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The Challenges of Electoral Management in the 2007 General Election on Interethnic Relations in Uasin Gishu and Trans Nzoia Counties

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Abstract

Interethnic violence has significantly impacted the social and political dynamics among communities residing in the cosmopolitan counties of Trans Nzoia and Uasin Gishu, particularly during the recurring electioneering period every five years. While various factors such as land ownership, ethnic animosity, hatred, imbalances in elective position distribution, and unhealthy competition have commonly been identified as catalysts for this violence, the role of electoral management practices in Kenya has not been adequately recognized as a primary contributor. Efforts to reform the electoral management process in Kenya have been ongoing since the inception of electioneering. The main purpose of the study was to examine the challenges of electoral management in the 2007 General Election on interethnic relations in Uasin Gishu and Trans Nzoia Counties. The study was guided by the theory of conflict theory. The sample size was 363 participants; election victims, former ECK officials, political aspirants, local observers, elections agents, county commissioners, chiefs, security enforcers, village elders, NGOs, and camp administrators. Purposive sampling technique was used to select the sample size that provided study information, by visiting their offices of which their contacts were obtained from the staff (receptionists) who were manning the offices. Descriptive survey research design and mixed method approach was used. The data was collected using interviews, questionnaires and Focus Group Discussions. A pilot study was carried out to check on reliability of the research instruments. Quantitative data from closed-ended questions were tabulated using descriptive statistics to process data and presented in the form of charts and pie charts. Thematic analysis was used to process data collected through interviews, focused group discussion and open-ended questions for interpretation. The findings of the study showed the challenges included suspicion among residents, tribalism (13.1%), failure of EMB officials to manage results (13.0%), inadequate polling stations (4.3%), lack of trust in police enforcers (4.3%), death of non-locals, loss of property and displacements (8.7%), late opening of polling stations (4.3%), poor coordination (4.3%), harassment, lack of trust by polling officials (8.8%) and late announcement of results (13.0%). The study recommended that to prevent and manage the causes and consequences of violence, a policy for electoral violence management especially monitoring and voter-centered strategies is needed to be carried out on a long-term basis and continue between general elections.

Key words: Challenges, Electoral Management, 2007 General Election, Interethnic Relations

1.0 INTRODUCTION

1.1 Background of the Study

For a long time, general elections have been a fixture of every democracy in the globe. Elections must be held on a regular basis in accordance with international and regional accords. Democracy, as defined by the United Nations General Assembly along with Democracy (World Summit in September 2005), is a universal value founded on the people's freely expressed will to determine their own social-economic, political, as well as cultural systems as well as their full participation in all facets of their lives. Elections that are fair and free serve as a perfect example of this. This means that only legitimate elections held on a regular basis can really represent the aspirations of the people (Carter Centre, 2016). General elections are typically conducted every five years in the majority of countries.

Many elections held in developing countries have not met the internationally accepted requirements of free and fair elections. According to International Foundation for Electoral Systems (IFES, 2015), in developing democracies, legal frameworks are often more ambiguous and susceptible to dispute. Fraud, or allegations thereof, compounds these challenges, as do a poorly administered election or a general climate of insecurity and impunity. The process therefore must be of high integrity, open, transparent, accountable, and competitive to allow popular participation. "The credibility of the outcome depends on the strength of the electoral legal framework, the integrity of the electoral management body, and the dispute resolution process, as well as on the extent of public confidence in the legitimacy of electoral and other government institutions" (IFES, 2015, p.2). According to Maureen, (2013) posts by President Aristide and Pre'val in Haiti, both served two non-consecutive terms which were marred by alleged irregularities, low turnout, and opposition boycotts. This is a reflection of a failed democracy. If all these are not adhered to, the probability of electoral violence is likely to occur which hinders relations among communities.

In Hungary, "major malpractice" plagued the 2018 elections that resulted in a huge parliamentary majority and a third term in office for Prime Minister Viktor Orban. A rights organisation outlined significant allegations of fraud and vote-rigging in the poll held in April 2018. Transporting voters from nearby nations like Ukraine, bribery and intimidation, particularly in rural areas, tampering with postal votes, absentee ballots, and problems with election software are among the incidents classified as "major malpractice" (<https://www.france24.com>). This was attributed to election malpractices which were used to retain the incumbent in power for the third time. The scenario which took place in Hungary has similarities in most of the African states only that the environment was in a different continent and how it impacts to interethnic relations is an issue to be addressed (Budapest, 2019).

In most African countries, elections are expected to promote democracy but instead, they derail democracy. Political leaders use elections to pursue their interests at the expense of the electorate and in the process, animosity is created between communities which results in heightened tensions contributing to General Election violence. In Nigeria for example, in terms of implications of electoral violence in the country, electoral violence has almost undermined the democratic gains in the country despite operating the system for about 16 years after military disengagement from politics in 1999. The way politicians view politics and elections almost rubbish the ideals of a democratic system and make the country merely experiment with civil rule (Lawrence, 2015). In Zimbabwe and Uganda, electoral management processes have not engendered democratization (Wilkins, 2021). In these countries, there is ample evidence pointing at electoral abuse, including gerrymandering, ballot stuffing, fraud, and voter intimidation.

Violence has historically been widespread in Kenya for a variety of reasons, including the nation's socio-political and economic structures, which make these outcomes unavoidable (Adeagbo & Iyi, 2011). Following independence, social ties between the two major ethnic groups, the Kalenjins as well as the Kikuyus, had become tense, with disputes frequently arising from the desire for and control over the limited amount of fertile land. This is evidenced in the General Elections of 1992 and 1997 which may have sparked the post-election violence of 2007 affecting interethnic relations in the country.

Evidence points to ethnic polarization as a factor in Kenya's electoral violence. However, the violence witnessed in 1991-1992, on the advent of multiparty politics can be explained in terms of the misuse of the state power to the advantage of a few and the consequent instigation of parochial identities by political leaders of their selfish interests (Nasong'o, 2000) however, he has not explained on electoral management issues affected elections in the post-election violence. He further argues that Moi's regime turned to ethnic

sentiment and sensitised the Kalenjin and other so-called minority groups to the prospect of losing their privileged status under him, arguing that as Kenyatta's Vice President for twelve years, he remained steadfast in his loyalty to, and in support of Kenyatta yet now Kikuyus were out to toss him out of office under the guise of political pluralism. The common Kalenjin person was thus made to understand that the idea of multi-partyism was a mere conspiracy by other communities to wrest the presidency from one of their own, and hence deny them accessibility to the 'national cake' 'rather than an opportunity for healthy political competition intended to ensure accountability and transparency in the governing process.

1.2 Statement of the Problem

Interethnic violence has significantly impacted the social and political dynamics among communities residing in the cosmopolitan counties of Trans Nzoia and Uasin Gishu, particularly during the recurring electioneering period every five years. While various factors such as land ownership, ethnic animosity, hatred, imbalances in elective position distribution, and unhealthy competition have commonly been identified as catalysts for this violence, the role of electoral management practices in Kenya has not been adequately recognized as a primary contributor. Efforts to reform the electoral management process in Kenya have been ongoing since the inception of electioneering. These reforms reached a culmination with their incorporation into the 2010 Constitution of Kenya, providing a supportive legal framework for electoral management in the country (Okul, 2020). This framework facilitated the establishment of the Independent Electoral Management (IEBC) and the enactment of the Election Act 2011, Election Regulations 2012, 2017, as well as Political Party Acts 2011 and 2017. These measures were implemented to enhance electoral management and assist political parties (candidates) in participating in elections with fairness, freedom, and transparency. The subsequent electoral management processes from 2013 to 2022 have witnessed both political, technological, and legal accomplishments and challenges. These aspects have played a role in the overall development of the democratic process in the country. In light of this context, the study examined challenges associated with electoral management during the 2007 General Election and their impact on interethnic relations in Uasin Gishu and Trans Nzoia Counties.

1.3 Research Objective

The objective of the study was to examine the challenges of electoral management in the 2007 General Election on interethnic relations in Uasin Gishu and Trans Nzoia Counties.

1.4 Research Question

What were the challenges of electoral management on interethnic relations in Uasin Gishu and Trans Nzoia Counties?

2.0 LITERATURE REVIEW

2.1 Theoretical Review

2.1.1 Conflict theory

The conflict theory by Johann Galtung (1991) was used in this study to address structural violence. Structuralist approaches to the study of violence emphasise the influence of objective conditions in the generation of conflict which results because of either direct or indirect violence. The indirect violence will be caused by emotional conflicts and tension-build-ups which refers to it as "social injustice" (Kalpata, 2020). This concept of structural violence/conflict is derived from reconceptualising the dichotomy between peace and war. Curle (1971) who is an exponent of structural violence critiqued the dichotomising between peace and war and came up with a third situation that does not fit the classical dichotomy. In his view, while societies can be in conditions of peace, or of war, they can also equally be in neither situation which in one way or another contributes to 'social injustice' in the structural setup.

In unpeaceful societies, there is little, or no, physical violence in evidence, yet there is no peace. Peace lacks because the relations in those societies are organized in such a way that the potential for the development of some (significant) numbers of the society is impeded. This potential for development is impeded by factors that may be economic, social, or psychological. These factors prevail in a society when tensions are build-ups over issues affecting societies. This normally is not immediate but underlying causes and they become a recipe in case of an immediate cause. The notion of structural conflict has influenced the study of conflict and introduced new complexities and insights into conflict management (Galtung, 1991). Galtung defines structural violence as existing in those conditions in which human beings are unable to realise their full potential: where their somatic and mental realisations are below their potential realisations. According to Kalpata (2020), structural violence is built into the social structure. Societies are made up of systems. These systems include laws and institutions established for enforcing them, economic systems such as the market, social inter-relationships, religious institutions, and their workings, as well as in many cases, institutions of the army.

Therefore, interethnic violence in the cosmopolitan Trans Nzoia and Uasin Gishu can be explained from the standpoint of the tenets of structural violence as advanced by Galtung (1991). Being multi-ethnic counties, their ethnic composition was enabled by the availability of land for sale. It attracted buyers from different ethnic groups, a situation that did not discriminate against potential buyers. Over time, the buyers established profitable ventures and exhibited traits of being well-off. Coupled with this, the apparent grievances leading to hate or envy provide the avenues for the need to displace the buyers from their “ancestral lands”. To the sellers, the politics underpinning a General Election provides a vantage to execute their socially accepted plans and strategies. This materialized in 1992, 1997, and 2007 and especially with the introduction of competitive multi-party politics. Structural violence thus manifested underlying social and psychological contradictions experienced by the residents occupied by ethnic communities. To this extent, structural violence in the two counties transcends issues as is commonly portrayed.

2.2 Challenges of Electoral Management on Interethnic Relations in 2007 General Elections

The challenges in electoral management practices observed in Uasin Gishu and Trans Nzoia counties are intricately connected to broader national issues. Adopting a system and subsystem approach reveals the interrelated nature of electoral challenges from international to grassroots levels, as highlighted in the literature review. Singer (1961) emphasizes the flexibility in sorting and analyzing phenomena, allowing observers to focus on either parts or the whole system. In the context of electoral management, this means examining challenges at various levels, from the national electoral system to the specific challenges faced in counties like Uasin Gishu and Trans Nzoia.

Building on Singer's perspective, Boulding (1956) underscores the ubiquitous presence of systems, sub-systems, and their environments in the realm of general systems theory. This study aligns with Boulding's assertion, treating electoral management practices in Uasin Gishu and Trans Nzoia as integral components of the larger electoral system governed by the Electoral Commission of Kenya (ECK). By adopting a holistic view and recognizing the interconnectedness of electoral processes at different levels, this study aims to provide insights into the challenges faced by these counties within the broader electoral framework governed by ECK.

2.3.1 Electoral challenges on the process's acts

Kenya's electoral process has undergone evolution since its first General Elections in 1963, marked by the establishment of the Electoral Commission with the Speaker of the Senate as Chairman in line with the Kenya Independence Order-in-Council (IED, 1997). The multiparty system reinstated in 1992 led to the formation of the Electoral Commission of Kenya (ECK) (IED, 1997). Kotter's perspective on management processes acknowledges the effectiveness of traditional hierarchies but underscores their limitations in identifying hazards and opportunities early enough, a challenge particularly relevant in the dynamic context of political environments and elections (Kotter, 1996).

After the contested 2007 Presidential elections and subsequent post-election violence, the National Accord Implementation Committee (NAIC) established the Independent Review Commission (IREC), known as the Kriegler Commission. IREC recommended the disbandment of ECK and the formation of the Interim Independent Electoral Commission (IIEC), later succeeded by the Independent Electoral and Boundaries Commission (IEBC) under the new constitution (Nkari, 2014). Owuor (2013) emphasizes the historical context of electoral challenges in Kenya, linking the call for comprehensive Constitutional Reforms to the need for free, fair, and credible elections. Election Management and Administration, identified as core challenges in the disputed 2007 elections, were the primary triggers for the post-election violence in 2008.

Considering the big picture, Owuor (2013) stresses the necessity of sound constitutional, legal, and administrative reforms to anchor democratic gains. Achieving secure and fair elections requires addressing core challenges in electoral management practices. The interplay between democracy, electoral management, and institutional impacts is highlighted, with local effects connected to central electoral management in Kenya (Sean & Scott, 2012). Khan (2014) argues that institutional failures in democracies, such as corruption and lack of transparency, can be traced back to poor legislative leadership. Isma'ila and Othman (2016) emphasize the importance of credible elections accepted by citizens and the international community for democracy consolidation. They categorize electoral wrongdoing using both inclusive (violating norms and standards) and restrictive (violating existing laws) approaches, emphasizing the role of election management bodies in fraud and malpractice control based on domestic laws.

2.3.2 Registration of voters and the maintenance of voter register

Voter registration, a crucial aspect of electoral management, is mandated by the Kenyan constitutions of 1963 and 2010, with eligibility set at 18 years and above. The Kriegler Commission Report, a response to the 2007 post-election violence, recommended a fresh voter registration process based on accuracy, verifiability, and constitutional principles (Owuor, 2013). Article 38 of the 2010 constitution ensures political rights and emphasizes the fundamental right to participate in elections and voter registration. Additionally, Article 83 outlines criteria for voter qualification, essential factors to consider in Uasin Gishu and Trans Nzoia counties. Electoral malpractice, categorized into pre-election, election period, and post-election periods, involves the manipulation of rules, voters, and voting processes (Norris, 2012).

Distortion of electoral laws to favor specific parties or candidates, illicit campaign tactics, and alteration of voting preferences through tactics like vote-buying or intimidation constitute forms of malpractice (Birch & Allen, 2010). Olawole, Adewunmi, and Oluwole (2013) stress that the right to vote is a public function conferred upon citizens for social expediency, with Africa's electoral malpractices linked to historical systems, class structures, and social differences. Democratic consolidation, crucial for strengthening political institutions, faces challenges in Africa, including disrespect for electoral acts, violence, corruption, and lack of internal democracy (Manesh, 2013; Egbelubem, 2011). Weak democratic institutions contribute to violations of electoral processes, ethnoreligious politics, and issues like incumbency, godfatherism, and excessive monetization in politics. These challenges pose threats to the consolidation of democracy in the fourth republic.

2.3.3 Generated conflict issues in electoral management

The electoral process, as defined by Elekwa (2008) and Akamere (2001), encompasses activities from voter education to the dissolution of the National Assembly. It includes pre and post-election elements such as party registration, voter register review, constituency delineation, and dispute resolution. However, the electoral process in many contexts, like Nigeria and Kenya's Uasin Gishu and Trans Nzoia counties, faces challenges from conflicts fueled by ethnic, sectional, and religious divisions, malpractices, and violence, posing threats to democratic principles. Security challenges in Nigeria, akin to those in Uasin Gishu and Trans Nzoia counties, have impeded the pursuit of credible elections, with a history marked by political assassination, thuggery, ballot snatching, intimidation, and arson (Okechukwu, 2014). Despite efforts to

address electoral management challenges, including reports like the Kriegler and Waki reports, some jurisdictions fall into political patterns that hinder reforms.

The division of responsibilities between the Election Commission (EC) and the judiciary influences the nature and level of pressure on the Election Management Body (EMB). While an EMB with comprehensive authority may face high political pressure, sharing responsibilities with the judiciary can provide relief for the EMB but exposes it to external influences. In Ghana, for instance, the EC's efficiency contrasts with the judiciary's perceived inefficiency. However, in Uasin Gishu and Trans-Nzoia counties, the EMB is not exempt from institutional and political pressures. Concerns about the independence of Election Management Bodies (EMBs) persist, with a conflict of interest arising from elective office-bearers' reluctance to introduce reforms that could limit partisan control. Legislative acts, like Nigeria's Electoral Act of 2010, have been used to diminish the oversight role of the Independent National Electoral Commission (INEC) in party political nomination processes, potentially violating constitutional provisions (Fall et al., 2012).

Security of tenure issues have emerged, as seen in Nigeria in 1989 and 2011, where members of the EC were arbitrarily removed, undermining constitutional guarantees. Similar interference occurred in Sierra Leone in 2007, revealing challenges to the independence and stability of EMBs (Fall et al., 2012). These instances underscore persistent obstacles to strengthening the electoral process and ensuring the autonomy of EMBs in various contexts.

2.3.4 Costs of electoral administration and management

Election Management Bodies (EMBs) in several countries face significant challenges in managing the costs associated with elections, leading to chronic structural issues and budget deficits. In Benin, for instance, election costs have surged, raising concerns about the reliability of election management by the National Autonomous Electoral Commission (CENA) (Jinadu, 2014). The operational costs encompass core election-related activities like voter registration, education, constituency delimitation, ballot paper printing, and election security. Additionally, fixed costs, such as funding political parties, salaries of EMB members, and administrative expenses, contribute to the financial burden on EMBs (Jinadu, 2014). Notably, the variations in election-related costs per voter across African countries highlight the commitment of regimes to free and fair elections, emphasizing the EMB's relationship with the country's executive, parliament, and ruling party (Jinadu, 2014).

Comparisons of election costs per voter in Africa face challenges due to limited and outdated data. The available information suggests that variations in costs correlate with the democratic environment of countries—stable, transitional, authoritarian, or post-conflict. Countries with a longer multi-party democratic history tend to have lower costs per voter, irrespective of regional or economic differences. Examples include Botswana at \$2.7, Ghana at \$0.7, and South Africa at \$7.3 per voter. Prudent financial management remains a crucial issue for most EMBs, requiring rationalized expenditure strategies to minimize election costs, especially in resource-constrained environments (Jinadu, 2014). The heavy reliance of EMBs, such as the Electoral Commission of Kenya (ECK), on the state for logistical support, funding, and staff transportation raises concerns about their independence, as doubts persist about the allegiance of officials to the government over the EMB (Institute of Electoral Democracy, 1997).

2.3.5 Deployment of armed forces and security services

The challenge of ensuring security during elections is exacerbated by a zero-sum approach to party and electoral politics, particularly in highly competitive presidential successions in countries like Côte d'Ivoire, Ghana, Kenya, Senegal, Sierra Leone, Togo, and Zimbabwe. This war-like electoral environment necessitates collaboration between Election Management Bodies (EMBs) and security agencies, armed forces, and paramilitary bodies to protect the electoral process's integrity. However, inter-agency arrangements may pose autonomy issues for EMBs, impacting their constitutional authority to conduct elections and control military and security personnel assigned for electoral duty (Adekanye & Iyanda, 2011).

Payment concerns and doubts about the non-partisan approach of armed forces and security personnel in securing and delivering election materials further complicate the electoral security landscape. The absence or inadequacy of legislation defining the duties of military and security personnel in the electoral process, coupled with an unclear institutional framework, contributes to challenges in maintaining neutrality and efficiency. For instance, Benin lacks formal rules on the relationship between its Electoral Commission (CENA) and security forces, while Ghana established an ad hoc National Election Security Task Force to address security concerns, involving various sections of the security forces (Hounkpe & Fall, 2011). The reliance on state police in Kenya raised concerns about neutrality, as evidenced by their inability to prevent or address election-related violence, eroding public confidence in maintaining law and order during elections.

2.3.6 Electoral boundaries and delimitation

Boundary delimitation in Kenya has been a constitutional necessity, with the last review conducted in 1996. Despite the constitutional requirement for a review in 2005, the Electoral Commission of Kenya faced limitations in the former constitution, leading to unaltered boundaries before the 2007 elections. The Independent Review Commission (Kreigler Commission) found constituencies to be unrepresentative, recommending a legal and institutional overhaul for delimitation. This led to the establishment of the Interim Independent Boundaries Review Commission (IIBRC) through the Constitution of Kenya (Amendment) Act, 2008, aiming for an independent and objective delimitation process insulated from political interference. However, challenges, including legal issues and the Maingi Case ruling, hindered the IIBRC's effectiveness (Maingi, 2010).

The Independent Electoral and Boundaries Commission (IEBC), mandated to address boundary-related issues, operates under the legal framework provided by the former Constitution, as amended by the Constitution of Kenya (Amendment) Act, 2008, the Constitution of Kenya, 2010, and the Independent Electoral and Boundaries Commission Act, 2011. International standards emphasize the need for a legal framework that specifies the frequency, criteria, public participation, institutional framework, and dispute resolution in the boundary delimitation process. Despite constitutional changes, concerns about the independence of the electoral body persist, contributing to interethnic hatred and election violence in specific counties like Uasin Gishu and Trans Nzoia (Independent and Boundary Commission, 2012).

3.0 RESEARCH METHODOLOGY

This study adopted descriptive survey research design and mixed method approach design. A mixed method research design is an approach to inquiry that combines both qualitative and quantitative forms (Creswell, & Clark, 2017). The target population was 6,618 which included 4200 victims in Burnt Forest, Uasin Gishu County and 2000 victims from Kachibora, Trans Nzoia (WHO, 2015). It included election victims, former ECK officials, political aspirants (candidates), local observers, elections agents, county/district commissioners, chiefs, security enforcers, village elders, NGOs, and camp administrators.

The study adopted the formula by Krejcie and Morgan (1970) to calculate the sample size of victims and key informants. The sampled size of interethnic relations was 363 in Burnt Forest and Kachibora respectively. The following population was sampled for the study: the victims, the former ECK officials, political aspirants (candidates), local observers, elections agents, county/district commissioners, chiefs, security enforcers, village elders, NGOs, and camp administrators. The researcher purposively sampled the people with targeted information by visiting their offices of which their contacts were obtained from the staff (receptionists) who were manning the offices. The three methods of data collection used in this study were interviews, questionnaires and Focus Group Discussions.

4.0 RESEARCH FINDINGS AND DISCUSSIONS

4.1 Challenges that emanated from electoral management practices in Uasin Gishu and Trans Nzoia Counties in 2007

According to the victims who filled out the questionnaires, they said that some of the challenges were more pronounced than others. The challenges that stood out included suspicion among residents, tribalism 109 (13.1%), failure of EMB officials to manage results 108 (13.0%), inadequate polling stations (36 (4.3%), lack of trust in police enforcers 36 (4.3%), death of non-locals, loss of property and displacements 72 (8.7%), late opening of polling stations 36(4.3%), poor coordination 36(4.3%), harassment, lack of trust by polling officials 73(8.8%) and late announcement of results (13.0%).

4.1.1 Lack of finance

Lack of finance to run electoral management practices were cited by 8.8% of the victims. On the other hand, out of those interviewed in an FGD in Trans Nzoia County said that the majority of ECK officials emphasized on lack of finance to run smooth running of activities of ECK. In Uasin Gishu County, one interviewee from FGD said that finance to run the ECK was not sufficient as said by those employed by ECK in the 2007 General Elections. Lack of sufficient funds to carry out the activities of the EMB was very common among those who were interviewed and those who filled out the questionnaires in the study areas.

For instance, the drivers of the hired vehicles were complaining that the money given was not enough to fuel their vehicles to polling centres. On the other hand, some clerks were complaining that money given to them could not gather for their fare and lunch. This is evidenced by one of the ECK presiding officials from Kachibora in Trans Nzoia County, who reiterated that,

As an official who managed a station, I suffered greatly because I ended up using my own money to carry out some work of the Electoral Commission of Kenya such as fare from my residence to the polling station and training centres” (Oral interview, Kachibora 4 Nov.2015).

That meant that the clerk used her cash for fares whatever was given was not enough to carry out all the activities of the ECK including fares for officials. This concurs with Jinadu’s (2014) views that the cost of elections and the proper management of their finances is a problem for EMBs in some countries. They suffer from chronic structural problems and budget deficits, and ‘rather than relying on the civil service, large numbers of temporary staff must be recruited and equipment purchased, often through a procurement process that must be conducted under extreme time pressures hence the EMBs should be given more cash and financial resources to be able to carry their activities and programmes without being influenced to favour certain political candidates. From the two methods used, there is a convergence of results because all participants strongly said that funds were a challenge in running the 2007 General Elections.

4.1.2 Delay of results

The delay of results according to the respondents from Burnt Forest was supported by 13.1%. This was seen to be a challenge emanating from electoral management on how they handled results, especially at the constituencies and national level. The delay of results at the national level affected the residents in the areas of study. This is contrary to the view that an independent electoral body is crucial for the conduct of free and fair elections. But it does not guarantee that the elections will at any cost be fairly managed (Wanyande, 2006). This is indicated by one of the election agents in Uasin Gishu County who said,

We expected results to be declared immediately but rather, the results were trickling in slowly by slowly making us think that something was going wrong” (Oral interview, Kondoo farm, 7 March 2021).

This meant that the respondents expected to get results immediately after the close of polling stations but instead, it took days to declare the presidential results causing anxiety among the residents of the study

areas. The situation on the ground was so tense that it created negative ethnicity among the communities who exercised their rights to vote leading to electoral violence in the 2007 General Elections.

4.1.3 Lack of Trust and harassment by poll officials

The existence of lack of trust and harassment by poll officials was 8.8 % among the victim respondents. This was because some respondents believed that the officials who were conducting the electoral process were after something especially those who were suspecting that there was a hidden agenda from the government. One political candidate from the PNU party in Burnt Forest said, *“I was so furious because most officials were turning deaf ears to their grievances”* (Oral interview, Kondoo farm, 7 March 2021). This led to mistrust from their supporters since the area was majorly ODM supporters discouraging other parties to have fair participation.

The views of Human Rights Watch (2011), emphasised that the Orange Democratic Movement (ODM) won considerable support, which contributed to rising negative ethnic tensions between the Kalenjins and Kikuyus in those areas. In a Focused Group Discussion in Burnt Forest, a young woman participant said, *“Those at the top are planning to rig elections which we have waited for long”*. (FGD, Burnt Forest, 16 August 2015). The participant thought that the 2007 General Elections was their turn to win but because of government, they had all the machinery to deny them the win. As a result of what was expected by some voters, it contributed to tensions in interethnic relations among communities leading to election violence. This meant that the participants were not satisfied with the conduct of the elections.

4.1.4 Lack of voter trust in police officers to transport ballot materials to different destinations

The findings indicated that 4.3% believed that there was a lack of the victims' respondents' trust in police officers to accompany the transportation of polling materials to destinations. This was because, in every vehicle transporting polling materials, at least two police enforcers were present. This caused some suspicion among the respondents because of a lack of trust to accept police as part of the players in elections. This is contrary to the view that EMBs demand from the police force duties beyond their normal remit where they need to work with security agencies, the armed forces and paramilitary bodies to protect and ensure the integrity of the electoral process (Adekanye and Iyanda, 2011). That portrayed lack of trust for politicians to be part of the election process which the EMBs rules are contrary to it.

The majority of those interviewed said that transportation of voting materials including ballot boxes was a problem. One ECK counting/polling clerk in Kachibora interviewee who was a respondent said that being one of the clerks, the vehicles we were given was not in good condition. This meant that the vehicles used were not serviced well or were in pathetic condition. This was an inspection of vehicles owned by the owners that were not in good condition. That meant there was a convergence of results from the different methods used in collecting data. That portrayed failure of ECK in the conduct of elections. Those who participated must have had experience with what was affecting election materials during transportation.

4.1.5 Late opening of polling stations

Most of the polling stations opened two to three hours late. An election agent interviewee in Burnt Forest said,

I woke up at 3 am only for the station to be opened at 9 am. I did not accompany the ballot boxes because my colleague who was also an agent for the ODM party was present” (Oral interview, Burnt Forest 7 March 2021).

Delay to open stations on time was due to the delay of personal vehicles to transport materials and personnel or breakdown of vehicles. Another reason was due to long queues from the regional distribution centres. This was confirmed by one ECK presiding officer in Trans Nzoia County, who said,

The distribution centres were very congested and it delayed the whole process. In his station, the exercise which was to begin at 8.00 am began at 10.00 am” (Oral interview, Makutano, 4 Nov. 2015).

This could be taken as part of administrative inefficiency in election management as pointed out by IED, (1997). This created suspicion of ECK in conducting a smooth election process. The methods had something in common concerning the delay of election materials which was because of congestion in distribution centres and a problem with transport. This contributed to negative ethnicity which was a recipe for post-election violence of 2008 in the study areas.

4.1.6 Shortage of polling materials

There was also the issue of inadequate polling materials including voting papers and ink. This was common in most polling stations where streams were more than two. One presiding officer in Uasin Gishu County said,

I was a presiding officer in a polling station but at one point the voting papers were not enough. Getting more from the constituency centre was not easy and it made the voters speculate that something was not right” (Oral interview, Chuiyat 3 Nov. 2015).

This meant that the papers provided for voting were not corresponding with the number of voters in the register. This is contrary to the views of Olawole, Adewumi and Oluwole (2013) who asserted that the “Right to vote is rather a public function conferred upon citizens for reason for social expediency”. This could have been due to mismanagement by the electoral body over inefficiency in the conduct of elections. This was a factor that contributed to interethnic relations creating suspicion among voters in the study area leading to violence during elections.

4.1.7 Missing names of voters in the voter registers

The ECK polling clerk official who was interviewed reiterated that in some cases, the names of voters were not in the register or the black books but possessed voters cards from the same polling stations which was a great challenge to them. One of the polling clerks in Burnt Forest cited a case where the name was missing for a voter and the voter needed to vote because he believed it was his right. The voter had all the requirements and the place became chaotic until police enforcers had to intervene. This concurred with Olewole, *et al.* (2013) that the Right to vote is rather a public function conferred upon the reason of social expediency.

On the contrary, Owuor, (2013), stated that getting a new register is to premise voter registration on the higher principle of accuracy, verifiability and the principles articulated in the constitution. This could avoid the challenges of missing names in the register. Other challenges that emerged from the data collected were: there was poor coordination between the Presiding Officers, Deputy Presiding Officers and the Constituency Returning Officers. Further, the polling staff did not have sufficient rest time on the night before polling day. They also lacked food for lunch and supper making them fatigued. Some complained of difficulty in handling the seals because the training given was not enough.

4.1.8 Lack of cooperation from voters in the polling stations.

Interview was conducted to find out whether there were more challenges experienced by presiding officers and one of the presiding officers in Kachibora said,

In my polling centre, most voters were not very cooperative. They caused chaos by disrupting queues which the security officers stepped in on time” (Oral interview, Suwerwo, 4 Nov.2015).

This was a result of the official not being from the locality and that caused discomfort among the residents. It led to anxiety among the voters contributing to inter-ethnic relations which became volatile. Another official in an adjacent polling station in Trans Nzoia said that chaos almost erupted because agents under his control were in excess in the polling centre. This was a result of going against the rules in the Kenya Party Act that each party should have two party agents. In this case, PNU party agents were more because they were manning each stream unlike the ODM party and other smaller parties which gave only two party agents per polling station. This became a loophole because parties were not uniformly following the rule. In my view, there was a misinterpretation of party rules since an omission of streams was not captured and also due to the financial muscle of parties within the playing ground. Such events led to supporters from different ethnic groups colliding thus a recipe for election violence which was experienced in 2007 post-election violence.

4.2 Challenges Experienced by ECK Officials

The researcher collected data from ECK polling and counting clerks' officials to find out the challenges they experienced in the course of conducting voting in their areas of jurisdictions in the study areas.

Table 1 Challenges experienced by ECK officials challenges Frequencies

				Percent
Challenges experienced by ECK officials			Lack of finance	10.5%
			Limited time	21.1%
			Massive voters in populated areas	5.3%
			Voter's missing names	10.5%
			Poor coordination	10.5%
			Poor security in polling stations	10.5%
			Less ballot papers	5.3%
			No lunch	21.1%
			Sealing of votes	5.3%
Total				100.0%

After the analysis to figure out challenges experienced by ECK officials, it was found that 10.5% of respondents believed that lack of finance were a challenge while 21.1% believed that time was limited. Only 5.3% of the respondents that a massive number of voters in a populated area was a challenge while 10.5% believed that the voter's names were missing, poor coordination and poor security in polling stations respectively also 5.3% believed that there were fewer ballot papers and sealing of votes which was also a challenge to the officers respectively and finally, 21.1% believed that lunch was a problem as illustrated in table 4.15.

From the respondents, a lack of finance emerged. This view has been given (Jinadu, 2014) that the ECK body must be well financed to enable the smooth running of the process. The cost of elections and proper management of their finances is a problem for most EMBs in some developing countries. They suffer from chronic structural problems and budget deficits and 'rather than relying on the civil service, large numbers of temporary staff must be recruited and equipment purchased, often through a procurement process that must be conducted under extreme time pressures.

In Kenya, apart from operational costs of core-related activities such as voter registration, voter education, constituency delimitation, the printing of ballot papers, purchase of ballot boxes and election security management, there are costs of electoral management and administration which Uasin Gishu and Trans Nzoia are not exceptional. This contributed to the 2007 post-electoral violence because of laxity within the EMBs and the government to allocate sufficient funds to the election process. One of the ECK polling clerk respondents in Burnt Forest said that ECK was not giving them enough money to run the exercise which is so tedious. There is no motivation for the clerks across the board. Therefore lack of finance for officials contributed to laxity hence relaxing the rules of opening and even closing polling stations on time. This is inconsistent with the duties of ECK officials in an election act, (2011) to open and close polling stations in the stipulated time.

5.0 CONCLUSIONS OF THE STUDY

ECK was faced with a lot of challenges in conducting the 2007 General Election. This is because the electoral management body is easily influenced by the political class in favour of their political party affiliations. The challenges faced ranged from poor coordination, lack of finance, inadequate voting materials, missing names in the voting registers, numbers of personnel and polling stations were not enough. Thus it was found that electoral management was adversely affected by political influence and majorly funding of ECK which hinder infrastructural facilities that facilitate the smooth running of elections..

5.2 Recommendations of the Study

This study recommends that to prevent and manage the causes and consequences of violence, a policy for electoral violence management especially monitoring and voter-centered strategies is needed to be carried out on a long-term basis and continue between general elections. Practitioners and policymakers on electoral violence management should; Support political party development, citizen education and media training, continuously monitor volatile areas during and especially around any by-elections and allocate adequate resources for maintaining monitoring capacity during elections.

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