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INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

AN ANALYSIS OF STATE RESPONSE TO POLITICAL PROTESTS AND ITS IMPACT ON CONFLICT MANAGEMENT: THE CASE OF KENYA'S 2017 ELECTIONS

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DECLARATION

This research project is my original work and has not been submitted for any award in any other University

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This research project has been submitted for examination with my approval as the assigned University
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DEDICATION

I wish to dedicate this work to my dear family for their unending support and my colleagues for their help and patience during my study.

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ABSTRACT

This study focuses on the response of states towards political protests and its implications to conflict management; case of Kenya in 2017 general elections. It examines the major causes of political protests in Kenya and delved into understanding the interventions that the government employed in responding to political protest in Kenya in 2017 elections. It also analyzed the impact of these responses on conflict management in the country. A key emerging issue in the study is that of inter-ethnic violence that is used negatively by the leaders to stir hatred towards other ethnic communities. The study is concluded with recommendations on more impactful and operational strategies to ensure that the Kenyan government addresses the underlying tensions that send citizens to protests are addressed by allowing for peaceful protests to be conducted. The study further recommends that smaller county oversight bodies/committees be formed to compliment the work of IPOA as well as set clear policing guidelines and provide adequate training for the police. The study sets out two hypotheses. The first hypothesis is, higher levels of state repression trigger higher levels of political protests. The second hypothesis is, the state response to political protests in Kenya is inconsistent with effective conflict management strategies. The study depended largely on primary and secondary data with the use narratives including thematic approach to present the information situated within the conflict theory concepts.

TABLE OF CONTENTS

LIST OF ABBREVIATIONS

CIPEV: Commission of Inquiry into Post Election Violence

ECK: Electoral Commission of Kenya.

FORD: Forum for the Restoration of Democracy

IEBC: Independent Boundaries and Electoral Commission

IPOA: Independent Policing Oversight Authority

PEV: Post-Election Violence

KANU: Kenya African National Union

KPU: Kenya's Peoples Union

NASA: National Super Alliance

NPS: National Police Service

ODM: Orange Democratic Movement.

PNU: Party of National Unity.

UN: United Nations

Chapter One

Introduction to the Study

1.1 Introduction and Background to the Study

The recent past has seen a decrease in global cooperation and security both among and within states. This decline has been manifested in the form of internationalized conflicts, great humanitarian crises, rise of terrorism acts and recruitment of the same, cyber-attacks and an increase in violent attacks from non-state actors. With these happenings, conflict patterns have been shifting and political violence is inclining and manifesting as disorder in different forms and a volatile and elastic feature of political systems.[1] Political violence is increasing rapidly in developed states something which for a long time was witnessed in developing states. Further, protracted conflicts in Somalia, South Sudan, Democratic Republic of Congo and other countries reflect the out of control nature of wars in countries which governments lack sufficient control.[2]

Conflict is incessant in developing states and is a tool used more by the powerful than the poor. Additionally, in this new age, violence arising from militias and gangs is prone to rise due to the fallout of externally controlled peace-building and stabilization mechanisms, imposed elections and corruption. Demonstrations are sharply increasing taking both peaceful and violent forms. However, peaceful protests have minimal effect on political arrangements and first class politics.

In the new age of democratization, citizens are taking up responsibility to hold their governments to account in the pursuit of their demands. Global protests taking place in the international system have increased in number in the recent past especially in the age of

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[1] Armed Conflict Location & Event Data Project. Report. Armed Conflict Location & Event Data Project, 2020. Accessed September 10, 2020. doi:10.2307/resrep24690.
[2] Ibid.

democracy and each day, these citizen-led protests are increasing in number. Interestingly, in the countries where they take place, protests have emerged to be important happenings as they consist of citizens who are insistent to challenge key policies and structures of their governments or power.[3]

Protests tend to be spontaneous and take different patterns which can either small events or massive ones. This study's attention is on those protests that can be considered to be major: those that have the potential of impacting the country at a national level. Such protests will tend to have significant number of people, probably thousands of protestors and may take place for more than a day or two.[4] Despite there being no threshold of defining the numerical consideration for what a protest is, a fairly small number of protestors denouncing the government can be termed as significant political event. Case example was the Azerbaijan anti-government protests in 2011 and 2012 which had major political outcomes despite having few people.[5] As such, the focus is not on the number of protestors but on the impact of the same.

Protests are placed under the arm of social movements which are reckoned as the main carriers of societal conflicts.[6] Actors in these social movements gear towards promoting or opposing social change in their engagement in political and cultural conflicts. Protests are seen as the reserve actions or mode of operation of social movements. They are the resource of the powerless in that; protestor's success is dependent on the mobilization of other groups to join the political arena and not the direct utilization of power.[7]

Apart from those having small numbers of people, most protests involve huge public demonstrations, disorderly direct actions or creative symbolic initiatives to capture the

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[3] Carothers, Thomas, and Richard Youngs. *Report. Carnegie Endowment for International Peace, 2015*. Accessed October 10, 2020. http://www.jstor.org/stable/resrep12845.
[4] Ibid.
[5] Ellen Barry, "Police in Azerbaijan Arrest Antigovernment Protesters," New York Times, March 12, 2011, http://www.nytimes.com/2011/03/13/world/asia/13azerbaijan.html
[6] Oberschall, Anthony (1973) Social Conflict and Social Movements, Prentice-Hall, Englewood Cliffs, N.J.
[7] Lipsky, Michael (1970) Protest in City Politics. Rent Strikes, Housing and the Power of the Poor, Rand MacNally, Chicago, p.1.

attention of public opinion. Lead protestors and participants must beware of the bias use of information in the media and at the same time, have the form of protests adapt to the elements of public institutions.[8] Protests use persuasion and sometimes coercion to obtain their voice and drive their agenda.

Social protests have played a useful role in political growth of many countries[9] and their impact cannot be ignored. Social protests in Latin America and Africa have led to the removal of elected leaders and presidents from their offices before their terms elapsed. Further, during the Global Economic Crisis in Europe of 2008, large scale protests in Europe were witnessed especially in Greece and Spain which greatly shaped the stability of their governments respectively.

One notable feature is despite the intense nature of these protests; they tend to resemble each other in manner of their execution which informs the different analogies and contexts of their happening. While most protestors seek to have peaceful events, they are often times prepared for confrontation or severe treatment from security personnel and sometimes brutal repression. State security forces continuously intervene in protests and this can be argued to be the reason for the significant increase of violent protests especially in Africa.

1.2   Statement of the Problem

Kenya has embraced democracy and other aspects embedded in its constitution like freedoms and human rights. Kenya's constitution allows every citizen the lawful expression of speech and raising grievances. Further, every citizen has the right to be protected and offered security when raising their concerns to the relevant authorities or actors. These provisions have seen significant rise in go-slows, protests and demonstrations by citizens. Often times, mass

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[8] PORTA, DONATELLA DELLA. "Eventful protest, global conflicts." *Distinktion: Scandinavian Journal of Social Theory* 9, no. 2 (2008): 27-56.

[9] Su, Yen-Pin. "Anti-Government Protests in Democracies: A Test of Institutional Explanations." *Comparative Politics* 47, no. 2 (2015): 149-67. Accessed September 10, 2020. http://www.jstor.org/stable/43664137.

protests with large numbers of participants will be politically related and the participants ascribing to the opposition side of the divide. This means that the state (the ruling party) has the responsibility of protecting the protesting civilians if the protests are peaceful and non-violent.

Unfortunately, this has not been the case as the state uses force through the security forces to counter the political protests. This translates to a change of events where, protests that were initially peaceful end up being violent and at times turn into riots resulting to scores injured and sometimes fatalities. Arguably, this sometimes is not the case where protestors start the violence and usually blame to the other parties as a form of sabotage. However the subject of the study being state response to political protests in Kenya, the study points out the Kenyan government for employing policing and use of excessive force as a way to manage conflict which often leads to violence and can be attributed to the longstanding tensions among certain groups in the country as well as the recurrence of political violence.

It is with this in mind that this study seeks to examine the responses undertaken by the government to manage political protests in Kenya and their role in management of political conflicts.

1.3 Research Questions

This study is guided by the following research questions:

1.3.1 What are the major causes of political protests in Kenya?

1.3.2 What are the government interventions in response to political protest in Kenya?

1.3.3 What are the impacts of state responses to political protests on conflict management in Kenya?

1.4   Research Objectives

Broadly, this study analyses state response to political protests and the role this plays in the management of conflict in Kenya.

Specific Objectives

1.4.1   To investigate the major causes of political protests in Kenya.

1.4.2   To identify the government interventions in response to political protest in Kenya.

1.4.3   To analyze the impact of state responses to political protests on conflict management in Kenya.

Literature Review

Introduction

This section covers scholarly work around the triggers of protests in the international system, addressing both the short and long-term triggers. It also addresses the global dynamics and trends of protests in the various global regions; Europe, Asia, North America, Middle East and North Africa, South America and finally Sub-Saharan Africa. This gives a vibrant understanding of the concept protests and the developments surrounding the subject.

1.5.1   Triggers of Protests

Due to the divergent natures of protests, it is difficult to point out triggers of the same even when the focus is on one country. In most cases however, protests are ignited by a specific grievance at the onset then evolve to involve other issues that the citizens may find unhappy. Different school of thought analysts would view triggers of protests through their lenses for instance, the democrats would view anti-government protests as pro-democracy activities, economists would argue protests to be as a result of economic effects, corruption enthusiasts view protests to be driven by anger as the key driver while political scientists view consider

political factors to be the drivers for the same.[10] This section will highlight the short-term and long-term triggers of protests.

1.5.1.1 Short term Triggers

A trigger cause is an action or activity by an actor that when touched it causes the existing conflict to spark into full blast violent conflict. Short term triggers of protests and conflicts in general are always an exhibition of built up grievances over long time and needed a spark to explode/be expressed. This study categorizes the short-term triggers as political and socioeconomic in mass protests.

Political Triggers

Political protests are the major triggers of mass protests. This could be resulting from poor or lack of democracy, lack of transparency and accountability, corruption, corporate influence, police brutality and violence, authoritarianism, election malpractices, unconstitutional extension of president's terms etc.

The last decades has seen a series of political mass protests especially after 2011 in Egypt that led to the ousting of Hosni Mubarak. The demonstrations in Tahrir Square showed the Egyptians longing for social justice, dignity, rage over corruption, democracy desire, and economic inequality frustration.[11] The same desires fill in for the Ukrainian protests in 2014 after citizens expressed grievances resulting from political repression, poor governance, alteration of government policies regarding European integration.[12]

One of the admirable political protests was the infamous "Umbrella Movement" in Hong Kong that resulted from election illegalities. Hong Kong's Umbrella Movement started

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[10] Op Cit 3, Carothers, Thomas, and Richard Youngs.

[11] Bahgat Korany and Rabab El-Mahdi, eds., The Arab Spring in Egypt: Revolution and Beyond (Cairo: The American University in Cairo Press, 2012).

[12] Marc Morjé Howard and Meir R. Walters, "Mass Mobilization and the Democracy Bias," Middle East Policy 22, no. 2 (2015): 145–55.

manifesting on 28 September 2014, after mass protesters opened umbrellas to protect themselves from pepper spray and tear gas fired by the police as retaliation to the protests.[13] The Syria case is a significant illustration of political protests against the government of Ba'athist. The protests began as peaceful in 2011 and government's intervention through use of police and troops in an attempt to censor the protests worsened the situation and has placed Syria in the war state it is currently in.

Africa has its own fair share of political protests. This study considers Africa to be at the top where leaders unconstitutionally want to remain in power and suppress their opposers. These authoritarian regimes are a breeding ground for political grievances and often times leads to outbursts of protests as witnessed in Somalia against Siad Barre, Uganda against president Museveni, Sudan's protests against Omar al-Bashir, Burundi protests against the late president Nkurunzinza, South Africa, Nigeria, Democratic Republic of Congo against Kabila among other countries.

Socioeconomic Triggers

The socioeconomic triggers of protests are a duo of social and economic dissatisfaction or feelings of grievance from citizens. Economic issues may be but not limited to austerity measures, high food prices, pension, reform of public services, high cost of living, working/labor conditions, currency devaluation, unemployment, high fuel prices, high wages, poor living standards, widening income gap, poverty. Social issues include; land/cultural rights, indigenous rights, freedom of speech, labor workers' rights, women rights, ethic/racial rights, immigrant rights, religious rights etc.[14]

Economic factors have been a trigger cause for protests in Malaysia, Azerbaijan, Ukraine, Belarus and Russia. High taxes in Greece, severe policies in United Kingdom,

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[13] Hui, Victoria Tin-bor. "Hong Kong's Umbrella Movement: Authoritarianism Goes Global: The Protests and Beyond." *Journal of Democracy* 26, no. 2 (2015): 111-121.

[14] Op Cit 3, Carothers, Thomas, and Richard Youngs.

indigenous rights in Chile, subsidy cuts in Nigeria are all evidence of economic triggers of protests across the globe.[15] In South Africa, the wage issues, high cost of living and gender-based violence have been relatively constant triggers of conflict. Protests in India have been sparked by the desire to see policy change. Corruption as a trigger is often as a result of the doings of politicians or those in power shifting to repellence towards the governing system. The wide growth of public awareness over corruption stirs uprisings against corrupt practices and individuals.[16] Such was the case in Brazil in 2015 after allegations of corruption in the oil sector which stirred anger towards the political class.

1.5.1.2 Long term Triggers

These could be political and institutional factors that have an influence on the factors that give rise to reactions in a society and are always hidden/under the surface and unless one looks into them, they may be ignored to have an impact on individual's actions. This study looks into technology, economic trends, democratic wave and civil society factor as elements of change that trigger protests.

Technological Advancement and Communication Platforms

The significant growth of technology and emerging trends in the age of globalization is a phenomenon that cannot be ignored. The swift availability of information to people creates awareness, which helps individuals to position themselves towards those with power, compare political and economic positions between their countries.[17] This spread of information enables citizens keep tabs with what is happening in their neighboring countries and the world at large thus effecting change through following the wave.

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[15] Ibid.

[16] Laurence Cockcroft, "Global Corruption, Global Protests: The Odds of Success Against the System," E-International Relations, July 22, 2013, http://www.e-ir .info/2013/07/22/global-corruption-global-protests-the-odds-of-success-against-thesystem/.

[17] Larry Diamond, "Liberation Technology," Journal of Democracy 21, no. 3 (2010): 69–83.

In the age of social media, information spreads faster than wild fire and communication has never been simpler with the expansion of channels of communications. Technology advancement facilitates better techniques in the issues surrounding protests in terms of organizing protestors, project, sharing and document evidence of visual happenings of the protests, share and give access to information, locations and share logistics of the protests such as transport routes etc.[18] Technology has greatly enabled communication challenges such that most protests can be followed live as they happen and show state response to the same thus changing the dynamics and notion of protests.

Global Economic Trends

Economic growth in the developing countries and the communist world has given rise to new middle classes. This has formed an expectation of exceeding material goals and giving access to education, travel, communication, trade, governance etc. and has given a new perspective and capabilities to these issues. Such enlightening has stirred up the emotions of individuals. For instance, mass protests in Ukraine, Hong Kong, Turkey, Malaysia, Thailand and Russia have been carried out by the middle and the upper middle classes rather than by the poor as it has been the norm. Tunisia and Egypt in 2010-2011 did have protests that saw fostering of policies that caused economic growth excluding large members of citizens thus creating inequalities.

Economic growth in the developed world has been slow and abrupt declines in economic status contributed to the rise of protests among these countries. This was heightened in the period of 2008-2009 during the famous Global Financial Crisis that highlighted the phenomena of sustained slow economic growth in the Western countries which triggered

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[18] Ibid

protests across the countries.[19] These included Iceland, Australia, and America protests dubbed "Occupy Wall Street", anti-bank protests in cities like London, Frankfurt and Washington.[20]

Global Advancement of Democratic Cycle

Global wave of protests in the 1980s and 1990s aided in setting off the democratic season in many countries. States that had been battling with transitioning smoothly in engaging their citizens on understanding this new phenomenon found the protests creating awareness among citizens observing neighboring countries thus employing the same route and advance the growth of democracy. Citizens in countries struggling with democracy are often unhappy with how democracy works and would often prefer other political systems.[21] This inbuilt dissatisfaction formed a perfect environment for protests against their forms of government.

Internalization of the norm of democracy is firm in that citizens go an extra step of protesting when their governments breach their democratic principles and rights. In Turkey, the government administration by the Justice and Development Party overextended its political powers and violated its citizen's expectations thus prompting protests in 2013. Further, citizens have become more aggressive and their expectation of governments and holding them accountable has been proactive and there is an innate desire to demand accountability.[22]

Civil Society Growth

The civil society across the globe has grown extremely fast and its reach to the roots of the communities has been immense. This growth has been seen in the forms of religious groups or organizations, professional associations, youth and women groups, student groups, financing collectives, village cooperatives, labor unions etc. the growth has been an enabling

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[19] Cristina Flesher Fominaya (2017) European anti-austerity and pro-democracy protests in the wake of the global financial crisis, Social Movement Studies, 16:1, 1-20, DOI: 10.1080/14742837.2016.1256193
[20] Ibid.
[21] Op Cit 3, Carothers, Thomas, and Richard Youngs. P 10.
[22] Thomas Carothers and Saskia Brechenmacher, "Accountability, Transparency, Participation, and Inclusion: A New Development Consensus?" (Washington, DC: Carnegie Endowment for International Peace, 2014), http://carnegieendowment.org/ files/new_development_consensus.pdf

factor for increased growth for protests especially in the countries where previously, civil society had little or no voice /influence.

This growth has seen great democratic progress thus reflecting formal and informal citizen based organizational life. This growth has promoted the new protest-wave by giving citizens the platforms to exhibit their grievances, opportunities to express open dissatisfaction and offer institutional systems to accumulate discontent. Additionally, the civil society growth has created awareness of basic rights to individuals and educated them of expectations of their rights thus creating basis and avenues for individuals at the community level have a justification of holding their governments accountable and execution of the same.

1.5.2   Global Protest Trends

The last 10 years has seen a great global drop in cooperation and security. This decline has been reflected through humanitarian crisis, rise of nationalisms, internationalization of war, rise of terrorism and terror organizations, cyber-attacks and protracted conflicts in developing countries. The rise of these security issues creates tensions prompting individuals take action through protests as a form of safeguarding themselves. This section looks at the global protests dynamics as follows.

1.5.2.1 Europe

Between 2009 and 2019, there has been an increase in protests against governments by about 12.2% annually and study records show an increase of over 216% of mass protests in 2019 compared to 2009.[23] These numbers peaked in 2016 across Europe and in each country; the triggers and causes of the conflicts are different. In Poland, protests were resulted by relapsing democracy, refusal of civil liberties at the hands of law and justice. In United

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[23] Brannen, Samuel J., Christian S. Haig, and Katherine Schmidt. The Age of Mass Protests: Understanding an Escalating Global Trend. Report. Center for Strategic and International Studies (CSIS), 2020. 4-14. Accessed September 11, 2020. doi:10.2307/resrep22600.6.

Kingdom, protests were about calls for a 2nd Brexit referendum, anti-immigrant and anti-refugee protests that were also seen in Germany, Czech IA and France.[24]

In Spain, the Catalan independence was the topline of protests in 2016. Three years later, this period saw other protests over the imprisonment of Catalan separatists' leaders by the Spanish government. The protests attracted over half a million people and despite it beginning as peaceful protests, the conflict mutated to riots after police violently intervened. France had its share of protests in 2018 via the Yellow Vests movements that were against the rising fuel prices, inequalities, government pension reforms etc.[25]

1.5.2.2 Asia

The Asian region's anti-government protests increased by 9% in the last decade with 158% more than in 2009.[26] In Indonesia, the Islamists groups held mass protests due to election malpractice cycles in 2016. The Indian security forces killed a separatist leader from Kashmir and this triggered protests against the government which in turn, reverted with force and injuring thousands. Further, it is in the same year that India saw the largest union workers demonstration in history over labor rights that saw over 180 million people participate. The Candlelight Revolution in South Korea saw millions demand the ousting of President Park Geun-Hye over corruption charges.[27]

1.5.2.3 Middle East and North Africa

The Arab Spring protests were the epitome of global protests[28] and since then, the region has witnessed significant levels of unrest as several cases of anti-government mass protests. In Algeria, mass protests resulted from economic stagnation, corruption and

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[24] Ibid.
[25] Ibid
[26] Ibid
[27] Delury, John. "The Candlelight Revolution." Dissent 64, no. 2 (2017): 98-101. doi:10.1353/dss.2017.0035.
[28] Anderson, Lisa. "Demystifying the Arab spring: parsing the differences between Tunisia, Egypt, and Libya." *Foreign Aff.* 90 (2011): 2.

unemployment. The trigger cause was the announcement by President Abdul-Aziz Bouteflika to contest for another term and in March 2019; citizens took to the streets for him to step down.

In Lebanon, protests in 2019 were triggered by taxing gasoline, high costs for cellphones, corruption, unemployment and economic mismanagement by the government. The protests were successful as they saw the prime minister resign. In Iran, Egypt and Iraq the concern for protests were the same; from corruption, economic stagnation, mismanagement of public resources, increase in fuel prices among other issues. In all the countries, governments intervened with repression.[29]

1.5.2.4 Sub-Saharan Africa

This is one of the regions in the world that has had the most numbers of protracted conflicts, most of which are intrastate. Protests are normally as a result of poor leadership o authoritarian leaders who want to cling to power. Other issues like corruption, poor living standards and sluggard economic growth, increase in price goods also play a big role in triggering these protests. In Sudan, protests against President Omar Al-Bashir's regime triggered his ousting through a military coup. In South Africa, the triggers were as mentioned above but the main trigger was urbanization and increase in informal settlements.[30] In Zimbabwe protests were repressed aggressively by the government leading to arrests and deaths of protestors that instilled fear bringing the protests to a halt after 3 days.[31]

1.5.2.5 North America and South America

These two regions have experienced high protest activities. It is interesting to note that the triggers for the protests are often times similar; corruption, political repression inequality,

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[29] Op Cit 23 Brannen

[30] "Unemployment, youth total (% of total labor force ages 15-24)," World Bank Group, Accessed December 19, 2019, https://data.worldbank.org/indicator/SL.UEM.1524.ZS.

[31] MacDonald Dzirutwe, "Fuel Prices protests in Zimbabwe turn deadly," Reuters, January 14, 2019, https://www.reuters.com/article/us-zimbabwe-economy-strike/fuel-price-protests-in-zimbabwe-turn-deadly-idUSKCN1P80RH.

economic crisis, police brutality, austerity, high cost of living. In Venezuela, trigger was President Maduro's sneaky inauguration and the protests were to stop him but failed. In Bolivia, the trigger was election fraud and the protests sought to pressurize President Evo Morales to resign and were successful. What followed was a series of counterdemonstrations from Morales supporters.[32]

1.6 Justification of the Study

This study uses both academic and policy justifications:

1.6.1 Academic Justification

While this study recognizes that there are a number of academic work linking policing protests and human rights issues, there is a dearth of knowledge on how state responses to political protests impact conflict management. The academia will learn a lot from the study criticize it and do further research to fill the gaps. This study will provide new insight and knowledge on the internal political dynamics of Kenya and avail academic literature necessary for proposing reforms that would have positive effects on political, social and economic platforms of the country.

1.6.2 Policy Justification

The study contributes to the provision of solution and the methods to be employed in controlling election related violence. This will impact greatly on reduction of incidents of criminal activities and lawlessness. This study will benefit; the Government officials and security agents, who will gain by building on their strength and improving on their weaknesses from the 1992-2017 election violence; the members of the public will take advantage of this

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[32] Bjork-James, Carwil. *The Sovereign Street: Making Revolution in Urban Bolivia*. University of Arizona Press, 2020.

research literature and present their views on the research topic which will be brought forward and disseminated while releasing bottled up emotions will also be a relief to most of them.

This study will provide insightful knowledge to Kenyan government agencies regarding the need to use mediation and negotiation strategies in dealing with the local conflicts that could result in political, economic and/or social instabilities. On the other hand, the study provides sound knowledge that can be applied in political and governance structures that bring everlasting peace in a society. It significantly demonstrates the need for acceptable responses to political conflict as a way of restoring peace, political, social and economic stability of a nation.

1.7 Hypotheses

1.7.1 Higher levels of state repression trigger higher levels of political protests.

1.7.2 The state response to political protests in Kenya is inconsistent with effective conflict management strategies.

1.8   Theoretical Framework

There is no an all-encompassing theory that speaks to the subject of states' response to political protests in the international system. This study notes that a number of theories address the issue of political protests as opportunities, but fail to address the state's use of repression towards protests. This study finds the Relative Deprivation Theory as the most appropriate and will attempt to illustrate how repression as the state response affects political protests arising from unmet/unfulfilled needs. The study is therefore anchored on this theory.

Relative Deprivation Theory

The failure of political frameworks to reliably live up to individuals' social and material desires can transform into a negative state of mind that prompt political activity. A continued progress in life conditions may in the long run start to decrease, including a state joblessness,

15

declining material creation, and lopsided taxation rates.[33] Notwithstanding disintegrating conditions, expectations in light of needs and goals will in general stay consistent. As people's expectations cannot be suppressed or contained for a long time, their frustration will be prompted and action taken. Therefore, a move from social and economic advancement to a state of recession is experienced with an elevated level of vulnerability and nervousness. Relative deprivation emerges from the gap between individuals' desires and their genuine obtainment particularly equivalent to capacities.

Davies in illustrating the "J Curve" argues that, people's expectations rise in a straight manner at a similar rate, even in case of diminished fulfillment at a genuine level.[34] Broad mainstream discontent stems from a sharp inversion of material fulfillment, joined with an extensive stretch of rising expectations. Consequently a vicious response to a sudden recession is most likely to be accompanied by a continued period of economic and social progress. For example, during the Russian and Egyptian Revolutions of 1917 and 1952 respectively, economic progress and the rising hopes were followed by sharp and unexpected worsening of life.[35]

Relative deprivation submits that, the fluctuation in human expectations and fulfilment results in a wide level of dissatisfaction and the feeling s of frustration result from a growing difference between the expected and obvious reality. Instability will then rise when the expectations exceed the actual fulfillment of human desires.[36] This expectation never stops as long term improvement of the human needs creates room for greater expectations thus the continued cycle of lack fulfilment. This raises grievances and triggers individuals to demand accountability and have their expectations fulfilled through protests that can either be violent or non-violent.

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[33] Jeong, H. W. (2008) Understanding Conflict and Conflict Analysis, Thousand Oaks, CA: Sage Publications
[34] Davies, J. C. (1962) 'Toward a theory of revolution', American Sociological Review, 27(1): 5–19
[35] Ibid.
[36] 1, Jeong, H. W. (2008) Understanding Conflict and Conflict Analysis, Thousand Oaks, CA: Sage Publications

These protests will always cause states to interject and try to repress them to guard their security and interests. Repression maybe through the use of police, courts or governments depending on the regime.[37] Moore argues that when states encounter domestic opposition, they will exchange strategies that will accommodate the repression and behavior of the individuals.[38] The more violent the protests become, the more repression the governments will employ.

This study employs the relative deprivation theory to illustrate how governments use repression as a tool to address protests that arise out of citizen's frustrations and expectations of the governments.

1.9   Research Design and Methodology

This chapter provides the research design and the methodology of the study. It is organized as follows; description of the study area, research design, study locale, target population, sampling design, data collection, data analysis, ethical consideration. Research design in this study was carefully undertaken to attain full description of the study situation and to achieve minimum bias during the collection of data and to reduce errors in interpreting the data collected. This study used a case study research design with the focus on the 2017 PEV with a qualitative and quantitative based in-depth analysis of the collected data.[39] The case study research design was preferred to provide explanations that can be used in other similar cases.

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[37] Opp, Karl-Dieter, and Wolfgang Roehl. "Repression, Micro mobilization, and Political Protest." *Social Forces* 69, no. 2 (1990): 521-47. Accessed September 11, 2020. Doi: 10.2307/2579672.

[38] Moore, Will H. "The Repression of Dissent: A Substitution Model of Government Coercion." *The Journal of Conflict Resolution* 44, no. 1 (2000): 107-27. Accessed September 11, 2020. http://www.jstor.org/stable/174624.

[39] Cooper, D. R., & Schindler, P. S. (2014). Business Research Methods. The McGraw− Hill Companies.

1.9.1   Study Locale

The study was conducted in parts of the Nyanza region and specifically Kisumu, Siaya, Homa Bay, Kisii, and Mathare and Kibera in Nairobi. It was also conducted in government and international organization offices where interview respondents who were professional in conflict and human development related fields were drawn from. The rationale behind the choice of the study locale was that many victims of the 2017 PEV live in those selected areas.

1.9.2   Sampling Design

This study used purposive sampling and simple random sampling techniques to determine the sample. The sampling techniques used in this study are the best option to optimize the number of the sample size, which were necessary to provide a credible and reliable study results for this topic.[40] This study focused on three groups of respondents: at least 1 individual working with international agency, at least 1 individual working with the government agencies and 120 victims of post-election violence living in the target areas. From each of the target areas a sample of 20 respondents were selected randomly.

1.9.3   Data collection

The data was obtained from both primary and secondary sources. The primary sources include questionnaires, interviews; focus group discussions as well as key informants who were in the field. The secondary data was collected from books, journals, newspaper articles, magazines, charters and documentaries.

1.9.4   Data Analysis and Presentation

The data collected was sorted and categorized thematically and later processed based on the objectives of the study. This was done with the aim of capturing important data directly relating to the research questions focusing on 2017 election violence. The narratives gathered

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[40] Kothari, C. R. (2004). Research methodology: Methods and techniques. New Age International.

were analyzed using qualitative and quantitative methods. Findings were presented using tables, pie chart and bar graphs.

1.9.5   Ethical Consideration

This study adhered to the stipulated research procedures by the University of Nairobi, it followed the guidance of the supervisor and ensured acknowledgement of all the sources of information. The researcher was given permission to undertake the study by the National Commission for Science, Technology and Innovation (NACOSTI). The study maintained the full confidentiality of the participants and only reveal and quoted those who give consent.

1.10 Chapter Outline

This study is structured around five chapters.

Chapter one "**Introduction to the study**" introduces and provides background information on political protests in the international system. It also covers the statement of the problem, objectives of the study, research questions, and the theoretical framework, justification of the study and methodology of the paper. The chapter critically discusses the literature review on the studies done before regarding causes of political protests in the international system and the global dynamics of protests.

Chapter two, "**Causes of political protests in Kenya**" reviews the drivers to political protests in Kenya over the years. It also analyses what makes such protests violent.

Chapter three, "**Interventions by the government in responding to political protest in Kenya in 2017 elections**" examines the interventions by the State in the management of conflict in parts of Kenya during the 2017 elections. It delved into how the government has responded to political protests over the years— between the colonial time and 2017. It discusses the motivations for its involvement, categorizing this into national security interests, economic and political interests. It hypothesizes that state response to political protests in Kenya is inconsistent with effective conflict management strategies.

Chapter four, "**The impact of state responses to political protests on conflict management in Kenya**" shows the implications of the interventions and strategies used by the government to manage political protests have on the overall state of peace in the country. This chapter hypothesizes that the responses by the Kenyan state have brought about a sense of peace in the country. Higher levels of state repression trigger higher levels of political protests.

Chapter five, "**Summary, Conclusion and Recommendations**" gives an overview of the finding of the study and gives the conclusion based on the emerging issues of the study. It then gives two recommendations for further areas of research. After this, there is the annex of the sample questionnaire used in the study for collecting primary data and the bibliography.

Chapter Two

Causes of Political Protests in Kenya

Introduction

After the death of President Jomo Kenyatta, Daniel Moi took over the office at a time when Kenya had single party system. It is alleged that his regime was characterized with decisions and implementing policies that were in favor of his ethnic group, something that had also been seen during the reign of Kenyatta. To enhance this, the opposition was constantly repressed through use of forceful and indefinite detentions, torture and use of extra force. This caused grievance and was followed by an attempted coup in 1982 that saw Moi's regime amending the constitution and tightening it to have a one-party state. In 1991 there was sustained pressure on Moi's regime by the civil society and donors which caused him to yield to allow for multiparty elections in 1992.[41]

Since this transitioning, elections have been characterized with violence which largely stems from electoral malpractices or grievances from at least one of the contesting parties/candidates. Between 1991 and 1993, there was a witness of the first series of election-related protests and violence between the then ruling party Kenya African National Union (KANU) and the opposition. 1997 elections were also marred with violence; a replica of the 1992 violence. The 2002 general elections was largely peaceful in the history of elections in Kenya. 2007 general elections serves as the most tragic of political violence that saw over 1500 people dead and many others displaced. Consequent elections of 2013 and 2017 have been characterized with protests and some form of violence. This chapter therefore seeks to review the drivers of political protests in the country over the years.

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[41] Commission of Inquiry into Post-Election Violence, Report of the Commission of Inquiry into PostElection Violence 'Waki Report', Nairobi, 2008, 25.

2.1   Triggers of Political Protests in Kenya

Political demonstrations and picketing is a practice that is seen in almost every election season and this study arguably consider it as the most common of all demonstrations witnessed in the country. While the constitution of Kenya provides for peaceful and unarmed freedom to assemble, picketing and petition to the authorities,[42] it is unfortunate that these demonstrations often times turn out to be violent where at least individuals end up being hurt and in the worst scenarios, lose their lives. The term "protests" as this study notes is not recognized in international law despite its frequent usage in both legal and non-legal frameworks. This study borrows ARTICLE 19's definition of "protests" as the individual or collective proclamation of oppositional, dissenting, reactive or responsive views, values or interests.[43] Peaceful protests are allowed by the state provided they are legitimate and they crucial in devising opinions, expressing and protecting interests, views and political opinions.

This study notes that going back into history, peaceful political protests end up taking the violent trajectory and it is therefore important to understand the reason behind this. Political violence is defined as 'the undertaking of violent acts driven by a desire, knowing or unknowingly, to gain or maintain political power'.[44] The pursuit of political goals is at the core of political protests of the notion whether the end goal is gaining or not gaining political power.

Political violence can be ascribed to both state and non-state actors where, non-state actors use of violent means to push a political agenda while the state use force (excessive or not), both against its own citizens and against other states and their citizens as was in the case of the Rwanda genocide. This section categorizes the triggers of political protests in Kenya in two broad areas: powerful ethnic presidency and socio-economic causes.

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[42] Kenya Constitution
[43] Article19, 'Right to Protest in Kenya', Report, September 2019. Retreived From, https://www.article19.org/wp-content/uploads/2019/11/Kenya-Free-to-Protest-Article-19.pdf on 18th June, 2020.
[44] C Moser and F Clark, Victims, perpetrators, or actors? Gendered armed conflict and political violence. New York: St Martin Press, 2001, 36

2.1.1 Powerful Presidency and Manipulation of Ethnicity

Politics in Kenya are conducted along ethnic lines where election of leaders by the electorate is carried based on identification of the tribe of the leader rather than their merit of the position. Therefore, supporting and resisting political leaders of the country have most times been focused along ethnic lines. In turn, some political leaders upon assuming power and forming government have rewarded and demonstrated favoritism to individuals from ethnic groups that supported them, while marginalizing or keeping off individuals belonging to ethnic groups ascribed to political opponents. The Waki Report makes attention on how Moi's regime rewarded his supporters especially the Kalenjin by appointing them to political offices and positions in both the public service military.[45] Political opponents to Moi's regime saw these appointees not fit for the position on competence basis.

Further, The Report also notes that during the 1980s and 1990s 'land grabbing and the allocation of public land as political patronage were part of the gross corruption of this period'.[46] Land allocation was used as a reward for public officials and individuals considered to be 'politically correct',[47] those who were on the "right side" of power. As a result, such ethnic form of leadership has projected political power to be viewed as crucial for obtaining access to public goods hence distinguishing individuals benefitting or marginalized from such access.

Additionally, political leaders in Kenya have personal interests of obtaining power due to the institutionalization of large-scale corruption.[48] With phrases such as "we have suffered for too long" or "how long will only two tribes lead us/benefit from power", political leadership is driven on the notion that if a leader from one ethnic community is elected, then that

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[45] Waki Report, 25.
[46] Waki Report, 31.
[47] Republic of Kenya, Report of the Commission of Inquiry into the Illegal/ Irregular Allocation of Pubic Land (The Ndungu Report), Nairobi: Government Printer, June 2004, p. 8.
[48] Human Rights Watch, Ballots to bullets, 11−12.

community will be redeemed from their misfortunes. Gaining political office is viewed as 'a struggle for survival' and if power is obtained, the belief is that access to minimal resources is guaranteed, and if not; marginalization and exclusion is deemed to follow.[49] This triggers aggression when individuals from ethnic communities who perceive to be marginalized or oppressed for a long time miss out on having their leader(s) elected.

Further, political protests in Kenya largely revolve to the presidency position compared to other political positions. This study arguably considers governance in Kenya to be in a crisis as a number of leaders do not work for their country but for themselves and political supporters and this is argued to stem from independence where centralized power is in the position of a few.[50] The Waki Report indicates that, 'power has been personalized around the presidency and this has been increased by changes in the Constitution under each President since independence. Laws are routinely passed to increase executive authority, and those laws seen as being in the way are oft en changed or even ignored'.[51]

This, coupled with Kenya's constitution gives the president extensive powers, increases the "winner takes it all" calculus due to the perception that the president's power and political class determines the flow of everything. As such the public belief that someone from their tribe must be in power to safeguard their benefits and as a defense mechanism from other ethnic groups taking over power and "enjoying" outcomes of the sane like taking up jobs and acquiring land. Acquisition of presidency is core and costly to lose therefore despite the argument that only a few benefit from such an arrangement. This pushes individuals to protest should they feel that the elections would be unfavorable to them or an insinuation of electoral malpractices.

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[49] Hansen, Thomas Obel. "Political violence in Kenya: a study of causes, responses, and a framework for discussing preventive action." *Institute for Security Studies Papers* 2009, no. 205 (2009): p. 5.
[50] Op Cit 67, Human Rights Watch, Ballots to bullets, 11–12.
[51] Waki Report, 28.

2.1.2   Socioeconomic Causes

2.1.2.1 Land Issue

Land conflicts can be traced back again to the colonial period. Before the colonial time, land in Kenya was managed communally by communities and it was allocated to households and no certifications and deeds were given to the owners to prove that they had the legal ownership of the parcels of land. This therefore gave a leeway for the white settlers to grab and loot fertile and arable land amounting to 2.8 million hectares that belonged to the Kenyans.[52] This meant that many people were displaced from their homes had to seek refuge elsewhere. The then Rift Valley Province for example, the communities were displaced and their land was owned by the white settlers during the British colonial era.

According to Kagwanja,[53] the Kenyan violence erupted partly because of complex and long accounts of land dealings among ethnic groups. In support, Njogu (2009)[54] elucidates that members of the ethnic group in power were allocated land or allowed to utilize land often at the expense of other ethnic groups. The Kalenjin and Kikuyus had past issues concerning land that were never addressed. This further fueled the post-election violence.

As Achieng (2014) illustrates, in 1939, before Kenya attained independence, the Kikuyus were forcefully moved from their land in central province. Their land was occupied by the white settlers. They went to settle in Rift Valley province. Musyoka (2013) narrates that after Kenya gained independence, more Kikuyus settled in the Rift Valley since they were

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[52] Kumar Rupesinghe, "*Theories of Conflict Resolution and Their Applicability to Protracted Ethnic Conflicts*," October 1, 1987, International Peace Research Institute, Oslo retrieved from http://journals.sagepub.com/doi/pdf/10.1177/096701068701800405 on 7th September, 2020.

[53] Kagwanja, P. (2009). Courting genocide: Populism, ethno-nationalism and the informalization of violence in Kenya's 2008 post-election crisis. Journal of Contemporary African Studies, 27(3), 365-387.

[54] Njogu, K. (2009). Healing the wound: Personal narratives about the 2007 post-election violence in Kenya. Nairobi: Twaweza Communications.

protected by the power of Kenyatta who was the president at that time. During Moi's tenure, he used his powers to settle the Kalenjin in the Mau forest (Odallo, 2011; Hickman, 2011).[55]

According to Kanyinga et al. (2010),[56] the unaddressed land issues contributed to the post-election violence. Supporting the notion, Hickman (2011) argued that the manner in which the land question has been addressed contributed greatly to the violence. These include the question of control of, access to and land rights in land that was known as the white highlands during the colonial period (Achieng, 2014). Since independence, the government has not satisfactorily addressed land matters. In support of the same notion, Mutua (2008)[57] and Kagwanja (2009) elucidated that land was the driving force behind casting of votes by the Kalenjin people. They believed that ODM would help them get back their land once they were in office. Land issue was the key trigger and the reason why they were angered by the results that were announced after rigging of the elections.

At independence, land redistribution process began and the process was flawed since some individuals who were not the initial owners, grabbed huge chunks of land for themselves. Further in Rift Valley where most people had been displaced, the redistribution process involved giving land to not only the Kalenjin who were the indigenous communities but it was also given to the Kikuyu, Luo and Luhya ethnic groups who had come in Rift Valley to work on the Rift Valley White Highlands farms and in search of better employment. As such there were views and allegations that there had been special preferential treatment in the redistribution process especially to the Kikuyu ethnic group.

Therefore, there was pre-existing seeds of conflict especially between the Kalenjin and the Maasai who were the indigenous and the Kikuyu ethnic community who were the immigrants. The issue of land was not resolved therefore and it boiled over time and it was first

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[55] Odallo, B. N. (2012). An Analysis of the Post 2007 General Election Conflict Mediation Process in Kenya. LLM Dissertation, University of Pretoria, South Africa.

[56] https://doi.org/10.1080/02589346.2011.548672

[57] Mutua, M. (2008). Kenya's Quest for Democracy: taming leviathan. Lynne Rienner Publishers.

manifested in 1992 during the general elections. In addition, when president Kibaki evicted the Kalenjin from the Mau forest in 2003 which they considered to be theirs, it caused part of the inbuilt grievance that later came to break out during the 2007 violence.[58]

2.1.2.2 Ethnicity

Ethnicity is another factor that fueled the violence, which erupted after the announcement of the 2007 presidential election results. According to Njogu (2009)[59] and Hickman (2011), ethnicity in the Kenyan society contributed to imbalance in development in the country. Political parties established to fight colonial rule were distinct ethnic unions since a single ethnic group could not win elections on its own. In support of these notions, Munene (2012) and Odallo (2012) argued that, these political parties made it possible to gain political and economic power. Through ethnicity, access to resources was made easier and political power was preserved. As a result, Mutua (2008) asserts that communities that had people of their tribe, as leaders seemed to be more developed as compared to others. Consequently, the support of a political candidate is increased by the fact that he/she belongs to a particular ethnic group (Achieng, 2014).

Ethnicity in its purest form can be defined as a common identity of a group of people who often identify themselves with a larger society which includes other groups within the nation as a whole. This identity they ascribe to is often based on culture.[60] Ethnicity as a component of statism has been ignored by the mainstream international relations theory. Ethnic attachments are transitional and as such, their false consciousness tends to become readily apparent as individual states and the global system move to upstage them, thus limiting the

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[58] Cussac, A. (2008). "Kibaki Tena?" The challenges of a campaign Lafargue, J. (Ed.). *The general elections in Kenya, 2007*. (pp. 55-104). Dares Salaam: Mkuki Na Nyota Publishers, Ltd.

[59] Njogu, K. (2009). Healing the wound: Personal narratives about the 2007 post-election violence in Kenya. Nairobi: Twaweza Communications

[60] Paul R. Viotti & Mark V. Kauppi, "*International Relations and World Politics: Security, Economy, Identity*", 2009, 4th Ed, Pearson Education International, Prentice Hall, New Jersey, pp 419-20.

importance of ethnicity. It is worth noting that ethnic groups and conflicts transcend country borders.

The general perception that had been developed in the country is that if members of a particular tribe have one of them in State House, they can easily have access to the national cake. As a result, Kenyan political parties are operated under ethnic lines (Kagwanja, 2009). According to Mutua (2009), value is attached too much to ethnicity rather than political policy and ideology that would address economic and social problems with a special king of fairness. According to Kanyinga et al. (2010)[61], ethnic politics deepened its roots in Kenya because the members of a particular tribe hope that state resources will be shared with them if the party they are inclined to wins the election.

Political divisions along ethnic lines have been the order of the day since 1991 after the introduction of the multi-party system. There have been allegations that there has been an element of privilege and inequality that has been ethnically driven whereby the Kikuyu ethnic community has been favored and privileged both politically and economically over the other ethnic groups by the administration in power. Kenya's political structure is conducted mainly along ethnic lines with principal political actors in the country thriving on ethnicity to mobilize constituencies and numbers.[62] Further, elections are won on shrewd, well calculated alliances that are ethnically affiliated rather than on the basis of performance and achieving the greater national vision. Ethnicity is therefore an indicator for voting and partisan attachments in politics. Therefore, in this particular case, the conflict was caused because people were "defending" their political leaders due to the "our person" narrative instead fighting against a worthy cause such as electoral injustice.

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[61] https://doi.org/10.1080/02589346.2011.548672
[62] Op Cit 60, Paul R. Viotti & Mark V. Kauppi, "*International Relations and World Politics: Security, Economy, Identity*", 2009, 4th Ed, Pearson Education International, Prentice Hall, New Jersey, pp 419-20..

2.1.2.3 Poverty and Unequal Distribution of Resources

Socio economic factors, for example, broad poverty, inconsistent distribution of resources, high joblessness rates and land disputes have frequently been highlighted as 'underlying drivers' of political violence in Kenya. There is by all accounts a sense among certain onlookers that scholars of political violence in Kenya are generally disappointed with social and economic states of life. Kenya has an estimate 2,000,000 jobless youth. Joining a group may for some be viewed as a 'lifestyle' that can expand conceivable outcomes. At the point when these groups take part in political violence, individuals are in some cases guaranteed payment for their participation, and furthermore less coordinated perpetrators can profit from looting.

Poverty and opportunism is a great motivation and stirs up willingness to engage in political violence by individuals from low income villages. Involvement in political violence is driven by a general sense of discontent in the society's model of wealth distribution. Wealth distribution in Kenya varies from one person to another and access to the same is never equal. With this view in mind, political violence is a way of indicating displeasure in the harsh state of life that contradicts the elite's way of living which is often associated to corruption and political connections. Questions around land distribution and ownership in Kenya are central in explaining political dynamics of the country..

Holloway and Stedman submit that the underlying economic conditions in a state form a risky ground for violence.[63] Some societies experience protracted conflicts because war is lucrative for some individuals and groups. Economic factors are particularly severe when linked with forms of discrimination between groups. This gives the view by some groups that

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[63] David Holloway and Stephen John Stedman. "Beyond state crisis? postcolonial Africa and post-Soviet Eurasia in comparative perspective" (2002): 161.

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there are robust unequal economic opportunities and access to incomes, as well as enormous gap between the living standards of groups that could give rise to grievances.[64]

Studies have focused on the role by scarcity or relative scarcity of resources as the main causes of violence at both individual and group levels. Structural modification policies and the ever-changing resource allocation may also trigger violence. The 'resource-war' school of thought proposes that, collective entities involved in violent conflict are primarily motivated by economic agendas as opposed to grievances. As such they are led by greed. Therefore, this study argues that based on this economic drive to amass wealth, Kenya's elite will use any means to assure the electorate of economic gains and their growth, only to end up benefitting themselves thus stirring mixed emotions leading to protests.

2.1.2.4 Historical Injustices

Election-related violence is often a pointer of the difficulties encountered in regard to economic growth, nation building and the merging of political power. Kenya has witnessed this through violence of wavering degrees widening steadily during elections since 1992. The 2007 Presidential election is the recent experience of political violence resulting from contested results and saw heightened violence. Despite Kenya being viewed as a model for political strength and economic growth in Africa[65] the post-election violence from the 2007 poll must be viewed through the lenses of unfair acquisition/allocation of land settlement schemes since the 1960s. Violence is a process, not an occurrence. Therefore, despite the spontaneous nature of violence, often times they reflect a longer structure of historical decisions and political actions.[66]

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[64] Ibid.
[65] Anderson, David, and Emma Lochery. "Violence and exodus in Kenya's Rift Valley, 2008: predictable and preventable?" Journal of Eastern African Studies 2, no. 2 (2008): 328-343.
[66] Ibid.

Kenyans are aggrieved and feel sidelined by the state. As a result, they don't relent in engaging in violence as retaliation to the oppressing forces thus causing outbreaks of violence and unending conflicts. Azar argues that a prolonged social conflict represents the often long and violent competition by communal groups for needs like security, appreciation, equal access to political institutions and economic involvement which are a recipe for violence.[67]

In the post-colonial period, in many multiethnic societies states emerged as those dominated by a single common group. This communal group overlooks the needs of other communal groups, hence causing frustration and polarization.[68] Further, individuals will aim to fulfilling their group needs via their collective identity group. Deprivation of human needs will escalate grievances that individuals express collectively.

Conclusion

This section demonstrates that the triggers of political protests in Kenya are not just the current happenings. They have a history and are largely related to ethnic division and historical injustices. This explains the reason behind high tension every election period because the grievances and innate longing for the fulfillment of these needs has not been met. Not only have these needs been the triggers for political protests but have also been capitalized by leaders during elections with the promise of meeting them to maintain power.

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[67] Azar, Edward E. "Protracted international conflicts: Ten propositions." In Conflict: Readings in management and resolution, pp. 145-155. Palgrave Macmillan, London, 1990.
[68] Ibid.

Chapter Three

Government Interventions in Responding to Political Protest in Kenya

This chapter examines the interventions by the State in the management of protests in Kenya during the 2017 elections. It gives a historical perspective of how the government has responded to political protests over the years since the colonial times until 2017. It discusses the methods the state has used to address political protests.

Introduction

A key negotiating tool of opponents of authoritarian rule remain demonstrations. Opposition politicians are the major beneficiaries of protests whether they help start up popular mobilizations or depend on students and civil society to do so. Public demonstrations of dissent may weaken the legitimacy of the governments and reinforce the hand of the opposition both in the country and abroad. Violence around policed protests becomes trapped in the political brawl between current leaders and the opposition who are both keen to gain support at national and international levels.

Protests highlight key and dramatic moments in the endeavor by opponents to widen political opportunities. Government responses in turn, send clear indicators of continued authoritarian patterns or allow political expansion. In transitional moments, when bargaining over political space heightens expectations of violence resulting from public order increases and states intervene to police the protests. This kind of violence is often ascribed to the disorder

of the "crowd" and state try to justify their actions in quelling the protests.[69] This study pays attention to how states have been responding to political protests especially in periods around elections.

3.1 Context of Political Protests in Kenya

3.1.1 Colonial and Post-Colonial Period

Political protests are very old in Kenya since the colonial period. This was at a time when Acfrican coutries were fighting for their independence. Kenya witnessed the rise of Mau Mau rebellion who were protesting against the colonial government, white settlers and collaborators of the governments.[70] In retaliation, the colonial government attacked the protestors and members of the rebellion movements, isolated, tortured and killed many of them. Despite this response from the government, the rebellion movements did not back down until they saw Kenya attain its independence in 1963.[71]

Immediately after independence, Kenya became a de facto one party state under KANU with Jomo Kenyatta as the president. His regime until his death in 1978 was marked with high levels of favoritism and leniency for one ethnic group, Kikuyu, which he came from. President Kenyatta's rule saw Kikuyu's obtain huge land parcels and displace native owners from other ethnic communities from Maasai, Samburu and Kalenjin. This displacement has constantly brewed conflicts in the country to date and is a reason for contemporary triggers of conflicts. His government comprised members of the Kikuyu having top and lucrative position at the expense of other ethnic communities.

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[69] Klopp, Jacqueline M., and Elke Zuern. "The Politics of Violence in Democratization: Lessons from Kenya and South Africa." *Comparative Politics* 39, no. 2 (2007): 127-46. Accessed September 12, 2020. http://www.jstor.org/stable/20434030.
[70] Interview, 11th August, 2020.
[71] Ibid

These allocations excluded Oginga Odinga, the then prominent leader of the Luo ethnic community, who together with his supporters felt that Kenyatta had taken advantage of them only to get power. Kenya's People Union (KPU) was formed by Oginga Odinga and other defectors from KANU which had massive support from citizens although it was strnger in Nyanza province. KPU was constantly met with opposition and violence from the state as a way of intimidating its members.

Kenyatta's regime was also marked rampant political protests rising from isolated cases of political assassinations. The assassinations of political leaders who were against the government; Pio Gama Pinto in 1965, Thomas Joseph Mboya in 1969 and Josiah Mwangi Kariuki (JM) in 1975. These high profile assassinations stirred up emotions from their supporters. Specifically, the murder of Tom Mboya led to protests both in Nairobi and in Kisumu where he hailed from because his murder was considered to halt the political progress of the Luo community. KPU was later banned in 1969 after anti-government protests in Nyanza towards President Kenyatta over the assassination of Tom Mboya. The protests left tens of people killed and scores injured after Kenyatta's security opened fire towards protestors.

3.1.2 Political Protests Context in the 1980s

The death of President Kenyatta saw Daniel Moi, from the Kalenjin ethnic group, become president still under KANU. The wave of democratization was rapidly moving during this time and the one party political system was at the disposal of being shaken. The 1980s was a time that saw the rise and significance of political protests which also saw them come in new forms. Protests in this era saw politicians as the main sponsors of violence hire youths to offer them security and violently protest against their opponents.[72]

Like Kenyatta's regime, Moi's era was marked by anti-government protests to oppose his style of leadership. KANU, the ruling party and also the government, used political

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[72] Ibid.

highered youth wingers to harass protestors during the nominations of election candidates in 1987. During this time, the voting process was through the "*Mlolongo System*" in 1988 where members would line up to form queues for their preferred candidate. Electoral malpractice would arise where individuals with short queues would be declared winners. This turned out to protests and the state used the youth wingers to fuel the conflict.[73] Moi used his dictatorship, violence and patronage to balance the ethnic groups' interests and maintain power.

3.1.3   1990s Political Protests Context

The onset of multi-party politics in Kenya introduced a new dimension of politics and was a threat to KANU. Protests in this age were considered a great threat to elections and the process of democratization. KANU continued to use harassment, violence and intimidation to suppress its opponents. Eventually, there emerged conflicts and disagreements within the party with politics of seats occupancy and positions prevailing.[74]

Democratization advancement in this era saw other actors enter into the political scene such as student movements. University of Nairobi students under their body then; Student Organization of Nairobi University (SONU), engaged themselves in politics and went to the streets demanding their rights and resignantion of the government. This was followed by violent attacks, arrests and mysterious killings such as that of student leader, Titus Adungosi.[75]

Multi-party politics gave room for the growth of new political parties although most were founded along ethnic lines.[76] The Forum for the Restoration of Democracy (FORD) was formed and became the main opposition party. The opposition leaders who were fighting for change attempted to have a rally, "Kamukunji Rally" in 1991 but the government intervened violently and the youth wingers in collaboration with the police and General Service Unit

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[73] Ibid.
[74] Ibid
[75] Op Cit 1 interview
[76] Elischer . 2013. Political Parties in Africa: Ethnicity and Party Formation in Africa. New York: Cambridge University Press.

attacked the opposition and their sympathizers. However, FORD didn't hold water for long as there were internal tensions that saw its break up to form FORD-Kenya and Ford-Asili.[77]

On elections Moi used violence and rigging to win and manipulate the involvement of other actors. Further, he used ethnic strategies to win over support from the communities. For instance, its alleged he asked Kalenjins to attack, kill and evacuate the Kikuyu's and other communities from the opposition from the disputed lands that were allegedly owned by them.[78] This triggered violence in those areas as well as in the Coast region. Further, urban protests against the election results were met with violent acts from the security forces.[79]

3.1.4 2007 Election Protests and Violence

After the 1997 elections, Kenya experienced a relatively peaceful election season in 2002 that saw election of Mwai Kibaki as the president and end of KANU rule. After the elections, the period was relatively calm besides the referendum campaigns for a new constitution in 2005 that failed. This is after Raila Odinga broke from their pact with President Mwai Kibaki and formed the Orange Movement. This political dynamics saw Raila run against the incumbent Mwai Kibaki for presidency in 2007 which was marred by high violence.

In the 2007-08 post-election violence, the trigger cause of the conflict was the announcement of Kibaki as the president by the Electoral Commission of Kenya and him being sworn in hastily within 35 minutes which was illegal and breaking the tradition of having an inauguration day.[80] This immediately sparked violence in Nyanza and in several slums in Nairobi such as Kibera, Mathare and Mukuru-kwa-Njenga with the violence and killing being directed mainly against the members of Kikuyu ethnic group in several areas such as Rift Valley, Nyanza, Western and Coastal Kenya. The same was reiterated back with the Kikuyu

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[77] Ibid.
[78] Branch, Daniel. 2011. Kenya: Between Hope and Despair, 1963-2011. New Haven, CT: Yale University Press.
[79] Levitsky, Steven & Lucan Way. 2010. Competitive Authoritarianism: Hybrid Regimes After the Cold War. New York: Cambridge University Press
[80] Mutua, M. (2008). *Kenya's quest for democracy: taming the leviathan.* London: Lynne Rienner Publishers.

ethnic communities attacking and killing the non-kikuyu in areas such as Rift Valley, Naivasha and Nakuru. Over time, the conflict spread out across the country.

The conflict resulted to over 1000 deaths of people and left over 300000 people displaced.[81] This is the most humanitarian crisis that Kenya has ever experienced since its independence with the violence being so severe, widespread and had traumatizing consequences with many left injured, loss of lives, property and displacement.[82] The conflict emerged with news of reported killings, property looting and destruction especially through burning.[83]

This was followed by mass butchering of people, sexual violence, rise of militia gangs such as the "Mungiki" who are ascribed to the Kikuyu community origin, the "Taliban" and "Baghdad Boys" ascribing to the Luo community and the "Sabaot Land Defence Force" coming from the Kisii community who escalated the conflict by organizing the pattern which it took place with the youths being the main actors in the conflict.[84] The conflict was characterized by ethnic groups targeting and attacks against one another and this caused a great civil unrest as indicated in the Waki Report.[85]

Despite the heightened conflict, both parties Kibaki and Raila declined to sit for negotiations to end the conflict with both standing firm on their grounds. Kibaki insisted that he was the constitutionally elected president and that he was able to maintain the conflict from within while on the other hand, Raila's ground was that he had won the election rightfully and wanted to be sworn in as the people's president. Due to the great magnitude of the conflict, it couldn't be ignored and it attracted concerns from the international community calling for the

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[81]Elisabeth Lindenmayer and Josie Lianna Kaye, "*A Choice for Peace? The Story of Forty-One Days of Mediation in Kenya*," August 2008, International Peace Institute, retrieved from, https://peacemaker.un.org/sites/peacemaker.un.org/files/KenyaMediation_IPI2009.pdf.
[82]Kanyiga Karuti, "*The Legacy of the White Highlands: Land rights, Ethnicity and the Post-2007 Election Violence in Kenya*," Journal of Contemporary African Studies, Vol. 27, No. 3, (July, 2009) pp. 325-344.
[83]Jeffrey Gettleman, "*Disputed Vote Plunges Kenya into Bloodshed*," New York Times, December 31, 2007, p. 1.
[84] Ibid.
[85] Waki Report, October 2008.

need of peace and solve the conflict. The conflict management theory that was applied to solve this conflict was the mediation theory.

3.2   States' Response to Political Protests

Prior to the 2017 general elections the general campaign mood was peaceful although filled with tension. Raila Odinga and his coalition party actors known as National Super Alliance (NASA) were running against incumbent President Uhuru Kenyatta and his deputy William Ruto. Raila and co accused the government and the Independent Election and Boundary Commission (IEBC) of a scheme to rig elections. This resulted in a series of protests by the opposition before the elections. Further, the murder of Chris Msando, the manager of Information Communication and Technology (ICT) of IEBC, raised concerns around the dynamics of the anticipated elections. Protests spurred in some parts of the country demanding justice for the same.[86]

On the election day the atmosphere was peaceful but the consecutive days after that were full of anxiety and suspension due to delay in declaring the poll results thus raising concerns of lack of transparency in vote tallying. The IEBC declared Uhuru Kenyatta and the opposition rejected the results accusing the government for manipulating them. They filed a petition and the entire election was nullified and new election announced. However, the opposition boycotted the new elections and what started as peaceful protests for reforms turned into violent protest leaving several killed and others injured.

3.2.1   Police Disrupting Peaceful Protests Using Violence

Whereas the constitution of Kenya provides for the freedom to protest peacefully, the first response to protests by the state is always releasing police to counter the protesting civilians, worse even should the protests be carried out by the opposition. Additionally, the

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[86] Houreld Katharine, "Protesters demand rapid inquiry into murder of Kenya election official," Reuters, 2017. Retrieved from; https://fr.reuters.com/article/us-kenya-election-death-idUSKBN1AH47G September 8th 2020.

Public Order act controls the planning of public picketing and protests, demanding in its Section 5(2) that the organizers of public meetings or processions inform in writing the regulating officer at least three days before the actual day but not more than fourteen days, to ensure order of the meeting.[87] This "notice system" for assembly replaces the 'permit system' to increase freedom of assembly for citizens.

The National Police Service officers consider that they mandated by law to license public gatherings thus having entitlement to disrupt them for lack of license. The police have consecutively clobbered protesters with batons and clubs, lobbed tear gas or violently called off demonstrations. In 2017 both pre and post-election series, the police did the same including firing live weapons at civilians.

In 2016, the Coalition for Reforms and Democracy (CORD), an opposition political coalition) planned public protests and demonstrations tagged the "anti-IEBC demonstrations" calling for the dismissal of the IEBC. The Independent Policing Oversight Authority (IPOA) monitored and scrutinized the operations of the NPS officers during the protests and the degree to which they complied with national, regional and global norms of protests management. IPOA demonstrated use excessive force on vulnerable persons by police including women, children, persons with disabilities; brutally harassing and unlawfully arresting protestors.[88] During the protests, the police used water cannons, lodged tear gas canisters and physically beat protesters with batons7 .

In a report by Amnesty International and Human Rights Watch, it is recorded that the deaths associated with the protests were numbered to be 67 most of which resulted from gunshot wounds, beatings by the police or trampled while fleeing, shock from trauma and

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[87] The Public Order Act, Revised 2012.
[88] IPOA, Monitoring Report on Police Conduct During Public Protests and Gatherings: A Focus on the Anti-IEBC Demonstrations, February 2017 available at http://www.ipoa.go.ke/wp-content/uploads/2017/03/IPOA-Anti-IEBC-Report-January-2017.pdf accessed 28 September 2020.

others from teargas and pepper spray fired at close range.[89] The police response in Nairobi was in many informal settlements like Kawangware, Kibera, Mathare, Kariobangi, Baba Dogo, Dandora and Korogocho.[90] Incidences of police misconduct were also reported in Nyanza and Western regions which were the opposition's strongholds. Police were and still are being blamed for using excessive force as a first resort in response to protests as opposed to having that as the last resort. They also demonstrate irresponsible and reckless use of weapons as in cases reported of victims who were shot by stray bullets from police.[91]

3.2.2 Ban of Protests by the Government

NASA protests against the IEBC and the government over elections saw the government invoke Section 5 of the Public Order Management Act to ban NASA protests. The acting Cabinet Secretary of the Interior and Coordination of National Government, Dr Fred Matiang'i gave the order prohibiting the protests within the Central Business Districts iof Nairobi, Mombasa and Kisumu.[92] This move was argued to contradict Article 21 of Kenya's constitution that allowed peaceful protests and freedom of assembly.

Despite defense from the state that the ban of the protests was not to anyway curtail the constitutional right of NASA supporters to protest,[93] this study suggests that this move was indeed meant to gag the protestors. Further, analysts argued that the ban would only give the police leeway to the police to enforce crackdown on opposition supporters.[94] Additionally,

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[89] Amnesty International & Human Rights Watch*, "Kill Those Criminals" Security Forces Violations in Kenya's August 2017 Elections*, October 2017 Report. Retrieved from; https://www.hrw.org/sites/default/files/report_pdf/kenya1017_web.pdf on September , 11 2020.

[90] Ibid.

[91] Ibid.

[92] KTN NEWS, "Acting Interior CS Fred Matiang'i bans NASA demonstrations in Nairobi, Kisumu and Mombasa CBDs", October 2017, Retrieved from: https://www.youtube.com/watch?v=gWyyEM8YcqA on September 11, 2020.

[93] Ibid.

[94] Amnesty International, *Kenya: Ban on demonstrations must not legitimize police crackdowns*, 12 October 2017, available at: https://www.refworld.org/docid/59e4832c4.html [accessed 12 September 2020]

considering that this invocation was made barely two weeks to the new date of elections, it would cause tensions among citizens who had already felt their expectation of free and fair elections carried by already unmet. Therefore, clawing their right to assemble and protests as the repression methodology was only heightening grievances and mistrust of the government.

Conclusion

This chapter was an attempt to illustrate the reaction of the state towards political protests in Kenya with the focus on the most recent 2017 political protests. The study shows that political protests in the country have existed since the colonial times and have evolved in their happenings even as individuals get a better understanding of their rights. Further, the study notes that political protests in the country have revolved mainly around poor governance and election-related issues. The study also notes that the state has used the police as the major actor of executing political repression and often times, it is violent in nature. In testing the hypothesis of the inconsistency of state response to protests, the study establishes that low levels of repression by the state reduce oppositional violence while high levels of government increase oppositional violence.

Chapter 4

State Response to Political Protests in Kenya

This chapter shows the implications of the interventions and strategies used by the government to manage political protests have on the overall state of peace in the country. This chapter hypothesizes that the responses by the Kenyan state have brought about a sense of peace in the country.

Introduction

Conflict is a pervasive phenomenon in our society and the international system at large. There is a probability that it could happen whenever in our society and this it can happen between people, groups, organizations and states. Hans Morgenthau argues that men will always fight each other to the extent of using fists when arms to fight are not available.[95] Conflict dates back to the inception of human history and this study argues that most likely, it will never come to an end. As the realism school of thought would allude, states are the main actors in the international system, selfish and will seek to amass power for themselves.

Therefore, since human beings are the entities comprised in a state, it can be argued that human beings are innately selfish and they will always seek to address only that which is in favor of them, thus conflict will always exist as long as this is the norm. Therefore, the survival of human beings in the international arena is based on their management efforts towards conflict and addressing the values and interests of a particular conflict.

At the most basic level, conflict is a disagreement that is; an opposition or a collision of interests which may exist between/among states, national or ethnic groups. Christopher Mitchel argues that conflict is present when the parties involved have the perception of

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[95] Morgenthau, H.J. (1948) Power and Ideology in International Politics (New York NY: Alfred A. Knopf).

incompatibility of goals existing among them.[96] The extent to which the actors perceive their goals are incompatible and their nature determines the strategies that will be employed to manage those conflicts which may be nonviolent or at different degrees or levels of conflict. Since it's inevitable, the challenge that arises is that we can't do away with all conflicts as some seem to be not harmful thus doing away with them all may not be so. It can therefore be argued that conflicts cannot be resolved completely, but rather they can be managed, especially those that have traits of being constructive, by removing the negative parts of it.

4.1   Implications of state response to political protests on Conflict Management in Kenya

State response via the NPS to protests at large in the country is wanting. Police response to protestors is indicative of a bigger problem in how they have traditionally understood their role in public order management, which has seen them recurrently retort to protests with unwarranted lethal force. This form of intervention has impacts whether it is to serve the state interests or personal goals of the regime. The following are some of the implications of state response to political protests:

4.1.1   Culture of Impunity and Lawlessness from the Police

Violent police attacks and acts in the recent past have indicated how they violate human rights in their enforcement of the law. There has been evidence of police misconduct; from looting property, brutality, killings, engagement in sexual and gender based violence are all a breeding ground for the formation of impunity culture both within the police system and in the society.

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[96]Christopher R. Mitchell, *"The Structure of International Conflict",* London: Macmillan, 1998, pp. 15-25.

Continued use of police by the state to act on matters of protests has given the police liberty to do as they please. In 2017 after the elections, it was reported that police went into the slums to follow protestors even after dispersing them from the streets. This goes against the standard operations. Further, the General Service Unit police conflicted with University of Nairobi Students following the arrest of Embakasi Member of Parliament Babu Owino, also former student leader at the institution after his arrest over claims of abusing the president.[97] In solidarity, students protested outside the university premises demanding his release. They were met with retaliation from the police who raided the institution buildings and battered the students. The police went into classrooms and hostels indiscriminately beating anyone they found.[98]

The police brutally dispersed a group of protesters, although not a political protest, comprising of primary school pupils, their parents, teachers and civil society members at Langata Road Primary School in 2015. The group which was peacefully protesting against the grabbing of the school's play field was encountered by over 100 police officers. The police were armed with guns and tear gas canisters to "protect life and property while maintaining the safety of the pupils." However, the police lobbed tear gas which caused a stampede and five pupils and one NPS officer got injured.[99]

Police are regularly protected from liability of using excessive use of force during protests by the state. Hardly are police officers investigated or prosecuted for the killings of civilians and inflicting injuries on civilians. A major contributing factor to this impunity is that there is no lawful standard to measure or evaluate the force which police officers use during

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[97]   Amnesty   International,   *Kenya   2017/2018*,   2018.   Retrieved   from https://www.amnesty.org/en/countries/africa/kenya/report-kenya/, 7th September, 2020.
[98] Interview, Former University of Nairobi Students Association Leader, 8th August 2020.
[99] INCLO, Lethal in Disguise: The Health Consequences of Crowd-Control Weapons, p 46 available at http://www.khrc.or.ke/
publications/113-lethal-in-disguise-health-consequences-of-crowd-control-weapons/file.html   accessed   28 September 2020.

protests. This gives them the liberty to do what they want and "justify" the use of force hence creating difficulty hold the accused officers accountable through the legal process.[100]

Further, apart from the shortcomings of the legal structure, opportunities for victims of police brutality to get justice are often and available to victims of police misconduct are overshadowed by institutional shortcomings, procedural hindrances, high rates of exoneration and corruption to throw the cases away.[101] To add on, most of these cases of police brutality are investigated by fellow police and therefore there's great room for bias and manipulation of the truth just to let fellow officer "off the hook" or save the image of the police. Kenya has seen numerous actions of cover up and political manipulation in protecting perpetrators and NPS officers by the executive.[102]

Public confidence in the NPS officers in Kenya is very poor as most of the public members identify the police with corruption and impunity.[103] Therefore, the public is generally reluctant to cooperate with the police and share information with them on most matters. With the increase of police disorder and violent actions towards protestors (civilians), the relationship is bound to deteriorate. Tension and animosity heightens and civilians view police as the enemies instead of being security service providers.

Police threats and aggravation against human rights protectors and civilians aim at continuing corrupt practices and impunity, in an attempt to mute efforts of bringing the authorities under public scrutiny and justice. The implication of this culture by the police on conflict management is that, public confidence and trust in the police which has a general impact on the national security of the country. Instead, fear is instilled in the citizens and the mindset that police are against them especially during protests will always trigger violence.

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[100] Interview, Officer from the Independent Policing Oversight Authority, 23rd October 2020.
[101] Ibid.
[102] Oscar Foundation for Legal Aid in Kenya, Shielding Impunity, 2006, http://apcof.org.za/File_uploads/File/Shieldingimpunity.pdf (accessed 27 September 2020).
[103] South Consulting, Kenya's 2013 General Election; A Review of the Environment and Electoral Preparedness. Review Report , October 2012, www.dialoguekenya.org (accessed 27 September 2020)

4.1.2 Democracy and Kenya's Constitution Violations

The second implication of the offensive response by the state towards conflict is that there is dilution of the constitution and raising questions on democracy and respect of human rights. The repression measures employed by the government in the recent past have proved to disregard the rule of law through unconstitutional acts committed to quell political protests.

The judicial sector has been on the limelight by receiving threats from the presidency and other executive actors. After the August 8, 2017 elections were announced, the NASA coalition filed a petition in the Supreme Court to have the elections nullified. The Supreme Court in its ruling mentioned that the elections were marred with illegalities and irregularities thus ordering for a new election. The executive, in as much as it stated that it respected the ruling of the courts, it also made statements that would insinuate lack of credibility on the part of the court. For instance, President Uhuru was quoted having said that "… six people went against the decision of millions of Kenyans…"[104] Such statements would be seen to overstep the mandate of the judiciary and question its independence.

Judicial process has also been violated in the form of electoral cases in the courts taking longer times than other cases. This, the study argues, is a strategy by the leading regime to sabotage the court process and out win the opponent in the event that there was malpractice. There have also been allegations of threats and intimidation to the life of judges. For example, the shooting and wounding of Justice Philomena Mwilu, the Deputy Chief Justice of Kenya two days prior to the new elections on October 26,2020.[105]

On policing protests, it has been indicted multiple times that police use force on the protestors especially those from the opposition faction resulting in deaths, inflicting grave injuries, firing live ammunitions, a bias that the protestors are violent, abuse of the rights of

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[104] Al Jazeera English, "Kenya court nullifies presidential vote, 2017. Retrieved from https://www.youtube.com/watch?v=VG8sIlbh56s (accessed 28 September 2020)
[105] Op Cit 3, Amnesty International, *Kenya 2017/2018*, 2018. Retrieved from https://www.amnesty.org/en/countries/africa/kenya/report-kenya/, 7th September, 2020.

arrested protestors and displays of prejudice in policing decisions.[106] As part of the Public Order management act, police ought to protect civilians and offer basic necessities that maybe needed during the protests for example medical aid. However, this has never been the case in Kenya and the instead, the police are part of the violence perpetrators. This undermines the laws of the country.

Adding onto partisan policing of protests, it is important to note that supporters of both NASA and Jubilee (the coalition between the incumbent President Uhuru and Deputy President William Ruto) took to the streets to protest on their respective grievances. The grievances for the opposition supporters were as highlighted above while pro-government supporters went to the streets after the annulling of the electoral results claiming that they were biased.

While police officers violently dispersed opposition protestors, pro-government protesters were allowed to demonstrate without any intervention by the police. For instance, on 19 September 2017, Jubilee Party supporters outside the Supreme Court in Nairobi were protesting accusing the Court of "stealing" their victory.[107] Jubilee Party protestors also blocked roads and burned tyres in towns of Eldoret, Nyeri, Nakuru and Kikuyu, all which were its strongholds. There were similar demonstrations in the towns of Nakuru, Kikuyu, Nyeri and Eldoret.[108] This partisan management of political protests is an indicator of manipulation of the law to fit ones interests.

Unlawful declarations and inhibiting rights and freedom have been the strategies of responding to the political protests in Kenya. As indicated in chapter three, the government banned the NASA protests[109], a move that was considered to be against the law that aimed to

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[106] International Federation for Human Rights, *Kenya's scorecard on security and justice : Broken promises and unfinished business*, July 2017, N° 696a, available at: https://www.refworld.org/docid/59884ec64.html [accessed 26 September 2020]

[107] Op Cit 3, Amnesty International, *Kenya 2017/2018*, 2018. Retrieved from https://www.amnesty.org/en/countries/africa/kenya/report-kenya/, 7th September, 2020.

[108] Ibid.

[109] Op Cit 91, KTN NEWS, "Acting Interior CS Fred Matiang'i bans NASA demonstrations in Nairobi, Kisumu and Mombasa CBDs", October 2017, Retrieved from: https://www.youtube.com/watch?v=gWyyEM8YcqA on September 11, 2020.

halt the anti-IEBC protests. Further, the state has on numerous occasions defied court orders to both allow protests by the opposition and also provide them with security.

This study argues that the government's ban on public gatherings and protests created the ground for intense battles between the police and opposition supporters. Further, the efforts to impose the illegal resulted in preventable deaths and many police mistreatments. The ban was in need of police resources to offer security services and protect citizens and displaced individuals across the country. The ban was finally lifted on February 8, 2018.[110]

The October 2017 elections saw Jubilee Party re-elected for a second term and the opposition took to the streets again. This time round, the opposition leader Raila Odinga decided that he would be "sworn in" as the "People's President of Kenya" as a mockery of election fraud in Kenya. The state tried to oppose this move by sending threats that the venue would be closed for renovation as well as having event was illegal. However, the state on the material day never sent police to the venue.

It is important to note that one of the most historic thing about this "swearing in ceremony" was the decision by the government to put the country in a state of "black out" by gagging the media.[111] The government claimed that it banned the media as a control measure of hate speech. However, this was seen as a shut down and denying freedom of information to citizens and control the reach of information on the crisis. The ban was lifted on February 4th 2020.[112]

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[110] Eric Firkel, "Kenya ends public assembly ban, citing 'improved' security after unrest", Jurist, February 8, 2008, http://jurist.law.pitt.edu/paperchase/2008/02/done.php (accessed October 4, 2020).

[111] Article 19, "Kenya: Media shutdown ahead of Odinga "swearing in" ceremony," Jan 2018. Retrieved from https://www.article19.org/resources/kenya-media-shutdown-ahead-odinga-swearing-ceremony/

[112] Human Rights House, "Kenya government lifts ban on live broadcasts," February 5, 2008, also at: http://www.humanrightshouse.org/dllvis5.asp?id=6267 (accessed October 4, 2008).

Conclusion

This chapter notes the instances which the state has responded to political protests prior and after the general elections of 2017. The study, from the interview respondents, saw that the police used excessive force on the protestors and the state stayed mute on such incidences. The bans on media and NASA protests by the government illustrated infringement on human rights and freedoms that individuals are entitled to. As such, it is clear that the measures employed by the state were not in any way addressing the grievances of the protestors as it is expected in conflict management. Instead, the protests were suppressed with physical violence hence depriving them satisfaction.

<center>**Chapter Five**</center>

<center>**Summary, Conclusion and Recommendations**</center>

Introduction

This section summarizes the study on the state responses to political protests and their implications on conflict management. It sums up the general concepts around political protests including the triggers of political protests and how states have addressed political protests in Kenya. Finally, it will examine the impacts of state response towards political protests in conflict management. Conclusions and recommendations for the case study will be presented in the last section of the study.

5.1   Summary

The study sought to understand the state response to political protests in Kenya and determine the impact of the same in conflict management. The study has shown that political protests are a global phenomenon and just like any conflict, they will be as a result of unmet needs of the participants. The international law provides the place for the freedom of assembly and demonstration.[113] Political protests will have the citizens of the state in question as the main participants who have taken up the responsibility of to bring their governments to accountability in addressing political, social and economic issues.

The age of democratization speeded the spread of protests across the globe thus creating awareness and best understanding of human rights. This prompted people even in the remote areas rise and engage in protests in the fight for their rights. The study also noted that protests are considered as the tools for the powerless and their aim is to promote or oppose social change

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[113] United Nations. General Assembly. *Universal declaration of human rights.* Vol. 3381. Department of State, United States of America, 1949.

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in their spheres. Additionally, the main concern in the analysis of the effectiveness of protests is not the number of participants but the impact of the same.[114]

Protests will tend to be spontaneous with less planning. However, even in their spontaneous character, each protest will aim at having symbols and imagery that sends message and captures the attention of the target audience. Political protests play a big role in the political growth of the countries. Protests may resemble the other from another country due to geographical proximity or similar country dynamics.

The study established that political protests are the major triggers of mass protests. These result from poor or lack of democracy, lack of transparency and accountability, corruption, corporate influence, police brutality and violence, authoritarianism, election malpractices, unconstitutional extension of president's terms. Socio-economic triggers of conflict comprise issues like high food prices, pension, reform of public services, high cost of living, working/labor conditions, unemployment, high fuel prices, high wages, poor living standards, poverty, land/cultural rights, indigenous rights, labor workers' rights, women rights, ethic/racial rights.

Technology has eased the nature of protests and improved swiftness in their planning, organization and communication. This has strengthened protests due to easy sharing of information and details surrounding the protests including following the protests live as they happen. This has also restricted states from using extra actions in retaliation that amount to gross human rights violation. The economic trends have grown quickly making individuals keep tabs with economic status and ask for more where their governments are not doing enough.

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[114] Ellen Barry, "Police in Azerbaijan Arrest Antigovernment Protesters," New York Times, March 12, 2011, http://www.nytimes.com/2011/03/13/world/asia/13azerbaijan.html

Global protests have spiked in the last 10 years bearing different dynamics across different continents. The rise comes from Global Democracy cycle witnessed. The entrance of the civil society and its growth has come into the picture as pathfinder for grassroot communities as well as act on some neutrality without the influence of other politicians.

In Kenya, protests date to the colonial period and are largely triggered by politics. Almost every election season in Kenya has witnessed some form of either violent or non-violent protests. Since politics are run around ethnic lines, most of the protests will circle around government and the opposition. Ethnic division is a high trigger for the conflicts in Kenya. Further, historical injustices from the 1960s and misuse of power has been a recurrent factor in every protest that is electoral-related. In Africa, there have been a number of protests attempts to oust political leaders who have been in power for long.

5.2   Conclusion

This study deduces the following conclusions:

States are the main actors in the international system according to the realism school of thought.[115] As such, their primary goal is to protect their interests and amass power. Any threat to their security interests, power will attract reaction from it to subdue it. This threat can either be an individual, a group of individuals, non-state actors or even another state. Regardless of the actor, states will always find mechanisms to counter the threat to their peace, whether real or perceived.[116] Therefore state response to political protests is justifiable.

This study notes a specific trend across the globe in that most of the states/government's first reaction to counter protests is through the use of force. Kenya's case study reveals that all the political protests have been met with some form of violence. Further, the protests have been anti-government and since it has the instruments of power, the state has charges police at

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[115] Morgenthau, Hans Joachim, Kenneth W. Thompson, and W. David Clinton. Politics among nations: The struggle for power and peace. Vol. 1725. New York: Knopf, 1985.
[116] Ibid.

protesting citizens. As the main agents of countering protests, police have been involved in human rights violations including killings, looting properties, firing tear gas and beating protestors. Therefore, most protests that would start as peaceful end up violent some with cases of death and others several injured. This fills address the academia and leaves a gap to address how police can be accountable when they break the law.

In testing the first hypothesis, *"Higher levels of state repression trigger higher levels of political protests,"* the study establishes that despite the continuous use of police to counter protests, the number of protests has not declined. Rather, the more force is executed, the more protests increase. If the protesting population is faces extra repression, it will put more energy to limit the control and power of the state; rebelling against the government.[117] The 2017 elections saw protestors on the streets before elections demanding changes in the IEBC. After the election results were nullified, they went to the streets on a weekly basis despite being attacked and dispersed by the police every time.

The opposition tries to equalize the forces of the government with similar passion and strength. As such, low levels of repression are challenged with low levels of protest; medium-levels of repression relate to medium-levels of protest, and extensive and violent repression faces extensive and violent rebellion. The study noted that individuals will choose to engage in political protests based on the costs, risks and the perceived benefits associated with their participation.[118] The study also finds that the perceived costs and benefits are subjective which vary from an individual to the other.

In testing the second hypothesis, *"The state response to political protests in Kenya is inconsistent with effective conflict management strategies,"* this study has established that indeed the government's use of police to manage protests will always lead to violence. As such,

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[117] Lichbach, Mark Irving. "Deterrence or escalation? The puzzle of aggregate studies of repression and dissent." Journal of Conflict Resolution 31, no. 2 (1987): 266-297.
[118] Kurzman C. (1996) Structural opportunity and perceived opportunity in social-movement theory: The Iranian Revolution of 1979. American Sociological Review 61: 153–170

the government sort of goes against its own citizens by creating insecurity instead of offering security. Further, the consistent violation of laws and the constitution is an indicator that the state is showing outright defiance and not committed to uphold the beliefs of the country. The culture of lawlessness and impunity is prone to spread and infiltrate the citizens too.

The study also notes that individuals will protest or start a conflict when they perceive their needs are unmet. In the case of Kenya, grievances date back in history where injustices have not been addressed. These injustices emanate during election-related period and in protests, individuals want these to be addressed. However, the state opts to use force and suppress this accumulated grievance and depriving them of their fulfillment. This difference between the needs expected versus the needs met is what is known as relative deprivation.[119] Lack of satisfying this desire will always lead to conflicts and more protests in the future.

5.3 Recommendations

5.3.1 Prioritize and Strengthen Police Reforms
This study notes that the major setback in strengthening civilian-police relationship is mistrust which has created tension and enmity between the two parties. This study recommends to the Kenyan State to have a clear guideline for the involvement of police in addressing potential violent protests, as such that would help ensure policing accountability and in return streamline their involvement in the peace and conflict management mechanisms in the country.

The study also noted that there lacks greater accountability from the police after involvement in protests and justice for the victims of police brutality is not met. This study also recommends that another oversight bodies be established ahead of the 2022 elections in all counties to compliment the work of the Independent Policing Oversight Authority. Additionally, the existing police reforms are great and on paper but are yet to be feasible in the

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[119] Tilly, Charles. Journal of Social History 4, no. 4 (1971): 416-20. Accessed September 13, 2020. http://www.jstor.org/stable/3786479.

minds of the policy and become a culture. There is therefore need to strengthen these reforms in the police service and have them be part of the police conduct.

5.3.2   State to Uphold the Rule of Law

The outright disregard of the rule of law by the state during and after protests is a practice that needs to be stemmed out. The government should lead in doing what the law of the land says to show that as a country we believe in the constitution and rule of law. The study recommends that Government ensures that domestic law enforcement in line with the right to protest is fully observed at all times and is in line with international human rights law and standards on policing, the UN Code of Conduct for Law Enforcement Officials, the United Nations Code of Basic Principles on the Use of Force and Firearms by Law Enforcement Officials in particular the African Commission Guidelines on Policing of Assemblies.

APPENDIX 1

INTERVIEW GUIDE QUESTIONS

1. In your opinion, what are the policy/priorities for government's involvement in conflict management in the country?

Explain…………………………………………………………………………………………

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2. What has been the government's contribution to peace, security and conflict management during elections period?

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3. What are some of the interventions the government employed to ensure peace in your region during the 2017 elections and in previous elections?

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4. In your opinion what are the major causes of political protests in Kenya?

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5. Do you think the government played a role in the violent protests that were witnessed in some parts of the country?

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5. Are the Kenyan police adequately trained to manage conflict?

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6. What is the impact of state responses to political protests on conflict management in Kenya?

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7. In your opinion, what would be the most effective way to manage political conflicts in the country?

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