A Conflict Sensitivity Analysis, Mapping and Risk Assessment

Kenya Electoral Conflicts Mitigation and Civic/Voter Education Support (ECCES) Program

Act Change Transform

Kenya Electoral Conflicts Mitigation and Civic/Voter Education Support (ECCES) Program

This Study was made possible by the support of the American People through the United States Agency for International Development (USAID). The contents of this study/report are the sole responsibility of Act Change Transform (Act!) and do not necessarily reflect the views of USAID or the United States Government.

Act! acknowledges the contribution Ms. Leah Kimathi who conducted the Study.

Act! April, 2023

Table of Contents

Table of Contents 2

List of Tables and Figures 4

Abbreviations and Acronyms 5

Executive Summary 7

Chapter One: Background Context ..... **Error! Bookmark not defined.**

1.0 Introduction to Elections ..... **Error! Bookmark not defined.**

1.1 Elections in Kenya ..... **Error! Bookmark not defined.**

1.2 Rationale of the study ..... **Error! Bookmark not defined.**

1.3 Research methodology ..... **Error! Bookmark not defined.**

1.3.1 Sampling ..... **Error! Bookmark not defined.**

1.3.2 Data collection methods ..... **Error! Bookmark not defined.**

1.3.3 Data analysis ..... **Error! Bookmark not defined.**

1.3.4 Research ethics ..... **Error! Bookmark not defined.**

1.4 Structure of the report ..... **Error! Bookmark not defined.**

1.5 Operationalization of key terms in the report ..... **Error! Bookmark not defined.**

Chapter Two: Kenya's 2022 Elections: Research findings ..... **Error! Bookmark not defined.**

2.0 Introduction ..... **Error! Bookmark not defined.**

2.1 Electoral conflict during and after the 2022 general elections ..... **Error! Bookmark not defined.**

2.2 Factors contributing to peaceful 2022 elections ..... **Error! Bookmark not defined.**

2.4 Peace and security risks following the 2022 elections ..... **Error! Bookmark not defined.**

2.5 Effectiveness of electoral conflict mitigation institutions in the 2022 elections. ..... **Error! Bookmark not defined.**

2.5.1 National Police Service (NPS) ..... **Error! Bookmark not defined.**

2.5.2 Independent Electoral and Boundaries Commission (IEBC) ..... **Error! Bookmark not defined.**

2.5.3 The Judiciary ..... **Error! Bookmark not defined.**

2.5.4 Conflict Early Warning Early Response Systems (EWER) ..... **Error! Bookmark not defined.**

2.5.5 Civil society organizations ..... **Error! Bookmark not defined.**

2.6 Approaches used in electoral conflict mitigation in the 2022 elections **Error! Bookmark not defined.**

2.6.1 Civic and voter education campaigns ..... **Error! Bookmark not defined.**

2.6.2 Peace messaging ..... **Error! Bookmark not defined.**

2.6.3 Early Warning Early Response Systems..... Error! Bookmark not defined.

2.6.4 Media monitoring and training of journalists and other media personnel on conflict sensitive reporting..... Error! Bookmark not defined.

2.6.5 Training and induction of security personnel on electoral security ...Error! Bookmark not defined.

2.6.6 Ensuring inclusion and diversity in elections. ..... Error! Bookmark not defined.

2.7 Challenges in electoral conflict mitigation in the 2022 elections.....Error! Bookmark not defined.

2.8 Comparing 2017 with 2022 elections; what lessons in electoral conflict mitigation? ..Error! Bookmark not defined.

2.9 Status of ECCES custom indicators..... Error! Bookmark not defined.

2.9.1 Participation in electoral processes after the 2022 elections .....Error! Bookmark not defined.

2.9.2 Equality of males and females to social, economic and political opportunities....Error! Bookmark not defined.

2.9.3 Use of violence in solving election related disputes..... Error! Bookmark not defined.

2.10 Lessons learned in electoral conflict mitigation ..... Error! Bookmark not defined.

2.11 Potential opportunities for mainstreaming peacebuilding and conflict resolution approaches for planned year 2 interventions. ..... Error! Bookmark not defined.

Chapter 3: Conclusion and recommendations..... Error! Bookmark not defined.

Bibliography..... Error! Bookmark not defined.

List of Tables and Figures

Table 1: Sample size distribution per County……..……13

Table 2: Target sub- counties and wards for data collection…….14

Table 3: Total Number of research respondents……...15

Figure 1: Participants by Gender……...15

Figure 2: Experiencing/witnessing election related violence…….18

Figure 3: Type of electoral violence……..19

Figure 4: How elections were peaceful …… …20

Figure 5: Factors contributing to peaceful elections……..21

Figure 6: Effect of elections on communal relations……..22

Figure 7: Risks to peace and security following the 2022 elections…….……..23

Figure 8: Risks to peace and security by gender…….24

Figure 9: Sources of the risks……...……...…25

Figure 10: Risks to peace and security by county……..…….……26

Figure 11: Sources of risks by gender…….26

Figure 12: Actions to address peace and security concerns……..27

Figure 13: Actions to address peace and security concerns by county…….28

Figure 14: Actions to address peace and security by gender……29

Figure 15: Performance satisfaction levels of electoral institutions…….29

Figure 16: Typical components of an EWER system……...34

Figure 17: Challenges in electoral conflict mitigation……39

Table 4: Key differences in the 2017 and 2022 elections……..44

Figure18: Participation in democratic processes post 2022 elections…….46

Figure 19: Males and females should have equal access to social, economic and political resources and opportunities……47

Figure 20: Violence should not be used to solve election disputes……..…47

Table 5: Mainstreaming peacebuilding and conflict resolution interventions in Y2 work…….50

Abbreviations and Acronyms

Act!	Act Change Transform
CBO	Community Based Organisation
COVAW	Coalition of Violence against Women
COVID-19	Corona Virus Disease 2019
CSO	Civil Society Organization
ECCESS	Kenya Electoral Conflicts Mitigation and Civic/Voter Education Support Programme
ELOG	Elections Observation Group
EMB	Electoral Management Body
ESAP	Election Security Arrangement Programme
EWER	Early Warning Early Response
FGD	Focus Group Discussion
FIDA	Federation of Women Lawyers
HAK	Healthcare Assistance Kenya
ICC	International Criminal Court
ICT	Information and Communications Technology
IEBC	Independent Electoral and Boundaries Commission
IPOA	Independent Policing Oversight Authority
KARA	Kenya Alliance of Resident Associations
KASH	Keeping Alive Societies Hope
KEAP	Kenya Electoral Assistance Program
KECOSCE	Kenya Community Support Centre
KEG	Kenya Editors' Guild
KIEMS	Kenya Integrated Electoral Management System
KII	Key Informant Interview
KNCHR	Kenya National Commission on Human Rights
MCA	Member of County Assembly
MCK	Media Council of Kenya
MOA	Media Owners Association

NASA	National Super Alliance
NCIC	National Cohesion and Integration Commission
NPS	National Police Service
NSC	National Steering Committee on Peacebuilding and Conflict Management
ODM	Orange Democratic Movement
ORPP	Office of the Registrar of Political Parties
PEV	Post-Election Violence
PWD	Person with Disability
SPSS	Statistical Package for Social Sciences
TJRC	Truth Justice and Reconciliation Commission

Executive Summary

Kenya's 2022 general election was hailed as one of the most violence free in recent times, coming immediately after the violent 2017 elections. For the first time in a long time, political mobilization was seen largely as issue based with the now opposition Azimio coalition championing good governance and anti-corruption as the basis of the country's renewal while the Kenya Kwanza coalition ran on an economic ticket that focused largely on the bottom poor.

While the electioneering period was shorter compared to 2017 and the new government sworn in barely a month after voting, the dust on the elections is yet to settle. The study revealed that the lack of electoral violence was not due to conflict transformation, rather due to a convergence of factors that created a ceasefire moment and negative peace. Some of these included the conflict management work of electoral institutions and civil society, voter apathy and lack of immediate mobilization to mass action by the losing Azimio coalition (unlike in the 2017 elections). The dire state of the economy that has led to a high cost of living and attendant unemployment also paradoxically led to lack of election violence as the youths who were traditionally mobilized to violence prioritized economic survival to elections and politics. As a result of the negative peace, the ongoing agitations by the Azimio coalition on the state of the economy and electoral reforms, the continuing economic crisis, complicated by the drought and an unfavorable international economic environment are combining to heighten risks to peace and security in the post-election environment.

However, and in spite of the current risks, the lack of violence during and after the 2022 elections offers a strategic opportunity for peace actors to engage in efforts towards sustaining and broadening peace in order to among other goals, secure the 2027 elections.

In recognition of this strategic opportunity to sustain peace, Act! commissioned the current study; *A Conflict Sensitivity Analysis, Mapping and Risk Assessment* with the following objectives;

i. Analyze the post-election environment and identify threats to peaceful co-existence from an electoral conflict perspective (as contra-distinguished from other conflicts).
ii. Develop a comparison analysis on electoral/political dynamics in 2022 and 2017 with a focus to but not limited to what contributed to the favourable result in 2022, roles played various conflict management players, challenges, and the lessons learnt.
iii. Understand the effectiveness of the electoral conflict mitigation and peace building interventions and approaches employed in 2022 by Act! and other actors and document the lessons learned and which should be replicated.
iv. Identify potential synergies and opportunities for mainstreaming peace building and conflict resolution approaches for planned year 2 (two) interventions.
v. Determine the status of ECCES programme custom indicators in the Monitoring Evaluation and Learning plan.

Key Findings

a) Electoral conflict during and after the 2022 general elections;

- 86% of the respondents reported not witnessing or experiencing violence during and after elections.
- 82% of the respondents felt that elections were "peaceful".

- 51% of the respondents attributed the lack of electoral violence to citizen's preoccupation with other pressing issues besides elections. Among these were the high cost of living and lack of access to basic needs.

b) Peace and security risks following the 2022 elections;
   - 38% of respondents were of the opinion that the 2022 elections had generated peace and security risks in the post-election period.
   - The greatest source of those risks was the continued denial of the election results by the Azimio coalition (55%) followed by lack of delivery of campaign promises (22%).
   - To address these risks, 34% of respondents called for more peace and cohesion interventions while 27% called for delivery on campaign promises.

c) Effectiveness of electoral conflict mitigation institutions in the 2022 elections.

- 86% of the respondents reported satisfaction with the interventions of the police towards electoral conflict mitigation. 71% reported the performance of CSOs as being satisfactory.
- The judiciary recorded the lowest satisfaction levels at 48%, followed by media (50%) and IEBC at 54%.

d) Some lessons learned in electoral conflict mitigation following the 2017 and 2022 elections

- Elections are a cycle, not an event. Every step of the way is important towards achievement of the overall goal of a credible and peaceful election.
- To achieve a sustainably peaceful electoral environment, peacebuilding must address the root causes of insecurity and structural violence. Piecemeal electoral peacebuilding may achieve a ceasefire effect at election time but soon after, old grievances resurface to jeopardize the post-election peace environment.
- Peacebuilding must be broad and multi-faceted to accommodate non-traditional peacebuilders who nonetheless can influence or get influenced by the state of peace and security, more so in high risk settings that require emergency interventions like elections.
- Digital technologies including social media have the potential to close the information gap during elections that leads to tensions and possible conflicts. However, the space must be regulated to mitigate against fake news and the spread of mis/dis and mal information which are a new site of electoral conflict.
- Activation of EWER systems early enough in the electoral cycle, at the very latest, six months to elections allows for effective rolling out of the system, including its familiarization and trust building among the stakeholders, increasing its effectiveness.

Recommendations to Act! and partners

- Together with other partners, especially from religious, business and professional sectors, support efforts towards establishing/supporting dialogue between the leadership of both Kenya Kwanza and Azimio coalitions in order to diffuse the rising political tensions;
- As part of sustaining positive peace, work together with NCIC and other parties, in the justice and human rights sectors in revisiting the TJRC report to sustainably address structural violence in Kenya.
- Support the IEBC in peacebuilding and conflict resolution to ensure that the 2024 boundaries delimitation and delineation process will be peaceful and conflict sensitive.
- At local level, support accountability dialogues between the elected and electorate to ensure effective citizen participation in governance as part of broader peacebuilding and holding

elected leadership accountable. This also ensures that elections are meaningful by delivering on the needs of the electorate as a strategy to reduce voter apathy.

- Collaborate with institutions working towards making the digital space secure and safer for Kenyans, in recognition of the online harms and risks to peace and security experienced in the 2022 elections.
- Support sustainable civic education interventions including standardization of curriculum and lobbying government for its inclusion in secondary school curriculum.

The full version of this study is available on request.