

Effectiveness of the Mitigation Strategies Adopted in the Management Processes to Improve Interethnic Relations in Uasin Gishu and Trans-Nzoia Counties, Kenya

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Abstract

Over time, attempts have been made to reform the electoral management process since the advent of electioneering in Kenya. The reforms culminated in their inclusion in the 2010 Constitution of Kenya which provides an enabling legal framework for electoral management in the country. The primary objective of this research was to assess the effectiveness of mitigation strategies implemented in the management processes to enhance interethnic relations in Uasin Gishu and Trans-Nzoia Counties. The study drew guidance from the Models of Electoral Management. The target population of the study was 6,618 respondents. A total sample size of 325 participants were included in the study, comprising various stakeholders such as election victims, former ECK officials, political aspirants, local observers, election agents, county commissioners, chiefs, security enforcers, village elders, NGOs, and camp administrators. The sample size was determined through purposive sampling technique. The research employed a descriptive survey design along with a mixed methods approach. Data collection methods encompassed interviews, questionnaires, and Focus Group Discussions. To ensure reliability, a pilot study was conducted to validate the research instruments. Quantitative data from closed-ended questions were analyzed using descriptive statistics and presented in the form of charts and pie charts. Thematic analysis was employed to interpret qualitative data obtained from interviews, Focus Group Discussions, and open-ended questions. The study results indicated that the mitigation strategies adopted in the management processes to improve interethnic relations included establishment of TJRC (20%), the establishment of the IEBC (19.4%), introduction of the security reforms (16.9), ensuring compensation for victims who suffered property loss (13.5%), prosecuting those believed to be responsible for violence during General Elections (10.5%), facilitating the resettlement of affected individuals (7.1%), and instituting a national council of elders (10.8%) were among the proposed actions. Emphasizing reconciliation was advised as it has long been relied upon as a traditional means to settle inter-community disputes.

Key words: *Effectiveness, Mitigation Strategies, Adopted, Management Processes, And Improve Interethnic Relations*

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1.0 INTRODUCTION

1.1 Background of the Study

General elections have long been recognized as a cornerstone of democratic systems globally. Complying with both international and regional accords, it is obligatory to conduct elections periodically. The essence of democracy, as outlined by the United Nations General Assembly and the Democracy World Summit of September 2005, centers on enabling individuals to freely articulate their preferences in shaping their socio-economic, political, and cultural frameworks, coupled with their comprehensive involvement in all facets of their existence. Fair and transparent elections exemplify this principle, serving as a testament to the genuine representation of the people's desires (Carter Centre, 2016). Typically occurring every five years in most nations, general elections serve as a cornerstone of democratic governance. Nevertheless, it is imperative to analyze how

electoral management practices impact interethnic relations. Implementing measures to mitigate electoral malpractices ensures that elections remain not only free but also devoid of any unfair practices. Effective electoral management strategies are pivotal in safeguarding the democratic process and mitigating potential sources of interethnic tension (Gichuhi, 2020).

There are several developed nations whose elections are rather peaceful and well-organized. However, there have been instances of purported malpractices in the United States of America, including as fraud, ballot stuffing, gerrymandering, and voter intimidation, which have damaged the nation's reputation as a democratic nation (Abubakar & Muhammad, 2019). The nation saw post-election unrest in 2020, which the president allegedly orchestrated under the cover of election tampering. Alleged irregularities and violence following elections point to a possible collapse in the efficiency of electoral management procedures. Such failures have the potential to reduce faith in democracy and heighten tensions between various ethnic groups, which have ramifications for interethnic relations. Through the means of disciplining the way in which these practices occur, political implication becomes evident and it is noted that there the intervention strategies used are able to have a positive impact on the interethnic relations (Houle, 2018).

The 2011 elections case in Nigeria (WANEP, 2011) shows the election history was sporadic violence with reports of violent incidents occurring before, during, and after the polls, which left many in the unfortunate situations like death, displacement, and economic hardships. The even following the election result had witnessed heightened ethnic and religious tensions and political conflicts, which brings in the urgent need for improved electoral administration procedures. The fair outgoing of the observers abroad, though, reported on the flaws of the attempts to mitigate the following violent outburst. The external relations of these ethnic groups show how they come together through competition and this is a very relevant remark for their peace and harmony. The best tactic of election management is to lay an strong foundation of trust and peace which will be built on in an ethnically divided society.

The 2007 general elections in Kenya shocked many observers both domestically and internationally. Those reactions shed light on age-old human divisions that stem from struggles over land and different political and cultural orientations since the country gained its independence. This conflict, as Ogaro (2018) puts it, is not merely a result of land dispute but is propelled by economic disparities and widening political difference as well. Kenya's stark economic regional disparities echo centuries of social-ethnic strata divisions among indigenous tribes. The uneven distribution of public and private funds as well as property ownership and control including customary rights have historically favored communities associated with the presidency, an imbalance that excludes other groups (not directly or in a manner that involves the presidency) and regions thus contributing to interethnic relations. The right electoral regulatory mechanisms herald good elections enabled by the inclusion of all communities and offering fair chance while preventing post-elections violence.

1.2 Statement of the Problem

Ethnic fault lines have become a dominating feature in a diverse Trans-Nzoia and Uasin Gishu where inter-tribal tensions have developed into ethnicity violence during the presidential and other county level elections time. Factors like land disputes and ethnic rivalries, unequal political representation, the merging of political competitors, and the ballot errors are recognized as the flash points in this. Yet the waste of taking good electoral management into account to facilitate fueling interethnic conflicts has mostly been overlooked. And all the time there are initiatives to change the electoral legislation in Kenya with the coming together of its culminate to the electoral reforms of the 2010 Constitution. This legal basis saw the creation of an independent electoral and boundaries commission known as IBEC and the enactment of necessary legislation. These reforms were aimed at having all elections being free and fair, the participation of all legislatures, political parties and important government units. Although such complicated obstacles were around, important progress was noted in electoral legislation, voting technology, and political environment during these years. Such legislative transformations foreshadowed a significant step towards the smooth operation of democracy in Kenya. It is our aim through this study to assess how successful these strategies have been to create a good way of living together with the communities of Uasin Gishu and Trans-Nzoia Counties.

1.3 Research Objective

The main aim of the study was to evaluate the effectiveness of the mitigation strategies adopted in the management processes to improve interethnic relations in Uasin Gishu and Trans-Nzoia Counties.

1.4 Research Question

How effective is the mitigation strategies adopted in the management processes to improve ‘interethnic relations in the Uasin Gishu and Trans-Nzoia Counties?

2.0 LITERATURE REVIEW

2.1 Theoretical Review

2.1.1 Models of electoral management

There are numerous factors that have shaped the research that include both studying the Electoral Management Framework and other aspects. It happens that in Independent Model of the management of elections, the function of people who are outside the executive government branch is to see whether everything is according to plan. These, after all, are separate known as a legislature, and they are independent in regard to its funding, without being accountable to a certain government ministry. It is accountable to bodies like the legislature, judiciary, or a head of state having the finance autonomy and performance accountability that fluctuates. Recently democratic nations, like as Armenia, Bosnia and Herzegovina, Burkina Faso, Canadian version that have democratic system are some of the examples of this approach (Bharadwaj, & Eaton, 2023).

On the other hand, the Mixed Model of electoral management typically consists of two EMB components: one independent director, just like the Independent Model, as well as another one from the government or local authority, in the same way as the Governmental Model. The government’s Election Management Body organizes and administers the elections with the monitoring of the autonomous Egyptian Elections Management Body. This model is a common feature of countries like France, Japan, Spain, as well as former French colonial territories, for example, Mali and Senegal. In Mali, a student spends the first six years acquiring basic knowledge, followed by three years of study in middle school, and then another three when they enter high school. The IMG is integral to the lives of students (Kamande, 2021).

The difference between the independent electoral management bodies (EMBs) and the state EMBS are evidenced by the differences in their objective, roles and functions as under the Mixed Model. Determining the actual place of a specific government under this scheme may bring a lot of debates among experts. Historically, independent EMBs were occasionally mere formalized observation entities, a practice now dwindling. For instance, Senegal has abandoned this approach (Birch & Van Ham, 2017). Conversely, in scenarios such as Congo (Brazzaville), independent EMBs oversee and validate the conduct of electoral events by governmental EMBs, as well as handle result tabulation and transmission.

In certain French-speaking countries, such as those in Francophone Africa, the Constitutional Council plays a crucial role in overseeing the tabulation and announcement of election results. This establishes it as an autonomous entity within the Mixed Model of election management. However, in Chad, this responsibility is limited to referendums, with elections managed differently. In Mali, elections are organized by the Ministry of Territorial Administration. The process involves three distinct election management bodies (EMBs): the Independent National Electoral Commission, the Constitutional Court, and the government. Each entity plays a role in the tabulation of results, resulting in a mixed model with one governmental and two independent components (Garnett, 2019).

In contrast, Kenya has embraced an independent model, delineated by Catt et al. (2014) as wholly separate from the executive branch. This stance was evident during the inauguration of Kenya's fifth president, Dr. William Samoei Rutto, who pledged non-interference with independent institutions (PSCU, 2022). This aligns with Kenya's constitution, which stipulates that judicial authority, as outlined in Article 161, is accountable solely to the constitution and the law, immune to influence or direction from any entity. This commitment is poised to foster democratic advancement, contributing to the smooth conduct of electoral processes.

2.2 Effectiveness of the Mitigation Strategies Adopted in Electoral Management Processes to Improve Interethnic Relations

The Electoral Management Policy Frameworks are intended to mitigate electoral management practices which hinder elections globally to be carried out peacefully and credibly. To eliminate any possibility of plagiarism and maintain originality, consider the following rephrased version: "Addressing electoral management bodies,

security authorities, civil society, and various state or non-state participants, it's essential to highlight pertinent themes derived from electoral mitigation strategies to depict potential scenarios effectively."

2.2.1 Guidelines for Election Procedure

Hoglund (2009) underscores the importance of electoral competition regulations in reducing violence within transitional and post-conflict societies. Regulations encompass two primary categories: electoral competition rules and electoral governance rules (Marchetti, 2023). Electoral competition rules, also known as electoral systems, encompass elements such as electoral formulas, district magnitude, boundaries, and assembly size. On the other hand, electoral governance rules pertain to aspects like the party system, candidate nomination and eligibility, voter registration qualifications, ballot procedures, vote counting, result reporting, election monitoring, and dispute resolution.

Electoral competition rules typically find their place in a country's constitution, while electoral governance rules are usually stipulated in electoral acts enacted by the parliament. According to Arusei *et al.*, (2019), these rules play a strategic role in facilitating conflict resolution mechanisms during electoral contests. They are crucial in determining whether the electoral practices of an administration lean towards democracy or authoritarianism. Essential indicators include the respect for political rights and freedoms of all citizens and the fairness and integrity of elections conducted by political parties (Milenkovic, 2019). For example, Chapter Seven of the 2010 Kenyan constitution outlines principles ensuring democratic electoral practices, such as citizens' freedom to exercise political rights, conducting free and fair elections via secret ballot, free from violence, intimidation, or corruption, and administered by an independent, transparent, impartial, and accountable body. Upholding these principles promotes the practice of democracy.

2.4.2 Election audit: international principles that protect election integrity

Elections serve as crucial mechanisms for peaceful power transfers, but close contests in both developed and developing democracies often lead to challenges, with the credibility of outcomes hinging on legal frameworks, electoral management integrity, and public confidence. While developed democracies have clear procedures for recounting and auditing, developing democracies face greater ambiguity and susceptibility to disputes, exacerbated by fraud and poorly administered elections. The requirement for peaceful and respected outcomes in close elections within developing democracies demands the dedication of electoral authorities and the patience of the public (Cheeseman *et al.*, 2021).

Recounting and auditing election results have become widespread worldwide as standard procedures to resolve any disputes regarding the outcome of elections. Recounts involve tallying ballots again, often by a different organization, while audits investigate alleged fraud, potentially including a recount. Developed democracies typically have regulations triggering recounts or audits based on specific thresholds, but developing countries often lack anticipation for complex outcomes, particularly in close contests or amid fraud allegations. Post-election audits, responding to fraud claims, enhance outcome credibility and have been employed in various countries, including Afghanistan, Haiti, Kosovo, and Iraq (Norris, 2017).

The challenges in Afghanistan's 2009 and 2014 elections highlight the vulnerability of ad hoc processes during audits and recounts, with political agreements and haste compromising key considerations. While such responses are common in developing and post-conflict states, they leave processes susceptible to ad hoc decision-making. Kenya's electoral management system should consider adopting audit mechanisms to address future disputes. Audits and recounts can function as valuable tools for managing conflicts, but it is imperative to apply them judiciously, adhering to international norms, and emphasizing preventive measures alongside robust remedial actions (Democracy International, 2015). Drawing insights from observations in Afghanistan, Haiti, and Kosovo, while audits may help establish credible results, they also present hurdles to the sustained development of democracy. Therefore, it becomes essential for new leaders and electoral bodies to engage in trust-building initiatives (Ann, 2009).

2.4.3 "EISA model application"

"The Electoral Institute for Sustainable Democracy in Africa (EISA) " has transformed from a regional non-governmental organization primarily focused on elections to a continental entity, engaging in partnerships with national, regional, Pan-African, and international stakeholders. With offices in various African countries, EISA engages in diverse democracy and governance areas beyond electoral support, including political party

assistance, legislative strengthening, and civil society engagement (Norris, 2017). In Africa, electoral credibility issues have heightened the risk of electoral violence, prompting the use of conflict resolution mechanisms like the EISA model. This model emphasizes establishing election-related conflict management panels at different societal levels during the election cycle. This paradigm, which emphasizes early intervention, mediation, arbitration, and facilitation of conflict resolution, has been used by nations including South Africa and the Democratic Republic of the Congo (DRC) (EISA, 2016). Collaborating with the government, a comparable strategy may be put into practice in Kenya to promote free and fair elections.

Disputes continue in Kenya and the impartial electoral body despite their core aim of ensuring peace after elections even to the extent of escalating into the conflict. The study aims to assess whether electoral management can be a plausible approach for clamping down on electoral violence in the country following elections. Before approaching general elections, EISA has outlined and organized maps of potential conflict situations and has conducted strategic planning workshops that involved different conflict management panels. EISA deployed conflict management teams in places such as Embu, Nyeri, Kisumu, and Nakuru in a bid to carry out conflict resolution analysis in these locations, engage in relevant resolutions, and build advocacy relationships with the county commissioners. Along with promoting peace and discouraging candidates from taking provocative remarks during campaigns, peace ambassadors worked with and the extend candidates reduce election related conflicts (Jarikre, 2017). The EISA and IEBC together specialized in national panel training of conflict mediators in partnership with the IEBC. Competency of this initiative remained a matter of concern. The other important feature of Kenyan panel was the involvement of prominent individuals who had adequate experience both locally and internationally in settling disputes. Members like Archbishop Cornelius Korir and Maj. Gen (Rtd) Lazaro Sumbeiyu contributed their experience to the assignment with the goal of helping Kenya have legitimate and peaceful elections (Kamande, 2021).

2.4.4 Elections monitoring and observation

Election monitoring is important for tracking election-related violence, maintaining free and fair elections, and fostering voter trust even though it may not immediately prevent violence (Wahman & Goldring, 2020). International and domestic observer missions are recognized for their neutrality, credibility, and ability to detect and prevent manipulation, providing transparency and accountability (Hoglund, 2009). Authentic democratic elections are a manifestation of sovereignty and fundamental pillars for fostering peace and stability (Rubinstein & Roznai, 2018). International election observation prioritizes civil and political rights, operating with impartiality and adherence to global standards for democratic elections (Rubinstein & Roznai, 2018).

International election observation holds the potential to bolster the integrity of electoral processes, bolster public trust, and alleviate election-related tensions by uncovering irregularities and offering suggestions for enhancements (Erameh *et al.*, 2021). Member nations within the Southern African Development Community (SADC) pledge to uphold democratic principles and practices, including ensuring the meticulous application of guidelines for conducting democratic elections (Strydom, 2021). Election monitoring entails the deployment of observers to supervise electoral procedures and verify any manipulative actions, thereby ensuring elections is conducted freely and fairly (Sisk & Reynolds, 1998). However, challenges arise when monitors operate with biased interests, as observed in cases like Zimbabwe, where election monitors were barred from accessing polling stations (Ndulo and Lulo, 2010).

While election monitoring may not entirely avert electoral violence, it has the potential to reduce its magnitude (Hoglund, 2009). The case of the 1994 Rwanda genocide highlights that early warnings from international monitors might not always prevent violence, but they can have a dampening influence on its intensity. In Kenya, compromised electoral management and systematic fraud led to violence and a deterioration of democracy, highlighting the importance of good electoral management for thriving democracies (Juma, 2018). Despite observers' revelations of fraud, impunity and compromised characters within the election commission perpetuate electoral mismanagement (Pirro, 2018).

2.4.5 Power sharing mechanism

Power-sharing mechanisms, as suggested by Asamoah (2019), are considered when electoral systems fail to ensure fairness, leading to disputes and potential violence. The EISA (Election Institute for Sustainable Democracy in Africa) outlines four power-sharing approaches—grand coalition, cultural autonomy, proportionality, and minority veto—as strategies for culturally divided societies aiming to promote peace and democracy. Shale (2010) questions the suitability of power-sharing in Kenya and Zimbabwe, suggesting that the

conflicts following elections in these nations were not primarily rooted in deep societal divisions but rather in flaws within the electoral management process.

Shale (2010) proposes power-sharing as a temporary solution for conflicts arising after elections, emphasizing the importance of gaining widespread acceptance, without guaranteeing success in its absence. Power-sharing agreements in Zimbabwe and Kenya were the result of negotiations between political elites, with less emphasis on establishing long-lasting peace and democracy and more on the allocation of ministerial responsibilities. By introducing a witch-hunting mentality into Kenyan politics, this strategy undermined long-term socioeconomic growth. In order to achieve long-term solutions, it is critical to prioritize respect for democratic procedures, dispute resolution techniques, and citizen diplomacy. "If power-sharing remains unregulated, it has the potential to diminish the significance of electoral procedures and create opportunities for authoritarian regimes to emerge." The power-sharing agreement in Kenya has exacerbated ongoing conflict, mistrust, and witch hunts; it is a temporary fix that may have unintended long-term effects (Aeby, 2018).

2.4.6 The Kriegler Commission and Electoral Reforms

The pursuit of an electoral system in line with democratic values has motivated constitutional and legislative reforms in Kenya since free and fair elections are necessary for the legitimacy of government (Elisha & Otieno, 2012). However, despite a strong constitution, Kenya's legal framework from the 2013 to 2017 general elections has been plagued by irregularities, raising concerns about potential issues if not addressed carefully.

Kenya faced political crossroads since the 2007 General Elections, marked by post-election violence. The National Accord process emerged as a response, outlining resolutions for investigating election-related violence and guiding electoral reforms (Kasolo, 2017). International, governmental, and non-governmental efforts were invested in technology, early warning systems, peace messaging, and capacity building to prevent a recurrence of violence in the 2013 elections (Fatima, 2017). In the period following 2008, organizations like the Independent Review Committee (IREC) and the Commission of Inquiry on General Election Violence (CIPEV) emerged instituted in Kenya to thoroughly investigate electoral processes and suggest enhancements, laying the groundwork for subsequent reforms. The Kriegler Commission, renowned for its investigation into the problematic 2007 elections, proposed the disbandment of the Electoral Commission of Kenya (ECK), which subsequently led to the formation of the Independent Electoral and Boundaries Commission (IEBC) (Drnovsky & Mochtak, 2020).

Kenya placed a strong emphasis on legal reforms concerning elections, aligning with Kriegler's suggestions. Specific bills brought about legislative changes among them the Constitution of the Republic of Kenya, The Elections Act 2011, The Political Parties Act 2011 and the IEBC Act 2011 that greatly impacted on the process of elections (Drnovsky & Mochtak, 2020). The constitution of the country was now under the new leading force and that resulted in some sort of transformations in legal and institutional aspects around the elections of that country (Kevin, 2018). As a result, the electoral landscape underwent a significant shift after the 2010 constitution came into force, which brought forth numerous bills and Institution for developing elections whose primary objective was to safeguard credibility and transparency of elections. Even if efforts are given on their deepest level, concerns like faulty biometric voter registration monitors as was the case in the 2013 elections and discussions about backup systems is manual do not make the setup of elections clean.

3.0 RESEARCH METHODOLOGY

The study was conducted in the survey research design and relied on the mixed-method approach which combines qualitative and quantitative methodologies at the same time (Creswell & Clark 2017). The target population of the study was 6618, the study population included 4,200 victims of Nicole River, Uasin Gishu County, and 2,000 victims of Kachibora, Trans Nzoia (WHO, 2015). The make-up of this group of stakeholders was diverse and included officers of former ECK, aspirants for political offices, local observers, each county/district commissioner, chiefs, enforcers of security forces, village elders, NGOs, and the authorities of the refugee camp.

The numbers of victims, respondents, and key informants were determined using the Krejci and Morgan formula (1970). A total sample size of 325 subjects from both Burnt Forest and Kachibora were sampled being both of the ethnic communities of the people of the area. The constituency entailed of victims of ECK clashes, former members of ECK holding positions during the elections, political hopefuls, observers nationally, election agents in each locality, commissioners and chiefs, security enforcers that are village and national, and leaders in displacement camps.

Participants were purposively selected based on their possession of relevant information. Contact acquisition was facilitated through visits to their offices, with receptionists providing contact details. Data collection methods included interviews, questionnaires, and Focus Group Discussions.

4.0 RESEARCH FINDINGS AND DISCUSSIONS

4.1 Effectiveness of Mitigating Measures in the Management Interethnic Relations in Uasin Gishu and Trans Nzoia Counties

4.1.1 Specific measures aimed at reducing the likelihood of post-election violence from recurring

The governments of the world in contemporary societies have over time experienced electoral management in the management of elections. Therefore, the governments and other actors have put in place mitigating measures, to address the menace, which to some extent has caused inter-ethnic relations among communities during the election process. **Table 1** presents the findings on the measures the government identified to mitigate the recurrence of interethnic relations contributing to Post-Election Violence of 2007.

Table 1 Specific measures aimed at reducing the likelihood of post-election violence from recurring

	Frequency	Percentage (%)
No response	6	1.8
Establishment of IEBC	63	19.4
Security reforms	55	16.9
Establishment of TJRC	65	20.0
Resettling of victims of the General Election violence	23	7.1
Compensating victims for property loss	44	13.5
Prosecution of perceived perpetrators of 2007 post-election violence	34	10.5
Establishment of the National Council of Elders	35	10.8
Total	325	100.0

The study carried out data collection from the victims who filled out questionnaires in Kachibora in Trans Nzoia and Burnt Forest in Uasin Gishu County and also interviews were conducted to triangulate the results from the two areas. The results presented in Table 1 demonstrate that various measures were identified by victims to address issues related to electoral violence. In a survey encompassing 325 respondents, diverse perspectives emerged regarding initiatives addressing historical grievances and electoral fairness. Notably, 63 individuals (19.4%) underscored the importance of the Independent and Electoral Boundaries Commission (IEBC), while 55 (16.9%) emphasized security reforms. Moreover, the TJRC's creation by 65 people who represent 20% of the respondents was the focus of this organization, and another 44 people (13.5%) concentrated on the issue of compensation for lost property. The issues related with the prosecution of violence's perpetrators on elections were discussed by 34 participants (10.5%) whereas 23 (7.1%) focused on the victim's resettlement process. However, the final reason which 35 people (10.8%) referred to as the institution of the national council of elders was the factor of their improvements.

4.1.2 Creation of a Commission for Truth, Justice, and Reconciliation

Table 2 Creation of a Commission for Truth, Justice, and Reconciliation

Measure	Frequency	Percentage (%)
Establishment of TJRC	65	20.0

As to the results of the research, 20.0% of those respondents expressed that they agreed with the creation of Tj and RJ commission. In order to realize this, we rely on inspired examples of similar tribes that have performed successfully in the past. Whenever the Truth and Reconciliation commissions of Rwanda, South Africa, and Congo computed truth telling and reconciliation experiences that was beneficial for that entire nation’s healing process. This notion matches the arguments put forward by Tohbi (2010) in his paper supporting for the use of an EISA model which is aimed at creating peace management bodies at different societal levels during the time of elections. The core value of this model being preventing conflicts and positioning mediation, reconciliation, arbitration and conflict resolution as a high priority staying at the fore.

On the other hand, the study of quantities indicates that the TJRC does certain things for the rectification of the victims’ complaints and the encouragement of truth-telling concerning the past injustice of the past. But one thing that the findings collected from attending interviews can tell is that the effect of TJRC on the communities of those who were affected may be seen as limited. In Burnt Forest, an elderly man participant in FGD said, “TJRC has done nothing in reconciling *“the individuals affected by the violence following the 2007” General Election*” (FGD, Burnt Forest, 3 August 2015). Another elderly man in the same FGD said, “TJRC is not known in our area. It is something we hear in the media but its functions are not clear. We do not know its existence in Uasin Gishu”. (FGD, Burnt Forest, 3 August 2015).

The existence of those interviewed concerning TJRC emphasized that little information is not known about the TJRC bodies. This simply implied that TJRC has not done enough in the study areas. From the methods used to collect data on TJRC, there is a lot of difference emerging. The respondents who filled out the questionnaires, they undertook the task with a sense of urgency or apprehension, influenced by the prevailing atmosphere of tension and suspicion among the public due to ongoing cases in the ICC, in contrast to those who were interviewed in person. The respondents provided detailed information as they felt comfortable in the conducive environment provided. For example, in the focused group discussion, prior arrangements were made to ensure confidentiality, with participants assured that the discussion was solely for academic purposes.

4.1.3 Creation of an autonomous ‘electoral and boundary commission’

Table 3 Creation of an autonomous ‘electoral and boundary commission’

Measure	Frequency	Percentage (%)
Establishment of IEBC	63	19.4

According to the findings, nearly one-fifth (19.4%) of the participants viewed the establishment of the Independent Electoral and Boundaries Commission (IEBC) as a measure by the government to reduce instances of electoral violence. This perception stems from the understanding that independent electoral and boundary commissions are instituted to facilitate fair election processes and mitigate biases during elections. This assertion aligns with findings from Owuor (2008), commissioned to evaluate the electoral process, which advocated for a review of the structure, composition, independence, capacity, and functions of the Electoral Commission of Kenya (ECK), as well as the electoral landscape.

A polling observer in Kachibora highlighted the necessity for government-led electoral commission reforms to enhance performance. According to the observer, achieving desirable outcomes requires a comprehensive overhaul of the electoral body by the government. In Kachibora, Trans Nzoia County, a political aspirant (councilor) said,

IEBC is a body that is familiar to voters in the study area. I do not understand fully its implementation which the electoral management has done apart from digitilising the transmission of results and the use of (BVR) kits in polling stations”(Oral interview, Suwerwo, 14 March 2021).

This meant that IEBC is a body known to the interviewees to run elections using modern ways of processing results. Despite the formation of the IEBC, the 2013 General Election faced challenges when the ballot verification register (BVR) kits malfunctioned at various polling stations.

4.1.4 Security force reforms

Table 4 Security force reforms

Measure	Frequency	Percentage (%)
Establishment of security reforms	55	16.9

The assertion was backed by 16.9% of participants, affirming that the government had implemented security reforms in accordance with the recommendations of Berk *et al.*, (2008). These reforms aim to enhance the effectiveness of security personnel in their responsibilities. Additionally, 13.5% of respondents indicated that victims had received compensation.

4.1.5 Creation of the National Council of Elders

Table 5 Creation of the National Council of Elders

Measure	Frequency	Percentage (%)
Establishment of national council of elders	35	10.8

The results obtained from the participants also revealed that 10.8% acknowledged the existence of a national council of Elders, established with the purpose of addressing community grievances and ensuring their inclusion. The concept of the Electoral Institute for Sustainable Democracy in Africa (EISA) model, as outlined by Tohbi (2010), centers around early intervention mechanisms and emphasizes mediation, arbitration, and facilitation for conflict resolution.

4.1.6 Perpetrators of the 2007 general elections

Table 6 Prosecution of violence’s perpetrators

Measure	Frequency	Percentage (%)
Prosecution of violence’s perpetrators on elections	34	10.5

"According to the survey results, 10.5% of the participants expressed confidence in the prosecution of individuals involved in General Election violence. The procedure for holding accountable those responsible for post-election violence involves legal action. In a conversation with a village elder from Trans Nzoia County, he remarked,"

In an oral interview conducted in Kachibora on November 26, 2015, it was noted that numerous individuals underwent questioning, with outcomes ranging from convictions to acquittals based on their innocence.

The exoneration of Hon. Uhuru Kenyatta, Hon. William Ruto, Ambassador Francis Muthaura, Hon. Henry Kosgey, General Mohammed Ali, and journalist Joshua Arap Sang by the International Criminal Court (ICC) in Hague, Netherlands, demonstrates their innocence. Conversely, those found guilty were duly detained. Atuobi (2010) highlighted that two individuals were sentenced to life imprisonment for their involvement in the 2007 post-election violence, resulting in the deaths of two individuals. Additionally, the ICC terminated the remaining cases concerning journalist Sang and Deputy President Ruto in March 2016 due to insufficient evidence. One elderly woman participant in an FGD in Kachibora said, “*Nobody was jailed over election violence of 2007*” (Oral interview, Naikam 23 August 2015). The suspects seemed to have fled from their areas of residence. The authority was not serious about tracing the culprits. This meant that in Kachibora, little was done on tracing those involved in violence unlike in Uasin Gishu where some culprits were brought to book.

4.1.7 ‘Resettlement of internally displaced persons’

Table 7 Resettlement of internally displaced persons’

Measure	Frequency	Percentage (%)
Resettling of victims of the General Election violence	23	7.1

Only 7.1% of the victims surveyed mentioned that the government was responsible for facilitating the resettlement process. The government employed the 'Operation Rudi Nyumbani' initiative, administered by the Ministry of Special Programmes, to encourage post-election victims to return to their farms. However, feedback from participants in the focus group indicated dissatisfaction with the government's efforts. Another elderly man participant in an FGD in Trans Nzoia County said,

Most of the victims from the locality returned after post-election violence but the government did not assist in resettling them”. (FGD, Makutano, 23 August 2015).

The government has implemented numerous initiatives, yet feedback from respondents indicates that these efforts have failed to significantly influence society. The current execution of the IDP resettlement program has not effectively addressed fundamental grievances and conflicts related to land disputes. Rather, it has exacerbated feelings of marginalization, escalating ethnic tensions and the risk of future violence. Certain communities perceive the compensation received by IDPs, whether in monetary or housing forms, as preferential treatment, leading to the neglect of other suffering groups.

Resettlements occur without a comprehensive reconciliation effort or resolution of the root causes of displacement, like land tenure issues. Differential treatment of displaced groups regarding resettlement benefits can create tensions. For example, one elderly woman participant in FGD from Uasin Gishu County said,

Should Luo migrant workers be compensated for the loss of earnings due to displacement? What about those long-term IDPs who have been waiting to be resettled for many years? How about the Kalenjins who suffered a great loss of property as a result of post-election violence?” (FGD, Kodoo Farm, 20 September 2015).

There were many questions according to the interviewee who needed to get questions answered for those displaced either as a result of post-election violence or those who faced the same implications in the earlier years. Resettling internally displaced persons (IDPs) in their alleged 'ancestral' lands could inadvertently endorse the objectives of those who perpetrated ethnic cleansing in certain regions. Additionally, such initiatives might encounter resistance from local communities, potentially rendering them ineffective. This challenge is particularly evident in areas like Central Province, where both rural and urban resources are already strained. In the absence of sustainable solutions, IDPs may gravitate towards peri-urban areas, including slums, where they could become vulnerable to engaging in criminal activities, mirroring the experiences of IDPs from the 1990s. Consequently, there persists a gap in governmental performance regarding the implementation of measures aimed at preventing future occurrences, as highlighted by stakeholders.

A respondent from Burnt Forest, representing the village elders, expressed concern about Kenya's vulnerability to another catastrophe despite numerous implemented mechanisms. The respondent highlighted that despite efforts to address the issue, various challenges render these measures ineffective. Analysis of data from multiple

collection methods reveals that the majority of implemented measures are deemed insufficient by participants in preventing future election violence. There is a lot to be done to curb any possibility of future violence. Electoral management practices for inter-ethnic relations contribute to election violence if not well managed.

5.0 CONCLUSIONS OF THE STUDY

The research findings indicate that various measures were implemented by both the electoral commission and the government, including the establishment of the TJRC, a revamped IEBC, improved security measures, and the 'Rudi Nyumbani' initiative. However, despite these efforts, they have not met the expectations of the electorate, and continue to contribute to interethnic tensions during elections. Consequently, it is imperative to reform the electoral management body to positively influence interethnic relations in Uasin Gishu and Trans Nzoia Counties. Key strategies proposed to address electoral management challenges include depoliticizing the electoral commission, undertaking constitutional reforms to tackle electoral issues, increasing the number of polling stations, ensuring early opening of polling stations, and providing adequate funding for electoral bodies. Moreover, participants strongly advocated for the scenario that displaced people should be adequately compensated, and historical injustices of the colonial era should be addressed as have been experienced, which they expressed the considered approach could overcome problem of elections being managed by electoral management bodies.

6.0 Recommendations of the Study

The study recommends the tightest scrutiny within electoral violence prone areas especially in the urban centers and rural settings to deeply comprehend the regional peculiarities and thus develop specific solutions.

In addition, this study specifically calls for the targeted involvement of NGOs, emphasizing the important role that churches could play in offering guidance and unity to ethnic groups in case formal channels fail to do so.

Besides, the research further stresses on the fact that reconstruction of offense relations should be the priority of other considerations. As a traditional alternative mechanism for managing disagreements in the society, the reconciliation process has proven efficient. In the given process it's a pivotal contribution to teach people how to create striving for mutual understanding, using the reason and ethics in their actions, as well as not proving the harms i.e. directly or indirectly.

In essence, the study points to the need for community participation in the implementation of intervention methods that adapt to their local contexts.

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