



International Journal of Current Research and Academic Review

ISSN: 2347-3215 Volume 3 Number 4 (April-2015) pp. 1-14

www.ijcrar.com



The role of institutional reforms in promoting sustainable peace in Kenya

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KEYWORDS

Institutional reforms,
Sustainable Peace,
rule of law and respect for human rights

A B S T R A C T

The International Community in Kenya recognizes that ‘the consolidation of peace in the immediate post-conflict period as well as the maintenance of peace in the long term, cannot be achieved unless the population is confident that redress for grievances can be obtained through legitimate structures for peaceful settlement of disputes and fair administration of justice. The main objectives of this study to evaluate research employed a Case Study approach to Kenya’s Institutions in seeking to assess the worth and merit of their reformation with regard to changing the factors that triggered the 2008 Post Election Violence and in order to prevent reoccurrence of violent conflict. The emphasis should therefore be put on the fact that reform agenda should be driven by the desired impact – which, in line with the goal of the National Accord, was sustainable peace, stability and justice for all through the rule of law and respect for human rights. Similarly, the reform process also indicates that synergy between reforms in different institutions is critical for sustaining a reform momentum.

Introduction

Quality of state Institutions in post-conflict, transitional and ethnically segmented societies is becoming instrumental in regulating inter-group conflicts. An institutional reform is thus high on the International agenda as an attractive option

to shape institutions¹ such as the Judiciary, the Parliament and the Security Sector, in order to promote sustainable peace and prevent (re)occurrence of violent conflicts

¹ According to Mansfield and Snyder (2005; 2002), when these institutions are weak, “politicians have incentives to resort to violent nationalist appeals”

(Nadine *et al.*, 2013). Hence the need for Judicial Reforms to enhance the rule of law (Benner *et al.*, 2011). Strengthening the parliamentary oversight functions is also identified as an appropriate strategy for managing tensions that could escalate into violent conflict. Parliamentarians guarantee that decisions and actions of the government stay within the bounds of the law (O'Brien *et al.*, 2008). They also enhance public confidence in the integrity of the government's activities, hence encouraging all groups in the community to accept the policies of the executive, rather than resort to violent conflict (Commonwealth Secretariat, 2004). Police reforms are equally important for reconstruction in post-conflict countries since the police force is often perceived to be "*the face of the executive*" (Meyer, 2006, p. 255) towards the citizens, thus the role it plays in successful transformation cannot be underestimated. Boutros-Ghali (1992) defines Peace building as a process that facilitates the establishment of durable peace and prevention of conflict. Addressing root causes and effects of conflict through reconciliation, institutional building and political as well as economic transformation are therefore key to realizing that goal (*ibid.*). Based on that background, this paper also sought to assess the relevance of reforms in the Kenya's Judiciary, Parliament and the Police with regard to peace building since the 2008 Post Election Violence.

Problem definition

Kenya embarked on institutional reforms path after it faced the 2007/2008 Post Election Violence (PEV). The December 2007 disputed presidential elections left more than 1300 people dead and more than 300,000 others internally displaced (OHCHR: 2008). The violence also left the

country polarized along ethnic lines². The opposition party denounced seeking redress for their grievances in the Courts³ which had hitherto been considered incredible and partial. Corruption and skewed allocation of national resources in favour of the tribe in power was on the rise with those holding onto power and those seeking for it being motivated by Cheeseman's (2010) notion that it is "*Our turn to Eat*". The Police was not only considered a conduit of corruption but also an enemy by citizens, where citizens saw themselves on one side and the police on the other side. During the violence the police responded with brutality, leaving them responsible for a third of all the PEV deaths (Amnesty International, 2014)

The National Accord and Reconciliation Agreement (NARA, 2008), the power-sharing agreement was then signed between the two rival candidates under the mediation of former UN-Secretary General, Kofi Annan and a team of other African eminent personalities. A list of reform agenda was generated and agreed to be implemented to address the immediate and long term issues that triggered the violence⁴. The main agenda was to address the crisis, reconcile communities and mitigate against future conflicts. The specific objectives categorized in terms of agenda items one to four included: First, to stop violence and restore fundamental rights and liberties; Second, to address the humanitarian crisis

² Kenya is an ethnically divided society with a record 42 tribes (World Fact Book, 2013)

³ The current President, Kenyatta and his deputy are the main alleged perpetrators of the Post Election Violence answering to charges against crimes committed during the violence at the International Criminal Court (ICC)

⁴ Building durable peace or positive peace involves supporting inclusive peace processes and agreements, building mechanisms to resolve conflict peacefully and addressing causes and effects of conflicts (Michelle Maiese, 2003)

that involved resettlement of Internally Displaced People; Third, to resolve the political crisis; and Fourth, to examine and address constitutional, legal and institutional reforms, poverty and inequality, youth unemployment and land reforms (NARA, 2008).

This paper, focused on the Institutional Reforms aspect of Agenda item four, particularly reforms under three main institutions: the Judiciary, Parliament and the Police. Achieving the reform objectives in these institutions was considered a prerequisite for sustainable peace, security and future stability. An assessment of the extent to which such reforms have been implemented and their contributions to peace building in Kenya was the core business of this paper.

Theoretical framework: institutional quality for sustainable peace

The proponents of this model, (Arbetman and Kugler, 1997) emphasize the importance of state institutions' capacity strengthening in sustaining peace. States with high institutional quality are therefore seen as less likely to experience civil war or conflict due to their responsiveness to the needs of their citizens, whereas those with low quality institutions can lose the loyalty and support of their citizens and consequently fall prey to violent conflicts (Taydas *et al.*, 2010). Three major proxies of institutional quality which are associated with prevention of conflict or civil war onset are evaluated by this model. They include: the degree of Corruption in Government assessed vis-a-vis the Parliamentary and Police Reforms; the Rule of Law and Order gauged against the Judicial Reforms; and quality of Police Service against Police Reforms (*ibid.*). Citizens' levels of trust, confidence and (di) satisfaction with the services of such

institutions also form part of the assessment for their effectiveness.

Methodology

This evaluation research employed a Case Study approach to Kenya's Institutions in seeking to assess the worth and merit of their reformation with regard to changing the factors that triggered the 2008 Post Election Violence and in order to prevent reoccurrence of violent conflict. Survey reports showing both quantitative and qualitative information on the situation before and after the Institutional reforms, form part of the reference points for the analysis of this paper.

Empirical part

Judicial Reforms

As UNHCR (2006) report observes, modernizing the law and judicial institutions in post-conflict societies guarantees an effective dispute resolution, contributes to transitional justice⁵ advances the rule of law and constitutional governance, provides mechanisms for addressing past and current human rights violation as well as prevent future abuse. The judicial reform in Kenya was considered necessary by the PEV mediation team as informed also by the fact that the opposition parties denounced the courts due to their limited capacity to offer impartial judgment over the disputed presidential election petition. The opaque recruitment of judges who served at the mercy of the too powerful presidency, without security of tenure and the high corruption and poor attitudes in the provision of justice – sometimes because of

⁵ See generally the report of the Secretary-General on the rule of law and transitional justice in conflict and post conflict societies (S/2004/616).

the heavy workload also characterized the Judiciary (South Consulting, 2012).

The Power-Sharing agreement underlined the need to strengthen the independence of the judiciary⁶ by reviewing the constitution to ensure financial independence, transparency in the appointment, discipline and removal of judicial officers, reconstitution of the Judicial Service Commission to include other stakeholders and enhance the independence. Streamlining the functioning of legal and judicial institutions by adopting a sector-wide approach to increase recruitment, training, planning, management and implementation of programmes and activities in the justice sector (ibid; NARA, 2008) were also considered necessary.

In response, the 2010 new Constitution reduced the executive's control of the judiciary, opening a possibility for reforms. The steps so far undertaken to strengthen the independence of the Judiciary have included: the transparent recruitment of senior judicial officers including the appointment of new Chief Justice of the Supreme Court, Willy Mutunga, a reform activist who had been tortured under the President Moi's regime. This has been assumed to prioritize the implementation of the rule of law and human rights over the political will of the elites. The vetting of judges and magistrates; training of officers and outreach state institutions to complement the work of the judiciary (South Consulting, 2012) as well as some bold

judicial decisions including hearing and determining the 2013 presidential election petition⁷ in a record 14 days. All have increased the public confidence in the Institution, established and maintained some degree of respect for the rule of law in Kenya.

The transformation of the Judiciary into a guarantor of justice for all continues to draw wide public support, trust and confidence since the signing of the NARA in 2008 and profoundly after the promulgation of the new constitution on 4th August 2010. The public satisfaction and confidence in the overall performance of the courts increased from 32 % in 2008 to 52% in 2011 (South Consulting, 2012) and the level of trust in the courts to fairly deliver criminal judgment stood at 75% in January 2013 before the last general election (South Consulting, 2013).

However, 56% of all the respondents in a survey conducted to determine the level of public trust in the Judiciary to deliver fair judgment in disputes pitting the ordinary people and elites said they did not trust the courts to do so (South Consulting, 2013) as shown figure one below:

Furthermore, Kritz (1996) postulates that establishing the rule of law helps to ease tension, create stability and lessen the likelihood of further conflict. The Kenya's judiciary had also until March 4th 2013 lived up to that legacy. Its increased level of independence made it to serve as a forum for peaceful resolution of disputes and post-election grievances handling. The 4th March presidential elections were disputed but instead of the opposition parties going to the streets to protest the results, they resorted to using the Courts to determine the verdict of the petition. Though the court's ruling did

⁶ As UNHCR report observed "a reformed prosecutor's office can effectively issue indictments and a "reformed court "can impartially render judgment about those past abuses." Office of the United Nations High Commission for Human Rights, Rule of Law Tools for Post-Conflict States: Vetting an Operational Framework, New York & Geneva, 2006

⁷Article 163(3) (a) of the Constitution of Kenya 2010

not favour the petitioners⁸ they accepted the ruling and as a result violence did not occur. The prevention of violence could be attributed to the risen public satisfaction and trust in the Judiciary to fairly handle criminal disputes just before the elections (South Consulting, 2013). As Kalpana (2013) claims, the case backlog that had characterized the Judiciary for years where cases would take as long as 10 years to conclude is also being firmly pushed back.

Barkan (2013) however suggests and which was also in the perceptions of many Kenyans, that the Supreme Court's decision to dismiss petition challenging the 2013 presidential election results for massive irregularities claims⁹ was a political decision and this has since undermined its own credibility going forward (NED, 2013). On the same note, the opposition parties and quite a number of Kenyans have since been constantly calling for the disbandment of the elections management body, the Independent Electoral and Boundaries Commission¹⁰ because of the belief that it didn't administer fair, transparent and credible elections.

Moreover, the court's ruling reinstating some of the judges that had been declared unsuitable to serve in the judiciary by the

⁸ Raila accepted the Supreme Court's ruling but disagrees with the verdict
<http://www.standardmedia.co.ke/?articleID=2000080475&story_title=Kenya-Raila-accepts-Supreme-Court-verdict

⁹ The Electronic Votes tallying and transmission gadget with claims that the main server had crashed forced manual counting of votes which raised tensions and a few reported cases of violence in the country. See: www.elog.or.ke

¹⁰ Coalition for Reforms and Democracy (CORD) calls for National Dialogue with the government to discuss among other national issues, the disbandment of the IEBC <http://www.kenya-today.com/news/cord-calls-national-dialogue-national-dialogue-means>

vetting exercise (South Consulting, 2013) reinforced the view that there is still internal resistance to reforms within the Judiciary, hence sustaining the public notion that the Judiciary is still susceptible to interference in rendering legal judgment in cases pitting the powerful against the ordinary Kenyan people.

Parliamentary reforms

The growing importance of parliaments to conflict prevention and peace building process in conflict-affected communities can be attributed to the increasing awareness of the nexus among parliament, conflict, and poverty. O'Brien *et al.* (2008) suggest that "*one of the best tools a nation has at its disposal for managing conflict and poverty is parliament*". Given that the root causes of conflict are often found in constitutional and electoral systems or in how those systems are operationalized and in the way that public resources are used and abused, O'Brien *et al.* (2008) postulate that democratically elected public representatives are well placed to address potential causes of conflict before they can erupt into conflict. Parliaments are therefore perceived as perfectly positioned to contribute to peace building through conflict prevention initiatives, oversight and accountability over the executive, public service and public resource as well as through programs that tackle poverty, (O'Brien, 2005) and poverty-caused conflict.

Parliamentarians' strength to promote peace building is premised on Collier *et al.* (2003) claims that they are more aware of the complex nature of conflicts and understand the strategies to tackle conflict at an early stage. Olson (1994) also postulate that

Parliaments are more representative¹¹ of diversity and their members are equal by design and more accessible to the general public than the executive and judicial branches. This makes them uniquely designed forums to address contentious issues and divergent interests that have the potential to trigger conflict as well as build relationships among conflict-affected societies (O'Brien, 2005).

The legislature's scrutiny function (Brazier and Ram, 2006) is recognized not only as fundamental to democracy but also to the relationship among parliament, the executive and the people. O'Brien (2005) also argues that Parliament is a forum that uses dialogue and discussion to transform friction between divided communities (Miall *et al.*, 2003) into solutions that satisfy all parties¹². Consequently, groups that are able to advance their overarching interests by participating in the governance process will continue to do so without resorting to violent conflict.

Based on the aforementioned, the Kenya's Post Election Violence mediation team prioritized reforming the Parliament in order to enhance the quality of parliamentary debates and to improve its effectiveness. The reforms planned according to South Consulting's (2009) annual report included: Comprehensive review of parliamentary Standing Orders and procedures to enrich the quality and output of debates and strengthen multiparty democracy; enhancing Parliament's oversight role in the national budget; introducing live coverage of parliamentary proceedings and electronic

voting; create monitoring and implementation committee; introducing stricter and timelier deliberations on reports by institutions such as the Kenya Anti-Corruption Commission, the Kenya National Audit Office, the State Law Office, and Kenya National Commission on Human Rights; strengthening organs of Parliament such as the Parliamentary Investment Committee to promote transparency, accountability in the utilization of public resources; and improving transparency of MPs by creating a register of interests and opening up parliamentary committee work to the public.

Since the signing of the National Accord and Reconciliation Agreement (NARA, 2008), the Parliament has made some progress in terms of: amending the Standing Orders in 2009 to ensure timely and transparent legislative processes; parliamentary monitoring and evaluation committee was established to track implementation of delegated legislation and ministerial undertakings.

The new Standing Orders improved Parliament's oversight role through the establishment of twenty-seven departmental committees mandated to oversee the activities of government ministries. The parliamentary oversight committee membership is also based on competency and integrity under the new order. Committees' proceedings are open to the public, who may also give their memoranda and testify during hearings. The various committees have also been working to inquire about various issues affecting the public (South Consulting, 2012).

The vibrancy of the 27 established Parliamentary Committees, publicizing of the parliamentary proceeding and opening of the Committee proceedings to the public to

¹¹ Parliaments institutionalize conflict as they include, reflect and express the divergent views of the different groups they represent.

¹² Parliamentarians are uniquely positioned to play leadership roles in their societies and to strengthen peace building from below.

give memoranda and testify have all improved public satisfaction with the performance of the Institution (ibid.). This is demonstrated as showing the public's satisfaction with the performance of the Parliament has increased overtime from 24% in December 2008 to 61% in November 2010 as shown below:

Furthermore, National Cohesion and Integration Bill, 2008 was enacted into law in December 2008 which created the National Cohesion and Integration Commission (NCIC). The Commission provided the legislative framework that guided the consolidation of national unity. It has also since sought to encourage national cohesion and integration by outlawing discrimination on ethnic grounds. The "Kibunja Commission" named after its chairperson Mr. Kibunja is known for its hard stand against 'hate speech' (South Consulting, 2009).

The Parliament also passed the Truth Justice and Reconciliation Commission Bill, 2008 that consequently created the Truth Justice and Reconciliation Commission (TJRC) with the mandate of inquiring into gross violation of human rights and historical injustices that occurred in Kenya since its independence from Britain on 1963 to 28 February 2008 when the Coalition Agreement was signed (TJRC, 2013). However, the Commission has been widely faulted for its contentious amnesty provisions that have been claimed could undermine the administration of justice. Similarly, TJRC report 2013 with recommendations for peace building and addressing historical injustices has not been implemented¹³ possibly because it

¹³ Coalition for Reforms and Democracy (CORD), opposition coalition prioritize the implementation of TJRC report among other national issues in their call for national dialogue-turned National Referendum

implicates the powerful against the ordinary in the past injustices (TJRC, 2013, p. vii).

Despite the formation of a coalition government to facilitate transcending of cleavages and ensure unity of purpose and bi-partisan consensus in pursuing reforms, both Party of National Unity (PNU) and Orange Democratic Movement (ODM) had been voting along party and ethnic lines even on important national issues (South Consulting, 2012). This has been extended to the new parliament after the 2013 elections whereby the ruling coalition (Jubilee) often refers to the 'tyranny of numbers'¹⁴ to mean their majority numbers in Parliament against their opposition counterparts, (CORD).

Similarly, regardless of several efforts to reform the transparency and oversight role of the Parliament, the Members of Parliament have resisted and made the institution a money making avenue where they decide to increase their salaries¹⁵ including awarding themselves retirement benefits. Apart from negating their representative role this also contributes to impoverishing the already poor Kenyans and consequently inviting more protests and poverty-caused conflict in future as postulated by Collier and Hoeffler's (2004) Grievance theory aspect of civil war causation.

Moreover, the oversight role of the Parliament seemed to have fallen in the deaf ears of the Executive. This is due to the huge

¹⁴ 'Tyranny of numbers' ideology bad for Kenya<
<http://www.the-star.co.ke/news/article-136479/tyranny-numbers-ideology-bad-kenya>>

¹⁵ MPs vote to increase their salaries
<<http://www.standardmedia.co.ke/?articleID=2000084620/>

corruption scandals¹⁶ that befell it, involving even senior government officials. Example of include the Triton scandal (Allen, 2009) implicating the President and Minister for Energy, Maize scandal implicating the then Prime Minister and Minister for Agriculture, Tokyo Embassy Scandal, and the recent Railway scandal among others.

Police reforms

Before the 2007 general election, Kenya's Police sector was perceived as the most corrupt of all government institutions. Waki's (2009) Commission of Inquiry into the Post Election Violence (CIPEV) found widespread allegations of attacks, killings and rapes, committed by the police and deliberate negligence by the police to respond to situations of violence (Amnesty International, 2013, p. 7). As violence proliferated in 2008, a number of politicians and businessmen also chose to hire gangs of youth to fight their attackers rather than call in police forces whose loyalties could not be counted on (Waki and Kriegler, 2009) due to their having been historical recruited along ethnic lines and to protect particular governments of the day. That increased their likelihood of breaking down along the same lines in times of crisis.

The police were unable and or unwilling to maintain law and order impartially but if they did, they responded with brutality as in the 2007/2008 PEV (Amnesty International, 2013). Other challenges included mismatch of the citizens' expectations and police capacity, human resource gap with the police/population ratio far below the UN required standard of 1:450 (DFID, 2008) and inadequate financial and infrastructural capacity of the police.

¹⁶ TI (2010) Kenya's corruption rating went to the 154th position.

Based on the foregoing, it became prudent under Agenda four (NARA, 2008) to reshape the Kenya Police force through a series of reform plans such as: Constitutional review to establish an Independent Police Commission; reviewing and redefining the role of the Administration Police; reviewing laws and issues related to security and policing including independent complaints commission, citizen oversight of police services, enhanced information disclosures, human resource management and capacity building to make them consistent with modern democratic norms; finalize and roll out a national security policy to enable relevant sectors to develop their specific policies; and recruit and train more police officers to raise the police-to-population ratio to the United Nations (UN) standards (South Consulting, 2012).

The creation of the legislative framework for police reforms followed by the establishment of the three core institutions – Independent Policing Oversight Authority (IPOA), National Police Service Commission (NPSC) and the Inspector General of Police (IGP)- are important milestones towards a reformed police service. By establishing these offices¹⁷, responsibility for security has moved from the Presidency and is now spread across several institutions affording the police more autonomy from the executive and other sources of potential political interference (Amnesty International, 2013).

The National Police Service Act (NPSA) 2011 merged the Kenya Police and the Administration Police under the headship of IGP assisted by two Deputy Inspectors

¹⁷ Though the NPSA was delayed from August 2011 to July 2012, the IGP was not recruited until after the NPSC was established even when the NPSA provided for recruitment. This points to lack of political will.

General (DIGs). Consequently, the NPSC appointed IGP, David Kimaiyo and his deputies in 2012. The Act also places limits on the force which police are able to exercise, stipulating that an officer may use “*force and firearms, if and to such extent only as is necessary*” (ibid.).

The NPSC established a civilian board to oversee recruitment and appointments of police officers, review standards and qualifications, and receive complaints from the public and refer them to the IPOA and other government entities for remedy (ibid.). However, even after the recruitment of police officers as recommended by the National Accord (NARA, 2008), Kenya has still not attained the UN required standard Police -to- Population ratio of 1: 450 (DFID). In fact by January 2014, Kenya had a Police -to- Population ratio of 1: 600¹⁸.

IPOA Act 2011 established an oversight authority mandated to deal with complaints against the police, conduct disciplinary and criminal investigations and make recommendations for disciplinary action or criminal sanctions. Members of the Authority were approved by Parliament and sworn into office in June 2012 (Amnesty International, 2013). Consequently, Lynch (2013) reported that the strategic location of the security forces in the regions that were considered violence hotspots before and after the 2013 elections, helped to ensure a relatively peaceful elections.

Despite this comprehensive framework backed also by the 2010 new constitutional provision for police reforms, not much of citizen’s protection and peace building results have been realized. The recent numerous human rights violations

characterized by abuse of police powers in form of beating, arbitrary arresting and detaining citizens pose questions on the validity of the police reforms. A perfect example is the crackdown on Al-Shabaab which targeted the Somalia-Kenyans since 2012 (Amnesty International, 2013). Similarly, the violence in Tana Delta left over 200 people dead and over 112,000 others displaced since August 2012. This was followed by demonstrations in the area to show police failure to protect even after the deployment of over 2000 police officers in the area. The Baragoi incident that killed 42 police officers who went to mount operation into Suguta Valley to stop the Samburu and Turkana communities from attacking one another (ibid) and the recent Hindi and Mpeketoni attacks in Lamu county, all point not only to the limited capacity of the police to guarantee even only Mani’s (2000, p. 21) *negative peace*, but also the fact that the Police Reform did not consider small-scale inter-community conflict (Amnesty International, 2013).

Moves toward bringing the police to account either collectively or individually for human rights violations since the PEV have not had any positive outcomes. For instance the 2012 multi-agency taskforce constituted by the Director of Public Prosecution to review cases of the PEV had no prosecutions initiated in respect to any case, not even those involving the police (South Consulting, 2013).

The slow progress of police reforms and lack of equipment and resources to carry out everyday policing work at the local level sustain the public perception that police reforms are not effective and that the changes made are not responsive to the needs of the public (South Consulting, 2013).

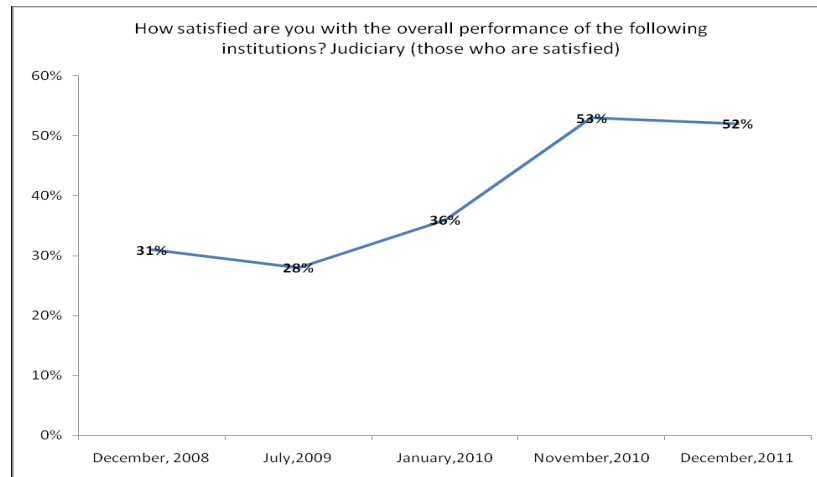
¹⁸ KTN 27 January 2014 <

Table.1 Level of trust in courts after the judicial reforms

How much trust do you have in Kenyan courts today to deliver fair judgments for the following?			
	Trust	No Trust	DK
Criminal disputes	75%	23%	2%
A dispute between an ordinary person and a powerful person	43%	56%	2%
Disputes between ordinary people only	80%	17%	2%

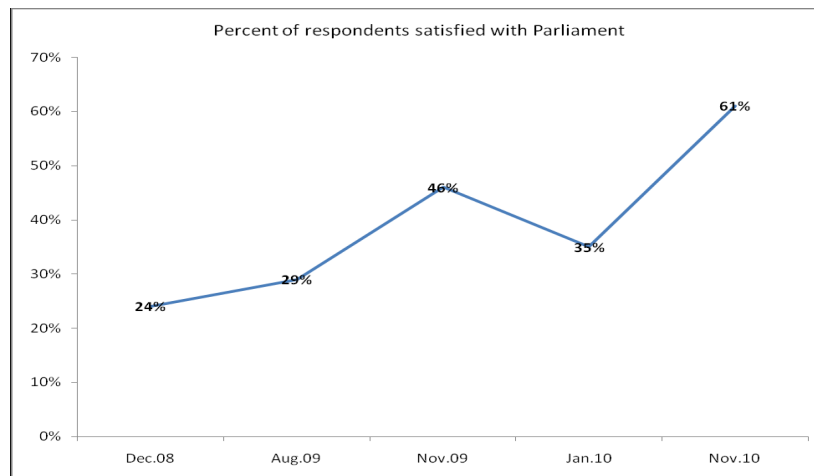
Source: South Consulting (2013)

Figure.1 How satisfied are you with the performance of the following institutions – Judiciary (those who said ‘satisfied’)



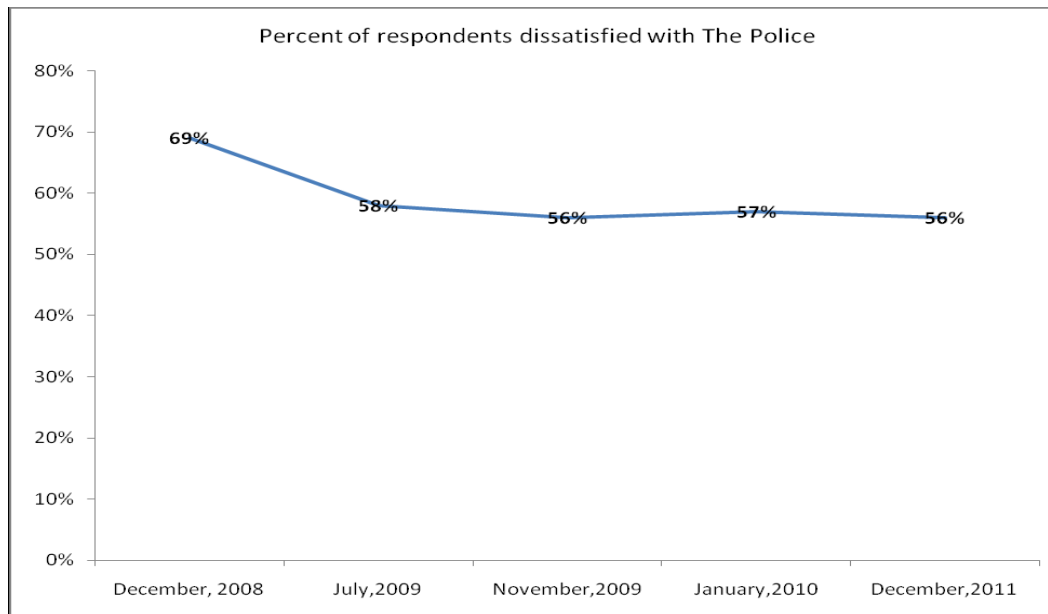
Source: South Consulting (2012): Progress Review Report

Figure.2 Level of satisfaction with Parliament



Source: South Consulting (2012) Progress Report

Figure.3 Dissatisfaction with the Police



Source: South Consulting (2012) Progress Report

Amnesty International (2013) highlighted that the capacity of security personnel remains an inherent problem. Similarly, in light of the apparent lack of accountability for the 2007/08 post-election violence, steps were taken to cover up and politically manipulate cases against security personnel (ibid).

Ongoing impunity for human rights violations including violence against police reform activists and lack of financial and human resources (ibid) still threaten effective police reforms.

Human Rights Watch (2013) also reports that Kenyans view the police as ineffective and corrupt and at the same time South Consulting's (2013) report shows that the police are resistant to status quo change, conduct poor investigation and persistently employ ethnic bias in service delivery. Consequently, citizens' dissatisfaction with the police is shown in figure 3 below:

The Survey of citizens' perception of the police shows that 56% of the respondent said they were dissatisfied with the performance of the Police. 26% mentioned reducing corruption as the main change they would want to see in the police, ye 10% prioritized maintaining peace and security.

Conclusion

While the planned reforms in these institutions had a much broader peace building agenda than just conflict prevention, the findings of this assessment reveal that the reforms in the short term contributed to preventing a repeat of PEV in the 2013 elections. Some however concentrated at the national level with limited positive effects on the periphery. Reforms in the Police sector were far below expectations with regard to citizens' protection. The emphasis should therefore be put on the fact that reform agenda should be driven by the desired impact – which, in line with the goal of the National Accord,

was sustainable peace, stability and justice for all through the rule of law and respect for human rights. Similarly, the reform process also indicates that synergy between reforms in different institutions is critical for sustaining a reform momentum. A reform on one institution impacted on the other institutions, hence there is need to foster synergies in undertaking Institutional Reforms in order to realize a broader objective of conflict prevention and peace building.

Furthermore, Institutional Reforms just like any other change management process, require a commitment of the executive and political will in general. The coming into power of a new government since April 2013 thus, leaves an element of uncertainty among many Kenyans whether the Institutional Reforms will live to see light of the day. This is questioned also by the fact that the current President and his deputy are answering to charges of crimes against humanity at the International Criminal Court (ICC) for their alleged perpetration during the 2008 PEV. The uncertainty about what effects the outcome of their cases will have on the peace building and reconciliation processes in Kenya makes the current peace fragile. Many deep-rooted causes of conflict such as the potential for political mobilization along ethnic lines and the winner-takes-all approach to politics too remain potential risks to future conflicts in Kenya.

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