



# TOWARDS A VIOLENCE-FREE 2022 ELECTION

## CONFLICT HOTSPOT MAPPING FOR KENYA





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## FOREWORD



Kenya faces numerous challenges that threaten its peace, cohesion and integration. The high intensity violent conflicts associated with ethnic-based political competition for state power and control over public resources have been identical to each election cycle. Since 1992, with the onset of multiparty politics in Kenya, all successive elections have been highly competitive and polarized, principally because political parties and coalitions are organized along ethnic or regional affiliations. This scenario has been replicated in 1997/1998, 2007/2008, 2012/2013, 2016/2017 and now 2021/2022. It is for this reason that institutions like the National Cohesion and Integration Commission (NCIC) was created in order to provide leadership and direction, by rallying all Kenyans, to coexist peacefully at all-times regardless of an election cycle.

Cognizant of Kenya's historical challenges around elections, the NCIC bespoke a national conflict hotspot mapping study, with the objective of acquiring a detailed understanding of the peace and security situation in the country in order to provide proper policy direction. With just about four months to the 2022 General Elections, the Commission deemed it necessary to have a current report that gives information on the issues, challenges, as well as opportunities around the electoral cycle.

The NCIC is pleased to release the first edition of Conflict Hotspot Mapping Study Report for Kenya – Towards a Violence Free Election. The report, which has covered 47 counties, was conducted between January and April, 2022. This study has posted a national Election Violence Index of 53.4%. Several counties stand the risk of electoral violence due to many fragilities they are exposed to.

The fragilities are both internal and external- based on an abroad-based index developed to draw to our research findings and conclusions. Currently, 16 counties stand a greater risk of electoral violence due to their high score, as compared to the other 21 whose index score was medium. Only eight (8) counties have a lower index. As referenced in this report, many potential fragilities or risks lie beyond the internal factors related to the electoral processes, but they are deeply entrenched into external factors such as the pre-existing issues, such as ongoing open conflicts.

Even with a mean index of just 53.4%, Kenyans still have a strong desire to have a peaceful election. Majority feel there is no justification for anyone to engage in violence, given the huge investments and opportunities lost following the 2007/2008 post-election skirmishes. Institutions, therefore, to undertake their mandates fully and mitigate the identified risks and triggers using multi-prong approaches. We are convinced that this study's findings and recommendations, will go a long way in informing policy and programme interventions that would prevent and avert electoral violence thus realizing a Violence Free Election.

Chairman



## ACKNOWLEDGEMENTS



As the country prepares for another General Election on 9<sup>th</sup> August, 2022, a spate of dangerous utterances with politicians stocking ethnic passions through public statements and social media posts have been witnessed. Whereas, stakeholders, such as yourselves, have done immense conflict management and peace-building work, we as the National Cohesion and Integration Commission (NCIC), fear that conflict scenarios witnessed in the past may repeat themselves.

In December, 2020, the NCIC launched its Roadmap to 2022 General Elections dubbed “Elections Bila Noma”. We have remained steadfast to this course, by regularly providing policy level information and advisories to all stakeholders in the electoral cycle. This Hotspot Mapping Report is one such effort with the aim of identifying key threats attributed to electoral violence in Kenya and churning out mitigation measures. The mapping exercise went through a rigorous consultative process through public consultations with citizens and stakeholders drawn from eight (8) regions i.e., Nairobi, North Rift, South Rift, Western, Nyanza, Coast, Central, North Eastern and Eastern regions.

I take this opportunity to acknowledge the invaluable contributions and policy guidance provided by the NCIC Commissioners in the development of this Report. Likewise, I would also thank the staff who were involved in the conceptualization of the conflict hotspot mapping study, data collection, analysis, drafting and the development of this report. Specifically, the Commission acknowledges the efforts by Ms. Millicent Okatch, Dr. Sellah King’oro, Ms. Jessica Otieno, Ms. Mary Kabiru, Ms. Nancy Mulu and Ms. Cynthia Shituku in providing the leadership and putting together this report, and to Peacebuilding Consultant Dr. George Kut for the substantive review of the report.

Finally, the Commission also wishes to express its gratitude to all stakeholders at the national and county levels for their invaluable co-operation at all stages of the research and development of this report, including consultation sessions for the study.



**Commission Secretary/CEO**



## EXECUTIVE SUMMARY

**E**lections in Kenya have been marred with politically instigated violence dating back to 1960. The history of violence is so deeply entrenched, that every time the country approaches General Elections, it is gripped with fear of a possible repeat of electoral violence.

The National Cohesion and Integration Commission (NCIC), a body instituted following the political violence emanating from the botched elections of 2007/2008, is cognizant of this fact, hence its resolve to remain alert and keep the country in check by providing real-time status report, conflict context and environmental scans across the 47 counties, especially as the country nears elections. It is for this reason that the Commission embarked on a nationwide hotspot mapping and assessment to acquire a detailed understanding of the peace and security situation in the country ahead of the 2022 General Elections. Specifically, the study sought to:

- i. Establish factors that are likely to trigger electoral violence across the 47 counties;
- ii. Map out county conflict hotspots with potential for electoral violence; and
- iii. Proffer recommendations on interventions that can prevent and mitigate electoral violence.

The study adopted a mixed methods approach and used a descriptive survey, to collect both qualitative and quantitative data, drawing from a sample of 1,914 for both survey, Focus Group Discussions (FGDs), Key Informant Interviews (KIIs) and Case Studies of 5 Counties perceived to be microcosms of the regions. The study period spans from January to April 2022 and a total of 1914 respondents and participants took part in the study.

Following the analysis of data from this study, the following findings were obtained:

## I. Kenya’s Vulnerability to Electoral Violence (National Violence Index- 53.4%)



Kenya’s national electoral violence index ahead of the 2022 August General Election stood at 53.43%. The vulnerabilities, which were divided into three composite sub-indices, included pre-existing conflict factors (53.58%); potential triggers (53.4%); and weak institutional capacities (53.32%).

## II. Kenya’s County vulnerability to Electoral Violence

Study findings showed varied indices for counties, with the lowest score being 29.7% for Embu County and the highest score of 79.85% for Nairobi County. The levels of vulnerabilities were classified into four main areas; i) Very High Risk (71% and above); ii) Medium High Risk (54% to 70%); iii) Medium Low Risk (36% to 53%); and iv) Very Low Risk (35% and below).

Six (6) Counties, Nairobi, Nakuru, Kericho, Kisumu, Uasin Gishu and Mombasa were categorised as high risk. Medium high risk were 10 counties: Narok, Marsabit, Laikipia, Lamu, Baringo, Isiolo, Meru, Nandi, Samburu and Bomet; and the remaining 21 counties ranged between medium low risk and low risk. The eight (8) low risk include: Embu, Nyandarua, Makueni, Busia, Taita Taveta, Tharaka Nithi, Kitui and Kajiado.

## III. Democratic governance in a state of predicament

According to the findings of this study, democratic governance in Kenya is in a state of predicament (71.57%), owing to rising levels of corruption, high levels of unemployment, lack of inclusivity within government appointments, poor implementation of constitutional provisions, a lack of separation of powers, slow judicial processes, and weak public institutions. The country, for example, has a weak legal framework for enforcing Chapter 6 of the Constitution of

Kenya (CoK) 2010, especially in the area of vetting of candidates.<sup>1</sup> This challenge is posed by the inadequate mechanisms for barring candidates who do not meet the vetting threshold envisaged in the Chapter.

The country also suffers from a proliferation of unethical leaders who are driven by greed for material wealth. It is a shame<sup>2</sup> that many people today have an unnecessary need to accumulate illicit wealth that results in negative impacts such as corruption, economic violence, and a surge of unethical conduct.

#### **IV. Reduced confidence in institutions charged to manage elections - Low trust**

The findings also indicate that Kenyans have low trust in some of the key institutions charged with elections management. For instance, Independent Electoral and Boundaries Commission (IEBC) was rated at 26%, Judiciary at 23%, and National Police Service (NPS) at 19%. All these three institutions did attain an average of 50%, thus demonstrating low trust.

#### **V. Organized Criminal Gangs**

The use of youthful and organized criminal gangs in protecting electoral turfs stood out as a key finding. The study revealed that the proliferation of youthful and organized criminal gangs, goons and militia was widely entrenched as a means of intimidating political opponents. The notorious criminal gangs are mainly supported by politicians most of whom, have already formed, armed and support the juvenile gangs to be on standby to cause violence if their preferred leaders do not make it to the ballot paper.

Another perspective is that organised criminal gangs have also taken a new dimension and character. Rather than being political sympathisers, young people who belong to organised militias and criminal gangs have in the current political dispensation emerged as general suppliers of violent force.<sup>3</sup> The current rise and dissemination of violence in informal settlements countrywide, is driven by these groups. The violence has turned against politicians believed to be the mobilisers of the same violence and can no longer control the youthful perpetrators.

#### **VI. Drug and substance abuse**

Closely related to organized gangs was the rampant use of drugs and substance by the youth, which is also conceived as a catalyst to electoral violence. Some 55.42% of the respondents felt that drugs and substance abuse has a direct influence on youths' participation in electoral violence.

#### **VII. Pre-existing conflicts**

1. *Remarks by the Retired Archbishop Eliud Wabukala, Ethics and Anti-Corruption Commission (EACC) Chairman during a symposium organised for the religious leaders and institutions on "The Place of Faith Leaders and Institutions in Promoting Peaceful Coexistence during the 2022 General Elections."* The symposium was organised by the National Cohesion and Integration Commission (NCIC) in partnership with the Inter-religious Council of Kenya (IRCK) in Nairobi on 27<sup>th</sup> October 2021

2. *Ibid.*

3. *See Mercy Corps Umoja Kwa Amani (March 2022). Report of the Scenarios Building, Context and Conflict Analysis Workshops held for the Counties of Nairobi, Kiambu, Uasin Gishu and Kisumu - A Facilitator's Report by George Kut,*

The study registered that pre-existing conflict factors provide a fertile ground for initiating electoral violence. These pre-existing conflict situations mostly take an inter-ethnic form with disputes over land, boundary, market, border, livestock, pasture and water among others and if not monitored and/or contained, could escalate to serious conflicts. Current scenarios in arid and semi-arid counties with open conflicts must be contained if the counties are to have peaceful elections.

### **VIII. Hate speech, propaganda and political rhetoric**

The study averred to the use of hate speech, careless and dangerous speech to ignite emotions and incite communities against each other, as a key trigger of electoral violence. Hate speech is usually propagated both in public off line spaces and online spaces including social media platforms and vernacular radio stations.

### **IX. Capacity of state and non-state actors' peace infrastructure**

Nearly half of the Kenyan (48%) population have strong faith in the capacity of the local state and non-state peace structures to address any emerging conflict issues in the upcoming General Elections. To tackle the negative unfolding electoral context, this report proffers the following key recommendations:

First, continuously enhance capacities of electoral management bodies and other stakeholders' for better response and coordination. Building capacity in our context means enhancing human resource, technology, financial support, strengthening existing policies and formulating new ones wherever gaps are identified. All these should be done in good time, and not just a few months to the elections. Responsible institutions charged with managing elections should carry out their mandates without interference. This would greatly boost the citizen's trust in these institutions and minimize Kenyans' vulnerability to electoral conflicts and violence.

Second, the public who are the citizens bear a huge responsibility in all the electoral processes. The environment should be conducive to enable their full participation. Once this is done, the citizens should strive to embrace full participation, observe the rule of law, resist manipulation, desist from engaging in hate speech and propaganda and use alternative dispute resolution mechanisms, in the face of conflicts and electoral disputes.

Third, the members of the fourth estate can make or break a nation by how they report. They hold crucial and sensitive information due to their wide reach and access. During electioneering period, Kenya experiences high octane of political activities, skewed with negative rhetoric, as observed in this report. We recommend that the media exercise conflict sensitive communication and reporting and exercise impartiality. They should also conduct citizen empowerment and civic education, package and disseminate information to relevant stakeholders dealing with elections and take up strict adherence to the code of conduct and media guidelines.

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*PhD.*

Fourth, this study established that the public had confidence in the Civil Society Organizations on the role they play in empowering the citizen on various issues including peace and cohesion. The study findings re-affirmed the existence of a robust peace infrastructure from national to county and to grass roots. The CSOs should capitalise on this, and scale up civic education and public awareness. They should actively be involved in building the institutional capacities and practices of political parties in the areas on intra-party dispute resolution mechanisms, embrace debunking of hate speech and fake news, adopt and support peace-messaging programmes, strengthen observation and monitoring of the electoral processes and lastly, implement programmes that aim at bettering community-security agency relations.

Fifth, this study established that drugs and substance abuse is a catalyst to electoral violence. The youth who are the majority of the perpetrators of violence, are also the abusers of drugs and substances. Drugs and substance abuse had a correlation with gang/organized group menace during the electioneering period. Institutions charged with the role of dealing with drugs, such as the security forces and NACADA, to enhance strict adherence to the national guidelines on alcohol and drug prevention, in order to deal with widespread unchecked drug and substance abuse within the Kenyan counties. We noted that majority of these drug and substance abusers are subsequently, used to perpetrate conflict and carry out acts of violence. The security forces, should crack the whip on the organized groups and gang menace.

In closing, the 2022 General Election presents an unfamiliar scenario to all peace practitioners in Kenya. The political allegiances seem to be shifting from ethnocentrism (ethnic based loyalty) to something not quite clear, time will tell. This implies that peace practitioners be alive to the fast-changing conflict dynamics and respond swiftly, forge close working collaborations, planning, conduct regular scenario mapping and reactivate early warning and early response mechanisms.

## ABBREVIATIONS AND ACRONYMS

<b>APP</b>	African Peoples Party
<b>BBI</b>	Building Bridges Initiative
<b>BVR</b>	Biometric Voter Registration
<b>CBOs</b>	Community Based Organizations
<b>CEO</b>	Chief Executive Officer
<b>CORD</b>	Coalition for Reforms and Democracy
<b>Covid-19</b>	Corona Virus Disease
<b>CSOs</b>	Civil Society Organizations
<b>EMBs</b>	Election Management Bodies
<b>ERM</b>	Electoral Risk Management
<b>FBOs</b>	Faith Based Organizations
<b>FGD</b>	Focus group discussions
<b>GoK</b>	Government of Kenya
<b>IDEA</b>	Institute for Democracy and Electoral Assistance
<b>IDPs</b>	Internally Displaced Persons
<b>IEBC</b>	Independent Electoral and Boundaries Commission
<b>KADU</b>	Kenya African Democratic Union
<b>KANU</b>	Kenya African National Union
<b>KEVI</b>	Kenya's Electoral Violence Index
<b>KEVI-C</b>	Kenya Electoral Violence Index – County
<b>KEVI-N</b>	Kenya Electoral Violence Index – National
<b>KII</b>	Key informant interviews
<b>KPRs</b>	Kenya Police Reservists
<b>KPU</b>	Kenya People's Union
<b>MoH</b>	Ministry of Health

<b>MRC</b>	Mombasa Republican Council
<b>NARC</b>	National Rainbow Coalition
<b>NCIC</b>	National Cohesion and Integration Commission
<b>NGOs</b>	Non-Governmental Organizations
<b>NPS</b>	National Police Service
<b>ODM</b>	Orange Democratic Movement
<b>ORPP</b>	Office of the Registrar of Political Parties
<b>PCA</b>	Principal Component's Analysis
<b>PEV</b>	Post-Election Violence
<b>PWDs</b>	Persons with Disabilities
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>SPSS</b>	Statistical Package for Social Sciences
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>VIP</b>	Very Important Person



## CHAPTER ONE

### SOCIO-POLITICAL DYNAMICS AROUND KENYA'S GENERAL ELECTIONS

#### 1.0 Background

Ancient Greeks envisioned that in a democratic state, people will rule themselves through direct personal participation of the citizen body in the government of the city-state (Goodwin & Jasper, 2003). While countries that embrace democracy enjoy widespread support, others remain fragile and beset by a multiplicity of problems.

Democracy requires that people be at the centre of decision-making processes. Kirkpatrick (1984) records that,

*“Democratic elections are not merely symbolic. They are competitive, periodic, inclusive, definitive elections in which the chief decision-makers in a government are selected by citizens who enjoy broad freedom to criticize government, to publish their criticism and to present alternatives.”*

Once people are placed at the centre, people resort less to fighting for survival but rather embrace the spirit of servitude.

The 1948 Universal Declaration of Human Rights (UDHR) provides that ‘everyone has the right to take part in the government of his/her country, directly or through freely chosen representatives. In his study of the American and Spanish Civil Wars, Drutman (2021) contends that in a democracy, losers must believe that no loss is permanent but presents an opportunity to regroup and build new coalitions to win the next election. At the same time, winners must accept that any win is also temporary and refrain from using their majority powers to accord themselves any permanent advantages. However, in most countries, losers dust off their sleeves, tell themselves how the election was unfair or stolen, and convince themselves that they will never be able to win again thus resorting to violence.

In Africa, Ghana signalled the first wave of democracy in 1957 by holding elections based on universal suffrage and without restrictions on candidature or party. After the independence euphoria, the ritual of elections continued in most parts of Africa from the 60s, 70s and 80s (Cheeseman, 2010).

According to Campbell and Quinn (2021), elections are the hallmark of democratic representative governments; as governments derive their authority solely from the consent of the governed. Mbaku (2020) registers that democracy in Africa has been badly hindered by the state’s control of the economy. As such, wealth has become synonymous with ascension into political office, thereby intensifying corruption and impunity. Several countries in the region still struggle to deepen and institutionalize democracy in their governments. Unfortunately, most have been associated with abuse of executive power and the violation of human rights.

Kenya, like most African countries, operates within a liberal democratic system. Since the 1980s, the struggle for political liberalization has formed a background for opening up political space to competitive politics (Kanyinga, 2014). Multi-party democracy in this country has been associated with the ethnicization of politics, political party coalitions around tribal power brokers and a fluid political landscape, which necessitates the formation, and disintegration of inter-ethnic alliances.

Since Kenya regained its independence in 1963, the development of democracy has also on the other hand, seen space for participatory democracy opened up through expanding political freedoms, periodic elections, free media, and general respect for the freedom of communication. The 2010 Constitution highlights democracy and participation of the people as key pillars of national values and principles of governance (GoK, 2010).

The 2010 Constitution provides for the reduction of presidential powers, creation of a devolved system of government where people are to effectively participate in the governance of their devolved units. Despite this, Kenya's electoral landscape is characterized by the instrumentalization of tribal identities and manipulation of ethnic grievances. In the words of Kanyinga (2014),

*'The political system is one in which ethnicity comingles with the electoral system to form a strong obstacle to democratic transitioning'*

Moreover, doubts have been cast at the efficacy of periodic elections as a way of guaranteeing democratic and responsive governance in Kenya, mainly because elections are treated as an event that is accomplished at the ballot rather than a process that encompasses the electioneering duration and beyond. Resnick (2021) observes that the outcome of the 2022 general elections in Kenya will significantly influence prospects for reversing democratic erosion. The threat of electoral violence, however, continues to rear its ugly head in every electoral cycle.

### The National Cohesion and Integration Commission (NCIC)

Successive elections held since the reintroduction of multiparty democracy in Kenya, have been accompanied by politically instigated ethnic violence. The history of this violence is deeply entrenched. Following the declaration of Presidential election results on December 30, 2007, Kenya saw serious electoral violence, resulting in the deaths of over 1,100 people, the displacement of 650,000 people, and the Country deeply divided. As a result, and following an intervention by an external mediator, a National Accord was signed, establishing the Agenda Four Commissions, including the National Cohesion and Integration Commission (NCIC).

NCIC is a statutory body established under the National Cohesion and Integration Act No. 12 of 2008. Establishment of the Commission recognised the need for a national institution to promote national identity and values, mitigate ethno-political competition and ethnically motivated violence,

eliminate discrimination on an ethnic, racial and religious basis and promote national reconciliation and healing. The Commission has continued to address numerous challenges that cause inter and intra-communal mistrust, tension and perennial conflicts caused by unequal distribution of resources, exclusion of minorities, boundary disputes, political incitement, clannism/nepotism and ethnic balkanization among others.

In executing its mandate, NCIC has made significant strides in the mission to tackle underlying issues affecting national unity, inclusion, tolerance for diversity and the delivery of peaceful elections. In the bid to mitigate electoral violence, the Commission developed and is implementing a Roadmap to a Violence-Free general election dubbed 'Elections Bila Noma.' At the heart of the Roadmap to a violent-free 2022 elections, is the commitment by NCIC to join hands with other partners and bring to life five transformative actions to curb identified roadblocks to peaceful elections in Kenya.

## 1.2 Rationale for the Study

Kenya boasts of its elaborate peace infrastructure including the wide range of laws, policies, strategies, roadmaps, institutional structures and other mechanisms for addressing conflicts. With just a few months to the next General Election, the country is already experiencing heightened political temperatures manifested through hate speech and incitement to violence, political intolerance and other acts of violence. In fact, past electoral cycles have demonstrated the prevalence of such acts, which create a ripple effect within the community, often times leading to electoral violence.

The upcoming 2022 general election draws parallels to the 2007 election. First, there is a competitive quest for the Presidency with the incumbent endorsing the main opposition leader. The truce between the president and the opposition leader is seen to destabilise existing political alliances thereby complicating the dynamics of succession politics. Second to the Presidency, Gubernatorial positions are equally highly contested between various political parties/coalitions. Currently, the 10-year terms of 22 governors are ending, making the transition extremely competitive and complex.

The 2022 election comes at the heel of the global COVID-19 pandemic, which has left adverse social, psychological and economic consequences in its wake. The pressure from these effects coupled with rising economic burdens has left Kenyans living on the edge; the slightest trigger will easily provoke people to violence. Moreover, the trauma of the 2007/2008 Post Election Violence (PEV) and the reality of unresolved grievances still lingers in the minds of Kenyans.

With this prevailing situation, it is feared that if appropriate action is not taken in good time, the potential for electoral violence is in sight. The centrality of these issues prompted the National Cohesion and Integration Commission to undertake a study to map out the likelihood of electoral violence in the different Counties of Kenya towards the realisation of an 'Elections Bila Noma.'

### 1.3 Objectives

The main purpose of the conflict hotspot mapping exercise was to acquire a detailed understanding of the peace and security situation in the country, to inform programming for prevention of electoral-violence ahead of the 2022 General Elections.

More specifically, the study sought to:

1. Establish the factors that are likely to trigger electoral violence;
2. Identify conflict hotspots in Kenya by mapping the likelihood of electoral violence in the various counties; and
3. Proffer recommendations on interventions that can prevent and mitigate electoral violence.

### 1.4 Methodology

Shaped by a socially constructed knowledge claims in which the goal is to rely as much as possible on the study of participants' views of conflict, peace and election violence. This methodology values and emphasises the citizens' experience and how they construct their views on, and reflections about, the 2022 elections. Issues of importance to the study, therefore, emerged from the stories that they told about their experiences with elections in Kenya.

This study utilised a descriptive survey method by adopting cross-sectional mixed design approach, to answer the various research questions. The use of both quantitative and qualitative methodologies was to enable triangulation of data. The mixed methodology was done by administration of questionnaires, focus group discussions (FGDs) and key informant interviews (KIIs). The study period spanned from January to April 2022.

#### 1.4.1 Sampling

To arrive at the sample size, the study utilized the Taro Yamane (1967) method for sample size calculation. This formula posits that the sample size criteria is arrived at through combining the level of precision, the level of confidence or risk and the degree of variability in the attributes being measured.

$$n = \frac{N}{1 + N(e)^2}$$

where: n signifies the sample size; N signifies the population under study; and e signifies the margin error

Kenya's population is 52,570,000 as per Kenya and Housing Population Census, 2019. With a confidence level of 97% and a margin of error of 3%, the Yamane formula generated a sample size of 1,849 people. The study reached a total of 1,914 research respondents and participants as illustrated in the table below.

Table 1: Sample Size

	Data Collection Method	No. of Research Participants
1	Questionnaire	1,538
2	Focus Group Discussions	336
3	Key Informant Interviews	40
	<b>TOTAL</b>	<b>1,914</b>

### 1.4.2 Data Collection

To arrive at the study findings, the exercise utilized questionnaires, FGD schedules and interview guides to collect data. The primary population in this study targeted citizens above 18 years. Two sampling methodologies were used. i.e., random census sampling for survey respondents, and purposive sampling for FGD discussants and key informants.

#### 1.4.2.1 Focus Group Discussions

FGDs comprised of collection of views, and investigation of the specific conflict context as shared by the participants. This amplified the understanding of conflict situations because it brought out diverse perspectives on multiple aspects of conflicts. A participatory approach was employed to build consensus on all the issues discussed.

The study reached out to 336 FGD participants drawn from the local community peace structures. They included, county peace committee, cross-border peace committee, county peace forum, village elders and Nyumba Kumi<sup>4</sup>, Civil Society Organisations (CSOs), Community Based Organisations (CBOs) and Faith Based Organisations (FBOs), as well as representatives of the local administrators, youth, women, Persons With Disabilities (PWDs), transport sector, media and the business community from the 47 counties . The table two below presents the FGD participants.

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4. Nyumba Kumi is an initiative aimed at bringing Kenyans together in clusters defined by physical locations to promote social cohesion and achieve security and peace

Table 2: FGD Participants by County

Region	Counties	Total	Region	Counties	Total
Coast	Kwale	33	Western	Bungoma	40
	Taita Taveta			Vihiga	
	Mombasa			Busia	
	Kilifi			Kakamega	
	Lamu				
Nairobi	Sub-counties	32	Eastern	Marsabit	40
	Dagoretti North			Isiolo	
	Kibra			Meru	
	Starehe			Tharaka Nithi	
	Embakasi West			Embu	
	Embakasi East			Kitui	
	Westlands			Machakos	
	Mathare			Makueni	
	Kamukunji				
	Langata		North Eastern	Mandera	40
	Nairobi CBD		Wajir		
			Garissa		
	Nyanza		Nyamira	42	Rift Valley
Kisii		Turkana			
Migori		Uasin Gishu			
Homa Bay		Elgeyo Marakwet			
Kisumu		Baringo			
Siaya		Nakuru			
		Samburu			
Central	Murang'a	40		Narok	
	Nyeri				
	Kirinyaga				
	Nyandarua				
	Kiambu				

#### 1.4.2.2 Questionnaires, Gender and Age Composition

A structured survey tool was developed and distributed both online and in person to a cross-section of a randomly selected sample across the 47 counties of Kenya. A total of 1,538 respondents filled in the questionnaire. With regard to gender, 61% of the respondents were male, while 39% were female. Majority of the respondents (43%) were aged between 25 to 35 years

as illustrated below:

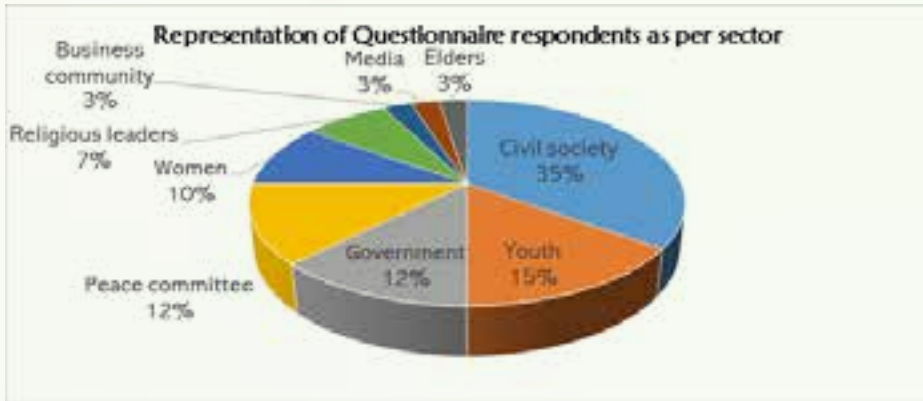


Figure 1: Research respondents by profession

Majority of the respondents were from the Civil Society sector (35%), 15% were youth; 13% of the respondents were from the government and another 13% from peace committees; another 13% were members of peace committees. Other representations were religious leaders, media personalities, elders and the business community with 8%, 3%, 3%, and 2% respectively.

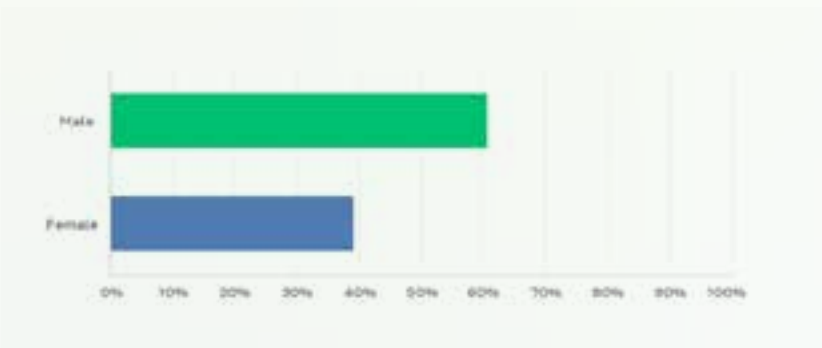


Figure 2: Respondents by Gender

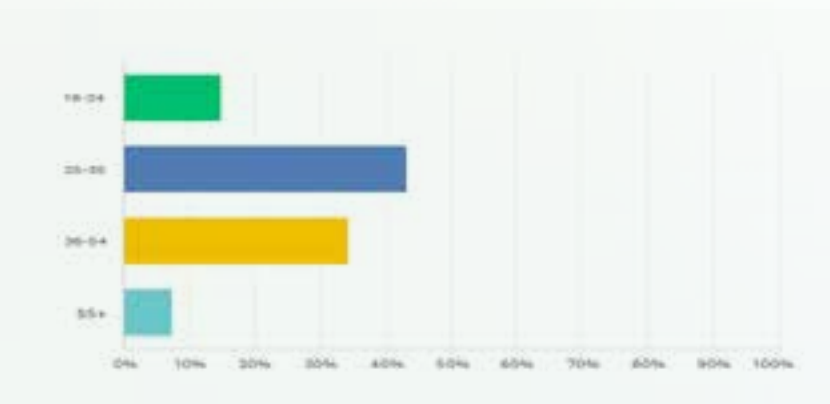


Figure 3: Respondents by Age



### 1.4.2.3 Key Informant Interviews

The study employed open-ended questions through a semi-structured interview guide while conducting KII interviews. Those interviewed included inter alia County commissioners, intelligence officers, police agents, and opinion leaders reaching 40 participants across eight regions namely: Coastal, Nairobi, Nyanza, North-Eastern, Central, Rift Valley, Eastern and Western regions.

### 1.4.3 Data Analysis and Presentation

Data analysis was done using both descriptive and narrative techniques. Statistical Package for Social Sciences (SPSS) was used in data management and analysis deriving totals, frequencies and percentages. Qualitative data was analysed using the thematic summaries and categories to derive conclusions. While quantitative data was reported in the form of tables, graphs and charts, the qualitative findings were conveyed using narrations, excerpts and verbatim quotes.

### 1.4.4 Trustworthiness of the Study

Prior to the actual study, a pilot study was conducted with the aim of improving the study tools as a measure of enhancing trustworthiness of the study. In addition, deliberate attempts were used to minimize errors and biases by ensuring all participants had an equal chance of responding to the survey questions. While random sampling was adopted in the survey, FGD participants and the interviewees were purposively selected based on their knowledge, roles and experience in peace building.

### 1.4.5 Research Ethics

Several ethical factors were considered in the course of conducting this study such as informed consent, freedom to withdraw from the research process, identifying a good location for carrying out the FGD and KIIs, etc. Since the study was handling a sensitive subject matter, the researchers guarded against causing emotional discomfort through the questions asked, especially when probing for more answers. Researchers ensured the principle of confidentiality by withholding the identity of research participants in order to uphold their privacy and dignity.

## 1.5 Structure of Report

This study is divided into five chapters. The first chapter sets the background and tone by outlining the study objectives, rationale and methodology. The second chapter presents a brief literature review on Kenya's elections history, as well as explicating the construction of Kenya's Electoral Violence Index (KEVI). Chapter three, explains KEVI at national level by exploring democracy, media and election violence and preparedness of institutions as key factors.

Chapter four, on the other hand, discusses KEVI at county level by also explicating electoral violence factor across the counties. Finally, chapter five offers conclusion and recommendations.

## 1.6 Definition of Terms

### Democracy

Democracy is a government in which the supreme power is vested in the people. In some forms, democracy can be exercised directly by the people. In large societies, it is by the people through their elected agents.

### Democratic Governance

A democratic system of government is a form of government in which supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodic free elections.

### Electoral Violence

Election-related violence is, most fundamentally, a form of political violence that aims to influence the conduct of an election, usually to influence its outcome. It is about power – holding it, winning it or protesting how it has been won and involves any use of force with the intent to cause harm or the threat to use force to harm persons or property involved in the electoral process.

### Principal Component Analysis (PCA)

Principal component analysis, is a statistical procedure that allows you to summarize the information content in large data sets by means of a smaller set of “summary indices” that can be more easily visualized and analyzed but still contains most of the information in the large set.

## CHAPTER TWO

### A PREVIEW INTO KENYA'S ELECTIONS

#### 2.0 Introduction

This chapter presents a brief literature review on Kenya's elections history and explains the steps followed in deriving Kenya's Electoral Violence Index (KEVI).

#### 2.1 The History of Elections in Kenya

##### 2.1.1 Pre-Independence Elections

The Kenyan African population cast their vote for the first time in 1957 during the country's legislative elections. The first elections in the British colony took place in 1920 where they voted for eight African seats in the parliament, which previously had 14 seats for Europeans, six seats for Indians, one for Arabs and six seats for the Africans.<sup>5</sup> From 1960 to 1963, in the years leading to independence, the contest was mainly between the two nationalist political parties, the Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU), competing for the Senate, Parliamentary or Regional assembly seats. The competing political ideologies were for a Centralist Government as espoused by KANU and Majimbo (Federalism) as propounded by KADU. Although there were other parties such as Paul Ngei's African Peoples Party (APP), and Sir Michael Blundell's New Kenya Party, the real supremacy battle was between KANU and KADU<sup>6</sup>.

The first universal suffrage was held in 1961 and pre-independence political party, the Kenya African National Union (KANU) won majority seats in the expanded 65-seat parliament despite the European dominance.

In 1963, KANU consisted of the Agikuyu and Luo led by Jomo Kenyatta, Jaramogi Oginga Odinga and Tom Mboya, among others. KADU was led by Ronald Ngala, Daniel arap Moi, Masinde Muliro and Martin Shikuku and was composed of the Coastal peoples, the Kalenjin of the Rift Valley and parts of Western Province with the Bukusu and a smattering of other Luhya sub-tribes. The small communities, fearful of domination by the two largest communities at the time –the Agikuyu and the Luo –had come together in KADU and wanted Kenya organized into a US style federal state with six autonomous regions. KADU actually got their way at Lancaster House. KANU won majority seats and the country saw its first African Prime Minister in the person of Jomo Kenyatta. This led to independence in 1964 and Kenyatta became the first President.

##### Post-Independence Elections

Kenya was established as a republic in December 1964, when Kenyatta was elected Kenya's first President the same month. Jaramogi Oginga Odinga became the first Vice President. A disagreement between the President and

5. <https://www.africanews.com/2017/10/25/a-look-at-kenya-s-elections-history-since-independence-in-1964/>

6. <https://www.theelephant.info/reflections/2017/11/09/elections-and-violence-the-kenyan-case/>

his first Vice President led to the withdrawal of Jaramogi Oginga Odinga from Kenyatta's KANU party in 1966, and to the formation of the Kenya People's Union (KPU) party together with his supporters in parliament. This dissent established the ethnic divisions along party lines with the Kikuyu majority supporting KANU and the Luo backing KPU.

A by-election was held that year after a constitutional amendment to allow the breakaway for KPU to stand for elections. Six of the by elections were held in Central Nyanza District (today Kisumu and Siaya). During the electioneering period, the KPU aspirants were not wholly granted licenses for campaign and their passports were impounded. The Voice of Kenya radio also imposed a news blackout on the KPU activities. KPU won majority of votes but KANU won majority of seats. The Senate was abolished subsequently and the House of Representatives transformed into the National Assembly. KANU and KPU were expected to be at loggerheads during the 1968 local Government elections but this did not happen as the returning officers refused to accept nomination papers from all KPU candidates. Consequently, all KANU candidates were elected unopposed.

The unicameral legislature voted to extend its five (5)-year tenure to six (6) following the merger of the Upper House (Senate) and Lower House (Parliament), which resulted to the rescheduling of the 1968 general elections to 1969.<sup>7</sup> The Country's tranquility was shattered on July 5 1969, when Tom Mboya was shot dead in a Nairobi street. Earlier, in January 1969 Foreign Minister Clement George Michael (CMG) Argwings-Kodhek died in a mysterious road accident in Nairobi. The assassinations of prominent Luo politicians and the banning of Odinga's KPU and his detention in 1969 relegated Nyanza province into a conflict with the Kenyatta regime (Odhiambo - Atieno, 2004). Kisumu and Homa Bay bore the brunt of the protests and demonstrations with police shootings and killings.

### 2.1.2 One-Party State Era

Kenya was transformed into a one-party state in 1969 following the ban of KPU leaving KANU as the only party that won all seats in 1969, 1974, 1979, 1983 and 1988 elections.

Kenyatta died in office in 1978 and Daniel arap Moi who was the Vice President then, became the second President. When Daniel Moi took office in 1978 following the death of Kenyatta, he pursued policies that benefitted (parts of) his own ethnic group, the Kalenjin, while excluding individuals from other ethnic groups from gaining public office or access to state.

President Daniel Moi's rule was characterised by the personalization of state power, and the articulation of the political interests of the ruling elite, which led to the massive plunder of state coffers and heightened the demand for constitutional and institutional reforms in the Country. Moi engaged in the divide-and-rule tactic thereby playing the ethnic card instituted by President Kenyatta into Kenya's political contest. Moi established a firm grip,

7. <https://www.theelephant.info/reflections/2017/11/09/elections-and-violence-the-kenyan-case/>

consolidating power under a single party and ruling the country with an iron fist particularly in response to the failed coup attempt in 1982 fronted by junior Airforce officers. The failed coup gave birth to a draconian regime that brutally dealt with dissenters.

In December 1991, the one-party regime of President Daniel Arap Moi capitulated to internal and international pressure to legalize a multi-party system. In 1992, President Moi restored multiple party politics. He won that year's elections in which there was post-election violence especially in the western part of the country.

### 2.1.3 Democracy under Multi-Partyism in Kenya

The 1997 general elections were organized against a backdrop of an unrelenting quest for change of the Moi regime. The opposition parties, much divided against a common adversary, KANU, could not front a strong opposition against the then incumbent, President Moi. The electoral campaign during this election had exhibited signs of looming violence. Electoral malpractices such as vote rigging were observed during this election. Besides, electoral violence was witnessed in towns like Mombasa and Eldoret where people lost lives while others were internally displaced especially in the Rift valley, Nyanza, Western and Coastal regions (Brown, 2011:127; Akiwumi Commission, 1999:2).

The rather peaceful general election of 2002, was often termed as a 'transition election.' During this election, President Mwai Kibaki, under the National Rainbow Coalition (NARC) umbrella, secured a landslide victory winning against KANU which fronted Uhuru Kenyatta as the Presidential candidate. This election provided the opportunity for a transition from Moi's authoritarian regime to a democratic regime (Brown, 2004:328).

NARC which formed government in 2002 fell apart midway Kibaki's first term with factions led by Raila Odinga and another by Kibaki himself. The contest for 2007 elections saw Raila Odinga fronted by Orange Democratic Movement (ODM) compete against President Kibaki who rode on the Party of National Unity's (PNU) ticket to defend his second term in Office. Candidate Uhuru Kenyatta, who was then Opposition leader in Parliament, backed Kibaki to win the 2007 elections against Raila Odinga.

The 2007 elections declaration was contested by ODM and resulted in post-election violence in which over 1,300 people were killed and more than 600,000 displaced. A mediation process led to a ceasefire that paved ways for negotiations to form a coalition government involving Raila-led group on one side and Kibaki-led group on the other. The 2008 National Accord and Reconciliation Act saw Kibaki retain his seat as President and made Raila Odinga the Prime Minister, with Uhuru Kenyatta and Musalia Mudavadi his deputies.

Uhuru Kenyatta then in government and William Ruto in opposition were later to be indicted by the International Criminal Court in 2011, for incitement to ethnic violence and crimes against humanity.<sup>8</sup> Both Uhuru and Ruto united to form government in 2013 with Uhuru as President and Ruto as Deputy President. The charges were later dropped against Kenyatta and Ruto in December 2014, and April 2016, respectively due to lack of evidence.

The 2013 elections were significant in that they were the first elections after the promulgation of the Constitution in August 2010. Uhuru Kenyatta defeated Raila Odinga, whose party won most seats in the National Assembly. These elections were contested because coalitions were seemingly formed along ethnic and regional lines. There were reported incidents of electoral malpractices including voter bribery, party hopping, hate speech and the most significant being the failure of the Biometric Voter Registration (BVR) equipment to capture and transmit the results to the national tally centers, especially for the Presidential elections.

The Coalition for Reforms and Democracy (CORD), having lost the election, moved to the Supreme Court to challenge the results and the Supreme Court upheld the election results. The Supreme Court ruled that the elections were conducted in compliance with the Constitution and the law, that Uhuru Kenyatta was validly elected as President, and that the rejected votes ought not to have been included in the calculation of the final tally in favour of each presidential candidate<sup>9</sup>.

Kenya's August 9th 2017 general election had Uhuru Kenyatta declared by the Independent Electoral and Boundaries Commission (IEBC) as the winner of the Presidential elections with over 54 percent of the votes cast. The Supreme Court however, nullified the elections after a successful petition by ODM party led by Raila Odinga. In compliance with court orders, the IEBC scheduled fresh elections, which Raila Odinga boycotted citing electoral malpractices not addressed. Uhuru Kenyatta won the elections to retain his Presidency.

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8. [http://www.knchr.org/Portals/0/Reports/Waki\\_Report.pdf](http://www.knchr.org/Portals/0/Reports/Waki_Report.pdf)

9. <https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1026/Elections-in-Kenya>



## 2.1.4 Incidences of Electoral Violence in Kenya since 1992

Table 3: Effects of Election Violence in Kenya

Elections	Incidences	Deaths	Displacements	Property Destructions
1992	Clashes between supporters of the ruling Kalenjin-dominated KANU and members of 'pro-opposition' ethnic groups.	Approx. 1,000	56,000	Not known
1997	KANU supporters attacked 'outsider' ethnic groups from the then Coast Province. Also clashed with armed Kikuyu Community members in Rift Valley.	200 <sup>1</sup>	100,000	Not Known
2002		325 <sup>2</sup>		
2007/08	Dispute over the election results	1,200 – 1,500	700,000	Tens of thousands houses and businesses were looted or destroyed
2013	Mombasa Republican Council (MRC) secessionists attacked and killed people in Mombasa and Kilifi Counties <sup>3</sup> .	13	0	none
2017	Killings from public protests following the repeat presidential elections – most affected areas were Nairobi and Kisumu cities.	45	0	Mass destruction of houses, infrastructure like railway line, road ramps, looting

## 2.2 Construction of the Kenya Electoral Violence Index (KEVI)

### 2.2.1 Variable Selection

This section summarizes the broad steps used to compute the Kenya Electoral Violence Index. Extensive literature review was undertaken, with particular reference to the Institute for Democracy and Electoral Assistance (IDEA) literature on Electoral Risk Management tool (ERM). This tool has outlined 26 internal and 10 external risk factors that could trigger violence in electoral processes.<sup>10</sup>

The first step was selecting key variables relevant to Kenyan's context. Therefore, the study selected items with face validity and appropriate to measuring electoral violence. Critical to this process, was the consideration that the items must be present only in one dimension of the concept of measurement (Unidimensional). The next step was to classify the factors into three broad categories i.e., Institutional Capacities; Electoral Violence Triggers; and Pre-existing Conflict as outlined in the table below.

10. IDEA. (2013). *An Overview of the Electoral Risk Management Tool (ERM Tool)*. <https://igualdad.ine.mx/wp-content/uploads/2020/11/Overview-Electoral-Risk-Management-Tool.pdf>



## 2.2.2 Literature Review on the Factors influencing Electoral Violence

Table 4: Factors influencing Electoral Violence

Dimensions	Dimensions of Election Violence
<p><b>Triggers</b></p>	<p>For any conditions to effectively lead to violence within or outside the electoral cycle, they must be exploited by triggering factors.</p>
	<p>An incumbent’s fear of losing power as a result of an election, as well as institutionalized constraints on the incumbent’s decision-making powers, are pivotal in his/her decision to use election violence.</p>
	<p>Contesting an election can be a trigger that sprouts violence. Since the return of multi-party politics, losers have contested the results of three out of four general elections.</p>
	<p>Politicians often foment violence before elections to reduce competitiveness and, hence, increase their chances of winning. Given that fear and intimidation may be used to prevent voters from casting their ballots, many case studies, as well as anecdotal evidence, suggest that electoral violence has a suppressive effect on voter turnout.</p>
	<p>Election violence is informed by rampant hate speech intended to incite violence against certain groups. These may be circulated online, through mainstream media as well as directly.</p>
<p><b>Pre-existing conflict factors</b></p>	<p>In some countries, election violence occurs on the background of large-scale violence, which is already present due to unresolved long-standing grievances.</p>
	<p>The presence of pre-existing social conflicts, such as ongoing conflicts over land or other resources also increases the likelihood of election violence. While this relationship can have several explanations, one appears to be the tendency for politicians to adopt the grievances of conflicting factions into their campaigns.</p>
	<p>For locally dominant parties, violence is a tool to shrink the democratic space in their strongholds and maintain territorial control by use of organized gangs.</p>
	<p>Impoverished youths then often provide a source of electoral thugs for political entrepreneurs</p>
	<p>Depending on the nature of mobilization during elections. These youths are often mobilized along</p>
	<p>ethnic lines and while those in power promise to improve their lot as they are ‘better placed’ to</p>
	<p>know what they need and how to go about giving it to them, opposition rhetoric usually focuses</p>
	<p>on the reasons why the ruling party is the principal foe of the youth, the poor and the</p>
	<p>Unemployed (even though mostly true) and should be removed by all means necessary.</p>
	<p>Former concerns such issues as societal inequalities, frustration among the youths as a result of employment and the hijacking of all opportunities by ruling cabal, are proximate causal factors of election violence.</p>
<p>Election violence is informed by rampant hate speech intended to incite violence against certain groups. These may be circulated online, through mainstream media as well as directly.</p>	
<p>The high presence of small arms and light weapons in the political systems pushes the political actors to resort to violence while asserting their positions and interests.</p>	

Dimensions	Dimensions of Election Violence
<b>Institutional Capacities</b>	The weakness of democratic institutions such as the electoral management bodies (EMBs) is a cause of election violence. He flagged out the IEBC’s institutional weakness that led to perceptions of rigging in 2007, the police in Sierra Leone, the Malawi Election Commission and Sri Lanka’s democratic institutions.
	Unitary states with majoritarian electoral systems, semi-parliamentary regimes and weak state capacity are most at risk of experiencing electoral violence.
	Elections in “dangerous places” - i.e. countries with weak institutions and deep social cleavages - often act as a trigger of civil war.
	The institutional weakness of Malawi’s secular civil society was seen as an important factor in the 2014 elections.

### 2.2.3 Examining Empirical Relationships

The second step in the development of the index examined the empirical relationships among the identified factors. The study found out that the items could be categorized in three general groups namely; Potential Triggers, Weak Institutional Capacities and Pre-existing Conflict Factors. Relationships were not only established between the various factors in each category, but there was acknowledgement that some variables fell in more than one category. For instance, the aspect of county governments of Kenya enacting peace policies was both a legal and a political issue; drug and substance abuse could fall in the security ambit as well as social and among many others.

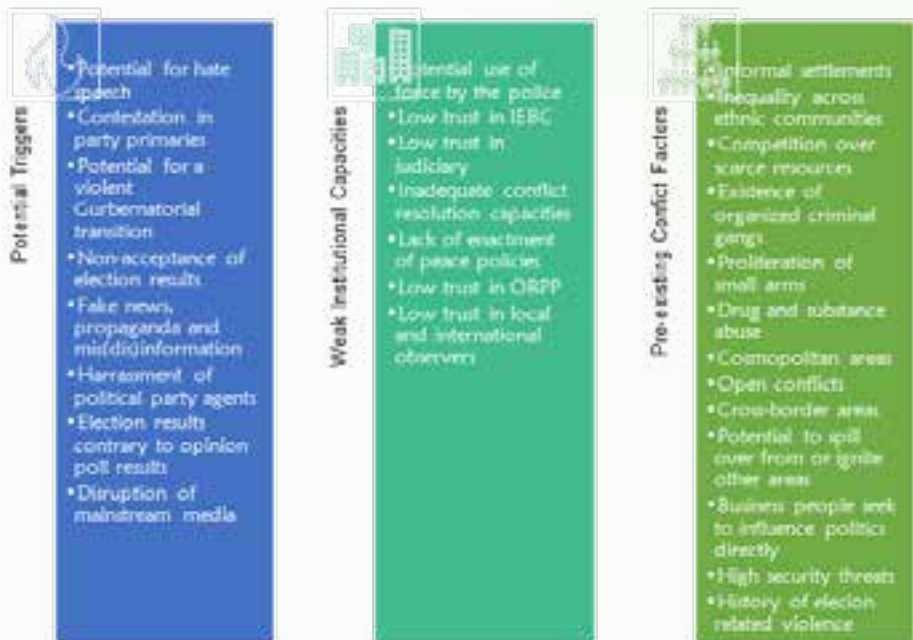


Figure 4: Variables of Electoral Violence categorized in three groups

### 2.2.4 Index Scoring

The third step was scoring the index using the Principal Component Analysis (PCA) technique. Indicator variables were identified from a large list of composite indicators. Under the Trigger factors, eight (8) variables were considered; Institutional Capacities with seven (7) key variables and finally 13 variables were considered for Pre-existing Conflict. It is important to note that in our analysis, the triggers were deemed external threat factors, while institutional capacities and pre-existing conflict were conceived as internal factors.

The variables were subjected to the attitudes and perceptions Linkert scale and then evaluated for inclusion or exclusion in the measurement of the sub-indices.

Table 5: Principal Components Analysis of the identified risks factors

	Factor	Eigen Value	PCA Weight
<b>Weak Institutional Capacities</b>	Potential use of force by the police	2.39	Significant
	Low Trust in the IEBC to deliver a free and fair election	2.96	Significant
	Low trust in judiciary/ court processes	2.54	Significant
	Pre-existing local capacity to manage violence/conflict	2.71	Significant
	Enactment of County government policy on peace	2.73	Significant
	Low trust in local and international observers	0.61	Low weight
	Low trust in the office of the Registrar of Political Parties	0.92	Low weight
<b>Pre-existing Conflict Factors</b>	A History of election related violence	1.07	Low weight
	Existence of Organized criminal gangs	2.75	Significant
	Proliferation of Illicit firearms	2.93	Significant
	Drug and substance abuse	2.50	Significant
	High security threats	1.25	Low weight
	Multiethnic counties/ areas/ cosmopolitan areas	2.81	Significant
	Ongoing open conflicts including cattle rustling, inter-ethnic violence etc.	2.92	Significant
	Cross-border areas with divergent political affiliations	2.72	Significant
	Potential to spill over from other areas or potential to ignite other areas	2.92	Significant
	Informal settlements	2.07	Significant
	Inequality across ethnic communities	2.67	Significant
	Competition over scarce resources	2.63	Significant
	Businesspeople seek to influence politics directly	1.32	Low weight

	<b>Factor</b>	<b>Eigen Value</b>	<b>PCA Weight</b>
<b>Potential Triggers</b>	Fake news, propaganda and mis(dis)information	2.41	Significant
	Potential for hate speech - Links to key dominant political leaders	2.45	Significant
	Likelihood of contestation during political party primaries/ nominations	2.55	Significant
	Term of Governor has come to an end and there is potential for a violent transition	3.14	Significant
	Non- Acceptance of election results	2.80	Significant
	Disruption of mainstream media	1.64	Low weight
	Election results contrary to opinion poll results	0.52	Low weight
	Harassment of political party agents	0.79	Low weight

## CHAPTER THREE

### THE KENYA ELECTORAL VIOLENCE INDEX – NATIONAL

#### 3.0 Introduction

This Chapter explores Kenya's potential vulnerabilities with regard to electoral violence ahead of the upcoming General Election in August 2022. It presents the Kenya Electoral Violence Index – National (KEVI-N) Country average, whilst highlighting the specific catalysts of electoral violence. Further, the chapter assesses the status of democracy in Kenya and also discusses the factors contributing to its strengths and/or weaknesses.

#### 3.1 KEVI-N

The findings of this study placed the composite country index at 53.43% as shown in the table below. As already discussed in chapter two, KEVI-N encompassed three sub-indices namely:

1. Potential Triggers;
2. Weak Institutional Capacities; and
3. Pre-existing Conflict Factors.

The study demonstrated a stronger inclination towards pre-existing conflict factors (53.58%) as the major influence on electoral violence in comparison to potential triggers (53.4%) and weak institutional capacities (53.32%).

Table 6: KEVI National by Gender

	Potential Triggers	Weak Institutional Capacities	Pre-existing Conflict Factors	KEVI-N
<b>National</b>	53.4	53.32	53.58	53.43
<b>Gender</b>				
<b>Female</b>	52.88	53.55	53.3	53.24
<b>Male</b>	53.76	55.55	51.98	53.76

The study revealed that women's perceptions on the likelihood of violence in the 2022 general election is lower (53.24%) than their male counterparts (53.76%). 53.76% of men indicated that potential triggers are more likely to ignite electoral violence as compared to women (52.88%). The dismal discrepancy is related to the assertion that men, particularly young men, are the ones who are easily manipulated to participate in violence.

Women are less critical of institutional capacities to handle conflict (53.55%) compared to men (55.55%). This could be attributed to women's minimal engagement in the political processes. Women have limited resources and little support networks for political participation.

Women opined that pre-existing conflict is more likely to fuel electoral violence (53.3%) than men who placed this factor at 51.98%. This was attributed to the fact that women do not only bear the greatest brunt of violent conflicts but are also aware of planned conflict and/or acts of violence. Compared to men, women are more likely to be assaulted or intimidated on the streets and to be victims in private areas; this has been demonstrated to immediately transfer into a larger likelihood of experiencing electoral violence.

### 3.2 Kenya's Democracy

Democratic governance, peace and security refers to an inclusive, peaceful and well-governed society that promotes dignity and civic education.<sup>11</sup> 71.57% of the respondents described the nature of Kenya's democracy as being in trouble and struggling. The figure below illustrates that 15.57% described it as a healthy democracy, while 12.86% viewed Kenya as an undemocratic country.

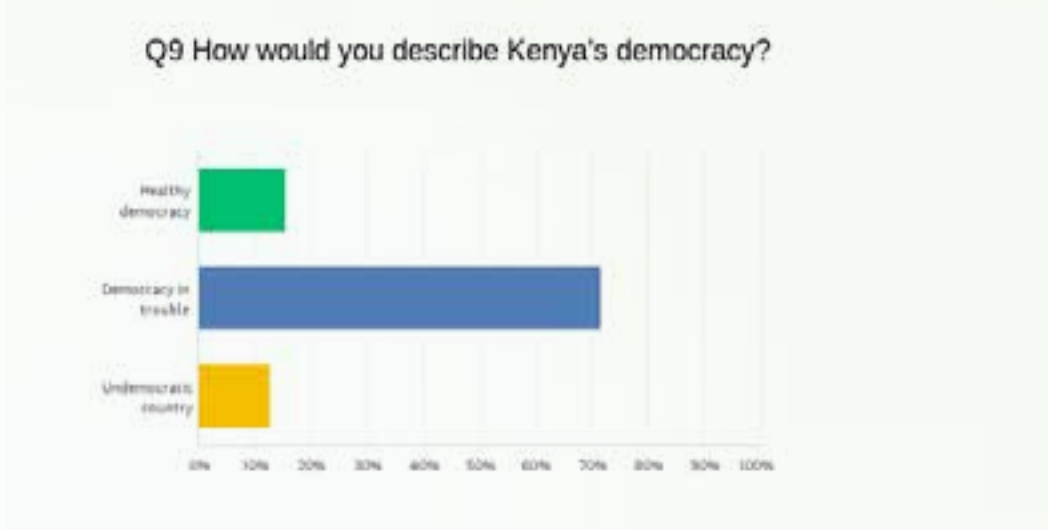


Figure 5: Kenya's Democracy

The respondents who described Kenya as a “democracy in trouble” were concerned about certain weak points in the Country’s democratic space which include: corruption at all levels; high levels of unemployment; lack of inclusivity within government appointments due to rampant discrimination; poor implementation of constitutional provisions; lack of separation of powers; slow judicial processes; weak public institutions; as well as the lack of independence brought about by the imposition of the executive on the other two arms of government. This dissatisfaction with Kenya’s achievement in democracy was summarised by sentiments from FGD participant in Uasin Gishu as follows:

11. <https://www.usaid.gov/kenya/democracy-human-rights-and-governance>

*“Mimi hata sielewi hii Kenya kama ni democracy ama ni monarchy [I don’t understand whether this Kenya is democracy or Monarchy]. Is political leadership being passed on through ancestral links? You look at how the government is running its affairs and you just wonder sisi ni democracy aje?” (Boda operator, Uasin Gishu County)*

The respondents who found Kenya to be a “healthy democracy” maintained that the Country’s democracy is maturing as evidenced by several gains made in implementing the constitution of Kenya 2010. These include improved gender equality and more support to vulnerable groups; freedom of expression; enhanced freedom of the media; resource sharing and devolution. There also exist institutions that are mandated to perform checks and balances. The fact that Kenya’s Supreme Court ruling annulled the 2017 Presidential election results went into records that the Country’s democracy progressive.

Findings from FGD discussions described Kenya’s democratic space as moderate and developing, as described by one study participant below.

*“Our democracy, especially in the past has been horrible. The one-party rule and the continuation of colonial-based oppressive policies by post-independence governments worsened the lives of citizens. However, multi-party democracy embraced in the 90s following the repeal of Section 2A has yielded many benefits. The subsequent promulgation of the 2010 Constitution redistributed power and resources from the hands of a few. We appreciate that there is progress but we still have a long way to go.” (CSO member, Kisumu County)*

Respondents believed that although there is considerable progress following the promulgation of the 2010 Constitution, the country has had a history of limited space to accommodate diverse voices as claimed by one of the participants.

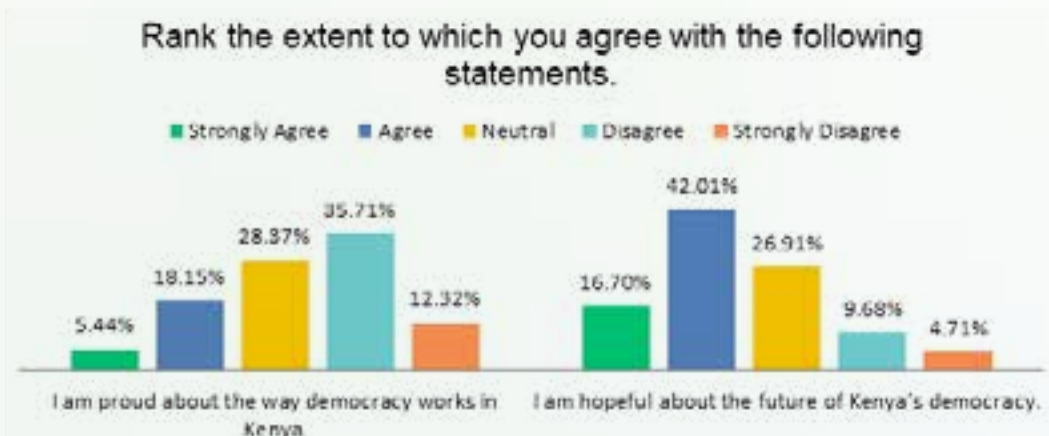


Figure 6: Current and Future of Democracy



It is noteworthy, that only 23.59% of Kenyans are proud of the country's democracy. On the other hand, about half of Kenyans under study (48.03%) are not proud about the way democracy works and 28.37% remained indifferent. In spite of this prevailing scenario, majority of Kenyans (58.71%) demonstrated optimism about the future of the country's democracy. A mere 14.39% of the respondents were skeptical while 26.91% were uncertain about what lay ahead for Kenya's democracy.

From the findings, 71.5% of those polled believe that Kenya's democracy is in jeopardy (Figure 5), another 48% (Figure 6) are not proud about the way democracy works in Kenya, yet another 58.7% (Figure 6) are hopeful about the future of Kenya's democracy. Could this situation be indicative that Kenya's democratic system may be exclusive but at the same time strong in preventing violence during election campaigns? This finding lends credence to the correlation between strong institutions and peace and weak institutions and violence, and implies that it is the strength of democratic structures not their degree of democratic inclusivity, that determines whether or not violence occurs.<sup>12</sup> Thus, even when institutions are in some ways exclusive, they can contribute to maintaining peace if they are sufficiently powerful.

### 3.3. Potential for Electoral Violence

Figure seven (7) below illustrates that while 24.14% of Kenyans believe that there will be no violence, 29.89% contend that violence will occur during the 2022 election. However, almost half of Kenyan citizens (45.97%) are in doubt as whether violence will accompany the elections or not. The aforementioned figures are in congruent with the KEVI-N score of 53.43% because the 45.97% neutral respondents could lean on either side of the index, meaning that electoral violence prevention activities could target this group

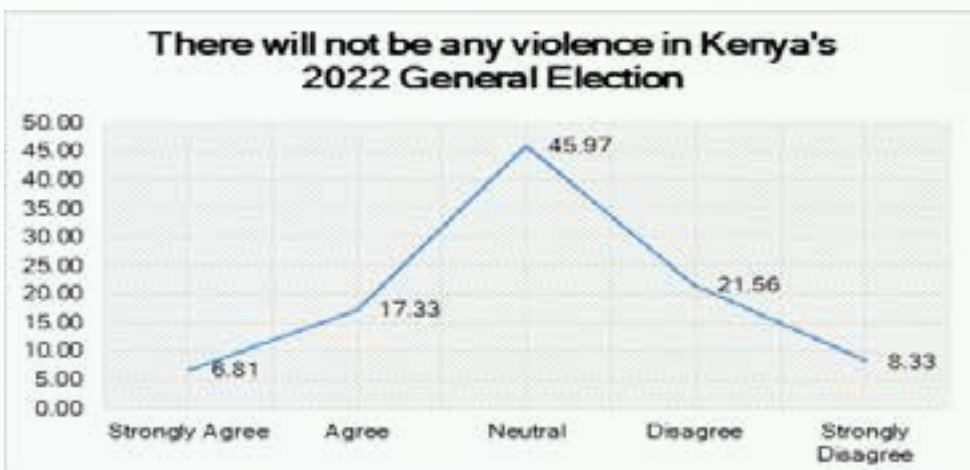


Figure 7: There will not be violence in Kenya's 2022 general election.

12. Birch, S., Daxecker, U & Ho glund, K (2020). 'Electoral violence: An introduction.' *Journal of Peace Research* 2020, Vol. 57(1) 3-14

The study established that 73% of Kenyans believe that there will no justification whatsoever to engage in violence during elections due to existing alternative avenues for addressing any emerging grievances or conflicts. In fact, only 14.32% of the respondents supported the use of violence to protect democracy due to the inability of available mechanisms to fully resolve already existing disputes. In addition, 12.68% of the respondents neither supported nor dispelled the use of violence as a way to resolve electoral conflict.

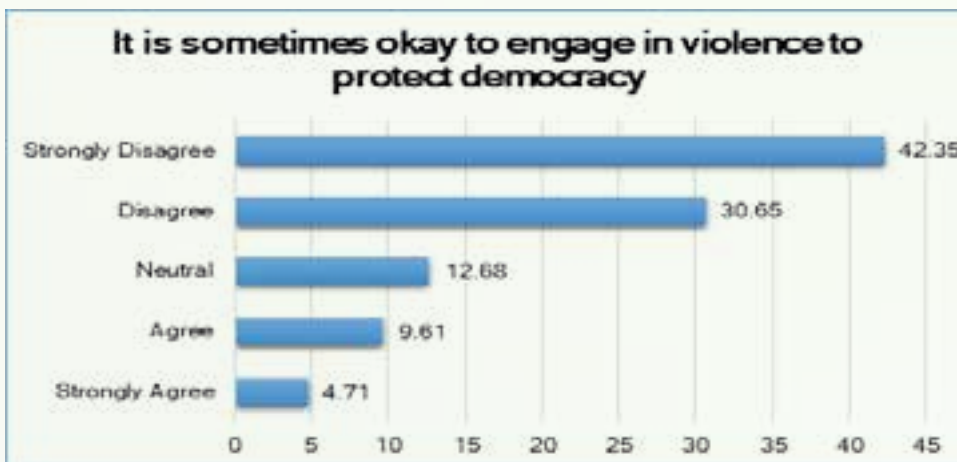


Figure 8: Justification of the use of Violence

FGDs across the country highlighted various factors that can fuel electoral violence before the elections, on poll day and after the elections.

### 3.3.1 Pre-election

The occurrence of pre-election violence in the country is likely to be triggered by:

#### Competitive political party nominations

In some regions, political primaries are considered to reflect the main election and therefore, politicians seek political party nominations by use of all available strategies. Clinching of party nomination tickets is a guarantee of a win in the general election as averred by one of the participants:

*“In Nyanza, 90% of the times we know that grabbing the ODM ticket in the nominations is as good as getting hold of the seat. Therefore, candidates will die to get the ticket; in short, it is a do or die affair. So, why shouldn’t there be violence?” (Tuk Operator, Nyanza County)*

It is possible there is greater psychological violence in this period compared to the formal IEBC candidate nomination process that follows party primaries. One particular threat in nominations is between candidates who won the party ticket, and those who lost, becoming independent candidates and competing in First Past the Post (FPTP) constituency and ward elections.

Other factors such as corrupt party officials, issuance of direct nomination tickets and restrictive measures around party hopping are likely to spark violence. The kidnapping of candidates immediately following the political party primaries may also cause tension amongst their supporters.

### Use of youthful and organized gangs

The study foregrounds the proliferation of youthful and organised criminal gangs, goons and militia for purposes of causing chaos and intimidation of political opponents. According to the participants, the notorious criminal gangs are mainly supported by politicians as highlighted by one of the participants:

*“It is during pre-election that these people start forming and regrouping. The sad part is that the police are aware and are just quiet. Politicians are actually the ones supporting them with food and drugs. In fact, they are used as their security and are often promised better jobs after the elections. This country needs to wake up. We cannot be expecting the same things in every electoral cycle.” (Youth, Machakos County)*

Furthermore, the participants observed that most of the political aspirants have already formed and armed juvenile gangs who are on standby to cause violence and riots if their preferred leaders do not make it to the ballot paper.

### Readily available market for violence

Rather than being political sympathisers, young people who belong to organised militias and criminal gangs have in the current political dispensation emerged as general suppliers of violent force. The current rise and dissemination of violence in the counties and especially in informal settlements, is driven by these groups. During political party primaries, the hunger for fast, sporadic violence increased and the terms of exchange between criminal gangs and politicians are cheap, transactional and with no long term engagement. The result is an order of criminal and violent mobs that is reflected in price, actions and motives.

The market perspective deprives electoral violence of its grievance based motivation observed in previous elections, and instead focuses on trade conditions and ways in which ‘violent-goods’ suppliers stand out in a dense field of contenders. One way for a criminal gang to do this is through violent ‘branding’ which has seen such gangs and existing militias in Kiambu, Kisumu, Nairobi and Mombasa change names and identities [rebranding]. In the current trends, the buyer decides the reason while the seller provides the direct violence. The sellers are not bound to the buyer and can turn against him or her on receiving higher fees from the opponent.

### Political intolerance and zoning

The study observed a trend in which certain regions/geographical areas are marked as turfs of specific political leaders, political parties or ethnic groupings. Whenever politicians of opposing political parties tour these areas,

they are met with vehement heckling or attacks against their entourage. This creates a lot of fear among the candidates and tension within communities resulting in a strained pre-election environment.

Electoral violence is likely to escalate in the zoned areas as the Election Day approaches. The motivation is that political leaders, responsible for zoning, try to limit community support for candidates from opposing parties to negatively influence turnout numbers. Moreover, violence aims to install fear directed against contending candidates to limit their ability to campaign.

**Drug and substance abuse**

55.42% of the respondents felt that drug and substance abuse is not only rampant but will also increase youth participation in violence during the electioneering period.

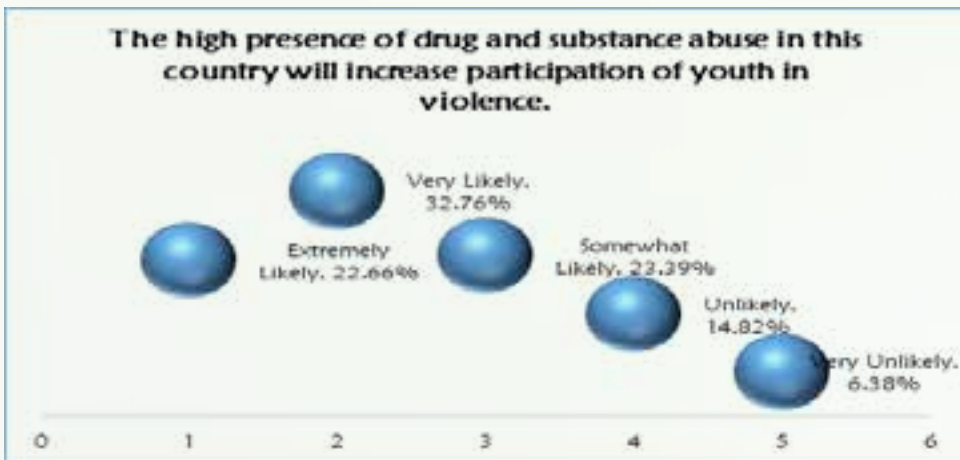


Figure 9: Drug and Substance Abuse and electoral violence in Kenya

United Nations Office on Drugs and Crime (UNODC) study asserts that drug and substance abuse are strongly associated with crime and violence.<sup>13</sup>It is also widely known that the main and extreme abusers of drugs and substance are the youth and this makes them vulnerable and easily susceptible to manipulation by political aspirants ahead of the elections. Among the youths easily influenced are the bodaboda riders and idle youth who have affinity for small cash amounts and drugs given by politicians to mobilise them toward electoral violence. The boda boda riders sit in groups under sheds and hence easy to mobilise. These drug and substance abusers are subsequently used to sabotage cohesion before elections.

The participants in this study partly credited the increased use of drugs and alcohol among the youth to the psychological after-effects of the COVID-19 pandemic. The most commonly mentioned drugs included alcohol, tobacco and khat among others.

## Pre-existing Conflicts

The study registers that the presence of pre-existing conflicts is a catalyst towards possibility of electoral violence. These pre-existing conflicts mostly take an inter-ethnic angle with disputes over land, market, border, livestock, pasture and water among others. The participants confirmed that the different regions had their specific pre-existing conflicts and which they confirmed could turn vicious if not quelled.

## Hate speech, propaganda and political rhetoric

The findings from this study confirm that the negative political rhetoric by key national leaders plays a huge role in the disintegration of the country. As one of the participants stated:

*“We have no problem with each other as a people. Actually, the Isiolo people are generally very welcoming and accommodative. Our county is cosmopolitan in nature. The only problem is when politicians attempt to incite us against each other. They not only use political platforms, but have recruited keyboard warriors who proliferate hate through various Facebook and WhatsApp groups. It should be known that politicians own some of the vernacular and community radio stations and utilize them in a negative way, always against the people and their opponents.” (Youth, Isiolo County)*

Summaries from the FGDs indicated that factors contributing to electoral violence in Kenya include the use of hate speech, as well as careless and dangerous speech that ignites emotions and incites communities against each other. Hate speech is usually propagated offline through public spaces and online through vernacular and community radio stations, and social media platforms, especially Facebook and WhatsApp as described by one of the participants:

*“Sasa, mwanasiasa akisema hii haitatupata kama ile ingine. Ile, hatukujua. Sahii tunajitayarisha vizuri. Anamaanisha nini [now when a politician says that this one will not get us like that one. That one we didn't know. This time we are preparing very well. What does s/he mean?” (Local leader, Busia County)*

This study also found existing programmes to counter hate speech in Kenya. The NCIC addresses the issue of hate speech as part of mobilising nonstate and state actors to ensure that Kenyan remain a peaceful and cohesive nation by reminding citizens that there is hope, even after elections. The Commission Chairman indicated this during an election violence prevention symposium held for religious in October 2021. He said:

*The Commission had the privilege of writing the wall of shame and the wall of fame for politicians, an act that helped to create a sharp decline in hate speech by political leaders addressing rallies. The hate mongers have since gone online, but we have followed them there with advanced technology, and able to track them even when they hide behind false*

*names and devices. Religious leaders are bequeathed by the power bestowed upon the Creator Himself and are at a better position to curb hate speech...Rev. Dr. Samuel Kobia, Chairman, NCIC<sup>14</sup>*

### 3.3.2. During the Polls

The occurrence of violence in the country during poll day is likely to be triggered by the following factors;

- Election malpractices such as voter bribery, voter intimidation and voter trafficking/transfer.
- Taking advantage of voter vulnerability to include assistance of PWDs, elderly, expectant, ill-persons and the illiterate.
- Drugs and substance abuse.
- Misuse of security agencies such as police, Kenya Police Reservists (KPRs) among others.
- Fake news: the spread of fake news such as allegations of vote rigging, stolen voting materials and news of alleged deaths of aspirants.
- Delay in delivery of electoral voting materials.
- Incitement by political class/hate speech.
- Fist fights among party agents.

### 3.3.3. After Elections

The occurrence of post-election violence following the August 2022 elections is likely to be triggered by the following factors;

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14. Remarks by Rev.Dr. Samuel Kobia, Chairman NCIC during a symposium organised for the religious leaders and institutions on “The Place of Faith Leaders and Institutions in Promoting Peaceful Coexistence during the 2022 General Elections.” The symposium was organised by the National Cohesion and Integration Commission (NCIC) in partnership with the Inter-religious Council of Kenya (IRCK) in Nairobi on 27th October 2021





### 3.4 Media and Electoral Violence

The study revealed that social media and television are the major sources of news for most Kenyans, ranking at 69.76% and 61.75% respectively. This is closely followed by radio at 36.33% and newspapers at 26.74%.

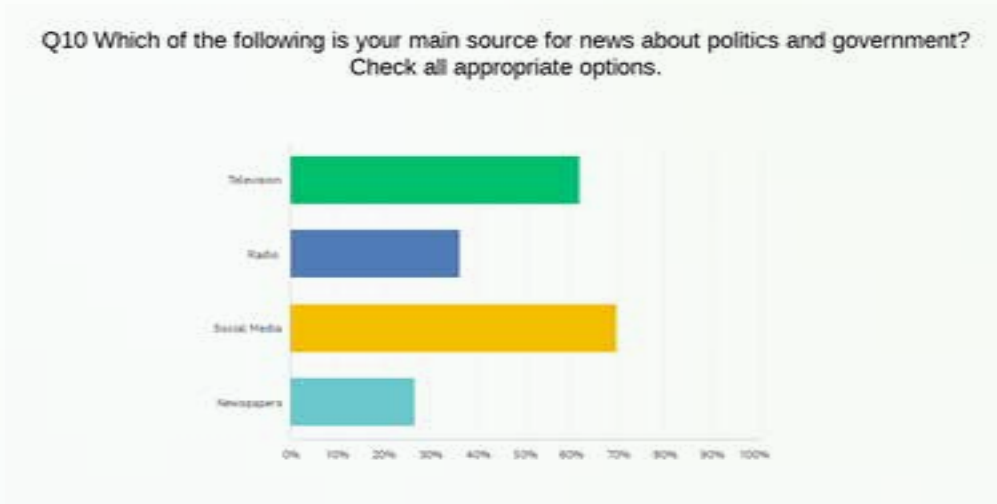


Figure 10: Respondents' Source of News



Q10 Which of the following is your main source for news about politics and government?  
Check all appropriate options.

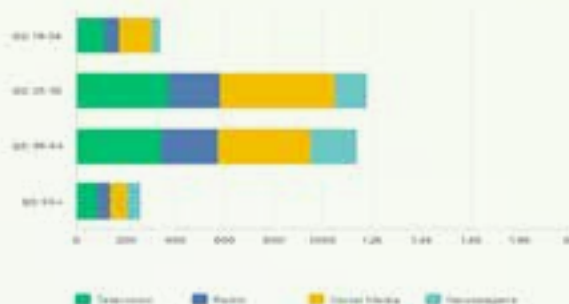


Figure 11: Source of Respondents’ News by Age

Although a disaggregation by age showed that all age brackets (18-55 and above) relied on social media for information about politics and government, respondents between ages 18-24 are the most active users of this channel. The various social media platforms are highly infiltrated by fake news, misinformation and propaganda. No wonder, this age group is more susceptible to manipulation to cause violence. In addition, it was reported that some politicians hire bloggers or social media influencers who sometimes use pseudo names and accounts to propagate hate speech.

Media was termed a ‘double-edged sword’ by FGD participants. When balanced and objective, it acts as an avenue for airing views, provides regular updates on important events (election dates and calendar, voter registration), acts as a gate keeper and simplifies complex national issues. At the same time, research participants contended that some media organizations are neither independent nor objective. They explained that some media outlets overstate instances of violence, broadcast unfiltered content, including hate speech, promote incorrect information, and favor one coalition party or political leader while discriminating against their opponents.

The participants in this research voiced particular concern regarding the possibility for vernacular radio stations to propagate misinformation and encourage violence among their listeners. In most cases, this is done with the intention of tarnishing the reputation of a rival in order to gain political mileage. The fact that the majority of vernacular and community radio stations are owned by politicians is an interesting finding that deserves to be brought to attention. As a consequence of this, they have the ability to impose their will on the content of the aforementioned media, invite persons who will toe the line, and determine the topics that will be discussed.

The study also indicated that the political affiliation of certain national media house owners either plays a crucial influence or determines the style and type of coverage. In addition, the findings highlight the proliferation of fake news, propaganda, and misinformation on both mainstream and social media platforms as a significant contributor to electoral violence in Kenya. Participants cited blogging sites such as [Skymoon](#) and [Kahawatungu](#), as well

as a Facebook page known as [The Mandera Tribune](#), as sites worth monitoring.

### 3.5. Trust on IEBC to deliver free and fair elections

Many Kenyans (36%) trust that the Independent Electoral and Boundaries Commission (IEBC) is likely to deliver a free and fair election. They believe that IEBC has tapped into past experience and has shown an elaborate and comprehensive preparation for the forthcoming election and maintain that the institution is building on the operational and jurisprudential lessons of the past. For instance, the Commission has continued to sensitise stakeholders and the public at large on election timelines contained in the Elections Operations Plan (EOP)<sup>15</sup> through press releases and stakeholder consultative forums.<sup>16</sup> Where need be, the Commission shall vary the timelines in consultation with stakeholders but in strict compliance with the set electoral legal timelines.

On the contrary, there are those who indicated that IEBC is unlikely to deliver a free and fair elections (32%) and others who indicated that the electoral body was somewhat likely to achieve a credible process. See Figure below.

*“This matter of trusting IEBC is neither here nor there for Kenyans. When their side wins they trust IEBC. When their side does not win, they do not trust IEBC.” (Business Owner, Kwale County)*

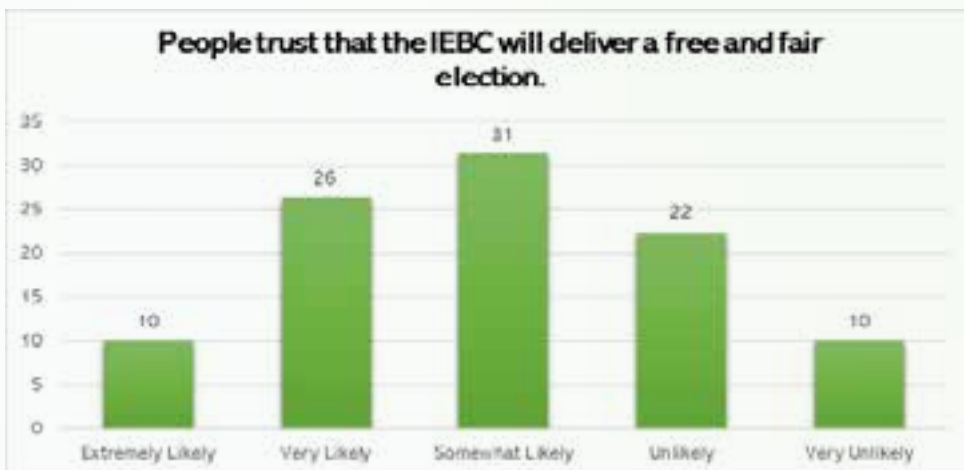


Figure 12: Trust of the Public in IEBC

The fact that 31% of the respondents were uncertain about IEBC delivering free and fair elections means that they could be swayed on either side. To justify the uncertainty of Kenyans over their trust in IEBC, one participant averred as follows:

15. To access the EOP visit [www.iebc.or.ke](http://www.iebc.or.ke)

16. See IEBC presentation during National Conference on the State of Electoral Preparedness for the 2022 General elections in Kenya forum organised by ELOG from 16TH - 17TH December, 2021 at Bomas of Kenya [online] <<https://www.iebc.or.ke/uploads/resources/OG6FL8Nc9b.pdf>> [19 May 2022].

The survey participants who did not trust in IEBC would deliver free and fair election based their reasons on the past performance of the body charged with overseeing elections in which there was delay in announcement of results and lack of openness and credibility which triggered violence across the country. They also feared that the same individuals who conducted the previous election, which was marred by allegations of vote rigging, shall oversee the 2022 general election.

A respondent suspected that the appointment of a former IEBC top management official to another government institution directly related to election management, could further exacerbate mistrust in the electoral process. Such perceptions of citizens towards the performance of an election management body such IEBC is vital as the citizens usually gain firsthand experience with the performance of electoral process by involvement in voter registration, voter education, and polling activities. It is important that electoral management body IEBC and other election management institutions positively influence the quality of elections so that citizens are able to develop confidence in electoral process.

### 3.6. Likelihood of widespread Election Malpractices

There is a relationship between election malpractice and electoral violence.<sup>17</sup> Election malpractices refer to acts that constitute electoral fraud in favour of a certain candidate or political party.<sup>18</sup> They may occur before, during, or after the elections. Some of these irregularities include: deliberate non-registration of some individuals; voter duplication; voter buying; ballot stuffing; election rigging; voter intimidation; ballot paper similarity. Unequal distribution of media attention and resources, as well as unequal distribution of ballots. Electoral violence also constitutes these distinct forms of electoral malpractice. Both election malpractice and electoral violence aim to manipulate the electoral process. This study revealed that there is likelihood of widespread election fraud (40.46%). However, 21.38% of the respondents were confident that there would be no fraud, while 37.98% of respondents were not sure.

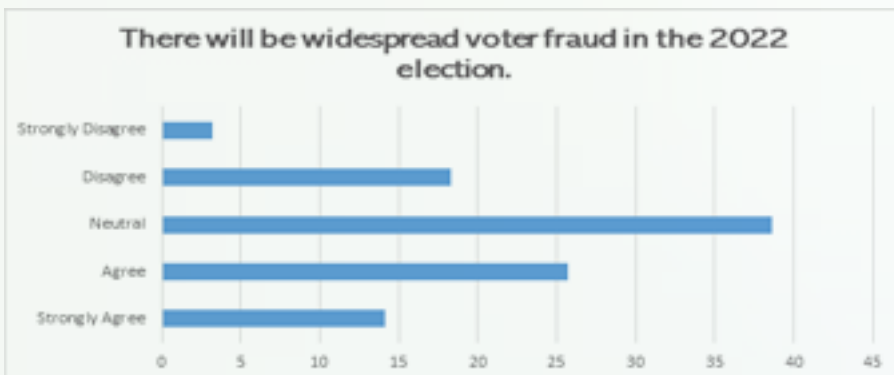


Figure 5: Voter Fraud in 2022 Election

18 *Citizenship 4Art* [online < [https://apluseduc.com/3206-election-malpractices#google\\_vignette](https://apluseduc.com/3206-election-malpractices#google_vignette) > [19 May 2022]

FGD participants observed that issues such as high levels of unemployment, illiteracy, poverty, remain key contributing factors to Kenyans' vulnerability to electoral fraud as meted by politicians leading to unprecedented violence.

### 3.7. Perception about Technology in Election

There were concerns by the participants over whether the IEBC with a new team of Commissioners will be strong enough to enforce electoral laws and codes of conduct. It must be noted that the IEBC has made many reforms and some are already being implemented. Further concerns were on the capacity of the IEBC in managing the technology. Interviewees' concerns about technology was summarised by the following respondent in Kisii County:

*"IEBC cannot deliver a credible election. To date, they have never opened the servers even after being directed to do so by the courts. So, why shouldn't an election violence be justified? Surely if the election is not free, fair and credible, citizens and leaders resort to violence. When their democratic rights are abused, their grievances not taken care of by the courts, violence is bound to occur."* (Boda Boda Rider, Kisii County)

As part of IEBC preparedness for 2022 elections, the Commission reported having acquired and established two data centres (primary and secondary), and is in the process of identifying a data centre cloud infrastructure in Kenya to provide business continuity and contingency mechanisms.<sup>19</sup>

#### 3.5.2 National Police Service

The study found out that most Kenyans (60%) fear that the police will use violence before, during and after the August election, going by experience. Conversely, 19% of the respondents were hopeful that the police would not use force while exercising their duty, while 21% could not predict possible use of force by the police during the electioneering period.

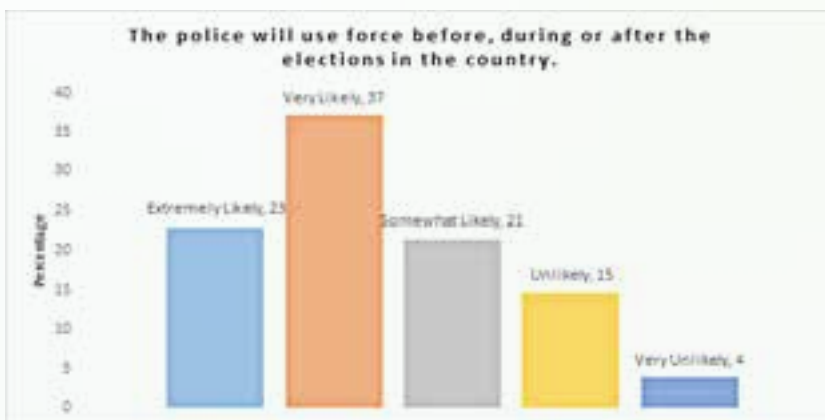


Figure 6: Use of force by the Police during elections

19. See IEBC presentation during National Conference on the State of Electoral Preparedness for the 2022 General elections in Kenya forum organised by ELOG from 16TH - 17TH December, 2021 at Bomas of Kenya [online] <<https://www.iebc.or.ke/uploads/resources/OG6FL8Nc9b.pdf>> [19 May 2022].

Findings from KII and FGD discussions observed that the police service remain central in political processes as they are required to provide security, not only to the voters but to the ballot, maintain law and order, protect property, deter violence and other electoral malpractices. Worth noting however, is that often times the police has been perceived as a weapon of the state to oppress and suppress political opponents. A participant in one of the FGDs averred this:

*“The police can never be neutral because they serve the government of the day and they simply follow orders.” (CBO Member, Elgeyo Marakwet County)*

It was also established that police-community relations appeared dented because of the perception by Kenyans that the police largely use force to achieve their objectives. This has caused the reduced trust in their ability handle elections without using too much force, as observed by one participant:

*“The police have had a tendency of harassing and even killing people in this county. Unfortunately, no police officer has ever been brought to book. This kind of impunity is what will make them repeat the same thing in 2022. They need to operate like humans too. (Local Peace Structure Member, Mandera County)*

A point of concern is how the 101,288 police officers will be deployed in the approximate 40,883 polling stations across the country based on the recommended two police officers per polling station, and still execute their other duties including manning tallying centres, offering VIP protection, manning roadblocks and complaints processing at the police stations among others.

At least additional 5,500 police officers are set to be deployed to ensure peace and order during the August 9, 2022.<sup>20</sup>

### 3.5.3 Judiciary

**B**ased on the KEVI-N index on the potential for violence in the upcoming general election, Kenyans should embrace alternative means of addressing conflicts emerging from this process other than resorting to violence.

Unfortunately, when prompted on the ability of the judiciary to deliver fair judgement in the face of election disputes, 55% of Kenyans indicated low levels of trust in the judicial system and processes. On the other hand, 23% of the respondents conveyed their confidence in the Kenyan court system.

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20 The Sunday Standard October 26 2021. *Judiciary sets up five new special courts to try hate speech suspects* [online]< <https://www.standardmedia.co.ke/politics/article/2001427262/judiciary-sets-up-five-new-special-courts-to-try-hate-speech-suspects>> [22 may 2022]



Figure 7: Public trust in the Judiciary

The FGD participants generally felt that the judiciary has what it takes to be impartial and deliver on fair and transparent hearing and determination of election petitions; going by 2017 Maraga Ruling and the Building Bridges Initiative (BBI) High Court Ruling. However, a section of the participants was of the contrary opinion, that in as much as the judiciary has illustrated its readiness to discharge its duties, the institution is crippled with issues such as corruption, state interference, inadequate budgetary allocation and a slow judicial process.

*“We know the judiciary has made remarkable strides in recent times. We urge them to remain neutral and uphold the Justice motto and fair treatment for all despite interference and rank positions.” (Youth Leader/Student, Murang’a County)*

The Kenya Judiciary Academy (KJA), in conjunction with the Judiciary Committee on Elections (JCE) have as part of preparedness for 2022 election initiated trainings for judges on election disputes. Apart from addressing the recent amendments to legislation on political parties, the trainings also cover areas such as the use of technology in elections, election planning and preparation, hearing of election petitions, judicial ethics in adjudication of election disputes.<sup>21</sup>

The Judiciary is targeting to train a total of 72 High Court Judges, 120 researchers and law clerks, 400 magistrates, deputy registrars and at least 400 Judicial staff. The Judiciary has also projected an increase of election disputes in 2022 compared to 2017 where the courts handled a total of 389 petitions, including three presidential election petitions. A total of 188 petitions were filed in the 2013 General Election.

21. Capital News, Nairobi Kenya February 20 <<https://www.capitalfm.co.ke/news/2022/02/ruto-mourns-ambassador-machage-as-a-wise-and-progressive-individual/>>



The judiciary has also established five courts to specifically deal with individuals propagating hate speech during the electioneering period.<sup>22</sup> The five courts will be established in Nairobi, Mombasa, Nakuru, Eldoret and Kisumu.

### 3.5.4 State and Non-State Actors

About half of Kenyans (48%) feel that local state and non-state peace mechanisms are capable of dealing with emerging conflict situations during the approaching general election, while 23% do not.

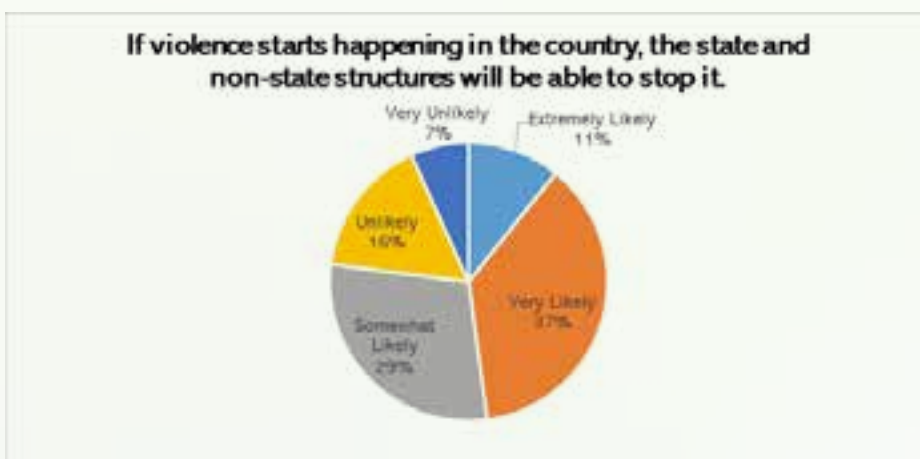


Figure 8: Capacity of State and Non-State structures to arrest Violence

Majority of the participants acknowledged the presence of strong state and non-state peace actors especially the Civil Society Organisations in handling election management. State and non-state actors were specifically credited for being impartial and on their role for capacity building and sensitisation of communities on peaceful electoral processes and dispute resolution mechanisms.

Other participants expressed dissatisfaction on the ability of some state and non-state peace actors to remain objective, as they tend to sing the tune of the government of the day. It was also pointed out that some these actors sometimes face harassment and intimidation.

### 3.6. Implications of Covid-19 on Kenya’s Elections

A majority of the FGD participants felt that the COVID-19 pandemic would be a great hindrance to voter turnout in the upcoming general election. They stated factors such as fear of contracting the disease, competing needs resulting from the harsh economic times. They also expressed concern on IEBC capacity to ensure COVID-19 protocol measures are adhered to. Further still, some of the measures such as hand washing and sanitising are likely to delay the voting process, with some voters giving up along the way.

22. *The Sunday Standard* October 26 2021. Judiciary sets up five new special courts to try hate speech suspects [online]< <https://www.standardmedia.co.ke/politics/article/2001427262/judiciary-sets-up-five-new-special-courts-to-try-hate-speech-suspects>> [22 may 2022]



## CHAPTER FOUR

### THE KENYA ELECTORAL VIOLENCE INDEX – COUNTY (KEVI-C)

#### 4.0 Introduction

This chapter presents the Kenya Electoral Violence Index – County (KEVI-C) which details the level of vulnerability to electoral violence in Kenyan counties.

#### 4.1 The Kenya Electoral Violence Index – County

##### 4.1.1 County Indices

The study findings demonstrate different vulnerabilities to electoral violence ahead of the 2022 General Elections. In the analysis, the vulnerabilities were classified into three main categories i.e. High, Medium and Low. The table below gives a summary of the scores for each of the 47 Counties.

Table 6: Summary of the Risk Categories for the 47 counties

High Risk -71% and above	Medium High Risk- 54-70%-	Medium Low- 36-53%-	Low Risk-35% and below
6 Counties	10 Counties	23 Counties	8 counties

Figure 17 shows the distribution of these counties in the map of Kenya. The high and medium high-risk counties are concentrated in the Rift Valley and Nyanza regions of Kenya while others are in Nairobi and Mombasa. These regions command a huge following of the two main presidential candidates for Azimio la Umoja One Kenya Coalition and Kenya Kwanza Coalition.



Figure 9: Levels of risk to electoral violence of the Various Kenyan Counties

The detailed Kenya election violence index for all the 47 counties are presented in Table 7 below. This gives highlights of the three broad index categories, including potential triggers for electoral violence, inadequate institutional capacities to mitigate electoral violence and pre-existing conflict factors including each county’s mean KEVI score. Table 7 presents the detailed index of all the 47 counties as per the three broad index categories, including mean score.

Table 7: Kenya Electoral Violence Index – County (KEVI-

N/o	County	Potential Triggers for Electoral Violence	Inadequate Institutional Capacities to mitigate electoral violence	Pre-existing Conflict Factors	Mean Kevi-C Score
<b>HIGH RISK</b>					
1.	Nairobi	80.84	71.04	87.66	79.85
2.	Nakuru	80.84	69.4	77.06	75.77
3.	Kericho	77.2	77.2	70.04	74.81
4.	Kisumu	75.76	69.08	72.54	72.46
5.	Uasin Gishu	73.24	68.32	75.2	72.25
6.	Mombasa	71.88	67.76	73.82	71.15
<b>MEDIUM-HIGH RISK</b>					
7.	Narok	74.32	77.44	56.9	69.55
8.	Marsabit	63.24	79	62	68.08
9.	Laikipia	65.6	73.56	60.74	66.63
10.	Lamu	71.6	56.4	69.4	65.8
11.	Baringo	61	66.36	61.1	62.82
12.	Isiolo	64.8	58.4	59.94	61.05
13.	Meru	61.04	60.36	55.36	58.92
14.	Nandi	66	57.6	52.08	58.56
15.	Samburu	58.8	64	50.9	57.9
16.	Bomet	57.6	57.6	48	54.4
<b>MEDIUM-LOW RISK</b>					
17.	Kisii	57.52	50.32	50.5	52.78
18.	Elgeyo/Marakwet	58	49.88	50.04	52.64
19.	Migori	49.16	57.4	51.18	52.58
20.	Nyamira	51.88	56.64	46.54	51.69
21.	Kilifi	46.4	54.16	52.84	51.13

N/o	County	Potential Triggers for Electoral Violence	Inadequate Institutional Capacities to mitigate electoral violence	Pre-existing Conflict Factors	Mean Kevi-C Score
22.	Bungoma	48.4	52.92	51.84	51.05
23.	Garissa	49.08	52.64	48.8	50.17
24.	Mandera	49.8	51.56	45.18	48.85
25.	West Pokot	48	51.4	43.42	47.61
26.	Kiambu	47.12	51.04	42.56	46.91
27.	Wajir	48.76	47.92	43.58	46.75
28.	Kirinyaga	37.32	55.96	43.26	45.51
29.	Tana River	43.2	48.8	43.2	45.07
30.	Murang'a	38.56	44.56	48.92	44.01
31.	Kakamega	44	49.72	33.5	42.41
32.	Homa Bay	48.4	42.52	35.2	42.04
33.	Vihiga	50.32	44.28	30.8	41.8
34.	Turkana	41.04	46.24	35.88	41.05
35.	Siaya	48.24	40.88	31.78	40.3
36.	Kwale	41	43.4	31.64	38.68
37.	Machakos	39.16	45.56	31.14	38.62
38.	Trans Nzoia	39.96	40.32	33.2	37.83
39.	Nyeri	37.72	49.36	24.36	37.15
<b>LOW RISK</b>					
40.	Kajiado	36.84	30.52	37.26	34.87
41.	Kitui	36.16	32.24	33.18	33.86
42.	Tharaka Nithi	30.6	36.12	32.74	33.15
43.	Taita Taveta	25.16	35.12	38.34	32.87
44.	Busia	30.44	38.88	28.86	32.73
45.	Makueni	26.08	37.16	32.98	32.07

N/o	County	Potential Triggers for Electoral Violence	Inadequate Institutional Capacities to mitigate electoral violence	Pre-existing Conflict Factors	Mean Kevi-C Score
46.	Nyandarua	35.96	29.88	29.94	31.93
47.	Embu	28.88	34.44	25.9	29.74

KEY



## 4.2. Potential for Electoral Violence in Kenyan Counties

### 4.2.1. Counties with High Potential for Electoral Violence

As demonstrated earlier, six (6) counties recorded an inflated vulnerability for electoral violence in the upcoming General Elections. The major impending threat being pre-existing conflicts around issues of inequalities in the distribution of resources, high population density in informal settlements and infiltration of organised criminal gangs and groups. Nairobi County is seen as the epicenter of political contestation with significant ripple effects to other counties.

A conflict analysis and scenarios building held in Nairobi County in April 2022 by a peace organisation in Kenya, provided an understanding of election related political violence which is fast becoming dirty, unattractive and needs context specific early response in order not to overwhelm both state and community security during political party primaries and electoral process after.<sup>23</sup> The readily available market for violence as discussed earlier is overwhelming.

Similar observations were made in the other high-risk counties. Nakuru County was flagged out as the apex of negative political rhetoric, hate speech, fake news and mis(dis)information having recorded a higher score than Nairobi County. The electoral conflict in the county has distinct ethnic dimensions driven by the diverse nature of the population found within the environs of Nakuru County. The electoral conflicts build on other existing political conflicts that have been addressed from time to time by the County peace tradition established the broader regional peacebuilding actions by the civil society, local peace committees and government security agencies.<sup>24</sup>

In the same vein, the highly competitive political party nominations posed a great threat to a peaceful electoral process in Kisumu County because clinching the region's major political party ticket implies a win in the election. The period leading to party primaries in April 2022, Kisumu County witnessed myriad electoral conflicts and an intensification of violence and risks which accompanied campaigns. Disagreement about party primaries degenerated into violence and political leaders fought in public space including venues for dialogue forums and funerals where deaths were reported.

Uasin Gishu County's major threat was based on historical unresolved conflicts, effects of the 2007/2008 PEV, low trust in IEBC and fear of excessive use of force by the police during the electioneering period. In fact, given its high spillover potential, the County was said to be a pacesetter to the supporters of one of the major political parties.

Organized criminal gangs, including juvenile youth were pointed out as the paramount factor capable of fueling electoral violence in Mombasa County. The said gangs do not only protect political and business turfs but are also the

23. See Mercy Corps *Umoja Kwa Amani (March 2022). Report of the Scenarios Building, Context and Conflict Analysis Workshops held for the Counties of Nairobi, Kiambu, Uasin Gishu and Kisumu - A Facilitator's Report by George Kut, PhD.*

24. *Ibid.*

main consumers and peddlers of hard drugs and substances. On the other hand, high levels of inequalities pit the natives against individuals considered immigrants who are viewed to have greater access to available opportunities.

Kericho County’s vulnerability has increased exponentially from previous NCIC studies on the subject matter. The significant factors fueling this vulnerability include the hotly contested party nominations particularly for the gubernatorial seat. In addition, the county shares a long border with Kisumu County around Sondu area that remains disputed over the years. The upcoming general election is considered a ‘two-horse’ race with two presidential hopefuls hailing from the said communities. According to the FGD participants;

*“Tunajua tu huyo mtu hatashinda lakini as usual, hatakubali kushindwa. Lakini sisi hatuendi kukubali. Hii kiti lazima tukalie” (Boda Boda Operator, Kericho County). Tranlated- We Know this person will be defeated, but as usual, he still will not concede defeat. Equally, we will also not accept, we must occupy this seat!*

FGD reports indicated that non-locals had already started relocating to their native counties for fear of possible violence thereby reducing labour, especially for tea factories. Moreover, the business community is shying away from expanding, restocking due to uncertainties, going by the past elections.

Table 8: Unsafe Areas within Counties in High-Risk Counties

NAIROBI	
Most unsafe areas in the county	Threats identified
Nairobi North: Mradi area; Utalii ward	Political organised gangs and political intolerance
Githurai Market Thika Road	Gangs for hire and political intolerance
Mlango Kubwa	Political radicalization
Kariobangi North-Soko stage	Idle youths [Unemployment]
Kiambu, Eastleigh-south, Korogocho market	Availability of illicit brew, drug and substance
Nairobi West; Kibra	Political gangs Drug Abuse
Kawangware-Congo, Kangemi-Maunau	Crimes Zoning on strongholds politically Rise of crowds for hire
Langata –Southlands	Squad boys in transport centers
Dagorreti-Karibia, Wanye	Unregulated political campaigns Motorbike gangs
Eastlands; Hamza	Crime Gangs & crimes
Kiambu –informal settlements	Motorbike Gangs
Jericho, Kayole & Umama-Komarok	Gangs, crime & Small weapons
Masimba	Gangs & small arms
Soweto	Small arms & crime rate



CONFLICT HOTSPOT MAPPING FOR KENYA

Riverbank –Tasha	Gangs and small arms
Mukuru kwa Njenga/Reuben	Small arms & gangs for hire
Choka & Dandora	Small arms & Gangs
<b>NAKURU</b>	
Bahati	Political unrest
Kuresoi South	Tribalism
Kuresoi North	Tribalism & political unrest
Molo	Tribalism & political unrest
Njoro	Land conflict, Political unrest and Tribalism
Rongai	Tribalism & political competition
Naivasha	Tribalism & political competition
Nakuru West & Nakuru East	Militia groups & political competition
<b>KISUMU</b>	
Nyalenda A & B	Political Jokes, Luos telling non-luos that they must support Azimio Party Nominations ID verification Party nominations – direct tickets. some people have paid money to the party and when they come to the ground, others claim to be best positioned and connected to get direct tickets Money Newly registered voters 18 -20 years (Waremba and Queens campaign teams) dished to youths by politicians Child neglects and irresponsible parenthood Tribalism Negative politics
Kondele	Tight competition for the MP position (Diaspora and indigenous groups) Boda Boda political campaigns – reflector jackets given by different causing possible clash Political Banners – some politicians have earmarked some areas as their bases Politics of Clannism and tribalism Money and politics – politicians Scramble for markets places/stalls – politicians using it as a campaign tool.
Kisumu Central	County government reverting title deeds from freehold to lease hold Emergence of gang groups – used by politicians as security guards, maintenance of political supremacy – they will be used mainly during the party primaries – example of gangs China groups and American
Informal settlements (Kondele, Manyatta, Obunga)	Hiring of Boda Bodas - given the campaign materials and banners to spread for publicity
Kibos, Juakali, Nyamasaria	Criminal hideouts Poverty and hand outs
Kisumu-Nandi Border (Nyangeta)	Politics – Nandi and Luo political differences
<b>KERICHO</b>	
Nyagacho	Idleness, poverty and illegal brews.
Kapkatet	Cut- lines
Kipkelyon west	Ethnicity ties
Kipkelyon East	Ethnicity ties
Londiani	Poverty, unemployment and illicit brews.
<b>UASIN GISHU</b>	
Burnt forest; Kesses, Ainapko sub-county	Land issues, tribalism and political affiliation
Langas – Kapseret sub-county	Political leadership (AZIMIO)
Huruma, Maili Nne- Turbo	Political temperatures

MOMBASA	
Likoni	Numerous youth gangs (both genders)
Kisauni	Numerous youth gangs
Nyali	Sleeping Lion - Influenced by gangs from Kisauni
Changamwe, Miritini, Borehole, Airport	Gangs – Vandalizing and daylight robbers

#### 4.2.2. Counties with Medium High Potential for Electoral Violence

For the medium high category, 10 counties emerged in this category- Narok, Marsabit, Laikipia, Lamu, Baringo, Isiolo, Meru, Nandi, Samburu and Bomet Counties. Respondents were of the opinion that the factors mentioned were more likely than not to amount to electoral violence. The most severe county recorded a 69.55% chance of electoral violence, while the least severe county posted a 54.4% likelihood.

In Narok County, the study revealed that lack of trust in the capacity of institutions to deliver a free and credible election (77.4%) presents a higher risk of fueling electoral violence as compared to pre-existing conflicts (56.9%), mainly pitting the Maasai against the Kipsigis over land disputes, and potential triggers (74.32%) that include hate speech, fake news and mis(dis)information.

On the other hand, counties more likely to be affected by pre-existing conflict factors include, Marsabit (62%), Laikipia (60.74%), Lamu (69.4%) and Baringo (61.1%). The said counties have suffered decades of ethnic violence with overwhelming consequences among local communities over competition for natural resources, as well as land, organised gangs and cattle rustling.

Respondents from Narok, Marsabit, Baringo, Meru and Samburu counties recorded very high levels of mistrust in democratic institutions with an influence on the election process, operations and outcomes. While Baringo County marked the highest potential for the use of force by the police, Narok County recorded the highest mistrust in the IEBC, Marsabit County showed the highest mistrust in the judiciary and Meru County registered the highest lack of policy frameworks to guide peace interventions in the county.

All the counties in this category of medium high potential for election violence cited the influence of potential triggers as hate speech, party primary contestations, violent transitions, non-acceptance of election results and mis(dis)information. However, Narok, Lamu, Laikipia, Isiolo and Marsabit counties exhibited a higher likelihood for these factors to spur violence.

Table 9: Hotspots within Counties in Middle High Risk Counties

<b>NAROK</b>	
Olokruto Div-Narok North	Communities fighting for resources i.e. forest, land, pastures
Olmekenyu border to Nakuru –Narok south	Cattle theft, poverty, presence of IDP'S from Mau forest.
Emuma Dikir- Transmara East	Cattle theft among Kipsigis & Kuria communities.
Machangana, Enosaen –Transmara West	Cattle theft, clannish on land ownership between siria and uasin-gishu clans of the Masaai community.
Suswa Ranch	Historical land injustices.
<b>SAMBURU</b>	
Baragoi [Sub-county] Samburu North	Cross –Border conflicts
Puura	Cattle rustling
Merti	Small arms
Amaiya	Gangs from neighbouring counties of Silo, Turkana and Baringo.
Waso	Cattle rustling with armed weapons
Lorok	Limited pasture, depleted water resources, cattle rustling
Isamba	
<b>MARSABIT</b>	
Nagayo ward, Sako constituency Marsabit	Targeted killings between Borana and Gabra are the main residents. People come with Probox vehicles or motorbikes, kill and take off
Helu ward Loyangalani ward Rendile and Gabra	Grazing land and cattle rustling
Leisamis ward (Mulima wamba)	Bandit attack of people from market between Isiolo and Marsabit
Soga, Karare ward	Ethnic conflicts
<b>LAIKIPIA</b>	
Sipili areas	Cattle rustling
Ol-moran areas	Land issues and possession of small fire arms
Karandi	Ethnic clashes
Kinamba	Use of drugs and illicit alcohol
Nanyuki town	
<b>LAMU</b>	
Bwajumali	Divisive Politics
Kiunga	Divisive Politics, Alshabaab, Inter-generational conflict
Shella	Divisive Politics
Mboni	Alshabaab, Human/Wildlife conflict
Kiemboni	Alshabaab
Mpeketoni	Tribalism, Unemployment
<b>BARINGO</b>	
Kapedo	Cattle rustling
Mochongoi	Armed bandits

Bartabwa	Cattle rustling
Barwessa	Cattle rustling
Silale	Cattle rustling
Loruk	Cattle rustling
Sibilo	Cattle rustling
<b>ISIOLO</b>	
Tigania East along border of Isiolo and Igembe	Porous border conflicts Ethnic conflicts
<b>NANDI</b>	
Nandi south; [Chemoli/Chemase, Kubere, Kimwana, Serem, Potopoto, Kiposwa , Kapssasur, Kiposwa, Nandi hills and urban centres especially Kapsabet.	Violence as a result of political differences. Castle rustling along border of Nandi and Nyanza Border disputes. Land historical injustices and land ownership questions.
<b>BOMET</b>	
James Finley's Tea company farms	Mixed communities with different political opinions.
Sotik	The bordering area between Kisii and Kipsigis communities Engaging in different political parties Cattle rustling

#### 4.2.3 Counties with Medium Low Potential for Electoral Violence

Within the medium low category, 23 counties were identified as having a moderate risk of electoral violence. Kisii County had 52.78% whereas Nyeri County ranked lowest with 37.15%.

Moreover, 52.84% of the respondents from Kilifi County stated that pre-existing conflict factors emanating from inter alia land disputes, human-wildlife conflict, organised gangs and the squatter problem is likely to influence electoral violence.

On the other hand, Migori County registered the highest level of mistrust (57%) in democratic institutions based on inadequacy to deliver credible elections. Notably, Migori residents expressed fear of the use of extreme force by the police during the election period, largely informed by their experience.

Similarly, 58% of the respondents from Elgeyo Marakwet ascertained the propagation of fake news, mis(dis)information, hate speech and incitement to ethnic violence in the county. This is illustrated in the mushrooming of ethnic-centric social media pages within the county.

Table 10: Hotspots Areas within Counties in Medium Low Risk Counties

HOTSPOTS AREAS	THREATS IN THE IDENTIFIED AREAS
<b>SIAYA</b>	
Politics	<ul style="list-style-type: none"> <li>Conflicts between former MPs and the new aspirants</li> <li>A new liquor boiled using Stove (very bad)</li> </ul>
South Ugenya	<ul style="list-style-type: none"> <li>Clannish and many aspirants</li> </ul>
Siaya Town	<ul style="list-style-type: none"> <li>Organized gangs – have different rates, hired by politicians</li> <li>Wait gang</li> </ul>
Game Sub-County	<ul style="list-style-type: none"> <li>Politics - Game Yale and Game wage, this groups fight and cause a lot of violence</li> </ul>
Anyiko and Got Regea	<ul style="list-style-type: none"> <li>42 brothers terrorizing residents</li> </ul>
Bondo (Town, Yimbo, Nyangoma, Usenge, Kapotho)	<ul style="list-style-type: none"> <li>Yimbo and Sakwa sectional political battles</li> <li>Clannism (Yimbo domination)</li> <li>Usenge Market conflicts</li> </ul>
Alego Usonga (Nyadorera)	<ul style="list-style-type: none"> <li>Prof launching his manifesto – young men and women brought a lot of chaos, they are interested in money not even wanting to know your manifesto</li> <li>New faces</li> </ul>
Siaya	<ul style="list-style-type: none"> <li>Presidential candidate, if their candidate will not win</li> <li>Bondo – have people from other areas doing business</li> </ul>
Siaya – Kisumu Road	<ul style="list-style-type: none"> <li>The Busia Highway stretch</li> </ul>
Kanaga Odili	<ul style="list-style-type: none"> <li>Thuggery and killings</li> <li>Lack of jobs</li> </ul>
<b>TANA RIVER</b>	
Tarasaa	<ul style="list-style-type: none"> <li>Tribal Clashes</li> </ul>
Wenja	<ul style="list-style-type: none"> <li>Tribal clashes</li> </ul>
Mnazini	<ul style="list-style-type: none"> <li>Pastoralist Agricultural conflicts</li> </ul>
Achara	<ul style="list-style-type: none"> <li>Poverty caused by incitement by politicians</li> </ul>
Hara	<ul style="list-style-type: none"> <li>Insecurities due to animal theft</li> </ul>
<b>KILIFI</b>	
Chumani	<ul style="list-style-type: none"> <li>Residents do not want to participate in elections</li> </ul>
Kilifi CBD	<ul style="list-style-type: none"> <li>Tribalism and Ethnicity</li> </ul>
Mtwapa	<ul style="list-style-type: none"> <li>Political incitements</li> </ul>
Kaloleni	<ul style="list-style-type: none"> <li>Party related conflicts (PAA) and (ODM)</li> </ul>
Rabai	<ul style="list-style-type: none"> <li>Separatist ideology (Pwani si Kenya)</li> </ul>
Chonyi	<ul style="list-style-type: none"> <li>Separatist ideology</li> </ul>
Parts of Malindi	<ul style="list-style-type: none"> <li>Land disputes and Politics</li> </ul>
Ganze, Bamba & Gongoni	
<b>KWALE</b>	
Bongwe	<ul style="list-style-type: none"> <li>Violent extremism</li> </ul>
Ng'ombeni	<ul style="list-style-type: none"> <li>Juvenile criminal gangs, Violent extremism</li> </ul>
Darling Twi - Gombato	<ul style="list-style-type: none"> <li>Juvenile criminal gangs, Violent extremism</li> </ul>
Kombani	<ul style="list-style-type: none"> <li>Juvenile criminal gangs, Violent extremism</li> </ul>

Naserian Lunga	<ul style="list-style-type: none"> <li>• Cattle rustling</li> </ul>
Ukunda Kibundani	<ul style="list-style-type: none"> <li>• Violent extremism</li> </ul>
<b>NYAMIRA</b>	
Borabu – Esise ward (Settlement Scheme)	<ul style="list-style-type: none"> <li>• Cultural beliefs, Political incitement between Kalenjins and Gusii community, Political differences over alignments &amp; realignments</li> </ul>
Chabera border	<ul style="list-style-type: none"> <li>• Land disputes such as conflict over market at the border, between the Gusii and Luo communities</li> </ul>
Miruka area	<ul style="list-style-type: none"> <li>• Border conflicts at Nyamira/Homabay border, conflict over Miruka market especially on matters tax and revenue collection. [The land is owned by the Gusii but the market is owned &amp; operated by the Luos]</li> </ul>
Chebilat, Isoge, Memisi	<ul style="list-style-type: none"> <li>• Conflict with Sotik, Allegations of voter transfers, Anti-Livestock theft</li> </ul>
Keroka	<ul style="list-style-type: none"> <li>• Disputes among and within the Gusii community over revenue collection</li> </ul>
<b>KISII</b>	
Nyangusi, Nyamaya	<ul style="list-style-type: none"> <li>• Land disputes, cattle rustling and burning of sugar cane plantations</li> </ul>
Magonche border	<ul style="list-style-type: none"> <li>• Boundary disputes and fighting over farms between the Kisii and Maasai communities</li> </ul>
Riosiri – Eroga	<ul style="list-style-type: none"> <li>• Politics, Boundary and land disputes i.e. market boundaries between the Kisii and Luo communities</li> </ul>
Nyaribari Masaba – Ikoronga, Ramasha, Geteni	<ul style="list-style-type: none"> <li>• Land border disputes over farms ownership between the Kisii and Maasai communities, Conflict over resources at the border, such as water and pasture between the Kisii and Kalenjin communities</li> </ul>
Kisii town – Flamingo Zonic (Bunge Ya Wananchi), Ohuru Plaza (UP), Main stage, Sungusa Engoro, Nyamataro Taxi stage (Mwanatimbi), Keroka stage and St. Jude	<ul style="list-style-type: none"> <li>• Political zoning</li> </ul>
Kitutu Chache South	<ul style="list-style-type: none"> <li>• Borders disputes along the Kisii/Homabay border, Use of political threats and incitement on citizens</li> </ul>
<b>MIGORI</b>	
Rongo Town	<ul style="list-style-type: none"> <li>• Violent youthful groups</li> </ul>
Suna East ( Migori town)	<ul style="list-style-type: none"> <li>• Violent youthful groups</li> </ul>
Suna West	<ul style="list-style-type: none"> <li>• Violent youthful groups</li> </ul>
Kuria East	<ul style="list-style-type: none"> <li>• Cattle rustling and clannish</li> </ul>
Mihuru Bay	<ul style="list-style-type: none"> <li>• Theft, burning of shops and the use of drugs</li> </ul>
Awendo	<ul style="list-style-type: none"> <li>• Violent youthful groups</li> </ul>
<b>HOMABAY</b>	
Homabay Town	<ul style="list-style-type: none"> <li>• Youthful gangs and roadblocks</li> </ul>
Rodi Kopany	<ul style="list-style-type: none"> <li>• Protests and tire burning</li> </ul>
Oyugis	<ul style="list-style-type: none"> <li>• Harassment</li> </ul>
Kodal	<ul style="list-style-type: none"> <li>• Low food supply</li> </ul>
Olare	<ul style="list-style-type: none"> <li>• Roadblocks</li> </ul>
Ndhiwa	<ul style="list-style-type: none"> <li>• Roadblocks and tire burning</li> </ul>
Mbita	<ul style="list-style-type: none"> <li>• Thefts and looting</li> </ul>
Kendu Bay	<ul style="list-style-type: none"> <li>• Roadblocks</li> </ul>

<b>MACHAKOS</b>	
Masii	<ul style="list-style-type: none"> <li>• Drug Abuse and illicit brews</li> </ul>
Matungulu	<ul style="list-style-type: none"> <li>• Robbery and Theft</li> </ul>
Kateki	<ul style="list-style-type: none"> <li>• Radicalization of young people</li> </ul>
Mavoko-(Jua kali, Jam city and Kanaani)	<ul style="list-style-type: none"> <li>• Radicalization of young people</li> </ul>
<b>MANDERA</b>	
Mandera East -Border point I, Omar Jillao, Arabia, Koromey, Sheikh barrow, Fino .	<ul style="list-style-type: none"> <li>• Terrorists attack</li> <li>• Clan conflicts between Murule and Garre competing over elective posts.</li> <li>• Border dispute between the two clans especially in Koromey.</li> <li>• Proliferation of small arms and weapons from neighbouring country of Somalia</li> </ul>
Mandera North- Rhamu, Jabi, Olla, Ashabitu ,Ginsa .	<ul style="list-style-type: none"> <li>• Clan conflicts between Garre and Degodia.</li> <li>• Overlapping boundaries in Ashabitu area</li> <li>• Administrative and Election boundary conflict.</li> <li>• Terror attacks especially around Ashabitu, Olla and Jabi.</li> <li>• Clan conflicts among Degodia, Garre and Murule clans.</li> <li>• Rhamu experienced post-election violence in 2017 so there is residue of Trauma</li> </ul>
Lafey - Fifo, Kabo, Danasa, Allungu.	<ul style="list-style-type: none"> <li>• Drought and Famine</li> <li>• Terror attacks</li> <li>• Inter-clan conflicts between Murule and Garre clans</li> <li>• Conflict over Elwak-Lafey border.</li> </ul>
Mandera South- Elwak, Wargadudi, Sukenla Tinja, Irsknito ,Wante.	<ul style="list-style-type: none"> <li>• Garre and</li> </ul>
Banisa -Malkamari, Banisa town	<ul style="list-style-type: none"> <li>• Clan conflict</li> </ul>
Kutulo –Elram, Fulama, Dabality	<ul style="list-style-type: none"> <li>• Terror attacks</li> </ul>
Takaba-Takaba town, Qurdobo ,Poqai	
<b>GARISSA</b>	
Garissa town – Bulla Mzuri	<ul style="list-style-type: none"> <li>• Clan conflict between Abdalla and Abudwaq .</li> </ul>
Lagdera- Gabatula ( Isiolo North) and Kambi Samaki	<ul style="list-style-type: none"> <li>• Ethnic conflict between Borana and Somali's.</li> </ul>
Huluqo- Sangailu	<ul style="list-style-type: none"> <li>• Terrorism</li> </ul>
Libio –(Somalia Kenya border)	<ul style="list-style-type: none"> <li>• Terror attacks</li> </ul>
<b>WAJIR</b>	
Wajir Township	<ul style="list-style-type: none"> <li>• Inter- clan conflicts between Degodia and Ajuran for political positions.</li> </ul>
Basir	<ul style="list-style-type: none"> <li>• Tribal conflicts</li> </ul>
Garse Qof	<ul style="list-style-type: none"> <li>• Conflicts arising from scramble of resources .</li> </ul>
Khorof Harar	<ul style="list-style-type: none"> <li>• Terrorism activities</li> </ul>



<b>TRANS-NZOIA</b>	
Keta , Swerwa sub-county	<ul style="list-style-type: none"> <li>• Land issues and tribal conflicts</li> </ul>
Kitale ,Kimini sub-county	<ul style="list-style-type: none"> <li>• Tribal conflicts</li> </ul>
Cherangany	<ul style="list-style-type: none"> <li>• Tribal conflicts on land disputes.</li> </ul>
Mile Saba	<ul style="list-style-type: none"> <li>• Tribal conflicts</li> </ul>
<b>TURKANA</b>	
Kainuk	<ul style="list-style-type: none"> <li>• Cattle rustling</li> </ul>
Kaptir	<ul style="list-style-type: none"> <li>• Lack of food</li> </ul>
Kalemorok	<ul style="list-style-type: none"> <li>• Illiteracy &amp; Low Education background</li> </ul>
Katilu	<ul style="list-style-type: none"> <li>• Poor information</li> </ul>
Lorogon	<ul style="list-style-type: none"> <li>• Bad politics</li> </ul>
Logori	<ul style="list-style-type: none"> <li>• Poor leadership</li> </ul>
Kapedo	<ul style="list-style-type: none"> <li>• Cattle rustling</li> <li>• banditry</li> </ul>
<b>KAKAMEGA</b>	
Kakamega North ;Malava ,Khubhasali,Ikoli	<ul style="list-style-type: none"> <li>• Border conflict, ethnic conflict among Luhyas and Nandis.</li> </ul>
Matungu Constituency	<ul style="list-style-type: none"> <li>• Proximity to border, organized groups, imported violence</li> </ul>
Likuyani and Lugari constituency	<ul style="list-style-type: none"> <li>• Proximity to Nandi &amp; Uasin Gishu</li> </ul>
Mumias West	<ul style="list-style-type: none"> <li>• Shibale Town gang [organized]</li> </ul>
Shinyalu	<ul style="list-style-type: none"> <li>• Indigenous hard stand to politics</li> </ul>
Lurambi [Shirere,Kismayu,Amalemba &Maraba]	<ul style="list-style-type: none"> <li>• “Avakuli” vs “Vapangaji”- Indigenous/settlers.</li> <li>• Informal settlement, local brews den and crime area.</li> </ul>
<b>BUNGOMA</b>	
Kanduyi	<ul style="list-style-type: none"> <li>• Political party differences [DAPK &amp; Ford Kenya]</li> <li>• Political conflicts due party alliances and split-over’s</li> </ul>
Bumula ; [Mianga & Kabula areas]	<ul style="list-style-type: none"> <li>• Ethnicity between Batura &amp; Bukusu.</li> </ul>
Kabuchai ;[ Chwele areas]	<ul style="list-style-type: none"> <li>• Ethnicity among Bukusu, Sabaot &amp; Kikuyus</li> </ul>
Webuye East-[Divisi,Sipala,Lukusi ]	<ul style="list-style-type: none"> <li>• Ethnicity between Tachoni and Bukusu</li> </ul>
Kimilili town ;[ Chesamisi ,Kabula & Sirisia]	<ul style="list-style-type: none"> <li>• Ethnicity among Saboti,Teso, Bukusu</li> <li>• Teso &amp; Siboli suffer from unequal distribution of resources and job allocation.</li> </ul>
Mt .Elgon	<ul style="list-style-type: none"> <li>• Sharing of resources, water and land allocation’</li> <li>• Disputes between the Dorobos, and Wasos.</li> <li>• Internal displacement i.e. Cheptais, Namwela, Chwele &amp; Sirisia.</li> </ul>
<b>VIHIGA</b>	
Majengo Town	<ul style="list-style-type: none"> <li>• Different political coalition, political affiliation and Cosmopolitan</li> </ul>
Kiboswa Market	<ul style="list-style-type: none"> <li>• Border between Nyanza, Rift Valley and Vihiga with different political affiliation, cosmopolitan.</li> </ul>

Maseno border	<ul style="list-style-type: none"> <li>• Border dispute between Nyanza &amp; Vihiga County.</li> <li>• Electoral boundary disputes.</li> </ul>
<b>NYERI</b>	
Nyeri Town	<ul style="list-style-type: none"> <li>• Majengo – Slums; Youth being used by politicians; use of drugs</li> </ul>
Lurimo area	<ul style="list-style-type: none"> <li>• Boda rivalry</li> </ul>
Kieni – Chaka area	<ul style="list-style-type: none"> <li>• Political Rivalry; use of goons to disrupt rival political rallies</li> </ul>

#### 4.2.4. Counties with Low Potential for Electoral Violence

For the low risk category, eight (8) counties emerged in this list-namely: Kajiado, Kitui, Tharaka Nithi, Taita Taveta, Busia, Makueni, Nyandarua and Embu. These counties exhibited a mild risk towards electoral violence.

Embu County ranks lowest in this category with 29.74% while Kajiado County ranks highest with 34.87%. The respondents from Taita Taveta County (38.34%) identified pre-existing conflict factors, particularly drug and substance abuse, as the major sources of electoral violence. Similarly, 38.88% of respondents from Busia County, attributed the potential for electoral violence to mistrust in government institutions, especially the judiciary. Kajiado and Kitui Counties recorded relatively high levels of association between hate speech and electoral violence.

Table 11: Hotspots Areas within Counties in the Low Risk Counties

Most unsafe areas	Threats identified
<b>BUSIA</b>	
Matayos ; Burumba ward ,Jobless Corner	Idle youths hired by politicians for violent acts.
Teso North ; Angurai ,Amagoro,Malaba	Ferrying voters from Uganda to disrupt political gatherings.
Teso south ; Sofia, Angorom, Amukura central	Battles of supremacy between the political aspirants.
Bunyala ; Port Victoria	Voter transfer from Siaya & Uganda.
Butula ; Bumala & Ogalo	Voter transfer from Kakamega & Siaya.
Nambale	Male Chauvinism-Women are forced to follow political ideologies of their men. Youths are used to smuggle illegal firearms.
<b>KITUI</b>	
Kasiluni Muthaa	<ul style="list-style-type: none"> <li>• Porous border conflicts</li> </ul>
Mwanzale near Kitui	<ul style="list-style-type: none"> <li>• Tana River border conflicts</li> </ul>
<b>THARAKA-NITHI</b>	
Kwangombe which is at the border of Imenti North and Tharaka Constituency	Border conflict. The area belongs to <b>North Imenti</b> , but squatters from Tharaka Constituency occupy it.
Gatithini area at the border of Tharaka North and Tigania East.	Disputed border. Each is claiming Gathini area belongs to them
Chuka Igamba Ngombe	Boundary issues

<b>TAITA TAVETA</b>	
Werugha	<ul style="list-style-type: none"> <li>• Illegal organized crimes</li> </ul>
Miasenyi and Macknon Road	<ul style="list-style-type: none"> <li>• Border Conflicts between Taita and Kwale</li> </ul>
Mtito Andei	<ul style="list-style-type: none"> <li>• Border conflict between Taita Taveta and Makueni</li> </ul>
Tsavo areas and Ranches	<ul style="list-style-type: none"> <li>• Wildlife conflict</li> </ul>
<b>MAKUENI</b>	
Kitise ward	
Malili	
Mtito wa Ndei	

## CHAPTER FIVE

### CONCLUSION AND RECOMMENDATIONS

#### 5.0 Introduction

This chapter offers conclusions and practical recommendations for relevant stakeholders to ensure Kenya goes through an 'Elections Bila Noma' in 2022.

#### 5.1 Conclusions

A pressing question posed in this study is whether elections have become an opportunity for politicians and organised criminal gangs to exploit one another and disrupt peace and community security as they exercise power through violence. This has become a significant electoral problem emerging in which politicians see violence as the most successful way to compete. The resulting scenarios are a peace predicament which suggest new realities and trends of electoral conflict and violence in Kenya. It should be noted that relying on previous election violence prevention prescriptions, will most likely not contain and abate this peace predicament. Electoral violence prevention need to respond to the current context presented in the Kenya Election Violence Index nationally and within Counties.

Although the research established a possibility of electoral violence in the 2022 general elections based on past grievances and potential triggers, it also ascertained the resolve of Kenyans about the lack of justification for anyone to engage in violence to protect the democracy. The hallmark of Kenya's electoral vulnerability to violence is linked to weak voter education to the citizens by the institutions responsible for delivering peaceful elections, and therefore strengthening voter education alongside institutional capacities would greatly guard against electoral violence.

From the findings of this study, it can be adduced that the unchecked violations of criminal law and the Code of Conduct (CoC) by politicians and political parties that compete through the use of violence is the single most significant factor undermining present efforts to curb electoral violence in Kenya. This is ingrained in the mentality of the "win-at-all-costs syndrome" and explains why political parties rarely adhere to the Code of Conduct.

In the absence of political party self-regulation in practice, all responsibility is transferred to the Independent Electoral and Boundaries Commission (IEBC) rated at 26% very likely and 31% somewhat likely to deliver free and fair election and the security agencies, and the judiciary despite the fact that 55% of Kenyans who participated in this study have low levels of trust in the judicial system and processes, and 60% percent fear that the police will use violence before, during, and after the August election.

There were however, indications that party policies governing the conduct of their leaders, candidates, and members could change with the current efforts by the Office of the Registrar of Political Parties (ORPP) to train political party officials to participate in peaceful elections and to advocate for women inclusivity. The office reported and increased institutional capacity as a result of increased financing and changes to the Political Parties Act.

## 5.2 Recommendations

The following recommendations are based on the findings from this study and have been proffered to stakeholders in general to prevent and mitigate electoral violence in the 2022 elections and beyond.

- It is recommended that the general elections be viewed as a programme that is funded and carried out in phases of election with voter education being an integral aspect of the election endeavour. IEBC and other institutions mandated in election management should develop and disseminate comprehensive voter education programmes beginning well in advance of each election and continuing throughout the election process, ensuring that the materials utilised are candid and nonpartisan. In the same way, international organisations should not only deploy election monitors during elections, but also organise a huge pool of funds for thorough voter education before, during and after elections.
- It is also important that the civic education capacity of institutions and general communication to the public by the institutions mandated to manage elections be strengthened to enlighten the citizens on institutions' preparedness on electoral violence prevention and enforcement of electoral integrity.
- There is need to improve Code of Conduct (CoC) awareness among all stakeholders and enforcement by authorities. Establish a mechanism to map CoC complaints and record each case to conclusion; publish the data regularly. Before candidate nominations, hold a public signing ceremony with media present, signed by all national officials, then ceremonies in every county.
- In order to reverse the political acts which so far has demonstrated a lack of adherence to the law including hate speech, NCIC and other stakeholders consider a series of measures to pro-actively prevent violence like providing a popular version/fliers of simple definition of what constitutes 'election-related' violence.
- Religious leaders, CSOs and other non-state actors should use their access and high trust in communities to advocate strong community-based responses to psychological violence, and helping the anti-violence campaign to be based on culturally and region-specific messages. They could convene politicians from different parties where politicians would respond to a public agenda, answer questions about their commitment to playing by the rules, and advocate for nonviolence in the media. They can also prevent and investigate gender-related electoral violence and hold institutions accountable for gender-sensitive policies.

The following recommendations are directed towards different stakeholders:

Table 12: Recommendations

Stakeholder	Recommendation
<b>IEBC</b>	<ul style="list-style-type: none"> <li>• To exercise independence and non-partisan in conducting elections ;</li> <li>• Strengthen multi-stakeholder collaboration and coordination on matters election management ;</li> <li>• Take timely and decisive actions on electoral malpractices;</li> <li>• Strengthen strategic public communication and outreach and stakeholder engagement;</li> <li>• Undertake confidence building measures including engaging political parties and observers in the electoral process</li> </ul>
<b>Judiciary</b>	<ul style="list-style-type: none"> <li>• Continually act independently and impartially and implementing the 2022 election preparedness already in place</li> </ul>
<b>NPS</b>	<ul style="list-style-type: none"> <li>• Minimize use of excessive force and intimidation during the electioneering period;</li> <li>• Prioritize trainings on the electoral processes</li> <li>• Civic education on police-community relations to enhance trust.</li> <li>• Strict adherence to the code of conduct including maintaining impartiality ‘</li> <li>• Prompt action by security agents to respond to emerging security threats during the electioneering period.</li> </ul>
<b>ORPP</b>	<ul style="list-style-type: none"> <li>• Monitor the conduct of the politicians</li> <li>• Ensure strict enforcement of the electoral code of conduct</li> <li>• Strengthen the Political Parties Disputes Tribunal</li> </ul>
<b>Parliament</b>	<ul style="list-style-type: none"> <li>• Strict adherence to observing timelines in enactment of electoral laws</li> <li>• Provide adequate resources to IEBC &amp; other institutions mandated in election management</li> </ul>
<b>NCIC</b>	<ul style="list-style-type: none"> <li>• Regular and continuous nationwide civic education on cohesion and peaceful coexistence</li> <li>• Bring services closer to the people in the spirit of devolution</li> </ul>
<b>NLC</b>	<ul style="list-style-type: none"> <li>• Intervene on border and boundary disputes;</li> <li>• Enforce implementation of the Ndung’u Report;</li> <li>• Conduct nationwide civic education on matters land and boundary delimitation.</li> </ul>
<b>NACADA</b>	<ul style="list-style-type: none"> <li>• The study revealed widespread unchecked drug and substance abuse .NACADA in collaboration with law enforcement agencies to enhance strict adherence to the national guidelines on alcohol and drug prevention.</li> </ul>
<b>KNCHR</b>	<ul style="list-style-type: none"> <li>• The study proffers that KNCHR needs to enhance monitoring of human rights violations.</li> </ul>
<b>Peace Actors</b> (Religious Actors, Nyumba Kumi & Elders, Peace Committees)	<ul style="list-style-type: none"> <li>• Peace actors to embrace timely sharing of information and providing crucial information to the security agencies and actors in election management as a measure on increasing timely response</li> </ul>

<p><b>General Public</b> (Youth, Women, Men)</p>	<ul style="list-style-type: none"> <li>• General public embraces full participation in the electoral processes;’</li> <li>• Observe the rule of law, resist manipulation, desist from engaging in hate speech and propaganda ; and</li> <li>• Embrace alternative dispute resolution mechanisms in the face of conflicts and electoral disputes.</li> </ul>
<p><b>Media</b></p>	<ul style="list-style-type: none"> <li>• The media to exercise conflict sensitive communication and reporting;</li> <li>• conduct citizen empowerment and civic education, package and disseminate information to relevant stakeholders ;</li> <li>• Strict adherence to the code of conduct and media guidelines.</li> </ul>
<p><b>CSOs</b></p>	<ul style="list-style-type: none"> <li>• The Civil Society Organizations to enhance civic education and public awareness</li> <li>• Build the institutional capacities and practices of political parties in the areas on intra-party dispute resolution mechanisms;</li> <li>• Embrace debunking of hate speech and fake news, adopt and support peace messaging programs;</li> <li>• Strengthen observation and monitoring of the electoral processes; and</li> <li>• Implement programs that aim at bettering community-security agency relations.</li> </ul>



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### (Footnotes)

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Turkana

Mandera

Wajir

Wajir

Wajir

Garissa

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