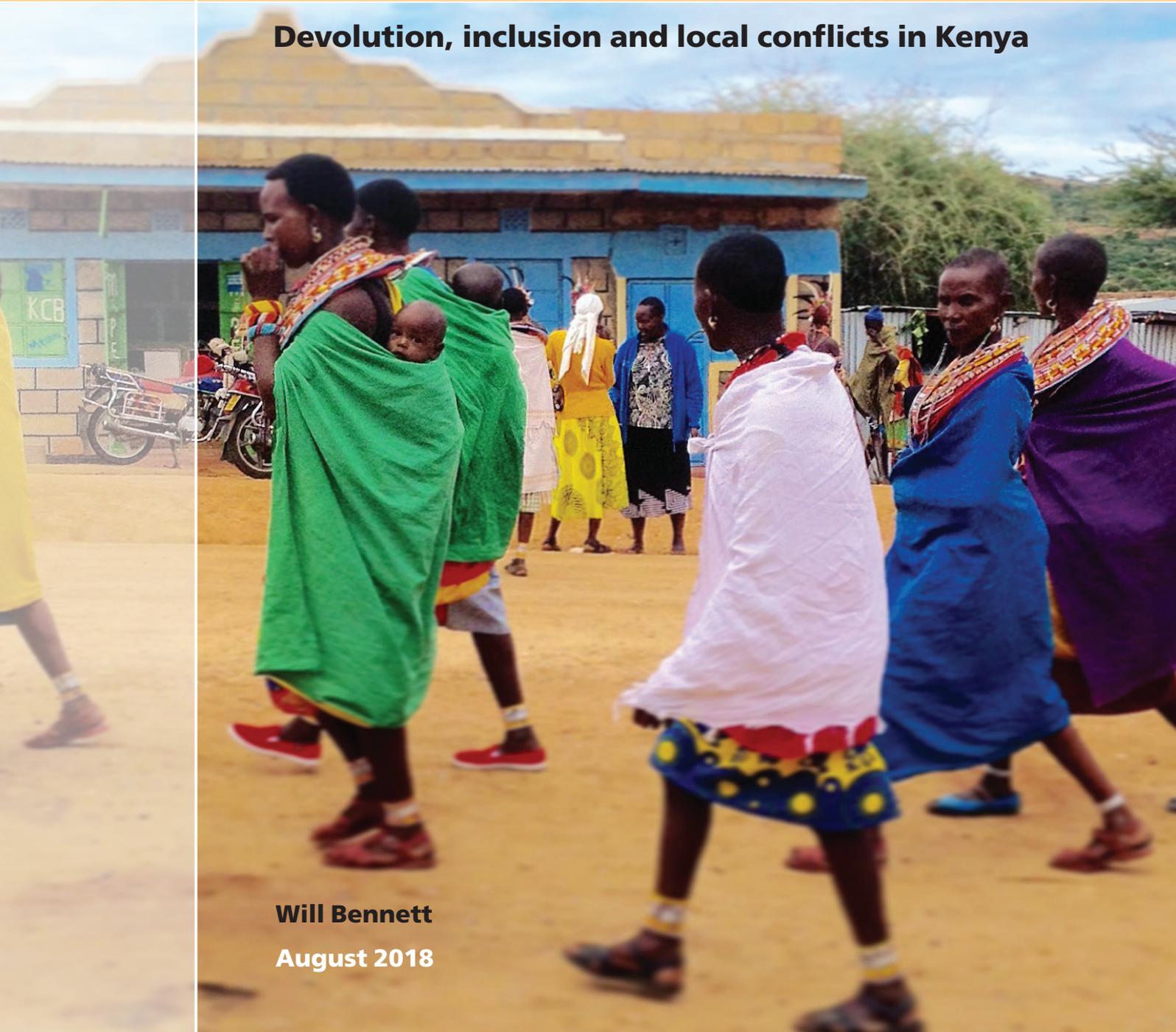


**SAFERWORLD**

PREVENTING VIOLENT CONFLICT. BUILDING SAFER LIVES

# Delivering on the promise of peace?

**Devolution, inclusion and local conflicts in Kenya**



**Will Bennett**

**August 2018**



# Delivering on the promise of peace?

**Devolution, inclusion and local conflicts in Kenya**

**Will Bennett**

---

## Acknowledgements

This report was written by Will Bennett, based on research undertaken with Thomas Nyagah, Elizabeth Atieno, and James Mwangi. The author is grateful for comments from Christopher Wakube, Alastair Carr, Diana Trimino, Ivan Campbell, and Valentine Nyaguthi. An initial literature review was provided by Pablo Manzano Baena. Any errors remain the author's own.

We would like to thank all those who generously gave their time to discuss sensitive and personal matters with the hope it might help to bring about change. We are also very grateful to our partner in Isiolo, Pastoralist Gender Initiatives.

The report is dedicated to Leonard Bennett, who always did what was right despite the costs.



Saferworld, Conciliation Resources and International Alert are collaborating on a three-year research programme, the Peace Research Partnership, which generates evidence and lessons for policy-makers and practitioners on how to support peaceful, inclusive change in conflict-affected areas. Funded by UK aid from the UK government, the research focuses on economic development, peace processes, institutions and gender drivers of conflict. Note, in its first year, the programme was known as Global Security Rapid Analysis – GSRA.

This report forms part of wider research by Saferworld focusing on the interaction between new decentralised governance structures and traditional institutions, and examining the impacts on local conflict dynamics and issues of inclusion. A comparative study focusing on the federalisation process in Somalia will take place in 2018/19.

The views expressed and information contained in this document are not necessarily those of or endorsed by the UK Government, which can accept no responsibility for such views or information or for any reliance placed on them.

© Saferworld, August 2018. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means electronic, mechanical, photocopying, recording or otherwise, without full attribution. Saferworld welcomes and encourages the utilisation and dissemination of the material included in this publication.

---

# Contents

<b>Executive summary</b>	<b>i</b>
<b>Introduction</b>	<b>1</b>
<b>1. The promise of devolution</b>	<b>4</b>
<b>2. The experience of devolution</b>	<b>7</b>
2.1 Navigating institutions	8
2.2 Peripheral exclusion	10
2.3 Inclusive employment for peace?	12
2.4 Access to health services	13
2.5 Ongoing pastoral conflict	15
2.6 Gendered experiences of devolution	16
<b>3. Pressing peace and security risks</b>	<b>19</b>
3.1 Fragmented institutional responses to insecurity	19
3.2 Ethnic division and social exclusion	20
3.3 Gender inequality	21
3.4 Boundary disputes	21
3.5 Corruption	22
3.6 Conflict-insensitive investment	22
3.7 Weak monitoring, oversight and accountability mechanisms	23
<b>4. Positives on which to build</b>	<b>25</b>
4.1 A burgeoning electoral culture	25
4.2 Progressive legislation	25
4.3 Opportunities to link national and county security policy	26
4.4 Early days of popular process	26
<b>5. Conclusion</b>	<b>28</b>
<b>6. Recommendations</b>	<b>31</b>
6.1 For the Isiolo County government	31
6.2 For the national government	32
6.3 For national and international partners	33
<b>Bibliography</b>	<b>34</b>
<b>Annex: research methodology</b>	<b>40</b>

# Executive summary

**KENYA HAS LONG SUFFERED FROM IDENTITY-BASED POLITICS** that skew the allocation of resources along ethnic lines. Successive presidents have accumulated power by appealing to their ethnic communities with promises of jobs and access to services, at the expense of more equitable development across the country. In the absence of institutions able to administer fair resource distribution, securing executive office became vital for the well-being and future prospects of each ethnic community, rendering national elections zero-sum. With so much at stake at the ballot box, violence – whether latent or active – has been an enduring feature of national elections.

Devolution was meant to be the panacea. Beginning in 2010, by decentralising power to 47 counties, each with democratically elected governors with autonomy over decision-making, it was hoped that devolution would lead to more inclusive and accountable county institutions able to deliver better services for all, which would in turn reduce the tensions and divisions causing conflict.

There was widespread appetite for devolution in Kenya, and many global precedents for the policy. Indeed, more than 80 per cent of countries had pursued some form of decentralisation by the turn of the century. Of course devolution processes are typical to each country, but essentially involve sub-national institutions assuming varying degrees of control over service provision. In Kenya, almost all essential services save for security, education,<sup>1</sup> and land registration were devolved.

But has devolution delivered on the promise of greater inclusion, accountability and peace in Kenya? To help answer this, Saferworld undertook research to explore how devolution has affected inclusion and conflict dynamics. We focused on Isiolo County, significant due to its location in the historically marginalised north of Kenya, on account of its ethnically heterogeneous population, and because it stands to receive considerable international investment in coming years – the latter of which has the potential either to foster peace and prosperity or to reinforce exclusion, exacerbate divisions and fuel conflict.

## Positives on which to build

The research findings reveal some undeniably positive results of devolution in Isiolo, as well as some important insights relevant to the wider national devolution process. There is more financial investment in the county and increased employment. Interactions between citizens and the government are growing, and people are closer to democratic processes that directly affect their lives. There are more health facilities, Early Childhood Development (ECD) facilities, and pockets of improved infrastructure.

<sup>1</sup> Primary, secondary and tertiary education remain nationally led, but Early Childhood Development has been devolved.

The county government structures themselves are also solid, with the requisite institutions and forms necessary to govern in accordance with the constitution.

Furthermore, with devolution only eight years old, people we spoke to were unanimous in saying it was too early to really gauge its success. Devolution is a story that different people tell in different ways, but the vast majority are in favour of the *idea* of it. People have faith in the ambition behind the 2010 constitution, setting out as it does a clear path to more peaceful and inclusive governance. Some positive developments are on the horizon, including the new County Complaints Office, where the public should be able to seek redress for sub-standard institutional performance. Additionally, the Public Participation & Civic Education Act of 2016 is due to come into force in 2018, and has the potential to bring more people into contact with the political processes that affect their day-to-day lives.

### Key issues to address

However, these gains are not as encouraging as they may first seem. Many of the new health services are dysfunctional, while some improved stretches of roads were not maintained and are now impassable. Infrastructural improvements are largely concentrated around Isiolo Town at the expense of the county's peripheries. Furthermore, the stated gains often mask structural identity-based inequalities, which devolution not only failed to address, but may have exacerbated. "Devolution is in a moribund state," one group told us. "The fruit of devolution is yet to be seen," said another more hopeful one.

Competition between ethnicities for public office – long seen in Kenyan national politics – has been devolved to the counties, inadvertently institutionalising and strengthening the ethnicisation of local politics. This has led to a negotiated democracy in Isiolo, whereby clan leaders carefully craft voting blocs in a bid to gain power. There is some evidence to suggest that the inclusion of elites in power-sharing agreements can be 'inclusive-enough' to maintain stability.<sup>2</sup> However, negotiated regimes have a limited shelf-life and are not a route to sustainable peace,<sup>3</sup> which will hinge on the inclusion of broader sections of society to ensure that those in office are reflective of society and responsive to their needs.

These entrenched ethno-political divides shape power, opportunity and the political economy of devolution, rendering services and opportunities dependent on political affiliation. Votes and public office are commodities for sale, with the promise of services or rents offered in return. Hence identity, rather than actual policies, is people's primary concern during election cycles. With so much to gain by being in office, Isiolo's county elections are as zero-sum as those at the national level. Ethnic groups that lose out are largely locked out of jobs and services. Where individuals from other ethnic groups do hold county positions, they are often friends of well-connected people from the majority ethnicity. Furthermore, county officials are almost always male, leading to what might be termed a 'gendered democracy' in Isiolo, whereby opportunities are ostensibly open to all but in practice closed to most women. This means that although institutions may appear nominally diverse, they tend to offer little diversity of perspective or political outlook.

In some people's eyes devolution has turned sour. Most feel excluded, with women especially marginalised, resulting in cleavages between those in power and the public. Many we spoke with said they felt like 'devolution orphans', with little chance to participate in formal political processes or have any impact on policy. "Business is being done in the darkness," we were told, rendering devolution "a good idea [but one] that has been marred by corruption, tribalism, and patronage."

<sup>2</sup> Lindemann, S (2008) 'Do inclusive elite bargains matter? A research framework for understanding the causes of civil war in sub-Saharan Africa'. *Crisis States Research Centre Discussion Paper no. 15*. London: London School of Economics and Political Science.

<sup>3</sup> Jones, B, & Elgin-Cossart, M (2011). *Development in the Shadow of Violence: A Knowledge Agenda for Policy*. New York: New York University Center on International Cooperation

A number of progressive Acts have been passed but not yet implemented. For example, the Public Participation & Civic Education Act of 2012 lies dormant and represents a missed opportunity to improve political inclusion. Furthermore, fully implementing the County Budget Act 2012 would establish vital county institutions that are currently missing, such as the Audit Committee and the County Budget & Economic Activity Forum. Others such as the Access to Information Act of 2016 need better implementation because, at present, public information is limited to the county website – useless for a largely offline pastoralist county. An Act must be a precursor to action, not a substitute for it.

People are also unsure of what devolution is and how to access it. There is little civic education about devolution despite there being a county institution dedicated to it. The consequence is a devolution process out of sync with the public. Take ward administrators (WAs), who are tasked with listening and responding to people's service needs. They are the shop window of the county government, but many described WAs as absent, unaccountable or powerless, meaning multiple actors fill service gaps across a raft of sectors supposedly under the auspices of the county. This leaves people politically unrepresented and institutionally disconnected.

## Peace and conflict implications

Studies on the recurrence of intra-state conflict have found political exclusion to be one of the most important factors.<sup>4</sup> Yet, far from its stated promise, devolution risks reinforcing social divisions. In cosmopolitan Isiolo, where violence has ebbed and flowed since the Shifta Wars of the 1960s, this is concerning. In response, numerous peacebuilding structures (some national, some county, some civil society) have been put in place across the county, including county peace forums, interfaith forums, cohesion offices, conservancies, cross-ethnic WhatsApp groups for chiefs, and National Cohesion and Integration Commission (NCIC) edicts. These do good work at times, but were dismissed by many as dormant. The expectation that devolution would lead to peace has not come to pass.

This is most evident among pastoralist communities where the practice of cattle raiding remains central to people's identities. Elder patriarchs dictate the experiences of these communities, upholding predetermined concepts of masculinity and femininity that can lead to different types of gendered violence. This shapes behaviours that are in line with traditional community practices, but excludes alternative voices and is at odds with the wider notions of inclusion and peace to which devolution aspires.

In addition, disputes over land ownership, boundaries, and resources are common. But devolution is transforming how these conflicts are framed and managed. Ethnic competition for power within the county administration means conflicts are sometimes instrumentalised for political gain. Individuals are often killed with what appears the tacit knowledge and perhaps even blessing of each ethnic community's political leaders. Such ethno-politics is both a result and a driver of division. Many people are heavily influenced by pervasive identity stereotypes. Some of this is innocuous (Kikuyu are "businessmen," or Luo are "learned," for example), but some of these stereotypes foster division and contribute to violence (such as, the Somali are "land grabbers" or the Samburu "think all cattle are their rightful property"). These perceptions cement a sense of 'otherness' and reinforce the view that genuine multi-ethnic governance is not feasible.

People we interviewed predict further violence is likely in 2019 during the boundaries review. Then, as now, the security services may struggle to respond. This is partly

<sup>4</sup> Call, C (2012), *Why Peace Fails: the Causes and Prevention of Civil War Recurrence* Georgetown: Georgetown University Press. Quantitative studies have found polarised politics and factionalism to be a key predictor of conflict. See Goldstone, J *et al.* (2010) 'A Global Model for Forecasting Political Instability' in *American Journal of Political Science* 54, no. 1, pp 190–208.

See also North, Wallis, & Weingest, (2009) *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* Cambridge University Press

because of limited capacity and infrastructure (for example the limited police presence in remote areas), but also due to disjointed strategy, as security remains under national jurisdiction and development under county jurisdiction. This means that although many conflicts occur in under-developed areas where resources are scarce, the correlation between under-development and insecurity is not reflected in a coherent strategic approach. The result is that security and development measures are often implemented in isolation or even in contradiction. As long as security and development are decoupled, those working on these issues are reduced to ad hoc peacebuilding initiatives that are reactive and may ultimately do more harm than good.

## Conclusion

The research finds that despite some limited but promising signs, five profound challenges undermine the prospects of devolution bringing about inclusion and peace in Isiolo:

1. Competition for public office is based on identity rather than policy, and pits ethnic groups against each other
2. The resulting institutional service delivery is exclusive and discriminatory, with allocation based on identity rather than need
3. Elite abuse of public office and legal rules in pursuit of personal enrichment
4. Limited public understanding about how devolution is intended to work
5. People's security needs remain unaddressed in the absence of a coherent strategy linking national and county institutions

## Recommendations

The expressions 'good governance' and 'best practice' are relatively meaningless, and fail to capture the problem-solving essence of governance. Asking what the actual problem *is* is vital if we are to avoid solution-based interventions that presuppose people's needs. Similarly, if Isiolo's devolved institutions are to be inclusive, accountable, and deliver the services necessary to prevent future conflicts, the challenge lies not so much in their forms, but their functions. The county structures look good on paper but operate in a manner that risks excluding many people. This increases the potential for violent conflict. Therefore, the report recommends that actors working on devolution narrow their focus on governance to the tangible aims in the table below.

We encourage donors to support the people, institutions and aims in the table in ways that recognise the political complexity of the situation. Devolution is a not a good in itself, but a process that can lead in a number of different directions. Support must also respect the specific devolution experiences and needs of each county, using the most appropriate and sensitive delivery methods and not necessarily just the ones to hand.

County government	National government	National civil society organisations and international partners
<p>Promote gender equality both within institutions and across society</p> <p>Implement outstanding Acts such as the Public Participation &amp; Civic Education Act 2012, and the County Budget Act 2012</p> <p>Empower the new Complaints Office, and make it accessible to all</p> <p>Put conflict prevention at the core of development policies and CIDPs</p> <p>Be present, visible and responsive</p> <p>Recruit county staff on merit</p> <p>Provide civic education for all</p> <p>Provide public information about major investments</p>	<p>Provide stronger oversight of county budgets</p> <p>Devolve aspects of security to allow for more coordinated county security and development strategies</p> <p>Strengthen coordination between national and county government departments</p> <p>Commit to community security approaches</p> <p>Provide public information about major investments</p>	<p>Promote gender equality both within institutions and across society</p> <p>Empower the new Complaints Office and make it accessible to all</p> <p>Provide civic education opportunities for all</p> <p>Avoid limiting governance work to elections. Prioritise more inclusive governance in the years between elections to decrease the likelihood of violence</p> <p>Support cross-county forums such as the Amaya Triangle Initiative to foment strategies and responses to insecurities common to the north of the country</p>

---

# Introduction

**KENYA HAS LONG SUFFERED FROM IDENTITY-BASED POLITICS** that skew the allocation of resources along ethnic lines. Successive presidents have accumulated power by appealing to their ethnic communities with promises of jobs and access to services, at the expense of more equitable development across the country. In the absence of institutions able to administer fair resource distribution, securing executive office became vital for the well-being and future prospects of each ethnic community, rendering national elections zero-sum. With so much at stake at the ballot box, violence – whether latent or active – has been an enduring feature of national elections.

Devolution was meant to be the panacea. Beginning in 2010, by decentralising power to 47 counties, each with democratically elected governors with autonomy over decision-making, it was hoped that devolution would lead to more inclusive and accountable county institutions able to deliver better services for all, which would in turn reduce the tensions and divisions causing conflict.

The research outlined in this report sought to understand the extent to which that has come to pass by interrogating how traditional, national, and newly decentralised county institutions interact, and discerning what that meant for people and for peace in Isiolo County. This was captured in the following research objectives:

1. Assess the inclusiveness, effectiveness and accountability of devolved governance institutions in Kenya
2. Examine the contribution that increased institutional inclusion and accountability makes to peace and security at the local level
3. Identify practical measures that national and county government institutions, international donors, and implementing partners can take to foster institutional inclusion and accountability

The researchers visited six of the ten wards in Isiolo for four weeks between February and April 2018.<sup>5</sup> The research team consisted of two women and three men and interviews were conducted in either Kiswahili or English. In total, the team interviewed 237 men and 149 women – a pool of respondents reflective of Isiolo's diversity. These voices are captured and quoted throughout the paper. Where a source's identity is considered sensitive, their words are quoted without attribution.

---

<sup>5</sup> Garbatulla, Wabera, Bula Pesa, Oldonyiro, Ngaremara and Burat Wards. Please see the annex for the interview questions.

## Map of Isiolo County in Kenya



Data was analysed and coded using grounded theory. Research findings were subject to a two-step validation process. The first was by Kenyan colleagues and the co-researchers. The second took place under the auspices of Saferworld's partner organisation in Isiolo, who used a combination of meetings, phone calls and WhatsApp conversations to ask a representative cross-section of society to feed back on the key conclusions and recommendations.

This paper presents our findings. Chapter one describes the promise of devolution as a panacea for the exclusion and inter-ethnic violence characteristic of Kenyan politics. By creating 47 new counties, each with a governor in control of both policy and budgets, devolution was intended to dampen the pressure on presidential elections and to address marginalisation and unequal development between different regions of the country.

Chapter two describes how people in Isiolo have experienced devolution, with a focus on health, employment, pastoralist conflicts, gender, and people living on the county's peripheries. Across the board, national government, NGOs and religious organisations plug gaps in services that are supposed to be the responsibility of the county. This has created a complicated web of service delivery institutions that are also mapped out in chapter two.

Chapter three asks whether this means trouble is brewing in Isiolo. Devolution has created new problems and worsened old ones. New county borders, for example, have led to fresh disputes over land ownership and grazing that will come to a head in next year's boundaries review. Investment projects such as the Lamu Port, South Sudan, Ethiopia Transport Corridor (LAPSSET) bring potential jobs, but if investments are conflict insensitive then they are likely to aggravate conflicts over land, work and public tenders. Gender parity remains a distant prospect and will need to be achieved before devolution can be said to be a success. And devolution so far appears to have consolidated rather than bridged ethnic divisions.

Chapter three also examines how different county, traditional and national structures respond to insecurity. With hard security remaining the preserve of the national government, while housing, health, water, ECD and other human security needs are devolved to the county administration, security responses are out of step.

Still, the many positives of devolution on which to build are explored in chapter four. It is the early days of a devolution process that is underpinned by a constitution considerate of peace and inclusivity. The county structures are robust and will likely function more inclusively and transparently as public understanding and oversight grow. Furthermore, although Isiolo's new governor, Dr Mohammed Kuti's, gleam is beginning to fade, it appears that most ethnic groups are behind him for now. Equally importantly, the emerging culture of local elections replete with losing candidates accepting their fate is a tremendous positive. While corruption and vote buying are rife, this is not unusual in young democracies, and research suggests it is likely to dwindle as the political system matures.<sup>6</sup>

This report concludes with a series of actor-specific recommendations for improving the inclusivity and peacebuilding potential of devolution.

---

<sup>6</sup> van Ham C, Lindberg S (2015), 'Vote Buying Is A Good Sign: Alternate Tactics of Fraud in Africa 1986–2012', [https://www.v-dem.net/media/filer\\_public/a8/fba80eef-ac74-4a50-abd0-3a3f3755251c/v-dem\\_working\\_paper\\_2015\\_3.pdf](https://www.v-dem.net/media/filer_public/a8/fba80eef-ac74-4a50-abd0-3a3f3755251c/v-dem_working_paper_2015_3.pdf)

## 1

# The promise of devolution

**'DEVOLUTION' REFERS TO GOVERNMENT DECENTRALISATION**, where subnational leaders are elected and have autonomy from the central government in their decisions.<sup>7</sup> It fundamentally differs from administrative 'deconcentration' in China or Ethiopia, where the sheer size of the countries necessitates regional administration, but where the democratic element of local entities is missing.

Devolution has become a general world trend, with more than 80 per cent of countries having pursued it in some form by the turn of the century.<sup>8</sup> Its main advantage is bringing the government closer to its people, making it theoretically more accountable, accessible and adaptable to community needs and realities.

By redistributing power away from the centre, devolution can reduce the pressure placed on national elections, lowering the risk of electoral violence. However, at the same time it increases the intensity and importance of local elections.<sup>9</sup> Devolution also risks the likelihood of disjointed national and local policies, and even of diminished national cohesion that can fuel secessionist movements.<sup>10</sup> To mitigate these risks, decentralisation efforts must go far beyond the reform of state structures, and actively increase inclusion in decision-making processes through democratic participation overseen by institutional transparency and accountability.

This was the promise of devolution in Kenya. Demand for it grew after the Constitution of Kenya Review Act in 2000, but it was the 2010 constitutional proposal that fully endorsed devolution. As in many countries, ethnic identity is at the heart of decentralisation demands, and devolution was seen as a way for minority ethnic groups "to get some part of the pie."<sup>11</sup> Women, too, were expected to benefit from improved political representation. Some consider Kenya's constitution one of the most ambitious attempts to establish a devolved administration in sub-Saharan Africa,<sup>12</sup> with functions including primary healthcare, veterinary and agricultural services, trade and local market regulation, building and maintenance of local roads, water, sanitation and environmental management all devolved to the new county administrations.

<sup>7</sup> Faguet J P, Fox A, Pöschl C (2015), 'Decentralizing for a Deeper Democracy and a More Supple State', *Journal of Democracy* **26**, pp 60–74. <https://www.files.ethz.ch/isn/194601/WP173.pdf>

<sup>8</sup> Manor (1999), 'The Political Economy of Democratic Decentralization', World Bank.

<sup>9</sup> Faguet J P, Fox A, Pöschl C (2015), 'Decentralizing for a Deeper Democracy and a More Supple State', *Journal of Democracy* **26**, pp 60–74. <https://www.files.ethz.ch/isn/194601/WP173.pdf>

<sup>10</sup> As seen in Quebec, Catalonia, Scotland, Santa Cruz and elsewhere.

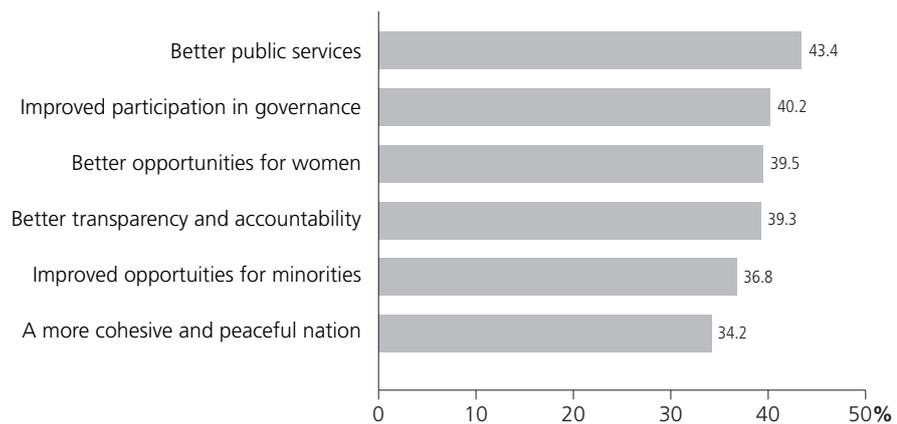
<sup>11</sup> D'Arcy M, Cornell A (2016), 'Devolution and corruption in Kenya: Everyone's turn to eat?', *African Affairs* **115**, pp 246–273. <https://doi.org/10.1093/afaf/adw002>

<sup>12</sup> Lind J (2018), 'Devolution, shifting centre-periphery relationships and conflict in northern Kenya', *Political Geography* **63**, pp 135–147. <https://doi.org/10.1016/j.polgeo.2017.06.004>

The constitution promises that devolution will strengthen democracy and accountability, encourage fairer distribution of resources, and promote national unity by recognising diversity and protecting marginalised communities.<sup>13</sup> People we interviewed hoped that paragraph 196, which outlines the framework for public participation,<sup>14</sup> would pave the way for peace. This hope is best captured in the National Cohesion and Integration Commission (NCIC), a statutory body established under the National Cohesion and Integration Act.<sup>15</sup> With the slogan, “*One People. One Nation. One Destiny,*” the commission was borne out of the realisation that long-lasting peace required deliberate, sustained and inclusive processes of constructing nationhood and integration.

Indeed, peace was one of the major promises of devolution. Others such as better government transparency, public services and opportunities for women might be considered determinants of it (see Figure 1). The Government of Kenya and Isiolo County have made some efforts to prevent conflict. The growth of peacebuilding organisations, the existence of the National Steering Committee on Peacebuilding and Conflict Management (NSC) and the establishment of district peace committees all aim to mitigate conflicts, including pastoralist conflict, electoral violence, and cross-border violence. While these efforts have occasionally been effective, they have not been guided by a policy that coordinates all the relevant actors. Some actors are dormant, while others pursue ad hoc initiatives that sometimes miss the mark.

**Figure 1. Public survey asking people’s expectations of devolution. Results are shown as a percentage of respondents<sup>16</sup>**



So, are devolution’s promises ringing hollow in Isiolo? It is difficult to tell. On the one hand people perceive that violence is increasing, especially among pastoralist communities. This reflects in part the absence of traditional institutions in the newly devolved government structures, which limits the tools at the county’s disposal to mitigate conflict.<sup>17</sup> Corruption is endemic, too, with jobs and tenders handed to political supporters while those from minority communities miss out. Women remain marginalised and discriminated against.

On the other hand, achievements such as the National Assembly’s 2015 Peace Policy<sup>18</sup> indicate both willingness and plans for peace, and have encouraged multilateral organisations to provide steady support for devolution processes.<sup>19</sup> Over time, as different providers compete to provide county services and influence policy, corrupt

<sup>13</sup> See Paragraph 174 of the 2010 Kenyan Constitution

<sup>14</sup> One caveat is that the paragraph does not mention traditional governance structures.

<sup>15</sup> See Act No.12 of 2008, [https://www.cohesion.or.ke/images/downloads/National\\_Cohesion\\_and\\_Integration\\_Act,\\_2008.doc](https://www.cohesion.or.ke/images/downloads/National_Cohesion_and_Integration_Act,_2008.doc)

<sup>16</sup> Society for Development (2012) [https://www.sidint.net/sites/www.sidint.net/files/docs/Governance\\_Report.pdf](https://www.sidint.net/sites/www.sidint.net/files/docs/Governance_Report.pdf)

<sup>17</sup> Schrepfer N, Caterina M (2014), ‘On the margin: Kenya’s pastoralists. From displacement to solutions, a conceptual study on the internal displacement of pastoralists’, Internal Displacement Monitoring Centre, Norwegian Refugee Council, Geneva. <http://www.internal-displacement.org/assets/publications/2014/201403-af-kenya-on-the-margin-en.pdf>

<sup>18</sup> Achieved after a decade of civil society advocacy. See Saferworld, (2015), “Finally! A peace policy for Kenya.” <https://www.saferworld.org.uk/resources/news-and-analysis/post/174-finally-a-peace-policy-for-kenya>

<sup>19</sup> For example, see UNDP, (2015), ‘An integrated UNDP programme for the Devolution Process in Kenya’, UNDP/GoK. <http://www.ke.undp.org/content/dam/kenya/docs/Democratic%20Governance/Annual%20Report%20Devolution.pdf>

and inefficient actors may be squeezed out of the governance marketplace.<sup>20</sup> Yet, for the moment, devolution is following the familiar course of fuelling a spate of new corruption opportunities that prevent services reaching people and regions on the periphery.<sup>21</sup>

As newer democracies seek legitimacy, they are often hampered by the paradoxical need to promote institutional stability (usually through elite bargaining) at the same time as opportunities for meaningful democratic participation. Very often the former is prioritised over the latter – however, this strategy is flawed. Genuine stability comes through peace, which will remain elusive unless minorities and marginalised groups are included in decision-making,<sup>22</sup> and the government is open to impartial monitoring through a free press and an informed public.<sup>23</sup>

---

<sup>20</sup> Weingast (2014), 'Second Generation Fiscal Federalism: Political Aspects of Decentralization and Economic Development', *World Development* **53**, pp 14–25. <https://doi.org/10.1016/j.worlddev.2013.01.003>

<sup>21</sup> Faguet J P, Fox A, Pöschl C (2015), 'Decentralizing for a Deeper Democracy and a More Supple State'

<sup>22</sup> Watakila (2014), 'Pastoralism and Conflict Management in the Horn of Africa: A Case Study of the Borana in North Eastern Kenya', MA Thesis, University of Nairobi, Institute of Diplomacy and International Studies.

<sup>23</sup> Lessmann, Markwald (2010), 'One Size Fits All? Decentralisation, Corruption and the Monitoring of Bureaucrats', *World Development* **38**, pp 631–646. <https://doi.org/10.1016/j.worlddev.2009.11.003>

## 2

# The experience of devolution

**THE MAJORITY OF COUNTY GOVERNORS** elected across Kenya in 2017 were from the two main parties, with 25 from Jubilee and 18 from Nasa. However, Isiolo's new governor, Dr Mohammed Kuti, ran as an independent and defeated the Jubilee incumbent, Godana Doyo Adhi, in a high-turnout election.

Yet Kuti's victory was the result of a 'negotiated democracy' whereby clan leaders carefully craft voting blocs in a bid to gain power. It is too early to tell whether clan interdependence for political office may reduce identity-based conflict, but in the meantime negotiated democracy has appeared to lock out losing sides from the opportunities that come with devolved power.

In a style reminiscent of the national political leaders, Kuti has used his time in office to shore up power for his ethnic community, the Sakuye. Still, he has more support than the previous governor and represents a trend towards slightly more inclusive governance – something that will need to further develop in the coming years if devolution is to retain popular support and deliver on its promises.<sup>24</sup>

Some elements of devolution have advanced quickly in Kenya, especially with regards to developing the capacity of county officials<sup>25</sup> and creating a Policy on Devolved System of Government.<sup>26</sup> These developments have seen improved roads, more boreholes and school bursaries, new markets (such as in Duse), and more employment – especially within county institutions, whose forms look decent and may begin to function better over time.

This supply side focus is necessary, but there is a risk it has come at the expense of listening to and responding to people's local concerns. Levels of public participation, civic education and access to information remain low, and it is worse for some groups than others. The majority ethnic group, the Borana, disproportionately benefit, especially those living close to Isiolo Town in Wabera, Bulapesa, Burat and in Merti, Chari and Cherab. Conversely, the further away one is from these places the more excluded you are, and there almost needs to be a devolution of devolution if services are to reach communities living on the periphery of the county.

<sup>24</sup> Cheeseman N, Lynch G, Willis J (2016), 'Decentralisation in Kenya: the governance of governors', *Journal of Modern African Studies* 54, pp 1–35. <http://dx.doi.org/10.1017/S0022278X1500097X>

<sup>25</sup> See, for example, USAID's 'Agile and Harmonized Assistance for Devolved Institutions (AHADI)' [https://www.usaid.gov/sites/default/files/documents/1860/AHADL\\_Fact\\_Sheet\\_-\\_Jan.\\_2018.pdf](https://www.usaid.gov/sites/default/files/documents/1860/AHADL_Fact_Sheet_-_Jan._2018.pdf), or the World Bank's 'Kenya Accountable Devolution Programme' <http://www.worldbank.org/en/country/kenya/brief/kenyas-devolution>

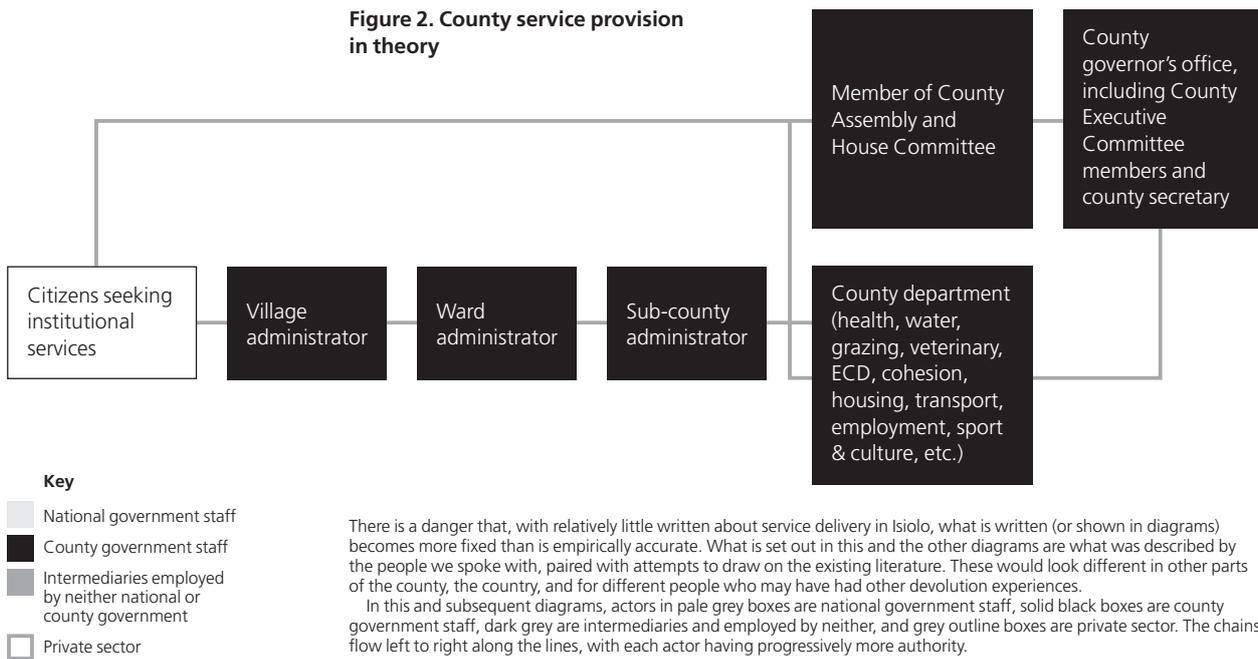
<sup>26</sup> Kenyan Ministry of Devolution and Planning, (2016), 'Policy on Devolved System of Government' <http://www.ke.undp.org/content/dam/kenya/docs/Democratic%20Governance/Final%20Devolution%20Policy.pdf?download>

And there are a lot of services to deliver. As per the constitution, the only services that remain under the jurisdiction of the national government are security, prisons, education (except for early childhood development), foreign affairs, land title deeds, and the registration of births and deaths. All other services have been devolved. With a focus on the inclusivity, quality and the peacebuilding impacts of these services, this chapter presents findings from interviews with people across six wards in Isiolo about their experiences of devolution so far.

## 2.1 Navigating institutions

Devolution brought into being a raft of new institutions that, on paper, look logical and well placed to deliver public services. Figure 2 shows the theoretical pathway through which people access these devolved services.

**Figure 2. County service provision in theory**



There is a danger that, with relatively little written about service delivery in Isiolo, what is written (or shown in diagrams) becomes more fixed than is empirically accurate. What is set out in this and the other diagrams are what was described by the people we spoke with, paired with attempts to draw on the existing literature. These would look different in other parts of the county, the country, and for different people who may have had other devolution experiences.

In this and subsequent diagrams, actors in pale grey boxes are national government staff, solid black boxes are county government staff, dark grey are intermediaries and employed by neither, and grey outline boxes are private sector. The chains flow left to right along the lines, with each actor having progressively more authority.

However, in practice this pathway functions far less smoothly, beset by a combination of shortcomings in institutional quality, inclusivity, capacity and oversight that limit people's access. Furthermore, most people are unaware of the existence of many of the newly devolved institutions. A good example is the County Cohesion Office, which although established in 2013 to promote peace and cohesion in Isiolo, is known about by very few people. Those that do had seen scant evidence of its work. One Turkana community told us that the office has called one meeting in five years, and we heard similar stories elsewhere. But with an estimated annual budget of 33 million Kenyan shillings (KSh) that it shares with the Civic Education Office, it raises questions over what the money is being spent on.

Where people do know about new county institutions, many do not to understand how they are supposed to function. There is an urgent need for better civic education, without which institutions will remain under-used and unaccountable. There are more practical barriers to access, too. Some institutions are inaccessible owing to cost, some to language (Borana tends to dominate administrative proceedings and not everyone speaks it), and others due to geography – most offices are located in Isiolo Town, which is a prohibitive distance for many. Institutions lack procedural discipline and predictability, too, meaning personal relationships are vital for securing positive outcomes. For example, a person might be stopped at the gate of an institution when trying to meet with a member of the county assembly (MCA) on the day assigned for public consultation unless he or she knows the incumbent personally.

At the ward level, much responsibility lies with the county's ward administrators (WAs). WAs are supposed to lead community consultations and pass people's day-to-day concerns first up to the sub-county administrator, then the chief officer of the relevant department, and finally the County Executive Committee members (commonly known as ministers) so they can be addressed at the appropriate level. However, WAs are usually absent from the communities they are meant to represent, with residents of one ward telling us that the WAs office was "ever closed." Two of the ten wards do not even have a WA, which severs residents from the frontline of the county government and the services they are supposed to provide. When WAs do hold public consultations, we were told they were superficial, with people neither given enough time to prepare for the meeting nor to discuss the issues properly. This means that the pivotal institution in terms of local political representation is either invisible, inaccessible, or just going through the motions of citizen engagement. Across Isiolo, only two WAs are female.

Despite appearances, the actual role and impact of some of the county institutions in figure 2 are difficult to discern. For example, the Ministry of Culture is tasked with "protecting the unique heritage of all the ethnic communities in Isiolo", but we did not find a single person who had seen any evidence of its work.

Other institutions tend to operate through systems of patronage. For the County Assembly, each ward elects one MCA. The most recent results in 2017 saw one Turkana, one Somali, one Meru, one Samburu and six Borana take office alongside seven other MCAs who were nominated. Although MCAs are meant to provide equal representation for all wards in Isiolo, we were told in our interviews that they typically stay in Isiolo, Nanyuki or Nairobi, far away from their constituencies, and generally only return during election time. More worryingly, it appears that they only support development projects in wards that supported their election campaigns.

The effect of this sort of patronage politics is that pockets of devolved public office have become sources of chicanery and partisanship, and even violence. Some people we interviewed suspected that MPs and MCAs help coordinate their community's cattle raids, including by supplying weapons. During election season, candidates euphemistically refer to bringing 'maize' to the people. In practice, this means arms – and Isiolo is dangerously awash with them.<sup>27</sup>

Further complicating matters for people is the relationship between county and national government structures. Services are sometimes duplicated – for example, the roles of the WA can overlap with the assistant county commissioner (ACC) or the chief – or else awkwardly divided. Water sources, for example, are managed by the national government, while supply is managed by the county government. There appears to be something of a power struggle between the two levels of government. It wasn't uncommon to hear from national government staff that the WAs "do nothing" or that "their work could be done by the ACCs," just as WAs would tell us that they "need village administrators to help them improve service provision" as the "ACCs weren't doing enough." This pettiness does little for inclusive governance, instead further complicating an already bewildering array of different service providers.

National and county governments aren't the only service providers – traditional and pastoralist institutions also provide vital services for communities. Despite their popularity, neither have been adequately included in the current devolution process. Part VIII on 'Citizen Participation' in The County Government Act of 2012 does not even acknowledge their role. The only concession is in Part IX on 'Public Communication and Access to Information', which recognises the role of traditional media to facilitate public communication and access to information.<sup>28</sup> Given how developed traditional institutions are (see box 1, page 11), this is a glaring omission.

<sup>27</sup> Consensus from interviews with focus groups, 23 March 2018. See also Abdille A (2017), 'Ethnic Contest and Electoral Violence in Northern Kenya', International Crisis Group.

<sup>28</sup> See The County Government Act of 2012, Part IX Articles 95 (1) (f) and 95 (2).

This means that, despite the myriad new county government structures, the chief remains the first port of call for most. People understand how chiefs work and largely respect his (and in Isiolo it is always *his*, although a few women are assistant chiefs) role as the community gate-keeper deciding at what level an issue should be dealt. If and when village administrators – who are junior to WAs and are supposed to provide a formal link to communities in a ward – are ever appointed, their influence may wane. But for now, with devolution yet to be fully realised in Isiolo County, devolved institutions are still using the chiefs to help coordinate service delivery.

This example is symptomatic of the institutional absences, overlaps, deficits and dysfunctions that have coloured many people's experiences of devolution. Instead of more locally appropriate and inclusive service delivery, the majority traverse national, traditional and pastoralist institutions as best they can to secure the services they need.

## 2.2 Peripheral exclusion

This research identified two types of peripheries. The first is geographic: the further you go from Isiolo Town, the weaker devolution is felt. WA offices might be absent or else infrequently open, roads poor, and services stretched. Offices and budgets for services like water and veterinary are located in Isiolo Town, far from the pastoralist communities where they are most needed. In Garbatulla Ward, for example, there is only one veterinary officer between all of Kinna, Sericho, Garbatulla Town and Modogashe. As a result, people still use the national systems, NGOs or the private sector to seek services that have been constitutionally devolved.

Boundary issues are more prevalent at the peripheries, too, where new county borders have intensified conflicts over access to grazing land and water. We heard that tensions have grown between the Borana in Isiolo and the Meru in Meru, and also between the Samburu in Isiolo and the Maasai in Laikipia. This peripheral neglect is a serious concern for pastoralist communities that could lead to increased conflict (see box 1).

The second peripheral existence pertains to those marginalised owing to their identities. Take the Dorobo, who are arguably the least represented community in Isiolo. They live predominantly in Burat Ward, and allege that neither the WA nor the MCA have visited their community. The community's only discernible improvement since 2010 has been three new ECD teachers – but there is no classroom. Devolution remains enigmatic, not even bringing electricity or water to the community. One likely factor is that the MCA only received one vote from the Dorobo. This marginalisation can have violent consequences. Cattle raiding is an issue as there is no police post in the area, and people have to rely on local conservancies for security.<sup>29</sup> People are injured in the raids, but with no county dispensary, the community is also forced to rely on a local conservancy for health – which includes just one nurse, some solar panels, a dispensary and an ambulance that takes people to hospital in Nanyuki or Meru (owing to medical shortages in Isiolo Town). These are private services plugging county government gaps. Using them is expensive. There are no peace committees, either, and there has been little public participation to try and address this situation.

The experiences of other peripheral groups tell a similar story. In Kenya, as in many places, people living with disabilities (PLWDs) face numerous challenges. According

<sup>29</sup> Conservancies are organisations supported by the Northern Rangelands Trust that manage land under the auspices of an individual landowner, a group of owners or a community, or a company for the purpose of wildlife conservation and livelihood promotion. As of 2016, there were 160 conservancies across 28 counties in Kenya with 110 operational, 42 emerging and eight proposed. Of these, 76 were on community land, 26 were formed by grouping together several pieces of private lands and 58 were on private land.

Conservancies can be divisive. On the one hand, conservation and wildlife tourism contributes to 14 per cent of Kenya's GDP, with many sites such as Lewa, Samburu, Buffalo Springs and Meru National Park close to Isiolo Town. On the other, there are concerns from pastoralists that wildlife use impinges on land use for their cattle. As such, Isiolo County has to manage considerable and competing pressures from groups that are either benefiting from the sector or else undermined by it. However, despite tensions there is an increased awareness of the benefits that the conservation strategies are yielding in terms of de-escalating pastoralist conflict, including helping to return stolen cattle.

For more information on the role of conservancies, see both The Kenya Wildlife Conservancies Association, "The State of Wildlife Conservancies in Kenya Report 2016," and Halakhe A B (2017), "The ugly truth about wildlife conservation in Kenya, Al Jazeera, <https://www.aljazeera.com/indepth/opinion/2017/07/ugly-truth-wildlife-conservation-kenya-170727132233278.html>

to the devolution process, wheelchairs are supposed to be provided to those requiring them, along with a guarantee of equal opportunities for work. However, in reality there are no county programmes for PLWD. They used to go to the devolved PLWD centre in Isiolo Town for food, clothes and education, but as of April 2018 it had been closed for almost a year. Still, it would be unfair to ascribe this exclusion of PLWD to devolution. As one respondent told us, “they have long been hidden from public: you can’t tell how many there are.”

The county government has made attempts to involve citizens, for example by developing a County Integrated Development Plan (CIDP). However, participation is typically limited to those allied to the political class, or else public consultations are rushed and tokenistic, coming at a stage when decisions have already been made. This has led to misaligned budgets that do not meet community needs, for example in how they fail to make space for peacebuilding work beyond just meetings. Officials assured us they regularly hold *barazas* – community meetings – but we were told that people often do not attend these either because they were informed too late, not at all, or because no ‘hand-outs’ were offered.

Devolution was meant to bring people living both physically and metaphorically on the peripheries into the centre under the rhetoric of equality. Article 27 of the constitution even speaks of equality and freedom from discrimination, stating that: “1) every person is equal before the law and has the right to equal protection and equal benefit of the law; 2) equality includes the full and equal enjoyment of all rights and fundamental freedoms; 3) women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres; and 4) the state may not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.”<sup>30</sup>

### Box 1: Pastoralist governance systems

Pastoralist communities depend on collective tenure and the mobility of their herds to protect against uncertain and fragile ecosystems. Risk is managed through internal governance mechanisms, replete with commonly understood rules and regulations, which yield complex systems that regulate private livestock, collective land tenure, social capital, and conflict resolution and compensation.

Pastoralist institutions such as councils of elders aim to maximise productivity and resilience at the same time as resolving conflict that arises from sharing resources. Their structures include mechanisms for redistributing wealth to protect those that are most affected by major crises. But some of those mechanisms, such as cattle raiding, have turned into drivers of conflict.

Because pastoralist governance is autonomous and competes with national and county governance structures, a tension between the centre and the periphery arises, where the strongest pastoralist systems are those furthest from the political centre. But as state presence expands outwards, it collides with pastoralist governance principles. National policies, such as encouraging private land ownership, for example, can be at odds with some traditional pastoralist practices.

Pastoralist governance systems are political, subject to abuses of power, and tend *not* to be inclusive. In many cases, a few men have exaggerated status owing to their age or accumulation of livestock. The majority of people in a pastoralist community have little say in governance matters. Things are changing, though. The disconnect between empowered elders and an increasingly tech-savvy, literate youth is likely to challenge traditional cultures in the coming years. Still, few economic resources and poor education make it difficult for pastoralists to diversify income and ‘modernise’. This increases their reliance on cattle and drives conflict over land and water.

Isiolo is largely pastoralist, so finding a way to incorporate pastoralism sensitively into the county’s future is vital. Land ownership is becoming an increasing area of concern. The county is selling swathes of land for tourism and business, contrary to the needs of pastoralists who want to preserve pastures and migration routes. This implicit characterisation of pastoralism as unproductive land use leads to the persistent lack of pastoralist civil society participation in county dialogues, reinforcing their general political exclusion and posing a serious threat to peace.

<sup>30</sup> See Constitution of Kenya, Part 2. Rights and fundamental freedoms, Article 27. Equality and freedom from discrimination, <http://www.klrc.go.ke/index.php/Constitution-of-kenya/112-chapter-four-the-bill-of-rights/part-2-rights-and-fundamental-freedoms/193-27-equality-and-freedom-from-discrimination>

Article 27, however, does not tally with people's lived experiences. The county recently held a 'devolution dialogue forum' in Wabera under the theme 'devolution is working.' But people we interviewed were dubious. It is clear that for those at the peripheries, devolution is not really working at all.

### 2.3 Inclusive employment for peace?

Another expected benefit of devolution was that it would generate more local employment and, in doing so, improve social inclusivity and peace.

The logic linking employment programmes to peace is sound enough, but the evidence is patchy – a recent review of 432 international programmes claiming to provide employment for stability found that there is almost no correlation between the two. Instead, it is political inclusion that tends to hold societies together.<sup>31</sup> As a result, it is important not to overplay the role of employment – hence the research presented in this report focused not merely on the prevalence of employment, but the political economies behind them and what that might mean for peace.

Devolution has brought more investment to Isiolo. Devolution has also made it easier to do business, and there is less bureaucracy around trade licence acquisitions. Small business tradesmen spoke of more liquidity in the town, as well as more local procurement by the county government. This offers some indirect benefits as money circulates, but most people, and especially women, remain disconnected from direct employment opportunities with the county government unless they have personal relationships with those responsible for procurement. Clannism, corruption, and nepotism are the norm. The most worrying element is that the final decision of who is employed seemingly lies with the governor's office.

This means that, since the 2017 election, the new governor has purportedly replaced almost every member of staff in the county administration with members in his patronage network, "from the watchmen and tea girls all the way up." Public perceptions in our interviews were that 70 per cent of county jobs go to the immediate *clan*, not even the tribe, of the person in charge of a department, while "the other 30 per cent go to friends who have money, who are owed favours, or who are politically useful." Many of these job opportunities were not publicly advertised, or else advertised sparsely, late, or on the radio during the middle of the night. This practice is so institutionalised that we heard recruitment drives often amount to little more than elders passing a list of names from their own communities to their leaders in office who then makes sure everyone on the list is hired.

So while there may be more jobs, getting one is a political process. Such patently non-meritocratic employment practices result in inefficient service provision. We heard how drivers' jobs had been given to those who did not know how to drive, and teachers' jobs to those who could not read.

Outside of county institutions, many seek work in markets. But the main market in Isiolo burnt down in 2017 and lots of people have not been working since. People who lost stalls are pursuing an ongoing court case against the county government and it may be some time before it is settled. But business trumps politics in the market. "We do not need politics here," we were told by the Traders' Association, with one man adding that even though he was "being fought because I didn't support Kuti in his campaigns, traders from all the ethnic communities are united on this." This apparent inter-ethnic unity is encouraging but does not mean the market is peaceful. With produce arriving daily from fertile Meru County, the Meru dominate. With domination comes political opportunity, and the Meru have on occasion closed the market in protest at their perceived exclusion from other devolution opportunities.

31 Brück T *et al* (2017), 'Does Opportunity Reduce Instability? A Meta-Analysis of Skills and Employment Interventions in LMICs', International Security and Development Center.

A number of devolution, employment and peace issues come to a head in the *boda boda* industry. Motorbike taxis keep Isiolo moving, and so it is not surprising that this lucrative industry has attracted political actors. The *boda boda* chairperson told us how devolution has privileged some ethnic groups above others. For example the former governor bought 70 bikes and gave them exclusively to Borana riders. This incited competition and violence between groups over the ownership of valuable *boda boda* routes and stations. “*Boda boda* are being killed every day,” the chairperson told us. “So far we have lost 50 in two years in unclear circumstances, and even though we report to the police no one has ever been arrested.”

Interestingly, many *boda boda* drivers are university graduates forced into the trade because of discrimination barring them from county employment. Young people we interviewed had stopped believing that having qualifications improves chances of employment. Those without connections to the county leadership attested to “feeling like orphans,” and seek employment with NGOs, national government structures, or in Nairobi.

Others are even less fortunate. We heard that a sense of hopelessness among educated but unemployed young men was being leveraged by al-Shabaab recruiters in Isiolo Town. While this research supports neither unsubstantiated conclusions around youth proclivity towards violence, nor exaggerated claims of ‘extremism’ in Isiolo, it does appear from our interviews that a high proportion of the few who do join violent groups are educated and acutely conscious of the systemic inequality and exclusion around them.

## 2.4 Access to health services

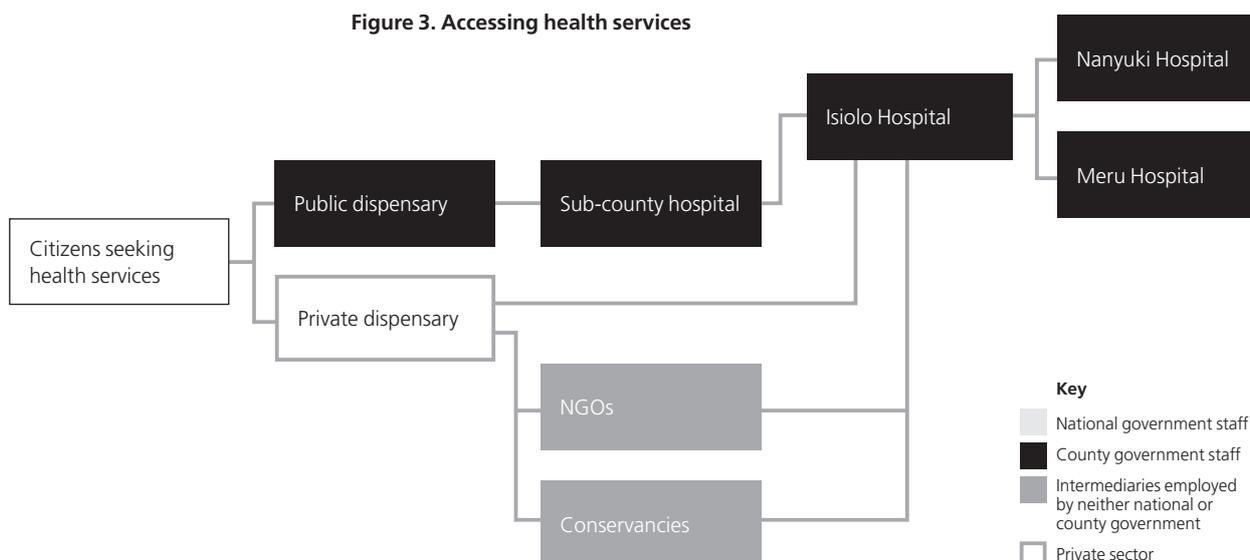
Health is a major concern for communities across Isiolo. Shortages of doctors, nurses and drugs have increased in many places since health was devolved, although a few communities politically aligned to the county leadership have seen improvements. NGOs, private dispensaries, conservancies and facilities in neighbouring counties fill the gaps.

In Isiolo Hospital, (a level four out of five hospital by national standards), a medic told us “there are doctors but no medicines.” Drugs are supposed to be provided free of charge, but people have to buy them. We heard that most doctors and nurses have their own private dispensaries, meaning that patients are usually sent outside of the hospital to purchase the medication they need. Prices are around KSh 50 for a prescription and more than KSh 300 for medicine. In more remote areas without dispensaries or medical personnel, people are forced to travel huge distances for healthcare, incurring high travel costs that few can afford. This uneven provision of healthcare means that people ‘forum shop’ across a number of different institutions to secure the services they need. Figure 3 depicts the indirect routes people take to access services at Isiolo Hospital, as well as the referrals to Nanyuki or Meru Hospital that are sometimes required.

For those taking the route indicated in the figure by the solid black boxes, access to emergency health services is made more difficult by a shortage of ambulances. Interviewees told us that in 2012 there were five ambulances for the whole county, four provided by the county government and one by the national. All four county ambulances broke down within a year and were not replaced. Since then, Danida has donated one, so too a Turkish NGO, while two have been provided by the new county administration.<sup>32</sup>

<sup>32</sup> Where available, ambulance services cost around KSh 7,000 (3,000 for fuel, 2,000 for a driver and 2,000 for a nurse).

Figure 3. Accessing health services



Still, ambulance provision is a political issue as much as it is about capacity. In one example, a Turkana community felt they had regularly been denied ambulance services because their MP was on bad terms with the previous governor. In another, we heard that officials in Oldonyiro, Kinna and Garbatulla were using ambulances as private taxis, or else to “transport timber to the town.”<sup>33</sup> In another example of misused services, we heard of an incident where someone built a dispensary using public funds, only to move in and live there.

Frontline health staff are over-worked, spread thinly across the county, and subject to delayed salary payments that damage morale. Staff can also be transferred far away at short notice, especially those not belonging to favoured ethnicities.

When medical staff are transferred to ethnic communities other than their own there can be tension. Some people do not want to be treated by someone from another ethnic community. We heard that Samburu injured during cattle raids go to hospitals in Meru or Nanyuki because they fear they would be “left to die” by the Borana doctors in Isiolo. We found nothing to substantiate this claim, however one medical professional confided that “your relationship with the governor does determine the quality of the healthcare you receive, the jobs you are offered, your promotion prospects, and your access to scholarships necessary for further medical training.”

Pastoralist conflict also affects health services, and we heard how conflict prone areas such as Ngaremara are deemed too dangerous for health officials to visit. One particular effect is children missing out on vaccination drives.

Maternal healthcare has seen some slight improvements, in part due to decent cooperation between national and county governments backed up by impressive policies promoting reproductive and maternal health.<sup>34</sup> In Isiolo, the maternity unit in the general hospital has more nurses, doctors and medicine than before. Regardless of shortages in other departments (we heard of people being treated for serious injuries without painkillers, for example) maternal health patients are able to buy a ‘Mama Kit,’ which contains essential surgical supplies such as gloves, cotton wool, syringes, and medicine. This was sorely needed in Isiolo, where on average a woman has five children in her lifetime. But maternal health services remain concentrated in Isiolo Town. Even though the county’s maternal mortality rate is steadily declining, at 790 deaths per 100,000 live births it far exceeds the national average of 495.<sup>35</sup>

<sup>33</sup> Social media footage of an ambulance driver from Garbatulla ferrying timber led to public uproar and his dismissal by the current governor. See *The Daily Nation* (2018), ‘Isiolo County ambulance driver found ferrying timber sacked’, January, <https://www.nation.co.ke/counties/isiolo/isiolo-ambulance-carrying-timber/1183266-4250782-u1hnug/index.html>

<sup>34</sup> These include the Kenya Health Policy (2014–2030), Kenya RMNCAH Investment Framework (2016), the National Reproductive Health Policy (2007), and the Adolescent Sexual and Reproductive Health Policy (2015)

<sup>35</sup> Isiolo is one of 15 counties that accounts for over 60 per cent of maternal deaths in Kenya. See the African Institute for Development Policy (2017), ‘Reproductive, Maternal, Neonatal and Child Health’, <https://www.afidep.org/download/fact-sheets/Isiolo-County-fact-sheetF.pdf>

This improvement must not mask the fact that people almost unanimously felt the health sector was worsening by the day – despite the governor, deputy governor and speaker all being doctors. But there is hope. Some medical staff felt Dr Kuti's experience meant he understood the value of a decent health service and pointed to pockets of small improvements as an indicator of better times ahead. For example, Garbatulla clinic now has a generator and fuel, meaning for the first time nurses are not forced to deliver babies using light from their mobile phones.

But there is another side to the issue of devolved health services and governance that deserves mention, even if this study was not able to investigate it in depth. Some research suggests that poor governance actually has consistent and direct negative effects on public health.<sup>36</sup> The effects appear particularly strong when institutional accountability mechanisms are absent, as they typically are in Isiolo.

So, in addition to undermining the quality of the health services delivered, poor governance contributes to extra pressure on those services – more evidence, if needed, of the public benefits of transparent and accountable governance.

## 2.5 Ongoing pastoral conflict

Conflicts over water, grazing and livestock are common in Isiolo's pastoralist areas. Cattle raids can happen at any time but peak during the rainy season when a community might experience raids up to three times a month. Raids can come from other ethnic communities within Isiolo, or even from over the new county borders. People are killed and cattle stolen in a cycle of theft and violence.

Raiding remains endemic in northern Kenya – at least ten people were killed during our research in two separate incidents in Isiolo alone. In the first, Samburu raiders shot a *boda boda* driver after he accidentally spotted them on their way to steal Turkana cattle. In the second, a Somali raid to recover cattle from Archer's Post led to the death of seven Samburu and three policemen. Everyone we spoke to expected there to be swift and equal Samburu retaliation.

Indeed raiding cycles have become so violent in recent months that the markets in Isiolo Town were frequently closed because otherwise herders would sell cattle and purchase ammunition.

The additional worry is where the ammunition is coming from. It appears that there is a black market supply coming from the main weapons factory in Eldoret, indicating that individuals within the army and police are selling some of their official ammunition quota on the side.

The cruel irony is that it is these same bullets and weapons that are then turned against the police and armed forces, fueling yet more violence. This is a twist on the older practice of politicians providing 'maize' for communities. As well as a form of bribery to secure votes, it is a way of ensuring that communities remain armed and able to protect themselves so that, once in office, officials will not have to risk sending policemen and women to deal with violent conflicts.

While it is predominantly a cultural practice, there is also a clear economic incentive to cattle raiding. We heard how communities steal cattle to sell on, in what is a highly profitable and securitised system of illicit rents.<sup>37</sup> Often, stolen cattle are secreted over county borders where there are brokers and ready markets. '*Moran*'<sup>38</sup> are the active aggressors during cattle raiding. The term refers to recently circumcised young men designated to protect their communities and prove their worth through cattle raiding. It is difficult to predict and prevent, with raids sometimes coming from up to 200km away.

<sup>36</sup> Wang, Mechkova, & Andersson (2015), 'Does Democracy or Good Governance Enhance Health? New Empirical Evidence 1900-2012', September, [https://www.v-dem.net/media/filer\\_public/e7/30/e730e115-bb5a-42f5-86cb-ccebea2b9b9b/v-dem\\_working\\_paper\\_2015\\_11\\_edited.pdf](https://www.v-dem.net/media/filer_public/e7/30/e730e115-bb5a-42f5-86cb-ccebea2b9b9b/v-dem_working_paper_2015_11_edited.pdf)

<sup>37</sup> Omondi Gumba D, Alusala N (2018), 'Africa's violent trade in cattle, guns and bullets', Institute for Security Studies.

<sup>38</sup> '*Moran*' is a Maasai and Samburu word, although the practice is common across all pastoralist communities, each of whom have their own word.

The violence and social repercussions of these raids should not be underestimated. People are killed, children are orphaned, and fighters left with permanent disabilities. Devolution has not managed to get to grips with cattle raiding. Instead, barred from meaningful institutional support, first by the national and now the county government, cattle raiding has endured under devolution.

## 2.6 Gendered experiences of devolution

Gender is a cultural system of power that refers to the socially constructed roles of men and women and the relationships between them. Understanding the power dynamics behind gender relations is one way to discern how people access resources, their abilities to make decisions and the ways in which women and men are affected by and can participate in political processes.

Gender norms are cultural and affect men, women, boys and girls differently. Recognising and analysing them is vital for understanding motivations behind violent conflict.<sup>39</sup> For example, there is growing evidence that gender inequality is associated with higher risks of internal conflict.<sup>40</sup>

Gender inclusivity is enshrined in Article 81(b) of the constitution, which states that, “Not more than two-thirds of the members of elective public bodies shall be of the same gender.” However, with only 21 per cent of representatives being women, Kenya has the most gender imbalanced parliament in East Africa.<sup>41</sup>

Devolution mandated new women’s representatives in each county to improve gender inclusivity. But there is concern that this has pigeon-holed women into that role alone, and that “voters in most counties, constituencies and wards do not consider electing women to other public positions.”<sup>42</sup> The moniker ‘flower girls’ has been used to defame women’s representatives, and many perceive the position as inconsequential. As a result, “the outputs of women are downplayed.”<sup>43</sup> This undervaluation multiplies when gender intersects with other axes of marginalisation, such as ethnicity, religion, age, disability, sexual orientation or geographical location.

Yet gender-related provisions within the constitution have enabled *some* gains for women. The county government provides better maternal support for expectant mothers, including financial incentives to give birth in hospital. They also provide uniforms for schoolchildren, and employment for women through the new ECD teacher positions. Similar gains are mirrored in other counties. In last year’s elections, for the first time three women were elected as governors in Kitui, Kirinyaga and Bomet counties. This progress is not inconsequential, but the bigger picture is less promising. Only 23 of the 290 people elected to the National Assembly, and 96 out of 1450 elected to the County Assembly were women.

Indeed, power remains concentrated among men, who have been slower to change their attitudes than the women we spoke to had hoped. For example, in 2018 a number of petitions led to the annulment of some of the elected seats won by women, including the MP for Gatundu North and the Women’s Representative in Turkana. And it is not just women being marginalised. There were no nominations of PLWDs anywhere in Kenya.<sup>44</sup>

<sup>39</sup> GSDRC (2012), ‘Gender Topic Guide’, <http://www.gsdr.org/wp-content/uploads/2015/07/gender.pdf>

<sup>40</sup> Brinkman H J et al (2013), ‘Addressing horizontal inequalities as drivers of conflict in the post-2015 development agenda’, Saferworld, <https://www.saferworld.org.uk/downloads/inequalities-conflict-FV.pdf>

<sup>41</sup> By contrast 64 per cent of parliamentarians in Rwanda are female. See UN Women, (2017), ‘Women in Politics’, <http://www.unwomen.org/en/digital-library/publications/2017/4/women-in-politics-2017-map#view>

<sup>42</sup> Comments made by HE Anne Waiguru, governor, Kirinyaga County, and vice chairperson, Council of Governors, at Chatham House, London, 4 July 2018, ‘Five Years of Devolution in Kenya: Towards Inclusion, Gender Equality and Accountable Governance’, <https://www.chathamhouse.org/event/five-years-devolution-kenya-towards-inclusion-gender-equality-and-accountable-governance>

<sup>43</sup> *The East African* (2017), ‘As Kenya election approaches, two-thirds gender rule hangs over parliament’, April, <http://www.theeastafrican.co.ke/news/two-thirds-gender-rule-hangs-over-kenya-parliament--/2558-3907756-1t1dumz/index.html>

<sup>44</sup> Election Observation Group (2018), ‘Which Way Kenya?’, [http://elog.or.ke/index.php/resource-centre/item/download/31\\_ee85c756f8da25fcd6c49b88b20211cd](http://elog.or.ke/index.php/resource-centre/item/download/31_ee85c756f8da25fcd6c49b88b20211cd)

Isiolo remains typical of pastoralist regions in that it is dominated by male elders who hold sway over the direction of a community's daily life. Elder patriarchs shape the experiences of youth, in particular, who are often vulnerable to violence stemming from distinctly predetermined concepts of masculinity and femininity. These shape behaviours that are in line with traditional community practices, but excludes alternative voices and are at odds with the wider notions of equality and peace that devolution embodies.<sup>45</sup> In this respect Isiolo has what might be termed a 'gendered democracy,' whereby opportunities are nominally open to all but in practice closed to most women. For example, male elders might bar women from public positions even if they are qualified, or they may lose out to a less qualified man due to elders' interference.

Because women are still expected to take care of children, many are concerned about the state of ECD schools. Responsibility was handed to the county post devolution, but so far it has not been handled effectively. We heard from participants that school enrolment rates for boys and girls are falling because the county has cut the food programme that used to draw in so many. Once at school, often there are no learning materials, no teachers, and in some places even no classrooms. Knowing that ECD is vital for childhood development, many teachers we interviewed revealed they go as far as providing a classroom and food for their pupils, even though their own salaries might go unpaid for up to a year at a time. Like all service provision in Isiolo, ECD is political. In places that supported a political incumbent, ECD facilities are more likely to abound. For those who backed the wrong candidate, however, we heard of boys and girls studying under trees or on cold floors without desks. Mothers told us their children sometimes fall sick as a result.

Equally worrying are the challenges that await these children as they grow up and become young adults. Almost half of Isiolo's population is under 15, while 24 per cent are aged 10–19. Young people experience devolution in quite specific ways. They should be neither demonised nor patronised, but rather understood as requiring highly tailored responses. They are largely excluded from decision-making, jobs and contracts. Thirty per cent of county contracts are supposed to be awarded to youth and minorities, but people complained of there being few examples of this. Public sector jobs typically require a minimum of seven years' work experience, which is usually impossible for young people.

For young men and women who are non-residents in the county, of which there are a growing number due to Isiolo's cosmopolitan reputation and increasing foreign investments, ethnic discrimination makes things even trickier. Largely barred from official employment because of their identity, most must take up irregular, informal work.

Access to information is scarce, unemployment rising, and so too the number of young men using drugs. This has been linked with an increase in domestic violence and crime, but more research is needed on this issue. Young men and women worry that such societal insecurity might push business away from Isiolo and into Laikipia or Meru. As one young man said, to the agreement of a large group of mixed youth representing every major community in Isiolo, "we are dying". Another woman added, "we were optimistic about devolution, but we have been forgotten and feel the pinch and the pain of what it was meant to provide."

In a county inundated with weapons, and where people can see the corruption and exclusion robbing them of their fair share of the devolution pie, how long can young people remain on the margins? The answer is not simply jobs.<sup>46</sup> The principal driver of youth dissatisfaction and violence is not poverty, but the degrading experience of injustice and marginalisation.<sup>47</sup> As the Progress Study on the United Nations Security

<sup>45</sup> Wright, H (2014) *Masculinities, conflict and peacebuilding: perspectives on men through a gender lens* Saferworld: London

<sup>46</sup> King E (2018), 'What Kenyan Youth Want and Why It Matters for Peace', *African Studies Review* 61 (1), pp 134–157, <https://www.cambridge.org/core/journals/african-studies-review/article/what-kenyan-youth-want-and-why-it-matters-for-peace/F53EF2AD123AD30727E883E0D0DC6BA2>

<sup>47</sup> Bennett, W (2016), 'Exploring the links between experiences of injustice and violent conflict', Saferworld and the Knowledge Platform Security & Rule of Law.

Council Resolution 2250 notes, there needs to be more trust, creativity and risk-taking when supporting initiatives for young men and women.<sup>48</sup> Technocratic approaches and a focus on state institutions – aspects which make up much of the work of international organisations – will not work in isolation, and must be matched with more support for peacebuilding initiatives that aim for the full political inclusion of women and young people.<sup>49</sup>

This will not be a simple process. Gender discrimination in politics endures in Isiolo, in part, because it reflects societal norms. Devolution has done little to abate or transform structural gender inequalities. For example, there are no women from the Samburu community in the county government, because the Samburu live by strict gender codes whereby men very much hold power. Another example is the persistence of cattle raiding due to pastoralist communities being cut off from county institutions. Young men are expected to raid cattle as part of a rite of passage from boy to man. It remains the predominant cultural route to respect, marriage, wealth and status.

So while devolution affects men and women differently, inclusion does not begin and end with the county administration. The bigger question is how the county can better ensure the participation of women and young people not just in politics but in every sphere of life, so that the government and the governed become more gender balanced in symbiosis.

---

<sup>48</sup> Simpson G (2018), 'The Missing Peace: Independent Progress Study on Youth, Peace and Security', <https://www.youth4peace.info/ProgressStudy>

<sup>49</sup> Saferworld (2018), 'The independent progress study on youth, peace and security: the first step on a long road ahead', <https://www.saferworld.org.uk/resources/news-and-analysis/post/768-the-independent-progress-study-on-youth-peace-and-security-the-first-step-on-a-long-road-ahead>

# 3

## Pressing peace and security risks

### 3.1 Fragmented institutional responses to insecurity

**ISILOLO IS CONFLICT PRONE** and hampered by issues such as banditry, turbulent borders, high poverty, low education, droughts, small arms and light weapons, cattle raiding, and gender-based violence. Security came out clearly in the research as a pressing issue: however there was far less clarity on how to achieve it.

With security remaining under national jurisdiction and other services under the auspices of the county, the result is a disjointed strategy whereby hard security and human security approaches often take place in isolation or even in contradiction. This has repercussions for a range of security issues that require far more joined up responses.

Ethno-political divisions within the county mean that national structures often have to intervene, owing to their perceived impartiality. For example, an assistant county commissioner (ACC) might mediate between the major Borana clans (the Sakuye, Warjida and Karayu) or convene meetings between elders to discuss cross-border conflicts over grazing, free from the ethnic baggage that comes with the leaders in county structures.

The national government has numerous structures through which it tries to address cattle raiding and other forms of pastoralist conflicts, including the police, District Peace Committees (DPCs), ACCs, the Chiefs and their Assistants, *nyumba kumi* (ten household heads), and the intelligence services. These institutions collaborate to provide an Early Warning Early Response system (EWER) designed to prevent the escalation of pastoralist conflicts. However in many places we were told these structures were dormant, providing neither early warning nor response.

Largely confined to Isiolo Town, the police seem unable to cope with the violence and insecurity resulting from cattle raids. Victims inform the police about their cattle losses, but depend far more on the local wildlife conservancies and Kenyan Police Reserves (KPRs) to “follow up” and recover livestock. It should be noted that each ethnic community has its own affiliation with particular conservancies and KPRs deemed to be on their side.

One of the challenges in providing responsive security is that communities tend to be quite secretive, partly because they distrust the police and partly because there is a long history of communities addressing their problems internally. Some people we interviewed confirmed that, “nobody is willing to volunteer information to the police,” because doing so brings a community into disrepute and shames the elders.

This means national institutions such as the police can be locked out of communities and forced to rely on networks of informants. For instance with cattle raiding, the

police may sometimes take part in recovery efforts but are generally regarded as ineffective and too slow to respond. At the same time, their investigations are often impeded by chiefs loyal to their community who hide individuals known to have stolen cattle. As a result there are few prosecutions, just cycles of theft, recovery and violence.

Figure 4. Security provision in practice

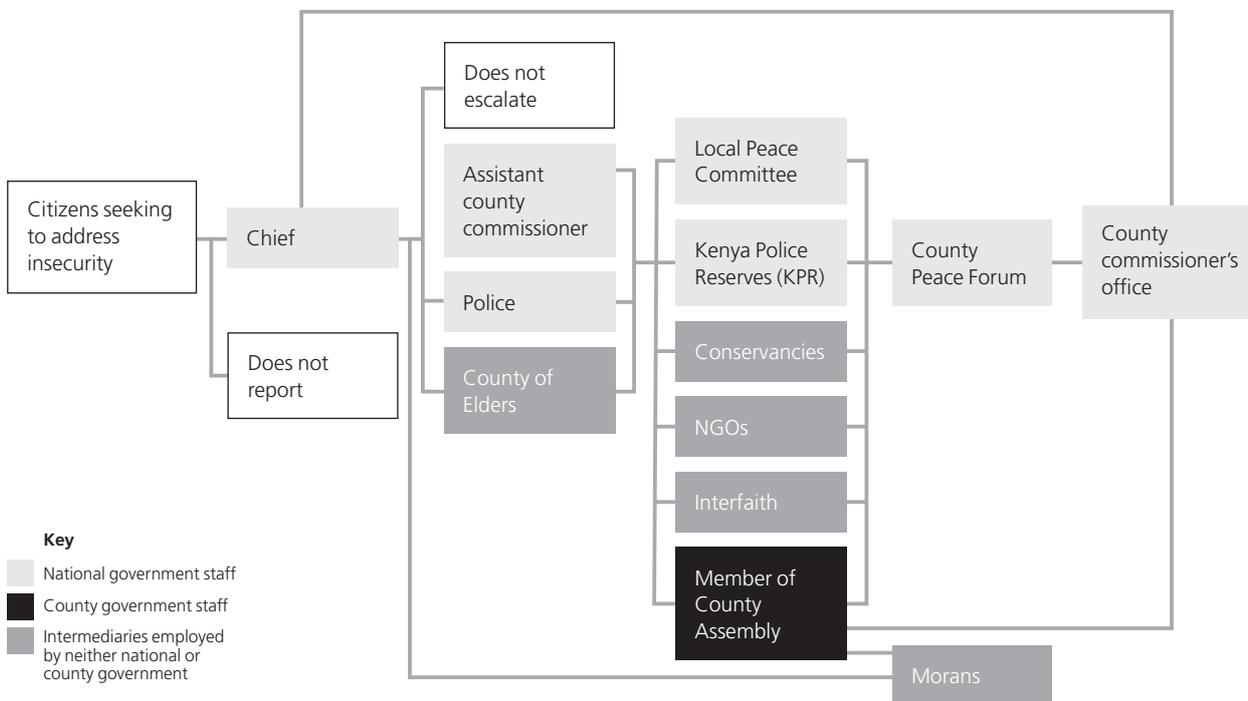


Figure 4 shows how people seek responses to insecurity in practice. *If* an issue is reported, Chiefs are the first port of call, whether the issue is violence against women, land disputes, cattle raiding, boundary issues, or theft. Generally, problems are only escalated to national and county institutions with their blessing. Most issues are not escalated. The second is the split between national security structures in the top half, and traditional or civil society structures in the bottom. The third is the almost complete absence of county institutions involved, save for MCAs quite far along the chain.

This suggests that the county and national governments' security responses are not quite in step. At the moment, national security structures are overly militaristic, and orientated towards harder security threats like terrorism rather than everyday human security threats that really concern people. With the developmental and human security institutions now the responsibility of the county government, this was likely going to be inevitable in the short term.<sup>50</sup> But until the national and county institutions stop working in parallel and start working together to develop clear policies that integrate complementary security approaches, people are likely to experience overly securitised responses to what may in fact be development challenges.

### 3.2 Ethnic division and social exclusion

Devolution was intended to address marginalisation by bringing services closer to the people and including them in decision-making. Instead, it is reinforcing ethnic divisions by concentrating power around one dominant ethnicity. It has institutionalised the distribution of opportunities and resources as patronage among political supporters, with a largely tokenistic inclusion of other ethnicities. The result is a devolution process that explicitly promised inclusion has locked out the majority of people. Discrimination only deepens the more someone fits into multiple marginalised identities.

<sup>50</sup> Admittedly, the national government administers the Youth Enterprises Development Fund, the Women Enterprises Development Fund, Constituency Development Fund and the Uwezo Fund, among others. But these are dwarfed in comparison to the funds, scope and ambition of the devolved county.

Public forums are rare, and those that happen are often cosmetic, meaning that CIDPs overlook community needs. A school may appear where a hospital is required, for example, or an agricultural market in a pastoralist community, as happened in Ngaremara. This is a waste of public funds.

Ethnic loyalty supersedes all, and clan trumps tribe. Minority ethnicities have little chance of holding meaningful political office. The Dorobo, for example, will be completely unrepresented in the county once the tenure of their sole appointee, the public service board officer, ends in 2019. Smaller ethnicities are forced to group together, such as in Oldonyiro where the seven minority Samburu clans united against the major Lpisikishu clan in the MCA elections. It was felt that, once in office, the incumbent disproportionately rewarded those who voted for him at the expense of those who did not. These cycles of exclusion render elections zero-sum and hence a source of conflict. This is likely to prove dangerous ahead of the 2022 county elections, which are already on the minds of those currently out of favour.

### 3.3 Gender inequality

Inequality persists across institutions and society. There are strict gender roles in place across the different communities in Isiolo. With a few positive exceptions, women tend to be excluded from business, cattle-ownership and decision making opportunities. Power lies predominantly with elder men to whom women and youth are subservient. Young people, especially those from pastoralist communities, are expected to replicate the experiences and cultural behaviours of their elders. Some of these, such as cattle raiding, are deeply engrained and perpetuate cycles of violence. Others are new since devolution, such as men rejecting women's applications for administration positions in the county government, perpetuating structures of exclusion. Another new concern is men using women's names to access county funds supposedly set aside for women. As one generation follows the previous, serious challenges affecting young women including under-education, female genital mutilation (FGM), and early marriage and pregnancy will have to be addressed by devolved institutions.

Institutions must also be more inclusive in their make-up. To cite just one example, interviews with the police confirmed that it remains an overwhelmingly masculine institution, flouting the constitutional stipulation that no more than two-thirds of employees can be the same gender. While numerical representation is not enough on its own, as with any institution, the composition of its staff shapes the inclusivity, approaches, quality and perceptions of their service.

Devolution, and the inclusivity it promised, cannot be considered a success if women remain under-represented, barred from political participation, neglected by patriarchal institutions, and subject to repressive gender norms at the societal level.

### 3.4 Boundary disputes

Whether it concerns the county, the wards, grazing areas, private property, or farming, disputed boundaries are a source of conflict across Isiolo.

There is a new boundary conflict between Meru and Isiolo County, with the Meru claiming part of Ngaremara, and growing cross-border disturbances over grazing land between Isiolo and Garissa, Wajir and Laikipia. At a more local level, the Sub-County Administrator confirmed that he was seeing an increased number of land disputes. The messy administrative set-up, whereby surveying is carried out by county staff, but the actual issuing of title deeds is done by the national government, seems incapable of solving these confrontations quickly.

In many places, new county lines have imposed boundaries on issues that require cross-border cooperation, such as grazing. But with traditional systems being gently eroded by county structures, this has yet to be achieved.

The constitution stipulates that there should be 15 wards in Isiolo, but there are only ten. They are too big as they are, meaning minority groups are unrepresented by the WAs. People want the extra wards, but deciding where the boundaries fall will be highly political. The 2019 Boundaries Review is supposed to deal with this issue, but questions remain about how impartial and sensitive it will be. That the Independent Electoral and Boundaries Commission (IEBC) is in disarray does not bode well. In April 2018, three commissioners led by Vice Chairperson Consolata Nkatha, Paul Kurgat and Margaret Mwachanya resigned due to poor leadership and political infighting. The public are unimpressed, citing a betrayal of Article 73 that states, “authority assigned to state officers is a public trust to be exercised in a manner that brings honour to the nation and dignity to the office.”<sup>51</sup> Yet without central leadership from the IEBC in Nairobi, the 2019 process carries the potential for violence.

### 3.5 Corruption

Wolfgang Streeck defines corruption as “the gross violation of legal rules and systematic betrayal of trust and moral expectations in pursuit of competitive success and personal or institutional enrichment.”<sup>52</sup> Endemic to Isiolo, and arguably Kenya, institutionalised corruption is perhaps the largest barrier to the opportunities that devolution was meant to bring. Votes are bought, services delivered according to the damaging whims of political patronage, and public projects suffer from delays, exaggerated costs and missing funds. Mirroring similar patterns nationally, a county government respondent was one of many who told us the familiar refrain that, “devolution is corruption devolved.”

Even the county governor is under the spotlight. It was alleged by one group we interviewed that he has spent KSh 1.7 billion since taking office (including nearly KSh 500m from the United Nations Development Programme alone), but people are unsure as to what on. County budgets are shrouded in mystery and people we interviewed suspect that public coffers are being used to personally enrich those in office. One example concerns the fencing of the Isiolo Fruit Market, which was delivered for 12.2 million KSh despite a projected cost of only 4 million KSh. A report by the auditor-general expressed concern over Isiolo county’s 2017 and 2018 budget, calling them opaque, overly geared towards employees salaries and benefits, and failing to stimulate the economy.

Across both the county and national structures, corruption greases the wheels of governance for some and clogs them for others. This will eventually lead to a legitimacy deficit for the county government if not brought under control.

### 3.6 Conflict-insensitive investment

Planned large-scale infrastructure projects, particularly around the LAPSET Corridor Program, have the potential to affect conflict dynamics dramatically in Isiolo and are creating considerable anxiety among different sections of society. While the county administration worries about attracting as much investment as possible, people are scared of losing land (some communities have already been forcibly evicted around the airport owing to stage one of LAPSET), young people worry about missing the investment boat, and pastoralists are concerned about the loss of common land, fragmentation and sedentarisation that accompanied previous investment waves.<sup>53</sup>

There were clashes in June between the Turkana and the police that escalated alarmingly. Six police were killed along with a number of Turkana, and army tanks were brought out to patrol Ngaremara. This was unprecedented in the area. Leading Turkana politicians were also arrested and some violence spread to Isiolo Town. The trigger of

<sup>51</sup> Letangule T (2018), ‘Crisis at IEBC is shameful, get your act together’, 16 April, [https://www.the-star.co.ke/news/2018/04/13/crisis-at-iebc-is-shameful-get-your-act-together\\_c1743051](https://www.the-star.co.ke/news/2018/04/13/crisis-at-iebc-is-shameful-get-your-act-together_c1743051)

<sup>52</sup> Streeck W (2017), *How will Capitalism end?* (UK: Verso).

<sup>53</sup> Greiner C (2016), ‘Land-use change, territorial restructuring, and economies of anticipation in dryland Kenya’, *Journal of Eastern African Studies* 10, pp 530–547, <https://doi.org/10.1080/17531055.2016.1266197>

the violence was a disagreement over how to restock stolen cattle, but the underlying cause is suspected to be LAPSSSET. Developments are set to pass through Turkana land, but without consensus between the county and the Turkana about where and what compensation is due, insensitive attempts at land demarcation led to violence.

Disagreement between Isiolo and Meru counties over the exact location of their shared border complicates matters. Isiolo County considers the 1962 borders to be lawful, and Meru County those agreed in 1982. At stake is “up to 90 per cent of LAPSSSET’s infrastructural developments,” but people are not sure what has been resolved and feel uninformed about the development plans afoot. There is certain to be investment but no guarantee of where it will go, or to whom. The first phase of LAPSSSET has been captured by political elites who, having bought swathes of land in prime areas, are now developing them for huge profits.

Young women appear to be completely overlooked, but young men feel left out, too, telling us, “there was no information, just rumours on the wind.” Youth are unfairly considered a problem, politically marginalised, overwhelmingly under and unemployed, subject to a curfew, and understandably bored. LAPSSSET should offer better employment opportunities and with it a sense of responsibility, inclusion and self-worth. But this is not happening, and it is easy to imagine conflicts arising in the near future – one respondent called it a ‘time bomb.’ For example, there may well be disputes over who is given the anticipated raft of construction jobs. Take civil engineers. They will be vital, but Isiolo has few of them and so they will have to come from other counties, causing tension as employment opportunities bypass locals and promised investment leaves the county through remittances.

### 3.7 Weak monitoring, oversight and accountability mechanisms

Devolution is ostensibly being monitored by the Ministry of Devolution in Nairobi, from where budget controllers, evaluation teams and auditors are deployed to the counties once a year. However, due to their long absences, the quality of their monitoring is questionable. Under the constitution, the County Assembly and Office of the Ombudsman are responsible for the oversight of devolution at the county level. There is also an anti-corruption unit. Our research finds that these are largely dysfunctional. One group told us the Office of the Ombudsman was “ever closed” and no one we spoke to was able to make a physical complaint to either of these institutions. Annual audits are not shared and people feel that proper oversight mechanisms are needed to stymie further financial misappropriation.

There is next to no public monitoring and media oversight is patchy too. The freedom of the press is upheld in Article 34 of the constitution and is a vital component of a well-monitored devolution process. Yet both the county and national governments have an uneasy relationship with the press, and there have been several bans on media houses.<sup>54</sup>

In response, the World Bank has produced toolkits for public participation,<sup>55</sup> as have the Ministry of Devolution, the Council of Governors, and others. Still, if information flows are irregular and participation remains tokenistic rather than a process to address political problems collectively and inclusively, public accountability will remain elusive.

We were told that county staff are tied to performance-related contracts and are set targets by their superiors. We were also assured that the County Steering Group convenes quarterly to evaluate the performance of the county government. But if appointments are based on patronage rather than skills, it would be surprising if

<sup>54</sup> Odula T (2018), ‘Kenyan High Court orders government to end TV station shutdown over mock Presidential election’, *the Independent*, 1 February, <https://www.independent.co.uk/news/world/africa/kenya-tv-station-shutdown-high-court-mock-presidential-inauguration-raia-odinga-uhuru-kenyatta-a8188976.html>

<sup>55</sup> ‘Public Participation Central to Kenya’s Devolution’, video, World Bank Group, 30 April 2015, <http://www.worldbank.org/en/news/feature/2015/04/30/public-participation-central-to-kenyas-ambitious-devolution>

employees were being assessed against their targets. This renders civil service performance unmonitored and unaccountable, and there was a sense among interviewees that county civil servants do nothing rather than risk doing something poorly and facing the repercussions.

However, contrary to our research findings, national government reports are positive. The most recent National Cohesion and Integration Commission (NCIC) report on Isiolo shows that 30 per cent of employment has gone to minorities as per the constitution.<sup>56</sup> Officials we met also pointed to the impending roll-out of the County Public Participation Act of 2016 as an example of “goodwill to engage the public.” Some improvements might be on the horizon. The Public Complaints Committee (which was established in early March) was unknown but represents positive intent. If it is to be useful, however, it has to be free of county government influence and given genuine oversight powers that reflect public concerns.

---

<sup>56</sup> NCIC (2016), ‘Annual Report’, <https://www.cohesion.or.ke/index.php/downloads/178-ncic-annual-report-2016>

# 4

## Positives on which to build

### 4.1 A burgeoning electoral culture

**ELECTORAL MANIPULATION** has beset both Isiolo's gubernatorial and MCA elections. Manipulation can take many forms, ranging from voter and candidate intimidation, to manipulation of the electoral management body, to vote buying, and more. These tactics are rightfully maligned. However, manipulations *may* be a better indication of democracy than one might think.<sup>57</sup> Data from 285 African elections from 1986 to 2012 suggests that "vote buying is a good sign of democratisation because, if there is no democracy, there is no competition, and therefore no need to buy votes... as democracy matures, vote buying increases. But later, when elections become established and media freedoms are introduced, vote buying recedes."<sup>58</sup>

In Isiolo, despite concerns over manipulation, the presence of electoral contestations that have seen parties actually lose elections and incumbents replaced via the ballot box is a good sign of a burgeoning culture of democracy. As it develops and voters gain more experience with county elections, it is likely they will start monitoring what incumbents have done while in office, gradually lessening the prevalence of electoral manipulation. The threat of removal from office may also help create incentives for those in office to address the electorate's needs and, in turn, improve governmental accountability and responsiveness.<sup>59</sup>

### 4.2 Progressive legislation

The constitution sets out a bold vision for decentralised governance, offering transformative targets and standards against which to measure governmental performance and hold officials accountable.<sup>60</sup> The hope it encapsulates means that people overwhelmingly support it. Most people we interviewed referenced it, and many could quote some of the key acts. The 'no more than two-thirds' rule, in particular, provides a decent platform for institutional inclusion (although why not legislate for an equal fifty per cent?), if only it could be respected and monitored.

To that end, further improvements are in progress that could help leverage the strengths of the constitution. A High Court is coming to Isiolo and there are hopes it will have the authority to adjudicate complicated issues regarding land and corruption. This will

<sup>57</sup> Lehoucq (2003), 'Electoral Fraud: Causes, Types, and Consequences', *Annual Review of Political Science* 6, pp 233–256.

<sup>58</sup> van Ham C, Lindberg S (2015), 'Vote Buying Is A Good Sign: Alternate Tactics of Fraud in Africa 1986-2012', [https://www.v-dem.net/media/filer\\_public/fb/a8/fba80eef-ac74-4a50-abd0-3a3f3755251c/v-dem\\_working\\_paper\\_2015\\_3.pdf](https://www.v-dem.net/media/filer_public/fb/a8/fba80eef-ac74-4a50-abd0-3a3f3755251c/v-dem_working_paper_2015_3.pdf)

<sup>59</sup> Przeworski, Stokes, Manin (1999), *Democracy, accountability, and representation* (Cambridge: Cambridge University Press)

<sup>60</sup> *The Financial Times* (2018), 'Inside Kenya's ambitious devolution project', 28 June, <https://www.ft.com/content/2041cb32-658d-11e8-bdd1-cc0534df682c>

supplement the existing county court and the long-standing alternative dispute resolution system in Isiolo featuring elders from all the major ethnicities.

Other key legislation will be important to monitor, especially the Public Participation & Civic Education Act of 2016, which is due to come into force in late 2018 and the Inter-Governmental Act, which could strengthen the coherence between the county and national governance structures, if properly implemented. There are also plans for a new Government Delivery Unit that will coordinate the Monitoring and Accountability across the county government, but few further details are known at present.

### 4.3 Opportunities to link national and county security policy

If Isiolo's peace and security issues have social, cultural and economic roots that elude the purview of the police alone, then what do better responses look like?

Steps must be taken to open communication channels and prevent county and national institutions from working in isolation. For example, the County Cohesion Office was unknown to most people, including national government representatives, but it might offer a promising place for more joined up policy planning between national and county actors united by a common interest in conflict prevention and peace.<sup>61</sup>

This requires a willingness to change from both the county and national governments. The exclusivity of ethnically homogenous county institutions is antagonistic and a source of insecurity for two reasons. Firstly, such adversarial and exclusive institutions legitimise similar behaviour within society. And secondly, they perpetuate violence by undermining the abilities of county structures to actually solve problems peacefully.<sup>62</sup>

National security structures must also adapt. The police will need to build relationships with communities to elicit trust and move towards policing through consent. By linking more meaningfully with devolved county structures, the police could adopt community policing approaches that would promote inclusion and tolerance, as devolution was meant to do.

This collaborative approach to conflict prevention and peacebuilding could offer an important opportunity to build trust between the national and county structures. This is sorely needed. As one senior county official told us: "Even if they do right, we don't trust the national government. And even if we do right, they don't trust us." Such adversarial relations are unlikely to lead to better security and development by leveraging each of the structures' respective strengths.

### 4.4 Early days of popular process

The majority of people are benefitting little, if at all, from devolution. However, everyone we spoke to was supportive of its potential. Kenya's second phase of devolution is doing better than the first.<sup>63</sup> "People are getting to know their roles, relationships are improving, coordination is getting better, and less duplication is taking place," a senior county official in told us. The public agreed that, while far from perfect, some things were undeniably improving.

Still, much of the investment from the government and the private sector has been lost to corruption. However, despite the damage it causes, this is not abnormal for nascent

<sup>61</sup> Gibbons S (2015), 'Towards peace and security in dryland Kenya: The demand for a new approach', Pastoralist Parliamentary Group and the Drylands Learning and Capacity Building Initiative.

<sup>62</sup> Scott-Villiers P (2017), 'Small wars in Marsabit County: devolution and political violence in northern Kenya', *Conflict, Security & Development* 17, pp 247–264. <http://dx.doi.org/10.1080/14678802.2017.1319696>

<sup>63</sup> The Sixth Schedule of the Constitution Part 4, Article 15 provides for the phased transfer of functions to county governments, three years from the date of the first election of the county assemblies. The Transition to Devolved Government Act 2012 identifies two phases. The first phase [between the March 2013 and August 2017 elections] shall involve the preparation of county governments' functional roles in line with their assessed capacity. This phase shall coincide with the pre-election period and will entail the unbundling, costing and assigning of functions, determination of capacities and capacity building interventions. The second phase shall involve completion of activities commenced during the first phase. This phase will entail the overseeing of the transfer of functions from the national government to the county government, and to facilitate the county governments in the performance of their functions.

---

democracies.<sup>64</sup> It should also be noted that new investment in Isiolo has led to some growth in the informal employment sector. As one respondent said, “There is more money – it’s just a fight to get it.”

Shortcomings in institutional performance and inclusiveness can be found all over the world, even in so-called ‘mature democracies’. Therefore, considering the relative novelty of the devolution process, it is important to reflect and build upon its many initial positives. It is early days, and with greater inclusion of the public in devolution processes there is hope for improvements in the coming years. However, with a failure to do so, public hope is likely to turn to apathy.

---

<sup>64</sup> van Ham C (2014), ‘Getting elections right? Measuring electoral integrity’, *Democratization* 22 (4), pp 714–737, <https://www.tandfonline.com/doi/abs/10.1080/13510347.2013.877447>

## 5

## Conclusion

**THIS RESEARCH SET OUT TO ASSESS** how devolution has affected inclusiveness and peace in Isiolo, looking at both people's experiences and institutional performance. Yet findings show that judging institutions as either exclusive or inclusive is far too simplistic, and while there is a relationship between institutional performance and conflict dynamics, it is not the only determinant of peace.

The phrases 'good governance' and 'best practice'<sup>65</sup> are relatively meaningless as they fail to capture the qualitative, problem-solving essence of governance. Asking what the actual problem *is* ought to be the guide if we are to avoid solution-based interventions that presuppose people's needs. Institutional models are not really exportable, which we can see in how the county has impressive, international-standard forms that in practice function poorly.

Much richer data was offered by focusing on people's varied experiences of devolution. For instance, services may be closer to the public but low participation means that delivery does not meet needs. Furthermore, while a few people from the larger ethnic communities have gained power and opportunities, young people, women, PLWD and ethnic minorities have been left behind. Many feel devolution is going ahead unfairly and without public participation, accountability or oversight. This increases the likelihood of conflict, which grows when people perceive governance processes and outcomes to be unfair.<sup>66</sup>

Yet despite people's concern that devolution is corrupt, commodified and compromised, the legitimacy of the democratic process underpinning devolution has remarkably held. Everyone is already looking ahead to the 2022 elections when, feasibly, you might expect people to have lost faith in the integrity and validity of the process altogether.

This tolerance seems to reflect two things. The first is that there are significant opportunities for enrichment that come with county office that people consider to be worth competing for – better to have a chance of winning than throwing the whole thing out the window. The second reflection is that of a public that is realistic. Northern Kenya has long been a neglected and disconnected periphery, and devolution is an attempt to correct that.<sup>67</sup> Devolution should be given time to succeed and weather

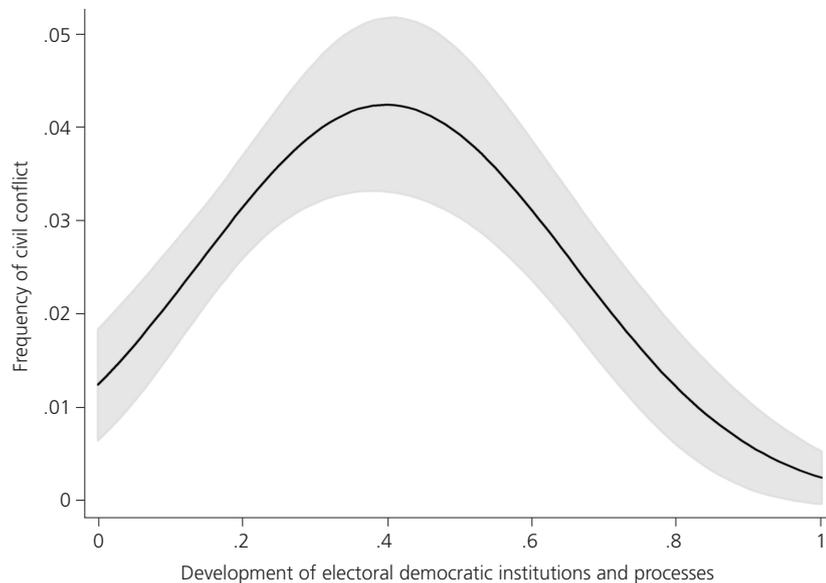
<sup>65</sup> There is no space to delve into this issue here, but it is worth noting Clunan and Trinkunas who write about a "tension between good governance, globalisation and neoliberalism, whereby the latter two have undermined the foundations of the state and led to a widespread crisis of governance." One of the ironies is that "Western liberalism created the criteria for 'good governance' that states are expected to adhere to today, while at the same time pursue international policies that undermine the ideological legitimacy and institutional capacity of state authority." See Anne Clunan and Harold Trinkunas (Ed.) (2010), 'Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty,' Palo Alto, CA: Stanford University Press

<sup>66</sup> Brown, K & Frances, S (2015) 'Economic and Political Causes of Conflict: An Overview and Some Policy Implications,' CRISE Working Paper No. 81, University of Oxford, p 8. See also Denney, L Mallett, R & Mazurana, D (2015) 'Peacebuilding and Service Delivery' Briefing, UN University Centre for Policy Research

<sup>67</sup> Kochore H H, (2016), 'The road to Kenya? Visions, expectations and anxieties around new infrastructure development in Northern Kenya,' *Journal of Eastern African Studies* 10, pp 494–510. <https://doi.org/10.1080/17531055.2016.1266198>

these early storms. Despite concerns that conflict may not be disappearing, research shows that it is normal for partial democracies to bring a higher risk of political violence in the short-term (see Figure 5).<sup>68</sup>

**Figure 5. The frequency of intra-state conflict against the development of electoral democracies**



This also reminds us that we need to be careful about having too high expectations of what democracy will bring. Democracy does not inherently improve peace or inclusivity. Indeed democratic transitions tend to increase the risk of conflict,<sup>69</sup> with elections obvious flashpoints for violence in majoritarian systems where minority rights are less well protected.<sup>70</sup> So instead of supporting it as a *de facto* good, interventions must be more focused on specific *de jure* functions of democratic governance that really matter for peace.

Research suggests that chief among these must be strengthening legal constraints on executive power, and ensuring the legal protection of civil liberties as outlined in the constitution.<sup>71</sup> This research offers an opportunity to reflect on how to do this. Ten months into Kuti's governorship, public optimism is beginning to wane. Billed as a reformer, the success of his time in office (and his legacy) will hinge on whether he is brave enough to look beyond his power bloc and bring those outside his patronage circle into the political fold.

The international community has a role to play here. It has supported devolution and will continue to do so, but it must not fall back on simply maintaining formal institutions and procedures while those in power continually fail to meet the needs of their citizens. This type of support is counter-productive in the long term, locking in exploitative power structures that undermine effective governance. In Isiolo, as in many places, there are those that worry the political elite are steadily centralising power and using the devolved county structures to serve their own interests. This sort of 'privilege violence' will continue to jeopardise devolution unless addressed.<sup>72</sup>

Furthermore, improving service delivery locally can make a palpable difference to people's lives and create a sense of belonging. Isiolo is a cosmopolitan county, and its

<sup>68</sup> Hegre *et al.* (2001), "Toward a Democratic Civil Peace? Democracy, Political Change, and Civil War, 1816–1992," [http://www.uky.edu/~clthyn2/PS439G/readings/hegre\\_et\\_al\\_2001.pdf](http://www.uky.edu/~clthyn2/PS439G/readings/hegre_et_al_2001.pdf)

<sup>69</sup> Goldstone *et al.* (2010).

<sup>70</sup> Reynal-Querol, M (2004) 'Does democracy pre-empt wars?' in *European Journal of Political Economy* Vol.21, 445–465

<sup>71</sup> Fjelde, Hegre, Knutsen, Nygaard, (2017), 'Which institutions matter?' Department of Peace and Conflict Research, Uppsala University.

<sup>72</sup> Kleinfeld R, in Bennett W (Ed.) (2017), 'Privilege violence': why polarised democracies yield violence', Saferworld, 30 January, <https://www.saferworld.org.uk/resources/news-and-analysis/post/697-aprivilege-violence-why-polarised-democracies-yield-violence>

officials must overcome differences and forge a common vision based on the promise of inclusion. Any marginalisation, be it because of class, religion, ethnicity, language, age or gender, dilutes the quality of devolution and delays the realisation of its promises. Those left without access to services or recourse to resolve grievances are at higher risk of becoming spoilers. Other Saferworld research has shown that with each experience of injustice or exclusion the potential for even further social division, withdrawal, and violence increases.<sup>73</sup>

Exclusion also perpetuates traditional forms of violence such as cattle raiding. With small chance of political representation, education, meaningful employment, or a fair share of the county's resources, young people from pastoralist communities will see little choice but to continue to raid cattle. Inclusivity must improve, and even if better governance outcomes are slow to materialise, the process of inclusive deliberation itself is something to be valued.

In sum, this research finds that five profound challenges undermine the inclusivity and peace of the devolution process in Isiolo:

1. Competition for public office is based on identity rather than policy, and pits ethnic groups against each other
2. The resulting institutional service delivery is exclusive and discriminatory, with allocation based on identity rather than need
3. Elite abuse of public office and legal rules in pursuit of personal enrichment
4. Limited public understanding about how devolution is intended to work
5. People's security needs remain unaddressed in the absence of a coherent strategy linking national and county institutions

Addressing each of these offers a way forward in its own right, but addressing them collectively would contribute to the type of full public inclusion necessary for devolved institutions to function in ways that are responsive, accountable, and contribute to peace.<sup>74</sup>

There are positives to work with to that end. The constitution is an ambitious blueprint for peace and inclusion that Kenyans unanimously support. Beyond that, international agreements such as Sustainable Development Goal 16 (that promises to 'develop effective, accountable and transparent institutions at all levels, and significantly reduce all forms of violence and related death rates') can be used to hold the national and county governments to account. Electoral culture is taking root, and developments such as the Inter-Governmental Act offer opportunities for better national and county policy coherence.

Building on these will be vital for peace. People were made lofty promises when devolution began and they are rightly demanding more from their government. And until institutions deliver for all, grievances will fester and remain a challenge to wider peace. If phase one of devolution put in place the structures necessary to *look like* inclusive politics, phase two must mark the time for making them work.

<sup>73</sup> Bennett W (2016), 'Exploring the links between experiences of injustice and violent conflict', Saferworld and the Knowledge Platform Security & Rule of Law, <https://www.saferworld.org.uk/resources/publications/1083-exploring-the-links-between-experiences-of-injustice-and-violent-conflict>

<sup>74</sup> Adapted from the opening remarks by the UK High Commissioner to Kenya at the 5th Annual Devolution Conference, (2018), <https://www.gov.uk/government/speeches/opening-remarks-by-the-uk-high-commissioner-to-kenya-during-the-5th-annual-devolution-conference>

# 6

## Recommendations

**NO ONE ACTOR, POLICY OR PROCESS** can address all the challenges associated with devolution. Instead it is a question of calibrating and coordinating political responses that have clear and realistic rather than grand ambitions,<sup>76</sup> and generous, perhaps even generational, timelines. However, by focusing iteratively on people and their problems, it is possible to avoid resorting to institution-building that is expensive, often divorced from social needs, at risk of elite capture and overly concerned with form rather than function.<sup>77</sup>

Normative institution building can be conflict insensitive if efforts take place removed from the societies they are meant to serve and from which they ought to derive legitimacy.<sup>78</sup> Instead, interventions must remain problem-solving, and driven by contextual realities and evidence rather than ideology.<sup>79</sup>

This demands that people are at the core of policy, and given the information and opportunities required to participate in, steer, and improve governance. Democratic inclusion is not a guarantee of better policy, services or governmental performance. But it is the way to ensure that any failures are the people's own to then take responsibility for and rectify. Such ownership and inclusion was a core promise of devolution.

The following recommendations are tailored to several different actor categories, suggesting how their particular policies and practices can move devolution in the direction of greater inclusion.

### 6.1 For the Isiolo County government

**Put conflict prevention at the core of development policies and CIDPs:** When responding to issues concerning borders, grazing, the environment or water, timely and conflict-sensitive services and interventions can avert conflict between pastoral communities. As for the CIDPs, providing space for inclusive planning and budgeting allows people to imagine their future collectively and address the conflict issues they consider the most problematic. Finally, support broad-based economic inclusivity as a conduit for improved security rather than simply focusing on economic growth.

**Be present, visible and responsive:** Accessibility is everything. Some places do not have a WA, and in others they only visit their constituencies once every three months.

<sup>76</sup> Rotmann P (2016), 'Towards a realistic and responsible idea of stabilisation', *Stability: International Journal of Security and Development* 5 (1), p 11.

<sup>77</sup> Isser et al, (2014), 'Beyond Deficit and Dysfunction: Three Questions toward Just Development in Fragile and Conflict-Affected Settings' in *The International Rule of Law Movement: A Crisis of Legitimacy and the Way Forward* (Boston: Harvard University Press).

<sup>78</sup> de Coning C, Karlsrud J, Troost P (2015), 'Towards More People-Centric Peace Operations' from 'Extension of State Authority' to 'Strengthening Inclusive State-Society Relations', *Stability: International Journal of Security and Development* 4

<sup>79</sup> Zyck S A, Muggah R (2015), 'Preparing Stabilisation for 21st Century Security Challenges', *Stability: International Journal of Security and Development* 4 (1), p. Art. 54. DOI: <http://doi.org/10.5334/sta.gs>

This has to improve, especially in wards far from Isiolo Town where devolution has had little impact. Also, take capacity building of WAs and VAs very seriously. They are the public face of the county government, and their level of quality will determine whether the average citizen is going to feel connected to the devolution process. This also means providing sufficient time for community consultations. Sometimes consultations are done in a hasty manner, denying communities a chance to react to county government propositions.

**Provide public information about major investments:** Clear information about major investment projects (such as, but not limited to, LAPSET) is urgently needed. People are worried about the potential unfairness, corruption and risk of violence that it might bring. At the same time, many are hopeful that it could be a way to secure employment and resolve financial ills – a hope that should be respected and delivered upon.

**Speed up land registration:** With the uncertainty of LAPSET on the horizon, people are desperate to make sure their land cannot be appropriated. But the process is not simple. County surveyors must first survey land and, in the presence of elders, issue a certificate confirming its size and boundaries. This then has to be taken to the national land registration office, which issues land title deeds. But the process often stalls without explanation. Amending this should be prioritised as part of a sensitive county investment strategy, so that major investments can proceed in ways that are fair, transparent and have public support.

**Protect pastoralist lands:** At the same time, land registration cannot happen in northern Kenya at the expense of pastoralists, whose grazing lands must be protected. It is recommended to collaborate with the FCDC on this matter. Created to fill gaps in the delivery of the constitution across nine counties and with strong financial support from the World Bank and others, it is likely to have growing influence in the coming years.

**Implement outstanding Acts:** An Act must be a precursor to action, not a substitute for it. For example the Public Participation & Civic Education Act of 2012 is lying dormant and represents a missed opportunity to improve political inclusion. Furthermore, fully implementing the County Budget Act 2012 would establish vital county institutions that are currently missing, such as the Audit Committee and the County Budget & Economic Activity Forum. Others, such as the Access to Information Act of 2016 need better implementation because, at present, public information is limited to the county website – this is largely useless for a predominantly offline pastoralist county.

**Provide civic education:** The county government should ensure people are more aware of how to access services. It should also support the full social and political inclusion of marginalised groups in civic education and public broadcasting programmes, including women, ethnic minorities and PLWD.

**Recruit county staff on merit:** This includes respecting (and even going beyond) the two-thirds rule, opening tenders to public scrutiny and competition, recruiting people on merit, and instilling a culture of performance reviews that are vital for public accountability. The county should also ensure women and PLWD are represented in county development processes and employment.

**Empower the new Public Complaints Office:** This office was formed in March 2018 but, if it is to be effective, it has to be independent of county government influence and have genuine oversight powers so that it can challenge the corruption and nepotism undermining both institutional performance and people's experiences of devolution.

## 6.2 For the national government

**Invest in data collection and analysis and learning to improve accountability:** Embrace data and technological developments to track progress on devolution. The current system makes it difficult to see where policy improvements are needed.

**Provide stronger oversight of county budgets:** National and parliamentary oversight ensures a degree of accountability of national staff and budget management, but there is no such performative pressure for county employees. This means spending can be subject to nepotism and corruption. People we spoke with suggested that one way to do this was for the Senate to form a county oversight committee that holds the governor accountable for public spending.

**Strengthen coordination between national and county government departments:** Communication gaps between national and county government departments result in poor coordination. This leaves neither structure able to deliver its mandate, and it is the public that suffers. Work with the county to implement the Intergovernmental Relations Act 2012, whereby national and county staff are meant to meet twice a year to coordinate policy.

**Commit to gender-sensitive community security approaches:** Under-capacitated, publicly mistrusted, and largely decoupled from the county development strategy, the police cut a frustrated figure, caught between national security priorities and county development needs. Commitments should be made to develop community security approaches,<sup>80</sup> patrol areas susceptible to cattle raiding and build police outposts where possible. The midnight curfew in Isiolo Town should be abolished. It vilifies young people and creates a hostile environment. Policing should be carried out on the basis of trust, not coercion.

**Devolve aspects of security to allow for more coordinated security and development strategies:** For example, the governor could take charge of the rapid deployment of police in hotspot areas within the county. This is already enshrined in section 41 of the National Police Service Act, but has not been operationalised.

### 6.3 For national and international partners

**Promote gender equality both within institutions and across society:** Prioritise community approaches that sensitively aim to transform gender norms within society. At the same time, support opportunities for women and minorities to gain employment and political office within county institutions, and work with these institutions to improve the gender equality of their services. Urge second term governors to support female successor candidates.

**Provide civic education:** Most people do not know what devolution means in practice, let alone the structures involved. Support government efforts to provide civic education to ensure people understand their entitlements and responsibilities under the new system.

**Empower the new Complaints Office:** Support the office to challenge the corruption and nepotism undermining both institutional performance and people's experiences of devolution. Also educate the public about how to use the new office and hold it accountable. This could also include media training and support.

**Think beyond elections:** Avoid limiting work on governance to ensuring peaceful elections. This is important, but prioritising efforts that support more inclusive governance processes and outcomes in the years *between* elections is what will ultimately decrease the likelihood of violence. This is likely to entail challenging the practice of negotiated elections, which lead to political settlements that uphold short-term stability at the cost of longer term inclusivity.

**Support cross-county initiatives:** New county borders can lead to cross-border problems becoming the responsibility of a single county. This is unlikely to have much success. Instead, supporting the Amaya Triangle Initiative will help generate cross-county strategies and responses to pervasive insecurities common to the north of the country.

<sup>80</sup> Bennett W (2014), 'Community Security Handbook', Saferworld, April, <https://www.saferworld.org.uk/downloads/pubdocs/community-security-handbook.pdf>

# Bibliography

- Alden Willy L (2018), 'The Community Land Act in Kenya Opportunities and Challenges for Communities', *Land* 7, p 12. <http://dx.doi.org/10.3390/land7010012>
- Ardanaz M, Leiras M, Tommasi M (2014), 'The Politics of Federalism in Argentina and its Implications for Governance and Accountability', *World Development* 53, pp 26–45. <https://doi.org/10.1016/j.worlddev.2013.01.004>
- Arero HW (2007), 'Coming to Kenya: Imagining and Perceiving a Nation among the Borana of Kenya', *Journal of Eastern African Studies* 1 (2), pp 292–304. <http://dx.doi.org/10.1080/17531050701452598>
- Atieno-Odhiambo E (2010), 'Hegemonic Enterprises and Instrumentalities of Survival: Ethnicity and Democracy in Kenya', *African Studies* 61, pp 223–249. <https://doi.org/10.1080/0002018022000032938a>
- Auma E (2015), 'Isiolo County conflict analysis', Saferworld, June, <https://www.saferworld.org.uk/downloads/pubdocs/isiolo-conflict-analysis.pdf>
- Barnes C (2007), 'The Somali Youth League, Ethiopian Somalis and the Greater Somalia Idea, c.1946–48', *Journal of Eastern African Studies* 1 (2), pp 277–291. <http://dx.doi.org/10.1080/17531050701452564>
- Bassi M (2017), 'Pastoralists are Peoples: Key issues in Advocacy and the Emergence of Pastoralists' Rights', *Nomadic Peoples* 21, pp 4–33. <https://doi.org/10.3197/np.2017.210102>
- Bastin G, Pickup G, Chewings VH, Pearce G (1993), 'Land Degradation Assessment in Central Australia Using a Grazing Gradient Method', *The Rangeland Journal* 15, pp 190–216. <https://doi.org/10.1071/RJ9930190>
- Bennett, W (2017), 'Experiences of local justice in Myanmar', Overseas Development Institute, Saferworld, European Union, British Council, November, <https://www.saferworld.org.uk/downloads/making-big-cases-small-and-small-cases-disappear---experiences-of-local-justice-in-myanmar---myjustice.pdf>
- Bennett, W (2016), 'Exploring the links between experiences of injustice and violent conflict', Saferworld and the Knowledge Platform Security & Rule of Law, August, <http://www.saferworld.org.uk/downloads/pubdocs/policy-briefsaferworld3.0-final.pdf>
- Bennett, W (2016), 'Everything can be tolerated – except injustice', Saferworld, February, <http://www.saferworld.org.uk/downloads/pubdocs/everything-can-be-tolerated-except-injustice.pdf>
- Bennett, W (2015), 'Justice and peace go hand in hand – you can't have one without the other', *The Guardian*, 26 October, <https://www.theguardian.com/global-development/2015/oct/26/justice-peace-conflict-affected-societies>
- Bennett, W (2014), 'Community Security Handbook', Saferworld, April, <https://www.saferworld.org.uk/downloads/pubdocs/community-security-handbook.pdf>
- Berkes F (ed.) (1989), *Common property resources: ecology and community-based sustainable development* (London: IUCN/Belhaven)
- Berkes F (2006), 'From Community-Based Resource Management to Complex Systems: The Scale Issue and Marine Commons', *Ecology and Society* 11, p 45. <http://www.ecologyandsociety.org/vol11/iss1/art45/>

- Blattman C, Ralston L (2015), 'Generating Employment in Poor and Fragile States: Evidence from Labor Market and Entrepreneurship Programs', World Bank, [https://www.povertyactionlab.org/sites/default/files/publications/Blattman\\_Employment%20Lit%20Review.pdf](https://www.povertyactionlab.org/sites/default/files/publications/Blattman_Employment%20Lit%20Review.pdf)
- Boone C, Dyzenhaus A, Ouma S, Owino J K, Gateri C, Gargule A, Klopp J, Manji A (2016), 'Land Politics under Kenya's New Constitution: Counties, Devolution, and the National Land Commission', LSE working paper 16-178, <http://www.lse.ac.uk/International-Inequalities/Assets/Documents/Working-Papers/Catherine-Boone-Land-Politics-under-Kenyas-New-Constitution-Counties-Devolution-and-the-National-Land-Commission.pdf>
- Brown B, Nuberg I, Llewellyn R (2018), 'Constraints to the utilisation of conservation agriculture in Africa as perceived by agricultural extension service providers', *Land Use Policy* 73, pp 331–340. <https://doi.org/10.1016/j.landusepol.2018.02.009>
- Carabine E (2017), 'The climate, economic and political shifts that shaped Kenya's 2017 election', Overseas Development Institute, August, <https://www.odi.org/comment/10539-climate-economic-and-political-shifts-shaped-kenya-s-2017-election>
- Carothers T (1997), 'Democracy without Illusions', *Foreign Affairs* 76, pp 85–99.
- Channa A, Faguet J P (2012), 'Decentralization of Health and Education in Developing Countries: A Quality-Adjusted Review of the Empirical Literature', LSE/STICERD Working Paper No. EOPP 38. <http://eprints.lse.ac.uk/44887/>
- Cheeseman N, Lynch G, Willis J (2016), 'Decentralisation in Kenya: the governance of governors', *Journal of Modern African Studies* 54, pp 1–35. <http://dx.doi.org/10.1017/S0022278X1500097X>
- Cormack Z (2016), 'The promotion of pastoralist heritage and alternative 'visions' for the future of Northern Kenya', *Journal of Eastern African Studies* 10, pp 548–567. <https://doi.org/10.1080/17531055.2016.1266195>
- D'Arcy M, Cornell A (2016), 'Devolution and corruption in Kenya: Everyone's turn to eat?' *African Affairs* 115, pp 246–273. <https://doi.org/10.1093/afraf/adw002>
- Dahl R A (1971), *Polyarchy: participation and opposition* (New Haven: Yale University Press)
- Dahl R A (1989), *Democracy and its critics* (New Haven: Yale University Press)
- Diamond L (2002), 'Elections without democracy: Thinking about hybrid regimes', *Journal of Democracy* 13 (2), pp 21–35.
- Davies J, Herrera P, Ruiz-Mirazo J, Mohamed-Katerere J, Hannam I, Nuesri E (2016), 'Improving governance of pastoral lands. Implementing the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security', FAO, <http://www.fao.org/3/a-15771e.pdf>
- Díaz-Cayeros A, Magaloni B, Ruiz-Euler A (2014), 'Traditional governance, citizen engagement, and local public goods: evidence from Mexico', *World Development* 53, pp 80–93. <https://doi.org/10.1016/j.worlddev.2013.01.008>
- DLCI (2017), 'Information is power: the missing gap in the drylands', DLCI e-bulletin, January, <http://eepurl.com/cuxbzf>
- Domínguez P, Zorondo-Rodríguez F, Reyes-García V (2010), 'Relationships Between Religious Beliefs and Mountain Pasture Uses: A Case Study in the High Atlas Mountains of Marrakech, Morocco', *Human Ecology* 38, pp 351–362. <https://doi.org/10.1007/s10745-010-9321-7>
- Dyer C (2014), *Livelihoods and Learning. Education For All and the marginalisation of mobile pastoralists* (London and New York: Routledge) <https://www.taylorfrancis.com/books/9781136188190>
- Dyer C (2016), 'Evolving approaches to educating children from nomadic communities', *PROSPECTS* 46, pp 39–54. <https://doi.org/10.1007/s11125-016-9381-6>
- Elmi M, Birch I (2013), 'Creating Policy Space for Pastoralism in Kenya', Future Agricultures working paper 68, [https://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/2926/FAC\\_Working\\_Paper\\_068.pdf](https://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/2926/FAC_Working_Paper_068.pdf)
- Enns C (2017), 'Infrastructure projects and rural politics in northern Kenya: the use of divergent expertise to negotiate the terms of land deals for transport infrastructure', *The Journal of Peasant Studies*, <https://doi.org/10.1080/03066150.2017.1377185>
- Faguet J P (2014), 'Decentralization and Governance', *World Development* 53, pp 2–13. <https://doi.org/10.1016/j.worlddev.2013.01.002>
- Faguet J P (2015), 'Transformation from Below in Bolivia and Bangladesh. Decentralization, Local Governance, and Systemic Change', LSE Working Paper No. 15–69. <http://eprints.lse.ac.uk/id/eprint/61170>

- Faguet J P, Fox A, Pöschl C (2015), 'Decentralizing for a Deeper Democracy and a More Supple State', *Journal of Democracy* 26, pp 60–74. <https://www.files.ethz.ch/isn/194601/WP173.pdf>
- Fox J (2014), 'Social Accountability: what does the evidence really say?', GPSA Working Paper No. 1. Global Partnership for Social Accountability, IBRD/World Bank, <http://gpsaknowledge.org/wp-content/uploads/2014/09/Social-Accountability-What-Does-Evidence-Really-Say-GPSA-Working-Paper-1.pdf>
- Gervasoni C (2010), 'A Rentier Theory of Subnational Regimes: Fiscal Federalism, Democracy, and Authoritarianism in the Argentine Provinces', *World Politics* 62, pp 302–340. <https://doi.org/10.1017/S0043887110000067>
- Gibbons S (2014), *Towards peace and security in dryland Kenya: The demand for a new approach* (Nairobi: Pastoralist Parliamentary Group and the Drylands Learning and Capacity Building Initiative) [http://www.dlci-hoa.org/wp-content/uploads/2015/03/Draft-Peace-and-Security-brief\\_PPG\\_DLCL\\_10th-Feb-2015.pdf](http://www.dlci-hoa.org/wp-content/uploads/2015/03/Draft-Peace-and-Security-brief_PPG_DLCL_10th-Feb-2015.pdf)
- Gibbons S, Roba G, Mahadi Y (2013), 'Booklet 3: Enabling Community Benefits from Sustainably Managed Drylands', IUCN ESARO, [http://www.fao.org/fileadmin/user\\_upload/drought/docs/Enabling%20community%20benefits%20from%20sustainable%20drylands.pdf](http://www.fao.org/fileadmin/user_upload/drought/docs/Enabling%20community%20benefits%20from%20sustainable%20drylands.pdf)
- Githae W (2017), 'National Treasury yet to release money to counties', *Daily Nation*, 30 September 30, <https://www.nation.co.ke/news/politics/National-Treasury-yet-to-release-money-to-counties/1064-4118998-qr95gkz/index.html>
- Government of Kenya (2012), 'County Government Act 2012', <http://crecokenya.org/new/index.php/resource-center/bills/174-the-County-government-act-2012>
- Greiner C (2016), 'Land-use change, territorial restructuring, and economies of anticipation in dryland Kenya', *Journal of Eastern African Studies* 10, pp 530–547. <https://doi.org/10.1080/17531055.2016.1266197>
- Hadenius A, Teorell J (2005), 'Assessing Alternative Indices of Democracy' in: Committee on Concepts and Methods – Working Paper Series.
- Hegre et al (2001), 'Toward a Democratic Civil Peace? Democracy, Political Change, and Civil War, 1816–1992' in *The American Political Science Review* 95 (1), pp 33–48 [http://www.uky.edu/~clthyn2/PS439G/readings/hegre\\_et\\_al\\_2001.pdf](http://www.uky.edu/~clthyn2/PS439G/readings/hegre_et_al_2001.pdf)
- Hermet G, Rose R, Rouquie A (Ed.) (1978), *Elections without choice* (New York: Macmillan)
- Herrera P M, Davies J, Manzano Baena P (2013), 'Principles of pastoralist governance and land management' In: *The Governance of Rangelands: Collective Action for Sustainable Pastoralism* (London: Routledge), pp 1–31. [http://cmsdata.iucn.org/downloads/governance\\_book.pdf](http://cmsdata.iucn.org/downloads/governance_book.pdf)
- Hicken A D (2007), 'How Do Rules and Institutions Encourage Vote Buying?' In F. C. Schaffer (Ed.), *Elections for Sale: The Causes and Consequences of Vote Buying*. Boulder: Lynne Rienner Publishers.
- Huntington S P (1991), *The third wave: democratization in the late twentieth century* (Norman: University of Oklahoma Press)
- Institute of Economic Affairs (no date). 'County Planning, County Budgeting and Social Accountability Fostering Social Accountability in Public Finance under Devolved Governance', Institute of Economic Affairs (IEA – Kenya), Nairobi, <http://uraia.or.ke/wp-content/uploads/2016/11/Brochure.pdf>
- IUCN (2011), 'The land we graze. A synthesis of case studies about how pastoralists' organizations defend their land rights', IUCN ESARO office, Nairobi, Kenya, pp viii, 48, [http://cmsdata.iucn.org/downloads/land\\_rights\\_publication\\_english\\_web.pdf](http://cmsdata.iucn.org/downloads/land_rights_publication_english_web.pdf)
- Jebet V (2018), 'Only 26 students from Isiolo County to join universities', *Daily Nation*, 8 February, <https://www.nation.co.ke/counties/isiolo/Only-26-Isiolo-to-join-universities/1183266-4296736-ulmie2/index.html>
- The Kenya Wildlife Conservancies Association (2016), 'The State of Wildlife Conservancies in Kenya Report 2016', [https://collaborativeconservation.org/media/sites/142/2018/01/State-of-Wildlife-Conservancies-in-Kenya-Report-\\_KWCA.pdf](https://collaborativeconservation.org/media/sites/142/2018/01/State-of-Wildlife-Conservancies-in-Kenya-Report-_KWCA.pdf)
- Kenya Wildlife Conservancies Association (2016), 'Community Land Act: A Win for Community Conservancies', 15 September, <https://kwkakenya.com/2016/09/15/community-land-act-a-win-for-community-conservancies/>
- Keefer P, Vlaicu R (1997), 'Democracy, credibility and clientalism', Policy Research Working Paper No. 3472, (Washington DC: World Bank)
- Khadiagala, G M (2010), 'Political movements and coalition politics in Kenya: entrenching ethnicity', *South African Journal of International Affairs* 17, pp 65–84. <https://doi.org/10.1080/10220461003763858>

- Khalifa Z K, Oba G (2013), 'Gaafa dhaabaa – the period of stop': Narrating impacts of shifita insurgency on pastoral economy in northern Kenya, c. 1963 to 2007', *Pastoralism: Research, Policy and Practice* 3 (14), <https://doi.org/10.1186/2041-7136-3-14>
- King E (2018), 'What Kenyan Youth Want and Why It Matters for Peace', *African Studies Review* 61 (1), pp 134–157, <https://www.cambridge.org/core/journals/african-studies-review/article/what-kenyan-youth-want-and-why-it-matters-for-peace/F53EF2AD123AD30727E883EoDoDC6BA2>
- Kochore H H (2016), 'The road to Kenya? Visions, expectations and anxieties around new infrastructure development in Northern Kenya', *Journal of Eastern African Studies* 10, pp 494–510. <https://doi.org/10.1080/17531055.2016.1266198>
- Land Rights Now (2016), 'Kenya passes long awaited law enabling communities to secure formal recognition of their land rights', 12 October, <http://www.landrightsnow.org/en/news/2016/10/12/kenya-passes-long-awaited-law-enabling-communities-secure-formal-recognition-their-land-rights/>
- Lehoucq F (2003), 'Electoral Fraud: Causes, Types, and Consequences', *Annual Review of Political Science* 6, pp 233–256.
- Lessmann C, Markwald G (2010), 'One Size Fits All? Decentralisation, Corruption and the Monitoring of Bureaucrats', *World Development* 38, pp 631–646. <https://doi.org/10.1016/j.worlddev.2009.11.003>
- Lewis T (2008), 'Bolivia's deepening crisis', SocialistWorker.org, 11 January, <http://socialistworker.org/2008/01/11/bolivias-deepening-crisis>
- Lind J (2018). *Devolution, shifting centre-periphery relationships and conflict in northern Kenya*. *Political Geography* 63, pp 135–147. <https://doi.org/10.1016/j.polgeo.2017.06.004>
- Lindberg S (2003), 'It's our time to "chop": do elections in Africa feed neopatrimonialism rather than counter-act it?', *Democratization* 14 (2), pp 121–40.
- Lindberg S (2010), 'What Accountability Pressures Do MPs in Africa Face and How Do They Respond? Evidence from Ghana', *Journal of Modern African Studies* 48 (1).
- Mann M (2005), *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press)
- Manzano P (2017), 'Development interventions on pastoralist areas: a new decision matrix to identify win-win situations and no-go zones', *The Solutions Journal* 9 (3), <https://www.thesolutionsjournal.com/article/development-interventions-pastoralist-areas-new-decision-matrix-identify-win-win-situations-no-go-zones/>
- Mati B M, Muchiri J M, Njenga K, Penning de Vries F, Merrey D J (2005), 'Assessing water availability under pastoral livestock systems in drought-prone Isiolo District, Kenya', International Water Management Institute, <http://ir.jkuat.ac.ke/bitstream/handle/123456789/3443/Assessing%20Water%20Availability.pdf>
- McCandless E (2012), *Peace Dividends and Beyond: Contributions of Social Services to Peacebuilding* (New York: United Nations Peacebuilding Support Office)
- Mercy Corps, (2011), 'Understanding Political Violence among Youth: Evidence from Kenya on the Links between Youth Economic Independence, Social Integration, and Stability'
- Ministry of Devolution and Planning, Council of Governors (2016), 'County Public Participation Guidelines', Nairobi, <http://www.devolutionplanning.go.ke/wp-content/uploads/2016/04/County-Public-Participation.pdf>
- Ministry of Devolution and Planning (2017), 'Policy on Devolved System of Government', [http://www.ke.undp.org/content/kenya/en/home/library/democratic\\_governance/devolution-policy.html](http://www.ke.undp.org/content/kenya/en/home/library/democratic_governance/devolution-policy.html)
- Mokku J G (2017a), 'Marginalised communities losing on opportunity: the need for efficiency of Equalization Fund', discussion brief, DLCI, <http://www.dlci-hoa.org/download/marginalised-communities-losing-on-opportunity-the-need-for-efficiency-of-equalization-fund/>
- Myerson R (2014), 'Constitutional Structures for a Strong Democracy: Considerations on the Government of Pakistan', *World Development* 53, pp 46–54, <https://doi.org/10.1016/j.worlddev.2013.01.005>
- National Council for Law Reporting (2010), 'The Constitution of Kenya, 2010', <http://www.wipo.int/edocs/lexdocs/laws/en/ke/ke019en.pdf>
- Ndemo B (2017), 'Creating jobs in times of population growth', *Daily Nation*, 18 December, <https://www.nation.co.ke/oped/blogs/dot9/ndemo/2274486-4232632-75b1g9z/index.html>

- Newsplex Team (2017), 'Two counties, Isiolo and Laikipia, have elected independent candidates as governor', *Daily Nation*, 10 August, <https://www.nation.co.ke/newsplex/jubilee-governor-races/2718262-4053204-d61vfz/index.html>
- Nizam R, Muriu A R (2015), 'One year on: review of County initiatives in public participation in the roll out of devolution', Kenya devolution no. 5, Washington DC: World Bank Group, <http://documents.worldbank.org/curated/en/187591468253782383/One-year-on-review-of-County-initiatives-in-public-participation-in-the-roll-out-of-devolution>
- Norris P (2014), *Why Electoral Integrity Matters* (New York: Cambridge University Press)
- O'Donnell G A (1998), 'Horizontal Accountability in New Democracies', *Journal of Democracy* 9 (3), pp 112–126.
- Omolo A A, Nizam R (2015), 'Practical approaches for County governments to facilitate public participation in the planning and budget process', Kenya devolution; no. 6, The World Bank, <http://documents.worldbank.org/curated/en/876231468184161519/Practical-approaches-for-County-governments-to-facilitate-public-participation-in-the-planning-and-budget-process>
- Ostrom E (1990). *Governing the commons. The evolution of institutions for collective action* (Cambridge: Cambridge University Press)
- Pavković A (2002), 'Recursive Secessions in Former Yugoslavia: too Hard a Case for Theories of Secession?', *Political Studies* 43, pp 485–502. <https://doi.org/10.1111/1467-9248.00271>
- Platteau J-P (2004), 'Monitoring Elite Capture in Community-Driven Development', *Development and Change* 35, pp 223–246. <https://doi.org/10.1111/j.1467-7660.2004.00350.x>
- Przeworski A, Stokes S C, Manin B (Ed.) (1999), *Democracy, accountability, and representation* (New York: Cambridge University Press)
- Przeworski A, Limongi F (1997), 'Modernization: Theories and Facts', *World Politics* 49 (2), pp 155–183.
- Roba G, Gibbons S, Mahadi Y (2013), 'Booklet 1: Strengthening natural resource governance in Garba Tula', IUCN ESARO, Nairobi, [http://www.fao.org/fileadmin/user\\_upload/drought/docs/Handbook%201%20Strengthening%20natural%20resource%20governance%20in%20GarbaTula.pdf](http://www.fao.org/fileadmin/user_upload/drought/docs/Handbook%201%20Strengthening%20natural%20resource%20governance%20in%20GarbaTula.pdf)
- Saferworld (2014), 'Masculinities, conflict and peacebuilding', October, <https://www.saferworld.org.uk/downloads/pubdocs/masculinities-conflict-and-peacebuilding.pdf>
- Saferworld (2016), 'Gender analysis of conflict toolkit', July, <https://www.saferworld.org.uk/resources/publications/1076-gender-analysis-of-conflict>
- Saferworld, (2018), 'The independent progress study on youth, peace and security: the first step on a long road ahead', April <https://www.saferworld.org.uk/resources/news-and-analysis/post/768-the-independent-progress-study-on-youth-peace-and-security-the-first-step-on-a-long-road-ahead>
- Scott-Villiers P (2017), 'Small wars in Marsabit County: devolution and political violence in northern Kenya', *Conflict, Security & Development* 17, pp 247–264. <http://dx.doi.org/10.1080/14678802.2017.1319696>
- Simpser A (2013), *Why Governments and Parties Manipulate Elections: Theory, Practice, and Implications* (Cambridge: Cambridge University Press)
- UNDP (2015), 'An integrated UNDP programme for the Devolution Process in Kenya', <http://www.ke.undp.org/content/dam/kenya/docs/Democratic%20Governance/Annual%20Report%20Devolution.pdf>
- UNDP (2017), 'Making Devolution Work', UNDP Kenya, [http://www.ke.undp.org/content/kenya/en/home/library/democratic\\_governance/making-devolution-work.html](http://www.ke.undp.org/content/kenya/en/home/library/democratic_governance/making-devolution-work.html)
- UN (2018), UN Security Council Resolution 2250, [https://undocs.org/S/RES/2250\(2015\)](https://undocs.org/S/RES/2250(2015))
- Van Ham C (2014), 'Getting elections right? Measuring electoral integrity', *Democratization* 22 (4), pp 714–737, <https://www.tandfonline.com/doi/abs/10.1080/13510347.2013.877447>
- Vicente P, Wantchekon L (2009), 'Clientelism and vote buying: lessons from field experiments in African elections', *Oxford Review of Economic Policy*, 25 (2), pp 292–305.
- Wanyama L L (2015), 'Media Control in Kenya: The State of Broadcasting under the New Kenya Information and Communication Act of 2013', *New Media and Mass Communication* 33, pp 17–22. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.679.8285&rep=rep1&type=pdf>

- Watakila F W (2014), *Pastoralism and Conflict Management in the Horn of Africa: A Case Study of the Borana in North Eastern Kenya*, MA Thesis, University of Nairobi, Institute of Diplomacy and International Studies. [http://erepository.uonbi.ac.ke/bitstream/handle/11295/94866/Watakila\\_%20Pastoralism%20and%20Conflict%20Management%20in%20the%20Horn%20of%20Africa:%20A%20Case%20Study%20of%20the%20Borana%20in%20North%20Eastern%20Kenya.pdf](http://erepository.uonbi.ac.ke/bitstream/handle/11295/94866/Watakila_%20Pastoralism%20and%20Conflict%20Management%20in%20the%20Horn%20of%20Africa:%20A%20Case%20Study%20of%20the%20Borana%20in%20North%20Eastern%20Kenya.pdf)
- Weingast B R (2014), 'Second Generation Fiscal Federalism: Political Aspects of Decentralization and Economic Development', *World Development* 53, pp 14–25. <https://doi.org/10.1016/j.worlddev.2013.01.003>
- World Bank (2012), 'Devolution without disruption – pathways to a successful new Kenya', <http://documents.worldbank.org/curated/en/385211468088448074/pdf/722970WP00PUBLOYa-ExecutiveoSummary.pdf>
- World Bank (2017), 'World Development Report: Governance and the Law', <http://www.worldbank.org/en/publication/wdr2017>
- Wood J (2016), 'Unintended consequences: DAC governments and shrinking civil society space in Kenya', *Development in Practice* 26, pp 532–543. <http://dx.doi.org/10.1080/09614524.2016.1188882>

---

## ANNEX: Research methodology

The research aimed to identify how to foster more inclusive approaches and peaceful outcomes to governance by better understanding how traditional institutions, national institutions, and newly decentralised county structures interact, and what that means for people across Isiolo. This was captured in the following overarching research objectives:

1. To assess the inclusiveness, quality and accountability of devolved governance institutions in Kenya.
2. To examine the contribution that increased institutional inclusion and accountability makes to peace and security at the local level.
3. To identify practical measures that national and county government institutions, international donors, and implementing partners can take to foster institutional inclusion and accountability.

To begin to meet these, we designed the following lines of enquiry:

1. What are the local needs of the different groups in the community?
2. What are the common services that people seek institutional support for?
3. What institutions, both formal and informal, are *available* for providing services and resolving disputes? How do these function?
4. What institutions are the most *used* by men and women in communities for providing services and resolving disputes, and why?
5. What are people's perceptions of the services and outcomes they receive?
6. For whom/which groups are these processes positive and inclusive; and who are excluded, and how?
7. What are the conflict repercussions of these experiences?
8. What demand or scope exists for improvements?

These were designed to capture the intentions, capacities, outputs and public perceptions of different institutions in order to offer a triangulated measure of their quality, inclusiveness and relationship to peace. They also directly informed the interview questions, below, that were used to conduct the focus group discussions (FGDs) and key informant interviews (KIIs). While it was important to cover all the questions, researchers remained flexible so that additional lines of enquiry could be pursued as they emerge. As a result, please consider the interview questions as a guide rather than a script.

### Interview questions:

#### **A) For FGDs (men and women separately):**

1. How is the devolution process going? What positive changes have you seen?
2. Do you feel included in the devolution process? Is devolution affecting all groups and individuals the same?
3. What new institutions are there to provide services in the county? (List)
4. Which do you trust, and why? (Prompts: accessibility, affordability, previous experience, likely outcome etc.)

5. What challenges do you face in accessing the right institutions? (Knowledge, language, discrimination, distance, cost etc.)
6. Do you feel these mechanisms are inclusive? Or is it easier for some people to access services than others? Who? Why/why not?
7. Do women face any particular challenges in accessing services here? Are there some issues that women do not usually report? Why?
8. Is there a link between access to government services and peace?
9. What would improve your access to services in this community?
10. What would improve your feeling of security here?

**B) For KIIs with community members who have personal experiences of a particular governance issue or devolution process (as an end-user).**

1. What was the nature of your issue?
2. Who did you consider going to in order to resolve this matter? Who did you ultimately take the issue to, and why?
3. What challenges did you face in accessing different institutional services?
4. How did the matter proceed? (plot the chain of events)
5. Did you feel the process was fair? Why/why not?
6. What was the outcome?
7. Did you feel the outcome was fair? Why/why not?
8. Did you feel that your identity (gender, ethnicity, religion, class, etc.) impacted on the process of outcome? Why?
9. Is there a link between access to government services and peace?
10. How do you think this governance issue could be improved in such cases in future?
11. What would improve your sense of security here?

**C) For KIIs with people who provide institutional services (elders, religious leaders, national government employees, county administrators, MPs etc.):**

1. How is the devolution process going? What changes have you seen?
2. What role do you play in delivering services in this community?
3. What types of issues are brought to you? And what process unfolds when someone brings an issue to you?
4. What are the other institutions that people might use? How do people decide where to take a particular issue?
5. Why do you think people come to you?
6. Do you deal with issues from a particular group in society or everyone (e.g.: men/women; different ethnic or religious groups, etc.)?
7. How are devolution processes being monitored in your institution?
8. Is there a link between access to institutional services and peace?
9. Is devolution affecting men, women and all ethnicities equally? If not, what would improve the inclusivity and quality of services for people in this community?

**Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity.**

**We are a not-for-profit organisation with programmes in nearly 20 countries and territories across Africa, the Middle East and Asia.**

**COVER PHOTO:** Samburu women walk home in Oldonyiro, Isiolo County.

© SAFERWORLD/WILL BENNETT

## **SAFERWORLD**

### **UK OFFICE**

The Grayston Centre  
28 Charles Square  
London N1 6HT, UK

Phone: +44 (0)20 7324 4646

Fax: +44 (0)20 7324 4647

Email: [general@saferworld.org.uk](mailto:general@saferworld.org.uk)

Web: [www.saferworld.org.uk](http://www.saferworld.org.uk)

### **KENYA OFFICE**

PO Box 21484-00505

1st floor Titan Plaza

Chaka Road, Nairobi, Kenya

Phone: +254 (0)20 2713603 /

2733250 /

2736480 / 84

Registered charity no. 1043843

A company limited by guarantee no. 3015948

ISBN 978-1-912901-01-2