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POLITICAL DECISION MAKING DURING CRISIS AND THEIR LINK TO CONFLICTS IN YOUNG DEMOCRACIES

A CASE OF SAMUEL KIVUITU AND JUSTIN MUTURI IN KENYA

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Abstract

This study underscores the value and eminence of political decision making in state based bureaucratic environments and links them to solving or spurring conflicts. More interestingly in this study, is the marked differences that surround political decision making during crisis in young democracies. The study undertakes to answer why fragility encircles these democracies and why they are prone to conflicts. In a specific look at some two cases in Kenya; Samuel Kivuitu Electoral Decision in 2007 and Justin Muturi Parliamentary Legislation on security bill Decision in 2014, the authors while adopting a qualitative thematic approach, explores what is contained in the scholarly world about the subject in question. The objectives which are addressed throughout this study include; assessing the political decision making during crisis, examining the link between political decision making to conflicts in young democracies, comparing the Samuel Kivuitu Kenyan Electoral making in 2007 to Justin Muturi Parliamentary Legislation Decision making in 2014 and their link to conflicts, and finally, highlighting any possible solutions. Study finds that political decision making has numerous challenges and more so during crisis. Such decisions are normally the duty of political players whether in young or developed democracies. Possibility of conflicts surround decisions with high interests thus need for good leadership by individuals, institutions, and governments.

Key words: Political Decisions, Decision Making, Young Democracies, Conflicts, Kenya

INTRODUCTION

Decision making process is one very important managerial and administrative duty in organizations that define success or failure. Decision making is a daily and process- driven activity within the different levels of management and administration; operational level, tactical level, and strategic level (where management pyramid is divided into three layers). These activities imperative, cross-cuts both politico-socio-economic spheres, corporate and sole enterprises, and administrative – managerial spheres of organizations.

Whereas non-political decision making may have serious effects proliferating into other spheres of societal life, the political decision making have loud-touchy effects characteristics because of their nature to affect in an umbrellic pattern diverse sectors of a nation/state. This makes this study topic an issue worth interrogating as opposed to sporadic non-political decision making.

Study Background

As earlier on discussed above, decision making takes the same root in almost all organizations except what differentiates them to being political is their relationship with the society. In this case the bigger territorial view that forms a sovereign state. This is so because ultimately it defines its impact.

Decision making in organizations are made by persons; they are a cooperative venture. One person seldom decides questions which are subject to public scrutiny (Basu, 2000). Basu puts it right that matters of public interest which consequently are political cannot be entrusted to individual or to widen it further, be left purely as a domain of some classes.

Hudson, (1957) reinforces this by stating that decision making in government is a plural activity. One individual may pronounce the decision, but many contribute to the process of reaching the decision. It is part of a political system. While taking decisions, administrator (the in charge) would do well to acquaint himself with the necessary precedents bearing on the question and attempt to anticipate future conditions and events and the effects of his decision on them. From Hudson's assertions on governmental decisions, four things come out clearly; their plurality, their process based nature, their attachment to political system, and their likelihood of precedent to solve or escalate problems (effects).

Decision making has many tenets. Why make decisions? The types of decisions/models of decision, the time frame within which they are made, who makes the decision, the process used, and it's ultimate short and long term effects are essential considerations for any better results. Political decision making must consider institutions for such deliberations, available systems, the constitutional frameworks and structures to perpetuate them. One may ask

whether non-peaceful political decisions can mitigate conflicts. Another way to put this can be; are political decision makings in and out of crisis different in any way as far as their linkage to conflicts are concerned? It can be however construed that political decision making is a conflict laden environment therefore a conflict prone process but whose magnitude can be shaped. For readers, it is the writers' submission that it is the magnitude of conflict which can be altered. The question of linkage to conflict is a foregone conclusion.

In political play, there is a tendency of other players wanting to over-ride their counterparts for own sake or at times with the society in mind. Manley (1990) defines politics as the business of power, its acquisition and its use. According to an old definition of politics by Laswell (1936), it is who gets what, where, and how A dissection into the definition of politics by the two scholars sets one denominator right. Politics is about power. This is obtainable in decision making through power acquisition as in elections and much more through legislations. Before later on contrasting the Kivuitu and Muturi decisions, it is necessary to have this background in mind. The two pieces of definitions show no sense of moral value in power acquisition and thus becoming vague about it. However, Laswell's ends with the individual/some elite group without a ray of the governed. Power can be obtained in wealth/resource ownership, control of instruments of security, having overwhelming demographic following, and in democratic environments using majoritarian strength to manipulate legislations in favour of a regime. I can point out that it is the parlance of favourable decision making that entices the practice of politics.

What makes political decision making a serious matter of study would probably be how it affects societies. In most cases due to political decision making, even democracies (power of majority) degenerate to minority and then from minority to tyranny an equivalent of despotism which is implicitly a rule by one individual. Philosophers through ages have viewed the society as political organizations. When Marx viewed society as comprising of classes and their struggle to bring change and development, it is implied there is dominance. The instrument of dominance in the contemporary is skewed decision making. At the international arena it exists through diplomatic invisibility by one state over others.

Decision making basis may involve the following (Hudson, 1957); a rational, deliberate, emotional, impulsive, or habitual approaches. Common bases used in arriving at decisions include intuition, facts, experience, and authority. These must bear other factors such as legal limitations, facts, and history. According to Basu (2000), decision process should cohere with process of action. It must be principle guided. Herbert Simon believed that decisions were made at every level within an organization containing varying degrees of factual (administrative, pertaining to means) and value (policy, pertaining to objectives).

Simon's emphasis was on correct decisions as well as right ways leading to correct decisions. The two as being inseparable. Though he opted against optional rational choice for bounded rationality (i.e. a satisfactory model) and noted that people accept what is good enough and satisfying.

The question of addressing political decision making by large also attaches itself to leadership. Herbert Simon (in Basu) notes, "The overwhelming significance of the problems of leadership has mounted with the revolutionary growth of such factors of size, complexity, specialization, technical development, and social demands." To the authors, the kin issues of complexity and social demands are related to political questions, and thus stresses the need for exercise of leadership in decision making process.

Barnard (1938) posit that leadership refers to the quality of the behavior of individuals, whereby they guide people of their activities in organized effort. It is debatable whether the lack of this amounts to leadership and ultimately good decision making. In his view, Miller (1992) opine the essential circumstances of leadership are political and institutional. Political refers to need of being responsive to external political direction and control. Institutional conditions on the other hand refer to responsiveness to requirements of internal operations.

For Barnard much is given to leaders and much is expected. Leadership is the factor of chief significance in human cooperation (Novicevic, et al., 2009). While cooperation is the creative process, leadership is the "indispensable fulminator of its forces" (Barnard, 1938). Leadership then involves the guidance of conduct of others and it requires "wide imaginations and understanding" (Barnard, 1945). Indeed, leaders need to be more effective than others both in conveying meanings and intentions (Barnard, 1948). Barnard (1948) describes the nature of leadership, stating that: It is in the nature of a leader's work that he should be a realist and should recognize the need for action, even when the outcome cannot be foreseen, but also that he should be idealist and in the broadest sense pursue goals some of which can only be attained in a succeeding generation of leaders.

Statement of the Problem

Embedded in this study is the tendency of political decisions in young democracies yielding to conflicts. Political decision making during crisis in young democracies seemed to be filled with fragility that easily pushes these democracies to be prone to conflicts. What is wrong with decisions under crisis moment? Are some crisis moments justified or enhanced?

The Kenyan 2007 Electoral Decision making process easily translated itself into a protracted ethnic conflict under Samuel Kivuitu's pronouncement in the wake of no clear winner and the crisis here was portrayed by the circumstances where the electoral outcome was

decided where no opposing view was to be given room as the Chairman of electoral body was surrounded by security agencies. In the Justin Muturi Parliamentary Legislation Decision on Security bill 2014 there was no open conflict ensuing outside Parliament but the scenario was the similar to Kivuitu's to the extent that despite the anarchy in Parliament, with no dialogue environment, the Speaker surrounded by Sergeant-at arms could not wait for restoration of sanity before pronouncement of the Ayes have it despite the physical exchanges among honourable members in the chambers which displayed conflict. It might be logical to think that such scenarios can quickly extend to the voting populace outside the assembly as hidden conflicts.

METHODOLOGY

This study adopted a qualitative thematic approach and exploratory literature adoption method of what is contained in the scholarly world about the subject in question. In its review, the content analysis has been used to generate the body of thoughts compiled.

Political Decision Making Under Crisis in Young Democracies: Kenya

A view at political decision making in some states in Africa reveal that either they are individual interest based or group interest based on behalf of many. Whichever the case, they reflect lines of cohesion or conflict. These decisions have demonstrated serious ills capable of arising out of regimes and institutions of government directly or indirectly. Whereas Samuel Kivuitu and Justin Muturi have been used majorly in building up arguments in the main theme of the paper, and whereas they display decision makings which are paralysed by open opposition, there are a lot more political decisions made behind curtains in state houses, in offices of government by executives, in false negotiation forums, in military camps, and even at ethnic barazas(assemblies) that are highly political that lead to grave consequences to society's fabrics.

For instance, the inter-regional war provoked by the invasion of the Democratic Republic of the Congo by Rwanda and Uganda in 1998 led to the death of 4 million people. The 20-year conflict in Sudan left more than two million people dead by 2005. More than 400,000 Sudanese poured into official refugee camps and an equal number of unregistered refugees scattered to Sudan's neighbouring countries (Library of Congress, Federal Research Division — Sudan) is a representation of political decision making. Justified as a search for dissidents the repurcussions remain to be terrible loss.

Ethnicity by all means is what forms nations and states. On the other hand ethnicization (connotating negative aspect) can be enhanced by regimes as well it can be abased or rightly directed. Among few countries which have tried successfully on this is Tanzania because of the

unpopular Nyerere-ujamaa which continues to make it triumph despite low comparative economic strength. Manikas and Krishna, (1997) note disastrous nature of political decisions as, the ethnic conflicts between Hutu and Tutsi in Rwanda in 1994 alone claimed the lives of from 500,000 to one million people and drove up to two million people into neighbouring countries.

The ensuing effects as observed by Newbury and Hannah (2001) is the more than one million Rwandans were displaced within their own country. Women were targeted for sexual abuse and massacre. As one report noted, "All Tutsi women were targeted, simply because they were Tutsi, and large numbers were killed, often after having been subjected to sexual violence and torture. Educated, elite women were attacked by marauding militia gangs regardless of their ethnicity." The war led to the total breakdown of public institutions, increased the level of poverty, caused the collapse of health-care and education systems, and destroyed basic infrastructure.

It is important to point the polarization that political decision making usually cause through ethnicization because this aspect and inequality move hand in hand for many young democracies. They are ever together as determinants and methods of political decisions that is why they are made and also taking the form of how they are made.

As a result of political decisions in Africa, the decade-long war in Sierra Leone was marked by widespread humanrights abuses, the collapse of the central government, and destruction of public capacity to provide any services or protection for its people. During the war, more than two million people were forced to flee their homes. Many crowded into displaced person camps around Freetown or dangerous holding camps along the volatile Guinean-Liberian border(UN, 2007).

Such decisions breed myriad consequences; human rights abuses, destructions and breakages in public utilities, millions of deaths (loss of human capital), massive human displacements, and enhanced poverty cycles. These cases have been visible in Rwanda, Sudan, Sierra-Leone, East Timore, e.t.c. Alfonso and Ruairi (2006) The 20-year civil war in East Timor and its occupation by Indonesianforces beginning in 1975 resulted in the death of 200,000 East Timorese (one quarter of the population) who were either killed in conflicts or terrorist activities or died from starvation and disease.

The resultant effect of political decision; cohesion or conflict may be a new phenomenon, or it can as well arise unexpectedly, or even drawing from a prior historical pattern inherent in a society's normal play of politics.

In making emphasis to the case studies chosen, the authors makes special focus on the Samuel Kivuitu electoral decision because of the ramifications that followed it in Kenya's politics. On the other hand, the Justin Muturi legislative decision making is a post- Kivuitu

(decision making) thus having a number of lessons to borrow from the former. The latter's propensity to conflict cannot be trivialized in the circumstances that encircle Kenya's politics. Why? A constant underlying issue in Kivuitu's electoral decision consequences which is common even with the Muturi parliamentary decision making is ethnic polarization and dominance and big political divide among political representation whose handling if cheapened has the capacity of pulling the same dormant conflict trigger in Kenya's politics. This thin link of political decision making to conflict is what normally paralyzes Kenya. In Kenya, the bush method, military coups, and Al shaabab attacks may break pieces of cohesion but may not tear the country as fast as polarized political decision making can do.

Conflict according to Webb (1986) is endemic in society. The incompatibilities of goals/ interests/ attitudes/ actions of two parties is what makes conflict a reality. To Arusei (2014), it is a struggle or contest of opposites in terms of needs, ideas, beliefs, values, and goals. To me, conflict is a broken communication. An effective communication makes both the sender and listener have a similar sense of thought thus unites the parties. Shale (2006) notes that the likelihood of conflict escalation depends on the way the parties react in response to others. Among dynamics of conflict is the component 'identity dynamics' which itself is conflict. In his view, (Northrup, 1997) defines it as the tendency for human beings, individually and in groups, to establish, maintain, and protect a sense of self-meaning and purpose. ...it provokes changes toward escalation and rigidification of conflict.

Generally, violent conflicts emanating from political decisions undermine and weaken governance capacity. This is more synonymous with countries recovering from some past immediate conflicts (normally referred to as post- conflict states). The political decision case where Kivuitu presided the pronouncement that tattered Kenya was an extension of mono-ethnic dominance from the executive by use of powers that imperial presidency domesticated under the 'independence constitution'. This is very common with young democracies across Africa.

Such conflicts debase a society yet they begin from dutiful inconsiderate decisions. When conflicts cease in such environments as was witnessed in Kenya and Sierra Leone, peace could be sustained only by providing a new constitutional foundation and normally accompanied by a new system of governance causing countries to re-start afresh with much consciousness developed where hard lessons are not learnt.

Crisis situations according to this article are an occurrence at a point when a state is experiencing certain upheaval challenges that its systemic architects doesn't seem to fix. Additionally, it portrays an existence of a big divide within the political class that is potentially capable of tearing the country apart through conflict.

The International Crisis Group found that in 2006 about 70 countries had some form of internal conflict, ranging from overt civil war and insurgency to regional conflicts or violent opposition to governments by political factions, secular or ethnic minorities, or other disaffected groups.

It is not good enough to be in crisis or near crisis since the aftermath is filled with fluidity that end up having even much interference of other global players against a particular states wish. UN (2007) suggest that the most important tasks facing countries in crisis or recovering from recent hostilities are restoring effective governance and building public trust in government. Without effective governance institutions — an effective government, a strong private sector, and a vital civil society — little can be done to bring about peace, reconstruct war-torn countries, and stabilize political, economic, and social conditions. Those groups dissatisfied with governance or lacking trust in government are unlikely to end on-going hostilities or to join together in a united effort to rebuild peaceful societies.

Well aware of the prevailing confusion surrounding the concept of crisis and crisis management,...in academia, as well as in government practice, the notion of a crisis has traditionally been used in the field of international security; the threat of war or conflict has been the main criterion for defining a crisis (Snyder and Diesing,1977; Lebow, 1981; Brecher, 1993). A situation of threat here is a situation of uncertainties. It is a situation whose controlling variables are hard to manage thus undeterministic.

Contemporary crises illustrate that modern governance is more than a political and administrative provision of effective public service. We live in a world of increasing complexity, connectedness and contingency. Governments are forced to recognize the limits of conventional planning, law making, and top-down modes of governing societies. Despite their increased technological capabilities in monitoring and controlling social behavior, governments are confronted by more and more surprises and threats at the local, national and transnational levels (Beck, 1992). This new realities have made governments operate like corporate organizations without losing their being in charge; involve much stakeholders as possible in planning, legislation, and avoiding authoritarian tendencies common with bipolar regimes.

In the 90s Buzan and Weaver of the Copenhagen School complemented the traditional military-focused definition of a crisis sothat it included other types of threats and risks, which challenge modern society (Buzan,1991; Buzan et al., 1998; Eriksson, 2001). These challenges occur at different levels and indifferent sectors of society: for example, disruptions in technical systems, terrorism, and riots (Rosenthal and P 'tHart, 1991).

Some crises can be prevented, but others will continue to occur and to surprise despite good preparedness (Rosenthal et al., 2001). A government's capability to deal with the unexpected, adversity and crises is and will continue to be essential for the political survival of a system.

A holistic definition of crisis that encompasses the above is given by Sundelius and others to mean that a situation is a crisis when it is *perceived* by central decision makers that *basic values are threatened*, there is *limited time available* and there is a considerable degree of *uncertainty* (Sundelius et al., 1997:13; Stern, 1999:8; Rosenthal et al., 2001; Stern and Sundelius, 2002).

The implication of young democracies refers to states whose existence and politics are shrouded with fragilities and whose internal political dynamics are never deterministic. Policies are made and remade and changed with specific individual's / group interest in mind where the national interests and good are construed to be exactly a derivative of these subsets.

Samuel Kivuitu Decision Making

The Samuel Kivuitu electoral decision making relates to an institution of commissioning national leadership at different levels. In this case an Electoral Management Body (EMB). It raises questions to determinants of political decision making; is it individual, ecological, process based, institutional, or systemic? In political domain, there is no specific determinant to decision making. The available options are applied on the basis of need. The character of the individual is important in shaping decisions however at some moments with risks that follow it. The environment, institution, and systems often shape these decisions. It is better to cognizant to the fact that a system such as an EMB is a sub system to government however much it be independent. Its independence can be bolstered by the character of the individual that leads it.

The Kivuitu approach reminisces a decision making process which is chaotic and anarchical that automatically confirms why the result was countrywide conflict. It was political decision making because it involved political players in election matters. Others directly while others indirectly. It exhibited the misuse of the professional class by the political class in concerns of leadership choice process.

According to Sjögren and Karlsson (2008) the announcement by Kivuitu was made in disregard of objections raised by the main opposition party, the Orange Democratic Movement (ODM), to the figures announced. ODM claimed to be in possession of the genuine results, which in their view would prove that ECK had, in a number of constituencies, grossly manipulated the process by adding tens of thousands of votes to Kibaki's numbers, to the total effect that the outcome of the presidential election was fraudulently tilted in Kibaki's favour.

This source further underscores that this decision (announcement despite prevailing circumstances) was done while MwaiKibaki, in the company of only the Chief Commissioner of Police, the Chief Justice and a handful of loyal politicians and friends waiting in the State House compound, was hurriedly sworn in as the President of the Republic of Kenya. The swearing in ceremony took place only 20 minutes after Samuel Kivuitu, the Chairperson of the Electoral Commission of Kenya (ECK), had announced Kibaki as the winner of the 27 December Presidential election. Bengali observes shadows of doubt fell over the ECK's handling of the elections when electoral commissioners, including Chairman Samuel Kivuitu, announced contradictory or incomplete results from some areas, and blamed the delay of results on local officials who could not be reached (Long, 2008). Kivuitui's decision was confirmed by his admission. Pflanz and Kevin (2008), the head of Kenya's electoral commission admitted he had been pressurised into declaring an early result, despite calls for an investigation into suspected poll irregularities. His comments fuelled widespread allegations last week's presidential election was rigged in favour of President MwaiKibaki.

Some of the blunders in political decision making is usually wished to be transferred to another institution hoping it rectifies the earlier mistakes. Nation Reporter (2009) captures Kivuitu statements as follows; In Limuru, a returning officer brought the results to Kenyatta International Conference Centre before disappearing and ignoring phone calls, he said, adding "the case was the same in many other places." In Molo, the results were changed three times and Juja (twice), he said and named Kieni as another affected area where the presidential tally was changed upwards. "When I saw the difference I said I will get the explanation from the returning officers to know whether the elections were free and fair," he said, adding that there was nothing much he could do since after announcing the results he became a spectator and that the matters could only be solved in the courts.

The Samuel Kivuitu decision making after effects reveal as (Rummel, 2006) point conflict devastates human life and the societies in countries where it occurs. Often that devastation spills into neighbouring countries as well.

Justin Muturi Decision Making

The Muturi Parliamentary Legislation Decision Making laid open the real political decisions. The underlying question is power. What is power? The concept of power has been evolving for a long time. Power scholars from the early 1960 have studied the various layers of power. Dahl (1961) focused on the coercive influence of power, but as a reaction, some scholars started to search for additional levels or faces of power. Bachrach and Baratz (1962) and Steve Lukes (2005) identified the second face of power, which is agenda setting. Steven Lukes (2005), while

warning about the other dimensions of power also suggested to examine power in a broader way to include powers that are difficult to observe or measure including agenda setting and belief changing outcomes. Lukes (2005) distinguishes a third face of power, namely the preference setting and belief shaping influences. As Bachrach and Baratz (1962) examined the influential face of national power in targeted communities, they began to focus on previously unmeasurable variables, which are so often ignored by power literature. Even though both Lukes (1972, 2005) and Bachrach and Baratz (1962) studied domestic national power. In our view, many young democracies power in essence is coercive at all costs. The dimension of agenda setting and changing beliefs to change outcomes is a rare component of power practice.

The understanding that power is the normal business of governments and is involved in their processes highlight why the manner in which political decision making can be a culmination to cohesion or conflict. The short term objective vis a' vis the long term must be weighed, and even societal ruling class interests and their effects to the country's well being checked. This is where the opposition, citizens, and the fourth estate play a role of checking exercise of much power to the disadvantage of the society. As an arbiter, the judiciary is expected also to go between with impartiality in instances where the executive and legislature (opposition is considered to be part of the legislature) are not cohesive about a national issue.

The EC parliament has had certain political decisions which are remotely similar to the Justin Muturi inconsiderate approach. Can Kenya justify and exonerate Muturi on the action he took as fitting the circumstances he was in? Throughout the years 2013 and 2014 the country has faced serious insecurity. Has it been a lack of security legislation? Does a nationally important piece of legislation as the one presided by Muturi would have needed the input of Kenyans?

Article from the European Parliament (2012) observes the limited participation of the EP in the adoption of anti-crisis measures is often justified by MS (Member State) as a means to ensure legislation can enter into force quickly, with differences between Parliament and Council slowing agreement. Was the Kenyan case a matter requiring the much agency complained by stakeholders if barking legislations were missing? The answer to this lies in the motive of the legislation and the manner of its passing into law. The European states in the report agree that this minimal participation of the EP in anti-crisis decision-making is a major shortcoming in the democratic legitimacy of European economic governance.

Decision making in crisis situations depends much on the leadership given as opposed to the environment it is made. Thus the leadership shapes the consequences. European Council has gained prominence in anti-crisis decision-making. This prominent role is seen by

many as a consequence of the crisis, by nature, requiring political leadership rather than a technocratic approach (Maduro, 2012). As Poiares, De Witte, and Kumm(2012) notes, these shortcomings in the democratic legitimacy of crisis-resolution measures are considered to lead to a lack of efficiency. An analysis into such inefficiencies for nationally important policies is what casts doubt into their beyond the parliament effects either to the citizens or to other institutions and organizations involved in governance indirectly.

Similarities and Dissimilarities

The Samuel Kivuitu electoral decision making in general has some similarities to Justin Muturi parliamentary legislation decisions. One outstanding of these is the environment where these decisions were succumbed, decisions under siege. Kivuitu was a man surrounded by massive elite state house security agencies at KICC to ensure the state house night victory party already organized does not flop. Muturi in the Kenya security bill 2014 witnessed an assembly in anarchy which does not meet business threshold. The Speaker himself cordoned by the house security in a parliament with 'double strangers' (elite national security agency and the Hon Senators from Cord) continued to pronounce the Ayes have it.

Secondly, a marked similarity occurred in the manner in which the political class was divided. This is a reflection of exactly how the country (citizens) could be divided. Persuasive voices requesting the session be postponed for more consultation and participation in Muturi case. In Kivuitu it was similar as the same voices adamantly received no attention despite the ECK Chairman having realized wide infiltrated irregularities in the Presidential results.

A third similarity which links directly to the persona of the presiding officer (the ECK chairman and the Speaker) is the neglect of opportunity to show and exercise leadership for the national glory. In young democracies, leadership of institutions is exercised on behalf of some political patrons and not the nation/state. A bit of fascism attributes can free institution's leadership from constant personality grip.

The dissimilarities however surround, the institutional orientation and the structure undertaking the given political decision making process.

The Linkages of Political Decision Making During Crisis to Conflict

The ability of political decision making to be linked to conflicts traverses centuries, many past and present global regimes. The global arena is full of examples of political decision makings and conflicts starting with World wars I and II to the cold war. It is proper to state that some political decisions leading to turmoil can be avoided especially where past lessons are available

as political precedents for leaders and citizens. For the world wars, including the setting up of the UN have been among the elaborate steps for amelioration.

The consequences of the Kivuitu electoral decision making was a protracted conflict after the 2007 December announcement which was only toned down by the signing of the National Accord between Hon. Mwai Kibaki (later on President) and Hon. Raila Odinga (later on Prime Minister) in the grand coalition government. There is no need of statistically figuring those who died. Their numbers are everywhere in the articles about Kenya's 2007 elections. Similarly the numerous lives lost, properties destroyed, and internally displaced persons of whom some are yet to change from this status 9 years after. The major characteristic for this paper is that the resultant linkage of the Kivuitu decision was an open conflict.

Studies in conflicts show that whether open or hidden, conflicts are much the same. This transposes the discourse to Justin Muturi legislative decision in which the kitchen of Kenya's politics was in open conflict yet the populace is in a coping stage.

The Justin Muturi legislation may cause a re-ask of a question; Is there any relevance of sweeping legislations to creation of infamous political systems (dictatorships or authoritarianism) in Kenya's past regimes? The overwhelming Jomo Kenyatta majimbo constitution deconstruction of 1964 and the after effects and the Moi regimes de jure one party state. Could the Muturi decision lead possibly to another deconstruction of the Kenya's constitution (the 2010 constitution)?

In majoritarian presidentialism in which Kenya is, the opposition is bound to face a lackluster role in terms of policy influence. The moral question to ask is whether in young democracies the voices of minorities are important. There can be a marked difference of what minority is especially where the gap attained by front runners in Presidential race was close as this will cause an existence of a minority with quite an appreciable demographic representation to wish away. Another analysis of the Kenyan scenario is the geographic scope of minority vis a' vis majority in terms of 'the other constituency'— regions, and the ethnic spread. This trajectory opens up a way of thinking that can help limit conflicts at decision making stages.

Those sensing danger in consequences of the legislation attribute in letters to curtail the freedoms of Kenyans ushered in by the 2010 constitution. Nation Team (2014), new security laws undermined human rights, democracy, and Kenya's international obligations. There are sections that appear to limit freedom of assembly and media, and access to asylum for refugees. From this an argument arises about weak constitution and insecurity vis a' vis constitutional mutilation and insecurity. The latter can be sustained by excessive power in the regime while the former can solicit a collaborative and participatory approach in development of constitutional infrastructure and state systemic architect. The traditional securitization believes

in vesting all veto security management and implementation in an organ of state while the belief in non-traditional security understands the vital role of the informal infrastructures to national security strength. It would be true to a greater degree today that not all fabulous technological innovations used by the security sector solely come from their labs. This realization therefore calls for a trust in collaborative security undertaking for national good.

CONCLUSION

Political decision making has numerous challenges indeed and much more during crisis (situations where political interests of senior stakeholders are at their epitome). Political decision is the normal duty of political players and can be good or bad. The skewed political decision makings can be due to;

- Systemic failures,
- Corruption,
- Weakness in opposition,
- Over exerting by the government,
- Executive interests,
- Unclear separation of powers
- Failure of implementing institutions,
- Individual leadership failure
- Lack of inclusivity in public participation

Analysis of the above reasons easily associates them with young democracies. This does not imply that developed democracies do not experience them in totality.

In ideal circumstances, such considerations on political decision making should look at the state good without compromise. In highlighting the word compromise in this article, some issues should be underscored;

- National Interest,
- People's Participation,
- People's Liberties,
- Freedoms,
- International obligations,
- Stability and harmony,

This calls for a proper definition of national good in democratic environment. The ideals of democracy must be given eminence. From the two cases above, Kenya having succumbed to conflict in the Kivuitu decision aftermath, should have a wealth of lessons of what partial,

emotional, and skewed decision making can lead to. Possibility of conflicts surround decisions with high interests as political play may create. Both latent and open conflict scenarios are one and the same. Leadership whether in individual institutions and government should have a focus beyond their petty pleasing appointing authorities, belongingness to some fluid majority political side, and 'next term' - politics.

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