

GREAT JOURNS



Journal of Security Studies

Vol.1 No.3, September 2023

Assessment of The Challenges and Opportunities in The Management of Electoral Conflicts in Trans Nzoia County, Kenya.

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ABSTRACT: *Kenya has experienced many circles of electoral conflicts before and during every electoral period since 1992 general election. Trans Nzoia County formerly Trans Nzoia District has never been left behind when it comes to electoral conflicts. Since 1992 Trans Nzoia County experienced electoral conflict and violence during electoral period. Electoral conflicts of 2007/2008 general election was the most notable one in terms of violence, deaths and human population displacements. Therefore, understanding the challenges and opportunities in the management of electoral conflicts helps to determine the best approaches towards peace-building. The study sought to assess the challenges and opportunities in the management of electoral conflicts in Trans Nzoia County, Kenya. The study was anchored on Peace-building Theory and Conflict Transformation Theory. The study employed descriptive research design. The following respondents were sampled to participate in the study: 100 household heads, 70 village elders, 33 religious leaders, 12 chiefs, 8 MCAs, 5 Deputy County Commissioners, one County Commissioner, 5 NGO/CBO members and 5 Sub County Police Commanders. The primary methods of data collection were questionnaires, interviews, focus group discussions, and observation. Qualitative data was analyzed using thematic narrations, and findings were presented using narrations and descriptions. The study show that the major causes of electoral conflicts in the county include unresolved and long standing grievances, Poor electoral management and administration, political elite patronage, stiff competition and lack of legal and institutional framework . Overall conclusion is that the most effective peace-building strategy to manage electoral conflicts within Trans Nzoia County is dialogue and mediation. The study recommends that programmes aimed at improving citizen trust in public institutions should be enhanced especially through civic education and public participation.*

Key Words: Challenges, Electoral Conflict Nature, Peace-building, Peace strategies, opportunities

I.0 INTRODUCTION

Prevalence of election-related conflicts can be devastating; however, experience has shown that they can be prevented (Alihodžić, 2012). Peace building strategies for averting electoral conflict such as early warning and prevention are crucial towards ensuring there is no bloodshed and loss of property. Peace building strategies for electoral conflict refer to the establishment of sustainable electoral-related conflict interventions through capacity building and peace advocacy across political players and ethnic groups as well as across racial boundaries (Tschirgi, 2015). Peace building approaches can include conflict prevention; conflict management; conflict resolution and transformation and post-conflict reconciliation.

The aftermath of the 2007 post-election conflict in Trans-Nzoia County led to the forcible displacement of more than 34000 Internally Displaced Persons (IDPs) from their homes. Trans-Nzoia County was among the most affected counties during the 2007-2008 election conflict with Noigam and Endebess in Trans-Nzoia East being the hardest hit (13755 & 6867 respectively) (Kenya National Commission on Human Rights, 2008). In some areas such as Chebyuk, the electoral conflict between the Sabaot community and Bukusu was fueled in part by the existing

land issues. Specifically in areas such as Kimabole and Cheptais at least 11 people were killed with four others killed within Endebess and Salama areas (Namunyu, 2019). Endebess area (near Chepkitale) hosted over 8081 Internally Displaced Persons in a camp while places such as Lwahaha area hosted more 313 IDPs. Given the diverse ethnic groupings that reside in trans-Nzoia County, there is need for establishment of long-term peace building strategies to mitigate electoral related conflict in future.

The highly contested elections of 2017 also saw a lot of tension especially in areas such as Endebes in Trans Nzoia County where chaos erupted and police tortured and injured civilians (KNHCR, 2017). The 2017 electioneering period was relatively calm unlike the 2007/2008 elections. However, the intra-ethnic and inter-ethnic competition for both resources and political representation fueled by the contested elections between NASA and Jubilee Parties escalated the contest for 2017 elections between the communities' risked renewal of local unrest and conflict.

In Trans Nzoia during the time leading to August, 2022 election, tension between different ethnic groups had developed. The movement of people was restricted and voices of people were suppressed. Those other tribes that used to lease farms in Saboti, Kwanza, and Endebess constituencies could not move in to harvest their produce. The situation became worse with delay in announcement of presidential vote. Vigilantes became common from the political divide and use of informers along tribal lines was known fact. In Saboti constituency, people from outside the Saboti and Sebei tribes moved out of the area following hate speech that was spreading in the sub county. Those who had planted maize, potatoes and onions lost them to the locals. Those who had leased farms suffered untold suffering. In Cherangany and Endebes the trend was the same, luos and other people from outside Bukusu and Kalenjini left the area for fear of retaliation. The politicians were in forefront for spreading the hate speech. The issue of son of the soil and daughter of the soil rent the air. The long-standing ancestral land issue was reignited and few farms were invaded by so called squatters. The atmosphere became tense and violence became inevitably. Despite various peace building strategies being put in place to manage the electoral conflicts, Trans-Nzoia County still experiences a number of electoral conflicts (Okello, 2023).

1.1 Objective of the Study

The objective of this study was to assess the challenges and opportunities in the management of electoral conflicts in Trans Nzoia County, Kenya

II. METHODOLOGY

The study employed a descriptive research design. Both probability and non-probability sampling procedures were employed. Non-probability comprises purposeful sampling, while probability encapsulates simple random sampling. The number of households in Trans Nzoia County is 223808 (KNBS, 2019). To attain a valid and reliable sample size, the researcher used Slovin's $[n=N/(1+Ne^2)]$ formula which is as follows

Where;

n=sample size

N= Total number of households in Trans Nzoia County (223808 as per 2019 Kenya Population and Housing Census)

e= margin of error (10% will be used for this study)

Hence, $n = \{223808 / (1 + 223808 \times 0.1^2)\} = 99.9553388 \approx 100$ household heads will be selected.

The household heads sample size was thus 100. Simple random sampling method was used to arrive at sample size of 70 village elders from a target population of 234 and 33 religious leaders from a target population of 110. The household heads, village elders, religious leaders, chiefs, MCAs, Deputy County Commissioners, County Commissioners, members of NGOs/CBOs and Sub County Commanders were sampled from the respective populations and areas to afford equal participation opportunities in the study. In this case, proportionate simple random sampling, convenience, and purposive techniques were used. In this method, 10%, or even 30% of the particular groups were sampled, and the sample sizes were determined (Mugenda & Mugenda, 2003). The sample size of the study population was (100) for household heads, (70) village elders, (33) religious leaders, (5) Deputy County Commissioners, (8) MCAs, (1) County Commissioner, (5) members of NGOs/CBOs and (5) Sub County Commanders, bringing the total sample size to two hundred and three (203). The primary methods of data collection were interviews, focused group discussions, and observation. Qualitative data was analyzed using thematic narrations, and findings were presented using narrations and descriptions.

III. RESULTS AND DISCUSSIONS

3.1 Challenges and Opportunities in Management of Electoral Conflicts

The study sought to assess the challenges and opportunities in management of electoral conflicts in Trans Nzoia County. Respondents were asked to express their perceptions on the challenges and opportunities in management of electoral conflicts in Trans Nzoia County. The results are discussed in this section.

3.1.1 Challenges

3.1.1.1 Mistrust

Trans Nzoia County consists of three major ethnic groups that are always at loggerheads over leadership positions and land issues (Mukoya, 2015); Edwin, 2021). The prospect of one occupying the governor position is one man take it all scenario and therefore it's do or die activity between the Luhya and the Kalenjin who are the two major tribes. The other circle of mistrust is over land ownership. The Sabaot are always in conflict with the Bukusu over land ownership in the larger Mt. Elgon area.

Underscoring a lack of trust as a challenge for managing electoral conflicts, one participant who is an MCA noted that:

We that live in Saboti areas have seen it all. The settlement of people in settlement schemes has caused a lot of agony to the people of Mt. Elgon. We have been living in harmony with our brothers Bukusu, until senior government officers including the District Commissioners, Ministers, Provincial Commissioners and those close to the presidency started illegal demarcation of community land allocating big chunks of land to them, relatives and even moved Bukusu from their ancestral land to the schemes. Most deserving local people were not considered. This caused a lot of tension and mistrust up to today. The settlement of people in those schemes has been done several times but to no conclusion. This mistrust in settling people in the gave rise to Saboti Land Defence Force a militia group that was agitating for the rights of the Saboti people.

15/12/2022

Kabonet

3.1.1.2 Suspicion

In this study, the concept of suspicion is treated to means one group or both do not trust the process used for peacebuilding. This study found out that one of the major challenges facing peacebuilding was suspicion. That whenever certain measures and strategies are put in place to restore peace and ensure that it holds for long time, some group of people will also be sceptical of it and treat it with suspicion not sure, if the whole process will work and take care of their inherent interests.

Regarding the challenges of peacebuilding strategies in the Trans Nzoia County, the key informants stated that;

We the Sabaot are minority in the county. The Luhya and the Kalenjin are more than us in population; however, we also deserve respect and recognition. During elections we make many peace agreements and arrangements about sharing of positions but at the end of the day it all benefits two communities. We have never produced Governor, Senator or County Woman Representative. Sabaot in Bungoma county at least are recognised and have been awarded with Deputy Governor position twice and other senior positions in executive and county assembly, but us here in Trans Nzoia we have gotten nothing. Here in Mt. Elgon also we have gotten in so many agreements with Bukusu over land problem. There are so many organizations that deal with reconciliation over land disputes, however, every time demarcation of land is done, the real people Sabaot beneficiaries are not considered. They are government officials, influential Sabaot senior people and Bukusu who benefit. This has caused a lot of conflict and especially during election time. The lasting peace shall only been achieved with application of the correct land settlement techniques where our people are also considered.

20/12/2022

Saboti

3.1.1.3 Ethnicity

Ethnicity refers to the state of belonging to a group that shares the same cultural or national values (Chetail, 2009). From the study, majority of the respondents as a major challenge to successful peacebuilding indicated ethnicity. Problems arising from ethnic related conflicts have been in existence for long time and little has been done to prevent them. Politicians who take advantage of ethnicity issue for political gains have worsened this problem.

When asked to respond to what factors account for the continued rise in the frequency and intensity of electoral conflict in Kenya even after the promulgation of the new constitution, one participant stated:

We are inclined on our ethnic identities. Am a Kalenjin and am happy to be so. We can run away from our culture as it dictates whom we are. Am a Kalenjin because i follow the norms, values and culture of the Kalenjin tribe. We also elect our leaders depending on our tribes. Am a chief because I come from the biggest clan, and it has been like that since colonial time. This ethnicity has brought problems especially on the election of the Trans Nzoia Governor; we have never gotten it because Bukusu combine with other ethnic groups to defeat us. The aspirants brainwash people with ethnic rhetoric, incitement and threats of eviction to win electoral seats. Unless there is civic education by non-governmental and faith-based organizations before elections for people to understand the rule of law and their rights as electorates there shall always be conflict.

29/11/2022

Cherangany

3.1.1.4 Lack of Facilitation and Training of Local Peace Committees

Despite the huge responsibility that local peace committees have in restoring peace by quick and organized response to the impending conflict, most of the members of these peace committees work on voluntary basis without any facilitation and training. Local peace committees require assistance and training to engage in networking activities, public relations campaigns, expert training, electoral observation and monitoring, conflict prevention and reconciliation programming. They may also require assistance with planning, implementing and monitoring large-scale projects involving elections, resettlements and activities of militia groups.

One the chief who is the chair of locational peace committee who said that supports this:

Locational peace committee has assisted me and my area of jurisdiction to respond to early warning to conflict especially prior and during elections. Whenever we get reliable information about a situation that endangers peace, we quickly summon the person or persons responsible and talk to them. In most cases, these people end up being our informers and always brief us on any person planning to cause conflict in the community. In other cases, some of members of peace communities we visit bursar bars and talk to people. This creates a good rapport between the committee and members of the public. However, expect

myself; other members of the local peace committees have never undergone any form of training. There is also no framework on the works of local peace committees. Furthermore, there is no facilitation even for provision of tea of transport reimbursements during the LPC meetings despite some of the members are forced to travel long distances to the meeting venue.

30/11/2022

Meru Farm

Another chief lamented that:

Locational peace committees were a good and noble idea at its inception. However, there is serious infiltration by politicians. There are locational peace committees that have cronies of the politicians as members. There is no way we could reject persons referred by area member of parliament who come as his representatives. There are cases where some of the members of local peace committees have been found to participate directly in conflict therefore making our work difficulty. Then lack of facilitation makes our response to conflict difficulty. At least we chiefs we have motor circles but other members have to use their vehicles or use boda boda. With current economic situation, therefore there is serious delay in response.

25/11/2022

Nai Farm

3.1.1.5 Unemployment among the Youth

Unemployment refers to the state of joblessness. From the current study, rampant unemployment is a major factor that impedes peacebuilding efforts. With a good percentage of youths jobless, it is easy to manipulate them, especially during electioneering period.

Underscoring the challenge of youth unemployment and peacebuilding challenges, one of the key informants remarked that:

Job creation should be the core responsibility of any government through training citizens to be job creators and not job seekers. The market for the traditional courses is full. Even graduates from teacher training colleges and universities have to stay out for nearly ten years before they are absorbed. Thousands of graduates are leaving colleges and institutions of higher learning. Many end their journey of education at form four therefore engaging themselves with working in other people's farms, hawking groundnuts, bananas, sweets and biscuits. To worsen the situation even these small businesses have been taken up by foreigners. There are many Ugandans and Congolese who hawk goods in Kitale town making lives of our youths even more miserable. These youths now are at the mercy of politicians and criminal gangs for handouts and as accomplices for criminal jobs. Government must create jobs for its youth otherwise worst is yet to happen.

22/12/2022

ADC Area

3.1.1.6 Mismanagement of Elections

This was one of the main challenges highlighted by the respondents. This is what one of the respondents said:

The issue of election conflict has been since early eighties. During mlolongo election style that was managed by district officers, the winner was known before elections. Electioneering was a formality. Any negative reaction to the outcome was met with serious repercussions from the security squad known as special branch as well as from KANU young wing that acted with impunity. Later on during 2007 general election, citizens were subjected to heinous police brutality. Many people lost lives following this police intervention. The presence of the law enforcement officers tended to increase the violence that was going on. It was like rioters became more aggressive whenever police confronted them. The way live bullets were used has never been seen before. Whenever, there was serious election mismanagement there serious security brutality on the citizens.

4/11/2022

Kerita

3.1.1.7 Lack of legal framework for ensuring accountability

The respondents noted that lack of legal framework for ensuring criminal culpability following electoral malpractice and conduct impedes efforts for managing electoral conflicts. As underscored by the key informants and FGD participants, a lack of legal framework for ensuring accountability can hinder electoral peacebuilding in several ways. For instance, one participant observed that:

Without a legal framework in place, it can be difficult to hold individuals or groups accountable for their actions. This can create a sense of impunity and may encourage the use of violence and other forms of misconduct during elections.

Without a legal framework for regulating political advertising and campaign materials, it can be difficult to prevent the spread of misinformation and propaganda. This can lead to increased polarization and mistrust between different groups, and can fuel tensions and violence during elections.

Without a legal framework in place to protect the rights of voters, it can be difficult to prevent voter intimidation and other forms of misconduct. This can lead to a lack of trust in the electoral process and may discourage voter participation.

A lack of legal framework for ensuring transparency in the electoral process can make it difficult to detect and prevent electoral fraud and manipulation. This can lead to a lack of trust in the electoral process and can fuel tensions and violence.

Without a legal framework for holding people accountable for election-related violence or misconduct, it can be difficult for people to seek justice or receive compensation for the harm that they have suffered.

11/11/2022

Kitale

3.1.1.8 Slow Pace in Justice Delivery

A slow pace in justice delivery can hinder electoral peacebuilding in several ways. For instance, a slow justice delivery system can lead to lack of deterrence, closure; accountability, reparations and it can also discourage voters from participating in elections. In support, the findings of the interview and FGDs underscore the vital role of an effective justice system. For instance, some participants noted that:

When justice is not delivered quickly or effectively, it can create a perception that there are no consequences for engaging in electoral misconduct or violence. This can lead to an increase in such actions, thereby hindering electoral peacebuilding efforts.

When victims of electoral violence or misconduct do not see justice being served, they may not feel that their grievances have been addressed. This can lead to feelings of injustice and resentment, which can fuel further tensions and conflicts.

A slow pace in justice delivery can make it difficult to hold individuals and groups accountable for their actions, which can lead to a lack of trust in the electoral process and the justice system.

When citizens see that justice is not being served, they may lose faith in the electoral process and may be less likely to participate in future elections, which can undermine the legitimacy of the electoral process and the democratic process.

A slow pace in justice delivery can also make it difficult for victims of electoral violence or misconduct to receive reparations or compensation for their losses. This can make it harder for them to recover from the harms that they have suffered, which can further fuel tensions and conflicts.

29/12/2022

Malik

3.1.2 Opportunities in Management of Electoral Conflicts

While there are a number of challenges facing the management of electoral conflicts, they can be overcome through a number of opportunities. These opportunities are discussed below.

3.1.2.1 Training Security Personnel

Training security forces entails an exercise carried out to enlighten the security on the importance of using no or minimum force in handling demonstrators. In the Kenyan context, demonstrations have always been regarded as a way of fighting for justice, especially during the electioneering

period. The study's goal was to determine whether or not peace can be built in Kenya through the prevention of electoral strife through the training of security forces. According to the results, 18.4% of people responded with a strong disagreement, 17.1% responded with some disagreement, and 15% responded with a disagreement. However, 16.8% of those polled agreed, 16.2% agreed somewhat, and 9.7% agreed strongly.

3.1.2.2 Conducting Civic Education

Voter awareness campaigns entail steps taken towards educating the voters on their civic and democratic rights (Boone, 2011). Such measures also spread peace messages, urging voters to desist from using any form of violence, even if aggrieved. The research aimed to determine whether or not voter awareness initiatives could reduce electoral violence and contribute to peacebuilding efforts. The results showed that nearly half of the respondents (48.4% to be exact) believed that voter information initiatives may aid in the reduction of election violence and the promotion of peace. Overall, 92.2% of respondents agreed that raising voter awareness can help curb election violence and foster a climate of trust in the democratic process. In contrast, 4.9% of respondents neither agreed nor strongly disapproved.

Respondents felt that civic education was necessary to ensure everlasting peace. As one opined,

We need civic education. It is an important strategy. We need to teach our people that elections are just to help us determine who will be working to serve the nation not to elect who will be eating and nobody need to die because of elections. The civic education needs to be rolled out to the masses in always, and we need to start in schools, primary schools and secondary school to understand the concept of elections. This can be used as way to manage electoral conflict because people understand that any person can be elected as long as the candidate qualifies to be president. The other important thing is the nominations. For you to qualify to become a Member of Parliament, or president you should not pass the nomination stage. Chapter 6 should stop you before you pass the nomination if you do not qualify. The moment someone passes the nomination stage that means you can be president and should be accepted by everyone. Therefore, the people that pass through the nomination stage should be people that do not have a problem.

24/10/2022

Bidii Area

3.1.2.3 Developing Citizen Trust

The study also sought to find out if developing citizen trust is an effective way of building perpetual peace. From the findings, 143(70.4%) strongly agreed, 40(19.6) agreed that developing citizen trust defuses tension and is an effective way of building long lasting peace. On the other hand, 10(4.8%) disagreed, 7(3.4%) strongly disagreed and 3(1.98%) were not sure about whether building citizens trust can reduce electoral conflict. Cumulatively, 90.0% of the respondents felt that developing citizen trust is an effective way of building perpetual peace.

3.1.2.3 The Building Bridges Initiative/Handshake

The Building Bridges Initiative widely known as handshake was born out of the Raila Odinga and Uhuru Kenyatta handshake. As a new peace initiative, it is linked to the handshake but is a different initiative that needs to be given time. If done in the right way, the BBI can be used as an effective peacebuilding strategy. As one respondent narrated,

BBI was a unique peacebuilding strategy that surprised everyone. It was developed out of nothing. The country was becoming ungovernable. The country was divided at the middle between the supporters of Raila Odinga and Uhuru Kenyatta. The coming up of the two through handshake was Godly send. Peace extended to every corner of the country from nowhere. Coexistence between people of different tribes evolved. The two powerful leaders put the country a head of everything and stability of the nation was key. I know there those were not pleased by coming together of the two leaders. But peace and economic stability improved in all corners of the country. The country regained its lost status as an island of peace.

28/10/2022

Kitale Town

However, some people felt that the handshake between the two leaders should be given more time to flourish to determine if it is effective in ensuring peace among Kenyans, as it is only a recent development. As narrated by one respondent:

Building Bridges Initiative is a new phenomenon worldwide. There has never been time the government and the opposition worked together in executive and legislative matters. This was a new idea and its outcome was good for the country but there was no check for the same government that fell in bed with the opposition. A good number of the things articulated in the BBI document were progressive and needed just some fine tuning to befit the country. The late president Moi tried the idea but it never came out well as under the current government. It should be noted that it also led to great divisions in the government and parliament.

31/10/2022

Hospital

3.1.2.4 Economic Development and Empowerment

The study also sought to find out if economic development and empowerment of people is an effective way of building long lasting peace. From the findings, 78(38.5%) strongly agreed, 99(48.8) agreed that economic development empowerment defuses tension and is an effective way of building long lasting peace. On the other hand, 7(3.4%) disagreed, 13(6.4%) strongly disagreed and 6(3.4%) were not sure about whether economic development and empowerment can reduce electoral conflict. Cumulatively, 87.3% of the respondents felt that economic development and empowerment is an effective way of building long lasting peace.

One church leader had this to say during interview session:

Many youths have retreated into drug and alcohol abuse due to lack of job opportunities. Life has become so difficulty that even coming across manual work for

them is not easy. Even the farm jobs are not easily available. Many large-scale farmers have mechanized their farm activities. Planting and harvesting are now done with machines. Farmers today use herbicides instead of manual weeding. Many household incomes have reduced to nearly zero. With more youths engaging in drug and alcohol abuse, cases of criminality have gone up. Theft, assault, rape and defilement cases have increased. During elections, most of these youths become gangs on hire by politicians.

18/10/2022

Maili Nane

3.1.2.5 Enhancing Security, Trust and Electoral Integrity

The political realities on the ground mean that elections frequently take place in highly charged and potentially dangerous social and political environments. As a result, election management boards, political parties, candidates, security forces, media, civil society organizations, religious and community leaders, and judicial officials regularly face the formidable challenge of creating a climate in which citizens can exercise their right to vote or run for office without fear of physical reprisal. These groups will use a variety of methods to promote peaceful elections. Voter violence can be reduced greatly if people have faith in the Election Management Body. It has been noted that an Election Management Body's credibility is the most valuable asset it can have because it may greatly improve election security (William, 2023).

As observed by one head of household in Kiminini Sub County:

Kenya has one of the progressive election laws as stipulated in the Constitution (2010). The election disputes especially the presidential one is handled within very few days after elections. The other disputes are handled within 6 months after elections. These regulations have improved peoples trust in the institution of Electoral Management. These has also reduced occurrence of widespread violence like one experienced in 2007/2008. The remaining problem is the way elections are managed by those put in the office of the Electoral body, the Commissioners. Most of those put there are easily compromised leading to mistrust and violence.

IV. CONCLUSIONS AND RECOMMENDATIONS

4.1 Conclusions

Deduced from the finding of objective three that the major challenge to the peacebuilding process in Trans-Nzoia County is mistrust, while the main opportunity to manage electoral conflict was developing citizen trust. The study concluded that programmes aimed at improving citizen trust in public institutions should be enhanced especially through civic education and public participation.

4.2 Recommendations

The study recommends that programmes aimed at improving citizen trust in public institutions should be enhanced especially through civic education and public participation.

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