republika Srpska. The country has 3.2 million voters, according to the Electoral Commission report. With 65 political parties in the country right now, parties must build coalitions to win elections (Turner (Ed), 2017).

The elections in Fiji are managed by the Electoral Commission of Fiji. Anyone over the age of 18 is entitled to register and cast a ballot, and members are chosen using a secret ballot process (Ratuva, 2016). A multi-member open list proportional representation method is used to elect members of parliament (Akran-Lodhi, 2016). In this case, each voter is entitled to one vote whereby each vote is of equal value. The current parliament is comprised of 50 members. However, under the current constitution, the Electoral Commission can review the parliament membership prior to each of the elections (Akram-Lodhi, 2016). The number of law makers can

thus be adjusted or amended in response to an increase or reduction in entire population of Fiji (Ratuva, 2016). The major parties in the country are: Fiji First (FF) and the Social Democratic Liberal Party (SODELPA). The minor parties are: Fiji Labour Party (FLP), National Federation Party (NFP), People's Democratic Party (PDF), Fiji United Freedom Party (FUFPP) and One Fiji Party (OFP) (Akram-Lodhi, 2016). To form a government, a party has to win 50 percent or more of the elective seats in parliament. Failure to do so mean those parties will have to form a coalition to achieve the required number of seats (Akram-Lodhi, 2016).

2.1.2 Regional Overview of Electoral Management Systems and its influence on post-election violence

Since the early 1990s, when pluralism was brought back into the African regional framework, electoral competition for state power has been the norm, and the majority of African nations have had more than three or four successive elections (Ndulo & Lulo, 2010; Nohlen, 2014; Chitlaoar, 2015). The experience of electoral management bodies (EMBs) that have overseen elections in Africa, however, has shown that, over the years, their independence has been compromised by various internal and external interests, and as a result, has been used to subvert the will of the people (Walle & Idea, 2006; Huntington, 1911; Reynolds 1999).

A substantial number of African nations, including Zimbabwe, Nigeria, Burundi, Malawi, Mozambique, Zanzibar, Sierra Leone, Cote d'Ivoire, Djibouti, the Democratic Republic of the Congo, Uganda, Egypt, and Kenya among others, have experienced protest, political violence, and demonstration during their elections, raising concerns about how the electoral management bodies organized and managed the electoral process and whether it was properly conducted.

Similar to this, if and when EMBS are ineffective, defective, partisan, and prejudiced; susceptible to manipulation by political elites of the incumbent ruling party, the election's results are challenged, resulting in political violence, ethnic strife, and related social unrest

(Gaulme, 2010). The fact that election results often do not reflect popular opinion calls into question the legitimacy of political leaders, programs, and policies (Gaulme, 2010). The following overview of how election management bodies (EMBs) have acted as electoral amplifiers in Africa is an illustration of this.

All of these formal bodies' operations in African political processes are influenced by powerful, knowledgeable forces that frequently determine the election's battle. According to Levitsky (2012), Bratton et al. (2008), Diamond (1997), Hyden (2002, 1972, 2006), and Van De Walle (2003), informal institutions are trends in patron-client relationships, which we describe as the combined effects of clientele and political corruption.

In contrast to making their devotion to democratic, non-violent methods, these informal institutions influence the emphasis that political actors place on adhering to established electoral rules regardless of the outcome of the election. In many of Africa's developing democracies, pervasive patron-client ties increase the cost of political defeat (Bratton, 2007; & Lindbergh, 2006). Due to these relationships, access to state authority frequently results in influence over substantial public funds and chances for unlawful rent-seeking for specific politicians, elevating personal stakes in elections.

In Zimbabwe, to elect a president, the country uses the two-round voting system. The country has a two-round voting system to select a president. It entails that for presidential contender be declared the victor, he or she must garner more than 50% of the votes cast in order to prevent a run-off election (Taylor, Charles; *et al* 2017 & Bekoe (Ed) 2012). However, if no candidate wins by the required percentage of votes, a second round is organized whereby only two of the top candidates in the first round will participate. In this election, the candidate with the most votes are then declared as the president.

Zimbabwe has a bicameral legislative system, with an Upper House called the Senate and a Lower House called the National Assembly. According to the first-past-the-post electoral system used in parliamentary elections, the victor is the candidate who receives a majority of the vote (Mapuva & Muyengwa-Mapuva, 2014). There are 270 representatives in total, with 60 women elected by proportional representation from the provinces and 210 women elected directly (Taylor, Charles; et al 2017 & Bekoe (Ed) 2012). According to Taylor, Charles, et al. (2017) and Bekoe (Ed) (2012), there are 80 seats in the senate: 60 are chosen directly by the provinces, and 20 are divided in an 18:2 format between traditional chiefs and individuals with disabilities.

The electoral process in Ghana is regarded as one of the best in the world. It has the following features: usage of a secret ballot, official voter registration, universal adult suffrage for residents who are 18 years of age or older, and registration of political parties. The political parties are prohibited by the nation's constitution from endorsing candidates for District Assemblies and lower local government levels. The Ghana Electoral Commission was established in 1992 and is made up of seven members: a chairman, two deputy chairmen, and four additional people chosen by the president on the advice of the council of state (Van Gyampo, 2009).

The president of the nation is chosen through a two-round election process, same like in Zimbabwe. It indicates that to be declared the winner, a presidential contender must receive more than 50% of all valid votes cast. A run-off election is held if no candidate achieves 50% of the total vote. On the other hand, the first-past-the-post method is used to choose the winners of parliamentary and local elections (Van Gyampo, 2009). Ghana employs a number of procedures to guarantee the integrity, fairness, and transparency of its elections. The use of ballot papers, biometric verification, secret ballot use, and open ballot boxes are examples of this (Debrah, 2015). Additionally, the Electoral Commission has been given administrative and

regulatory responsibilities. It meets frequently to develop the necessary policies, which are subsequently carried out by the three chairpersons.

According to Nigeria's constitution, a president is directly elected by the people in a four-year election cycle with a two-term restriction. The National Assembly, which consists of the Senate (109 members) and House of Representatives (360 members), is also up for election at the same time (Osinakachukwu & Jawan 2011). It is crucial to note that Nigeria is a federal state, in contrast to the other African nations.

This indicates that separate elections are held for governors and state legislatures. The governors are chosen for four years, and they are only permitted to serve a total of two terms in office. Additionally, legislators are chosen every four years. The People's Democratic Party (PDP), which has controlled Nigerian politics since 1999 when civil rule was reinstated in the nation, and the All-Progressives Congress (APC) are the two main political parties. According to Osinakachukwu and Jawan (2011), there were fourteen candidates running for president in the 2015 elections. The two-round method is utilized throughout Nigeria, and the winner is declared if they collect at least 25% of the votes in two-thirds of the country's 36 states and receive the most votes relative to the other candidates. The country's constitution stipulates that a run-off election must be held within a week if there is no clear winner in the first round of voting. A simple majority is used to achieve victory in run-off elections (Osinakachukwu & Jawan, 2011).

The Independent National Elections Commission (INEC) is in charge of overseeing elections in the nation. The electoral authority has put in place many procedures to stop or lessen fraud in its elections, just like in Kenya. The use of an automatic fingerprint identification system is one of the actions done. As a result, the commission is better able to eliminate duplicate voters (Osinakachukwu & Jawan, 2011). The importance of providing voters with biometric voter cards, which include their name, age, identity number, and fingerprints, has also increased.

Additionally, the electoral commission has tailored its voting boxes, ballots, and results sheets in an effort to reduce instances of ballot stuffing and box snatching.

Benin's government is a unicameral multi-party democracy, with the president and National Assembly being chosen by the people of the nation. A two-round system is used to elect the president with an absolute majority of the vote. The Autonomous National Electoral Commission (CENA) oversees elections in the nation. According to Hounnikpo and Decalo (2012), the elected president then serves a 5-year term with a two-term maximum. There are 83 members of the national assembly that represent 24 multi-member constituencies that correspond to the regions of the nation. A permanent computerized list (LEPI) used in the nation's democratic system enables competing candidates to be elected to various seats. Its political structure is regarded as democratic. The president of the nation is chosen directly by the people in two rounds, and they can hold office for a maximum of five years (Hounnikpo & Decalo, 2012). Direct popular vote in establishment proportional voting is used to elect representatives to the National Assembly, and members are chosen for terms of four years.

The Electoral Commission of Namibia (ECN) is the organization that has been provided with the mandate to oversee elections in the country. Some of the functions of the ECN include: to direct, control and supervise elections in a fair and impartial manner (Sambo & Alexander, 2018). Conduct voter registration, registering political parties and educating voters. The presidential elections are determined through the absolute majority through the universal adult franchise. On the other hand, the National Assembly elections are determined through the direct universal adult franchise single constituency proportional representation electoral system. The Namibian National Assembly is comprised of 96 members. The country has a single national constituency and unlike other electoral systems, there is no legal threshold required.

The lists are closed and the candidates are elected in an order as they appear on the party lists. It is important to point out that there are no independent candidates that are allowed to participate

in an election. Of equal importance is that Namibia has used the same electoral system since its independence in 1989 (Reynolds, (Ed) 1994). Although Namibia is a democratic state, it is also a one-party dominant state and South West Africa People's Organization (SWAPO) has dominated the country's politics since its independence. Although opposition parties are allowed to exist, they are considered to have little support to help them gain power (Reynolds, (Ed) 1994). The reason for this is that political parties in the country were formed to represent ethnicity and therefore their strongholds are only their ethnic communities. SWAPO on the other hand has managed to garner nationwide support because of its role in fighting for the country's independence (Reynolds, 1994).

In Africa's multiparty systems, political activism frequently enters the picture when politicians provide incentives in exchange for citizens' support, which has an impact on how well-liked politicians are by the people who vote for them. (Lindbergh, 2006; Posner, 2007; Van De Walle, 2003; Von Borzyskowski, 2011). Common goods like development services, as well as the supply of private goods like jobs and cash transfers, are frequently reliant upon clear-cut political coalitions. Because spoils-based politics often arrange rival patron-client networks along ethnic lines, this raises the relative importance of electoral outcomes.

In Africa's multiparty systems, political activism frequently enters the picture when politicians provide incentives in exchange for citizens' support, which has an impact on how well-liked politicians are by the people who vote for them. (Lindbergh, 2006; Posner, 2007; Van De Walle, 2003; Von Borzyskowski, 2011). Common goods like development services, as well as the supply of private goods like jobs and cash transfers, are frequently reliant upon clear-cut political coalitions. Because spoils-based politics often arrange rival patron-client networks along ethnic lines, this raises the relative importance of electoral outcomes.

African opposition parties have also hired followers from competing ethnic support groups based on exclusive partnerships (Kirscheke, 2000). In this context, it is important to

comprehend how electoral systems influence politicians' reasons for using violent electoral techniques as well as their supporters' predisposition for doing the same. Institutional election norms are therefore essential since they all either worsen or improve the framework mechanisms created by the aforementioned non-state actors (Levisky, 2012; Mueller, 2011). When majority rule political institutions are in place, the stakes in the election are substantially higher.

Political risks are higher in majority rule systems than in PR systems, where electoral outcomes seem to disperse the centers of influence and power throughout a larger range of communities. This is because majority rule operates under the winner-take-all paradigm and the high political dividend allocated to the winning party. Aggressive political strategies can be used in an election campaign by political parties with substantial support in the majority. Criticisms of incumbency when the opposition to the incumbent president is powerful and credible, the governments fear of electoral defeat increases, potentially exacerbating the motivation for both the government and the opposition to resort to violent coercion (Birch, 2011).

Higher stakes and tight competition are also likely to increase the incentives to engage in violent electoral fraud. As Birch, (2011) points out the conversion of votes into seats in simple member majority rule regime often results in circumstances in which a very small margin of votes divides winners from losers. This means that small number of votes will change the results of the districts election in favor of a specific candidate. Birch (2011) attributes this to increased importance of electoral fraud in majority rule regimes, near competitions with higher stakes are often more likely to raise the incentives to participate in violent electoral coercion. (Posner & Daniel, 2007).

With the implementation of multi-party elections, majority rule structures that overwhelmingly reward dominant parties could strengthen the incumbency advantage already bestowed by patriarch relationships. In Africa, the focus of patronage has moved from the state to political

parties, which sometimes under-resourced opposition parties competing with government parties that profit from patronage (Van De Walle, 2003).

In majority rule democracies, the high political dividends assigned to the party with the highest vote share can help to bolster the government party's strong position. This may increasingly polarize the electoral contest both by making government parties feel less constrained in pursuing unconstitutional electoral coercion strategies and by instilling resentment in opposition parties. Because of the organizational deficiency of political parties in Africa's democratic countries, losing parties often could not survive electoral loss to challenge the next election. The instability of opposition parties in the area since the implementation of multi-party initiatives is indicative of this. (Bogaards, 2000; & Van De Walle, 2009).

Because of the involvement of formal and informal organizations, the electoral contest has a zero-sum game dynamic. The years of permanent exclusion from political power may increase the risk of electoral violence, by weakening the losing side's adherence to formal democratic rules of the game. Democratic backlash is likely in situations when both the dominant and minority parties have got a stake in the political institution (Linz & Stepan, 1996). According to the reasoning, the incentives structure of politicians to participate in violent electoral methods is a joint consequence of majority rule mechanisms.

In majority rules systems, the strong government will be prized in part for the resources it provides for individual party elites and their relatives, and electors will pursue access to state assets by backing members of their own ethnic communities (Posner, 2007; & Taylor Charles *et al.*, 2017). Analysts of African political discourse and election system have remarked that the quantities of resources that flow down to individual voters is frequently quite small (Van De Walle, 2009).

However, regardless of how much of the national cake is actually predicated on shifting electoral coalitions, the notion among electoral districts that the possibility for the community to eat rests on having one of their own in power may itself promote mobilization for violent electoral techniques when their candidates face an all-out political defeat. The actual distribution repercussions of the various electoral systems are being contested (Holmquist & Githinji, 2009). According to some research, personal Political responsibility, close election rivalry, and parliamentary majority linked with plurality norms could provide restraints on rent-seeking behavior and a massive public sector misappropriates (Joseph, 2014).

Others, however, say that majority rule can strengthen the tendency for the relationship between politicians and their constituents to focus on clientele appeasement within restricted networks of diverse ethnic –electoral constituencies. (Sisk & Reynolds (Eds) 1998). Electoral contest under majority rule are more likely to devolve into a perceived zero-sum fight between various electoral constituencies, implying a higher risk of electoral violence. As a result, the probability of election violence is higher in nations with a majority rule mechanism than in those with a PR system.

The preceding argument highlights the Nexus, or the anchoring of electoral institutions in society features. The discourse of benefactor connections as significant informal institutions in African politics, in particular, underlines ethnic-political exclusion and a restricted consolidation of financial resources as factors that add to the significance of election rules by changing the stakes of the electoral battle (Reynold & Reilly 1997; Mozaffar, Scarrit & Galaich, 2003).

Despite the fact that these considerations correlate hardship to the machinations of benefactor connections, the level of marginalization, and affluence penetration varies greatly between African countries and party systems. As a result, we investigate the impact of the relationship between election rules and post-election violence variables more closely.

According to the premise, the likelihood of electoral violence is linked to the possibility of big electoral constituencies failing to acquire presence under a winner-take-all majority rule election system. Legislative seats may have diverse bases of political belonging and indeed the prospect of perpetual banishment, rather than group characteristics, generating motivation for violence during elections.

Recent elections in Zimbabwe are the finest example of how the direct relationship between political authority and economic wealth can contribute to a violent conflict. Land has been regularly used as a patronage resource to rally support in favor of the governing party, ZANU PF, through coercive acquisition, violent evictions, and resettlement plans, with something like huge share of it getting to establishment politicians (Boone & Kriger Norma, 2010). In the shoot to the 2008 elections, ZANU PF instilled anxiety among the freshly landed ruling elite that winning by opposition would result in their displacement from their land, leading many of them to join the in-election violence, very similar to what happened in Cote' De Voire and Kenya (Bonne & Kriger Norma, 2010).

According to academics, these economic incentives can raise stakes of electoral battles above the point when political candidates and voters can stand to lose the election; (Boone, 2010). Though PR systems could dissipate these high stakes by dividing political influence networks, the winner take-all dynamics under majority rule regimes increase them. This thesis implies that a combination of majority rule institutions and restricted accumulation of wealth and power in Africa's agrarian states, with land serving as primary surrogate for those in power to exacerbate likely hood of post poll chaos and turmoil.

For example, Klaus, Kathleen and Mathew I Mitchell (2015) contends that as land holdings become more unequal, elite resistance to democracy will increase and that a restricted wealth distribution raises the tax rate if it is shifted to represent the choice of the voting populace. It is also clear that there is significant overlap between political and economic class, and, that a

restricted accumulation of wealth significantly raises the cost of political failure under majority rule regimes that favor decisive victories and excessively reward the eventual winner, equal and fair in majority rule, regimes struggle for political power is expected to be less directed toward zero-sum outcome with much more even income distribution across society. This leads to the conclusion that the effect of majority rule electoral system on electoral violence will escalate as land disparity and deprivation rise. (Van de Walle, 2003).

Election management bodies, or "EMBS," play a crucial role in determining how elections are organized and run, how voting selects political representatives, and which political leader in a presidential system, party, or group of parties will serve as the executive leadership for the ensuing few years (Olanigi, 2017). Because of this, EMBS are expected to be impartial and independent from any electoral stakeholder.

For example, reports by numerous independent election observers on contentious election results that have led to serious post-election violence such as the highly disputed presidential elections in Kenya (2007, 2013, 2017 and 2022) have led to serious post-election violence, despite the fact that the frequency of elections has given rise to optimism for multiparty politics in Africa.

Election management bodies encounter numerous obstacles and difficulties in many regions of Africa while planning and carrying out elections since elections are about power and they determine who will hold power and guide the community (Adolfo, 2013). Even though numerous EMBS in many African states have had independent conferred upon them at the point of establishment, experience has revealed that over the years, this status has been compromised and mortgaged by various external interests (Olaniyi, 2017). Cases of intimidation of EMBS officials are reported to be common in most of the elections so far held in Africa, especially by the security forces, party cadres, and senior government officials among others.

For instance, according to the constitution, every electoral administration body in eastern Africa is separate from the executive and legislative branches (Makuli, 2016). The opportunities for manipulating the electoral management bodies still exist even where the process is ratcheted and elaborate, and this is partly attributable to the executive's role in the appointment of EMB officials and chief officers (Musau, 2016). Nevertheless, their independence in law has not secured independence in fact.

The president of Rwanda signs an executive order that names the seven members of the council of commissioners in charge of elections. As a result, it is unclear how the commissioners are identified and chosen, which calls into doubt the EMB's independence and impartiality (Makulilo, 2016). The challenge in Africa is typically to develop a process that is free from being captured while allowing it to function in a way that it can win the public's confidence in electoral justice, electoral democracy, and constitutional governance (Fomba, 2016). The legal framework within which the elections are organized and managed by the EMB officials has a significant impact on the integrity and acceptance of election results.

The EMBS's capacity to independently manage its budget is a matter of equal importance to the question of how effectively elections are managed. The integrity of an electoral process can be severely compromised if funding for the EMB is withheld or subject to conditions (Dunne, 2012). Although an EMB must adhere to the same standards of financial integrity as other public institutions, the timely distribution of sufficient financial resources must be safeguarded against potential political manipulation. Two budgets ought to exist for the EMB.

The operational budget for running a particular election event is separate from the budgets for institution funding and maintenance, such as infrastructure, capital asset operating costs, and permanent employees that are in line with customary budget processes (Dunne, 2012). In addition, democracy building requires instilling democratic values, which are based on a strong civic culture (African Governance Report 111, 2013). While the EMB is responsible for voter

education in most states after being complemented by Civil Society Organizations (CSOs), their activities are always restricted due to limited funding. For instance, the election commission in Malawi acknowledged that it relies largely on the CSOS and that it is underfunded (Agri iii Malawi Country Report, 2012). Although the CSOS favors metropolitan centers because they provide better amenities and transportation, the demand for voter education is greater in rural regions because of lower literacy rates there (International Idea, 2006).

In spite of this, a small number of EMBS have managed to hold what the international community has recognized as free, fair, and peaceful elections in Africa. For instance, Botswana and South Africa are two of the few African nations to have sustained liberal multiparty democracies since gaining independence in 1996 and 1944, respectively (the economist, 2004). It is recognised that one of the most crucial institutions required to maintain Africa's pledged transition to democratic and constitutional governance are election management bodies (EMBS). In this regard, it is currently widely acknowledged by all parties involved that reliable election management organizations exist. The best chances for achieving electoral justice are provided by election management boards, which operate as an effective institution to avoid, minimize, and resolve conflicts that may arise from electoral procedures in addition to guaranteeing a fair and first outcome (FOMBAD, 2010).

The challenges connected with partial democracies and structural concerns with electoral governance are among the obstacles that EMBS must overcome in order to operate effectively (Freedom, 2015). Election violence is more likely to happen when the electoral process lacks integrity when there is a perceived significant departure from the accepted rules that govern the process, as the political crises in Kenya in 2007, 2013, 2017, 2022, Zimbabwe in 2008, 2013, 2018, and Zambia in 2016 demonstrate (Maendeleo Policy Forum, 2015). Last but not least, in order to maintain political stability and the reliance on the stability of constitutionalism,

credible and legitimate electoral processes managed by competent EMBS are required as elections become more and more competitive with a risk of violence where there is a perception of fraud.

Finally, we suggest the following to help improve the situation: first, the EMBS needs to work with other institutions and stakeholders in carrying out the mandate during elections managements, including political parties, civil society organizations, and state agencies like ministries and the police. This is to protect against vested interest dynamics from all directions and avoid electoral administration abuses. In order to resolve any disagreements that may arise throughout the electoral process, they should seek to establish a framework for relationships based on mutual cooperation and objectivity. This will enhance electoral administration and management as an investment in the consolidation of democracy in Africa.

2.1.3 Overview of Electoral Management System in Kenya

Political mobilization and Kenya's electoral management system are linked and related in this environment. under order for the people to be both represented and ruled, Norris (2015) contends that developing an effective election system is essential under a democratic political system based on popular sovereignty. It is clear from theory and practice that there are several methods for tallying votes that result in various winners and that these methods are neither flawless nor politically neutral (Norris, 2015). However, a compromise must be struck between these two requirements for representation in the legislative assembly when allocating seats.

Experts frequently draw attention to the origins and characteristics of conflict (cleavage structures) in a political system and recommend electoral procedures and guidelines that are intended to lessen the conflict and promote a budding democracy. Electoral systems, according to some scholars (Norris, 2015; Reynolds and Sisk, 1998), should generally aim to achieve fair

and equal representation, which reflects the social group composition of the society and gives the government legitimacy; accountability to constituents in terms of service; inclusive and accessibility which create support for democratic process (even among minority groups); and as a result, feelings of estrangement on the part of some constituents are

Scholars Taylor, Charles, John, Pevehouse and Scott Straus, (2017) agrees that there are three crucial component of an electorate system that can help achieve the above desiderate namely; ballot structure, constituency magnitude and the manners of allocating seats in the legislature. These are the genetic traits that distinguish different election systems. However, the option is not binary but rather a range of variable formulas based on the goals of a specific policy. According to (Gallangez, & Mitchell, 2018), the population's size, geographic distribution, ethnic or racial mix, and social-economic profile are the four factors that determine and shape the electoral formula.

A single member constituency plurality or majoritarian system, proportional representation, and derivative preferences of the preceding two categories are the three main electoral formulas used to convert votes into legislative seats. The research presented in this section examines various alternative decision rules to determine which best fits Kenyan voting behavior, keeping in mind that the Kenyan constitution (2010) permits a majority (FPTP) voting mechanism for a majority rule (MR) system for members of parliament (senate, lower chambers, and women MPS), and A two round majoritarian (50+1) system for presidential votes.

Kenya is a democratic country, according to Biau and Biau (2008), and presidential or general elections are held every five years. The following framework—a multi-party democracy and a presidential system—is used to conduct elections in Kenya (Collier et al., 2010). As a result, Independent Electoral Boundaries Commission (IEBC) oversees and conducts elections for the election of the President, Senate, and National Assembly.

A simplified two-round presidential election system is provided by the current constitution, which was passed in 2010 (Gutierrez-Romero, 2013). It requires that a presidential candidate get at least 25% of the votes cast in at least 24 of the 47 nations and more than 50% of the votes cast overall in order to win the first round of voting (Collier et al., 2010). A First-Past-the-Post method is used to elect members of the National Assembly, female legislators, and the Senate. KHRC (2011) claims that despite the fact that there is a mechanism in place to guarantee free, fair, and transparent elections, political leaders have been known to use electoral malpractice to rig elections in order to put themselves or those they support into parliament.

The principles governing Kenya's electoral administration system are spelled out in precise terms in Article 81 of the country's 2010 Constitution. The conditions outlined therein include the acceptance of the political rights of citizens as outlined in Article 38, adherence to the two-thirds gender principle, fair representation of people with disabilities, universal suffrage based on the aspiration of fair representation and equality of the vote, and, finally, free and fair elections, the requirements for which are outlined in Sub-Article (e). The County Governments Act Number 17 of 2012, the Elections Act Number 24 of 2011, and the Constitution all outline the procedures for putting the agreed-upon principles into practice.

With a minor exception for the presidential position, the primary electoral method established by the Constitution is a first-past-the-post (FPTP) system. Special interest seats in the Senate, National Assembly, and County Assembly have been subject to proportional representation (PR) using party lists. In all other instances, FPTP is the only voting system used to fill seats in the Senate (47), National Assembly (290 from each Constituency and 47 County Women Members to the National Assembly), and County Assembly from each of the Wards.

In order to win the presidential race, a candidate must receive at least 25% of the vote in each of more than half of the 47 counties, as well as a majority of the vote. The winner must also receive a minimum of 50% +1 of the vote. The existing election system was the topic of lengthy negotiations while the Constitution was being written, but contemporary debate in the nation shows that this argument is still open. Kenya's democracy is still developing.

Kenyans have the right to renegotiate their voting system and choose a viable alternative that satisfies their political goals. A new voting system should, however, take into account features that are in line with best practices, such as fairness, functionality, simplicity, and the capacity to handle concerns related to minorities, gender, and racial and ethnic groups. Violence following the 2007 general election was caused by the system failing. It showed an internal post-election conflict whose resolution led to involvement from the outside.

Kenya uses First Past the Post as its primary voting system. This kind of election system, which was adapted from the colonial administration, asks voters to mark the name of the candidate they choose on the ballot. It is said to be the main reason why Kenyan elections are so bitterly contested. This results in personality-based and ethnically tinged campaigns, which weaken the social fabric of the nation.

The most popular voting methods worldwide are First Past the Post. In the 114 sovereign states and semi-autonomous territories throughout the world that hold direct parliamentary elections, or 54% of the total, plurality-majority systems are used. The remaining 22 (ten percent) employ semi-PR systems, all but two of which are Parallel systems, and another 75 (35 percent) use PR-type systems.

Every fifth year in Kenya, when the terms of the President, Members of Parliament, County Governors, and Members of the County Assembly expire, there are general elections. However,

if no presidential candidate receives more than 50% of the vote nationwide and at least 25% of the vote in each of more than half the counties, a presidential re-run may be necessary thirty (30) days after a general election. The top two candidates who received the most and second-most votes, respectively, are the only candidates allowed to participate in the presidential re-election.

Kenya's Electoral Management Body (EMB), which is the outcome of various electoral reforms, has developed over time. The Electoral Commission was the nation's first EMB following independence; it was created in accordance with Section 48 of Kenya's then-current Constitution of 1963. Its duties included overseeing elections and drawing up constituency lines, but the 1991 return of multi-party politics necessitated the creation of an independent EMB. As a result, the Constitution of Kenya Amendment Act, 1991, creating the (ECK), was passed.

The IREC was appointed as part of the 2008 post-election settlement following the post-election violence in 2007 and 2008 to investigate the general election held on December 27, 2007. In its report, it came to the conclusion that the ECK's institutional legitimacy and the public's trust in the professional competence of its commissioners and personnel had both suffered grievous and irreparable harm. Therefore, it advised either the creation of a new EMB made up of a lean policy-making and oversight board that was chosen through an open and transparent selection process, or it advised radical change of the ECK.

The new EMB was supposed to have a properly organized, qualified secretariat. Following this, the Constitution of Kenya (Amendment) Act, No. 10 of 2008, which abolished the ECK and established IIEC for a two-year interim period prior to the completion of the Constitutional review process, was passed. In addition to having fewer commissioners than its predecessor,

the IIEC also selected its commissioners in a competitive procedure designed to foster public confidence.

The Amendment also established IIBRC, which had the responsibility of updating the electoral boundaries. The adoption of the 2010 Constitution gave the election changes a new lease on life. The Commission was designated as the EMB under the new Constitution. Article 88 of the Constitution establishes the Commission. It is in charge of planning and holding referendums, elections for any elective body or office created by the Constitution, as well as any other elections required by a law passed by Kenya's parliament. The Independent Electoral and Boundaries Commission Act No. 9 of 2011 (IEBC Act) was passed after that.

The IEBC is an autonomous state body, just like every other constitutional commission, and is not subject to the direction or control of anyone or anything.⁶Section 25(2) of the IEBC Act, which mandates that each individual member and employee of the Commission shall carry out the duties and exercise the powers set forth in the Act, independently and without direction from any state officer, public officer, government organ, political party or candidate, or any other person or organization, further upholds this institutional independence.

2.1.4 Knowledge gap of Electoral Management System and its influence on post-election violence

The electoral management system reveals a significant knowledge gap in understanding the intricacies and effectiveness of the electoral management system in the country. The electoral management system refers to the processes, institutions, and mechanisms responsible for organizing and administering elections. To comprehensively analyze this knowledge gap, it is important to delve into the various aspects of the electoral management system. Firstly, the

legal framework governing elections in Kenya needs examination. This includes the constitution, electoral laws, and regulations that define the roles and responsibilities of electoral bodies, political parties, candidates, and voters. Understanding the legal framework is essential to assess whether it promotes transparency, fairness, and inclusivity in the electoral process (Gallangez, & Mitchell, 2018).

Secondly, the institutional arrangements within the electoral management system must be explored. This involves studying the composition, structure, and functioning of institutions such as the Independent Electoral and Boundaries Commission (IEBC) and other relevant bodies responsible for managing elections. Evaluating their independence, capacity, and accountability is crucial to understanding their role in ensuring free and fair elections (Norris, 2015).

The operational procedures and practices of the electoral management system also require examination. This includes voter registration, candidate nomination processes, ballot design, vote counting, and results transmission mechanisms. Investigating these procedures helps identify potential vulnerabilities or irregularities that may undermine the integrity of elections and contribute to post-election violence. Moreover, the use of technology in the electoral management system is an area that warrants attention. The introduction of electronic voting machines, biometric voter registration, or results transmission systems can have a profound impact on the credibility and efficiency of the electoral process. Evaluating the adoption, implementation, and impact of such technologies can shed light on their effectiveness in reducing electoral disputes and violence (KHRC, 2011),

Furthermore, understanding the role of civil society organizations, the media, and international observers in the electoral management system is crucial. These actors play a vital role in monitoring elections, advocating for transparency, and ensuring accountability. Assessing their engagement and influence can provide insights into the overall health and legitimacy of the

electoral process. Examining the historical context and patterns of post-election violence in Kenya is essential for a comprehensive understanding of the nexus. Analyzing previous incidents of violence and their underlying causes, helps identify potential triggers and risk factors associated with the electoral management system's shortcomings. It also helps inform strategies to prevent and mitigate post-election violence in the future. Addressing the knowledge gap in the electoral management system requires multidisciplinary research, including political science, law, public administration, and sociology (KHRC, 2011).

By bridging this knowledge gap, policymakers, electoral bodies, civil society organizations, and other stakeholders can make informed decisions and implement necessary reforms to strengthen the electoral management system in Kenya. Ultimately, this can contribute to the promotion of peaceful and inclusive democratic processes that reflect the will of the people and reduce the occurrence of post-election violence.

2.2 General Overview of Causes and Consequences of Post-Election Violence

Post-election violence (PEV) refers to any form of violent conflict that occurs in the aftermath of an election (Birch, 2020). While the causes and consequences of PEV vary widely, there are some common themes that can help to explain why such violence occurs, as well as the impact that it can have on individuals and societies. One of the most common causes of PEV is political competition, particularly in situations where there is a high degree of polarization between different political factions or groups (Saurugger & Terpan, 2016). When political leaders or parties view an election as a zero-sum game, in which there can only be one winner and losers will be left with nothing, this can create a sense of desperation and urgency that can lead to violence. Other factors that can contribute to PEV include social and economic inequality, ethnic or religious divisions, and the lack of effective institutions or systems for resolving disputes. In many cases, these factors may be exacerbated by the electoral process itself, particularly if the election is marred by irregularities or perceived bias (Bekoe, 2012).

The consequences of PEV can be severe and long-lasting, both for individuals and for societies as a whole. In addition to the immediate human toll of violence, including death, injury, and displacement, PEV can also have long-term effects on social and economic development, as well as on political stability and democratic governance (UNDP, 2009). One of the most serious consequences of PEV is the erosion of trust and confidence in democratic institutions and processes. When people lose faith in the electoral process, or when they feel that their voices are not being heard, this can lead to a breakdown in civic engagement and political participation, which can in turn lead to further instability and conflict (Matanga, 2018). Another consequence of PEV is the displacement of populations, as people are forced to flee their homes and seek refuge elsewhere. This can create long-term social and economic problems, as well as exacerbating existing ethnic or religious tensions (UNDP, 2009).

In general, the causes and consequences of PEV are complex and multifaceted, and require careful analysis and attention in order to prevent or mitigate their impact. By understanding the underlying factors that contribute to PEV, and by developing effective strategies for preventing and addressing violence when it occurs, it is possible to promote more peaceful and stable societies, in which democratic institutions can flourish and individuals can thrive.

2.2.1 Global Overview of the Causes and Consequences of post-election violence

Almost every nation in the modern world holds elections, with the exception of a small number of governments including Brunei, China, Eritrea, Qatar, Saudi Arabia, and South Sudan (Sydney, 2000; Mansfield, Sydney, 2005). Elections held outside of mature democracies are frequently accompanied by significant violence during the campaign, on election day, and afterward, despite their intention to allow for peaceful transfers of power (Brancati & Sydney, 2013; Sydney, Gleditsch, and Hug, 2012; Chacon, in Robinson and Torvik, 2011; Cheibub and Hoyes, 2017, Flores and Nooruddin, 2012, 2016; Matanok, 2017). Election-related violence can have catastrophic repercussions, including undermining democratic institutions, efforts to

build peace and develop nations, and even starting a civil war (Davenport, 1997; Gold Smith, 2015; Harish and Little, 2017). Recent elections were marred by high levels of political violence and conflict in Afghanistan, Bangladesh, Pakistan, Sri Lanka, Haiti, India, and Iraq. This undermined the democratic nature of elections by replacing individual choice with group cohesion and by discouraging participation (Christensen & Utas, 2008; Ron, 2001).

Political actors use electoral violence to specifically affect the conduct and results of elections, as well as to influence coordinated acts against people, property, and infrastructure (Bekoe, 2012; Harish and Toha, 2019; Hoglund, 2009). It can occur at any point during the political cycle, including the announcement of elections, party primaries, and voter registration (Soderberg, Kovacs, and Mimmi, 2018). Both state and non-state actors can support it (Taylor, Pave House & Straus, 2017; Stani, 2014).

Election-related violence can result in considerable losses and contribute to the escalation of civil war (Christensen & Utas, 2008; Ron, 2001). An analysis of the data reveals that there is at least some violence throughout a sizable portion of the elections held globally. Over 78% of elections in nations considered to be at risk of violent events, according to data from countries at risk of violence (CREV) (Birch and Muchlinski, 2017). While the electoral contention and violence (ECAV) data focused on fewer instances of political violence and conflict around the world (Hafner-Burton, Hyder, and Jablonski, 2014), it reported more than three violent events in more than 50% of elections and deadly violence in about 30% of elections (Daxecker, Amicazelli, and Jung, 2019).

Globally, Sri Lanka and Haiti are some of the countries that best exemplify post-election (P.T.O) violence (Brancati & Snyder, 2013). Recent elections in Sri Lanka have been marred by violence, and the ruling party in 2015 did not hesitate to use violence against political rivals. As a reasonably well-established patron who has steered the nation toward authoritarian corruption, President Rajapaksa stood for office (Joseph, 2014). He also put a violent end to the

American Civil War. Election violence was a real possibility since the administration had fueled religious hostility in the years before the vote. Furthermore, vote-buying, ballot-box stuffing, and other electoral malpractice are frequently observed in Sri Lankan elections. Most worries about extreme violence ultimately proved unfounded. However, there were a number of violent occurrences throughout the campaign, including a few fatalities that were connected to the election. Despite the hazards, the nation was able to escape the widespread violence that might have occurred (Holmquist & Githinji, 2009).

The Centre for Monitoring Election bloodshed (CMEV) is arguably Sri Lanka's most well-known initiative to avert bloodshed. The major responsibility of CMEV, which was established in 1997 by a coalition of civil society organizations under the direction of the Center for Policy Alternatives (CPA), is to track and document acts of violence that occur during campaigns (Heger, 2015). Similar to WANEP's programming in Sierra Leone, CMEV tracks and classifies reported occurrences regionally and makes them public by publishing press releases on its website throughout the campaign. In order to report violent situations to the group's Colombo headquarters, CMEV trained 193 observers for the parliamentary election and 180 observers for the presidential election in 2015. District coordinators fact-checked incident reports before including them in the mapping. On both election days, CMEV sent observers and assisted in organizing global election observation missions (Harish & Risa, 2019).

Fortunately, election violence has been steadily declining in Sri Lanka over the past few years. This indicates that Sri Lanka's anti-violence initiatives have had some success. However, some restrictions merit discussion. For instance, during elections, the majority of organizations do not function under a general consortium (Gutierrez-Romero & LeBas, 2016). A future collaboration might or might not increase program effectiveness in general. As one interview participant noted, "There is no overall coordination, but it's not as if they are fighting with each

other either. They have a little bit of rivalry but because, after all, they each have to raise their own funds from donors. ... [We] will not operate under one command structure and try to see that each one fills the gaps the other leaves. However, there is also informal coordination also. [We] do get together and they do discuss.”

An recognized consortium may also make it easier for the public to distinguish politically driven from neutral CSOs (Gutierrez-Romero, 2014). As one participant noted, “Some organizations—honestly, don't ask me the name of them—some are politically motivated groups. Some election monitoring bodies are organized by a political party. Some are not, yet they have political party bias. A recurring issue in this paper is police reform. Despite a history of using excessive force, Sri Lankan police were somewhat more equipped than those in the other nations in this study to cope with instances of violence during recent elections (Flores & Irfan, 2016).

The observation mission from the Commonwealth that observed the presidential election stated: “We note that the Police committed to disciplinary action against officers who did not perform their duties with regard to election law violations in the campaign period” (The Commonwealth 2015). The European Union mission that observed the parliamentary election also found that “the police played an active role in maintaining campaign rules. They were quick to respond to calls by the Commissioner of Elections to remove illegal posters and address other breaches (Khaduli, 2022).

Haitians voted in August of 2015 for the first time in four years in a test of stability for an impoverished country continually rocked by political turmoil (Fjelde & Hoglund, 2016). Men armed with rocks and bottles attacked polling stations in the capital of Port-au-Prince and about 50 of 1,500 voting centers around the country were “affected” by a mixture of violence and bureaucratic problems, according to Haiti’s official Electoral Council.

The council's head, Pierre-Louis Opont, did not elaborate and said it was too early to know how many ballots were impacted (Fatke, 2015). Voting was extended two hours at some polling stations that opened late or were forced to suspend voting. The Caribbean nation of about 10 million people has struggled to build a stable democracy ever since the overthrow of the dictatorship of the Duvalier family, which led Haiti from 1957 to 1986, and ensuing military coups and election fraud (Elischer, 2008).

Following a violent campaign, the election was a test for the Haitian National Police, which has taken full control of security during election season from a downsized U.N. peacekeeping force (Dunning, 2011). The National Network for the Protection of Human Rights reported five election-related assassinations in the last month and 26 people wounded. Frantz Lerebours, a spokesperson for Haiti's national police, said that 26 of the 1,508 voting centers suspended operations due to disturbances. Police intervened in some voting centers to control overly aggressive political party officials monitoring the vote, according to election observers (Doring & Manow, 2017).

Likewise, election-related violence is widespread in Haiti and considered a conventional tool to establish dominance in Haitian politics. Political institutions are extremely weak, making power-seekers more prone to employ violence as a tool where other means are lacking (De Vidovgrad, 2015). The judicial system is also weak and lacks resources to adequately handle crimes related to elections. There is little traction to set up electoral dispute resolution mechanisms, such as tribunals. Violence occurs both in public and private spaces, including in domestic spheres, online, and in the media. It is both structural as well as interpersonal in its nature. It is important to note that, although women from all socio-economic strata experience violence against women in elections, Haiti's deep wealth gap results in very distinct experiences (Chiba, 2022).

The United Nations Development Programme (UNDP) (2009) defines post-election violence as acts or threats of coercion, intimidation or physical harm perpetrated to affect an electoral process or that arises in the context of electoral competition. When perpetrated to affect an electoral process, violence may be employed to influence the process of elections – such as efforts to delay, disrupt, or derail a poll – and to influence the outcomes: the determining of winners in competitive races for political office or to secure approval or disapproval of referendum questions. Similarly, Fischer (2002) defines electoral conflict and violence as any random or organized act or threat to intimidate, physically harm, blackmail or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process.

It is a Conflict that occurs in disputes over election results and the inability of judicial mechanisms to resolve these disputes in a timely, fair, and transparent manner (Turner, 2017). In other words, Conflict that occurs when elections are organized as “zero sum” events where ‘losers’ are left out of participation in governance. It involves armed clashes among political parties; vandalism and physical attacks on property of opponents; targeted attacks against specific candidates or political parties; and attacks on the electoral authorities (Soderstrom, 2019). It takes the form of attacks on rivals; attacks on electoral authorities; violent protests; and heavy-handed responses by security forces (Re-) emergence of armed resistance groups; and escalation or perpetuation of violence (Mahandara, 2022).

Election is generally in many parts of the world regarded as the hallmark of democracy. Elections are often recognized as the foundation of democracy in many regions of the world (Straus & Taylor, 2012). Free, fair, and credible elections are associated to democratic governance, peace, stability and prosperity according to political analysts and development specialists. In summary, they claim that free, fair and credible elections lay the ground world for the creation of democratic governance responsible and legitimate administration capable of initiating and implementing clearly specified development programs. They emphasize once

again that free, fair and credible election empower the population to hold the government accountable and to demand strong credentials and a viable development plan from potential government representatives (Saari, 2001).

In other words, free, fair and credible elections bestow on government the lawful authority to start and implement policies on the one hand, while also empowering citizens to hold governments accountable for their acts or inactions on the other. Credible elections are, therefore, *sine qua non* for democratic governance, political stability and national development (Nkwachukwu & Nkiru, 2012).

According to UNDP, electoral violence is “any random or organized act that seeks to determine, delay, or otherwise influence an electoral process through threat, verbal intimidation, hate speech, disinformation, physical assault, forced protection, blackmail, destruction of property, or assassination”. People, places, data, or objects can all be targets of electoral violence. Perpetrators of electoral violence may seek to delay, disrupt, or derail a poll and determine the victors of competitive campaigns for political office in order to affect the electoral process (United Nations Development Programme, 2009).

Three major aspects in the above definition of electoral violence manifest in physical and non-physical forms (abduction, incapacitation, execution and vandalism and menaces, terrorizing, extortion), (Joint Task Force on Electoral Assistance, 2011) Second, the primary purpose of electoral violence is to affect the electoral process, either by affecting the results of the elections or by disrupting it. Third electoral violence can occur at different periods in the election cycle that are before, during or after election (Nkwanchukwu & Nkiru, 2012).

Post-election aggression is a type of electoral violent behavior. The post-election period typically begins with the collation and announcement of election results and ends with litigation and the resolution of election disputes. Post-election aggression takes many forms, including

attacks on rival candidates, party officials and supporters, as well as violent protests (UNDP, 2009). They could also include shooting, maimings, killings, arson, and wanton destruction of property, usually perpetrated by officials and / or supporters of different political parties (Adoke, 2011). As a result, what characterizes post-election aggression from other types of electoral violence has been that it occurs immediately following voting, frequently during and after the aggregation and broadcast of results. (Sisk, 2008 & Turner, 2017).

Development has political, economy and social dimensions UNDP (2009). For instance, view development as: “a multi-dimensional process involving changes in structures, attitudes and institutions as well as the acceleration of economic growth, the reduction of inequality and the eradication of absolute poverty”.

Hodder (2000) also sees development as an economic, social or political process which results in accumulative rise in the perceived standard of living for an increasing proportion of a population”. According to this view, raising one's standard of life incorporates both economic and social processes. According to UNDP, the main goal of development should be the construction of an empowering and enabling environment where everyone, even the weak and the impoverished, can live healthy and productive lives.

However, in the absence of political stability the creativeness to lead a full life is not possible. Development also includes the viewpoints of peace and security advancement, the idea of giving people more choices so they can have fulfilling lives in a setting of peace, stability, security, and efficient democratic governance. This is succinctly expressed by Dagne (2008): "improvement of the individual and collective human condition, increasing choices and participation, equality, standards of living and well-being, the environment and sustainability, and on another level, development as a human and ways of being"

Lochery (2008) and Holmquist (2009) suggest, “the causes of the violence are to be found in deeper rooted historical and political conflicts”. They argue that the origins of the violence are not only political and economic but competition between ethnic groups. Hence, the maintenance of ethnic nationalism is an essential precondition for a durable democracy, state survival and sustainable development in Kenya (Ajulu, 2002).

2.2.2 Regional Overview of the Causes and Consequences of post-election violence

In Africa region context, Electoral violence has become a common phenomenon (Birch, 2011, 2020; Van Harm and Lindbergh, 2015; Mares and Young, 2016). Admittedly there is no election held in the continent without notable cases of violence and with devastating impact. Christensen and Utas, (2008), Ron (2001), Kanyinga, (2010) maintain that “elections” induced conflicts have threatened the very survival of the nation states. Even where the nation state remains “together”, conflicts around elections tend to leave behind indelible marks as a reference pointer to a society in an ending tension, as has been demonstrated in Malawi, Cote d’Ivoire, Ethiopia, Nigeria, Uganda, Tanzania, Burundi, Democratic Republic of Congo, Zanzibar, Kenya, Sierra Leone and Zimbabwe in the last decade (Straus & Taylor, 2012).

Malawi has a history of political violence in recent elections. Like the other countries in the study, parties in Malawi also tend to have both ethnic and regional strongholds. Furthermore, the Malawi Electoral Commissions (MEC) suffers from several institutional weaknesses that contributed to delays in voting and vote tabulation (Freytas-Tamura, 2017). However, Malawi is fortunate not to have Kenya’s history of major land disputes between the country’s largest ethnic groups. The incumbent Banda was also not a well-entrenched patron in 2014 given that she had only recently assumed the presidency after the death of her predecessor. Still, the election was surrounded by considerable tension. Episodes of limited violence during the campaign and subsequent controversy over the electoral commission’s handling of the vote count led to multiple fatalities and destruction of property (Daxecker, 2012).

As Colomer (2016) observes, perhaps the greatest risk for election violence in Malawi comes from the country's history of politicians employing youth wings as political enforcement arms. This has its roots in organizations such as the Malawi Young Pioneers and the Young Democrats. Today, while the power of national youth wings has diminished, it remains the norm for politicians to employ a coterie of young men during their campaigns to support their candidacies in various ways, both legal and illegal. In 2014, "incidents of skirmishes between party supporters were reported from around the country and resulted in several criminal investigations and convictions" (European Union, 2014).

The most serious incident took place on March 16 during a rally for President Banda that was held in a regional stronghold of Peter Mutharika. The resulting clashes between rival supporters and the police led to the death of one civilian and one police officer. The debates regarding the electoral commission's declaration of the winner produced additional protests that turned violent. In one post-election protest on May 30 by supporters of those candidates demanding a recount of the ballots, one civilian was killed and multiple police officers suffered injuries (European Union, 2014).

Like the other countries in the study, Malawi saw multiple simultaneous anti-violence initiatives take place in the lead-up to the 2014 election. These originated from both civil society and state agencies. The three most prominent categories of violence prevention efforts were: programs undertaken by the Public Affairs Committee (PAC); programs by the Multiparty Liaison Committees (MPLCs); and civic education programs by multiple stakeholders. The benefits and limitations of the interventions discussed below reveal some similarities with Kenya. However, a few critical differences in the design of these programs should serve as useful lessons for practitioners in other contexts. In particular, the success of Malawi's violence prevention programs in incorporating the political candidates themselves as active stakeholders serves as a key difference that should be taken note of (Chege, 2018).

Whereas politicians were bypassed by several of Kenya's violence prevention programs, multiple programs in Malawi made considerable efforts to ensure that both national and local political candidates were incorporated into pre-election peace programs and subsequent mediation efforts (European Union 2014). Public Affairs Committee (PAC) is one of the oldest civil society organizations in Malawi dedicated to the promotion of democracy. It is an interfaith organization based on the collaboration of Malawi's Christian churches and Muslim mosques. PAC was responsible for some of the major peace initiatives in the 2014 election, with much of its funding coming from the UNDP and the European Union. Most prominently, PAC organized a highly publicized ceremony at the national soccer stadium in which all 12 presidential candidates signed the Lilongwe Peace Declaration, a peace accord committing the candidates to run peaceful campaigns and accept the results of the election.

Beyond the Peace Declaration, PAC also trained a pool of mediators drawn from its membership clergy in conflict resolution. These individuals could serve as a resource in case a major political dispute required third-party mediation. To ensure that there were women represented in the mediation teams, PAC further initiated a program entitled the Women in Faith Peace Initiative. This program recruited women from both Christian and Muslim membership groups to receive mediation training. The idea was that a six-person team of mediators that might be assigned to mediate any conflict ought to have at least two female members (European Union, 2014).

Election violence in Sierra Leone generally does not reach the high levels seen in Kenya, but campaigns since the end of the civil war have seen several deaths related to both clashes between party supporters and suspicious murders of party members. These are combined with violent responses by the police to public demonstrations. The 2018 election did not feature an incumbent candidate, although it was widely believed that the APC's Samura Kamara was closely allied with President Koroma, and he was likely able to rely on Koroma's patronage

network during the campaign. Sierra Leone's large population of unemployed and underemployed young men has made it particularly prone to violence in the past. Since the end of the civil war in 2002, many former combatants have been mobilized to serve in security task forces for the political parties (Rasmussen, 2018).

This has been true in both urban areas and the more rural mining areas. Kono District in the far east of the country has historically been the site of both the country's diamond resources and a site of political violence. Despite its mineral wealth, Kono remains among the poorest areas of the country and is heavily populated with young men working in the mining sector. The district is also closely politically contested as it does not fall into the strongholds of either party (Birch & Muchlinski, 2017).

For the 2018 election, Sierra Leone's violence prevention efforts were led by a relatively new monitoring program designed to provide practitioners with accurate, up-to-date information about violent events in the country. Titled the National Early Warning System (NEWS), the program provided guidance to several organizations in implementing violence prevention programs. The first stage of the NEWS program involved identifying and mapping potential hotspot for election violence based on previous elections and additional field research. After this mapping, NEWS trained 60 observers drawn from WANEP member organizations and other community members in monitoring violent events and political developments that could produce violence. Observers were given cell phones and tablets to report developments to the regional directors of WANEP according to 40 indicators under which the violence can be categorized (Birch & Muchlinski, 2019).

Regional directors confirmed the accuracy of the information then uploaded the data into a national database of information known as the Peace Monitoring Center. This database allowed the WANEP national office to produce maps and charts with up-to-date data on violent events in the country. The greatest benefit of the NEWS program for practitioners was that it

successfully provided easily interpretable data to relevant stakeholders who could then more easily develop the most appropriate responses (Birch, 2020).

The Sierra Leone branch of the international NGO Action Aid implemented two related programs to encourage a peaceful election. The first involved recruiting youth participants from ten of Sierra Leone's districts to participate in a three-day training exercise in Freetown. Action Aid selected the target districts based on the hot spot mapping exercise conducted by WANEP to identify those areas most at risk of violence. The purpose of the training was to sensitize the participants on the importance of civic engagement and inform them of the laws and procedures surrounding the election. In particular, the training focused on the importance of considering policy proposals by the candidates rather than just their ethnic or regional backgrounds (Ashindorbe, 2018).

2.2.3 Overview of Causes and Consequences of post-election violence in Kenya

In the early 20th century, divides and ruke tactics, as well as careful alliances at the local level, allowed a relatively small number of the British officials to dominate the diverse and decentralizes Communalities Which Fell Within the Territory Named Kenya (Berman, 1990; Berman and Lonsdale 1992).

Originally the provincial administration represented the highly concentrated powers of the governor at the local level. In the post-colonial context, it came to represent presidential authority. This institutional configuration ensured that electoral politics became a high stakes game. The center of power, the office of the president, with its allocative and coercive powers, including, in particulars, control of the provincial administration and hence, to some degree, the electoral playing field itself, became the logical target of ambitious politicians. These concentrated powers of the president, delegated through the provincial administration were central to Kenya's "electoral dictatorship"; semi- competitive elections were periodically held

but were strictly controlled by a dictatorial state, particularly the office of the president. Political parties emerged during the colonial period when national level organizing was illegal. At first, by narcissist, such parties were local or ethnic. When the ban was lifted, unsurprisingly, parties tended to be in mere federated ethnic loyalties grouped around individuals (Okoth-Ogendo, 1972).

The repeal of section 2(a) of the constitution in December 1991 and re-introduction of multipartyism against KANU's dominance was viewed by KANU Loyalists as a threat to their life interest. The major periods of violence and displacement centered on the 1992 and 1997 elections and the main perpetrators of the Violence in both these elections were predominantly disposed Kalenjin and Maasai supporters of the KANU government against members of opposition groups. By 1993 about 300,000 people had fled their homes (HRW, June 1997). This was witnessed in the Run up to, during and shortly after the multi-Party election in 1992.

Apart from the 2002 general election, every election held in Kenya since independence in 1963 has been plagued by some sort of violence (Haugerud, 1997). The advent of multi-party democracy in Kenya in the 1990's has seen a massive increase in intense democratic competition for political offices during elections and these developments have also seen the raise of intensified election violence. The worsts ones were in 1992 and 2002, (Horowitz, 1993). Electoral system, party system and political mobilization in Kenya is interrelated and intertwined. Norris (2015) argues that designing an effective electoral system is crucial in a democratic polity based on popular sovereignty, for the people need to be both represented and governed. In theory and practices, it is evident that different ways of tabulating votes produce different winners and that these different Political coalitions in Kenya are often formed along ethnic lines, and ethnicity has been a prominent characteristic and resource for mobilizing political action across the country (Oyugi, Posner, 2007; Scarrit & Mcmillan, 2001). Exclusion along ethnic lines is especially likely to reinforce the formation of grievances and foster

political mobilization (Saiderman, Lanone, Capenni & Stanton, 2002). When a big ethno-political community is excluded from state power, majority rule election systems are more likely to lead to the employment of violent political methods. The size of the excluded groups is essential because it impacts the view of either the electoral constituency as well as the candidates who represent them of whether they may be part of a successful coalition with access to state resources, (Horowitz, 2000; & Posner, 2007). Politicians who draw their electoral support from larger excluded groups are likely to be in a low position when outcomes are not apparent.

As a result, these opposition leaders are more likely to pose an electoral threat to those in power, increasing the incentives to use violent measures such as incarceration, persecution, or election rigging. Scholars have suggested that the danger of electoral violence increases with the exclusion of large ethno-political group under majority rule democratic systems (Omollo, 2002). The argument recognizes a problem in the way political power is used to lay claim to economic resources, particularly in contexts where economic prospects in the private market are relatively sparse in comparison to those that arise through control over government institutions, public finances, or state property (Boone, 2010).

Southhall (2014) reflects on Kenya's parliamentary system stating that "it entrenched the political culture of big men election appeal become highly reliant on the propagation, or prospect of distribution of largesse, both in terms of political campaign spending and the attainment of benefits out from the capital the constituency or local constituency" (Southhall, 2014).

The 2007 general elections in Kenya were marred by post-election violence that erupted following the announcement of the presidential election results. Many analyses consider the post-election violence in Kenya in 2007 to be one of the worst occurrences of electoral violence in the country's history (Materu, 2014). It affected many parts of Kenya, Nairobi, Mombasa,

Nakuru, Naivasha, Kiambu, Thika were some of the towns where post-election violence was most prevalent, violent protestors killed and maimed several people, torched, looted or destroyed business, churches and invaded private farms (Chege, 2008). In the aftermath of the violence, thousands of people were displaced from their homes, farms, workplaces and places of businesses. (Mutugi, 2016). While election and post-election violence is not a new phenomenon in Kenya, the majority of it has been localized in constituencies, short-lived, and limited to polling booths and communities (Mutahi, 2005). However, large scale post -election violence occurred in Nairobi, Kiambu, Mombasa Rift Valley, Nyanza and Western Kenya 1992/93, 2007 and 2017. These regions saw large scale loss of life and property destruction, with major implications and consequences for the country's stability, peace national development, unity and sovereignty (Mueller, 2011; Kimani & Njuguna, 2014). The purpose of this section is to investigate the reasons of election violence and post-election violence in Kenya. Understanding the causes and repercussions of election violence in Kenya requires the clarification of essential concepts.

Some scholars have attributed election violence to ethnic power play in Kenya. Anderson, 2012 and Mungai (1995) define ethnicity as a consciousness among people with shared cultural and linguistic roots that are utilized for political and mobilization to compete with other groups for scarce resources. Dercon, and Guterrez, Romero, (2012) and Holmquist (2009) attributes post-election turmoil to "the polarization of ethnic groups in Kenya attributed to colonial rulers who contributed to the formation of incompatible ethnic groups, political parties and a badly fitted electoral system in multi – ethnic democratic nation".

According to Ajulu, (2002) ethnicity has evolved into an important greatest essential feature in political competitiveness and party development. Other scholars, however, connect ethnicity with party system (institutions). Since independence, Kenyans have learned to live with political violence. Indeed, it has become a normalized part of politics, so much so that acts of

political violence are observed and reported without any expectation that prosecutions or other consequences might arise. Ajulu, (2002) points out that elections in Kenya have been driven by competitive politics and politicized ethnicity.

There is a wealth of material available to help understand the occurrence of electoral and post-election bloodshed in Kenya. Historically, election violence stems from British colonial legacy of divide and rule. The British perfected the art of ethnic profiling, stereotyping and division to perpetuate their strange hold in the colony in urban and rural Kenya (Hornsby *et al.*, 1992). Since the late 1950s, when restricted elections were implemented, elections have been a source of severe political, ethnic, and communal violence and conflict in Kenya. This issue worsened in the elections held immediately following independence in the 1960s (Holmquist *et al.*, 2009).

All subsequent elections conducted in Kenya since independence in 1963 have been marked by various degree of violence (Ghai, Yash P *et al.*, 1970; & Jenkins, 2015). Apollos, (2001) stated that Kenya is a country where ethnicity has become politicized. Whenever there are elections, institutions are pressurized by political entrepreneurs and mandarins who want to exploit ethnic groups and their perceived inequalities to mobilize for political party support (Adar, 1998). Leaders tend to support their ethnic groups and this encourages ethnic identity politics. These kinds of ethnic political strategies have often led to escalation of violence amongst ethnic groups in Kenya. The pluralist theory could be applied in the Kenyan situation. The pluralist theory posits that conflict is inevitable in a plural society (Cohen, 1996). In fact, competition between plural groups takes place largely in political area.

However, the dimension of conflict generated by political electoral competition becomes more complex in democracies of the third world and particularly Kenya where divisions in society and ethnicity has permeated every facet of national life (Adar, 1998). Ethnic pluralism therefore engenders minority/majority dichotomy, and perceived asymmetric access to power. Lynch,

(2006) and Lonsdale (1994) agree that without any iota doubt, ethnicity plays a major role in mobilizing for candidates in deeply divided and varied ethnic blocks in Kenya (Oyugi, 2003). Stiftung (2010), Barkan and Okumu, (1979) suggests that election violence in Kenya have also emerged as a result of politicization of the ethnic groups. Politicized ethnicity has been known to create the “in group” and the “out group” with the latter trying to break the structure of inequality as the former responds by building barriers that ensure the continuation of its privileged position. Political parties in Kenya are based on ethnic divisions and alliances which cause election violence.

This ethnic power play and mobilization is common among the five of the major ethnic blocks in Kenya, Kalenjin, Kikuyu, Kamba, Luhya, Kisii and Luo. These groups are mainly found in the Rift valley, Central, Eastern, Western and Nyanza regions respectively. Over the years these ethnic groups have competed to rule Kenya. This competition has often resulted in inter – ethnic conflicts and post-election violence that had major impacts on the stability of Kenya (Chege, 2008).

The 2007 and 2017 general and presidential elections have become the epitome of ethnic disharmony in Kenya (Lynch, 2008). There is another school of thought in literature regarding election and post-election violence. This literature attributes election related violence to social clearances. Elischer, (2008) explains social cleavages as the divisions of individuals along social and economic status.

Kenya’s society is characterized by economic and political inequality. The gap between the rich and the poor is very wide. This difference has led to economic and social grievances among Kenyans who feel that they have been marginalized economically. These groups use violence as an excuse to vandalize and loot from the rich. On the other hand, the elites who feel excluded or threatened begin to invoke ethnic ideology in the hope of establishing a reliable

base of support to fight and to destroy the unprivileged members of their communities (Hoglund, 2009; & Jenkins, 2014).

Kenyan social cleavages are based on social class rank. There is disparity here between both the lower and middle classes. This same chasm between all the two is enormous. The gap between the two is wide. The poor have always felt like they have been marginalized and they feel like people of certain communities especially those in power are being favored in terms of capital and resource allocation and distribution. These grievances have usually resulted in violence during and post general elections. Violence seems to be the only way to be heard (Barkan, 2008).

Gurr (1968) used relative deprivation to explain political violence. Classes and groups in society that feel they are not receiving what they deserve relative to other members of society will revolt or align with political parties and movement that represent their interests. This suggests that the poorest Kenyan voters will become more united to get their voices heard and needs addressed.

Thus, the poorest Kenyan voters will affiliate with the party that best address their concerns and they should be voting for the same party that best address their concerns and they should be voting for the same party regardless of their ethnicity. Class divisions in Kenya are based on economic power within the ethnic groups. Ever since independence the elected presidents have allocated land to members of their respective ethnic groups and this has always resulted in uneven distribution of land. The kalenjin and the kikuyu in Kenya have been known to own most of the fertile land in Kenya since the former presidents come from these ethnic groups (McWilliam, 2012).

However, according to Kagwanja, who bases this study on population increase and widespread poverty, ethnic disagreements and ideological differences between the Kikuyus and Karenjins

in the Rift Valley were a trigger factors for electoral violence in 2007 (Kagwanja, 2009). Those communities that have not got a chance to rule feel left out and will always fight for their chance to have a president from their ethnic group. Landau argues that a struggle over land has always been the characteristic of Kikuyu / Kalenjin communities' political tussle (Landau, 2009).

The land disputes were reflected in the 1992, 1997 and 2007 post-election violence when Kalenjin were pitted largely against the Kikuyu especially in the expansive province of Rift valley. (Cheeseman 2008). He further stated that the 2007 election violence had a huge impact on Kenya's economy, hence increasing the social division among citizens. Those who felt marginalized such as the poor changed their voting habits, (Cheeseman, 2008).

Closely connected to social cleavages is poverty especially in the urban slums and Ghettos. Another factor hastening the incidence of corrupt practices in Kenya is the prevalence of deprivation. The affliction of hardship amongst these urban poor in Nairobi is undeniable fact that results in deprivation and pessimism, politicians benefit much from the tremendous poverty that devastates the collective public with minimum financial incentive, the rising prevalence of unemployment renders young as eager tools for the perpetration of violence. The high rate of hardship and human pessimism among Kenyan youngsters forces them accept the readily available employment as implementer of election violence. Enduring poverty easily plays naive adolescents into the hands of unscrupulous politicians who exploit them by dangling irresistible lures to the teenagers to engage in political violence (Guitterez Romero, 2003). During electioneering seasons in Kenya, youth movement such as YK92 proliferates. More often than not political violence is frequently paid for, and is used as a strategy and tool by important Kenyans to bolster their governmental and financial standing in Kenyan political spaces. (Holmquist *et al.*, 2009).

Owili (2022) showed that electoral violence is more likely when political systems are based on patronage and clientele. In political systems in which formal political institutions are

superseded by informal relationships based on the exchange of resources and political loyalty, political supporters seem willing to perpetrate election violence in support of their preferred candidates; electoral management bodies, such as electoral commissions, are weak. This is due to their importance in establishing credible elections; and ongoing conflicts over land or other issues or resources go unresolved. While this relationship can have several explanations, one appears to be the tendency for politicians to adopt the grievances of conflicting factions into their campaigns (Ratuva, 2016).

In addition, Alihodžić (2012) found that international election observation missions may decrease the likelihood of pre-election violence, but may increase the likelihood of post-election violence if they expose attempts at election fraud. A growing number of studies also find significant differences in how men and women experience election violence. However, AFSC found that too few policy interventions in the field explicitly take these differences into account.

Based on a literature review and interviews with practitioners in Kenya, Malawi, Sierra Leone, and Sri Lanka, American Friends Service Committee (AFSC) found that electoral violence prevention efforts are more successful when: They are implemented under the structure of a strong coalition or consortium (AFSC, 2018). This allows civil society organizations and state agencies to avoid program redundancies and benefit from the lessons and information produced by one another projects. They can closely involve the political parties and candidates in their interventions. While this is not entirely within the control of field practitioners—political elites may choose not to participate in peace programs for many reasons—when programs do engage political elites. Interviewed participants felt that their programs had considerably more impact (Klaus & Mitchell, 2015).

The study further found that practitioners are able to access and adopt methods successfully used in other countries. Successful investments in secure elections in one country can have

positive spillover effects in other countries via transnational civil society networks (Heinzekehr & Gallagher, 2022). Practitioners have access to geographical violent incident mapping during the campaigns. Both civil society actors and state organizations can best target their resources when they have access to accurate, up-to-date information on violent events in their respective countries as well as information on hot spot areas most likely to experience various types of election violence (Olewe, 2022). They are integrated with a long-term peace building strategy. Many efforts to address violence around elections begin 6-18 months before elections, and conclude shortly after polls close. These are more of crisis response approaches than they are preventative approaches. Prevention strategies around elections need to be carefully integrated with long-term efforts to address root causes (Kiplagat & Wasuna, 2022).

A study by Mueller (2011) suggests that political systems based on patronage and clientele are more likely to experience election violence. In political systems in which formal political institutions are superseded by informal relationships based on the exchange of resources and political loyalty, political supporters seem willing to perpetrate election violence in support of their preferred candidates. The literature also highlights the weakness of electoral management bodies, such as electoral commissions, given their importance in establishing credible elections.

According to Moepya (2010), the presence of preexisting social conflicts, such as ongoing conflicts over land or other resources, also increases the likelihood of election violence. While this relationship can have several explanations, one appears to be the tendency for politicians to adopt the grievances of conflicting factions into their campaigns. International election observation missions may decrease the likelihood of pre-election violence, but interestingly they may increase the likelihood of post-election violence if they expose attempts at election fraud. A growing number of studies also find significant differences in how men and women

experience election violence. However, too few policy interventions in the field explicitly take these differences into account (Dercon & Gutierrez-Romero, 2012).

To address the root causes of post-election violence, Mueller (2011) suggests that donors should consider placing additional resources into three areas: Program follow-up funds; Long-term youth programming and police reform. Multiple practitioners in each country stated that there was not enough funding available from donors for follow-up programs and the continuation of violence prevention programs after the election cycle ended. Practitioners also noted that more resources were needed for long-term programs that engaged those youth who were likely to participate in electoral violence, as well as women and girls, who are most at risk when elections become violent. One key commonality across all cases under study was the very limited success of police training to handle protests and demonstrations, as well as skirmishes between supporters of rival parties (Mancebo, 2019).

Some scholars and political observers consider Kenya political institutions as the biggest contributory factor to electoral violence since independence in 1963. (Mueller, 2011) defines political institutions as the election process, the electoral system, the party system, and alliances and the power of executive government. Several characteristics of Kenyan political institutions contribute to problems in running free and fair democratic elections. The first is inherited colonial institutions that tend to be authoritarian and centralized. (Diamond, 1997) secondly is the fact some of the political institutions like political parties and the electoral management bodies have been created at moments of crisis and have been shaped by political leaders for expediency. There are mere informal agreements than legally grounded institutions. (Wildner, 1992) For example, previous presidents have worked out informal post-election compromises and deals to divide state resources with select political parties to ensure support rather than institutionalize representation and achieve a fair, equitable, sustainable division of resources. These informal agreements are fast discarded once the leaders get to power without honoring

the deals. This creates political bitterness. The failure by president Kibaki to honour the M.O.U he signed with Raila Amolo Odinga during the 2002 elections led to a bitter political fallout between the two, their parties and supporters which culminated in the infamous 2007 electoral violence (Karume, Shumbana, 2003; and Materu, 2014).

In the 1990's the incumbent president, Daniel Arap Moi, was able to use a combination of intimidation, violence and ethnic divisions among the opposition to win both the presidency and a parliamentary majority on a plurality of votes, mainly from his own ethnic group and several other small ethnic groups (Horowitz, 1993).

Political institutions provide the opportunity for political entrepreneurs to use ethnicity as a form of institutional power and a way to gain political office and control other state resources. Political institutions thus derive their political potency from their constitutive role both in defining the very identity of agents as socially relevant persons and embedding them in a structure of constraints and opportunities (Omolo, 2002; & Mozaffer, 1995).

The political leaders in Kenya also play a major role in perpetuating the violence before, during and after elections. Cheeseman (2008) believes that the potential for conflict in Kenya would have been significantly diffused if the government had not deliberately manipulated the election process and constitutional reform that would have decentralized power and reduced the authority of the executive.

Political party leaders have been known to favor their groups whenever they come together to form coalitions in order to strengthen their voice (Lynch, 2007). During campaigns political leaders mainly focus on consolidation of their ethnic groups to vote for them. This makes the election process a regional process as opposed to a national process (Lonsdale, 1994).

Holmquist, (2009) describes how the political institutions such as the election institutions and policy making process are centralized and serve the incumbent leadership. The election

violence in Kenya is a clear manifestation and indication of how incumbent leaders in Kenya have failed to establish free and fair democratic elections which foster stability and legitimacy of government serving all citizens equally irrespective of their ethnic affiliation.

Some of the political institutions have been shaped by political expediency and others have been designed not as a social compact between the citizens and the rulers but as agreement between members of the ruling elite to manage access to power amongst themselves. The winner takes –all electoral system, also known as First-Past-the-Past, builds tension and raises the stakes of the election among opposition organizations on the one hand, and concern among the incumbent governing elite on the other, and is main determinant to pre- and post- election unrest across Kenya (Mozaffar, *et al.*, 2003).

Then there's the issue of shaky political coalitions for the sake of expediency. To comprehend the Kenyan electoral politics framework, you must first comprehend its growth from single party to multi- party coalitions (Van De Walle, 2003; & Von Borzyskowski, 2011). Anderson (2003, 2002) defines political coalitions as a set of parliamentary political parties that agree to pursue a common political goal and pull their resources together in pursuit of their stated goal. The processes of forming and sustaining ethnic coalition had dominated Kenyan politics throughout the post-colonial period. The Kenyan African National Union (KANU) and the Kenyan African Democratic Union (KADU) were, from their formation in 1960, Fragile coalitions of ethnic communities brought together initially by two conflicting approaches to developing an independent Kenyan state (Anderson, 2005). However, when Daniel Arap Moi took over power in 1978, the country became a *de Jure* single party-political system.

However, with the collapse of cold war and clamor for pluralism in Africa, Kenya re-introduced multi-party politics in the early 1990's and with it came heightened political competition and desire for change and democratic gains, the processes of forming and

sustaining a winning coalition became even more central to national politics in Kenya. The parties that made up these coalitions were to large extent ethnic parties (Wildner, 1992).

However, while one ethnic group might be dominant in a coalition, several ethnic groups were typically represented. Each ethnic grouping has the potential to break down, reform, or ally with new partners (Lynch, 2006). Coalition formation, regardless of ethnic composition, occurs in response to fear imperative to form a government or guarantee a functioning popular mandate. The instability of coalition governments, including Kenya, has occurred in situations where the coalition parties are not close to one another ideologically in policy and programme orientation and therefore find themselves at logger heads when it comes to driving government agenda. They ended up disagreeing and in instalment. This may create instability and conflict in the country (Shilalalo, 2013).

In the 2002 multiparty democratic elections in Kenya, the opposition parties teamed up and formed a coalition to overthrow the ruling governing party KANU under President Daniel Arap Moi who had been in power for 24 years (Oyugi, 2002). Oyugi (2002) elaborates that the key motivating factor in the formation of the coalition that defeated the incumbent president at the time was based on the interest of a section of its elite to gain power and to have access to the benefits associated with power holding. Once in power, they regrouped into ethnic nationalism and edged out their allies from the other ethnic groups. This fall out formed the basis for the electoral violence in the elections of 2007 (Oyugi, 2002). Mozaffar (2003) says that the multi ethnic pattern of ethnic political cleavages exerts pressure toward the formation of multi ethnic electoral coalitions that, in turn engender party systems without excessive fragmentation. Such party systems facilitate the formation of multi ethnic coalitions.

In 2002, Kenyans seemed to be tired of previous opposition disunity, which lead to incumbent president Daniel Moi retaining his seat with minority, ethnic votes. Kenyans rallied opposition leaders to unite and form a formidable rainbow coalition which was made up of the Kikuyus,

Kalenjins, Luo, Luhya and Kamba. This unity resulted in a peaceful election in 2002, which the opposition candidate resoundingly won. Horowitz's (1993) constructive perspective of multi ethnic electoral coalition has been used to describe the national Rainbow coalition of 2002 in Kenya.

Elischer (2008) stated that "Kenya political parties have increasingly incorporated diverse communities and have consistently failed to bridge the country's dominant ethnic cleavages." In the 2007, general election, however, there was outbreak of violence in various opposition strongholds namely Kibera slums in Nairobi, Kisumu in Nyanza and parts of Rift Valley immediately the election results were announced which appeared to indicate that their leading candidate was rigged out by the electoral management body in favour of the incumbent Mwai Kibaki. There was a major disagreement between the Luo, the Kikuyus and the Kalenjin over the election results. The Luo and the Kalenjins believe that Odinga had won the presidency but the electoral commission rigged him out. The ensuing violence was unparalleled. During this election, there were estimated 1,000 deaths and over 600,000 internally displaced people. This has to be the bloodiest election mayhem in Kenyan experience. It almost seemed like a genocide whereby ethnic groups were killing each other (Lynch, 2008).

The literature appears to emphasize election results as a key source of violence in the context of Kenya's 2007 general elections. However, there seems to be some issues such as ethnic divisions, party compositions, media and election processes that may have contributed to the cause of this unprecedented election violence. As Ndungu (2008) states, election violence in Kenya was not merely an electoral dispute over the results but an issue that was bound to happen (Ndungu, 2008).

Poorly managed elections and inequality amongst Kenyan citizens could have been the trigger that contributed to the poll violence in Kenya but it may well be said historically violence has been caused by social economic political structures. Social relations between the major ethnic

groups such as the Kalenjin, the kikuyus and the Luo have been rough and have been accompanied by hatred since precolonial days. The need for each ethnic group to control land or to have political has often resulted in conflicts. Indeed, according to several scholars, ethnicity continues to be a major force influencing the behavior of politicians who politicize ethnicity as a principle means of winning elections (Mapeu, 2007; & Oyugi, 1997).

The effect of ethnicity in the electoral process in Kenya goes way back to the 1992 elections (Oyugi, 1997). This view seems to be most prevalent among scholars in an attempt to understand the cause of the election violence in Kenya. The transition of Kenya's political party system from one party state to a multi-party system was not as smooth as expected. It was rekindled with rivalry among ethnic groups who wanted to kick out President Daniel Arap Moi and his Kalenjin community from the government.

During this time, Kenya's political parties were mainly dependent on ethnic compositions and their concentration in provincial areas. During the election violence, groups seeking power abused women and children and perpetrated widespread violations of human rights. This was a period when the rule of law and human rights were seen as alien to the citizens as many Kenyans decided to trample on the fundamental human rights of fellow Kenyans with impunity (Obonyo, 2008). It has been claimed that political violence in Kenya represents a fight for governmental power (Landau *et al*, 2009).

Governmental power is core to political competition because it means access to resources, and patronage through which ethnic elites can remain in power (Kamungi, 2001). The attempt to correct the economic and political imbalances between the Kikuyu, the Kalenjin and the Luo usually results in violence (Chege, 2008). There seems to be no proper mechanism of peace and conflict resolutions that can bring these ethnic groups together. In 2007, the international community had to step in and Kofi Annan was appointed to mediate the peace and conflict resolution process. This led to formation of a grand coalition government which put in a new

constitutional order in the country and embarked on reforms that led to a peaceful election in 2013 (Brown, 2014).

Some scholars have argued that the media played a major role in the 2007 election violence. There was widespread use of vernacular radio stations to spread hate speeches and to incite violence (Landau *et al*, 2009; & Ellis, 1994). Perpetrators of the violence in all elections have never been held accountable in Kenya using state laws. The government in the past failed to investigate and take any concrete action to prevent future election violence. Some government officials and politicians have incited the violence, manipulated the electoral process without ever being prosecuted. This has usually led to a recurring cycle of election violence.

This shifted in 2007, following post-election turmoil in Kenya, when the international criminal court intervened and charged prominent Kenyans with crimes against humanity (Lynch, 2014; & Brown, 2014). Despite doubts about the ICC's integrity, it is thought that this extraordinary move by ICC was watershed moment in Kenyan electioneering tactics, paving the stage for a peaceful election outcome in 2013.

The political institutional explanation suggests that election violence following the 1992 elections was mainly caused by ethnic rivalry and conflict between the Kalenjin and the Kikuyu (Kagwanja, 2001). The violence left more than 300,000 displaced internally due to loss of property. Election violence in 1992, 1997, 2007, and 2017 was driven by ethnic enmity, unemployment, inequality and imbalance in resource distribution, election cheating, and the failure of political leaders and incumbent governments to address the core causes of the conflict and dislocation. (Mueller, 2011).

Different scholar's research associated with different aspects of electoral violence, such as ethnic differences, land, media and party leaders. However, few have connected political entrepreneurs with ethnicity through opportunities created by party systems (Holmquist, 2009).

Kamugi, (2001) refer to political entrepreneurs as those politicians that use ethnicity with an intent to benefit from the election. Kamugi (2001) stated that, for the political entrepreneurs, the centre of the state is core to political competition because it means access to resources, and patronage through which ethnic elites can remain in power.

The key to non-violence and tolerance in democratic election process is to build coalitions that share similar ideology, policy and programme from multi ethnic groups (Sisk, 2008). Horowitz (1985), Ajulu (2002), and Posner (2007) finds that historical ethnic divisions and social cleavages alone are not enough to generate election violence because there are numerous ethnically divided societies with peaceful democratic elections. According to them, the establishment of political parties and politicized ethnic groupings is at the base of the violence, as its use of the press to inflame emotions and raise the stakes (Herman, 2013). Political institutions in the country have been designed not as a social pact between the rulers and the ruled but as agreements between members of the ruling elite to manage access to power among them (Hoglund & Jarstad, 2010).

Political parties and election institutions in Kenya are usually manipulated by politicians. The electoral commission that was created in 2002 to oversee the election process, but it has neglected to exercise authority over the incumbent politicians. Moreover, the members of the commission are usually bribed to manipulate the electoral process to favor the incumbent and certain politicians. By presiding over unfair election process whose outcome is doubted, the commission end up precipitating violence as citizens react violently to what they see as unacceptable outcome of the elections (Mueller, 2011).

Most of the election violence has been much as a result of the anger towards election regularities as incumbent leaders attempt to stay in power by all means. Given the weak election institutions and oversight, it is not uncommon for politicians to believe that they can get away

with trying to manipulate elections or incite violence to stay in power or get elected. (Orvis, 2001).

Mueller (2011) explains that the problems faced in Kenya's transition to democracy are manifested in its weak institutions and that this change is difficult to analyze in casual terms or to address causally. He gives three factors that contributed to the 2007 election violence " a gradual decline in the states monopoly of legitimate force and a consequent generalized level of violence not always within its control deliberately weak institutions, mostly overridden by a highly personalized and centralized presidency, that could and did not exercise the autonomy or checks and balances normally associated with democracies, and political parties that were not pragmatic, were driven by ethnicity, and had a winner take all view of political power and its associated economic rewards" (Mueller, 2011).

While Muller suggests several factors, one of the key elements in this explanation is the party system and ethnicity. In this case, election violence is due to the party system and politicized ethnicity rather than changes in economic conditions and carried out by different social groups (multi ethnic social groups) or simply continuous historical divisions. The key explanation is that a large number of ethnically charged parties and coalitions tend to be less tolerant and more violent during the elections than a smaller number of larger broad-based parties that tend to be more tolerant.

Perzeworski (1991) suggests that democracy requires legal institutions and a party system that makes sure the loser is treated fairly after the elections. In short, consolidation of democracy depends on how the losers in the national elections are treated and accommodated. Even if you have a free and fair election but the electoral system is that of the winner takes all, then the next elections will be a battle among the competing parties to see who can win and gain control of state power and resources.

This raises the stakes in the elections whereby parties believe they have to win so that they will not be “outside” of the government until, the next election, then risk of election violence is more likely. The implication establishes the nexus between Majoritarian electoral system, ineffective electoral management body and exclusive ethnic parties as the key source of election violence in Kenya (Ashindorbe, 2018).

Political commercialization in Kenya, as in Nigeria has been observed by observers such as (Ashindorbe, 2018) who stated that “the shortest path to influence and affluence is through politics is synonymous with money, and money is synonymous with politics. Being a member of the ruling party in politics means having access to government, patronage, contract and business deals, state job chances, and the like’.

The ramification of this would be that;

First, career shown in politics .in which political office is sought exclusively for the benefit of oneself, family members, colleagues and cronies, has become a fixation of the rich and the powerful and influential in the country. Second, the benefactor relationship becomes ingrained in the political and economic systems. Third, the reasoning and wants to affiliate to the ruling party of the government undercut the viability of meaningful opposition in the political system. Lastly, the use of aggression by both the ruling and opposition parties as a means of preserving or acquiring power in elections, either independently or in defiance of citizen’s electoral choices at the polls.

Thus, according to Ashindorbe (2018), once politicians recognize “the profitability of having power,” the party (and established party representatives) automatically uses the same governmental apparatus to stay in power. The leadership becomes a self-recruiting autocracy, and no self-recruiting ruling elite has ever tolerated resistance to itself”. In this condition’s violence becomes a tool for winning, holding and securing political power (Sabine, 2007).

Clearly, the appeal of public office fosters an investing mentality. Politics and government political positions are being commercialized; political investors and other substantial investors of the political process for their seeking political office invest large quantities of money in the election process with the expectation of a return. As a result, no amount is too large to spend in inciting electoral violence, even if it means risking the lives of opponents and supporters who may be a barrier to their achievement of political wealth and influence (Carotenuto, 2006)

Kenya's state and regimes add to recurring violence in the electoral process. "The state is effectively privatized" writes (Klopp, et al., 2007). It is still a massive force, but it is no more a public service, a comforting presence that ensures the rule of law, but frightening menace to all except the few who control it, inciting lawlessness and having little capacity to arbitrate social strife. When the state is privatized, people in power will employ violence and the state's repressive tools to maintain control.

People barred from government will turn to violence in their pursuit of office, especially in a culture where politics is a license to mistreat its compatriots, obtain office, and loot the public treasury with impunity (Kakuba, 2016; & Joseph, 2014). Ineffective law enforcement is another major issue that contributes to tumultuous elections. Due to a complete lack of political will and commitment of the ruling, non-enforcement of laws and non-adherence to the same in the electoral process fosters violence during elections (Alston, 2009). Because the government and other law enforcement organizations are unable to compel adherence, political actors, players, party supporters, and political gangs violate the legislation that rules the rule of politics with impunity (Barkans, 2008).

When the managers of the political process refuse to enforce the rules, many opportunities for violence arise, and if the law does not triumph, it is equivalent to the lack of laws guiding the conduct of elections (Brown & Raddatz, 2014). As a result, Kenya's poor legal framework serves as a lever upon which a culture of violence is formed and nurtured, resulting in unrest,

destruction, and deaths. As Brown (2014) remarked when the rule of law is weak, the judicial system becomes insufficient, and inadequate sanctions reduce the likelihood of offenders, resulting in a fragile and volatile system (Brown & Raddatz, 2014).

Rigging is another possible cause that might make the entire operation violent (Balogun, 2003). Elections in the previous have shown that manipulating the democratic process through widespread organized fraud causes violent turmoil before, during, and after elections. The deployment of political thugs by politicians to maneuver the voting process in a deemed unflavored area might result in violence if rejected by the opposition or citizen. In addition, when an unobjectionable candidate is favored to win of a vote, violence invariably tends to follow (De Smedt, 2009). For example, on 30th December, 2007, the ECK announced Kibaki as the winner of presidential election in Kenya with 4,584, 721 votes against those of Raila Odinga 4,352,993 votes and the president was hastily sworn in (Chege, 2008).

After the announcement of the final results, violence erupted in various opposition strongholds – Kibera slums in Nairobi, Kisumu in Nyanza and part of the Rift Valley region. Although initially, the violence seemed spontaneous from the ODM supporters who rejected the results, it soon become clear that it was organized along the ethnic lines. (Corradetti, 2015; & De Smedt, 2009). For instance, violence in the Rift Valley, especially in Eldoret, was perpetrated by the Kalenjin targeting communities that were perceived to be PNU supporters – the Kikuyu, Kamba, and Kisii ethnic groups. In Nyanza, similar attacks were being conducted. In response, it is alleged that Kikuyu youths mainly from the Mungiki sect were transported to areas such as Naivasha, Nakuru and the slums of Nairobi to carry out attacks against people from the Luo and Kalenjin ethnic groups.

As a result of the violence, it is believed that roughly 1,200 Kenyans were killed and over 650,000 people were displaced (Chege, 2008). As a result of claimed rigging, violence greeted the declaration of the 2017 presidential elections, culminating in burning, loss of life, murders,

and scorching of homes. The Supreme Court overturned the elections. The media's participation in a campaign of slander, fear mongering, disinformation, deception, and accusations or mudslinging against other political players must be recognized as a triggering element for violent conflict (Dercon, 2012; & Nyabola, 2018).

By surrendering to the sway of greedy politicians who use their establishments as a propaganda launch pad, the media spreads spectacular political and driven beliefs, which incite violence (IRI, 2007). All of the causes mentioned above, while not exhaustive, are contributing factors to election related violent acts in Kenya. I will now discuss their ramifications and impact on national development in Kenya.

According to Lynch (2014), the effects of electoral violence on divestment are comparable in size to those of civil war and terrorism, and are more consistent. From firms' perspective, electoral violence is not militancy's little brother: episodes of electoral violence send especially strong signals to foreign firms about political stability in a country. In their study, Kanyinga and Long (2012) found that a rise in election-related violence will have dire consequences for countries, but it may also disrupt/hamper global partnerships in the region.

Mosero (2022) reports that in December 2018, the Trump administration released the New Africa Strategy: Expanding Economic and Security Ties on the Basis of Mutual Respect, in which the US government lists the "advancement of commercial ties and US investment" as a key instrument both for furthering its own interests in Africa and facilitating economic stability in the face of a growing militancy in key regions of Africa, such as the Great Lakes region and the Sahel. According to the authors, advancement of this and other economic strategies for the region may slow with a rise in electoral violence.

As per Klaus (2020), some questions remain unanswered. We do not know the impact of electoral violence on other economic factors such as sovereign credit ratings, unemployment

rates, foreign aid, or economic production. However, it is clear that using violence, to intimidate the opposition or bolster supporters, is an effective way to gain and maintain power. Yet once those short-term gains are secured, an analysis of the economic consequences of electoral violence shows that these tactics may impose severe financial costs that will be borne by the nation as a whole.

Willis and Chome (2014) observe that the repercussions of electoral violence are economic as much as they are political, and their impacts ricochet out. Local and international efforts to preempt or reduce election-related violence are important in their own right. They may also provide additional benefits by maintaining stability in economies—and communities—that would face severe distress from disruptions to foreign investment.

Kelley (2018) reported in their study that in broad terms, the consequences of election-related violence may include undermined civil and political rights and human suffering. These range from the disfranchisement through deprivation of citizens' or groups' rights to vote and compete, to the psychological, physical and sexual violence that specific groups—particularly women— may suffer, with short and long-term consequences for the victims and for their families and communities.

According to Ng'etich (2022), post-election violence also results in diminished trust in democratic processes and institutions. Electoral violence reproduces repressive and non-democratic power structures including patriarchal repression in the institutional space. It does not only diminish trust in democratic processes, it undermines the quality of democracy both directly (repressing/killing voters, candidates, etc.) and indirectly (limited inclusive participation) as well as through public perceptions of legitimacy. In some contexts, elections have already become synonymous with trouble and danger. Such associations have devastating effects on trust in democratic processes and institutions.

According to Bekoe (2012), post-election violence has economic implications. Elections are the largest administrative undertakings in democratic societies, and consequently the costs associated with elections may represent a major financial burden. In some cases, governments are unable to finance elections and depend on international electoral assistance. In addition, electoral competition and election monitoring involve significant expenditures for political parties, and domestic and international monitoring groups.

The Voice of America (2009) reports that election-related violence will not only squander those resources but will further cause destruction of local communities and infrastructure with numerous negative economic and developmental consequences, both direct and indirect. For example, the Association of Kenyan Manufacturers estimates that Kenyan economy suffered the loss of \$3.7 billion as a consequence of the outbreak of election-related violence in 2007-08. In addition, 400,000 jobs were put at risk. Before the outbreak of violence, Kenya was East Africa's economic leader and the economies of other countries in the region relied heavily on its infrastructure. Kimani (2008) describes how the entire region (including Burundi, DRC, Rwanda, Sudan, Tanzania, and Uganda) suffered disruptions to imports and exports and increased prices of commodities. Relief organizations that provide aid to seven million refugees and displaced people in the region faced tremendous logistical and security challenges in fulfilling their mandates. In the long run, the crisis also affected investors' confidence and reduced the gross domestic product of the region (Alihodzic, 2012).

At the onset, election violence has profound implications and effects in a democracy like Kenya. First, it undermines free and fair elections. There is direct physical and psychological harm. However, just as important, violence and violent intimidation may disenfranchise voters and depress electoral turnout, restrict the choice of candidates at the ballot and compromise the electoral result. Electoral violence cannot only encourage authoritarianism and other non-

democratic approaches, but it also can erode citizen's confidence in the democratic process and ultimately, the legitimacy of the government itself (Brown, 2003).

Collier, and Von Borzyskowski (2011), finds that election violence reduces voter turnout and voter participation in a functional demonstrative electoral system where elections are devoid of crisis, election disputes are amicably resolved. Such system enhances the prospect for political stability, peace, unity, development and continuity in governance. However, where elections are characterized by violence, thuggery, intimidation, rigging, ballot box snatching and stuffing and other forms of electoral malpractices, they bring to question the very essence of democracy and compromise the prospects for national development (Hoglund & Jarstad, 2010).

One of the principal functions of the modern state is that of protecting the territorial integrity of the state, safeguarding the lives and property of its citizenry and up liftmen of the human condition. In fact, the promotion of human security has become the central focus of the new development paradigm because building of arms and ammunition do not bring peace, security and political stability. Eradicating poverty, hunger, diseases and maintenance of peace through sustainable development programme, hold the key to an enduring national security. Thus, a country that invests heavily on human security, which is an integral to national development, may not have to spend much money and efforts in fighting crimes like human trafficking, student unrest and political assassination (Hoglund & Jarstad, 2010).

The Kenyan experience with general elections has shown that the political elite have not fully come to terms with the significance of elections for democratic sustenance and national development. More often than not, the elite have failed to play by the rules of competitive democratic electoral politics which prioritize politics of tolerance, conflict resolution and consensus, bargaining and compromise. They see elections as warfare, characterized by thuggery and political disorder. Political parties which organize for elections are also, like

armband of men and women going to war, where there must be victors and the vanquished (Lindberg, 2003).

Dagne (2008) argues that elections have therefore become a matter of life and death, warfare, where it is unfathomable to lose. This dominant pattern of elections and electioneering threatens to tear the nation apart and put its tenuous peace at great risks (Van De Walle, 2003). In addition, this has been our reality with post –election mayhem in Kenya. Taking cognizance of the foregoing, the implications and effects of post electoral violence on national development are examined as follows.

In the first instance, electoral violence breed insecurity as it is often characterized by loss of lives and properties as was the case during 1992, 1997, 2007 and 2017 elections in Kenya. It is estimated that in the 2007 election violence alone, approximately 1,200 Kenyans were killed and 650,000 people displaced as a result of the violence (Chege, 2008) properties worth millions of shillings were burnt, looted or destroyed.

Kenya's post-election events have after revealed the police force and other internal security institution's inability to adequately manage occurrences involving post –election unrest. In some areas and circumstances, police were involved in the deadly force and other major abuses when reacting to rioting and revenge killings (Alston, 2009). The Kenya Commission on Human Rights and Human Rights Watch have documented numerous examples of alleged police brutality including unlawful deaths, injuries, or use of excessive force against civilians. These are evident indication of national failure, which jeopardizes people's peaceful existence in the state (KHRC, 2010).

These are crystal clear signs of national failure that hampers peoples' peaceful existence in the state. The country's able-bodied people were squandered in mindless post-election violence and other forms of disasters. In addition to the insecurity, there are attendant costs like

increased costs and the resources spent on repairs and replacement of damaged infrastructure. (Kirimi & Njuguna, 2014). These resources could have been better spent on human and social development and such trends adversely affect the social and economic well-being of the country. It is axiomatic that development cannot occur in the absence of peace and security. The economy suffers in atmosphere of insecurity and political instability. Added to the above is the fact that continued insecurity in the country has not only discouraged transnational corporations to invest, but has equally caused the established ones to disinvest by way of folding up their business (Linz & Stepan 1996). This is because investors are scared due to lack of security for their investment.

Direct foreign investment is thus often lost in such circumstances which have contributed to the state of under development in Kenya (Mueller, 2008). According to Kirimi and Njuguna, (2014), “companies have a great stake in the peace and security of the markets of the world or may aspire to operate”. Without mincing words, all these situations described above negate peaceful co-existence, law and order. In addition to security concerns, post-election violence militates against the consolidation of democracy. This, in turn has an impact on the nation’s social and economic well-being, creating imbalances or instances of structural violence as proposed by Johan Galtung in 1969, which could lead to escalated conflict, as seen in the 2007 post-election violent acts and post-incident catastrophe of Internally Displaced People (IDPS) and consequently undermine effective national development as they hinder peoples’ chances of leading full life in the polity.

In another dimension, political instability often arises due to instability of opposition and relevant actors in governance to resolve perceived or real grievances. Election related violence is both causative and a symptomatic of political instability in Kenya. It is symptomatic as it reflects an absolutely weak political system. It is also causative because it feeds the political (crisis that manifest regularly post-election violence therefore, if not properly addressed, could

ultimately, climax and lead to escalated violence. Generally, political violence is incapable of building a strong, efficient and virile democratic nation which promotes social development (Bekoe, 2012).

Electoral violence is anti-people because issues of human rights, gender equality, cultural rights and identities are often ignored or trampled upon. These adversely affect the human security and social development which are vital in national development (Bekoe, 2012). Another effect of post electoral violence is that it has helped propagate the cycle or culture of violence in the country. Acts of violence impacted negatively on the children and the youth living in societies prone to electoral violence. In line with the social learning theory, such children and youth would adopt culture of violence and project violent posture (Anderson, 2012).

This perhaps explains why almost all political mobilization by political parties and even football matches in Kenya are afflicted with violence. Presidential elections in Kenya since re-introduction of pluralism in the early 1990's have always been punctuated with violence, the worst case, being the 2007. For the moment at least, it has demonstrated that the politics of tolerance and accommodation, negotiating and compromise have yet to be assimilated in Kenyan politics. The fallout of Kenya's presidential elections continues to pose significant risk to the country's social economic and political progress. This was seen in the 2017 presidential elections (Fjelde Hanne & Kristine Hogland, 2018).

Meanwhile, politics of tolerance and accommodation, bargaining and compromise remains prerequisite for creating positive change in the self, the people and the institutions and structures for national development. The absence of political efficacy and stability, economic efficacy and stability, economic efficiency and pervasive social development owing to the disruptions of post-election since independence till present, lays the continued elusive search for genuine national development in Kenya (Barkan, 2008).

Election's violence and post-election conflicts have other secondary effects of starvation and disease. Election violence displaced thousands of communities who had settled in districts outside their birth place. Many were forced to abandon their work, livelihoods, their farms and their homes and forced to seek refuge in make shift camps which were crowded and without basic services (Kamungi, 2009).

There are also political costs (demolition and distortion of the democratic system, forced movement of voters) ecological costs (deforestation, pollution), social costs (separation of families and communities), psychological and spiritual costs (undermining of values and the meaning of life). In short, election violence and conflicts destroy development, not only at the micro level but also nationally (Mueller, 2008).

Economic impact: Electoral violence toll on human lives impacting at both the micro (household) and macro (national) levels. At the micro economic level, the loss of income earning potential and diversion of savings towards ameliorating costs be it relocation, health care or funeral costs creates a tremendous burden on families. Children do drop out of school which put their future lives at risk of entering an unending cycle of poverty and misery (Kirimi & Njuguna, 2014).

At the macroeconomic level, electoral related violence is believed to impact and slow economic growth. This in turn threatens not only job creations and standards of living, but also government spending resources, and therefore threatens the capacities of government to effectively respond to the crisis itself. The national economy is also hit and hurt by the decline in production caused by losses in human capital, especially in key revenue areas such as agriculture and service sectors (Kirimi, & Njuguna, 2014).

According to Jenkins (2015), quite often election violence affects the most productive skilled and unskilled workers of the nation / communities. This introduces enormous costs from

absenteeism, recruiting and replacing lost staff, displacement expenditures and drops in productivity from loss of human resources. In some cases, the affected workers are replaced by younger, less experienced workers; workforce quality also declines (Kamugi, 2009). Election violence puts a lot of strain in the health care services due to tremendous increases in demand for health services, a demand which is exacerbated by out migration of health practitioners.

The education sector is not spared either, children are forced to drop of school or have their schooling interrupted. Girls are particularly vulnerable as sometimes they are asked to withdraw from school so that they can care for family members or take up income generating activities. Displaced communities and those forced to relocate face difficulties in getting formal social safety nets, social security and social welfare systems from the state. In this way, electoral violence serves to create and deepen social divisions as it feeds off of, gender inequality, discrimination, and human rights abuse (Kakuba, 2016).

Food security impact: Agriculture plays a key role in the national economy of Kenya. It provides jobs, generate export revenues supplies raw materials and helps upholds national food security. Agriculture provides the main source of livelihood for up to 60% of the Kenyan population (Dagne, 2008). Declines in the agricultural workforce therefore have significant effects. Agricultural productions are interfered with, farms are invaded and abandoned crops and farm produce are lost, deteriorate and decay, skilled labour are forced to migrate and flee. In addition, suspended income and diversion of funds to associated costs of violent displacement and conflict leaves very little money for purchasing nutrition food, further threatening household food security (Klopp & Elke, 2007).

Electoral violence especially the one that is conducted along ethnic lines became common in Kenya after the introduction of multi-party politics. In the lead-up to the 1992 General elections, gangs of armed young men affiliated to KANU conducted attacks on members of different ethnic communities such as the Kikuyu, Luo, Luhya, and Kamba in the Rift Valley

region (Oyugi, 2003). These clashes led to the death of 779 people and displacement of more than 250,000. During the election's period of 1997, KANU supporters in the Rift Valley and Coastal province carried out attacks on ethnic groups that were perceived as outsiders. It is estimated that approximately 400 people were killed and over 100,000 people were displaced (Gutiérrez-Romero, 2013).

The 2002 General election is considered to be an outlier in terms of the norm of the country's previous elections that have taken place after (2002, 2007, 2013 and 2017). Firstly, the two main contenders for the presidency were from the same community: Mwai Kibaki (NARC) and Uhuru Kenyatta (KANU) were from the Kikuyu ethnic community. Secondly, it did not feature an incumbent president. Thirdly, there was little political violence (even though it is estimated that there were approximately less than 200 deaths that occurred) and the results were accepted by a majority of Kenyans (Anderson, 2002). However, political scholars such as Brown (2009) and Halakhe (2013) attributes this to the political alliance between the Kikuyu, Luo, Kamba, and Luhya that enabled the opposition to field one presidential candidate. The union of the opposition parties allowed for the first time since the establishment of Kenya as a multi-party state for a political contest that did not use entirely ethnic attributes during the campaign period (as the two leading presidential candidates were from the Kikuyu community) (Dagne, 2011).

The political alliance between NAK and LDP in 2002 that led to the first free and fair elections in Kenya lasted only three years. In 2005, the LDP party that was led by Raila Odinga (son of Jaramogi Odinga) broke away from NAK and teamed up with KANU to campaign for a referendum that led to passage of new constitution and thereafter formed the Orange Democratic Movement (ODM) (Dagne, 2011). The main communities in this new alliance were the Luo and the Kalenjin. During the election campaigns, there were inflammatory statements from politicians from the two leading parties- Party of National Unity led by Mwai Kibaki and ODM led by Raila Odinga against individual politicians and also different ethnic

groups. Such words were disseminated over public, rallies, posters, SMS, fliers, and vernacular radio stations (Dercon & Gutierrez-Romero, 2012). There is also evidence to show that there were religious leaders who used the pulpit to promote ethnic hatred and incite their communities against 'outsiders.' (Lindberg, 2003).

The Election Day on December 27th, 2007 was relatively peaceful as there were little incidents of violence. Also, it is worth noting that the Electoral Commission of Kenya (ECK) released the results of the different Kenyan constituencies as they were receiving them, (Dercon & Gutierrez-Romero, 2012) on December 28th, the results by the ECK showed that the opposition leader Raila Odinga was holding a strong lead, although it was too early to declare him definitively as the winner. However, suspicions of fraud began when the gap between Raila and Kibaki's total votes began to narrow and delayed the announcement of the final results. The suspicions were further increased when Raila Odinga held a press conference on 30th December, 2007 and accused the ECK of doctoring the final results (Anderson & Lochery, 2008). He also specifically confirmed that he will never file any measures of the high court of Kenya for election violations because he feared they were manipulated by the incumbent government (Dercon & Gutierrez-Romero, 2012). The ECK later (the evening of 30th December) announced Kibaki as the winner of the elections with 4,584,721 votes against those of Odinga- 4,352,993 votes and the president was hastily sworn in (Chege, 2008).

After the announcement of the final results, violence erupted in various opposition strongholds- Kibera slums in Nairobi, Kisumu in Nyanza and the parts of the Rift Valley region. Although initially, the violence seemed to be spontaneous from the ODM supporters who rejected the results, it soon became clear that it was organized along the ethnic lines (De Smedt, 2009). For instance, violence in the Rift Valley, especially in Eldoret, was perpetrated by the Kalenjin targeting communities that were perceived to be PNU supporters- the Kikuyu, Kamba, and Kisii ethnic groups. In Nyanza, similar attacks were being conducted. In response, it is alleged

that Kikuyu youths mainly from the Mungiki sect were transported to areas such as Naivasha, Nakuru and the slums of Nairobi to carry out attacks against people from the Luo and Kalenjin ethnic groups. It is estimated that approximately 1,200 Kenyans were killed and over 650,000 people displaced as a result of the violence (Chege, 2008).

It took the effort of both regional and international actors to bring peace to the country and avoid the possibility of civil unrest and war. There was an African union mediation mission led by former UN Secretary General Kofi Annan ultimately resulted in the agreement of the National Accord by Kenya's two leaders; Mwai Kibaki and Raila Odinga, which resulted in peace in Kenya (De Smedt, 2009). Also, fifteen bilateral donors adopted a 'business is not as usual' stance with Kenya. They employed threats such as denying foreign aid, issuing trade bans and sanctions on political leaders and elites who were sabotaging peace efforts at the period.

Kenya's post-election bloodshed in 2007/2008 was blamed on the following conflict factors, according to the commission of investigation. Firstly, there was the issue of marginalization of certain ethnic groups (Corradetti, 2015). These groups felt that they were subjected to inequalities in terms of allocation of resources, especially land. It is important to note that, other than the cosmopolitan towns or cities, the other regions are mainly ethnically homogeneous (Dercon & Gutiérrez-Romero, 2012). Therefore, there are 'insiders' who consider themselves native to a certain region, and there are 'outsiders' who migrated to these regions through the purchase of land or government allocations. After the independence of Kenya, land that was previously occupied by the white settlers will be used by the Jomo Kenyatta government as a tool of patronage. Most of the beneficiaries were from the Kikuyu community, which was the ethnic group of Kenya's first president (Gerhart *et al.*, 1999). They were awarded large tracts of land in other parts of the country other than their native region of the Central province. For

years, leaders especially non-Kikuyu politicians in the Rift valley region have used these grievances to incite violence along ethnic lines.

Another issue that the commission found was the system of governance of the country. It is highly centralized and the president-maintained control over institutions that should be used as check and balance to the presidential powers such as the judiciary, legislature, and police (Gibson & Long, 2009). These institutions were seen to lack the independence and integrity. Also, a majority of the ethnic communities feel that for them to benefit from state resources, a political leader from their ethnic community must ascend to the presidency.

Thirdly, the high youth unemployment contributed to the 2007/08 post-election violence. It is estimated that at that time, there was approximately 2 million youth that was unemployed in Kenya (Gibson & Long, 2009). This was attributed to the slow pace of job creation. With no employment prospects, there has been a rise in youth gangs and militias in different parts of the country. Politicians normally 'employ' these groups to disrupt or carry out violent activities against their rivals, and they were the primary perpetrators during the 2007 post-election violence (Gibson & Long, 2009).

Fourthly, despite evidence showing different political leaders and even radio presenters inciting their communities to conduct violent attacks against other ethnic groups, there is little or nothing done to them from a legal perspective. The country has over the years failed to bring to book or justice people who are responsible for both electoral and sectarian violence (Corradetti, 2015). The findings from different commissions such as the Kiliku Parliamentary Committee (1992) and the Akiwumi Commission (1997) have provided names of perpetrators; however, nothing has been done. In addition to that, the recent ICC cases against the current president and deputy vice-president were dismissed without anyone being held accountable. The prosecuting side stated that there were issues of witness tampering and this affected the outcome of the cases (Mansfield & Snyder, 2005).

On March 4, 2013, Kenyans proceeded to vote for their political leaders. They were eight presidential candidates; however, the main contenders were Raila Odinga and Uhuru Kenyatta (son of the first vice president and president, respectively). Notwithstanding the election reforms recommended and enacted after the 2007 elections, the likelihood of violent conflict remained high (Mensah, 2014). In fact, according to the Human Rights Watch (2013), pre-election violence in North Eastern, Eastern, and Coastal region led to the death of more than 477 people and displacement of 117, 000 people. Still, political alliances were based on communities (Human Rights Watch, 2013). The Jubilee coalition led by Uhuru Kenyatta and William Ruto were from the Kikuyu and Kalenjin communities, while the ODM was led by Raila Odinga and Kalonzo Musyoka from the Luo and Kamba communities. On March 9th, the IEBC declared Kenyatta and Ruto as winners with 50.07% of the votes (Gutiérrez-Romero, 2013). Interestingly, the duo had won the elections with only 8,000 more votes than what was required for a run-off. Raila Odinga challenged the results in the Supreme Court of Kenya, which upheld the results, although it noted that there were some irregularities (Corradetti, 2015). Odinga accepted the results. Unlike the 2007 post-election violence, mass violence was avoided, and therefore the international community considered the 2013 elections to be a success (Gutiérrez-Romero, 2013).

Kenya held another round of national elections on August 8, 2017. As was the case in 2013, the main presidential candidates were Uhuru Kenyatta and Raila Odinga. The first round of the presidential elections indicated that the incumbent president had won with a total of 54% of the votes (Aljazeera, 2017). The opposition leader refused to accept the results and contested them in the Supreme Court. He indicated there had been tampering information. It is worth noting that only on July 27th, 2017, 12 days before the 2017 national elections, the IEBC's head of information, and technology, Christopher Msando was found killed on the outskirts of Nairobi (Adhiambo, 2017). Therefore, it is highly likely that he was murdered to enable the hackers to

‘doctor’ the results; however, this has never been proven. The 2017 presidential election was declared invalid by the Supreme Court on the basis that the results did not meet those standards of veracity.

Repeat elections were held on 26th October, 2017. However, Odinga withdrew from the repeat elections on October 10th. There were incidents of post-election chaos that were witnessed between August 9th and 15th. Violence was reported in Kawangware, Mathare, Kibera, Baba Dogo, Lucky Summer and Huruma in Nairobi; in Kisumu County- Kondele, Manyatta, Nyamasaria, and Nyalenda; Siaya County, Homabay, Tana River and Elgeyo-Marakwet counties. It is reported that a total of 35 people were killed by police while trying to quell the protests (Adhiambo, 2017).

Mueller (2011) notes that after independence Kenya has been facing many challenges when it comes to elections. One of the challenges includes unrest during elections. Most of the political groups are usually divided hence making it hard for the supporters to live in peace. The intensity of political violence is usually associated with a lot of killings, women and children are always abused and in some cases the houses are tortured (Mueller, 2011). In the previous election that was held in 2007, most of the people from the Kikuyu community who lived in Rift valley had their houses burnt while others were forced to flee to churches. It was hard for them since they had lived with those people for very many years (Mueller, 2011). The people from the Kalenjin communities or groups also faced a lot of challenges in places such as Naivasha since they could not be able to go home since roads had been blocked.

Mozaffar, Scarritt and Galaich (2013) points out that attempting to address financial and political fairness between the Kikuyu, Kalenjin and Luo regularly includes violence. There does not appear to be a decent instrument for settling the harmony and struggle that these clans can join together (Mozaffar, Scarritt & Galaich, 2013). In 2007, the worldwide network was compelled to intercede and Kofi Annan was designated to intervene to create the harmony,

procedure and compromise. This prompted the presentation of new discretionary laws and, therefore, to serene decisions in 2013 (Mozaffar *et al.*, 2013).

A few political scientists have contended that the media assumed a significant job in the 2007 decision control, specifically neighborhood radio stations were utilized to spread abhor discourse and incite brutality. (Landau *et al.*, 2009 & Ellis, 1994). Indeed, even the culprits of savagery in all decisions ought not to be considered responsible. The legislature isn't exploring or finding a way to forestall appointive savagery later on. A few governments and lawmakers have impelled savagery and controlled the appointive procedure without arraignment. This normally brought about a steady cycle of constituent savagery. The office's announcement shows that the post-1992 uproars were generally brought about by ethnic conflicts among Luo and Kikuyu. The viciousness left more than 300,000 inside dislodged because of the loss of property. Appointive brutality in 1992, 1997 and 2007 brought about ethnic savagery, joblessness, inconsistent assets and an absence of political authority to address the reasons for viciousness and outsiders.

2.2.4 Knowledge gap on Causes and Consequences of post-election violence

The causes and consequences of post-election violence remain an area of significant knowledge gap, requiring further exploration and understanding. At its core, post-election violence can arise from a multitude of interconnected factors. Socio-political divisions and ethnic tensions play a prominent role. Deep-rooted historical grievances, marginalization, and inequalities can fuel resentment among different groups, leading to heightened conflict during electoral periods. Political parties often exploit these fault lines for their own gains, exacerbating the situation and stoking further animosity (KHRC, 2011).

Additionally, inadequate electoral management systems and flawed processes contribute to the escalation of violence. Issues such as voter suppression, ballot irregularities, and lack of

transparency erode trust in the electoral system. When citizens perceive an unfair or rigged election, it can spark outrage and ignite violent responses as a means of expressing discontent and demanding justice. The consequences of post-election violence are far-reaching and impactful. Primarily, loss of life and physical injuries inflict immeasurable pain and suffering upon individuals and communities. The destruction of property and infrastructure further exacerbates the socio-economic hardships faced by affected populations, hindering development and recovery efforts (UNDP, 2016).

Furthermore, post-election violence leaves lasting scars on social cohesion and national unity. The polarization and deepening divisions can hinder the formation of inclusive governance structures, impeding the progress towards sustainable peace and democratic consolidation. Displaced populations, both internally and externally, endure prolonged displacement, disrupting livelihoods, and straining already fragile social systems. Moreover, the consequences extend beyond national borders, influencing regional stability and relationships. Cross-border conflicts and refugee flows can strain diplomatic ties and burden neighboring countries with additional socio-economic challenges. The repercussions of post-election violence resonate beyond the immediate aftermath, creating ripple effects that can impede regional cooperation and hamper economic integration (Kanyinga, 2010).

To bridge the existing knowledge gap, comprehensive research is imperative. In-depth studies encompassing comparative analysis of cases from various regions, including Kenya, can yield valuable insights into the causes and consequences of post-election violence. This research involves interdisciplinary approaches, incorporating political science, sociology, conflict studies, and other relevant disciplines to gain a holistic understanding. By addressing the knowledge gap on the causes and consequences of post-election violence, this study develops evidence-based approaches to minimize the likelihood of future occurrences and mitigate the

impact when they do happen. Through sustained research efforts, informed policymaking and collaborative international engagement.

2.3 General Overview of Challenges and Opportunities faced by Electoral Management

Bodies in Managing Elections.

An Electoral Management Body (EMB) is an organization or a body that is legally responsible for managing some or all of the elements essential to both the conduct of elections and direct democracy instruments (Arapovic & Brljavac, 2012). These core responsibilities include planning voting operations, determining who is eligible to vote, receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates), conducting the balloting, counting the votes, and vote tabulation. An EMB may be a stand-alone institution or a unit within a larger institution that has a broader mandate (Agbibo, 2018).

Similarly, Achen and Blais (2015) define an EMB as an organization or body that has the sole purpose of, and is legally responsible for, managing some or all of the elements that are essential for the conduct of elections and direct democracy instruments—such as referendums, citizens’ initiatives and recall votes—if those are part of the legal framework. These essential (or core) elements include: determining who is eligible to vote; receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates); conducting polling; counting the votes; and tabulating the votes.

If the foregoing essential elements are allocated to various bodies, then all bodies that share these responsibilities can be considered EMBs (Beekoe, 2012). An EMB may be a stand-alone institution, or a distinct management unit within a larger institution that may also have non-electoral tasks. In addition to these essential elements, an EMB may undertake other tasks that assist in the conduct of elections and direct democracy instruments, such as voter

registration, boundary delimitation, voter education and information, media monitoring and electoral dispute resolution.

According to Corradetti (2015), a body that has no electoral responsibilities other than, for example, boundary delimitation (such as a boundary delimitation commission), electoral dispute resolution (such as an electoral court), election media monitoring (such as a media monitoring commission), or the conduct of voter education and information (such as a civic education commission) is not considered an EMB because it is not managing any of the essential elements identified above. Similarly, a national population or statistics bureau that produces electoral registers as part of the general process of population registration is not considered to be an EMB.

There are three broad electoral management models, including independent, governmental and mixed. No matter which model is used, however, it is of the utmost importance that an EMB can ensure both the credibility of the electoral process and legitimacy of election results. This can be done if electoral management is constituted and operates under the following fundamental guiding principles: independence, impartiality, integrity, transparency, efficiency, professionalism and service-mindedness (Ndungu, 2021).

Throughout empirical literature, a number of challenges faced by EMB is recorded. According to x, key among these include high electoral costs, which can be divided into three categories (Caramani, 2017): core costs (or direct costs)—routinely associated with implementing an electoral process in a stable electoral environment; diffuse costs (or indirect costs)—relating to electoral services that cannot be disentangled from the general budgets of agencies that assist with the implementation of an electoral process; and integrity costs—necessary to provide security, integrity, political neutrality and a level playing field for an electoral process.

According to Brown and Raddatz (2014), inadequate funding, financing and budgeting will not necessarily trigger violence directly. Inadequate resources may, however, force EMBs to make compromises that can impact on the integrity and security of electoral processes and thus open them up for disputes that can in turn fuel and trigger violent conflicts. For example, core cost deficiencies may affect an electoral process's technical integrity; lack of diffuse funds will limit the engagement of supporting agencies, especially those with the task of providing security; and a lack of integrity funds at the disposal of an EMB may harm the legitimacy of the process.

According to Rasmussen (2018), failures or delays in supplying essential electoral materials, poor security and lack of transparency in the handling of them, before or after voting and counting, can have a negative impact on perceptions of the credibility and integrity of elections, and lead to the rejection of election results. This can in turn trigger or contribute to election-related violence. In some cases, even procedural well-conducted elections may lead to contested outcomes, particularly in countries with long-standing and deep-rooted grievances.

Empirical literature also identifies a number of opportunities for EMBs. According to Birnir and Gohdes (2018), the electoral legal framework is composed of the constitutional provisions, legislation, rules, regulations and procedures that govern the electoral system design, the formation of electoral institutions and bodies, and the implementation of electoral activities. An inclusive, fair, concise and uncontested legal and institutional framework is an important foundation for successful and peaceful elections.

In addition, Ashindorbe (2018) argues that to electoral legislation and institutions, responsibilities, rules of engagement and coordination between the security sector agencies (SSAs) should also be detailed in the rules that govern their electoral engagement. Following

the analysis and evaluation of the previous electoral cycle, an EMB and SSAs should initiate legal and institutional reforms to address identified weaknesses, and where needed collaborate with other stakeholders. Other state and non-state actors may play an important role in the facilitation of public discussion and national consensus on the legislative and institutional framework.

Similarly, Agbiboa (2018) observes that reform of the legal and institutional electoral framework should draw on the evaluation of previous electoral processes. Such evaluation is conducted in the post-election period to identify disputed, deficient or ambiguous legal provisions and acts which have had a negative impact on the conduct of the previous electoral processes. The reform, among other things, needs to take into consideration (UNDP, 2009): the appropriateness of the electoral system; the credibility of the EMBs; the effectiveness of the electoral dispute resolution mechanisms; the integrity of processes for the registration of voters, political parties and candidates; the quality of the legislation that regulates the roles and responsibilities of political parties; the existence of mechanisms for the replacement of elected representatives; the existence of mechanisms for information exchange with security sector and other relevant agencies and citizens' groups; and so on. Electoral management bodies are in a good position to initiate, advise on and influence these changes.

According to Kakuba (2016), there is an opportunity in advising political stakeholders about an appropriate electoral system that takes into consideration the advantages and disadvantages of different design options. The specific choices in the electoral system may affect participation, representation, the stability of government, the accountability of elected officials, the complexity of electoral processes, and political pluralism. In particular, provisions relating to the formula for translating votes into seats, district magnitude, the

votes-to-seat ratio, and boundary delimitation require careful consideration. An EMB is well positioned to advise legislators about the practical implications of different electoral systems in a given national and electoral context. In conflict-prone societies, an analysis may focus on the potential of a specific electoral system design to exacerbate or mitigate social conflict and electoral violence, including how gender-based violence can affect the participation of women in electoral processes and their representation in elective positions. At the very basic level, the legal framework should ensure that elections are a level playing field for all electoral actors (Kisia, 2022).

2.3.1 Global Overview of Challenges and Opportunities faced by Electoral Management Bodies in Managing Elections.

In the global context, the concept of election management body (EMB) has been conceived differently in some countries as they refer to it as an electoral commission (Wall & Idea, 2006). However, it should be noted that the two concepts are used interchangeably in general by political scientist to refer to electoral management body and its main function remain the same which is to hold elections. Pintor (2000) for instance, the EMB in Mexico is managed by the federal electoral institute, in Paraguay it is managed by the federal electoral justice; in Honduras is held by the national electoral tribunal, in Russia is conducted by the central election commission. In the United States is managed by the federal electoral commission, in Burundi it is managed by the national independent electoral commission in Rwanda it is the national electoral commission (RNEC), in Ghana, it is managed by the electoral commission (etc), and in south Africa it is managed by the electoral commission (Nugroho, 2017)

Furthermore, according to (Wall & Idea 2006), different election management bodies (EMBS) may be established for different electoral processes, for example in Mexico and Poland, the EMB is responsible both for presidential elections and for parliamentary elections; in Lithuania, one EMB deals with presidential elections and a separate one with parliamentary

elections. In the UK the arrangement for the conduct of elections and referendums are altogether very different from one another. In addition to the division of purposeful responsibility for various parts of the electoral method, electoral responsibilities could also be divided between bodies at very different levels. For example, some components of the conduct of elections could also be managed by a national government agency, while others are implemented by local level commissions, regional branches of government departments or local authorities (Wall & Idea, 2006)

There are many variations in the detail of the designs of EMBS depending on choice of designs and such there are three broad types or models of electoral management designs that are widely used by different countries: the independent, governmental and mixed models (Wall & Idea 2006). However, the effectiveness of EMBS as institutional linchpins of electoral governance depends largely, but not exclusively on their autonomy from the government (Mozaffar, 2002).

As shown in the figure 2;1, the independent model of electoral management model of electoral management exist in those countries where elections are organized and managed by an EMBS which is institutionally independent and autonomous from the executive branch of government and which has and manages its budget. Examples of EMBS include Kenya, Burkina Faso, Liberia, Mauritius, Nigeria and South Africa. On the other hand, the governmental model of electoral management exists in those countries where elections are organized and managed the executive branch through a ministry (such as the ministry of interior) and or through local authorities. Countries whose EMBS fall into this model are mostly found outside Africa and include Denmark, New Zealand, Tunisia, the UK for elections but not referendums and the mixed model of electoral management there are usually two components EMBS, and dual structures exist: a policy monitoring or supervisory EMBS that is independent of the executive branch of government and an implementation EMBS located within a department of state and or state and / or local government. The mixed model is used in France, Japan, Spain and many

former French colonies in Africa especially in West Africa, for example Mali, Senegal and Togo (Wall & Idea, 2006).

The bottom line of EMBS regardless of the model and design should be concerned with how the officials control their political environment to conduct elections that can be judged being free, fair, credible and verifiable whose outcome is unchallenged (Olaniyi, 2017). In conclusion, the three-fold classification must be taken at face value. There is no perfect model as each model has its advantages and disadvantages (Fombad, 2016).

In the Albanian parliamentary elections of 2013, the Central Election Commission (CEC) was paralyzed by the resignation of its 3 opposition-nominated members. Failure to find a solution impacted the CEC's functioning along with the overall organization of elections (Kahongeh, 2018). First, it gave the impression that the CEC was politically oriented. Second, regulations necessary to ensuring the transparency of elections were not adopted or implemented, which gave rise to a number of questionable practices during the run up. Third, and most importantly, because it did not reach the required five-member quorum, the CEC could neither legally consider complaints against results nor adopt the results as per their allocated mandates. This led to significant delays in the announcement of results, as a consequence of which both camps initially announced victory (Kisia, 2022).

In presidential elections of Romania in 2014, the legal electoral framework provides for only one way to vote from abroad: voting in person at a Romanian embassy. For the first round of the 2 November 2014, presidential election the Romanian Foreign Ministry distributed 600,000 ballots to its diplomatic missions. The number of eligible voters abroad, however, amounted to approximately 3 million people. The limited supply of ballot papers resulted in citizens visiting embassies to vote in vain. Inadequate organization of external voting was in violation of constitutional rights, and was viewed by some as an instance of election fraud

that angered both expatriates deprived of their right to vote and the Romanian public. In Bucharest protests erupted in front of the Ministry of Foreign Affairs following the conclusion of the first round (International Crisis Group, 2017).

In Belarus presidential election of 2010, violent demonstrations erupted in Minsk following an official announcement that incumbent Aleksandr Lukashenko had won the presidential election with 79.6 per cent of the vote (Jenkins, 2015). Under the existing legal framework, voters in Belarus cannot challenge election results in the Supreme Court. The lack of dispute resolution instruments, and thus a legitimate outlet for complaints and grievances, contributed to triggering protests in Minsk, which resulted in several injuries and the arrest of 725 people (Heger, 2015).

2.3.2 Regional Overview of Challenges and Opportunities faced by Electoral Management Bodies in Managing Elections.

In the Africa regional context, with the re-introduction of early 1990s, electoral competition for state power has become the practice and most African countries have held more than three or four successive elections (Ndulo & Lulo, 2010; Nohlen, 2014; Chitlaoar porn, 2015). However, it is noted that while election is an important part of a political process in a democracy. (Wall & Idea 2006,), experience of electoral management bodies (EMBs) has managed elections in Africa has revealed that over the years, their independence has been compromised by different internal and external interest thereby being used to subvert the will of the people (Huntington, 1991; Reynolds 1999). In support of this submission , literature shows that a considerable number of countries in Africa Namely Zimbabwe, Nigeria, Burundi, Malawi, Mozambique, Zanzibar, Sierra Leone, Cote D Ivore, Djibouti, Democratic Republic Of Congo, Uganda, Egypt and Kenya amongst others have experience protest, political violence and demonstration in their elections thereby raising questions as to how the electoral management bodies organized and managed the electoral process, and whether the elections

were free, fair and verifiable (Reynolds, 1999). Similarly, if and when EMBS are inefficient, flawed partisan and biased; open to manipulation by incumbent ruling party political elites the outcome of the election is disputed thereby precipitating political violence, ethnic conflict and related social imbalance (Gaulme, 2010). Furthermore, election outcomes do not reflect the wishes of the majority of the citizens bringing into question the legitimacy of the leaders and programs and policies (Gaulme, 2010) as exemplified by here below overview the extent to which election management bodies (EMBs) in Africa have served as amplifiers during electoral processes.

In the Nigerian presidential and parliamentary elections of 2007, the lack of electoral materials was associated with an alleged attempt to manipulate the electoral process (Harish & Risa, 2019). Voting operations started late and finished early, mainly due to the shortage of electoral materials such as ballot papers and result sheets. Such shortfalls typically occurred in provinces where the ruling party faced a strong challenge. In some polling districts electoral materials were not delivered and elections did not take place at all. Furthermore, the material was often alleged to have been poorly handled, not counted or not registered, thereby making it easier to manipulate the ballot papers and result sheets (Gutierrez-Romero & LeBas, 2016).

In the Burundi, communal elections of 2010, the elections preceded presidential and legislative elections, they were perceived as a test of the parties' popularity. These elections were chiefly won by the ruling party (Hyde & Jablonski, 2014). While Election Day was generally calm and transparent, the Coalition of Civil Society for Electoral Monitoring (COSOME) noted that some polling stations had not fully respected the electoral code. Alleged issues included missing ballot papers for certain parties in some polling stations, party propaganda in the waiting lines, cases of voter intimidation, and some polling stations where secrecy of voting was reported as not fully respected. While these irregularities were

not judged sufficient to affect the result of the election by international observers, they nonetheless strengthened opposition claims of significant fraud (Gutierrez-Romero & LeBas, 2016).

In Mozambique presidential and parliamentary elections of 1999, international observers charged that the national Electoral Commission did not follow international standards relating to electoral transparency, or release official results in a timely manner. When it did announce the results, they were viewed as fraudulent by the opposition Resistência Nacional Moçambicana (Renamo). Approximately 100 people died during the violent protests that followed (Flores & Irfan, 2016).

In Djibouti, the February 2013 parliamentary elections were the first where the opposition had participated since 2003. The election took place in a tense context marked by significant curtailment of opposition and media freedoms. Amid accusations of widespread fraud, the opposition refused to accept the declared results. A formal complaint was rejected on a legal technicality, and polling station results were not published. Large-scale protests followed, resulting in widespread detentions. Opposition parliamentarians boycotted parliament for months, until an agreement was reached with the government in December 2014. The 2016 elections were subject to similar challenges and controversies (Fjelde, 2020).

2.3.3 Overview of Challenges and Opportunities faced by Electoral Management Body in Kenya in Managing Elections to achieve Electoral Peace .

In the Kenya context, Kenya's electoral body has its fair share of challenges in organizing, conducting and managing elections especially at the presidential level. whereas there is no controversy among all political players regarding the institutional role of the electoral body, the manner in which it goes about managing elections is always contested in one way or another especially by the opposition parties in Kenya.

Before we delve into the challenges, let us first of all be clear on what is electoral management body and its role in any democratic elections. Election management is defined by Idea (2006) as the processes that are essential to the proper conduct of elections. These invariably include voter registration, voter education, authentication of nominations of election participants, polling conduct, vote counting, and vote tabulation. Most processes revolve around the election's management body. Kenya's equivalent of EMBS is the independent Electoral and Boundaries Commission (IEBC). The electoral body is established by the Kenya constitution. Kenya's 2010 Constitution article 88(1), the Constitution spell out the duties of the IEBC; it is responsible for conducting or supervising referendum and elections; They coordinate the conduct of elections according to the prescribed laws and regulations. Because they are in charge of maintaining and operationalizing the elections administration system, the commission has the most responsibility for ensuring the transparency and legitimacy of the electoral process. The commission will undoubtedly face significant influences to its operations both internally and externally. It should protect its independence as well as preserve the transparency, efficiency, and precision of the electoral process, all of which are critical aspects and the bedrock of any credible elections.

The responsibilities of the IEBC, as the needed qualifications for such as activities, are specified in both the Kenyan constitution of 2010 and the IEBC statute. The IEBC was founded to administer and oversee elections in Kenya. Its duties also include constant enrollment of citizens as voters, the delineation of constituencies and wards, the regulatory oversight of the method by which parties designate candidates for elections, the resolution of electoral disputes, even those related to nominations, voter education, and the guidance of observations, surveillance, and performance reviews.

EMBs have the potential to respond to election conflict and post-election violence as they are tasked with administering, coordination, supervising and managing the electoral process for the

purpose of choosing representatives who shall govern the country through a popular and legitimate mandate, given that elections are a vehicle for the distribution of power (Mozzafar, *et al.*, 2003). EMBs are always in the eye of the storm and subject to close scrutiny. Any perception of bias, partisanship or lack of integrity in the administration of elections holds the potential for election disputes, conflict and electoral violence. Effective electoral governance therefore requires the impartiality, independence, efficiency, professionalism and transparency of the EMB to avoid mutual suspicion and mistrust among political actors (Lindberg, 2006).

The relatively small body of literature on EMBs emphasis the importance of Independent EMBs in bestowing legitimacy and credibility on the electoral processes particularly in Kenya, one of the new democracies (Birch, 2009). The argument holds that in semi-authoritarian regimes, where democratic institutions coexist with illiberal practices giving incumbents a significant advantage vis-à-vis their opponents, legally autonomous EMBs help insulate electoral governance from government manipulation and play a potentially important role in leveling the playing field (Lopez-Pontor, UNDP, 2009).

Challenging elections are an important component of democratic administration (Dahl, 1971; Adan, 1991). Free and fair elections thus confer legitimacy and “a right to rule” to the regime in power, and help sustain the underlying process of democratization (Lindberg, 2006).

Despite their appeal, the empirical record of electoral politics in bestowing legitimacy, and accountability onto Africa’s electoral regimes is highly mixed. Even though supposedly democratic institutions (including such competitive elections) sometimes coexist with intolerant and even despotic characteristic; the electoral balance of power is frequently stacked in favor of the holder (Mozzafar, 2003). In semi-authoritarian regimes, where opposition parties are likely to be distrustful and fear government manipulation of the electoral process, partisan oversight and multi-party deliberations might dissipate suspicion and create mutual confidence in the electoral process (Mensah, 2014)

In competitive authoritarian regimes, the fairness of electoral competition may be compromised for example by restraints placed on opposition parties' ability to campaign, flawed voter registration, ballot stuffing, and the misuse of state resources in governing party's campaign (Schedler, 2002 & Diamond, 2002). Partisan oversight and multiparty deliberations and inclusive and collaborative electoral governance in electoral management body; allowing political parties to jointly negotiate electoral issues, facilitative consensus –building and creating informal structures of mutual restraints that shapes the incentives structure of major stakeholders in favor of nonviolent strategies is one way of dissipating suspicion and creating mutual confidence in the electoral process especially in new democracies like Kenya where opposition parties are distrustful and fear government manipulation of the electoral process. If indeed the opposition is given substantial influence over electoral governance, they are less likely to question the management and results of elections in an extra-legal means, so ending a retaliatory trend in which the government frequently employs oppressive response (Hoglund & Jarstad, 2010).

Flawed electoral processes have led to opposition parties across Africa to dispute electoral outcomes. The elections in Kenya in 2007; Ivory Coast in 2010; and Djibouti in 2013 are a few examples where the announcement of electoral results has triggered extra-legal protest by opposition parties over alleged electoral manipulation. Kenya has witnessed worst electoral violence in 1992, 1997, 2007 and 2017. In all these cases, there was clear nexus between electoral commission and the electoral violence (Kakuba, 2016; & Mensah, 2014). IEBC conduct contributed to a severe political crisis in which the opposition challenged the voting results through extra legal means following the lack of influence over the electoral commission governance and administration (Materu, 2014).

Often times protest by opposition parties over alleged electoral manipulation has been met with government repression and widespread deployment of security forces. Such State sponsored

violence is sometimes a continuation of intimidation and coercion in the pre-election phase as part of the incumbencies “menu of manipulation” to influence electoral outcomes.” However, the indicated post-election violence trajectory carries a very high chance of intensifying to high levels of generalized violence. (2012) Taylor, Pevehouse, and Strauss.

There is probably no violent challenge to the outcome of an election if opposing parties have a voice in the management and control of the electoral body. For instance, the Malawi electoral management body (2004) helped to maintain a modicum of calm in Malawi by giving the electoral process legitimacy by bringing in both the government and opposition parties, particularly at the local levels. There are reasons to believe that the opposition's decision to forgo additional illegal challenges in Zanzibar in 2005 was influenced by the realization that the electoral management body might provide a structure through which frustration could be channeled without running the risk of an escalation in violence (Mapuva 2014; & Mensah, 2014).

To maintain democracy as a "organised uncertainty" system, which Przeworski (1991) described it as, electoral governance is essential. EMBs may be crucial in preventing potential electoral democracy conflict because they can establish the groundwork for fair and competitive elections. UNDP, 2009; Elklit, Reynolds, & Lopez-Pintor.

Because of their political and organisational disadvantage compared to the incumbent, the opposition, in particular, places a great value on transparent and credible electoral governance (Mozzafar, 2003). Distrust in the government's ability to organise free and fair elections frequently coexists with institutional ability to do so, especially in a setting with limited resources. Technical issues, such as the failure of the KIEMs kit in the general elections of 2013 and 2017, and the ensuing violence, frequently occur "at the nexus of political suspicion and technical incapacity" (Khobe, 2017). In this situation, electoral governance plays a crucial role

in determining the parties and the support they receive in order to maintain the competitive democratic election process (Mensah, 2014).

The legal rules governing the composition of EMBs and their interactions with the executive and legislative arms of government have received the majority of attention in academic studies about the role of Electoral Management Bodies (EMBs) in running elections that enable peaceful competitive democratic elections. The prevailing strategy has been to highlight impartiality and a lack of partisanship as the most crucial elements for ensuring the imperial imperative of electoral administration. (1998; Sisk & Reynolds).

An EMB needs to be a separate organisation that is formally autonomous from the influence of political forces, especially the government, both in terms of organisational structure and manner of operation. The greater the chance of holding credible elections and ensuring a level of legitimacy that prevents electoral disputes is, for example, when the appointment and oversight of EMBs are vested in the judiciary and the bodies are composed of civil servants (Birch, 2008).

In light of the suspicion and mistrust that characterise competitive democratic elections, Hoglund (2009) suggests that the electoral administration chosen may have an impact on electoral violence. Issues relating to impartiality and independence, efficiency, professionalism, and transparency are particularly significant in this context.

The practical parts of the elections are managed by a wide range of entities. In certain nations, an independent electoral commission or another type of authority, such as the government, oversees the election process (Hoglund, 2009). In Africa, incumbent governments frequently participate in the operation of electoral management bodies (EMBs) because of historical colonial legacies and Neo-patrimonialisms (Mozzafar, 2003). For instance, the president's

primary legal concern in Kenya until the adoption of the country's constitution in 2010 was the electoral commission of Kenya (ECK). Because of this, the opposition believed that in 2007, the President had gained the upper hand.

This went against the spirit of the inter-party parliamentary group gentleman's agreement from 1997, which, though not legally obligatory, had allowed for the nomination of opposition candidates for the electoral body. The President's unilateral selection of ECK commissioners, despite the fact that he acted in accordance with the law, therefore planted the seeds for Kenya's post-election calamity (Turner, 2017). The leaders of the opposition believe that an incumbent president who is also a candidate should not be involved in the administration of the electoral process.

The president of the executive branch chooses the members of the electoral management boards in practically all African states. In spite of the fact that the election rules frequently state that members of the EMB shall not be members or even sympathisers of any party, this has led to a great deal of mistrust for EMBs in numerous countries because they are frequently perceived as "party branches" of the ruling party. Being a high-ranking member of the EMB is a privilege post, thus when the head of a Neo-patrimonial regime names someone to the EMB, that person will almost certainly be supportive of the head's ambitions (Schedler, 2002).

Schedler (2002) notes that it is obvious that this might result in mistrust for the EMB and, as a result, electoral violence from the moment that a person or party competing for office already has a hand in the management of the EMB, either directly or indirectly. However, the emphasis on formal independence might provide a too limited perspective of the influence of EMBs ability to facilitate elections that are regarded as credible by all parties (Mensah, 2014).

Additionally, the variation in the frequency of election violence over time cannot be explained by this component. Results of relatively free elections conducted by ostensibly independent EMBs have been hotly contested in certain nations, while polling with serious flaws has been accepted in others (Elklit & Reynolds, 2002). It is arguable that the tranquility of the electoral process depends not only on its autonomy and independence, but also on how disagreements are handled and resolved between the government, opposition, and EMB.

The subject of how to shield the EMB from the influence of all political parties typically dominates discussions regarding the independence of EMBs in democracies. De-politicizing election governance is the key objective (Schedler, 2002). The primary goal, however, is to liberate the electoral process from the influence of the ruling government in semi-consolidated democracies like Kenya. Actors may choose a pluralistic electoral administration to increase public support (Mozaffar & Schedler, 2003). This administration can include representatives from the government and the opposition as veto players as well as party nominees. According to this viewpoint, party participation in the operation of the EMB might promote cross-functional and cross-confidence and increase the legitimacy of the election process.

Party representation in the EMB could promote electoral inclusivity in politics where there is a lack of democratic experience (Raphael, UNDP, 2009). Focusing only on the EMB's legal independence could be misleading, particularly in nations like Kenya where informal institutions, such as patron-client connections, have a large impact on politics. In this situation, the opposition is more likely to confide in those with whom they have personal ties than to the EMBs (Schedler Andreas, 2002).

In order to achieve this goal, EMBs can be created where relevant parties can agree on and implement electoral regulations. Since informal influence and institution-manipulation are common in nations with weak formal institutions and where personal relationships have a significant impact on politics, electoral governance organisations that are characterised as independent and non-partisan may not always be able to win the trust of the political elites (Birch, 2007). Therefore, the creation of institutions of mutual restraint where the ruling party is compelled to participate in collaborative decision-making is likely to be of interest to the opposition in particular. From their perspective, these mechanisms prevent incumbents from trying to influence the results of elections. The opposition parties' motivations to use extralegal tactics to protest the outcome of the election should diminish as a result of an electoral process that is seen as more transparent and legitimate in their eyes (Elklit & Reynolds, 2003).

In fact, inclusive structures within EMBs may help dispel suspicion that, from the perspective of the incumbent, would otherwise cause other trigger factors, such as technical issues and a lack of capacity, to degenerate into violence. Additionally, inclusive EMBs coax the opposition parties into supporting the electoral process. Because of this, it is less likely that the opposition will use illegal measures to contest the results. It is more likely that the opposition will also resolve disagreements about election governance within the institutional setting because of the buy-in to the process itself. As a result, there is a decreased possibility of a scenario in which there is widespread election unrest, a high danger of violent government crackdowns, and an escalating dynamic. This reasoning holds that post-election unrest in semi-authoritarian

countries becomes less and less likely the more inclusive the EMBs are in their operations (Dahl, Robert, 1971).

It's significant that this idea of inclusion encompasses distinctions in how electoral governance is carried out through these institutions in addition to the de jure makeup of the EMB. The amount to which all the major stakeholders are involved in crucial matters of electoral governance is shown by the EMB's inclusivity. It therefore demands active engagement with election governance concerns through collaborative working partnerships between relevant stakeholders rather than simply referring to the major parties in a partisan EMB. A functioning multiparty liaison committee (MPLC) or other comparable consultative groups that could act as channels of communication between the parties and those formally in charge of conducting elections are one way inclusion might be allowed (Reynolds & Sisk, 1998).

The methods and procedures used for voter registration as well as the technology utilised for these purposes during the actual elections may also be a source of electoral violence. This is a significant concern for electoral administration authorities not only in Kenya but also throughout Africa. Recent elections in Africa between 2011 and 2017 have amply supported this theory. The MPLA and its leader Eduardo Do Santos were accused of manipulating the Electoral Commission (CNE) during the 2012 parliamentary elections in Angola in order to engineer the results in favour of the dictatorship.

It was one of the factors of the country's post-election conflict that same year. Hoglund (2009) posits that what happened in Angola was case of qualified shameless rigging and electoral fraud perpetrated by CENI and was key factor that triggered post-election violence. Same trend was observed in DR. Congo. Hoglund (2009) observed "given the nature and degree of electoral fraud... the election debacle was not the result of technical and accidental factors but was the

product of a systematic and state sponsored design to rig the elections in favour of the incumbent president and members of parliament from his political camp. In order to quell popular protest against stolen elections the incumbent used illegitimate and excessive violence aimed at terrorizing the people and forcing actual and potential protesters into submission.”

Attacks on political personalities, a failure of BVR and electronic results transmission technologies, and suspicions of collusion between the Electoral Commission (EC) and the incumbent NDP in Ghana's 2012 presidential elections all contributed to the NPP's rejection of the election results. At its December 11, 2012 press conference, the NPP said “it is obvious from the preponderance of evidence available to us, some of which was made available to the commissioner prior to this evenings declaration (during the mediation process) that the ruling National Democratic Congress, led by president John Mahama, conspired with certain officials of the Electoral Commission (EC) in constituencies across the country to falsify the election results in favor of the president of the republic thereby disregarding the mandate of the people of Ghana. (Van Gyampo, 2009). Despite the fact the swearing in –ceremony took place, there was still protests and violence, as journalists from various television and radio stations were claimed to have been attacked by NPP supporters and thugs just after the outcomes finally announced (Van Gyampo, 2009).

In Guinea- Conakry the main cause of political protest and violence in the 28 September 2013 election was the threat by the Guinean opposition coalition to withdraw from the electoral process on 24th February, which was followed by an appeal to citizens to stage nationwide protests (Reuters, 29 December, 2015).

The decision was provoked first by mistrust for the election commission. The national election commission’s approval of South African Firm Waymark InfoTech in compiling a new list of registered voters for the elections was unacceptable to the opposition. The opposition argued that the firm is “open to voting fraud” as it was chosen by the ruling party and has a history of

discrepancies in not only just Guinea but also in other African elections. In September 2012, thousands of Guineans marched in Conakry in protest of Waymark Info Tech only to be dispersed by police with teargas (Blais, 2015). The case of Liberia in 2011 presidential elections also shows a situation in which distrust for electoral management and perceived rigging made Tubman to call for a boycott of the presidential run off.

Elections Management Bodies (EMB) is central to any election. EMBs have the potential to respond to election conflict, as they are tasked with administering, coordinating supervising and managing the electoral process for the purpose of choosing representative who shall govern the country through a popular democratic and legitimate mandate. Given that elections are a vehicle for the distribution of power, EMBs are subject to close scrutiny. Any perception of bias, partisanship or lack of integrity in the administration of election impacts on the outcome of elections and holds the potential for election conflicts, and post-election violence. To avoid mutual suspicion and mistrust among political actors, efficient election governance necessitates the EMB's impartiality, independence, efficiency, competency, responsiveness and integrity (Mozzafar, 2003).

Prior to enactment and signing of legislation of Kenya's constitution in 2010, the formerly commission of Kenya was technically the president's overriding objective. The electoral process was controlled by a full-time election official, who was backed by a group of public workers whose involvement with elections was on a part-time and need to be basis. The system was based on trust and virtually lacked any mechanisms for checks and balances which now characterize the electoral system. Notwithstanding the fact that Kenya's independence constitution provided for an independent electoral commission, the system for running elections remained unchanged and was largely the same as had been inherited at independence constitution that had established the electoral commission; the process for the independent

management of electoral matters has evolved over time (Hornsby, Throup, 1992; Harneit – sievers & Peters, 2008).

A momentum for the evolution of the system was provided by the re-introduction of multiparty politics in 1991, after years of one-party rule, characterized by abuses of the trust on which the simple electoral system was built. Consequently, a modification on Kenya's constitutional order happened in 1992, restoring multi-party democracy, which had been prohibited by previous amendment in 1984. The earlier amendment had made the ruling party, KANU, the sole political party in Kenya. The 1992 amendment also vested the responsibility of conducting elections in Kenya on the electoral commission, removing this responsibility from the supervisor of elections.

A subsequent refinement of the electoral process has resulted in the creation of a sophisticated bureaucracy made up of fulltime elections managers working under an electoral commission that is clothed in institutional and operational autonomy in the constitution (Sarah, 2011). With the resumption of multiparty politics in 1991, the electoral management system was found inadequate in many ways as governance tool. It was untenable owing to a deep-seated mistrust of the provincial administration from the single party days (Halakhe, 2013). Establishing an autonomous body became inevitable and led to the election amendment act, 1991. This Act established the position of supervisors of elections and reinvested all elections management powers in the electoral commission.

This act established the office of election supervisors and empowered the electoral commission with complete election management authority. The electoral commission of Kenya (ECK) as it eventually became called was initially not trusted to function impartially and competently. Since its chairman and all the ten commissioners were appointed by the president, who was both an incumbent and a contender (Halakhe, 2013)

Initially chaired by Justice ZR Chesoni, a former judge who had been retired from the judiciary on bankruptcy grounds, the commission did not enjoy much public trust through the first general elections in 1992, 1997 and 2002 that it presided over. (Hornsby, 2004). With 22 commissioners, from 1997 onwards, it was also an unwieldy public body in which the lines between board and management were often unclear. Despite the fact that it had a dubious functional independence, the ECK gradually acquired some public trust over the years between the 2002 and 2007 general elections. This was the result of among others; increased transparency in regard to election results at polling stations, from 2002 onwards, participation in the improvement of African election and democracy standards; the establishment of the political party's liaison committee as an informal mechanism for communication with key electoral stakeholders and dispute resolution. The IPPG spirit and gentleman's agreement which paved way for the eventual appointment of ten more commissioners in 1997 and 2002 by key political stakeholders rather than the president as the sole appointing authority, part of inter parties' parliamentary group (IPPG) reforms package in 1997; the outspokenness of some of its members and some bold proposals for electoral reforms though not always implemented and increasingly professional service delivery (Murithi, 2009).

Ironically public trust in the ECK was at its highest just before the 2007 general election. Matters however, came to a head in 2007, when the president single-handedly re-appointed all the commissioners (in spite of the 1997 IPPG consensus for appointment by the major political parties in the run up to that year's general election, resulting in widespread violence and a governance crisis that took the intervention of the African Union, through the panel of eminent African personalities to defuse. The unilateral action not only sowed the seeds of post-election turmoil in Kenya, but also skepticism in the democratic system administration, which Kenya has yet recover from in the subsequent elections of 2013 and 2017 (Sarah, 2011).

Following the discredited conduct of the ECK in the 2007 elections, it became necessary not only to disband and reconstitute the EMB but also to implement far reaching reforms. The post 2007 reforms gave birth to the Independence Electoral and Boundaries Commission.

The independent review commission of the 2007 elections (IREC) laid the ground for a new EMB following the 2007/2008 post-election crisis. As part of the 2008 post-election settlement agreement; IREC was assigned to investigate all facets of the polls held on December 27, 2007, with a focus on the presidential elections. In its report, IREC was withering in its findings and conclusions on the ECK, while it also criticized a diversity of other election role players including the state. In its report, the IREC was harsh in its findings and conclusions about the EC, while also criticizing a variety of other election players, including the role of the state. (IREC, 2008 Government Press). It found a number of faults with the 2007 general election and recommended a number of far-reaching reforms aimed at improving Kenya's electoral practice (IREC, 2008).

IREC determined that the ECK'S organizational credibility and public trust in the moral behavior of its commissioners and employees had been significantly and irreparably harmed by the sort of way in which the 2007 general elections were mismanaged. IREC furthermore deemed Kenya's electoral legal and constitutional framework to be ambiguous, undermining efficacy. It also discovered severe flaws in the voting registration system that jeopardizes the integrity of the 2007.

The commission stated that there were severe flaws in constituency delineation that jeopardized the validity of democratic process. The investigation discovered pervasive actual voting abuse, including rampant racketeering influence peddling, intimidation, and vote rigging, and determined that there had been deficient data collation, tallying, and transmission, and as such the democratic process failed completely due to lack of careful preparation, selection, training, public relations, and dispute settlement (Herman, 2013).

Inherently, it discovered that the process's legitimacy and trustworthiness of the outcomes had been severely harmed and were irreversibly tainted. As a result, it prescribed a variety of effective executive, legislative and political reforms to permit the reconstituted or new EMB to introduce, and sustain a national commitment to electoral honor and integrity for Kenyan citizen's franchise rights, including the compilation of a voter registration data base.

IREC also stated that the ECK lacked functional efficiency and independence and was incapable of properly discharging its mandate. As a result, it proposed that the EMB be given the authority to undertake boundary delineation, elections, and other related tasks.

Subsequently in the same year legislature approved the Kenya constitution Amendment Act No.10 of 2008, dissolving the ECK and establishing the Interim Independent Electoral Commission (IIEC) as the successor to the ECK for a two-year interim period, pending the completion of the constitution review process, with enhanced election management powers and tenure security. Strangely, in reconstituting the EMB, all former ECK staff were removed and re-deployed elsewhere in the public service, robbing the new body of critical institutional memory. The IIEC not only had fewer commissioners than its predecessors (nine compared to the previous 21), but they were also appointed through a competitive process that was tailored by engender public trust in the successor institution where the president was the sole appointing authority. The chairperson and eight commissioners were nominated from applicants following public advertisements and interviews by the parliamentary select committee on the review of the constitution and, upon approval by the national assembly, appointed by the president in consultation with the prime minister. The IIEC's functions and capabilities have also been expanded. It would be in charge of electoral reform, election management and the implementation of democratic elections.

Creating an agile and responsive administration; promoting free elections; new voter registration and the development of a new voter record; elections and referendums are

conducted and supervised efficiently; development of a modern system for the gathering, collation, transmission, and counting of electoral data, as well as the assistant of election and referendum observation, monitoring, and assessment. Promotion of voter education and democratic culture; settlement of minor electoral disputes during an election as may be provided by law; and promotion of voter education and culture of democracy; settlement of minor electoral disputes during an election as may be provided for by law; and performance of such functions as prescribed by law.

Overall, with the exception of a persistent failure to executive electoral criminal legislation, the IIEC is well –versed in administering many by-elections and effectively executing the 2010 referendum of Kenya’s draft constitutional referendum. The IEBC was established under the 2010 constitution as a new electoral authority to handle future elections.

The Act established the political parties’ liaison committee (PPLC) as a regulatory body to facilitate organized communication and engagement across political parties, the office of the registrar of political parties, and the IEBC (NDI, 2012). The responsibilities of the IEBC, as well as the skills required for such functions, are outlined in both the Kenyan constitution of 2010 and the IEBC Act.

The IEBC was established to conduct elections and referenda in Kenya. Its responsibilities include; continuous voter registration, delineation of seats and wards, and oversight of the process through which parties choose candidates for elections, resolution of electoral issues, particularly those relating to nominations, political engagement, and assistance of election surveillance, audit and assessment. It is critical that elections be conducted in a free and fair manner. It is therefore of critical importance that the institution charged with the management of elections to be above reproach.

Whereas several state organs share the blame for the anomalies that bedeviled the Kenyan electoral system; the electoral management body, IEBC and its predecessors bears the greatest responsibility for creating suspicion and mistrust among Kenyans during elections. Weak internal governance structures; insufficient electoral enforcement capacity; inadequate electoral checks and balances; authenticity of the participant's data base; and reliability of outcome counting and transmission mechanisms are the major events that create mistrust and distrust (Elkilt & Reynolds, 2002).

Electoral management bodies whatever their level of independence face challenges in updating the national voters' registers resulting in disenfranchisement of some voters. They must also deal with challenges such as constituency demarcation, monitoring of election campaigns, providing equitable access to media, enforcing rules and regulations, resolving disputes, and obtaining active engagement from parties, and stakeholders.

Compliance with political party regulations continues to present a major challenge to electoral management body in Kenya. Enforcing and policing electoral laws and party codes of conduct is daunting because political hygiene in Kenya is very low. The pre-election campaign period is characterized by tensions, uneven access to public media and suppression of plural competitive ideas because of parties zoning off areas. Continuing weakness in enforcing electoral law or lack of political will to enforce it, have raised doubts about the electoral management body's capacity to deal with law breaking by diverse electoral role players. Enforcement of nomination procedures is also somewhat hampered by overlapping mandates with other dispute resolution agencies. Further, electoral management body investigation and prosecution output from previous elections, compared to the number of allegations of malfeasance is wanting (Holmquist, 2008).

The electoral management body in Kenya (IEBC) has not been able to enforce the election campaign Act 2013 and as a result, the spending during 2013 and 2017 campaign period was

mostly unregulated as was the case during the 2007 general elections. KHRC (2014) notes that the use of significant money in election often creates an even playing field since large sums of money give certain candidates unfair advantage. Likewise, the ruling party, which may have access to state resources and corporate patronage networks, may gain undue advantage during the elections period by using state resources for campaigning. This has largely been the case in Kenya, where a successive election the ruling party / coalition has misused state resources, in addition, there have been mega corruption scandals geared towards financing elections such as the Goldenberg scandal, the Anglo-leasing scandals, Aror – Kimwarer Dam and Eurobond scandals (KHRC, 2014).

It has also been observed that elected leaders are usually more accountable to those who finance their campaign than to their constituents. This fosters corruption and also removes the focus of elected leaders from being accountable to their campaign finances (Transparency International, 2012).

Inability and failure to maintain updated national registers is a recurrent challenge facing the electoral management body every election cycle. The Electoral Management body in Kenya has been dogged by challenges in maintaining and updating a permanent and credible national register of voters. The reluctance or failure to deploy technological investment in the electoral process had raised legitimacy questions about the accuracy of outcomes and therefore the legitimacy of the political leadership in Kenya. The impression of the modalities of transmission and consolidation of results has given rise to uncertainty and undermined electoral transparency (Shilalalo, 2013).

The Ministry of Interior is in charge of immigration and registration of individuals as well as the provision of identification documents. Inability to synchronize the provision of national identity cards and voter registrations has traditionally led in the disenfranchisement of the majority of eligible voters particularly the country's youth. Bureaucratic processes and

administrative delays have been cited as some of the factors responsible for this disenfranchisement. Secondly, the perceived politicization of the issuance of national identity cards in order to deny certain groups participation in the electoral process is yet another challenge (NDI, 2012).

During the 2007 elections, both local and international observers concluded that the voter registration process had encountered a number of challenges, including missing names in the register, and black book, which resulted in the disenfranchisement of some voters (Government of Kenya, 2008). These issues created conditions for the voter registration system to be restructured. However, in spite of the recommendation by the local election observers and other bodies that called for continuous voter register and the clean-up of the voters register in good time before subsequent elections, several anomalies were still experienced in the 2013, 2017 and Kibra constituency by-elections in 2019. A case in point in the lead up to the 2013 election, the IEBC was unable to continuously register voters. Several factors account for this. The first was the decision to conduct a new voter registration to replace the register used during the 2010 constitutional referendum utilizing the Biometric Voter Registration System (BVR). This however did not start on time. According to IEBC timelines, voter registration was to start in August but the date was changed to September and later still to 18th November 2012. The reason for these successive postponements was the delay in procuring BVR kits. The commission had in the meantime terminated the tender for procurement of the BVR kits, citing irregularities and, instead, announced that it intended to use the manual registration system (KHRC, 2013).

According to the IEBC, 14,292,180 Voters were on the register for the 2013 election (52.9% men and 47.1% women). These represent a significant 82.1% of the total eligible population. In principle, this should be expected, given the fact that since 2002 the law has allowed for continuous voter registration. However, continuous voter registration did not work well in practice in the subsequent elections in the 2007, 2013 and 2017 elections. The key problem has

been that in between elections, the primary site of the election management bodies' activity has been at the district (country) headquarters. The end results have been that where district (counties) are geographically large, poorly served with roads and economically marginal, the expense of getting to the registration Centre has been prohibitive to potential voters.

Another challenge has been in practice and despite notification by the election management body the inspection campaigns have not had much impact. Few voters turn up to verify their details in the voter register if indeed they were registered. In the end, many, because of the level of literacy in some parts of the country, during polling day find that their details are missing altogether or not properly captured and end up not voting because of the registration mishaps.

Failure by the IEBC to create direct link between the registration of persons and registration of voters are serious shortcomings. These irregularities, omissions and challenges of flawed voter registration do not help build confidence in the electoral management body ability to conduct transparent, free and fair election. Often, these are viewed in terms of incumbency's "menu of manipulation" to affect electoral outcomes in their favor during the pre-election phase. (Sarah, 2011).

The argument holds that in young democracies like Kenya where democratic institutions co-exist with illiberal practices giving incumbent government and ruling party/ coalitions a significant advantage vis-à-vis their opponents (Lopez-Pintor, UNDP, 2009).

It is expected that legally independent electoral body like IEBC should help insulate electoral governance from government manipulation and play a potentially important role in leveling the playing field. This is particularly true in Kenya which only emerged from one party authoritarian regime in 1990's after a long struggle where opposition parties are distrustful and fear government manipulation of the electoral process.

The need for partisan oversight and efficiency cannot be overstated as it will eradicate suspicion and create mutual confidence in the electoral process. Inclusive and collaborative relationships, allowing political parties to jointly negotiate electoral issues, facilitate consensus building and become informal structures of mutual restraints that shape the incentive structures of major stakeholders in favor of non-violent strategies. If the opposition is given substantial influence over electoral governance, they are less likely to challenge the execution and verdict of contests through an extra-legal manner, thereby ending an escalator dynamic in which, the government frequently resorts to oppressive counter-violence.

Voter education is critical to organization of free and fair elections. The delivery of civic and voter education is still inadequate. There is no comprehensive legal framework for the participatory development and delivery of civic and electoral education. Civil society organization (CSOs) and other stakeholders participate in civic education only at the discretion of the electoral management body. As a result, a comprehensive civic society programme for civic and electoral education has not evolved.

Voting is a critical component of electoral transparency (Norris, 2013). Vote counting and declaration of results have been marred by controversy particularly where opposition parties are strong with fears of manipulation of results. In highly and closely contested constituencies, crowds have often massed around vote tallying stations waiting for results to be announced, resulting in confrontations when the police attempted to disperse them.

Electoral transparency continues to present a challenge for the Kenya electoral management body (IEBC). Transparency and accountability problems about results persist, weakening the election regulator's reputation (IEBC). When electoral process suffers from various inadequacies, including a non-transparent tallying procedure and incompetency to administer voting procedures may lend credence to suspicion that IEBC operate as an embedded institution that interact with systems in their environment. This is exemplified by the difference between

the electoral management body (IEBC) formal structures and the actual *modus operandi*. For instance, it is noted that the influence of electoral management body (IEBC) are highly contingent on the prevailing power structures among the political parties. In Kenya, for a long time except in 2002 elections and 2005 referendum, the dominant elites affiliated to ruling party easily remodeled the electoral framework to serve their own interest. These efforts may influence the incumbent's political choices; as considerable resources are invested to manipulate the electoral management body when the ruling regimes are at risks of losing power in the ballot. In 2007, the then ruling elite affiliated to the president Mwai Kibaki with their networks within IEBC institution ensured that whereas there had been no problem with the polling, the vote counting and declaration of results was manipulated to favour their principal, the incumbent president. Once they realized their candidate trailed opposition leader Raila Odinga of ODM, they ensured all technologies for voter identification and critically, electronic transmission collapsed and failed. It ensured that ECK failed to otherwise protect the security of the ballot, and also adding up, tabulating, and verifying the accuracy declared in total violation of known international management standards and protocols, as well as in disregard of the local laws in Kenya relative to aspects of "free and fair," which breaches affected both the legality and validity of the vote (De Smedt, 2009).

Failure to ensure electoral integrity was a major catalyst for post-election bloodshed in 2007, 2013 and 2017, which erupted immediately after the results of the elections were revealed. Electoral integrity as stated by (Norris, 2013) refers to international conventions and global norms, applying universally to all countries worldwide throughout the electoral cycle, including during the pre-election period, the campaigns, on polling day, and its aftermath. Norris (2013) Declaration of manipulated results in 2007, 2013 and 2017 a midst opposition leaders and their supporters expressed strong dissatisfaction with the election process, which

challenge escalated into widespread violence across the country and exacerbated due to retaliatory actions by seemingly partisan security forces.

Adequate budgetary provisions are part and parcel of electoral management success (UNDP, 2009). However, Electoral Management body in Kenya (IEBC) is constantly plagued by financial crisis and faces serious budgetary constraints. However, the Kenyan electoral administration organization (IEBC) is continually beset by financial crises and has severe economic limits. There are delays in the disbursement of funds intended for election activities, undermining plans for staff recruitment, training, and deployment, as well as equipment purchases, despite the fact financial autonomy and sovereignty of electoral management body (IEBC) is implied in the provisions of the Kenyan constitution that established it. The ministry of finance often attempts to temper their financial projections well before they would be present to the parliament for vote allocation and approval (Mueller, 2011)

Donors have continued to support critical activities and to bridge funding shortfalls in priority areas such as voter education, technical assistance and change management. Most donor contributions to elections pass through a basket fund where they pool their resources to create a project fund. Donors do not always honor their pledges in full sometimes because of recipient's inability to meet all aid conditional ties (Rotich, 2016).

The cost of elections and the proper management of finances are major issues in the electoral management body (IEBC). Costs saving measures such as using government officials and volunteers as returning officers have undermined trust in the electoral commission, thus presenting them with a dilemma between reducing costs and losing credibility. Important questions have been raised about the cost of each vote and the need to reduce the cost of elections; even as electoral management body (IEBC) seeks to acquire expensive technology solutions.

In April 2018, it emerged that former IEBC Commissioner Roselyn Akombe had written to the chair of IEBC, Mr. Wafula Chebukati from her exile base in the USA and recommended among other things fundamental changes Kenya must undertake if future elections were to be credible. Among Akombe's primary concern was the "state capture" of virtually all constitutional bodies, corruption, and misuse of state resources during campaign and the end of a political system that has seen the presidency revolve around two communities. She further proposed an independent public inquiry into the conduct of 2017 elections. The inquiry, she recommended, should audit the voters register, procurement of elections materials and the deployment of technology in the elections.

Her letter debunked the claims that Kenya has been having "a professional secretariat at the IEBC." While this time, there is little evidence that experience in election management was deployed or leveraged to provide Kenya with open and democratic genuine polls. She argued that if officials can be compromised for procurement contracts as has been evidently clear in IEBC and its predecessor then they can also be "bought" to fix elections "technology cannot replace trust, credibility and transparency,' Akombe wrote, adding," if the country decided it needs to use technology in its elections, then the commission needs to use technology, then the commission needs to move away from investing in new technology each and every election year and use existing technology, that has been used continuously by other countries." Some of Akombe's recommendations would prevent the grand corruption that marks the procurement for election materials. It is this corruption that has made Kenya's election infamous in the whole world (Akombe, 2017).

In addition to demonstrating an institutional inability to guarantee crucial aspects of electoral management, poor procurement of materials and supplies for election-related items during elections may, when coupled and compounded with technical issues, become crucial and key in

influencing the perceptions and behaviour of the opposition parties and their supporters to ultimately reject the elections' results and carry a particularly high risk of escalation.

According to Mozzafar (2003), electoral management organisations may be crucial in reconciling this conflict since they can establish the groundwork for fair and competitive elections. Election governance is essential to ensuring the procedural security required to maintain democracy as a system of "organised uncertainty." Due to their organisational and political disadvantage compared to the incumbent, the opposition, in particular, places a great value on a transparent and credible electoral governance. According to Birch (2008), institutional incapacity to carry out electoral administration in a satisfactory manner can coexist with mistrust in the government's ability to conduct fair elections, particularly in a setting of general resource shortage. According to Birch (2008), an electoral administration body must be a formally autonomous, independent organisation that is free from the influence of political forces, particularly the government.

The likelihood of holding credible elections and ensuring a degree of legitimacy that precludes electoral disputes increases the farther the commission is shielded from political pressure (Birch, 2008). Procurement of election related materials and supplies in Kenya has been characterized by delays, inadequate and uncertain budgetary provisions or outright withholding of funds by the treasury, last minute purchase and deliveries of critical equipment and devices giving little time for commissioning and practical training in usage of the procured equipment. These delays can be seen as an attempt by the incumbent regime to maneuver and manipulate the electoral process, which is likely to breed suspicion and create a lack of confidence and uncertainty in the electoral management body, its processes and procedures as to its credibility, thereby impinging on the opposition's ability to win elections and driving the country down the

path of election mayhem. The IEBC's weak authority, which is further undermined by the current administration and its predecessors, who have consistently obstructed the commission's constitutional autonomy by withholding government budgetary regulations, is clearly at the root of this same negative development regarding electoral equality in Kenya.

Furthermore, the Jubilee Coalition's informal networks within it ensured the ruling party would continue to have power in the IEBC. As a result, the IEBC suffered from partisan voting and dissent in its upper ranks due to its composition, and by 2017, it acted as a backdoor for governmental influence. The commission's ability to conduct elections that could be seen as genuine by all parties was being compromised more and more by this vulnerability to manipulation (Dagne, 2010).

Conflicts are a natural part of competitive democratic elections. Therefore, electoral conflicts create a unique issue. While it is required that election disputes be brought before a court, the institutions in charge of such litigation are still unknown, and neither the general public nor political actors are familiar with the procedures for such litigation. Although the Kenyan Constitution contains the most extensive rules of procedure for electoral litigation, it has been determined that the time constraint makes it difficult to gather evidence and obtain a judgement that will satisfy the parties and the populace as a matter of public interest.

The Supreme Court must receive a petition seven days after the results of the presidential election are announced, and the judges must render a judgement within 14 days, according to the constitution. Although this deadline was met in Kenya's contested presidential elections in 2013 and 2017, the opposing parties felt it was too short to allow for a thorough investigation of the pertinent problems. The Kenyan Constitution gives petitioners 28 days after the results are published to file for the other election petitions.

Beyond legal undertaking of IEBC in resolving disputes, an IEBC disputes resolution has not been always satisfactory to the stakeholders. IEBC in making resolution to disputes has been viewed with distrust, fear, disdain and suspicion that they are acting under manipulation by the incumbent government. This fear and lack of confidence comes about because IEBC lacked transparency, openness in processes and accountability, by for instance locking out key stakeholders in its dealings and activities (KHRC 2014; & ELOG, 2013).

The IEBC should enhance dispute resolution, promote inclusive and cooperative relationships that enable political parties to negotiate electoral issues in concert, facilitate consensus building, and develop into unofficial mutual restraint structures that shape the incentives of key stakeholders in favour of non-adversarial and non-violent tactics.

A lot of suspicion of manipulation and underhand deals by IEBC can be wiped out from the thinking of opposition parties and their supporters if IEBC granted opposition meaningful influence over electoral governance, they are less likely to challenge the conduct of elections and its outcomes through an extra-legal manner thereby halting an escalatory dynamic wherein governments often deploy repressive counter violence.

The incentives and refrain from extra legal means on the part of opposition can be realized when they are facilitated to have influence over IEBC especially in regard to heavily disputed and contested electoral governance matters. Giving them influence will generate legitimacy for the electoral process as IEBC would have provided them a structure through which frustration could be channeled without risking an escalation of violence. The importance of electoral governance in averting destructive election disputes rather than the law relating of the electoral commission, impacts the prevalence of violent conflict (Dagne, 2010).

For the IEBC to conduct proper credible, free, and fair elections, the results of which are not challenged by opposition parties, there are opportunities for reform, re-invigoration, and

enhancement of democratic strategy execution. Elections are crucial in determining the political future of the nation because they provide the political leadership legitimacy and serve as a peaceful means of settling conflict and disagreements.

Since issues relating to impartiality and independence, efficiency, professionalism, and transparency are crucial in the context of suspicion and mistrust that characterises highly contested elections, the choice of electoral administration may have an impact on electoral violence (Hoglund, 2009). Election management thus has a crucial role in determining development and governance agendas and outcomes. To give individuals a larger say in how the government is governed, the institutions charged with administering elections have come under close examination, surveillance, and change.

To encourage public participation in the democratic system and the smooth operation of the elections executive committee of the IEBC, a large amount of reformation of policy-making organisations is still required. There are still opportunities and room for legal and operational reforms in crucial areas like voter registration, the voter register, the commission's efficiency, improving the management of election results, the introduction of verifiable election management technology, civic and voter education, the resolution of disputes, and the improvement of regional and stakeholder engagement.

Elklit and Reynolds (2002) claim that one of the biggest difficulties in any African election has been election management. This is because partisan interests are present in the institutions in charge of overseeing elections. They struggle to conduct a free and fair election as a result. Even though the institution has observers, the elections in Kenya are still rigged since no one can be trusted to speak out for the system as a whole.

Lynch (2008) claims that one of the most probable causes of unfair elections is influence from the candidate with the most support. This is due to the possibility that the current president

could request that, despite losing, he or she be declared the victor. This demonstrates the degree of authoritarianism that African presidents exercise over the election system. The current presidents find it challenging to agree to step down without inciting political unrest. Despite Kenya's constitution requiring all presidents to serve a maximum of two terms, some nonetheless feel the need to overstay their welcome.

Lack of constitutional powers that protect the electoral institutions: The electoral institutions should at all times be independent. This will help them during political season. The members are always from different communities and most of the times they tend to favor their community's men making the elections not to be free and fair. The other challenge they face is the voting systems. Most of these systems usually fail during the transmission process making them vulnerable. They sometimes have to switch to the manual voting system because of the failed systems. The government could always make sure that the systems are functional before embarking on any national voting process (Lynch, 2008).

According to Lonsdale (1994), a majority of the political issues that Kenya is currently facing began even before the country gained its independence in 1963. Kenya's politics were established on ethnicity, with the majority (in terms of population) opposed against the minority communities (Lonsdale, 1994). The majority of Kenya's leading political parties were designed on the basis of community rather than ideals (Anderson, 2002). For example, during Kenya's transition from a colonial to democratic state, the two biggest nationalist parties were its Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU). The existing political parties were formed based on tribal dominance (Materu, 2014). At the time, the Gikuyu and the Luo were the two largest communities and they joined forces to form a political party (KANU) that will help its leaders push their ideologies i.e. having a Centralist Government (Anderson, 2002). However, leaders from other communities mainly the Coastal people, the Kalenjin and a majority of the Luhya sub-communities were fearful of

the dominance of the Gikuyu and Luo and wanted Kenya to have a federal government- six autonomous region (therefore formed KADU).

A political alliance based on political interests and tribal domination, however, is weak and prone to dissolution when one side of the unit gains an advantage (such as the presidency). The partnership between Jaramogi Oginga and Jomo Kenyatta in politics lasted until 1966, when Oginga quit as Kenya's first vice-president and started the Kenya Peoples Union (KPU) (Anderson, 2005). A comparable political coalition, the National Rainbow Coalition (NARC), comprised of the Liberal Democratic Party and the National Alliance Party of Kenya, was established in 2002 to compete effectively with the KANU, which had dominated the nation since independence. The outcome was a landslide victory for Mwai Kibaki, the NARC presidential candidate, over Uhuru Kenyatta, the KANU presidential candidate (Dagne, 2010). It is also crucial to note that even the current political coalition Jubilee—which was created through the union of The National Alliance and United Republican Party—is experiencing divisions among its leaders about who will follow Uhuru Kenyatta as their nominee for president in the 2022 elections.

This is an indication that these political alliances are formed through selfish interests and therefore it is the reason why they collapse easily (Dagne, 2010).

The roots of ethnic cleansing were also planted prior to the independence of Kenya. In January 1962 at Lancaster House in London, William Murgor, one of the leaders of the Kalenjin stated that if Kikuyus are resettled in the Rift Valley, they would forcefully eject them (Hornsby & Throup, 1992). He added that they belong to the Central province and therefore should not be allowed to own land in the Rift valley through resettlement initiatives. These sentiments were brought about after President Jomo Kenyatta proposed that the former Mau Mau and landless

members from the Kikuyu community be resettled in lands that had been vacated by the departing white settlers (Hornsby & Throup, 1992). It is the genesis of a majority of the land issues that exist to this day in the Rift valley region mainly between the members of the Kalenjin, Masai and Kikuyu communities.

Tribal violence, destruction of property and police shootings especially targeting the Luo community were triggered by the assassinations of key Luo leaders. On July 5th 1969, Tom Mboya was shot dead by Nahashon Njenga. This led to protests being witnessed mainly in Kisumu and Homabay (Berman, 1992). In addition, earlier on in January 1969, Argwings Kodhek had died from a mysterious road accident in Nairobi. Other key leaders that have been killed mysteriously are Pio Gama Pinto, John Mwangi Kariuki and Robert Ouko. However, the genesis of election violence in Kenya was in 1969 (Berman, 1992).

As the country was preparing for the showdown between KANU led by Jomo Kenyatta and KPU led by Oginga Odinga, the president traveled to Kisumu for the official opening of the Nyanza Provincial Hospital (Gerhart, 1975). There was a clash between the members of the public and security forces that led to the death of 11 people (who died from police shots) (Berman, 1992). It is alleged that there was tension because of the deaths of Kodhek and Mboya and it was culminated by Kenyatta's criticism of Jaramogi Odinga, which led to the clash. That year's election took place without Jaramogi and the KPU members as they were banned and a majority of their members detained by the state without being subjected to a trial.

After the death of President Jomo Kenyatta and the succession of Daniel Arap Moi the country experienced a short period of political rapprochement and reconciliation. The political detainees were released, and the president even visited Nyanza province as an act of goodwill (Berman, 1992). However, the new president maintained some of the old practices that had been conducted by Jomo Kenyatta's regime such as denying the members of the KPU group from participating in the 1979 elections. After a failed coup attempt in 1982, Moi began ruling

the country with an iron fist. For instance, the country used the single-party system and KANU's political opponents were detained and tortured in the Nyayo House.

Kenya has had post-election unrest in all of its general elections (excluding the 2002 general elections). This is despite implementing most of the recommendations provided by international and local observers after every election process. This paper examines how the country's electoral failure has contributed to post election unrest in Kenya (Dercon & Gutierrez-Romeo, 2012). The main factor that has resulted in violence after general elections in the country has been due to a weak electoral system. A majority of citizens have little or no trust in the oversight procedures designed to assure a democratic election process in the country (Drummond, 2015). This is crucial to note that post- election violence is caused by the following factors: a poor electoral system, the strength of democracy in a country; the main output of major ethnicity or coalition of both the different ethnic groups about power and economic inequality in a country (Solderstrom, 2019). All these four factors are existing in the country, and therefore to prevent future post-election violence, some if not all of these factors have to be resolved (USAID, 2010).

The reason why there are no free and fair election processes in a majority of African countries such as Kenya is that; the formal electoral rules are controlled by informal institutions, which increase the stakes of the election. In these countries, politics is dominated by patron-client relationships whereby the political candidates reward their supporters with cash, access to jobs, land, economic empowerment, and infrastructure development (Finkel & Horowitz, 2010). This means that political power results in economic benefits for the politicians, their families, and ethnic kin. There is the need to increase the independence of the IEBC, and reduce the power of the politicians in young democracies. They (the politicians) have a lot to gain or lose depending on whether they win or lose an election process.

Young democracies with a history of post-election violence include Kenya, Nigeria, the Ivory Coast, Uganda, and Zimbabwe. But most African nations, including Namibia and Benin, hold their elections peacefully. This study showed how the danger of election-related violence can rise depending on the electoral system. For instance, some nations employ a "First Past the Post" system to choose their presidents (Gutierrez-Romeo & Le Bas, 2016). This is a form of majoritarian electoral system in which the voters elect their preferred leaders among the individual politicians. In the United States, a candidate is proclaimed the winner if he or she receives the most votes in a certain constituency. There is also proportional representation electoral system (Sinnot & Fazzel, 2017). A preferential voting electoral system is also in use. The voters are presented with a list of candidates from the existing political parties. The parties will gain seats in parliament based on the number of their candidates who will win elections in the stipulated regions.

A majority of the African countries use a majority-win system to determine the winners of elections, and this system is highly likely to result in violence than in countries that have implemented proportional systems. Why is this case? In majority systems, they induce a winner-takes-it-all dynamic (Hoglund, 2009). The reason as to why these leads to violence in African countries, and the same is not experienced in developed countries such as the US is that their democratic institutions such as the electoral governing body, and judiciary are not fully independent. The existence of formal electoral institutions helps in guiding the political behavior and electoral dynamics (Sarah, 2011). The danger of electoral failure is insufficient to inspire any use of aggression in countries with well-established democratic institutions. Such societies accepted the mechanisms of democracy, politicians respect the election results even when it makes them feel unhappy, and therefore a country's democracy is self-enforcing (Mueller, 2011).

The existence of formal electoral institutions helps in guiding the political behavior and electoral dynamics (UNDP, 2009). The danger of electoral failure is insufficient to inspire the use of aggression in countries with well-established democratic institutions. Such societies accepted the mechanisms of democracy, politicians respect the election results even when it makes them feel unhappy, and therefore a country's democracy is self-enforcing. Horowitz (1993) believes that implementing an electoral system that cannot be easily manipulated is the greatest place to kick start addressing post-election brutality.

This will lead to the elections process being conducted in a free and fair process. It is also important to point out that most of the ethnic coalitions are centered on power greediness by a few of the politicians from the main ethnic communities in the country. Therefore, there is the need to reduce the influence of tribalism during elections. It will contribute to fewer incidences of violence as voters will use the manifesto of leaders instead of their surnames to elect a leader. The country should place a high focus on political debates as they provide the citizens with the opportunity to assess and determine the leadership capability of the political contestants in different positions (Mozaffar, 2003).

2.3.4 Knowledge gap on Challenges and Opportunities faced by Electoral Management Bodies

Electoral management bodies are seen to play a crucial role in ensuring free, fair, and transparent elections. However, they face various challenges and opportunities in the discharge of their duties. Understanding these challenges and opportunities is essential to strengthen democratic processes and improve electoral management (UNDP, 2009). One significant challenge faced by EMBs is ensuring the integrity of the electoral process. They must combat voter fraud, electoral manipulation, and other irregularities that threaten the fairness and legitimacy of elections (Wall & Idea, 2006). This necessitates implementing robust voter identification systems, securing the electoral infrastructure, and conducting effective voter

education campaigns. EMBs often encounter logistical challenges in organizing elections. This includes voter registration, ballot production, polling station setup, and the recruitment and training of election officials. Overcoming these challenges requires meticulous planning, adequate resources, and efficient coordination among different stakeholders involved in the electoral process. EMBs must navigate the complexities of political and legal frameworks. They need to interpret and apply electoral laws impartially, ensure compliance with campaign finance regulations, and address disputes and grievances arising during the electoral cycle. Balancing the interests of diverse political parties and maintaining public trust in the process can be demanding tasks (Fombad, 2016).

Despite the challenges, EMBs also have opportunities to enhance their effectiveness and promote democratic values. One such opportunity lies in embracing technology. Leveraging digital solutions can improve voter registration, facilitate secure and efficient voting processes, and enhance the transparency and accessibility of electoral information. Utilizing electronic result transmission systems can expedite the declaration of results, minimizing post-election tensions (Heger, 2015). Additionally, EMBs can seize the opportunity to engage and involve civil society organizations, domestic and international observers, and citizen election monitoring groups. Collaborating with these stakeholders enhances transparency, accountability, and public trust in the electoral process. It fosters a sense of ownership among citizens and encourages their active participation in shaping democratic outcomes. Furthermore, EMBs can benefit from sharing best practices and experiences with their counterparts from other countries (Gutierrez-Romero & LeBas, 2016). International cooperation and peer learning platforms enable the exchange of knowledge, capacity building, and the adoption of innovative approaches. This helps EMBs to adapt to evolving electoral challenges, strengthen their institutional capacities, and implement reforms that improve electoral management (Gaulme, 2010).

The challenges faced by EMBs in ensuring free and fair elections are significant but not insurmountable. By addressing issues related to integrity, logistics, and legal frameworks, while also leveraging opportunities offered by technology, collaboration, and knowledge sharing, EMBs can enhance their effectiveness and contribute to the consolidation of democratic processes. It is crucial to recognize the importance of strengthening electoral management bodies to uphold the principles of democracy, promote political stability, and safeguard the rights of citizens (Kakuba, 2016; & Mensah, 2014).

2.4 Conceptual Framework

Theoretical framework provides a theoretical perspective and underpinnings of the research study based on existing research theories that helps researchers to contextualize their work, make connections to existing knowledge, and contribute to theory building. The theoretical framework is useful as it provides a theory-driven approach to the current study. It gives the study a well-defined and proven basis of argument. In this study, the theoretical framework addresses variables that demonstrate the impact of electoral management system malpractices and electoral bodies' failure to execute open, competitive, and legitimate elections, as well as their impact on post-election unrest in particularly post-colonial Kenya. The study used three existing theories to explain the relationship between the variables of the electoral management system and post-election conflict in Kenya. The foundation existing research theories on which this study was based are: The Consociationalism Theory, voting theory and rationale choice theory.

2.4.1 Consociationalism Theory

Arend Lijphart, a political scientist, first discussed consociationalism in academic terms in 1963. Consociationalism is the ability of a nation to sustain a stable democratic government while having a sharply divided populace. To do this, the nation creates a framework for power

sharing made up of the elites or top-ranking members of the existing and significant social groups (Saurugger, 2016). This theory investigates techniques for rapprochement based on the division of society along racial or religious lines. It emphasises maintaining a stable administration, preserving any type of power-sharing arrangements, maintaining democracy in a country, and preventing conflict and violence (Nagle, 2016).

A country that is thought to have internal divides along racial, religious, or even linguistic lines is referred to as a consociation state. Although there are divisions, none of the ethnic or religious groups can come together to constitute a majority on their own, despite the fact that these divisions do exist (Bogaards, 2000). These nations are able to maintain a stable state as a result of consultations between the social group elites. Arend Lijphart (1997) asserts that one important component in determining whether democracies succeed in establishing a state of democracy is the role social elites play in terms of their collaboration and agreements.

The following characteristics of a consociation democracy are listed by Lijphart (1997). Coalition cabinets derive from the fact that the dominant government in these nations is constituted through a coalition. Since the executive power is divided among the parties, most of these cabinets are enormous. The fact that the executive and legislative branches of government have equal power is another feature. It is also significant to highlight that it has a decentralised federal government in which minorities (whether racial or religious) have a high degree of autonomy in the formation of laws that impact their constituents (Bogaards, 2014). Additionally, there is proportional representation, which provides a sense of representation for minorities.

These states' constitutions are said to be strict, which means that the ruling government cannot change them without the approval of the minorities. There are also aspects of direct democracy, and different groups have the power to pass or thwart legislation. It has a head of state that is considered neutral because he or she is either a monarch with ceremonial responsibilities or an indirectly elected president who is obligated to renounce their political affiliations after winning this position. Furthermore, in the event of a referendum, minority advocate for and exploit it to provide them the necessary ability to thwart laws that would negatively impact them. Additionally, there is parity between cabinet members and an independent central bank in that professionals, not politicians, will determine monetary policy.

The benefit of this theory is that all existing groups, even minorities, are represented on the political and economic platforms in a consociation state. Supporters of this theory believe that it can be a practical strategy for dealing with any kind of conflict in communities that are sharply divided. In democratic states like South Africa after Apartheid, the use of this principle has been seen to ensure effective and non-violent transitions.

Consociationalism is particularly dependent on a PR electoral system, according to Lijphart (1977), in order to produce a broadly representative legislature upon which the other principles of minority protection can be established. Lijphart (1990) makes it plain that he prefers party list forms of PR over STV, and by extension, open-list PR systems and mixed systems that allow voters to cast multiple ballots. STV may be superior for reasonably homogeneous societies, he said in a discussion of the proposals for South Africa, but "for plural societies list PR is clearly the better method" because it: (1) allows for larger districts, increasing

proportionality; (2) is less susceptible to gerrymandering; and (3) is less complicated (than STV) for voters and vote counters, making it less suspect.

The majority of the best arguments in favour of PR come from how the system avoids the odd outcomes of plurality-majority systems and makes it possible to have a more representative legislature. The presence of all key groups in the parliament can be a near-essential requirement for democratic consolidation in many new democracies, especially those that deal with severe societal differences. It can have disastrous effects if minorities and majorities are not given a voice in these developing political systems.

Recent transitional elections in Chile (1989), Namibia (1989), Nicaragua (1990), Cambodia (1993), South Africa (1994), Mozambique (1994), and Bosnia (1996) all utilised a type of regional or national list PR for their founding elections. Some academics have noted that the decision to opt for a proportional rather than a majoritarian system was a crucial factor in these countries' successful transitions to democracy (Lijphart, 1990; & Reynolds, 1995). PR has been viewed as a key component of developing an inclusive and legitimate post-authoritarian government because it fairly represents all relevant political parties in the new legislature, regardless of the size or distribution of their support base.

List PR systems are generally criticised for failing to establish any connection between a member and his or her constituency, which reduces "geographic accountability" between the

two. However, there are further criticisms of list PR in split societies that focus on the simplicity with which ethnic leaders might be chosen solely by members of their own community, thus reproducing social differences in the legislature (rather than eradicating them). An excellent illustration of how proportionality alone will not promote accommodation is the list PR experience in Post-Dayton Bosnia. Communities in Bosnia are governed in proportion to their total population, but because partners may rely exclusively on the votes of their own group to win elections, there is little incentive for them to be tolerant of ethnic differences. Major parties in Bosnia have every reason to emphasise ethnic issues and sectarian appeals since doing so is a simple way to mobilise support. Each of the major nationalist parties in Bosnia's 1996 elections attracted nearly entirely support from members of their own ethnic group, making the vote essentially an ethnic census (Reynolds & the National Research Council, 1999).

Consociationalism's core tenet emphasises the need for autonomy for cultural minorities in their own sphere, even while decisions affecting shared interests are made jointly. Since this calls for a precise definition of groups and group rights, Consociationalism has come under fire for its potential to exacerbate rather than heal divisions. Indeed, consociational democracy, at least initially, has the tendency to make plural societies more thoroughly plural, according to Lijphart's (1990) argument. Its strategy is to recognise segmental cleavages clearly and use them as constructive components of a stable democracy rather than to abolish or weaken them.

Consociationalism is probably best seen as a stop-gap measure, the lesser of two evils which keeps the lid on the pressure cooker of a divided society that is about to blow and perhaps manages to turn down the heat just a little. Perhaps the most powerful criticism is that, by entrenching segments and defining all politics in those divisive terms, one actually postpones or even obstructs the breakdown of segmental barriers. Indeed, some of the favorable conditions that (Lijphart, 1990) quotes for Consociationalism seem to guard against it withering away. The

way in which power sharing requires geographically concentrated groups who have autonomy, not only in regional affairs, may ultimately increase the segmental divides. The tension remains: How does one recognize segmental groups, while at the same time attempt to diminish their importance? An even greater danger exists of imposing ethnically aware consociational structures on societies where political segments are not clearly or primarily defined along the lines of ethnicity (Nagle, 2016) argues that in some cases, “the depth of segmental cleavages frequently follows rather than precedes consociational arrangements, thus creating instead of solving problems of pluralism” (Nagle, 2016).

The great value of Consociationalism is that it offers powerful conflict-resolving solutions to those divided societies which show no hope of generating such inter-ethnic political accommodation. It is the solution when all else fails. Nevertheless, if consociational structures are entrenched in plural societies which do show potential for the withering away of ethnic voting, then the very institutions designed to alleviate tensions may merely entrench the perception that all politics must be ethnic politics. Consociationalism provides few incentives for political entrepreneurs to appeal for support beyond their own ethnic bases.

However, the Consociationalism rests on several key assumptions that may not always be viable in divided societies. The most important of these is the assumption that ethnic leaders will be more moderate on key sectarian issues than their supporters. While this may hold true in some cases, it appears to be untrue as a generalized proposition about the relationship between ethnic elites and policy positions on ethnic issues. This is mitigated by the voting theory. Finally, to address violence frequently arising in the country from inconclusive to disputed elections can be ameliorated by adopting consociationalism theory advocated by (i) phart (1969) as a means of establishing a stable country. To achieve this, the country develops a power sharing framework comprising elites or leaders of the existing and major social groups (saurugger, 2016). This theory explores reconciliation strategies based on societal

fragmentation developed along ethnic and or religious lines. It focuses on government stability, survival of any form of power arrangements, survival of democracy in a nation and avoidance of conflict and violence (Nagle, 2016)

The Consociationalism Theory is relevant to the first research objective as it helps to analyze the essence of Kenya's electoral management system. This theory emphasizes power-sharing arrangements and inclusion of various ethnic, religious, or social groups in the political decision-making process. In the context of Kenya, understanding how the electoral management system has incorporated or excluded different groups can shed light on its influence on post-election violence. The theory can help identify whether power-sharing mechanisms have effectively addressed grievances and conflicts or exacerbated tensions leading to violence.

2.4.2 Voting Theory

Some of the earliest known work in voting theory was traced by Norris (2013). This theory proposes a new approach in terms of the way the electorate elects their leaders. Conflict arises because people feel that there were unscrupulous methods that were used to ensure their preferred leader did not win an election. However, in this theory, it begs the question, what if there is an effective system that guarantees the same winner even when factors such as 'a spoiler candidate,' exist. The electorates are sure that the leader elected is the preferred choice by a majority of the citizens and therefore reduces the chances of conflict.

The voting theory begins by identifying the problem with the existing electoral processes. In a majority of the democratic states, the most common voting system used to elect politicians is the plurality voting (Nurmi, 2010). The registered voters are required to choose one candidate for the different elective spots during an election. The winner is the candidate who gets the most votes in comparison with the others for a specific seat (i.e. presidential, legislative and even

municipal). There are identified shortcomings of using plurality voting. The main drawback of this system is the use of a 'spoiler' during the elections. A spoiler is a candidate who is aware that he or she stands little or no chance of capturing a seat but participates in an election to reduce the chances of another politician who they share popularity in a certain stronghold. For instance, in the 2000 US elections it has been speculated that Ralph Nader played the role of a spoiler and cost Al Gore the presidency seat. Voters have to make a judgmental call and select a candidate to support in an election. Candidates from similar backgrounds (share strongholds) or have similar ideologies may end up splitting votes and therefore losing to a less popular alternative.

To address this problem, elections can be designed in a manner that allows voters to be able to support more than one candidate through the provision of a list of who they are supporting in a preferential order list (Nurmi, 2018). As was stated before, in plurality voting, the voters are only allowed to select one candidate and the one with the most votes will win, and as has been shown this may mean an alternative candidate because of two similar candidates (same ideologies and strongholds) competing against each other.

There are democratic states that have realized the impact of a spoiler candidate and have therefore introduced a run-off in the event that no single candidate achieves a specific threshold (in most countries, it is more than 50%). The losers are eliminated and the two top candidates are allowed to compete. However, this may lead to the most suitable candidate still being eliminated in a tightly contested election if he or she fails to either be the top or second-best candidate. To resolve such issues, there is the need to develop a correct voting system.

The theory proposes to use the Condorcet method in an election. This is a voting system that ensures that there will be the same winner in any election, even if the non-winners participate or fail to participate in an election process (Nurmi, 2018). The voters are provided with the opportunity to list their preferred candidate and this is taken into consideration to determine the

winner. It is important to note that even though, the winner may not be the one who received the majority number of votes in an election, he or she ranks highly among the voters (i.e. he or she was their first or second choice). It helps to reduce the probability of conflict in a democratic state.

Nurmi, (2018) notes that one of the advantages of using voting theory is that each person is given his or her constitutional right. When majority of the people vote they can be able to determine the real winner. In most cases, the preferred candidate by many is always the right candidate. In Kenya their many communities and this prompts them to vote along tribal lines. So, the candidate who will be able to suite most of the communities would become the winner. The theory begins by looking at the electoral flaws. This ensures that the elections are free and fair.

Saari (2003) noted that the disadvantage of this theory is that when two majority communities form a coalition party, they can oppress the minority. This situation is not good for a country like Kenya because some communities can rule for a long time. This is clear since Kenya has had presidents from only two communities, the Kalenjin's and the Kikuyu. As a result, the voting theory should have established a system that assists fledgling nations such as Kenya in having leaders from all areas in a platform to fight for their rights.

Miller (1977) and others proposed another model, arguing that voting is not simply a matter of personal choice, but that voters must consider the consequences of their vote as well as the range of possibilities available to themselves. In the way, the different levels of party supporting general elections (as compared to by-elections, regional parliament elections like EU or local elections) can be explained. The model suggests the following:

First, voting behavior can be affected by the voters' view of the nature of the election (general elections perhaps seen as more important). Second, it can also be affected by the electoral

process used (different behavior in FPTP and proportional representation). Third, Voters are more likely to vote in general elections as they do not see the value (or may have a low opinion) of local government. Fourth, if the situation dictates, people may cast a protest or tactical vote. Lastly, the voting context can also be influenced by the prevailing views on key contemporary issues. Voters may decide that in the context of a particular election they feel more or less inclined to support a party, according to their views on how to deal with a specific issue.

In conclusion, the voting theory which addresses election violence incorporates factors such as formation of political party. Political parties should have at least more than three ethnic groups to avoid any further political divisions. In the current system of Governance When a person loses a seat, he or she is not given a defined position such as the opposition leader. This makes the communities left out to start violence.

Finally, this finding agree with voting theory (Norris,2013) which addresses electoral management system flaws that permits tyranny of majority area minority communities; which in Kenya translate into Voting along tribal lines and that is why in Kenya since independence, only two communities, the Kalenjin and the Kikuyu have had presidency in Kenya. Voting theory can help address the winner take-it-all electoral management system which raises stakes of our election and make it prone to post-election Violence.

Voting theory is pertinent to exploring the causes and consequences of post-election violence in Kenya since 1963. By analyzing voting patterns, preferences, and electoral behavior, this theory can uncover factors that contribute to electoral violence. For instance, it can highlight how ethnic-based voting and polarized voting behavior might have fueled violence in past elections. Additionally, examining how voting patterns have changed over time can offer insights into the consequences of such violence, such as eroding trust in the electoral process, increased polarization, and the potential for recurring violence.

2.4.3 Rational Choice Theory

Cesare Beccaria's work, which was published in the late 18th century, gave rise to the rational choice theory. Since then, the theory has been developed and broadened to take into account additional viewpoints, including deterrence, aggression, and routine activity theory. According to the rational choice theory, each person has a rational side that is able to make consistent decisions (Downs 1957). In the theory's core, rational actors are assumed to make decisions that will maximise their utility.

According to the hypothesis, most voters, particularly in newly democratic states, do not have close relationships to the political parties that are now active in those nations (Blais et al., 2015). Politicians view this as "up for grabs" because they are frequently unaligned. Supporters must make a decision regarding which candidate to support based on particular evaluations (Blais et al., 2015). Their voting tendencies are influenced by a party's track record, election platform, prominent party members, and party leaders. The idea that will benefit them and their families, even if it is at the expense of the other groups, seems to guide their judgements (especially if the other groups are various ethnic or religious groupings in a country).

At various points in time and throughout various elections, people's perspectives on the current concerns vary. For instance, young parents may consider topics like education and child health care while the elderly may feel that the pension issue is a significant consideration. As a result, politicians will develop various manifestos or ideologies that they believe would appeal to particular demographics and help them win elections (Blais et al., 2015). The following criteria must be met for a topic to be deemed important by voters. This issue needs to be known to the people. Additionally, it is essential that voters have an opinion on the current problem. Another

prerequisite is that voters must be able to distinguish different parties' positions on the subject, and thirdly, they must be able to turn their preference into action by choosing a party whose viewpoints are similar to their own (Blais et al., 2015).

Additionally, voters must have a position on the present issue. Voters must also be able to put their desires into action by choosing a party whose viewpoints are similar to their own on a certain issue (Blais et al., 2015). This theory, according to Downs (1957), could be helpful in addressing post-election violence. People may not like a political party's platform. The elderly would also be educated on the benefits of voting rather than doing so based on their ethnicity or tribal affiliation. This notion is crucial in a nation like Kenya where politicians rely on disinformation to win over their opponents. Instead of stating what they believe would have benefited the nation, they can just label a particular neighbourhood as bad.

According to Blais et al. (2015), this notion might not hold true in a new country like Kenya. There is not enough voter education to inform the general public of the significance of electing a visionary leader. The focus of the electoral process is on the citizens of our community (Blais et al., 2015). Kenyans of all educational levels are tribal. The elderly cannot be taught the value of a united nation and peaceful elections.

In reality, the rational choice theory is an economic model used to support improved government and advancement. This idea holds that voting is a technique for a voter to maximise the influence of their vote in order to further their own self-interest. According to this argument, voters are like savvy consumers who pick the party with the best selection of policy offerings. The decision is frequently influenced by the party's track record and the traits of the party leader. Rational choice is a theory developed by Anthony Downs in 1957. He describes political parties as "vote maximizers," trying to pin down key voter preferences before

moulding their platforms to suit the needs of the voters. He believes that voters act in a way that maximises their interests; they seek a party's combination of policies that most closely match their own unique demands. Downs rejects the idea that socioeconomic class or political affiliations have any impact on voters' decisions, asserting that everyone is only interested in their own interests.

Theorists like Downs have been criticised for ignoring social influence, including those of class, family, ethnicity, and religion, according to Norris (2014). Additionally, they contend that it is reasonable to expect that many voters have already decided how they will cast their ballots before the parties make their platforms known. Additionally, as parties cannot potentially please everyone, the policies may be focused on what is best for society as a whole rather than a particular group of voters. The idea also assumes that voters take the time to research the options and then make an informed selection.

Finally, if voter education is used to stop violence after elections, the hypothesis may be very significant. The current political polarisation in Kenya, however, would prevent rational choice from being effective in any way because most people would continue to practise politics that are divisive on the basis of ethnic and regional animosity. Finally Rational choice is applicable in the Kenyan situation in so far as empowering ionizers to register and vote in elections based on informed choice, informed decision and knowledge of the vision, policies, programs and ideas of the party and its candidates rather than resorting to ethnicity during elections as her been the case in Kenya over the years. It leads that political mobilization is based on poverty ideology, manifesto and programs not ethnicity and social clearages.

Rationale choice theory is applicable in assessing the challenges and opportunities faced by Kenya's electoral management system in achieving electoral peace. This theory assumes that individuals act rationally to maximize their interests, and it can help identify the incentives and disincentives that stakeholders face in relation to election processes and outcomes.

Understanding the rational calculations made by political actors, voters, and other stakeholders can reveal potential challenges in maintaining peace during elections. For example, it can shed light on whether political elites perceive violence as a strategic tool for achieving their goals or whether electoral violence is driven by underlying grievances and frustrations among certain groups. It can also highlight opportunities for creating institutional reforms or implementing strategies that incentivize peaceful and inclusive electoral processes.

2.5 Conceptual Model

The conceptual framework provides a visual representation of the expected relationships and connections between various variables used in this research study: Electoral management system and post-election violence in Kenya. In other words, it typically visualizes how the researcher has viewed and organized the variables of this study namely electoral management system and post electoral violence, and how the researcher has structured foundation for understanding and analyzing complex phenomena. A conceptual framework helps to organize and guide the research or analysis process by outlining the key concepts, relationships, and assumptions that underpin the study. It helps to establish a coherent framework that integrates different aspects and variables, allowing researchers to examine the topic from multiple angles and perspectives. The conceptual framework is useful as it defines the relevant variables in the study and maps out how they relate to each other. It defines the causal relationships and pathways that the research study found out based on the understanding of both the theoretical literature and the existing research and was used to develop research questions in the study. The conceptual framework also model takes into account the relationship between the variables using different shapes of boxes, lines and arrows to visualize the connections and relationships between the different variables in the study. In this study, there are four variables that the researcher identified for this research: electoral management system (independent variable),

challenges and incitement statements (intervening variables) and post-election violence incidents (dependent variable). This is as shown in Figure 2.1

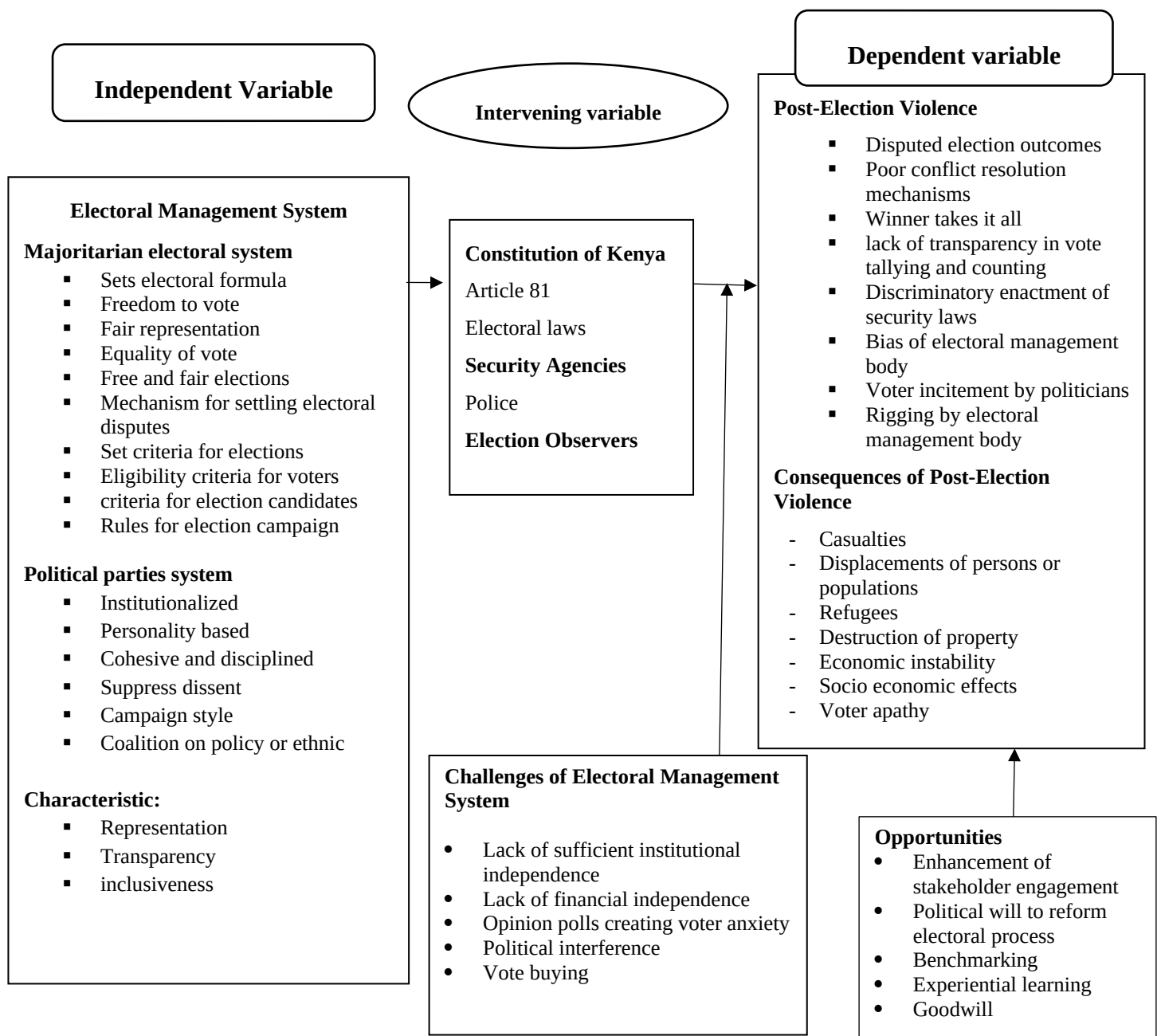


Figure 2.1: Conceptual Model Illustrating Post-Election Interaction of the Variables

Source: (Researcher, 2019)

The electoral management system variable is considered an independent variable because its variation is not influenced by the other variables that were identified in this study. It is also the

only variable that, when changed, has an effect on the other dependent variables examined in this research. Whatever electoral management system that a country chooses has a direct impact on the election outcomes and, as a result, the risk of post –election violence, (Brown & Raddatz, 2014). Manipulation of election results , lack of trust in the Judiciary to resolve election disputes impartially, lack of trust in election administration, incumbent Government using states resources in political campaigns, manipulating of electoral management systems, procedures and gadgets for intended outcome rather than getting legitimate wishes of the electorate are among the challenges facing Kenya electoral management body. Furthermore, unfair electoral practices, regulations and laws; biased media coverage and tribalism compound the challenges inhibiting credible polls that have yet to be overcome by Kenya’s election management body, in Kenya, although Kenya is considered a relatively peaceful country among the young democracies in Africa, it is susceptible to experience violence after every General election (Anderson, 2002). In a majority of the cases, violence is as a result of election rigging and other malpractices (Mozaffar, 2003). Therefore, the first hypothesis will state as follows:

As has been shown in this research, Kenyan politics is not pegged on ideologies but on ethnicity. Powerful politicians with the exception of a few such as Raila Odinga are not recognized because of their political contributions but for their ethnic backing (De Smedt, 2009). Leaders are chosen based on the number of votes they receive from their ethnic strongholds, (Apollos, 2005). Governments are formed by ethnic coalitions as is the case at the moment. The reason as to why Jubilee won was because of the Kikuyu-Kalenjin alliance the ethnic groups of the president and vice-president respectively (Lynch, 2014). The role ethnicity plays in politics in Kenya has resulted in hate speech against a particular community and violence being conducted along tribal lines (Orvis, 2001). Politicians in political rallies and campaigns use inciting statements to threaten ‘rival’ communities to vote for them or be

susceptible to violent attacks from their communities. Political differences between politicians are usually regarded as tribal differences and it can result in violence after elections (Sisk, 2008).

Violence is synonymous to elections in Kenya. With the exception of 2002, there have been reported violent incidents after every general election since 1992 when Kenya became a democratic state. Every presidential election since 1992 with the exception of 2002 has resulted in a dispute about the results, which has culminated to violent confrontations in various parts of the country. The majority of the impacted regions are mostly opposition strongholds, with incidences of police brutality and extra-judicial killings documented with little or no punishment taken against the culprits (Shilalalo, 2013).

2.6 Chapter Summary

The studied literature focused on worldwide election systems, whereas this study intended to determine the nature of Kenya's election system from 1963 to the present. This is due to a misunderstanding over whether the election system is to blame for post-election violence. Various theories have also been employed to analyze the electoral system and its relationship to post-election violence. Therefore, the literature review gives an overview of how different scholars agree or differ with the research question. The next chapter reviews the study methodology.

CHAPTER THREE

RESEARCH METHODOLOGY

The research approach that was applied to the study is described in detail throughout the chapter. The research methodology used in the study is well explained in the chapter. An summary of the research subject and research design opens the chapter. The chapter also discusses the target demographic, the researchers who were involved in the research, and the sample size that was used. It specifies the procedure for calculating sample size and how data (data) was organized. It also describes the expected limitations and how they were addressed. Finally, it discusses ethical considerations that are important in conducting research and ends with a chapter summary.

3.1. Research Design

Research design, according to Cooper and Schindler (2014), is the outline of a research procedure. It is essential for research since it gives readers a framework for understanding the study's methodology, sample selection strategy, data collection tools, and research procedures. Research design, according to Cox and Hassard (2010), is the proper framework for carrying out a particular piece of research. In this study, a descriptive research design was employed. Gathering data from primary and secondary sources, forming a concept, examining the source material, analysing data to answer the research questions, and synthesising the data to explain what was learned are the processes in a historical research plan (Saunders, 2009). This explanatory model was deemed successful for this study since it aided in the collection and analysis of extensive and in-depth data. This is essential for evaluating the goals of the research and aids in addressing the posed research questions. The qualitative approach, on the other hand, encourages a deeper understanding and justification of this investigation. It is significant

to remember that both the quantitative and qualitative approaches can be utilised to validate the outcomes.

3.2. Study Area

Kenya served as the site of this study. One of the strategically important nations in the eastern horn of Africa is Kenya. The 2007 Kenyan election violence outbreak was regarded as a stunning and devastating occurrence. Many people were shocked by the violence that broke out following the disputed presidential election results because Kenya had long been regarded as an East African nation that was largely stable and peaceful (Sisk, 2008).

The geographical areas of study that the researcher focused on are Nairobi, Kisumu, Uasin Gishu, Nakuru and Mombasa Counties. The reason as to why the five study areas were selected is that it is widely reported in empirical literature that these are the areas regarded as post-election violence 'hot spots and epic centers through the years (Chege, 2008; Nyabola, 2018; KRCS, 2017; UNHCR, 2022). The researcher sought to determine why these regions are very vulnerable to violence. The research was also carried out in two marginalized areas- Marsabit and Baringo counties in order to understand the challenges that these regions experience during the voting process, how they feel about the current electoral management system and what should be changed. The geographical study areas are shown in Figure 3.1.

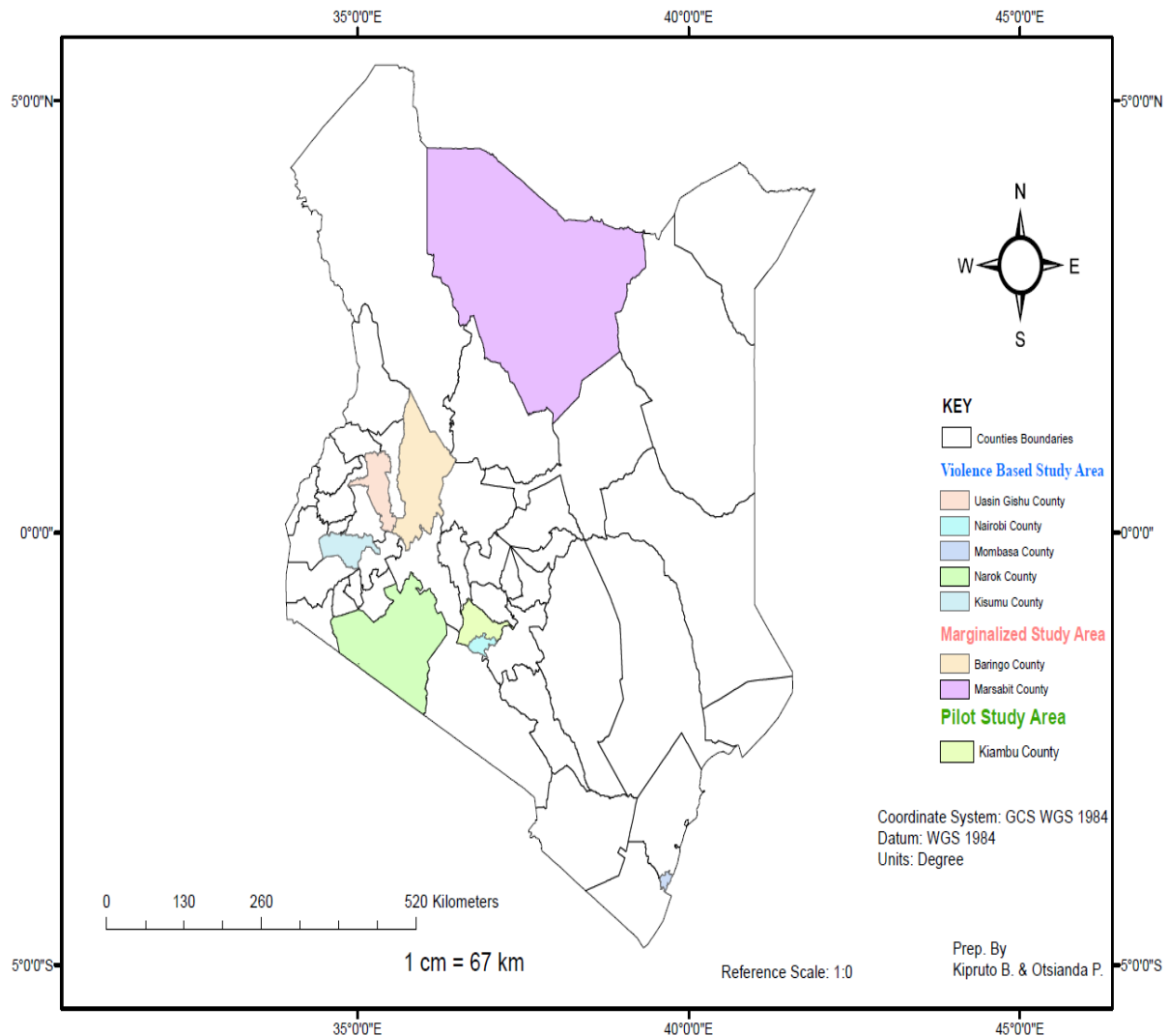


Figure 3.1: Map of the Study Area

Source: (Kipruto B. & Otsianda P; Geomatics MMUST, 2021)

Nairobi is Kenya's capital and largest city and the seat of power. It is located in the country's south-central highlands at an elevation of roughly 5,500 feet (1,680 meters). Being the capital city, it has attracted people from all over the republic and from other countries. It was therefore, deemed, necessary to include Nairobi so as to examine whether cosmopolitanism reduce or heightens primordial political attitude, and behavior (Harrell and Stole, 2010) Nairobi is also the country's main industrial and manufacturing center. In the 2019 census, the city had a

population of 4,397,073, with a population density of 6,317.6/km (16,363/sq. ml). Nairobi's population in 2021 is now expected to be 4,734,881.

In 1950, the population of Nairobi was 137,456. Nairobi has grown by 821,369 since 2015, which represents a 3.88% annual change. These population estimates and projections come from the latest revision of the UN World Urbanization Prospects. These estimates represent the urban agglomeration of Nairobi, which typically includes Nairobi's population in addition to adjacent suburban areas.

Kisumu is the capital city of Kisumu and also the headquarter of Kisumu County in Kenya, and has a population of 599,468 people according to the 2019 Kenya National Census. It is the largest city in Nyanza region of Kenya and also airbed of Kenya's politics. It is mainly inhabited by Luo, Kisii and the Luhya. The city borders the Luhya of western region, Rift Valley region, the limited republic of Tanzania and Lake Victoria. The city of Kisumu, on the shores of Lake Victoria, has historically functioned as a major center of Western Kenya commerce. Because of its location along Africa's largest lake, the area is ideally situated for fishing and fish processing, but the central government has long controlled key concessions on the lake, and economic development has left many of the inhabitants behind. Fishing, sugarcane farming, and rice farming are the county's principal industries.

Uasin Gishu County, which has a total size of 3,345.2 square kilometres and is located in the middle of the Rift Valley, is located between longitudes 34 degrees 50' east and 35 degrees 37' west and latitudes 0 degrees 03' south and 0 degrees 55' north. With an estimated 894,179 inhabitants, the urban population makes up about 31% of the total population. 267 individuals live in each square km of the area. 550,000 individuals, or 56% of the population, are employed in the nation.

It is regarded as one of Kenya's bread baskets. It is also an industrial town, and its economy is reliant on farming and agricultural products like wheat, maize, and horticulture. As a result, 44% of the populace is dependent. The elevation in Uasin Gishu County steadily declines from 2,700 metres above sea level to around 1,500 metres above sea level. It is a highland plateau. All of the County's rivers flow into Lake Victoria because it is part of the lake's catchment area.

With a population of 2,325.8 km² and a variety of tourist attractions like craters and lakes, Nakuru is a county with a thriving agricultural sector. Laikipia to the north, Kericho to the west, Narok to the south, Kajiado to the south, Baringo to the north, Nyandarua to the east, and Bomet to the west are the seven counties that surround Nakuru. With a population from all of Kenya's major tribes, Nakuru is a cosmopolitan county with a land area of 7496.5 square kilometres. It is mostly an industrial and agricultural town. According to empirical investigations, post-election violence has been particularly prevalent in Nakuru.

Mombasa County is located on Kenya's coast and is one of the five counties that front the Indian Ocean, with 65 square kilometers of water. It is the smallest County in the Country covering an area of 229.7Km² with a population of 939,370. Its headquarters are in Mombasa City. It is a port city and tourist resort and also industrial city. Mombasa was selected because of its cosmopolitan nature and as the second City of Kenya

3.3. Study Population

According to Coopler and Schindler (2014), a population is a collection of all the factors that a researcher wants to examine. The target population for the study was 641,396 who included 641,206 voters, 50 politicians, 60 political analysts, 40 IEBC officials, 10 representatives of the humanitarian aid agencies, 5 local observers, 5 international observers, 10 security personnel,

and 10 county administrators. Willing participants received questionnaires with pertinent questions for the country's residents who are qualified to vote.

For politicians, members of the IEBC, political analysts, humanitarian Aid Agency officials, local and international observers, security agents and members of county administration, and PEV victims were subjected to one-on-one interview.

The justification for including the participants is as follows: Including citizens in the study allows for the collection of their perspectives and experiences related to electoral management systems and post-election violence. Their insights can provide valuable information on the impact of these systems on society and their perceptions of violence after elections. Politicians play a central role in the electoral process and have a deep understanding of electoral management systems. Their participation in the study shed light on the experiences, motivations, and actions during elections. They provided insights into the influence of electoral management systems on their behavior and the potential links to post-election violence.

As the institution responsible for managing elections in Kenya, the inclusion of IEBC crucial. IEBC officials provided insights into the challenges they face, the effectiveness of electoral management systems, and observed connections between these systems and post-election violence. Former councilors/MCAs have first-hand experience in the local governance structures and the electoral process. They provided valuable insights into the functioning of local governments, electoral management systems, and any observed connections to post-election violence at the community level.

Political experts and journalists have in-depth knowledge of the political landscape and they provided analytical perspectives on electoral management systems and post-election violence. They offered insights into the historical context, underlying factors and potential solutions related to these issues. Humanitarian aid agencies like the Kenya Red Cross who have

country wide outreach especially in the targeted study areas of Nairobi, Mombasa, Nakuru, Kisumu and Uasin Gishu. Kenya Red Cross often becomes involved in situations of post-election violence, providing assistance and support to affected communities. Their perspectives offered insights into the consequences of such violence and the potential links to electoral management systems.

Observers play a crucial role in monitoring elections and ensuring their transparency and fairness. Their perspectives provided valuable insights into the strengths and weaknesses of electoral management systems, as well as any observed correlations between these systems and post-election violence. Security agents, such as the police and other law enforcement agencies, are responsible for maintaining law and order during elections and addressing any incidents of violence. Their experiences and perspectives can contribute to understanding the dynamics between electoral management systems, security measures, and post-election violence. County administration officials are involved in the implementation of government policies at the local level. Their perspectives provided insights into the role of local governance structures, electoral management systems, and potential links to post-election violence within specific counties. Lastly, the victims of post-election violence have the real feeling and experience of the violence. Their inclusion was very necessary.

The study concentrated on the two counties that were harmed by shortcomings in the electoral administration body's capacity to conduct fair elections in Kenya as well as the five counties that have been disproportionately impacted by post-election turmoil. Having data from every county would make it easier to analyse the opinions of each and how they feel about the electoral process. This is due to the fact that certain counties may have produced a leader, but the leader never succeeded in winning, which led to conflict. While feeling that the elections were free and fair in the counties where their preferred candidate won. This was useful in

providing a general summary of the reasons why people in this region always fight during and after elections.

The study included adults over the age of 18. This is due to Kenya's 18-year-old voting age. They could express their opinions on what motivates them to fight in elections. It also aids in ensuring that the information obtained is from sources with sound judgement. Both male and female sex was involved. Since both male and female voters participated in the research, there is no gender bias. The number of samples was equal. In order to ensure that the data acquired is accurate, the study did not focus on any one ethnic group in particular but rather on all ethnic groups. There was an equal number of people taken from each ethnic group.

3.4. Sampling Strategy

According to Saunders et al. (2009), a sampling design is a method that researchers use to choose a subset of a population to be included in a study. It serves as a framework for the researcher to choose how study samples will be chosen from the chosen study population. Only the subgroups used in this study contain all of the characteristics needed to achieve the goals for the research that were defined at the outset of the investigations, according to the researcher, who made sure of this. Citizens were chosen as research participants; they had to be a naturalized citizen of the country, have a voter ID card (proof they voted or intend to vote) and have contested any electable position in the country (for the leaders). The criteria used was what they would have vie for any electable political contestable position in the country post-colonial Kenya. Members of IEBC were selected on political experts/journalists were selected on criteria of being current or past official of the Kenya electoral commission, political analyst with interest in political affairs of Kenya since 1963 especially electoral affairs. Humanitarian aid agency officials were selected on the criteria of being current or past official of the Kenya Red Cross. Local and international observers in were selected on the criteria of having been accredited observer in the Kenyan election as part of local and international observers'

missions. Finally, security agent and members of the county administration domiciled in the ministry of interior and coordination affairs in the office of the president of the republic of Kenya currently based in the study areas.

3.4.1. Sampling Technique

The counties of Nairobi, Mombasa, Nakuru, Kisumu, and Uasin Gishu—counties often regarded as the epicentres of post-election violence—were the sites of the study. Report of the Judicial Commission Inquired Into Kenyan Tribal Conflicts. Nairobi, Gok Printer, 1998.

One of the two sampling techniques was used to choose the study's participants. Participants were subjected to an interactive review method using a judgemental or purposive sampling strategy. The fact that they were chosen based on the researcher's assessment of their accessibility and availability to the researcher is the reason why this approach was thought to be appropriate for these research participants. The research subjects that were taken into consideration for this study are those who have the relevant training and expertise that the researcher is looking for. On the other hand, a random sample procedure was utilised for the respondents who had to fill out the questionnaire. It is the perfect selection strategy since it gave any citizen who met the requirements an equal chance of being chosen to take part in the study.

3.4.2. Sample Size

According to Cooper and Schindler (2014), the sample size is the number of responders who are drawn carefully from the target population as a whole to reflect the population. The sample size helps a researcher get reliable findings regarding the previously developed study objectives. The administrative units were the constituencies in Nairobi County, Kisumu County, Nakuru County, Uasin Gishu County and Mombasa County where 2 constituencies were selected from each county. Nairobi County; (Kibra and Mathare), Kisumu County (Kisumu Central and

Kisumu East), Nakuru County (Nakuru West and Naivasha), Uasing Gishu County (Kapseret and Eldoret East), Mombas County (Kisauni and Likoni). The sampling frame was 641206 voters, 50 politicians, 60 political analysts, 40 IEBC officials, 10 representatives of the humanitarian aid agencies, 5 local observers, 5 international observers, 10 security personnel, and 10 county administrators. Hence the sample size for the study was computed using Nassiuma (2000) as illustrated below:

$$n = \frac{N (cv^2)}{cv^2 + (N-1) e^2}$$

Where n = sample size

N = population (641,396)

cv = Coefficient of variation (0.424)

e = tolerance (0.02)

$$n = \{(641396 (0.424^2))\} / \{(0.424^2 + (641396-1) * 0.02^2)\} = 450.$$

From the formula, the sample size was 450. The sample size included politicians (including county governors and MPs), political analysts, I.E.B.C. officials, representatives of humanitarian aid organisations, local and international observers, security personnel, and voters. In this research study, the sample size was 450 participants (50 politicians' former councilors/MCAs), 60 political analysts, 40 IEBC officials and 260 voters, 10 Humanitarian Aid Agency officials, 10 local and international observers, 10 security agents and 10 members of county administration. The 450 research study participants were considered an ideal size for the interview process and allowed the researcher to organize an effective schedule. 50 politicians, 60 political analysts, 40 IEBC officials, 260 voters, 10 representatives of the humanitarian aid agencies, 5 local observers, 5 international observers, 10 security personnel, and 10 county administrators were specifically chosen for the study's sample. The selected

counties—Nairobi, Kisumu, Uasin Gishu, Nakuru, and Mombasa—are all affected by this.

Table 3.1 displays the sample size.

Table 3.1: Sample Size

County		Voters	Politicians	Political Analyst	IEBC	Humanitarian Aid Agency	Local observers	International observers	Security agents	MCA	Total
Nairobi County	Kibra	26	5	6	4	1	1	1	1	1	90
	Mathare	26	5	6	4	1			1	1	
Kisumu County	Kisumu Central	26	5	6	4	1	1	1	1	1	90
	Kisumu East	26	5	6	4	1			1	1	
Nakuru County	Nakuru West	26	5	6	4	1	1	1	1	1	90
	Naivasha	26	5	6	4	1			1	1	
Uasin Gishu County	Kapseret	26	5	6	4	1	1	1	1	1	90
	Eldoret East	26	5	6	4	1			1	1	
Mombasa County	Kisauni	26	5	6	4	1	1	1	1	1	90
	Likoni	26	5	6	4	1			1	1	
Total		260	50	60	40	10	5	5	10	10	450

Source: (Researcher, 2022)

The study purposively sampled 50 politicians, 60 political analysts, 40 IEBC officials, 260 voters, 10 humanitarian aid agency officials, 5 local election observers, 5 international election observers, 10 security agents and 10 members of the county administration. The sample size constituted at least 10% of the study population and this was considered a reasonable research sample in a purposive research design in line with Kathuri and Pals [1993]; Kothari [2004] and Neuman [2011] This was done across the selected counties of study: Nairobi, Kisumu,

Mombasa, Nakuru and Uasin Gishu . A further benefit of having 450 participants is that it gives the researcher some leeway in case some of them fail to appear for the interview process (Qu & Dumay, 2011). On the other hand, the researcher utilised the formula below to get the appropriate sample size for quantitative methodology:

$$No = Z^2 * Q^2 / e^2$$

$$No = Z^2$$

No =sample size

Z=value of Z in a normal distribution curve

E=level of precision

Q^2 =variance of an attribute in the population

$$Z=1.64$$

$$Q^2=9.65$$

$$e=1$$

$$1.64^2 * 9.65 / 1^2 = 450.46 = 450 \text{ (as it involves people)}$$

3.5. Data Collection Methods and Instruments

The study attempted to answer the aims and research questions about the relationship between the electoral management system and post-election violence in Kenya since 1963 by relying primarily on primary data. Additional secondary data were employed when appropriate to supplement the study's conclusions. In practise, the study's data base was derived from two main sources: field survey questionnaires and interviews, as well as published information and records. A standard interview schedule, which is included in the appendix, was used to gather information from the 260 registered voters in person. To completely capture the respondent's opinions and impressions in relation to the research study's overall purpose and research questions, the majority of the questions were both closed-ended and open-ended.

Guidelines for the questionnaire and interview questions were used in the research investigation. To achieve the necessary coverage of the areas of inquiry and comparability of information between respondents through probing, semi-structured interviews were utilised. The in-depth interview provided the researcher with an opportunity to speak with the respondent personally, which improved their election performance (appendices 3,4,5,6,7, and 8). Open ended questions were utilised to collect data using a questionnaire guide (see appendix 2), and the goal was to get precise information as soon as possible. Because they are simpler to interpret, less expensive, and provide greater anonymity, questionnaires were also used as needed. The survey asked on unrelated topics and lacked any bias. The study's nonverbal cues, such as the informants' displays of resentment, were also recorded using the observational approach.

A standardised interview schedule, as detailed in Appendices 3, 4, 5, 6, 7 and 8, was created to ensure consistency in the data collection process. It was used to gather information from 50 politicians, 60 political analysts, 40 IEBC officials, 10 representatives of humanitarian aid organisations, 5 local and 10 international election observers, 10 security agents, and 10 county administration staff members.

The question was open-ended to fully extract the respondent's opinions and impressions regarding the general purpose of the research study and the specific research issue. To ensure that no information would be missed due to forgetfulness and/or other types of omission, note-taking was used. Additionally, the overall method allowed for deeper probing of responses to elicit more clarification. Face-to-face interviews allowed the interviewer to record instances of evasive responses and refusal to provide answers. Which are themselves study findings related to the dependability and validity of data collected.

To supplement the information gathered through questionnaires and interviews, secondary sources of data, such as pertinent reports, theses, dissertations, books, journals, and manuals, as well as the various electoral policies governing the general election process, political campaigns and voting laws enacted in parliament and other government policy instruments, were also used. The study used both quantitative and qualitative methods in order to take use of each approach's strengths, particularly in terms of deciphering primary data and boosting the validity and reliability of the data.

Field research was one of the strategies used to obtain the data. Questionnaires and interviews were the two main ways that data were gathered. Voters were asked to fill out questionnaires, and political analysts, I.E.B.C. officials, representatives of humanitarian aid organisations, local and international observers, security personnel, and county administrative staff were given interview guides. It suggests that the researcher exclusively looked at primary data sources. The justification for this was that the researcher was only interested in the information the study participants actually provided, whether it was through the questionnaire they were required to complete owing to Covid -19 restrictions, via email, or during the zoom interview processes he conducted. The information and insights they offered allowed the researcher to generate fresh data that can be utilised or explored further in subsequent studies.

A questionnaire is a collection of either open-ended or closed-ended questions to which respondents must respond with pertinent information. Conversely, interviews involve having in-person discussions with the respondents. A formal questionnaire was used throughout the process. Respondents were questioned about their gender, age, and other details in segment A of the questionnaire. The electoral management system and its impact on post-election violence

were the main topics of Part B. Part D focused on the opportunities and challenges the Kenyan electoral management system faces in organising, conducting, and managing elections in Kenya. Part C focused on the causes and effects of post-election violence. The interview method employed semi-structured questions. The interviewer had a direction from the questions, but he was also free to probe further into the interviewees' responses based on their responses.

The questionnaire and interview results were expected to show the deficiencies of the democratic process, as well as how they believe it has adversely affected the answers of the various questions. The researcher hoped that the interviewees would talk about the influence of tribalism and its effect on the electoral system such as: even when a more effective electoral system is developed, it still had to be monitored and controlled by human beings and Kenyans as such. Therefore, there was need to have a framework that keeps them in check and ensures that their actions are not inspired by selfish or tribal biases

The counties believed to be the epicentres of the post-election violence were Nairobi, Mombasa, Nakuru, Kisumu, and Uasin Gishu, where the study was conducted. Report of the judicial commission charged with investigating Kenya's tribal fighting. Gok Printer, 1998, Nairobi

3.5.1. Sources of Data

It draws attention to the credibility of the data that the researcher utilised to discuss the role of voting in the incidence of post-election unrest in Kenya. The researcher employed primary and secondary sources as her two main data sources. The research team primarily used the libraries at Jomo Kenyatta University of Science and Technology and Masinde Muliro University of

Science and Technology to get the information they needed. Reports from the World Bank, the United Nations, and the Government of Kenya provided more information.

Primary Source

This is the data or information that the researcher collected first hand from the sources (research participants). This type of information has not yet been released. Furthermore, as it has not been altered, it is deemed accurate, credible and unbiased. In this study, primary data was collected using questionnaires and interviews. The researcher mainly used data from primary resources i.e., by distributing questionnaires to voters and conducting interviews on IEBC officials, politicians and political analyst, Humanitarian Aid Agency officials, local and international observers, security agents and members of county administration.

The researcher wanted to identify the reasons why voters resort to violence after every general election and not use other means such as the judiciary to resolve whatever governance grievance they may have about the outcome of presidential elections. From the politicians, the researcher wanted to know why despite the fact that some of them have little faith on the current electoral system, they still submit their names for voting purposes, and what can be done to improve the current electoral system. From the IEBC officials, the researcher wanted to know the measures that they have put in place to address election malpractices. Finally, from the political analysts, humanitarian Aid Agency officials, local and international observers, security agents and members of county administration, the researcher wanted to get a professional opinion on steps that can be taken to improve the current electoral management system.

Secondary Sources

This information has already been gathered by earlier researchers, thus it is easily accessible. It can be found in a multitude of places, including published works of literature, electronic

databases, and even movies. Journals, newspapers, published electronic sources, and films that were used in this study's literature evaluation were all found in the libraries of Masinde Muliro University of Science and Technology and Jomo Kenyatta University of Science and Technology. Reports from the World Bank, the United Nations, and the Government of Kenya provided more information.

3.6. Validity and Reliability

Validity is the extent to which findings from data analysis accurately reflect the phenomenon being studied. It has to do with how closely the study's data on the study's variables reflect those factors (Mugenda, 2009). At the school of disaster management and humanitarian assistance at Masinde Muliro University of science and technology, content validity was used in this study with the help and input of the researcher's supervisors and other research specialists. In comparison to the study's overarching goal and its specific research questions, the content of the research tools was evaluated for relevance. Following consultation, the expert's recommendations were used to enhance the accuracy of the questions by making them more understandable.

According to Neuman (2011), reliability is a gauge of how well a research tool produces consistent data after numerous trials. In Kiambu Country, reliability was evaluated during the piloting phase. According to Kothari (2013), the researcher justified utilising 10% of the sample. Thus, for the Pilot study, randomly chosen participants included five members of parliament, six political analysts, representatives of the IEBC, 26 voters, a representative of a humanitarian aid organisation, a local election observer, an international election observer, a security agent, and a member of the county administration. The purpose of the research was to

determine whether the arrangement of the interview questions would have offended the responder.

The pilot's test was carried out in Kiambu County. The choice of Kiambu County was made in light of the fact that it is a sizable, multi-ethnic, cosmopolitan county with a variety of commercial, industrial, and economic enterprises. Kiambu is also a hotbed of politics given that the county produced Kenya's first president. Additionally, due to its proximity to Nairobi, it is impacted or influenced by any political upheavals or undercurrents there. As a result, Kiambu County's history, industrial, economic, and political dynamics and situations closely resemble those of Nairobi, Mombasa, Kisumu, Nakuru, and Uasin Gishu. Based on the comments given by participants in the pilot project, the interview questions and questionnaire were modified as a result.

In conclusion, the researcher used the findings from the pilot study to assess if the obtained information was accurate and whether the questionnaire's set-up questions had the intended effect of achieving the general objective and specific research questions. The pilot study served as a tool for revising the research tools. The test-retest method was utilised by the researcher to determine reliability. Transcripts were checked to prevent glaring errors.

3.6.1 Piloting of the Research Instrument

The research instrument underwent testing. According to Kothari (2013), the researcher justified utilising 10% of the sample size. In order to conduct the study, 30 randomly chosen voters, 6 political analysts, 4 I.E.B.C. officials, and 5 members of parliament were all chosen. It was intended to determine whether interview questions—which differ for politicians, political experts, and IEBC officials, as well as for representatives of humanitarian aid organisations, local and international observers, security personnel, and county administration—could offend

the respondents. The pilot was run in the county of Kiambu. The outcome was fairly favourable after some small changes. Based on comments from candidates, the pilot research assisted in validating and modifying the interview guide and questionnaire.

Piloting of the research study instrument results aided in the modification of interview questions and questionnaires depending on the feedback supplied by recruits. This was done using validity and reliability. Kothari [2013] affirms that Validity is the ability of the survey tool to properly measure what it was designed to assess. The researcher made sure that the information gathering techniques and tools are recognised as trustworthy, and this is assessed by whether they may be applied in subsequent studies with comparable goals to obtain comparable results. A factor analysis test is typically run to assess the reliability of a research tool. Construct, content, and predictive validity are the three types of validity, according to Fajun et al. The construct validity was used in this study because it may assess whether the construct instrument closely matches the variables it is intended to evaluate.

If a research tool can be applied in future studies with comparable objectives and produces results that are similar, it is reliable. The internal scales of the questionnaire and interview questions were determined using a cut point of 0.7 for Cronbach's internal consistency. The findings showed that the statements' Cronbach alpha was more than 0.7.

3.7. Data Analysis and Presentation

According to Muganda (2009), data analysis is the technique used by researchers to provide the information they have managed to gather during their investigation order, organisation, and meaning. Descriptive, content, and narrative analyses of the data were used. By categorising interview responses and documents individually, primary and secondary data were organised.

The information gathered through the use of interview questions and guidelines was consistent with the study's broad and narrow aims. The information was then divided into themes, subjects, and essential points, and coded in accordance with the goals and deductions made. Codes were created, and notes from the transcript review were compiled. While evaluating the relative relevance of several themes or by emphasising the subtle variations, patterns and relationships within and between categories were discovered. The analysis offered in the paragraphs and urbanisation quotes was then evaluated by giving them context and relevance.

Quantitative analysis was also used and descriptive statistics applied to the data that was collected using questionnaires. This included use of frequencies and percentages, graphs, tables and pie charts to project the demographic data, participation and decision making of the respondents. Charts and figures were also used to summarise the responses from the interviews. The summary and interpretation of the analysis was then submitted and presented as a thesis for examination.

The data was gathered through interviews and questionnaires. The information gathered through the use of questionnaires was analysed using descriptive narrative statistics. The researcher used the frequency, mean, and standard deviation to analyse the data. Tables, paragraphs, charts, and figures are used to present the results.

3.8. Limitations of the study

Biases from the respondents are a highly possible limitation in this study. The reason for this is based on the sensitivity of the topic. Research participants may provide responses that are meant to support their political view and politicians. This is mainly due to the political divide that exists in the country. Distance was also an issue in this research. As has been noted before, Kenyans have different political views, and they are influenced by their ethnic background and

the region where they live. This means that the researcher had to travel to different parts of the country to collect the relevant data from research participants. The study considered using internet and twitters and face book to deliver the questions. However, there is the issue of internet connections in rural towns, and reaching only one demographic when using the social media platform i.e., the youth.

In this study, the ethical guidelines were followed to protect the respondents' feelings and dignity when posing pointed questions. The researcher also included an introduction letter with a confidentiality guarantee for the respondents. Additionally, great care was taken during the research's execution to guarantee that the respondents wouldn't suffer any physical or psychological injury. The researcher made sure that all pertinent organisations with a stake in the study gave clear written consent for the study to be conducted and that all data collected, examined, and reported was exclusively used for academic reasons.

3.9. Ethical Considerations

A letter of authorization was obtained by the researcher from Masinde Muliro University of Science and Technology's graduate school [Appendix 8]. Additionally, permission to collect data in the counties of Nairobi, Mombasa, Kisumu, Nakuru, Uasin Gishu, Marsabit, and Baringo was received by the Kenya National Commission for Science, Technology, and Innovation [Appendix 9]. The researcher obtained a permit from the county commissioners' offices at the local level. Through polite contacts and enquiries, the interviewees were asked for their consent to do the research. Additionally, the researchers used letters and emails to ask interviewers and respondents for their consent to take part in the procedure. The objectives,

procedures, anticipated advantages, and potential risks [Appendix 1] were communicated to the responders.

There are a number of ethical rules that must be followed in this research study in order to protect the participants from harm while participating in the study and to ensure that the study is carried out properly. This shows that the information utilized in the study was not created or altered by the researcher. Additionally, the research complied with copyright regulations and included acknowledgements for the writers whose works the researcher had cited as references. Throughout the entire process of data collection and analysis, it was crucial for the researcher to uphold moral standards and foster trust with the participants. The researcher was open and honest about what she is researching, the significance of the information participants submitted, and the outcomes that were obtained. Additionally, it was crucial for me to uphold social responsibility, confidentiality, non-discrimination, and to avoid bias. The study participants were also told by the researcher that they were free to leave the study at any moment. It was essential to protect the research participants' identities so that their opinions wouldn't put them in danger or cause them to be treated unfairly.

3.10. Chapter Summary

An overview of the data collection approach is presented in this chapter. Information about the target population was also included in the chapter. These are the participants who take part in the research and also the sample size which was used. These are the people that took part in the study, as well as the sample size that was employed. It describes the method used to determine the method used to calculate sample size and also how materials were organized. It also provides the limitations encountered and how they were tackled. Finally, it discussed ethical considerations that were important in conducting research.

CHAPTER FOUR

ESSENCE OF KENYA’S ELECTORAL MANAGEMENT SYSTEM AND ITS INFLUENCE ON POST ELECTION VIOLENCE

Introduction

The goal of the study was to determine the fundamentals of Kenya's electoral administration system and how it affected post-election violence. In order to achieve this, this chapter discusses the analysis of field results as well as how they were discussed in light of earlier relevant studies. The study was done using SPSS version 26, and the outcomes are shown in both tabular and graphical formats. The chapter is divided into five major sections: an overview that includes the response rate; a descriptive analysis of the social demographic characteristics of the respondents; information relevant to the design of Kenya's electoral systems; and a detailed discussion of the results in relation to related studies that have been done in the past.

4.1 Response Rate

The study specifically selected 260 voters, 50 elected officials, 60 political analysts, 40 IEBC employees, 10 representatives of the Humanitarian Aid Agency, 10 local and international observers, 10 security personnel, and 10 county administrative staff members. Thus, 450 people from a selected group of counties, including Nairobi, Kisumu, Eldoret, Nakuru, and Mombasa, comprised the sample size that was established. As a result, 450 instruments in total were administered in accordance with the chosen sample size. 186 of the 260 voter surveys that were distributed were fully completed and returned. This results in a 79% response rate among voters who are registered.

A total of 38 politicians were on the other hand interviewed out of the 50 targeted, resulting a 76% response rate for politicians. Further, out of the 60 interviews targeted with political analysts, a total of 44 were successfully conducted resulting in a 73% response rate for political

analysts. 29 interviews were conducted among IEBC officials, out of the 40 targeted which translates to a 73% response rate. The response rate for the Humanitarian Aid Agency officials was, 72%, Local observers 81%, international 81%, security agents, 81% and Members of county administration 82%. In total, the study achieved a response rate of 77% with 328 respondents reached out of the 450 targeted. The foregoing statistics are broken down in Table 4.1.

The initial focus and study target was 450 respondents and with the help of field research Assistants 328 respondents positively respondent to both the questionnaires and interviews. This translated to 77% response as shown in Table 4.1.

Table 4.1. Frequency Rate

Response		Frequency		%	
Completed Questionnaires and Interviews		328		77%	
Questionnaires and Interviews Not Returned		122		23%	
Total		450		100%	
Category	Targeted	Response		Non-Response	
		n	%	N	%
Voters	260	186	79	74	21
Politicians (former councilors/MCAs, MPs and County Governors)	50	38	76	12	24
Political Analyst	60	44	73	16	27
I.E.B.C Officials	40	29	73	11	28
Humanitarian Aid Agency officials	10	7	72	3	28
Local observers	5	4	81	2	19
International observers	5	4	81	1	19
Security agents	10	8	81	2	19
Members of county administration	10	8	82	2	18
Total	450	328	77	122	23

Source: (Research Field Work Data, 2022)

According to Creswell (2013), the established response rates—both overall and per category—were excellent and sufficient for data analysis and inference-drawing. A return rate of 70% or higher is considered "excellent," a return rate of 60% is "good," and a return rate of 50% is

"adequate," according to Collis and Hussey (2009). The hiring and training of 10 research assistants to help in the administration of the instruments across the five chosen counties is credited with the high return rate.

4.2 Social Demographic Characteristics of Responders

The demographic data of the respondents is covered in this section. The demographic data collected for the survey is used to give a general overview of the profiles of the respondents. Additionally, it ensures that the study's findings are indicative of various viewpoints, understandings, and first-hand knowledge based on various demographics. In this regard, the data requested included the respondents' gender, age range, county of residence, level of education, and whether or not they had ever participated in a general election in Kenya as well as the total number of elections. The results are shown in tabular and graphical formats and are provided as percentages and frequencies.

4.2.1 Responders' Gender

The study sought to find out respondents' gender. This was aimed at ensuring that the results are representative of any gender in order to capture e different experiences and perceptions with respect to the essence of Kenya's electoral management system. As such, respondents were requested to indicate whether they were male or female. Figure 4.1 presents the results.

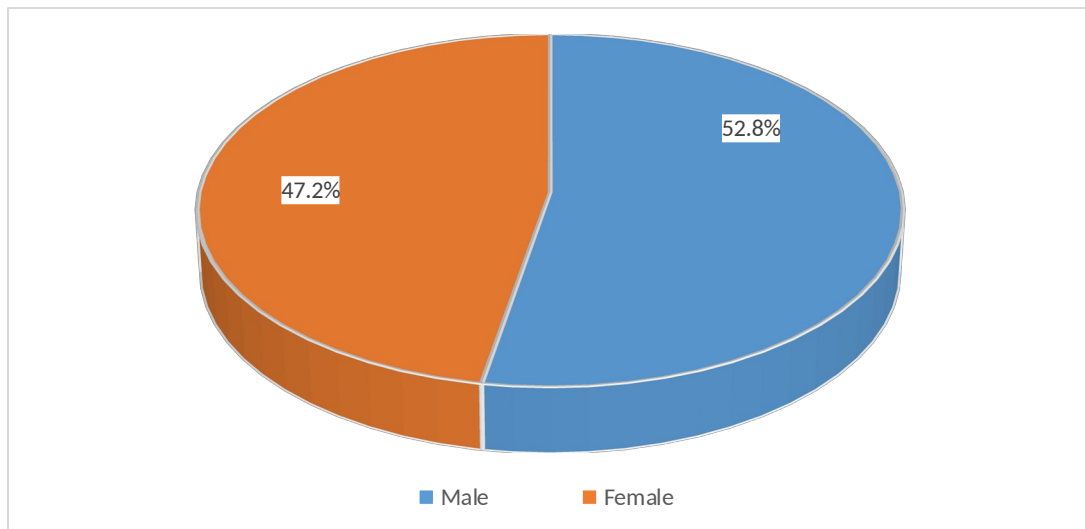


Figure 4.1: Respondents' Gender

Source: (Researcher field work Data, 2022)

In this section, respondents' social demographic characteristics and interviews are covered. Male respondents make up 52.8% of the sample, while female respondents make up 47.2%. as seen by picture 4.1. Figure 4.1 illustrates that male respondents made up the majority (52.8%) compared to female respondents (47.2%). The conclusion has the implication that the study, having reached respondents of both genders with a fairly equal representation, is reflective of any gender difference experiences and perceptions with respect to the substance of Kenya's electoral administration system.

4.2.2 Respondents' Age

In order to further ensure that the study findings are indicative of the varied respondent impression of the essence of Kenya's election administration system based on age, the study tried to determine the respondents' age groupings. The outcomes in this regard are shown in Figure 4.2.

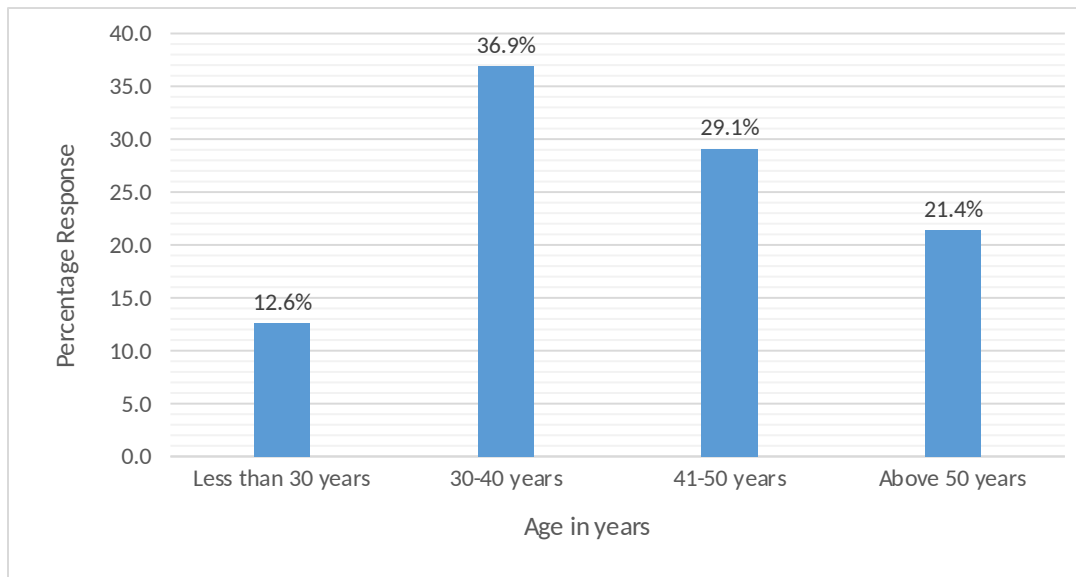


Figure 4.2: Respondents' Age Bracket

Source: (Researcher Field work Data, 2022)

Figure 4.2's findings demonstrate that the majority of respondents (36.9%) were between the ages of 30 and 40, while 29.1% of respondents said they were between the ages of 41 and 50. In addition, 21.4% of respondents said they were over 50, while 12.6% said they were between 18 and 30. The conclusion suggests that the survey is typical of how each respondent, based on their age, perceives the fundamentals of Kenya's electoral administration system. Figure 4.2: Respondents and interviewees age bracket statistics are shown in figure 4.2. The majority of respondents were between the ages of 30 and 40, which is the youth age bracket in Kenya, with 29.1% coming in second.

The results imply that the study is representative of how each respondent views the core elements of Kenya's electoral management system based on age, with the majority of respondents (49.5%) falling within the bracket of youth (36.9% between the ages of 30 and 40 years, 12.6% between the ages of 18 and 30, and 21.4% above the age of 50 years). This demonstrates that the youth in Kenya are more politically engaged and active than any other age group throughout the campaigning time. This was also a result of the youth having better levels of education. Figure 4.3 from the report indicates that the majority of Young people had completed secondary education. The level of education explains why young people participate in political processes at such high rates. Studies in sociology and political science show that people are more likely to participate in politics if they have a higher level of education (Roskin et al., 1997).

They were more sensitive to security and socio- economic and political dynamics, aware of the freedom of expression and need to participate in the political sphere of electioneering event and activities in the country. The next age bracket consisted of those aged between 41-50 years at 29.1% and those in the age above 50 years at 21.4% this represented the younger elders in the society who held or aspire to hold leadership positions in various socio-economic and political endeavours. They were the main decision makers and the middle class. They had access to land and other strategic resources, and therefore, more stable. Majority of the opinion chapters seemed to come from this group.

This was the group that dominated leadership positions in the political initiative and landscape. Many of the members of county assemblies and members of parliament fell in this age group. Most business owners came from this age group and this might explain why they were particularly interested in issues of Kenya's electoral management system and its influence on Post- election Violence.

For the age bracket of less than 30 years the respondents were slightly lower than any other age brackets. The low participation of the age group can be explained in many ways. First, many of them may be still pursuing education, just started career and family and have not much time for participation in political activism. Second, they had been edged out of economic and political opportunities, struggling with unemployment. Third, it is possible their parents were actively involved in political activities. As a result, they felt represented and did not see the need of participating.

4.2.3 Educational Level of Respondents

Participants were requested to state their respective education levels. This would give a general impression of the levels of education among respondents and further ensure that the study findings are representative of the diverse respondent perceptions of the essence of Kenya's electoral management system based on educational level. Figure 4.3 gives a depiction of the outcomes.

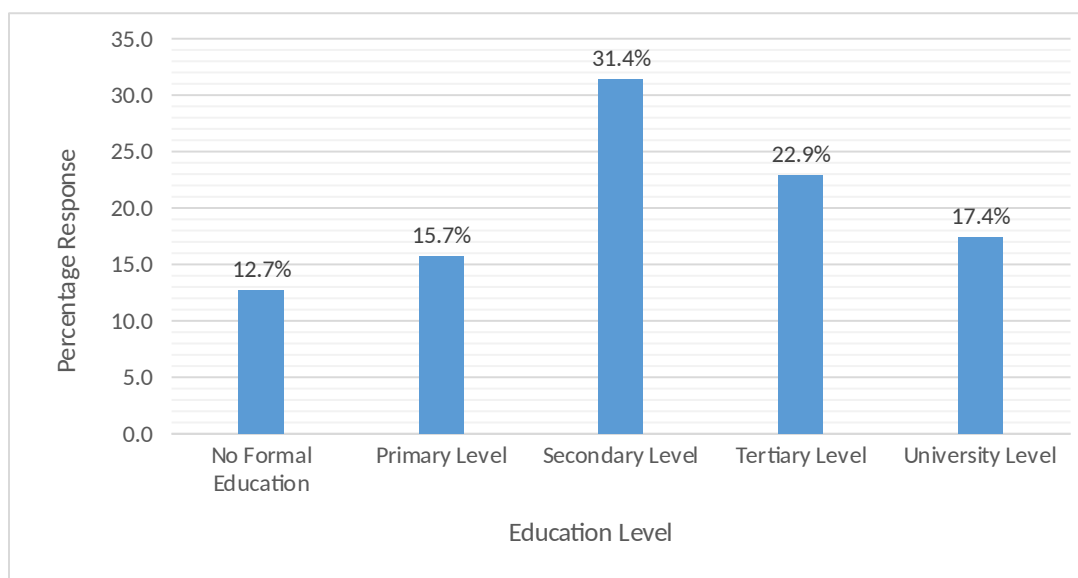


Figure 4.3: Educational Level of Respondents

Source: (Researcher Field Work Data, 2022)

Based on the depiction advanced in Figure 4.3, most participants (31.4%) had secondary level education, followed by 22.9% who had reached tertiary college. A quick glance at figure 4.3 show that majority of the respondents in the study areas were family educated. There were more secondary level educated respondents 31.4%, tertiary level (22.9%) and university level (17.4%). This shows that majority of the respondents were people with broad knowledge, broad view and good group of politics, electoral management system and its influence on post-election violence in Kenya since 1963.

A further 17.4% indicated that they had reached university level while 15.7% had reached primary level. Only 12.7% indicated that they had no formal education. Having reached respondents from the whole spectrum of education levels, it can be deduced that the study attained representations of the diverse respondent perceptions of the essence of Kenya's electoral management system based on educational level.

4.2.4 Respondents' County of Residence

The study respondents were distributed across five counties including Nairobi, Kisumu, Uasin Gishu, Nakuru and Mombasa. This would ensure representations of respondents' diverse opinion and perception of the essence of Kenya's electoral management system based on lived experiences in the various counties. The majority of the show respondents were from Nakuru (21.6%) and Kisumu County 21.2% County.

The explanation is that these are towns that witnessed the worst incidences and bear the greatest Brent of Post- election Violence. The two towns historically have been the hot bed of political Campaigns since independence in 1963, with Nakuru dating back to pre-independence days as the epicentre of white settler politics (Gertzd , (1920)) Nairobi 19.1%, Mombasa 19.2% and Eldoret 19.1% recorded lower respondents mainly because of the out placement of the Victims of post-election Violence, who were affected and moved to their Counties of origin and birth it

can also be attributed to being very Cosmopolitan County the respondents refrain and decline to revisit the past episodes of Post-Election Violence.

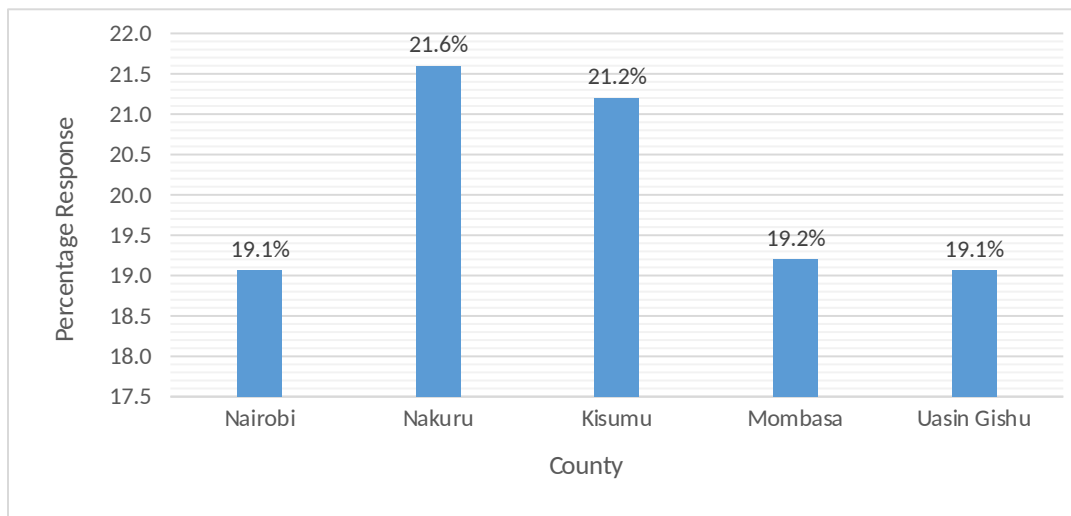


Figure 4.4: Respondents' County of Residence

Source: (Researcher Field Work Data, 2022)

Results in Figure 4.4 indicate a somewhat fair distribution of respondents based on the county of residence. A majority of respondents were from Nakuru (21.6%), followed by 23.7% from Kisumu, then 19.2% drawn from Mombasa. A further 19.1% were from Nairobi, and an equal number from Uasin Gishu (19.1%). The result implies that the study findings are representative of respondents' diverse opinion and perception of the essence of Kenya's electoral management system based on lived experiences in the various counties.

4.2.5 Respondents' Occupation

Participants were asked to identify the vocations they each held. This will also provide a general sense of the respondents' socioeconomic backgrounds and guarantee that the study's findings are indicative of the varied respondents' impressions of the core elements of Kenya's occupation-based election administration system. The outcomes are shown in Figure 4.5. Only 18.6% of respondents were in formal employment, which is significant and likely reflects Kenya's high unemployment rate. With the majority (24.2%) being self-employed, 23.7%

working irregular hours, 13.6% being unemployed, 9.7% being a student, and 10.2% being retired.

This pattern definitely asserts income and standard of living of the sampled respondents. In the Kenyan context, more than majority of ulters have income that can hardly support their household. This state of affairs perhaps explains why voters are normally ready to accept bribes during election campaigns and why political tensions post elections easily turns into violence, looting and massive destruction of property (calvocoressi.p. 1995) and (Giddens, 2004).

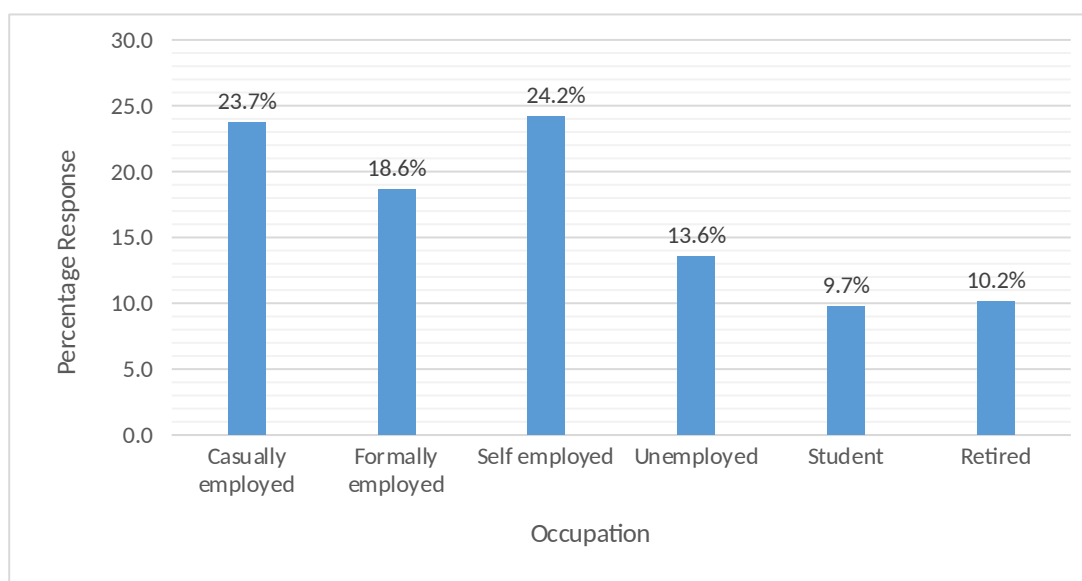


Figure 4.5: Occupational Level of Respondents

Source: (Researcher Field Work Data, 2022)

Based on the results depicted in Figure 4.5, a majority of respondents (23.7%) indicated that they were casually employed; followed by 24.2% who affirmed to being self-employed; then 18.6% who were formally employed. A further 13.6% indicated that they were unemployed while 10.2% indicated that they had retired. Further, only 9.7% of respondents indicated that they were students. Having reached respondents from the entire spectrum of occupation, it can be deduced that the study findings are representative of the diverse respondent perceptions of the essence of Kenya's electoral management system based on occupation.

4.2.6 Respondents Participation in Voting

Respondents were asked to indicate whether or not they had ever voted in a general election in Kenya. This would give an indication of the study's representations of various responders' perceptions of the essence of Kenya's electoral management system based on participation in voting. Results are as presented in Figure 4.6.

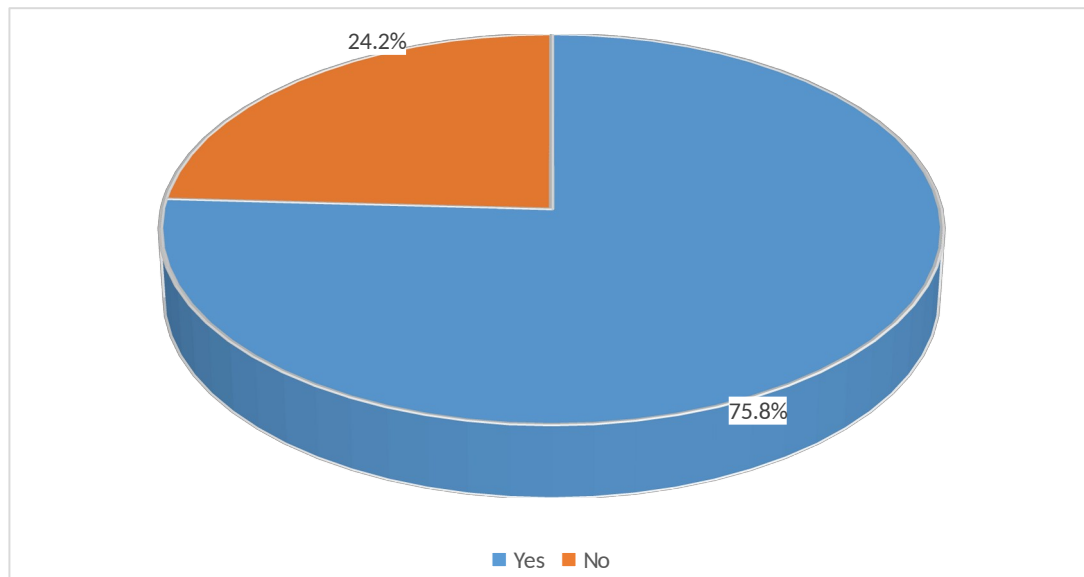


Figure 4.6: Respondents Participation in Voting

Source: (Researcher Field Work Data, 2022)

As illustrated in Figure 4.6, a majority of respondents (75.8%) indicated that they had voted in a general election in Kenya, while only 24.2% dissented. From the information in figure 4.6, it is clear; a majority of respondents 75.8% indicated that they had voted in a general election in Kenya, while only 24.2% had not. The result, confirm that majority of the respondent (75.8%) understood the mechanics of Electoral management system and its influence on Post-election Violence and the intricacies of the electoral process.

The explanation for this is that the sampled respondent had attained reasonable level of education and this is confirmed by results in figure 4.3 Which shows respondents with primary education stood at (15.7%) secondary education (31.4%), tertiary level (22.9%) and university

level (17.4%). Figure 4.7: respondent's participation in election cycles. (Page 198) From the information in figure 4.7, only (9.7%) of the respondents had participated and voted in election cycles, with majority of respondents had voted in 3 election cycles 33.1%, 4 election cycle (19.5%) 2 election cycle, (20.8%) and 1 election cycle (16.9%).

These results show that most respondent, have institutional memory of general elections held since the re-introduction of multi party politics in Kenya in the early 1990 and only very few recollect the previous elections in the period 1963 to 1992. The explanation for this is that sampled voters are relatively in the age bracket of youth as confirmed in figure 4.2 which shows participation of respondents falling in the bracket of youth age bracket of upto 40years are at combined 49.5%. this at combined 49.5%. this contrast with the respondent who are above age of 50 probably born at independence period were 21.4%, which also explain on scant reference to elections held in Kenya between the early phase of independence from 1963 to 1992.

It can be deducted therefore that respondents as contained. In figure 4.7 in figure 4.6 show that many respondents understand, or one dissolved and appreciate intricacies of electoral management system and its influence on post election Violence and mechanism of electoral processes in Kenya since 1963. This indicates that the study findings are representative of the diverse respondent perceptions of the essence of Kenya's electoral management system based on participation in voting.

Respondents that affirmed to having voted in a general election were asked to indicate the number of election cycles they had voted in. This would give further give an indication of respondents' various levels of experience in the country's electoral system. Figure 4.7 presents the results.

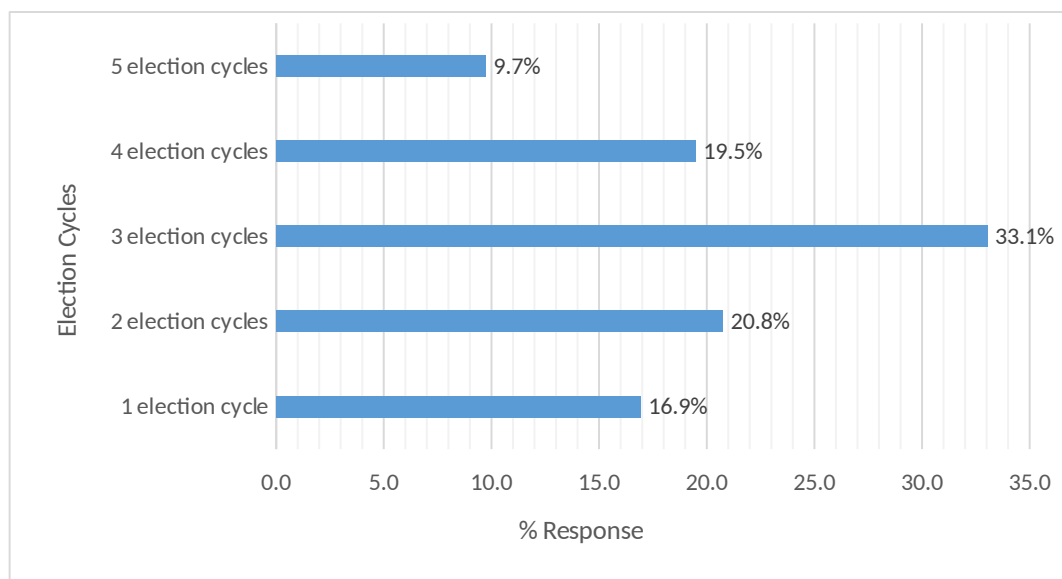


Figure 4.7: Number of Election Cycles

Source: (Researcher Field Work Data, 2022)

As indicated in Figure 4.7, a majority of respondents (33.1%) had voted in 3 election cycles; followed by 20.8% of respondents affirming to having voted in 2 cycles. Further 19.5% of respondents indicated that they had voted in 4 election cycles, while 16.9% had voted in 1 election cycle. Only 9.7% of respondents had voted in 5 election cycles. The finding implies that the study is representative of diverse voting experiences and therefore diverse respondents' perceptions of the essence of Kenya's electoral management system based on voting experiences.

4.3 Essence of Kenya's electoral management system and its influence on post election violence

The goal of the study was to identify the core components of Kenya's electoral management system. In order to do this, respondents were asked to rate how much they agreed with several claims made about the fundamentals of Kenya's electoral management system. A 5-point Likert scale was used, with 1 denoting strongly disagrees, 2 denoting disagree, and 3 denoting neutral. Number 4 meant "agree," while number 5 meant "strongly agree."

Table 4.2: Essence of Kenya’s electoral management system and its influence on post election violence.

	Mean	Std. Dev
Upholds the freedom of citizens to exercise their right to vote	4.186	0.611
Promotes fair representation	4.297	0.485
Promotes equality of vote	4.360	0.578
Supports free and fair elections	4.411	0.588
Establishes mechanisms for settling of electoral disputes	4.106	0.634
Determines how elections and referendums are conducted by the electoral management body	4.377	0.624
Establishes eligibility criteria for voters	4.076	0.482
Establishes eligibility criteria for election candidates	4.191	0.654
Establishes the electoral formula	4.271	0.464
Establishes how election campaigns are conducted	4.275	0.656
Overall Mean	4.255	0.577

Source: (Researcher Field work Data, 2022)

Table 4.2's results show an overall mean of 4.255 (SD=0.577), which indicates that most respondents strongly agree with most of the items. The majority of respondents, in particular, affirm that Kenya's electoral system supports citizens' freedom to exercise their right to vote (4.186); encourages fair representation (4.297); encourages voting equality (4.360); supports free and fair elections (4.411); establishes mechanisms for resolving electoral disputes (4.106); determines how elections and referendums are conducted by the electoral management body (4.377); and establishes eligibility requirements for voters.

This findings in table 4.2 that respondents agree that Kenya electoral management system does provide eligibility criteria for voters, candidates , determine how elections and referendums are conducted, provides equality of the vote, supports free and fair elections ,promotes fair representation and upholds the freedom of citizens to exercise the right to vote are in agreement by previous literature studies on electoral management system best practices (Bratton,2008 ; corradeltic, 2015; Anderson,2005 ; Klopp and Kamungi,2010).

Findings in Table 4.3 indicating that majority of respondents indicated that they do not believe that the electoral management system in Kenya. This finding correlates literature studies in a number of African countries namely Zimbabwe, Nigeria, Burundi, Malawi, Zanzibar, Uganda, Egypt, Mozambique, Sierra Leone, Cote D’voire, Djibouti and Democratic Republic of Congo showing that electoral management systems in these countries were compromised by internal and external interest thereby being used to subvert the will of the people thereby leading to protests, political violence and disputes raising questions as to how elections are free, fair and verifiable (Reynolds, 1999).

Findings in table 4.4 on the role and capacity of the electoral management system to conduct elections to achieve fair representation at the presidential level. A majority of respondents (60.2%) do not think so. This finding is in agreement by previous studies which found that if and when electoral management systems are inefficient, flawed, partisan, biased; open to manipulation by incumbent ruling party political elites the outcome of the election is disputed thereby precipitating political violence, ethnic conflict and related social imbalance (Gaulme, 2010)

Table 4.3: The right to vote

	Yes		No	
	n	%	n	%
Popular sovereignty	99	41.9	137	58.1
Government policies reflect the wishes of the people	101	42.3	135	57.7
Government leaders are elected	100	42.4	136	58.1
Elections are free and fair	98	41.5	138	58.5
People participate in the political process	123	52.1	113	47.9
High quality information is available	142	60.2	94	39.8
The majority rules	99	41.9	137	58.1

Source: (Researcher Field Work Data, 2022)

As shown, the majority of respondents indicated that they do not think Kenya's electoral system realises or achieves the fundamental principles or goals of representative democracy as

envisioned in the Kenya Constitution 2010 in regards to popular sovereignty (58.1%); government policies reflecting the wishes of the people (57.7%); elected officials (58.1%); free and fair elections (58.5%); people participating in the political process (47.9%); high levels of participation in politics (58.5%); or high levels of participation in economic decision-making. A majority of respondents disagreed when asked whether they thought Kenya's electoral system realised the essential idea of democracy as envisioned in Kenya's 2010 constitution in terms of political equality and liberty. Additionally, respondents were asked if they thought the IEBC was qualified to hold elections in Kenya in order to:

Table 4.4: Role of the IEBC

	Yes		No	
	n	%	n	%
Fair representation at the presidential level	94	39.8	142	60.2
Fair representation at all other seats	165	69.9	71	30.1
Transparency in the electoral process	118	50.0	118	50.0

Source: (Researcher Field work Data, 2022)

As indicated, a majority of respondents indicated that they do not believe that the IEBC is capable of conducting elections in Kenya to achieve fair representation at the presidential level (60.2%). A majority however believes that IEBC is capable of conducting elections in Kenya to achieve fair representation at all other seats (69.9%). Respondents were equally divided on whether the IEBC is capable of conducting elections in Kenya to achieve transparency in the electoral process (50.0%). Respondents were also split (50.0%) on whether the IEBC is considered or accepted as fairly legitimate.

Further questions about the respondents' opinions of the Kenyan election system's character were also posed. According to the responses, the majority of respondents believe that the

country's electoral process is based on the ideas of being free and fair as well as on the idea that every voter has an equal opportunity to cast a ballot. The majority of respondents also agree that among the political rights guaranteed by Kenya's Constitution are the freedom to vote, the right to join a political party, and the right to run for office. The judiciary is tasked by the Constitution with handling any electoral disputes, including presidential petitions, and the majority further recognise the IEBC as the institution with constitutional authority to oversee the nation's electoral process. As an example, one respondent stated that:

“The electoral system in Kenya is headed by the IEBC which is mandated by the Constitution to conduct elections in a manner that is free and fair”

[Monday, June 27, 2022. Q7 Voter 29, Nairobi]

Another added that:

“The electoral system in Kenya is such that every citizen who has attained the legal age of eighteen has the freedom and right to register as a voter, to vote and to vie for any elective post as long as they are qualified”

[Monday, June 27, 2022. Q7 Voter 72, Kisumu]

Key informant interviews also revealed that Kenya's electoral system is based on the First Past the Post principle, a type of plurality/majority system. It is based on the Kenyan Constitution of 2010 and includes a wide range of actors, each of whom has a specific duty outlined in the Constitution. The voter, who is guaranteed the right to vote among other rights, the IEBC as the institution constitutionally mandated to conduct elections, by-elections, and referendums, the judiciary, which is tasked with handling all disputes and litigation as they relate to the elections, and parliament, which is tasked with formulating legislation and amendments pertinent to election laws, are the main actors in this regard. The executive branch, notably the incumbent, media outlets, and the internal security system were discovered to be additional significant stakeholders. For example, a significant source claimed that:

“The principle of plurality/majority systems is simple. After votes have been cast and totaled, those candidates or parties with the most votes are declared the winners. In our case for instance, a presidential candidate must attain the 50% plus 1 to be declared winner. And as we saw in the 2022 presidential election petition, this was one of the bones of contention at the Supreme Court”

[Thursday, June 23, 2022. Q1 Political Analyst 5, Nairobi]

“The electoral system in Kenya as you have rightly put is a ‘system’ that has a number of moving parts, whether it is the voter, the IEBC, the courts and others who play different towards one outcome. Fairly elected leaders that reflect the will of the people, and in this case a majority of the voters”

[Thursday, June 23, 2022. Q1 Political Analyst 7, Nairobi]

Another observed that:

“The electoral system in Kenya is articulated in the Constitution. If you read through the Constitution and particularly the provisions that touch on election, you see an elaborate system but the main component I would say is the IEBC. The Constitution really mandates the IEBC to conduct elections and also clearly outlines the roles played by other actors in the system”

[Friday, June 17, 2022 Q1 Politician 1, Nairobi]

In order to determine the role of the IEBC in Kenya's election system, the researcher conducted further interviews. It was discovered that Articles 88 of the Kenyan Constitution clearly establish the Independent Electoral and Boundaries Commission (IEBC) and set up the commission's constitution and mandate, which includes holding all general elections, by-elections, and referendums. A significant informant stated that:

“We are mandated by Article 88(4) of the Commission to conduct or supervise referendum and elections to any elective body or office established by the Constitution”

[Monday, June 13, 2022. Q2 IEBC Official 1, Nairobi]

Additionally, voters were asked if they believed that the nation's election system effectively upheld the right to universal suffrage. A majority of respondents claimed that Kenya's electoral

system has generally been steadily improving in terms of safeguarding universal suffrage. The new Constitution, which was adopted in 2010, was largely to blame for this.

A respondent observed that:

“The principle of universal suffrage is enshrined in the Constitution, and to the extent that every adult Kenyan is free to vote for their preferred candidate I would say that the electoral system in Kenya is effective in upholding universal suffrage”

[Tuesday, June 14, 2022. Q8 Voter 55, Nairobi]

Another averred that:

“I think that the new Constitution states that every adult citizen has the right to vote by a secret ballot”

[Wednesday, June 29, 2022. Q8 Voter 102, Kisumu]

The question of whether the nation's electoral system ensures free and fair elections was also put to the respondents. The majority agreed that the Kenyan Constitution mandates that the IEBC hold free and fair elections, but they also raised concerns about the election officials' loyalty and incumbency. Most people agree that the Constitution ensures free and fair elections, but it is up to the IEBC, through its personnel, and the current administration to make sure that there are no irregularities that could compromise the process's freedom and fairness. One of the respondents hinted at:

“We have a very good Constitution that guarantees free and fair elections but the buck stops with the IEBC to ensure that they govern the whole process in a free and fair manner”

[Wednesday, June 8, 2022. Q9 Voter 142, Nakuru]

Another added that:

“The Constitution may guarantee free and fair elections but if the incumbent president for instance wants to remain in office, he will use all state resources to compromise the elections in his favour”

[Friday, June 24, 2022. Q9Voter 198, Uasin Gishu]

It was reiterated in the key informant interviews that among the general principles that the country's electoral system is expected to comply with, is to guarantee free and fair elections as per Article 81 of the Constitution. A key informant opined that:

“Article 81 of the Constitution enlists the general principles for the electoral system in Kenya. Among those provided include that elections shall be free and fair. Now whether this is implemented to the letter is another question”
[Thursday, June 23, 2022. Q2 Political Analyst 7, Nairobi]

One expert remarked:

“You cannot say that Kenya is a democracy. Between 1963 right through upto now, we have seen political leadership, without conscience manipulate whole communities right among faiths and tribes. After independence, land redistribution under Kenya's first President Jomo Kenyatta saw his tribe favoured – civil service appointments also saw preferential treatment of the Kikuyus, and the only opposition party was banned. This trend continued under Kenyatta's successor Daniel Moi. He favoured his Kalenjin tribe and formalized one party rule via constitutional amendment. This trend has persisted under successive governments of Mwai Kibaki 2002 – 2013; Uhuru Kenyatta 2013 – 2022 and seemly under the current Ruto regime”.
[Thursday, June 23, 2022. Q2 Political Analyst 17, Nairobi]

Another expert said:

“Our electoral management system does not birth democracy as we know it. Granted, we have held successive elections continuously since 1963. But truth be told. Our governance system remains weak and ineffective. Our society is less governed by rule of law but dictatorship, brute force by security police and at worse, bribery of elected leaders. This is not democracy. It is tyranny to say the least. To make it worse, it is tyranny of minority over the majority. We lack responsible leaders, responsible and accountable institutions”.

[Thursday, June 16, 2022. Q2 Political Analyst 20, Nakuru]

We questioned key informants to find out if they trusted the IEBC to run a free and fair election.

The majority seems to have faith in the main political adversaries' prior agreement on a transparent, verifiable process with distinct victors and losers.

According to an informant:

“I have faith that the IEBC has the capacity to conduct a free and fair election process to the extent that the main political contenders especially the presidential levels are on the same page on the rules of the game. At the very

least, none of the parties should feel aggrieved even before an election is conducted. Both should be satisfied that the process will be transparent and verifiable”

[Friday, June 17, 2022. Q2 Politician 12, Nairobi]

We also questioned key IEBC informants about their perceptions of their organization's ability to conduct free, fair, transparent, and credible elections. It was discovered that the commission strives to fulfil its constitutional purpose to the best of its ability, and that it has made an effort to significantly improve with each election cycle. However, respondents complain about a lack of political trust. One of the respondents argued:

“We have the capacity to conduct free, fair, transparent and credible elections. We learn of any weaknesses with every election and endeavor to improve on the same with every election. As things stand now, we have the capacity to deliver the most transparent, transparent and credible elections in the history of elections in the country. There is however a serious trust deficit on the part of the politicians but on our part, we are committed to and have the capacity to deliver”

[Monday, June 13, 2022 Q4 IEBC Official 2, Nairobi]

The researcher asked respondents if they believed that the Supreme Court's decision to invalidate the 2017 elections revealed that the Commission was ill-equipped to hold presidential elections. It was discovered that the Commission had considered the conclusions and suggestions offered by SCOK and had made a number of important modifications in how it conducts presidential elections as a result. The strict use of an electronic register, except in the most severe cases of electronic failure when the manual register may be used along with photographic proof of manual voters, is among the most important of these. Another is the transparent transmission of results from the polling places to the national tallying Centre. An insider suggested that:

“We have since sealed all possible loopholes in the entire process from voter registration to the transmission of results from the polling stations to the national tallying Centre. We have for instance resorted to a strict use of an electronic register, unless in extreme cases of electronic failure when the

manual register may be used accompanied by photographic evidence of manual voters”

[Q4 IEBC Official 2, Nairobi]

Additionally, voters were asked if they believed that the nation's electoral system guaranteed equal representation and fair voting. It was found that the majority of respondents answered in the positive. The two-thirds gender rule, which states that no one gender can hold more than two-thirds of any elective office, was particularly well-liked by the majority and is largely responsible for the creation of the woman representative role in parliament. The majority also favoured the depiction of those who are disabled. However, several people voiced their displeasure with the level of constituency representation, insisting that it should be proportional to the population. One respondent noted:

“I am highly satisfied with representation particularly with regard to gender, and I think that the two thirds gender rule has really advanced gender parity in political representation”

[Friday June 24, 2022. Q10 Voter 271, Mombasa]

Another observed that:

“The electoral system guarantees fair representation but I think the way parliament is right now is not representative enough. For instance, MPs are given an equal amount of CDF regardless of the size of their constituency in terms of population. This should be looked into”

[Tuesday, June 23, 2022.Q10 Voter 25, Nairobi]

Important informants were also asked to comment on whether they believed the nation's election system guaranteed equitable representation and fair voting. Most of the key informants reported general satisfaction with the fundamental election ideals, including equal representation and fair voting, as required by Article 81 of the Constitution. A significant informant noted that:

“Among the fundamental principles of the electoral system in Kenya is fair representation and equality of vote. And it is this particular principle that grounds such positions as woman representative and representatives of the physically disabled”

[Thursday, June 23, 2022 Q4 Political Analyst 9, Nairobi]

Another opined that;

“Yes, I would say that there is generally fair representation particularly in parliament but of course there are still areas for improvement which is among the things the Building Bridges Initiative (BBI) was trying to resolve. For instance, it is unfair for an MP from a sparsely populated constituency to be allocated an equal amount of CDF as one from a densely populated one”

[Friday, June 17, 2022. Q4 Politician 22, Nairobi]

The study also asked participants' thoughts on how well the nation's electoral system handles electoral disputes. The majority of respondents expressed satisfaction with the judiciary's handling of electoral petitions and disputes in their responses. Several people then listed instances where election results had been overturned in the nation, including the historic 2017 decision by Kenya's Supreme Court (SCOK), which declared the 2017 presidential election invalid and called for new voting. One of the respondents noticed:

“Yes, in my opinion the country’s electoral system is effective in addressing electoral disputes. We have seen aggrieved competitors go to court and get justice by elections being overturned. A prime example is the nullification of presidential election results by the retired Chief Justice Maraga”

[Friday, June 24, 2022. Q12 Voter 279, Mombasa]

A respondent added that:

“It is really commendable what this new constitution has done as it provides amicable mechanisms through which electoral disputes can be addressed without bloodshed”

[Wednesday, June 29, 2022. Q12 Voter 90, Kisumu]

Key informant interviews confirmed the aforementioned beliefs, with the majority of participants agreeing that the nation's election system is successful in resolving electoral disputes. The interviews indicated that Article 87 addresses electoral problems and charges parliament with passing laws to set up procedures for the prompt resolution of electoral disputes, including petitions. Further information revealed that according to the current

Constitution, the 2013 elections were the first time in Kenya's multiparty history that disagreements were settled amicably, peacefully, and quickly rather than through violence or a protracted legal process. When questioned about their role in resolving electoral disputes, a prominent IEBC informant hinted that:

“Article 88(4)(e) charges the Commission with the settlement of electoral disputes, including disputes relating to or arising from nominations but excluding election petitions and disputes subsequent to the declaration of election results”

[Monday, June 13, 2022. Q5 IEBC Official 1, Nairobi]

Additionally, respondents were asked to rate the efficiency of Kenya's electoral system in terms of how the nation conducts elections and referendums. In this sense, responses were mostly divided. While some participants indicated faith in the IEBC's ability to carry out its constitutionally mandated duties of organising elections and referendums, others expressed lack of confidence. Those who supported the IEBC pointed to political meddling and a lack of financial independence as obstacles to the commission's credibility in conducting elections and referendums.

Respondents who disapproved of the IEBC, on the other hand, were discovered to be motivated by past instances of electoral malpractice that have been litigated and confirmed by courts as well as the apparent dysfunction as demonstrated by the disagreement among the IEBC commissioners during the announcement of the results of the 2022 presidential election.

Among the responses was this:

“In my opinion, the IEBC has been effective in how they conduct elections and referendums in the country. I however feel that they have not been able to perform to their full potential due to political interference by the political actors and their lack of financial independence”

[Tuesday, June 14, 2020. Q12 Voter 35, Nairobi]

In contrast, a respondent observed that:

“I think that the IEBC lacks credibility to effectively conduct elections and referendums. I think that the commissioners are compromised every electoral cycle to manage elections in favour of a particular candidate. Just from the split among the commissioners while announcing the presidential results is testament to that fact”

[Q12 Voter 189, Nakuru]

The effectiveness of the nation's electoral system in determining the qualifications for voters and candidates for office also came up for discussion with the respondents. While the majority of respondents applauded the Constitution for explicitly stating the eligibility requirements for voters and election candidates, a majority also criticised the IEBC's and courts' application of the same, especially in cases where political candidates had criminal records. This was mostly in reference to the fact that many politicians were permitted to run for office despite having legal matters pending against them and, in some instances, even being found guilty of numerous charges. One of the respondents noticed:

“The Constitution of Kenya is very good on paper on the eligibility criteria but the weak link is in its implementation. You find a case where candidate clearly fails the integrity test but is allowed to run for office”

[Wednesday, June 8, 2022. Q13 Voter 89, Kisumu]

Another respondent observed that :

“I think this is where the problem is. The Constitution stipulates the integrity threshold that a candidate for a political office must meet before being allowed to vie. But this is not followed at all”

[Friday, June 24, 2022. Q13 Voter 221, Uasin Gishu]

The poll also asked respondents on their perceptions of how well the nation's electoral system has handled election campaigns. The politicians, media, and interior security docket were considered to have the highest responsibility for ensuring that election campaigns are handled without violence and with decency. A majority expressed specific dissatisfaction with politicians' behaviour during election campaigns, pointing out that some of their statements constitute incitement and hate speech. A sizable portion of respondents also criticised media

outlets for their blatant bias and misrepresentation of certain campaign facts. While some praised the security agencies for mostly keeping the peace throughout election campaigning, others criticised their partial treatment of politicians from opposing political parties. One of the respondents noticed:

“Politicians can be very reckless with their utterances during campaigns just to charge up their supporters and if this is not checked it is likely to lead to chaos”

[Thursday, June 8, 2022. Q14 Voter 175, Nakuru]

Another added that:

“Media houses have a special responsibility during election campaigns. They are responsible for what they choose to air during campaigns. It is therefore incumbent upon them to ensure that they do not propagate hate by sieving out garbage”

[Friday, June 24, 2022. Q13 Voter 324, Mombasa]

The results suggest that a variety of stakeholders grounded in the Kenyan Constitution of 2010 embody the core of the electoral system in Kenya. The institutional and legal underpinnings for the election system are established by the Constitution, which is a supreme law. The IEBC, which is responsible of overseeing or organising elections and referendums, is the key institutional stakeholder in the system. Another important institution is the judiciary, which plays a significant role in resolving electoral disputes. Parliament, county governments, the executive, the interior security docket, and the media are additional important organisations. Voters have a significant role in the election process of the nation because the Constitution guarantees them certain voting-related rights.

Only about 40% of voters do not trust the IEBC to translate votes cast in a presidential election into a president, party and government voted for by the people. A majority however believes that our electoral system aggravates political tension thereby leading to outbreak of violence, for example where in 2007; Kivuitu was quoted in press saying that he did not know who or

which party won the presidential elections. It is when electoral system makes the opposition feel like they cannot win fairly and the political framework does not give them a chance to win in the next election cycle thereby making them feel like they may be compelled to seek power through illegal means particularly violent means. In Kenya, voters now feel disillusioned that their votes do not count leading to voter apathy in opposition strongholds. It is deducible that our electoral system at the national level precedents majority tyranny whereby there is suppression of the rights and liberty of a minority by the majority.

The results strongly suggest that the majority of Kenyan voters believe the country's electoral system supports free and fair elections as well as the freedom of citizens to exercise their right to vote. The Kenyan Constitution's Article 38 gives every person the right to free, fair, and regular elections based on universal suffrage and the free expression of the will of the electors. This is consistent with that provision. Every adult citizen is explicitly granted the following rights under Article 38(3): (a) to be registered as a voter; (b) to cast a secret ballot in any election or referendum; and (c) to run for public office or a position within the political party of which the citizen is a member and to hold that office if elected. As a result, it can be concluded that Kenya's electoral system does indeed support free and fair elections and maintain the freedom of citizens to exercise their right to vote, as is specifically stated in Article 38 of the Kenyan Constitution.

The results also suggest that the majority of Kenyan voters believe the country's election system supports equal representation and fair voting. This is particularly highlighted in Article 81 of the Kenyan Constitution, which states that no one gender is allowed to occupy more than two-thirds of the seats in elective public bodies in order to ensure balanced representation of the genders. In accordance with the objectives for fair representation and equality of vote, Article 81 of the Constitution also mandates that the electoral system adhere to the principles of universal suffrage and fair representation of people with disabilities.

The study concludes from its findings that the majority of Kenyan voters believe that the electoral process creates procedures for resolving electoral disputes. This impression is supported by Article 87 of the Kenyan Constitution, which mandates that Parliament pass legislation to establish procedures for expeditious resolution of electoral disputes. The Constitution further stipulates that petitions pertaining to elections must be filed within seven days (for presidential elections) and twenty-eight days (for other positions) following the IEBC's announcement of the results. Therefore, the IEBC, Parliament, and the Judiciary make up the institutional framework of the electoral system in this regard.

The results also suggest that the electoral system, as well as the electoral formula, impacts how elections and referendums are carried out by the electoral management body in the country, according to the majority of voters. A referendum and elections for any elective body or office established by this Constitution, as well as any other elections as specified by an Act of Parliament, are to be conducted or overseen by the IEBC, according to Article 88(4) of the Kenyan Constitution. Accordingly, Article 138(4) specifies the electoral system for presidential elections, according to which a candidate is declared elected if they receive at least

25% of the votes cast in each of more than half of the counties and more than 50% of the total votes cast.

The results also suggest that the majority of Kenyan voters believe that the country's electoral system establishes requirements for voters and election candidates. This is in accordance with Article 83 of the Constitution, which states that a person must be an adult citizen, not be deemed incompetent to stand trial, and not have been convicted of an election-related offence within the previous five years in order to be eligible to register as a voter at elections or referendums. The Constitution also specifies the qualifications for being elected as a county assembly member (Article 193), a county governor (Article 180), an independent candidate (Article 85), a member of parliament (Article 99), the president (Article 137), and a member of the IEBC (Article 88).

The results also suggest that the majority of Kenyan voters believe the country's electoral system determines how election campaigns are carried out. Every citizen is granted political freedom under Article 38, which includes the freedom to advocate for a political party or cause. In accordance with Article, Parliament is also tasked with passing legislation to ensure that political parties receive a fair and reasonable amount of airtime from State-owned and other designated categories of broadcast media, either generally or during election campaigns, as well as with regulating broadcast freedom to ensure fair election campaigning.

In addition, the Consociationalism Theory is relevant to the first research objective as it helps to analyze the essence of Kenya's electoral management system. This theory emphasizes power-sharing arrangements and inclusion of various ethnic, religious, or social groups in the political decision-making process. In the context of Kenya, understanding how the electoral management system has incorporated or excluded different groups can shed light on its influence on post-election violence. The theory helps identify whether power-sharing

mechanisms have effectively addressed grievances and conflicts or exacerbated tensions leading to violence.

4.4 Chapter Summary

In this chapter, an assessment of the essence of Kenya's electoral management system is conducted. Based on the questionnaire and interview items, the analysis and discussions in the chapter are centered on various thematic areas. These include the general principles of the electoral system and constitutional mandate of the IEBC. The analysis features perceptions, opinions and experiences of different respondent categories including voters, political analysts, politicians and IEBC officials. The next chapter delves into the causes, consequences and effects of post-election violence in Kenya.

CHAPTER FIVE

CAUSES AND CONSEQUENCES OF POST-ELECTION VIOLENCE

Introduction

The goal of the study was to investigate the reasons behind and effects of post-election violence in Kenya that began in 1963. In order to achieve this, this chapter goes deeply into an examination of significant data that was gathered through the use of both surveys and key informant interviews. In this context, descriptive and thematic content analyses are carried out. The chapter is divided into three major sections that explore the reasons behind post-election violence as well as its ramifications.

5.1 Causes of Post-election Violence

The goal of the study was to identify the reasons for the post-election violence that began in Kenya in 1963. In order to achieve these goals, respondents were asked to rate how much they agreed with various claims made about the reasons for the post-election violence in Kenya. A 5-point Likert scale was used, with 1 denoting strongly disagrees, 2 denoting disagree, and 3 denoting neutral. Number 4 meant "agree," while number 5 meant "strongly agree." Table 5.1 presents the findings.

Table 5.1: Causes of Post-Election Violence in Kenya

	Mean	%	S.D
“Winner-takes-it-all” election system	4.364	10.40%	0.482
Voter incitement by politicians	4.364	10.40%	0.482
Poor electoral conflict resolution mechanisms	4.275	10.19%	0.656
Disputed election outcomes	4.271	10.18%	0.464
Perceived bias of the electoral management body	4.199	10.01%	0.771
Discriminatory enforcement of electoral laws	4.161	9.92%	0.513
Impunity and incitement by politicians	4.161	9.92%	0.513
Lack of transparency in vote tallying and counting	4.098	9.77%	0.586
Weak laws on election violence perpetrators	4.098	9.77%	0.586
Perceived rigging by the electoral management body	3.97	9.46%	0.901
Overall Mean	4.196		0.596

Source: (Research Field Work Data, 2022)

The findings presented in Table 5.1 depict an overall mean score of 4.196 (SD=0.596), implying that a majority of respondents highly agrees with most of the items posed in relation to the causes of causes of post-election violence in Kenya since 1963. A majority of respondents particularly highly affirmed that the causes of post-election violence in Kenya include disputed election outcomes (4.271); poor electoral conflict resolution mechanisms (4.275); “winner-takes-it-all” election system (4.364); lack of transparency in vote tallying and counting (4.098); discriminatory enforcement of electoral laws (4.161); perceived bias of the electoral management body (4.199); voter incitement by politicians (4.364); weak laws on election violence perpetrators (4.098); impunity for incitement politicians (4.161); and perceived rigging by the electoral management body (3.970).

Respondent voters were asked to expound on what in their opinions or experience are some of the causes of post-election violence in Kenya since 1963. It was established that a majority of respondents attribute post-election violence in Kenya to among others, voter incitement by politicians; weak laws on election violence perpetrators; disputed election outcomes; and poor electoral conflict resolution mechanisms. A respondent for instance argued that:

“I think politicians are really the real culprits here. They incite and facilitate jobless youths to go cause chaos either to intimidate opponents’ supporters or to sort of punish those who didn’t vote for them”

[Tuesday, June 14, 2022. Q16 Voter 5, Nairobi]

Politicians as the trigger cause of post-election violence one expert and voter commented:

“That politicians thrive and allow violence to prove their points about the other side; that they will use violence to gain or maintain power; the sense of betrayal that people felt as

Raila and Kibaki patted one another on the back after signing the power sharing ageement when they had so recently been on television bad mouthing the other side, and thus, perhaps, encouraging people to kill one another; the U.S. and the U.K. paying off both sides to encourage a peace deal, Kenyans trapped inside, a boost to their commerce, geopolitical strategic and commercial interests”.

[Tuesday, June 14, 2022. Q16 Voter 55, Nairobi]

Another added that:

“I blame corruption in our law enforcement and even the courts. Like we never hear of a politician taken to court, found guilty and actually go to jail. The much punishment they get is paying cash bails and fines. This emboldens other politicians”

[Wednesday, June 29, 2022. Q16 Voter 101, Kisumu]

Respondents were also asked to indicate whether in their opinion, post-election violence in Kenya can be in any way attributed to the country’s electoral system. In responding, a number of respondents were found to agree citing a perceived lack of independence and consequently bias by the electoral management body; and the ‘winner-takes-it-all’ election system which leaves the losing side aggrieved. A majority were however quick to note that the current constitution has quite significantly addressed the foregoing by providing for legal and effective electoral conflict resolution mechanisms whereby aggrieved parties can challenge the election results amicably in the courts without violence. A respondent observed that:

“I fault the IEBC for their lack of independence and always appearing to favour a certain side and especially the incumbent government. I wish we had a fully independent commission that cannot be intimidated or bribed into rigging elections in favour of certain candidates”

[Thursday, June 16, 2022. Q16 Voter 132, Nakuru]

Another respondent concurred :

“The current constitution has by and large solved the ills that often led to post-election violence in Kenya since independence. Now, instead of taking to the streets, parties that are not agreeable can go to court and seek justice which in my opinion is always granted”

[Friday, June 24, 2022. Q16 Voter 221, Mombasa]

The foregoing sentiments were replicated in key informant interviews where respondents were asked on whether post-election violence in Kenya can be in any way attributed to the country’s electoral system. It emerged from the responses that significant strides have been in the country’s electoral systems in effort to address post-election violence and that much of the progress can be attributed to both the current constitution and the elections Act. Some

respondents however noted that the current weak link is the perceived lack of independence by the IEBC and the ‘winner-takes-it-all’ system. A key informant said that:

“The last three election cycles since the promulgation of the current constitution in the year 2010, that is 2013, 2017 and the just concluded one in 2022 are really testament of the far we have come as a country in terms of post-election violence. The 2022 one has especially been the most peaceful we have seen despite being the closest contested presidential election. And this is largely thanks to the current constitution. And if you look at the petition, at the very core is the conduct of the IEBC. So, for me, IEBC really needs to be looked into and reconfigured for a truly independent commission”

[Thursday, June 23, 2022. Q7 Political Analyst 3, Nairobi]

This was however contrasted by another key informant who credited the IEBC for what they consider the most transparent and credible presidential election in the country since independence in 1963. The respondent noted that:

“Let us give credit where it is due. The 2022 presidential elections were by far the most transparent and credible. This is why it was also the most peaceful election cycle ever”

[Monday, June 13, 2022. Q7 IEBC 2, Nairobi]

Another key informant responded in agreement with the foregoing, but acknowledged that post-election violence in previous elections were significantly attributable to the country’s electoral system prior to the promulgation of the new constitution in 2010. The main causes according to the respondent were a blatantly biased electoral commission and a lack of effective electoral dispute resolution mechanisms. They observed that:

“Yes, for the previous elections where we went through post-election violence, especially in 1992, 1997 and 2007, the electoral system was clearly the cause and especially in 2007 where the Chairman of the commission then had to hurriedly swear in the president at night. There was no recourse for the aggrieved parties then which is why their supporters took to the streets but clearly with the new constitution we have seen losers go to court to contest and they had their way. So yes, post-election violence in Kenya can be attributed to the country’s electoral system”

[Friday, June 17, 2022. Q8 Politician 10, Nairobi]

Key informants were also asked on whether in their experience politicians contribute to post-election violence in Kenya. A majority of respondents affirmed that politicians have been significant contributors to post-election violence in Kenya, citing hate speech, incitement utterances during campaigns and a lack of a deterrent legal framework for perpetrators. An informant intimated that:

“Yes, politicians have their portion of blame in post-election violence in Kenya. But I also think that you cannot blame the politicians without blaming media houses, the police and the courts. Media houses air this hate speech, police do not prosecute effectively, and courts do not jail them. So, politicians are partly to blame in post-election violence but also other stakeholders need to assess their roles in the same”

[Thursday, June 17, 2022. Q9 Political Analyst 1, Nairobi]

This was agreed upon by another key informant:

“Yes, politicians contribute to post-election violence in Kenya and I think a prime example to this effect is 2007 which had politicians right in the middle of it”

[Friday, June 23, 2022. Q9 Politician 15, Nairobi]

The study further sought to find out from the respondents, whether in their opinion, incumbency can be associated with post-election violence. A majority agreed, indicating that incumbent presidents in the country are not always willing to leave office, hence using state resources to manipulate the electoral process including the electoral management body. This often results in rigging claims and ensuing post-election violence. They proceeded to cite presidents Daniel Moi in 1992 and 1997 and Mwai Kibaki in 2007. A respondent argued that:

“Incumbency has long been a thorn in the flesh of the electoral system in Kenya. No sitting president is quite ready to lose power at least before his two terms elapse. This has always been a recipe for chaos. Take the late presidents Daniel Moi in 1992 and 1997 and Mwai Kibaki in 2007 for example”

[Thursday, June 23, 2022. Q10 Political Analyst 4, Nairobi]

This was echoed by a respondent who averred that:

“Incumbent presidents are known to use state resources and bend laws in their favor just to retain power. This is primarily what led to the 1992, 1997 and 2007 clashes”

[Friday, June 17, 2022. Q10 Politician 12, Nairobi]

The study further sought to find out from the key informants, whether in their opinions, elections the real cause of the violence or whether they feel that there is an underlying issue to the post-election violence. It emerged from the findings that most respondents perceive underlying tribalism and ethnic divisions as the real cause of post-election violence in Kenya. Accordingly, respondents also attribute post-election violence in the country to the underlying perception that a sitting president will favor their ethnic community in terms of development and appointments in key positions in government which is then reflected in employment trends especially in the public sector. A respondent observed that:

“There is an underlying ethnic division in the country since independence, which trickles down from the top to the common mwananchi. This is where especially in the public sector; jobs are dominated by a few ethnic communities that have their persons in key positions. This leaves other qualified Kenyans disenfranchised, planting animosity in their psyche towards people from the other ethnic communities.”

[Thursday, June 17, 2022. Q10 Political Analyst 10, Nairobi]

One expert explained how volatile elections took shape over the years, a historical perspective of sort

“Although elections have been held in Kenya continuously since 1963, by no account were they free and fair. Elections were held in 1969, 1974, 1979, 1983, 1988, but the only candidates by then was Jomo Kenyatta and Daniel Arap Moi respectively who retained their positions unchallenged even with the re- introduction of multiparty politics and multi-party elections in 1992 and subsequently in 1997, Moi still retained his position with minority total votes compared to combined total votes garnered by the opposition candidates.”

She continued

I was at the university pursuing my PhD in political science at the time, and I remember thinking, "The election in 2002- this one was big." I also thought that we could actually make a difference in the world. They really boosted people's optimism. People came together. "I wish we could have kept going that way."

She believed that the Anglo-Leasing incident, which involved massive-scale corruption and implicated the President and those close to him, signalled a deteriorating trend;

“During that time our President went silent. A plane crash killed six members of Parliament. Kibaki didn’t say a word. Plus they had signed a memorandum of understanding and nothing came out of it; he backed out of that with a lot of contempt. Anger stirred because this is what happened to his father with Kenyatta”

Odinga Jaramogi Jomo Kenyatta was notably imprisoned under British authority, and Odinga had requested his release. Later, he was named vice president, but Kenyatta elites from Mount Kenya contrived a weak and underpowered post for him. More crucially, it seemed to Odinga that Kenyatta had no intention of delivering on the independence pledge (Odinga, 1967). He and 28 lawmakers broke away from KANU to create the Kenya Peoples Union (KPU), which Kenyatta promptly outlawed.

Since 1963, the presidency has held a disproportionate amount of power in Kenya. A new constitution, which would among other things solve this issue, was one of the National Rainbow Coalitions, Kibaki's Party's platforms. The essential thing, continued the speaker, is that Kibaki made sure that the new constitution that had been promised within 100 days never materialised. I thought that since Kenyatta and Moi's administration, nothing had changed as we headed into the elections. Many people registered with me; we only wanted Kibaki gone, just like Moi and Kenyatta before him. The problem is that we don't consider what you can do to improve the nation. That's how we were brought up politically. I'll take you back to colonial times now:

“when the whites, came to Kenya they divided the territory to people eight provinces along tribal lines to close off people in different areas so that then they could take over the Rift Valley, which is the most fertile land we have in Kenya’s for their farming and things like that. So that’s where it started, the tribal thing. And then, of course, there were a few translators and sell – outs or whatever the black people who worked with the white ones, and they were the ones, you know, that if you want something, fertilizer, or whatever you talk to the black guy and give him something and he’ll talk to the white guy and sort you out, which is basically the history of bribery here. That’s how it started. But then when the whites had left who did they give their piece of land to? These people who were working for them. That’s why most of these politicians like Kibaki, etc.; you can trace back their ancestry to people who were with the white settlers”.

“People like Kenyatta came in. He was given all this land and he needed to reward the people who had helped him out. A lot of them, of course were his tribe, and he gave them ninety percent of Rift Valley, which ideally belonged to the Kalenjin’s and people like that, which is why the most internally displaced of Rift Valley were the Kikuyu. But the tribal division started very long time ago and was used to play people against each other, which is what they still do today. Divide and rule, that’s what Moi called it. It works, “that’s the history I have given you. If you listen to a kikuyu version it might be a bit different”.

[Thursday, June 17, 2022. Q2: Political Analyst 20, Nairobi]

Another voter blamed the event of post-election violence on politicians.

“ people felt- I felt - the whole thing was pressurized and fuelled by the politicians because these people have lived together for many years. They have built friendships; some of them have intermarried. I could not understand where that animosity came from. At no time would we have thought that humans could become as violent as it happened.”

[Friday, June 24, 2022. Q16 Voter 180, Mombasa]

One voter said he would rather not talk about the subject of post-election violence in Kenya.

“This is a subject most of us don’t like revisiting. Forget and get on it”. “If we start arguing here it won’t get us anywhere. If you are talking about rigging, both sides rigged”. All of us sitting here, we don’t know, we don’t know who won”.

[Friday, June 24, 2022. Q16 Voter 40, Mombasa]

This was affirmed by other key informants:

“The underlying issue here, which we cannot run away from, is tribalism. We want to vote in our own so badly, so that we are not locked out of development and opportunities should the other community win”

[Friday, June 17, 2022. Q10 Politician 20, Nairobi]

This concern was evidenced in the 2022 general elections whereby President William Ruto of the Kenya Kwanza coalition appointed 50% of Cabinet Secretaries and Principal Secretaries from the Rift Valley and Central regions, from where they garnered the most votes.

This was further agreed upon by another key informant:

“The main underlying problem is trust deficit of our institutions by a section of Kenyans which is primarily fueled by tribalism. We fear that for instance that if the IEBC is constituted by commissioners from a certain tribe which has a presidential candidate, the IEBC will rig elections in favour of that candidate”

[Monday, June 23, 2022. Q10 IEBC 1, Nairobi]

Respondents were further asked whether in their opinions, we should adapt a new electoral system to reduce or prevent violence in future elections. A majority were found to agree,

arguing that the current system is ethnically charged which easily culminates in ethnic violence. Some however dissented, noting that the current constitution and subsequent Acts of parliament including the Elections Act and its subsequent amendments as well as litigation are curing the identified gaps making elections better and more peaceful with every cycle. A key informant observed that:

“The electoral system applied in Kenya is principally First Past the Post. This type of electoral system is one in which the voters indicate the candidate of their choice on the ballot, a practice adopted from the colonial regime. This is the root cause of the highly divisive nature of Kenyan elections. This gives rise to campaigns that are personality based and ethnically charged leading to a breakdown in the social fabric of the country”

[Thursday, June 23, 2022. Q11 Political Analyst 4, Nairobi]

Another agreed that;

“In my opinion that the cure to the current divisive electoral system is to explore other options such as Proportional Representation (PR) and Mixed Member Representation (MMR) models as they are more inclusive and result in fair representation”

[Monday, June 13, 2022. Q11 IEBC 2, Nairobi]

This was contrasted by a key informant who responded that:

“No, I think that will be the proverbial ‘pouring the bathing water away with the kid’. We have come quite a long way and you will agree with me that elections are getting more peaceful with every election; we just need to learn with every last election and address any weaknesses that we can identify. This is what we have been doing thanks to the new Constitution and the Election Act”

[Thursday, June 23, 2022. Q11 Political Analyst 10, Nairobi]

Another key informant responded in agreement:

No, we just need to address our ethnic politics by moving away from personality-based politics with ‘tribal chiefs’ and moving towards politics based on issues, principles and party philosophies.

[Friday, June 17, 2022. Q11 Politician 17, Nairobi]

This was further affirmed to by another key informant:

“I don’t think that will be the solution.... At least we are starting to see a change in post-election violence especially from the 2022 general elections. Kenyans

are now beginning to move towards issues other than ethnic affiliations which has been the underlying problem leading to violence”

[Friday, June 17, 2022. Q11 Politician 20, Nairobi]

Asked on what in their opinion needs to be changed about the current electoral system to guarantee peace to all Kenyans after presidential elections, a majority were found to recommend strengthening of the IEBC and political will. An informant proposed that:

“We need to start by making the IEBC fully independent of political interference. From the appointment of commissioners to funding, we need to make the Commission strong by also bench-marking with similar but advanced democracy”

[Thursday, June, 2022. Q12 Political Analyst 7, Nairobi]

Another opined that:

“We need to change our politics. We need to base our politics and elections on manifestos as opposed to ethnic groupings. And I am really glad we moved a step in that direction with the 2022 presidential elections. I hope we keep it that way”

[Friday, June 17, 2022. Q12 Politician 8, Nairobi]

Another argued that:

“We need to have faith in our institutions. The same way we have faith in our courts when it comes to disputes and petitions, we should accord the IEBC the same faith. Trust that we have the capacity to deliver a free, fair and credible election like we saw in the just concluded 2022 presidential elections. And it will even be better next time”

[Monday, June 23, 2022. Q12 IEBC 1, Nairobi]

As a follow up, key informants were asked on whether electoral bodies such as the IEBC played any role in contributing to post-election violence in Kenya; and whether politicians’ and voters’ perception of IEBC’s election malpractices contribute to post-election violence in Kenya. It was found that a majority of respondents affirm that electoral bodies such as the IEBC have played a significant role in contributing to post-election violence in Kenya. This owes to the consistent claims of rigging presidential elections by politicians and voters. This was particularly more pronounced in the year 2007 following the controversial swearing ceremony shortly after which violence ensued. A respondent observed that:

“The role of electoral bodies in the country’s post-election violence came to the fore in the year 2007 following the controversial swearing in and admission by the then Chairman that he did not know who won the elections”

[Thursday, June 23, 2022. Q13 Political Analyst 6, Nairobi]

Another added that:

“Yes, the perception that the IEBC is compromised has also been the leading cause of electoral petitions at the presidential level every election cycle since 2013 and this is what precipitated the 2007/2008 post-election violence with the ECK”

[Friday, June 17, 2022. Q13 Politician 16, Nairobi]

A key informant also agreed, but quick to single out the 2007 incident adding that the commission has since improved with the help of judicial decisions under the current constitution. They observed that:

“Electoral commissions can only be directly linked to post-election violence in the case of 2007. With the establishment of the IEBC under Article 88 of the Constitution of Kenya, 2010 however, we have endeavored to deliver credible elections despite persistent political interference”

[Monday, June 23, 2022. Q13 IEBC 2, Nairobi]

Asked on what can be done to increase the confidence and trust level of the Kenyan citizens in the IEBC’s ability to conduct free and fair elections, a majority cited the implementation of judicial decisions, electoral law reform and review of the commission. A respondent observed that:

“The IEBC needs to review and implement the decisions of the Courts in Kenya with regard to pronouncements on electoral matters. It then needs to take significant operational and administrative action to turn around its image”

[Thursday, June 23, 2022. Q14 Political Analyst 13, Nairobi]

Another opined that:

“We need some serious electoral law reform in the country to particularly focus on the conduct and independence of the IEBC”

[June 17, 2022. Q14 Politician 20, Nairobi]

A key informant added that:

“We need political good will to change the public’s perception of the commission. On our part, we have made significant improvements in how we manage elections. Kenyans can trust us to be impartial”

[Monday, June 13, 2022. Q14 IEBC 2, Nairobi]

In an interview with security personnel and members of the county administration, key informants were asked to describe the trend of post-election violence in Kenya from a security standpoint. It emerged from the interview that the recent elections in Kenya raised tensions nationally with many fearing a repeat of the violence seen in the 2007/8 elections, which claimed the lives of more than 1,200 people and left more than 600,000 displaced from their homes. After the 2022 general elections, many still feared the occurrence of violence despite a predominantly peaceful electoral process in the preceding two elections. An informant observed that:

“As with previous elections, the country came to a standstill with most businesses remaining closed and people staying indoors for the better part of the election week. Some residents of cosmopolitan areas such as Nairobi also opted to leave for rural areas perceived to be safer for their ethnic homogeneity. Others who could afford it left the country as they awaited the election outcome.”

[Tuesday, June 21, 2022. Q1 Security 3, Nairobi]

Key informants from security personnel and members of the county administration were also asked to elaborate on the extent of security services that the security personnel and provincial administration offer in the aftermath of post-election violence in Kenya. It was found that a police officer designated as election security personnel is responsible to the respective IEBC Elections Officer for providing security at the venue where the nomination of candidates is held; safeguarding the polling process at the polling stations; safeguarding the process of counting and tallying of the votes; and providing security for election officials and during transportation of election materials and equipment.

According to an informant:

“....Any Police Officer designated to provide security during elections is assigned duties and subject to direction and instruction by the IEBC Election Officer at the Polling Station and/or Tallying Centre. The Police Officer gives the IEBC Election Officer the support and collaboration necessary to execute the activities relating to the conduct of an election.....”

[Tuesday, June 21, 2022. Q2 Security 5, Nairobi]

Another informant added that:

“....Police officers shall generally collaborate with IEBC Election Officers during electioneering period to ensure that security challenges and threats that may compromise the elections are effectively and efficiently managed. Police officers in their respective areas of operation shall take all necessary measures for the maintenance of law and order and stability necessary for the conduct of an election and to protect and uphold the rights of all persons under any written law relating to elections....”

[Tuesday, June 21, 2022. Q2 Security 6, Nairobi]

Key informants from security personnel and members of the county administration were further asked to elaborate from a security standpoint, what in their opinion were the causes of post-election violence in Kenya. The study established that from a security standpoint, there is a number of causes of post-election violence in Kenya. These include politicians advocating hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm; obstructing, disrupting, breaking up or in any other way whatsoever interfere with a meeting, rally or demonstration of another political party or its leadership. An informant shared that:

“...some of the most rampant causes of insecurity leading to post-election violence in Kenya include establishing or maintaining a para-military force, militia or similar organization or having links with such organizations; and engaging in or encouraging any kind of intimidation of opponents, any other person or any other political party...”

[Tuesday, June 21, 2022. Q3 Security 2, Nairobi]

Key informants from security personnel and members of the county administration were further asked to elaborate on the role of security personnel and provincial administration in the

reduction of post-election violence in Kenya. In this regard, the study established that the Police are required to provide security for electoral operations, provide protection and assistance for purposes of facilitating peaceful and orderly elections, securing IEBC assets, equipment and acting on citizens and electoral officials' reports on election malpractices in a timely manner.

It was further established that given the uniqueness of security considerations for each election, additional components of security agencies may be mobilized, including the Kenya Prison Service, Kenya Wildlife Service, Kenya Forest Service among others to support National Police Reserve all under the Command and Control of the Inspector General of the National Police Service. An informant offered that:

“....in efforts to deter violence, voters were urge voters to go home immediately after casting their vote and warn politicians against instigating violence. The police also warned that more than 150,000 state agents would be deployed for purposes of ensuring electoral security....”

[Tuesday, June 21, 2022. Q4 Security 1, Nairobi]

Another observed that:

“....The conduct of the police in these elections shows that violence can be reduced if demonstrations are well managed. This places an onus not only on police but also on protesters and politicians....”

[Tuesday, June 21, 2022. Q4 Security 3, Nairobi]

Respondents were also asked to comment on the role of police reforms in the reduction of post-election violence in Kenya. It emerged that according to the respondents, police reforms have cultivated good police-civilian relations which have in return created the conditions for effective partnerships to evolve between the police and the public, enabling both to understand each other's roles and expectations during elections. According to a key informant:

“.....Police reforms have gone a long way in ensuring that the police service uses reactionary force that is proportionate to the force used by protesters. This for instance implies only shooting in response to criminals who open fire against the police officers first. The reforms have resulted in police officers acting within the law and that the force used is necessary to protect life and property of the Kenyan people.....”

[Tuesday, June 21, 2022. Q5 Security 6, Nairobi]

Key informants were also asked on what roles the legislator; judiciary, IEBC and politicians can play to prevent post-election instability in the future. It emerged that the legislator, judiciary, IEBC and politicians are key stakeholders in the country's electoral system and each plays a significant role in preventing post-election instability in the country. It was recommended that parliament continuously improve the Elections Act through progressive review and amendments taking into account gaps in every election. Respondents also suggested that judiciary uphold its independence and impartiality in determining election petitions. It was also recommended that the IEBC implements the various judicial decisions through the years and observe fairness, transparency and impartiality in conducting elections. It was further recommended that politicians practice issue-based politics and avoid inciting their supporters especially during campaigns.

It is deducible from the findings that among the major causes of post-election violence in Kenya dating back in 1963 is voter incitement by politicians. Politicians are found to prey on ignorant and unemployed youths to cause violence in order to intimidate and/or punish perceived supporters of the opponents. This is particularly catalyzed by ethnicity, in which case voters of a certain tribe are perceived to have voted for the opponent and are therefore attacked in retaliation. This was especially the case in the election cycles prior to the promulgation of the new Constitution of Kenya, 2010, and particularly in 1992 and 2007.

The results are corroborated by Brosche et al. (2020), who discovered that in Kenya today, candidates and political parties in previous political party elections have been marked by the use of hate speech and foul language in electoral campaigns by those in power to their unfair advantage in the electoral contests; a multitude of human rights violations and acts of gross electoral misconduct; such as the use of violence, threats of violence, militias, and criminal activity.

The finding is also in agreement with Dercon and Gutiérrez-Romero (2012) who report that disruptions, heckling and violence are inherent features of our political culture, in all of which and other incidents, politicians are the perpetrators, financiers or inciters. Similarly, Klaus (2020) reports that the history of hate speech and incitement to violence in Kenya is a long and widespread and that led to the failed prosecution by the International Criminal Court of President Kenyatta and Deputy President William Ruto.

It is also implicit from the study findings that another major cause of post-election violence in Kenya dating back in 1963 is disputed election outcomes and poor electoral conflict resolution mechanisms. Prior to the Constitution of Kenya, 2010, the conflict resolution mechanisms for addressing electoral disputes were largely weak. Losing candidates with rigging claims had no clear-cut mechanisms for recourse on their grievances. This often resulted in the aggrieved parties resorting to violence in protest and as a way to vent out their grievances. With the new constitution however, the Supreme Court was introduced which provided a clear and elaborate legal avenue on which parties contesting the presidential election results can file petitions. This was the case in the presidential elections of 2013, 2017 and 2022, which were commendably peaceful save for pockets of violence in protests particularly in 2013 and 2017 but significantly less so in comparison to prior election cycles.

The result is consistent with Klaus and Mitchell's (2015) findings that elections naturally promote disagreements since they are a battle for political power. Therefore, the key to avoiding electoral violence and preserving the validity of the results is effective electoral dispute resolution. It boosts public confidence in the electoral process and encourages citizens to engage in active political involvement. In a similar vein, Kamande (2021) asserted that Kenya's relatively peaceful elections and transfer of power in 2013 were significantly

influenced by the judiciary's successful handling of election complaints in a setting characterised by ethnic tensions and poor public confidence in democratic institutions.

It is further inferred from the findings that another cause of post-election violence in Kenya dating back in 1963 is weak laws on election violence perpetrators and particularly politicians accused of instigating violence by incitement and facilitation. To date, none of the politicians prosecuted has been found culpable and punished by law in a deterrent fashion. At most, politicians are released on bail or bond which they can afford and their cases dragged through prolonged investigations and drawn-out court hearings. A case in point is the 2022 election in which a politician was accused of gunning down and killing an opponent's aide, only to be released on bail pending investigation. This is seen to embolden other politicians as the punishment is not deterrent enough.

The findings concur with Rasmussen's (2018) claim that ethnic violence planners and perpetrators in Kenya continue to act with a fair amount of impunity. There have been few arrests and even fewer successful prosecutions of violent offenders since the early 1990s, when ethnic violence in Kenya became a severe problem. Boone (2011) concurs that political obstacles prevented attempts to establish a local tribunal to hold those responsible for the violence in 2007 and 2008 accountable. Additionally, the ICC cases against the six people thought to be most responsible for the PEV violence collapsed. Similar to this, Okia (2011) contends that over time, strong figures who have been linked to acts of violence utilise their sway over institutions of justice to thwart or thwart efforts to prosecute them.

The study's findings also suggest that Kenya's "winner-takes-it-all" electoral system is a major contributor to post-election violence dating back to 1963. According to Kenya's plurality voting election system, the winning candidate's party constitutes the whole executive branch of

government, whereas the losing candidate, regardless of the number of votes they won, is not represented in the government. As a result of these "wasted votes," the losing party feels deeply hurt and is more likely to resort to violence as a form of protest. Alternative election structures, like proportional representation, work to reduce vote waste by making practically all votes count towards influencing the outcome. Such a strategy is credited with boosting voter turnout and reducing disproportionality in election results.

The finding is in tandem with Willis and Chome (2014) who argue that in a system where the winner "takes it all", Kenya's politics operates more on personalities instead of ideologies. This means that the winner of an election is viewed as a vehicle for advancement for his party and the ethnic group he represents, and not for the whole country. This is prone to violence as losers are locked out of government and major development projects. Similarly, Bekoe (2012) found that the winner take-all-system seems to encourage both electoral violence and corruption. Proportional representation or mixed member proportionate representation may be a better option for Kenya.

The findings also imply that incumbency is a key cause of post-election violence in Kenya dating back in 1963 is the "winner-takes-it-all" election system. Incumbent presidents in the country are not always willing to leave office, hence using state resources to manipulate the electoral process including the electoral management body. According to Taylor et al. (2017), electoral violence is much more likely to occur both before the election and after it has been held in elections where the incumbent presidential candidate is seeking for reelection. They contend that this pattern is the result of the clientele, who frequently use electoral violence to defend a dependable incumbent client. On the other hand, they contend that when an incumbent politician isn't running for office, clients are less prepared to take on the risks of taking part in electoral violence because the contenders in the race haven't proven themselves to be reliable sources of patronage at the executive level.

The data also suggest that lack of transparency in vote tallying and counting is a significant factor in post-election violence in Kenya dating back to 1963. This was especially shown in the general elections of 2013 and 2017. The petitioners claimed that the IEBC violated the law's obligatory mandate to submit election results electronically for transparency in 2013. According to the petitioners, the IEBC's electronic system malfunctioned and they failed to electronically transfer the election results, which had an impact on the legitimacy of the Presidential elections. In 2017, the petitioners claimed that the tallying process was manipulated using an algorithm that had a predetermined outcome in favor of the incumbent Jubilee government. It is on the foregoing basis that the petitioners demanded that the IEBC opens its servers for a forensic audit. To address this lack of transparency, the IEBC did in 2022, electronically submitted all form 34As to a public portal allowing for parallel tallying by parties.

Shugart et al. (2018), who believe that the principle of transparency is essential to electoral governance because it gives electoral stakeholders a way to monitor and guarantee the integrity of an election, endorse the conclusion. The results concur with a report by Mosero (2022) that the contested 2017 Kenyan elections led to the annulment of the presidential results due, among other things, to a lack of transparency in the process. The findings are in line with those of Long (2022), who claim that the commission increased transparency in 2022 by explaining to the public how results transmission works and conducting a nationwide field test of the management system before to the election. Additionally, it prompted the media and the general public to perform their own "parallel" tallies.

The study findings are further of the implication that among the major causes of post-election violence in Kenya dating back in 1963 is the perceived bias and rigging by the electoral management body. These were the bases of the post-election violence that ensued the 2007

general elections and the petitions with incidences of violence in the 2013 and 2017 general elections. It is especially in 2007 that the electoral management body then, the ECK lost credibility after the Commission's Chairman then, Mr. Samwel Kivuitu admitted that he was not sure who won the elections. This was after the chairperson announced Mr. Mwai Kibaki the winner in a heavily disputed election results with the rival candidate, Mr. Raila Odinga citing rigging by the EKC. The current IEBC has since 'inherited' similar claims, which formed the basis for presidential election petitions in 2013, 2017 and 2022.

The conclusions are in line with those of Willis and Chome (2014), who discovered that widespread electoral fraud, such as vote-rigging in a third of all constituencies, packed ballot boxes, and results-changing election officials, was what caused the post-election violence in the 2007 general elections. The findings concur with those of Schulz-Herzenberg et al. (2015), who claim that fraud caused the 2007 crisis. For many Kenyans, the 2007 presidential election cheating by ECK represented the ultimate betrayal of that vision for change. Even before the presidential election results were announced on December 30, protests broke out as a result of counting delays and discrepancies that raised suspicions of manipulation.

5.2 Consequences of Post-election Violence

The goal of the study was to ascertain the effects of post-election violence in Kenya that began in 1963. Respondents were asked to rate how much they agreed with various assertions regarding the effects of the post-election violence in Kenya in order to further these objectives. A 5-point Likert scale was used, with 1 denoting strongly disagrees, 2 denoting disagree, and 3 denoting neutral. Number 4 meant "agree," while number 5 meant "strongly agree." Table 5.2 presents the findings.

Table 5.2 Consequences of Post-election Violence

	Mean	%	S.D
Destruction of private and public properties	4.364	10.32%	0.482
Internally displaced persons	4.339	10.26%	0.608
Economic instability	4.331	10.24%	0.471
Casualties	4.314	10.20%	0.608
Emotional and psychological distress	4.275	10.10%	0.656
Refugees	4.246	10.04%	0.625
Sexual violence victims	4.208	9.95%	0.586
Unemployment	4.161	9.84%	0.513
Collapse of businesses and loss of revenue	4.098	9.69%	0.586
Poverty	3.970	9.38%	0.901
Overall Mean	4.231		0.604

Source: (Research Field Work Data, 2022)

The findings presented in Table 5.2 depict an overall mean score of 4.231 (SD=0.604), implying that a majority of respondents highly agrees with most of the items posed in relation to the consequences of post-election violence in Kenya since 1963. A majority of respondents particularly highly affirmed that among the consequences of post-election violence in Kenya include casualties (4.314); internally displaced persons (4.339); refugees (4.246); sexual violence victims (4.208); destruction of private and public properties (4.364); collapse of businesses and loss of revenue (4.098); unemployment (4.161); poverty (3.970); emotional and psychological distress (4.275); and economic instability (4.331).

Findings of the study as contained in table 5.2 show that majority of the respondents highly agrees with most of the items passed in relation to the consequences of post-election violence in Kenya including casualties (4.314); internally displace persons (4.339); refugees (4.246); sexual violence victims (4.208); destruction of private and public properties (4.364); collapse of businesses and loss of revenue (4.098); unemployment (4.161); poverty (3.970), emotional and psychological distress (3.275); and economic instability (4.331). This findings are corroborated by previous literature which showed that the consequences of past election violence can be severe and long lasting both for individuals and for societies. In addition to the

immediate human toll of violence, including death, injury, and displacement, post-election violence can also have long term effects on social and economic development, as well as on political stability and democratic governance (UNDP, 2009) one of the most serious consequences of post-election violence is the erosion of trust and confidence in democratic institutions and processes. When people lose faith in the electoral process, or when they feel that their voices are not being heard, this can lead to a breakdown in civic engagement and political participation, which can in turn lead to further instability and conflict (Matanga, 2018). Another consequence of post-election violence is the displacement of populations, as people are forced to flee their homes and seek refuge elsewhere. This can create longer social and economic problems, as well as exacerbating existing ethnic or religious tensions (UNDP, 2019).

Key informants from humanitarian organizations were asked to describe the extent of humanitarian services that their respective organizations offer in the aftermath of post-election violence in Kenya. It was discovered that the National Disaster Operations Centre of the Ministry of Interior and Coordination of National Government, which coordinates the nation's humanitarian efforts. The Centre is in charge of organising a National Elections Contingency Plan that includes, among others, a Kenyan government ministry, UN organisations active in Kenya, NGOs, and civil society. An important informant claims:

“.....The plan revolves around eight decentralized humanitarian hubs. Each is led by various agencies and organizations, and serves as centers for coordination, logistics, storage and distribution. This model was also used during the 2013 and 2017 elections.....”

[Wednesday, June 8, 2022. Q1 Humanitarian 1, Nairobi]

Additionally, it was decided that Kenya Red Cross Society (KRCS), the country's largest humanitarian organisation, would serve as the operational hub leader in each of the eight hubs. Additionally, it was crucial in providing emergency services including WASH, camp

management, protection, recovery, and reconstruction in the wake of the 2007 election-related violence. Even though it is acting independently, it closely coordinates and shares information with the government. One of the respondents claims:

“.....KRCS’ pre-election monitoring identified 18 counties as potential hot spots, but then closer to the election it was reduced to 8 counties. The Kenyan government, supported by the U.N., developed similar hot spots. KRCS is responsible for leading in disaster responses where up to 150,000 people are impacted, so it is currently taking the lead. If there is displacement, then the coordination aspect of the hub system will be activated, said James Mwangi, operations manager for KRCS....”

[Wednesday, June 8, 2022. Q1 Humanitarian 2, Nairobi]

Key informants from humanitarian organizations were further asked to describe how they prepare for post-election violence emergencies. It was established in this regard that in any election cycle, as quickly as the violence breaks out, the humanitarian community in Kenya begins to activate contingency plans a year in the making. According to a respondent:

“.....The government, aid groups and civil society in Kenya have been planning for any sort of tensions that could escalate before and after the election, creating likely scenarios and contingency plans, and trying to fill in gaps in the last weeks....”

[Wednesday, June 8, 2022Q2 Humanitarian 3, Nairobi]

Another added that:

“.....Aid groups have divided duties throughout the country so that different organizations and agencies can take the lead in different areas, hoping to increase efficiency and mitigate the damage. Parts of these plans have been put into motion in some areas, including Nairobi and Kisumu, where violence erupted....”

[Wednesday, June 8, 2022. Q2 Humanitarian 4, Nairobi]

Further research revealed that Kenya hosts a country director's forum for foreign NGOs. A planning committee for elections was established by that forum. Agencies involved in that panel sought to gain a better understanding of how the election would play out in the last months before the election. One of the respondents noticed:

“....In July, Action Aid, Islamic Relief, Trócaire and World Vision International — members of the Start Network, an international network of NGOs — applied to use the network’s new Analysis for Action grant, to conduct an inter-agency context analysis focused on the election. The organizations leveraged financing from the Start Network’s Start Fund, which is the first multi donor pool of funding mechanism that allows NGOs to access funding in advance of a crisis.....”

[Wednesday, June 8, 2022. Q2 Humanitarian 5, Nairobi]

The NGOs also utilised a tool developed by World Vision International to identify which of the eight humanitarian centres lacked sufficient resources, dubbed the Good Enough Context Analysis for Rapid Response. The organisations identified hot zones that weren't sufficiently covered by information they gathered from talks with more than 300 community members over the course of two weeks. The investigation discovered various coverage gaps and resource deficiencies in specific geographic areas of the nation. By using this information, the Start Network sparked a "anticipation alert," which released around \$390,000 for organisations to make plans to lessen the pain and loss caused by violence before and after the elections.

The study also found that humanitarian organisations used these funds and the existing hub system to set up safe spaces in advance, preposition some supplies in areas that were anticipated to be cut off, and collaborate with religious leaders to foster dialogue and peace in an effort to prepare for all likely scenarios and try to prevent them. With the help of 11 agencies, this plan connected six of the 18 hot shot regions that were identified. These regions were chosen due to a lack of resources, financing shortages, and an already established NGO presence.

Baringo, Garissa, Isiolo, Meru, Mandera, Marsabit, and Nakuru are among the selected counties. NGOs split up the task of responding to violence in various regions. These organisations include Trócaire, Handicap International, Concern Worldwide, Doctors of the World, Norwegian Refugee Council, Christian Aid, Dorcas Aid International, Action Aid Kenya, Action Against Hunger, and ACTED. For instance, there were demonstrations over the

outcomes of a gubernatorial election in Garissa County. The hub's co-lead, Action Aid Kenya, launched a "soft response" by collaborating with local religious authorities to advance peace, according to Kumar.

In a region where it already had a presence, the Norwegian Refugee Council (NRC) increased its programmes. In the Wajir and Mandera counties, there was interethnic conflict and displacement during the 2013 election. NRC has been assisting individuals who were displaced ever since. Currently serving as co-lead for the Mandera county centre, NRC is prepared to offer services such as potential WASH and sanitation responses, financial programmes, and work centred on legal protection, information counselling, and legal help. In Mandera County, conflict and warfare between some of the clans, which results in localised displacement, are the most common outcomes.

In the event of post-election violence in Kenya, key informants from humanitarian organisations were also asked to describe a typical humanitarian scene. Humanitarian organisations were found to frequently rush into the streets to map out the violence and needs in order to respond to injuries by offering pre-hospital care and medical evacuations. Thousands of critical injuries, including gunshot wounds, have been treated by the organisations across.

A key informant observed that:

“.....We provide ambulance service and take patients coming in for injuries, evacuating and treating others that were injured. “We are getting ready in case of any scenario. We hope that it is going to smooth down, but it can also get worse, including in other parts of Kenya, like the central part....”

[Wednesday, June 8, 2022. Q3 Humanitarian 5, Nairobi]

Another added that:

“....Kenya’s experience with post-election violence primed the humanitarian community for the risks this time. Violence in 2007 left over 1,000 dead and 600,000 displaced. There were also minor clashes and displacement after the last election. The collective memory of this crisis, coupled with concerns that many of the underlying tensions that sparked the violence have not yet been

resolved, prompted efforts to put a robust plan in place to mitigate violence in the lead-up to this year's election....."

[Wednesday, June 8, 2022. Q3 Humanitarian 6, Nairobi]

Another voter recounted

It was spontaneous here, but I wasn't in other places. And it later turned to be not about (or, more than) the election. Business suffered a lot their properties were looted; some were set on fire, especially in places like Olympic, it was all gone, there were no shops there; it was all burnt down serious problems and serious allegations especially here in Kibera of people being circumcised in broad day light. And this mainly happened in Laini Saba, which is mostly dominated by kikuyu and Kamba. There were a lot of serious rape cases, especially in Laini Saba and Mashinani. And not only rape but defilement young kids being gang raped. "And we had serious problems like police killing. And I will tell you in Kibera, especially from this side, Kachwakera and around (where Luos predominate), I didn't see anybody being killed by civilians. The majority of the people who were killed, they died because of the bullets; they were being killed by the police".

[Tuesday, June 24, 2022. Q9 Voter 48, Nairobi]

A victim in Eldoret recounted

"My husband and I were residing on our farm outside of Eldoret; we had a contemporary home complete with all the amenities, and we had a large number of dairy cows. We got up early and easily on election day, cast our votes, and then we came back. After then, we merely sort of awaited the outcomes. One of the employees asks our farm manager on the Sunday before the results are released, "You people are still here when we are coming to kill you today? My spouse is a Kikuyu. Ich bin Kamba. We didn't have enough time to pack anything, so we just grabbed a file containing our passports, title deeds, and other important documents and drove into town. there had "there were over 700 young men addressed the others saying, "These are your stuff, and you are entitled to these things." Later, the watchman called and claimed there was nothing he could do. These people came to our country and made a fortune there. All of you must enter and take what you want. Therefore, they stole everything.

[Friday, June 24, 2022. Q19 Voter 22, Eldoret]

A voter said when asked about the perpetrators of post-election violence.

"I do not know individuals who were involved". I chose not to, otherwise I'll be begged down by thinking and worrying..... I don't even want to relive it again. Because I don't start to figure out who was involved then you end up enforcing that divisions; so you put up a wall of separation between you. I remember I was told that our landlord, that she kind of aided or helped, or

seemed to have an input into it. That's one of the reasons I never want to go back to our old house because I don't want to come across her and start relieving that incident."

[Friday, June 24, 2022. Q9 voter 26, Eldoret]

Another voter expounded on the trauma visited on victims of post-election violence:

"So many people think they know how Kenya should move beyond the election violence". "If you have seen members of your family killed, if your livelihood has been taken away, you can't move on. If you have lived in an IDP Camp how you can move on?"

[Thursday, June 16, 2022. Q16 Voter 36, Nakuru]

An expert explained:

"How did it effect me? As Kenyans, we were all really upset because, for a very long time, our country had been peaceful and nothing of that magnitude had ever occurred. Civil wars in several countries have been reported. Never imagined it would occur to us. This was primarily due to variances in what tribe people expected; there were many different tribes. And I believe that these tribal distinctions are the root of the problems. I'm a kikuyu, and we're a common ethnicity throughout the nation. Kikuyus tend to settle anywhere because of this. Because of this perception of "foreigners" in certain locations, violence was actually aimed towards the Kikuyu community in the Rift Valley. They were meant to leave and return to Kenya's central region. Naturally, there was no way! Some of those were raised there; others were slaughtered; their homes were burned; and their cows and other livestock were also destroyed. Thus, it is difficult for them.

"So now, but it was not just Kikuyus who were killed. There were also other places: Naivasha and central Kenya were other tribes now were also victimized. The Kikuyus felt that Kikuyus were being thrown out in other sides so now they are going to through others out on these sides".

"And also, even now among professionals, even now, people started mistrusting and distrusting each other's. If you are of a particular tribe you feel that people cheated. And all the other tribes felt that he was rigged in, which of am not a politician so I'm not going to sit here and argue against or for him, but we do know that we, now every Kikuyu, even someone like me who is not devolved in politics, who has been doing my profession all these years, advocating for it doesn't matter who- you are seen like you are not good from your professional colleagues who are from the other tribes. So you almost actually felt segregated. At one point, even, clients would say I have been told not to come to you not because you are Kikuyu. As if they get sick Kikuyus would say I'm not going to see a Luo Doctor or Kalenjin? I will go and see my

Kikuyu. Or a Luo would say why should I see a Kikuyu, I'll go and see my Luos'. I mean something that I've never ever experienced in this Country. We've lived as professionals for all the while. We would refer people to those qualified in their area. So when you find that your professionals cannot refer clients to you because you are from a certain tribe..... and those were things that were quite depressing for quite a while so 2008 was not a very good year for most of us"

[Thursday, June 16, 2022. Q16 Voter 37, Nakuru]

Key informants from humanitarian organizations were further asked to indicate the challenges that their organizations experience in their humanitarian efforts in the country in the aftermath of post-election violence. It was found that, among other things, when violence breaks out, "fake news"—people making up stories about violence without any supporting evidence—has challenged their work. The study also found that the national hub plan can manage localised displacement in the medium term, but that it would require more resources if tensions become more serious. A significant informant noted that:

“.....The hub system works fine, theoretically, but it's only as strong as the resources behind it.....”

[Wednesday, June 8, 2022. Q4 Humanitarian 2, Nairobi]

Key informants from humanitarian organisations were also asked if they believed that humanitarian aid was necessary in light of the potential electoral triggers for post-election violence in Kenya. Three scenarios and triggers that could result from the Good Enough Context Analysis for Rapid Response were discovered to be potential outcomes for the 2017 elections. The Independent Electoral and Boundaries Commission not providing results in a transparent manner was one of the possible triggers. Another involved a Supreme Court decision on the election results that the losing party would not recognise.

It is deducible from the findings that among the most notable consequences of post-election violence in Kenya since independence are internal displacement of persons resulting from evictions from the victims' homes, voluntary fleeing out of fear and destruction of property.

The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 of 2012 of Kenya was created in response to the severity of internal displacement of people. In line with this, the Kenya National Human Rights Commission (KNHRC) (2007) reported that the government encouraged violence in numerous areas of the Rift Valley, Nyanza, and Western Provinces beginning a year before the December 1992 general elections. Due to this violence, many displaced Kenyans and those living in the conflict zones were either unable to register as voters or were prevented from doing so by threats and acts of violence.

In the Rift Valley, Nyanza, and Western Provinces from 1991 to 1996, there were about 15,000 fatalities and close to 300,000 displaced people (KNHRC, 2007). Similar to this, the Ministry of State for Special Programme reports that 663,921 individuals were displaced due to the violence that followed the post-election violence in 2007/2008 in its most current update on the situation of IDPs. Of that total, 313, 921 IDPs sought refuge in host communities and assimilated there for months. In 118 camps, the remaining 350 000 internally displaced people sought safety (Refugee Consortium of Kenya, 2018).

According to the findings, among the most serious effects of the post-election violence in Kenya were deaths, damage to private and public property, and refugees. This is also in line with KNHRC's (2007) estimate that 78,254 homes were burned down nationwide as a result of the post-election unrest in the country in 2007 and 2008. The administration also calculates that 1,300 people perished in the post-election chaos. In addition, tens of thousands of Kenyans left their country and sought asylum in Tanzania and Uganda (Refugee Consortium of Kenya, 2018). According to estimates from the United Nations High Commissioner for Refugees (UNHCR) (2022), as of the fourth of February 2010, 449 Kenyans who had been registered as refugees in Uganda as of October 2009 have returned to their home country.

The aforementioned conclusions imply that electoral crimes and offenses plague Kenya's elections. The following broad categories best describe election-related crimes and offenses: coercion, bribery, use of force or violence, voting-related crimes, treating, crimes committed by Commission members and staff, unauthorized use of public funds for campaigns, and unauthorized use of national security apparatus. There are twenty-seven categories based on specific types, with bribery, voter/ballot fraud, hate speech, and fighting being the most common (with a score of roughly 10.0% and above). Election-related misdeeds and crimes are committed by a variety of people and organizations.

Political candidates and hopefuls, jobless youth, political supporters, party officials and agents, and voters were the principal perpetrators of election crimes and transgressions. Election-related offenses and crimes in Kenya are largely caused by a number of circumstances. These are, in order of importance: racial prejudice, tribalism, and clannishness; poverty; youth unemployment; electorate illiteracy; instigation and use of abusive and disparaging words by politicians; corruption in politics; and drug and substance addiction.

Election-related felonies and crimes have a significant negative impact on Kenyan society. The primary outcomes include: loss and injury to human life through physical harm, trauma, illness, and deaths of people; destruction and/or loss of property; violence, disturbed peace, fear, and tension among people, including voters; ethnic tensions and animosity/hatred/enmity; poor leadership and governance when the wrong leaders are elected; interruption of businesses; and forced migration, evictions, and/or displacement of populations.

There are control measures to address election crimes and offenses in Kenya and which are generally effective. The key ones are: civic education conducted by Independent Electoral and Boundaries Commission and Civil Society Organizations; deployment of security personnel and patrols; peace, national unity and anti-election crimes and offenses campaigns;

enforcement of applicable laws by Judiciary; and Independent Electoral and Boundaries Commission Code of Conduct.

It can further be deduced from the findings that sexual violence has also been a notable consequence of post-election violence in Kenya. This is corroborated by the Government of Kenya (2016) who report that during the 2007/2008 post-election violence, over 3,000 women, men, and children were raped or suffered other horrific forms sexual violence and brutality. Despite these abuses, there has been no accountability for these crimes, and, today, countless Kenyan survivors continue to live with severe physical and psychological consequences of the violence they endured.

It is further inferable from the findings that post-election violence in the country results in economic instability characterized by the collapse of businesses and loss of revenue, unemployment and poverty. This is in agreement with Klopp and Kamungi (2010) who report that after the 2007 vote, the violence sent annual economic growth crashing to 1.7 percent in 2008 from 7.1 percent the previous year. This resulted in job losses and an increase in poverty levels.

The results concur with Kamungi and Klopp's (2009) account that hundreds of businesses in Kisumu and other cities across Kenya were looted, burned, or destroyed by mobs incensed by the disputed election results, which many claim were rigged in favor of Mwai Kibaki and his Party of National Unity at the expense of Raila Odinga, the leader of the Orange Democratic Movement. Kenya's \$1 billion (U.S.) a year tourism business has been among the hardest hit. For the first quarter, the Kenya Tourist Board estimates losses of around \$80 million (U.S.) per month, a decrease in revenue of about 78 percent (Klopp & Kamungi, 2010).

In a similar vein, Miriri (2017) notes that monthly sales in 2017 had decreased by 50% since June as cautious consumers stockpiled money in case the elections on August 8 turned violent and they needed to flee town quickly. Different business sectors were impacted by the slump. As customers stayed at home, hospitality, retail, and transportation all suffered. In accord, the Kenya Private Sector Alliance (KEPSA) (2017) also notes that the transportation industry lost money despite a rush of voters heading to their home areas while other uneasy individuals stayed at home. Due to the slowdown, fuel consumption fell by 10–12% in August 2017 compared to July (KEPSA, 2017).

The data also suggest that the post-election violence in the nation causes emotional and psychological anguish. Suicidal thoughts, dissatisfaction with the government, and dread for oneself and one's children are possible causes of this. This is in line with research by Getanda et al. (2015) who looked at the mental health, quality of life, and overall happiness of internally displaced people in Kenya's Nakuru County. Poor levels of mental health, life satisfaction, and quality of life were found in the study. It was discovered that those with low health and wellbeing were most likely to be older, widowed IDPs and those who did not feel supported by friends or the government.

In addition, voting theory is pertinent to exploring the causes and consequences of post-election violence in Kenya since 1963. By analyzing voting patterns, preferences, and electoral behavior, this theory can uncover factors that contribute to electoral violence. For instance, it can highlight how ethnic-based voting and polarized voting behavior might have fueled violence in past elections. Additionally, examining how voting patterns have changed over time can offer insights into the consequences of such violence, such as eroding trust in the electoral process, increased polarization, and the potential for recurring violence.

5.3 Chapter Summary

The origins and effects of post-election violence in Kenya, which dates back to 1963, have been discussed in this chapter. Accordingly, the discovered causes and effects have been thematically examined along the two topics. The findings have been compared and contrasted with the currently published empirical literature. The next chapter discusses the difficulties and opportunities that Kenya's electoral management body must overcome in order to plan, hold, and oversee elections while preserving electoral peace in the country.

CHAPTER SIX

CHALLENGES AND OPPORTUNITIES THE ELECTORAL MANAGEMENT BODY IN KENYA FACES IN MANAGING ELECTIONS TO ACHIEVE ELECTORAL PEACE IN KENYA

Introduction

The goal of the study was to identify the chances and obstacles that Kenya's electoral administration body must deal with in order to organize, conduct, and manage elections in a peaceful manner. In order to achieve this, this chapter goes deeply into an examination of significant data that was gathered through the use of both surveys and key informant interviews. In this context, descriptive and thematic content analyses are carried out. The problems and opportunities are covered in the chapter's two major sections.

6.1 Challenges

The goal of the study was to identify the difficulties involved in planning, holding, and managing elections in Kenya. Respondents were asked to describe the kind of difficulties the IEBC encounters when planning, running, and overseeing elections in Kenya. In this regard, it was made clear that the IEBC has a number of difficulties of many kinds, including operational, administrative, and legal issues. Table 6.1 presents the descriptive outcomes.

Table 6.1: Challenges in organizing, conducting and managing elections in Kenya

	Mean	%	S.D
Lack of sufficient institutional independence	4.098	11.05%	0.415
Tenure insecurity for commissioners	3.940	10.94%	0.403
Opinion polls creating voter expectations	3.889	10.80%	0.370
Lack of financial independence	3.860	10.72%	0.359
Voter apathy and loss of confidence in the electoral body	3.852	10.70%	0.434
Understaffing	3.803	10.56%	0.440
Voter intimidation	3.314	9.20%	0.381
Media bias and misreporting	3.191	8.86%	0.405
Vote-buying and selling	3.106	8.62%	0.433
Loss of institutional memory	3.077	8.55%	0.403
Overall Mean	3.907		0.404

Source: (Researcher Field Work Data, 2022)

The overall mean score of 3.907 reflects the average perception of the challenges/opportunities the IEBC faces in managing elections in Kenya. The mean score of 4.098 indicates that the respondents perceive this challenge as significant. It suggests that there is a belief that the Independent Electoral and Boundaries Commission (IEBC) in Kenya lacks adequate autonomy and independence in its operations, which can potentially affect the credibility and fairness of the electoral process. With a mean score of 3.940, this statement indicates that the respondents recognize the issue of insecurity in the tenure of commissioners. This implies that there might be concerns about the stability and continuity of the commission's leadership, which can impact its ability to effectively manage elections.

The mean score of 3.889 suggests that respondents perceive opinion polls as a factor that shapes voter expectations. It implies that these polls influence voters' perceptions and potentially impact their behavior during elections, which may have implications for the electoral management process. With a mean score of 3.860, this statement highlights the perception that the IEBC faces challenges regarding its financial independence. This suggests that there might

be constraints on the commission's ability to secure adequate funding, which can impact its capacity to conduct elections efficiently and effectively.

The mean score of 3.852 indicates that respondents view voter apathy and a loss of confidence in the electoral body as significant challenges. It suggests that there is a belief that these factors contribute to reduced voter turnout and a lack of trust in the electoral process. With a mean score of 3.803, this statement indicates that the issue of understaffing is recognized as a challenge. It implies that the IEBC may face limitations in terms of human resources, which can affect its ability to carry out its responsibilities adequately.

The mean score of 3.314 suggests that respondents perceive voter intimidation as a challenge during elections. This implies that there are concerns about the presence of intimidation tactics that might hinder the free and fair participation of voters in the electoral process. With a mean score of 3.191, this statement suggests that respondents acknowledge the presence of media bias and misreporting. It implies that there might be concerns about how media coverage can influence public opinion and potentially affect the integrity of the electoral management process.

The mean score of 3.106 indicates that respondents perceive vote-buying and selling as a challenge during elections. This suggests that there is recognition of the presence of practices that can undermine the fairness and integrity of the electoral process. With a mean score of 3.077, this statement suggests that respondents recognize the challenge of losing institutional memory within the IEBC. It implies that there may be concerns about the turnover of knowledge and expertise within the commission, potentially affecting its ability to learn from past experiences and improve its operations.

Excessive public scrutiny of the voting materials' procurement, the failure of implemented technologies from voter registration to voting and result transmission, and finance issues are some of the primary operational difficulties encountered. On the other hand, administrative difficulties include political considerations in commissioner recruitment, dissension among commissioners, and intimidation and harassment of officials, particularly presiding and returning officers, which has occasionally resulted in the murder of important officials. There are time constraints that must be met in order to compile enough evidence to reply to presidential petitions and/or to follow court rulings, among other legal problems.

Investigating the types of operational issues revealed that the commission struggles with inadequate funding, which jeopardizes the proper execution of its constitutional function. The analysis found that Part III of the IEBC Act contains finance provisions for the Commission. The IEBC Fund will be housed in a single line Treasury Account, according to the Act. The Fund has not yet been operationalized, despite the Commission having adopted the Regulations governing its operationalization. Additionally, it was discovered that although while Article 249 (3) of the Constitution requires Parliament to give each Commission appropriate budget, the actual implementation has not always been simple. The Governance, Justice, Law and Order Sector (GJLOS), which includes other associated governmental entities, now provides funding for the Commission. They are now solely dependent on the Executive and the Legislature, who may purposely delay or reduce financing for to political considerations. One of the respondents noticed:

“The Independent Electoral and Boundaries Commission Fund Regulations, 2012 provide the Commission with legitimate means of administering monies accruable to the Commission for purposes of elections. The lack of operationalization of this Fund impedes the Commission from effectively carrying out its mandate. The actualization of this Fund is imperative for operational integrity and efficiency of the Commission”

[Thursday, July 7, 2022. Q11 Observer 4, Nairobi]

Another respondent added that:

“The independent Electoral and Boundary Commission’s funding is from the government. The treasury allocates funds to the commission for its operations and these forces the independent Electoral and Boundary Commission to depend on budgetary allocation and leaves it in a dilemma in case an issue arises as to a runoff”

[Friday, June 17, 2022. Q11 Politician 2, Nairobi]

A respondent further observed that:

“Generally, Kenya has an Electoral Management Body (EMB) that is, by design and in law, intended to be free of undue influence from the executive and other electoral actors. Therefore, the absence of secure and guaranteed funding for IEBC is of particular concern: financial and logistical dependence on the Executive and the Legislature undermines effective completion of critical electoral activities in Kenya”

[Monday, June 13, 2022. Q11 IEBC Official 2, Nairobi]

The study also looked into the difficulties the IEBC has obtaining funding for organizing, managing, and conducting elections in Kenya, which was one of the reasons for the Supreme Court lawsuit that resulted in the annulment of the presidential results. It was discovered that one of the major difficulties the IEBC has is the dispute surrounding their purchase of electoral materials. For instance, the commission was plagued by scandals in 2013 and 2017 involving the contracting procedures of critical electoral materials and technologies. The IEBC was charged with violating the Constitution and the Public Procurement and Disposal Act (cap. 412C, Laws of Kenya) by awarding the contract to an unqualified bidder who then supplied devices that either did not function properly or failed completely on election day in the 2013 petition.

The cornerstone contracts, which made up around 30% of the election's expenses, included the purchase of technology and the provision of ballots. The KIEMS technology was provided by the French company Safran Identity and Security (SIS), while the ballot paper was provided by Al Ghurair in Dubai. The hiring of these two contractors was regarded as unlawful, which led to a judicial battle. In light of this, the government ordered in Circular Number 8 of 2018 dated August 20, 2018, that the Ministry of Information, Communication, and Technology be in charge of all matters relating to the acquisition of ICT for all government entities. This conflicts with the Commission's functional and operational functions, say important IEBC informants. One of the respondents noticed:

“In my opinion, the acquisition of goods and services from M/S Safran Identity & Security was done at unjustifiably high price, and therefore, in the circumstances, we are unable to confirm whether value for money was realized.”

[Thursday, June 23, 2022. Q12 Political Analyst 8, Nairobi]

Another opined that:

“The commission’s position was manifest all through in the defense of the two companies as they did not provide room for alternatives. Anybody would question why IEBC was bent on awarding the contracts to the two.”

[Friday, June 17, 2022. Q12 Politician 7, Nairobi]

Contrasting the foregoing, a respondent argued that:

“All procurement by the IEBC are done within the confines of the Public Procurement and Asset Disposal Act of 2015. In this case, we did competitive bidding and I believe the technically qualified bidders were awarded the tenders”

[Monday, June 13, 2022. Q12 IEBC Official 1, Nairobi]

The study also looked into the technological difficulties the IEBC encounters when planning, running, and overseeing elections in Kenya. These difficulties were one of the reasons the 2017 presidential election results were declared invalid. The widespread failure of the biometric

voter registration (BVR) system and the Kenya Integrated Election Management System (KIEMS) kits in the general elections of 2013 and 2017 was found to be one of the major technological issues.

However, there was a noticeable contrast in the 2022 elections in terms of technological failure, as only 200 out of the 46,229 polling places nationwide had a defective KIEMS kit. In comparison to 2017, there were also less network issues. In order to enable the electronic transmission of results for the 2022 elections, it was discovered through key informant conversations with IEBC personnel that the commission had purchased satellite modems for regions lacking a 3G network. IEBC had to use satellite modems to enable the electronic transfer of results at the 1,111 polling places that lacked a 3G or 4G network. One of the respondents noticed:

“There is a serious technological challenge at the IEBC. The commission turned to new technologies including BVR and KIEMS kits. In both 2013 and 2017 however, the biometric system failed. This was due to the inability of laptops and fingerprint scanners to work properly or receive power at many polling stations”

[Thursday, July 7, 2022. Q13 Observer 6, Nairobi]

This was echoed by another respondent who averred that:

“The election management system is probably the most controversial and consequential aspect of the commission’s reliance on technology. It was designed to improve the transmission of results from polling stations to the commission’s headquarters”

[Friday, June 17, 2022. Q13 Politician 19, Nairobi]

“Many kits failed in 2013 and 2017. In 2022 however only 200 of the KIEMS kits failed out of the total of the 46,229 polling stations across the country which is a marked improvement”

[Monday, June 13, 2022. Q13 IEBC Official 1, Nairobi]

The study also looked into the legal difficulties the IEBC encounters when planning, running, and overseeing elections in Kenya. As anticipated, the IEBC's primary legal difficulties include responding to allegations of rigging in presidential petitions. The verification and counting of

the presidential results were contested in the general election of 2022, just like they were in 2013 and 2017. On August 15, Mr. Chebukati declared Dr. William Ruto, a former deputy president and member of the Kenya Kwanza coalition, the winner with 50.49 percent to Mr. Odinga's 48.8 percent. In comparison to Mr. Odinga's 6,942,930 votes, Dr. Ruto received 7,176,141 votes, according to Mr. Chebukati. However, Mr. Odinga appealed the decision to the Supreme Court, arguing, among other things, that IEBC Chairman Wafula Chebukati unilaterally assembled the final presidential results—Form 34C—without consulting any other commissioners for confirmation.

The commission was specifically found to have complained about the short amount of time allowed by law to compile enough proof to reply to presidential petitions and/or to follow court rulings. The study found that the Presidential Petition's time limit of 14 days for submitting petitions, responding to petitions, holding a hearing, and making a decision is strict in the respondents' eyes. In the 2013 presidential petition judgement by Justice Emeritus Willy Mutunga, it was noted that this crossed beyond the complainants and the Court itself. One of the respondents noticed:

“The short period within which the Commission is required to comply with Court orders requiring it to furnish election materials is manifestly unjust”

[Thursday, June 23, 2022. Q14 Political Analyst 9, Nairobi]

“The 14-day window is practically limited at the presidential level, for the IEBC to even collate and supply election materials and results to Court. And not just for the IEBC, but for complainants and the Court itself”

[Friday, June 24, 2022. Q14 Politician 10, Nairobi]

Akey respondant noted :

“The fourteen-day period is not adequate to ensure substantive justice to all parties; and neither did it provide sufficient time for the Commission to prepare adequately for representation and to gather evidence country wide, draw and file the necessary pleadings in its defense”

[Monday, June 13, 2022. Q14 IEBC Official 2, Nairobi]

The study also looked into the administrative difficulties the IEBC encounters when planning, running, and overseeing elections in Kenya. Printing mistakes and staff cooperation on the crucial election day are two of the most significant of them. For instance, the misprinted ballots in four wards weren't found until the day of the 2013 general elections. The IEBC did not have a enough amount of staff to oversee voting operations in large polling places. The lack of staff necessitated the use of late counting processes. For instance, the ballot papers for the 2022 gubernatorial elections in Kakamega and Mombasa counties contained flaws, including the incorrect candidate images and information.

Additionally, while the majority of polling places opened on schedule, a small number of them did so for a variety of reasons, such as delayed setup, delayed delivery of polling supplies, or delayed arrival of polling officials. Some Forms 34A lacked the agents' signatures, and others had numbers that were different from the turnout reported in the KIEMS kit. However, compared to 2017, these difficulties were less pervasive. Additionally, because of the poor roads leading to these areas and the general insecurity in the region, holding elections there has proven to be difficult for the independent electoral and boundary commission. This has caused fear among the officials and intimidated voters who might not turn out as needed to elect the leaders of their choice.

The study discovered that the IEBC's organization, conduct, and management of the elections in Kenya are challenged by disagreements among the commissioners. This was especially evident during the announcement of the results of the 2022 presidential election in Bomas of Kenya, when four of the seven IEBC commissioners left the ceremony and disassociated themselves from the results as announced by the chairperson, Mr. Wafula Chebukati. According to the four commissioners, Mr. Chebukati did not include the other commission

members in the final stages of the tallying and verification procedure. One of the respondents noticed:

“The split between the ‘old’ and ‘new guard’ at IEBC presented an image of a dysfunctional commission, which in my view further hurt the commissions credibility to conduct elections”

[Thursday, June 23, 2022. Q14 Political Analyst 9, Nairobi]

Another concurred adding that:

“The protest by the Cherera led faction of the IEBC commission paints a picture of a serious administrative challenge at IEBC”

[Friday, June 17, 2022. Q14 Politician 10, Nairobi]

Another however argued in contrast;

“There is no such thing as dysfunction in IEBC. The commission transcends individuals. To think that we are dysfunctional is to miss the whole point”

[Monday, June 13, 2022. Q14 IEBC Official 2, Nairobi]

The staffing of the elections that the IEBC organizes, conducts, and manages in Kenya presents another administrative problem. The investigation discovered that the Commission was struggling with the issue of vacancies following commissioner resignations during the 2017 general elections. The appointment procedure for new members must be carried out by the President in accordance with the IEBC Act's timetable. Even though the vacancies existed for two years, this was not yet completed. Despite the commission's operational and functional independence from the Executive, the study also revealed that it lacks autonomy when it comes to setting the budget and staffing levels. The requirement that the IEBC negotiate its budget with the political executive and/or central budgeting bodies in government carries the possibility of underfunding and interference with internal decision-making, according to key informants. One of the respondents noticed:

“Some measure of autonomy in determining the budget and staffing of a commission or agency is often seen as a critical factor in achieving independence. The requirement for an EMB to negotiate its budget with the political executive and/or central budgetary agencies in government runs the risk of underfunding and interference in internal decision-making”

[Monday, June 13, 2022. Q14 IEBC Official 2, Nairobi]

The protection of its workers is a significant administrative difficulty that the IEBC has in planning, carrying out, and monitoring elections in Kenya, according to the report. Just days before the 8 August elections in 2017, Chris Msando, the election official in charge of the electronic voting system, was discovered dead. Daniel Musyoka, the returning officer for Embakasi East, was reported missing by IEBC Chairperson Wafula Chebukati just days after the general elections in 2022, and his mutilated body was later found in Kajiado. The IEBC Returning Officers for the 2022 General Election ask the Office of the Director of Public Prosecutions (ODPP) to provide protection because of how serious this is. Several by-elections in various regions that had been impacted by printing issues were also forced to be postponed by the IEBC Chairperson Chebukati, generating worries that the personnel of the commission was being threatened, profiled, and intimidated. Additionally, Chebukati stated that while drafting responses for the Presidential election petitions, IEBC staff members were attacked by a well-organized group of goons. The IEBC noted in a tweet that:

“Today, Monday, 22nd August 2022 at around 8:30pm, an organized group of goons wielding crude weapons attempted to attack IEBC personnel preparing responses to Presidential election petitions at a premise within Nairobi. However, they were repulsed by Security”

[IEBC on Twitter, 22nd August 2022]

A key informant reiterated that:

“Our returning officers have been decrying intimidation and threats before, during and after the election”

[Monday, June 13, 2022. Q15 IEBC Official 1, Nairobi]

The survey also found that voters don't trust the IEBC, which is a significant obstacle to planning, running, and managing elections in Kenya. This is mostly attributable to its credibility being tarnished as a result of the 2013 election controversy, the "Chicken Gate" incident, and the annulment of the 2017 presidential election results. Thus, IEBC would have a difficult time persuading Kenyans of their impartiality and honesty when it comes to planning, carrying out, and supervising the country's elections. One of the respondents noticed:

“Most Kenyans thought the IEBC was independent, fair and lived up to its expectations. But after a series of scandals, from procurement to nullification of presidential elections, it is hard to win back Kenyans’ confidence in them”

[Thursday, June 23. 2022. Q14 Political Analyst 9, Nairobi]

This was supported a key informant who noted that:

“The nullification of the 2017 presidential election results proved to Kenyans that the IEBC was biased in favour of the Jubilee Coalition. This significantly tainted Kenyans confidence in the Commission”

[Friday, June 17, 2022. Q14 Politician 10, Nairobi]

Another opined that:

“The institutional legitimacy of the ECK and the public confidence in the professional credibility of its commissioners and staff had been gravely and irreversibly impaired”

[Monday, June 13, 2022. Q15 IEBC Official 1, Nairobi]

The study further discovered that politicians pose a number of challenges to the IEBC in delivering their mandate of organizing, conducting and managing elections in the country. Most significantly, the commission condemns political smear efforts that harm those figures' public perceptions and confidence. Furthermore, it was noticed that politicians try to have their representatives serve as commissioners, which impedes the Commission's independence. In order to foster public confidence in the commission's senior leadership, key informants from the IEBC claim that the commission's commissioners are chosen through a competitive procedure. The proposed BBI will undo the progress gained in establishing the Commission as an independent body by allowing political parties to directly nominate Commissioners or to be

included in the selection panel for IEBC Commissioners. Since the National Assembly has given its approval to the chosen Commissioners, they claim that the vetting procedure adequately considers the interests of the political party. One of the respondents noticed:

“The challenge in holding credible elections is because of political interference and not because of lack of institutions and systems”

[Thursday, June 23, 2022. Q15 Political Analyst 2, Nairobi]

One voter in Nairobi recounted the experience during the 2007 post-election violence

Demonstrates:

“Demonstrations started when they (Electoral Commission) started delaying the announcement of the results. Before Raila spoke anything people started or were already in the streets. They were chanting “aki yetu”, “our rights”. Protesting youths were Luo, Luyhas, and Nubians. At times we were joining them in the streets. If you were staying here, youths would come to you and ask why you were sitting there while they were suffering out there for democracy”.

[Thursday, June 23, 2022. Q15 Political Analyst 3, Nairobi]

He continued:-

“Soon after that, people started shutting down their shops because the shop owners feared the youths. There was no access to the markets, roads were blocked, so people started looting— everyone including women, vegetables, charcoal, maize. There was a lot of noise. It was indiscriminate. Toi Market is for all communities. People were looting because people were hungry. They had to go and rob shops to feed their children. In the place where I work, we could not work because people who were pushed out of their homes were living there. Even here people were asking us to move. Who? The people around. The Mungiki, ‘We will have five heads if you are not off our land by Friday’, they wrote in notices dropped off in the area of the school”.

[Tuesday, June 14, 2022. Q15 Voter 20, Nairobi]

This was reiterated by another respondent who noted that:

“Yes, we have had contested elections after the promulgation of the 2010 constitution, but the dispute resolution mechanism in the form of the judiciary has worked well for us. The remaining challenge is the political heat that comes with the elections that has refused to subside and which is interfering with the election processes”

[Friday, June 17, 2022. Q15 Politician 5, Nairobi]

The foregoing sentiments were further shared by an informant who averred that:

“Most politicians are taking advantage of the fact that most voters are illiterate and do not have access to this information and hence giving them wrong and misleading information”

[Monday, June 13, 2022. Q15 IEBC Official 2, Nairobi]

Key informants from security personnel and county administration were asked to indicate the challenges they experience in managing elections in Kenya. It emerged from the findings that among the key challenges faced by security personnel and provincial administration in managing elections in Kenya include inadequate resources and insufficient networks among security agencies was the main challenge reported by most of the respondents. The lack of resources included a lack of money (for the purchase of gasoline for cars, for example), tools (such as patrol and response vehicles and police frequency radios), and staff who were not appropriately prepared to deal with election-related crimes and infractions.

Additionally, respondents noted a lack of networking and communication between the National Intelligence Service, Kenya Police Service, and Administration Police Service. Another factor of insufficient resources was the low pay of police officers in charge of elections. Other difficulties included electoral fraud and corruption, voter ignorance and illiteracy, political leaders' impunity and self-interest, and tribalism, nepotism, hatred, and hostility among some voters, ethnic groups, political parties, and candidates. Some of the smaller difficulties included media prejudice and interference from other nations. One of the respondents stated:

“One of the greatest challenges in controlling election crime and offenses is that of inadequate law enforcers during the election period. Again, while I think our security officers in the different formations are well coordinated, networked, receiving and acting swiftly on intelligence reports, we are curtailed by

inadequate resources. We should not look like we have been caught off guard when election crimes and offenses occur”.

[Tuesday, June 21, 2022. Q6 Security 8, Nairobi]

Another victim in Naivasha Narrated:

“My neighbour in Kabati area off Naivasha warned me. “The youths have started going from one block of houses to the other. The lady told me that they were looking for people who were perceived to be not pro-government, basically, tribally speaking, being Luo. I am a Luo, my Mother is Luo. My father is Luhya. I was raised by my mother. My name is a Luo name and so I look at myself as a Luo. They were looking for Luos and all other tribes that were then ODM (At that time you could just be profiled as belonging to a certain political party by your tribe). We took refuge with my younger brother in a neighbouring home before we fled that night to my rural home. Our house was later broken into. They just tore everything apart. They destroyed everything, stole whatever they could steal. Whatever they could not steal, they took it out, and set it on fire. Everything. I had two big boxes of books. They set it on fire, Clothes. Any electronics I had were stolen. We are told that it actually, smouldered for two days.”

[Thursday, June 16, 2022. Q6 Voter 30, Nakuru]

Regarding Efficiency of security in preventing and controlling post-election violence, a respondent remarked :

“A police officer retorted when questioned about inability to provide security to citizens: until the top two men agree there is nothing we can do.”

[Tuesday, June 3, 2022. Q6 - Security 4, Kisumu]

Another key informant had this to say:

“.....Challenges in dealing with election crimes and offenses include logistical challenges especially of needed resources such as transport and equipment for instance of recording hate speech, there is also the problem of geographical vastness of the county, there is high illiteracy level among the locals and a lot of fear to report election crimes and offenses by those affected....”

[Tuesday, June 21, 2022. Q6 Security 9, Nairobi]

A respondent added that:

“.....Challenges in prosecuting perpetrators of election crimes and offenses hinder efforts in dealing with the problem. The absence of or inadequate investigation and prosecution of election crimes and offenses gives perpetrators the advantage to continue committing the crimes and offenses without deterrence. Competent collection, preservation and presentation of evidence and facts in Law Courts are key in this aspect to avoid dismissal of such cases by the Courts. The development of an “Elections Handbook for Security Personnel” and that of “A Guide for Investigation and Prosecution of Election Offenses” was a milestone in addressing election offenses in the country....”

[Tuesday, June 21, 2022. Q6 Security 10, Nairobi]

The main obstacles to controlling election-related crimes and offenses in Kenya included: a lack of funding and networks among security agencies; electoral fraud and corruption; voter ignorance and illiteracy; political leaders' impunity and self-interest; tribalism, nepotism, hatred, and hostility; and inadequate cooperation and partisan interests among concerned agencies. Conducting effective civic education in a timely manner, providing sufficient and high-quality resources to regulate election crimes and offenses, and enacting severe punishments for election crimes and violations were the main potential remedies to the problems.

It was determined that entrenched political corruption, tribalism, a lack of transparency and accountability among responsible agencies, and cash gifts to voters were the main obstacles to free and fair elections. Conducting civic education on voters' rights and effective leadership were potential remedies, as were maintaining strict law and order, imposing harsh penalties on those who violate electoral laws, fostering patriotism and national unity, and assisting the electoral body in conducting free and fair elections for all political parties.

These findings demonstrate that there are significant institutional and logistical obstacles that limit the efficiency of control mechanisms when dealing with election-related crimes and offenses. Lack of resources prevents security authorities from responding to occurrences of election-related crimes and violations effectively. Law and order cannot be adequately maintained in and around polling places if there are not enough police officers, especially if there are violent outbursts between sizable groups of an opponent's supporters. For instance, rioting mobs invaded some police stations during the 2007–2008 General Elections, and the officers inside were subsequently overpowered and killed. Following an assault by 200 or more alleged members of the Mombasa Republican Council (MRC) during the elections in March 2013, six police officers lost their lives.

The control of election crimes and offenses in Kenya faces a variety of difficulties, with the main ones being: insufficient security agency networks and resources; electoral fraud and corruption; voter ignorance and illiteracy; political leaders' impunity and self-interest; tribalism, nepotism, hatred, and hostility; and insufficient cooperation and partisan interests among concerned agencies.

The Commonwealth Secretariat (2013) states that the proper tools are required to record hate and inciting speech in order to gather the solid proof required to prosecute such violations. Dealing with the threat becomes difficult when intelligence on electoral crimes and offenses is not appropriately and honestly shared and discussed across various security institutions. Poorly paid security personnel are more vulnerable to compromise and bribery by candidates for political office who have access to cash. These results are related to the IEBC's findings, which showed that there were difficulties in the investigation and prosecution of election offenses related to the 2013 General Elections, including a lack of admissible evidence to prosecute the election offenders, poor law enforcement, and inadequate training of investigators and prosecutors.

One of the factors contributing to Kenya's lack of security, according to the Kenya National Commission on Human Rights (2014), is a lack of coordination between the various security institutions. Attempts to address electoral crimes and violations have been hampered by corruption inside various state bodies. For instance, some dishonest members of electoral bodies engage in voter fraud in an effort to unfairly favor their chosen candidates in elections by tampering with the outcomes of the votes.

Members of the former Provincial Administration in Kenya have been charged with helping corruptly some candidates who are thought to be pro-government win political positions in the past. Addressing election crimes and violations will continue to be extremely difficult in some locations due to low literacy rates among the population. People who lack literacy are readily persuaded and/or fooled by smart politicians into accepting and acting upon their (politicians') views, some of which are prohibited by local laws. Illiteracy benefits dishonest politicians who seek to gain support through patrilineal structures and affiliations rather than through their services to the country.

The opportunities accessible to the security personnel and provincial administration to achieve peace in the wake of the post-election violence in Kenya were sought out from key informants from the security personnel and province administration. Police reforms and training in election management are frequently advised in this regard. Although Kenyan police changes extend back to 2003, post-election violence in 2007–2008 provided the biggest incentive for change. The police had engaged in significant and pervasive abuses of human rights, according to the Commission of Inquiry into Post-Election Violence. The National Accord and Reconciliation Act of Kenya, which was signed in 2008 to put an end to the violence, signaled the beginning of a new era of extensive reforms. The 2010 adoption of Kenya's new rights-based constitution

and the subsequent legislative framework had as their goal easing the country's transition to a people-focused policing model.

In the spirit of reforms, police should receive greater training on handling riots, but protestors must also make sure that they behave peacefully within the parameters of their right to free assembly. Improvements in both public and police behavior would ease tensions between the two groups and foster chances for improved communication, such as through community policing, which would serve to lower crime and violence during elections. Particularly in the age of social media, politicians themselves also have a significant role to play. They should publicly reject violence from their fans and abstain from making defamatory or inflammatory statements on social media. Politicians ought to set an exemplary example in their attempts to ease tension on all fronts.

Security forces in Kenya violently suppress protests during every election cycle. In some of the protest locations, including as the Mathare, Lucky Summer, and Kibera slums in Nairobi and the Kondele slum in Kisumu, loud shooting may be heard. The Kenya National Commission on Human Rights (KNCHR) reports that 24 persons, including women and children, died as a result of this process in 2017. In reaction to the protests, the police were charged with employing excessive force, including firing live ammunition at the demonstrators. According to the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, police personnel must only use lethal force when it is absolutely necessary to safeguard human life and only when less drastic measures fail to accomplish these goals. Kenyan police have yet to provide an explanation for why they shoot live ammunition at protesters.

An examination into the accusations made against the police is necessary. A nationwide examination of the procedure and a report on the allegedly improper conduct of the police should be started by the Independent Policing and Oversight Authority (IPOA). In order to reassure the public that the inquiry was carried out independently, this should adhere to a transparent procedure. The state should also take a stand against police brutality in public. This is crucial in order to offer equal protection for everyone, including protesters, and to refute charges that the state apparatus arbitrarily targets supporters of the opposition.

Additionally, it shouldn't be taken away from the people their constitutionally protected right to freedom of assembly, which enables them to hold lawful protests. People should be encouraged to use the toll-free numbers provided to report instances of human rights breaches to human rights organizations like KNCHR and IPOA for further inquiry. Police should likewise refrain from infringing on demonstrators' rights unless doing so is actually required to protect people and property. The force used must also be non-lethal, which means that firearms must not be used unless doing so would be impossible given how serious the situation is and how ineffective less drastic measures would be.

According to the study's results, the IEBC will have a difficult time planning, running, and overseeing elections in Kenya while maintaining electoral tranquility. These can be broadly divided into three categories: administrative, operational, and legal. The commission is determined to be dealing with limited funding as a significant operational difficulty, undermining its ability to effectively carry out its constitutional duty. The acquisition of essential technologies and the hiring of people, two vital actions that ruin general election preparations, are found to be significantly affected by a lack of enough finance.

According to a report by Mutai (2022), the treasury rejected the IEBC's proposed election budget of Sh49.9 billion and instead granted Sh43.9 billion, of which Sh42.57 billion would be used to pay for the commission's direct election expenses. Ndungu (2021) agrees that the

IEBC's financial situation as a result of the government's decision to restrict the influence of foreign funding on Kenyan elections had an impact on the preparations for the general elections on August 9. Similar to this, Lang'at (2020) notes that the electoral agency and other participants in the election process are suffering as a result of the government's decision to discontinue directly funding electoral systems in the nation, with a deficit of Sh14.5 billion. In order to cover the Sh7.5 billion gap, the IEBC had anticipated receiving an additional Sh7 billion from the government.

The conclusions also suggest that the IEBC faces a significant operational challenge in its attempts to plan, carry out, and oversee elections in order to bring about electoral peace in Kenya. This was especially true in the contentious tendering procedures for delicate electoral tools and technology in the run-up to the general elections in 2013 and 2017. The IEBC's reputation and capacity to conduct fair and transparent general elections were damaged as a result.

The results are in line with Ng'etich (2022), who claims that corruption, late and hurried tendering, cancelled tenders, and other issues caused the government to hold one of the most expensive elections in Africa in 2017, costing an estimated Sh54.1 billion. Similar to this, Kahongeh (2018) contends that the integrity of the 2017 general election was called into question by the widespread failure of Kiems kits provided by the French company OT Morpho. In accord, Kisia (2022) adds that there was a lot of controversy about where to get electoral materials during the protracted election's lead-up.

The results also imply that the IEBC faces technological obstacles in trying to plan, administer, and conduct elections in order to bring about electoral harmony in Kenya. The widespread failure of the biometric voter registration (BVR) system and the Kenya Integrated Election

Management System (KIEMS) kits in the general elections of 2013 and 2017 are significant obstacles in this regard. The same important items included in the presidential petitions from 2013 and 2017. The same issue was, however, largely overcome in the general elections of 2022, which observers regarded technologically successful.

The results are consistent with Chiba's (2022) argument that electronic voter verification and tallying technologies faced distinct security issues than manual verification systems. For instance, in the 2017 general elections, the honorable Raila Amollo Odinga, a candidate for president of the National Super Alliance, claimed that the IEBC's electronic transmission of results system had been breached and false results had been inserted, contradicting the actual results that had been announced at the polling place. This comes after the court's ruling that deemed the results announced at the voting place to be final. Additionally, the Independent Electoral and Boundaries Commission (IEBC) was charged with widespread electoral fraud and malpractice in *Raila Odinga v. The Independent Electoral and Boundaries Commission and 3 Others* Supreme Court Petition Number 5 of 2013 as Consolidated with Petitions 3 of 2013 and 4 of 2013. This purportedly led to a technological malfunction that affected the outcome of the election.

The study's findings also suggest that the IEBC confronts significant legal difficulties when planning, carrying out, and overseeing elections in Kenya. Responses to allegations of irregularities and rigging in presidential election petitions are important among the legal challenges. For example, in 2013, the IEBC was accused of, among other things, conducting an election that was difficult to verify and had numerous flaws, which was against the constitution's mandate that the process be straightforward, accurate, verifiable, secure,

responsible, and transparent. The commission was accused in 2017 of using an algorithm with a preset result to meddle with the tallying process and lack of openness. Dr. William Ruto was allegedly fraudulently announced by the IEBC in 2022 without the commissioners' consent.

The conclusion is in line with Maina's (2013) account, which claims that the 2013 petition sought to void the election's results due to many errors in voter registration, electronic voter identification, and tallying. The Africa Centre for Open Governance (AfriCOG) filed it in an effort to challenge the validity of the presidential election results, claiming that widespread electoral fraud and irregularities contributed to Uhuru Kenyatta's victory. Raila Odinga filed the petition. The conclusions concur with Freytas-Tamura (2017), who reports that the 2017 petition claimed that the presidential election was not conducted in accordance with the relevant principles of the Constitution, that the said presidential election was tainted by certain illegalities and irregularities, and that as a result, the said general election lacked integrity and should be invalidated. The results are also in line with Wangui (2022), who report that the 2022 petition claimed that the election was tainted by irregularities like figure manipulation and that the declared result by the IEBC chairman is fraudulent, making it even more invalid and null and void because William Ruto did not reach or meet the constitutional threshold of 50% plus one of all votes cast in the election.

The study's conclusions also imply that the IEBC encounters administrative difficulties when planning, carrying out, and managing elections in Kenya. The misprinting of ballots in four wards during the 2013 general election and the need to postpone the 2022 gubernatorial elections in Kakamega and Mombasa due to printing errors are three examples of these. Another is logistical problems, such as late station setup or the late arrival of polling materials

or polling officials. A significant administrative problem was also noted as staffing. For instance, the Commission struggled with the issue of vacancies following commissioner resignations during the 2017 general elections.

The findings are in line with those of Kiplang'at (2022), who report that the 2013 KPMG audit found more than 2.9 million errors in the register, mostly involving differences in names, gender, and dates of birth rather than information from national identification and passport data. Additionally, the audit discovered slightly more than 450,000 instances of duplicate passport or identification information in the register or information for individuals in the register who could not be located at the National Registration Bureau or Directorate of Immigration, respectively. Many of these inconsistencies, according to KPMG, could have been brought on by data entry mistakes. When the IEBC finalized the official voter register, it addressed several findings from the audit and verification activities and fixed some errors. The IEBC removed 88,602 total deceased individuals from the record and 93,548 duplicate entries.

The results of the study also suggest that the IEBC's major administrative problem in planning, managing, and conducting elections in order to establish electoral peace in Kenya is employee insecurity. This could have an impact on employee productivity, which would reduce output during elections. The 2017 murder of Chris Msando, the election official in charge of the computerized voting system, just days before the 8 August polls, is one of the key incidents in this regard. The kidnapping and murder of Embakasi East Returning Officer Daniel Musyoka

in the days before the 2022 general elections is another noteworthy episode. Due to the severe vulnerability of its employees, the IEBC petitioned the ODPP for protection.

The findings are in line with those of Kazungu (2017), who claimed that with only 18 days until the general election on August 8, 2017, IEBC officials in the area had confirmed that there were over 40 open positions that needed to be filled, particularly in all of the areas that had experienced increased insecurity as a result of Al-Shabaab attacks, including Basuba and Kiunga Wards in Lamu East. Similar to this, Owili (2022) states that a few security issues were recorded in Turkana County and Mandera County despite a largely successful delivery of voting materials, which is being overseen by IEBC's 465,606 temporary personnel and 150,000 security officers. IEBC employees in Starehe, Mathare, Embakasi North, and Ruaraka have reportedly come under attack by incumbent political figures and candidates who are encouraging voters and their supporters to register, according to Wafula (2016).

The results also suggest that some voters lack faith in the IEBC, which makes it difficult to plan, conduct, and manage elections in order to bring about electoral peace in Kenya. While this is primarily spread by political smear campaigns, it was vindicated when the 2017 presidential elections were declared invalid due to serious irregularities. The results are in line with Wasuna (2016), who claims that the major opposition parties have seriously questioned the IEBC's credibility ever since the 2013 election. The opposition has been relentlessly attacking the IEBC since 2013, which has prevented it from gaining the widespread support that it needs to be respected as an impartial judge. A few of the attacks have been related to how the 2013 election was handled, specifically the failure of election technology used to identify voters and transmit results and allegations of corruption surrounding the tendering process for printing ballot papers (commonly referred to as the "chicken gate" scandal).

The necessary monetary, physical, and human resources must be provided to efforts to address election crimes and transgressions. To preserve law and order during the election season, it is

necessary to hire and train a sufficient number of security people. To respond to any instances of election crimes and offenses, the officers must be given the proper and essential equipment, including cars, communication devices, and tools for gathering, storing, and transmitting evidence. Election-related felonies and crimes have significant negative social, economic, and political repercussions. They occasionally result in the death and destruction of people and property. The full weight of the law must therefore be used to combat and prevent those who commit or might commit electoral crimes and violations. In this regard, the Prosecution and Judiciary will unavoidably advocate for and impose harsh sanctions.

6.2 Opportunities

In order to achieve electoral peace in Kenya, the study also aimed to determine the opportunities available to Kenya's electoral management body for legitimately organizing, conducting, and managing elections. Table 6.2 presents the descriptive outcomes.

Table 6.2: Opportunities in organizing, conducting and managing elections in Kenya

	Mean	%	S.D
Legislation for financial independence	4.341	10.60 %	0.383
Political will to reform electoral process	4.273	10.44 %	0.403
Good will by the people and the development partners	4.267	10.42 %	0.363
Promotion of civic and voter's education	4.262	10.41	0.391

		%	
Legislation for more effective laws on election management	4.169	10.18	0.409
Use of technology to complement manual vote tallying and transition of results	4.166	10.17	0.375
Enhancement of regional and stakeholder engagement and collaboration	4.166	10.17	0.421
Experiential learning from past mistakes	3.809	9.30%	0.379
Facilitation of objective election observation locally and internationally	3.797	9.27%	0.355
Benchmarking for best practices	3.695	9.02%	0.378
Overall Mean	4.094		0.386

Source: (Researcher Field work Data, 2022)

The overall mean of 3.907 reflects the average rating across all the challenges and opportunities identified in the study. It indicates that, on average, the respondents perceive the IEBC to face various challenges in managing elections in Kenya. The respondents on average rated this challenge quite high, with a mean of 4.098. This suggests that they perceive the Independent Electoral and Boundaries Commission (IEBC) in Kenya to face difficulties in maintaining a sufficient level of independence, potentially impacting its ability to carry out its duties effectively. The mean score of 3.940 indicates that the respondents perceive commissioners of the IEBC to face concerns regarding the security of their tenure. This insecurity could hinder their independence and affect decision-making processes within the electoral body. With a mean of 3.889, the respondents indicate that opinion polls play a role in creating voter expectations. This suggests that voters may develop specific expectations based on the information and predictions provided by these polls, which can have implications for the electoral process.

The respondents, on average, rated this challenge as 3.860. This means they perceive the IEBC to face limitations in terms of financial independence, which can potentially impact its operations and ability to conduct elections efficiently. The mean score of 3.852 suggests that respondents recognize the presence of voter apathy and a loss of confidence in the electoral body. This indicates that some voters may feel disengaged or disillusioned with the electoral

process, which can have implications for voter turnout and trust in the fairness of elections. With a mean of 3.803, the respondents perceive the issue of understaffing within the IEBC. This suggests that there may be insufficient personnel to handle the various tasks and responsibilities associated with managing elections effectively.

The mean score of 3.314 indicates that respondents perceive voter intimidation to be a challenge faced by the IEBC. This suggests that instances of intimidation during elections may negatively affect the electoral process and potentially impact the integrity of the results. With a mean of 3.191, the respondents perceive the presence of media bias and misreporting. This suggests that they believe media outlets may not always provide accurate and unbiased information, potentially influencing public perception and trust in the electoral process. The mean score of 3.106 suggests that respondents recognize the issue of vote-buying and selling in the context of elections. This implies that the practice of exchanging votes for financial or material gain is perceived to be a challenge that the IEBC faces in managing elections. With a mean of 3.077, the respondents indicate that the IEBC may face challenges related to the loss of institutional memory. This suggests that turnover or lack of continuity within the electoral body may impact its ability to learn from past experiences and improve its performance.

The existing legal judgements from prior presidential election petitions were found to be among the most potential chances. In the 2022 general elections, where the IEBC was perceived to follow the Supreme Court orders on the 2017 presidential elections that were declared invalid, the significance of legal decisions from earlier presidential election petitions was particularly stressed. For instance, the Supreme Court determined that the IEBC did not follow the law's requirements for transparency and did not use electronic transmission techniques during the 2017 elections. As a result, there was a shroud of darkness between the voting locations and the results transmitted to the Nairobi tallying center. The court affirmed that the vote count

announced at the polling places was final and could only be modified on a petition filed in court by an aggrieved party, borrowing from an earlier appeal case.

In order to remedy this, the IEBC did post more than 46,000 Forms 34A, which tabulate results from each polling place, on a public platform during the 2022 presidential elections. In addition, the electoral authority was able to get the majority of the Kenya Integrated Electoral Management System (KIEMS) kits to function, with the exception of 1,111 polling places where voters had to be manually counted. Among the responses was this:

“As we saw in this year’s elections (2022), the IEBC seems to have taken in stride the 2017 rulings by the apex court. If you remember in 2017, one of the bases upon which Chief Justice Emeritus Maraga nullified the presidential elections, was massive irregularities in the Form 34As. Now to cure that, the IEBC this year decided that all Form 34As would be uploaded on a public portal for transparency straight from the polling station. So, in this case, the 2017 ruling was really an opportunity for IEBC to correct its wrongs”

[Thursday, June 23, 2022. Q16 Political Analyst 5, Nairobi]

This was supported by a responded who observed that:

“The IEBC has clearly used the past Supreme court decisions to improve their conduct in this year’s (2022) general elections. The opposition complained in 2017 that the IEBC had refused to open the server. This year results were all real-time in the public portal”

[Friday, June 24, 2022. Q16 Politician 7, Nairobi]

Another informant further concurred arguing that:

“I think a key opportunity available to us especially this year, was the benefit of past judicial decisions and case law. A good example is the Maina Kiai ruling that results as announced in the polling station are final. So whatever the public saw in the public portal was the final results from the 46000 plus polling stations. This actually made our work easier and more transparent”

[Monday, June 13, 2022. Q16 IEBC Official 2, Nairobi]

It is clear from the provided responses that the Independent Electoral and Boundaries Commission (IEBC) has applied the lessons from previous Supreme Court rulings to enhance the conduct of the 2022 elections. Due to serious anomalies in the Form 34As, Chief Justice Emeritus Maraga annulled the presidential elections in 2017. The IEBC made the decision to provide openness in the 2022 elections by directly uploading all Form 34As on a public portal from the polling place. The 2017 decision gave the IEBC a chance to learn from its previous errors. Additionally, as all results were made available in real-time on the public portal in 2022, the opposition's objection from 2017 regarding the IEBC's unwillingness to open the server was answered. The Maina Kiai decision, which states that results declared at the polling place are final and simplifies and increases transparency of the process, was also a significant contributor to their increased performance.

The Supreme Court of Kenya was identified in the analysis as a relevant opportunity. The Supreme Court of Kenya, which was established by the Constitution of Kenya, 2010, has now emerged as a crucial player in the nation's ongoing effort to strengthen its electoral laws. The Constitution gives the top court authority to resolve disagreements involving presidential elections. After the 2013 presidential election, in which His Excellency Uhuru Kenyatta triumphed with 50.07 percent of the vote to Mr. Raila Odinga's 43.31 percent, the court issued a report claiming that anomalies were discovered during the partial recount of votes in five out of 22 polling places. However, it stated that they were insufficient to alter the final result.

Some of the evidence produced by Mr. Odinga's team was also rejected by the court, which was presided over by the late submission of the evidence, according to then Chief Justice Dr. Willy Mutunga. The petition for the 2017 presidential election also established a number of precedents, which the IEBC made a valiant effort to reverse in the 2022 presidential elections. The Supreme Court declared the elections invalid, citing the electoral commission's non-constitutional methods of conducting the voting. The IEBC's behavior in the 2022 elections was

fundamentally influenced by this, as various portions of the report's earlier chapters have explained.

One of the primary informants noticed that:

“The Supreme has immensely helped in improving the conduct of the IEBC. As can be seen from the 2013 petition as in the 2022 petition. And I think for me the highlight of this all would be the 2017 petition in particularly. Admittedly, the 2022 elections were the most transparent by far and this owes to the 2017 Supreme Court findings”

[Thursday, June 23, 2022. Q17 Political Analyst 1, Nairobi]

This view was corroborated by a key informant who intimated that:

“We owe a lot of the improvement we observed in the 2022 IEBC to the Supreme Court. And even beyond the IEBC, the Supreme Court has also contributed to the post-election peace so to speak. It has acted as an outlet for aggrieved parties who hitherto would take to the streets and cause violence in the name of contesting the results”

[Friday, June 17, 2022. Q17 Politician 11, Nairobi]

Similar sentiments were shared by a respondent who averred that:

“Admittedly, yes. I think particularly in this year’s elections, we were heavily guided by the 2017 rulings by the Supreme Court. So that has also been an opportunity for us”

[Monday, June 13, 2022. Q17 IEBC Official 1, Nairobi]

The responses indicate that the Supreme Court has played a crucial role in enhancing the operations of the Independent Electoral and Boundaries Commission (IEBC) in Kenya. The 2013 and 2022 petitions demonstrate the positive impact the Supreme Court has had on the conduct of elections. The 2017 petition stands out as a highlight, presumably due to landmark rulings that have influenced subsequent elections positively. The transparency of the 2022 elections is attributed to the Supreme Court's findings in 2017. Beyond just the electoral process, the Supreme Court has contributed to post-election peace by providing a legal avenue for aggrieved parties to address their concerns rather than resorting to violent protests. The

court's past rulings have significantly influenced decision-making during subsequent elections, indicating the lasting impact of its judgments on the electoral process.

The study also found that independent election observation is a further possibility offered to Kenya's electoral management body for legitimately arranging, conducting, and managing elections to achieve electoral peace in Kenya. The IEBC is able to recognize and build upon its strengths while strengthening its flaws through independently observing and timely reporting. Another significant distinction between the general elections in 2013 and 2017 and the elections in 2022 was the release of preliminary reports from several observer missions prior to the announcement of the results. Observers were condemned for publishing their reports after the previous Kenyan elections, often a year later. Just two days after the elections in 2022, the East African Community (EAC), AU-COMESSA, and the Inter-Governmental Authority on Development (IGAD) Election Observer Mission all jointly presented their early reports.

The EAC Election Observation Mission declared that they were pleased with how the voting process was carried out. The IEBC has improved in terms of transparency, planning, and management, according to the Head of Mission, former Tanzanian president Jakaya Kikwete. The IEBC's effective use of technology for voter registration, voter identification, and transmission of results received special praise from the Mission. Mr. Kikwete claimed that the IEBC had strengthened the election's efficiency and openness. The general public and the foreign world can feel confident that the elections were impartially and credibly conducted with the approval of independent election observation. As a result, the majority of Kenyans have increased faith in the IEBC, which lowers the likelihood of violence.

A commenter noted that:

“The observer mission is a good opportunity for IEBC to take note of their strengths and weaknesses, identify areas for possible improvement and what aspects of their operations to maintain”

[Thursday, June 23, 2022. Q18 Political Analyst 2, Nairobi]

Another respondent reiterated that:

“The IEBC can use independent electoral observation reports as objective critiques to their conduct. They are mostly unbiased and likely to help their IEBC improve on their inadequacies in the next electioneering period”

[Friday, June 17, 2022. Q18 Politician 9, Nairobi]

This was supported by a respondent who intimated that:

“We use the recommendations by independent electoral observation missions to inform our operations and the fact that this year’s report was largely positive is a vote of confidence from the international community”

[Monday, June 23, 2022. Q18 IEBC Official 2, Nairobi]

The study also discovered that voter education gives the IEBC a chance to raise public understanding on a variety of topics that will help them legitimately plan, run, and manage general elections in the nation. This is set against a background of voters' ostensible lack of civic education regarding the voting process, political incitement, and politicians' role in handling post-election violence. It was determined in this regard that the Commission must conduct voter education in accordance with Article 88(4)(g) of the Kenyan Constitution of 2010.

In order to carry out this task, the Commission must set up systems for ongoing voter education and order the creation of a voter education curriculum in accordance with Section 40 of the Elections Act of 2011. In this regard, the IEBC did create a voter education curriculum in 2017 that offers relevant content and consistent voter education objectives. Additionally, it offers advice on training techniques, training materials, and assessment strategies for voter education.

In order to fulfill the strategic objectives and voter education mandate of the Commission, this is meant to provide uniformity in voter education.

The public should be made aware of the numerous election violations and their consequences, as well as the causes of election offenses and the methods of preventing them, in Unit 9 of the Voter Education Curriculum.

With this unit in particular, the IEBC has the chance to deter voters from inciting post-election violence. The Commission also employs church leaders, local community-based organizations, non-governmental organizations, and the media to serve as voter education ambassadors, in addition to the voter education officers. One of the respondents argued:

“We have a problem with civic education in this country. The politicians ride on ignorant Kenyan voters to incite them, pay them and use them to advance their political scores which results in violence. I think IEBC should really step up and carry out massive education campaigns around the country”

[Thursday, June 23, 2022. Q19 Political Analyst 3, Nairobi]

Another concurred adding that:

“Ignorant voters are normally politicians’ foot soldiers every time we have post-election violence in this country. And this is largely because politicians assure them of protection should they be arrested. That is in addition to being given money. It is therefore important that IEBC carry out their mandate of promoting civic and voter’s education. Let them know the penalties of committing electoral offenses”

[Friday, June 17, 2022. Q19 Politician 5, Nairobi]

A respondent further revealed that:

“In 2017, we published the Voter Education Curriculum which we rigorously use to educate voters on everything pertaining to their role in the election process in a formally structured manner. From their political rights to election offenses and penalties thereof”

[Monday, June 13, 2022. Q19 IEBC Official 1, Nairobi]

The study also discovered that in order to promote electoral peace in Kenya, the electoral management body uses benchmarking to assure the adoption of global best practices with relation to organizing, conducting, and managing general elections. The Commission employs a variety of methods in this regard, including expert invitations, desktop literature assessments, foreign travels to other emerging nations, and benchmarking. The Commission finally decides to use the approach that is both practicable and economical for obtaining global best practices. For instance, the analysis discovered that over time, the Secretariat and Commissioners have traveled to many nations to support corporate governance capacity building projects. In order to identify best practices in policy and operations, discussions with other electoral administration bodies were required throughout the visits.

The study also discovered that the Commission did launch an Election Visitor Program in 2012 as part of its commitment to communication and cooperation with international electoral bodies, with the following goals: sharing knowledge with the international delegations; enhancing networking and benchmark standards; providing additional opportunities for international election observation; and iv providing a forum for showcasing some of the Commission's innovations. To this goal, the Commission has also welcomed a number of delegates from different electoral management organizations over the years.

One of the respondents noticed:

“Bench marking is an important avenue that the IEBC can use to discover how electoral management bodies in other democracies organize, conduct and manage general elections to achieve electoral peace in their countries. Model countries in this regard would be Rwanda, South Africa and Ethiopia”

[Thursday, June 23, 2022. Q20 Political Analyst 6, Nairobi]

Another opined that:

“The IEBC should and I believe they do go on bench marking trips to see how their counterparts in other democracies manage to conduct credible elections that do not necessitate a barrage of petitions like is the case in this country every election”

[Friday, June 17, 2022. Q20 Politician 4, Nairobi]

This was supported by a respondent who offered that:

“We have a structured bench marking programme in which we benchmark to see how peer EMBs in other jurisdictions conduct their elections that remain peaceful during electioneering periods”

[Monday, June 13, 2022. Q20 IEBC Official 1, Nairobi]

The study finally established that the IEBC can use experiential learning from their past mistakes as an opportunity to improve their conduct in organizing, conducting and managing general elections to achieve electoral peace in Kenya. A key reference point in this regard would be the Commission’s defunct predecessor, the ECK whose conduct in the 2007 general elections plunged this country into the post-election violence in its aftermath. It is also apparent that in the 2022 presidential elections, the IEBC borrowed heavily from the lessons learnt in the irregularities they committed in the 2017 general elections that attracted the landmark nullification of the presidential election results.

A respondent observed that:

“They say that experience is the best teacher. This was demonstrated in this year’s (2022) elections in which the IEBC was hell-bent on righting their 2017 wrongs”

[Thursday, June 23, 2022. Q21 Political Analyst 5, Nairobi]

Another argued in concurrence, saying that:

“The IEBC has the benefit of hindsight. Under this new Constitution they have been taken to the apex court for seemingly the same reasons. It is time they learnt from their past mistakes and do better going forward”

[Friday, June 17, 2022. Q21 Politician 3, Nairobi]

A respondent further provided that:

“We learn with every election and we always carry forward lessons learnt and in my view 2022 has been testament to that fact”

[Monday, June 13, 2022. Q21 IEBC Official 2, Nairobi]

The study concludes from the data that there are several opportunities for the IEBC to successfully organize, manage, and conduct elections in order to bring about electoral peace in Kenya. The current court rulings from earlier presidential election petitions are important among these. This was especially evident in the general elections of 2022, where it appeared that the IEBC followed the recommendations of the judicial findings that resulted in the annulment of the presidential results in 2017. These included the finality of the results at the polling places and the transparent transfer of results from the polling places to the national tallying Center.

The conclusion agrees with Olewe (2022), who asserts that Kenya's presidential election petitions and their results were important in determining and enhancing the country's electoral process. Heinzekehr and Gallagher (2022) add that the efficiency in results transmission seen in 2022 was not an accident but rather a result of the 2013 and 2017 petitions alleging massive fraud, including the failure of the electoral commission to transmit all results electronically as required by law to reduce the risk of them being tampered with, according to those petitions. According to Wangui (2022), who agrees with the study's conclusions, the Supreme Court has used both quantitative and qualitative analysis to decide election petitions at various points, which has improved the nation's electoral system.

The conclusions also have the implication that the IEBC now has a chance to legitimately organize, manage, and conduct elections in order to bring about electoral peace in Kenya thanks to the establishment of the Supreme Court of Kenya by the 2010 Constitution of Kenya. The Supreme Court specifically outlines a procedural procedure by which opposing parties in a

presidential election can contest the results by submitting an electoral petition. This is a crucial remedy for the post-election violence that was routinely present in the election cycles before the current Constitution was enacted. This was caused by a lack of appropriate dispute settlement techniques, which led to the victorious side turning to violence.

The conclusion concurs with Oluoch's (2022) estimation that the Kenyan Supreme Court is around 11 years old. However, the supreme court has lately emerged as a crucial player in the nation's expanding call for better voting laws. The conclusion concurs with Kiplagat and Wasuna (2022), who assert that the IEBC's efforts to abide by the Supreme Court's stern warning that whenever called upon to decide on a similar dispute, the court would reach the same decision if the anomalies remain the same, regardless of who the aspirants may be, were the reason for the general elections' observed transparency in 2022. This court consistently makes the unwavering resolve to uphold the constitution.

The results also imply that another independent election observation offers the IEBC the chance to legitimately organize, conduct, and manage elections in order to bring about electoral peace in Kenya. The IEBC is able to recognize and build upon its strengths while strengthening its flaws through independently observing and timely reporting. The general public and the foreign world can feel confident that the elections were impartially and credibly conducted with the approval of independent election observation. As a result, the majority of Kenyans have increased faith in the IEBC, which lowers the likelihood of violence.

The results support Khaduli's (2022) claim that election observation is an effective strategy for raising the caliber of elections. Observers contribute to increasing public trust in the integrity of

electoral processes. Election participants' civil and political rights can be promoted and protected with the use of observation. Even while an election process is still in progress, Kimeu (2022) concurs that election observation might result in the repair of mistakes or dubious procedures. It can prevent fraud and manipulation or, if it does, reveal these issues. When observers can provide accurate reports, it increases confidence in the democratic system and strengthens the authority of the administrations that are formed as a result of elections. The findings support Olewe's (2022) claim that domestic groups that observe elections promote civic engagement in politics. Following elections, national law and practice may change and improve as a result of reports and suggestions made by observer groups.

Further inferences can be drawn from the data that voter education offers the IEBC a chance to credibly organize, conduct, and manage elections in order to bring about electoral peace in Kenya. This will especially address the voters' apparent lack of civic education regarding the voting process, political incitement, and their role in dealing with post-election unrest. By creating the Voter Education Curriculum, the IEBC has greatly capitalized on this opportunity. It addresses a variety of topics, including election offenses, the causes of election offenses, and methods of preventing election violations. The public is best made aware of the numerous election offenses and their punishments.

The conclusion is in line with Sossion's (2022) observation that voter and civic education is essential to ensuring that all voters, men and women alike, are aware of their rights, their political system, the issues up for vote, and where and how to cast their ballots. The findings also concur with Mahandara (2022) that in order for a democratic election to be successful, voters must be aware of their rights and responsibilities, as well as sufficiently knowledgeable and informed to cast legally-valid ballots and engage actively in the electoral process. The results further concur with Long (2022), who contends that voter and civic education are even more crucial in post-conflict countries because of the possibility of turbulent political situations

and the possibility that elections could have an unprecedented impact on the future of the countries.

The conclusions also suggest that the IEBC has a chance to credibly organize, conduct, and manage elections in order to bring about electoral peace in Kenya by using bench marking. In order to establish electoral peace in Kenya, the IEBC takes advantage of this opportunity by using benchmarking to embrace global best practices with relation to organizing, conducting, and managing general elections. The IEBC can learn how electoral management organizations in model democracies like Rwanda, South Africa, and Ethiopia arrange, conduct, and manage general elections to achieve electoral peace in their nations by conducting a bench-marking exercise. The conclusion is in line with Kiplangat's (2022) observation that the IEBC should conduct a comparative analysis of the issues surrounding the appointment, makeup, funding, and operations of a few electoral management bodies within the Commonwealth countries, namely the Republic of South Africa, Australia, Canada, and the UK, in order to establish best practices.

The study concludes from the results that the IEBC has the chance to improve its conduct in organizing, managing, and conducting general elections in order to bring about electoral peace in Kenya. The ECK, the Commission's defunct predecessor, the 2013 presidential elections petition, the anomalies that led to it, and the 2017 election's annulment are all important points of reference in this regard. The results are in line with Oluoch (2022), who notes that one of the significant changes in the 2022 elections was that the IEBC uploaded all the forms from 46,229 polling stations on the public portal, allowing access to any interested party. This suggests that the IEBC appears to have learned from its failures in the 2017 elections. It was a significant improvement over the 2017 elections, when the IEBC resisted opening the servers to check the results despite the Supreme Court's orders to do so. The Supreme Court invalidated the presidential elections in 2017 for a number of reasons, one of which was due to this.

The Rational Choice Theory claims that by comprehending the rational decisions made by political actors, voters, and other stakeholders, it may be possible to identify probable difficulties in keeping the peace during elections. It can reveal, for instance, if political elites view violence as a weapon for attaining their objectives or whether electoral violence is motivated by underlying grudges and resentments among particular communities. It can also point out opportunities for institutional reform or for putting into practice tactics that encourage inclusive and peaceful voting processes.

6.3 Chapter Summary

In order to establish electoral peace in Kenya, this chapter has examined the opportunities and obstacles that the electoral management body in Kenya encounters when planning, carrying out, and managing elections. The identified challenges and opportunities have accordingly been analyzed thematically along the two themes. The results have been discussed in relation to their concurrence and contrast with extant published empirical literature. The next chapter covers a summary of key findings, conclusion and recommendations.

CHAPTER SEVEN

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

Introduction

This chapter provides an overview of the main study findings, the logical conclusion drawn, and recommendations for additional investigation, practice, and policy. The goal of the chapter is to link the research objectives and relevant research questions to the findings and make inferences based on those inferences. The chapter ends with suggestions for more research to show how the identified knowledge gaps and limits might be filled in and addressed.

7.1 Summary of findings

7.1.1 Essence of Kenya's electoral management system

The primary goal of the study was to identify the core components of Kenya's electoral management system. In order to do this, respondents were asked to rate how much they agreed with several claims made about the fundamentals of Kenya's electoral management system. The majority of respondents agreed that Kenya's electoral system upholds citizens' freedom to exercise their right to vote (4.186); encourages fair representation (4.297); encourages voting equality (4.360); supports free and fair elections (4.411); establishes mechanisms for resolving electoral disputes (4.106); dictates how elections and referendums are run by the electoral management body (4.377); and establishes eligibility requirements for voters (4.076);

Key informant interviews revealed that Kenya's voting system is based on the First Past the Post principle, a type of plurality/majority system. It is based on the Kenyan Constitution of 2010

and includes a wide range of actors, each of whom has a specific duty outlined in the Constitution. The voter, who is guaranteed the right to vote among other rights, the IEBC as the institution constitutionally mandated to conduct elections, by-elections, and referendums, the judiciary, which is tasked with resolving all conflicts and litigation relating to the elections, and parliament, which is tasked with formulating legislation and amendments pertinent to election laws, are the main actors in this regard. The executive branch, notably the incumbent, media outlets, and the internal security system were discovered to be additional significant stakeholders.

7.1.2 Causes and Consequences of Post-Election Violence in Kenya

The study second objective also sought to examine the causes and consequences of post-election violence in Kenya, dating back in 1963. A majority of respondents highly affirmed that the causes of post-election violence in Kenya include disputed election outcomes (4.271); poor electoral conflict resolution mechanisms (4.275); “winner-takes-it-all” election system (4.364); lack of transparency in vote tallying and counting (4.098); discriminatory enforcement of electoral laws (4.161); perceived bias of the electoral management body (4.199); voter incitement by politicians (4.364); weak laws on election violence perpetrators (4.098); incitement impunity by politicians (4.161); and perceived rigging by the electoral management body (3.970).

The foregoing sentiments were replicated in key informant interviews where respondents were asked on whether post-election violence in Kenya can be in any way attributed to the country’s electoral system. It emerged from the responses that significant strides have been in the country’s electoral systems in effort to address post-election violence and that much of the progress can be attributed to both the current constitution and the elections Act. Some respondents however noted that the current weak link is the perceived lack of independence by the IEBC and the ‘winner-takes-it-all’ system.

The study sought to determine the consequences of post-election violence in Kenya, dating back in 1963. A majority of respondents highly affirmed that among the consequences of post-election violence in Kenya include casualties (4.314); internally displaced persons (4.339); refugees (4.246); sexual violence victims (4.208); destruction of private and public properties (4.364); collapse of businesses and loss of revenue (4.098); unemployment (4.161); poverty (3.970); emotional and psychological distress (4.275); and economic instability (4.331).

7.1.3 Challenges and Opportunities Faced by Electoral Management Body in Managing Elections in Kenya.

In order to establish electoral peace in Kenya, the third purpose of the study also intended to identify the chances and problems that Kenya's electoral management body faced in connection to organizing, conducting, and managing elections. In this regard, it was made clear that the IEBC has a number of difficulties of many kinds, including operational, administrative, and legal issues. Excessive public scrutiny of the voting materials' procurement, the failure of implemented technologies from voter registration to voting and result transmission, and finance issues are some of the primary operational difficulties encountered. On the other hand, administrative difficulties include political considerations in the selection of commissioners; intimidation and harassment of officials, particularly presiding and returning officers; and in some cases, the murder of important officials. There are time constraints on the law that must be met in order to assemble enough evidence to reply to presidential petitions and/or to judicial orders.

In order to achieve electoral peace in Kenya, the study also aimed to determine the opportunities available to Kenya's electoral management body for legitimately organizing, conducting, and managing elections. The existing legal judgements from prior presidential election petitions were found to be among the most potential chances. In the 2022 general elections, where the IEBC was perceived to follow the Supreme Court orders on the 2017

presidential elections that were declared invalid, the significance of legal decisions from earlier presidential election petitions was particularly stressed.

The Supreme Court of Kenya was identified in the analysis as a relevant opportunity. The Supreme Court of Kenya, which was established by the Constitution of Kenya, 2010, has now emerged as a crucial player in the nation's ongoing effort to strengthen its electoral laws. The study also found that independent election observation offers a further possibility offered to Kenya's electoral management body for legitimately arranging, conducting, and managing elections to achieve electoral peace in Kenya. The study also discovered that voter education gives the IEBC a chance to raise public understanding on a variety of topics that will help them legitimately plan, run, and manage general elections in the nation. This is set against a background of voters' ostensible lack of civic education regarding the voting process, political incitement, and politicians' role in handling post-election violence.

The study also discovered that in order to promote electoral peace in Kenya, the electoral management body uses benchmarking to assure the adoption of global best practices with relation to organizing, conducting, and managing general elections. The Commission employs a variety of methods in this regard, including expert invitations, desktop literature assessments, foreign travels to other emerging nations, and benchmarking. The study's conclusion was that the IEBC can improve its behavior in organizing, managing, and administering general elections in order to bring about electoral peace in Kenya by using experiential learning from past mistakes.

7.2 Conclusions

7.2.1 Essence of Kenya's electoral management system

The study draws its conclusions from the results of the first objective, which show that the foundation of Kenya's electoral management system is the First Past the Post concept, a type of

plurality/majority system that is embodied by a variety of stakeholders and based on the Kenyan Constitution of 2010. The institutional and legal underpinnings for the election system are established by the Constitution, which is a supreme law. The IEBC, which is responsible of overseeing or organizing elections and referendums, is the key institutional stakeholder in the system. Another important institution is the judiciary, which plays a significant role in resolving electoral disputes. Parliament, county governments, the executive, the interior security docket, and the media are additional important organizations. Voters have a significant role in the election process of the nation because the Constitution guarantees them certain voting-related rights.

Only a minority of voters trust the IEBC to translate votes cast in a presidential election into a president, party and government voted for by the people. A majority however believes that our electoral system aggravates political tension thereby leading to outbreak of violence. It is when electoral system makes the opposition feel like they cannot win fairly and the political framework does not give them a chance to win in the next election cycle thereby making them feel like they may be compelled to seek power through illegal means particularly violent means. In Kenya, voters now feel disillusioned that their votes do not count leading to voter apathy in opposition strongholds. It is deducible that our electoral management system at the national level presidents majority tyranny whereby there is suppression of the rights and liberty of a majority by the majority.

The results also show that the majority of Kenyan voters believe the country's electoral system supports free and fair elections as well as the freedom of citizens to exercise their right to vote. The results also suggest that the majority of Kenyan voters believe the country's election system supports equal representation and fair voting. The study concludes from its findings that the majority of Kenyan voters believe that the electoral process creates procedures for resolving electoral disputes. This impression is supported by Article 87 of the Kenyan Constitution,

which mandates that Parliament pass legislation to establish procedures for expeditious resolution of electoral disputes.

7.2.2 Causes and Consequences of Post-Election Violence in Kenya

It is further concluded from the findings of the second objective of the study that among the major causes of post-election violence in Kenya dating back in 1963 is voter incitement by politicians. Politicians are found to prey on ignorant and unemployed youths to cause violence in order to intimidate and/or punish perceived supporters of the opponents. This is particularly catalyzed by ethnicity, in which case voters of a certain tribe are perceived to have voted for the opponent and are therefore attacked in retaliation. This was especially the case in the election cycles prior to the promulgation of the new Constitution of Kenya, 2010, and particularly in 1992 and 2007.

The study also concludes from the study findings that another major cause of post-election violence in Kenya dating back in 1963 is disputed election outcomes and poor electoral conflict resolution mechanisms. Prior to the Constitution of Kenya, 2010, the conflict resolution mechanisms for addressing electoral disputes were largely weak. Losing candidates with rigging claims had no clear cut mechanisms for recourse on their grievances. This often resulted in the aggrieved parties resorting to violence in protest and as a way to vent out their grievances. With the new constitution however, the Supreme Court was introduced which provided a clear and elaborate legal avenue on which parties contesting the presidential election results can file petitions.

It is further inferred from the findings that another cause of cause of post-election violence in Kenya dating back in 1963 is weak laws on election violence perpetrators and particularly politicians accused of instigating violence by incitement and facilitation. To date, none of the politicians prosecuted has been found culpable and punished by law in a deterrent fashion. At

most, politicians are released on bail or bond which they can afford and their cases dragged through prolonged investigations and drawn-out court hearings. The study findings also imply that a key cause of post-election violence in Kenya dating back in 1963 is the “winner-takes-it-all” election system. The electoral system in Kenya is structured in plurality voting fashion, which means that the party of the winning candidate forms the entire executive arm of government while the losing candidate receives no representation in government, regardless of the number of votes they received. This results in ‘wasted votes’ leaving the losing side significantly aggrieved and inclined to case violence in protest.

The study also draws the conclusion that incumbency is a key cause of post-election violence in Kenya dating back in 1963 is the “winner-takes-it-all” election system. Incumbent presidents in the country are not always willing to leave office, hence using state resources to manipulate the electoral process including the electoral management body. It is also concluded from the findings that another major cause of post-election violence in Kenya dating back in 1963 is lack of transparency in vote tallying and counting. This was particularly brought to the fore in the 2013 and 2017 general elections, in which petitioners averred that the failure of the electronic system put in place by the IEBC and their failure to electronically transmit election results affected the validity of the Presidential elections. The study findings further led to the conclusion that among the major causes of post-election violence in Kenya dating back in 1963 is the perceived bias and rigging by the electoral management body. These were the bases of the post-election violence that ensued after the 2007 general elections and the petitions with incidences of violence in the 2013 and 2017 general elections.

The study further concluded from the findings that among the most notable consequences of post-election violence in Kenya since independence are internal displacement of persons. People were evicted from their’ homes, others voluntarily fled out of fear and suffered massive destruction of property. Casualties, destruction of private and public properties and refugees are

also emerged from the findings as among the direst consequences of post-election violence in Kenya. It is also concluded from the findings that sexual violence has also been a notable consequence of post-election violence in Kenya. It is further inferable from the findings that post-election violence in the country results in economic instability characterized by the collapse of businesses and loss of revenue, unemployment and poverty. Post-election violence in the country has also been found to result in emotional and psychological distress. This may result from suicidal thoughts among victims, unhappiness with the government and fear for themselves and their children.

7.2.3 Challenges and Opportunities the Electoral Management Body in Kenya faces in Managing Elections

From the study's findings for the third objective, it is further inferred that one of the biggest difficulties in Kenya is policing election-related crimes and offenses because of: insufficient funding and networks among security agencies; corruption and lack of integrity in the electoral process; voter ignorance and illiteracy; political leaders' impunity and self-serving behavior; tribalism, nepotism, hatred and hostility; and insufficient cooperation. Conducting effective civic education in a timely manner, providing sufficient and high-quality resources to regulate election crimes and offenses, and enacting severe punishments for election crimes and violations were the main potential remedies to the problems.

It was determined that entrenched political corruption, tribalism, a lack of transparency and accountability among responsible agencies, and cash gifts to voters were the main obstacles to free and fair elections. Conducting civic education on voters' rights and effective leadership were potential remedies, as were maintaining strict law and order, imposing harsh penalties on those who violate electoral laws, fostering patriotism and national unity, and assisting the electoral body in conducting free and fair elections for all political parties.

Further inferences can be drawn from the study's conclusions that the IEBC faces a lot of difficulties in connection to planning, managing, and executing elections in Kenya. These can be broadly divided into three categories: administrative, operational, and legal. The commission's inability to effectively carry out its constitutional duty is discovered to be a significant operational obstacle. The acquisition of essential technologies and the hiring of people, two vital actions that ruin general election preparations, are found to be significantly affected by a lack of enough finance. The conclusions also suggest that the IEBC faces a significant operational challenge in its attempts to plan, carry out, and oversee elections in order to bring about electoral peace in Kenya. This was especially true in the contentious tendering procedures for delicate electoral tools and technology in the run-up to the general elections in 2013 and 2017.

The results also imply that the IEBC faces technological obstacles in trying to plan, administer, and conduct elections in order to bring about electoral harmony in Kenya. The widespread failure of the biometric voter registration (BVR) system and the Kenya Integrated Election Management System (KIEMS) kits in the general elections of 2013 and 2017 are significant obstacles in this regard. The same important items included in the presidential petitions from 2013 and 2017. The same issue was, however, largely overcome in the general elections of 2022, which observers regarded technologically successful.

The study's findings also suggest that the IEBC confronts significant legal difficulties when planning, carrying out, and overseeing elections in Kenya. Responses to allegations of irregularities and rigging in presidential election petitions are important among the legal challenges. For example, in 2013, the IEBC was accused of, among other things, conducting an

election that was difficult to verify and had numerous flaws, which was against the constitution's mandate that the process be straightforward, accurate, verifiable, secure, responsible, and transparent. The commission was accused in 2017 of using an algorithm with a preset result to meddle with the tallying process and lack of openness. Dr. William Ruto was allegedly fraudulently announced by IEBC in 2022 without the commissioners' consent.

The study's conclusions also imply that the IEBC encounters administrative difficulties when planning, carrying out, and managing elections in Kenya. The misprinting of ballots in four wards during the 2013 general election and the need to postpone the 2022 gubernatorial elections in Kakamega and Mombasa due to printing errors are three examples of these. Another is logistical problems, such as late station setup or the late arrival of polling materials or polling officials.

The results of the study also suggest that the IEBC's major administrative problem in planning, managing, and conducting elections in order to establish electoral peace in Kenya is employee insecurity. This could have an impact on employee productivity, which would reduce output during elections. Key incidents in this regard include the 2017 murder of Chris Msando, the election official in charge of the computerized voting system, just days before the 8 August elections, and the disappearance and subsequent discovery of a returning officer for the Embakasi West Constituency in the 2022 elections, who had been murdered by unidentified assailants and dumped at Loitokitok in Kajiado County.

The results also suggest that some voters lack faith in the IEBC, which makes it difficult to plan, conduct, and manage elections in order to bring about electoral peace in Kenya. While this is primarily spread by political smear campaigns, it was supported by the annulment of the 2017 presidential election due to significant irregularities and the 2022 presidential election, where

the Azimio coalition contested the validity of the winner declared by the IEBC due to the failure of the organization to provide servers for audit and scrutiny.

The study concludes from the data that there are several opportunities for the IEBC to successfully organize, manage, and conduct elections in order to bring about electoral peace in Kenya. The current court rulings from earlier presidential election petitions are important among these. This was especially evident in the general elections of 2022, where it appeared that the IEBC followed the recommendations of the judicial findings that resulted in the annulment of the presidential results in 2017. These included failing to open the presidential election servers for audit, verification, and authentication of the presidential election results as made public as well as the transparent transmission of results from the polling places to the national tallying center and the finality of results at the polling places.

Additionally, it is decided that the IEBC now has a chance to legitimately organize, manage, and conduct elections in order to bring about electoral peace in Kenya thanks to the establishment of the Supreme Court of Kenya by the 2010 Constitution of Kenya. The Supreme Court specifically outlines a procedural procedure by which opposing parties in a presidential election can contest the results by submitting an electoral petition. This is a crucial remedy for the post-election violence that was routinely present in the election cycles before the current Constitution was enacted. This was caused by a lack of appropriate dispute settlement techniques, which led to the victorious side turning to violence.

The findings also lead to the conclusion that the IEBC has a chance to successfully organize, manage, and execute elections in order to bring about electoral peace in Kenya with the use of a second independent election observation. The IEBC is able to recognize and build upon its

strengths while strengthening its flaws through independently observing and timely reporting. The general public and the foreign world can feel confident that the elections were impartially and credibly conducted with the approval of independent election observation. This increases trust in the IEBC among most Kenyans and reduces the chance of violence.

Further inferences can be drawn from the data that voter education offers the IEBC a chance to credibly organize, conduct, and manage elections in order to bring about electoral peace in Kenya. This will especially address the voters' apparent lack of civic education regarding the voting process, political incitement, and their role in dealing with post-election unrest. By creating the Voter Education Curriculum, the IEBC has greatly capitalized on this opportunity. It addresses a variety of topics, including election offenses, the causes of election offenses, and methods of preventing election violations. The public is best made aware of the numerous election offenses and their punishments.

The conclusions also suggest that the IEBC has a chance to credibly organize, conduct, and manage elections in order to bring about electoral peace in Kenya by using bench marking. In order to establish electoral peace in Kenya, the IEBC takes advantage of this opportunity by using benchmarking to embrace global best practices with relation to organizing, conducting, and managing general elections. The IEBC can learn how electoral management organizations in model democracies like Rwanda, South Africa, and Ethiopia arrange, conduct, and manage general elections to achieve electoral peace in their nations by conducting a bench-marking exercise.

The study also concludes from the findings that the IEBC can use experiential learning from their past mistakes as an opportunity to improve their conduct in organizing, conducting and managing general elections to achieve electoral peace in Kenya. Key reference points in this

regard would be the Commission's defunct predecessor, the ECK; the irregularities that attracted the 2013 presidential elections petition as well as the nullification of the 2017.

Finally, the research has demonstrated a connection between Kenya's electoral system and post-election violence since 1963. This is particularly evident in the winner-take-all majoritarian electoral system that makes Kenyan elections a high-stakes affair in a nation with many nationalities and the divisive political campaigns where elites seek to exclude the losers from the nation's main stream democratic process and the government formed after the election. No side wants to lose the elections since the stakes are so high; therefore, each side uses violence as a tactical choice in the election to prevent being fully outmatched. This greatly adds to the post-election violence that has occurred in Kenya since 1963.

7.2.4 Overall Conclusion

The overall finding of the study is that Kenya has been using an ineffective electoral management system since 1963, which is marked by a perceived bias. This system has been observed to significantly contribute to post-election violence and exacerbate mistrust and fear of exclusion because it forces electoral losers to incite their core supporters to contest election results, which in turn causes political instability, social unrest, and economic turmoil.

7.3 Recommendations

7.3.1 Essence of Kenya's electoral management system and its influence on post-election violence.

The study research finding recommends that the current divisive plurality electoral management system be fixed by investigating alternative options such as proportional representation, two-round voting for the first and second-place presidential candidates, and mixed member representation models as they are more inclusive and produce fair

representation. This is based on the aforementioned study findings and conclusions drawn from the first study objective. The goal of these alternate voting systems is to reduce vote waste by making practically all votes count toward influencing the outcome. A system like this is credited with reducing electoral disparity and raising voter turnout.

The study suggests that, in order to increase transparency for future elections and to increase Kenyans' confidence in the elections, the IEBC should also increase the transparency of its decisions and processes through coordinated stakeholder engagement, the participation of observers, and effective communications. To keep the public informed of its choices and votes, the commission should conduct itself in an open manner, have public meetings, and publish and distribute meeting minutes. Every significant choice, including how to resolve disputes, ought to be disclosed.

The IEBC should create two separate results pathways, one paper-based and the other electronic, in order to allay concerns about the transparency and integrity of the tabulation process that were voiced during the general elections in 2013, 2017 and 2022. To promote transparency and accountability in the tabular process, it is crucial to give stakeholders and independent observers the capacity to compare the intermediate results of the electronic results path with the paper-based results path at key points in the process.

Additionally, the IEBC needs to distinguish between the county, parliamentary, and presidential elections. As a result, there will be fewer votes for the electoral commission to count. Since the burden will be reduced and the costs associated with the voting process will decrease, this will guarantee efficiency.

7.3.2 Causes and Consequences of Post-Election Violence in Kenya

Political parties should create a zero-tolerance policy for hate speech, intimidation, and violence and hold party members and supporters accountable for breaching the policy, according to the research study's recommendations, which are based on the results and conclusions of the study's second aim. To address the gaps and inconsistencies found by stakeholders, civil society organizations, and the election commission between 2017 and 2022 well before the 2027 election cycle, a thorough review of the electoral legal framework should be carried out, including for party primaries and electoral dispute resolution. For increased legal certainty and to prevent future pointless litigation, this consultative process should be inclusive and begin right away, far before the next election cycle. A single comprehensive electoral code would benefit the law as a whole.

The Supreme Court currently has 14 days to decide on appeals of presidential election results; Parliament should think about expanding that time limit to at least 30 days. This would provide enough time to implement a recount if the court decides it's required, as well as allow for a complete assessment of all the problems. The ability of civil society organizations to monitor and evaluate the voting process should be improved, not constrained. These organizations should be able to watch and publicly remark on the entire electoral process without unnecessary restrictions thanks to the legal framework. They should continue to be important vigilance groups involved in discussions concerning election changes.

Additionally, it is advised that the KPMG audit's findings about defects in the voter registration be corrected, and all other recommendations should be put into practice in accordance with the

Kenya Electoral Act. In order to give enough time to address any issues that are found and to allow for voter registry verification, an audit of the voter register should also be carried out at least a year before general elections.

Every organization involved in the electoral process should set up stakeholder engagement methods to encourage openness and guarantee the objectivity of the various participants. In order to assure them of fairness in the resolution of electoral disputes and to include them in addressing the issues highlighted about the handling of earlier election disputes, the judiciary should also engage strategically with electoral stakeholders. On both conventional and digital media, the media should promote nuanced and conflict-sensitive reporting of electoral actions and events.

Additionally, the National Police Service should create an election readiness plan outlining steps to take in the event of electoral violence, including the systematic and strategic placement of officers in high-crime areas to deter violence and ensure quick responses to distress calls. To reassure them about police readiness and to allay their fears about police neutrality, the National Police Service should further build a structure for talks with important political parties.

In order to better investigate newly discovered reported and unreported crimes and offenses related to elections, the Directorate of Criminal Investigations (DCI), Ethics and Anti-Corruption Commission (EACC), National Cohesion and Integration Commission (NCIC), and Independent Electoral and Boundaries Commission (IEBC) all need to strengthen their investigative capabilities. The Director of Public Prosecutions and the Judiciary must take the lead in strengthening the prosecution and punishment of electoral crimes and offenses at the level of the point of arrest, the gathering of evidence, the prosecution, and the sentencing.

To remedy the dismal track record of convictions, hate speech and hate crime jurisprudence needs to be developed further through administrative policy, legislation, and court precedents. In addition, the IEBC ought to identify election offenders regardless of their societal responsibilities and standing. As part of their right and duty under the Constitution with regard to public engagement in good governance, citizens must first enforce the zero-tolerance stance on election-related corruption. As a purposeful action to prevent electoral malpractices, such as voter bribery during election campaigns, the IEBC should control and enforce the usage of election campaign funds. It is advised that a list be created for anyone who hasn't complied and that they be forced to defend themselves as an additional deterrent.

In order to enact tougher punishments for electoral fraud, Parliament and County Assemblies must take the initiative. Such legislation might have the power to prevent people convicted of election-related crimes and offenses from running for office again in the future and from doing so for a while. vii. The IEBC, National Police Service, National Intelligence Service, NCIC, and the National Crime Research Centre (NCRC) should prioritize the advance mapping of election crimes and offenses in every election cycle (specifically with regard to election risk factors, potential crime and offence types, hot spots, and perpetrators) in order to inform prevention policy and intervention programs.

The report suggests that the IEBC enforce the already-existing electoral code of conduct to ensure accountability among political parties and candidates in order to maintain healthy, inclusive, and non-violent political competition. Additionally, the National Government needs to make sure that anyone responsible for political violence, including parties primaries, are held accountable through arrests and legal action. In order to carry out their mandate of promoting peace before, during, and after the election, the institutions making up the national peace infrastructure, such as the NCIC and County Peace Committees, should be proactive and

collaborate with other stakeholders, county governments, civil society, and faith-based organizations.

The National Council for the Administration of Justice's (NCAJ) state and non-state actors should establish national and local legislative processes by introducing bills and other types of legislative changes to study and review the nation's election practices. The Independent Electoral and Boundaries Commission should set up sufficient and functional electronic voting, voter registration, and transmission systems.

It is necessary to increase the number of venues where the importance of free, fair, transparent, and offense- and crime-free elections is discussed with politicians, their supporters, party agents, young people, voters, and the general public. To avoid duplication of effort and resource waste, collaborative civic education and sensitization forums for target groups that are planned and funded by both public and private organizations are advised. In order to combat the harmful consequences of ethnic hostility, tribalism, and clan-ism, interethnic and interclan activities (including exchange programs) need to be encouraged and supported. In this regard, the National Cohesion and Integration Commission must take the lead.

Economic initiatives aimed at reducing poverty and empowering all Kenyans in general and the youth in particular (like the Youth Empowerment Programme, also known as "Kazi Kwa Vijana") must be established in order to reduce crime, particularly that committed by young people. This will require opening up employment and other economic opportunities in both the formal and informal sectors of the economy. In order to prevent electoral crimes and offenses brought on by unequal distribution and competition for resources and opportunities (as envisioned in the principles and foundations of Vision 2030), the government should ensure their equitable distribution throughout all regions.

It was discovered that illiteracy influenced election-related acts and crimes. Therefore, the Ministry of Education should take steps to ensure that formal education at all levels is affordable and accessible to the majority of the populace through literacy promotion initiatives and programs like free learning and/or subsidized fees. This should be done in collaboration with other pertinent state and non-state agencies, such as Elimu Yetu Coalition (EYC). For the civil society and citizen movements to fully participate in voter education, poll observation, and monitoring of election crimes and offenses, the government must continue to provide them with avenues.

The Independent Electoral and Boundaries Commission should introduce innovative mechanisms of deterring election offenses. These could include: partnering with the National Authority for the Campaign Against Alcohol and Drug Abuse to limit liquor consumption around campaign venues and during election day and announcement of results; facilitating political party nominations and dialogues; coming out with peace agreements between rival candidates and political parties to prevent volatile election situations from escalating to election offenses and crimes; and taking non-security trained election personnel (such as teachers who are normally involved as election officials) through election crime prevention training and seminars.

Security agencies need to pacify all organized criminal gangs operating in the country by among others, dismantling their organizational and operational structures and disrupting their funding sources and networks. The National Crime Research Centre needs to be adequately facilitated with finances, infrastructure and personnel to continue conducting crime research to inform policy in the effective management of crime and offence free elections in Kenya.

In order to control election crimes and offenses at the different stages/phases of the election process and period, a number of key actions needed to be undertaken. At the voter registration stage, there was need to: sensitize the public on the importance of voter registration and

maintaining peace and cultivating democracy; educate/sensitize the public on the dangers of election crimes and offenses; engage qualified and empower election and/or voter registration clerks to prevent election crimes and offenses; install and use an effective electronic voter registration system; engage crime investigators and intelligence gathering to detect crimes and offenses at voter registration phase; and allocate ample time for registration.

At the Political Party nominations stage, there was need for the following actions: political parties to build consensus on the best times for their nominations and methods to be used in the nomination; using Government electoral body to oversee party nominations; providing adequate security during party nominations; empowering people 93 to nominate leaders of their choice; and conducting civic education on elections, democracy and peace.

During campaign period, there was need for: campaigners and party agents to be sensitized and stopped from maligning their political opponents; politicians to engage in transparent campaigns and advocate for democratic elections, peace and national unity; deploying adequate security and intelligence measures; meting out serious punishment to election offenders during campaigns; and curtailing voter bribery.

On Election/voting day and announcement of poll results, requirements for controlling election crimes and offenses included: provision of tight and adequate security; timely announcement of election results; professional and transparent handling of voting process and election results by Independent Electoral and Boundaries Commission; and undertaking advocacy targeting to achieve the integrity of all players during the election day and announcement of results.

7.3.3 Challenges and Opportunities by Electoral Management Body in Kenya Faces in Managing Elections

Based on findings and conclusions drawn from the third objective of the study, this research study recommends to address the funding challenges at IEBC, an amendment to the

Constitution in similar terms to Article 173, creating an IEBC Fund to ensure that the appropriation to the Commission is assured and adequate for the proper conduct of electoral processes. The IEBC is, by design and in law, intended to be free of undue influence from the executive and other electoral actors. To ensure the electoral management body has operational independence from government, it is critical that the Fund is operationalized as proposed.

To attain the independence of the IEBC, it ought to be clearly stipulated that the commission shall not be subjected to directions of any other person or authority and also protect the commissioners from dismissal except for inability or misbehavior. It is also important that during the appointment of electoral commissioners, a more representative method of appointment should be employed. In addition, proper guidelines on the requisite qualifications for members of the commission must be clearly set out to ensure integrity of the commissioners. The role of the commissioners in tallying, verification and declaration and audit of presidential results should also be clarified in order to avoid the dysfunction observed during the announcement of the 2022 presidential results.

To ensure that the commission conducts its affairs without fear of intimidation, it is upon the government of the day to ensure that the commissioners are fully protected and their families protected as well. Further, training for IEBC staff should be standardized and conducted in sufficient time to allow for complementary training and capacity-building programs, as needed, to ensure full and common understanding of electoral regulations and procedures. Staff should be recruited earlier in the electoral calendar to allow time for a comprehensive training program.

The study also recommends that IEBC strengthens and sufficiently funds voter education programs. A review of the voter education program should be conducted to identify areas for improvement for the next election. Education efforts should start well in advance of the election

and be consistent across the country. Materials should be available in local languages and promote inclusion of special-interest groups. Education about the role and responsibilities of county- and local-level elected officials, voter registration, and definitions of hate speech and related penalties, should be ongoing. For the final verification of the digital election results, the IEBC should implement a post-election statistical audit to reinforce the accuracy of the electoral results and to bolster the transparency and accountability of the process.

7.4. Suggestions for Further Research

This study general objective sought to determine the nexus between the electoral system and post-election violence in Kenya since 1963. The main limitation faced in the study was the inability to generalize and associate post-election violence in Kenya to other possible factors other than the electoral system. To address this limitation, it is suggested that future studies explore post-election violence in Kenya since 1963 in relation to other underlying factors such as tribalism, the macro-economy and role of the media.

Further and in-depth research is needed to cover the counties and sub-counties that were not reached by this study. Specific studies aimed at assessing the capacity and effectiveness of the institutions responsible for political elections in preventing and managing election crimes and offenses in Kenya are recommended. A study on the role played by the private and civil society sector in the prevention of election crimes and offenses would inform policy and programme as far as election crimes and offenses management in the country is concerned.

7.5 Chapter Summary

This chapter has presented summary of findings in regard to essence of kenyas electoral management system,causes and consequences of post-election violence in Kenya,challengesfaced by electoral management body in managing elections,conclusionson

study findings, overall conclusion, recommendations drawn from study objectives and suggestions for further research.

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APPENDICES

Appendix 1: A Letter of Introduction

My name is Charles Otieno.P. Ochieng and I am a PhD candidate at Masinde Muliro University of Science and Technology (MMUST). This questionnaire was created to aid in a study looking into the impact of Kenya's electoral system in post-election aggression. You have been identified as a critical player in this field. Your input in this study will be most helpful and invaluable. I am therefore requesting you to fill the attached questionnaire as honestly and precisely as possible.

The information given will be handled confidentiality and will only be used for academic purposes.

Yours faithfully,

Charles Otieno P. Ochieng.

Appendix 2

Kenya election history 1963 -2022

1963 : **The Pre-independence elections.**

These were the last elections in pre-independent Kenya and the Key players were two political parties, KANU and KADU. KANU won 66 seats out of 112 in the National Assembly and 19 out of 38 seats in the senate.

Elections were widely boycotted in the North Eastern Province. Violence was reported in various parts of the country; four were killed in Isiolo, teargas was used in Nyanza and Nakuru, clashes occurred between supporters of KANU and KADU in Machakos, Mombasa, Nairobi and Kitale.

1966 : **The little general elections.**

The elections were meant to neutralize vice-president Oginga Odinga since president Jomo Kenyatta felt uncomfortable with the power Oginga Odinga enjoyed in the independent government. He engineered changes in alliance with Tom Mboya to eclipse Oginga Odinga and his allies. Odinga consequently resigned from KANU and formed the Kenya People Union (KPU). KANU then passed a Constitutional amendment requiring MPs who defected from their party to seek re-election, which necessitated the mass by elections dubbed the little Elections in 1969. KANU won 21 out of the 28 contested seats in the National Assembly and KPU won 7. In the senate KANU won 8 out of the 10 contested seats while KPU won 2. The elections campaign was characterized by undemocratic practices such as news blackout by national broadcaster then VOK. There was harassment of opposition party supporters and there were pockets of local violence.

1969 : **The First Post-Independence elections.**

These were to be held in 1968 but the 1966 constitution amendment which abolished the senate and increased the life of parliament by a year. Some new constitutional amendments consolidated more power in KANU.

Every KPU candidate was disqualified on technicalities. Tom Mboya was assassinated in July 1969 and there was subsequent outbreak of violence in Nairobi, Nakuru and Homa Bay. This culminated in presidential convoy being stoned by crowds in Kisumu protesting the killing and harassment of KPU supporters. KPU was banned on October 30, 1969 essentially; Kenya was now *de facto* one-party state. There were isolated cases of violence, mainly in local constituencies.

1974 : **The Second Post Independence Elections**

The elections took place in the setting of a slowing economy. KANU remained the only political party. There were a lot of exclusion practices.

For example, only KANU life member could stand for elections, secret ballot was introduced for the first time and voting age reduced from 21 to 18. Previously a presiding officer was present during vote casting.

1979 : **The third post-independence elections.**

These elections were held following the demise of the founding president Kenyatta.

Elections were held after the vice-president Daniel Arap Moi ascended the presidency.

Elections was held again with very undemocratic practices. Members of ex-KPU were denied chance and declared security risks with Moi declaring publicly that they would not be cleared, and getting involved in the campaign of his allies. He wanted them to hold key positions in government.

1983 : **The fourth Post Independence elections.**

Like the 3rd post independent elections, president Moi used the 1983 to consolidate his power coming after attempted coup in August 1982. Moi banned all ethnically based associations and disbanded civil society formations. He also amended the constitution to make Kenya a de jure single party state with KANU as the sole party and engineered the removal of long serving minister and former attorney general, Mr. Njonjo from government. Oginga Odinga, George Anyona and Ex KPU members were denied KANU clearance. The elections were again characterized by undemocratic practices in which candidates had to prove their loyalty to President Moi. Moi was the sole presidential KANU candidate.

1988 : **The Fifth Post Independence Elections**

These elections were the peak of regime consolidation under Moi. Local opposition was weakened and constitutional amendments saw control of the presidency rise and manipulation of legal system possible. For example, a new system of voting called Mlolongo was introduced where separate queue was formed for each candidate and voters joined according to their preference. People in each queue were counted and the results announced by the presiding officer. Undemocratic practices of rigging were reported. Voter bribery and intimidation were rife.

1992 : **The Sixth Post Independence Elections**

The introduction of queue voting with the 70% rule and claims of rigging in the 1988 elections tainted the one-party system. Kenyans began to oppose the one-party system more vigorously in the first quarter of the year 1990. Public anger exploded in the Saba Saba uprising of July 1990 which broke out after anti-Moi forces tried to organize a pro-democracy rally and several people were killed. International and local pressure forced Moi to prevail on KANU delegates to amend the constitution in 1991 restoring the right to form alternative political parties. This paved way for the multi-party elections in December 1992. The government introduced minimum reforms to

accommodate multi-party elections. There was unprecedented violence in various parts of the country. Thousands were killed and this greatly affected the 1992 elections. Electoral commission was full of Moi men and women and lacked requisite independence and integrity. The commission was afflicted by administrative problems. It was accused of incompetence, bias in management and registering now Kenyans and underage voter's nominations were masked by violence and a lot of rigging, voter bribery and harassment with opposition bearing the brunt of these undemocratic practices.

Moi won 36.6% of total votes in Kenya's first ever contested presidential elections which attracted 7 other candidates. He failed to garner 25% of the votes in central, Nairobi and Nyanza provinces. KANU win is attributed to superior organization of incumbency unlimited access to airwaves, media control, partisan electoral commission, rigging tactics and other undemocratic practices.

1997 : The Seventh Post Independence Elections

Kenya's second multi-party general elections since independence were held in December 1997 amid worsening economic climate. Facing mounting pressure from the opposition and critical international community, Moi allowed opposition parties through the inter-parties parliamentary group (IPPG) to pick electoral commission members to assuage the constant criticism directed at the commission for being controlled by KANU and incumbent government. Moi also created 24 more districts to widen his support base at the expense of the opposition. Moi won the elections with 40% of the national vote and attained 25% of vote in 5 of 8 provinces. But this vote 40.51% was less than the total votes of opposition combined which stood at 59.40%.

2002: The Eighth Post Independence Elections

Following some reforms Moi was not constitutionally permitted to run in 2002. Uhuru Kenyatta was chosen over Raila by Moi as KANU'S candidate Kibaki was representing National Alliance Party of Kenya

(NAK). As the campaigns progressed and with a memorandum of understanding (MOU) Raila Odinga and his supporters joined Kibaki to form the National Rainbow Coalition (NARC). Mwai Kibaki governed twice as many voters as Uhuru Kenyatta to end the nearly 40 year rule of KANU.

2007:

The ninth Post Independence Elections

The ninth post-independence elections held on 27th December 2007 turned out to be the most violent in Kenya's History resulting to over 1,000 deaths and 600,000 displacements whereas the electoral commission of Kenya declared President Mwai Kibaki as the winner against his closest challenge Mr. Raila Odinga, the election outcome was considered "flawed" and the credibility of the tallying process to the satisfaction of all parties and candidate by local and international observers.

2013:

The Tenth Post Independence Elections

The tenth post-independence elections were held on Monday, 4th March 2013. Uhuru Kenyatta of (TNA) was declared the winner with 6,173,433(50.07%) of the 12,330,028 valid votes, after achieving more than 50% plus 1 threshold to avoid a runoff, followed by Raila Odinga (ODM)-5,340,546(43.31%) and the results were contested in court but the Supreme Court upheld Uhuru Kenyatta win. Clashes broke out between the police and protestors in Kisumu where two individuals were killed and sporadic hit and running battles in the Nairobi city slums.

2017:

The Eleventh post independence elections

The eleventh post-independence elections were held on August 8, 2017. The incumbent, Uhuru Kenyatta of Jubilee Party faced off with Raila Odinga of the NASA Coalition. Uhuru won with 54% of the total vote casted. The opposition alleged that the elections were marred by massive irregularities and thus Raila's victory was robbed. Following opposition's petition at the Supreme Court of Kenya, the 2017 the presidential elections were annulled on the account of lack of transparency and fresh elections ordered within ninety days. However, the NASA coalition declined participating in the fresh polls citing lack of IEBC reforms. There emerged massive protest across the country after Uhuru Kenyatta was declared the winner in the fresh polls. According to the KNHCR report, 24 people were killed by the police during the protests

2022:

The Twelfth Post Independence Elections

The Twelfth post-independence elections. In these elections, the contenders were Dr. William Ruto of UDA party and Hon. Raila Odinga of Azimio La Umoja One Kenya Alliance. Dr. William Ruto of UDA party won the election with 7,176,141 which translates to 50.9% against his competitor Hon. Raila Odinga who gurned 6,942,930 which is 48.8% of the total votes casted. Dr. William Ruto was announced the winner on 15th of August 2022. Mr Odinga however challenged the results in the Supreme Court of Kenya on the grounds that the IEBC Chair single handedly compiled the presidential results without the involvement of other commissioners for verification. The Supreme Court dismissed

Raila's allegations and Dr. Willian Ruto was sworn in as the Fifth president of the republic of Kenya. The opposition led by Hon Raila Odinga still maintain Ruto's government is an illegitimate government and the protests relating to 2022 are still ongoing. So far 23 people have died in the protests relating to the disputed 2022 polls. Properties have been destroyed with businesses losing goods and services worth KShs. 3 billion and transport paralysed in some of the counties (Daily Nation, July 13, 2023)

Source : *National Elections Data book by Institute for Education in Democracy And from Elkins (1995), (Kagss, 2009) Mitullaah & Mboya (2002, Mutahi (2002), Owiti (2005) and Wanjala (2002)., IEBC, Kenya*

Appendix 3: Questionnaire for Kenyan Voters

Date:

Location:

Time:

Name (Optional):

Instructions

- *There is no wrong answer; each response will be treated as a correct one. Your opinion is what is required in this study.*
- *Do not think too long about each question. It could take you around 10 minutes to complete.*

Part A: Demographic Information

1. What is your gender?

Male ☐ Female ☐

2. County

Nairobi ☐ Kisumu ☐ Uasin Gishu ☐
Nakuru ☐ Mombasa ☐

3. Age bracket?

18-30 years ☐ 31-40 years ☐
41-50 years ☐ above 50 years ☐

4. Level of education

Primary ☐ Secondary ☐
Tertiary college ☐ University ☐
No formal education ☐

5. Have you ever voted in a general election in Kenya?

Yes ☐ No ☐

If yes, how many election cycles have you voted in?

1 cycle ☐ 2 cycle ☐ 3 cycle ☐
4 cycle ☐ 5 cycle ☐ Above 5 ☐

Part B: Essence of Kenya's electoral management system

6. Please indicate your level of agreement with the following statements in relation to the essence of Kenya's electoral management system, using the scale: 1=Strongly Disagree, 2=Disagree, 3=Neutral, 4=Agree and 5=Strongly Agree.

Kenya's Electoral System:	1	2	3	4	5
Upholds the freedom of citizens to exercise their right to vote					
Promotes fair representation					
Promotes equality of vote					
Supports free and fair elections					
Establishes mechanisms for settling of electoral disputes					
Determines how elections and referendums are conducted by the electoral management body					
Establishes eligibility criteria for voters					
Establishes eligibility criteria for election candidates					
Establishes the electoral formula					
Establishes how election campaigns are conducted					

7. What do you think about the nature of electoral system in Kenya?

.....

8. In your opinion, is the country's electoral system effective in upholding universal suffrage?

.....

9. Does the country's electoral system guarantee free and fair elections?

.....

10. Does the country's electoral system guarantee fair representation and equality of vote?

.....

11. Is the country's electoral system effective in addressing electoral disputes?

.....

12. How effective is Kenya's electoral system in terms of how elections and referendums are conducted in the country?

.....

13. How effective is the country's electoral system in establishing the eligibility criteria for voters and election candidates?

.....

14. How effective is the country's electoral system in managing election campaigns?

.....

15. The right to vote is fundamental in democracy. Do you believe that the electoral system in Kenya realizes or achieves the fundamental principles or goals of representative democracy as envisaged in Kenya Constitution 2010 in so far as:

	Yes	No
Popular sovereignty		
Government policies reflect the wishes of the people		
Government leaders are elected		
Elections are free and fair		
People participate in the political process		
High quality information is available		
The majority rules		

Do you believe that Kenya's electoral system realizes the fundamental principle of democracy as envisaged in Kenya's constitution 2010 in so far as political equality is concerned?

Yes ☐ No ☐

Do you believe that Kenya's electoral system realizes the fundamental principle of democracy as envisaged in Kenya's constitution 2010 in so far as political liberty is concerned?

Yes ☐ No ☐

Part C: Causes and Consequences of Post-Election Violence in Kenya

15. Please indicate your level of agreement with the following statements in relation to the causes and consequences of post-election violence in Kenya, dating back in 1963, using the scale: 1=Strongly Disagree, 2=Disagree, 3=Neutral, 4=Agree and 5=Strongly Agree.

Causes of post-election violence in Kenya:	1	2	3	4	5
Disputed election outcomes					
Poor electoral conflict resolution mechanisms					
“Winner-takes-it-all” election system					
Lack of transparency in vote tallying and counting					
Discriminatory enforcement of electoral laws					
Perceived bias of the electoral management body					
Voter incitement by politicians					
Undeterrent laws on election violence perpetrators					
Impunity for inciteful politicians					
Perceived rigging by the electoral management body					
Consequences of post-election violence in Kenya include:					
Casualties					
Internally displaced persons					
Refugees					
Sexual violence victims					
Destruction of private and public properties					
Collapse of businesses and loss of revenue					
Unemployment					
Poverty					
Emotional and psychological distress					
Economic instability					

16. What do you think are the causes of post-election violence in Kenya since 1963?

.....

17. In your opinion, can post-election violence in Kenya be in any way attributed to the country’s electoral system? Please elaborate

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18. What aspects of the country’s electoral system may be the cause of post-election violence?

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19. What are some of the consequences of post-election violence in Kenya?

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20. In your opinion, how effective is the IEBC in conducting free and fair elections in Kenya?

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Part D: Challenges and Opportunities in Organizing, Conducting and Managing Elections

4. Please indicate your level of agreement with the following statements in relation to the challenges and opportunities the electoral management body in Kenya faces in relation to organizing, conducting and managing elections to achieve electoral peace in Kenya, using the scale: 1=Strongly Disagree, 2=Disagree, 3=Neutral, 4=Agree and 5=Strongly Agree.

Challenges in organizing, conducting and managing elections in Kenya include:	1	2	3	4	5
Lack of sufficient institutional independence					
Lack of financial independence					
Tenure insecurity for commissioners					
Media s bias and misreporting					
Opinion polls creating voter expectations					
Vote-buying and selling					
Voter apathy and loss of confidence in the electoral body					
Loss of institutional memory					
Voter intimidation					
Understaffing					
Opportunities in organizing, conducting and managing elections in Kenya include:					
Facilitation of objective election observation locally and internationally					
Legislation for more effective laws on election management					
Benchmarking for best practices					
Experiential learning from past mistakes					
Legislation for financial independence					
Use of technology to complement manual vote tallying and transition of results					
Promotion of civic and voter's education					
Political will to reform electoral process					
Good will by the people and the development partners					
Enhancement of regional and stakeholder engagement and collaboration					

21. In your opinion, what are some of the challenges the IEBC faces in organizing, conducting and managing elections in Kenya?

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22. What challenges do voters pose to the IEBC's effectiveness in organizing, conducting and managing elections in Kenya?

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23. What are the opportunities available to the electoral management in organizing, conducting and managing elections in Kenya?

.....

24. What opportunities do voters present to the IEBC's effectiveness in organizing, conducting and managing elections in Kenya?

.....

25. Do you believe that the IEBC is capable of conducting elections in Kenya to achieve?

	Yes	No
Fair representation at the presidential level		
Fair representation at all other seats		
Transparency in the electoral process		

26. Do you consider or accept the IEBC as fairly legitimate?

Yes ☐ No ☐

Appendix 4: Interview Schedule for Politicians

Date:

Location:

Time:

Name (Optional):

Instructions

- *There is no wrong answer; each response will be treated as a correct one. Your opinion is what is required in this study.*
- *Do not think too long about each question. It could take you around 10 minutes to complete.*

Part A: Demographic Information

1. What is your gender?

Male ☐ Female ☐

2. County

Nairobi ☐ Kisumu ☐ Uasin Gishu ☐
Nakuru ☐ Mombasa ☐

3. Age bracket?

18-30 years ☐ 31-40 years ☐
41-50 years ☐ above 50 years ☐

4. Level of education

Primary ☐ Secondary ☐
Tertiary college ☐ University ☐
No formal education ☐

5. Have you ever voted in a general election in Kenya?

Yes ☐ No ☐

6. If yes, how many election cycles have you voted in?

1 cycle ☐ 2 cycle ☐ 3 cycle ☐
4 cycle ☐ 5 cycle ☐ Above 5 ☐

Part A: Essence of Kenya's electoral management system

1. What is your opinion about Kenya's electoral system?

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2. Does the country's electoral system guarantee free and fair elections?

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3. Do you have faith with the IEBC to conduct a free and fair election process?

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4. Does the country's electoral system guarantee fair representation and equality of vote?

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5. Is the country's electoral system effective in addressing electoral disputes?

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6. What is the role of politicians in the effectiveness of Kenya's electoral system?

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Part B: Causes and Consequences of Post-Election Violence in Kenya

7. What do you think are the causes of post-election violence in Kenya since 1963?

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8. In your opinion, can post-election violence in Kenya be in any way attributed to the country's electoral system? Please elaborate

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9. What aspects of the country's electoral system may be the cause of post-election violence?

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10. In your experience, do politicians contribute to post-election violence in Kenya? Please elaborate

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11. Are elections the real cause of the violence or do you feel that there is an underlying issue to the post-election violence?

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12. What can you do as a legislator, to prevent or lessen post-election instability in the future?

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13. Should we adapt a new electoral system to reduce or prevent violence in future elections?

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Part C: Challenges and Opportunities in Organizing, Conducting and Managing Elections

14. What challenges do politicians pose to the IEBC in organizing, conducting and managing elections in Kenya?

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15. What are the opportunities available to the electoral management in organizing, conducting and managing elections in Kenya?

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16. What opportunities do politicians present to the IEBC's effectiveness in organizing, conducting and managing elections in Kenya?

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Appendix 5: Interview Schedule for IEBC Officials

Date:

Location:

Time:

Name (Optional):

Instructions

- *There is no wrong answer; each response will be treated as a correct one. Your opinion is what is required in this study.*
- *Do not think too long about each question. It could take you around 10 minutes to complete.*

Part A: Demographic Information

1. What is your gender?

Male ☐ Female ☐

2. County

Nairobi ☐ Kisumu ☐ Uasin Gishu ☐
Nakuru ☐ Mombasa ☐

3. Age bracket?

18-30 years ☐ 31-40 years ☐
41-50 years ☐ above 50 years ☐

4. Level of education

Primary ☐ Secondary ☐
Tertiary college ☐ University ☐
No formal education ☐

5. Have you ever voted in a general election in Kenya?

Yes ☐ No ☐

6. If yes, how many election cycles have you voted in?

1 cycle ☐ 2 cycle ☐ 3 cycle ☐
4 cycle ☐ 5 cycle ☐ Above 5 ☐

Part A: Essence of Kenya's electoral management system

1. What is your opinion about Kenya's electoral system?
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2. What is the place of IEBC in Kenya's electoral system?
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3. Does the country's electoral system guarantee free and fair elections?

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4. Do you feel that your organization conducts free, fair, transparent and credible elections?
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5. What is your constitutional role in addressing electoral disputes?

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6. What is the role of IEBC in the effectiveness of Kenya's electoral system?
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7. Do voters have faith with the IEBC to conduct a free and fair election process?
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8. Do you feel that the Supreme Court's annulment of the 2017 elections exposed your organization as not being fully prepared to conduct presidential elections?
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9. What improvements have you since made?
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Part B: Causes and Consequences of Post-Election Violence in Kenya

10. What do you think are the causes of post-election violence in Kenya since 1963?

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11. In your opinion, can post-election violence in Kenya be in any way attributed to the country's electoral system? Please elaborate

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12. What aspects of the country's electoral system may be the cause of post-election violence?

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13. What can you do to increase the confidence and trust level of the Kenyan citizens in your ability to conduct free and fair elections?

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14. In your opinion, have electoral bodies such as the IEBC played any role in contributing to post-election violence in Kenya?

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15. What is your opinion on a section of politicians' and voters' accusation of IEBC as a perpetrator in election malpractices?

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14. Do politicians' and voters' perception of IEBC's election malpractices contribute to post-election violence in Kenya?

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16. In your experience, do politicians contribute to post-election violence in Kenya? Please elaborate

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17. Are elections the real cause of the violence or do you feel that there is an underlying issue to the post-election violence?

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18. Should we adapt a new electoral system to reduce or prevent violence in future elections?

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19. What is your role as the IEBC in the reduction of post-election violence in Kenya?

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Part C: Challenges and Opportunities in Organizing, Conducting and Managing Elections

20. In your experience, what are some of the challenges the IEBC faces in organizing, conducting and managing elections in Kenya?

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21. What challenges do politicians pose to the IEBC in organizing, conducting and managing elections in Kenya?

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22. What challenges do voters pose to the IEBC in organizing, conducting and managing elections in Kenya?

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23. What challenges does the government pose to the IEBC in organizing, conducting and managing elections in Kenya?

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24. What operational challenges does the IEBC face in organizing, conducting and managing elections in Kenya?

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25. What legal challenges does the IEBC face in organizing, conducting and managing elections in Kenya?

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26. What are the opportunities available to the electoral management in organizing, conducting and managing elections in Kenya?

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27. What measures have you undertaken to educate Kenyans on the BVR kits and electoral registration process?

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28. Have the KIEMS equipment, which were used by the IEBC in the 2017 elections effective in curbing electoral malpractices?

Appendix 6: Interview Schedule for Political Analysts

Date:

Location:

Time:.....

Name (Optional):

Instructions

- *There is no wrong answer; each response will be treated as a correct one. Your opinion is what is required in this study.*
- *Do not think too long about each question. It could take you around 10 minutes to complete.*

Part A: Demographic Information

1. What is your gender?

Male ☐ Female ☐

2. County

Nairobi ☐ Kisumu ☐ Uasin Gishu ☐
Nakuru ☐ Mombasa ☐

3. Age bracket?

18-30 years ☐ 31-40 years ☐
41-50 years ☐ above 50 years ☐

4. Level of education

Primary ☐ Secondary ☐
Tertiary college ☐ University ☐
No formal education ☐

5. Have you ever voted in a general election in Kenya?

Yes ☐ No ☐

6. If yes, how many election cycles have you voted in?

1 cycle ☐ 2 cycle ☐ 3 cycle ☐
4 cycle ☐ 5 cycle ☐ Above 5 ☐

Part B: Essence of Kenya's electoral management system and its influence on post election violence

1. What is your opinion about Kenya's electoral system?
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2. What is the place of IEBC in Kenya's electoral system?
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3. Does the country's electoral system guarantee free and fair elections?
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4. Do you feel that your organization conducts free, fair, transparent and credible elections?
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5. What is the role of IEBC in the effectiveness of Kenya's electoral system?
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6. What is the role of politicians in the effectiveness of Kenya's electoral system?
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7. Do voters have faith with the IEBC to conduct a free and fair election process?
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Part C: Causes and Consequences of Post-Election Violence in Kenya

8. What do you think are the causes of post-election violence in Kenya since 1963?

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9. In your opinion, can post-election violence in Kenya be in any way attributed to the country's electoral system? Please elaborate

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10. What aspects of the country's electoral system may be the cause of post-election violence?

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11. What can you do to increase the confidence and trust level of the Kenyan citizens in your ability to conduct free and fair elections?

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12. In your opinion, have electoral bodies such as the IEBC played any role in contributing to post-election violence in Kenya?

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13. In your opinion, do politicians contribute to post-election violence in Kenya? Please elaborate

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14. What is your opinion on a section of politicians' and voters' accusation of IEBC as a perpetrator in election malpractices?

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15. Do politicians' and voters' perception of IEBC's election malpractices contribute to post-election violence in Kenya?

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15. In your experience, do politicians contribute to post-election violence in Kenya? Please elaborate

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16. Are elections the real cause of the violence or do you feel that there is an underlying issue to the post-election violence?

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17. Should we adapt a new electoral system from such developed countries such as the USA or even Bosnia and Herzegovina to reduce or prevent violence in future elections?

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18. What is the role of the IEBC in the reduction of post-election violence in Kenya?

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19. What is the role of politicians in the reduction of post-election violence in Kenya?

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Part D: Challenges and Opportunities in Organizing, Conducting and Managing Elections

20. In your experience, what are some of the challenges the IEBC faces in organizing, conducting and managing elections in Kenya?

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21. What are the opportunities available to the electoral management in organizing, conducting and managing elections in Kenya?

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Appendix 7: Interview Schedule for Humanitarian Staff and Organizations

Date:.....

Location:.....

Time:.....

Name (Optional):

Instructions

- *There is no wrong answer; each response will be treated as a correct one. Your opinion is what is required in this study.*
- *Do not think too long about each question. It could take you around 10 minutes to complete.*

Part A: Demographic Information

1. What is your gender?

Male ☐ Female ☐

2. County

Nairobi ☐ Kisumu ☐ Uasin Gishu ☐
Nakuru ☐ Mombasa ☐

3. Age bracket?

18-30 years ☐ 31-40 years ☐
41-50 years ☐ above 50 years ☐

4. Level of education

Primary ☐ Secondary ☐
Tertiary college ☐ University ☐
No formal education ☐

5. Have you ever voted in a general election in Kenya?

Yes ☐ No ☐

6. If yes, how many election cycles have you voted in?

1 cycle ☐ 2 cycle ☐ 3 cycle ☐
4 cycle ☐ 5 cycle ☐ Above 5 ☐

1. What has been the extent of humanitarian services your organization offers in the aftermath of post-election violence in Kenya?

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.....
.....

2. How do you prepare for post-election violence emergencies?

.....
.....
.....

3. Please describe a typical humanitarian scene in the event of post-election violence in Kenya

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.....

4. What challenges have your organization experienced in your humanitarian efforts in the country in the aftermath of post-election violence in Kenya?

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.....

5. In your experience, what are the likely electoral process triggers for post-election violence in Kenya, warranting humanitarian aid?

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Appendix 8: Interview Schedule for Observers

Date:.....

Location:.....

Time:.....

Name (Optional):

Instructions

- *There is no wrong answer; each response will be treated as a correct one. Your opinion is what is required in this study.*
- *Do not think too long about each question. It could take you around 10 minutes to complete.*

Part A: Demographic Information

1. What is your gender?

Male ☐ Female ☐

2. County

Nairobi ☐ Kisumu ☐ Uasin Gishu ☐
Nakuru ☐ Mombasa ☐

3. Age bracket?

18-30 years ☐ 31-40 years ☐
41-50 years ☐ above 50 years ☐

4. Level of education

Primary ☐ Secondary ☐
Tertiary college ☐ University ☐
No formal education ☐

5. Have you ever voted in a general election in Kenya?

Yes ☐ No ☐

6. If yes, how many election cycles have you voted in?

1 cycle ☐ 2 cycle ☐ 3 cycle ☐
4 cycle ☐ 5 cycle ☐ Above 5 ☐

Part A: Essence of Kenya's electoral management system and its influence on post election violence.

1. What is your opinion about Kenya's electoral system and its influence on post election ?
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2. What is the place of IEBC in Kenya's electoral system?
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.....
.....
3. Does the country's electoral system guarantee free and fair elections?

.....
.....
.....
4. Do you feel that your organization conducts free, fair, transparent and credible elections?
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.....
5. What is the role of IEBC in the effectiveness of Kenya's electoral system?
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.....
.....
6. What is the role of politicians in the effectiveness of Kenya's electoral system?
.....
.....
.....
7. Do voters have faith with the IEBC to conduct a free and fair election process?
.....
.....
.....

Part C: Causes and Consequences of Post-Election Violence in Kenya

8. What do you think are the causes of post-election violence in Kenya since 1963?

.....
.....
.....

9. In your opinion, can post-election violence in Kenya be in any way attributed to the country's electoral system? Please elaborate

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10. What aspects of the country's electoral system may be the cause of post-election violence?

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11. What can you do to increase the confidence and trust level of the Kenyan citizens in your ability to conduct free and fair elections?

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12. In your opinion, have electoral bodies such as the IEBC played any role in contributing to post-election violence in Kenya?

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13. In your opinion, do politicians contribute to post-election violence in Kenya? Please elaborate

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14. What is your opinion on a section of politicians' and voters' accusation of IEBC as a perpetrator in election malpractices?

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16. Do politicians' and voters' perception of IEBC's election malpractices contribute to post-election violence in Kenya?

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15. In your experience, do politicians contribute to post-election violence in Kenya? Please elaborate

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16. Are elections the real cause of the violence or do you feel that there is an underlying issue to the post-election violence?

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17. Should we adapt a new electoral system from such developed countries such as the USA or even Bosnia and Herzegovina to reduce or prevent violence in future elections?

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18. What is the role of the IEBC in the reduction of post-election violence in Kenya?

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19. What is the role of politicians in the reduction of post-election violence in Kenya?

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Part D: Challenges and Opportunities in Organizing, Conducting and Managing Elections

20. In your experience, what are some of the challenges the IEBC faces in organizing, conducting and managing elections in Kenya?

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21. What are the opportunities available to the electoral management in organizing, conducting and managing elections in Kenya?

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Appendix 9: Interview Schedule for Security Personnel and Provincial Administration

Date:.....

Location:.....

Time:.....

Name (Optional):

Instructions

- *There is no wrong answer; each response will be treated as a correct one. Your opinion is what is required in this study.*
- *Do not think too long about each question. It could take you around 10 minutes to complete.*
-

Part A: Demographic Information

1. What is your gender?

Male ☐ Female ☐

2. County

Nairobi ☐ Kisumu ☐ Uasin Gishu ☐
Nakuru ☐ Mombasa ☐

3. Age bracket?

18-30 years ☐ 31-40 years ☐
41-50 years ☐ above 50 years ☐

4. Level of education

Primary ☐ Secondary ☐
Tertiary college ☐ University ☐
No formal education ☐

5. Have you ever voted in a general election in Kenya?

Yes ☐ No ☐

6. If yes, how many election cycles have you voted in?

1 cycle ☐ 2 cycle ☐ 3 cycle ☐
4 cycle ☐ 5 cycle ☐ Above 5 ☐

Part A: Causes and Consequences of Post-Election Violence in Kenya

1. Please describe the trend of post-election violence in Kenya from a security standpoint?
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.....
.....
2. In your experience, what are the impacts of post-election violence in Kenya on national security?
.....
.....
.....
3. What has been the extent of security services the security personnel and provincial administration offers in the aftermath of post-election violence in Kenya?
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.....
.....
4. From a security standpoint, what do you think are the causes of post-election violence in Kenya since 1963?
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.....
5. In your opinion, what aspects of the country's electoral system may be the cause of post-election violence in Kenya?
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.....
.....
6. In your opinion, do security personnel and provincial administration
.....
.....
.....
7. What is the role of security personnel and provincial administration in the reduction of post-election violence in Kenya?
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.....
.....
8. What is the role of police reforms in the reduction of post-election violence in Kenya?
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Part B: Challenges and Opportunities in Organizing, Conducting and Managing Elections

1. What is the role of security personnel and provincial administration in management of elections in Kenya?

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2. What challenges do security personnel and provincial administration experience in managing elections in Kenya?

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3. What are the opportunities available to the security personnel and provincial administration to realize peace in the aftermath of post-election violence in Kenya?

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Appendix 10: Letter of Approval of Proposal by Directorate of Postgraduate Studies.



MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY (MMUST)

Tel: 056-30870
Fax: 056-30153
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P.O Box 190
Kakamega – 50100
Kenya

Directorate of Postgraduate Studies

Ref: MMU/COR: 509099

24th August 2022

Charles Otieno P. Ochieng
CPC/H/200/2016
P.O. Box 190-50100
KAKAMEGA

Dear Mr. Ochieng,

RE: APPROVAL OF PROPOSAL

I am pleased to inform you that the Directorate of Postgraduate Studies has considered and approved your PhD proposal entitled: *“The Nexus between electoral System and Post-Election violence in Kenya since 1963”* and appointed the following as supervisors:

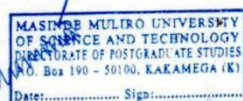
1. Prof. Chrispinous Iteyo - SDMHA - MMUST
2. Prof. Frank Matanga - SDMHA - MMUST

You are required to submit through your supervisor(s) progress reports every three months to the Director of Postgraduate Studies. Such reports should be copied to the following: Chairman, School of Disaster Management and Humanitarian Assistance Graduate Studies Committee and Chairman, Department of Peace and Conflicts Studies. Kindly adhere to research ethics consideration in conducting research.

It is the policy and regulations of the University that you observe a deadline of two years from the date of registration to complete your PhD thesis. Do not hesitate to consult this office in case of any problem encountered in the course of your work.

We wish you the best in your research and hope the study will make original contribution to knowledge.

Yours Sincerely,

Prof. Stephen O. Odebero, PhD, FIEEP
DIRECTOR, DIRECTORATE OF POSTGRADUATE STUDIES

Appendix 11: Research Permit

 REPUBLIC OF KENYA		 NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION	
Ref No: 474094		Date of Issue: 04/October/2022	
RESEARCH LICENSE		RESEARCH LICENSE	
			
This is to Certify that Mr. Charles Ochieng of Masinde Muliro University of Science and Technology, has been licensed to conduct research in Kisumu, Mombasa, Nairobi, Nakuru, Uasin-Gishu on the topic: THE NEXUS BETWEEN ELECTORAL SYSTEM AND POST ELECTION VIOLENCE IN KENYA SINCE 1963 for the period ending : 04/October/2023.			
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