



DEVOLUTION AND ELECTORAL VIOLENCE: HAS KENYA'S COUNTY SYSTEM CREATED NEW ARENAS FOR THE ORGANIZATION OF ELECTION-RELATED CONFLICT?

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Earlier this year, political tensions escalated in Kenya, as opposition leaders organized protests calling for the dissolution of the Independent Electoral and Boundaries Commission (IEBC), the body that is tasked with conducting and overseeing referendums and elections in the country. To some, the violence—which included police crackdowns on protesters—suggested that Kenya could be entering yet another conflict-ridden election season (http://www.nytimes.com/2016/06/07/world/africa/kenyas-collective-uh-oh-another-election-is-coming.html?_r=0), especially since 44 percent of the voting population was found to have low faith in the IEBC (<http://www.nation.co.ke/news/Survey-shows-low-support-for-IEBC-and-Cord-demos/-/1056/3204960/-/ljqsgqz/-/index.html>). Fortunately, in mid-June, the opposition announced an indefinite suspension to the protests (<https://citizentv.co.ke/news/cord-announces-indefinite-suspension-of-all-anti-iebc-protests-130858/>), and stated that “significant progress” had been made to resolve the issues that surround the institution.

Kenya’s next general elections are scheduled to be held on August 8, 2017, at which time it is estimated that approximately 22 million voters will cast their votes (<http://www.nation.co.ke/news/politics/IEBC-announces-2017-election-date/1064-2991496-135u1j1z/index.html>) for the President, members of the National Assembly and Senate, and county governors and representatives. Since the restoration of multiparty competition in the country, electoral violence has typically accompanied presidential contests. Between 2012-2013, however, conflict broke out in association with a number of county-level elections (https://www.hrw.org/sites/default/files/reports/kenya0414_ForUpload.pdf). Many in Kenya viewed these events as discouraging because, under the country’s 2010 constitution, county-level offices and assemblies had been created, in part, to “dilute the winner-take-all nature of presidential contests and decrease violence.”

Recent scholarship on the consequences of devolution in Kenya have found that at least in 2013, the creation of county-level positions had done little to reduce rent-seeking and patronage. One study (<http://afraf.oxfordjournals.org/content/115/459/246.full.pdf+html>), for instance, found that the county system had merely given rise to *local-level* expectations that now every ethnic community has a chance to gain access to the state. To put it in terms that are used to describe patronage politics in Kenya, rather than being contingent on the ethnic identity of the president, Kenyans’ ability to “eat” now seems to rest on the results of county-level elections.

My research

(<https://www.dropbox.com/s/mjihfc0z1lps4qx/Constitutional%20Reform%20Electoral%20Violence%20Kenya%20August%202016.pdf?dl=0>) shows that just as devolution did not alter the character of patronage politics in Kenya in 2013, so too, it failed to reduce elites’

incentives for organizing electoral conflict. Existing cross-national studies on the relationship between decentralization and violence have demonstrated that such reforms can increase—rather than decrease—ethnic conflict and secessionism by encouraging the rise of regional parties (<https://books.google.com/books?id=G9b0dbUAYEgC&printsec=frontcover&dq=Peace+By+Design&hl=en&sa=X&ved=0ahUKEwi0s4b0-oPQAhWFiFQKHTZkAmwQ6AEIHjAA#v=onepage&q=Peace%20By%20Design&f=false>). These parties typically advocate for narrow regional policies. In doing so, they sometimes exclude local minorities from participating in their own affairs. As a result, the growth of regional parties has been associated with the exacerbation of violent conflict. But in Kenya, where most parties are formed on the basis of ethno-regional criteria, different mechanisms seem to have been at play.

By combining original disaggregated event data and interviews with politicians and political party leaders, academics, policy experts, police officers, and ethnic and religious elites, my research uncovered that county-level elections are now the “high-stakes” contests in Kenya. This is because the counties receive unconditional grants that they can use for “the development of their own areas.” Originally, the size of these unconditional grants was set at 15 percent of the national revenue but this was met with opposition from county governors who demanded an allocation of at least 45 percent (http://link.springer.com/chapter/10.1057%2F9781137523341_6). For its part, the opposition alliance CORD also began to push for a referendum (<http://www.nation.co.ke/news/politics/Cord-Okoa-Kenya-Referendum-Constitution-Amendment/1064-2609180-824g77z/index.html>) to increase the allocation of unconditional grants to the counties. As a result of these developments, over the last few years, counties have been receiving well over the stipulated 15 percent figure from the national government. In the 2015–2016 fiscal year, for instance, Kenya’s 47 counties received 259 billion shillings (http://www.the-star.co.ke/news/2016/02/02/counties-to-split-sh307-billion-in-2016-17_c1286869) in unconditional grants—more than 30 percent of the national revenue—and this figure is only to be expected to increase in the future. With such large sums of money being unconditionally funneled to the local level in Kenya, county elections now stand out as the key contests for voters to secure their access to the state. As one respondent told me, the county “governor is the closest president that the people [now] have.”

These changed expectations appear to have contributed to several incidents of violence around the 2013 elections. In Tana River county in Kenya’s Coast region for example, the implementation of devolution reforms rendered ethnic cleavages between the agricultural (Pokomo) and pastoral (Orma and Wardei) communities electorally salient. Over two separate waves of violence—from August to September 2012 and from December 2012 to January 2013—more than 180 individuals were killed in the county. When explaining how and why these clashes broke out, interviewees noted that they were “entirely political”: the violence was engineered to “create a...sense of unity among the pastoralist groups” and to prevent the Pokomos (Tana River’s power-holders) from securing county-level offices. Election results from 2013 suggest that these calculations paid off, as all of the county-level positions in Tana River fell to members of the pastoral Orma and Wardei groups.

Electoral violence did not simply precede the 2013 elections. In Marsabit county, the Rendille, Gabra, and Burji (ReGaBu) communities formed an alliance against the majority Borana (<http://africanpeoples.org/2014/01/06/issuues-in-northern-kenya-is-the-government>).

formed an alliance against the majority Borana (<http://africanarguments.org/2014/01/06/insecurity-in-northern-kenya-is-the-government-losing-its-grip-by-nuur-mohamud-sheekh-and-jason-mosley/>) in the run-up to the elections. By doing so, and with the exception of two MP seats, which the Borana managed to secure, the ReGaBu groups won all the political positions from Marsabit including all the county-level offices. These elections were succeeded by a spate of local inter-communal clashes in the area, which lasted from early December 2013 until February 2014, and resulted in the deaths of over twenty individuals. Much like in Tana River, devolution was also found to have generated incentives for inciting violence in Marsabit. The introduction of county offices was understood to have created a “jostling for positions,” due to which “local communities [in Marsabit had to] rearrange themselves to...win the governorship, the senatorship, and so on...”

Since the conclusion of the 2013 elections, the fact that devolution may have simply served to shift the locus of election-related conflict from the national to the local level—rather eliminated the potential for such violence—has been noted in a number of different cases. Late last year in Isiolo county (<http://blog.crisisgroup.org/africa/kenya/2016/04/07/kenya-development-county-governments-and-the-risk-of-2017-election-violence/>), for example, inter-communal clashes broke out between herder and farmer communities. Here too, it was found that the county system had amplified the stakes of winning local offices and thus had given new meaning to pre-existing cleavages between these groups. With regard to next year’s general elections, furthermore, Isiolo has been identified as one of several counties that is at risk of experiencing violence (http://www.the-star.co.ke/news/2016/04/26/video-ncic-identifies-19-counties-at-risk-of-violence-in-2017_c1338824).

In many ways, these findings alert scholars and practitioners that going forward, county-level elections are the contests around which conflict is likely to occur in Kenya. By doing so, they also raise important questions about what could be done to prevent such violence. Reducing the unconditional allocation of funds to Kenyan counties and making more grants conditional in nature could be one possibility. As of now, the main conditional grant available to counties is the Equalization Fund (<http://www.klrc.go.ke/index.php/constitution-of-kenya/147-chapter-twelve-public-finance/part-1-principles-and-framework-of-public-finance/373-204-equalisation-fund>), which can be used “only to provide basic services including water, roads, health facilities, and electricity to marginalized areas.” Moreover, this fund only accounts for 0.5% of the national revenue. Revisiting the distribution and size of unconditional versus conditional grants—and making more funds conditional on maintaining peace in one’s county—could go a long way towards stemming election-related violence in Kenya. Theorizing the likely effects of such a revised system—as well as whether and to what extent it could be achieved in the current political climate—would be a useful direction for researchers and policy experts to pursue in the future.

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