



Electoral Violence, Institutional Change, and Democratic Consolidation: Kenyan 2007-2022 Election Lessons

Dennis Wambugu Wandina^{1*}, Yasin Kuho Ghabon¹

¹Department of International Relations, Maseno University, Kisumu, Kenya

Abstract: In the transitional democracies, election violence has been one of the most significant challenges to democratization. The election process in Kenya has periodically served not only as a democratic process but also as the source of political instability and institutional disruption. This paper analyzes the flexible association among the electoral violence, institutional transformation, and the democratic consolidation in Kenya between 2007 and 2022. The qualitative historical-interpretive design of the study, which relies on the institutionalism of history and democratic consolidation theory, will utilize constitutional texts, electoral legislation, court rulings, reports of the commissions, missions of observers, and peer-reviewed literature. This analysis shows that the post-election violence of 2007-2008 was a critical point that led to unavoidable sweeping institutional reforms, the best being the 2010 Constitution. Although these reforms have consolidated procedural democracy, judicial power, and the process of electoral administration, democratic consolidation has not been total and strong. Electoral violence has abated in scale but still exists in its latent and institutionalized forms, as evident in the polarizing of the elite, the losing of the trust of the people, and the naturalization of judicialized elections. The research concludes that institutional reform due to crisis is a necessity, though it is not enough in the absence of long-term political dedication, normative change, and trust towards the government.

Keywords: Electoral violence, institutional reform, democratic consolidation, Kenya, elections, political stability.

1. Introduction

The process of elections is generally considered to be the foundation of democracy, as it offers structures by which people grant authority to polities. In transitional democracies, though, elections often become more politically important, and they turn into zero-sum games, where the control over state power becomes existential.

With these circumstances, elections tend to create instabilities instead of consolidations that lead to cycles of violence, institutional breakdown, and crises of legitimacy. The example of Sub-Saharan Africa can provide many examples of it, but Kenya is one of the most telling examples. The recent election of 2007 in Kenya has been characterized by constant tension, contestation, and isolated violence since the reintroduction of multiparty politics in the early 1990s.

The nature of political competition has been revealed to be very weak, as many elections have revealed the inefficiency of institutions charged with the responsibility of overseeing political competition, electoral authorities, courts, and security agencies. The climax of the dynamics came in the 2007-2008 post-election crisis, whereby contested presidential outcomes led to an outbreak of violence, large-scale displacement, and a state-level breakdown.

The consequences of the violence in 2007-2008 created a reform wave never before seen. The need to transform the structures to avoid a repeat of the electoral catastrophe brought together the political elites, the civil society, and the international actors. This amounted to the adoption of the 2010 Constitution that radically reshaped the governance structure in Kenya by devolution, greater judicial independence, greater civil rights, and tightened election oversight mechanisms.

In spite of these reforms, the later elections in 2013, 2017, and 2022 have further demonstrated that there are still entrenched political and institutional weaknesses. Although it is possible to remove large-scale violence, electoral conflicts continue to affect the entire globe, the political polarization does not cease, and the sensations of public trust in democratic institutions seem to be shaky. This paradox poses some important analytical questions on the effectiveness of institutional reform as a channel of democratic consolidation.

This research paper builds on the thesis that electoral violence in Kenya should not only be construed as a democratic failure but also as the agent of institutional change. It, however, argues that reforms that have been brought about by the crisis have produced unequal effects of stabilizing procedural features of democracy at the expense of entrenching democratic norms, behaviors, and legitimacy. The paper provides a longitudinal evaluation of how reforms driven by violence-related issues determine democratic outcomes in Kenya over time by looking at the electoral process in that country between 2007 and 2022.

2. Background of the Study

The phenomenon of electoral violence in Kenya is highly entrenched in the political development of the country in the post-colonial period. The political power was very centralized

*Corresponding author: wambugudenny@gmail.com

after 1963, and there was a deficiency of institutional checks over the executive power after the independence in 1963. There were competitive elections in form rather than substance, with opposition politics carefully suppressed. The shift to multiparty democracy in 1991 reintroduced electoral competition but within a situation where the institutions were weak and the patronage systems were well established, as was the ethnicized political mobilization.

The localized violence was present in the 1992 and 1997 multiparty elections, especially in ethnically heterogeneous areas. These incidents were also indicative of planned elite politics to shape the results of elections by displacing them and intimidating these electoral results. More importantly, the fact that the state never tried to bring the perpetrators to justice solidified a culture of impunity, which indicated that violence could be used as one of the effective means of politics.

Gradually, elections were becoming more and more of a winner-takes-all, increasing the motivation to manipulate and fight. There were also no believable dispute-resolution systems, which also played into the tension since the political actors did not trust institutional solutions. In the mid-2000s, Kenya witnessed a type of electoral system with a high level of distrust, institutional weakness, and a high level of political stakes.

A. Post-Election Crisis, 2007-2008, as a Critical Junction

The general election of December 2007 was an absolute break in the politics of Kenya. The Electoral Commission of Kenya was crippled by allegations of vote manipulation, irregularities of the process, and opaque tallying processes. The premature declaration of the presidential score was accompanied by a wave of protests that quickly turned into violence with an ethnic hue to it.

The crisis showed institutional failures in numerous areas. The point of electoral management failed under the pressure of political elements, the courts were not credible to decide on the differences, and security services were considered partisan or weak.

The level of the violence was so immense as to induce international intervention, and the resultant power-sharing agreement was able to restore some semblance of stability temporarily.

Notably, the crisis has produced an agreement on the need to reform the structure. Institutional flaws were found, and wholesale changes were proposed to be implemented by commissions of inquiry that framed the violence as a symptom of far-reaching governance failures and not a one-off aberration. This appreciation made the crisis in 2007-2008 a crucial point of transition in the institutional path of Kenya.

3. Statement of the Problem

Although there have been massive reforms since 2008, the electoral politics in Kenya still creates instability, contestation, and lack of legitimacy. Though institutional restructuring has led to procedural protection, elections are still very polarized, often decided in court, and amidst a crashing of confidence by the citizens. The continuity of these relationships is an indication that institutional reform had not translated into

democratic consolidation.

The main issue, which is the focus of the given study, is the apparent gap between the urgency and the results of the institutional change and democratic outcomes. Despite the great effort put into the electoral management, judicial control, and system of governance, Kenya has failed to eradicate the structural incentives of electoral conflicts.

Rather, electoral competition is ongoing, which puts the institutions under pressure, casting doubt on the extent and future viability of democratic consolidation.

The available literature tends to focus on single election years or individual reforms, which restricts the possibility of learning about the evolution of the institutions over time. This paper fills this gap by taking a longitudinal approach to studying the issue of electoral violence and how the phenomenon has influenced institutional change in multiple electoral cycles and whether the change has produced lasting democratic consolidation.

4. Objectives of the Study

A. General Objective

To investigate how electoral violence can influence institutional change and democratic consolidation in Kenya between 2007 and 2022.

B. Specific Objectives

To examine the causes, trends, and development of electoral violence in a successive election cycle.

To review institutional reforms that are enacted in reaction to electoral violence, with the focus on the electoral, judicial, security, and governance areas.

To determine the role of these reforms in democratic consolidation.

To determine the endemic institutional and structural loopholes to the stability of the elections.

5. Research Questions

What has fueled electoral violence in Kenya in 2007-2022?

What has been the effect of electoral violence on institutional reform?

How effective have institutional reforms been in the process of democratic consolidation?

What are the institutional shortcomings in spite of the reforms?

6. Literature Review

A. Review of the Literature Introduction

The analysis of electoral violence, institutional transformation, and democratic consolidation has a history that is over decades long and heavily relies on the fields of political science, comparative politics, sociology, and development studies. This literature attempts to answer the question of why elections, as concepts of peaceful political competition and democratic legitimization, would often become sources of conflict in transitional democracies. Electoral violence in the Kenyan situation has not only served to unleash democratic mechanisms, but it has also served as a potent catalyst to

extensive institutional reforms. This literature review is a critical interrogation of the theoretical and empirical backgrounds pertinent to the research that places the experience of Kenya in the context of the regional and global discussions on elections, conflict, and democratic development.

B. Theoretical Understandings of Electoral Violence and Institutional Change

This paper is mostly based on the theory of historical institutionalism as well as the democratic consolidation theory, which offer a holistic analysis of the relationship between political crisis, institutional reform, and democratic outcomes. Historical institutionalism stresses the temporal and path-dependent character of political evolution, and it says that institutions change over long spans of relative stability interrupted by eruptions of fundamental change, often known as critical junctures. The fixed rules, norms, and power relations are put into question at such moments, which offers a chance of making radical reforms that would not have been politically possible.

Simultaneously, historical institutionalism emphasizes the so-called path dependency when new institutions tend to reproduce aspects of previous arrangements and, as such, limit the extent and sustainability of change. This observation is especially relevant to the Kenyan example, where post-2007 reforms are in place with the best practices of patronage, ethnicized politics, and informalities.

Democratic consolidation theory is an addition to this viewpoint since it reshapes the concept of analytical focus on the institution of design with institutional legitimacy, institutional performance, and institutional normative acceptance. Democratic consolidation occurs when democracy has become the sole game in town; that is, the political actors and the citizens find the democratic procedures and outcomes legitimate, binding, and non-negotiable. The process of consolidation assumes believable elections, independent institutions, observance of the law, and peaceful resolving of political conflicts. In this respect, the continuation of electoral struggle, either through physical force or institutionalized through lawsuits and disputes, is an indicator of unfulfilled consolidation.

C. Empirical Literature of Electoral Violence in Transitional Democracies

Empirical literature based on the African continent and other parts of the world always refers to weak institutions, elite manipulation, and winner-takes-all political systems as the major cause of electoral violence in transitional democracies. It is almost inevitable that in most such situations, economic opportunity, social status, and group security are closely linked to access to political office, and therefore, electoral competition is high-stakes indeed. In such circumstances, violence can be defined as a form of power, which is a more strategic, yet highly destructive, means of having an impact on election results or discrediting political oppositions.

The large amount of scholarship in Sub-Saharan Africa records the way through which electoral violence is likely to

manifest itself in circumstances where there is politicized ethnic identity, weak state capacity, and lack of confidence of the populace in electoral management institutions. Comparative study also shows how violence is easier where the electoral institutions are not independent, courts are seen to be partisan or weak, and security agencies are susceptible to political manipulation. These conclusions have much in common with the electoral situation in Kenya before the year 2007.

Specific literature on Kenya explains the role of ethnic mobilization, interference with the electoral administration, and a lack of effective dispute-resolution systems in the development of recurrent instability during the 1990s and the early 2000s. The post-election violence of 2007-2008 is thus commonly viewed as the ultimate result of the structural defects that have existed since time immemorial and not as a single case. Empirical studies highlight the fact that the failure of trust in the Electoral Commission of Kenya, coupled with a lack of judicial credibility and partisan security reactions, has provided circumstances in which violence has grown and spread at an alarming rate and extent.

D. Reforming Institutions to Remedy Electoral Violence

There is ample literature on institutional reform as a solution to electoral crises to the extent that international legitimacy and regime stability are threatened by violence. In Kenya, reforms initiated after 2007 are often mentioned as being some of the most radical and extensive in the country. The adoption of the 2010 Constitution brought about some far-reaching changes that included the decentralization of authority, the empowering of judicial autonomy, the broadening of civil rights, and the restructuring of the electoral system. These reforms were specifically aimed at redressing complaints to do with centralized power, political marginalization, and lack of accountability.

According to empirical evidence, these reforms have led to quantifiable, though not even, impacts. Electoral violence has been reduced, dispute resolution institutes have been opened, and the courts, especially the Supreme Court, have taken up a central place in settling the electoral results. Devolution has also changed the political incentives by decentralizing power and resources to the sub-national level, which may decrease the stakes of existence that come with national elections.

E. Democratic Consolidation in Kenya: Progress and Contestation

The academic writing on democratic consolidation in Kenya gives a delicate and at times controversial evaluation of post-reform events. More positive narratives focus on the regularity of elections, the peaceful transfer of power at the sub-national level, and the rising judicial activism as a sign of democracy. Specifically, the fact that the Supreme Court overturned the 2017 presidential election is often mentioned as the symbol of judicial independence and constitutionalism.

On the other hand, the critical scholarship claims that Kenya is characterized by numerous features of procedural democracy that have not attained the substantive consolidation. The internalization of democratic norms is negated by persistent

polarization of the elites, deterioration of voter trust, the personalization of the political process, and the creation of elections as existential struggles. In this respect, institutional reforms have regularized electoral proceedings without radicalism in terms of political logic that still breeds conflict and contestation.

This warning can be supported by comparative studies, which prove that the reforms that take place under a crisis tend to entrench formal democracies without much change in informal power relations.

F. Literature and Research Gap Synthesis

Although the literature that is available offers a lot of information on electoral violence, institutional reform, and democratic consolidation, gaps in analysis still exist. The bulk of the empirical literature is based on single election periods or individual institutions, which does not provide a clear picture of long-term reform patterns and the overall effects on institutions. In addition, there is a dearth of studies that combine the electoral violence, institutional transformation, and democratic consolidation in one longitudinal study approach.

This paper fills these gaps by analyzing the 4 elections in Kenya that happened between 2007 and 2022. The research, founded on the integrative approach with an historical basis, adds to the knowledge of the long-term effects of violence-induced reforms on the development of democracies, which is relevant beyond the Kenyan context.

G. Theoretical Framework

This paper gives the conceptual framework under which the electoral violence, institutional transformation, and democratic consolidation in Kenya are analyzed. The framework is an organizational tool that links theory to empirical inquiry as it explains how electoral crises arise, how institutions react to electoral crises, and how the reaction of institutions to the electoral crisis ultimately leads to democratic consequences. The framework allows stating crucial variables and relations between them, which improves the analytical clarity and the explanatory capacity of the research.

H. Pivotal Variables and Analytical Logic

The conceptual framework is designed with three variables that are interconnected, namely, electoral violence, institutional transformation, and democratic consolidation. Electoral violence is considered to be the independent variable, institutional transformation is the intervening variable, and democratic consolidation is the dependent variable.

Electoral violence is theorized on broad terms to refer to controversial electoral results, ethnic mobilization, intimidation, coercion, destruction of property, and loss of confidence in elections. These expressions are perceived as rational, politically entrenched reactions to high-stakes competition in weak institutional frameworks, and not as accidental disruptions of order. Electoral violence creates a crisis of legitimacy that the governments cannot work with, and there is pressure to change.

Institutional transformation can be defined as any form of intentional alteration in formal rules, structural organization,

and governance practices that govern the competition of political activities and the exercise of state power. Such changes in Kenya have encompassed the redesign of the constitution, the redesigning of electoral management institutions, judicial reforms, the restructuring of the security sector, and innovations in governance, including devolution. These reforms should help to deal with the structural sources of conflicts through increasing accountability to power, decentralizing power, and improving peaceful dispute resolution mechanisms.

The long-term reflection of interest is democratic consolidation, which is indicated by the degree to which democratic norms, institutions, and procedures are stable, legitimate, and reinforcing. Consolidation indicators entail credible and competitive elections, political actors accepting electoral results, institutional independence, rule of law, political stability, and long-term confidence by the citizens in the democratic procedures.

I. Cause and Effect Pathways and Feedback

The model assumes that electoral violence has a causal relationship whereby institutional reform is a catalyst to electoral violence, which subsequently affects future democratic consolidation. It is not, however, a linear and automatic relationship. In the case of partial and selective reforms or reforms actually sabotaged by political maneuverings, they might not change the incentives that breed conflict and lead once again to instability in the following election periods.

On the other hand, in situations where the reforms are plausible, comprehensive, and well executed, they may decrease the dependence on violence, strengthen democratic values, and improve institutional legitimacy. The framework thus has the feedback in the form of success and failure of reforms as well since the democratic trajectories are known to be cumulative and iterative.

J. Contextual and Mediating Factors

The framework also embraces the contribution of contextual and mediating conditions that precondition the outcome of reforms. These are elite behavior, political culture, economic inequality, ethnic polarization, civil society and participation, and international influence. These factors are not considered as primary variables, but rather they influence the way through which electoral violence is converted into institutional reform and how institutional reform influences democratic consolidation.

K. Analytical usefulness of the Framework

This theoretical framework informs the empirical analysis in terms of clarification of causal relations and criterion of evaluation.

It allows making a systematic comparison of election cycles and preconditions the evaluation of the richness, sustainability, and constraints of post-crisis reforms in Kenya.

7. Methodology of the Research

A. Research Design

The research design is a qualitative historical-interpretive

research study. This method is especially effective when the researcher wants to investigate any long-term political dynamics, the evolution of institutions, and the reform agenda over several electoral cycles. The design focuses on the historical sequencing and institutional change and captures patterns of continuity and change that are the focus of Kenya's democratic development.

B. Data Sources

The research uses secondary data in the form of constitutional documents, election laws, findings of commissions of inquiry, court rulings, legislative materials, scholarly literature, reports of election monitors, and trusted media archives. Triangulation of the supply is increased due to the variety of the sources, which contribute to the validity of the analysis.

C. Data Analysis

Thematic content analysis is used to determine commonality in regard to electoral violence, institutional response, and democracies. Moreover, a comparative historical analysis is employed to reveal the institutional patterns over the procedure of elections in order to find out the turning points of the reform process in Kenya.

D. Ethical Considerations

The study conforms to the best academic principles of honesty, openness, and proper reference. Being desk-based research where no direct interaction with participants was involved, no evident ethical threats to interviewees could emerge.

E. Electoral Violence and Institutional Response in Kenya (2007-2022): An Analysis (2007)

This paper will focus on four different election years, including 2007, 2013, 2017, and 2022, to trace the trends of changes in electoral violence and how the various institutions have responded to it. The discussion brings forward the continuity as well as the change in the nature of the electoral conflict and the success of the reform efforts.

F. 2007-2008 Election Cycle

The 2007 general election marked the most violent event in Kenya's electoral history. Controversial election outcomes, absence of transparency in vote counting, and institutional breakdown of the Electoral Commission of Kenya also sparked off a lot of violence. The magnitude and severity of the war revealed deep-rooted electoral management flaws and judicial integrity and neutrality of the security services, leading to a sense of alacrity over a total overhaul of the institutions.

G. Election Cycle in 2013

The 2013 elections, which were held according to the 2010 Constitution, were relatively peaceful, and they were characterized by a decrease in mass violence. The judicial processes were at the center of the containment of the conflict by adjudicating the electoral petitions. However, a deep-rooted distrust in the electoral management and overdependence on the

courts proved that the structural tension was not eliminated behind the curtain of stability.

H. The Election Cycle of 2017

The 2017 elections brought back all the instabilities, and the presidential election was annulled by the Supreme Court. At the same time that the ruling highlighted a sense of judicial independence, the repeat election that followed was characterized by boycotts, protests, and occasional violence, showing that institutional reform in fixing the systemic polarization of the elite was indeed limited.

I. The 2022 Election Cycle

In the 2022 elections, the peace was relatively high, and that shows that there was improvement in electoral management and security coordination. When key players embraced the results of the judicial process, it was an indication of gradual improvement towards institutionalized conflict management.

8. Conclusion

This paper has explored how electoral violence, institutional transformation, and democratic consolidation occurred in Kenya between 2007 and 2022. The results prove that institutional reform has been a strong triggering factor for electoral violence, especially the promulgation of the new Constitution of 2010 and subsequent restructuring of electoral, judicial, and governance institutions.

Meanwhile, the paper dictates that reforms based on crisis are needed, but they are not enough to ensure democratic consolidation. In spite of the fact that the intensity of electoral violence has reduced and procedural protection has improved, democratic consolidation is still disproportionate and weak. Political systems can be stabilized more with institutional change and less open violence, although long-term consolidation will demand political commitment, norm change, and lasting citizen trust of the democratic process. These findings have significant implications for other transitional democracies that face frequent cases of electoral clashes.

References

- [1] D. Branch and N. Cheeseman, "Democratization, sequencing, and state failure: Lessons from Kenya," *African Affairs*, vol. 108, no. 430, pp. 1-26, Jan. 2009.
- [2] N. Cheeseman, *Democracy in Africa: Successes, Failures, and the Struggle for Political Reform*. Cambridge, U.K.: Cambridge Univ. Press, 2015.
- [3] N. Cheeseman, G. Lynch, and J. Willis, *Kenya: The Politics of Hope and Despair*. Oxford, U.K.: Oxford Univ. Press, 2016.
- [4] J. W. Creswell and C. N. Poth, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 4th ed. Thousand Oaks, CA, USA: SAGE Publications, 2018.
- [5] G. Lynch, "Kenyan politics and institutional change," *J. Eastern Afr. Stud.*, 2023.
- [6] S. D. Mueller, "Dying to win: Elections, political violence, and institutional decay in Kenya," *J. Contemp. Afr. Stud.*, vol. 29, no. 1, pp. 99-117, Jan. 2011.
- [7] M. W. Svolik, *The Politics of Authoritarian Rule*. Cambridge, U.K.: Cambridge Univ. Press, 2012.
- [8] R. Wambui, "Electoral reforms and democratic consolidation in Kenya," *African J. Democracy Governance*, 2020.