



CONSTITUTION AND REFORM EDUCATION CONSORTIUM

CRECO

BUILDING A CULTURE OF PEACE IN KENYA

BASELINE REPORT ON

CONFLICT-MAPPING AND PROFILES OF 47 COUNTIES IN KENYA

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The views contained herein reflect CRECO own views.

May all of us work towards a peaceful Kenya before, during and after these upcoming elections.

Kawive, Wambua

Executive Secretary – CRECO Secretariat

TABLE OF ABBREVIATIONS / ACRONYMS

CDF	Constituencies' Development Fund
CIPEV	Commission of Inquiry into Post Election Violence
CRA	Commission for Revenue Allocation
CRECO	Constitution and Reform Education Consortium
CSOs	Civil Society Organizations
CSR	Corporate Social Responsibility
DPC	District Peace Committee
ECK	Electoral Commission of Kenya
ELOG	Election Observation Group
FGM	Female Genital Mutilation
FORD	Forum for Restoration of Democracy
FY	Financial Year
GNU	Grand National Unity Party
HIV	Human Immuno- deficiency Virus
ICC	International Criminal Court
ICT	Information Communication Technology
IDPs	Internally Displaced Persons
IEBC	Independent Electoral and Boundaries Commission
IIBRC	Interim Independent Boundaries Review Commission
IIEC	Interim Independent Electoral Commission
IPOA	Independent Policing Oversight Authority
JSC	Judicial Service Commission
KANU	Kenya African National Union
KCC	Kenya Cooperative Creameries
KCPB	Kenya Cereals and Produce Board
KDF	Kenya Defence Forces
KENGEN	Kenya Electricity Generation Company
KPF	Kenya Police Force
KVDA	Kerio Valley Development Authority
LATF	Local Authority Transfer Fund
MDAs	Ministries, Departments and Agencies
MP	Member of Parliament
MRC	Mombasa Republican Council
NARC	National Rainbow Coalition
NCIC	National Cohesion and Integration Commission
NDI	National Democratic Institute
NGOs	Non-Governmental Organizations
NIS	National Intelligence Service
NPS	National Police Service
NPSC	National Police Service Commission
NSC	National Steering Committee on Peace Building and Conflict Management
NSIS	National Security Intelligence Service
ODM	Orange Democratic Movement
PCC	Police Code of Conduct
PEV	Post-Elections Violence
PNU	Party of National Unity
PRIC	Police Reforms Implementation Committee
SSR	Security Sector Reforms
TJRC	Truth, Justice and Reconciliation Commission
URP	United Republican Party
USAID	United States Agency for International Development
VPK	Vision Party of Kenya

ABOUT CRECO

The Constitution and Reform Education Consortium (CRECO) is a coalition of civil society organisations (CSOs) working on democracy, governance, legal and human rights issues. It was founded in 1989 and registered as Charitable Trust. Although, founded by legal and human rights NGOs, CRECO's membership has evolved over the years. Currently the coalition has CSOs working in different sectors but with a common aim of promoting constitutionalism and good governance in Kenya. As at December 2010, CRECO had a total membership of 25 CSOs.

CRECO began its work with country wide civic education targeted at citizens' participation in the process of reviewing Kenya's constitution. The climax of this was in the design and implementation of the National Civic Education Program (NCEP I) in the period 2000-2002. NCEP 1 served as a platform for creating a new cadre of leadership in Kenya. The "Moi Must Go!" campaign, an initiative of the program, was major success. It attributed to the massive triumph of the National Rainbow Coalition (NARC) in the 2002 general elections. The NARC Government came to power with a promise of delivering a new constitution in 100 days. The promise was never fulfilled due to a number of factors including the feeling that the public wasn't adequately consulted and involved in the constitution review process. A draft Constitution presented by the Government was rejected by citizens during the 21st November 2005 Constitutional Referendum.

In the years 2006 – 2007, CRECO was involved in NCEP 2, a follow on program of NCEP I. The purpose of the program was to champion comprehensive governance reforms ahead of the 2007 elections. Through this program, CRECO championed advocacy initiatives aimed at strengthening institutions that would guarantee free and fair elections come 2007. The reforms envisaged were not successful and this culminated in the chaos experienced during the 2007 elections. In the 2007 post-election period, CRECO among other CSOs campaigned for the inclusion of the Agenda 4 reforms in the political negotiations. A key output of this advocacy was that the coalition partners agreed on comprehensive reforms and set up several commissions and timelines for a realisation of the same. Subsequently the Independent Review Commission (IREC), the Commission for the Investigation of the Post-Election Violence (CIPEV) were set up. These commissions emphasized that the country had to have a new constitution to be the basis for comprehensive reforms.

In an effort to ensure that Kenyans got a new people-driven constitution, CRECO mobilised CSOs to create a national platform for advocacy on, and value addition to, the Constitutional Review Process. This initiative, called the "Katiba Sasa" campaign, was carried out for over one year and interfaced with the work of the Committee of Experts (CoE) - a committee that was tasked to harmonise the views of Kenyans on the constitution. During the 2010 referendum period, CRECO with other HIVOS-funded partners, set up and rolled out a national ICT based monitoring platform – Uchaguzi – that monitored the referendum. In another front, CRECO with six other partners in a network called Elections Observation Group (ELOG), carried out a comprehensive e-day observation of the voting process using the PVT methodology.

Approval of the new Constitution in the August 4, 2010 referendum was a key milestone in CRECO's quest for constitutionalism and good governance in Kenya. CRECO envisions "a just society". In its current strategy (2011-2015), CRECO shifts its focus and resources to promote implementation of the new constitution through advocacy, civic engagement, institutional strengthening and partnerships development. The strategic drivers identified in the strategy are Public Sector Management and Human Rights. From these, the organisation has developed three programmes: Civic Engagement, Human rights and Institutional Capacity Development

ABOUT ELOG

Elections Observation Group (ELOG), a consortium of civil society organisations and other stakeholders was established in 2010, to provide a permanent national platform through which citizens can monitor general elections in Kenya and other countries in Africa. The primary mission of ELOG is to promote democratic governance in Kenya and other African countries by ensuring that countries hold regular, transparent, accountable and credible elections. ELOG members include:

- Centre for Governance and Development (CGD);
- Consortium for Empowerment and Development of Marginalized Communities (CEDMAC);
- Constitution and Reform Education Consortium (CRECO);
- Institute for Education in Democracy (IED);
- Supreme Council of Kenya Muslims (SUPKEM);
- Ecumenical Centre for Justice and Peace (ECJP)
- United Disabled Persons of Kenya (UDPK)
- Catholic Justice and Peace Commission (CJPC),
- Youth Agenda (YA)
- Federation of Women Lawyers of Kenya (FIDA).

ELOG Strategy on Thematic Issues Observation

Based on the Vision and Mission as captured in the strategic plan, ELOG has determined that its greatest focus within the plan period will be the 2012/13 General elections. It is around this that all of ELOG's planned objectives and strategies will be organized with the goal to comprehensively monitor and observe the next election in order to strengthen electoral process in Kenya.

The ELOG strategic plan identifies six key result areas. These include Enhancing stakeholders' awareness; Strengthening ELOG Coalition and observation infrastructure; Comprehensive thematic monitoring and observation; E-day observation; Adoption and enhancement of technology based methodologies; and Enhanced regional developments and engagement on election observation and reforms.

Broadly, the objective identified under the key result area on enhanced thematic monitoring and observation is to monitor key thematic issues influencing the conduct of free and fair elections.

ELOG has particularly identified the following seven key thematic issues under which scientific thematic monitoring and observation shall be anchored:

- Voter Registration
- Monitoring implementation of Political Parties Act and Political Financing
- Advocacy on Electoral Law Reform and Constituency Delimitation
- Campaign Monitoring
- Promotion and Participation of Marginalized Groups
- Voter Education
- Media Monitoring

FOREWORD

The coming into force of the Constitution of Kenya in 2010 has widely been seen as a cornerstone for the development of a national ethos that unites us as a country and a precursor to peaceful co-existence. The letter and spirit of the constitution have thus to be operationalised through a plethora of connected actions such as reforms in government arms and organs, legislative effectiveness and efficiency, respect for the rule of just law and civic engagement.

The role of the citizens in ensuring that as a country we realise peace and prosperity cannot be gainsaid. Kenya's diversity is perhaps its strongest asset, but in the past it has been used as a fulcrum for divisive politics and marginalisation. We have an opportunity as a country to change that by accepting the fact that we are one nation, one people and are bound by one destiny.

The Constitution and Reform Education Consortium – CRECO, undertook a study to map out the incidences of violence as has been witnessed in the recent past in order to develop a basis for monitoring and carrying out other actions by different actors that are hoped to culminate in building a culture of peace in Kenya. Indeed this study is a critical but first step in the process. The report is referenced to march 31st 2012.

Our key findings as captured in the tables below [Table 1 & Table 2] indicate that we generally have higher incidences of violence in a majority of the counties. The attendant factors for the ratings include ethnic intolerance, border conflicts, political party zoning, competition over land and other resources, proliferation of small arms, weak security and poverty. These factors cannot be treated in isolation, and some are more significant in certain counties than in others. These are explained in detail in the body of the report.

Although this is an issue of concern, we are aware that there are many civil society organisations and state organs that are monitoring conflict and actively engaging communities and persons in peace mitigation activities. Our conclusion is that a lot more work needs to be done to ensure that the things that divide us are reduced and eventually eliminated.

CRECO hopes that this report will be used by the many other actors as a benchmark for action.

George Collins Owuor

CRECO Chairperson

The

Report

Table 1: **CONFLICT MAPPING BASELINE ASSESSMENT**

County	Political/Security	Legal	Economic/Social	Environment	Total
Mombasa	5	2.5	4	5	16.5
Kwale	5	2.5	4	5	16.5
Kilifi	3.5	3	3.5	5	15
Tana River	4.5	2	4.5	4.5	15.5
Lamu	3.5	2	3.5	4	13
Taita Taveta	3.5	2	3.5	4.5	13.5
Garissa	5	3	4.5	4.5	17
Wajir	4.5	2.5	4.5	4.5	16
Mandera	4	2.5	4.5	4.5	15.5
Marsabit	4.5	3	4	4.5	16
Isiolo	5	3	4	4	16
Meru	3	2	2	4	11
Tharaka-Nithi	3.5	2	2	3.5	11
Embu	3.5	1.5	1.5	3	9.5
Kitui	4	3	3.5	3.5	14
Machakos	2	2	2	4	10
Makueni	3.5	2.5	3	3.5	12.5
Nyandarua	3	2.5	3	3	11.5
Nyeri	4	2.5	4	3.5	14
Kirinyaga	4.5	3.5	4	4	16
Murang'a	3.5	3	3.5	3.5	13.5
Kiambu	4.5	3.5	4	4	16
Turkana	4.5	3.5	4	4.5	16.5
West Pokot	4	4	4	4	16
Samburu	4	3	3	3	13
Trans Nzoia	4	3.5	3.5	4.5	15.5
Uasin Gishu	3.5	4.5	3	4.5	15.5
Elgeyo Marakwet	3	2.5	3	3	11.5
Nandi	4.5	2.5	2.5	3	12.5
Baringo	3	2	3	3.5	11.5
Laikipia	4.5	3.5	4	4	16

Nakuru	5	4	3.5	4.5	17
Narok	4	3.5	3.5	4.5	15.5
Kajiado	2.5	2.5	3.5	3.5	12
Kericho	3	3	3.5	3.5	13
Bomet	4.5	3.5	4.5	3	15.5
Kakamega	3.5	3.5	3	3	13
Vihiga	2	4	2	2	10
Bungoma	4.5	4	4	3.5	16
Busia	3	2.5	3.5	3	12
Siaya	3	2.5	2	2	9.5
Kisumu	4.5	2.5	4.5	4	15.5
Homa Bay	3.5	2.5	4	4	14
Migori	4.5	3.5	3	4	15
Kisii	3.5	2.5	3	3.5	12.5
Nyamira	4.5	3.5	4	4.5	16.5
Nairobi	5	2.5	5	4.5	17

Notes:

- Risks in each column are indicated on a 5 point scale:
 - 0 = the lowest level of risk
 - 5 = the highest level of risk.
- Land issues are included under Environment category.
- In Legal risks, the scores take account of the contribution traditional dispute resolution mechanisms make, set against the level of access to the formal judicial system.
- There are three indicative categories of risk:

0-10	Low overall risk score
11-14	Moderate overall risk score
15-20	High overall risk score

Table 2: Conflict Rating on Counties

High Conflict Risks	Moderate Conflict Risks	Low Conflict Risks
Marsabit	Kitui	Embu
Isiolo	Makueni	Machakos
Mandera	Nyeri	Vihiga
Wajir	Taita Taveta	Siaya
Narok	Homabay	
Garissa	Tharaka Nithi	
Tana River	Busia	
Mombasa	Elgeyo Marakwet	
Kwale	Samburu	
Kilifi	Meru	
Nairobi	Kisii	
Trans Nzoia	Kajiado	
Nyamira	Muranga	
Migori	Lamu	
Bomet	Kericho	
Kiambu	Nandi	
Uasin Gishu	Nyandarua	
Turkana	Baringo	
West Pokot	Kakamega	
Laikipia		
Nakuru		
Kisumu		
Bungoma		
Kirinyaga		

CHAPTER ONE

STUDY BACKGROUND

Introduction

The mayhem that visited Kenya after the 2007/8 general elections Kenyans claimed a total of 1,300 lives and left over 350,000 others internally displaced.¹ Even though electoral violence had become part and parcel of Kenya's political culture since the introduction of multiparty politics in the 1990s, the nature, level and intensity of the 2007/8 Post-Elections Violence (PEV) was unprecedented. The wanton killings were halted when the two protagonists' and political formations (the Party of National Unity (PNU) led by President Mwai Kibaki and Orange Democratic Movement (ODM) led by Raila Odinga) signed the National Accord which created a power sharing arrangement and laid the framework for broad-based political reforms to address the root causes of the violence.²

Some of the notable reforms that were carried out included the establishment of commissions of inquiry into the conduct of the elections and post-election violence, formation of a Truth, Justice and Reconciliation Commission (TJRC) and completion of constitutional reforms that had aborted after the 2005 referendum. As a result of these processes, the Electoral Commission of Kenya (ECK) was disbanded and an Interim Independent Electoral Commission (IIEC) established to oversee electoral processes prior to adoption of a new constitution. An Independent Boundaries Review Commission was set up to address grievances arising from unequal representation.

The commission that inquired into post-election violence recommended for the prosecution of Kenyans who held the highest responsibility for the violence, which was not done. This instigated the Prosecutor at the International Criminal Court (ICC) to start investigations into the violence, culminating in the arraignment of six Kenyans at the ICC. By the time this report was being published, four of them, (Uhuru Kenyatta, William Ruto, Francis Muthaura and Joshua Sang) had been indicted to face full trial at the ICC, while Major General Hussein Ali and Henry Kosgey had been discharged of the charges.

Perhaps the greatest achievement of the post-2007 reforms was the adoption of a new constitution through a peaceful national referendum held in August 2010. The referendum in itself vindicated the decision to disband the defunct ECK and gave hope that Kenyans could conduct future processes with relative peace and calm. The constitution ushered in new institutions and promised elections in 2012. Sadly however, the Independent Boundaries Commission was unable to complete its mandate and hence the unresolved issue of unequal representation was carried over into the new constitutional dispensation.

In Kenya's highly patriarchal environment, women have constantly faced numerous electoral crises when seeking political office. They range from gender biases in party nominations to negative socio-cultural attitudes from the electorate even to electoral violence instigated against women.³ The Constitution of Kenya provides opportunities for leadership not just for women, but the youth and persons with disability. Furthermore the constitution states that parliament should not have more

1 See Republic of Kenya, *Report on Commission on Inquiry into Post Election Violence*, 2009, Nairobi: Government Printers

2 See the various reforms and status of each by South Consulting. Visit Kenya National Dialogue and Reconciliation, www.kenyadialogue.org, accessed April 13, 2012.

3 CREAW in Partnership with AMWIK - Running for political office: A handbook for women Candidates. http://www.creawkenya.org/pdf/running_for_political_office.pdf accessed 16th April 2012

that 2/3rd of one gender. A mechanism for this is yet to be put in place.

The youth have been condemned for the role they have played in electoral violence in the recent history of Kenya. They have been accused of being the foot-soldiers of the political and ethnic barons who have either sponsored or presented violence as the only alternative to perceived or real conflict. In as much as the Constitution of Kenya has a raft of promises for the youth, mechanisms of ensuring that the youth actually benefit and work towards the realisation of the constitutional dream have not been put in place. Kazi kwa Vijana and NYEF have remained either inaccessible or inadequate to most youth. It is true that poverty, unemployment and unfulfilled promises remain factors that frustrate the youth and therefore their likelihood to participate in lawless activities of militias and other groupings are high. A ray of hope however is dawning on the nation as more youth engage in peace initiatives across the country. It should also be mentioned that more youth than ever voted in 2007.

Recently the High Court made a decision that the next elections should be held on 4th March 2013, however a appeal has been lodged. The Court of Appeal could reiterate what the High Court decided or alter that date to any other, including in December 2012 as many Kenyans and some commentators and politicians have expressed. The stage therefore has been set for another intense season of campaigns and electioneering.

Therefore, the question lingering in the minds of Kenyans is: will Kenya witness higher scale violence than that of 2008? It is against this background that CRECO decided to establish a general elections monitoring programme with financial support from the National Democratic Institute (NDI) focusing on conflict hot spots. This baseline report is therefore part of this initiative and seeks to identify likely hotspots of violence in 47 Counties of Kenya with a view of identifying measures that can minimize the chances of eruption of violence before, during and after these elections.

THE BASELINE STUDY

Objectives

The objectives of the study were to:

- Identify likely hotspots of violence in the Counties in accordance with analyses of varied risk factors;
- Review the legal reforms in the security sector since 2008 and how these will impact on peace building and conflict prevention strategies for the upcoming elections;
- Identify trigger factors that are likely to cause violence in the country; and,
- Identify measures to be put in place to prevent and mitigate occurrence and recurrence of violence in the identified hotspots.

Methodology

The study covered all the 47 Counties in the republic and the political constituencies therein. The study was based on a desktop review of existing literature including reports by government such as census reports, demographic surveys, economic outlook surveys, Commission for Revenue Allocation (CRA) reports, and so on. Further, reports by Non-Governmental Organizations (NGOs), scholarly writings in the field of conflict and the relevant laws to develop a general context of peace and security in Kenya were relied upon. With regard to specific peace and security issues at the Counties, the researchers further reviewed relevant reports and augmented this with telephone interviews with key informants, mostly NGO workers and opinion leaders resident in the said areas.

Using information obtained from the aforementioned sources, the researchers drafted a report containing the legal context of peace and security architecture in Kenya, County profiles on conflict and peace issues and overall conclusions and recommendations. The draft report was subjected to review by CRECO members and the views generated thereafter were incorporated into the final draft.

CONCEPTUAL FRAMEWORK

Conflict refers to a situation where at least two groups are in conscious opposition to each other, pursuing incompatible goals.⁴ Conflict will usually involve struggles over values and claims over resources, power and status. Conflicts can be characterized as armed/violent or non-armed/violent (depending on degree of use of weapons), inter-state or intra-state (depending on geopolitical arena), localized or widespread (depending on scope), short-term or protracted (depending on time-frame).

The causes of conflicts are varied. In its draft report, the Kenyan National Steering Committee on Peace Building and Conflict Management (NSC) dichotomizes conflict factors into structural (that is long term causes which create potential climate for violent conflicts without making its eruption inevitable) and accelerating or trigger factors (that is, events, actions and decisions which escalate disputes into violent conflicts).⁵ Structural factors may be referred to as root causes, which merit closer and deeper consideration when attempting to resolve longstanding and protracted conflicts, whereas triggers and accelerators are the immediate causes that however critical in early detection and warning systems for prevention of conflicts.

The NSC further identifies structural factors.⁶ These include:

1. Political: exploitation of ethnic differences for political purposes (politicization of ethnicity), weak state institutions or manipulation of these institutions for political purposes, disenfranchisement, marginalization of minorities and peripheral groups and use of organized violence (gangs) to achieve political ends
2. Security: proliferation of arms and light weapons, commercialization of cattle rustling, and weak security arrangements.
3. Economic: poverty, inequality, corruption, class conflict and underdevelopment.
4. Legal: failure by legal system to resolve disputes justly and comprehensively, manipulation of legal system to perpetrate injustices.
5. Social and cultural: exploitation of cultural differences and identities with negative consequences, use of cultural tools (songs, poetry, narratives etc) to propagate and perpetuate conflicts.
6. Environmental: scarcity or inequitable access to and distribution of environmental goods (land, water, forests etc), environmental degradation causing environmental harm.

This study adopts the above factors as the conceptual framework for mapping and analysing conflicts in Kenya.

4 Juma Kathina, Unveiling women as pillars of conflict building in fractured pastoralist communities in Kenya, in United Nations Development Programme interim report for Bureau for Development Programmes accessed from <http://magnet.undp.org/> accessed 24th January 2012

5 The National Steering Council on Peacebuilding and Conflict Management, *Structural factors driving conflict in Kenya: A multi-dimensional analysis*, 2011 unpublished

6 Ibid pg 4-21

LIMITATIONS OF THE STUDY

The study concentrated a lot on desktop research and key informant interviews as key methodologies. The study did not seek to disaggregate or to do an indepth study on particular issues affecting Persons with Disability, Women and Youth. Though they are generally referred to further studies would be handy in bringing out the reality of their situation. The report also does not map the existing actors carrying out observation and peace initiatives across the country.

CHAPTER TWO

NEW CONSTITUTION AND REFORMS

The new constitution is big on the doctrine of separation of powers and at this point, especially independence of institutions such as the judiciary. It is common knowledge that in 2007 and the years before and even after, until the referendum in 2010 which saw to the promulgation of the new constitution, the judiciary was at the mercy of the executive. The president could appoint and fire judges at will and nobody could question his actions. This cast doubts in the eyes of the public as to the integrity of the judiciary. Kenyans were no longer sure who held the strings of justice and so people resorted to other means of dispute resolution, some very barbaric such as mob injustice. This led to an escalation in insecurity and so while seeking to establish security sector reforms, the judiciary is a strategic point (Brenner, 2005, p. 68).

The new constitution provides that the president can only appoint two of the 13 members of the Judicial Service Commission (JSC), and so the executive has less control in the appointment of members of the JSC. Article 168 vests the power to remove a judge on the Judicial Service Commission. Article 173 establishes a judiciary fund to cater for the administrative expenses of the judiciary. The Chief Registrar of the High Court prepares estimates, which are presented to the National Assembly directly. These reforms will secure the independence of the judiciary and ensure that public trust is once more bestowed upon the judiciary so that people are willing to once more present their disputes to the judiciary for resolution instead of taking justice into their own hands.

Other reforms include those involving the electoral body. The formation of the Independent Electoral and Boundaries Commission (IEBC) is a great leap into secure elections because this body is devoid of any political interference by virtue of its formation (Ndungu, 2011, p. 5). The new constitution also drastically reduces presidential powers and in so doing reduces the incentive for violence. The 2007 Post Elections Violence and the consequent peace talks made it obvious that vesting too much power on one position to the detriment of all other competing candidates so that if one loses, they lose it all. Therefore as part of the solution to the 2007 Post Elections Violence Kenya ended up with an arrangement which distributed power between the president and his prime minister.

Finally, Kenyan political parties are required to comply with the Political Parties Act of 2011 or risk deregistration after the expiry of the deadline in April 2012 (Kisiangani, 2009, p. 4). Consequently, Kenya’s leaders shall be held accountable for their actions by the systems put in place as various institutions to which Kenyans can turn to for respite should conflicts arise. This will somewhat reduce the risk of a recurrence of PEV.

It is important to realize that the PEV was fanned by numerous reasons including complex socio-economic and political interactions. Violence was, therefore, used as a tactic in the ensuing political game as well as a weapon or a tool for settling disputes concerning the distribution of national resources (Namayi, 2010, p. 2). However, this was all to the detriment of Kenyans and they paid the price with their own lives and property. It is thus important that the same does not recur in 2012/13 and this paper has discussed in brief some of the measures taken by the government and other players to enforce security reforms since 2008 in a bid to prevent recurring violence. The reforms have gone beyond addressing technical deficiencies and they have also touched on other governance challenges with the effect that the entire country feels included in the reform activity. A good example is the referendum which ushered in a new era for Kenya. At this point, it is important to remember

that the reason why previous attempts at social security sector reforms were unsuccessful was the lack of a constitutional reference point grounded in democracy. The new constitution provided just that.

SECURITY SECTOR REFORMS

Security Sector Reforms (SSR), also referred to as security system reform, has emerged since the end of the Cold War as a strategy for stabilizing and reconstructing security sector institutions, especially in post-conflict or transitional countries.⁷ SSR are those activities undertaken by a country to improve the way it provides safety, security, and justice to its citizens. SSR are particularly important in the context of failing or failed states, offering a means of arresting the failure process in the first instance and supporting failed State recovery in the second.⁸ While many may argue Kenya was not a failed State, many would agree that Kenya was on the verge of failing. Failing or failed States are usually unable to provide equitable safety, security, and justice to their people through the traditional State mechanisms of police or courts. In such situations, State mechanisms are ineffective, predatory, or absent.⁹ The desperation that Kenya sunk into in 2008 is perfectly described by the foregoing sentence, which was a result of ignoring many SSR recommendations, which had preceded that violence.¹⁰

Following the post-election violence of 2008, radical proposals were proposed on how to reform the Kenya Police Force (KPF); especially by the Commission of Inquiry into Post Election Violence (CIPEV) and the Report of the National Taskforce on Police Reforms (Phillip Ransley).¹¹ Among others, the CIPEV found that during the post-election violence, there were acts of commission and others of omission by the KPF. CIPEV therefore recommended that the issue of representation and diversity of police be relooked at afresh, decentralization of the police command structure, legal and structural reforms, create avenues for legal and political accountability in case of human rights violations, the merger of the Administration Police with the KPF under one command, and the creation of an oversight structure by civilians. On the other hand, Ransley's Taskforce did recommend establishment of an external accountability mechanism (the Independent Policing Oversight Authority), reform the code of conduct, establish a conflict of interest policy within the police, improve the terms and conditions of the KPF, and create a body to supervise and implement the recommendations of the Taskforce, a body which exists to date – the Police Reforms Implementation Committee (PRIC).

The PRIC has sustained demand for reforms, and working with vigilant Civil Society Organizations (CSOs), has given impetus to SSR, in particular to the police. The ground for reforms, after the 2008 post-election violence, shifted under the KPF. Three main attributes inform this seriousness and haste of ensuring we reform the KPF: a) the role of the KPF in dealing with post-election violence, where atleast 400 people lost their lives through gun-shot wounds; b) lack of impartiality and objectivity for most KPF senior and junior members, with regard to that violent conflict; and c) the promulgation of

7 SSR is also called *security system reform*. This reframing came about with the understanding that security is an integrated activity within a system of state and non-State systems, which include not only the armed forces, police, gendarmerie, intelligence services, justice, and penal systems, but also the civil authorities responsible for oversight and democratic control (e.g., parliament, the executive). The term *security system reform* is used to emphasize the interconnectivity of its numerous components. See, Susan Merrill (Ed), *Security Sector Reform: A Case Study Approach to Transition and Capacity Building*, Visit www.StrategicStudiesInstitute.army.mil/newsletter, accessed December 06, 2011

8 Ibid

9 Ibid

10 Previous efforts had indeed foundered. These efforts included a Taskforce on Police Reforms of 2005, whose report was not adopted for implementation, but which had made radical proposals in 8 areas that could reform the police. These were benchmarks, which could measure the extent to which reforms in the force were successful or not. These included: community policing; crime reduction; effective disaster management; improved police image; enhanced accountability; efficient human resource management; building capacity of police; and lastly, establishment of an Information, Communication and Technology (ICT) strategy.

11 See Reports by both the Taskforce and the CIPEV: CIPEV, <http://www.dialoguekenya.org/docs/PEVReport1.pdf>, accessed December 21, 2011, and for Taskforce, see Republic of Kenya, *Report of the National Taskforce on Police Reforms*, October 2009, Nairobi: Government Printers

the Constitution of Kenya (2010), followed by its implementation through legalisation that requires substantive changes to the way KPF operates.

Within this new political and juridical order, accountability of the KPF to civilian authority, reforms that could be termed radical, and such SSR initiatives were recommended so that Kenya could move from that post-conflict society to where powers exercised by State agencies are done so within the realm of rule of law. Indeed, the legislation that have been passed point directly towards the changes being sought. These include: the National Police Service Commission (NPSC) Act; the National Police Service (NPS) Act, which operationalizes how two previous outfits will report to a single command; and, the Independent Policing Oversight Authority (IPOA) Act through which all complaints against the police or of the police shall be investigated with a view to prosecution.

POLICE REFORMS AND INSTITUTIONS

The police ‘force’ is also to transform into the police ‘service’. This should go a long way in redeeming the police image and character from one which was secretive, corrupt, brutal, with impunity, and reactive into one that is transparent, humane, responsive, and proactive. This also includes revamping the Police Code of Conduct (PCC) in an attempt to stamp out decades of unethical conduct and to streamline general police conduct (Onguije, 2009, p. 5). With regards to capacity within the police service, the aforementioned vices that accompany any mention of the police including nepotism, corruption and lack of resources have resulted in insufficient manpower within the police service and consequently, their service delivery is ineffective and inefficient (Ndungu, 2011, p. 6). Moreover, the plight of the police regarding their pay and the deplorable living and working conditions have resulted in an unsympathetic attitude towards the public by the police, and this in turn results in poor service delivery by the police.

The cost of affecting these reforms is approximately Kshs. 80 million over the course of three years (Ndungu, 2011, p. 3). The country has already begun to reap the results as portrayed by proper remuneration and housing of the police, refurbishing of police stations, new equipment and vehicles for the police, upgraded communication equipment, and skills training. For even better results the government needs ensure that budgeting and funding for the various projects are adequate, that there is timely release to, and that all these changes are sensitive to gender and minority concerns.

In all this, the importance of the international community’s involvement and support cannot be forgotten. Kenya needs the technical expertise boasted by the developed countries in terms of technology to revitalize its security system. It is important to keep abreast with the global developments in terms of ammunition and in all honesty, Kenya has numerous problems and investing in security may not be given the due seriousness when the minister of finance is faced with drought, and famine among other immediate crises while formulating the budget. Consequently, when international players like the United States, the United Kingdom, Sweden, Japan, and the United Nations offer their support in terms of technological expertise and funding, their efforts should be encouraged by the Kenyan government (Kisiangani, 2009, p. 7). This can be achieved through proper utilization of the donors’ funds: that is, for the purpose which they were initially intended by the donors.

In addition to the police reforms, there is need for reforms in other sectors as well. One such sector is the criminal justice system, which includes the judiciary, criminal investigations service, and the National Security Intelligence Service (NSIS, 2011). The need for balance cannot be overemphasized in the goal of achieving effective security sector reforms. The intervention by the ICC to try the perpetrators of the PEV in Kenya has served as an eye-opener for the public in terms of accountability and which could reduce insecurity by a notch during the upcoming elections (Namayi, 2010, p. 9). Conversely the ICC is also a risk factor for violence.

CHAPTER THREE

STUDY FINDINGS

This Chapter examines the various conflict situations and scenarios obtained in the 47 Counties of Kenya. The conflict triggers are analysed in terms of political, security, economic, legal, social and cultural and environmental dimensions. The risks pertaining to the identified conflicts and triggers have been weighed and in conclusion, the researchers have recommended the extent to which CRECO should closely monitor respective Counties or otherwise.

MOMBASA COUNTY

Mombasa County is host to Kenya's second largest city of Mombasa. It covers an area of 219 square kilometers but holds a population of 939,370, comprising Mvita Island and Mombasa mainland. The County has 4 constituencies- Mvita, Changamwe, Kisauni and Likoni. It is host to many communities due to its cosmopolitan nature.

Political dimensions

Mombasa was significantly affected by the PEV. At least 25 people lost their lives as violent riots spread from the island to the mainland suburbs in Likoni and north coast areas¹². Whereas violence in the Island subsided quickly, fighting persisted in Kisauni areas due to presence of the feuding communities and entrenched poverty that made looting attractive. The scars of PEV still remain among the residents of Mombasa. The County was also affected by the 1997 electoral violence in Likoni area, whereby residents deemed to have immigrated from upcountry regions were violently evicted by indigenous Mijikenda people.

In Kisauni, the chronic land problem occasioned by absentee landlords and land grabbing has already led to recent confrontations between the residents (squatters) and security forces. The issue is likely to be politicized as the elections approach. Besides, a secessionist movement has emerged in Mombasa, called the Mombasa Republican Council (MRC). Started as society of disaffected youth, the MRC began advocating for secession of the former Coast Province from Kenya due to what they term as marginalization of indigenous community and taking over of their land by upcountry and foreign immigrants. The government initially reacted to the MRC by banning the organization and cracking down on its members.¹³ Later, the government retracted after the association challenged the decision in the High Court. The group is evidently using the grievances of local youth disaffected with failed past government promises to uplift their welfare. Already they have lodged a petition in court seeking to be granted orders for referendum to decide the fate of what is formerly the Coast Province. If the activities of the group assume military objectives and wage a secessionist uprising, this will definitely affect the electoral environment in the area.

Security dimensions

Mombasa has been a target of terrorist attacks and is considered vulnerable to Al Shabaab threat. There are heightened security operations in the County and this could also affect the electoral

¹² Republic of Kenya, 2008 supra at pg 226

¹³ See for instance see *Daily Nation* (24th November 2011) where it is reported that 18 suspected members of the MRC were arrested in Kisauni on suspicion of conducting illegal oathing rites.

environment. The drug menace is most pronounced in Mombasa than anywhere else in the coast region. Drug lords are known to use their money to influence electoral politics in the area. This may include sponsoring violence against unfavourable candidates. This is something that merits closer attention in the forthcoming elections

Economic Dimensions

Mombasa is the second largest city in the country. Its economy is based largely on tourism, transportation (port, railway and road), manufacturing industry and trade. In the Financial Year (FY) 2008/9, the County received a combination of Kshs735 million from the Local Authority Transfer Fund (LATF) and Constituencies Development Fund (CDF). It is therefore expected that the County will receive large transfers from the National Government under the devolution scheme. This will therefore make the 2012 electoral contest a high stakes affair.

Legal Dimensions

The formal justice system is fairly entrenched in the region and access therefore is not a problem. It may be used to deal with any electoral disputes.

Social and cultural dimensions

Mombasa, as explained elsewhere is a cosmopolitan area. In the island area where all constituencies except Likoni converge, there is a sizeable Arab-Swahili majority, whereas in the mainland, the Mijikenda are the majority with a strong presence of upcountry communities notably Kikuyu, Luo and Kamba. The indigenous communities have expressed vocal displeasure with the domination of the upcountry communities in trade and employment sector. This displeasure has the potential of turning into outright hostility therefore creating fertile grounds for conflict. There also exist an uneasy relationship between the Mijikenda and the Arab-Swahili communities and therefore sometimes, electoral politics in the County are framed in terms of one group versus the other. Hostilities therefore are likely to emerge between these two communities where their members directly face-off in elections.

Environmental dimensions

Land problem in Mombasa is most felt in Kisauni and Likoni areas where large populations of squatters are to be found. There is also a longstanding problem of absentee landlords holding title to land occupied by indigenous communities. Whenever, these landlords or their representatives attempt to assert their right to title, this is met with confrontation. The problem of land grabbing is also a potentially explosive one and in the recent days, it has led to calls for dismissal of the Coast Provincial Commissioner on allegation that he continues to give protection to land grabbers.

Conclusion

Mombasa, being the second largest city is an obvious boiling pot come the next election. Due to its cosmopolitan nature, active presence of secessionist group (the MRC), long history of post-election violence and persistent land problem, the chances of electoral violence erupting is high and therefore the entire County merits closer monitoring.

KWALE COUNTY

Kwale is situated in the southern most tip of the country, bordering Tanzania to the south, Indian Ocean to the east and Taita Taveta, Mombasa and Kilifi to the north. The County occupies 8270 square kilometers with a population of 649,931 (2009 Census). The County is predominated by the

Mijikenda, even though migrant communities (primarily the Kamba and Kikuyu) are found in the settlement schemes that were established during independence period. There are 3 constituencies in the County, which are Matuga, Kinango and Msambweni.

Political Dimensions

The 2007/8 post election violence affected only Ukunda and Diani areas in Matuga constituency. This said violence was purportedly ignited by spontaneous anger following the announcement of presidential elections and lasted for only 4 days¹⁴. The violence was directed towards members of the Kikuyu community. Similar violence was reported following the 1992 and 1997 elections, even though the scale and geographical spread was larger. The reason why the magnitude of the violence in 2007/8 period was low can be attributed by the intervention by religious leaders and elders who dissuaded the youth from engaging in acts of violence. The scars of the violence are evident as animosity towards the Kikuyu and other upcountry communities still linger in the area.

The County should be monitored for the exploitation of ethnic differences for divisive political purposes. For instance, there are calls for the prosecution of the current Matuga MP, Chirau Ali Mwakere on allegations that he had uttered hate speech during campaigns in the 2010 by-elections that were held in that constituency.¹⁵ Things are likely to take a sharper dimension in the coming elections, particularly due to the emergence of the MRC where pro-secessionist sentiments are high in the County.

Security Dimensions

In the 1997 violence, youth militia were established by politicians and used to target non-indigenous communities for eviction. These youth can easily be mobilized for violence if need be. This possibility requires closer monitoring so that red flags can be raised if mobilization of the militia takes place. Like Mombasa, Kwale is adversely affected by the illicit drug trade and this has been blamed for insecurity problems affecting places such as Ukunda and Diani.

Economic dimensions

Kwale depends on tourism, agriculture and fishing for its local economy. Poverty in the area is one of the highest in the country at 74%. The area received Kshs462M in the FY 2008/9 (CRA: 2012). With such high poverty levels, coupled by ignorance, it is possible for the elite to manipulate voters hence the need to monitor closely the conduct of politicians in the pre-election period. It is also anticipated that elections for the County-level positions will be hotly contested in cosmopolitan areas, as the indigenous communities try to assert their superiority and hence control over devolution resources.

Legal Dimensions

The County is served by magistrates in Kwale town only and this therefore affects adversely the people's access to justice in the area. The influence of religious leaders and elders is strong and this was attributed to the low scale of violence reported in the area in 2007/8 period. Any conflict mitigation strategy should take into account this fact

Social dimensions

Social distance between the indigenous and migrant communities is wide, thus creating fertile grounds for ethnic animosity. This is reinforced by the fact that migrant communities hold large tracts of land

¹⁴ Mwandawiro, Supra pg 43

¹⁵ <http://www.the-star.co.ke/national/national/57814-mwakere-may-be-charged-with-hate-speech>. Accessed 30th March 2012

on prime locations in the County and have gained employment in the lucrative tourism industry at the expense of indigenous Mijikenda. It is possible therefore for politicians to exploit these ethnic differences for political reasons with violent consequences.

Environmental dimensions

Landlessness is an emotive issue in the County. This is coupled with ownership of prime land by migrant communities. The land issue has created fertile grounds for pro-secessionist groups like MRC to gain large following in the area. Besides landlessness, arid areas in the County such as Kinango have been adversely affected by climate change and therefore vulnerability to perennial droughts has disrupted livelihoods in this constituency. If a famine occurs during election, it will make it difficult for voters to participate effectively in the electoral process. In the northern areas of the constituency bordering Kilifi, there have been conflicts over pasture pitting the locals against the Somali pastoralists, though this is not a major issue. Human-wildlife conflict is prevalent in areas bordering Shimba Hills Park and this may affect security situation during elections.

Conclusion

Kwale presents a veritable challenge for electoral monitoring considering that the area has previously been rocked by post-election violence. The likely hotspots are Matuga and Msambweni constituencies.

KILIFI COUNTY

Kilifi County comprises the former Kilifi and Malindi districts and it borders Lamu, Tana River, Taita Taveta, Kwale and Mombasa Counties. It covers 12,610 square kilometers with a large population of 1,109,735 persons (Census 2009). The County has 5 Constituencies - Bahari, Kaloleni, Malindi, Magarini and Ganze. The main ethnic group residing in the County is the Mijikenda, with sizeable local and foreign (mostly Italian) migrant communities in the major tourist towns of Malindi, Mtwapa and Kilifi.

Political Dimensions

The area has a protracted land problem manifested in the lack of security of tenure for locals, existence of absentee landlords and grabbing of prime beach plots by foreigners and land speculators. Inequalities occasioned by failure of the tourism industry to empower local communities could easily snowball into a political grievance. It is noteworthy that despite its cosmopolitan nature, the County only experienced post election violence in Mtwapa town which was attributed to a wave of looting and anarchy that swept Mombasa town and its environs.¹⁶ Otherwise, Kilifi and Malindi towns remained largely peaceful.

Economic Dimensions

Kilifi County is among the poorest with a poverty rate of 71.4% despite having vast tourism and agricultural potential (CRA, 2012). The County received a total of Kshs507 million in the FY2008/9 as resource transfers from the central government. Poverty is attributed to weak land tenure systems that prohibit squatters from developing their land and poor leadership in the area. Inequalities occasioned by weak resource sharing mechanisms of the lucrative tourism industry are a source of concern.

Security Dimensions

The County has relatively few security threats, other than established long presence of drug barons.

¹⁶ Ibid pg 66-7

In fact, the largest haul of cocaine ever seized by authorities originated from Malindi town in 2006. The potential of drug money being used to influence elections negatively is high.

Legal dimensions

Customary and formal legal systems exist side by side. The County has 4 magistrate court stations in Kaloleni, Mariakani, Malindi and Kilifi towns, served by 9 magistrates and one High Court station in Malindi. The proximity of High Court increases the capacity of courts to resolve election disputes.

Social dimensions

This County is multi-ethnic with tension revolving around land issues and poverty. Furthermore foreigners play a very dominant role in local industries. The County has also battled for a long time with problems of child sex abuse. Literacy levels are low and this makes the population vulnerable to political manipulation hence the need for close monitoring of elections (only 7.1% of population has secondary education - CRA, 2012).

Environmental dimensions

Besides the land issue, Malindi town is beset by environmental degradation emanating from the local salt harvesting enterprise.¹⁷ This enterprise employs evaporation of sea water to extract salt from nearby shores. This has led to destruction of mangrove forests (a source of wood for locals), soil erosion, salination of local water sources and health problems for workers. It is likely to be a major election issue; with owners of the factory likely to use their economic influence to manipulating voting patterns by minimizing opposition to their continued operations

Conclusion

The risk for manipulation of elections in the County is high due to low voter literacy, land problems and poverty. Based on past trends, it is also important to closely observe the influence of factory owners on the electoral process.

TANA RIVER COUNTY

Tana River County is the largest in the former Coast Province, with 38,437 square kilometers and occupying at least 49% of the total land area of the entire province. However, the province has the smallest population size at 240,075 persons. It is inhabited by the pastoralist Orma ethnic group of Somali descent and the agricultural Pokomo ethnic group of Bantu extraction. The County has three political constituencies: that is Bura, Garsen and Galole.

Political Dimensions

The County derives its name from the River Tana, which is the largest in the country. The river provides water for irrigation in the three schemes located in the County i.e. Hola, Bura and Tana Delta with the Pokomo being the beneficiaries of the projects. The river incidentally has created conflicts over access to water by the pastoral Orma communities. Efforts to resolve land conflicts between the Orma and the Pokomo through land adjudication have not been succesful. There is a perception among the Orma is that the Pokomo want to deny them their historical rights of access to pasture and water during dry seasons.¹⁸ The whole matter has been politicized leading to conflicts every time an election approaches.

¹⁷ Ibid

¹⁸ See Institute of Security Studies, Guns in Borderlands, 2005 accessed from www.iss.co.za accessed 24th January 2012

Security Dimensions

The proliferation of arms in Northern Kenya has had implications for the Tana River conflicts. It is claimed that the Orma have sought military assistance from their Somali cousins in neighbouring Garissa in their conflicts with Pokomo resulting in an increased use of firearms with deadly consequences. The aftermath of the Shifta War also led to proliferation of bandits in the County who preyed on transport business along the Malindi- Garissa highway and the Garissa- Hola- Garsen routes. The bandits are also said to be responsible for the rise in poaching in Tsavo national park.

Economic Dimensions

In spite of being endowed with immense agricultural resources, Tana River has high poverty levels at 76% (CRA, 2012). Seemingly, the County has been unable to fully exploit the agricultural and tourism potential of the Tana Delta due to incessant conflicts. Resource transfers from the central government were at Kshs542M in the form of CDF and LATF in FY2008/9 (CRA 2012). With such high figures at stake, it is likely that the struggle for political power at the County level will be intense.

Legal Dimensions

The County has two magistrates' courts located in Garsen and Hola. High court matters are handled at Malindi. The local residents established the Tana River District Peace and Development Committee to arbitrate communal disputes between the Pokomo and Orma communities, with participation of religious and political leaders. This is still a viable alternative dispute resolution mechanism in the County

Social Cultural Dimensions

Hostilities between the Ormo and Pokomo due to the cultural differences are the most significant factors exacerbating conflicts in the County

Environmental Dimensions

Damming of River Tana by the Kenya Electricity Generation Company (Kengen) has reduced water flows downstream leading to some conflicts of water access. Similarly, destruction of water catchments areas in upper parts of the County have also had similar effects. Human-wildlife conflicts are on the rise as residents encroach on wildlife habitats within the vast Delta. Land and water access conflicts are also environmentally conditioned in this part of the country

Conclusion

Tana River is high political risk area owing to ethnic differences between the Pokomo and Orma, which tend to assume political dimensions during elections.

LAMU COUNTY

Lamu County is located in the northern tip of the former Coast Province, bordering Garissa, Tana River and Somalia. It occupies 6273 square kilometers area including a large mainland and several islands and islets with a population of 101,539 (Census 2009). Resident communities include the Bajuni, Pokomo, Arabs, Wabonyi and a large immigrant Kikuyu community that settled in the area during the Kenyatta regime. The County has two constituencies which are Lamu East and Lamu West. The County is known for tourism and rich archeological heritage owing to Lamu Island, which is one of the oldest urban settlements in the East African coastline.

Political Dimensions

Despite its multi-ethnic complexity, Lamu has no recent history of violent conflict.¹⁹ In the 2007 general elections, voters in Lamu supported Raila Odinga of ODM for President, but chose a PNU candidates for parliament.

However, tensions over land remain in the constituency, with locals complaining over illegal allocation of ancestral lands to outsiders and foreigners²⁰. The fact that the Kikuyu immigrants were granted title deeds by the former President Moi's government to the exclusion of locals is another grievance. So far, this grievance has not assumed vigorous political articulation but the potential of violent conflict still lurks.

Security dimensions

Lamu also suffered from the aftermath of the Shifta War and the collapse of Somalia's central government, leading to an influx of small arms. As a result, the mainland became infested with armed bandits who routinely terrorized the transport business in the County. Cattle theft is also common, in the area and the same is blamed on the Somali bandits from Garrisa or Tana River. Lamu has also been considered a hiding ground of the Al Shabaab and Al- Qaeda terrorists. In fact, the slain Mohammed Fazul regarded as the mastermind of the Nairobi US embassy terrorist attack resided in the island of Faza for many years unnoticed.

Recently, the island of Kiwayu was thrust into media limelight following the seizure of a French holidaymaker by suspected Al Shabaab and taken to Somalia via the sea. The ongoing war between the KDF and the Al Shabaab has been launched from Lamu's border area of Kiunga as well as the coastal waters off Lamu Island. Thus, a large part of the northern tip of the County and its coastal waters is now a military zone. If the war will have an impact on 2012 elections, then Lamu will also be affected (or at least some parts thereof).

Economic Dimensions

Lamu is among the wealthiest Counties in Kenya, as evidenced by relatively low poverty levels (32.7%) and robust local revenue base of Kshs1.023 billion (CRA, 2012) due to heavy investments in the tourism industry. In addition, the County receives one of the highest resource transfers from the central govt at Kshs1.23 billion in FY 2008/9. The government has also revised the Lamu Port & Lamu Southern Sudan - Ethiopia Transport Corridor (LAPSSET) a transport and infrastructure project that will be Kenya's 2nd transport corridor. The Project will cost an estimated \$ 22B. ²¹With such impressive revenue figures, one would expect this to translate into economic prosperity for the residents. However, this is not necessarily the case. The district has only 3 public secondary schools and 17 primary schools in Lamu East constituency.²²

Legal dimensions

Lamu County is only served by one magistrate's court in Hindi (mainland). High court cases are handled in Malindi. Traditional methods of dispute resolution are common among the indigenous communities. So far, these seem to have handled disputes fairly in this area

19 Mghanga Mwandawiro, *Usipoziba ufa, utajenga ukuta; Land , elections and conflicts in Kenya's Coast Province*, 2010 Heinrich Boll Stiftung: Nairobi

20 Ibid

21 www.republicofkenya.org

22 Ibid pg 84

Social cultural dimensions

Lamu being a cosmopolitan area is bound to elicit cultural differences and clashes. Already, indigenous communities feel aggrieved by the preferential treatment given to the immigrant Kikuyu ethnic communities and this may later boil into ethnic hatred.

Lamu like other parts of the coastal areas is affected by the drug menace. Drug cartels have thrived in the urban areas for a long time and anti-drug abuse crusaders have borne the brunt of attacks by drug lords who do not hesitate to demonstrate their power and influence.²³ The extent to which drug money finances local politics is not clear but this is something that merits monitoring

Environmental dimensions

Land is a big issue in Lamu. Tenure systems have ensured that indigenous communities lack titles or remain as tenants in properties owned by feudal Arab landlords.²⁴ Unless the matter is resolved, it might later on prove to be a ticking time-bomb. Concerns have also been raised on the potential effect of the Lamu Port South Sudan Ethiopia Transport Corridor (LAPSSET) project on the environment especially in reference to the ecosystem of the Mangrove forests.

Conclusion

Even though the County has never been beset by serious conflict and strife, the land problem, together with the cosmopolitan nature of the area, widespread illiteracy, threats from Al Shabaab and drug menace may provide long-term conflict risk factors that could affect the electoral environment.

TAITA TAVETA

Taita Taveta is located in the southern part of the country and it borders Tanzania and Kwale in the south, Kilifi and Kitui to the East, Makueni and Kajiado to the north. It occupies a total of 17,084 square kilometers and a population of 284,657 (2009 Census). The Dawida and Taveta are the indigenous communities to this area whereas a sizeable Kikuyu, Kamba, Luo and Somali migrant population is settled in the area. There are 4 constituencies in the County which have Mwatate, Voi, Wundanyi and Taveta.

Political Dimension

The area was largely unaffected by the PEV except for one centre, Werugha, where shops owned by members of the Kikuyu community were looted following the announcement of the presidential elections. The land question is an important political issue in the County, since 89% of the total land area is under the Tsavo National Park.²⁵ The remainder 11% is shared between the residents and few large scale land holders. Due to this, there is a sizeable squatter population and land pressures have forced some of the family members in at least each household to emigrate from the County in search of opportunities.²⁶

The land issue has featured prominently in previous elections. The government has managed to compulsorily acquire land from the settlement of some squatters. It is therefore necessary to ensure that the resettlement of squatters is done in a manner that is consistent with the law and more importantly, the issue is not abused for political purposes.

It is also important to note that Taveta constituency is a cosmopolitan one comprising the Taveta

23 Ibid pg 83
24 Ibid
25 Mwandawiro, Ibid pg 33
26 Ibid

(indigenous community), the Kamba, Luo and Tanzanians significantly represented. Politics in the area has always been framed in terms of indigenous versus the migrant communities. This may lay ground for the exploitation of negative ethnicity.

There is a high potential for border conflicts, since Taita Taveta has historically never settled its boundaries with almost all its neighbours. With disputes over IEBC boundaries report ensuing, it is possible that this matter will erupt into open conflict unless political consensus is reached sooner than later.

Security Dimensions

Taita Taveta is a border County that is prone to insecurity due to cross-border thuggery. There is also a high incidence of poaching within the national park and animal sanctuaries in the area. However, these may not pose significant risk in the coming elections

Economic dimensions

Taita Taveta has a poverty rate of 54% which is considerably high (CRA, 2012).The County however is rich in minerals such as gemstones, iron ore and limestone.²⁷ Tourism is also a significant income earner, owing to the fact that Tsavo National Park and numerous animal sanctuaries are located within the County. However, it is sad that the said mineral and tourism wealth has not changed the fortunes of the locals but rather continues to be as source of conflict. The local residents have accused the government of dishing out land to mineral prospectors without consulting the people and this has reinforced the view that the wealth of the County is being exploited by outsiders. All the tourism revenue is paid to the Kenya Wildlife Service (KWS) and therefore remitted to central government with little trickling back to the locals. This has caused bitterness among the locals, considering that they bear the greatest brunt of human-wildlife conflicts.

In the FY2008/9, the County received a total of Kshs848 million from central government as CDF and LATF. This is significant for a County with such a relatively low population. Intensive competition for County level positions is likely to intensify in the coming period and therefore merits closer monitoring.

Legal Dimensions

The County has magistrates' courts in Voi, Wundanyi and Taveta, hence locals have considerable access to justice. These courts could play an important role in addressing conflicts that may arise during the electoral period. Community elders are still influential in most places and therefore could help stem conflicts through alternative dispute resolution measures

Social dimensions

Taveta and Voi are the most ethnically diverse constituencies in the County, due to the presence of large migrant communities that came as labourers or settlers. Sometimes, ethnic tensions arise. This situation will therefore merit external scrutiny as a way of deterring any potential violence.

Environmental dimensions

Tensions over land ownership are most prevalent in the district. These tensions pit large scale land owners versus the small holders, squatters versus registered owners, the government versus squatters and agriculturalists versus animal ranchers. Some disputes over ownership of communal land (group ranches) crop up. Besides land-related conflicts, the County has also experienced human-wildlife conflicts persistently.

²⁷ Ibid pg 28

Conclusions

Taita Taveta has a considerable high conflict risk due to such factors as the land question, disputes over sharing of wealth, border disputes and ethnic differences. All constituencies in the County therefore merit close monitoring.

GARISSA COUNTY

Garissa County is located in the lower reaches of the former North Eastern province and shares common borders with Wajir, Somalia, Tanariver, Kitui and Lamu Counties. The County has acreage of 44,175 square kilometers with a population of 623,060 persons (2009 Census). It comprises four constituencies Dujis, Fafi, Ladgera and Ijara. It is inhabited almost exclusively by the Ogaden clan of the Somali but sub-clan identities are much stronger and thus, the people are further divided into Abdwak, Abdalla and Auliyan subclans. Migrant population from down country is to be found in major trading centers. There also exist a minority cluster of clans known as Muhammad Zubeir or 'corner tribes' which are believed to have migrated into the region from Wajir.

Political Dimensions

The political constituencies in Garissa are delineated along clan lines. The Auliyan occupy the Lagdera Constituency in the North, whereas the Abdulla (the smallest of the three) occupies Ijara in the south. The Adwak, who perhaps are the wealthiest and most powerful occupy Dujis and Fafi constituencies.

Like in Mandera and Garissa, ascension by a clan to the leadership of an area is seen as a move towards institutionalizing the group's exclusive claim over the political territory in question. In Garissa for instance, the Abdiwak consider Dujis and Fafi constituencies as their ancestral lands. However, following the collapse of the Somali government in 1991, there has been a steady influx of Auliyan Somalis from Somalia. Overtime, this has affected the demography in the two constituencies in favour of the Auliyan to the chagrin of the Abdiwak.²⁸

Further, even though the two clans are closely related and have shared pasture as well as access to River Tana in the past, a wave of inhospitality grew in the run up to the 2002 elections, when it became clear that the increased Auliyan population would lead to loss of the Abdiwak-held constituencies. As a result, tensions erupted into full scale conflict between the two communities between the years 1998 and 2000, spreading and escalating into Garissa town and leaving up to 30 people dead. It took the intervention of business community and local leaders for the conflict to subside.

Similar tensions have over time arisen following the electoral cycle, suggesting possibility of political incitement by the elite as the key trigger. Already, tensions are high over the creation of new constituency within the County as was evidenced in the fight that broke out during the IEBC hearings held at Garissa town in January 2012. It is therefore important to monitor this County as 2012 elections approach

Security Dimensions

Like the rest of the North, Garissa has seen a proliferation of small arms occasioned by the Shifta War and later by the collapse of the Somali government.²⁹ The presence of refugees in Daadab, now estimated at 400,000 people, continues to be a security issue. The camp is said to be a source of illicit weapons that end being used in local clashes with deadly consequences. The refugee issue also assumes a political dimension at times. It is not uncommon during elections to hear claims by

²⁸ See for instance, Menkhaus K, *Kenya-Somali Border Conflict Analysis*, 2005, USAID Nairobi at pg 25

²⁹ See Pkalya R and Halakhe H (eds), *Combating the problems of small arms in Northern Kenya: Testimonies and case studies of pastoral communities*, 2011, Government of Kenya: Nairobi

politicians that refugees have been illegally registered as voters in order to influence local elections.

Garissa is the nearest large town to the arena of the Kenya Defence Forces (KDF) and Al Shabaab conflict. It has increasingly become vulnerable to terrorist attacks from Al Shabaab. For instance, on 24th November 2011, a grenade attack was launched in a bar within the town, leading to 2 deaths and several casualties.³⁰ This violence will set a rather tense stage for political and electoral campaigns.

Economic Dimensions

Garissa has relatively lower poverty levels at 49% (CRA 2012) than the rest of Northern Kenya. The mainstay of the local economy is livestock pastoralism, sedentary agriculture along the banks of River Tana and its tributaries and thriving trade in Garissa town and cross border towns of Liboi.

Control of cross border trade has precipitated conflicts in the area. For instance in 2000, the Muhammad Zubeir clans violently overthrew the Auliyan in the border town of Doblely ostensibly in a bid to control cross border trade at the strategic town.³¹ The grudge harboured by the Auliyan over the incident still persists as no peace agreement or reconciliation has ever taken place between the two groups.

Garissa relies heavily on resource transfers from the central government. In FY 2008/9, the County received a total of Kshs470M in the form of CDF and LATF.

Legal Dimensions

Garissa now has a high court station as part of the ongoing judicial reforms. However, traditional justice resolution mechanisms still operate alongside formal systems. These traditional systems are credited for managing local conflicts. However, when elders take too long to resolve the conflict, or where a trigger is viewed as purely politically motivated, traditional mechanisms seem powerless as the situation escalates.

Social cultural dimensions

Garissa, like the rest of Northern Kenya is predominantly muslim. The conflict in Somalia led to the emergence of Al Ittihad Al Islam, a form of Salafi jihadism with a distinctively pan-Somali nationalist agenda.³² The County has experienced attacks against Christian institutions in the County and it is therefore important to monitor the levels of religious intolerance as this may lead to disenfranchisement of the minority Christian groups in the County.

Environmental Dimensions

Garissa County is semi-arid and therefore land and access to water resources are the key drivers of conflict in the region. These two are connected with the livestock pastoralism lifestyle of the residents of the County. However, conflicts over urban spaces have emerged in recent years. For instance, local clans have recently clashed over allocation of land in Bula Karatasi area of Garissa town.

Conclusion

Garissa bears high risks that ought to be monitored prior to the 2012 elections. The presence of refugees in Daadab, deteriorating border situation in Somalia, religious intolerance and resource

30 See the Standard, 25th November 2011 Edition

31 Menkhaus K, 2005

32 See more analysis of this in International Crisis Group, *Kenyan Somali Radicalization*, in Policy Briefing, Africa Briefing No 85, 25th January 2012

based conflicts are key factors that might affect the electoral environment in the run-up to the upcoming elections.

WAJIR COUNTY

Wajir County is located in the middle of the former North Eastern Province, bordering Mandera to the South and Isiolo and Marsabit to the West and Somalia to the East. It occupies 56686 square kilometers with a population of 664,941 persons (Census 2009). The County comprises four constituencies: Wajir North, Wajir East, Wajir West and Wajir South. Like Mandera, the County is overwhelmingly Somali with small migrant communities resident in the County as either administrators or business people. The Somali community is composed of the Ajuran, Degodia, Ogaden and Garre clans.

Political Dimensions

During the colonial period, the government demarcated the County into grazing blocks that were assigned to each clan, ostensibly to prevent conflict over pasture and water resources for their livestock.³³ These blocks assumed political significance when the post-independent government transformed them into political constituencies. A victory by a clan in a particular constituency is viewed as a move to institutionalizing the clan's hold over resources and disenfranchisement of the clans that 'lose' those elections.³⁴ Until 1997, Wajir had three constituencies: Wajir East- Degodia, Wajir South- Ogaden and Wajir West- Ajuran.

The Ajuran consider themselves as the original inhabitants of Wajir and hence have consistently laid historical land claims to the Wajir West constituency, where they are predominant. However, the Degodia have over the time migrated into the constituency and after entering into alliances with neighbouring Garre clan, they were able to capture the Wajir West Constituency in 1979, 1984 and 1992 elections. This resulted in inter-clan wars pitting the Ajuran over the Degodia. The worst flare-up between the two communities was witnessed in the period between 1992-5 when approximately 1213 people were killed and 1500 were injured following the election of a Degodia. Eventually, the government created a Wajir North Constituency exclusively for the Ajuran.³⁵ This move has not settled the Ajuran's claims over Wajir West constituency. In fact, it opened a new conflict front pitting the Ajuran and the Garre who consider parts of Wajir North as their customary grazing grounds.

The 1992-5 conflict was eventually resolved through a broad-based initiative that was spearheaded by civil society groups with state support, which culminated in the Al Fatah Declaration.³⁶ This led to a period of relative calm until 2000-1 when tensions between the Ajuran and Garre led to full scale violence that left 15 people dead and 3,300 displaced.³⁷ The conflict had been preceded by a quiet move by the Ajuran to displace the Garre in the new Wajir North constituency as punishment for the latter's support to the Degodia in the 1997 elections.

In view of this trend of clan tensions, the situation should be monitored in the run-up to 2012/3 elections as a new constituency has been created in the County.³⁸

33 Ibrahim D and Jenner J, *Wajir Community Based Conflict Management*, 1996 accessed from <http://payson.folane.edu/conflict/cs%20st/janfin2/html>

34 See Menkhaus Ken, *The Rise of the Mediated State in Northern Kenya: The Wajir Story and its implications for State-building, 2008 in Afrika Focus*, Vol 21 Nr2, 2008 at pg 25

35 Ibid pg28

36 Ibrahim D and Jenner J supra

37 Menkhaus supra, pg 28

38 Unfortunately, the Court has stayed the creation of the 80 new constituencies meaning that the general elections have been thrown into disarray. The IEBC has to challenge (through an appeal) whether this decision can be reversed. See *Daily Nation*, Saturday, April 13, 2012.

Security Dimensions

Wajir was part of the Northern Frontier Districts territory that remained closed to the rest of the country during colonial period. After independence, the area residents joined the clamour for secession and therefore bore the full brunt of the Shift War of the 1960s. In 1984, clan conflicts in the area led to the Wagalla Massacre, during which 400 Degodia men and youth died of exposure and thirst after being rounded up by the Kenyan military and left in the sun for three days with no food, water, or shelter³⁹. Political instability in Somalia and Ethiopia led to influx of refugees and armed weapons into the County and this has contributed to ensuing conflicts and instability.

Local conflicts have also sucked in foreign militia thus aggravating the situation. For instance, it is claimed that the Degodia enlisted military support from their Somali cousins in the 1992-5 conflict, whereas the Garre enlisted the support of their Ethiopian kinsmen in the 2000-1 conflict.⁴⁰ There is no guarantee that such alliances cannot be enlisted in future conflicts and hence merit closer monitoring

It is also noteworthy that KDF's onslaught against the Al Shabaab has been launched from parts of the Wajir- Somalia border. The area has therefore become prone to attacks attributed to the Al Shabaab. For instance, between December 2011 and January 2012, explosions have rocked parts of the County leaving 6 people dead and scores injured. If these attacks escalate in the run-up to the elections, they may adversely interfere with the electoral environment.

Economic Dimensions

Wajir is among the poorest Counties in the country with poverty rates hovering around 84% (CRA 2012). The situation is worsened by the County's vulnerability to drought and conflicts which adversely affects its livestock base. The County nevertheless has oil potential as evidenced by numerous exploration licenses that have been granted to foreign companies. The strategic importance of the County from a military point of view is manifested in the recent construction of an ultra-modern airport and the presence of a large army outpost within Wajir town. Resource transfers from the central government amounted to Kshs391 million in the form of CDF and LATF (CRA 2012).

Social Cultural Dimensions

Ethnic tensions and hatred are long engrained in the County's culture and history. The Ajuran view the other clans as outsiders whereas the other clans see themselves as political ascendants. Conflicts over resources have also worsened social tensions between the various communities. However, this has not ruled out alliances. For instance, in the 1992-5 conflict, the Ajuran and Ogaden formed an alliance against the Degodia, whereas in the subsequent periods, the Degodia have formed alliances with Garre to fight the Ajurans. The communities have used poetry, songs and other cultural tools to propagate messages of ethnic hatred hence worsening conflicts. These tools merit closer monitoring during election periods.

Legal Dimensions

Customary justice systems play a more central role in conflict resolution and management in the County more than the formal justice system. This is attributed to the limited presence of formal courts (only one magistrate's court) and the remoteness of arenas of conflict. The role of elders in adoption of the Al Fatah Declaration contributed immensely to the resumption of peace in the County. However, for such mechanisms to succeed, the tacit support from the state is necessary. The extent to which these mechanisms can be employed in resolving electoral violence and conflicts is something that

39 Ibrahim D, supra- this Massacre is the subject of inquiry under the ongoing Truth Justice and Reconciliation Commission's mandate.

40 Menhkausa supra

requires further exploration.

Environmental Dimensions

Like the rest of the Arid Northern Kenya, climate change has dramatically increased the region's vulnerability to droughts and floods. This has imperiled the rather fragile livestock based livelihoods and ruled out possibilities of sedentary agriculture. Conflicts over resources (pasture and water) are on the rise as influx of refugees from Somalia intensifies population pressures in the County. It is therefore important for the root cause of some of these conflicts to be regarded as such and resources availed to support climate change mitigation and adaptation.

Conclusion

Political risks attending to conflicts in the County will remain high as the next elections approach. The deteriorating security situation in Somalia will also warrant closer attention to the forthcoming elections from a monitoring point of view. In the same vein, there is need to monitor the use of environmental triggers in precipitating electoral violence.

MANDERA COUNTY

Mandera County is situated on the northern tip of Kenya's boundary with Somalia and Ethiopia. It occupies 25,999 square kilometers with a high population of 1,025,756 persons almost exclusively belonging to the Somali ethnic community. The community is however divided into 5 clans which are the Garre, Murulle, Degodia, Marehan and so-called 'corner tribes'. There are three constituencies in the County: Mandera East, Mandera West and Mandera Central.

Political Dimensions

Politics in Mandera is organized along clan lines. The Garre comprise the majority in the County and using their numerical strength, they have dominated Mandera West and Central Constituencies, whereas the Murulle control Mandera East Constituency. The Garre believe that Mandera is their territory after having moved in the area and forcibly evicted the Borana in the 19th Century, pushing them to their present-day settlement in Moyale.⁴¹ The Murulle and Degodia later moved into the area and were allowed to settle by the Garre.

In the post-independence period, the Garre held the sole Mandera parliamentary seat until 1983, when a MP from Murulle was elected with the support of voters from various groups. This led to successful agitation by Garre for the constituency to be split into Mandera West and East. Due to this history of it is therefore expected that the general elections will be keenly contested by the communities and hence risks will be high.

It should also be noted that the Garre and Murulle have clashed violently in 1983/4, 2001/5 and 2007/8 period on matters which are closely related to politics.⁴² With the next elections representing high stakes at County level, the situation merits closer monitoring.

Security Dimensions

Mandera is part of the Northern Frontier Districts that took part in the Shift secessionist campaign in the 1960s. The County residents are scarred by the effects of the Shifta War, especially the administrative and economic isolation that came with it, and hence have a historical grievance against the Kenyan state. Collapse of the Somalia central government in 1991 and instability in Ethiopia led

⁴¹ UNDP Kenya, Dynamics and Trends in Conflict in the Greater Mandera in Amani Papers Vol 1 May 2010 pg 7

⁴² Ibid pg 12

to proliferation of small arms in the County and contiguous areas, making conflicts assume deadly dimensions. Whenever local differences escalate into violence, it is suspected that feuding clans usually engage militias from neighbouring Somalia to fight on their behalf.⁴³

The ongoing war between the KDF and the Al Shabaab militants in Southern Somalia will also have an impact on the next elections, since deterioration of the security situation could actually impair free and fair campaigns or lead to cancellation of elections all together. This heightens the need for close monitoring of the electoral campaign environment.

Economic Dimensions

Mandera is among the poorest Counties in the Country with poverty levels at 87.8% (CRA, 2012). The primary economic activity is livestock pastoralism with cross boundary trade also accounting for the vibrancy of Mandera border town. It is believed that the County has mineral wealth potential (petroleum), even though previous exploration exercises have borne no fruit. Thus, the County relies heavily on resources transfers from the central government which totaled Kshs213M in FY 2008/9.

Legal Dimensions

The entire County is served by one Magistrate's court based in Mandera. Due to this, residents have relied on traditional justice mechanisms (provided by community elders) to resolve conflicts. Dispute resolution methods centre on payment of *Maslaha* (loosely translated as 'compensation') for crimes committed against members of feuding clans.⁴⁴ These mechanisms have been used to resolve deadly conflicts that occurred in the region and were credited with the adoption of Umul Accord in 2005, which is perhaps the greatest peace-building effort in the County to date. The provincial administration plays a role in dispute resolution but is severely constrained by inadequate infrastructure and logistical constraints.⁴⁵

Social Cultural Dimensions

Relations between Garre and the other communities have been characterized by tensions and hostilities, arising from the formers sense of entitlement to all the territory in Mandera and feelings that the latter are encroachers. It is this sentiment that motivated the Garre to attack and displace the Murulle from El Wak town in the 2000 conflict.⁴⁶ The Degodia have emerged as neutral in the Garre and Murulle conflict and as such, their elders are usually invited to mediate the conflicts between these two large groups.

Creation of administrative units (districts, divisions and locations) in Mandera have been a source of conflict as they are interpreted as giving the resident clan exclusive rights over administrative territories. This has created tensions over use of shared resources such as water and pasture. These tensions are not confined to affected areas, but also extend to urban centres where any slight incident may trigger street fights between rival clans.

It is also suggested that local poetry, songs and rhetoric has been used to incite people against rival communities and demonizing some communities.⁴⁷ Prevalence of such cultural tools is a critical sign that clan hatred is indeed entrenched in the collective psyches of these communities.

43 Ibid

44 Due to lack of formal courts, many victims of human rights violations therefore opt for *Maslaha*, a kangaroo court where they receive 'compensation' after discussion and agreement between their families and those of the offenders, despite its shortcomings and the 'court' is presided over men who often discriminate against women. See Njari Gitonga, Tribal, *modern law differences cause trouble*, Visit <http://www2.mssu.edu/international/mccaleb/kenya/tribal.htm> , accessed April 10, 2012.

45 Ibid Pg 18

46 Ibid pg 10

47 Ibid pg 28-9

Environmental Dimensions

Mandera County is a very arid area with few water resources. There is only one permanent river (River Dawa) flowing from southern Ethiopian highlands down through Mandera into southern Somalia. The rest of the County is served by water pans, natural springs and boreholes, which are owned by resident community. During dry periods when scarcity worsens, community elders usually come up with complex schedules for sharing the water resources. Failure by a group to adhere to these schedules usually results into conflict. Access to pasture is usually a negotiated process involving elders from concerned communities. With a rising population, deterioration of security situation in Somalia leading to influx of refugees and worsening effects of climate change, pressure over pasture and water resources is mounting and this has increased conflict risks in Mandera.

Conclusion

Ethnicization of politics, boundary disputes, fragile security situation and resource-based conflicts elevate the conflict risks in Mandera to high category. For this reason, monitoring of the electoral environment in all constituencies (particularly Mandera Central) should be a matter of priority.

MARSABIT COUNTY

This County is located in the northern tip of the former Eastern province and it is the largest County in the republic, covering approximately 70,961 square kilometers with a population of 291,666 persons.⁴⁸ The County has 5 constituencies, which are: Laisamis, Saku, North Horr and Moyale. In terms of ethnography, Marsabit comprises of the Borana, Gabra, Burji, Rendille Turkana and El-Molo communities in that descending order; in terms of population.

Political Dimensions

Politicization of ethnic and clan identities poses the greatest challenge in terms of conflict factors in the County. This manifests itself in ethnic rivalries between the Gabra and Borana, which are the two largest communities, occupying the Saku and Moyale constituencies. Leaders in these two constituencies are known to mobilize for support along ethnic lines, hence precipitating conflicts. It is not uncommon for instance for leaders of two or more communities to form alliances with a view to defeating a candidate from another community. Conflict at times is also introduced to antagonize communities in order to make it difficult for alliances to be formed. The current conflict between the Gabra and Borana in Moyale constituency should be seen in this light. It is said that the fighting was sparked by jostling among the County's Gabra and Borana elite for the political positions created by the new devolved structure of government.⁴⁹

At a local level, inter clan tensions over political power also trigger conflicts. For example, among the Rendile in Laisamis, minority clans are known to build alliances against the dominant ones.⁵⁰ It is also argued that conflict has been used as an instrument for altering demography through forceful removal or relocation of a particular community in these constituencies with a view to disadvantaging a candidate by eroding his/her voter base. This is the logic behind the ensuing clashes between Gabra and Borana in Moyale constituencies.

48 Republic of Kenya, (2009), *National Population and Housing Census*, Nairobi: Government Printers

49 Interview with Jattani Wario, a CSO representative in Moyale and corroborated by a statement by Mzalendo Kibunja, the Chairperson of NCIC posted on <http://www.irinnews.org/report.aspx?reportid=94789> accessed on 2nd February 2012

50 For instance, the Tubcha, Yuyam, Matarbah, Elegeza, Odhola and Nahgan clans have formed TUMEONA alliance against dominant clans

Security Dimensions

Marsabit County borders the Oromia region of Ethiopia to the North. There has been a longstanding rebellion in Oromia, ostensibly due to claims of marginalization of the Oromo community by the Ethiopian state, which is dominated by northern communities. Incidentally, the Oromo are ethnically related to the Kenyan Borana and therefore, this has raised the accusations by Ethiopian authorities that Marsabit and Isiolo Counties harbor rebel bases of the Oromo. It is not infrequent for Ethiopian military to make incursions in Marsabit County either in pursuit of Oromo rebels or in operations against these rebel bases.

The Oromo rebellion has led to proliferation of small arms in the County hence predisposing the area to deadly conflicts. In the current Gabra- Borana conflict, there are allegations that the latter community has elicited help of the armed Oromo cousins against the former.⁵¹ The reduction of security threat in this area therefore partly depends on the resolution of the Oromia conflict. Cattle rustling is also a common feature, sometimes leading to large scale inter-communal fighting. The relatively limited presence of police in the area appears to worsen the situation.

Economic Dimensions

Marsabit is ranked as the 4th poorest County in the country, with an estimated poverty rate of 83.2% (KIBHS). This reflects the general trend in the northern frontier regions of Kenya that had suffered marginalization from the colonial times. However, with the introduction of resource transfer systems from the central government through such instruments as LATF and CDF, the County has witnessed inflow of considerable funds, which account for 52% of total revenue (CRA 2012). For instance, in the FY 2008/9, constituencies in the County received a total of Kshs541M from CDF, making the amount the 4th highest in the country, whereas local authorities received 185M from LATF (31st in the country).

It should however be noted that the construction of the Isiolo- Moyale highway is likely to improve local economy and open up the region to trade with other parts of the country. The infrastructure is also likely to increase the capacity of authorities to respond to conflicts when and as they happen.

Legal Dimensions

Communities in Marsabit have over time used with varying degrees of success traditional justice mechanisms to deal with the conflicts in the region. These structures have negotiated and settled inter-ethnic disputes arising from cattle rustling through application of restorative justice. They present to most accessible and convenient forms of dispute resolution, considering that the area has two magistrate courts located in Marsabit and Moyale towns. The only High Court station is to be found in either Meru or Nyeri. Failure by the formal justice system to recognize the local justice mechanisms means that the two normally run parallel and oblivious of each other. Attitudes towards the formal justice systems are also poor as the locals perceive judicial officers posted to these areas as either incompetent or indolent (having been transferred to these hardship areas on disciplinary grounds)⁵². This further alienates locals to the formal justice system.

The Provincial Administration and the District Peace Committees (DPCs) supplement avenues for dispute resolutions in the County. However, these organs have been accused of bias and lack of neutrality in some disputes thus reducing their overall effectiveness.⁵³

51 See Hassan Huka, *Chief Seeks Foreign Refuge as Tribal Conflict Flares* in Daily Nation Thursday December 29th 2011 edition, wherein Kenyan security forces were reported to have engaged in gun battles with Ethiopian tribal militia suspected to have been hired to back the warring communities

52 Interview with local CSO leader - Ali Gorar

53 For instance, the Moyale MP, Mohammed Ali was reported to have called for the transfer of Provincial Administration officials for laxity and bias in the current conflict in the area- see www.capitalfm.co.ke accessed on 29th Jan 2012

Historical injustices arising from the Shifta War in the 1960s and the attendant human rights abuses dominate local discourses on popular grievances that underlie bitterness and frustrations of Marsabit residents against the central government. The TJRC provided an important avenue for ventilation of these grievances and therefore it will be important to see the kind of recommendations that will be made in addressing these long standing issues.

Social and Cultural Dimensions

Communities residing in Marsabit are known for harbouring ethnic rivalries that could easily trigger conflicts. Sometimes these boil over during election campaigns with negative consequences. It is not uncommon for fights to break out due to ethnic rivalry.⁵⁴ In the past songs would be used to incite violence.

Marsabit also has a very low enrolment rate of girl child in basic education at 30% compared to the national rate of 74%.^{54b} Generally women's participation in decision making and politics is low.

Environmental Dimensions

Marsabit County is largely an arid and semi-arid area with the exceptions of small patches of mountainous arable areas in central and northwestern parts. As such, natural resource-based conflicts over pasture and water are prevalent. Land in Marsabit is categorized as Trust land which is held by the local authorities in trust for the people. As such, there is no individual land tenure. This predisposes the area to conflicts between nomadic communities as property rights are loosely defined. The County has no major water source and therefore the residents rely on water springs, underground water and seasonal rivers. These are communal resources which could easily trigger conflict in times of scarcity. Droughts induced by climate change increase vulnerability and exacerbate conflict.

Conclusion

From the foregoing, it is evident that many factors appear to predispose Marsabit County to conflicts. It is therefore rational to categorize the County as a high risk conflict area due to multiplicity of triggers and structural factors identified in this report.

ISIOLO COUNTY

Isiolo County borders Marsabit to the North, Samburu to the West, Mandera, Wajir and Garissa to the East, Tana River, Meru and Laikipia to the South. The County occupies 25,336 square kilometres with a population of 143,294 according to the 2009 Census. Isiolo County comprises of Isiolo-North and Isiolo-South Constituencies. In terms of ethnic demography, Isiolo comprises Borana, Samburu, Turkana, Somali and Meru as the key communities.

Political Dimensions

The politicization of conflict in the area began with the advent of multipartyism as the then ruling party KANU tacitly gave support to local ethnic warlords in a bid to keep the opposition at bay.⁵⁵ This conflict worsened in 1999-2001 as the KANU rule came under strong challenges and at the onset of the 2002 elections.

Since 2002, ethnic alliances have become an important determinant in political contests in the

⁵⁴ Interview with CSO leader based in Marsabit town - Ali Gorar

⁵⁵ See for instance UNDP Kenya, *Conflicts Dynamics in Isiolo, Samburu East and Marsabit South Districts*, in Amani Papers, Vol 1 No3 of June 2010

^{54b} <http://www.hsnp.or.kr> (Hunger Safety Net Programme accessed 16th April 2012).

County. In the period post 2007 elections, Isiolo has seen on and off confrontations between the communities leading to a disarmament campaign by the military in 2009. The exercise was however stopped after local leaders accused the government of unfairly targeting the Samburu hence making them vulnerable to attacks from Borana. It took the intervention of the Prime Minister Raila Odinga for the exercise to stop⁵⁶.

The conflict reared its head once again towards the end of 2010 and was triggered by clashes over pasture and water between the Borana and the Turkana. As a result, displacement of populations took place which may affect the 2012 elections.

Security Dimensions

Isiolo is inhabited primarily by pastoralist communities and hence cattle rustling is common. However, rustling activities usually pit the Borana and Samburu, with occasional incidences reported against the Somalis in the former North Eastern Kenya. Small arms are also a problem in the County.

Economic Dimensions

In the financial year 2008/9, Isiolo was able to realize revenue of Kshs1.013 billion making it the 7th richest County in Kenya.⁵⁷ Out of this revenue, Kshs561 million and Kshs270 million were resource transfers from CDF and LATF respectively, whereas Kshs 193 million was generated locally from local taxes. Even though these resources portend a solution to the relative underdevelopment witnessed in the County, it could nevertheless be a source of conflict.

Isiolo was the site of intensive petroleum exploration in 2009/10 period by Chinese Companies, and it was widely expected that the area would yield vast reserves of natural gas. Already tensions were mounting in the area prior to the news that the exploration was unsuccessful. There is potential for mineral conflicts in the County.

Isiolo town is earmarked to be upgraded into a resort city in line with the Vision 2030 blueprint. A railway line will traverse the County from South Sudan to the port of Lamu. This makes Isiolo prone to speculation by land prospectors. However, most land in Isiolo is Trust land and therefore communally owned. Another related development is the emergence of conservancies in the area which are supported by the government in order to boost tourism. This has resulted in tensions especially during dry seasons⁵⁸.

Legal Dimensions

Isiolo County, just like Marsabit, share similar judicial history as part of the wider Northern Frontier District (NFD). With only one Magistrates court located in Isiolo, residents have resorted to traditional justice mechanisms for dispute resolutions. The Failure to prosecute those responsible for inter-communal violence has eroded the confidence of locals in the formal justice system.

Social and cultural Dimensions

Besides ethnic rivalries, the culture of moranism among the Samburu is of concern to the security situation in Isiolo. As part of the Samburu culture, young men are required to spend 10 years in the bush fending for themselves after initiation rites after which they are considered as junior elders. Therefore, morans constitute a standing army for the Samburu and engage in rustling activities at the

⁵⁶ Ibid

⁵⁷ CRA 2011

⁵⁸ See for instance Hassan Huka, *Police seeking seven over role in Isiolo violence*, in Daily Nation Tuesday November 1st 2011 edition

behest of the community elders.⁵⁹ Owing to the fact that other communities (Borana and Somali) lack this culture, they are vulnerable to Samburu attacks as they do not have a communal defensive mechanism.

Environmental Dimensions

Isiolo is better endowed with pasture and water points than the neighbouring Counties and for this reason, most herdsmen converge at the County during dry spells with their animals. This therefore predisposes the area to pasture-based conflicts. To address this problem, a peace accord adopted by the local DPC required neighbouring communities to inform the Isiolo DPC of their intention to bring in their cattle in order to avert conflicts.⁶⁰ However, the Samburu have routinely ignored this accord thereby sparking some incidents of clashes with locals. Another sticking point was the fencing of communal grazing lands by Turkana residing in Isiolo. This created tensions with Borana herdsmen, who viewed such fencing as acts of provocation, considering that the entire County is land held in trust by the local authorities on behalf of the communities. This was however resolved when the government banned fencing of land.⁶¹

Conclusion

Political ethnicization of conflicts and conflicts due to natural resources remain the greatest challenges in Isiolo County. Looking at all factors together, Isiolo remains a County with high conflict risk in Kenya.

MERU COUNTY

Situated in the former Eastern province, Meru County is known for its close proximity to the Mount Kenya. The County is relatively small covering only 6,936 square kilometers with a population of 1,356,301 people. It comprises seven constituencies i.e. North Imenti, Igembe, Ntonyiri, South Imenti, Tigania East, Central Imenti and Tigania West and thus making the County politically significant due to the sheer numbers of MPs it sends to the National Assembly. The County is dominated by the Meru ethnic group, with motley migrant communities constituting an insignificant minority.

Political Dimensions

Traditionally, the Meru community has organized itself politically with the Council of Elders with representation from various clans, the Njuri Ncheke, at the apex. Thus, clan identity still remains an important aspect of Meru’s political life. The dominant clans are the Imenti found in Meru central and have dominated the political arena in the County.⁶² It is the fear of the Imenti domination that prompted politicians from the Igembe and Tigania to oppose the creation of the Meru County and thus mobilized their supported to oppose the New Constitution during the 2010 referendum.

Security Dimensions

Security remains an issue of concern in areas that border Isiolo and Wajir on the northern part of Meru. Incidences of cattle rustling have been reported in these areas with regularity as part of the wider pastoralist conflict system of the northern marginal areas of Kenya. Such incidences however could destabilize the region if the scale and intensity is not checked.

59 UNDP Kenya, 2010
60 Ibid
61 Ibid
62 Other clans include Igoji, Tigania, Miutuni, Igembe, Mwimbi and Muthambi, Chuka and Tharaka

Economic Dimensions

Meru County is considered among the most prosperous in the country. Poverty levels are at 28.3%-the 5th lowest in the country (CRA, 2011). The district is endowed with high potential arable land, tourism sites in the Meru National Park and sound infrastructure. However, dependence on resource transfers from the central government is high at over 50%. Risk of political competition based on control of resources is however low.

Legal dimensions

Whereas the formal justice system is well entrenched in Meru as evidenced by the presence of a High Court Station and 6 magistrate courts, the Njuri Ncheke still plays a role in providing avenues for alternative dispute resolution, especially with regard to customary matters and land. Risks associated with legal factors are however low.

Social and cultural dimensions

Clan rivalries may present a challenge with regards to ensuring harmonious relations among the Meru. Besides, Meru are a patriarchal society and therefore gender relations exhibit strains due to domination of women by men. Women play marginal roles in politics and traditionally do not own land. The youth bulge in the country is also prevalent in Meru and this may pose a challenge.

Environmental Dimensions

Perhaps land scarcity poses the greatest environmental challenge for Meru County. With a population density of 196 persons per square kilometer pressure on the land resource is piling. In Meru North for instance, land has been identified as one of the major causes of conflict⁶³. Significant portion of land in the area is not titled and therefore is governed under customary law. This means that in such a patriarchal society, land is effectively owned and controlled by men. Access to credit is impossible since one cannot use land as collateral. Attempts by government to initiate the process of titling land have hit snags due to persistent public rejection of adjudication committees set up for that purpose⁶⁴. Unless a solution is found to this problem, it may create social problems in the County.

Another manifestation of the problem is the existence of squatters in the Timau region. The squatter settlements date back to colonial periods when African labourers were allowed to squat on fringes of settler farms. After independence, the government did not resolve the problem and hence persistence of squatter settlement in this area. Unless the issue is resolved, the growing squatter population could pose a political risk.

Conclusion

Perhaps the most significant conflict factors that require close monitoring prior to 2012 elections are inter-clan political rivalry as well as the land issue. Otherwise, Meru presents relatively minimal risks in so far as electoral violence and conflict is concerned.

THARAKA-NITHI COUNTY

Tharaka-Nithi is located south of Meru County and occupies an area of 2,639 square kilometers with a population of 365,330 persons. It was carved out of the larger Meru district in the early 1990s by the Moi administration, following agitation by local leaders who feared domination by their northerly

⁶³ See Ministry of State for the Development of Northern Kenya and Arid Land, *Arid Lands Resource Management Project II Meru North District- Annual Report 2007/8*at pg 6

⁶⁴ Ibid

cousins. The County extends from the slopes of Mount Kenya all the way down to the arid lands bordering the former North Eastern Province, hence it shows a high degree of climatic variability. The County is primarily occupied by Tharaka and Chuka sub-tribes of the Meru. The County comprises Tharaka and Nithi constituencies.

Political Dimensions

Like their northerly neighbours, the residents of Tharaka-Nithi take their clan identities seriously and this plays an important role in the political life of their society. However, the most significant cause of conflict in the County has been the contestation of political and administrative boundaries between the Tharaka and Igembe. This dispute surfaced in 1994 and erupted into violent confrontation between the two communities in 1996, resulting in the government issuing a ministerial statement saying that the dispute had been referred to the Njuri Ncheke for arbitration.⁶⁵

The matter however has persisted with no solution thus leading to the deadly clashes in 1997 prior to the elections that were held that year. The matter again flared up in 2003 following public utterances by local politicians that bordered on incitement. During the consultations that were recently conducted by the Independent Electoral and Boundaries Commission (IEBC), the matter resurfaced with the residents of Tharaka urging the Commission to resolve the matter once and for all. Thus from a conflict analysis standpoint, this issue could easily provoke pre-election violence unless it is resolved in an authoritative manner.

Security dimensions

The low-lying areas of the County that border the Isiolo and Garissa are prone to banditry and cattle rustling. The security risks and challenges faced by residents in this area are similar to those that face the northern parts of Meru.

Economic Dimensions

Unlike their northern neighbours, the Tharaka-Nithi are not as prosperous with poverty rates at 48.7% (CRA, 2012). The upper slopes of the County have better climatic conditions and therefore support tea and coffee farming, whereas the low lying areas are arid and therefore support subsistence farming as well as pastoralism. The resource transfers for the FY 2008/9 amounted to Kshs 339M (CRA, 2012) against modest local revenue showing a higher dependence on such transfers.

Legal Dimensions

Tharaka-Nithi currently has one Senior Magistrates Court in Marimati. Most cases are referred to Chuka or Meru. Therefore the traditional dispute resolution mechanisms are strong especially with regard to customary matters and land. Risks associated with legal matters are low.

Social and Cultural Dimensions

The Tharaka share a similar social cultural profile with Meru County. The patriarchal system is heavily entrenched and men dominate the social scene. Young people are also dominated over by the old and though they are more, their impact on social issues is curtailed by tradition.

Environmental Dimensions

Land related disputes are also prevalent in Tharaka, primarily due to population pressure and also due to the fact that significant portion of land still remains under customary tenure. This has made land a major campaign issue owing to the slow progress of adjudication and titling of land.

⁶⁵ See Kenya National Assembly, *Official Records (Hansard) November 1996*, Government Printer, 1996 at pg 2471

Conclusion

Conflict risks in Tharaka-Nithi County are slightly higher than in Meru owing to the potential for a border dispute, security situation in the pastoralist areas and land-related conflicts.

EMBU COUNTY

Embu County is situated in the middle of the former Eastern Province and covers 2,818 square kilometers with a population of 519,212 persons (2009 Census). The County is inhabited by the Embu, Mbeere and Kamba and Kikuyu communities and hence presents a cosmopolitan complexion. The County was created by amalgamating the former Embu and Mbeere districts that had been split in the 1990s by the former president Moi's KANU administration. The County comprises Manyatta, Runyenjes, Gachoka and Siakago constituencies.

Political Dimensions

In the cosmopolitan areas of Mbeere, if the competition for political positions becomes intense, risks for conflicts will increase hence there will be need to monitor these areas.

Security Dimensions

Unlike Tharaka-Nithi and Meru Counties, cattle rustling is not a major issue in Embu, owing to limited boundaries and interaction with the conflict-prone areas. However, the area faces a latent Mungiki threat, considering that the hotbed of the proscribed sect is in the neighbouring Kirinyaga district. It is possible for youth to be enlisted in violent campaigns and hence this risk ought to be addressed.

Economic Dimensions

Poverty levels in Embu are relatively high at 42%, whereas dependence on resource transfers also remains high (the region received Kshs 519 million as devolved funds from the central government in the FY 2008/9).

Legal Dimensions

Access to formal system of justice is commendable as the County has a High Court station that was previously serving both the former Eastern and North Eastern Provinces. Magistrate courts are found in Embu and Runyenjes.

Social and cultural dimensions

Even though the County is inhabited by 4 different communities, there is nothing to suggest high levels of tribal hatred. These communities have co-existed peacefully over the years.

Environmental Conditions

Land is a key issue in the lower parts of the County. In parts of Gachoka Constituency that are part of the Mwea Rice Scheme, land is yet to be titled and hence this has been a campaign issue for years. Like Tharaka-Nithi, this is a matter that merits attention.

Conclusion

Conflict risks in Embu are moderate, considering that the County is more cosmopolitan than its northern neighbours.

KITUI COUNTY

Kitui County neighbours Machakos County to the east, occupying a massive 30,496 square kilometers and a population of 1,012,709 persons. It comprises the former Kitui and Mwingi districts with a mono-ethnic (Kamba) demographic composition. There are 6 constituencies in the County which are: Mwingi North, Mwingi South, Kitui East, Kitui West, Kitui Central, Mutito and Mutomo.

Political Dimension

Kitui County is home to two political giants of contemporary Kamba politics- Vice President Kalonzo Musyoka and Hon Charity Ngilu. Since both enjoy considerable political following within the County, and have been known to take opposing sides, their supporters may clash during campaigns and voting. In June 2011, clashes between supporters of the two politicians occurred when Ngilu toured Kalonzo's Mwingi North constituency in the company of politicians allied to her.⁶⁶ if elections are closely contested, there may be risk of election related violence and therefore merits for tis county to be closely monitored.

Security Dimensions

Like the upper parts of eastern province, the areas bordering Garrisa and Tharaka-Nithi Counties are prone to cattle rustling, even though the intensity may not be as high. Limited security presence in the area and worsening conflict situation in Somalia could worsen the situation though.

Economic Dimensions

Even though poverty levels in Kitui are high (at 63.5%), the region has a high mineral wealth potential following discovery of vast quantities of coal, iron and cement. Already there are concerns that the agreement signed by the Chinese mining company and the government over coal exploitation is shrouded in secrecy and that the environmental implications of the same have not been sufficiently disclosed to residents.⁶⁷ Issuance of mining rights in Kitui by the County Council has to two rival cement companies, Bamburi Cement Ltd and Athi River Mining Ltd has led to wrangling among the two companies as well as among local leaders.⁶⁸ To date, the dispute remains unresolved and efforts to seek presidential and court intervention have not borne fruit.⁶⁹ This aspect need to be monitored as a potential cause of conflict.

Legal Dimensions

Access to justice in Kitui is rather limited owing to inadequate infrastructure as evidenced by the absence of a high court station and few magistrates court (in Kitui and Mwingi towns only) serving such a high population. However, traditional dispute resolution mechanisms are rife and strong in rural parts of the County

Social and cultural Dimensions

The social-cultural dimension, there is prevalence of poverty and its attendant effects. Though alot of premium is placed education and most of the community members have got strong religious beleifs, there is incidence of abuse to the girl-child. This notwithstanding, the participation of women in political affairs is quite high in the County.

⁶⁶ See Mutua P, *Many injured as Ngilu and Kalonzo supporters clash*, in *The Standard*, 24th June 2011

⁶⁷ See *Sunday Nation* 30th October 2011

⁶⁸ See Kenya National Assembly, *Official Records (Hansard)* Feb 2009, Government Printers 2009 at pg 24-5

⁶⁹ The matter is listed in court as ELC/JR No 84 of 2007

Environmental Dimensions

Scramble for mineral resources in Kitui is likely to emerge as critical factors. This will be triggered by disagreements over compulsory acquisition and compensation of resident's land as they make way for mining fields. Environmental problems associated with coal mining and opaque resource sharing agreements will also bring to fore disputes over public welfare and benefit, which if not properly resolved, this may foment widespread grievances peculiar to mining areas in the County.

Land disputes owing to customary tenure under which most land falls as well as presence of squatters in Mwingi North and Kitui west are likely to remain as risk factors especially in affected constituencies. Human-wildlife conflicts near game parks also pose a risk, albeit a moderate one.

Conclusion

The above analyses place Kitui County as a moderate political risk area and therefore should warrant close monitoring in the run up to the upcoming elections

MACHAKOS COUNTY

Machakos County is located in lower part of the former Eastern province, and covers 6,208 square kilometers with a high population of 1,098,584 people (2009 Census). With the exception of cosmopolitan Athi River/Mavoko area, the rest of the County is occupied by Kamba community. The County comprises six constituencies, which are: Masinga, Kangundo, Kathiani, Machakos Town, Mwala and Yatta. Owing to this high number of seats, the County is politically significant. The County is close to Nairobi, with parts of its land comprising the larger Nairobi Metropolitan.

Political Dimensions

Unlike most parts of Eastern province, politics in Machakos is largely unaffected by clan or ethnic considerations. This can be attributed to the diminished clan identity and authority of clans partly due to influence of Christianity and modernity. Politics rather is organized around personalities and political parties. Since 1997, Charity Ngilu and Kalonzo Musyoka have dominated the political scene, with political groupings and factions revolving around the two. If the elections are closely contested, there may be a risk of election related violence.

Security Dimensions

Due to proximity to Nairobi and the relative high level of urbanization, Machakos experiences heightened criminality, which however is not politically directed or motivated.⁷⁰

Economic Dimensions

Poverty levels in Machakos are relatively high at 59.6% largely due to poor agricultural performance and productivity in the vast marginal areas. The County however is less dependent on resource transfers from central government (transfers constitute less than 40% of revenue) and thus has a strong revenue base owing to urbanization and presence of the rich industrial zone of Athi River. Resource transfers nevertheless stand at Kshs479m.

Machakos has had considerable problems with land especially in Yimitheu, Syokimau and a fair share of squatters. Secondly, Machakos will host the Konza Technopolis, an Information Communication Technology (ICT) industrial city, which is one of the Vision 2030 flagship projects. Already, an intensive land scramble is underway as Kenyans attempt to own land around the proposed site. Once the city

⁷⁰ According to CRA 2012, rate of urbanization in Machakos stands at 52%

is up and running, it may upset the local political dynamics unless a different political entity is created to manage it.

Legal dimensions

Access to justice in Machakos is relatively high, with the presence of a High Court station in Machakos town and magistrate courts in Kangundo, Yatta and Tawa. Traditional systems of justice have all but eroded.

Social and cultural dimensions

Significant social and cultural factors that may trigger conflict in the County are those that may be associated with problems of urbanization such as urban poverty and youth unemployment. Like in Kitui County, the participation of women in social affairs is high.

Environmental Dimensions

Land in some parts of Machakos is still a source of potential conflict. In Masinga constituency, there are considerable populations of squatters residing in former settler ranches. So significant is the voting power of these squatters that they are able to influence who ever becomes an MP in this constituency. Pockets of squatters are also to be found in Machakos Town and Yatta constituency. Recent demolition of houses in Syokimau area brought to the limelight, the precarious land ownership situation in Mavoko area, where due to years of corruptions in land dealings, unsuspecting citizens were sold public land. Recovery of this land is likely to be a hot campaign issue which merits close monitoring.

Conclusion

Land-related conflicts and political competition for control of resources in devolved structure of governance is likely to make the upcoming elections intense and hence attract moderate risks of incidences of violence.

MAKUENI COUNTY

Makueni County is located on the southern tip of the former Eastern Province and measures 8,009 square kilometers with a population of 884,527 (2009 Census). Like Kitui, it is largely mono-ethnic (Kamba), with few pockets of diverse migrant populations. The County comprises Kilome, Kaiti, Makueni, Kibwezi and Mbooni Constituencies.

Political Dimensions

Makueni shares similar political risks and profile as Machakos County. Political conflicts could possibly emanate from competition between supporters or sympathisers of Kalonzo and Ngilu if the elections are closely contested.

Economic Dimensions

Poverty rates stand at 64.1% which is the highest in the eastern region. However, the County attracts considerable resource transfers (approximately Kshs 489 million in FY 2008/9) owing to the high poverty levels. The two stable economic pockets of Mbooni and Kilungu are not well tapped to provide support to the larger expanse of the County.

Legal Dimensions

Makueni has no high court station and is currently served by magistrate courts in Makindu, Wote and Kilungu. Traditional dispute resolution mechanisms through surviving clan structures do exist in remote areas and hence serve as important avenues for redress where formal justice systems do not exist.

Social and cultural Dimensions

Some levels of social and cultural differences exist between the Kamba and Maasai along the common border that runs from Konza to Mtito Andei. Sometime tensions occasionally boil up between these communities but risks associated with these differences remain low.

Environmental Dimensions

Land problems persist in Makueni with a sizeable squatter population residing in Makueni and Kibwezi constituencies. These portend some political risks as the land issue is likely to be politicized become potential conflict triggers. Human-wildlife conflicts in areas near Tsavo National Park have been a source of concern for many years.

Conclusion

Makueni poses moderate risks with regard to political conflict and therefore could merit monitoring as the elections approach.

NYANDARUA COUNTY

Nyandarua County is found in the north-western part of the former Central Province, bordering Laikipia, Nakuru, Kiambu, Nyeri and Murang'a Counties. It measures 3,245 square kilometers and holds a population of 596, 268 (Census 2009). It comprises four constituencies which are Kingangop, Ol-Kalou, Ndaragwa and Kipipiri. It is home to the Kikuyu, Maasai, Kalenjin and Samburu communities.

Political dimensions

Like other parts of Central Kenya, in 2007 general elections, Nyandarua voted overwhelmingly for President Kibaki in the presidential polls but exhibited political pluralism in the manner in which they voted for parliamentary candidates in the previous elections. This indicates the willingness of the voters to scrutinize and judge candidates on the basis of their personal attributes and representations. It is therefore expected that parliamentary polls in the County will remain competitive with a moderate risk of conflict in the forthcoming elections

The IEBC has proposed to carve out a new constituency- Ol-Jorok from Ol-Kalou and Ndaragwa. Disagreements have arisen among politicians over the decision to transfer some voting areas from the old constituencies to the proposed constituency. This could provide conditions for conflict if the matter is not resolved.

Nyandarua is home to Internally Displaced Persons (IDPs) who moved into the area from Rift Valley as a result of the PEV. These IDPs are to be found in the Mawingo camp near Nyahururu town. The situation needs to be closely monitored.

Security Dimensions

The northern areas of Nyandarua County that border Rift Valley Counties of Laikipia and Nakuru are

prone to cattle rustling due to proliferation of small arms in the area. There also historical grievances held by the Maa-speaking communities (such as the Samburu and Maasai) in these areas that the land upon which the Kikuyu community has settled was traditionally theirs. This could provide grounds for political incitement unless the matter is resolved within the context of ongoing truth, justice and reconciliation process.

Nyandarua experienced violent crackdown of the Mungiki sect by security forces in the 2008-9 period. It is therefore scarred by the Mungiki experience. Even though the Mungiki threat appears to have been neutralized, the potential for remobilization of sect members for political campaigns exists and therefore should be monitored.

Legal Dimensions

The County is served by a single magistrate court station in Nyahururu. This may pose challenges in terms of access to justice over electoral disputes since the nearest high court station is in Nakuru.

Economic Dimensions

Nyandarua is the poorest County in central Kenya with poverty levels now estimated at 46.3% (CRA, 2012). This is attributed to widespread poverty conditions in the semi-arid areas in the northern part of the County as well as overcrowding conditions in the southern parts where it is increasingly becoming difficult to exploit full potential of reducing agricultural landholdings. These conditions may create an environment conducive to conflicts

Social Dimensions

There are areas with pockets of ethnic tensions emanating from historical land grievances alluded to above. Unless resolved, these areas may create conflict conditions

Environmental Dimensions

Significant environmental degradation is evident in most parts of the County. In the lower reaches of the County, high population density has put pressure on decreasing landholdings leading to unsustainable patterns of land use. Landlessness is also a significant factor which has recently been worsened by the influx of IDPs in the country. Human-wildlife conflicts are common on the areas bordering the Aberdares National Park which led to fencing off of the park.

Conclusion

Conflict risk in Nyandarua can be termed as moderate. The key factors may include political competition, poverty occasioned by landlessness and unsustainable land use and insecurity.

NYERI COUNTY

Nyeri County is located in the northern tip of Central Kenya and borders Kirinyaga, Meru, Laikipia, Nyandarua and Muranga Counties. It measures 3,337 square kilometers with a population of 693,558 (2009 Census). It is populated by the Kikuyu though other ethnic groups are to be found in the major commercial centers. There are 6 constituencies in the County that are Nyeri Town, Mukurweini, Tetu, Othaya, Kieni and Mathira

Political Dimensions

Nyeri is a very politically-significant County for various reasons. First, the County is the home of the

incumbent President, who is also the MP for Othaya. In the sunset year of his presidency and elective politics, the race to succeed the Mwai Kibaki in his constituency has begun in earnest.

Secondly, the County has a high number of constituencies compared to other Counties that may be more populous. The voting patterns that emerged in the last elections indicate that the voters are not beholden to any political party per se. Hence with this kind of pluralism displayed by voters, political parties compete freely.

Party rivalries have increased as was evidenced in a recent by-election where the President was forced to come down to his constituency and campaign for a councilor after it emerged that the candidate from his party PNU was likely to lose to another supported by Grand National Unity Party (GNU).⁷¹

Thirdly, the County is home to constituencies with long histories of violent elections. In Mathira for instance, violence has featured in every election due to local rivalries between candidates. Politicians have consistently used youth to cause mayhem and intimidate their rivals. The same has happened in Nyeri town and Mukurweini. This culture of violence can be traced to the 1980s when KANU attempted to impose candidates in the area in a bid to curtail the influence of Mwai Kibaki who at that time was the Vice President and Moi's deputy⁷². The locals reacted angrily to these moves and hence elections were routinely marred by violence.

Security Dimensions

Like other parts of central Kenya, Nyeri was afflicted by the Mungiki problem, which had created insecurity in the area. This had raised tensions in the area following bizarre killings and revenge attacks. However, following the massive crackdown on members of the sect, the problem seems to have subsided. However the threat of re-emergence of Mungiki still remains.

Economic Dimensions

Nyeri is relatively prosperous with poverty rates at 32.7%. The mainstay of the County is agriculture, livestock, quarrying, trade and tourism. The County received a total of Kshs562M as devolved funds in the FY2008/9. Nyeri has a relatively high population and significantly higher poverty as compared to its immediate neighbours.

Legal Dimensions

There are 3 magistrate court stations and one high court stations in the County. To this extent, access to electoral justice is significant and could be useful in addressing electoral disputes.

Social Dimensions

The County has women strongly involved in public affairs. Ove the years, there has been alot of emphasis on the girl-child while the boy child has received little attention: in the education sector for instance, enrollment of boys has gone down⁷³. Nyeri County has of late been making news with regards to drinking problems affecting men. This has led to strained gender relations as women are being stereotyped as husband batterers.

Environmental dimensions

71 The PNU candidate narrowly won the seat, indicating that the influence of the retiring president on local politics is not something that people will take for granted

72 Interview with a local resident

73 <http://www.shrenpublishers.co.ke/education-watch/74-issue-01/269-boy-child-education-in-Central-under-threat>

Nyeri is grappling with negative effects of climate change as evidenced by worsening of dry conditions and persistence of drought in the relative drier Kieni constituency. This may disrupt livelihoods during the election period, thus making the affected populations vulnerable to manipulation by politicians. There are pockets of landless in Kieni constituency and efforts to evict the squatters could ignite violence in the area. Part of the County bordering Mt. Kenya has over the years experienced human-wildlife conflict as well as conflicts between sedentary farmers and pastoralists over pasture. These conflicts ought to be monitored to avoid a situation where they become disruptive factors during the election.

Conclusion

Nyeri presents a high conflict risk area, due to the impending retirement of the president, the history of violence in some of the constituencies and strained gender relations. All constituencies may be potential hotspots

KIRINYAGA COUNTY

Kirinyaga County borders Embu, Nyeri, Meru and Murang’a Counties. It measures 1479 square kilometers with a population of 528,054 (2009 Census). The County is dominated by the Kikuyu who speak the Ndia-dialect though with minority Kamba, Embu and Ambere communities residing in the Mwea rice settlement scheme. It has 4 constituencies which are Gichugu, Ndia, Kirinyaga Central and Mwea.

Political Dimensions

Two presidential aspirants, Martha Karua and Uhuru Kenyatta are currently competing for support in this County and this is tending to polarise opinions with area MPs taking sides. This has led to intensification of local rivalries which evidently played out during the recently-held Kirinyaga Constituency by-election at which a Uhuru Kenyatta-allied candidate (Joseph Gitari) won over a Martha Karua-allied candidate (Daniel Karaba). The campaigns during the by-election were characterized by tensions with some incidences of violence, indicating the level of stakes that were manifest during the contest.

Gichugu constituency has a long history of electoral violence. This is associated with deep political rivalry that candidates in the area have demonstrated over the years.⁷⁴ Youth are normally mobilized by the candidates to intimidate rivals and this often leads to violence. This has therefore led to an entrenched culture of electoral violence. Unless the IEBC takes decisive steps to deal with the issue, violence may resurface in the forthcoming elections.

Security Dimensions

Kirinyaga was extensively affected by the Mungiki menace. The menace was characterized by attacks and counter attacks by the gang and members of local vigilante groups as well as shooting of members of the gang by security forces. In one of the worst killings, about 28 villagers lost their lives after a night attack by suspected members of the Mungiki. What followed was an orgy of killings that eventually led to the expulsion of the gang from the upper parts of the County. Pockets of the gang however are to be found in the lower parts of the constituency in Mwea constituency. The gang poses a threat in the next elections in the sense that its members could be mobilized by candidates and used in causing violence for political purposes.

74 According to a civil society leader, violence in the constituency has been a hallmark of the area since the 1980s during the NJiru v Njinu rivalry and persists to date

Economic Dimensions

Kirinyaga County is the third wealthiest County in the country, with poverty rates estimated at 25%. Its mainstay is agriculture (tea, coffee and horticulture). It has impressive human development indicators and has been receiving considerable transfers from the central government. The County also is endowed with good infrastructure.

Legal dimensions

The County is served by Magistrate courts in Kerugoya, Baricho and Wanguru stations. The High Court at Nyeri serves the area. This therefore constraints access to justice which may have dire consequences for resolution of electoral-related disputes.

Social dimensions

There exist some social differences between the Kikuyu from other areas and their Kirinyaga counterparts. The declaration of Martha Karua's presidential candidature has been welcomed in some quarters within the County and is viewed as an attempt by the Ndia people to overcome years of domination by their larger Kikuyu cousins. These differences are likely to play out during the next elections

Environmental Dimensions

Water and land conflicts are prevalent in the lower sections of the County. Mwea constituency hosts the Mwea rice irrigation scheme, which is the largest and among the oldest in the country. The scheme is plagued by land disputes and these have been used as campaign fodder by politicians in every election with sometimes violent consequences. The scheme is also ridden with conflicts between upstream and downstream communities over water user rights. With reduction in flow of waters in the local rivers, these conflicts are likely to intensify and could therefore assume a political dimension in the coming period.

Conclusion

Kirinyaga County evinces a high level of conflict risk in Central Kenya. The history of violence in Gichugu and the conflict factors prevalent in Mwea constituency makes the two the most significant hotspots that merit closer attention in terms of monitoring

MURANG'A COUNTY

Murang'a County is situated at the heart of the former Central Province. It measures 2,559 square kilometers with a population of 942,841. The County is dominated by the Kikuyu community, with migrant communities found in large scale farms in the Gatanga and Makuyu area. There are 4 constituencies in the County: they are, Maragua, Kiharu, Kangema, Mathioya, Gatanga, Kandara and Kigumo.

Political Dimensions

Murang'a County may experience political tensions characterized by differences between the political supporters of Peter Kenneth, Martha Karua and Uhuru Kenyatta who are presidential aspirants.

In Maragua and Kandara, the land issue is rife owing to presence of squatters in government reserve land. This matter tends to assume political dimensions during elections and hence could be a source of concern.

Security Dimensions

Murang'a was a hotbed of Mungiki activities until the Late Internal Security Minister, John Michuki decided to crack down on the group. As a result, the police rounded up and shot suspected Mungiki members. For this reason, the government was roundly condemned for extra-judicial killings. In spite of this crackdown, it is not clear if the Mungiki threat has been eliminated and therefore possibilities of the group being mobilized for political reasons in the next elections remains. The fact that Mathioya has in past elections suffered from electoral violence may point to possibilities of recurrence of the same.

Economic dimensions

Poverty levels in Murang'a are relatively low at 29.9%. The County depends mainly on agriculture and trade for economic output. Through devolved funds, the County received Kshs 448 million in the FY2008/9 and hence this will likely increase with the establishment of the County government on account of the relatively high population in the area. This will definitely increase the intensity of political competition within the County and therefore merits closer monitoring

Legal Dimensions

The County is served by 4 magistrate court stations- Murang'a, Kigumo, Kandara and Kangema courts. However, in the absence of a High Court, one may say that access to justice remains a challenge and this may affect the resolution of electoral disputes.

Social dimensions

The major risks under this category include the targeting of minority communities; alcoholism; unemployment of youth; the jiggers manace and also the criminality of Mungiki among others.

Environmental dimensions

The only issue related to this dimension is the existence of pockets of squatters in the County, particularly in Maragua and Kandara area. Conflicts related to land may affect the electoral environment in the affected areas

Conclusion

Even though the conflict risk in this County is not high, there is need to monitor Mathioya and Gatanga constituencies due to the history of electoral violence.

KIAMBU COUNTY

Kiambu County neighbours Nairobi city and is among the largest Counties situated in the former Central Province. It occupies 2,543 square kilometers but with a high population of 1,623,282 (2009 Census). The Kikuyu community is dominant in the County though with a high rate of urbanization (60% of the entire population lives in urban areas), the County has attracted members of other communities as well. It borders Kajiado, Muranga, Nyandarua and Machakos. The current constituencies in the County are Lari, Kiambaa, Limuru, Kabete, Gatundu North, Gatundu South and Juja.

Political Dimensions

Kiambu has been a politically-significant area in Kenya's political history. It is considered the bedrock

of the Mau Mau liberation struggle and it produced the first president Jomo Kenyatta. The latter's son, Uhuru Kenyatta hails from this County. Whereas the residents of the County solidly voted for Mwai Kibaki in the last presidential elections, the area residents however demonstrated a great deal of political pluralism their choice of MPs- the County is represented by MPs belonging to National Rainbow Coalition – Kenya (NARC-Kenya), PNU and Kenya African National Union (KANU).

There is a risk of exclusionist political campaigns in this County. Based on past history whereby candidates may not be able to campaign freely, where a dominant group is perceived to support only one candidate, the risk of violence is exacerbated. Already, the Lari MP, David Njuguna was a victim of attacks by unknown persons for appearing to have endorsed Raila Odinga for the presidency.

The County was affected by the PEV. There were reported incidences of retaliatory attacks against members of the Luo and Luyha communities by local residents in Limuru, Kabete and Ruiru areas. These areas remain prone to recurrence of violence, since no measures have been taken against the perpetrators of the said violence.

Kiambu County was among those worst affected by the Mungiki violence in the last couple of years. Even though the government has succeeded in driving Mungiki underground, the potential for its members to be mobilized and used in dispensing political violence remains high. Widespread unemployment, existence of sizeable squatter or landless population in the area and unresolved pre-independence historical injustices provide grounds for recruitment of youth into militia such as Mungiki.

Security Dimensions

Kiambu is one of the most insecure areas in the country. Insecurity is fuelled by the existence of militia such as Mungiki, existence of urban sprawls with squalor in such towns as Ruiru and Thika, proliferation of small arms in the area (an overflow from Nairobi) and high incidences of unemployment. It is possible that insecurity can be used as a pretext for political intimidation and perpetration of political violence in the County.

Economic Dimensions

Kiambu is one of the richest Counties with a relatively low poverty rate of 27.2%. The County is well serviced with infrastructure and this has made it an attractive area for real estate investment. However, the County has pockets of extreme poverty in urban slums of Ruiru and Thika as well as marginal areas bordering Kajiado and Machakos. Existence of steep inequalities could fuel conflicts in the area.

The County is likely to be a big recipient of devolved funds since it has a high population among other factors as elaborated by the CRA in late 2011.

Legal Dimensions

Kiambu is served by Magistrate courts in Kiambu, Thika, Gatundu, Kikuyu, Limuru and Githunguri. However, despite having such a high population, there is no High Court station in the County and therefore residents are forced to use the Nairobi station. There is therefore need to create a High Court station to enhance access to justice and therefore provide better avenues for resolution of election- related conflicts.

Social dimensions

Due to entrenched inequalities, class tensions exist in the area and this has been manifested by the

high insecurity prevalence and taking root of the Mungiki menace. In cosmopolitan areas, inter-ethnic suspicions and mistrust led to eruption of retaliatory attacks against the Luo and Luhya as mentioned above. These factors may affect the electoral environment come 2012 elections and therefore require monitoring.

Environmental Dimensions

Kiambu continues to suffer from the intractable land problem. For instance, in the Mboi-Kamiti and Nyakinyua farms in Ruiru district, there have been violent confrontations between members of the groups that hold titles over these properties. Landlessness is also prevalent in former Mau Mau hotbeds such as Lari and Gatundu. These issues may provide fertile grounds for electoral violence.

Conclusion

Kiambu is a high risk County with likely hotspots being Kiambaa, Lari, Gatundu and Juja due to rising intolerance against anti-Uhuru politicians and their supporters. The Mungiki issue is also likely to be a destabilizing factor if members of the sect are mobilized for nefarious purposes. The County therefore merits closer scrutiny.

TURKANA COUNTY

Turkana County is situated in the former Rift Valley Province and shares borders with Marsabit County (in what was Eastern Province) to the East, Samburu County to the South East, West Pokot and Baringo Counties to the South, Republic of Uganda to the West and Republic of Ethiopia to the North. It occupies 68,680 square kilometers (the second largest in the country) with a population of only 855,399 people who predominantly belong to the Turkana community. There are some Pokots and Tugens in the South and Samburus and Boranas to the East.

The County has both a rural and an urban population with a number of important towns namely Lodwar, Kakuma, Lokichoggio and Lokitaung. Lodwar is the largest with a population of 48,000 people. Currently the County has three constituencies: Turkana North, Turkana Central, and Turkana South.

Political dimensions

It is remembered as the place where the former first President of the Republic of Kenya was detained with five of his colleagues christened 'Kapenguria Six' after a sham trial in 1952/3 during the colonial period. The trial took place in Kapenguria in the neighbouring West Pokot County.

The politics of this area was personality and political party driven in the Moi era. The people thus voted for the President and KANU and did not consider other players in politics. Since 2002 it has however been more unpredictable as shown by the parties of MPs have been elected. Today, Turkana has an MP in ODM and PNU. This means that the people of Turkana have been very pluralistic and that there is no single dominant force in their politics since 2002. It remains to be seen whether this situation will change in 2012.

Security dimensions

The government is not able to effectively secure the entire County. As a consequence it is forced to recruit home guards in addition to regular police and army officers. These are not enough and the people of the County who are able arm themselves to defend their livestock from livestock hungry neighbours such as the Karamojong, the Pokot, the Turgen, the Samburu and the Borana. Where defence does not arise, the Turkana may retaliate against these communities for previous raids and theft of cattle by carrying out similar attacks and theft. It is not unusual that both human and livestock

lives are lost in the skirmishes.

As noted in the case of West Pokot County, there is a porous border with Uganda. Here the Turkana are able to buy arms in exchange for livestock. These arms can find their way into the hands of militias during election years and cause devastation. There is need to closely monitor the security situation on the border of the County with Uganda, Samburu, Baringo and Marsabit, which in total is an expansive physical area that may require a lot of resources that only the government can muster.

Economic dimensions

Perhaps the most widespread economic practice is livestock farming. Majority of the Turkana people are pastoralists who rear livestock and have to find pastures through the practice of migration. Livestock is considered stock-in-trade of the Turkana, wealth that may be expended in the future if the drought does not wipe the animals out.

Turkana has a fair share of tourism by those who wish to see the famous Lake Turkana. This is an important feature as the unique lake is found in an area surrounded by dry and arid conditions. Other tourists are attracted by the Turkana culture such as the 'trendy' hairstyles dotted on men and women's heads; and the beads around women's necks.

There is also a fair level of basket weaving. This is done using reeds from the Lake Turkana which are first dried before being woven. The baskets are then sold at a profit to middlemen who sell them to onward markets.

There is also a tremendous amount of fish trade on the shores of Lake Turkana. In recent times, due in part to a change in climatic conditions, there have been reports of the Lake shrinking and parts of it being attacked by hyacinth. This has not so far seriously affected fishing and fish trade but it needs to be closely monitored.

Experiments are being carried out to determine whether a wind power project can be established in the County to generate power that could be added to the national electricity grid. If it turns out positive, this could generate considerable income for the County.

Most recently, in April 2012, President Kibaki announced the discovery of oil deposits in the County (in Ngamia 1 well) after exploration by Tullow Oil company for a number of years. This finding could bring both blessings (read, revenue) and curses (read, conflicts) within and outside the County.

Legal dimensions

The County is served by the Magistrates' Courts based in Lodwar. Appeals to the High Court are handled by the High Court in Kitale. Due to its sparse population (which is almost always on the move) and expansive geographic area the County may not be well served by the judiciary. Therefore conflicts are usually resolved through self-help means which can create conflict.

Socio cultural dimensions

The dominant community in the County is the Turkana although there is a number of Pokot and Turgen in the Southern parts, Samburu and Borana to the East. All the aforementioned communities consider livestock farming central to their livelihood and economy. As a result they value livestock to the extent that after prolonged drought they raid each other and steal livestock and meet any resistance with armed force. Cattle theft is also prevalent during initiation rites of passage when young men may raid other communities for livestock. This has led to a cycle of cattle rustling between the communities in Turkana and neighbouring Counties which has in turn led to committees of elders

being set up to resolve conflicts.

The fact that Turkana neighbours Uganda which has communities such as the Karamojong, an armed and fierce adversary, also pastoralist in nature means cattle rustling is practiced across the border. To raid or defend themselves against attacks, almost all the communities are armed; mostly with illegal arms.

Environmental dimensions

The climate in Turkana is hot and dry most of the year. In fact rainfall here can average as low as 150 mm (or less) in the central arid parts. The County is prone to famine and cattle rustling due to constant migration by pastoralists from its different parts and from neighbouring Counties in search of pastures for their livestock. As indicated elsewhere this causes degradation of the environments leaving it worse off than before. Further, Lake Turkana is drying up and shrinking due to a change in climatic conditions not to mention creation of dams upstream by the Ethiopian government. This could adversely affect fishing.

Conclusion

There is need to closely monitor the security situation on the borders of the County with Uganda, Ethiopia and South Sudan (Elemi Triangle where there have been traditional disputes between the Merrille, Toposa, Karamajong and Turkana). In regards to neighbouring Counties of Samburu, West Pokot, Marakwet, Baringo and Marsabit, it is important to monitor especially the Kainuk area. The borders between the aforesaid communities are long and may require a lot of resources that may be only the government can or should muster. In this regard civil society groups need to work closely with government security efforts.

The discovery of oil, and its further exploration within the County should be closely monitored. Therefore, the management of the exploration, through legislation and policy, should be done with effective participation of the residents of the County.

WEST POKOT COUNTY

West Pokot County is situated in the former Rift Valley Province and shares borders with the Republic of Uganda to the West, Turkana County to the North, Trans Nzoia to the South, Elgeyo Marakwet County to the South East and Baringo County to the East. It occupies 9,169 square kilometers with a population of 512,690 people.

The Pokot people are the predominant community in the County with some spill over into the arid parts of the neighbouring Baringo County. These people were formerly known as the 'Suk', a noun derived from 'Msuk' which in Pokot means stump; the noun was used to hide their true identity from the British during the colonial period. They claim to have occupied the land stretching from Soy in Uasin Gishu up to West Pokot before they were displaced by the British colonialists who pushed them into the Karenger and Kanyarkwat ranches. Consequently, the Pokot harbour a historical (and thus political) grievance over land.

Currently the County has three constituencies: Kapenguria, Sigor and Kacheliba. Kapenguria is by far the leading urban centre in the County with a population of around 35,000 people.

Political dimensions

The politics of the County have been dominated by KANU (in the Moi era) and by individuals since then. Politicians mainly take advantage of the high illiteracy and poverty rates (70% are poor) to serve

for long periods over which they suppress the ambitions of any persons who may pose a political threat. In this regard, anyone who attains higher academic qualifications is considered a threat and must assure incumbents of his/her support. The majority feel that politicians do not represent their interests. However, when it comes to voting the people are somewhat homogeneous and have in the past voted ‘three piece’ a possible pointer to a ‘six piece’ vote in the next elections.⁷⁵

Security dimensions

Since the era of the late Francis Lotodo, a former Member of Parliament and Minister under former President Moi’s government, the County is inundated with undertones of violence which are sometimes exacerbated by the media, which in their overall effect unfairly depict the Pokot as an “aggressive people” even in situations where they are victims, not aggressors.

Some government operations in the area, such as the 1984 operation against the ‘ngoroko’ were not helpful. Local leaders have always sided with the ‘ngoroko’ a situation which makes peace in the County elusive. Poor infrastructure frustrates security personnel in accomplishing their tasks. This is so even though the County has a fairly high percentage of good/fair roads standing at 58% against the national average of 43%.

As West Pokot shares a common border with the Republic of Uganda, which has a history of political and military turbulence, Pokots are able to buy arms from there cheaply. In fact, some of the purchases of arms are concluded with the mere exchange of livestock; some of which have been stolen from communities neighbouring the Pokot.

It is to be noted that though on the Kenyan side, the Pokots have often been labelled as aggressors, in fact, it is their neighbours on the Ugandan side, the Karamoja who have taken advantage of the porous border to steal, rob, maim and kill on both sides of the border.

Within Kenya the border between Elgeyo Marakwet County and the Eastern parts of Pokot County, especially at Chesegon, suffer high levels of insecurity and cattle rustling.

Economic dimensions

West Pokot County has vast economic resources. The controversial Turkwell power dam is located in this County although only 2.6% of the local population has access to electricity. There is diverse limestone (Ostum and Alale) mining in the County that serves to provide jobs to a few local people.

The area around Lelan practices very productive agriculture. In the dry regions the Kerio Valley Development Authority (KVDA) assists the local population with irrigational agriculture. Other parts of the County practice pastoralism, that is to say, rearing livestock by moving from place to place in search of pasture. There are indications that the area around Orwo Marich and Alale may have oil deposits sufficient for commercial purposes. This, if it turns out to be true, would be an economic game changer.

Legal dimensions

It seems that conflict is the only way to address these issues. Albeit, there are Magistrates law courts in Kapenguria town. Matters that are suitable for hearing by the High Court in the first instance or on appeal are heard at the Kitale High Court. It would be difficult to convince anyone in the County that the judicial services are adequate.

⁷⁵ Unlike 2007 elections where candidates were voting for three seats (president, MP and councilor), the upcoming elections will have six seats to be filled. These are: the president/deputy president; the governor/deputy governor of the county; the senator; the member of the national assembly; the member of the county assembly; and finally, the woman representative to be directly elected from the county to be a member of the national assembly.

Socio cultural dimensions

As started in the political and economic dimensions, the Pokot are the predominant community in the County. Members of other communities are mainly represented in the urban Kapenguria location. In fact it is the Pokot that have spilled over into Baringo County and settled there. Raiding the Marakwet community in the neighbouring Elgeyo Marakwet County is a 'normal' activity which occurs from time to time.

The County also hosts internally displaced persons from the neighbouring Trans Nzoia County at Chepchoina. There are problems with squatters taking over privately owned land such as the Mwisho farm. Land is communally owned leading to wrangles over apportionment and inheritance. There are also claims of land grabbing in the areas surrounding Turkwell.

With regard to easing of ethnic tensions in the County, CSOs have been working on various peace promoting activities such as sports, dialogue, connector projects and provision of education. Female Genital Mutilation (FGM) is an ongoing concern with human rights activists fighting for its abolition while traditionalists holding that it is good for the chastity of the young girls and women in general.

Environmental dimensions

There are some environmental concerns such as the fact that water provision reaches less than 40% of the population. This coupled with pastoralism practices which by their nature cause land degradation means conflict may recur and therefore needs to be monitored closely.

Conclusion

The Pokot feel they are marginalized and that the tendency by some actors to lump them together with the greater Kalenjin nation has no benefit to them at all. They feel that the historical land injustices they have suffered have never been addressed and if this state of affairs is not rectified they may consider using force to reclaim their land. The area should be monitored especially to forestall the risk of small arms coming into the rest of the country from Uganda. The border area around Chesegon in particular should concern the security apparatus of the neighbouring Counties, which should provide more security personnel and improve the road network.

SAMBURU COUNTY

Samburu County is situated in the former Rift Valley Province and shares borders with Turkana County to the West, Laikipia and Isiolo Counties to the South and East; and Marsabit County to the North. It shares a very small border with Baringo County towards its South Western tip. In whole, the County occupies 21,022 square kilometers with a population of 223,947 people. The urban population of the County is found in its main towns which are Maralal, Baragoi, Archer's Post and Wamba. Currently the County has two constituencies: Samburu East and Samburu West.

Political dimensions

Samburu County is sparsely populated with just over 223,000 people 80% being the Samburu which is therefore the main ethnic group; and 20% unevenly shared by Turkana, Kikuyu, Meru, Somali among others.

The Samburu community is the dominant group in politics. The communities largely relate peacefully although conflicts are rife between the Samburu and the Pokot from the neighbouring Counties. Some of these conflicts have resulted in loss of lives on many occasions.

In the County, Samburu, who constitute 80% of the voting population, vote as a block, thus their hold on the elective seats is unchallengeable. This is clearly shown by the fact that both MPs in the region since independence have come from the Samburu community. Thus, election related violence has not been experienced in the region.

The County was previously divided into two constituencies, Samburu West and Samburu East. Samburu East was established in 1966 as the bigger constituency but was divided in 1969 to produce Samburu West. They have been further divided to create Samburu North Constituency recently after the promulgation of the Constitution in August 2010. Politics in each of the current Constituencies, West and East, has been largely a party affair since independence. This is shown by the fact that all MPs from the region since independence have hailed from KANU until the 2007 elections when the ODM party took both seats.

Security dimensions

Much of the insecurity is due to cattle-rustling between the Samburu, Pokot, Turkana and Borana communities. Due to its proximity to the North Eastern region, there is a high proliferation of guns and small arms which makes the area very volatile. Cattle raids leave scores of people dead and this is the most rampant form of crime in the area.

In addition to a few security officers posted or rather stationed in the region, the government has put in place Kenya Police Reservists. These augment the 'normal' police services and somewhat ameliorates the lack of police patrols in the region which is without doubt vast.

For a very long time, the Kenyan government has been involved in numerous efforts, to disarm the communities in this County and their neighbours. However, till today these efforts remain fruitless. This has led to a stockpiling of arms by the communities to protect themselves from insecurity, since the government's efforts are not adequate.

Economic dimensions

Samburu County is semi arid in nature and its main economic activities are livestock keeping/pastoral farming and agricultural farming. Of these activities, the most likely to generate conflict is the livestock keeping/pastoralism especially during the dry season when members of the various communities go in search of pastures for their livestock.

A remarkable feature of the County is the high percentage of good/fair roads which stand at 61% against a national average of 43.5%. This means that Samburu is set to become an important transit County to Kenya's neighbour Ethiopia.

Legal dimensions

Samburu County is served by, the Chief Magistrate's Court located in Maralal town. All appeals from the Court lie with the High Court Station at Nakuru town as the headquarters of the former Rift Valley Province of which Samburu is part.

Socio cultural dimensions

The Samburu ethnic group has had cultural conflicts with the Somali tribe and some of the other tribes. The clashes with the Somalis extend to differences over religion with the Samburu regarding Islam, the religion of the Somalis, with suspicion. The major cause of conflict in this County is cattle

rustling. The raids mostly involve the Samburu and Pokot from the neighbouring Counties and are characterized by gunfights and grisly killings.

The issues of rampant FGM and women's low participation in politics are a big challenge.

Environmental dimensions

Samburu County is blessed with a rich variety of wildlife which is exemplified by the several conservancies and game reserves that serve as tourist attractions. These are the Samburu National Game Reserve, the Ewaso Ng'iro, Buffalo Springs National Reserve and Shaba National Reserve. Human Wildlife conflict is negligible in this region and is limited to illegal poaching of game meat and the killing of carnivores to protect livestock.

The Ewaso Ng'iro is the primary source of permanently flowing water in the County. This is exemplified by improved water access in the County which has risen up to 68% of the population. As a result of this, the County's environment is largely conserved in its natural state.

However, during drought years there has been and likely to be in future, competition and conflict over natural resources, especially water between the communities. During such seasons the Samburu people must either dig wells in the sand rivers and use small dams and springs to access water or rather migrate. Other conflicts are caused by competition between humans and wild animals, such as when herdsmen and elephants attempt to access water simultaneously. Elephants may in this case chase and even kill the cattle.

Conclusion

Samburu County is a sparsely populated County with poor security arrangements. There is sporadic fighting between the Samburu, Borana, Turkana, Somali and Maasai communities who use arms seeping in from Kenya's porous border with Uganda (via Turkana and West Pokot Counties). Most of the fighting does not however influence electoral politics. Therefore instead of electoral monitoring, concerned groups should urge the government to provide security for the residents in order to reduce security self-help measures undertaken by the communities and seepage of small arms into other parts of the country. In addition, the equitable sharing of economic benefits from natural resources dotted all over the County may ensure peace.

TRANS NZOIA COUNTY

Trans Nzoia County is situated in the former Rift Valley Province and shares borders with Uganda to the West, Elgeyo Marakwet and Uasin Gishu Counties to the East, West Pokot County to the North and Bungoma County to the South.

It occupies 2,496 square kilometers with a relatively high population of 818,757 people who predominantly belong to the Luhya and Kalenjin communities. That is not to say that other communities such as the Kikuyu, Kisii, Luo, Teso and many others do not reside in the County. Indeed, Trans Nzoia is just about the most cosmopolitan 'rural' County in Kenya today.

The County has both a rural and an urban population with a number of important towns namely Kitale and Kiminini. Kitale is the 20th biggest town in Kenya with a population over 105,000 people.

Currently it has three constituencies: Saboti, Kwanza, and Cherangany.

Political dimensions

The politics of the County have been dominated either by the Luhya or Kalenjin community with the former often edging the latter. The County has a large number of the Luhya community from Kakamega, Bungoma and even Busia; it also has a large Kalenjin community drawn from Pokot, Uasin Gishu and Elgeyo Marakwet. There are other communities such as the Kikuyu and Kisii in the County as land owners or business people. In the KANU era, Masinde Muliro and his protégé Michael Wamalwa (who later served as President Mwai Kibaki's vice president) called the shots from political parties opposed to the incumbent government.

Security dimensions

Trans Nzoia borders Uganda and West Pokot and Elgeyo/Marakwet to some extent. All its neighbours have communities which own and use small arms to engage in cattle rustling and self-defence. It is likely that these arms find their way into other parts of the country where they can be used for political purposes such as arming militia that support certain political interests or into the hands of criminals. Either outcome is undesirable and a security risk; as such the County should be monitored throughout. Moreover, in this County sitting and retired councillors and CDF officials have been killed for political reasons.

Economic dimensions

The two predominant economic activities in the County are large scale farming and dairy farming. There are many farmers in the County who either grow seed maize from which maize seed companies get the seed to sell to farmers in the County and the rest of the country; or who grow maize commercially to sell it to the Kenya Cereals and Produce Board (KCPB) for a profit.

There is also extensive farming in potatoes, carrots, vegetables and fruits for commercial purposes. The County is served by the Kitale airstrip which is able to accommodate small to medium aircraft. This is in addition to the Eldoret International Airport which is only an hour away from Kitale.

Legal dimensions

The County is served by a High Court based in Kitale which also serves West Pokot and Turkana Counties. There are also Magistrates Courts in Kitale with jurisdiction to handle claims that are handled by the High Court. It is not clear whether the courts provide a satisfactory conflict resolution mechanism here. There are however historical grievances over land ownership.

Socio cultural dimensions

There are many communities in Trans Nzoia as indicated in the introduction. The Luhya and Kalenjin are the majority in that order. There are other communities such as Kikuyu, the Kisii, the Luo, and the Teso. The interesting thing is that even among these communities there are intra-ethnic rivalries such as those between the Bukusu and the Tachoni; the Sabaot and the Pokots; and the Pokots and the Marakwets.

Environmental dimensions

Trans Nzoia County lies at the foot of Mt. Elgon on the border with Uganda. As a result it has a good climate with rain falling whole year round. This makes it conducive to grow maize both for seed and consumption purposes; and to carry on dairy farming.

The County has a national game reserve and has historic caves within the foot of the Mount Elgon

which attract tourists. Apart from this, there are individual conservancies in the area who also attract tourism and revenue.

The County has not suffered adverse climatic conditions as the River Nzoia which flows through it from Cheranganyi hills is almost always full. There are plans to build a dam on this river in Bungoma County (a project which requires people to be moved) without adverse effects to Trans Nzoia.

Conclusion

Due to the fact that it has one of the highest multi-community population in the country it should be monitored closely. National politics influences how communities treat or react against those from different communities. Land distribution between the Bukusu and the Sabaots, between the Kalenjins and the Luhya, and between the Kalenjins and the Kikuyu among others provide a powder keg at any election time. There are numerous cases of land squatters; on the flipside there are cases of local people ‘taking over’ farms they argue were illegally (through political connections) acquired. These dynamics need to be monitored.

It should not be forgotten that Trans Nzoia shares a border with Uganda and West Pokot, two areas where it is easy to acquire small arms. The security apparatus should be on the look out to ensure in the months leading up to the elections these do not find their way into the hands of militia formed by politicians to push their agenda.

UASIN GISHU COUNTY

Uasin Gishu County is situated in the former Rift Valley Province. It borders Nandi County to the South, Trans Nzoia County to the North, and Elgeyo Marakwet County to the East. It shares some rather short borders with Bungoma County to the West and Kericho County to its South Eastern tip. It occupies 3,345 square kilometers with a population of 894,179 people. Eldoret is its capital city as well as main commercial centre. The noun “Eldoret” is derived from the Maasai adjective “eldore” which means a stony river and is used to refer to the bed of the County’s main river, the Sosiani, whose bed is in fact stony.

The County population comprises mainly of members of the Kalenjin (Nandi, Kipsigis, Keiyos, Marakwets) community. This is complemented by other communities such as the Luhya, Kikuyu, Kisii and Luo among others. The latter communities reside mainly on the outskirts of Eldoret town. Uasin Gishu has both a rural and an urban population with a number of important towns namely Eldoret, Moi’s Bridge, Matunda, Burnt Forest, Jua Kali, and Turbo. Currently the County has three constituencies: Eldoret North, Eldoret South and Eldoret East.

Political dimensions

The County politics are shaped mainly by the predominant Kalenjin community. Historically the County was aligned with the former ruling party KANU and for some time the main politician there was the late Reuben Chesire, a relative of retired President Moi. Since the latter’s retirement, the homogeneity of the Kalenjin has been maintained behind those considered to be the community leaders. As a consequence the voting pattern in the County’s three constituencies has been the same in the 1997, 2002, and 2007 general elections. For instance in 1997 elections, all the candidates elected as MPs belonged to KANU. The same was replicated in 2002. In 2007, the MPs were all from the ODM political party.

Currently, one of the individuals considered a Kalenjin community leader is the MP for Eldoret North, Mr. William Ruto. In the view of many Kalenjins he is in fact both a communal and a national leader. He has been the most influential political actor since former President Moi’s retirement.

Due to the divisive elections and even more ambiguous results that were announced by the ECK, post-election violence broke out in many parts of the County. The main cause of this was the allegation that the election had been rigged by the ECK in favour of the PNU and its candidate President Mwai Kibaki. The rigging, in the view of the Kalenjin people had robbed Mr. Ruto and his political party leader and presidential candidate Raila Odinga of what seemed an assured victory.

The truth of the matter however goes deeper than that. The County has a historical land problem caused by the fact that the Kalenjins, feel the County “belongs” to them and have been given a raw deal in land allocation. Their main grievance is that under the first president, Late Mzee Jomo Kenyatta’s government, the regime set apart and allocated illegally prime land to “outsiders”, mostly from the Kikuyu community , without any compensation. This grievance provides the fault line for all the political conflicts including the post-election violence in which the Kikuyu were attacked, maimed, displaced or killed for voting against the wishes of their “hosts”.

Security dimensions

Uasin Gishu is a relatively stable region in terms of security. This is with the exception of post-election period where security situation is usually sensitive. The most affected areas were those occupied by the non-Kalenjin communities, especially the Kikuyu, such as Turbo, Kiambaa and areas on the outskirts of Eldoret town.

Progress of the Kenyan cases at the ICC, in particular that of William Ruto, will need to be monitored closely as it may affect intercommunal relations on the ground.

Economic dimensions

Uasin Gishu is basically an agricultural County. The most important farming activities are commercial cultivation of maize and wheat on large scale. Maize, beans, potatoes and peas are also cultivated both for subsistence and commercial purposes.

Livestock farming is also practiced. Farmers engage in dairy farming on a large scale (using modern methods such as zero-grazing and cross breeding of herds); producing large quantities of milk for delivery to dairy product processors such as the Kenya Cooperative Creameries (KCC) and Brookside Dairy Company for money.

Like neighbouring Elgeyo Marakwet, the County has prospered economically from professional athletics. It produces athletes of the highest calibre who not only compete but excel at international athletics circuits thereby winning huge sums of money (for appearance and victory) which they reinvest in the County. This success of pedigree athletes has drawn many young people to the sport.

As a direct consequence of large scale farming and successful athletics Eldoret town boasts a large pool of commercial banks. In fact, it is one of the few towns together with Nairobi, Kisumu and Mombasa that host Central Bank of Kenya.

The County is also one of the few with an international airport: the Eldoret International Airport which provides the region with linkages to both local and international destinations. This has acted as a boost to the economy by promoting transportation of agricultural produce and tourists. Air transportation is augmented by a highway that links the County with Kampala (in Uganda) on the West and Nakuru to the East. Local roads link it with Trans Nzoia, another agriculturally rich area, which together with Uasin Gishu and Nakuru Counties are considered the bread basket of Kenya.

Legal dimensions

The main courts in the County are the High Court and the Magistrates Courts based in Eldoret. Given the cosmopolitan nature of the town the courts are kept busy with resolution of commercial and other cases brought before them. In addition to the above two courts, the Court of Appeal is going to be set up in Eldoret. This is according to Chief Justice Willy Mutunga's judiciary reforms status report released in October 2011.

The main concern for this County is in fact, not whether the judiciary is sufficiently equipped to deal with the inter-ethnic flare ups that occur during and after election periods; but whether members of the local community will regard them as an impartial arbiter in cases that may arise.

Socio cultural dimensions

As observed in earlier dimensions, the County's population is predominantly Kalenjin, a fact which has inevitably resulted in the community's culture heavily influencing the other communities. So much so that many cultural practices, such as rites of passage (initiation) into adulthood, are influenced by and based on Kalenjin traditional practices.

The inter-community relations are peaceful as long as there is nothing at stake. The Kalenjins, Luhyas, Kikuyus and others live happily carrying on with their private lives and businesses. But at the back of the minds of members of the Kalenjin community is the notion that some "foreigners" (Kikuyu) took their land without compensation. During election time the land grievances are camouflaged as a political cause to be pursued until the "foreigners" are purged from "their" (Kalenjin) land.

Environmental dimensions

An estimated 90 percent of the entire land area in the County is arable and can be classified as high potential. There are four major soil types in the area, all of which are suited for agricultural production. These include red loam, red clay, brown clay and brown loam. A total of 29,801.92 hectares the County is gazetted forest. Out of this, 13,183.54 hectares (44 percent) is under plantation, while, 16,618.38 hectares (56 percent) is under indigenous forest cover. The forest cover contributes to sustenance of climatic conditions that provide sufficient rainfall leaving the County green all year round. Therefore, the County can be regarded as environment friendly.

89% of the County population has access to clean water, making it the third in the country in that regard. It has an even better sanitation record with 98% of the population having access (albeit it is 12th in the country).

Conclusion

Uasin Gishu is one of the promising Counties in terms of economic investments in the larger North Rift region. It is considered as the capital 'city' for the North Rift region populace. This is because of availability of proper infrastructure such as the Moi Teaching and Referral Hospital which is one of the few hospitals in Kenya that boast latest medical technologies. For example, it has an AMPATH Centre for people suffering from Human Immuno- deficiency Virus (HIV).

The County's Achilles Heel is its vulnerability to conflicts arising from historical land grievances harboured by the Kalenjin vis-à-vis the Kikuyu community. This conflict may come to boiling point, as it has done in past election periods, therefore monitoring is required.

ELGEYO / MARAKWET COUNTY

Elgeyo/Marakwet is situated in the former Rift Valley province. It borders Baringo County to the East, West Pokot County to the North, Uasin Gishu County to the West and Trans Nzoia County to the North West. It occupies 3,030 square kilometers and has a population of 369,998 people who predominantly belong to the Keiyo and Marakwet sub tribes of the Kalenjin community. There are also a few Turgens from the neighbouring Baringo County.

The County has a mostly rural population with the Tambach and Iten being the main urban centres of the Keiyo people with a population of over 42,000 people. Kapsowar is the main urban centre for the Marakwet people with a relatively population of 5,000 people. Kapcherop is one of the other relatively important centres for the Marakwets.

Currently the County has four constituencies: Keiyo South, Marakwet West, Marakwet East and Keiyo North.

Political dimensions

For a long time the politics in this area was dominated by Nicholas Kipyator Biwott. Although he lost his seat in the 2007 general elections to a newcomer, Jackson Kiptanui, Biwott remains influential due to his political organization - he is the leader of a political party named the Vision Party of Kenya (VPK).

There is continuing political friction between the Marakwets and Keiyo. This is caused by the fact that the former are a minority group and have felt unfairly dominated politically through which economic resources have previously been disposed by the Keiyo.

Security dimensions

The border between Elgeyo/Marakwet and West Pokot is a source of insecurity in the Elgeyo/Marakwet County. The Pokot habitually raid the Marakwet (mostly the Arror community) to steal cattle, rape women and even kill innocent villagers. They are able to do this because they are fairly well armed as they are able to source small arms from neighbouring Uganda. The Marakwets in turn have to arm themselves for defensive and sometimes retaliatory purposes; thereby creating a cycle of insecurity. This situation is not likely to dissipate soon. Therefore the flow of arms from Uganda to West Pokot and Marakwet should be monitored.

The Kamatony forest is a habitat for thieves who waylay cattle traders. This usually happens when the Marakwet bring their livestock for auction or sale on the markets.

Economic dimensions

There are a number of economic activities including maize and passion farming in Keiyo. In addition, there is dairy farming with some farmers using modern day methods such as zero-grazing. In Marakwet they produce potatoes, vegetables and mangoes.

However there is also the traditional livestock rearing which requires herders to look for pastures especially in the Marakwet side. This leads them to neighbouring communities such as West Pokot and Baringo and may sometimes cause skirmishes between herders from the different communities.

There used to be pyrethrum farming in the County but this has since faltered due to the general mismanagement of the cash crop in Kenya and the losses incurred by farmers. Instead many farmers today grow potatoes mostly for commercial purposes. Attempts by farmers to grow cotton have not been successful for lack of market.

The County has a few tourist attraction points such as the Iten and Kamariny viewpoints of the Great Rift Valley. There is also fluorspar mining; an activity which has provided employment for youth from the area. The mining companies have incorporated Corporate Social Responsibility (CSR) and hence have built educational infrastructure such as schools and providing desks and books to students.

Elgeyo Marakwet is the home of Kenya’s world famous athletic heroes and heroines including the current Laurus Sports Personality of the Year 2011, Vivian Cheruiyot. These athletes generate a lot of money by winning races all over the world. Some of this finds its way into the economy of Elgeyo/Marakwet County; the only question being whether the County has sufficient investment opportunities.

Although there is a high level of cash inflows from athletics, only 7% of the people in this County are on the electricity national grid. There is however a very good road network surpassing the national average of 43.5% (fair roads) by 17%%. Much of this developed network is attributed to the influence of Biwott, to whom reference has been made under the political dimension.

Legal dimensions

This County is served by the Magistrates courts at Iten. The location is not ideal for all members of the County and there is need for redistribution. The important point to note here is that some of the disputes can be resolved through court but full advantage of this is not demonstrated.

Socio cultural dimensions

The County has two main communities namely the Keiyo and the Marakwet; and a modest number of Turgen. All these communities belong to the Kalenjin tribe and they are viewed by other Kenyans as having gained disproportionately from former President Moi’s regime. But between the Keiyo and Marakwet, there has been an on-going friction in which the Marakwet feel they have been unfairly politically and economically dominated by the Keiyo. It is this friction that led to the drawing of the current constituency boundaries with the objective of protecting the community of interest of each. Such compromises may be required in the future regarding sharing of resources within the County, otherwise there will be conflict based on the historical fault line of domination.

The Turgens in the County are not influential as they are a mere spill over from the neighbouring Baringo County. In addition, there is not much cultural difference between it and the other two sub tribes.

Environmental dimensions

At a general level, the County has a fairly good supply of water to households with a supply. The County can roughly be divided into two zones namely the highlands and the lowlands. The highlands receive high amounts of rainfall and moisture. The soils are fertile and it is here that potato farming takes place.

The lowlands are drier and as a consequence receive low amounts of rainfall. It is here that there traditional cattle rearing and pasture is an important consideration. Conflicts regarding pasture with neighbours occur in this part.

Conclusion

In political and electoral terms, this constituency may not need much monitoring save for the security dimension regarding the flow of arms from West Pokot and its neighbouring Counties (West Pokot). The socio-cultural tensions do not seem to be unmanageable but sharing of County resources, which

may in future reflect the high amounts of Kshs778M of 2009, may reignite the differences between the two main communities. The sharing of County resources should be sensitive to the rivalry between them.

NANDI COUNTY

Nandi County is situated in the former Rift Valley Province and shares borders with Kakamega and Vihiga Counties to the West, Kisumu County to the South, Kericho County to the South East and Uasin Gishu County to North and Northeast. It occupies 2,884 square kilometers with a population of 752,965 who predominantly belong to the Nandi sub tribe (the 2nd largest) of the Kalenjin community. There are communities from the neighbouring Luhya, Kipsigis and Luo but in relatively small numbers. The County has both a rural and an urban population with two important towns namely Kapsabet and Nandi Hills. Kapsabet is the larger of the two with a population of over 86,000 people. Currently the County has four constituencies: Emgwen, Tinderet, Mosop and Aldai.

Political dimensions

The Nandi hold their legendary late leader, Koitalel Arap Samoei in high esteem. The community constructed (belatedly) a mausoleum in honour of him for his heroics during the resistance of the British colonial rule when he led objections to the construction of a railway line from Mombasa to Kampala passing through Kalenjin land.

During the era of the former President Moi, the Nandi people were loyal to him and the ruling KANU party. Since 2002 however the picture has been very different because the Nandi have refused to follow Moi's advice. In 2007, they voted for ODM and long serving Moi government loyalists joined the party in various capacities.

The other communities from neighbouring communities such as the Luhya, Kipsigis and Luo do not have any major influence on the politics of Nandi County.

It is critical for CSOs to monitor the progress of the ICC case as it may affect intercommunal relations on the ground.

Security dimensions

During the electoral violence of 1992, 1997 and also during the PEV, this County has witnessed massive displacement and forcible transfer of population, especially of the Kikuyu ethnic group.

Economic dimensions

The main economic activities in the County are agriculture (cash crop farming) and dairy farming. The major cash crop grown here is tea. Dairy farming is carried out through modern methods such as zero grazing and the County has some of the highest milk yields in the Country. Both tea and milk bring the farmers foreign cash earnings thereby improving the wealth levels with County ranked 20 in the country. There are many small businesses run by commercially active people.

The County is served by a good road network with 51% of the roads found to be good/fair and the Eldoret International Airport, which is augmented by the Kakamega airstrip. Both make air transport possible and improve time lines for conducting business that requires travel.

Nandi County is also the proud home County of world famous athletes such as the iconic Kipchoge Keino, Henry Rono, Moses Tanui, and Bernard Lagat (now an American citizen). The athletes from the County have formed Nandi Runners, which is tourism promotion venture. In addition to their own

earnings from the world athletics circuit, they are contributing to higher revenue level by encouraging tourism.

Legal dimensions

The County is served by the Magistrates' Courts located in Kapsabet Town and the High Court in nearby Eldoret town (within Uasin Gishu County).

Socio cultural dimensions

As indicated elsewhere the Nandi are the second largest sub tribe of the Kalenjin community after the Kipsigis. Though the neighbouring communities such as the Luhya, Kipsigis and Luo have small populations in the County, there are no major conflicts between them. The relative peace may arise from the fact that due to their small numbers they may not be able to influence the political and economic processes in the County.

Environmental dimensions

Nandi County is located in the highland areas of the Rift Valley. It has a good climate and receives moderate to high rainfall throughout the year and is therefore almost always green. Therefore is an abundance of food and water which in turn means there is also lack of incentive for conflict.

Conclusions

It is not expected that there will be much political trouble in Nandi. Nevertheless, there is need to observe the border areas with Kakamega and Kisumu where there could be flare ups.

BARINGO COUNTY

Baringo County is situated in the former Rift Valley Province and shares borders with quite a number of neighbours namely, West Pokot, Elgeyo Marakwet, Nakuru, Laikipia and Uasin Gishu Counties. It occupies 11,015 square kilometers and has a population of 555,561 people who predominantly belong to the Kalenjin community.

The County has both a rural and an urban population with a number of important towns namely Kabarnet, Eldama Ravine, Marigat, Maji Mazuri, Mogotio, and Timboroa. There is however a small non-Kalenjin population especially the Kikuyu found on the Nakuru-Eldoret highway and around the Timboroa area.

Currently the County has five constituencies: Baringo East, Baringo North, Baringo Central, Eldama Ravine and Mogotio.

Political Dimensions:

Politics in Baringo County is dominated by personalities. President Moi was the second President of the Republic of Kenya and was a patron of the former ruling party KANU (currently led by his son Gideon Moi). In the 2007 general election Mr. Gideon Moi, vied for the Baringo Central parliamentary seat but lost.

The County has some minority groups such as the Il Chamus, Ndorobo, Ogiek and other hunters and gatherers which have been trying to get their own constituency to represent their political interests as they claim to be marginalized. Their agitation is likely to continue until their goal is realized or some form of compromise is reached.

The twin political issues identified above should be scrutinized and closely monitored.

Security Dimensions

As indicated in the introduction the County shares borders with quite a number of neighbours namely, West Pokot, Elgeyo Marakwet, Nakuru, Laikipia and Uasin Gishu Counties. Some of its neighbours have serious security concerns, in particular the border between Baringo and West Pokot; and Laikipia Counties are porous and in the hands of cattle rustlers who are in possession of small arms. Communities from the three Counties habitually raid each other to steal livestock, and sometimes to rape, commit arson and kill.

It is possible that the small arms found in the County could find their way into the hands of militias and individual criminals around election time. These should be a concern to those monitoring the security situation in the County.

Economic Dimensions:

The primary economic activity is livestock keeping within the County and externally with some of its aforementioned neighbours. When former President Moi was in power, there used to be periodic goat auctions that raised millions of shillings, but that auction is no more. There is also a considerable level of bee keeping and honey harvesting.

Despite being the home County of former President Moi (who served as President for 24 years), the County has a generally low economic development rate with less than 10% of the population on the electricity national grid. There are very few tarmac roads. Thus, the County relies heavily on resources transfers from the central government which totalled over Kshs500 million in FY 2008/9.

It should be however noted that Baringo County has a number of tourist attractions which include Lakes Baringo and Bogoria. The Lake Baringo area has a wide range of birds which are an added tourist attraction for bird lovers. To this extent the economic issue has been how income made from these tourist attractions should be shared with the local community. The local communities took the government to the African Court of Human and People's Rights and won in a suit requiring the government to compensate them for giving up land for the tourist facilities.

As the legislation for County governments is developed, the communities in Baringo will definitely keep an eye on the resource sharing clauses to see whether they come out as winners or losers.

Legal Dimensions

The County is served by Magistrate's courts based in Kabarnet town. Due to this, a number of disputes continue to be resolved through traditional justice mechanisms (provided by community elders) to resolve conflicts. It is questionable whether these methods are adequate or appropriate for the resolution of disputes that involve cattle rustling, arson, murder and other crimes.

Social Cultural Dimensions

As stated earlier the predominant community in this County is the Kalenjin. As the Kalenjin community comprises several sub tribes, the majority are the Turgen, followed by a few others, then the minority Il Chamus, Ogiek, and Ndorobos. Between the major sub-groups and the minority groups there are charges of marginalization.

There are some Kikuyu in the area around Timboroa and on the Nakuru-Eldoret highway. Some of these people had their homes burnt to the ground during the PEV. Some are still in IDP camps, and

cite insecurity as a reason why they cannot go back to their farms. There is a perception that these ‘foreigners’ are responsible for the Kalenjin’s ‘loss’ of land.

The bad blood between the communities, generated by what the Kalenjin perceive to be historical land injustices, is unlikely to relent because of the psychological trauma and stress of those who were affected or who witnessed what happened to their neighbours especially in Burnt Forest (which was severely affected) and which is in the neighbouring Uasin Gishu County.

Environmental Dimensions

Baringo County is partly arid and partly semi-arid with few water resources. Only 35% of the population has access to clean water against a national average of 66%. The area is therefore dry most of the time with very little rainfall in the dry season. There are some seasonal rivers in the County but these emerge only during the rainy season.

When the rainy seasons sets in, it presents new problems. It causes flooding and much of the loose top soil (from too much heat) is carried into the lakes. Inevitably this leads to conflicts as communities have to fight for pasture and improve their herds in the rainy seasons. These seasons also coincide with rites of passage which create demand for activities such as cattle rustling.

The conflicts that arise in these situations are for pasture and water. But they should be monitored in case they mutate and take a political form.

Conclusion

The politics of major and minor Kalenjin communities may cause divides that may make peaceable existence difficult. The sharing of resources (at the National and County levels) will dominate discussions on the political economy of the County. The area to watch especially in relation to elections is the border with Uasin Gishu County.

LAIKIPIA COUNTY

Laikipia County is located on the Equator in the former Rift valley province of Kenya. It lies in the northwest of the snow capped Mt. Kenya and covers an area of approximately 9, 462 square kilometres with a population of 399,227. It borders Samburu County to the north, Isiolo County to the north east, Meru and Nyeri Counties to south, Nyandarua County to the southwest and Baringo County to the west. It comprises of communities such as the Kikuyu, Maasai, Kalenjin, Pokot, Samburu, Meru, Borana, Somali, Turkana, and increasingly non Kenyan wealthy land owners. Who give it the character of diversity. It has an urban but mostly rural population; the main urban centres are Nanyuki, Nyahururu, Rumuruti and Kinamba. Currently the County has two constituencies: Laikipia West and Laikipia East.

Political dimensions

The relationship between the communities in Laikipia is unstable, marred by political divisions along ethnic lines and worsened by competition for the economic resources especially land and water. Each community has a tendency to follow its elected leaders and political intolerance is high.

This causes friction between different communities which hold different political ideas. This is what in part led to and is exemplified by the tribal clashes that rocked the region following the 1997 elections. This again is exemplified by the 1998 tribal clashes in Laikipia that pitted the Samburu and Pokot against the Kikuyu.⁷⁶

76 Akiwumi Akilano, Commission of Inquiry Report on Tribal Clashes, at page 2.

Due to these trends, elections in Laikipia are influenced by two factors, party loyalty during the single party system and tribal kingpins after the advent of multipartyism. Politics in Laikipia West have been dominated generally by a single Community at parliamentary level with all the six MPs since independence being from the Kikuyu Community. In Laikipia East Constituency, politics have been dominated by the Kikuyu Community since independence apart from a break in the 1988 elections where Francis Ole Kaparo was elected as the Member of Parliament (MP).

Security dimensions

Security, or rather lack of it, is a major cause of concern in Laikipia County. The first cause of insecurity is the cattle rustling between pastoralist communities, especially the Pokot and the Maasai, which has been a perennial headache to the Kenyan Security apparatus since independence.

The second is the proliferation of guns and other small arms, due to the County's vast uninhabited areas and proximity to the unstable northern part of Kenya. This situation is not helped by the advent of highway banditry and armed robbery in the recent years. There is a dearth of security personnel and presence in the area.

Economic dimensions

Economic activity in the County consists mainly of grain crops, wheat, ranching; and greenhouse horticulture. In some seasons however birds do devastating damage to wheat farmers by eating up most of their wheat crops. Economically speaking, tension is caused by the historical land question and competition mainly for scarce water resources.

In Laikipia and some neighbouring Counties cattle rustling is considered an economic activity for replenishing livestock after losses caused by drought. This happens rather frequently between pastoral communities such as Samburu and the Pokot.

Legal dimensions

Laikipia County is served by two Law Courts. These are of the Chief Magistrates court status and are located in Nyahururu and Nanyuki towns. They are usually referred to as the Nyahururu and Nanyuki law courts respectively. Appeals on decisions rendered by these courts are heard at the Nakuru High Court station.

As noted with a few of the other Counties, the services provided by the judiciary are hardly adequate for effective conflict resolution between the diverse communities that inhabit Laikipia County.

Social and cultural dimensions

As indicated elsewhere, the socio-cultural dynamics in Laikipia are intense and adversarial. They pit the dominant Kikuyu community against the Maasai, Kalenjin, Pokot, Samburu, Meru, Borana, Somali and Turkana. Politics is organized along the different cultural political understanding and psychological postures of superiority.

Environmental dimensions

Laikipia County has a cool, temperate climate with both rainy and dry seasons but with the climate being mainly dry and arid. There are two conflict categories in this dimension, the human-wildlife conflicts and the intercommunity conflicts over environmental resources.

Laikipia County is infamous because of the human-wildlife conflicts witnessed in human settlement s

bordering animal sanctuaries and conservancies.

Laikipia County is dotted with forests and conservancies home to wild animals. An appeal has been made to Kenya Wildlife Services (KWS) to employ permanent measures to stop human/ wildlife conflicts in Laikipia County, sometimes back, farmers in Muramati location held demonstrations against destruction of their food crop by elephants. The County is in the neighbourhood of three ranches one being Lol Daiga and elephants stray into farms on their transit from Mt. Kenya to the ranch. The local community whose main livelihood is agriculture depends on famine relief food due occasional destruction of their food crops by the jumbos.

When farmers pursue compensation they find that it is unrealistic in value as it does not reflect current financial values. To make it worse, most of the farmers who suffer losses due to human-wildlife conflicts are not aware of the legal mechanisms available for the pursuit of compensation thus does not get compensation. Compensations in this case are determined by district based tribunals. However, the tribunals award a fixed value for any loss; values which were last reviewed in 1980s and thus do not reflect the current economic reality.

Due to the fact that Laikipia County is a predominantly arid region; water is a scarce natural and environmental resource thus a cause of conflicts between communities living in the region. This happens mostly where the Maasai, Pokot and Samburu communities conflict over watering points for their animals during drought.

Conclusion

Laikipia County should be monitored closely due to the diversity of its population which is distinctly lacking in harmony. As indicated the 1997/8 period witnessed election related violence and while the country was then led by President Moi, and the Maasai, Turkana and Pokot feared being dominated by the Kikuyu in a post-Moi State; those earlier conflicts may mutate and take a different fault line as the sociology of conflict is such that it festers and can recur.

There is also the issue of small arms that pose a security threat if they should find their way to militia groups and unemployed youth. These could be used to perpetrate election related violence.

NAKURU COUNTY

Nakuru County is situated on the floor of Rift Valley Province and shares borders with Baringo and Laikipia and Nyandarua Counties to the North and North East respectively; it borders Narok County to the South and Bomet and Kericho Counties to the South West; and Kiambu and Kajiado Counties to its South Eastern tip. Currently the County has six constituencies: Naivasha, Nakuru Town, Molo, Kuresoi, Subukia, and Rongai.

The County, among the largest in the Country, occupies 7,495 square kilometers with a population of 1,603,325 (which is the 5th highest in the country). Nakuru County is clearly one of the most cosmopolitan Counties in Kenya and is host to people from its many communities. The majority of its inhabitants are from the Kalenjin community (Turgens, Kipsigis) and Maasai and the Kikuyu. Other communities such as the Kisii, Luo and Luhya have also settled here.

The County has a big urban population with an even bigger rural population. Its urban population is found in important towns such as Nakuru, Naivasha, Molo, Gilgil, Njoro, Maai Mahiu, Subukia and Dundori among many others.

Political dimensions

Nakuru County is a very politically significant County in Kenya. Some have observed that if the County sneezes, others in the country catch a cold. It is the face of Kenya in its beauty (and ugliness). It is in Nakuru that the first President, Mzee Jomo Kenyatta, gave his keynote address after independence, entitled *turudi mashambani* (let us go back to our farms and work).

Whenever tribal animosities arise in Kenya, Nakuru County is usually the epicentre and the PEV followed that trend with devastating results.

Security dimensions

The political dimension dovetails into the security dimension. Nakuru County suffers serious historical, physical and psychological security problems. Some of these are rooted in contested land claims, which are partly based on the fear that the other community will take over all the land of the other (at least eventually).

Historically elections have been viewed in Kenya as a competition between communities or different ethnic groups. This trend merits monitoring and a comprehensive early warning and mitigation system.

Apart from land claims, the other possible trigger for security concerns is the high number of unemployed youth in the County. It is a well known fact that unemployed youth are useful to factional fighting as they can very easily be mobilized as foot soldiers.

There is also the issue of insecurity arising from the fact that Nakuru County borders Baringo and Laikipia (which in turn border West Pokot, Turkana and Samburu) which have access to small arms. Should these small arms find their way into Nakuru County, a serious threat to security may arise.

Economic dimensions

The County has various tourist attractions such as Menengai and Longonot mountains, Lake Nakuru, Lake Nakuru National Park, Hell's Gate reserve, Lakes Elementaita and Lake Naivasha to mention but a few. The County also has private ranches and hospitality centres. These bring in a lot of money to the County contributing to making it one of the richest in Kenya.

Moreover, there is extensive dairy farming, commercial wheat and maize farming. The County also has major road transport carriers which take advantage of the highway to carry out the lucrative business.

Over the last few years horticulture has become a leading foreign exchange earner for Kenya. Some of this business is based in the shores of Lake Naivasha. The businesses here employ, not unlike the tea estates of Kericho County, migrants from the Luhya, Luo and Kisii communities, a factor which has led to the growth in population of these communities. It would be remiss not to mention fishing as one of the economic activities in the County.

Legal dimensions

The Court of Appeal sits in Nakuru on its circuitry tour of the country when hearing appellate matters. The County has a High Court based in Nakuru and has Magistrates' courts in Nakuru, Naivasha, and Molo among others. Given that the County has both a very high urban and rural population, and is among the biggest in size, the number of people who can avail themselves of the judicial services could be limited.

This situation is not helped by the delays in the hearing of disputes submitted to the judiciary. Consequently, there are many matters that are possibly not submitted to the courts for fear of delays and these could be subjected to alternative dispute resolution which may only partially settle them. Some conflicts may also remain unresolved. Either of these has the potential to accentuate rifts between disputing parties.

Socio cultural dimensions

There are various communities in this County: the Kalenjin (Kipsigis, Turgen and Maasai), the Kikuyu and other communities represented by migrant workers.

In addition, there is fighting over land which has been going on for long. In this regard, land claims pit Kipsigis and Turgen against the Kikuyu on the one hand; and the Maasai against the Kikuyu on the other. To be sure the Maasai and Kalenjin feel land in the County belongs to them and their Kikuyu neighbours are impostors: that is, they have a dubious claim to the land. Obviously the Kikuyu have a diametrically opposed view to the Maasai and Kalenjin claims. And these competing claims on land accentuate psychological insecurities harboured by the communities to create a ticking time bomb.

Environmental dimensions

Parts of Nakuru County are semi-arid and as such do not receive sufficient rainfall. In dry seasons. These parts also suffer disproportionately in the rain season as they flood due to the flat nature of land and poor drainage soils. This threat has two effects; one it destroys the infrastructure such as the Mai Mahiu road to Nairobi; and two, it may reduce the number of wild animals available in the parks through natural attrition accentuated by severe semi-arid conditions.

Climatic changes have also adversely affected the lakes in the region. Lakes such as Elementaita Nakuru and Naivasha have been shrinking. This has started to cause an ecological imbalance in the habitats for birds such as flamingos which are part of the tourist attractions. Lake Naivasha has in the recent past also been affected by hyacinth attacks which have made fishing as an economic activity diminished.

The climatic changes have also been aided by the inability of the country at large to maintain or increase its forest cover. If these climatic changes are not checked Nakuru County and its people are likely to suffer water shortage in the medium to long term. Such a situation will only add fire to the fuel created by ethnic animosities as the same communities will now have to fight over water.

It should be noted that because of its tourist attractions there is the expected battle between conservationists and local communities. The issue of compensation for destroyed crops, injuries by wild animals and even deaths may arise from time to time.

Conclusion

The whole County should be monitored closely for both historical and contemporary reasons. The separate but competing claims to land by the Maasai vis-à-vis the Kikuyu; and by the Kipsigis and Turgens vis-à-vis the Kikuyu when laced with the fight for political power are a risk. There is also a growing migrant working population in areas such as Naivasha who have some political influence. The ramifications of the ICC elevating Messrs. Kenyatta and Muthaura from being suspects to accused persons needs to be monitored closely as it may affect inter-communal relations.

NAROK COUNTY

Narok County is situated in the former Rift Valley Province of Kenya and shares borders with Nakuru County to the North, Republic of Tanzania to the South, Kajiado County to the East, and Bomet and Kisii Counties to the West. It occupies 17,933 square kilometers with a population of 850,920 people who predominantly belong to the Maasai community. The other communities found here are the Kipsigis, the Kisii, and the Kikuyu.

The County has both a rural and an urban population with a number of important towns namely Narok, Kilgoris, Nairagie Enkare and Lolgorian. The largest of these is Narok with a population of over 38,000 people. Currently the County has three constituencies: Narok South, Narok North and Kilgoris.

Political dimensions

The politics of this County are driven both by personalities and political parties. In the Moi era, the people supported the former President Moi and KANU. Since his retirement, the de facto leader of the Maasai community has been William Ole Ntimama, who is the current Minister for National Heritage and also a former minister in former President Moi's government. In the 2007 general elections he led the community to the ODM side in support of Odinga and Ruto. Today Ntimama has advanced in years and there is a real possibility that new Maasai leaders will emerge to take over the mantle from him.

The Maasai have always had grievance over land vis-à-vis the Kikuyu community. Electoral politics is influenced by this grievance and is likely to continue in the coming elections.

Security dimensions

The border between Kisii and Narok Counties is of particular concern security wise. The Kilgoris area has known violence since the return of multi-party politics in Kenya. The Maasai and the Kisii fight over scarce pastures and even scarcer water; with the fights intensifying during election periods. These land grievances between the Maasai and the Kikuyu and the Kisii respectively define the ethnic faults that follow the land question manifesting themselves as a basis for political choices and need to be monitored.

Economic dimensions

Narok is a rich County with large farming scale of wheat, barley and maize for commercial purposes. The weather is very good in the middle and northern parts affording agricultural practices on flat land a boon.

In addition, there is livestock farming. As seen with neighbouring Kajiado County, Maasai believe rearing of large herds of cattle and goats is part of their cultural practice. In the Southern parts, especially Kilgoris constituency, there is scarcity of pasture and water thus the fights between the Maasai and Kisii over the two.

Moreover, the world famous Maasai Mara game reserve is located in the County. Of course it is the home of the eighth wonder of the world: the wildebeest migration. The Maasai Mara game reserve, the Maasai Culture and the wildlife in the County bring it high revenues making the County Council of Narok among the richest in the Country and hence Narok County is richer than most of the Counties in Kenya.

Legal dimensions

The County is served by the Magistrates Courts in Narok and Kilgoris. It is clear from observation of

the geographical size of the County and the spread of its population that this may not be enough to resolve conflicts that may arise between resident communities.

Socio cultural dimensions

The second biggest community after the Maasai in Narok is the Kipsigis, followed by the Kikuyu and the Kisii. There is little or no friction between the Maasai and the Kipsigis and therefore at most time there is peace between them. The same cannot be said of the other two communities which are considered ‘invaders’ of land or land grabbers and has led to displacement of people in the past thus there is need to monitor the situation.

Environmental dimensions

Inevitably the human wildlife conflict is rife in the County in areas around the Maasai Mara game reserve. This is compounded by the demands by the local Maasai community to share in the revenues that come from the reserve. The Maasai community is now organizing itself to blockade the arrival of tourists leading to government action to increase paramilitary police to secure the park.

Narok is a water deficit County with only 33% of its people having access to clean water. Whenever there is drought conditions worsen with livestock farming leading to land degradation susceptible to flooding when rains come.

Conclusion

Without any doubt the border areas between Kilgoris in Narok County and Kisii County; and Narok North (Kikuyu or Maasai) should be monitored because the land question is yet to be resolved.

KAJIADO COUNTY

Kajiado County is situated in the former Rift Valley Province and shares borders with Narok County to the West, Kiambu and Nairobi and Machakos Counties to the North, and Makueni and Taita Taveta Counties to the East. It occupies 21,901 square kilometers but has a population of 687,312 and is the 9th biggest County in Kenya. Most of its rural population comprises of the Maasai but major tribes are well represented in the population found in the main urban centres. Many of these latter members have bought parcels of land and settled in some parts.

The County has both a rural and an urban population with a number of important towns namely Ngong’u, Kitengela, Ongata Rongai, Kiserian, Kajiado, Loitokitok and Namanga, among others. It should be noted that the County shares a border of considerable length with the Republic of Tanzania and as a result it may have some unique attributes such as having Namanga border point as a gate way. Currently the County has three constituencies: Kajiado North, Kajiado Central and Kajiado South.

Political dimensions

The County’s politics are dominated by the leading ‘Maasai’ politicians such as Prof. George Saitoti (a former Vice President for over a decade under former President Moi) and William Ole Ntimama (from neighbouring Narok County). Historically the Maasai have tended to be homogeneous in their political leanings and for a long time this meant they were in support of former President Moi and his KANU regime. However, after Moi’s retirement in 2002 the Maasai homogeneity has been tested to the limit with the Maasai in Narok County (led by Ntimama) taking to the (first to Narc then) ODM party whereas those in Kajiado (led by Saitoti) going with the PNU.

Security dimensions

There are no major security issues in the rural parts of this County. The situation is however different in the urban areas such as Ngong and Ongata Rongai where the population comprises many diverse communities. There has been violence before elections in previous years and the upcoming elections may not be any different.

The general security of the Ngong' and Ongata Rongai areas is not good. There are armed thugs that break into people's houses and carjack motorists using small arms.

Economic dimensions

The economy of the County thrives partly on tourism and partly on livestock farming. As far as tourism is concerned the major tourist attractions are the Rift Valley escarpment, tropical wildlife and the Maasai Mara game. Kajiado shares expansive savannah plains with neighbouring Narok County and Serengeti game reserve in Tanzania. Tourists can also approach Mountains Kilimanjaro and Meru from Kajiado County through the border town of Namanga. The Amboseli National Game Park to mention but one is located in the County. The tourist attraction centres provide employment and generate revenue for the County.

There is widespread livestock farming, mainly cattle and goat rearing. This has made the County a suitable location for abattoirs for processing meat products for local and export markets. Further, the County has a major road that runs from Nairobi to Namanga (in Kenya) and to Moshi and Arusha (in Tanzania) and back to the Kenyan border in Taveta. The Namanga-Arusha road also leads to the capital of Tanzania, Dar-es-Salaam. This trunk road belies the dearth of good roads as the County only has 38% roads are rated as good or fair. Apart from the road network, the County has a small airport to serve tourism.

Kajiado is a relatively developed constituency in its urban areas evidenced by the access by 39% of its inhabitants to electricity and 71% to clean water.

Legal dimensions

The County is served by the Magistrates Courts which are located in Kajiado Town. Considering the huge size of the County, these courts are not sufficient and as a result many of the arising conflicts are settled through traditional methods in which penalties are paid through livestock.

Socio cultural dimensions

The Maasai community is the predominant one and one of the notable facts about it is its strong cultural heritage. This can be easily observed through the Maasai cultural dress, hair styles, ear piercing for men, 'elevation' dances, huts, initiation ceremonies and exquisite head gear. The participation of women in decision making is still low and harmful cultural practises such as FGM and early marriages persist although on decline.

Livestock rearing is also a major aspect of Maasai culture. The Maasai are fond of rearing large herds of cattle and goats. The other communities that inhabit the County such as the Kamba, Kikuyu and Taveta are more concerned with running small to medium businesses in various spheres of the economy. As such there are few cultural conflicts with between the communities.

Environmental dimensions

The climate in the County is mostly semi-arid with rainfall amounts ranging between lows of 500mm

up to highs of 1,250 mm of rainfall per year. As a consequence of these climatic conditions wildlife thrives in the area. Recent droughts in Kenya have affected the County harder than before because it (drought) has lasted longer meaning little or no rain for prolonged periods. The general effects have been loss of livestock through death; degradation of the land through migration in search of pastures and to evade floods when the rains resume.

The inevitable consequence of different groups of Maasai herdsmen moving from place to place in the County in search of pasture is conflict over the same (pastures) and water. In addition to conflict there is widespread land degradation resulting from large herds of cattle migrations in search of pasture.

Conclusion

There are few political and security problems with this County. Only the urban areas such Ngong and Ongata Rongai should to be monitored for both historical and contemporary reasons. The level of crime in the two urban centres is medium to high with small arms being involved.

KERICHO COUNTY

Kericho County is situated in the former Rift Valley Province and shares borders with Nakuru County to the East, Kisumu County to the West, Bomet and Nyamira Counties to the South, Nandi County to the North West and Baringo and Uasin Gishu Counties to the North. It occupies 2,479 square kilometers and has a population of 758,339 people who are predominantly of the Kipsigis sub-group of the Kalenjin community. Initially, before the PEV, members of the Kikuyu community had settled mainly in the Kipkelion and Londiani areas. Members of the Kisii community could also be found in Nyagacho in Kericho town. But most of these (non-Kipsigis) left after the violence.

The important towns in the County include Kericho, Kipkelion, Londiani and Kabuti. Therefore the majority of the population is rural based as the population in urban centres is just over 200,000. Currently the County has four constituencies: Kipkelion, Belgut, Ainamoi, and Bureti.

Political dimensions

Kericho has a very homogenous approach to politics. This arises from the fact that a vast majority of its inhabitants are of the Kipsigis sub tribe of the Kalenjin community and do not have to deal with fractions that accompany inter-communally populated Counties. In the past the people of this area aligned themselves with the former ruling party KANU and homogenous support for former President Daniel Moi.

Since Moi left office in 2002 and prior to the PEV, the political dynamics have first taken the community to the ODM party under Odinga and Ruto; and later to the United Democratic Front (UDF) after the fall out between these two. When Ruto failed in his bid to take over the UDF, he formed the URP of which he is the obvious presidential contender.

As in other Counties in the Rift Valley, it is critical that the outcome of the ICC process is closely monitored as it may affect inter-communal relations.

Security dimensions

Kericho County is a fairly secure County. The exception is the areas of Kipkelion and Londiani, which hosted majority of the Kikuyu community. These two areas must concern anyone interested in preventing future conflict as the Kikuyu here are viewed as outsiders and may be isolated politically and economically leading to renewed conflicts between the two communities. Another area that may be of concern is the Nyagacho area in Kericho town, occupied mainly by members of the Kisii ethnic

group. These were attacked in the PEV therefore the area should be monitored.

Economic dimensions

The County is host to huge multinational companies in the commercial business of tea farming. Some of these tea companies include James Finlay, Unilever and Williamson. The companies provide employment to many migrant workers from the Luhya, Kisii and Luo communities. These migrant workers tend to give political support to candidates from their own communities, contrary to the Kipsigis community, though this has not been shown to affect the tea economy.

Kericho County received approximately Kshs 505 million for diverse developmental purposes including rural electrification, roads and constituency development. It has good roads surpassing the national average of good/fair roads by 15.3% to stand at 58.5%. This may be attributed to the benefits derived from previous regimes and the presence of commercial tea farming which requires good means of transport to factories and to the airports for export.

Legal dimensions

The County is served by a High Court based in Kericho. It also has magistrates' courts in addition to the High Court. These institutions are augmented by the magistrates' courts in neighbouring Sotik and Bomet. While the judiciary may seem close enough to members of the County, it is a well known fact that the judiciary in Kenya only serves about 30% of the Kenyan population. It follows that the people use other means of dispute settlement which may not have justice at its centre but focus on promoting reconciliation.

Socio cultural dimensions

The Kipsigis are clearly the dominant community despite the modest presence of migrant tea plantation workers from the Luhya, Luo, and Kisii communities; and the presence of Kikuyus in Londiani and Kipkellion. Migrant workers usually return to their 'homeland Counties' to vote. A threat is posed to those non-Kipsigis (especially the Kikuyu) who have invested in the areas around Kipkelion and Londiani, as these may be targeted for 'opposing' their host community.

Environmental dimensions

Kericho is situated in the highlands of Kenya within the Rift Valley. These have some of the most fertile lands in Kenya with receipts of rainfall most of the year. As a consequence, the County is one of the most green in the country.

Conclusion

The focus in Kericho County should be on Nyagacho (Kericho town), Kipkelion and Londiani urban centres and the surrounding areas. These two areas must concern anyone interested in preventing future conflict as the Kikuyus (some of who have since left the area) here are viewed as outsiders and may be isolated politically and economically leading to renewed conflicts between the two communities.

BOMET COUNTY

Bomet County is situated in the former Rift Valley Province and shares borders with Nyamira, Narok, Nakuru and Kericho Counties. It occupies 2,471 square kilometers only and has a population of 724,186 people who predominantly belong to the Kipsigis sub tribe of the Kalenjin community. The County has both a rural and an urban population with a number of important towns namely Bomet,

Litein and Sotik. There is a major tarmac road that runs through Bomet to Kisii and Nairobi.

The County is densely populated and among its inhabitants are a modest number of members of the Maasai and especially Kisii communities. Currently the County has four constituencies namely: Bomet, Sotik, Chepalungu and Konoin.

Political dimensions

The County's politics are exemplified by the high turnover of members of parliament in Chepalungu constituency. This constituency seems to elect a new member every election year. The current Member of Parliament (MP) is Mr. Isaac Ruto, who is a staunch supporter and follower of Mr. William Ruto who has presidential ambitions.

In the years gone by, this County was firmly in former President Moi's KANU and was considered a "safe" political constituency because it has a homogenous approach to political mobilization which may lead to the political isolation of the non-Kalenjin people within the County.

Security dimensions

The problems between the neighbouring Kisii and Kipsigis communities on the border between Bomet and Nyamira Counties are well documented. There have been fights between the two communities over land and livestock thefts; these have eventually spilled into politics. In the PEV, some members of the Kisii tribe were attacked and their properties destroyed and hence became IDPs. There are reports that some were even killed. This area should be watched closely.

Economic dimensions

Bomet County is an agriculturally rich and fertile area; there are many farmers here. Konoin and Bomet constituencies grow tea which earns them a lot of money where some of this is done by multi-nationals); there is also extensive dairy farming. Areas like Chepalungu have a slightly different climate, with clay soil and require water pans to collect rainwater for livestock rearing (in dry weather) and these have been provided mainly through use of government funds. The County received around Kshs583M from governmental authorities for development. Regardless, only 4.3% of households in the County are on the electricity national grid.

Legal dimensions

The County is served by Magistrates courts located in Bomet and Sotik. Given the high population density of the people here, the courts may not be able to resolve all the arising conflicts between individuals. Elders from the Kipsigis and the neighbouring Kisii community sometimes come together through various committees to try and resolve disputes concerning land and livestock.

Socio-cultural dimensions

The issues here mainly concern the integration of the non-Kalenjin communities into the predominant Kipsigis culture and social organizations. The integration has not been very successful even though there is evidence of inter-marriages between members of different communities. When conflicts arise they tend to follow the faults created by cultural differences and are often accentuated by the ethnicity driven politics.

Environmental dimensions

Most of the County is served by many all season rivers. A few areas are dry though in the hot seasons (mostly Chepalungu) and here there is potential for conflict over grazing and water sources.

Conclusion

For election purposes, monitoring of the neighbouring constituencies in Nyamira and Bomet Counties (in this case, Nyamira and Sotik) will be critical.

KAKAMEGA COUNTY

Kakamega County has a population of 1,660,651 and is 3,051 square kilometers and is the second most populous County. The dominant community is the Maragoli sub-group of the Luhya along with other small Luhya sub-groups. Kakamega County has nine constituencies; namely, Butere, Mumias, Matungu, Khwisero, Lurambi, Ikolomani, Malava, Shinyalu and Lugari

Political Dimensions

Kakamega regards itself as the political capital of the current Western Province and basically serves as the political barometer of the region. The County was dominated by KANU prior to the 2002 elections which brought NARC to power. New Ford Kenya and ODM are the dominant parties.

Kakamega County was a flashpoint during the 2007/8 post election violence with riots and displacement of communities perceived to be anti ODM. The current politics are dominated by the rivalry related to the next governor of the County. The area is largely homogenous and any community rivalry will likely be reflected in clan-based politics.

Economic Dimensions

The main industry is sugar processing; Mumias Sugar Company, Kenya's largest sugar producer is found in the county. The company has been beset by challenges related to low payment to farmers and late harvesting. Other factories are Butali and West Kenya Sugar companies. Other cash crops are tobacco, coffee, sugar cane and cotton. Kakamega currently serves as the provincial headquarters for Western province and is the hub of the region. Kakamega town is the largest and most developed town in the province. Finally, Kakamega thrives on eco-tourism based on the Kakamega rain forest.

Security Dimensions

The County was hit by the PEV. Minority immigrant communities perceived to be anti-ODM were displaced and their property destroyed. In addition, a large number of people were shot and killed by police. Kakamega also has a traditionally high crime rate.

Social Dimensions

Kakamega has a high population which means that services are overstretched. Only 1 out every 10 people has secondary education and only 3 out every 10 women deliver in a health care centre attended by a qualified professional. Both as rural and urban County, Kakamega has a highly diverse population, and indeed more or less a cosmopolitan population, where even minorities such as Kikuyu, Kamba, Kalenjim and also Luo enjoy livelihoods based on various industries thriving in this County.

Legal Dimensions

The County has 16 judicial officers and 5 court stations. Its ratio of 100,000 citizens per High Court

judge is 8.3, the fourth highest in Kenya against a national average of 8.6.⁷⁷

Environmental Dimensions

The high population growth has resulted in severe environmental degradation, deforestation and soil erosion (Kakamega District Strategic Plan 2005-2011 , Ministry of Planning). Kakamega also hosts Kenya's only rainforest, which is subject of ongoing conservation efforts.

Conclusion

There is low likelihood of any sustained conflicts. Most of the tensions revolve around political competition and at times these turn violent. The County requires moderate surveillance in the run up to the next elections

VIHIGA COUNTY

Vihiga County is the smallest County within the former Western Province, with a population of 554,622 and an area of 531 square kilometers. It currently has 4 constituencies; that is, Emuhaya, Hamisi, Sabatia and Vihiga.

Political Dimensions

Vihiga politics is dominated by the politics of the Mudavadi dynasty. Musalia Mudavadi took over from the patriarch, Moses Mudavadi, a lifelong KANU politician. KANU dominated the political scene until NARC came to power in 2002. Mudavadi lost that election on a KANU ticket but came back in 2007, this time under ODM. The County is largely populated by the Maragoli community as well as the Bunyore and other small Luhya sub-groups.

Economic Dimensions

Vihiga is extremely densely populated. The mainstay of the economy is subsistence agriculture as well as small scale cash crop farming. The main factory is at Mudete. Other activities include small scale trading.

Legal Dimensions

Vihiga has 2 court stations and no high court station it has a ratio of 185,000 persons per court stations, against a national average of 165,000 per court station.⁷⁸ This is an extremely low level of judicial access

Environmental Dimensions

The high population has put pressure on the environment with high levels of soil erosion and environmental degradation.

Conclusion

There is little likelihood of any widespread and sustained conflict in the County and thus the County is of low priority in this regard

⁷⁷ Sharmit Lamba, Topographical Analysis of the Law Courts of Kenya – Mazingira Institute 2011

⁷⁸ Ibid

BUNGOMA COUNTY

Bungoma County is situated in Western Kenya and it occupies 3,953 square kilometers.⁷⁹ The County has a population of 1,630,934 persons.⁸⁰ There are 4 main sub-ethnic communities of the Luhya 'nation': that is, Bukusu, Sabaot, Tachoni and Tura.

Political Dimensions

Politics in Bungoma has traditionally been dominated by the numerous Bukusu communities. Since the beginning of multi-party democracy in 1992, the Bukusu have been identified with opposition politics. The presence of major Bukusu figures like Michael Wamalwa 'Kijana' and Mukhisa Kituyi in the original Forum for Restoration of Democracy (FORD) and its splinter FORD-Kenya fueled this perception. With Wamalwa taking on the leadership of FORD-Kenya from Jaramogi Oginga, the party dominated the area.

With the death of Wamalwa and the preceding intra-party troubles, the party began to decline and the ODM became dominant, winning most of the seats on offer in the last elections. ODM has a long-standing rivalry with New Ford Kenya, a party struggling to gain dominance in Western Kenya.⁸¹

Security Dimensions

The major security concern in Bungoma County involves Mt. Elgon constituency. Long-standing disputes and claims escalated in 2005 when some members of the Sabaot community started an insurgency under the banner of the Sabaot Land Defence Force (SLDF). The dispute revolved around a botched land resettlement programme in the Chebyuk area. According to Human Rights Watch, Mwatikho Centre for Torture Survivors and Western Kenya Human Rights Watch: "from 2006 the Sabaot militia ... killed more than 600 people and terrorized the local population through physical assaults and threats, and the seizure and destruction of property."⁸²

In 2008, the Kenya Army was deployed to quell the insurgency. This operation was widely criticized but the insurgency largely ended. Although normalcy has been restored, the dispute is still unresolved and the attendant situation needs to be monitored.

Bungoma also suffers from insecurity related to coffee smuggling. Cases of theft of coffee beans from farmers unions have escalated over the recent past. These cases involve extremely violent gangs, with suspected complicity of the security forces and the provincial administration.⁸³

Economic Dimensions

Bungoma is a highly dense area with 454 people per square kilometers. Over half of the population is considered to be living in poverty (CRA, 2012). The mainstay of the local economy is agriculture – either small scale coffee growing and sugar or subsistence farming. The main industries are Nzoia Sugar and the troubled Panpaper Mills. The coffee industry is bedeviled by theft and lack of factories for value addition. The sugar sector offers low returns for farmers. There have been attempts to re-open the Panpaper Mills but this process has been slowed down by a number of factors among them corruption claims.

79 Kenya: County Fact Sheets – Commission on Revenue Allocation, 2012, pg 2

80 Ibid pg 2

81 Interview with Robert Wanyonyi – Standard Media Group Journalist

82 Visit, <http://www.hrw.org/en/news/2008/04/02/kenya-army-and-rebel-militia-commit-war-crimes-mt-elgon>, accessed 23rd February 2012

83 Release Political Prisoners (RPP), Report of Bungoma Town Hall meeting (January 15, 2012) [Unpublished]

Legal Dimensions

Bungoma County has 1 High Court with a High Court/100,000 ratio of 16.3 against the national average of 8.6. There are 11 judicial officers including Magistrates and a Kadhi.⁸⁴ This indicates low levels of access to the judicial system.

Social Cultural Dimensions

The Bukusu have been seen as the dominant community in Bungoma – both politically and in other arenas. In addition, the clan and ethnic dynamics in Mt. Elgon need to be monitored closely.

Environmental Dimensions

Bungoma has a relatively good climate and agricultural activities dominate the local economy. However, the dense population in some areas may pose environmental challenges. In addition, Panpaper Mills has been accused of causing pollution in the Webuye area resulting in health challenges among the local population.

Conclusion

The potential for re-emergence of the insurgency and the alienation of minorities from economic and political life in Bungoma raises the potential of conflict in Bungoma to High.

BUSIA COUNTY

Busia County has a population of 488,075 and a size of 1,134 square kilometers. The main ethnic group is the Luhya. Others are Teso, Samia and Wakhayo.

Political Dimensions

Between 1992 and 2002, the area was seen as a largely KANU zone. The dominant political figures included Moody Awori, Chris Okemo and Julia Ojiambo. During this period the former two were largely establishment figures. When KANU lost in 2002, the opposition was able to establish dominance in the area with Moody Awori contesting under the National Rainbow Coalition (NARC). In 2007, ODM was able to capture most of the seats, including defeating Awori, the then Vice-President, through the current Minister for Sports – Paul Otuoma.

Currently, it is widely believed that the main political rivalry will be between ODM and New Ford Kenya. In the past, there have been tensions between the larger Luhya and the Teso communities.

Economic Dimensions

Slightly over 6 out of every 10 people in the County live in poverty and only about 1 person out of 10 has completed secondary education. There is poor health care, sanitation and road network. Most of the economic activities are small scale agriculture and fishing. There is also conflict over the construction of Busia Sugar factory. The other main crops are cereals and coffee. In addition, Busia serves as the main border and crossing point with Uganda. There is thus a lot small scale of cross border trade as well as smuggling. In the lower areas of the County, in Budalangi there is the perennial problem of flooding which has caused displacement of people and disrupted livelihoods. There is a plan by the government to construct a dam on the River Nzoia in Bungoma County to avert floods in Budalang'i. This has caused tension between people in Busia and Bungoma Counties as there are

84 Sharmit Lamba, Op Cit

plans to re-locate people from the flood zone.⁸⁵

Legal Dimensions

Busia County has a total of 5 judicial officers, including a High Court Judge. It has an average of 0.49 on the millions of citizens per court station ratio against the national average of 0.37.⁸⁶ Given its proximity to Uganda and the economic activities, this is hardly adequate.

Social Cultural Dimensions

Busia County is a trade centre, juxtaposed between Kenya and Uganda. A lot of social issues prevail, just like in any other town that 'sit' in-between borders. There is mega corruption and illegal trade, existing side by side with formal and incorrupt trade form business persons plying the route; there is a lot of prostitution; there is the hotel and motel industry; and also, a lot of ethnic groups meaning a lot of potential for ethnic conflict including those communities from Uganda, other than those mentioned above.

Environmental Dimensions

Flooding in the lower areas of the County next to Lake Victoria remains a major challenge. Communities in flood prone areas have remained poor and there has been no long-lasting solution to the problem. The dykes built have been largely ineffective. The building of a dam on the upper part of River Nzoia is still mired in controversy and it is uncertain whether the project will go ahead given the opposition to it in Bungoma.

Conclusion

The Luhya versus Teso conflict is likely to be exacerbated during the next elections while Bungoma-Busia County conflict due to the River Nzoia dam. However, the likely hood of violence remains low.

SIAYA COUNTY

Siaya County has a population of 844,304 living on 2,530square kilometers. The population is mainly Luo.

Political Dimensions

Siaya County has diverse political dynamics. The new County system will bring together political players whose rivalry so far has been confined to their constituencies. ODM is the dominant party and it is unlikely that any other party will pose a significant challenge to it. Major political players include James Orengo, Anyang' Nyong'o and Raila Odinga. The County government and senator positions will be highly contested. There have been pockets of violence related to the recent ODM elections but no major or sustained violence.

Economic

Siaya County economy relies on fishing and subsistence farming. There are few industries. One major economic investment is the Dominion Farms on the Yala river. The project is being touted as a major step to using the Yala Swamp to create food security. However, the project has been criticised by environmentalists for interfering with the Yala ecosystem and displacing the local population. Local residents claim they have seen no tangible benefits from the project and the issue has become a

85 Interview with Robert Wanyonyi , Op Cit

86 Sharmit Lamba, Op Cit

major flashpoint between locals on the one hand and Dominion, politicians and the provincial administration on the other

Security Dimensions

The major security issue is related to the activities of Dominion Farms. Also increase in crime. In addition, there is likely to be small pockets of electoral related violence.

Legal Dimensions

There are 2 court stations and a total of 5 magistrates. There is no High Court.

Environmental Dimensions

Generally, the environmental conditions of Siaya County are based on the neighbouring Counties, especially Kisumu; which is described below. Nevertheless, Siaya is basically a rural County whose environment is not degraded like Kisumu.

Conclusion

There is a slim possibility of any sustained political violence part from pockets of campaign violence.

KISUMU COUNTY

Kisumu County is situated in Western Kenya. It occupies 2,086 square kilometers and has a population of 968,909 (CRA, 2012). The dominant ethnic group is the Luo but there are significant pockets of Kisii, Luhya's, Nubians and Asians.

Political Dimensions:

Kisumu has traditionally been a politically volatile area and this is set to continue. The amalgamation of very politically diverse districts into one single County is likely to present challenges. Kisumu, especially the City, is prone to politically-motivated violence. The traditional tensions have sometimes taken a native clan versus immigrant clan (jo-dak) dimension. The current dominant party is ODM and most political competition is likely to revolve around the fight for political power within the party, and by extension, the County government.

Security Dimensions

Kisumu has a culture of political violence, especially in the major urban areas. The large number of idle and unemployed youth in gangs makes it easy for politicians to try to obtain leverage through violent means by funding and deploying these gangs. This situation may have been ameliorated by the fact that most youth who had previously been involved in violence are now engaged in activities that promote peace.

In the County, there are border tensions in the constituencies bordering former Rift Valley Province, which are Muhoroni and Nyakach.

In Muhoroni, there is a mixture of political and land issues that has led to tension. The area has had a long standing history of inter-communal rivalry between the Luo and Kalenjin communities. In 2007, there was a sort of a truce as both communities were perceived to have a common political interest in ODM winning the elections. However, with the subsequent fall out between Raila Odinga and William Ruto, the rivalry has resumed. During the 2010 referendum there was tension and low level of displacement in the border region. In Nyakach there has been a persistent problem of cattle rustling,

which has often taken a political dimension during elections. There is need to monitor this.

Economic Dimensions

Kisumu city is the regional capital of Nyanza Province. The city boasts many business and manufacturing plant. It has an inland harbor connecting it to Uganda and Tanzania as well as an international airport. It is the hub of western Kenya. In the rural parts of the County, the main economic activities are fishing and agriculture (rice, sugar cane and maize farming) as well as small scale subsistence farming. Large scale commercial agriculture is mainly concentrated in the Muhoroni and Ahero area. There is also a large hydro-electric power plant in Nyakach. Thus the economy is diverse. However, there are a large number of rural and urban poor and inequalities between urban and rural populations. Unemployment particularly of the youth is high, especially in urban areas.

Legal Dimensions

Kisumu has 5 court stations and a judge to 100,000 bringing the citizens' ratio to 4.8 against a national average of 8.6.

Social Cultural Dimensions

Clan based politics is a dominant factor in Kisumu. Further, minorities have not yet been able to fully participate in social and political life. Nubians and South Asians are largely insulated from the mainstream. Although occasionally South Asians have won public office, these tend to be persons connected to the political establishment.

Environmental Dimensions

Urban areas like Kisumu City suffer from pollution and other urban environmental challenges like waste disposal and inadequate sanitation. Hyacinth in Lake Victoria is still a challenge although some innovative people are now using the weed for furnishing.

Conclusion

The potential for violence in Kisumu, both in the border areas and those related to local politics is high and requires monitoring.

HOMA BAY COUNTY

Homa Bay County has a population of 958,791 people on 2,586 square kilometers. The dominant communities are the Luo and the Aba-Suba.

Political Dimensions

Homa Bay is a diverse County and the politics reflect this. On the islands and areas bordering the lake, the Abasuba have long been fighting for what they view as their distinct political identity. The distinction between the Luo and the Abasuba was fuelled by the KANU regime for political purposes. In reality however, the Luo and Suba have different histories, distinct traditions albeit they can be traced to one ancestor. The divide has not been violent but has precipitated political competition. Thus one half of the County will most likely be dominated by this dynamic. It is important to closely monitor political party nominations.

Security Dimensions

Apart from pockets of intra-party political violence involving gangs of hired youth and ordinary crime,

there are no major security risks in the County.

Economic Dimensions

Homa Bay has high levels of poverty. The main economic activities are fishing and subsistence farming as well as limited manufacturing. The County has few fish processing plants as many plants are situated outside the County. In addition, the roads network is in poor condition, although in the recent past there has been an improvement in the condition of some major roads. The poor infrastructure has led to underdevelopment in many rural parts of the County as well as Homa Bay itself.

Legal Dimensions

Homa Bay has a ratio of 0.32 in relation to millions of citizen per court station against the national average of 0.42. It has 3 stations and 5 judicial officers.

Environmental Dimensions

In some lake beaches the water hyacinth is major challenge, disrupting commercial activities like fishing and inland water transport. The urban areas lack proper waste disposal systems and sewerage works. As result water borne diseases are common.

Conclusion

There is a likelihood of isolated violent conflicts related to political completion but these will most likely peter out in the post-election period. However, any national unrest has the potential to spread out across the region as happened in the PEV.

MIGORI COUNTY

Migori County has a population of 563,033 living on 1,969 square kilometers. The main ethnic group is the Luo. The second largest ethnic group are the Kuria. Other large minorities are the Maragoli and Kisii.

Political Dimension

Politics in Migori has had a history of extreme violence in all the constituencies. In almost all elections in the last 10 years there have been large scale violence and deaths. For example, in Rongo a long-standing feud between Dalmas Otieno and Ochillo Ayako has been simmering, occasionally leading to violence. The latest incident happened during the recent ODM elections. In Uriri, a death was reported during the referendum 2010. In Nyatike, the last election was characterised by chaos. In Kuria, there has been violence too, based on clan rivalry.

The worrying dimension here is the easy availability of small arms and the widespread practice of cattle rustling. Migori witnessed some of the worst of the PEV. Many perceived PNU supporters were displaced and their property looted. In addition, many people were shot at by the KPF and some died as a result.

Economic Dimensions

Migori is an agricultural area. The economy revolves around sugarcane and tobacco farming. There is a sugar factory at Awendo and a leaf curing centre in Rongo. Other crops include cereals and vegetables. There is also artisan mining in Nyatike and Rongo as well as fishing. The main economic hub is Migori and Awendo towns. Although farmers earn significant incomes from farming there are

complaints about low returns and high cost of inputs. Apart from the main highway that straddles the County other secondary roads are in poor condition. The County is the gateway to Tanzania.

Security Dimensions

Migori has a history of politically motivated and cross border conflicts. This is likely to escalate in the coming period. In addition, large minorities like the Kuria feel culturally and politically alienated from the Luo and this is a perennial source of conflicts. Together with the ongoing political feuds in the County, it is important to keenly monitor the County.

Legal Dimensions

The County has a factor of 0.34 in relation to millions of citizen per court station and 3 stations. It does not have a high court and litigants have to go to Kisii.

Environmental Dimensions

Environmental degradation remains a challenge due to the nature of commercial agriculture specifically the use of pesticides and firewood in the sugar and tobacco industries.

Conclusion

Migori County has the potential for extreme and widespread violence due to political feuds and inter-clan ethnic tension and is a high priority area for monitoring.

KISII COUNTY

Kisii County has a population of 1,511.422 living on 2,542 square kilometers. The dominant ethnic group are the Kisii although there are pockets of the Luo, Luhya and other ethnic groups in the County, as it is an urban County.

Political Dimensions

Politics in Kisii is very complex and significantly different from other Counties in the region in that in any given elections since 1997, there has never been any party that has dominated the County. Politics is largely fuelled by perceived clan interests which often supersedes political affiliation. Simeon Nyachae has been the most dominant political figure on the County but has since retired.

KANU, ODM as well as other minor parties have significant support. It is unclear if any of the bigger parties will be able to establish complete dominance in the region and clan as well as family and political loyalties will combine to produce complex political outcomes.

Security Dimensions

Kisii County has had a history of border conflicts with neighbouring Counties. There has been conflict in two fronts on the Kisii – Migori and Kisii - Homa Bay border and on the Kisii - Trans Mara border. The latter two have been largely resolved but the one with Trans – Mara is still ongoing. There have also been clan rivalries as well as a significant presence of vigilante gangs who purport to serve a community policing role in the years before elections but have been known to be deployed for political motives during campaigns. Electioneering in Kisii County is prone to violence and intimidation, especially from illegal militias/gangs such as Nchinkororo, Sungu Sungu and Amachuma among others.

Economic Dimensions

Kisii is a rich agricultural area. The mainstay of the economy is small scale tea farming and there are numerous coffee factories. Also horticultural crops are grown widely. The County supplies neighbouring Counties with vegetables and fruits. However, due to high population density, farm sizes are growing smaller and smaller. Competition for land often leads to violence and is thought to be linked to the practice of killing of alleged witches. Kisii town is a thriving albeit crowded commercial hub for the Southern Nyanza region has is host to a number of businesses and manufacturing plants.

Legal Dimensions

The County has a total of 11 judicial officers in 3 stations. Its ration of 100,000 citizens to a High Court judge is 5.8 against a national average of 8.6 while its ration of number of 1 million citizens per court station is 0.38 against a national average of 0.37.

Environmental Dimensions

The high population density is a major contributing factor to soils erosion and deforestation. The waste disposal and sewerage systems are overstretched in urban areas.

Conclusion

The risk of widespread violence is minimal. However, there is a possibility of pockets of electoral related violence and cross border incidents

NYAMIRA COUNTY

Nyamira County has a population of 598,252 on 899 square kilometres. The population is mainly Abagusii. Nyamira County is located in Nyanza and constitutes 3 constituencies (Kitutu Masaba, West Mugirango and North Mugirango-Borabu).

Political Dimensions

For decades the politics in what is now Nyamira had been dominated by George Anyona who has since died. The 2007 election produced a mixed outcome. The 3 constituencies were won by KANU, ODM and the little known National Labour Party. In those elections slightly over 80 candidates presented themselves for the 3 positions. The result is that the winning candidate always won by a very small number of votes. This shows a very fragmented electorate.

Economic Dimensions

Like Kisii County Nyamira is an agricultural bastion. The mainstay of the economy is small-scale tea farming as well as horticultural farming. There is a settlement scheme in the county on the border with Bomet County.

Security Dimensions

The major security issue is related to a land and border dispute and cattle rustling along the border with Bomet. During the PEV, the border area experienced inter-ethnic violence pitting the Kisii and the Kalenjin. There was also some tension and isolated violence in the run up to the 2010 referendum. This tension has continued to simmer and sporadic violence - mainly related to cattle rustling - has continued. Although it is a rural-based County, pressure from surrounding Counties (such as Kisii) has led to also increased levels of crime guised as Sungu Sungu offering 'community policing' and with

tacit support of local police and administration officers.

Legal Dimensions

There are 1 court stations and a total of 2 judicial officers. There is no High Court.

Environmental Dimensions

Similar to Kisii County, Nyamira also suffers from high population density leading to deforestation, soil erosion, and also the sub-division of land into very small parcels has taken toll on productivity of land.

Conclusion

Nyamira has experienced extreme electoral violence in the past. There is potential for violence in the run up to the next elections and this requires high monitoring by CRECO.

NAIROBI CITY COUNTY

Nairobi County plays host to the political and economic capital of Kenya. It borders Kajiado, Machakos and Kiambu Counties. It measures 695 square kilometers with a population of 3,138,369. It is comprises the 8 constituencies i.e. Dagoretti, Kibera, Westlands, Kasarani, Makadara, Embakasi, Kamukunji and Starehe. It is a cosmopolitan city with large informal settlements (slums) in each of the above constituencies.

Political Dimensions

Over the years, Nairobi had been a hotbed for opposition politics. This can be attributed to higher levels of literacy and enlightenment. During the KANU regime, the ruling party propped up candidates against popular opposition candidates and therefore the ensuing competition eventually turned into violent confrontations in almost all constituencies. Thus a culture of political violence seems to have taken root in Nairobi City County.

Nairobi was among the areas that were badly affected by the PEV. According to the CIPEV Report, 125 people died and 348 were injured during the PEV.⁸⁷ The violence in Nairobi was sensationally reported by local and foreign media and this forced the then Minister for Interior Security (Late John Michuki) to order a ban on live broadcasts of the violence. The gory images from the violence have been imprinted on the minds of many and therefore the violence is a permanent scar on the conscience of those who reside in Nairobi.

The announcement of presidential results triggered violence in ODM strongholds. However, there were tensions that had started mounting before elections within informal settlements following rumours and allegations that spread indicating that the Luo and Luhya tenants in houses owned by Kikuyu landlords had planned to take over the said premises should Raila Odinga win.⁸⁸ In the PEV that ensued, some tenants refused to pay rent and this prompted the landlords to enlist services of armed thugs to either evict or force the unwilling tenants to pay-up. Long after PEV, it is claimed that some landlords have unsuccessfully tried to reclaim their houses in informal settlements such as Kibera. This grievance is likely to cause tensions as the next elections approach.

If the next presidential elections will be a high stakes contest, Nairobi is likely to reflect this as it is said to be the barometer of Kenya's politics. The PEV was partly attributed to the nature of the high stakes that attended to the said election. Raila Odinga, who represents Kibera constituency, was challenging

87 Republic of Kenya, 2008 Supra at pg 317 and 334

88 Ibid pg 305

President Kibaki, whose has a large following in Nairobi.

Due to the high nature of the stakes at that election, there have been fears of rigging. This raised the prospect of violence in the County.⁸⁹

Sharp political competition is also expected in areas where ODM and PNU have strong candidates. Intense campaigns, if not properly regulated may heighten tensions leading to outbreaks of violence especially in the informal settlements.

Security Dimensions

The CIPEV report alluded to the recruitment and deployment of armed criminal gangs (particularly Mungiki and the Kenyan Taliban) by protagonists during PEV.⁹⁰ The gangs had thrived in Nairobi's informal settlements, largely due to the failure by the State and local authorities to provide amenities to the local populations. These gangs moved into the void and became the alternative authority in these areas. Efforts to tackle the gangs by security forces were never concerted and sustained. After the PEV, a violent crackdown on armed gangs gathered new impetus leading to unprecedented violence and spates of extrajudicial killings on both sides. Eventually, these gangs, particularly Mungiki were overwhelmed and pushed underground. Thus, even though the gangs have never been decimated, there is still a risk of the same

There has been a high proliferation of small arms in Nairobi. This has been attributed to the influx of refugees (especially from Somalia) and the increased crime rate. The demand and supply for these weapons has therefore increased tremendously. This should be a cause for worry, should there be a repeat of the violence witnessed in the aftermath of the previous elections.

The ongoing war against the Al Shabaab in Somalia has heightened terror threat in Nairobi. In December 2011, Nairobi experienced two terrorist-related attacks which led to 4 deaths. As the electioneering period peaks, the terror threats are likely to escalate. Campaign meetings are likely to be targets for terrorists. If the security agencies will not be able to prevent attacks and assure residents of their security, free campaigns will not be possible.

Economic Dimensions

Even though poverty rates in Nairobi are relatively low at 22.5%, there is widespread extreme poverty in the informal settlements where an estimated two-thirds of the city population resides in an area that accounts for only one-fifth of the total surface area. This alludes to deep inequality which potentially could fan social tensions.

Nairobi City County stands to receive high amounts of transfers from the National government due to population size. Already, the County received a total of Kshs1.4 billion as revenue and resource transfers in the FY 2008/9 (CRA 2012). These resources are likely to be handled by the Governor and therefore political competition over County level positions are likely to be heated and this could generate conflicts.

Legal Dimensions

Nairobi is the seat of the judiciary and therefore all courts, including the Supreme Court, are to be found here. However, the court system is severely constrained by the sheer population it serves and the fact that outlying Counties (Kiambu, Murang'a and parts of Kajiado) rely on the Nairobi courts for service delivery.⁹¹ With ongoing judicial reforms, it is expected that pressure will ease and hence

⁸⁹ Ibid

⁹⁰ Ibid 306

⁹¹ Sharmit Lamba, Op Cit, Nairobi is served by 72 judicial officers whereas every 1 judge in Nairobi serves 156,918 persons

access to justice over electoral related disputes will enhance. However, should these reforms stall, the risk of the problem escalating conflicts will remain active.

Social Dimensions

Inequalities, which have been alluded to above, are causes of social tensions in Nairobi based on class differences. Within informal settlements, ethnic differences among communities also result in social tensions. In Kibera for instance, there is ethnic zoning of the informal settlements, where certain neighbourhoods are exclusively held by particular communities. Such zoning is illegal and may exacerbate ethnic tensions.

Youth unemployment is a major issue in Nairobi, particularly in the informal settlements. Absence of livelihoods means that the youth are desperate and therefore are vulnerable to conscription into gangs that could be used for political violence.

Environmental Dimensions

Landlessness due to lack of security of tenure in informal settlements and land grabbing have led to land-related conflicts in Nairobi. Recent violent evictions in Mukuru slums in Nairobi's Makadara constituency prompted the Prime Minister to announce a temporary freeze in such evictions until the government came up with guidelines on the same. Informal settlements are rich vote catchments and therefore resolving the land problem is a political minefield. It should therefore be expected that politicians will use this issue as electoral campaign purposes with the result of inflaming conflicts related to land.

Conclusion

Nairobi County is a very high conflict risk area owing to its political significance in the country, the entrenched culture of political violence, scars of the PEV and prevalence of social tensions associated with inequality, youth unemployment and landlessness.

CHAPTER FOUR

CONCLUSIONS

This baseline report explores the legal context of Kenya’s security and peace-building architecture and concludes that a lot still needs to be done in terms of reforming the national police and subjecting it firmly to civilian oversight. This perhaps will make the force more accountable and responsive to conflicts and their triggers. In the same vein, the report also calls for increase budgetary support to police authorities in order to increase their presences especially in marginal areas that are conflict-prone.

This County-based conflict mapping and profiling baseline reports reveals that more than 80% of the Counties have moderate to high risk of conflict and hence merit closer monitoring. The analysis also reveals that all pastoralist Counties have higher risk of conflict as well as areas that were rocked by 2007-8 post-election violence. New threats posed by Islamic radicalization of the northern and north-eastern parts of Kenya and the ongoing war against Al Shabaab in Somalia have brought a new dimension to the conflict factors in the north and hence closer monitoring is necessary.

The ongoing process of delineating constituency boundaries is emerging as an important conflict trigger/accelerator, especially in areas where political power is equated to institutionalization of a community’s hold on resources over its rivals within the same political territory.

The possibility of increased resource transfers as a result of institutionalization of the devolved government structures also provides an interesting but intense arena of conflict over resource transfers from the national government that are expected to increase tremendously. This will perhaps be exacerbated by amalgamation of ethnic districts into Counties and the reduction in number of electoral units at the sub-County levels, forcing both dominant and minority communities to slug it out over the few electoral units available.

Internal and external political parties’ feuds will also increase political tensions in some areas, where there is minimal inter-party competition such as the so-called ‘strongholds’ of some political parties: former Provinces of Nyanza and Rift Valley provide perfect examples. The recent violence precipitated by political party nominations (in ODM) in Nyanza point to this glaring possibility.

The areas that were worst-affected by post election violence merit closer scrutiny during the pre-election period, largely due to the unsettled or unresolved deep-seated grievances. The impact of the indictment of 4 prominent Kenyans should also provide more justification for monitoring of the situation, especially with respect to possible treatment of communities perceived as victims of the 2007-8 PEV.

Conflicts bring into fore a similar array of actors; political leadership, elders, youth (hired as ‘warriors’) and interestingly, women. Understanding the role of each social group is important in designing strategies of addressing each conflict.

There exist a wealth of local peace building and conflict resolution resources especially in northern and pastoralist communities, where traditional justice mechanisms remain strong. These mechanisms have morphed into peace and development structures that incorporate civil society and government departments, giving rise to what Menkhaus refers to as the “mediated state” in Northern Kenya. These structures are vital in monitoring and resolving conflicts and therefore should be consistently

engaged by election monitoring groups

Due to historical circumstances and persistence of the culture of impunity, a culture of political violence has permeated in some parts of the country. This culture is very entrenched in areas which the former ruling party KANU routinely imposed candidates against popular opposition candidates especially in parts of former Central, Rift Valley, Nyanza and Nairobi Provinces. This culture explains the prevalence of electoral violence in every election held within the affected areas, irrespective of candidates, parties or type of elections involved. To eradicate this culture, long-term and sustained solutions must be sought.

RECOMMENDATIONS

In view of the above findings and conclusions, the following recommendations are necessary:

(A) *To State Institutions:*

- (i) It is important that the State, through the IEBC, National Cohesion and Integration Commission (NCIC), Judiciary, the KPF, the National Intelligence Service (NIS) and other relevant institutions, undertake their respective mandates and ensure that there are proactive approaches (including early warning systems) to ensure that conflict in these Counties is managed and is not allowed to escalate as happened in the PEV. This report is but a baseline on which to build future interventions, as we approach the upcoming elections.
- (ii) With regard to NCIC, they should develop a new methodological framework of working so that they do not seem to respond only to hate speech. There needs to be concerted efforts to ensure that anti-discrimination measures on any of the grounds provided for in the Constitution are enforced. Further, fresh appointments to this Commission should be made prior to the elections to avoid any risks associated with the impending lapse of tenure of current Commissioners. This will strengthen the Commissioners to make the necessary bold decisions that could deter would-be the hate mongers, and other individuals or institutions that may violate the Constitution on any other ground, as contemplated in Article 33 (2 and 3) of the Constitution.⁹²
- (iii) Security Sector Reforms and in particular, police reforms should be accelerated with the necessary appointments made at least 6 months before the elections. This will give the new police officials time to initiate further reforms and build public confidence in the NPS.
- (iv) IEBC should ensure its preparedness for election related conflict well ahead of the elections. The IEBC should also activate conflict management structures such as the Political Party Liaison Committee to address any inter-party complaints and disputes.
- (v) For the long term, all State organs, including the Parliament, particularly the Budget Committee and the CRA, ensure that National and County budgets takes cognizance of past and present marginalization so that some communities do not feel marginalized; in the spirit of the new Constitution.
- (vi) Devolution is necessary to address the structural causes of violence. There is therefore need for the allocation of devolved funds to be seen as fair to avoid exacerbating resource conflicts. Devolution must work without unnecessary interference from the National government. In this regard, the restructuring of the Provincial Administration must be done within the confines of the Constitution, especially in the participation of the people. The Transition to Devolution Authority must be steadfast to ensure that devolution of power works fully, within the next 4 years, so that all communities feel they are part and parcel of Kenya. All Ministries, Departments and Agencies (MDAs) of the State that infringe on devolution must be held accountable through courts of law.
- (vii) Further, without access to the Judiciary, justice may remain a pipe dream. There is need to ensure that the Chief Justice surveys the needs of the Counties to ensure that the rule of law

92 The Article provides: “the right to freedom of expression does not extend to: (a) propaganda for war; (b) incitement to violence; (c) hate speech; or (d) advocacy of hatred that: constitutes ethnic incitement, vilification of others or incitement to cause harm; or is based on any ground of discrimination mentioned or contemplated in Article 27 (4).” Further, in sub-Article (3), it provides that: “In the exercise of the right to freedom of expression, every person shall respect the rights and reputation of others.

is maintained at all times, and all residents can access the courts in case to their fundamental freedoms are infringed, without having to travel to Nairobi.

- (viii) On Judiciary, reforms that entail vetting of judges, appointment of more judicial officers and creation of more judicial (especially High Court) stations in the new counties must be carried out well before the next elections. This will give aggrieved voters and candidates access to the judicial system as and when the electoral disputes arise during the process.
- (ix) Finally, with regard to political parties, a substantive holder of the Office of Registrar of Political Parties should be appointed urgently to bring a sense of stability and infuse a sense of public confidence in the office. Further, the Political Parties Tribunal should also anticipate the avalanche of disputes that may arise from the electioneering process and accordingly put in place mechanisms of ensuring expeditious resolution of such disputes.

(B) To Civil Society Organizations:

- (i) The Election Observation Group (ELOG) the premier civil society observatory programme in Kenya (of which CRECO is part) should put in place the necessary infrastructure to closely monitor the 24 Counties identified as election-related conflict hotspots. The 19 counties that present moderate conflict risk however merit monitoring though at a far lower scale.
- (ii) CSOs should operationalize or strengthen a national peace platform similar to the one that existed prior to the 2010 referendum under the banner of Uwiano (cohesion). This platform ought to promote synergies between CSOs and Government agencies to undertake advocacy on national issues that have implications on conflict factors at the local level.
- (iii) The CSOs should participate effectively in the existing District Peace Committees (DPC) and advocate for the transitioning of these structures into County peace committees with a clear and strengthened statutory mandate of coordinating peace matters.
- (iv) The CSOs must act in concert and common cause to ensure that all political and democratic rights and governance processes during the upcoming elections are respected, protected and promoted. It is cardinal that in these elections, CSOs work in unison, especially to ensure that all State institutions (particularly those named above) are held to account if they violate the law.
- (v) The CSOs should ensure that in their respective competencies, be they women, children, the youth, old persons or marginalized groups and communities, that all rights for these groups are upheld, especially ensuring that there is representation and participation of these groups in the upcoming elections.
- (vi) The CSOs should also work with, not just criticize State institutions, in particular they should work together to ensure that adequate budgetary support to key institutions such as IEBC is made available on time. Without financial support to the KPF, Judiciary, and other institutions within the criminal justice system will not be able to deliver their mandate.
- (vii) CSOs, must continually monitor the application of international regional human rights and governance mechanisms Kenya are respected and upheld such as the Rome Statute and the African Union Charter.

(C) To the International Community:

- (i) The international community, be it the respective States in Europe, United States of America,

or the United Nation Systems (including the Special Procedures), should continually support CSOs efforts, adequately and timely - both with technical and financial resources. While this report fully acknowledges existing efforts, much more advocacy needs to be done to implement the recommendations set out in this Chapter.

- (ii) Secondly, the international grant makers should support IEBC and CSOs consortia with like-minded work, who have now come together under the banner of The Election Observation Group (and also other institutions that have monitored elections singularly), rather than 'establish' networks that seemingly do not work. The example of Kenya Domestic Forum (KEDOF) in 2007, which totally backfired, should serve as an example of how not to do things.

(D) *To Communities / Kenyan People:*

- (i) The communities in Kenya should and must acknowledge that Kenya does not belong to any particular ethnic group or a combination of groups. After having bequeathed ourselves and future generations a new Constitution, it is very important that all communities respect human rights for all persons; uphold the values of that Constitution; promote its principles of governance; and defend it from mutilation by the political class or any other persons/entities.
- (ii) Second, the communities must resist and reject all backward, corrupt, radar-less and myopic politicians. The Chapter on Leadership and Integrity must mean something for all the electorate. It cannot be 'business as usual'. All the rotten politicians, whom communities know very well, must be rejected at the upcoming elections; if the Kenyan communities are to harvest the promise of the new Constitution. There cannot be any other short-cut to the Promised Land.
- (iii) While conflict is part and parcel of communal living, Kenyans must learn to solve political and social differences amicably. Whereas this report has focused on the responsibility of the political class, the public is also responsible for preventing violent conflicts. As many Kenyans have expressed support for the ICC, it is clear that the various communities have agreed to banish impunity. The communities must also start banishing impunity at the local level, especially the County level. All communities belong to all Counties: no one County was established exclusively for any particular community. Therefore, Kenyans must learn to accommodate minorities within Counties where they are the majority in line with the Constitution of Kenya.

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ANNEXURE: TABLE ON RATING COUNTIES

(i) Counties with Moderate to High conflict risks

Marsabit	Garissa	Bungoma	Nandi
Isiolo	Tana River	Kisumu	Turkana
Kitui	Mombasa	Homabay	West Pokot
Makueni	Kwale	Nyamira	Laikipia
Mandera	Kilifi	Migori	Nakuru
Wajir	Taita Taveta	Bomet	Kericho
Narok	Trans Nzoia	Kiambu	Kirinyaga
Nyeri	Nairobi		

(ii) Counties with Moderate to Low conflict risk factors

Tharaka Nithi	Embu	Machakos	Lamu
Busia	Kakamega	Kisii	Baringo
Elgeyo Marakwet	Samburu	Kajiado	Muranga
Nyandarua	Meru	Vihiga	Siaya

CONSOLATA MISSIONARIES JUSTICE AND PEACE COMMISSION

VISIT TO THE CONFLICT AREAS OF ISIOLO. (March 13-15, 2012)

Fr. Makau Nicholas

For the past 5 months Isiolo county has experienced nasty episodes. Despite being a natural disaster county, it has now turned to a human designed disaster. To many, the problem is invented so as to answer to some personal or particular group's interest. The recent conflict between the Borana who are searching pasture for their animals and the Turkana has left many wondering. The clash has left about 30 people dead and many displaced. It has returned the development stride to the scratch as property was reduced to ashes and potential income generating people maimed and incapacitated. Disheartening is the fact that the dispute has not been given any sensible attention. Recently, a ward councilor was arrested accused of incitement. There is a calculated move to ignore the plight of the victims. Reasons are given that the land in dispute is trust land and no one can claim ownership. The constitution is quoted to defend the position of Borana's entry to the place saying that everyone has a right to live anywhere in Kenya. But they deliberately avoid quoting the clause that defends the freedom and right against invasion, forceful eviction and the right to ownership. In defending the right of the Borana to graze their camels anywhere, it is to accuse the Turkana for farming or erecting their houses which bars the presence of the animals. By allowing the presence of the thousands of camels in such a small village at shambani, it dis-allows the presence of other living. One is forced to repeat the question the Turkana community is asking; What is the motive of the Boranas keeping so many animals if there is scarcity of grazing land? Why did the Borana move to Camp Garba at this moment of the year? If they are only after food for their animals, why kill people and burn houses? The church and the school destruction, lingers very serious questions; is it a tribal clash or a religious conflict, is it a fight over resources or fight over chiefdom dominance, is it power wrangle or it is economic strength, is to tell who is the host community or the newcomer? Is it a way to prepare who will own the resource city that Isiolo is being designed to be? Who is responsible and who can help avert it? The local leaders and particularly the area MP has been absent from the area. Very little has been done to call for a resolution. Now is the time to seek an equitable justice. Further delay will escalate the conflict. It has been explained, "it is the culture of the Borana people to keep animals". But is it their culture also to be hostile and violent? Their neighbors also have their culture. Now is the time to develop a new culture of coexistence. Let the Borana elders be summoned by the state law and be forced to acknowledge that their culture is not in isolation and that it is not just to promote their own haven without care of the others'. Let culture and tradition not be used to justify or explain a conflict that has claimed lives and destroyed properties. Validating such culture and tradition is only a limping pretext that does not pass the test of credibility.

Yesterday we visited the Catholic Mission at Camp Garba which hosts above 600 people in the open ground in very compromising circumstances. I visited Kiwanja, Eremet and shambani villages where they had escaped from. The villages of Bulagadud and LMD were also empty as people had ran away for their safety. I was saddened by the ugly incident which we found. The catholic missionaries, Fr. Tallone and Fr. Wambua have opened doors to the children and mothers as other women and men are spread across the compound. Fr. Wambua guided us through the compound; crowded, with dusty, torn mattress, blankets, worn out sheets and all sorts of house hold goods are scattered all over. The demarcation of occupancy space is the far the mattress can reach. Given that the cemented corridors of the clergy house, the sisters' convent and those of the school are not enough, others find space along the fence and under the trees. Since the school is still on, they have to vacate the place before 7.00 am before pupils come and return at 5.00pm when the school day is over. This is the most painful moment that I have witnessed. I stood near the police post and 200m away I could see small children, women with babies on their back, and men carrying their items packed in polythene bags or sacks coming to the mission for the night. At arrival it is still painful to see them rushing to get water or

collecting grass for firewood to cook something which you can guess it's just grains. The mosquitoes sting leaving pimples. Children are crying as they scratch themselves all over due to irritation. One can hear the alternating cry of babies across the compound. As we visit groups am overwhelmed by fear as I see small bonfires scattered in the entire mission compound. "hawa wote ni waturu (Turkana's). tulichomewa mahome zetu na waboraana" a teenager told us. As I look at the thickets, I could imagine of the invasion of snakes, scorpions or other crawling creatures. Am taken aback and I do not want to announce my thoughts. I see the same place has become a toilet. It is a nightmare to walk as one will be stepping on the excrement or surprise an adult at the call of nature. Cooking is done on the open.



For those who have sick, aged or small babies in their family, they suffer a double tragedy. As the cooking items are not enough or conducive, there is also the danger of an accident. Am worried if wind changes mind and the grass around catch fire, some of the children who are lying there may be consumed never to be discovered or recovered. In the corner of my eyes I can see children and mothers following behind us, in case we had something for them. I went for a sleepless night as the images went round my mind. There is an imminent threat. Escaping to spare their life, they may jeopardize it.



There are fleets of people going out of the church compound. They want to provide room to the school that is about to start. Majority are eligible to school, but theirs is far away. "our school is not here, it was there (pointing the direction), we ran away when camels came in and the owners were shooting us" a STD 3 girl at shambani primary school told me, as I walked her and her family out to nowhere in particular. It was heart breaking to see families leave only to go out of the fence, gather in groups as they had nothing to do. Their village is across but they cannot dare return. They spend whole day in the same routine waiting for any hope. They are on their

own, no one comes to speak to them except the catholic missionaries. The police who are expected to come to tell them to go back are silent. There is another group who have gone to camp at the Isiolo police station as a way to draw attention to their cause. But they are not wanted there. "This is my home and I can't allow strangers to stay in. I don't know who is who" the OCPD told me in asking him why he wanted the people to vacate the only place that looked securer. The police station is hosting another 450 people. It is a pain and nuisance to the police officers, it is a matter of their reputation and rank "but supposing something happens when they are here, who will be responsible" one of the police officer tells complains. But an exchange ensures as one of the elders answers back very bitterly "it is better we die here and someone can report and be held responsible than being burned in the village



by your friends". I discover that the police have arranged for two Lorries to take the people back to the villages where they had been chunked off. Things are in disarray. It is purported that the police station wasn't secure. The people do not want to go back in fear of a possible attack and fear that they will be forgotten and they had nothing to sustain themselves, since all their belongs had been burned down or vandalized by the Borana invaders. As I tried to engage the OCPD to a negotiation, we reached a deal that men will go first to survey the situation accompanied by a contingent of police men. I opted to drive down the villages with them as a way of solidarity.

THE CAMELS OF ISIOLO THAT SHOOT AND BURN

Heaven broke loose. The village ashes. No house is standing. No as we reached the first village, people jumped out of the vehicles "look here was my house, look was my kitchen. Oh! Here, here caught up my brother, here they killed him" the people scattered, each to trace their homestead that longer there. The exercise was by Kenya police. Visible were books, metallic and steel items



is all sooner t h e crying t h i s t h e y killed trying was no guarded exercise that the

fire could not reduce to complete ashes. The tears, the soliloquies and the lamentations were so painful. The journalists who had came closer. I noticed a wiping tears and shaking and this hurt me the discover there were see bricks, some spared other household goods turned black. Before the some were vandalized scattered outside. The not been burnt. But it profaned. The doors



kept a distance now young police officer his head vigorously more. You can only homesteads when you iron sheets, some that had now been houses were torched and properties were Catholic Church had had been seriously had been broken, the

windows smashed and the glass spread all over. The holy of holiness, the altar, the tabernacle the most sacred places had been tampered with and cut into pieces. I could not understand the motive of destroying and disfiguring the statue of Mary. The poster bearing the image of Pope Benedict 16 had been badly pierced and there was disorder in the church. Rosaries were cut into pieces. A man was able to identify a rosary that belonged to his mother. I blessed it and let him carry it to her. In the school, everything was in total mess spread all over. The furniture was damaged, cut into pieces or simply scattered out of place. At the head teacher's office, there was no place to step in. The desks and the shelves had been destroyed and all the materials sprinkled on the floor. Text books, exercise books, packets of chalk had been littered. A similar dreadful face confronted us at the teachers' staffroom. We toured the village collecting various items; chairs, books, spoons either lifted from the school, the



church or homesteads and abandoned in the forest.

I had never seen search a massive herd of camels at one place at one given time. They filled the whole place. They exceeded 20.000 camels. The police men had pushed an equal number across the mountains in seeing the became irate. saw the camels their number, houses began to started. "We had camels. When by the police torch a house?" as policemen dissatisfaction.



in the previous day. The men camels were agitated, they The village elder explains "we first, as we wondered due to there was shooting and our burn". He narrated how it all not seen the owners, but the we reported, we were ridiculed officers; can camels shoot or a heated discussion ensued tried to explain to the elders' The situation was getting out

of control; I invited the OCPD and his team for a meeting with the elders and probably invite some groups from the camel herders who were not far. The officers and Turkana elders accepted but to bring a Borana on board was not viable. After a fruitless hour of consultation the OCPD declared; "you will not go back to the backyard of the police station, you either remain here or I will take you to the stadium" Roma causa finita, Game short. At as we sought the next move, officers jumped into their and spade off at a terrific watched them desperately and leave us behind. As the dust calmed down, only the that earlier we had known and torch" and 6 police were visible. We are at the of the camels at the battle called the group for a prayer. of it, I could not only read



Locuata this time the police vehicles, speed. We disappear

camels to "shoot officers middle field. I At the end my own

tension but it was in all the faces in front me. How can we get out of here? are we safe? "Hapa kuna njama, wametudanganya tuingie kwa magari yao na sasa wametuleta hapa na kutuachia adui. Hatuna silaha kama wao, tena tuko wachache. Hata ka nikubaki, hatuna chakula. Kwanini wanatufanyia hivi". Complained one man.

2 hours later, two GK Lorries brought back the women and children. Dumped them and went back. It was assumed that shelters like tents, food, water will be provided but all in vain. People remained in darkness, the night was unusually chilly and dark perhaps to celebrate the misfortune. Men organized themselves to remain awake guarding their families till the following day. All looked exhausted and visionless. They appeared a people without a future with wide open eyes of hopelessness to say the least. Some mothers had given up the struggle and they complained "kwanini wasitumalize badala ya kutuangaisha hivi. Hata hawa askari siwana buduki, siwatuue, waenda wakapumzike?" I got disturbed and disappointed. Where is the rule of law? Where are the executors of law? Who are the leaders of Isiolo who should intervene to restore hope to these displaced residents? Where is the conscience of the government officers?



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