

ARTICLE

Building a Political Settlement: The International Approach to Kenya's 2008 Post-Election Crisis

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This paper presents findings from an empirical study of the 2008 Kenyan crisis, aimed at exploring the role and effectiveness of the international development and diplomatic communities' response. This response involved working to ameliorate the fragile political environment that followed the disputed 2007 elections. Thus, this case study was selected as an archetype to demonstrate how international actors can work cooperatively on political settlements. The key objective of this research is to analyse and share lessons about how those international actors present in Kenya engaged with the evolving political settlement to address the conflict. This study draws upon evolving political economy and political settlement debates in its analysis and uses the Organisation for Economic Cooperation and Development's (OECD) Fragile States Principles as a framework. Adopting such an analytical lens encourages examination of the multiple, context-specific underlying dynamics that influenced the role of international actors during this period of political transition. It also enables a study of the operational factors facing external actors when they attempt to work more politically, and recognition of how carefully these actors need to use the limited role they have in shaping the internal institutional arrangements and dynamics of the countries within which they work.

The study's main findings indicate that in the 2008 post-election period the international development and diplomatic communities collectively commanded substantive influence over the nature and trajectory of Kenya's evolving political settlement. It argues that these actors enhanced their influence over many important political issues principally as a result of applying good practice in fragile situations: understanding the context, adopting a unified and legitimate stance, coordinating and collaborating closely and acting fast to prevent conflict. They also laid the foundations for state-building in order to address the causes of the conflict. Prior to the crisis, a cohesive political voice was missing and many international actors lacked a thorough understanding of Kenya's underlying political dynamics. This study concludes that the international development and diplomatic communities—by coming together and following good practice—significantly increased their influence over the political settlement following the 2008 crisis in Kenya.

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Introduction

In January 2008, violent conflict engulfed Kenya. More than 1,000 people were killed and 600,000 were displaced from their homes. Sparked by the disputed December

2007 Presidential election results, the crisis broke out in the immediate post-election period. Its impact rapidly spread across East Africa as parts of Kenya, the nucleus for communication and economic activity in the region, were overcome with disorder and instability, taking both Kenyans and the outside world by surprise. The local and regional impact made it immediately evident that this was a crisis that the international community could not afford to disregard. Consequently, the African Union (AU), with strong international support, mandated a Panel of Eminent African Personalities—chaired by the former United Nations Secretary General Kofi Annan—to lead a mediation process between Kenya's lead protagonists, the Party of National Unity (PNU) of incumbent President Kibaki, and the Orange Democratic Movement (ODM), the main opposition party of Raila Odinga.

Following 41 days of fraught mediation, the violence finally ceased on 28 February 2008 when Kibaki and Odinga signed an Agreement on the Principles of Partnership of the Coalition Government. The two parties then enacted the 2008 National Accord and Reconciliation Act, which allowed for a power sharing agreement in which Mwai Kibaki would remain President and Raila Odinga would assume the new position of Prime Minister; the Government of National Unity was formed in mid-April. Shortly after, in May, the mediators secured agreement on a comprehensive approach to address the underlying structural issues that caused the electoral violence and which also contributed to the 'prevailing social tension, instability and cycles of violence' in Kenya (Kenya National Dialogue and Reconciliation 2008: 1).¹ This instigated a number of fundamental institutional reforms including the promulgation of a long overdue new constitution in 2010.² Overall, most studies now consider the international community's handling of the Kenya crisis to have been relatively successful (Brown 2009).

Although a number of studies have examined how the violence was halted and how

the mediation process unfolded, at present there is limited analysis of how international actors responded to the evolving political conflict and engaged with Kenya's political settlement. More broadly, conceptual understanding of political settlements has been refined substantially over the last five years with contributions from academia (Cole and Parks 2010; Jones et al 2012; Khan 2010; Laws 2012) as well as development organisations (DFID 2010a), but the debate remains largely theoretical with limited empirical studies. Consensus has grown around the definition of political settlements, whereby they are often defined as rolling bargains between powerful actors and the dynamic renegotiation and compromise that characterises these bargains. But, discussion of the practical, operational application of emerging ideas and theory remains limited (Jones et al 2012; Lindemann 2010; Rocha-Menocal 2009). International literature on fragile and conflict-affected states and situations (FCAS) particularly emphasises the importance of an inclusive and legitimate political settlement (OECD DAC 2011b; World Bank 2011a), and many OECD governments and multilateral agencies have committed to work on this agenda (DFID 2010a; UNDP 2012; Ausaid 2011).

Internationally endorsed frameworks and principles do also exist that encapsulate more general 'good practice' for engagement in these fragile situations, such as the OECD DAC's (2007) 'Principles for Good International Engagement in Fragile States and Situations.' However, studies on how such principles can be applied in practice when engaging specifically with fragile political settlements are, again, scarce.

The 2008 Kenyan crisis has thus been purposely selected to demonstrate how international actors can work on political conflicts and settlements. This paper is significant as it contributes to current academic and policy literature on how to build political settlements and the role of the international community in this respect. It specifically discusses how the international community in Kenya

embraced emerging development thinking and influenced the Kenyan political settlement. This discussion moves the debate beyond the theoretical, providing insights into the practical challenges and possibilities that arise when translating political settlements theory into practice. The paper focuses on a number of influential international actors (hereforth referred to as the 'international community') consisting of the OECD governments represented in Kenya by diplomatic missions and bilateral aid agencies, as well as international multilateral development agencies. The paper outlines how this community approached the Kenya crisis and draws a set of conclusions to guide future engagement in fragile situations. Particular attention is paid to the structures and methods adopted by the international community to enhance its impact and overcome some of the challenges experienced whilst engaging with Kenya's evolving political settlement.

The paper is based on a wide range of data collected in the first half of 2011. Intensive interviews were conducted with: representatives from the OECD international development agencies that played a key role during the 2008 crisis; members of the diplomatic communities present in Kenya during the period of the crisis and mediation; members of the AU Panel of Eminent Personalities; local Kenyan civil society members; and Kenyan journalists and academics. This array of interviewees meant that an in-depth and first-hand understanding both of Kenya's unique context and of the crisis itself was attained. In addition, the study has reviewed relevant reports to improve understanding of how international communities can engage effectively in fragile situations.

Approaches to Fragile States and Situations: An Overview

Development, diplomatic and defence policy analysts have made significant efforts to better understand how they can improve their engagement in situations of conflict and fragility. These efforts respond to the reality that '1.5 billion people live in conflict-

affected and fragile states' and not one of these countries 'has yet achieved a single Millennium Development Goal' (World Bank 2011b: 1–2). In fragile states, 'despite the significant investment, and the commitments of the 2005 Paris Declaration on Aid Effectiveness and the 2008 Accra Agenda for Action, results and value for money have been modest' (OECD DAC 2011b: 1–2).³ Fragile states and situations require different responses to those applied in more stable countries.

As understanding has grown amongst development actors that international engagement in fragile situations needs improvement, a number of practical guidelines have been developed. The ten OECD DAC Principles for Good International Engagement in Fragile States and Situations (here termed 'Fragile states principles') were endorsed and adopted by OECD ministers in 2007. These are probably the most recognised and respected amongst the development community. These include: the 'Basics'—take context as the starting point, and 'do no harm'; 'Statebuilding and Peacebuilding'—focus on state-building as the central objective, build state-society relations and support the legitimacy, accountability and capability of states to provide core functions; prioritising conflict prevention; recognising links between political, security and development objectives; 'promoting non-discrimination'; and aligning with local priorities, agreeing coordination mechanisms, and 'acting fast but staying engaged' (OECD DAC 2007: 1–3).

The 2011 OECD report which monitored the application of these principles is aptly entitled 'Can't we do better?' and concludes that they have not sufficiently influenced changes in development partners' practices or helped improve results on the ground (OECD 2011c).⁴ In addition, the World Bank's World Development Report on Conflict, Security and Development (2011) also emphasises that without legitimate politics, inclusive political settlements and a positive state-society compact, public confidence in a given political settlement is likely to be low (World Bank 2011a). The New Deal for

Fragile States (OECD DAC 2011b)—which was endorsed in 2011 by many fragile states as well as major bilateral and multilateral development agencies and civil society representatives—marks a further commitment by the international community to ‘foster(ing) inclusive political settlements and conflict resolution’ in order to achieve ‘legitimate politics’ in fragile states and situations (OECD DAC 2011b).

These new approaches towards more effective engagement in fragile states are rooted in a set of new explanations of how development occurs. Whereas, in the past, development actors focused narrowly on improving formal institutions, new approaches focus on informal sources of political power, local institutions and power arrangements (Grindle 2011). The potent influence of powerful elites over the developmental trajectory of fragile countries is increasingly seen as important (Centre for Future State 2005; Fritz and Rocha-Menocal 2007; OECD DAC 2007). ‘Best fit’ approaches that build on the local social, economic, political and cultural contexts are favoured (Levy 2011). Transitioning out of conflict or fragility is recognised as ‘long, political work that requires country leadership and ownership’ (OECD DAC 2011b: 1).

These developments recognise that successful engagement in fragile situations is dependent on an understanding of the local political context. If development actors are to improve their current ways of working in fragile states, they must be far more attuned to the political situations on the ground, and to the structural factors, actors, institutions and incentive structures that shape these internal political dynamics. Simply put, they must understand the socio-political and economic context, and the structural and immediate conditions for conflicts (Centre for Future State 2005; Centre for Future State 2010; DFID 2010a; Grindle 2004; Grindle 2011; North et al 2007; Rodrik et al 2002). Political Economy Analysis has gained significant traction as a tool to help practitioners deepen their understanding of these dynam-

ics and contexts. International development agencies are increasingly employing this framework, recognising that international engagement in situations of conflict or fragility is a deeply political process.⁵ The framework enables practitioners to analyse and understand how political authority is established; how economic rents and resources are distributed; how power is negotiated; and how formal and informal rules and patron-client relationships shape political decisions and environments (OECD DAC 2010). These aspects of the framework are important because they have the potential to affect and shape the nature of the political settlement.

For the international community to influence and positively engage with evolving political settlements in fragile situations, it is crucial that they understand the context of politics and conflicts. As this paper has already noted, the political settlements debate remains beleaguered by questions and gaps. This research takes a much closer look at how—and to what extent—international actors can work on and influence political settlements to address conflicts, moving the current debate beyond theorising and towards a practical application and understanding of what works, and why.

We now turn to a short analysis of the political economy of Kenya around the time of the crisis.

Political Economy of Kenya: Fragility and the Post-2007 Election

The crisis that unfolded in Kenya in early 2008 was not solely a reaction to the dispute over the election result, but was rooted in long-term, foundational issues that had remained unaddressed since Kenya gained independence in 1963. Kenya’s deeply neo-patrimonial politics is one of the most significant issues. Powerful political elites have established support using state resources since independence, causing widespread grievances over inequalities and long-standing perceptions of exclusion in the distribution of resources (Branch and Cheeseman 2008; HRW 1995; MacArthur 2008; Mueller

2008). This patronage had weakened state institutions over many years and, by the time of the crisis, the Judiciary and Parliament had lost their autonomy and were largely under the control and influence of the executive. A highly centralised presidency was also a dominant feature (Mueller 2008). Trust and confidence in key institutions declined further in late 2005 after the executive weakened the much anticipated draft constitution. Kenyans rejected this draft by referendum, leaving the country with its flawed and much amended constitution dating from the colonial era. These long-term political trends created the conditions for political instability.

The prevalence of weak and personalised institutions sparked many contestations (Ndegwa 2008). In 2007, those institutions that were crucial for carrying out and overseeing the political transition were perceived as 'partisan' and 'tied to the executive—representing the president's ethnic community—rather than separate from it' (Mueller 2008: 195). Ethnic and regional inequalities infiltrated not only Kenyan politics but also the society more broadly. Between 2002–2007, inter-ethnic rivalry and bitterness grew (Barkan 2008a) as the presidency rewarded fellow Kikuyus and the 'culturally related Meru and Embu communities' with power and authority at the expense of other communities. Kikuyus held 'a disproportionate number of positions in the civil service', and a small group of Kikuyu and Meru ministers, known as the 'Mount Kenya Mafia', held an overwhelming proportion of power controlling the 'key government departments of finance, defence, internal security, justice, and information'.

Although the economy grew considerably, with the growth rate rising from about 1.0 per cent in 2003 to about 7.0 per cent in 2007, inequalities blinded many to this recovery. Resentment grew amongst those outside of Kibaki's favour amidst deepening perceptions that the 'Kikuyu ran the country to serve themselves' (Barkan 2008a). This ethnicisation of politics increased the conditions for instability, feeding perceptions that

the outcome of the elections would impact strongly on issues of inclusion or exclusion from the centre of state power and resources (Jonyo 2003; MacArthur 2008; Wrong 2010).

The state's gradual but unquestionable loss of control and monopoly over violence in the lead up to the 2007 election also fed into the growing conditions for instability. Kagwanja (2001) and Katumanga (2005) point out that extra-state violence was institutionalised through many parts of Kenya during the reign of President Moi and, later, President Kibaki (Kagwanja 2001; Katumanga 2005). Youth gangs—often used by politicians to control and kill supporters of the opposition—slowly took on a life and form of their own and the state lost control over many of them. They began to link up into a network that reached out not only across the cities but across many parts of Kenya's countryside, acting as what Duffield identifies as a 'shadow state' (Duffield 2001). Politicians and business elites increasingly employed their own security squads or private security (Kagwanja 2001; Katumanga 2005). As the 2007 elections approached, evidence of extra-judicial killings increased and a dangerous culture of violence gripped Kenya.

The features of Kenya's political economy show that the state's legitimacy was in jeopardy. By the end of 2007, state-society relations were very fragile, while the failings of security and justice institutions left large segments of the population vulnerable. The combination of historically poor governance and weak institutions, entrenched politics of exclusion and patronage, ethnicisation of Kenyan society established in the fragile context and, then, the highly disputed election, proved to be the spark that lit the tinderbox.

The International Community's Approach to the Kenya Crisis: The Fragile States Principles in Practice

Much of the literature on the international dimensions of Kenya's post-2007 election crisis analyses the mediation process, and recognises the important role that the international community played to avert the intensification

of civil war and possible state collapse (Kofi Annan Foundation 2009). Several analysts have concluded that the mediation succeeded because the international community spoke with one coordinated voice, pointing to strong collaboration between the AU, the wider international community and Kenyan stakeholders (Lindenmayer and Kaye 2009). OECD governments quickly committed themselves to the AU-led mediation as soon as it was initiated and consequently placed their political influence at the service of its efforts. Our study is an effort to break down the various strategies and approaches that the international community employed.

We will examine these, drawing on the Fragile States Principles to analyse if and how these principles were applied in practice. We acknowledge that the principles were not explicitly discussed or referenced in Kenya. However, this discussion contributes to the understanding on how the international community can engage in fragile situations and influence political settlements.

Take context as the starting point

Understanding the local context when working on political settlements and transitions is a basic principle for good engagement in fragile and conflict affected states, as outlined earlier. Looking at the situation before Kenya's crisis, some critics point to the donors' lack of analysis and full understanding of Kenya's historical, political and economic dynamics. They say that the international community did not understand the prevalence of informality and neo-patrimonialism within Kenyan politics;⁶ did not fully comprehend the significance of informal sources of political power. Mueller (2008), for instance, argues that the international community focused on 'formal institutions' rather than on the 'incentive systems guiding the behaviour of political actors themselves' and the enormous informal power they had acquired (Mueller 2008: 186). Consequently, a 'false optimism' developed amongst the international community that Kenya was an

island of stability within East Africa (Mueller 2008: 186).

Critics also argue that the international community failed to recognise and address the growing signs of violence in the pre-election period (Barkan 2008a; Brown 2009). Brown (2009) argues that the potential for political violence during the 2007 elections was very high, yet 'donors missed the signs of rising violence' in the lead up to the elections, having 'prematurely consigned political violence to the dustbins of Kenyan history' (Brown 2009: 2). Drawing on one particularly violent outbreak that took place in the months leading up to the election, Cheeseman describes how the police carried out the extrajudicial killings of nearly 500 'suspected Mungiki members' (Cheeseman 2008: 170). Although the killings were a major signal of violence and tension, the response of the international community to the killings was 'remarkably apathetic' in his view (Cheeseman 2008). The international community neither 'officially recognised the role' of the parties to the violence, nor was there any 'strong, explicit attempt to prevent recurrence' (Brown 2003: 1).

The international community did not have a collective view of the Kenyan context. There were several formal governance and conflict analyses carried out prior to the crisis by various donors, but these were not systematically shared, mainly because of their sensitivity.⁷ The most prominent formal analyses were the African Union's African Peer Review Mechanism (APRM) report of 2006 and the Kenya Joint Assistance Strategy (KJAS). The APRM report was compiled through a participatory approach after the very divisive constitutional referendum in November 2005. It correctly forecast there would be trouble if Kenya did not urgently undertake institutional reforms and address Kenya's ethnic divisions, corruption and poor governance. The report specifically noted that the country remained polarised along ethnic lines after the referendum, that 'the process of national healing and reconcilia-

tion is unlikely to proceed as long as society is still polarized' and that 'without addressing past crimes, corruption, marginalization and poverty, it is unlikely that reconciliation can be achieved'.⁸ The Government of Kenya had volunteered for this comprehensive assessment and did not publicly dissent from its conclusions. Indeed, the President had to report back to the AU Council of ministers on progress against recommendations. However, the report was very lengthy, covering a broad range of issues, and its impact faded quickly.

The KJAS was produced by donors and the Government of Kenya in 2007 in accordance with good donor practice. The strategy was written specifically to provide donors with a planning mechanism.⁹ To some, the KJAS 'provided a useful starting point' for donors in planning how to respond to the crisis because it included a low case scenario in which there could be no business as usual.¹⁰ However, there are those who criticised the strategy for its 'simplicity', 'lack of sophistication' and its failure to recognise and address the underlying political dynamics and causes of Kenya's electoral violence.¹¹ Furthermore, in order to get all partners, including the government, to agree to publish the document, the 'political and governance analysis was watered down and made overly optimistic'. This compromise resulted in the conclusion that Kenya's political space was opening up and democratic institutions were becoming stronger. Nonetheless, KJAS had foreseen a low case scenario in which the international community would assume a 'no business as usual' approach in engagement with Kenya.

Even where critical analysis did exist, there were two particular problems. Firstly, there was a 'strong disconnect between analysis and programming', whereby analysis was rarely used to inform donor programming.¹² Secondly, the analysis notwithstanding, the international community 'lacked institutional memory and understanding of the root causes of Kenya's electoral violence' because of staff turnover, a common problem when most international posts are staffed for three

years on average.¹³ In particular there was insufficient knowledge of the long-standing issues that contributed to the crisis. Issues such as lack of institutional reforms, lack of land reforms, lack of transparency and accountability in the conduct of public affairs, alongside growing youth unemployment and imbalances in regional development, combined to contribute to the violence.

However, the international response to the crisis itself did demonstrate some contextual understanding of the causes of the violence. The mediators included Graça Machel, who had a thorough understanding of these long-term causes of the conflict. Machel had led the APRM in 2006 and had been prescient in her own analysis that violence would break out. FCNL argue that as the crisis played out there was an overt re-focus amongst the international community towards understanding and addressing the root causes of electoral conflict.¹⁴ Brown observes that during the crisis diplomatic and development actors were no longer prepared to support the political 'status quo' (Brown 2009:1). This shift was illustrated by the greatly heightened levels of pressure imposed by international actors upon President Kibaki to 'recognise the tainted nature of the official results' (Brown 2009:1).

In summary, we point out that the international community lacked a full understanding of the context before the crisis. Although some donors carried out critical political and governance analyses, they neither shared these nor incorporated their findings into their programmes. The major collective international analysis (the KJAS) was watered down to enable agreement with the government and so did not foresee signs of trouble. The APRM report of 2006 had flagged deepening ethnic divisions and warned of danger if the country did not undertake fundamental reforms, but was then forgotten and ignored. However, when the crisis broke, the response demonstrated clear understanding of the root causes by the mediation team, which included the NEPAD report's lead

author, and the international community quickly updated and shared their analysis, which was by then much less sensitive.

“Do No Harm” – A Unified and Legitimate International Response

The Fragile States Principles do not explicitly point to a unified international approach and legitimacy is implied. However, the recent New Deal for Engagement in Fragile States underscores the need for an approach that emphasises a unified response and implementation by following one vision and plan. The Fragile States Principles do recognise that international interventions can inadvertently do harm and that interventions should be harmonised and graduated in order to mitigate this. During the Kenya crisis, the international community did come together and act in a unified manner. They spoke with one voice and collaborated jointly with the AU panel of mediators. The crisis brought together actors and stakeholders from across the world, united in their purpose and determination to ensure Kenya’s blazing fires were put out. The literature points out that the role played by the AU Panel under Kofi Annan and the wider international community was invaluable. Cohen, for example, states that the political settlement was reached as a direct result of this support (Cohen 2008). To some, the mediation succeeded primarily because the international community spoke with one united, coordinated voice and adopted a politically oriented approach (Lindenmayer and Kaye 2009). This ‘unity of purpose’ and the ‘strong collaboration between the AU, the wider international community and Kenyan stakeholders’ was mentioned by a number of interviewees¹⁵ as well as in the literature (Barkan 2008b).

OECD governments and donors agreed to commit themselves to the AU-led mediation as soon as it was initiated and consequently placed their ‘trust, confidence and political commitment at the service of the AU’.¹⁶ This strategy undoubtedly maximised the leverage of the international community over the

dialogue process. Annan and his team represented the strong lead the international community had been waiting for, behind which they ‘could consolidate’ and apply their ‘support, clout and pressure’.¹⁷ This unity of purpose allowed for the mobilisation of resources and support to the various phases of the mediation, a point corroborated in the literature (Brown 2009; Cohen 2008; Kofi Annan Foundation 2009; Lindenmayer and Kaye 2009) and by interviewees.¹⁸ The leadership of the African Union and the appointment of the highly respected Mr. Kofi Annan through the Panel of Eminent African Personalities also greatly deepened the legitimacy of the entire mediation process.¹⁹ From the outset, Annan underscored the need for ‘unity of purpose’ and he insisted that ‘a condition for him taking part and leading the mediation’ was that ‘his team would be the *only* team mandated to coordinate the effort’.²⁰ Our research confirmed that the robust, uncompromising stance put forward by Annan was critical and became the foundation upon which the international community could consolidate. It also prevented political elites on either side of the bargaining table from ‘window-shopping for a mediation process that may appear more favourable to them’.²¹

It is clear that the international community collectively recognised the need for the mediation to be an African-led effort and they put their efforts behind it.²² It also quickly adopted the strong stance of ‘no business as usual’ towards the Kenyan government.²³ Fortunately, this low case scenario had been agreed by the Government of Kenya and donors in the KJAS just one year before, and it played out primarily through the suspension of on-going development programmes whilst bringing in new humanitarian and mediation support. Crucially, although the amounts of money suspended were relatively insignificant, this move received high publicity and was an important signal of seriousness and concern amongst the international community to the Kenyan public, the media, foreign and domestic investors and wider

international audiences.²⁴ It thus acted as a powerful signal to Kenya's political actors that important international players were no longer prepared to accept the status quo.²⁵

By adopting each of these approaches the international community was able to work with great legitimacy on the political settlement in Kenya. Embracing this united, politically-oriented approach meant it was able to enhance its leverage and confront some of the operational constraints posed by working within such a politically-troubled environment.

Coordination and Collaboration: Mechanisms and Linkages

The Fragile State Principles highlight the need for agreement on 'practical coordination mechanisms between international actors' and the need to 'recognise the links between political, security and development objectives' (OECD DAC 2007). The existing international coordination mechanisms were employed during and after the crisis, ramping up their efforts significantly as the crisis played out.²⁶ These mechanisms, which will be outlined below, were used to coordinate both strategy and resources, including funding and expertise. Interestingly, the links between political and development objectives were explicitly recognised in a formal collaboration mechanism, but security links were less explicit.

The Donor Coordination Group (DCG) convened the major OECD international donors (many of whom were also in diplomatic roles and headed in-country by ambassadors). Set up in 2004, one of the DCG's aims was to 'streamline donor coordination' (Zeeuw 2010: 16). The DCG had spearheaded the 2007 Kenya Joint Assistance Strategy and, during the crisis, it was the most significant donor mechanism. The DCG represented the main forum for the discussion of appropriate donor responses. For example, the 'no business as usual' approach was agreed by this group and it became the mechanism through which Kofi Annan, and later his representative Ambassador Nana, were able

to convey mediation progress and mobilise international support.²⁷

To coordinate donor activity, the DCG had already set up seventeen sector working groups, the membership of each comprising specialists from the various donors. The Democratic Governance Donor Group (DGDG)²⁸ is one that had been meeting regularly before the crisis. Several donor agencies commented that during the crisis the DGDG became particularly critical for flexibly coordinating efforts.²⁹ The group rapidly responded to the crisis meeting much more frequently, even on a weekly basis, at the height of the crisis. The group 'shared its own and external information and analysis widely' and it took on 'technical liaison with mediation staff and funders', and it 'encouraged joint decision making' and coordination with Kenyan domestic groups.³⁰

The DGDG also created a new conflict sub-group which, among other remits, 'led on coordination and liaison with the Commission into the Post Election Violence', established under the mediation to investigate and make recommendations on the post-election violence.³¹ Other existing sub-groups included: an Elections Group which liaised with the Independent Review of the Elections and influenced and funded subsequent reforms; Governance, Justice, Law and Order and Public Sector Reform Group, which suspended joint government-donor programmes during the crisis; and a Civil Society Group that mobilised funding for civil society organisations. The groups shared responsibilities among members so as to ensure efficient operation and fast response to arising issues. Each sub-group was chaired by different donors, sharing the workload. In 2009, when the Constitutional Commission was underway but needed unexpected and rapid funding, the DGDG spotted the gap and organised a joint process with UNDP to the appreciation of the Vice Chair.³²

Another important body was the 'Like Minded Partners Political Group' (Limid-P).³³ Made up of 'political counsellors from like-minded countries' including US, Canada,

many EC countries, Japan, Mexico and Switzerland. This group met frequently during the crisis.³⁴ Quickly registering the need for increased efficiency and coordination given the complexity of the crisis and emerging solutions, Limid-P and DGDG co-chairs established a formal collaboration and division of labour to 'pool resources, choose which existing technical groups would be best to lead on which initiatives, and share information across the political, development and governance spheres' (Limid-P and DGDG 2008: 1). This ensured a very close relationship between political and development actors. In the past, the international community had often handled politics and development as different portfolios, sometimes without reference to one another. This was arguably a problem with the pre-crisis support to elections. International actors now recognised the importance of not only understanding the technical governance issues at hand, but also of being attuned to the political economy dynamics that were shaping and underpinning Kenya's political context at the time.³⁵

The rapid strategic collaboration outlined above was replicated with funding efforts, particularly for the mediation. On behalf of the donors, the United Nations Development Programme (UNDP) set up a multi donor trust fund (MDTF) for the mediation process, into which all donors were able to pay and pool resources. The Fund's managers adopted a flexible approach and delivered a rapid response to the crisis.³⁶ UNDP regarded it as a priority and assigned significant numbers of staff to manage and administer it.³⁷ It was also very easy for donors to pay into the fund 'as most already had accounts set up with the UN' and many donors quickly committed their contributions.³⁸ Facilitating 'common reporting and joint monitoring of finances' amongst the donors, the MDTF represented a positive example of coordination which responded efficiently to the crisis.³⁹

The existing donor and diplomatic coordination mechanisms were critical to a coordinated rapid and effective crisis response. The

international community used its structures and staff efficiently and divided labour, ensuring that the hugely increased workload was shared across the political and development communities. Importantly, it quickly adjusted to coordinate work on conflict prevention and the critical new constitution process.

Prioritising Prevention and Staying Engaged

The Fragile States Principles indicate that conflict prevention requires acting fast but staying engaged to focus on long-term issues, looking beyond 'quick-fix solutions to address the root causes of state fragility' and strengthening indigenous capacities to prevent and resolve conflicts (OECD DAC 2007:1–3). While it is important to act rapidly and flexibly in fragile situations, international engagement must also focus on the long-term. The fastest institutional transformations have taken a generation (World Bank 2011a).

In Kenya, the mediation panel acted fast and prioritised prevention of further violence. The Kenya National Dialogue and Reconciliation team was established with a broad mandate to negotiate how to end the violence and move the country forward (Kofi Annan Foundation 2009). However, the mediation team also looked beyond quick-fix solutions to address the root causes of the violence, producing an agenda or 'Road Map' for the dialogue. This ensured the mediation was tackled in a sequence of manageable steps.⁴⁰ The road map was set out soon after the mediation talks started on 1 February and was divided into four 'Agendas': Agenda One focused on immediate action to stop violence and restore fundamental human rights and liberties; Agenda Two focused on immediate action 'to address the humanitarian crisis'; Agenda Three aimed to overcome the short-term political crisis; and Agenda Four dealt with the long-term, underlying issues that had caused the violence (Kofi Annan Foundation 2009: 10). By breaking down the huge list of tasks at hand into four areas – with the most contested and difficult

issues to be addressed coming last in the list – the mediation panel cleverly ensured that the negotiations started on a positive, constructive note.⁴¹ All agreements and timelines were swiftly publicised throughout the developing process, providing everyone—the Kenyan public, the international community and Kenya’s political players—with a ‘clear framework and indicators of success’ to work with.⁴²

When the National Accord and Reconciliation Act was signed on 28 February, there was not clarity on the flawed election and the ensuing violence, let alone what reforms should follow. Yet, on 4 March, an agreement was reached on the most critical processes: a new constitutional process; an independent review of the elections; a Commission of Post-election Violence; and a Truth, Justice and Reconciliation Commission. Other Agenda 4 items were not finalised until a statement of principles on 23 May and an implementation matrix on 30 July. Through a systematic approach to the crisis, violence ended, but there would still be a further process of agreement, enquiry and follow up—all laid out publicly in the media.

In the view of many people interviewed in this study, the mediators achieved an ‘insurmountable amount’ in bringing the violence to an end after forty-one days of fraught mediation, something that would ‘never have been achieved without the presence of Annan and the wider international community’.⁴³ The United Nation’s involvement enhanced ‘the leverage of the mediation process’ especially because of the ‘clear and unconditional statements of support’ by the UN Secretary-General Ban Ki-Moon for the work of Annan.⁴⁴ However, the international community’s unified backing, both through public support and funding and through behind-the-scenes pressure, ensured that the process stayed on track through the six months of agreements, longer enquiries and subsequent reforms.⁴⁵ The mediation process did not lose sight of the bigger picture, retaining a focus on the long-standing issues underlying the crisis.

Agreement amongst Kenya’s political elites on Agendas One and Two had been fairly unanimous, but negotiations around Agenda Three became ‘tense and bitter’, as there was ‘so much to lose’ by agreeing to share power by including the other party.⁴⁶ Although power-sharing was increasingly seen as the most probable solution, the mediation slowed down. Annan and the international community used a number of techniques to encourage the principals to move forward quickly and to agree to share power. External politicians and technical experts ‘provided clarification on intricate, technical issues—such as grand coalitions—to the negotiators, helping inspire confidence from neutral experts.’⁴⁷ Indeed, Annan invited the Tanzanian President, Jakaya Kikwete, into the mediation process so that he could share his direct experiences of power-sharing government and show the negotiators that ‘what felt like uncharted territory had actually been tried and tested successfully, elsewhere’ by a neighbour (Kofi Annan Foundation 2009: 12). This enhanced the legitimacy and influence of the mediation team (Kofi Annan Foundation 2009).

Some countries were able to use further pressure to ensure that the negotiations moved productively. They put pressure on the negotiating teams through threats of travel bans to elites who were thwarting the mediation or were seen to have incited violence. This threat had been used previously in Kenya to handle those suspected of corruption. Given that many elites have educational, financial and property links overseas, it was an effective influencing tool.

The national dialogue and the mediation in particular made substantial progress. There were clear gains brought about by the support of the international community. However, as everyone began to implement the agreement, it became evident that significant gaps remained. There was, for example, no coherent strategy in place to outline exactly ‘how the coalition government was going to function and how power was to be shared between the two principals’.⁴⁸ Indeed,

even the most basic modalities such as ‘how decisions are taken, how the two principals should work together, how often they should meet, what level of power would be commanded by both, and at what point are their decisions binding’ were not defined during the mediation process.⁴⁹ This meant that the presidency remained highly centralised and the Prime Minister, Raila Odinga, was left with ‘an incredibly small amount of power’.

Although the international community does not always act fast, when Kenya broke down into violence, rapid action was required with no clear game plan. International actors had to be flexible, take risks and seek rapid funding mechanisms to support emerging opportunities. There were controversies among development actors. Some chose less risky strategies, earmarking their funds to the MDTF or avoiding controversial issues.⁵⁰ Some adopted politically risky strategies, separately funding the Kenya National Commission on Human Rights (KNCHR) to conduct early investigations of the violence. This has paid off: the investigations provided some evidence on the nature of the violence and subsequent investigations tend to use these findings for further investigations. Some argued that donors should not support the constitutional review process, given that Kenya had already had the world’s most participatory and thorough process. But, when credible experts were appointed and government funding had stalled, several donors chose to support it collectively again through the MDTF.⁵¹ This fund had the additional benefit of ensuring that donors could stay jointly focused on core issues and influencing rather than wasting their and partners’ time establishing new individual and parallel funding mechanisms.⁵²

The international community acted fast, looking for mediation options at the start of the process, and then mobilising support and funding behind the best solution and its processes whilst maintaining pressure for rapid conclusions to the commissions. The mediation team was able to ensure long term engagement by agreeing the Agenda 4 pro-

cess and the international community was able to use Agenda 4 reforms to maintain pressure to deal with the long term causes of the conflict. In effect, the international community influenced the political settlement, backing the mediation strategy of prioritising prevention of conflict by looking beyond quick fix solutions and by acting fast but staying engaged.

Focus on Statebuilding

Statebuilding is sometimes a misunderstood term. The OECD DAC guidance on statebuilding defines it as ‘an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations’ (OECD DAC 2011a: 2). There are thus limits to what the international community can do. The Fragile States Principles place it as a central objective because states are fragile when they lack the political will or capacity to provide the basic functions of poverty reduction, security and human rights. The principles also include promotion of non-discrimination as a basis for inclusive and stable societies and stress the importance of aligning with local priorities—ideally government-led but also with a range of national stakeholders. The question we address here is: how did this play out in Kenya’s post-election crisis?

The mediation team recognised that the post-election violence was not the first occasion of electoral violence in Kenya and that it would not be the last unless some of the long-term structural statebuilding issues were addressed. The violence in particular laid bare important characteristics of the Kenyan state. Kenya is a multi-ethnic society, comprising about 42 groups but no group is numerically large enough to dominate others. The country uses a majoritarian electoral system, which has meant increased mobilisation of political support along ethnic appeals especially by elites from the principal ethnic groups. Parties and alliances form and break along ethnic lines. This sometimes leads to violence because the principal fault lines in politics follow ethnic divisions. Also shifting alliances among the principal five

groups drives politics in the country. These differences are deepened by use of political patronage to maintain loyalty and support as well as to marginalise groups and individuals that decline to support the leaders in power.

The mediation handled two of the most contentious long-term issues by deferring them to impartial commissions with reputable international and local experts, and hence the public trusted them. These were to establish what had happened in the 2007 election process and in the subsequent violence—questions to which everyone wanted to know the answers and which needed answering in order to move on and to prevent repetition. However, even though these were major exercises requiring expertise and staffing, both commissions were up and running by May 2008 and reported out by October. Major delays could well have dented public confidence and sparked new violence.⁵³

The mediation team's deferral of this tricky agenda to the end (in Agenda 4) enabled quick responses to violence and IDPs, while ensuring that the longer-term problems could be discussed in a calmer scenario.⁵⁴ Some of the most difficult and contested issues, including the constitution, electoral reform, and justice for this violence, were handled by establishing commissions of expertise and enquiry. Importantly, each of these had timelines for conclusion. Mixed teams of international and Kenyan experts were appointed to these enquiries, agreed by signatories to the peace agreement and by the mediators, ensuring their quality and legitimacy and they reported out quickly and publicly.⁵⁵ Again, their progress was hastened by funding from the established MDTF with UNDP.

The first commissions to report back were the Independent Review Commission on the 2007 Elections and the Commission of Inquiry into the Post-Election Violence, both of which were immediately taken on and funded by the UNDP MDTF. These enquiries played a 'crucial role in identifying the most critical areas to address in the immediate post-election period'.⁵⁶ Indeed, the key

issues encompassed by the commissions also strongly reflected the concerns of Kenyans themselves, many of whom were frustrated that 'justice was denied to them during the elections' and hoped that these commissions would bring to justice the 'real perpetrators of the violence' (Inform Action Film 2010).

The Electoral enquiry proceeded quickly and reported out in September 2008. Its conclusions were controversial but its recommendations robustly pushed for radical reforms. Confidence was further built by a frank report into the post-election violence in October 2009, and the Commission chair also promised and later passed an envelope of names of the main suspects to Kofi Annan for future use by the International Criminal Court (ICC) if Kenya failed to establish its own independent process. Indeed, this envelope was subsequently given to the ICC.

A team of constitution experts was put in place by March 2009, which again relatively rapidly concluded its difficult and sensitive work producing a preliminary report by November, and a final report to Parliament by February 2010. By mid-August that year, Kenya had a new constitution after a clean referendum conducted by a reforming Interim Electoral Commission. Again, this process was supported by donors. This also restored confidence in the electoral system, and most Kenyans welcomed it.

Other long-term issues were included in the Agenda 4 Implementation Framework. This was compiled by the mediation panel's Secretariat and was published in July 2008. It was long and comprehensive—a list of '*all* the challenges in Kenya that might have contributed to the crisis'.⁵⁷ To some of the people interviewed, it was 'a completely ridiculous, overly ambitious Agenda', and the 'wish-list of every developing country'. Indeed, it did include many of Kenya's long-standing issues including inequality, youth unemployment, corruption, impunity, landlessness and the lack of national cohesion. Arguably, there was no buy in by the government or, indeed, many Kenyans to everything on the unrealistic list.⁵⁸

Recognising these limitations, from early 2009 onwards the DGDG worked to extract and agree upon the most important priorities and used these to facilitate dialogue on reforms with the government.⁵⁹ In July 2009 the revised matrix was presented to the DCG, and consequently used by the DCG to discuss progress during the Kenya Consultative Group (KCG) meetings with the government. The KCG was the key forum for Kenya's development partners and the Government. Commenting on these meetings, a leading donor and ambassador outlined that the 'donors drew on the matrix many times to inform their discussions with the government'.⁶⁰

Our research found that, by early 2010, donors had agreed that the Coalition government was facing too many challenges and that they should reduce political pressure and return to a more overtly developmental agenda.⁶¹

The international community thus collectively chose to adopt an explicitly *less* political approach at this moment in time. Indeed, this was a fragile and sensitive political period for a weak coalition government, and the international community began to focus more on bilateral relations again. All the same, developing an agenda for solutions for long standing issues was an important achievement. The international community was in a relatively strong influencing position, and this was an opportunity to ensure that Kenya's political players adopted a strong reform agenda that touched on many aspects of state building. In particular, these included constitutional and institutional reforms and attention to national cohesion and unity.⁶²

During the mediation process, both the Eminent Panel and the broader international community paid great attention to and spent time listening to and working with Kenya's domestic stakeholders. The civil society activists and business community spoke out loudly and at times jointly calling for an end to violence and a peaceful, just agreement. Donors were able to quickly back Kenyan organisations to work on humani-

tarian issues, peacebuilding, investigation and analysis of violence and lobbying. They supported new groups, such as Kenyans for Peace Truth and Justice (KPTJ)⁶³ and its observations that peace without justice would prove transitory and would not address the long-term issues. This group underlined that securing peace while not holding perpetrators of violence to account would mean that future violence was inevitable. The views of this group effectively supported the principle of focusing on statebuilding as a central objective and pushed the international community to pay more attention to the long term-causes of violence.⁶⁴

Notwithstanding, findings reveal that international funding was not easily available to all domestic groups who were coordinating efforts to press the two parties to the negotiating table. This was particularly true for less recognised, smaller civil society groups.⁶⁵ Donors did attempt to use an existing multi-donor fund, but there were many complaints that this was slow and cumbersome. This may have marginalised some local mediation efforts and even reduced international leverage. In the future, donors must look much harder for flexible and rapid support mechanisms in such crisis situations. However, in general, the international community was very supportive of the strong, outspoken and respected Kenyan activists who also carried considerable public support.

We argue that the international community focused on statebuilding for at least two years post-crisis, building on agreements under the National Accord. The statebuilding reforms proposed in Agenda item 4 were more problematic given their exhaustive and unprioritised nature, but the international community usefully identified priority areas to focus on with the Kenya government. The views of Kenyan domestic actors were heeded and they were often funded to gather information and to take action, although funding could have been more flexible and rapid. However, the international community became uncomfortable with such a

strong political approach and chose to revert to technical development programmes and a greater focus on bilateral relationships after two years. Given that many of the causes of the conflict were long-standing, both in their existence and in finding lasting solutions, this may not have been advisable.

Conclusion

The scale of Kenya's post election crisis surprised the world. Few, if any, expected that Kenya would implode into such a violent and widespread conflict over elections. However, as we and many others have observed, Kenya's political settlement was very fragile. The international community's response helped turn the crisis into an opportunity for long term reforms and to shift the existing political settlement—an essential ingredient if conflict-affected countries are to escape cycles of violence. Even though it was not recognised at the time, the international community followed good practice and our research shows that it inadvertently applied the OECD-DAC's Principles for Engagement in Fragile States. Our research points to two other important principles emerging from this case study: a unified and legitimate response. These principles should be useful to others working on a political settlement in a fragile state.

Firstly, the international community quickly revised its understanding of the Kenyan context, shocked into this by the crisis. Although the research found that the international community lacked a full understanding of the context before the crisis and had a weak and inaccurate joint analysis, the response demonstrated a clear understanding of the root causes by the mediation team and by the international community. Most organisations quickly updated and, in some cases, shared their analyses.

Secondly, the international community approached the crisis with a unity of purpose and a highly legitimate response. It adopted a strong stance of support for the AU-led mediation and deferred to Kofi Annan's leadership. Collectively, it developed an unwaver-

ing position of 'no business as usual' and was prepared to embrace a more politically-risky strategy than in the past, publicly halting some joint donor development programmes.

Thirdly, the international community used its existing donor and diplomatic coordination mechanisms very effectively to respond to the crisis, enabling it to collectively pressure for agreed reforms and to support the new constitution. Collaboration between political and development agencies proved critical. The UNDP MDTF represented an efficient and practical coordination mechanism of support to the mediation process and associated commissions: all donors were able to pay into the fund rapidly and with ease.

Fourthly, the international community acted quickly to prioritise conflict prevention, mobilising support and funding behind the best mediation solution whilst keeping pressure on for rapid conclusions to the enquiry commissions. The mediation team was able to ensure long-term engagement through the Agenda 4 process, keeping a representative in place and providing regular monitoring. The international community was also able to build on that process, at least until early 2010, by maintaining pressure on negotiating parties to deal with the long-term causes of the conflict.

Lastly, the research found that the international community did focus strongly on statebuilding for at least two years post-crisis, listening to Kenyan voices and its own contextual analysis. However, the decision to pursue technical development programmes and reduce the focus on political reforms may not have been correct, given the deeply-rooted issues in Kenya's political economy that caused the last crisis. This suggests the need for persistent engagement by the international community in long-term structural statebuilding issues if we are to begin to address the deep-rooted causes of conflicts that make political settlements fragile. Continued engagement in statebuilding issues after every election would establish a strong foundation for sustainable peace and democratic governance.

Notes

¹ The mediation agreement recognised that poverty, inequitable distribution of resources and perceptions of historical injustices and exclusion on the part of segments of the Kenyan society constituted the underlying causes of the crisis.

² Before the violence, there had been several unsuccessful attempts to make a new constitution and this was therefore an important success.

³ The Paris Declaration on Aid effectiveness (2005) lays out the practical strategies for improving the quality and impact of aid while the Accra Agenda for Action (2008) seeks to deepen and accelerate the implementation of the Declaration.

⁴ In the thirteen countries under review, international engagement was partially or fully off-track for eight out of ten of the Fragile State Principles.

⁵ Early examples include: the Swedish International Development Agency's (SIDA) work on *Power Analysis*, developed to better understand the informal political landscapes, including rules and structures of the countries within which SIDA works (ODI Website); DFID's Drivers of Change programme; the Dutch Foreign Ministry's Strategic Governance and Corruption Assessment (SGCA). Other examples of political economy based frameworks include the World Bank's (2007) 'Tools for Institutional, Political and Social Analysis of Policy Reform'; DFID's (2009) 'Political Economy Analysis How To Note'; Fritz, Kaiser and Levy's (2009) 'Problem Driven Governance and Political Economy Analysis'. Poole's (2011) 'Political Economy Assessments at Sector and Project Levels'. DFID has also produced numerous policy and practice papers which place the issues of informality, power and politics at the very forefront of their thinking including DFID (2010) 'Building Peaceful States and Societies'; DFID (2010) 'What Really Works? Lessons from 10 Years of Research on Governance

and Fragile States'; DFID (2010) 'The Politics of Poverty'.

⁶ Interview with Director of Kenya Human Rights Commission, Nairobi, 23 May 2011.

⁷ Interview with Senior Peace and Development Officer, Donor Agency, Nairobi, 12 May 2011.

⁸ African Peer Review Mechanism (2006) Country Review Report of the Republic of Kenya.

⁹ Interview with Governance Adviser, Donor Agency, Nairobi, 10 May 2011.

¹⁰ Interview with Deputy Head, Donor Agency, Nairobi, 25 May 2011.

¹¹ Interview with Ambassador of Diplomatic Mission, Nairobi, 23 June 2011.

¹² Interview with Former Permanent Secretary and Prominent Kenyan Civil Society Leader and Political Activist, Nairobi, 23 May 2011.

¹³ Interview with Executive Director, Leading Civil Society Organisation, Nairobi, 20 May 2011.

¹⁴ Interview with Executive Director, Leading Civil Society Organisation, Nairobi, 20 May 2011.

¹⁵ Interview with Kenyan Journalist, Nairobi, 10 May 2011.

¹⁶ Interview with Officer, African Union Panel of Eminent Personalities, Nairobi, 24 May 2011.

¹⁷ Interview with Conflict Adviser, Donor Agency, Nairobi, 13 May 2011.

¹⁸ Interview with Kenyan Journalist, Nairobi, 10 May 2011.

¹⁹ Interview with Executive Director, Leading Anti-Corruption Civil Society Organisation, Nairobi, 18 May 2011; Interview with Senior Peace and Development Officer, Donor Agency, Nairobi, 12 May 2011.

²⁰ Interview with Kenyan Journalist, Nairobi, 10 May 2011; Interview with Deputy Chairperson, Committee of Experts on Constitutional Review, Nairobi, 19 May 2011.

²¹ Interview with Ambassador of Diplomatic Mission, Nairobi, 17 May 2011.

²² Interview with Governance Adviser, Donor Agency, Nairobi, 18 May 2011.

- 23 Interview with Ambassador of Diplomatic Mission, Nairobi, 23 June 2011.
- 24 Interview with Reporter, Journalist and Filmmaker, Nairobi, 26 May 2011.
- 25 Interview with Officer, African Union Panel of Eminent Personalities, Nairobi, 24 May 2011.
- 26 Interview with Programme Analyst, Democratic Governance Unit, Donor Agency, Nairobi, 19 May 2011; Interview with Political Adviser, Diplomatic Mission, Nairobi, 13 May 2011.
- 27 Interview with Country Director for the East Africa Region, Multilateral Organisation, Nairobi, 22 June 2011; Interview with Deputy Head, Donor Agency, Nairobi, 25 May 2011.
- 28 The DGDG is composed of the governance technical leads in those bilateral, multilateral and international non-governmental organisations present in Kenya and its principal remit is to ensure constant policy dialogue on strategic sectoral issues.
- 29 Interview with Programme Analyst, Democratic Governance Unit, Donor Agency, Nairobi, 19 May 2011; Interview with Governance Adviser, Donor Agency, Nairobi, 18 May 2011.
- 30 Interview with Team Leader, Democratic Governance Team, Donor Agency, Nairobi, 21 May 2011. The DGDG met for instance with Concerned Citizens for Peace, a domestic group comprising Kenyans with experience in peace building.
- 31 Interview with Governance Adviser, Donor Agency, Nairobi, 18 May 2011.
- 32 Interview with Senior Lecturer in Africa and the Politics of Development, University of Leeds, Nairobi, 20 April 2011.
- 33 Interview with Political Adviser, Diplomatic Mission, Nairobi, 13 May 2011; Interview with Conflict Adviser, Donor Agency, Nairobi, 13 May 2011.
- 34 Interview with Political Adviser, Diplomatic Mission, Nairobi, 13 May 2011; Interview with Conflict Adviser, Donor Agency, Nairobi, 13 May 2011.
- 35 Interview with Conflict Adviser, Donor Agency, Nairobi, 13 May 2011; Interview with Senior Peace and Development Officer, Donor Agency, Nairobi, 12 May 2011.
- 36 Interview with Ambassador of Diplomatic Mission, Nairobi, 17 May 2011; Interview with Conflict Adviser, Donor Agency, 13 May 2011.
- 37 Interview with Senior Peace and Development Officer, Donor Agency, Nairobi, 12 May 2011.
- 38 Interview with Ambassador of Diplomatic Mission, Nairobi, 17 May 2011; Interview with Senior Peace and Development Officer, Donor Agency, Nairobi, 12 May 2011.
- 39 Interview with Ambassador of Diplomatic Mission, Nairobi, 17 May 2011; Interview with Senior Peace and Development Officer, Donor Agency, Nairobi, 12 May 2011.
- 40 Interview with Country Director for the East Africa Region, Multilateral Organisation, Nairobi, 22 June 2011.
- 41 Interview with Senior Staff Member, African Union Panel of Eminent Personalities, Nairobi, 24 May 2011; Interview with Former Permanent Secretary and Prominent Kenyan Civil Society Leader and Political Activist, Nairobi, 23 May 2011.
- 42 Interview with Political Adviser, Diplomatic Mission, Nairobi, 13 May 2011. Interview with Ambassador of Diplomatic Mission, Nairobi, 17 May 2011.
- 43 Interview with Executive Director, Leading Civil Society Organisation, Nairobi, 20 May 2011; Interview with Kenyan Journalist, Nairobi, 2 May 2011.
- 44 Interview with Senior Staff Member, African Union Panel of Eminent Personalities, Nairobi, 24 May 2011.
- 45 Interview with Political Advisor, Diplomatic Mission, Nairobi, 13 May 2011.
- 46 Interview with Ambassador of Diplomatic Mission, Nairobi, 23 June 2011.
- 47 Interview with Officer, African Union Panel of Eminent Personalities, Nairobi, 24 May 2011.
- 48 Interview with Former Permanent Secretary and Prominent Kenyan Civil Society

Leader and Political Activist, Nairobi, 23 May 2011.

- ⁴⁹ Interview with Former Permanent Secretary and Prominent Kenyan Civil Society Leader and Political Activist, Nairobi, 23 May 2011.
- ⁵⁰ Interview with Ambassador of Diplomatic Mission, Nairobi, 17 May 2011.
- ⁵¹ Interview with Ambassador of Diplomatic Mission, Nairobi, 17 May 2011.
- ⁵² Interview with Senior Peace and Development Officer, Donor Agency, 12 May 2011.
- ⁵³ Interview with Officer, African Union Panel of Eminent Personalities, Nairobi, 24 May 2011.
- ⁵⁴ Interview with Kenyan Academic, Nairobi, 20 May 2011.
- ⁵⁵ Interview with Deputy Chairperson, Committee of Experts on Constitutional Review, Nairobi, 19 May 2011.
- ⁵⁶ Interview with Team Leader, Democratic Governance Team, Donor Agency, 21 May 2011.
- ⁵⁷ Interview with Governance Adviser, Donor Agency, Nairobi, 10 May 2011. One donor representative who was familiar with the matrix noted that it comprised a list of *all* challenges facing Kenya.
- ⁵⁸ Interview with Former Permanent Secretary and Prominent Kenyan Civil Society Leader and Political Activist, Nairobi, 23 May 2011.
- ⁵⁹ Interview with Senior Lecturer in Africa and the Politics of Development, University of Leeds, Nairobi, 20 April 2011.
- ⁶⁰ Interview with Ambassador of Diplomatic Mission, Nairobi, 23 June 2011.
- ⁶¹ Interview with Ambassador of Diplomatic Mission, Nairobi, 23 June 2011.
- ⁶² Interview with Former Permanent Secretary and Prominent Kenyan Civil Society Leader and Political Activist, Nairobi, 23 May 2011.
- ⁶³ Interview with Managing Director, Leading Civil Society Organisation, Nairobi, 12 May 2012.
- ⁶⁴ Interview with Managing Director, Leading Civil Society Organisation, Nairobi, 12 May 2012.

- ⁶⁵ Interview with Adviser, Kenyan Human Rights Civil Society Organisation, Nairobi, 23 May 2012.

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