MEDIATION AND NEGOTIATION AS STRATEGIES OF CONFLICT
RESOLUTION: A CASE STUDY OF 2007/2008 POST-ELECTION VIOLENCE
IN KENYA

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SUMMER 2019
DECLARATION

I declare that this research proposal is my original work and has not been presented for a degree in any other university

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DEDICATION

I dedicate this thesis to my family members, my husband Raymond and mum Joy for their emotional support, love and encouragement, which had positive contribution towards completion of this study.
ACKNOWLEDGEMENT

I would like to thank the supreme power of the Almighty God for His guidance, spiritual and physical strength He granted me to develop the study. Without God’s grace, the completion of this project couldn’t have been a reality. Next, I am grateful to my mum Joy, I feel indebted to her for the work she did in the past to support my education and make me who I am today with the ability to develop a study that contributes to a broad field of conflict management in international relations discipline. I feel obliged in taking this opportunity to extend my sincere gratitude to my husband Raymond for the encouragement and support he gave me during the period of the research and project development. I extend special tribute to my supervisor, Mr. Leonard Maumo for walking me through the thesis selflessly and for equipping me with all the knowledge I needed to do the thesis conclusively. Also for Mr. Dan Odaba, USIU-Africa lecturer for taking his time to read my document and make corrections. I am thankful to all my lecturers and colleagues at USIU-Africa for the support they offered throughout my study period. Even though I have no more valuable words to express my thanks to everyone who came to my aide during the period, my heart is still full of favors I received from every person during the research study and development period.

May God bless you for me!
ABSTRACT

This paper explores the use of mediation and negotiation as a strategy of conflict resolution in the case of Kenya 2007/2008 post-election violence crisis. The rationale behind this study was that mediation and negotiation as a conflict resolution strategy has been used in different conflicts such as Colombia, Syria, Yemen, Libya, and Somalia without success. On the other hand, mediation and negotiation was used successfully in South Sudan, but it did not bring everlasting peace in the country. Where mediation and negotiation are not applied, other conflict resolution strategies such as international pressure, sanctions and military intervention have been used to topple dictatorial regimes. However, sanctions and military interventions do not bring lasting peace and stability. This research work, therefore, engaged in an investigative case study to examine factors that led to successful use of mediation and negotiation as a conflict resolution strategy in Kenya 2007/2008 post-election, which brought immediate and long-term political, economic and social stability.

To answer the research questions and achieve its objectives, a mixed methodology approach was used. Quantitative data was collected from 89 PEV victims while qualitative data was collected from previous works and from senior officials in the Interior Ministry and Kenya National Commission of Human Rights. The research was supported by two relevant theories; conflict and realist theories. The results showed that mediation and negotiation process led by Kofi Annan resulted into political, social and economic stability in the country concluding that mediation and negotiation strategies were suitable for conflict resolutions. This study recommends further research to explore the reasons that cause failure or success of mediation and negotiation as a conflict resolution strategy elsewhere. It also recommends that the government and stakeholders should institute mediation and negotiation programs across the country to help in solving local disputes such as cattle rustling, land and boundary, as well as tribal motivated disputes.
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<thead>
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<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>CIPEV</td>
<td>Commission of Inquiry into Post-Election Violence</td>
</tr>
<tr>
<td>CPC</td>
<td>Communist Party of China</td>
</tr>
<tr>
<td>DPA</td>
<td>Department of Political Affairs</td>
</tr>
<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<tr>
<td>ECK</td>
<td>Electorate Commission of Kenya</td>
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<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FARC-EP</td>
<td>National Government of Colombia and The Revolutionary Armed Forces of Colombia – People’s Army</td>
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<tr>
<td>IDPs</td>
<td>Internally Displaced Persons</td>
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<td>IGAD</td>
<td>Intergovernmental Authority on Development</td>
</tr>
<tr>
<td>IREC</td>
<td>Independent Review Commission</td>
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<tr>
<td>KMT</td>
<td>Kuomintang</td>
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<tr>
<td>KNCHR</td>
<td>Kenya National Commission of Human Rights</td>
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<tr>
<td>LDP</td>
<td>Liberal Democratic Party</td>
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<tr>
<td>NAK</td>
<td>National Alliance of Kenya</td>
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<tr>
<td>NARC</td>
<td>National Alliance of Rainbow Coalition</td>
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<tr>
<td>NARC</td>
<td>National Alliance Rainbow Coalition</td>
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<tr>
<td>ODM</td>
<td>Orange Democratic Movement Party</td>
</tr>
<tr>
<td>PEV</td>
<td>Post-Election Violence</td>
</tr>
<tr>
<td>PNU</td>
<td>Party of National Unity</td>
</tr>
<tr>
<td>PRC</td>
<td>People’s Republic of China</td>
</tr>
<tr>
<td>ROC</td>
<td>Republic of China</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
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<tr>
<td>UNON</td>
<td>United Nations Office in Nairobi</td>
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<tr>
<td>UNSMIL</td>
<td>UN Support Mission in Libya</td>
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<tr>
<td>USSR</td>
<td>Union of Soviet Socialist Republic</td>
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<td>WW II</td>
<td>Second World War</td>
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CHAPTER ONE

1.0 INTRODUCTION

This study focuses on a strategy of conflict resolution in Kenya based on the mediation and negotiation talks that preceded the 2007/2008 post-election violence (PEV). The researcher was motivated to develop a research study on the topic based on the recurring historical conflicts, which until 2007, have been going on without sound resolutions. It is intriguing and interesting that the mediation and negotiation approach employed by Kofi Annan and his group of peace envoys provided recommendations that resulted in political stability for the first time since independence. The researcher is, therefore, interested in exploring how the mediation and negotiation strategy was used to achieve positive reforms in the country. It involves the assessment and critical examination of information and knowledge regarding the success and failure aspects of mediation and negotiation as a conflict resolution approach for subsequent restoration of peace, social, political, and economic stability in Kenya after the 2007/2008 PEV skirmishes.

1.1 Background of the Study

During the colonial period, Africans in Kenya came together with a common agenda of fighting for their freedom so that they could attain independence. In 1963, Kenyan freedom fighters led by Jomo Kenyatta, attained the independence so that as Africans, they can rule themselves under a sovereign government. However, just like other African countries, Kenya has experienced different forms of political conflicts rooted in internal and external factors. Majority of these conflicts have stemmed from political succession and the drive to control the state. It does not envisage the creation of a new state, but rather, the conflict is about who governs next. Even though the unity of the state has been tactically accepted by the competing political elites, the conflict is centered on the control of the state and state resources. Before delving in this issue, it is important to elucidate that Kenya, like
other African states, is a multiethnic country, with each ethnic trying to position their political kingpin to seize the control of the state for their gain. Thus, political succession is an attempt to capture the state and its resources through political power by one ethnic group at the expense of other ethnic groups, which is often characterized by political tension.

The study of political conflict in Kenya can be classified into six different historical categories. The first category is decolonization power struggles where Kenyan leaders strived to achieve the rights and ability to control their destiny, which is the highest political value. Political leaders, in the process, adopted both violence and non-violence strategies in the quest for independence. During this period, colonial power and government was the number one enemy of all ethnic groups in Kenya, and African politicians were working together to attain sovereignty and autonomous rule. The second category of political conflict in Kenya emerged from the “new independent consolidation.” It is at this stage where internal political conflict emerged as the politicians tried to achieve consolidation and control of the national political space during the post-colonial regimes. The third category of the post-independent political conflict in Kenya is called “leftover liberation movements,” which escalated into violent conflict. In this context, politicians tried to subdue ethnic, ideological and personal ambitions that resisted state authorities such as the 1982 attempted coup, with losers succumbing to treason, exile and a survival option. The government and state machinery subdued such powers through ethnic profiling and intimidatory tactics such as imprisonment and detention without trials. Ethnic profiling and intimidation gave birth to the seed of ethnicity in the sense that an ethnic group whose leader is in power and cronies of the incumbent tended to have more economic gains from state resources compared to the other ethnic groups that tried to oppose the government.
Thus, the fourth category of historical conflict in Kenya is the internal ethnic clashes due to territorial, economic, and political reasons.

Another category of political conflict in Kenya stemmed from “structural rivalries,” where the ruling elite developed a governance system that did not give groups with other views an opportunity to express what they believed. The situational structural rivalry could be understood from the one-party state declared during the Kenyatta and Moi Administrations. Opposition groups were intimidated and did not get a political space to express their views against the government. These led to the political conflicts, especially in the post-1982 attempted coup and later where the opposition politicians consolidated and fought for a multi-party democracy, which led to the repealing of Section 2A that had declared Kenya a one-party state. Even with the multi-party system, the government machinery and state resources were used by the government to intimidate opposition leaders and their followers, resulting into ethnic conflicts that followed after every election, especially in 1992 and 1997. In 2002, all opposition leaders consolidated into one political vehicle called NARC led by Mwai Kibaki and seized power from the ruling party for the first time in the history of Kenya. There was limited conflict as the majority of Kenyans across the country supported the opposition.

The sixth and the final category of political conflict in Kenya stemmed from both internal and external conflict of interests. External sources of power in Kenya have been activating conflicts through the financial support of political rivals while internal factors have stemmed from the historical, ethnic inclusion and exclusion strategies, leading to political polarization. As opposed to other African states, Kenya is among the few states where external forces did not provide military support that caused civil war in many African states. However, the political structure of the country leads to deep-rooted ethnicity and tribalism among various groups in Kenya. Towards the 2007 general election, the country
was already polarized into the ethnic groups and regions that were supporting President Kibaki and those that were supporting Opposition Leader, Raila Odinga. Each side had one expectation and; to seize the state power so that they can also benefit from the state resources. There was no option such as conceding a defeat, which leads to compromises and hence political and ethnic clashes. It was the worst and the longest conflict since independence and was also viewed as the epitome of historical injustices, which have been characterized by ethnicity and extreme favoritism of ethnic groups whose leaders are in the government. Real political reforms in the country started in 1992 with the introduction of multiparty and democratic ideology supported by the West. However, the incumbent still had greater control of what happened internally. That could be seen from the subsequent ethnic conflicts during general elections that were forthcoming. The 2007 PEV conflict led to significant political reforms, which the key players in the reforms believed could bring resolutions to the recurring ethnic clashes and political conflicts.

The post-election violence broke out after announcing President Kibaki as the winner of the controversial December 2007 presidential election. Majority of the PEV occurred in January and February 2008 in an ethnically motivated conflict that resulted in the death of more than 1100 people and more 350,000 people being internally displaced persons (IDPs). More than 200- people were turned into refugees with the unknown of sexual violence victims. The violence led to the destruction of more 117 private properties and over 490 government-owned properties, which included offices, health facilities, schools, and vehicles, among others. Initially, the violence was spontaneous and seemed to be a reaction to the perceived rigging of the elections by the government. In areas such as the Rift Valley and the Coast, members of the communities perceived to be associated with the PNU party and with President Kibaki) were targeted. In Nyanza and Western Kenya, the violence was mostly directed towards government facilities and gradually took the
form of looting and destruction, and while it also targeted communities perceived to associate by the government. The intention appeared to be not to kill them but rather to expel them and destroy their property.

However, according to Human Rights Watch, the pattern of violence subsequently took a different pattern, which showed planning and organization by politicians, businessmen, village leaders, and local leaders, who enlisted criminal gangs to execute the violence. This was particularly the case in Rift Valley and Nairobi. In Naivasha, Nakuru and the slum areas of Nairobi, gangs were mobilized by both sides of the political divide and used to unleash violence against communities perceived to supporting either party, and to expel them from their residences. Similarly, organized youth supporting the opposition, particularly in the North Rift, attacked and drove out communities affiliated to government living there. In many instances, the police action added to the violence, with considerable evidence that officers took sides and used terror tactics against slum dwellers. The situation was rapidly going out of control when the international intervened, and Kofi Annan took over the mediation processes. The Peace Accord led by Kofi Annan, other envoys and Kenyan politicians drawn from both sides came up with various proposals to resolve the political conflicts in the country, which have been caused by historical injustices since independence. These included the formation of Coalition Government in 2008; the subsequent developing of the 2010 Constitution and revising of the Kenyan boundaries by creating County government to increase political representations, decentralization of state resource management and allocations.

1.2 Statement of the Problem

Conflicts have increased in various societies around the world and the African continent over many years. These conflicts bring with them various social and economic problems to civilians such as internal displacement of victims, loss of jobs and businesses,
destruction of properties and infrastructure, loss of lives, permanent and temporary injuries, rape and other forms of inhuman acts. Majority of the conflicts within countries are caused by political contestations, negative ethnicity, and tribalism, among other internal factors. In many instances, international communities often intervene in such conflicts through diplomacy, economic sanctions, and military interventions, among others. The problem is that most of these conflict resolution strategies do not restore social and economic sanities among the affected publics and governments. The key reason why some of these conflict resolution strategies the people involved do not use the right tactics first to understand the local dynamics and factors leading the conflicts. Studying the effectiveness of mediation as a conflict resolution strategy used in Kenya during the 2007/2008 PEV explore possible conflict resolution strategies that could bring to an end political stalemate.

1.3 Research Objectives

The main objective of this study was to investigate effectiveness of mediation as a conflict resolution mechanism in the 2007/2008 PEV.

1.3.1 Specific Objectives

i. To examine the factors determining the outcomes of mediation and negotiation as a conflict management tool in the Kenya 2007/2008 PEV.

ii. To assess how mediation and negotiation outcomes during the 2007/2008 post-election influenced the political and government structure of the country

iii. To evaluate how mediation and negotiation outcomes during the 2007/2008 PEV influenced social and economic aspects of PEV victims

1.4 Research Questions

i. What are the factors that determined the outcome of mediation and negotiation as a conflict management in the Kenya 2007/2008 PEV?
ii. How did mediation and negotiation outcomes during the 2007/2008 post-election influence the political and governance structure of the country?

iii. In which ways did mediation and negotiation outcomes during the 2007/2008 PEV influenced social and economic aspects of PEV victims?

1.5 Justification of the Study

The reason for this study was to explore the effectiveness of mediation and negotiation in controlling the internal conflicts such as post-election violence of 2007 and 2008 in Kenya. In Africa, many countries have been marred with conflicts that result in full-blown civil wars due to political and economic injustices. These include DRC, Ivory Coast, Sierra Leon, Central Africa Republic, South Sudan, Somalia, Rwanda, Burundi, Uganda, and Libya, just to mention a few. The international institutions and actors have employed various conflict resolutions strategies, including mediation and negotiation in some of these cases without success. However, mediation approaches in Kenya brought peace and facilitated various political and economic reforms. These can result in the argument that mediation and negotiation as a conflict resolution strategy does not work in all cases of conflict. Therefore, by examining and analyzing how and why mediation and negotiation processes in the 2007/2008 PEV became successful, this study has provided insights into understanding when and how to use mediation as a conflict resolution strategy. This study has also provided new insight and knowledge as to why understanding the internal political dynamics of a country is essential in proposing reforms that would have positive effects on political, social and economic platforms of the country.
1.6 Significance of the Study

This study has provided 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. These include intercommunity conflicts arising from cattle rustling, boundary disputes and ethnic clashes, which are common problems in the country. The study has also provided illustrative knowledge about the use of mediation and negotiation as conflict resolution tool in various circumstances based on the specific issues that are unique in each case. Moreover, the study has provided essential insights and knowledge, which can be applied by the international institutions mandated with the role of overseeing international peace-building initiatives through the use of mediation and negotiation as a conflict resolution. 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 conflict resolution as a way of restoring peace, political, social and economic stability of a nation.

1.7 Scope of the Study

This study has focused on the effectiveness of mediation and negotiation as a conflict resolution strategy in resolving the 2007/2008 post-election violence. It has also focused on mediation and negotiation approaches as the independent variables and the mediation and negotiation outcomes such as political, social and economic stability levels as the dependent variables. The study will focus on the 2007/2008 PEV as the case study to assess the effectiveness of mediation and negotiation in conflict resolution. Data from government agencies, international agencies and victims of the 2007/2008 PEV within Nairobi County were used.
1.8 Limitations of the Study

According to Creswell and Creswell (2017), limitations of the study refer to the characteristics of the study design and methodology that controls the data collection interpretation of the findings and conclusion. It describes the confines within which the study development cannot go beyond. Even though the study captures mediation and negation as a diplomatic strategy for conflict resolution and peace-building initiatives by the international agencies, it is limited to the short-lived conflict in Kenya that occurred after the presidential election of December 2007. The study is limited to individual government officials without consideration to other key players in negotiation and international diplomacy such as such as the top leaders, university dons in political science and international relations and other stakeholders. It is further limited in terms of participants as it will only consider the PEV victims living in Nairobi County where the nature of conflict and causes might be different from what happened in other parts of the country.

1.9 Chapter Summary

The research study is organized into five parts as follows:

Chapter one introduces and provides background information on mediation a diplomacy approach for conflict resolution during the 2007/2008 PEV. It also covers the statement of the problem, objectives of the study, research questions, and operationalization of the variables, the conceptual framework, and scope of the study, justification of the study, significance of the study, limitations of the study, and organization of the report.

Chapter two critically discusses the literature review on the studies done before regarding mediation as a conflict resolution tool. The empirical review covers impact of mediation and negotiation on socio-economic and political aspects of the society as a conflict resolution strategy. This chapter also brings out the theoretical framework and the
operational definition of terms. The theoretical concepts used to support the study are conflict theory and liberalism theory.

Chapter three provides the research design and the methodology of the study. This chapter is organized in the following: research design, target population, description of the sample and sampling procedures (covers sampling frame, sampling techniques and sample size), description of research instruments, description of the data collection procedures and description of data analysis procedures.

Chapter four presents research findings of the study which is analyzed and discussed under thematic sub-sections in line with the research objective. To achieve the goals of this research study, both qualitative and quantitative methods of data collection and analysis have been used.

Finally, chapter five presents the summary of the findings, conclusion, recommendations, and suggestions for further studies to the body of knowledge about mediation strategies as a diplomacy approach.
CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter has two major sections: the first section is the theoretical framework while the second section is the literature review on the use of conflict and use of mediation as a conflict resolution. The literature review section includes critical document and content reviews of previous studies regarding conflicts in the world, Africa and Kenya as well as the use of mediation as a conflict resolution strategy, its success, failure and reasons of such outcomes in various cases. Both theoretical framework and literature review are helpful in integrating the research findings and analysis with relevant theories, concepts and ideas developed for effective use of mediation as a conflict resolution tool. The theoretical framework includes relevant theories that are appropriate in understanding causes and effects of conflicts and the need to resolve the conflicts. Theories included in the theoretical framework section include conflict theory, fascism and nationalism theories. Generally, this chapter provides effective background information about the conflicts and mediation as conflict resolution strategy. The chapter thus, set a strong knowledge and information-based ground for the data collection approaches, analysis, discussion that will led to profound conclusion and recommendations for this research study. Through the literature reviews and theoretical framework, the researcher can identify the predicted gaps and set a stage for the study development that will address those gaps effectively with reference to political conflicts and mediation as a resolution strategy. A deductive approach has been used to analyze the literature.
2.2 Theoretical Framework
This section looks into theoretical frameworks that have been applied in the study of conflicts and use of mediation and negotiation as a conflict resolution strategy with the focus on their application in the 2007/2008 PEV in Kenya. The two theories chosen to assist in understanding and developing this research are conflict theory and realism theory. The theories have been discussed from the aspects of their proponents, strengths, weaknesses and application.

2.2.1 Conflict Theory
The conflict theory, as coined and suggested by Karl Marx, is anchored on the assertion that society is in a state of perpetual conflict because of competition for limited resources among different groups, which can be tribal communities, government agencies and regions as well as states (Strasser, 2014).

2.2.1.1 Proponents of Conflict Theory
The main proponent and developer of conflict theory is Karl Marx, the author of Communism Manifesto, in which he used the theory to explain the social and economic struggles between the bourgeois and proletariats. Another key proponent of conflict theory is Max Weber who refined the approach taken by Karl Marx. Rather than sticking to Marx’s notion that conflict only occur between the bourgeois and proletariats, Webber includes emotional and psychological aspects in the theory. Weber’s conclusion on the conflict theory is similar to those reached Sigmund Freud that above emotionality, there are other specific forms of interactions creating strongly beliefs resulting into solidarity of each member different groups. When beliefs of different groups clash during intergroup interactions, conflict is likely to arise (Milios & Dimoulis, 2018).
2.2.1.2 Strengths of the Theory

The key strength of conflict theory is that it seeks moral ends: the liberation of humanity from false claims of universality. Universalism is when one group takes power and seeks to justify it on the grounds that it represents freedom for all groups in that society (Strasser, 2014). The reality is that it is freedom for that particular group, not the entire society. Using Universalist rhetoric by politically powerful individuals and groups to disguise specific domination is a common means of controlling discourse and political debate. According to Milios & Dimoulis (2018), this mode of unmasking is one of the most attractive elements of critical/conflict theory.

2.2.1.3 Weaknesses of the theory

The critical connection of the conflict theory with socialism and statism, which promote the centralized political power, is its greatest weakness (Strasser, 2014). The ultimate vision of the conflict theory is to see a society where all can freely cooperate in the production of social goods. However, this assumes that all anti-social elements in the population are based on class rule and its cognates. It assumes, without argument, that human nature is generally good but corrupted by “civilization” in its varied forms. Hence, once “domination” is eliminated, people will then begin to cooperate (Strasser, 2014). However, domination can also be used constructively to bring corporation and peace.

2.2.1.4 Application of the theory

The oppressed are therefore likely to organize and rise against the dominant power to get their share of the resources (Strasser, 2014). According to Milios & Dimoulis (2018), the basic premise of conflict theory is that individuals and groups within a society work to maximize their own benefits through conflicts and confrontations. The theory is relevant in this study in the sense that it explains the reason behind the numerous conflicts around
the world, which have existed over the centuries. The conflict theory also acts as a basis of initiating mediation and negotiation because its application will help the mediators understand the reasons of conflict, or in which ways are the communities, societies or states are struggling and competing for resources (Milios & Dimoulis, 2018; Strasser, 2014). That way, mediators develop a better position to solve the conflicts.

2.2.2 Realism Theory

Realism is an international relations theory positing that states work only to increase their own power relative to that of other states. Realism also claims the following: The world is a harsh and dangerous place (Baylis et al., 2017). The only certainty in the world is power. A powerful society or state will always be able to attack, outdo and outlast weaker competitors.

2.2.2.1 Proponents of the Theory

The first proponent of realism theory is Thucydides, an ancient Greek writer and a philosopher, in his work “History of the Peloponnesian War” where he questions the relationship among states, especially where political and military power play the central. In this work, Thucydides presents the armed conflict between Athens and Sparta in which he depicts political and military power as tools used by states to dominate over other and serve their self-interests. Machiavelli is another proponent of realism who lived during the late Renaissance period in the sense he explained that the primary focus of nations is to increase their power in order to dominate over other nations.

2.2.2.2 Strengths of the Theory

One of the key strengths of classical realism is that there will be other people, including the aggressors who hold different values that also will struggle for power (Smith & Baylis, 2001). The theory further strengthens the notion that international relations is shaped by
distinct communities with different values, history, culture and ideological doctrines etc. Owing to this division, there is no “universal rational” that explains aggression against the world communities (Baylis et al., 2017). Therefore, Classical Realism also warns us against the fragility of the balance of power and all other international arrangements. With such uncertainty in the behavior of states, states can easily miscalculate their capabilities and the capabilities of their adversaries, which could lead to conflicts (Burley, 2017).

2.2.2.3 Weaknesses of the Theory

The realism theory defines politics as a struggle for power generated by the conflict of interest only. The position makes depicts the weakness of the theory in the sense that it makes conflict of interests the only determinant of international relations politics, which is a partial and one-sided out-look. It ignores the role of values in international relations. Like all social relations, international relations are also characterized both by conflict and cooperation (Booth & Erskine, 2016). The element of cooperation among nations is also an important factor of international relations which cannot be and should not be ignored, as in the case of realism.

2.2.2.4 Application of the Theory

Conflicts have been witnesses in various countries of the world and Africa worse than that of the 2007/2008 post-election violence. Some of the conflicts have been going on for years without successful intervention by the international community. However, the United States and the United Nations responded to the Kenyan 2007/2008 PEV in first week of the violence. This can be seen that the United States, which the super power and has greater influence in operations of the United Nations had greater interest in Kenya. Any violence, which could erupt to civil in Kenya, might have had greater negative impact
to the United States foreign policy in Eastern Africa. Thus, to preserve its interests, the United States sent government envoy, Condoleezza Rice, to influence the political decisions of opposition and government of Kenya. The United States further initiated the mediations and negotiation processes popularly known as Serena talks led by Kofi Anan. The United States was doing all these to protest her self-interest in Eastern African, considering the strategic position and historical importance of Kenya to diplomatic and military missions of the United States and entire West.

2.3 Introduction to the Literature

The literature review has been developed using critical document and content review of the previous studies and published information regarding conflicts in the world, failure and successful use of mediation as a conflict resolution strategy. The literature review section is divided into subsections to help discussing specific elements of the study topic. The section is introduced by providing background information about conflict and resolution approaches used in attempts to control violence, causes and effects of conflict. The information developed in the literature review is anchored on previous works about the study topic. The three subsequent sections involve in-depth discussion and reviews of the previous works about conflicts in the world, conflicts in Africa and Conflicts in Kenya. The fifth subsection involves the critical review and discussion about mediation and negotiation, and how it has been applied in the world conflicts, in Africa and in Kenya. These reviews and discussions are intended to provide a strong background information, knowledge and insights that will be essential in data collections and analysis that will effectively answer research questions.
2.2.1 Overview of Conflicts

During the 1950s and 1960s, the Cold War conflict between the United States led West, and the Soviet Union led East, there was a non-military tension that culminated into the struggle for nuclear weapon development and military power, which threatened the very fundamental existence of human. According to Ramsbotham et al. (2011), a group of scholars upon studying the situation decided to explore academic study on characteristics and management of conflict and its viability in the international platform. The research and exploration gave birth to the field of conflict management and its potential in the domestic and international application to bring peace. Scholars in North America and Europe started an initiation to explore the area by developing categories of conflicts, characteristics, and conflict resolution approach, which began to spread rapidly across the world.

As Ramsbotham et al. (2011) illustrate that knowledge about conflict and conflict management at the international level was applied for the first times in the early 1980s. During the period, conflict resolution was increasingly providing positive outcomes as a mode of diplomatic intervention in small scale violence and blown out civil wars. For instance, conflict resolution approaches were used in South Africa by the Centre for Intergroup Studies during the apartheid conflict, and the results were impressive. Its application in the Middle East to initiate peace also depicted positive results (Hinnebusch & Zartman, 2016). Conflict resolution approach was also used in Northern Ireland to reconcile communities who were divided by social and economic indifference. International communities and humanitarian agencies in the late 1980s and early 1990s used mediation and other conflict management strategies to try and bring peace in war-torn African countries and East Asian region (Ramsbotham et al., 2011).
As posited in the argument put forth by Bercovitch (2011), conflicts are facts of human society perpetrated by differences in views, ideas, and ideologies. When views and opinions of people in a given society clash, conflict often arises. The conflict between opposing factions can remain at the argumentative level or can escalate into a physical confrontation, violence, and even a civil war. World over and throughout the post-War world history, many countries have experience domestic conflicts and civil wars due to political and ideological differences among two or more factions in the country (DeRouen et al., 2011). However, conflicts often result in domestic and regional economic, social, and political instabilities, which hamper international relations and foreign diplomacy between the country and other nations (Bercovitch, 2011).

As stated by Gowan (2013), globalization and technology are making the world states of being more dependent on each other regardless of differences in economic and political influences among nations based on the development levels. Therefore, when conflict erupts in one of the states, there is a direct negative effect in the economic, social and political development of other countries with diplomacy ties to the affected nation (Ramsbotham et al., 2011). Since the establishment of the United Nations after the World War II, the world nations have been over the decades trying to use diplomacy approach to resolve conflicts such as civil wars or territorial conflicts between countries. As pointed out by Hinnebusch and Zartman (2016) regarding the mediation talks in Syria, international communities are committed to peace talks that can lead to cease fire and subsequent economic, social, and political stability. However, the Syrian case is evidence that not all mediation efforts lead to success. To respond to such failures, Kleiboer (1996) elucidates that without a useful understanding of the local dynamics of conflicts in a given context, it becomes difficult to achieve success with mediation and other forms of conflict resolution.
Kenya has been one of the most peaceful countries in a continent that has been marred by national and regional conflicts. Such countries include Rwanda and Burundi, former Sudan and the current South Sudan, Namibia, Congo, Central Africa Republic, Uganda, and Sierra Leone, to mention a few. Many of these conflicts in Africa were caused by political, economic, and social indifference and inequalities among communities and political leaders. Conflict resolution approaches used in the majority of these cases failed, and as Kleiboer (1996) would put it; these were caused by a lack of understanding of the real problems facing communities in those countries. The dynamics surrounding factors that perpetrate indifferences, which culminate into violence and civil conflicts often revolve around political, economic, and social problems. Nevertheless, each society has its unique challenges that must be addressed with utmost care and professionalism.

Several conflict resolutions approaches have been proposed with different strategies and applications for international standards for conflict resolutions. While these approaches have been recommended for the local and international intervention in conflict vested societies, the history of the world shows that just a few cases where mediation and other diplomacy approach in resolving conflicts have resulted into positive outcomes (Ramsbotham et al., 2011). There are many cases where mediation and other forms of diplomacy have failed to materialize due to the hostility of the warring factions. For instance, international agencies launched mediations that failed to bring lasting peace in African countries such as Somalia, DRC, Ivory Coast, and South Sudan, among other nations. However, peacekeeping missions in Namibia, Burundi, Zimbabwe, and Kenya, among others, resulted in lasting solutions (Nathan, 2009). The conflicting outcome brings us to a point where we ask these questions: 1) What causes the success of mediation as a diplomacy strategy for a peaceful resolution in some areas while it fails to materials in some cases? 2) Does the outcome of the mediation and negotiation processes depend on
how well the mediators sent as diplomatic envoys understand and approach political, social, and economic issues? This study seeks answers to these questions.

According to Kleiboer (1996), conflict can only be solved effectively when the mediators understand the fundamental problems facing the society and provide appropriate solutions by engaging the antagonistic groups. However, there is a little consideration or emphasis on the fact that nature of conflicts differs depending on specific dynamics of a society (Greig & Regan, 2008; Gowan, 2013; Regan & Stam, 2000). The use of standard diplomacy approaches without consideration to the unique local issues led to failures in conflict resolutions in Syria and Libya among other countries (Lundgren, 2016; Beardsley, 2013; & Lundgren, 2014). According to Beardsley (2013), the best way to achieve successful mediation and negotiation is through the use of specific dealings and negotiations in a given context. This study applies the same concept to look into the particular issues considered that it led to positive outcomes during the 2007/2008 PEV negotiations.

The post-election violence (PEV) that broke out in Kenya during the December 2007 to early 2008 resulted from political indifferences between two political factions: PNU party led by the then President Mwai Kibaki and ODM party led by the then opposition leader Raila Odinga. As reported by Nation Media (2008), the conflict was caused by the results of the presidential election contest between the two leaders with claims of violating electoral laws through the government support. The violence that broke out after the announcement of election outcomes did not only cause a humanitarian crisis but also led to political, economic, and social instability in the country. The international communities responded by initiating negotiation as a diplomatic strategy to halt the conflict. The intervention in the Kenya case resulted in visible positive results with the immediate ceasefire, gradual stability, and critical political reforms. This study will assess how the use of
mediation and negotiation as a diplomatic approach led by Kofi Annan played a central role in conflict resolution during the 2007/2008 PEV based on the specific dynamic of the Kenyan situation.

2.2.2 Conflicts Around the World

2.2.2.1 World Conflicts in the First Half of 20th Century

Since the invention of the automobile and industrial technologies between the late 19th century and the early 20th century, countries in Europe, America and parts of Asia used the inventions to create powerful weapons, equipment, and automobile facilities that improved their military capabilities (Cole, 1996). Majority of these states such as Germany, Italy, France, England, Spain, Japan, Soviet Union, and the United States had the greater ambition of developing strong military capabilities to defend themselves from inevitable invasions by enemy countries (Ferguson, 2012). According to Cole (1996), the quest to have military domination over other states among the world resulted in various conflicts beginning with the World War I during the 1914-1918 periods. Between 1919 to the commencement of the Holocaust in 1933, there were internal conflicts in many countries. These conflicts culminated from autocracy, socioeconomic inequalities, and politically motivated injustices as well as the lust for power among the militia and political groups (Ferguson, 2012; Cole, 1996).

According to Ferguson (2012), the struggle for freedom and independence, political space, and domination of the weaker ones has been the major cause of internal conflicts throughout the history of the world. One of these conflicts is the Russian Revolution, which started in 1917 between the Bolshevik governments that had just seized power several rebel armies who were against the newly formed government (Ther, 2000). The conflicted lasted until 1922 when the government of Bolshevik successfully suppressed
the rebels. However, the confrontation was bitter and atrocious, leading to deaths of many civilians (Cole, 1996). Another remarkable conflict was the Irish War of Independence that was fought during the 1919-1921 period between the Irish Republican Army and British Forces. The war was instigated by the need for the Irish people to gain independence from the British Empire. According to Ferguson (2012), the conflict led to the death of more than 1000 people, with the Ireland and Irish people gaining political autonomy, which was their main goal.

Another remarkable conflict during the first half of the 20th century characterized by the struggle between two opposing political divides to control the state and state resources was the Chinese Civil War (Westad, 2003). It occurred between the government of the Republic of China led by Kuomintang (KMT) and the Communist Party of China (CPC), as the latter side of political divided wanted to seize power and instill Communism as the political and economic ideology of the country. The conflict started in 1927 and lasted for more than two decades with phases. The first phase of the conflict took place between 1927 and 1937, while the second phase took place between 1946 and 1950 (Loh, 2010). The Second Sino-Japan War separated the two sides between 1937 and 1945. The Chinese Civil War marked the greatest turning point in the modern history of the Chinese governance with the Communist Party of China gaining the control and establishing the People’s Republic of China (PRC), and forcing the former Republic of China (ROC) to move to Taiwan (Westad, 2003; Loh, 2010). According to Westad (2003), this led to a long political and military standoff between the Taiwan based ROC and mainland China-based PRC, with both claiming to be the legitimate government of China.

Other remarkable conflicts recorded during the first half of the 20th century that started before the World War II are the Italo-Ethiopian War and Spanish Civil War (Singer & Small, 1994). The Italo-Ethiopia War was fought between the Kingdom of Ethiopia and
Italian forces between 1935 and 1936. The colonial war ended with Italy gaining the victory and occupying Addis Ababa, leading to the foundation of Italian East Africa. The war involved Italy as a foreign power that wanted to control the local Ethiopian government and military resources (Coverdale, 2015). On the other hand, the Spanish Civil War started in 1936 and ended in 1939, as an army revolt against the Republican Government of Spain, supported by the conservative rudiment within the country. The bloody civil war ensued when the first military coup failed to take control of the whole country. Both sides of the political and military divide fought with a great ferocity leading thousands of civilian casualties and socioeconomic crisis. According to Singer and Small (1994), the war attracted various international powers with specific interests in the country’s political outcomes. The Nationalist rebels were supported by the Fascist Italy and Nazi Germany, while the Republican government received support from the Soviet Union and other international brigades from Europe and the United States (Coverdale, 2015). However, Nationalists won and seized control of the government.

The two deadliest conflicts during the first half of the 20th century were the Holocaust and the WW II. The Holocaust started in 1933 immediately when Adolf Hitler seized the power of Germany (Ferguson, 2012). It ended in 1945 when the Hitler’s led Nazis army were defeated by the allied powers. It led to the greatest violation of human rights through genocide in the modern history of the world. According to Ferguson (2012), to understand the atrocious deeds behind the war, the term Holocaust was derived from a Greek work, holokauston, which means performing sacrifice by fire. The Nazis soldiers led by Hitler persecuted and planned the slaughter of Jewish people living in Europe and other people they considered inferior to the native Germans (Bachrach & Backrach, 1994). They were called with the majority slaughtered in concentration camps and burned in fire furnaces. The conflict led to the death of millions of Jewish in Europe and victims of inferiority
complex. As elucidated by Bachrach and Backrach (1994), the Holocaust War did not have a clear political, military, or economic domination motive rather than senseless killing of people on the ground of their ethnic backgrounds.

Even though it started much earlier, Holocaust coincided with the World War II, whose aftermath created a new world order. The World War II started with when the Nazis attacked Poland in 1945 (Bloxham & Kushner, 2001). The British and French forces responded in defense of Poland. The Nazis seemed and unstoppable and they ended attacking the Soviet Union. Even though the Nazis were powerful, they stretched themselves too much to withstand the enemies’ forces. As a result, the British and the allied forces pushed Germany Nazis by 1943. The Soviet Army, on the other hand, surrounded Berlin, the Germany’s capital by 1945, causing Hitler to commit suicide upon realizing that the war nearing its end without any gain (Bachrach & Backrach, 1994).

Meanwhile, the defeat of the Nazis in Europe did not end the war immediately because the Japanese army was still fighting (Bloxham & Kushner, 2001). The decision by President Harry Truman to use the atomic bomb, a new and deadly weapon, on the Hiroshima City of Japan was fatal but it ended the World War II and became turning the political and military dynamics of the world into a kind of peace through international institutions such as the UN, international relations and globalization (Seaton, 2007).

2.2.2.2 World Conflicts from Post-War World to the end of Cold War

During the better part of the first half of the 20th century, world powers engaged in supremacy wars (Cole, 1996). Nations were marred by internal conflicts, as shown in the previous section of this review. However, none of the world powers had thought of the devastating effects of until after the Hiroshima and Nagasaki nuclear bomb strike by the United States (Wilson, 2007). The devastating effects of the newly developed nuclear bomb on Japanese opened a new chapter in the world that called for the necessity to control
the possession of dangerous weapons and creation of international institutions that would foster peace and coexistence among world states (Seaton, 2007; Wilson, 2007). As a result, the United Nations was created in 1945 immediately after the end of the World War II as an international organization mandated with the role of promoting peace in the world by developing various conflict resolution strategies and making major decisions such as sanctions to countries whose governments have been engaging in wars, conflicts and violation of human rights (Seaton, 2007). However, war and conflicts still prevailed in the second half of the 20th century.

As explained by Davenport (2010), after the World War II, there were two centers of great powers, which emerged with the contrasting political and economic ideologies; these included the United States and the Union of Soviet Socialist Republic (USSR), also known as the Soviet Union. While the United States was pro-democracy and capitalism, the Soviet Union was pro-Communism (Bostdorff, 2008). The Soviet Union wanted to spread communism across them as much as the United States wanted to spread democracy and capitalism across the world with the aid of its Western allies (Davenport, 2010). Through the Truman’s Doctrine of 1947, United States declared a countermeasure to the spread of communism in what could later turn out to be called the Cold War and subsequent international and domestic wars, and coup d’états across the world between the 1950s and early 1990s (Bostdorff, 2008).

According to Dudziak (2012), the declaration by President Truman that the United States would provide political, military and economic support to all democratic nations that were under threat from both internal and external authoritarian forces, was a direct contestation with the Soviet Union. It was a clear reorientation of the United States foreign policy in the post-War world, which deviated from its initial stance of withdrawal from regional conflicts that do not directly involve the United States (Ruggie, 2013). Truman argued that
the United States could no longer stand by and allow the forcible expansion of Soviet totalitarianism into free, independent nations because American national security now depended upon more than just the physical security of American territory. Rather, in a sharp break with its traditional avoidance of extensive foreign commitments beyond the Western Hemisphere during peacetime, (Dudziak (2012) illustrated that the Truman Doctrine committed the United States to actively offering assistance to preserve the political integrity of democratic nations when such an offer was deemed to be in the best interest of the United States (Ruggie, 2013).

The consequences of Truman’s Doctrine and Cold War was the various coup d’états and civil wars across the world witnessed from the early Post-World War to the early 1990s. One of such confrontations was the Korean War, which was caused by border disputes, sovereignty claims, and differences in ideologies between North Korea and South Korea (Lowe, 2014). China and the Soviet Union supported North Korea to invade South Korea in a conflict that lasted between 1950 and 1953. In response, the United Nations, through the United States, supported South Korea during the war to tame communist-led North Korea from domination (Stueck, 2013). Based on De Waal (2014), the First Sudanese Civil War was not only caused by religious indifferences between the north and south regions but also due to infighting between Marxists and non-Marxist leaders and their followers. Another apparent confrontation between the two powers was the Vietnam War that lasted between 1959 and 1975. According to Kulka et al. (1990), the war was between the communist-led nationalist army, and the South Vietnamese supported the United States army. The United States wanted to stop the spread of communism in Vietnam through the war, which led to deaths of civilians and soldiers alike. Upon losing the public support, the United States ended the Vietnam War without any clear gains (Kulka et al., 1990).
The last conflicts that involved the United States and the Soviet Union before its collapse in the early 1990s are the Iran-Iraq War and the Soviet-Afghanistan War (Stueck, 2013). In the war that ended in 1988, Iraq invaded Iran to stop intimidate it and stop her possible domination of the region. While the Soviet Union involved spreading communism in the Middle East, the involvement of the United States was control and possibly stop the spread of the communism in the Middle Eastern countries (Little, 2008). The Post-Soviet Union was seen as a successful campaign by the United States to support democracy against communism and remain the undisputed world superpower. Even with this, Ferguson (2012) argues that the American foreign policy remained the one supported by democratic ideology.

2.2.2.3 World Conflicts from 1990s to Present

The major conflicts of the world from 1990 to the early 2000s included the Gulf War, the insurgency of Turkey, the Ten-Day War, and the Croatian War of Independence among others. The Gulf War started in August 1990 and ended in February 1991 as a war of a coalition of troops from 35 nations led by the United States against Iraq. The War started as the United States’ response to the invasion and annexation of Kuwait by Iraq due to oil pricing and production disputes. Even though the Gulf War occurred during the Bush administration, the military response was a true reflection of Truman’s Doctrine where the United States declared support for countries that have been invaded. More than 1000 Kuwait civilians died as a result of the Iraqi invasion. On the other hand, the bombing of Iraqi by the United States Airforce led to the destruction of infrastructure and industrial facilities in the country. Because of the invasion, the UN Security Council imposed economic sanction to Iraq through Resolution 661, which included full trade embargo between 1991 and 2003.
After the disintegration of the Soviet Union, countries inclined to communism, especially in the East faced political instabilities as a result of ideologically motivated conflicts. Turkey, Bosnia, and Kosovo War were just among the few notable conflicts in the post-1980s. For instance, DHKP/C insurgency in Turkey was conflict between Marxist group and Leninist group, which was waged by the Revolutionary People's Liberation Party/Front (DHKP/C), and had been ongoing since 1990. The insurgency started with political assassinations in the early 1990s. It later escalated into another level of conflict whereby DHKP/C resolved to use suicide bombing strategy as a way of terrorizing the Turkish government and civilians. Another conflict, which is also viewed as the aftermath of the Soviet disintegration is the Bosnian Civil War, which started shortly after the country declared its independence in 1992. The war stemmed from negative ethnicity, and the motive was to kill in the name of ethnic cleansing. The United States forces and NATO peacekeeping mission intervened to prevent further killings.

Kosovo War was another remarkable conflict in the world, which attracted the attention of the international community. The conflict erupted in Kosovo Province of Yugoslavia in the spring of 1999. The Serbian forces under the command of Slobodan Milosevic displaced the ethnic group of Albanian population through ethnic cleansing. The NATO forces aided by the United States intervened through airstrikes. However, the civil war continued with a large number of casualties from the targeted ethnic groups. In the wake of the 21st century, Iraqi War became one of the biggest in the recent history where the combined forces of the United States and Britain invaded in 2001 and toppled the dictatorial government of Saddam Hussein. The war led to the capturing of Saddam Hussein and his subsequent assassination in 2003. The war started concurrently with the Afghanistan War, where the mission of the United States, Britain, and the United Nations was to topple the Al-Qaeda and its leader, Osama Bin Laden. While the mission of the
U.S. and U.K. in Iraq was extended until 2010 when the Obama Administration halted it, the Afghanistan War was maintained until 2014, three years after capturing and killing Osama.

2.2.3 Conflicts in Africa

The number of state-based conflicts has increased in Africa over the past five years. In 2017 Africa experienced 18 state-based conflicts. While this is a decrease from the all-time high of 21 in 2016, it is substantially higher than ten years ago, with 12 conflicts in 2007. The main driver of the increased number of conflicts is the involvement of IS in already existing conflict, such as in the Northeastern Nigeria. Further, we also see that while the number of conflicts increases substantially, the number of countries with conflict only increases slightly. In 2007, Africa saw 12 conflicts in 10 countries compared to 18 conflicts in 13 countries in 2017. This suggests that while the number of actors involved in conflicts within each country has increased, possibly increasing the complexity of conflict, the geographic span has not increased to the same extent.

Historically in Africa, we see that the number of people killed in the conflict has increased when the number of conflicts increased. We do not observe this trend over the past few years. While there has been a slight increase in battle-related deaths, 2017 saw less than 7,500 battle-related deaths. This is a decrease compared to the past three years. If we look at the relative size of the number of battle deaths, i.e., the number of people killed per million inhabitants, 2017 was the 9th least violent year since 1950. In 2017, the majority of battle deaths occurred in three countries, Nigeria, Somalia, and DR Congo, none of which exceeded more than 2,000 people killed in state-based conflicts. Thus, while we see a considerable increase in conflicts, the number of people being killed is relatively low, suggesting that the increase in the conflict has not led to a substantive increase in the intensity of the conflict.
However, state-based violence is not the only type of conflict that is prevalent in Africa. Over the past six years, we have seen a significant increase in non-state conflicts in Africa, i.e., conflict fought between two non-state actors. In 2017, Africa saw 50 non-state conflicts in 2017 compared to 24 in 2011, making Africa by far the continent with the highest number of non-state conflicts. There is also a doubling of non-state conflict battle deaths in this period, reaching 4,300 in 2017. However, it seems that this increase is limited to a few countries. In 2017, only 11 African countries registered non-state conflicts, which is only an increase of 3 countries from 2011. Further, most of these countries also had state-based conflicts in 2017. This lends support to the hypothesis that conflict breeds conflict.

The exception is the Central African Republic, which did not have a state-based conflict in 2017. The country did, however, experience eight non-state conflicts, and it reached a total of 1,070 battle-related deaths, which is 25% of all non-state conflict battle deaths in Africa in 2017. The challenge here is that state-based conflict tends to get much more attention than non-state conflicts; the conflicts in the Central African Republic thus become forgotten conflicts. Over the past 30 years, there seems to have been a positive democratic development in Africa. From the 1960s through the 1990s, Africa has experienced several coups d’état. However, in the past 15 years, we see a clear decrease in the number of coups. This suggests that Africa, as a continent, is moving towards more democratic power transitions.

This is further supported by the development of elections in Africa. From 1991, we see an apparent increase in the number of elections that are deemed fair, and from around mid-2000, it seems that the number of fair elections exceeds the number of unfair elections. This increase is very much aligned with the massive increase in multi-party elections in
the early 1990s. This could suggest that the change towards multiparty systems has increased the opportunities for opposition parties to take part in elections.

2.4 Causes of Conflicts in Africa

During the precolonial period, African communities were living in peace with minimum interethnic conflicts (Elbadawi & Sambanis, 2000). The magnitude of those conflicts was insignificant because of the poor state of weapons used, primitive logistics and more important, majority of African communities were operating independently and that making peace with the neighboring communities was widely considered for coexistence (Annan, 2004; Bujra, 2002). When the European power scrambled for Africa and colonized it, they brought up new order of governance where different communities that were operating independently were integrated into one form of government (Asongu & Kodila-Tedika, 2016). During the colonial period, the European colonies were oppressing Africans who were made to work in colonial firms under low wages and several hardships. Therefore, the uprising of the African leaders during the colonial period was to get liberty from the colonial powers. Leaders from across Africa such as Kwame Nkrumah of Ghana, Julius Nyerere of Tanzania, Jomo Kenyatta of Kenya, Nelson Mandela of South Africa and Kenneth Kaunda among others became vocal against the oppressive regimes of the European colonial powers (Elbadawi & Sambanis, 2000; Annan, 2004). From the late 1950s to mid-1970s, majority of African countries got their independence.

However, during the early post-Independent African, conflicts erupted in many countries, with the nature of majority of those conflicts being coups, civil wars and ethnic cleansing. Perfect examples of such conflicts were witnessed in Congo, Uganda, Namibia, Central Africa Republic, Somali, Rwanda, Burundi, Sudan and many other African countries (Annan, 2004; Odallo, 2012). The nature of conflicts in African countries tend to be the same. Although the situations and factors that motivate those conflicts may differ, critical
look into the depicts some sense of commonality in the African conflicts (Elbadawi & Sambanis, 2000; Kanyinga & Long, 2009). Even though the intentional communities often use coercive and military aggression approaches to control these conflicts, they fail in many cases because they do not look into specific details of these conflicts. Moreover, majority of the international community, who are the former colonies, tend to have vested interests in African countries (Elbadawi & Sambanis, 2000). Therefore, their intervention in conflicts within Africa countries have been motivated by vested interested.

If the intervention strategies applied in the post-independent African conflicts had been effective, then conflicts might have come to an end and African could have not been experiencing civil wars and border conflicts (Asongu & Kodila-Tedika, 2016). The interventions by the world powers have been motivated by personal interests and the need to reap from those conflicts. It is due to the fact that Africa is one of the countries with great resources but due to incapacity, these resources cannot be translated into economic benefits for the societies. Therefore, the former colonial rulers in African have been keen to manipulate the African political situations to reap these resources for their economic gains (Kanyinga & Long, 2009). Coupled with the various internal dynamics in these countries, there are a number of factors have been causing conflict in Africa. These included arbitrary border developed by colonial powers, heterogenous ethnic composition of African countries, incompetent political leadership, negative economic factors such as corruption, external debts and poverty (Elbadawi & Sambanis, 2000).

2.4.1 Creation of Subjective Borders by Colonial Rulers

During the scramble, the European powers agreed to divide Africa into protectorate regions and each of those regions were also subdivided into states. However, they had limited understanding of the African society and in terms of their cultural and religious aspects (Asongu & Kodila-Tedika, 2016). The creations of the border were done arbitrarily
without regard to what those African communities stood for in terms of their socioeconomic and cultural practices. The European powers created political units in Africa during the late 19th century and early 20th century. The political units divided certain ethnic groups in some cases and combine some ethnic groups that had been traditionally arch-rivals (Bujra, 2002). The latter case created hostile environment and breeding ground for conflicts that followed, especially after independent of these countries.

Based on the current composition, the state boundaries of many Africa countries were arbitrarily drawn by the European colonial powers without regard to ethnic, cultural and religious affinities of different communities (Adegbami & Uche, 2015). They did not even inspect and ascertain the socioeconomic, cultural and political dynamics of these communities. There are some instances where the European boundaries forced unambiguously different and rival cultures to exist within a single confine of political state (Elbadawi & Sambanis, 2000). The impacts of these borders were felt different within countries and across borders throughout the continent. These are some of the prerequisites to the dominant conflicts in Africa, although the international interventions do not wish to address them. For example, the Akan speaking peoples were split between Ghana and Ivory Coast; the Maasai Community were split between Tanzania and Kenya, the Ewe ethnic group were split between Ghana and Togo; and Cushite were split between Kenya and Somalia (Adegbami & Uche, 2015). Yoruba are found in Nigeria and Benin Republic while River Lake Nilotes were separated into Uganda, Sudan and Kenya, among many examples (Kanyinga & Long, 2009; Elbadawi & Sambanis, 2000). Consequently, since the 1950s when Africa countries started to gain independence, these arbitrary borders that were created by the colonial power, in many cases, have become source of conflict.
2.4.2 Heterogeneous Ethnic Structure of African States

In more than 180 states of the world, just a small fraction of these countries is composed of homogeneous ethnicity. This implies that multi-ethnic countries are likely to be the key characteristic composition and aspect of the international politics (Asongu & Kodila-Tedika, 2016). Therefore, ethnic conflict is not only a serious political and social problem in Africa but also across the world. Nevertheless, it is evidence that ethno-political conflicts in Africa has increased in the second half of the 20th century coming into the 21st century (Bujra, 2002). These conflicts are strongly connected with the ethnic diversity factors in many African states and the resultant socioeconomic problems caused by polarized political system in many African countries (Elbadawi & Sambanis, 2000). Among all factors that cause conflicts in Africa, multi-cultural and ethnic composition are the key motivators.

Based on the historical issues, which Mutua (2008) identifies in Kenya and other African countries, the fact that ethnic cleavages have already gone deeper and political discrimination against minority ethnic group is a wide practice in Africa. Thus, ethnicity in Africa has motivated separatist politics (Bujra, 2002). Ethnicity has created a context of hatred and distrust among political leaders and the masses who have aligned themselves to specific political groups (Asongu & Kodila-Tedika, 2016). The conflicts in this case often arise due to ethnic discontent in the African states. The incumbent leaders in many African countries have developed a habit of favouritism where they tend to allocate more resources and employment opportunities to their ethnic groups while the minority and marginalised group are discriminated. As a result, the marginalised groups rise against the favoured ethnic groups. According to Mutua (2008), ethnic discrimination has been one of the key historical problems that boiled up to cause the 2007/2008 post-election violence.
2.4.3 Incompetent Leadership

African countries have consistently suffered from the problems related to incompetent leadership, which has reduced the efforts to achieve successful political integration and unity for all the African countries. Considering the heterogenous ethnic composition of the societies of the African nations, Elbadawi & Sambanis (2000) argue that one of the best ways to reduce conflict is perhaps for the leadership of Africa to promote the virtues of the administration tact, political tolerations. According to Asongu and Kodila-Tedika (2016), tolerance and fair distribution of resources could act as an ingredient of good leadership to establish peace. Nevertheless, the realities on the ground is that many Africa nations and their leadership have revealed weakness, corrupt and lack of patriotism (Adegbami & Uche, 2015). These problems have historical practise in Kenya, Uganda, Congo, Central African Republic and many other African nations.

The civil wars that have been witnessed in Africa have been caused by ethnic favouritism. For instance, Sudanese, Nigerian, Algerian and Liberian civil wars are among the civil conflicts that lend credence from the fact that African political leaders have failed to forge national unity in their respective countries (Adegbami & Uche, 2015). According to Odallo (2012), it explains the reason why Kenya plunged into chaos during the Dec. 2007 and early 2008. Even though Sudan was split after the peace pact between AL Bashir’s administration and factions of South Sudan, the newly found country plunged into chaos because of ethnic distrust and lack of virtues in leadership. Judging from the above observation, one cannot but agree that African countries have lacked competent leadership during most of their history, especially after gaining independences. According to Mutua (2008), as independent states are leaders who were expected to be the unifying factors of their countries, they took the opportunity to rob the public coffers and share with their
cronies and tribesmen while discriminating tribes with dissenting opinions (Adegbami & Uche, 2015).

Thus, to deal with the chaos and civil conflicts in Africa those who intervene through media should help in developing constitutional measures to hold the leaders accountable (Adegbami & Uche, 2015). As a naturally expected, political leaders are supposed to be chiefs of their countries in the true sense. Therefore, they should demonstrate the ability to bind wounds, hold everything equally so that a nation will stand together irrespective of heterogeneous nature of their ethnic composition (Asongu & Kodila-Tedika, 2016). An effective leadership should be able to mobilize and motivate their people across the country to promote national identity and togetherness (Annan, 2004). To achieve these aspects, it is essential for the leaders to pursue the policy of inclusion rather than exclusion through integrity, distrust and lack of suspicion. In this context, the key point thus is that African leadership must improve to and become more acceptable to all sections of the communities in the country. That way, the civil war that always halt the process of integration in Africa will be stopped. Until then, the current proliferation and emergence of conflicts in Africa might continue to be a common phenomenon (Annan, 2004).

2.4.4 Corruption

Corruption is among the key factors, which are responsible for the constant internal conflicts witnessed in African countries. The issue of corruption and squandering of public resources by the political and executive leaders has had the devastating impact on the masses and therefore disunity due to economic desperations (Kanyinga & Long, 2009). Corruption, according to Annan (2004), is demonstrated in the embezzlement and misappropriation of public funds, and this practice in Africa has paralyzed the development efforts. On the other hand, corruption has caused incapacitating
immobilization of resources to achieve socio-economic transformation, development and political integration in African nations (Adegbami & Uche, 2015).

Through corrupt leadership, Africa’s resources have been destroyed due to bad management for many years since the colonial power handed over the leadership to Africans (Asongu & Kodila-Tedika, 2016). Conflicts often occur because masses are fed up with the incompetency of their leaders, and that they fight out of desperation caused by social and economic sufferings. Consequently, desperation and hopelessness has motivated confrontational nationalism against Africa leaders leading to civil wars and ethnic motivated conflicts. The result, the witnessed problems of unending conflict throughout Africa states (Mutua, 2008; Kanyinga & Long, 2009). Furthermore, according to Annan (2004), the Africa Union itself acknowledges the devastating impact of post-independence corruption in Africa, especially on the political and socio-economic realms have hindered efforts for stability of Africa countries (Asongu & Kodila-Tedika, 2016).

2.2.5 Conflicts in Kenya

The quest for independence, based on the articulation of the indigenous communities, resulted in colonial resistance. In the period from 1952 to 1958, Kenyans under the Mau liberation banner successfully defeated the imperial powers and regained their sovereign rule when they acquired independence in 1963 (Wamwere 2008). However, the structural inequalities initially entrenched by the colonialists were accentuated by the newly inaugurated native rulers.

According to Mutua (2008), the distribution of political resources after independence established a politically motivated resource distribution, which culminated into grievances that caused political divisions. In specific, the colonial constitution, and the government institutions that were created thereof, advanced imperialist interests through neo-colonial power brokers (Ajulu, 2008). Nevertheless, the political leaders in the Kenyatta
administration would have known too well that the inequitable distribution of resources, both economic and political, was a recipe for violence given the overlap of ethnic and regional identities in the country (Ajulu, 2008; & Mutua, 2008). Thus, through domination and manipulation of the political institutions, Kenyan political leaders turned elections into structures for rewarding loyalists and punishing opposing voices.

According to Throup and Hornsby (1998), the re-introduction of the democratic multiparty politics in Kenya in 1991 led to the embattled history of electoral conflicts in the country. Democratic politics occasioned the creation of a multiplicity of political parties, most of which were conceived without substantive political ideologies and served solely as political instruments to acquire political power. In this context, Ajulu (1998) argues that these parties were established by regional kingpins who made their ethnic positioning the basis for their power. The political parties were therefore rendered ethnic in their configuration against the nationalistic Kenya African National Union (KANU) party that had well-established nation-wide support and patronage (Adar & Munyae, 2001).

According to Oyugi (1997), the 1992 general elections were a major milestone in the development of the embattled democratic discourse in Kenya. After a protracted period of iron-fist rule under the Moi regime, the elections promised extraordinary relief after years of massive plunder, bad governance, and human rights violations. However, Kenya’s quest for the democratic transition was dealt an enormous blow by the political machinations of the Moi administration (Throup & Hornsby, 1998). During this election, electoral malpractices were observed, in particular, vote rigging and vote buying. The well-coordinated electoral conflict that was experienced in the Rift Valley during this election was disastrous (Oyugi, 1997; Akiwumi, 1999). Also, political participation in this election had been reduced to the ethnic mobilization of the unemployed youth through propaganda and violence.
2.3.6 The 2007/2008 Conflict

After the 2002 general election, the democracy of Kenya was believed to have and the Kenyans had hope that the new government would play a major role resolving political, social, and economic problems that had been ignored since independence (Njogu, 2009). However, according to Okia (2011), this was not forthcoming has the Kibaki government consolidated power for the political leaders from the Mt. Kenya region. The Kibaki administration failed to inspire the resolve to pursue positive peace in the country (Odallo, 2010). The immediate breakdown of the coalition over an alleged failure to honor a pre-election power deal, a supposed Memorandum of Understanding (MoU) as defined by the coalition partners’ leaders, Raila Odinga of the Liberal Democratic Party (LDP), and Kibaki of the National Alliance of Kenya (NAK), led to renewed political antagonisms in the quest for constitutional reforms in the country (Ajulu, 2008). The 2007 general election, as discussed in detail in section 4, was held amidst deep political tensions. The campaign process was generally peaceful. The political parties, largely the Orange Democratic Movement (ODM), the Party of National Unity (PNU), and ODM-Kenya, established nation-wide campaign machinery. Towards the end of the campaign period, opinion polls showed a head-to-head race between Raila Odinga and Mwai Kibaki (Kriegler, 2008).

According to Mwagiru (2008), during the electoral campaigns, hate media was perpetuated through vernacular radio stations. Kass FM radio, broadcasting in Kalenjin language, allegedly aired materials of xenophobic nature against the Kikuyu community. Kameme and Coro FM radio stations broadcasting in Kikuyu dialect had programmes that encouraged ethnic chauvinistic divisions (Kriegler, 2008). Also, phrases such as ‘madoadoa’ (blemishes) and ‘getting rid of weeds,’ about the non-Kalenjin community living in Rift Valley, were aired by Kass FM. Also, Inooro FM played Kikuyu dialect
songs that imaged Raila Odinga as a murderer and even characterized the Luo community as lazy hooligans who do not pay rent (Kriegler, 2008; Mwagiru, 2008). After the presidential elections results were announced by the Electoral Commission of Kenya (ECK) Chairman, Samuel Kivuitu, spontaneous and organized violence erupted that led to 1,133 people killed, an estimated 700,000 people displaced, and excessive material damage (CIPEV, 2008; Odallo, 2010). Through international intervention, the conflict was resolved using a mediation process that led to the signing of the National Accord and Reconciliation Act on February 28, 2008 (African Union Panel of Eminent African Personalities, 2008; Mwagiru, 2008). According to Munene (2012), this contrived to bring about peace in the country.

According to Kagwanja (2009), the violence that erupted in Kenya in 2007 was surprising. This is because as a democracy, Kenya was viewed as the most successful nation in Africa, especially after the political change in 2002 that ended a more than two-decades of Moi’s KANU regime. According to Achieng (2014), during the voting exercise, there was no physical violence although politicians generated structural violence. Physical violence erupted after the presidential results were announced. The civic and parliamentary results were not disputed. Violence was specifically about the presidential results. Structural violence orchestrated by the political leaders in either sides of antagonism would explode at the slightest trigger (Kagwanja, 2009).

As explained by Achieng (2014), it is important to note that there was structural violence in Kenya before 2007. The post-election violence was caused by a governance structure that have failed to address important issues in Kenya such as access to land, poverty, unemployment and inequitable distribution of resources (Njogu, 2009; Okia, 2011). The post-election violence can also be attributed to a system of elections where politicians, during their campaigns stroke hatred against other tribes (Kagwanja, 2009; Achieng,
In support, Okia (2011) strongly argued that the conflict was largely more of an ethnic conflict between ethnic groups that cast their votes in favor of Odinga and the ones that voted in favor of Kibaki.

As reported by Odallo (2012), the post-election violence broke out after announcing President Kibaki as the winner of the controversial December 2007 presidential election. Majority of the PEV occurred in January and February 2008 in an ethnically motivated conflict that resulted in the death of more than 1100 people and more 350,000 people being internally displaced persons (IDPs). More than 200- people were turned into refugees with the unknown of sexual violence victims (Cooke, 2009; Okia, 2011). The violence led to the destruction of more 117 private properties and over 490 government-owned properties, which included offices, health facilities, schools, and vehicles, among others. Initially, the violence was spontaneous and seemed to be a reaction to the perceived rigging of the elections by the government (CIPEV, 2009). In areas such as the Rift Valley and the Coast, members of the communities perceived to be associated with the PNU party and with President Kibaki) were targeted. In Nyanza and Western Kenya, the violence was mostly directed towards government facilities and gradually took the form of looting and destruction, and while it also targeted communities perceived to associate by the government. The intention appeared to be not to kill them but rather to expel them and destroy their property (Cooke, 2009).

According to CIPEV (2009) report, the pattern of violence subsequently took a different pattern, which showed planning and organization by politicians, businessmen, village leaders, and local leaders, who enlisted criminal gangs to execute the violence. This was particularly the case in Rift Valley and Nairobi. In Naivasha, Nakuru and the slum areas of Nairobi, gangs were mobilized by both sides of the political divide and used to unleash violence against communities perceived to supporting either party, and to expel them from
their residences (Kagwanja, 2009). Similarly, organized youth supporting the opposition, particularly in the North Rift, attacked and drove out communities affiliated to government living there. In many instances, the police action added to the violence, with considerable evidence that officers took sides and used terror tactics against slum dwellers. The situation was rapidly going out of control when the international intervened, and Kofi Annan took over the mediation processes (Okia, 2011). The Peace Accord led by Kofi Annan, other envoys and Kenyan politicians drawn from both sides came up with various proposals to resolve the political conflicts in the country, which have been caused by historical injustices since independence. These included the formation of Coalition Government in 2008; the subsequent developing of the 2010 Constitution and revising of the Kenyan boundaries by creating County government to increase political representations, decentralization of state resource management and allocations (Kagwanja, 2009).

News about the rigging of elections reached people in various parts of the country and after Kibaki was announced the winner, people started rioting. In its initial days, the violence was more like a social revolt (Okia, 2011). According to Achieng (2014), most of the rioters were youths who were jobless and who believed that Odinga was the candidate who had their interests at heart. There were demonstrations in Kisumu and Kibera slums in Nairobi. These were ODM strongholds (Okia, 2011). The situation became worse when ethnic gangs started fighting. Ethnic gangs fought against each other during the 2007/2008 post-election violence. For many days, there were riots in Kawangware, Mathare, Kibera, Korogocho, Dandora, Kariobangi, and Huruma slums in Nairobi (Achieng, 2014). The protests were ethnically motivated and the gangs took advantage of the situation to rape and loot (Njogu, 2009; Achieng, 2014). Violence targeted members of particular ethnic groups who were perceived “anti-change” for having voted for the status quo. After sometime, Cooke (2009) explains that the youths from tribes
affiliated to the government decided to fight back in Nairobi, Nakuru, and Naivasha where they targeted supporters of the opposition.

Based on the primary and secondary data collected for this research development, it can be concluded that the violence during the 2007/2008 manifested in different ways (Poster, 2012; Achieng, 2014). These included spontaneous violence in urban centers, retaliatory violence by gangs, organized violence by politicians as well as state violence by security officers. This violence was so overwhelming to the state that it could not shield its citizens from harm. In January 2008, there was violence in Nakuru, Eldoret, Naivasha, and Kericho in the Rift Valley. Pregnant women, children, and the disabled people were targeted during the clashes (Poster, 2012; Kagwanja, 2009). The gangs used crude weapons to kill. The involvement of militia groups in the violence made the situation even worse. The violence involved militia (Luo, Mungiki and Kalenjin) attacking people as ordered by politicians, killings of ODM supporters by police as ordered by the government, actions of vigilante groups and people taking advantage of the crisis to destroy or grab property of rivals (Cooke, 2009; Achieng, 2014; Poster, 2009). According to Odallo (2012), the young men harassed motorists on the road. Violence was prevalent mainly in the urban areas. However, it also affected the rural areas. In Narok, there were several instances of cattle rustling. In Kisii, both the ODM and PNU had the same number of MPs elected (Achieng, 2014). There were riots. The pro-ODM youths threatened elders who they believed voted for Kibaki, a leader they considered dishonest. In Eldoret, angry Kalenjin youth went to churches, police stations, and schools where their enemies sought refuge (Achieng, 2014; Kagwanja, 2009).

The police had a role to play in increasing the violence after it started. For instance, in Nyanza province, the police as ordered by the state used excessive force to counter the activities of the protestors (Odallo, 2012; Njogu, 2009). This led to many deaths and
human rights violations. When violence started in Kisumu, the General Service Unit (GSU) and the police set out to stop the rioting and looting. After sometime, according to Odallo (2012) and Munene (2012), they became overwhelmed and decided to use live ammunition to counter rioters’ actions. In slums such as Mathare and Kibera in Nairobi, the police used heavy live fire to contain protests leading to more deaths and many sexual assaults (Achieng, 2014). In Eldoret, within a period of four days, the police shot people, killing 16 of them and leaving 58 injured (Achieng, 2014; Kagwanja, 2009).

2.3.7 Triggers of 2007/2008 Post-Election Violence

According to the news report in the Guardian by Rice (2007), the main cause of the violence was the disputed presidential election. In support of this, Kagwanja (2009) confirms that on 28 December, Odinga was leading after getting results from Western, Nyanza, and Rift Valley. On 29th, the margin decreased to 38,000 votes and almost 90% of the votes were already counted. Most of the uncounted votes were from Eastern and Central Kenya, Kibaki’s strongholds. People were waiting for the results on 29th when the chair of the Electoral Commission of Kenya (ECK), Samuel Kivuitu, suspected that results from the districts near Nairobi were deliberately being delayed since sending the signal that they were probably being cooked (Achieng, 2014). This showed that something went amiss in the counting process of votes and ECK chairperson suspected that results were being cooked (Roberts, 2009; Kagwanja, 2009). Therefore, according to Njogu (2009), Kenyans also became suspicious of the results and they could feel that something was wrong.

According to Odallo (2012), suspicion of the ECK chair acted as evidence that there was a potential rigging of the election. Tension got to its climax when the ODM and PNU leaders disagreed over the accuracy of the results from Eastern and Central Provinces as reported by Rice (2007) on December 31 to the Guardian Newspaper. The situation
worsened when the ECK chair declared Kibaki the winner of the presidential election. He had 4,584,063 votes against Odinga’s 4,352,993 (Achieng, 2014). Kibaki was sworn in after he was announced the winner even though his victory was objected by many people. Violence erupted immediately after Kibaki was announced the winner of the presidential election. Odinga rejected the election results claiming that he was the legitimate winner (Cooke, 2009).

What was shocking is that even after the ECK chair said that the results were being cooked, he still went ahead to declare incumbent president Kibaki the winner of the presidential election (Njogu, 2009; Okia, 2011). According to Kagwanja, the announcement of the winner of the election by the ECK chair amidst protests showed that the electoral body could not be trusted and that was the narrative spread by the opposition leaders. He was not sure about the winner of the election yet he went ahead to announce the results. As explained by Munene (2012), the was an indication of how incompetent ECK was when at some point he said that he did not know the winner of the election. The electoral body was very important in the Kenyan election yet it failed Kenyans because it unable clearly proves clearly that the incumbent president Mwai Kibaki was the winner of the election (Achieng, 2014; Odallo, 2012, Odhiambo, 2009).

The ECK chair, said that there were irregularities in the election but that was a matter to be addressed by the courts (Mutua, 2008). The ODM discarded the idea of going to court to resolve the electoral conflict as they argued that judges in court were appointed by Kibaki hence they would rule in favor of him. ODM refused to go to court because over the years, the judiciary was viewed as not being a real arbiter in conflicts of electoral nature. Presidential candidates in 1992 and 1997 tried to challenge Moi’s election in court in vain (Okia, 2011; Njogu, 2009). According to Kagwanja (2009), Kenyans, for many years, have not had confidence in the judiciary, as they perceive it as corrupt and easily
manipulated by the state. Therefore, opposition objected the idea of using the court to resolve the conflict. According to Achieng (2014), it was not in the best position to resolve an electoral conflict.

As it was further explained in the study by Achieng (2014), there were four kinds of irregularities. The first three took place away from Nairobi but the fourth one occurred at the KICC (Kenyatta International Conference Center) in Nairobi. The KICC was the tallying center. The irregularity that took place at the KICC affected the outcome of the presidential election. Irregularity was identified in the election as 15% dead voters were registered. It was also identified when the result presented voter turn out to figures that were higher than 100%. In constituencies of Northeastern and North Rift where there were high illiteracy levels, it was suspected that government agent’s convinced ODM agents to allow them buy votes (Achieng, 2014). There was also alteration of results when they were being transported from the polling stations to the tallying center. These irregularities affected greatly on the outcome of the presidential election (Poster, 2009; Cooke, 2009; Musyoka, 2013). On 30 December, PNU and ODM observers all agreed that there were irregularities that affected 44 constituencies.

According to economic and political weekly, many independent observers questioned Kibaki’s victory was due to rigging and other electoral malpractices (Njogu, 2009). According to Munene (2012), this showed that the presidential results was largely disputed and was the major cause of the post-election violence in Kenya. In addition to the disputed presidential election, Kagwanja (2009) asserts that other factors led to the continuance of the conflict. Personal narratives about the 2007 violence recorded in the study by Odallo (2012) confirm that violence was not only about the results of the presidential elections. For one to comprehend the electoral crisis, one should look into long-standing issues about land, impunity, ethicized politics, unemployment and poverty as well as the flaws of the
Electoral Commission of Kenya (Kagwanja, 2009). According to Roberts (2009), this implies that the attackers and rioters used the Kenyan crisis to express their economic frustrations. As emphasized by analysts, electoral conflict is a recurrent issue in the process of democratization in Kenya (Mutua, 2008; Munene, 2012). In support of these views, Roberts (2009) and Odallo (2012) assert that it is closely related to land policies that were formulated after independence particularly during the reign of President Kenyatta who allocated land to the Kikuyus in the Rift valley. Since that time, Achieng (2014) illustrates that the kikuyus have been viewed as intruders in the Rift Valley.

According to Kagwanja (2009), the Kenyan violence erupted partly because of complex and long accounts of land dealings among ethnic groups. In support, Njogu (2009) 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 Kalenjins 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 protected by the power of Kenyatta who was the president at that time. During Moi’s tenure, he used his powers to settle the Kalenjins in the Mau forest (Odallo, 2011; Hickman, 2011).

In 2003, Kibaki forced the Kalenjins out of the Mau forest although some returned saying that they were given the land by Moi hence they had a right to it (Maupeu, 2008). According to Achieng (2014), this fight over land characterized the violence in Kenya. As explained by Hickman (2011), the United Nations High Commissioner for Human Rights further confirms that although, the disputed presidential election triggered the violence, it
was fueled by the unresolved conflicts over land rights that had been there for a long time. The Kenyan constitution gave the president powers to lease land for 99 years as well as agricultural land for 999 years (Munene, 2012; Mutua, 2008). In Kenya, politics is based on ethnicity and land is used to form alliances and strengthen support. Colonialists moved the Samburu, Nandi, Turkana, and Maasai from their land (Maupeu, 2008). Kikuyus worked in the white highlands, after independence, Kikuyus bought the land that they were working on in areas such as Uasin Gishu, Trans Nzoia, Nakuru, and Narok. During the tenure of Moi, politicians from the Kalenjin and Maasai ethnic groups called for eviction of the Kikuyus from their land to Central Province (Hickman, 2011).

According to Kanyinga et al. (2010), 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. After the colonial rule ended, Mutua (2008) argued that the government came up with land reforms through land purchase programme and settlement schemes. These reforms are as Kanyinga and Long (2012) illustrated were perceived to have turned the land question into an ethnic issue. People were allowed to control or access land based on their ethnic groups. Since the land question was ethicized, it acted as a pillar for political conflict (Roberts, 2009)

While giving instances of the problem, Mutua (2008) illustrated that in the first settlement schemes, the government and the white settlers focused on settling the Kikuyu at the expense of the Kalenjins. Consequently, these created animosities between the two ethnic groups but the incoming African government was not keen to address the issue. According to Achieng (2014), the Kalenjins claimed to be given the right to land in an area they
claimed was theirs since they had settled there before colonialists came to Kenya. Ethnicity was used as the means to get access to land. The Kalenjin saw the incumbent president Kibaki as a barrier to land access. They were motivated to vote ODM because they wanted to have access to the land they claimed was rightfully theirs (Odallo, 2012; Roberts, 2009). According to Munene (2012), they wanted to prevent Kibaki from enjoying a second term in office. After they felt that their votes had been stolen, tension began and when Kibaki was announced the winner, violence erupted (Cooke, 2009; Poster, 2009). In support of the same notion, Mutua (2008) 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.

Ethnicity is another factor that fueled the violence, which erupted after the announcement of the 2007 presidential election results (Kanyinga et al., 2010). At the end of Moi’s tenure, Roberts (2009) pointed out that Kenyan people hoped that ethnicity had been eliminated; according to Achieng (2014), the new government was not keen to eradicate ethnicity. Consequently, it resurfaced in 2007 and was a threat to political and economic achievements that had been realized in the country in the past five years. According to Njogu (2009) 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). 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), 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.

This is confirmed by the office of the AU panel of Eminent African Personalities which asserts that regimes in Kenya were focused on making sure that ethnic group of the sitting president had better access to political positions hence more development in their regions at the expense of other tribes (Achieng, 2014; Kanyinga & Long, 2012). According to Gibson and Long (2009), inequitable distributions of resources, which is a historical problem in the country, also fueled the violence. As Achieng (2014) points out, this can be attributed to the adoption of sessional paper number 1 of 1965 on African socialism and its application to planning in Kenya. The paper illustrated that there would be investment focused on regions that were considered as having great potential. These regions cover approximately 20% of Kenyan land and are along the railway line (Achieng, 2014). Regions that did not have “great potential” were poorly developed and this problem resulted into the regional economic imbalances and marginalization that exist today. Consequently, these neglected regions have had poor access to education, health and roads infrastructure and economic stimulants (Kagwanja, 2009, Njogu, 2009; Mutua, 2008).
According to Mutua (2008), people living in such regions are frustrated therefore; they saw violence as a way of making their grievances known.

According to Hickman (2011), people voted according to their ethnic groups. The trend has been adopted over the years because voters believe that candidates will distribute patronage if they win office. According to Achieng (2014), members of political parties in Kenya are viewed to belong to three ethnic blocs- Kalenjin/Maasai/Turkana/Samburu, Luo and Kikuyu/Meru/Embu. As Cooke (2009) reflected, the 2007 election reflected years of competition among different tribes. When Kenya became independent, Kenyatta and Moi ruled the country and their party; KANU represented an alliance between Kalenjin/Samburu/Turkana/Maasai and Kikuyu/Embu/Meru. Moi took over leadership after Kenyatta’s death and favored the Samburu/Maasai/Turkana/Kalenjin. His rule ended when the NARC’s presidential candidate Kibaki supported by Odinga won the election (Odallo, 2012; Munene, 2012). Kibaki failed to support Odinga for presidency after one term as they agreed; hence, the two had to contest for presidency in 2007 (Achieng, 2014; Gibson & Long, 2009). According to Hickman (2011), the Kikuyu/Embu/Meru voted for Kibaki while the Luo and Kalenjin/Maasai/Turkana/Samburu voted in favor of Odinga. A good number of the Luhya and the Kisii also voted for Odinga (Poster, 2009). When the ECK chairperson Samuel Kiviuatu announced Kibaki as the winner, violence erupted. The supporters of Kibaki and Odinga attacked each other (Achieng, 2014)

As Traill (2008) illustrated, it was shocking to see dormant tribal hatred among Kenyans brought to life by the political conflict that erupted after the December 2007 elections. Odinga’s supporters belonging to the Luo, Luhya and Kalenjin ethnic groups were chanting, “Kibaki must go” and “No Raila no peace” (Gibson & Long, 2009; Achieng, 2014; Odallo, 2009). The political culture in Kenya is not only democratic but also ethnically inclusive (Traill, 2008). According to Kagwanja (2009), ethnicity was one of
the factors that led to the violence. He posits that the unprecedented electoral crisis was a result of deep tribal divisions as well as economic frustrations. On the other hand, Munene (2012) and Mutua (2008) elucidated that economic resources have been made accessible to the people that belong to the tribe of the president that is in power excluding members of other tribes. The trend has been practiced in Kenya since independence hence deepening ethnic division. According to Hickman (2011), land is one of these key resources the government has been distributing unfairly. Therefore, post-election violence erupted as reaction to exclusion of people from accessing resources based on their tribal affiliations. According to Achieng (2012), Kenyans who were excluded felt they were fighting to be included in sharing the national cake in the future.

Njogu (2009) and Mutua (2008) also hold that Kenya has a tradition of political violence that reaches its climax at the time of elections especially since multiparty politics was introduced in 1991 through removal of Section 2A, which legalized a one-party state. The use of ethnicity in social as well as political relations creates tension during elections. After NARC came into power, they were expected to fulfill promises such as addressing unemployment issue (Achieng, 2009; Hickman, 2011). After five years, there was a feeling that the government had not addressed such important issues as unemployment and land distribution. Ethnic groups that felt they were left out in matters of development vented out their frustrations through the violence (Kanyinga & Long, 2012; Kanyinga et al., 2010). According to Gibson and Long (2009), the violence was used to show that Kenyans were angered by the fact that the government had not addressed issues that affected them.

During the violence, Nicholas Kristof, a columnist of New York Times came to Kenya and in the Times issue of February 21, 2008 pronounced the situation in Kenya as “primeval tribal tensions that threaten Kenya’s future” (Achieng, 2014). He held that tribalism is a great problem in Africa. Before that, in its issue of January 2, 2008 to the
Los Angeles Times, he reported that in Kenya, there were “savage tribal killings” (Achieng, 2014). Therefore, the violence in Kenya was presented as violence based on tribes and it was seen from Mutua (2008)’s as something that was created by the founding leaders of Kenya.

Kagwanja (2009) holds that the Kenyan crisis can be attributed to the fact that ethnicity is used as an instrument by the Kenyan elite in their struggle for power. Furthermore, Hickman (2011) observed that the founding leaders did not address corruption, poverty, the necessity for constitutional and institutional reforms as well as inequality. As a result, the leaders made a pillar for violence in 2007 when they turned to ethno-nationalism as their instrument to win an election that was contested in the country (Gibson & Long, 2009). For a long time, Kenyans have felt that their social and economic rights have not been fulfilled satisfactorily (Kagwanja, 2009; Kanyinga et al., 2010). According to Kanyinga and Long (2012), this is due to high rate of unemployment, inequalities, poor access to water, decent housing, food, and health. According to Odallo (2012), the inequality in Kenya is such that the wealthiest and affluent families control almost half of Kenyan income while the poorest ones live on extremely small portions. Accordingly, some areas get the attention of the government for years in terms of development while others survive on little or no infrastructure or services. The economic, social, and political discriminations that were planted over the years fueled the Kenyan electoral conflict (Mutua, 2008, Kagwanja, 2008; Munene, 2012).

2.4 Mediation and Negotiation

2.4.1 Overview

The impetus to systematically address the issue of mediation and negotiation failure in civil wars emerges from our recognition of a substantial gap in the existing literature
(Lounsbery & Cook, 2011). The whole body of literature on (civil war) mediation and negotiation has been almost exclusively focused on the necessary preconditions for a successful mediation. Among those identified are mediation and negotiation strategy and style are personal and professional characteristics of mediators and teams mediated, nature and characteristics of the conflict itself such as ripeness, intensity, and objects of disputes (Lounsbery & Cook, 2011). These aspects of conflict should be by the mediators to ensure that the approach they take during the mediation and mediation processes fairly solve the impasse. It explains why mediation, in many instances, depends on the above factors, which are often referred to as preconditions to the success of mediation. However, mediators, in many cases entirely ignore, the various events that take place as a consequence of mediation failure.

According to Beardsley (2008), even successful mediation and negotiation can, in the long term, increase the probability of a renewed outburst of violent conflict if the implementation of agreements is not supported by third parties, which in this case are not only mediators but also the international communities, government, and people. In the context of renewed outburst and conflict, the splintering of groups is one of the possible unintended consequences (Bercovitch & Gartner, 2009). As illustrated by Olson Lounsbery and Cook (2011), the main issue is when the stronger party, often the incumbent government, refuses to implement the agreement within the stated timeframe. Failed mediation and negotiation, on the other hand, could easily induce renewed conflicts, especially when the weaker party concludes that dialogue has failed to benefit them and that dispute is the only remaining solution (Destradi & Vüllers, 2012; Bercovitch & Gartner, 2006).
2.4.2 Mediation and Negotiations in Colombia

According to Kaplan and Nussio (2018), Colombia is one of the Central American countries known to have suffered severe internal conflicts for more than three decades. The country has been characterized by a weaker government system and proliferation of organized criminal activities such as drug trafficking, murder, and human trafficking among other illicit business (Harber, 2019). According Valenzuela (2018), the criminals have been over the years controlling affairs of the country due to lack of power and authority in the government. Efforts by the government and international communities to tame these crimes have led to severe armed conflicts and killing of innocent people. While military interventions have failed, the United Nations and international communities facilitated and supported mediation and negotiation processes to bring rebels and government together to end the long-standing conflict in the country (Valenzuela, 2018; Harber, 2019).

In 2016, the National Government of Colombia and The Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP), signed “The Final Agreement to End the Armed Conflict and Build Stable and Lasting Peace” (Kaplan & Nussio, 2018). The peace treaty says it was aimed at strengthening the administration of justice in the country through countywide mediation and negotiation between individuals, communities, and other groups, which was the primary cause of conflict. The objective of the negotiation and mediation processes was to end the conflict and build stable and long-lasting peace throughout the country. Consequently, the measures adopted must contribute to ensuring citizen’s access to independent, timely, respectful, and alternative mechanisms for resolving conflicts across the country’s territories.

After over 27 years of conflict, murder, drug, and human trafficking development in Colombia, the National Conciliation System was established through mediation and
negotiation strategy of peace-building supported by the United Nations (Kaplan & Nussio, 2018). The approach gained strength and appreciation of big cities and in rural areas of the country. However, the two significant challenges the mediation and negotiation processes through the National Conciliation System were: 1) Providing mediation and conciliation services in rural areas and the municipalities where the Colombian armed conflict had its highest impact, and 2) Increasing the knowledge and empowerment of the people to by transforming the long-standing culture of violence into a culture of peace and reconciliation (Valenzuela, 2018; Harber, 2019). From the Colombian experience, it can be seen that the success of mediation and negotiation processes as a peace-building mission should adopt a long-term strategy because changing people’s mindset takes a long time (Salazar et al., 2018).

2.4.3 Mediation and Negotiation in Libyan Conflict

Libya’s predominant statelessness and the violence and lawlessness permeate the country which is plagued by local-level conflicts. Nevertheless, local mediation efforts have flourished over the last few years (Mueller & Cornago). The United Nations stated that local mediation and negotiation strategy is the best thing that could have happened in Libya since the revolution. Historically, Libyan society is equipped with traditional mechanisms for conflict mediation and negotiation. (Mancini & Vericat, 2016) There has also been much entrepreneurship in the field of conflict mediation and negotiation in Libya, including new actors such as Shura Councils, heads of municipal governments, and civil society activists (Asseburg et al., 2018). Beyond these local actors, the UN has become increasingly involved in local mediation and negotiation efforts, which are also indistinguishably tied to broader processes of transitional justice and reconciliation at the national level. While the initial focus of the UN Support Mission in Libya (UNSMIL) was
to support elections and a national political agreement, local mediation and negotiation have become more central to its work over time (Mueller & Cornago, 2018).

As explained by Mancini and Vericat (2016), even though the UNSMIL has sometimes focused on mediating and negotiating for short-term solutions to local-level conflicts, such as through cease-fire agreements, it has also launched more comprehensive reconciliation processes in the search for long-term solutions to intercommunal conflicts. In some cases, the UN has directly negotiated with armed groups, but it has more often supported local mediators. The UN has engaged in local mediation primarily in the west of the country, from mediating between a terrorist group and the army in Benghazi to engaging militias to restore stability in Tripoli (Mueller & Cornago, 2018). According to Kagwanja (2009), almost all of these efforts have involved attempts to resolve disagreements between revolutionaries and former regime loyalists, though the shifting alliances of different groups and the complex history of their interaction make it difficult to reduce the roots of the conflict to such a simple binary (Mancini & Vericat, 2016). According to Mueller and Cornago (2018), the challenges UNSMIL has faced in supporting local mediation efforts in Libya offer several lessons regarding the impasse faced by mediators in the conflict context. These include leveraging of soft power, using coordinated long-term approach, linking the local and international level in mediation strategies, ensuring sovereignty and local ownership, intervening through local mediators, ad collating fragmented landscapes by expanding beyond the traditional politics to include everyone in the current system.

2.4.4 Mediation and Negotiation in South Sudan

The IGAD spearheaded the case of South Sudan since December 2013 over the two warring factions. However, the mediation process has failed because of the lack of approach to formulating an enforceable ceasefire agreement or a negotiated political settlement, thereby compounding on the problems bedeviling the people.
Some of the significant factors that have limited IGAD’s mediation process in South Sudan include regional rivalries and power struggles; centralization of decision-making at the HoS-level and related lack of institutionalization within IGAD. These included challenges in expanding the peace process beyond South Sudan’s political elites. For the mediation to be successful in the South Sudan context there is a need to show that IGAD is no longer a neutral and credible body to promote peace in South Sudan. At the same time, the government of South Sudan must not delegate its responsibilities of searching for peace in the country to others but should be committed to the course of peace. Third, the African countries and institutions such as IGAD, the IGAD plus Five, the AU Peace and Security Commission, the AU Commission, should work with a united voice and remain firm in enforcing peace agreement on two parties. Moreover, additional security must be provided to protect the mediation actors and proposed government of national unity from creating conducive environment for the implementation of reforms proposed during the mediation processes.

2.4.5 Mediation and Negotiation in Kenyan 2007/2008 Conflict

The 2007/2008 post-election violence was the one with the larger magnitude to have happened in the country, and as such, it attracted the attention of the regional and international community (Kanyinga & Long, 2012). The mediation and negotiation process began on 22nd January 2008, three weeks after the post-election violence erupted across Kenya. According to Odallo (2012), the first mediation and negotiation process was led by the Panel of Eminent African Personalities, consisting of former President Benjamin Mkapa of Tanzania, former South African First Lady Graça Machel, and retired United Nations Secretary-General Kofi Annan as Chairperson.

As explained by Munene (2012), this Panel was charged with the responsibility of helping the parties to the conflict ensure that an escalation of the crisis was avoided. They also
allowed the Kenyan political leaders to bring about sustainable peace as soon as possible. The mediation and negotiation process was mandated by the AU and had the technical support of the United Nations (UN), United States, as well as the Department of Political Affairs (DPA), the United Nations Development Programme (UNDP), and United Nations Office in Nairobi (UNON) (Mutua, 2008). The Geneva-based Centre for Humanitarian Dialogue also supported the process, and the role of the international community in giving pressure to the political functions played a more significant role in resolving the conflict (Odallo, 2010).

Before the arrival of the mediators sent by the AU, the conflict was rampant throughout the country, with instances of killings, destruction of properties, rape, vandalism, robbery, and insecurity. Despite all this, Kibaki and Odinga continued to refuse to engage in dialogue to end the conflict (Odallo, 2010; Munene, 2012). The former insisted on his rightful place as President of Kenya, who would manage this crisis internally, and the latter stated that the election had been rigged and his win stolen away by the incumbent regime (Mutua, 2008). If there was an encouraging aspect to Kenya’s post-election week of agony, it is the time civil society such as the churches, the organizations that fought for democratization throughout the 1990s, the media, and even Kenya’s artists, came forward to appeal for negotiations, with the support of the international community (Odallo, 2010).

### 2.4.6 Conditions Leading to Successful Outcome of Mediation

There is an agreement in the mediation and negotiation body of knowledge on whether or not conflict dynamics can make a civil war ripe for resolution or ensure that all negotiations will fail in the absence of ripeness. According to Fisher et al. (2011), successful conflict resolution requires a stalemate between the conflicting parties in which the costs of continuing conflict exceed those of making concessions for a peace agreement. In contrary to Bercovitch (2009), whether a conflict had reached this stage often only becomes
apparent in reconsideration. As such, the expectation that a civil war will be ripe for resolution in the future point can not only questionable because it can serve as a convenient excuse for insufficient efforts made through mediation (Muller & Cornago, 2018). However, it is also because many civil wars do not see to have a solution as they escalate from simple to severe conditions, which produce ever new conflicts, as well as new actors and war beneficiaries with a keen interest in continuing conflict (Bercovitch, 2009).

In such contexts, Thompson (2017) argue that a negotiated settlement in such conditions will remain out of reach as long as the military balance of power changes rapidly or conflict parties can count on sustained foreign backing. In other words, Ramsbotham et al. (2016) posit that as long as one or more conflict, parties expect to make military gains mediation processes cannot be fruitful. Mediation efforts themselves can contribute to the formation of new alliances among those who oppose an agreement and thereby provoking an escalation of conflicts (Bercovitch, 2009). The decisive role of external support, in turn, explains why during the Cold War, proxy civil wars rarely ended through negotiated settlements. However, even during this heyday for conflict settlements, only a quarter of mediation attempts produced an agreement (Ramsbotham et al., 2016).

The kind of mediation strategy that is successful depends not only on the configuration of the conflict, but also on the characteristics of the mediator and the mediation team. According to Thompson (2017), mediators with little leverage such as representatives of small states or non-governmental organisations have to convince conflict parties that they are impartial. This is highly challenging, primarily because of the lack of international or power support. As explained by Ramsbotham et al. (2016), their strategy will necessarily focus on creating trust between the conflicting parties. That is different from a mediator who represents world powers and can bring their influence to bear. The following mediation and negotiation group depends more on international pressure to proceed with
the negotiation by bringing the conflict parties together to reach a compromise — consequently, the third-state guarantees to ensure the implementation of an agreement.

The involvement of international organizations and pressure in mediation is often based on “manipulation” of the balance of power, which is aimed at either to bringing about a stalemate or demonstrating to the conflict parties that they have already reached a deadlock that should be resolved (Thompson, 2017; Bercovitch, 2009; Fisher et al., 2011). Either way, the minimum requirement is that the conflict parties agree to mediation. According to Ramsbotham et al. (2016), it is also essential that all relevant conflict actors and their external supporters are directly or indirectly involved in the talks. There are two reasons why this has also become more challenging in recent years as illustrated in the following section.

2.5 Conceptual Framework

A conceptual framework shows the relationship between variables in a study (Creswell & Clark, 2017). The conceptual framework below shows the relationships between independent variables which are mediation and negotiation strategies and outcomes as the dependent variable as shown in See figure 1.1. The intervening variables refer to factors that make a conflict in during the 2007/2008 PEV unique and different from cases in other areas.
Figure 2.1: The conceptual framework and variables (constructed by the author)

2.6 Study Gap

A majority of researchers of highlighted that conflicts in the international level have applied various conflict resolution approaches such as sanctions and military approaches. However, majority of these conflict resolutions approaches such as the ones in Syria, Yemen, Libya and Somali among other have failed. This study intends to fill this gap by applying the mediation, which is a non-military or aggressive pressure approach as a conflict resolution tool. This study will also expound on how mediators in Kenya explored the internal historical, social and political issues to find the most appropriate resolution approaches. This study intends to fill the gap assessing the effectiveness of mediation approach not only in halting the conflict but also establishing socioeconomic and political stability among the victims.
2.7 Previous Works on Kenya 2008 Mediation and Negotiation Process

One of the key authors of 2007/2008 PEV violence is Odallo (2010), who in her thesis analysed both the causes of post-election violence and mediation processes that led to stability in the country. The author used qualitative approach to analyze the PEV situations and mediation processes. However, she did not include the PEV victims and representatives of the government and international agencies in her study to include practical experience of the people.

In Kanyinga (2012), his focus on 2007/2008 PEV mediation is on the Agenda Item 4 on political and economic reforms, with little focus on the use of mediation as a conflict resolution strategy. Mutua (2008), on the other hand addresses the causes of 2008/2008 PEV from the historical injustice point of view with a brief overview of the conflict and mediation processes. Wamwere (2008) delve on ethnicity as a historical problem that caused the PEV 2007/2008. However, he does not tackle the use and effectiveness of mediation as a conflict resolution strategy. Lastly, Munene (2012) discusses the historical issues that have been leading to political conflicts in Kenya since independence, with limited focus on the 2007/2008 PEV and mediation processes.

2.8 Conclusion

This chapter had four key parts; this included theoretical framework, literature review, conceptual framework, study gaps and previous studies on the 2007/2008 post-election violence. The theories used to support this study are the conflict theory and realism theory. In terms of literature reviews, previous works have been critically reviewed about the mediation and negotiation as a conflict resolution strategy from the world perspective, Africa, Kenya and the 2007/2008 PEV scenarios. Critical review has also been conducted to explore success and failure of mediation processes in various parts of the, with specific focus in Colombia, Libya, South Sudan and Kenya, leading to a critical review of the
conditions necessary for successful mediation and negotiation. The conceptual framework
developed in this chapter helped in understanding the relationships between variables or
factors of focus in this study. The gaps identified after the literature review is the lack of
substantial literature showing the effectiveness of mediation and negotiation as compared
to other forms of conflict resolution strategies. The chapter also reviews the previous
works of Kenya researchers and authors on 2007/2008 PEV and its aftermath.
CHAPTER THREE

METHODOLOGY

3.0 Introduction
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 and chapter summary.

3.1 Research Design
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. The approach had been taken to help us achieve the desired goals and objectives of this project (Maxwell, 2012). This study adopted a case study research design with the focus on the 2007/2008 PEV with the qualitative and quantitative based in-depth analysis of the collected data (Cooper & Schindler, 2014). 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 100 victims of post-election violence living in Nairobi County. The case study explored their understanding of mediation as a conflict management tool, how it was implemented during the 2007/2008 PEV, and how the successful mediation talks changed social and economic lives of the victims. The case study research design had been chosen as the research design for this study to provide explanations that can be used in other similar cases.

3.2 Study Locale
The study was conducted in Nairobi County and targeted places include suburbs and slums in Nairobi County along Thika Road, Umoja, Kibera, South B and Pipeline areas where PEV victims would be found. It was also be conducted in government and international
organization offices where interview respondents who were professional in conflict and human development related fields would be drawn from. The rationale behind the choice of the study locale was that many victims of the PEV live in suburbs and slums within Nairobi County. This is because the Nairobi County contains people from diverse background, and thus it acts as a neutral ground where victims can live as compared to other cities, towns and country sides.

3.3 Target Population
This study focused on the victims of the PEV living in Nairobi County as the target population, respondents from government organizations, one respondent from the mediation team and international organizations in Kenya. The researcher identified the areas of residents where the potential participants were approached and the ones consented included in the study. The victims aged 35 years and above living within the Nairobi County were targeted to undertake the study. Both male and female victims who met the above age requirement were targeted.

3.4 Sampling Design
This study used probability-sampling techniques, and specifically simple random sampling technique and structured sampling to determine the sampling units to which the sample population belongs and the probability of selecting each sample size. The probability sampling techniques used in this study was the best option to optimize the number of the sample size, which would be necessary to provide a credible and reliable study results for this topic. (Kothari, 2004; Shahrokh & Dougherty, 2014). Respondents were also referred us to other affected people.
3.5 Data Collection Methods

Interview guide/questionnaire was the primary data collection method from the target population. The questions were designed to extract the demographic information and inferential data from the study sample as shown in the appendices section. The interview guide form was also be used where the researcher found target participants living or staying in a group of five or more people to extract more information regarding their PEV experience in the country and other helpful views. Structured observation was also used as a systemic data collecting method in which the researcher collected data without direct involvement of the participants, especially the government and international organization agencies. In this context, photos, notes and voice recording were applied to provide demographic and inferential evidence of the participants. Document review was used as a data collection method to collect relevant books, journals and peer-reviewed articles, and archives. Other secondary sources used in this study include government documents, legal documents, and resolutions

3.6 Data Analysis

This study used mixed methods in data analysis; which included qualitative and quantitative data analysis methods. The qualitative analysis methods used in the study include descriptive analysis of the findings. Specifically, narrative analysis was used. This method involved the reformulation of presented data by respondents taking into account context of each case and different experiences of each respondent. The quantitative analysis was used to process and explain numerical data to establish the opinion of participants about the social and economic environment of Kenya and their perception about implementation of mediation and negotiation recommendations in their social and economic lives. Descriptive statistics such as frequencies, percentages, means and standard deviations were used to analyze the basic information of the participants. The
Cronbach alpha was used to test the reliability and validity of the quantitative data collected from the PEV victims for further analysis. After that, regression model was used to test the effects of coalition government compensation and support on social and economic improvement of the victims as illustrated in the conceptual framework.

3.7 Ethical Considerations

The researcher had the approval from the University to conduct the study. The participants were informed that whatever they disclosed was for the purposes of the study only and no business was to be done with that information. They were also informed that the information they provided would be confidential and no personal information such as name, passport number or any other document would be disclosed. Only the participants who consented to the study request were included in the study.

3.8 Limitation in Data Collection

One of the limitations faced during the data collection was time constraints. While many participants, especially the PEV victims were willing to give more information, there was no time to capture all the information. There was limited finance resource to visit as many slums as possible within Nairobi. Language barrier was another limitation, especially when it came to data collection using interview guide forms. A good number of participants could not fill the forms in English. Therefore, translation from English to Kiswahili limited time for interview. Some study participants were unwilling to give some detailed information such as the kind violations and suffering they faced due to emotions, and therefore, some crucial data that would have been important for the study were left out. There was limited cooperation among some PEV victims whom did not trust that the research work was for academic purpose only.
3.9 Conclusion

Research design explains the approaches used by the researcher to collect and analyze the data while the study locale describes the places where the data was collected, which in this case is the Nairobi County. Target populations were the female and male victims of 2007/2008 PEV aged 35 years and above and living in the suburbs and slums of Nairobi County. Probability sampling techniques (simple random sampling and structured random sampling) were used to identify the study sample from the target population. Data collection methods used includes structured interview guides, focus group discussion, structured observation and document review was used. Narrative analysis was the qualitative approach while quantitative approach employed regression model.
CHAPTER 4
DATA ANALYSIS AND DISCUSSIONS

4.1 Introduction
This chapter involves the analysis of data collected from the study participants and supported by the theoretical data obtained from secondary resources such as research articles, books and official reports among other documents. The data to be analyzed in this chapter was collected from 91 respondents: 1) 89 of them drawn from the postelection victim population, 2) 1 from the Ministry of Internal Security, Public Administration Department, and 3) 1 from Kenya National Commission of Human Rights (KNCHR). The target population of the postelection violence victims was 100, but only 89 of them responded and filled the questionnaires distributed to them. According to Kothari (2004), this means that 89% was the response rate of this category of the participants. The data collected from the postelection violence victims were both quantitative and qualitative in nature, which means they were collected using numerical coding, statements and descriptions by the victims as well as the observations made by the researcher during the data collection process. On the other hand, the data collected from the two officials in the Ministry of Internal Security and Kenya National Commission of Human Rights (KNCHR) respectively, were qualitative in nature (Creswell & Clark, 2017), because they gave their views regarding mediation and negotiation processes that preceded the 2007/2008 PEV skirmishes and their aftermath.

The data analysis and discussions as presented in this chapter has been divided into three parts. The first part is descriptive analysis, which illustrates the demographic background or basic information of the 89 PEV victims who took part in the research survey. The second part is inferential analysis, which employs both qualitative and quantitative research approach to establish the influence of mediation and negotiation processes that
took place during the PEV of 2007/2008 on the politics and governance of the country as well as the lives of the PEV victim. In this context, the objective to analyze the data and help in answering the research objectives (Creswell & Clark, 2017) This part relies heavily on the data collected from PEV victims. The third part of the data analysis and discussion chapter is the qualitative report and analysis of the data obtained from senior officials in Ministry of Internal Security & Coordination of National Government and Kenya National Commission of Human Rights respectively. The results from both categories of participants and sources of data were integrated to ensure that the objectives of the study are met and research questions are answered as presented in the following parts within the chapter.

4.2 Descriptive Analysis of Participants’ Demographic Data

According to Creswell and Clark (2017), the demographic data provides the basic information about the study participants, which is essential in explaining why their responses take a certain trend in a survey. Demographic information and analysis will be essential in understanding how and why the PEV victim participants had different experiences during and after the PEV of 2007/2008. There are five variables that were treated as the demographic information and analysed using descriptive statistics. These included 1) the respondent’s gender, 2) marital status, 3) age bracket, 4) education level and 5) occupation. Demographic analysis of the data and presentation of the results were conducted as shown in the following parts.

4.2.1 Gender of the Respondents

In this context, gender is used to refer to the masculinity or feminism of the participants as depicted in a heteronormative society such as Kenya where there are only two types of accepted gender. These include the male gender and the female gender. As demonstrated
in the frequency distribution table 4.1 and pie-chart in figure 4.2 generated from the data entered into the SPSS software; approximately 49.4% of the participants were males while 50.6% of the respondents were females. From the results, the two genders were evenly distributed with a different margin of 1.2% shifting towards the female gender.

Table 4.1: Descriptive analysis showing the gender distribution

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>44</td>
<td>49.4</td>
<td>49.4</td>
<td>49.4</td>
</tr>
<tr>
<td>Female</td>
<td>45</td>
<td>50.6</td>
<td>50.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>89</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Figure 4.1: Visual representation of the participant’s gender distribution
4.2.2 Marital Status of Respondents

The marital status variable was included in the demographic data to capture the intimate relationship status of the PEV victims who participated in the study. As shown in the table 4.2 below, 5.6% of them participants were single, 67.4% were in marriage relationships, 15.7% were widows/widowers, 5.6% were divorced while another 5.6% of the participants preferred not to talk about their intimate relationships. The results showed that majority of the participants were in marriage relationships. The results of the frequency and percentage distribution of the participants based on their marital status have been presented in the table 4.2 and pie-chart shown in the figure 4.3 below.

Table 4.2: Frequency distribution of the participants’ marital status

<table>
<thead>
<tr>
<th>Marital Status</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>5</td>
<td>5.6</td>
<td>5.6</td>
<td>5.6</td>
</tr>
<tr>
<td>Married</td>
<td>60</td>
<td>67.4</td>
<td>67.4</td>
<td>73.0</td>
</tr>
<tr>
<td>Widowed</td>
<td>14</td>
<td>15.7</td>
<td>15.7</td>
<td>88.8</td>
</tr>
<tr>
<td>Divorced</td>
<td>5</td>
<td>5.6</td>
<td>5.6</td>
<td>94.4</td>
</tr>
<tr>
<td>Prefer not to say</td>
<td>5</td>
<td>5.6</td>
<td>5.6</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>89</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
</tbody>
</table>
Figure 4.2: The distribution of participants based on their marital status.

4.2.3 Age Distribution of the Participants

In terms of age distributions of the PEV victim respondents, 7.9% were aged 30-34 years, 13.5% were aged 35-44 years, 69.7% were aged 45-54 years, 2.2% were aged 55-64 years while the remaining 6.7% were aged 65 years and above. The majority of the respondents were in the age bracket of 45-54 years. Most of them were aged below 45 years when the PEV broke out in December 2007. The results have been presented in the table 4.3 and the pie-chart in figure 4.4 below.
Table 4.3: Age bracket distribution of the PEV victim respondents

<table>
<thead>
<tr>
<th>Age Bracket</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-34 years</td>
<td>7</td>
<td>7.9</td>
<td>7.9</td>
<td>7.9</td>
</tr>
<tr>
<td>35-44 years</td>
<td>12</td>
<td>13.5</td>
<td>13.5</td>
<td>21.3</td>
</tr>
<tr>
<td>45-54 years</td>
<td>62</td>
<td>69.7</td>
<td>69.7</td>
<td>91.0</td>
</tr>
<tr>
<td>55-64 years</td>
<td>2</td>
<td>2.2</td>
<td>2.2</td>
<td>93.3</td>
</tr>
<tr>
<td>65 and above years</td>
<td>6</td>
<td>6.7</td>
<td>6.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>89</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Figure 4.3: A pie-chart presentation of age distribution of the study participants
4.2.4 Education Level

In terms of the respondents’ highest education level, the data was captured based on those who have not gone to school, those who attained primary education, secondary education, college, university graduate, post graduate education and special education. Even though education level is the fourth variable in the list of demographic variables, it was asked first to decide the level of assistance the participants needed in filling the questionnaire forms. Based on their education level, 4.5% of the respondents did not go to school, 23.6% had primary education as the highest level of education, 59.6% had secondary level education, 2.2% had college education, 4.5% had post-graduate while 5.6% of the respondents had special education. The results were presented in the table 4.4 and pie chart in the figure 4.5 below.

Table 4.4: Distribution of the participants based on their education level

<table>
<thead>
<tr>
<th>Education Level</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never gone to school</td>
<td>4</td>
<td>4.5</td>
<td>4.5</td>
<td>4.5</td>
</tr>
<tr>
<td>Primary education</td>
<td>21</td>
<td>23.6</td>
<td>23.6</td>
<td>28.1</td>
</tr>
<tr>
<td>Secondary education</td>
<td>53</td>
<td>59.6</td>
<td>59.6</td>
<td>87.6</td>
</tr>
<tr>
<td>College</td>
<td>2</td>
<td>2.2</td>
<td>2.2</td>
<td>89.9</td>
</tr>
<tr>
<td>Post graduate</td>
<td>4</td>
<td>4.5</td>
<td>4.5</td>
<td>94.4</td>
</tr>
<tr>
<td>Special education</td>
<td>5</td>
<td>5.6</td>
<td>5.6</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>89</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
</tbody>
</table>
Occupation of the Respondents

Occupation of the respondents was the last item in the demographic data to provide basic information about their economic background. As illustrated in the following table 4.5, 14.6% of the respondents were in full-time employment, 12.4% were in part-time employment, 66.3% were in self-employment, 4.5% responded as retirees while 2.2% were unable to work. The results were presented as shown in the following table 4.5 and pie chart in the figure 4.6 respectively.
Table 4.5: Distribution of respondents based on their occupation.

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-time employment</td>
<td>13</td>
<td>14.6</td>
<td>14.6</td>
<td>14.6</td>
</tr>
<tr>
<td>Part-time employment</td>
<td>11</td>
<td>12.4</td>
<td>12.4</td>
<td>27.0</td>
</tr>
<tr>
<td>Self-employment</td>
<td>59</td>
<td>66.3</td>
<td>66.3</td>
<td>93.3</td>
</tr>
<tr>
<td>Retired</td>
<td>4</td>
<td>4.5</td>
<td>4.5</td>
<td>97.8</td>
</tr>
<tr>
<td>Unable to work</td>
<td>2</td>
<td>2.2</td>
<td>2.2</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>89</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
</tbody>
</table>

Figure 4.5: Distribution of participants based on their occupation.
4.3 Mixed Methods Data Analysis to Answer Research Questions

As illustrated in the methodology section, this study used mixed methods approach, involving qualitative and quantitative methods to collect and analyse secondary and primary data, with the key objective of answering the research questions (Kemper et al., 2003). As explained in the study by Terrell (2012), research questions are adopted from the study objectives, and therefore, by answering the study questions, the researcher met the research aims and objectives. In this section, the analysis of the data was focussed on answering the three specific research questions developed in chapter 1 to establish whether or not our secondary and primary data helped in achieving the study objectives (Teddlie & Tashakkori, 2009).

The primary objective of this study was to investigate the effectiveness of mediation and negotiation as a conflict resolution mechanism in the Kenyan 2007/2008 PEV skirmishes. To achieve this main objective, three specific objectives were developed (Kemper et al., 2003). The first specific objective of the study was to assess the factors that determined the outcomes of the mediation and negotiation as a conflict resolution tool used in the Kenyan 2007/2008 PEV. The second specific objective was developed to assess the manner in which mediation and negotiation influenced the political and governance structure of the country. The third and last specific objectives was developed to evaluate how mediation and negotiation processes initiated to find the solutions to the 2007/2008 PEV influenced the social and economic aspects of the PEV victims. As elucidated in the study by Teddlie and Tashakkori (2009) regarding the adoption of mixed methods for data collection and analysis, these objectives can be achieved by answering the specific research questions related to each one of them.
4.3.1 Factors that Determined Mediation and Negotiation Outcomes

From the conceptual framework that was developed to relate factors or variables that were used in data collection and eventual analysis in figure 1.1 above, it can be seen that mediation and negotiation processes had direct impact on the outcome of the 2007/2008 PEV. Even though mediation and negotiation as a conflict resolution strategy was an independent factor that direct predicted the outcome of the post-election violence, it is important to understand that there are intervening factors (Kothari, 2004) that played an important role in between during the mediation and negotiation processes. Based on how theoretical framework developed through the ideas borrowed from Creswell and Creswell (2017) regarding the modelling of a mixed methods study, these included international community pressure, political parties’ domestic dynamics, personal traits of the key political antagonists, and other issues such as escalated internal disputes such as cattle rustling.

4.3.1.1 International Community Pressures

The international communities that were focused on were the East African Community, African Union, the United Nations, United States and European Union. The East African Community comprising of Kenya, Uganda, Tanzania, Rwanda and Burundi had mixed responses to the situation in the country. Immediately after the swearing in of President Kibaki, Ugandan President Yoweri Museveni recognised and congratulated him for the second-term victory, although countries in the region did not respond immediately. The United States, who has been enjoying close ties with the Kibaki Administration, especially regarding the fight against terrorism also congratulated him for the re-election. According to the news report in The Guardia Newspaper by Rice (2007) on December 31 quoted the State Department spokesman Robert McInturff said: "The United States congratulates the
winners and is calling for calm and for Kenyans to abide by the results declared by the election commission."

On the other hand, the Britain and the European Nations disagreed with the election outcome (Cooke, 2009). British Foreign Office and Department for International Development cited "real concerns" over irregularities, while international observers refused to declare the election free and fair. The European Union chief observer, Alexander Graf Lambsdorff, cited one constituency where his monitors saw official results for Kibaki that were 25,000 votes lower than the figure subsequently announced by the electoral commission (Rice, 2007). However, the emergency caused by the PEV based on its negative influence on the social, political and economic situations of Kenya and East African Community, with regards to the then current terrorism concerns, changed the stand of the United States and they stepped in to find a lasting solution (Musyoka, 2013).

The AU participated significantly in facilitating the mediation and negotiation processes through its members of the United Nations Council. The intervention of the African Union through the UN Council prompted and facilitated the constituting of a well-known panel of African prominent persons led by Dr Kofi Annan, the form Secretary General of the UN to intervene because the situation was considered to be an emergency (Rice, 2007). Even though the Kibaki and Raila factions were characterised by hardliners, the pressure and threats from the United States and other Western country forced them to come to the negotiation table. The negotiation processes in the country started effectively after the Secretary of States, Condoleezza Rice met President Kibaki, which signalled the United States concerns about the Kenyan situation and its intention of using pressure to force the government and opposition leaders onto the negotiation table (Odhiambo, 2009; Musyoka, 2013).
Table 4.6: Factors that influenced the mediation processes and outcomes

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenyan politicians</td>
<td>3</td>
<td>3.4</td>
<td>3.4</td>
<td>3.4</td>
</tr>
<tr>
<td>Church leaders</td>
<td>9</td>
<td>10.1</td>
<td>10.1</td>
<td>13.5</td>
</tr>
<tr>
<td>International pressure</td>
<td>65</td>
<td>73.0</td>
<td>73.0</td>
<td>86.5</td>
</tr>
<tr>
<td>Non-governmental</td>
<td>10</td>
<td>11.2</td>
<td>11.2</td>
<td>97.8</td>
</tr>
<tr>
<td>organizations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Don’t know</td>
<td>2</td>
<td>2.2</td>
<td>2.2</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>89</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

In your view, what do you think initiated the mediation processes and outcomes led by Kofi Anan?

Figure 4.6: What facilitated mediation processes and outcomes.
As illustrated in the above table 4.7 and figure 4.7, 73% of the respondents believed that international pressure was the main reason that facilitated processes and outcomes of mediation and negotiation led by Kofi Anan. About 11.2% believed that non-governmental organizations helped in facilitated the process and outcomes of mediation and negotiation that preceded the post-election violence. Approximately 10.1% believed in the role of church elders while the remaining 3.4% believed that politicians played the major role. Among those who in the international community pressure and other factors cited watching of the TV news and reading the newspapers about the updates of the ongoing conflicts and eventual mediation and negotiation processes. They relied on the news, just like what Rice (2007) reported about the Kenyan situation in December 2007 to the Guardian newspaper.

4.3.1.2 Activities of Political Parties

The main political parties that were engaged in the 2007/2008 presidential election contestation were the Party of National Unity (PNU) led by President Mwai Kibaki and Orange Democratic Movement (ODM) part led by Raila Odinga. While the incumbent PNU members argued that they legally elected during the December 2007 general elections, the ODM members claimed that their victory was rigged by the incumbent (Musyoka, 2013). According Cooke (2009), they were citing heavy security resources used during the counting of votes, delays and disappearance of constituency agents with the form 16As for presidential results, especially in the President Kibaki’s strongholds, and lack of verified results. The election observers, especially from the European Union also cited irregularities in the elections, something that gave the opposition party strength to their arguments (Odhiambo, 2009). The situation led to the continued stalemate and conflicts among communities supporting either side of the political parties. At the initial
stages of the mediation and negotiation processes, each side of the two political parties were rallying support from electorates who were deeply involved in the violence. The international community were not going to watch as Kenya was almost sinking into a full-blown internal conflict, considering the strategic significance of Kenya to fight against terrorism and stability of the East African Community. According to Poster (2012), the politicians had major responsibility in the ongoing conflict. As noted in the study conducted by Musyoka (2013), it could be seen that the two sides of the political divides were exploiting the electorates by wishing the conflict to continue in order to achieve their objective. While the government were using forces and their supporters to try and suppress the opposition territories, the opposition was hiding under calls for demonstration to use the ongoing conflicts to bargain for their interests (Mutua, 2008). Therefore, the international communities, through the Kofi Anan led team of mediators, put pressure on the political leaders to first tell their follower to cease the ongoing violence (Poster, 2012). In this sense, the political parties, through President Mwai Kibaki and Raila Odinga, urged their supporters to stop violence for the mediation processes to start. Consequently, the political parties and their leaders helped in supporting the negotiation processes.

4.3.1.3 Domestic or Internal Dynamics

There were several aspects of the domestic dynamics, which facilitated the kick-off of the mediation and negotiation processes. These included economic and social problems across the country, increased insecurity, especially in urban areas, slums, some rural regions, and on the roads. As illustrated by Kanyinga and Long (2012), there were several road blocks around the country placed by rowdy youths killing passengers perceived to be supporting the opponent political party. The conflict, as illustrated by Munene (2012) was motivated by tribalism and anyone from a tribe perceived to be supporting the other side was either killed, injured or raped among other insane brutalities.
A man told the researcher, “I was seriously beaten, fell and could not fend for my family, although I was the soul breadwinner.” The business transactions among between supporters of the two political parties were ruined. Communities known for cattle rustling activities escalated these activities. The internally displaced people were suffering. Both sides of the political divide were facing and feeling the economic and social pressures. One of the study respondents, a mother of four children said, “Because of the conflict, they were going without food although she had money”. Thus, as Odallo (2012) explained, people were willing to stop the violence and they did so when they were urged to do so by their political leaders.

Based on the ongoing crisis, a senior staff in the Ministry of Internal Security was interviewed to establish the role played by the ministry during after the PEV skirmishes, through the mediation period and its aftermath. According to Odallo (2012) and Kanyinga and Long (2012), the Ministry of Interior played a major role in promoting government agendas while maintaining security. The interviewee stated: “the Ministry of Interior played a major role in the conflict management during and after the 2007/2008 PEV, including negotiation. Apart from its mandate of coordinate all government programs and projects, the Ministry was responsible for maintaining security throughout the country.” After the mediation process, the ministry was also mandated with the role of creating cohesion among communities across the country (Poster, 2012; Musyoka, 2013; Cooke, 2009). He mentioned Rift Valley, former Coast province and North Easter as some of the areas where the Ministry played a great role in conflict management and management of the security. One of the PEV victims interviewed said: “I was living in Nakuru and both the unruly youths as well as the police officers were torturing innocent people.” In the study by Odallo (2012), there were wide claims that police officers operating under the Ministry of Interior violated human rights of innocent PEV victims.
As can be seen in the following table 4.8 and graph in figure 4.8, 79% faced a very hostile environment during the conflict and 7% faced extremely hostile conditions. Thus, majority of the victims seemed to have suffered a lot and this affected many people from across the country. According to Munene (2012), these effects such as killings of innocent people, rape and injuries as well as destruction of property were becoming more visible and could be allowed to continue. As a result, the politicians had no option but to bow to the pressure and engage in the negotiation processes.

Table 4.7: What was the level of hostility of supporters of your political opponent?

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hostile</td>
<td>2</td>
<td>2.2</td>
<td>2.2</td>
</tr>
<tr>
<td>Moderately hostile</td>
<td>9</td>
<td>10.1</td>
<td>12.4</td>
</tr>
<tr>
<td>Very hostile</td>
<td>71</td>
<td>79.8</td>
<td>92.1</td>
</tr>
<tr>
<td>Extremely hostile</td>
<td>7</td>
<td>7.9</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>89</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Figure 7: Visual representation of the level of hostility among supporters of the opponents.

4.3.3 Influence on Political and Governance Structure

The mediation process in Kenya was aimed at finding the solutions to the 2007/2008 PEV into the future of the country. According to Mutua (2008) and Odallo (2012), the conflict that erupted after the December 2007 general election was politically and historically motivated. Since the mediators understood this aspect that caused the violence, they had to device an effective mechanism that would result into the creation of new government that would include both opposition and government wing (Cooke, 2009). The formation of the coalition government was a short -term strategy to stabilize the country in terms of its social, economic and political aspects. According to majority of the participants interviewed in Kibera slums, majority of whom were ODM supporters by that time, said
they were relieved upon the news of formation of coalition government. A man responded further by saying, “When it was announced that a coalition government was going to be formed with Kibaki as the President and Raila as the Prime Minister, I felt relieved and happy because we initially thought we (ODM supporters) were going to lose everything”. A female participant commented by stating: “that was a very good news to us here and everyone was in a celebration mood because we knew peace would be restored at last”. These comments were supported by Kenyan researchers who argued that formation of government could partially serve the interest of both parties as each political wing was given slots in the government (Mutua, 2008; Cooke, 2009, and Odallo, 2012). These primary and secondary data supporting the positive influence on the government were also supported by the KNCHR staff who participated in the study. According to Kanyinga and Long (2012), human rights activists played a major role in mobilizing the local leaders and international community to intervene in the Kenyan PEV. The staff interviewed at the KNCHR was an expert in diverse fields of conflict and human development. Moreover, he participated effectively in the human rights promotion during and after the 2007/2008 PEV and throughout the organization’s efforts to push for positive reforms that would have improved human rights (Kanyinga & Long, 2012; Mutua, 2008). From the participants’ professional and experiential views in the conflict management, he asserted that mediation and negotiation processes that led to the formation of coalition government and subsequent reforms were best option to manage the 2007/2008 PEV. The main reason given by the staff was that mediation and negotiation, and eventual formation of the coalition government resulted into a win-win outcome. Giving an example, he said: “When two children are fighting for a bottle where one child wants the bottle and the other one wants to drink water inside the bottle, the best thing to do is not to deny both the bottle, but let the first child drink the water first and give the bottle to the other, so that they have
both won.” As supported by the study conducted by Poster (2009) and Cooke (2009), the statement suggested that mediation catered for the interests of the government led PNU party and the opposition led ODM party, through the popular say during the negotiation, as quoted by Munene (2012) and Odallo (2012) that mediation outcomes required a “give and take” attitude from both leaders.

According to the KNCHR staff engaged in the study, “the only option that was available apart from mediation and negotiation was for the aggrieved party to go to the court and seek legal address.” As an expert in conflict management and with emphasis to reduce human rights violence, he argued that court process was not a good option. In a court of law, one party must win and this was not going to be good in a politically motivated violence. As observed by Odallo (2012), the court decision could have polarized the country further leading to endless violence and grave violation of human rights. Therefore, the mediation and negotiation led to formation of coalition government as an immediate solution for political, social and economic problems instigated by the 2007/2008 PEV (Munene, 2012; Kanyinga & Long, 2012). These were followed by Waki Commission and Krieglar Commission, which were born out of mediation and negotiations led by Kofi Anan to develop further recommendations such as development of new constitution and the need to address grave historical injustices as well as the need to compensate the victims (Odallo, 2012). It is something that according to the interviewee, the courts could have not addressed due to legal constraints.

However, in terms of effectiveness of mediation and negotiation processes in terms of implementation of their recommended changes, the interviewee felt that: “The performance was below average. There were a lot of things he felt could have been done immediate to restore economic and social stability of the victims by the coalition government. For instance, the compensation took years to be effect and some victims were
not compensated.” The blames he laid against the government for not addressing the effects of PEV effectively even after the recommendations following the mediation and negotiation processes were also pointed out in different studies (Musyoka, 2013; Odhiambo, 2009; Cooke, 2009). In terms of KNCHR’s role, the interviewee argued that their organization do not have mandate and capacity apart from making recommendations and reporting to the government for implementation processes. Thus, the professional and experiential views of the KNCHR staff suggest that: “negotiation and mediation was not only the best option, but its effectiveness could have also been higher had the government implemented all the recommendations such as compensation and support of the victims, addressing historical issues effectively as recommended by Kofi Anan team among other things.” The recommendations included those in the Krieglar Report (2009) about political reforms and addressing the historical injustices that have committed by different governments since the independence period.

The Ministry of Interior was given of coordinating the implementation and restoration of peace and security after the PEV skirmishes (Kanyinga & Long, 2012). To participate and restore peace and security, as part of the governance system, the ministry collected intelligence reports throughout the country in an effort to respond to potential violence in the targeted areas. The ministry mobilized the key factors such as political leaders and other players to promote peace in the country. According to Cooke (2009), the security deployed by the minister of internal affairs used both armed forces and diplomacy approaches based on the recommendations made during the early stages of the mediation to reduce the escalation of violence to a manageable level. One of the proactive models of initiative the ministry developed as a recommendation following the PEV mediation and negotiation process, the interviewee said, was the “Nyumba Kumi” initiative to improve coexistence and cohesion among small communities across the country (Kriegler, 2009).
4.3.3 Influence on Economic and Social Factors

The mediations and negotiations that preceded the post-election violence lead to the formation of the new coalition government that comprised PNU side led by President Mwai Kibaki and ODM side led by opposition leader Raila Odinga. Some of the recommendations made after the mediation by Krieglar Report (2009) were that the victims of PEV were to be supported by the government irrespective of their affiliations and tribal backgrounds. Therefore, in this context, we used the data obtained from secondary sources, the PEV victims, KNCHR and Interior Ministry staffs interviewed to determine the influence of the mediation and negotiation in terms of improving the social and economic conditions of the PEV victims.

In this section, the data collected from the PEV victims was aimed at understanding the adequacy of compensation, which the government provided to the victims as part of restoring their economic and social stability. From the frequency distribution analysis, 16.9% were not adequately compensated, 76.4% of the respondents were moderately compensated while 6.7% were very adequately compensated. From the results, majority of the PEV victims who participated in the study were moderately compensated. The results are presented in the following table 4.8

Table 4.8. The government compensation to the PEV victims

<table>
<thead>
<tr>
<th>Has the government adequately compensated you for the loss/given you settlement?</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not adequate</td>
<td>15</td>
<td>16.9</td>
<td>16.9</td>
<td>16.9</td>
</tr>
<tr>
<td>Moderately adequate</td>
<td>68</td>
<td>76.4</td>
<td>76.4</td>
<td>93.3</td>
</tr>
<tr>
<td>Very adequate</td>
<td>6</td>
<td>6.7</td>
<td>6.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>89</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
One of the recommendations made as the aftermath of the mediation and negotiation processes headed by Kofi Annan was to form a coalition government, which would later initiate other implementation processes; one of the most important recommendations was to settle and support IDPs and other PEV victims (Krieger, 2009; CIPEV, 2009). In this context, we used the PEV victims’ data to test the extent to which they believed that the formation of coalition government would help in supporting their needs and the effectiveness of the government support. As shown in the following table 4.10, we computed the importance of coalition government in improving the social and economic conditions of the PEV victims and the effectiveness of the government support to the

Figure 4.8: Adequacy of the government compensation to PEV victims.

Has the government adequately compensated you for the loss/given you settlement?

<table>
<thead>
<tr>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5</td>
</tr>
<tr>
<td>1.0</td>
</tr>
<tr>
<td>1.5</td>
</tr>
<tr>
<td>2.0</td>
</tr>
<tr>
<td>2.5</td>
</tr>
<tr>
<td>3.0</td>
</tr>
<tr>
<td>3.5</td>
</tr>
</tbody>
</table>

Mean = 1.9
Std. Dev. = .475
N = 69

92
victims. The results showed that 57.3% (n = 51) of the participants believed that coalition government was important in supporting their social economic improvement. Now, when asked whether the coalition government support was effective, only 32.6% (n = 29) of the participants stated that it was effective.

Table 4.9. Influence of the government effort on socio-economics of PEV victims.

<table>
<thead>
<tr>
<th>Importance of Coaling Government (%)</th>
<th>Effectiveness Coalition Gov. (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>N= 51 (57.3%)</td>
<td>N= 29 (32.6%)</td>
</tr>
</tbody>
</table>

The perception of the victims about the significance of the government in supporting their economic and social improvement was above average. According to study by Kagwanja (2009), the government had a great responsibility to ensure that the IDPs and other victims of the PEV were not only compensated but support to gain socioeconomic stability. However, this never happened as expected, especially from the recommendations that followed after the mediation and negotiation periods (Kriegler, 2009). In the response given by the KNCHR staff, he stated: “Even though the government had the greater role and resources to support the PEV victims, they did little work as immediate response to stabilise their socioeconomic status. The compensation also took long and some victims were not compensated at all. Cases of rape and violation of human rights could have been prosecuted in the law courts; but little to no effort was done on the same.” The views are same with the results in the table where the PEV victims believed that effectiveness of the government support was only 32.6%, which was far much below average. In support of these views, other scholars also concur that even though coalition government made efforts for legal reforms through the constitutional review, it did little to support the PEV victims (Achieng, 2014; Odallo, 2012; Njogu, 2009).
As illustrated in the figure 10 below, the relationship between the government effort and improvement in social and economic aspects of the PEV victims was positive: where the compensation and support were higher, the victims’ conditions improved and vice versa. As illustrated in the study by Musyoka (2013), Achieng (2014) and Kagwanja (2009), the government ought to have done a lot in support the PEV victims to recover from the social and economic lose they suffered. Had the government done more, majority of the post-election violence victims could have recovered effectively considering that most of them lost valuable property such as land and homes, friends, other financial and social investments (Odallo, 2012).

![Figure 4.9: The relationship between government influence and compensations.](image)

As can be seen from figure, it can be noticed that where the government put more efforts, the victims felt adequately compensated and supported. However, where the government put little effort, people felt devastated because
of inadequate compensation and support. The linear relationship between the government effort and socioeconomic improvement of the victims was also highlighted in various studies (Kanyinga & Long, 2009; Odallo, 2012; Poster, 2012)

Our interviewee from the Kenya National Commission of Human Rights also illustrated: “the government did not settle internally displaced people immediately, and this caused to continued suffering in the IDP camps.” According to Cooke (2009), instead of focusing on the internal problems after the formation of coalition government, political leaders engaged more in the war of words than they focused on governance and administration issues. One of our PEV victim interviewees stated that: “We suffered waiting for the waiting for compensation that we never received. After losing my job, I had to work with a small construction company to raise money to start a shop business.” As explained by Odallo (2012), majority of the PEV victims were neither supported by the government nor given any kind of compensation because the exercise was politically motivated.

Figure 4.10. The government intervention vs. adequacy of compensations
Therefore, from the regression analysis, we can conclude as follows. First, the recommendations arrived at by the mediation and negotiation teams to form coalition government were essential in helping the victims gain economic and social stability. Second, the suggestion to compensate and support the victims had significant effects on the beneficiaries and it would have had significant effect had the government compensated all the victims and did everything according to recommendations that were made by Krieglar (2009) and CIPEV (2009). Lastly, the results show that the performance of the coalition government in terms of their intervention to support PEV victims was below average. However, the interviewee from the Ministry of Internal Affairs believed that the mediation and negotiation approach that was led by Kofi Anan in the 2007/2008 PEV was the best approach. He was quoted saying, “it was very strong indeed”, with reference to its effectiveness in solving the social and economic stalemate created by the politically motivated 2007/2008 PEV in the country.

4.4 Conclusion

This chapter used mixed methods approach to analyze the secondary data collected from previous research studies, and primary data collected from participants who were the PEV victims, staffs in the Interior Ministry and KNCHR respectively. Quantitative methods were used to present numerical data in tables, pie-charts and graphs while qualitative methods have been used to describe the quantitative results and support the information with the findings of the previous studies. These include descriptive analysis to present the basic information of the participants, and mixed methods analysis to answer the three research questions drawn from the specific objectives. For the first research question, the results showed that the key intervening factors that facilitated the outcomes of the mediation and negotiation processes were international community pressure, activities of political parties, and domestic or internal dynamics, which increased tension in the
country. Based on the second research question, the study findings drawn from qualitative and quantitative data showed the mediation had a significant influence in the formation of the coalition government and subsequent actions such as constitutional review and change, compensation of the victims and recommendations made by both Waki and Krieglar commissions. Regarding the answer to the third research question, the findings showed that the aftermath of the mediation process led to the improvement of economic and social stability of the PEV victims. However, both qualitative and quantitative methods reveal that the coalition government and subsequent governments did not solve immediate problems such as compensation and settling of the victims.
CHAPTER 5
SUMMARY, CONCLUSION AND RECOMMENDATION

5.1 Introduction
This chapter provides the overall conclusion of this research study with the objective of ascertaining whether the data collected and analyzed helped in answering the research questions to achieve the study objectives. The chapter contains three sections, which include the summary of the study findings, conclusion of the study and the recommendation. The summary section provides brief discussion showing the overall findings of the study. The conclusion section provides the overall verdict as to whether the research study achieved its objectives based on the data collected and analyzed. The last section provides a brief recommendation for the scholars to undertake further research in the future, and for the government to review its policies regarding the use of mediation and negotiation as conflict resolution strategies.

5.2 Summary
The main focus of the study was to explore on the best strategy of conflict resolution in Kenya regarding the mediation and negotiation talks following the 2007/2008 post-election violence (PEV). This study was motivated by the necessity to develop a research based on the need to control the historical conflict resulting from ethnic divisions in Africa and Kenya in particular where ethnically motivated conflicted have been witnessed since independent. The worst of all those conflicts happened after the 2007 general election. Even though mediation and negotiation has not succeeded in many African conflicts, it is intriguing and interesting that the mediation and negotiation approach employed by Kofi Annan and his group of peace envoys provided recommendations that resulted in political stability for the first time since independence. This study, therefore was aimed at assessing
how the mediation and negotiation strategy was used to achieve positive reforms in the country. It included the assessment and critical examination of information and knowledge about the success and failure aspects of mediation and negotiation as a conflict resolution approach for subsequent restoration of peace, social, political, and economic stability in Kenya after the 2007/2008 PEV and its consequences.

This research study was developed to explore how and why the use of mediation and negotiation as a strategy of conflict resolution was effective in achieving socioeconomic and political stability in the case study of Kenyan 2007/2008 post-election violence. The reason why the study topic was chosen is that mediation and negotiation as a conflict resolution strategy has been used unsuccessfully in different conflicts such as Colombia, Syria, Yemen, Libya, and Somalia. While mediation and negotiation were used successfully in South Sudan, it did not bring everlasting peace in the country, as the opponents later engaged in military confrontations. It could be argued from the failed application of mediation and negotiation in different conflict cases around the world that the strategy is unfit for management of conflict. Through the history of conflict resolutions in the world, not only mediation and negotiation have been used, but other approaches have been applied. Where mediation and negotiation are not applied, other conflict resolution strategies such as international pressure, sanctions and economic embargo, and military intervention have been used to topple dictatorial regimes and suppress the power of the opponents that promote conflicts. However, sanctions and military interventions do not bring lasting peace and stability, as was witnessed in Iraq, Iran, Syria, North Korea, Libya and Afghanistan among other cases around the world.

Although many cases of mediation failed, there are a few cases where mediation and negotiation have led to political, social and economic stability. One of such examples is the peace building in Colombia between the National Government of Colombia and The
Revolutionary Armed Forces. The country suffered decades of internal conflicts marred with criminal activities such as drugs and human trafficking. Through the support of the United Nations and international community, a National Conciliation System was established for a long-term peace building processes among communities in towns and rural areas. The process was a continuous initiative that would gradually establish peace through reconciliation and support of the victims. This example shows that mediation and negotiation strategy is not a one-time effort, but a long-time initiative that must be supported for it’s to succeed. Both parties must be advised and supported in order to see and reason beyond their interests for mediation and negotiation processes to be successful and this requires time and resources.

Kenya is another country where mediation and negotiation succeeded during when violence erupted in different parts of the country after announcing the winner of the December 2007 presidential elections. The researcher was interested in the Kenyan case, therefore delved in an investigative case study to examine factors that led to successful use of mediation and negotiation as a conflict resolution strategy in Kenyan 2007/2008 post-election, which brought immediate and long-term political, economic and social stability in the country. In order to achieve the goals of the study and answer the research questions, a mixed method approach was adopted where qualitative and quantitative methods were used. Quantitative data was collected from 89 PEV victims while qualitative data was collected from senior officials in the Interior Ministry and Kenya National Commission of Human Rights through questionnaire forms and interview guides respectively. Descriptive and Correlational statistics were used to analyse the data while qualitative data was analyzed using triangulation method to integrate data from different sources and support the statistical analysis. The results and discussions demonstrated that mediation and negotiation processes in Kenya led by Kofi Annan created a political, social and economic
stability in the country. The results led to various conclusions that can be verified based on the study findings as follows.

5.3 Conclusion

One of the conclusions drawn from this study is that coercion of parties involved in a conflict or civil war is not the best way to restore peace political and economic stabilities. The main reason is that before conflict occurs, either parties tend to internalize certain beliefs and perceptions against the opportunities, which are strongly indoctrinated in them. Therefore, use of coercion such as military force, political sanctions and economic embargo might not make them waiver from their strong beliefs. The aggressive and coercion approaches used in various conflicts, especially in the Middle East failed because of the strongly indoctrinated perceptions and beliefs of the opponents. Throughout the history, military interventions and other forms of aggression do not lead to peace. As could be seen in the cases of Syria where military intervention of the government and international communities escalated the civil war rather than restoring peace. The Iraqi War did not create peace, but led to more conflicts, economic and political instability in the country. These among many other cases around the world show that military intervention, political and economic embargo as conflict management strategies in many causes create more conflicts than the expected peace and stability.

Mediation and negotiation are effective but it can also fail when the mediators do not understand the internal issues within the society or a country. From our literature, lack of understanding of the local political social and economic dynamics led to unsuccessful mediation in Syria and Libya. As the mediators wanted to apply the generic approaches of conflict resolution, they failed to focus on specific issues that caused problems in those societies. While mediation is Sudan took a long process that led to separation of South Sudan and creation of a new nation, the mediators did not exhaustively address the internal
issues that would later lead to conflict in the new nation. In this context, the study concludes that mediation can only be successful when the mediators are ready to explore the root cause of the local discontents and solve them exhaustively to avoid future conflicts. For instance, the National Conciliation System developed in Colombia is a long-term initiative to engage all people and communities through education, peace promotion, reconciliation and socioeconomic support to the people. Such approach enhances a greater understanding between opponents.

Mediation and negotiation processes adopted in Kenya succeed because the mediators explored and understood the political situation of the country. First, President Kibaki was declared the winner of the December 2007 presidential election and firmly held that he was the legitimate head of state. On the other hand, opposition leader, Raila Odinga claimed that his victory in the presidential election was stolen by the government machinery. With this information, the communities aligned to either parties confronted each other into what was popularly known as 2007/2008 post-election violence. The mediators knew and understood that the cause of the conflict was a political one and each side claimed a rightful position. Therefore, with a little pressure from the international communities and the mediators’ understanding of the local political dynamics, they were able to bring the two parties to the table and solve the problem.

5.4 Recommendations

From the study that have been concluded, it has been found that mediation and negotiation have not always been successful in various conflict environment apart from the Kenyan and Colombian cases. Therefore, further studies should be conducted to determine why mediation and negotiation as conflict strategies can succeed or fail. The study also revealed that the proposals and recommendations made during mediation and negotiation processes were not fully implemented. Therefore, further study is recommended to assess the level
of implementation of the recommendations made for long lasting solutions in Kenya. Since major conflicts in Kenya have been tribal in nature, facilitated by political affiliations, this study recommends that the government should use neutral strategies to implement the recommendation by Waki and Krieglar in their full capacity. These include historical injustices, national cohesion, and compensation of victims irrespective of their political affiliation, strengthening of electoral system and improving economic development throughout the country so that no part of the nation feels isolated. As a result of the effectiveness of mediation and negotiation in resolving conflicts in Kenya, the Interior Ministry and Police Force should adopt negotiation and mediation as a conflict resolution among local communities, especially among cattle rustlers, boundary disputes and land disputes. Further studies in the use of mediation and negotiation as a conflict resolution strategy should be conducted to establish its effectiveness and adoptability in Africa and the world. This study also recommends a number of prevention and mitigation of conflicts such as the one experienced in the aftermath of the December 2007 general elections. The government can adopt these recommended strategies as long-term control and management approaches of post-election conflicts and tribal motivated conflicts, which have been witnessed across the country since independence. One of the recommendations is to monitor and control hate speech, which is often motivated by stereotypes and discrimination. The government should include stringent laws to control what people say about people based on tribal affiliations. A program should be established by the government to promote peace and cohesion among people of Kenya not only during the election’s periods but also all the time. Just like the peace building initiative in Colombia, the government should include inter-community dialogue and reconciliation programs in conflicted infested areas known for tribal clashes, land issues, and cattle rustling. Such
programs should be supported by the government as micromanagement of mediation and negotiation processes focused on reducing tensions and improving relationships between previously polarized ethnic communities.

One of the problems facing Kenya and other African countries is the incompetent leadership, as demonstrated in the literature review. Therefore, to deal with the chaos and civil conflicts such as the 2007/2008 PEV in Kenya, this study recommends that those who intervene through mediation should help in developing constitutional measures to hold the leaders accountable. Constitutionalized policies can reprimand leaders to be more competent and bring communities together through fair leadership. The recommendation is based on the fact that political leaders are supposed to be chiefs of their countries in the true sense. Therefore, this study recommends that mediators should encourage political leaders to demonstrate the ability to binding citizens together irrespective of their ethnic affiliation.

In the context of competency in leadership, this study recommends that upon understanding the internal dynamics of conflict, the mediators should encourage leaders and recommend policies that can help the political leaders to hold everyone in the country equally so that a nation will stand together irrespective of heterogeneous nature of their ethnic composition. This can be achieved through equal distribution of resources. The study also recommends the necessity of nurturing effective leadership as a way of mobilizing and motivating people across the country to promote national identity and togetherness as well as national unity. To achieve these aspects, it is essential for the leaders to pursue the policy of inclusion rather than exclusion through integrity, distrust and lack of suspicion. In this context, the study recommends that political leadership in African in general and Kenya in particular must improve to and become more acceptable and cherished in sections of the communities in the country to create a sense of nationhood.
That way, the civil war that always halt the process of integration in Africa and the scenario of post-election violence of 2007/2008 that claimed 1,100 lives will come to an end. Another recommendation for this study is that mediation and negotiation processes should encourage leaders to develop policies that discourage adverse corruption witnessed in Kenya and many African countries. Through corrupt leadership, Africa’s resources have been destroyed due to bad management for many years since the colonial power handed over the leadership to Africans, and Kenya is not an exceptional. Conflicts such as the 2007/2008 post-election violence often occur because masses are fed up with the incompetency of their leaders. Corruption, discrimination and marginalization of some ethnic groups cause conflicts as the victims tend to fight out of desperation caused by social and economic sufferings. Therefore, to avoid such conflicts motivated by corruption and discrimination, this study recommends that mediators in conflict situations should encourage leaders and other stakeholders to develop policies and legislations that promote hope and unity. It is because, corruption and discrimination instigated leadership is the key cause of desperation and hopelessness has motivated ethnic communities to rise against one another. Therefore, recommendations made after the formation of coalition government and subsequent governments should be strengthened to enhance cohesion and national unity among Kenyans. This is important considering that Kenya has heterogenic ethnic composition with different cultural and social perceptions. More policies should be developed to promote fair distribution of resources, encourage good leadership, fight corruptions and create the sense of national identity and nationhood.
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APPENDICES

Appendix I: Consent Letter and Questionnaire Form for PEV Victims

Participant Consent Form:

MEDIATION AS A STRATEGY OF CONFLICT RESOLUTION: A CASE STUDY OF 2007/2008 POSTELECTION VIOLENCE IN KENYA

Dear Respondent,

This is a request to you to participate in a research study entitled “Mediation as a Conflict Resolution: A Case Study of 2007/2008 Postelection Violence in Kenya”. The purpose of this study is to assess the use of mediation as a conflict resolution strategy during the 2007/2008 postelection violence in Kenya. The study targets the professionals working in Ministry of Interior and National Coordination, Human Rights Commission (NGO) and postelection violence victims living in Nairobi slums. You may decide to participate or withdraw from the study after you have agreed to participate without any consequence. Your participation will involve answering questions that will take a maximum of 30 minutes only. An interview guide will be used to collect information from you as the respondent. The information you provide will be kept confidential and you will not be identified as the person from whom the information was obtained. Your participation will help the researcher to get the necessary information to achieve the study objective, which is to investigate effectiveness of mediation as a conflict resolution mechanism in the Kenyan 2007/2008 PEV. The information you provide will be used for academic purpose only and will not be shared with any third-party. Should you have any questions regarding the study or your participation, please contact the University (USIU).
INTERVIEW GUIDE FORM FOR VICTIMS OF 2007/2008 POSTELECTION VIOLENCE:

RESEARCH TOPIC:
MEDIATION AS A STRATEGY OF CONFLICT RESOLUTION: A CASE STUDY OF 2007/2008 POSTELECTION VIOLENCE IN KENYA

SECTION 1: PRECAUTION STATEMENT
1. The respondent should be a victim of postelection violence who was aged 18 and above during the 2007/2008 PEV
2. The information given will be treated with confidentiality.
3. Give the applicable responses in the spaces.
4. Do not give your name.
5. The interview is meant for academic purposes only.

SECTION 2: DEMOGRAPHIC INFORMATION
1. What is your gender (Tick the appropriate box)?
   - Male
   - Female
2. What marital status (Tick the appropriate box)
   - Single
   - Married
   - Widowed
   - Divorced
   - Prefer not to say
3. Age of respondent (Tick the appropriate box)
   - 30 - 35 years
   - 35 – 44 years
   - 45 – 54 years
   - 55 – 64 years
   - 65 and above years
4. What is your level of education (*Tick the appropriate box)?
   - Never gone to school
   - Primary education
   - Secondary education
   - College
   - Graduate
   - Post graduate
   - Special education

5. What occupation? (*Tick the appropriate box)
   - Full-time employment
   - Part-time-employment
   - Self-employment
   - Retired
   - Unable to work

**SECTION 3: FACTORS THAT INFLUENCED MEDIATION PROCESS AND OUTCOMES:**

6. What was the level of hostility of supporters of your political opponent (*Tick the appropriate box)?
   - Less hostile
   - Hostile
   - Moderately hostile
   - Very hostile
   - Extremely hostile

7. In your view, what do you think initiated the mediation processes and outcomes led by Kofi Anan (*Tick the appropriate box)?
   - Intensity of the conflict
   - Kenyan politicians
   - Church leaders
   - International pressure
   - Non-governmental organizations
   - Don’t know
8. How do you describe your general condition during the first month of PEV (Tick the appropriate box)?
   □ Good
   □ Bad
   □ Moderately bad
   □ Very bad
   □ Extremely bad

9. Do you believe your general condition during the PEV lead to mediation processes and outcome (Tick the appropriate box)?
   □ Good
   □ Bad
   □ Moderately bad
   □ Very bad
   □ Extremely bad

SECTION 4: INFLUENCE OF MEDIATION ON POLITICAL AND GOVERNANCE OUTCOME

10. In your views, did the coalition government formed after the mediation helped you can stability (Tick the appropriate box)?
    □ Yes
    □ No
    □ Prefer not to say

11. To what extent were you satisfied with the new government system formed after PEV (Tick the appropriate box)?
    □ Very dissatisfied
    □ Dissatisfied
    □ Neither satisfied nor dissatisfied
    □ Satisfied
    □ Very satisfied

SECTION 5: INFLUENCE OF MEDIATION ON THE VICTIMS’ SOIOECONOMIC CONDITIONS
12. To what extent was your overall income and relations with people affected by the 2007/2008 postelection violence (*Tick the appropriate box*)?

- [ ] No effect
- [ ] Little effect
- [ ] Moderate effect
- [ ] More effect
- [ ] Extremely more effect

13. To what extent did your overall income and relations with people improve after the formation of coalition government (*Tick the appropriate box*)?

- [ ] No improvement
- [ ] Little improvement
- [ ] Moderate improvement
- [ ] More improvement
- [ ] Extremely more improvement

14. Has the government adequately compensated you for the loss/given you settlement (*Tick the appropriate box*)?

- [ ] Not adequate
- [ ] Moderately adequate
- [ ] Very adequate
Appendix II: Consent Letter and Questionnaire Form for Interior Ministry Staff

Participant Consent Form:

MEDIATION AND NEGOTIATION AS STRATEGIES OF CONFLICT RESOLUTION: A CASE STUDY OF 2007/2008 POSTELECTION VIOLENCE IN KENYA

Dear Respondent,

I am a Masters student of political science at the United States International University (USIU), Nairobi. I am currently undertaking a research study on my Masters’ thesis titled “Mediation and Negotiation as Strategies of Conflict Resolution: A Case Study of 2007/2008 Postelection Violence in Kenya”. The purpose of this study is to assess the use and effectiveness of mediation and negotiation as mechanisms of solving conflict during the 2007/2008 postelection violence in Kenya. The study targets the professionals working in Ministry of Interior and National Coordination, Human Rights Commission (NGO) and postelection violence victims living in Nairobi slums. Being part of this target population, you are requested to participate in this research study based on your voluntary consent. Your participation will involve answering questions that will take a maximum of 30 minutes only. An interview guide will be used to collect information from you as the respondent. Your participation will help the researcher to get the necessary information to achieve the study objective, which is to investigate effectiveness of mediation and negotiation as conflict resolution mechanisms in the Kenyan 2007/2008 PEV. The information you provide will be used for academic purpose only and will not be shared with any third-party. Should you have any questions regarding the study or your participation, please contact the University (USIU).
INTERVIEW GUIDE FORM FOR EMPLOYEE IN THE MINISTRY OF INTERIOR AND NATIONAL COORDINATION (DEPARTMENT OF NATIONAL ADMINISTRATION):

RESEARCH TOPIC:
MEDIATION AND NEGOTIATION AS STRATEGIES OF CONFLICT RESOLUTION: A CASE STUDY OF 2007/2008 POSTELECTION VIOLENCE IN KENYA

SECTION 1: PRECAUTION STATEMENT
6. The respondent should be a senior employee in the Ministry of Interior and National Coordination in the Department of National Administration
7. The information given will be treated with confidentiality.
8. Give the applicable responses in the spaces.
9. Do not give your name.
10. The interview is meant for academic purposes only.

SECTION 2: INTERVIEW QUESTIONS (Please respond to the following questions in the boxes provided below)

1. What is the mandate of the ministry in conflict resolution programmes in Kenya?

2. What are some of the areas where your ministry has participated in conflict resolution?

3. What was the role of the ministry during 2007/2008 postelection conflict?
4. What role did the ministry play during the mediation processes led by Kofi Annan for the 2007/2008 PEV that influenced its outcome?

5. What key mediation outcomes influenced the role of the ministry in dealing with conflict in Kenya into the future?

6. In your opinion based on your professional experience and skills, was mediation an effective conflict resolution strategy?
Appendix III: Consent Letter and Questionnaire Form for KNHR Staff

Participant Consent Form:

MEDIATION AND NEGOTIATION AS STRATEGIES OF CONFLICT RESOLUTION: A CASE STUDY OF 2007/2008 POSTELECTION VIOLENCE IN KENYA

Dear Respondent,

I am a Masters student of political science at the United States International University (USIU), Nairobi. I am currently undertaking a research study on my Masters’ thesis titled “Mediation and Negotiation as Strategies of Conflict Resolution: A Case Study of 2007/2008 Postelection Violence in Kenya”. The purpose of this study is to assess the use and effectiveness of mediation and negotiation as mechanisms of solving conflict during the 2007/2008 postelection violence in Kenya. The study targets the professionals working in Ministry of Interior and National Coordination, Human Rights Commission (NGO) and postelection violence victims living in Nairobi slums. Being part of this target population, you are requested to participate in this research study based on your voluntary consent. Your participation will involve answering questions that will take a maximum of 30 minutes only. An interview guide will be used to collect information from you as the respondent. Your participation will help the researcher to get the necessary information to achieve the study objective, which is to investigate effectiveness of mediation and negotiation as conflict resolution mechanisms in the Kenyan 2007/2008 PEV. The information you provide will be used for academic purpose only and will not be shared with any third-party. Should you have any questions regarding the study or your participation, please contact the University (USIU).
INTERVIEW GUIDE FORM FOR EMPLOYEE IN KENYA HUMAN RIGHTS COMMISSION:

RESEARCH TOPIC:
MEDIATION AND NEGOTIATION AS STRATEGIES OF CONFLICT RESOLUTION: A CASE STUDY OF 2007/2008 POSTELECTION VIOLENCE IN KENYA

SECTION 1: PRECAUTION STATEMENT
11. The respondent should be a senior employee in the Kenya Human Rights Commission
12. The information given will be treated with confidentiality.
13. Give the applicable responses in the spaces.
14. Do not give your name.
15. The interview is meant for academic purposes only.

SECTION 2: INTERVIEW QUESTIONS (Please respond to the following questions in the boxes provided below)

7. What is the mandate your organization in conflict resolution programmes in Kenya?

8. In which ways has your organization been participating in conflict resolution in the past?

9. What was the role of your organization in influencing the direction of 2007/2008 PEV resolutions steps?
10. What ways did the organization contribute to the mediation processes led by Kofi Annan for the 2007/2008 PEV?

11. What is your view regarding the effectiveness of the mediation process in dealing with rights of PEV victims?

12. Based on your professional experience and skills, was mediation an effective conflict resolution strategy?