

Causes and Consequences of Post-Election Violence in Kenya

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ABSTRACT

The election of leaders by the people is the aim of democratic procedures. An electoral system is intended to ensure that the outcomes reflect the preferences of the majority of voters, providing elected officials' legitimacy, and that the results are unchallenged in any form. The aim of this study was to identify the causes of the post-election violence. Voting theory served as the foundation for this work. A descriptive study approach using both qualitative and quantitative methods was used by the researcher. The research was carried out from July 2022 to December 2022. Political parties, political analysts, IEBC members, legislators, and voters made up the study's target population. The researcher employed the stratified random sampling technique. The target population established the strata, and a random sample was taken from each stratum. The researcher used interview guide techniques to collect data, using items that were developed from the study objectives and research questions. Questionnaires and interviews were the two main ways that data were gathered. Voters were handed questionnaires, and interview guidelines were provided for political experts, electoral experts, and IEBC officials. The information gathered through the use of questionnaires was statistically analyzed using descriptive methods. According to the findings, disputed election results, tribalism, inadequate electoral conflict resolution mechanisms, the "winner-takes-it-all" election system, perceived bias of the electoral management body, and voter incitement by politicians are among the main causes of post-election violence in Kenya since 1963. Casualties, internally displaced people, the damage to private and public property, economic instability, and emotional and psychological suffering are only a few of the key effects of the post-election violence in Kenya. The report recommends, among other things, looking at alternative choices, including mixed-member and proportional representation models, since they are more inclusive and produce fair representation, as a remedy for the existing polarizing plurality voting system.

Keywords: Electoral System, First Past the Post Principle, Plurality System

I. INTRODUCTION

Kenya achieved independence in 1963 and has had representative democracy ever since. Elections are a process used by legitimate citizens of a sovereign democratic state to choose the contending candidates for office. Democratic elections are supposed to promote peace, calm, and sustainable development. Elections are meant to bring legitimate government to govern through transparency and fairness and then implement policies and programs for the benefit of all citizens. The electoral system will determine whether or not good elections produce results that are acceptable (Bogaards, 2014; Bratton et al., 1997). Kenya had little to no influence on the form or design of the election system that it received from Britain, the colonial ruler (Chege, 2008). Kenya adopted the majoritarian electoral system in 1963, when the country gained its independence. Under this system, the candidate who receives the majority of the votes gets the seat in an election that is held on the same day, time, and location (Lindberg, 2006).

An electoral system outlines the procedures by which voters' preferences are gathered, totaled, summed up, and then collectively interpreted to produce election results (Herron et al., 2018). The three most widely used electoral systems are plurality, majority, and proportional representation (Caramani, 2017). Globally speaking, 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 (Duncan, 2017).

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 in the African regional context (Lockwood & Kronke 2018). To promote diverse party representation in the National Assembly, these guidelines were chosen. With a low effective number of seat-winning parties at the national level and control by a single party, the African National Congress, South Africa's party system, and political structure, on the other hand, continue to consistently defy societal expectations (Mancebo, 2019). Nigeria has a first-past-the-post electoral system that is majoritarian in nature. In order to carry out this, Nigeria's 1999 constitution's Section 153(1) created the Independent National Electoral Commission (INEC) as the nation's Electoral Management Body (EMB) with the authority to plan, conduct, and oversee all 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 is based on plurality/majoritarian, or "First Past the Post", a type of plurality/majoritarian electoral system in which voters are presented with the names of the nominated candidates and choose one, and only one, candidate with the most votes, though not necessarily an absolute majority of the votes (Mutugi, 2016). When Kenya uses this system, there will be a variety of positions up for grabs, including the president, the senate, the governorship, the women's representatives, and the member of parliament. When choosing a county assembly member, voters are given as many votes as there are seats up for election. The candidates who receive the most votes fill the open seats, regardless of the proportion of votes they receive; the candidate who receives the most votes is declared the winner (Adhiambo, 2017).

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 feel compelled to seek power through intimidation, demonstrations, and other illegal means, including violent tactics, if an electoral system is not perceived as fair and the political framework does not support the opposition's belief that they have a fair chance of winning the next election (Barkan, 2008). Kenya witnessed its worst civil upheaval since gaining independence in 1963 during the 2007 elections. According to estimates, one million people were killed and hundreds of thousands were displaced from their homes during the two-month brutal battle that erupted throughout the nation (Drummond, 2015).

In Kenyan elections, the focus on candidates' personalities rather than their policy positions has created a divisive, winner-take-all mentality. This approach, characterized by the local slang term "zero-sum game," contributes to election violence in Kenya. The mobilization strategies employed during campaigns intensify political tensions and reinforce the notion that one party must win at any cost. Almost all the elections held in Kenya since 1963 have been marred by violence, either during or after the election process (International Peace Institute, 2012). 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 (Mozaffar et al., 2003). As a result, this study examined Kenya's electoral system since independence, with a particular emphasis on the relationship between it and electoral violence in Kenya since 1963, its majoritarian winner-take-all mechanism, and the polarising political campaigns. Additionally, post-election violence has persisted despite numerous reforms and adjustments to Kenya's electoral procedures, which is why we are conducting this research. In light of this, the study set out to look into the fundamentals of Kenya's election system.

II. LITERATURE REVIEW

2.1 The Root and Consequences of Post-Election Violence in Kenya

Election violence is defined as "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," according to the United Nations Development Programme (UNDP). Violence related to elections can be directed at individuals, locations, things, or data. In order to influence the election process, perpetrators of electoral violence may attempt to postpone, disrupt, or scuttle a vote and choose the winners of contentious political office campaigns (United Nations Development Programme [UNDP], 2009).

Abduction, incapacitation, execution, vandalism, threats, terrorizing, and extortion are three key elements in the definition of electoral violence given above that appear in both physical and non-physical ways (European Commission [EU] & United Nations Development Programme [UNDP], 2016). Second, the main goal of electoral violence is to influence the electoral process, either by disrupting it or by changing the outcome of the elections.

Third-party violence can happen before, during, or after an election at various points in the election cycle (Ajulu, 2002).

Election-related violence takes the form of post-election aggression. The collation and announcement of the results of the election mark the start of the post-election period. Election issues are often litigated and resolved during this time. Aggression during elections can take many different forms, including violent protests and assaults on supporters, party leaders, and rival candidates (UNDP, 2009). They could also be committed by authorities and/or supporters of various political parties, and they typically involve shooting, maiming, murdering, burning, and wanton destruction of property (Adoke, 2011).

According to Adoke (2011), development is also a social, economic, or political process that causes an overall rise in the perceived standard of living for a growing section of a population. According to this view, raising one's standard of living 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, it is impossible to be creative and live a complete life without political stability.

Some academics have linked Kenya's ethnic power struggles to election-related violence. According to Anderson (2012) and Muigai (1995), ethnicity refers to a consciousness shared by individuals with slave-derived cultural and linguistic heritage that is used for political and social mobilization in order to compete with other groups for limited resources. The post-election unrest is attributed by Dercon et al. (2009) 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 a multi-ethnic democratic nation."

Ethnicity has developed into a crucial factor in political competition and party formation, according to Ajulu (2002). However, other academics link the party structure (institutions) to ethnicity. Kenyans have adapted to enduring political violence since their country's independence. Acts of political violence are observed and reported without any prospect of prosecution or other repercussions; in fact, it has become a mainstream aspect of politics. Elections in Kenya have been influenced by competitive politics and politicized ethnicity, according to Ajulu (2002).

According to Apollos (2001), ethnicity has become political in Kenya. Every time there are elections, political entrepreneurs and politicians put pressure on institutions to organize for political party support by taking advantage of ethnic groups and their perceived imbalances. Leaders frequently back the ethnic groupings of which they are a part, which promotes ethnic identity politics. These ethnic political tactics have frequently caused violence between ethnic groups in Kenya to increase. The Kenyan situation could be addressed using pluralist theory. Conflict is unavoidable in multiple societies, according to the pluralist hypothesis (Cohen, 1996). In actuality, the political arena is where numerous groupings compete most.

According to Barkan and Okumu (1979), ethnic group politicization has contributed to the rise of election violence in Kenya. Politicized ethnicity has a history of dividing society into two groups: the "in group" and the "out group," with the latter striving to undermine the system of inequality while the former responds by erecting hurdles to protect its privileged position. Kenyan political parties are founded on ethnic rivalries and coalitions, which lead to electoral violence.

The Kalenjin, Kikuyu, Kamba, Luhya, Kisii, and Luo are two of the five major ethnic groups in Kenya, and both frequently engage in this type of ethnic power play and mobilization. The Rift Valley, Central, Eastern, Western, and Nyanza regions, respectively, are home to the majority of these groups. These ethnic groups have battled it out for control of Kenya over the years. Inter-ethnic tensions and post-election violence have frequently arisen as a result of this struggle, having a significant negative impact on Kenya's stability (Chege, 2008).

The apex of Kenya's ethnic unrest has been the general and presidential elections in 2007 and 2017 (Lynch, 2008). When it comes to election and post-election violence, there is another school of thought in literature. According to this literature, social clearings are to blame for election-related violence. Social clearings are defined by Elischer (2008) as the divisions of people based on their social and economic standing. Inequality in politics and the economy defines Kenyan society. The wealth disparity between the affluent and poor is very large. Kenyans who feel economically excluded as a result of this discrepancy have social and economic issues. These organizations justify their acts of vandalism and theft from the wealthy with violence. On the other side, elites who feel threatened or excluded start to use ethnic ideology in an effort to build a strong base of support for their efforts to combat and exterminate the underprivileged members of their communities (Hoglund, 2009; Jenkins, 2014).

Relative deprivation was employed by Gurr (1968) to explain political violence. Societal classes and groups that believe they are not getting what they deserve in comparison to other people will rebel or join political parties and movements that support their interests. This means that the most marginalized Kenyan voters will band together more

to have their needs met and their voices heard. Therefore, regardless of their ethnicity, the poorest Kenyan voters would align themselves with the party that best addresses their issues and should receive their votes from that party.

According to Oyugi (2002), a segment of the ruling elite's desire for power and access to the advantages that come with having it served as the primary driving force behind the establishment of the coalition that ousted the president in office at the time. After gaining control, they formed an ethnic nationalist coalition and expelled their partners from the other ethnic groups. The electoral violence in the 2007 elections was a direct result of this fallout (Oyugi, 2002).

According to Mozaffar (2003), the multiethnic pattern of ethnopolitical cleavages puts pressure on the establishment of multiethnic electoral alliances, which in turn lead to party systems with minimal fragmentation. These party structures make it easier for diverse coalitions to develop. Kenyans appeared weary of the previous opposition's division in 2002, which helped incumbent President Daniel Moi hold onto his seat with support from minority ethnic groups. The Kikuyus, Kalenjins, Luo, Luhya, and Kamba formed a powerful rainbow coalition after Kenyans urged opposition leaders to join forces. Because of this harmony, the opposing candidate won the 2002 election handily. The national Rainbow coalition of Kenya in 2002 was described using Horowitz's (1995) constructive approach to multiethnic electoral alliances.

"Kenya political parties have increasingly included diverse communities and have consistently failed to bridge the country's dominant ethnic cleavages," according to Elischer (2008). However, there was an outbreak of violence in certain opposition strongholds during the general election of 2007. The Kibera slums in Nairobi, Kisumu in Nyanza, and portions of the Rift Valley appeared to suggest that the electoral administration body had manipulated their leading candidate in favor of the incumbent Mwai Kibaki in the moments following the announcement of the election results. The Luo, Kikuyus, and Kalenjin all had strong disagreements on the election outcomes. The Kalenjins and the Luo think that although Odinga had won the election, the results were skewed. The savagery that followed was unmatched.

2.1.1 Post-Electoral Aggression in Kenya and Its Impact on National Development

In a democracy like Kenya, election violence has immediate repercussions and effects that are significant. First off, it jeopardizes impartial and free elections. There is immediate psychological and physical trauma. Violence and violent intimidation, on the other hand, have the potential to disenfranchise voters, lower voter turnout, limit the candidates that can be chosen at the polls, and jeopardize the outcome of an election. Election violence can undermine citizens' faith in the democratic process and, eventually, the legitimacy of the government itself, in addition to promoting authoritarianism and other anti-democratic ideologies (Brown, 2003).

According to Collier and Von Borzyskowski (2011), election violence lowers voter turnout and participation in a working electoral system where elections are free of crises and election disputes are settled amicably. With such a system, the likelihood of political stability, peace, unanimity, advancement, and continuity in administration is increased. The fundamental nature of democracy is called into question, and the chances for national progress are jeopardized by elections that are marked by violence, thuggery, intimidation, rigging, ballot box snatching and stuffing, and other electoral malpractices (Hoglund & Jarstad, 2010).

Elections, according to Dagne (2008), have turned into a life-and-death struggle, akin to combat, where failure is unthinkable. This pervasive pattern of elections and electioneering poses serious hazards to the country's tenuous peace and threatens to rip it apart (Van De Walle, 2003). Additionally, the post-election chaos in Kenya has made this our reality. With the aforementioned in mind, the implications and impacts of post-election violence on national development are studied in the sections that follow. First off, electoral violence breeds instability because it frequently results in the loss of life and property, as was the case in Kenya during the 1992, 1997, 2007, and 2017 elections. According to estimates, 1,200 Kenyans died in the 2007 election-related violence alone, and 650,000 people were displaced as a result of the unrest (Chege, 2008). Millions of shillings' worth of property was also set afire, looted, or destroyed.

Following the election, events in Kenya showed how inadequately the police and other internal security institutions might handle situations involving post-election unrest. When responding to rioting and revenge killings, police in some locales and situations used deadly force and other grave abuses (Alston, 2009). The Kenya Commission on Human Rights and Human Rights Watch have documented numerous instances of alleged police brutality, including wrongful deaths, injuries, or the use of excessive force against people. These are blatant signs of national failure that endanger people's ability to live in peace in the state (Kenya Human Rights Commission [KHRC], 2010).

As a result, direct foreign investment is frequently lost in such situations, which has contributed to Kenya's underdevelopment (Mueller, 2008). Kirimi and Njuguna (2014) state that "companies have a great stake in the peace

and security of the markets of the world or may aspire to operate" because of this. Without a doubt, the circumstances mentioned above undermine law and order and peaceful coexistence. The consolidation of democracy is hampered by post-election violence in addition to security issues. This in turn has an effect on the country's social and economic well-being, leading to imbalances or instances of structural violence as proposed by Johan Galtung in 1969, which could result in conflict that escalates, as seen in the 2007 post-election violent acts and post-incident catastrophe of Internally Displaced People (IDPS), and undermines effective national development by making it more difficult for citizens to participate fully in society.

Jenkins (2015) claims that election violence frequently impacts the nation's and localities' most productive, skilled, and unskilled employees. This results in significant expenses for absenteeism, staffing costs to hire replacements for lost workers, relocation costs, and productivity losses due to the loss of human resources. The quality of the workforce may also diminish in some instances as the afflicted workers are sometimes replaced by younger, less experienced workers (Kamungi, 2009).

The impact of election violence on healthcare systems is significant because of the sharp rise in demand for medical care, which is made worse by the exodus of medical professionals. Children are compelled to leave school or have their education stopped in the education sector. Girls are especially vulnerable since they are frequently encouraged to leave school in order to care for family members or engage in income-generating activities. Communities that have been forcibly relocated and displaced have a difficult time accessing the formal social safety nets, social security, and social welfare systems provided by the government. By feeding off gender inequality, discrimination, and violations of human rights, electoral violence contributes to the escalation of societal divisions (Kakuba, 2016).

In Kenya's national economy, agriculture is crucial. It generates export revenues, supplies raw materials, and supports national food security. It also creates jobs. Up to 60% of Kenyans depend on agriculture as their primary source of income (Dagne, 2008). Therefore, a decline in agricultural labor has a big impact. Farms are attacked, crops and farm produce are lost, deteriorate, and decay, agricultural production is disrupted, and skilled workers are compelled to relocate and escape. A second danger to household food security is the suspension of income and the redirection of cash to cover the costs of violent displacement and war, which leaves very little money for nourishing food purchases (Klopp & Elke, 2007).

According to Mueller (2011), Kenya has had numerous electoral obstacles since gaining its independence. Unrest during elections is one of the difficulties. Political groupings are typically divided, which makes it challenging for supporters to coexist in harmony. When political violence is intense, there are sometimes many murders, women and children are frequently mistreated, and sometimes entire homes are subjected to torture (Mueller, 2011). Most members of the Kikuyu group who resided in the Rift Valley had their homes burned down during the previous election, which took place in 2007, while other members were compelled to seek refuge in churches. They had lived with those folks for a very long time, so leaving was difficult for them (Mueller, 2011). People from Kalenjin villages or groups also encountered several difficulties in places like Naivasha because they were unable to travel home due to blocked highways.

2.2 Theoretical Framework

The study was grounded in the voting theory proposed 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 electorate is sure that the leader elected is the preferred choice by a majority of the citizens, which therefore reduces the chances of conflict.

The voting theory begins by identifying the problem with the existing electoral processes. In a majority of democratic states, the most common voting system that is used to elect politicians is 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 (that is, presidential, legislative, and even municipal). There are identified shortcomings in 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 with whom 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 (who 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. As has been shown, this may mean an alternative candidate because two similar candidates (with the same ideologies and strongholds) are 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 a need to develop a correct voting system (Nurmi, 2018).

The theory proposes using 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 the 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 of votes in an election, he or she ranks highly among the voters (that is, he or she was their first or second choice). It helps 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 the 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, there are many communities, and this prompts them to vote along tribal lines. So, the candidate who will be able to serve most of the communities will become the winner. The theory begins by looking at electoral flaws. This ensures that the elections are free and fair.

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 them. In this way, the different levels of party support for general elections (as compared to by-elections, regional parliament elections like the 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 may be 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 that addresses election violence incorporates factors such as the formation of political parties. Political parties should have at least 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 causes the communities left out to start violence.

III. RESEARCH METHODOLOGY

In this study, a descriptive research design was employed. According to Saunders (2009), a descriptive research design allows for the documentation of a specific study phenomenon in its actual setting without the researcher having to worry about interfering with the study's methodology or influencing the study's outcomes. A mixed-methods strategy was employed. This explanatory model is regarded as useful for this research because it aided in the collection and analysis of extensive and in-depth data.

The researcher concentrated on Nairobi, Kisumu, Uasin Gishu, Nakuru, and Mombasa counties as the study's geographic focus. Nairobi and Kisumu counties were chosen because there have been pockets of violence in these two counties in diverse locations following each election. The target population included eligible voters from the nation, lawmakers, IEBC members, political analysts and journalists (both print and electronic media), and security personnel. The sample size was 450 participants, selected using both a purposive sampling strategy and a random sampling procedure.

The research tool was pretested in a pilot study done in Kiambu County to determine its validity and reliability. 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. The primary data was

collected using both questionnaires and interview guides. The questionnaires were distributed to the sampled participants, and interviews were conducted among the key informants with the assistance of research assistants. The data gathered from the surveys was analyzed using descriptive statistics. The researcher used the frequency, mean, and standard deviation to analyze the data. Tables, bar graphs, and charts are used to illustrate the results. Thematic analysis was used to analyze the data collected using interviews.

IV. RESULTS & DISCUSSIONS

The main objective was to examine the causes and consequences of post-election violence in Kenya, dating back in 1963.

4.1 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 this goal, respondents were asked to rate how much they agreed with various claims made about the reasons for the post-election violence in Kenya. The outcomes are shown in Table 1.

Table 1

Causes of Post-Election Violence in Kenya

Cause	Mean	S. D
“Winner-takes-it-all” election system	4.364	0.482
Voter incitement by politicians	4.364	0.482
Poor electoral conflict resolution mechanisms	4.275	0.656
Disputed election outcomes	4.271	0.464
Perceived bias of the electoral management body	4.199	0.771
Discriminatory enforcement of electoral laws	4.161	0.513
Impunity and incitement by politicians	4.161	0.513
Lack of transparency in vote tallying and counting	4.098	0.586
Weak laws on election violence perpetrators	4.098	0.586
Perceived rigging by the electoral management body	3.97	0.901
Overall Mean	4.196	0.596

The findings presented in Table 1 depict an overall mean score of 4.196 (SD = 0.596), implying that a majority of respondents highly agree with most of the items posed in relation to the 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); the “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 inciteful 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 experiences, are some of the causes of post-election violence in Kenya since 1963. The results showed 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” [Q16 Voter 5, Nairobi]

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 consequent 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. The foregoing sentiments were replicated in key informant interviews where respondents were asked 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 made in the country's electoral systems in an 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" [Q7 Political Analyst 3, Nairobi]

From the interviews, it was clear that tribalism and ethnic divisions are the real cause of post-election violence in Kenya. Accordingly, respondents also attributed post-election violence in the country to the underlying perception that a sitting president will favour 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." [Q10 Political Analyst 10, Nairobi]

As a follow-up, key informants were asked whether electoral bodies such as the IEBC played any role in contributing to post-election violence in Kenya and whether politicians' and voters' perceptions of the IEBC's election malpractices contributed 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 is due to the consistent claims of rigging presidential elections by politicians and voters. This was particularly pronounced in 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"* [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" [Q13 Politician 16, Nairobi]

It is deducible from the findings that among the major causes of post-election violence in Kenya dating back to 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 their 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 in 2010, and particularly in 1992 and 2007. The conclusion is supported by a study by Brosché et al.(2020), which found that in Kenya today, candidates and political parties have engaged in behavior that has been characterized by the use of hate speech and derogatory 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 Gutierrez-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.

The results also revealed that another major cause of post-election violence in Kenya dating back to 1963 was disputed election outcomes and poor electoral conflict resolution mechanisms. 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 characterized by ethnic tensions and poor public confidence in democratic institutions.

Further, the results showed that another cause of post-election violence in Kenya dating back to 1963 was weak laws on election violence perpetrators, 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 are 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.

The study findings also imply that a key cause of post-election violence in Kenya dating back to 1963 is the "winner-takes-it-all" election system. The electoral system in Kenya is structured in a 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. 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. The result is consistent with Willis and Chome's (2014) claim that Kenya's politics are more based on individuals than beliefs under a winner-take-all system. This indicates that the election winner is seen as a tool of growth for his party and the ethnic group he represents, rather than for the entire nation. As losers are excluded from government and big development projects, this is a violent situation.

It is further deduced from the findings that another major cause of post-election violence in Kenya dating back to 1963 is a lack of transparency in vote tallying and counting. This was particularly brought to the fore in the 2013 and 2017 general elections. The petitioners claimed that the IEBC violated the law's obligatory mandate to submit election results electronically for transparency in 2013. Further, 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. 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 study's findings also suggest that perceived bias and election rigging by the electoral administration body are among the main reasons for post-election violence in Kenya, which dates back to 1963. These were the causes of the post-election violence that ensued in the 2007 general elections and the petitions with incidences of violence in the 2013 and 2017 general elections. 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.

4.2 Consequences of Post-election Violence

The study also sought to determine the consequences of post-election violence in Kenya, dating back to 1963. To address these objectives, respondents were asked to indicate their levels of agreement with various statements posed in relation to the consequences of post-election violence in Kenya. Results are presented in Table 2.

Table 2

Consequences of Post-Election Violence

Consequence	Mean	S.D
Destruction of private and public properties	4.364	0.482
Internally displaced persons	4.339	0.608
Economic instability	4.331	0.471
Casualties	4.314	0.608
Emotional and psychological distress	4.275	0.656
Refugees	4.246	0.625
Sexual violence victims	4.208	0.586
Unemployment	4.161	0.513
Collapse of businesses and loss of revenue	4.098	0.586
Poverty	3.970	0.901
Overall Mean	4.231	0.604

The findings presented in Table 2 depict an overall mean score of 4.231 (SD = 0.604), implying that a majority of respondents highly agree 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 are 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). These 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.

It is deducible from the findings that among the most notable consequences of post-election violence in Kenya since independence is the internal displacement of people. This results from evictions from the victims' homes, voluntary fleeing out of fear, and the destruction of property. The Prevention, Protection, and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 of 2012 in Kenya was created in response to the severity of internal displacement. 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.

Casualties, destruction of private and public properties, and refugees are also emerging from the findings as among the direst consequences of post-election violence in Kenya. This is also consistent with KNHRC (2007), who estimate that a total of 78,254 houses were burned countrywide following the 2007/2008 post-election violence in the country. 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 February 4, 2010, 449 Kenyans who had been registered as refugees in Uganda as of October 2009 have returned to their home country.

The findings also suggest that a significant result of Kenya's post-election violence has been sexual violence. This is supported by the Government of Kenya (2016), which claims that over 3,000 women, men, and children were sexually assaulted or endured other horrifying acts of sexual violence and cruelty during the 2007–2008 post-election violence. Despite these atrocities, no one has been held responsible for these crimes, and numerous Kenyan survivors are still suffering from the terrible physical and psychological effects of the violence they experienced today.

It is further inferable from the findings that post-election violence in the country results in economic instability characterized by the collapse of businesses, loss of revenue, unemployment, and poverty. According to Klopp and Kamungi (2010), after the 2007 election, violence caused yearly economic growth to plummet to 1.7 percent in 2008 from 7.1 percent the year before. As a result, more people became poorer and lost their jobs. 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. The downturn had an impact on various business sectors. As customers stayed at home, hospitality, retail, and transportation all suffered. In accordance, the Kenya Private Sector Alliance (KEPSA) (2017) also notes that the transportation industry lost money despite a rush of voters making hasty trips to their villages while other individuals shied away from leaving their homes out of fear. Due to the slowdown, fuel consumption fell by 10–12% in August 2017 compared to July (KEPSA, 2017).

It can further be deduced from the findings that post-election violence in the country also results in emotional and psychological distress. This may result from suicidal thoughts among victims, unhappiness with the government, and fear for themselves and their children. 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.

V. CONCLUSIONS & RECOMMENDATIONS

5.1 Conclusions

The study identified multiple causes and repercussions of post-election violence in Kenya. Central to the violence are politicians who exploit uninformed and jobless youths, fueling acts of aggression based on tribal affiliations. Voters from specific tribes are often targeted due to perceived political affiliations, intensifying ethnic tensions. Furthermore, the root of such violence is often linked to disputed election results coupled with ineffective conflict resolution avenues. This breeds feelings of injustice, leading aggrieved parties to resort to violence. Additionally, the study pinpointed weak enforcement of laws against violence instigators, a "winner-takes-it-all" electoral approach, and concerns about vote tallying transparency as significant contributors.

On the flip side, the aftermath of such violence is dire. The country has witnessed massive internal displacements, significant casualties, property destruction, and instances of sexual violence. Beyond the immediate physical damage, there's a profound economic impact marked by business collapses, revenue loss, heightened unemployment, and pervasive poverty. Moreover, the societal fabric is strained, with individuals grappling with emotional trauma, distrust in governance, and an overarching fear for personal and familial safety.

5.2 Recommendations

The study recommends that political parties should implement a zero-tolerance policy for hate speech, intimidation, and violence and hold party members and supporters accountable for violating the policy. All institutions involved in the electoral process should establish stakeholder engagement mechanisms to promote transparency and assure the various players of impartiality. The Judiciary should also conduct strategic engagement with electoral stakeholders to guarantee their fairness in adjudicating electoral disputes and involve them in addressing the concerns raised about the handling of previous electoral disputes.

The study recommends that IEBC promote healthy, inclusive, and non-violent political competition by enforcing the already existing electoral code of conduct to ensure accountability among political parties and candidates. The National Government should also ensure accountability for individuals and groups that engage in political violence at all stages of the electoral cycle, including party primaries, through arrests and prosecution.

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