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The 4 March 2013 General Elections in Kenya: From Latent Tension to Contained Violence

Mathieu Mérino

Introduction

Kenya's general elections on 4 March 2013 appeared as a major test of the country's ability to move beyond election-related violence – particularly that of the 2007-2008 elections, which resulted in the death of 1,300 citizens and the displacement of more than 600,000.¹ The rather peaceful character of the 2013 elections might appear to vindicate the institutional reforms undertaken in Kenya since 2008, with the country firmly fixed on a path of pacified political competition. For the most part, politicians, political operatives and civil society have certainly understood the need to prevent electoral violence. This reflects a political transformation in Kenya: in the run-up to the 2013 elections, the main presidential candidates systematically and collectively appealed for peace and increased their calls for tolerance during the campaigns.² Several youth groups participated in violence-prevention campaigns, while the media worked with government institutions to broadcast messages of peace and to stifle inflammatory speeches, among other efforts. However, the ever-present fear of violence obscured discussion and debate about its causes, particularly those that have fuelled its increase since 1992.³ Political debates largely avoided questions about land access rights, unequal natural resource distribution, and youth unemployment.⁴

Unlike their public denunciations, some politicians still covertly favor the use of violence – concentrated in the run-up period that comprises voter registration, primaries, and so on – thus perpetuating a kind of structural electoral violence that has recurred in every election since 1992. The 2013 elections were no exception. Between 2012 and the beginning of 2013, clashes between communities in several regions of the country resulted in more than 500 dead and nearly 120,000 displaced (ICG, 2013a). Pre-election maneuvering fostered many of these incidents, as local politicians mobilized their supporters. During the second half of 2012, some of the most serious clashes occurred between the Pokomo and Orma in the Tana River Delta, resulting in the death of hundreds.⁵

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Given these events, along with the filing of a formal complaint disputing the 2013 election outcomes, the current absence of a post-election crisis should not obscure the persistence of latent tensions and election-related violence, even if the latter has been contained. Despite calls for calm during the 2013 campaigns, the party primaries remain chaotic and disorganized, as does the administration of polling practices. The efforts that prevailed to maintain peace – before the vote, during the count, and following the Supreme Court arguments – must not obscure the deep tensions that still characterize this power-sharing exercise in Kenya.

The shambolic candidate selection process

In accordance with the electoral reforms of 2010, and for the first time in the history of the country, six elections were slated for the same day (4 March 2013): for president and deputy-president, National Assembly,⁶ women's representatives to the Parliament and the Senate,⁷ local governors, and local legislators⁸ in 47 newly created counties. In Kenya, political contests are fought, first and foremost, at the local level. Even before the introduction of multiple political parties in 1991, local election battles were intense; this was especially apparent during races between local chapters of the Kenya African National Union (KANU). KANU was the dominant party from Kenya's independence until 2002. The current multi-party era has not changed the situation: the local primaries that decide the general-election candidates remain hotly disputed. The dozen or so partial elections that took place at the end of 2011 proved no exception: in several electoral districts in Nyanza Province, for example, the main party primaries – particularly those of the Orange Democratic Movement (ODM), led by Prime Minister Raila Odinga – proved extremely competitive and sometimes lacked impartiality (Amina, 2012). During the ODM primaries, ten deaths among party members occurred in the electoral districts of Rongo, Nyatike, Kasipul and Kabondo in Nyanza Province (Nyasato and Ongwae, 2011;

1. For more on the 2007 elections and the crisis that followed, see e.g. Lafargue and Katumanga (2013); Lafargue (2008); Anderson and Lochery (2008); and British Institute in Eastern Africa (2008).

2. For more on the links between religions and politics, especially during elections, see e.g. Lonsdale (2005) and Maupeu (2008).

3. For more about the history of electoral violence since the return of multiparty system, see especially Klopp (2001) and Basedau, Erdmann and Mehler (2007).

4. The land question is particularly sensitive in Kenya because of illegal land-grabbing practices, notably those highlighted by the Ndung'u

Commission Report (2004).

Property-related issues are one of the causes of the 2007-2008 post-election violence; for more see Médard (2008). Thus, during the 2013 election campaigns, high-level Kenyan officials, particularly those in the police force, stopped some candidates from speaking publicly on the subject, to avoid volatile questions and keep campaign appearances under control. For example, Police Chief Kimaiyo said, "the land issue at this point in time should not be used as a campaign tool by candidates; its effect has been seen before" (Sigei, 2013).

5. After these clashes, a deputy minister and two councilors were

arrested and tried for their part in provoking violence (Anonymous, 2013a).

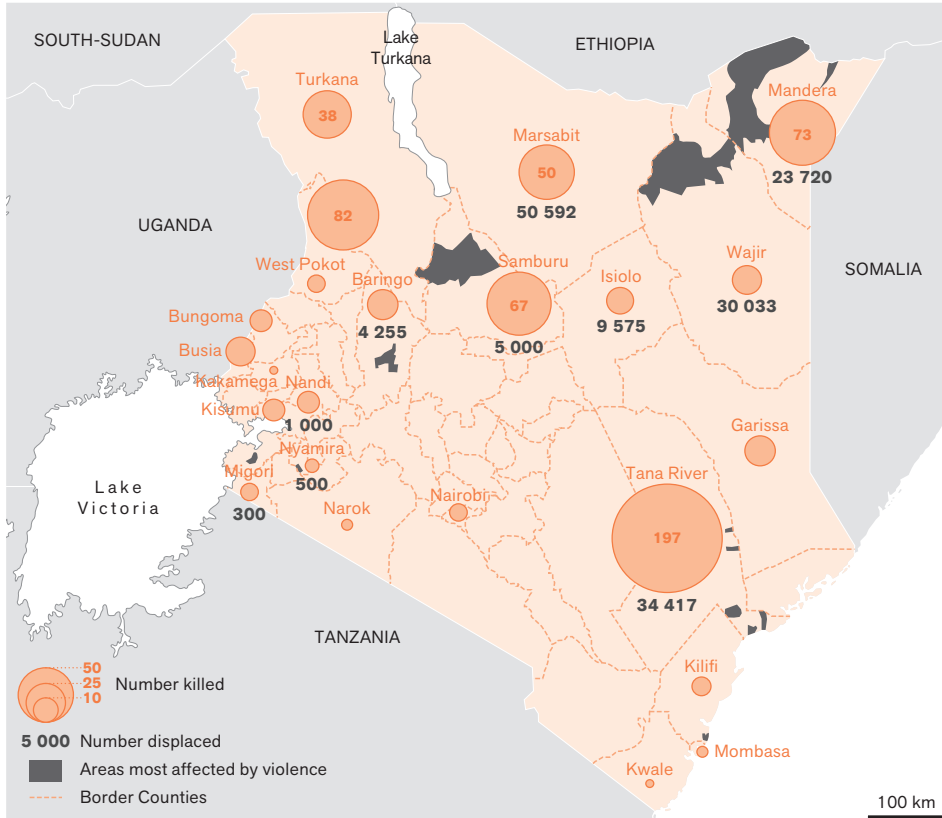
6. The National Assembly has 350 members, of which 290 are elected; 47 seats are reserved for elected women's representatives (one per county), and 12 seats for representatives appointed by political parties.

7. The Senate has 68 members; 47 are elected, each representing one county.

8. At the local level, 47 county governors are elected by direct vote, as are 1,450 members of local Assemblies.

Kenya: Violent outbreaks near the borders during the elections

Number killed and displaced by county (January 2012–June 2013)



This map shows where violent outbreaks took place in Kenya from January 2012 to June 2013, using two indicators: the number of people killed and the number displaced. It combines two maps drawn by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Nairobi; the original maps cover two distinct periods, January 2012 to 2013, and January through June 2013. The maps use data gathered, aggregated and verified by Kenya's Red Cross, several nongovernmental organizations and observers in the field. This map shows that 665 people were killed and at least 168,200 displaced from their region of origin because of local and intercommunity conflicts between January 2012 and June 2013. The hardest hit regions are situated near the Kenyan border in the north and the east. Source: OCHA maps (2013).

Ongwae and Otieno, 2011). Clashes between supporters of several candidates also took place in Likoni, Coast Province; as a result, one legislator, Suleiman Shahbal, filed a complaint for election process irregularities (Otieno, 2011).

Given this context – the post-election violence of 2007–2008 combined with the intensified competition that followed – the local races selecting general-election candidates that took place at the end of 2012 and in early 2013 offered ways to gauge the climate surrounding the upcoming 4 March 2013 elections. Kenya's new constitution, approved by referendum on 28 August 2010, properly set out – for the first time – legal requirements for the primaries: Article 91 imposed the same principles used in the general election, “to be lawful, fair and free.” Furthermore, the parties generally spread the word among

their candidates to restrain themselves during the races. Representatives from the Coalition for Reform and Democracy Alliance (CORD), one of two main political groups on the 2013 ballot, warned that they would disqualify any candidate implicated in any violent act (Mosota, 2013). William Ruto, the second-in-command of the other leading political alliance, the Jubilee Coalition,⁹ issued the same warning (Olick, 2013).

Despite all these efforts, these primaries were, unsurprisingly, marked once again by poor organization. Inadequate preparation combined with a high level of popular interest¹⁰ did not facilitate matters. In many localities, problems in delivering polling materials – vote-collection boxes, voter lists, and so forth – delayed the opening of many polling places, angering many voters. Attempts to intimidate voters also occurred, especially in the coastal districts of Kilifi and Kwale where the Mombasa Republican Council (MRC), a secessionist movement, threatened to attack some residents if they went to the polls (EUEOM, 2013). Multiple allegations of fraud and corruption also took place. Actually, violent episodes concentrated around the announcement of the results, especially in the western, Nyanza, Nairobi, Central and Coast provinces. In fact, the races in the fiefdoms of the main political parties were often the most bitterly fought, as a certificate of investiture from one of the parties would normally all but guarantee election. Nyanza Province, the ODM stronghold, was especially affected, with clashes between youth and the police in Migori, Homa Bay, Kisumu and Siaya counties. Similarly, localized violence, such as roadblocks, stone-throwing, and attacks on candidates, occurred in Nairobi, Kisumu and Eldoret, the URP stronghold. Officially, the primaries resulted in two deaths, several dozen wounded and more than 40 arrests (P.A. Nyong'o, author interview on February 26, 2013 and Joel Mabonga, author interview on February 28, 2013).

9. Jubilee is mainly built on a coalition of the National Alliance (TNA) and the United Republican Party (URP), respectively managed by Uhuru Kenyatta, a Vice Prime Minister and a Kikuyu from Central Province, and William Ruto, a former agriculture minister and the leader of the Kalenjin community. The coalition between Kenyatta and Ruto thus turned on an electoral alliance between the Kalenjin and Kikuyu, even though the two communities are long time opponents and even clashed during the 2007-2008 post-election violence. Above all, the two communities were bound together by a pre-electoral agreement to share governmental functions equally between Kenyatta's partisans and Ruto's. In addition, to its main supporters, the alliance counted on Charity Ngilu – then minister for water and Chair of the National

Rainbow Coalition (NARC), and Najib Balala of the Republican Congress (RC), from, respectively, Ukambani in Eastern Province, and Coast Province.

10. Nearly 3.4 million Kenyans are registered as members of a political party. According to the Electoral and Boundaries Commission (EBC), the four largest political parties are the National Alliance, with 290,730 members, the Orange Democratic Party with 278,217 members, the United Democratic Forum Party with 209,217 members, and the United Republican Party with 198,737 members.

11. Peter Kenneth, a politician with the KNC, and Raphael Tuju of the Party of Action (POA), joined forces to create the Eagle Alliance at the beginning of 2013 in preparation for parliamentary and local elections.

12. The Deputy Prime Minister Musalia Mudavadi, originally from the Luhya community in Western Province, was the leader of the Amani coalition that combined the UDF, KANU and the New Forum for the Restoration of Democracy Kenya (New FORD-Kenya).

13. For the Jubilee coalition.

14. For the CORD coalition.

15. Waititu's speech occurred after a childhadd in Kayole area in Nairobi. However, Waititu was arrested for only a short time; after he apologized, the NCIC withdrew its complaint (Ahmed Yassin, author interview on October 4, 2012).

16. The Jubilee alliance was originally set up as a four-part coalition to support the Uhuru Kenyatta-William Ruto ticket for the presidential election. The founding members are the TNA, NARC, URP and RC.

Unlike the primaries, the nomination of presidential candidates took place at the end of January in an atmosphere of solemn calm – at least on the surface. Eight presidential candidates presented themselves in person: Martha Karua (NARC-K); Peter Kenneth (KNC),¹¹ James ole Kiyiapi (Restore and Build Kenya, or RBK), Musalia Mudavadi (UDF),¹² Uhuru Kenyatta (TNA),¹³ Mohamed Abduba Dida (Alliance for Real Change), Raila Odinga (ODM)¹⁴ and Paul Muite (Safina Party). The stage for this had been set several months earlier, at a cost of long negotiations to cement alliances and nominate front-runners. In the wake of the 2007-2008 post-election violence, all candidates signed a new code of conduct that forbade violence and fraud, and solemnly swore, if defeated, to accept the verdict of the ballot box (Ngirachu, 2013). Nearly all candidates also took part in a large rally in Uhuru Park at the center of Nairobi, in support of peaceful elections (Opiyo, 2013).

Fundamentally, these appeals for peace were the significant feature of the 2013 elections, even before the campaign officially began. The calls seemed to be part of a larger movement that arose after the 2007-2008 post-election crisis. They aimed to prevent a repeat of the violence and to avoid irritating still-open wounds. In particular, Kenya sought to institutionalize violence-prevention and penalty mechanisms. These included the Truth, Justice and Reconciliation Commission (set up in 2008), and the National Cohesion and Integration Commission (NCIC); the latter had the mandate to detect and take legal action against acts of ethnic and racial discrimination (NCIC, 2008). Henceforth the law cracked down on hateful acts and speech “toward any group of people based on their color, race, nationality, ethnicity or origin”, acts that had contributed widely to spreading violence after the 2007-2008 election (NCIC, 2008). For this reason, even as the NCIC came into being, it initiated charges against three Kikuyu musicians and six politicians, including two ministers; it also used the 2010 constitutional referendum to pursue two legislators. In September 2012, the NCIC demanded the arrest of the Nairobi assemblyman and deputy minister of water, Ferdinand Waititu, following media reports that during a visit to the Kayole area in Nairobi, he incited listeners to chase the Maasai out of the electoral district (BBC, 2012a).¹⁵

Even so, these calls for calm did not disguise underlying tensions; sparring between Raila Odinga and his main rival, Uhuru Kenyatta, had gone on for several months already, and the consequences of the 2007-2008 post-election crisis still haunted the media. Indeed, the 600,000 Kenyans displaced during the crisis had not been resettled, particularly those from the Rift Valley and Nyanza provinces, who were most affected at the time. Another grave concern weighed on the presidential elections, an unresolved question about the eligibility of one of the main candidates, Uhuru Kenyatta. Kenyatta has been charged with crimes against humanity, allegedly perpetrated during the 2007-2008 post-election violence, and will be tried before the International Criminal Court (ICC) in the Hague. Initial hearings were set for April 2013, a month after the first round of voting. The Jubilee coalition¹⁶ sought to stifle all

political debate about these charges, preferring instead to denounce “foreign intervention” and thus banking on a populist reaction in their favor.

An apparently calm campaign

The ever-present fear of violence prompted several preventative steps during the campaign, particularly affecting mobile telephone, radio, and social media network operators; these groups had spoken, written or relayed words that had contributed widely to violence after the 2007-2008 election. The National Communications Commission of Kenya targeted political messages sent via mobile phones, imposing an obligation on network operators to filter content that was likely to encourage violent behavior. The commission also insisted that political parties write their text messages (SMS) only in English or Swahili, thereby excluding many vernacular languages. In addition, the commission required all parties to submit their proposed messages to network operators 48 hours before broadcast time so that the content could be deleted, if necessary. The commission also required mobile network operators to keep a registry of names connected to all mobile phone SIM cards so that the operators could trace message senders and recipients; penalties for sending hate messages reached up to \$56,000 (US) or three years in prison. Citizens were also encouraged to report any hateful message (BBC 2013) via a mobile-phone application set up by the National Police Service Commission (Ndonga, 2013). Targeting social network users, the Kenyan government announced that it would oversee the Internet and arrest anyone spreading hate speech aimed at other communities (Jackson, 2013; Ombati, 2013).

At the same time, public speeches encouraged support of peaceful elections; strong pressure also came from international sources.¹⁷ Radio airwaves were full of calls for tolerance, local radio being the most important broadcast

17. Many nations called for Kenyan citizens to unite, especially the United States and European countries (Omondi 2013).

18. Radio is regularly listened to by 95% of Kenyans. The country counts 90 FM-radio stations, including 46 in Nairobi alone (Synovate 2011).

19. The IEBC, created in 2011 and directed by Ahmed Isaack Hassan, is the direct descendant of the Interim Independent Electoral Commission (IIEC). The latter was in charge of organizing the 2010 constitutional referendum, followed by 11 partial elections; its success led politicians to retain the same team of commissioners when the IEBC was created by the 2011 Independent Electoral and Boundaries Commission Bill. The IEBC is made

up of nine commissioners selected by Parliament and appointed by the President.

20. Since the 2010 constitutional reform, Kenyan citizens have voted in six elections on the same day: presidential, legislative, senatorial, women's representatives to the National Assembly, governors, and local Assembly representatives. These six ballots account for 1,882 elected positions.

21. Despite Kenya's recent history of deep institutional reforms, and despite the complexity of producing six elections, the IEBC did not launch a voter education program until a month before Election Day.

22. Up until the final days before the election, the IEBC hesitated between setting up 33,000 or 40,000 polling

places. This indecision affected the upstream organizational process of hiring polling-place workers and distributing ballots, ballot boxes, voting booths, and other materials.

23. Reaching a total of 14.34 million registered voters out of an estimated 18 million potential voters.

24. Observers regularly speak of three million potential voters that did not have identification (Anonymous civil-society representatives, February 20, 2013)

25. The persistent deficit of women registered to vote is clear from the final voter registration numbers that showed a minority of women in every age category under 50, except for 26-30 year olds, where women slightly outnumbered men.

media in Kenya.¹⁸ Some radio stations organized peace rallies, such as one in Mombasa in February 2013 set up by Ramogi FM, a Luo-language station. As Election Day neared, messages promoting tolerance multiplied. Popular stations generally played songs that praised national patriotism and intercommunity pacifism. One of the main Kikuyu-language radio stations, Kameme FM, broadcast a song appealing to God that Kenyans would not fight one another. A Kalenjin-language station, Kass FM, broadcast music that called for Kalenjin to love their neighbors and to forgive them if the love was not returned.

In the end, the general election campaigns remained relatively calm, and citizens generally respected candidates' freedom of movement and expression throughout the country. But that had also been the case in 2007. Some destruction of campaign materials was noted in Nyeri, Narok, and Nakuru counties in the Central and Rift Valley provinces. Elsewhere, violent incidents erupted, particularly in the Coast and North-Eastern provinces, as well as in the Rift Valley. The most serious incident occurred in Garissa, a suicide attack against a security forces building the day before the arrival of the NARC-K presidential candidate, Martha Karua. Serious disruptions also took place in Meru and Embu in Eastern Province in mid-February: TNA partisans of the Jubilee alliance interrupted two presidential rallies for the CORD duo, Raila and Musyoka, with both events ending in violence (Wanyoro, 2013). Furthermore, verbal violence between communities remained as intense as during the 2007 campaigns, despite the calls for restraint. While the media did not relay such speech (unlike in 2007), social networks became infested with it (Mukinda, 2013a), especially during the two weeks just before the vote (Omino, 2013). Attempts by the Committee on Media Monitoring to bring action against social networks achieved hardly any result (Mukinda, 2013b).

Voting outcomes cause localized violence

For the first time in Kenya's history, the Independent Electoral and Boundaries Commission (IEBC)¹⁹ had to set up and coordinate six elections simultaneously.²⁰ By the end of 2012, the IEBC had fallen behind schedule for several key electoral steps, such as voter education,²¹ election districting, and voter registration. It was also behind schedule in hiring the more than 160,000 Election Day workers and determining the number of polling places.²² These delays eroded the commission's credibility. Notably, voter registration failed to achieve the intended targets. Although nearly 80% of the electoral administration's target was met,²³ people without identity cards – a significant share of young potential voters and citizens living in distant regions, particularly those on the border with Somalia – remained excluded from the voter registration lists,²⁴ as did a significant percentage of women.²⁵

Even so, like the campaign, Election Day remained calm overall. Localized violence broke out in Nairobi and Kisumu, but was quickly contained. On the other hand, the Coast and North-Eastern provinces saw several

violent incidents that killed more than 20, including members of the security forces and electoral administration agents (Smith, 2013). Although isolated, these incidents caused several delays in the opening of polling places in several districts, such as Mombasa, Kilifi and Kwale, which *a priori* favored the CORD coalition. Such incidents also decreased voter participation rates.

After the vote, the ballot-counting and compiling phase was marked by a lack of transparency and some inefficiency on the part of the IEBC. Electronic transmission of results failed due to incomplete training and cellular network coverage (Mark, 2013). Party agents were also evacuated from the national compilation center in Nairobi, ostensibly (and officially) to facilitate the manual counting of presidential votes following the electronic transmission failure (Joel Mabonga, author interview on March 6, 2013). All these events sharpened tensions between candidates and the electoral commission. Nonetheless, the main candidates called on their partisans and the whole nation to remain calm and peaceful during the five days of ballot counting.

The IEBC's announcement of the results on 9 March came as something of a surprise. While most observers expected a run-off between Odinga (CORD) and Kenyatta (Jubilee), the latter was declared the winner of the presidential election with 6,173,422 votes, or 50.07%. Odinga received only 5,340,546 votes, about 830,000 fewer. Above all, Kenyatta carried the first round of voting with a lead of 8,419 votes; this was a rather weak margin given the potential "errors" that may have occurred during the compilation of more than 12 million ballots.²⁶ Another surprise – given the high voter turnout (85.9%), the unprecedented complexity of the elections, and the requirement to vote for six positions – was that the rejected ballots represented only 0.8% of the vote, a very low percentage on the worldwide scale.²⁷

Of course, the Jubilee camp perceived the presidential election results differently from the CORD camp. For the former, victory validated their risky strategy of an alliance between two leaders, Kenyatta and Ruto, and therefore between two communities, the Kalenjin and the Kikuyu, who had been opponents in 2007-2008. In effect, the logic of a *rapprochement* between communities ensured Jubilee a base of six million potential electors versus somewhat fewer than three million for CORD, supported by the Luo and the Kamba. Furthermore, the Kenyatta-Ruto ticket's efficient and expensive

26. According to Kenya's constitution, a candidate must receive 50% plus one vote of all votes cast and at least 25% of votes cast in at least half (24) of the country's 47 counties.

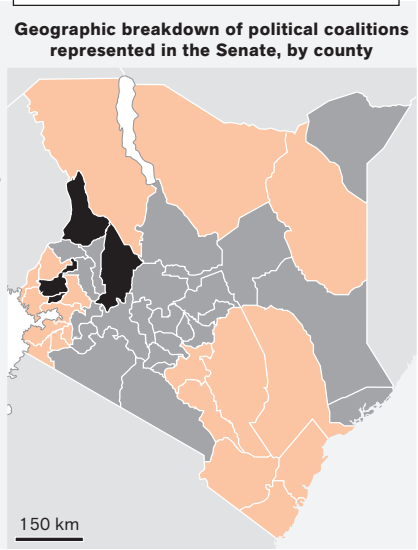
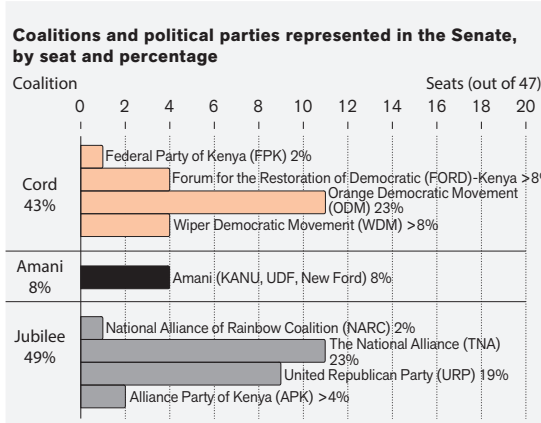
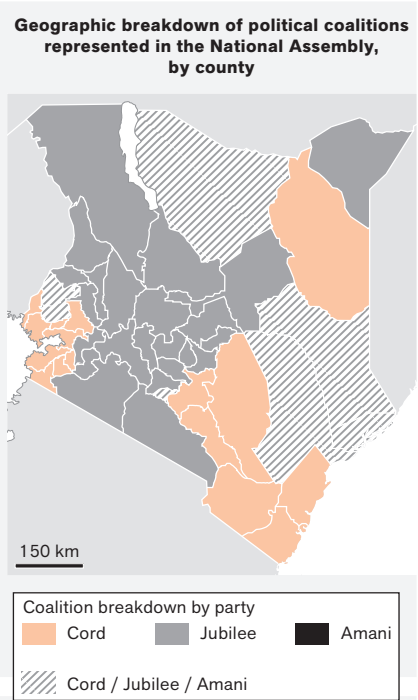
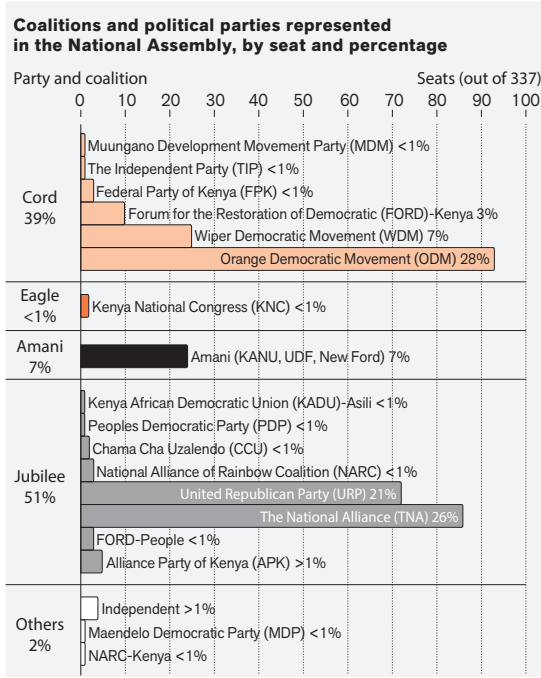
27. For a comparison, the percentage of ballots found to be invalid during the 2010 referendum was 1.7%, or more than twice as many than for the presidential contest, and for a far simpler election.

A fine-grained analysis of the numbers tends to confirm the *a priori* anomalously low rate, since in similar contexts observers commonly see significant differences between urban or central regions and those on the border, to the logical detriment of the latter. In the case of Kenya's last elections, a county-by-county count shows no such tendency clearly. For example, counties as underserved as Garissa or Wajir saw invalidation rates

of 0.56% and 0.54% respectively, lower than Nairobi's 0.86%. The simple fact that the capital city achieves the national average is in itself revealing, in as much as capitals generally finish in the lower range of invalidation rates; this phenomenon was observed, for example, during the last elections in Ghana and in Côte d'Ivoire.

Political party representation in the National Assembly and the Senate

Majority political coalitions represented in the National Assembly and Senate, by county



This chart shows only the 47 elected Senators and does not include 16 women nominated by political parties, two youth representatives, two disabled-persons representatives or the Speaker of the Senate.

Election results for representatives to the National Assembly and the Senate gave legislative leadership to the Jubilee Coalition with a definitive majority in both houses of Parliament. Cord, led by Raila Odinga, became the official opposition coalition in both houses.

Source: "Kenya after the elections." Africa Briefing N° 94. International Crisis Group (ICG). Nairobi/Brussels. 2013

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Edigraphie, 12/2013.

campaign swept aside the Orange camp, which had started too late, suffering from divisions that appeared during the early 2013 primaries (Anonymous, 2013b). CORD, for its part, very quickly filed a complaint about the results with the Supreme Court, on 17 March. In a non-anecdotal way, rather than asserting elector victory, the complaint focused on obtaining annulment of the results and rerun of the election. This suggests that CORD knew it could not demonstrate victory to the Court, given the large gap between Odinga's and Kenyatta's vote totals. To support its complaint, CORD argued that the number of votes that the IEBC compiled in some electoral districts differed from totals it announced nationally. On 25 March, the Supreme Court ordered a ballot recount for 22 polling places, calling these "tests." Although it acknowledged obvious material errors in 20 of the 22 polls, on March 30 the Court validated the results as announced by the IEBC.

The Supreme Court's decision provoked only isolated acts of violence, in Nyanza Province and in Nairobi, notably because of pacifying speeches made by Odinga and his political allies following the announcement of the Court's ruling. In this regard, it appears that the large margin of votes separating Kenyatta from Odinga played the crucial role in the CORD coalition's de facto if not formal acceptance; a theoretical second-round runoff could not possibly have reversed the trend. The coalition also faced internal and external pressure to avoid going back on the stump, pressures more decisive than those for making truly substantial improvements in electoral conduct. The climate in which the hypothetical runoff would have occurred remains an open but valid question, given the way that the administration had incompletely secured the electoral process.

Table 1 – Results for Kenya's 4 March 2013 presidential election

Candidate	Number of votes	Percentage of votes
Uhuru Kenyatta	6,173,433	50.07%
Raila Odinga	5,340,546	43.31%
Musalia Mudavadi	483,981	3.93%
Peter Kenneth	72,786	0.59%
Mohamed Abduba Dida	52,848	0.43%
Martha Wangari Karua	43,881	0.36%
James Legilisho Kiyiapi	40,998	0.33%
Paul Kibugi Muite	12,580	0.10%
Rejected votes ²⁸	108,975	0.88%
TOTAL	12,330,028	100%

Source: IEBC, 2013.

28. Kenya's constitution allows for determining results on all votes,

which is why the IEBC included rejected votes in its March 9, 2013

announcement about the candidates' totals and percentages.

Between 5 and 8 March, the electoral commission also announced the results for county governors, Assemblies, women's representatives to the National Assembly, and senators. As with the presidential results, these victory declarations did not cause any seriously violent incidents.

As of this writing, Kenyatta's Jubilee coalition controls 58% and 57% of the seats in the National Assembly and Senate, respectively. However, the new central power has to contend with the 47 local (county) governments that resulted from the 2010 constitutional reform. Decentralization remains in progress, and CORD controls 21 of the 47 counties. Tensions have already appeared between governors and the central government (Mosoku, 2013). The newly elected Governor Wycliffe Oparanya (ODM-Kakamega) and Deputy Governor Okoth Obado (UDF-Migori) have asserted that the constitution prescribes a clear separation of powers, making the counties "independent units"; the pair hold that the central government has no mandate to interfere with or regulate county governments. Additionally, Governor Alfred Mutua (WDM-Machakos) recently condemned Kenya's Treasury for not funding the counties in accordance with the constitution (Anonymous, 2013c). All of this inaugurates new ground for political competition between CORD and Jubilee, with a backdrop of competition between the central government and decentralized powers.

Bibliography

Amina, P. "ODM party polls breached the new constitution". *The Star*, January 16, 2012. Retrieved from <http://www.the-star.co.ke/news/article-34052/odm-party-polls-breached-new-constitution>.

Anderson, D., and E. Lochery. "Violence and Exodus in Kenya's Rift Valley, 2008: Predictable and preventable". *Journal of Eastern African Studies* 2, no. 2, July 2008.

Anonymous (2013a). "Power struggles and conflict over use of land fans Tana Delta clashes". *Daily Nation*, February 9, 2013. Retrieved from [http://www.nation.co.ke/News/Power+struggles+fan+Tana+De lta+clashes/-/1056/1487278/-/t7w6go/-/index.html](http://www.nation.co.ke/News/Power+struggles+fan+Tana+Delta+clashes/-/1056/1487278/-/t7w6go/-/index.html).

Anonymous (2013b). "Nyanza leaders blame voters for Raila's election loss and trouble". *Daily Nation*, March 25, 2013. Retrieved from <http://www.nation.co.ke/News/politics/Nyanza-leaders-blame-voters/-/1064/1729528/-/jg5wfpz/-/index.html>.

Anonymous (2013c). "Talk of devolution without money to counties is a joke". *Daily Nation*, April 6, 2013. Retrieved from <http://www.nation.co.ke/News/politics/Nyanza-leaders-blame-voters/-/1064/1729528/-/jg5wfpz/-/index.html>.

Basedau, M., G. Erdmann and A. Mehler. *Votes, Money and Violence: Political parties and elections in sub-Saharan Africa*. Scottsville: KwaZulu-Natal Press, 2007.

British Broadcasting Corporation (BBC). Kenya MP Ferdinand Waititu accused of hate speech. *BBC News*, September 25, 2012. Retrieved from <http://www.bbc.co.uk/news/world-africa-19713466>.

_____. "Kenya cracks down on hate speech ahead of poll". *BBC News*, February 26, 2013. Retrieved from <http://www.bbc.co.uk/news/world-africa-21538412>.

British Institute in Eastern Africa. "Special Issue: Election Fever: Kenya's crisis". *Journal of Eastern African Studies* 2, no. 2 (2008).

European Union Electoral Observation Mission (EUEOM). *Final Report of the EU Election Observation Mission in Kenya*. Nairobi. March 6, 2013.

International Crisis Group (ICG). "Kenya after the election", Africa Briefing, 94. Brussels: ICG. May 15, 2013.

_____. "Kenya's 2013 elections", *Africa Report*, 197. Brussels: ICG. January 17, 2013.

IEBC (Independent Electoral and Boundaries Commission). "Kenya election results for March 4, 2013". Nairobi: IEBC. 2013.

Jackson, T. "Kenyan government warns social media users on hate speech". Humanipo.com, January 9, 2013. Retrieved from <http://www.humanipo.com/news/3189/kenyan-government-warns-social-media-users-on-hate-speech/>

Klopp, J. "'Ethnic clashes' and winning elections: The Kenyan case of electoral despotism". *Canadian Journal of African Studies* 35, no. 2 (2001): 473-517.

Lafargue, J. ed. *The General Elections in Kenya, 2007*. Dar es Salaam: Mkuki na Nyota Publishers, 2009.

Lafargue, J. and M. Katumanga. "Élections et violences au Kenya". *Politique Africaine* 109, no. 3 (2013): 107-121.

Lonsdale, J. "Religion and Politics in Kenya." The Henry Martyn Lectures. Cambridge: Cambridge University. 2005. Retrieved from <http://henrymartyn.dns-systems.net/media/documents/HMC%20Lectures/2005%20Religion%20and%20Politics%20in%20Kenya.pdf>.

Maupeu, H. "The Role of Religious Institutions". *Les Cahiers d'Afrique de l'Est* 38 (2008):311-340.

Mark, O. "Polls officials ill-trained to use devices". *The Business Daily*. March 7, 2013. Retrieved from <http://www.businessdailyafrica.com/Polls-officials-ill-trained-to-use-devices/-/539546/1714216/-/fncv5q/-/index.html>.

Médard, C. "Key issues in disentangling the Kenyan crisis: evictions, autochthony and land privatization". *Les Cahiers d'Afrique de l'Est*, 38 (2008): 375-390.

Mosota, M. "CORD to disqualify candidates who engage in violence". *The East African Standard*. January 7, 2013. Retrieved from http://www.standardmedia.co.ke/?articleID=2000074488&story_title=cord-to-disqualify-candidates-who-engage-in-violence.

Mosoku, G. "Raila: State officials out to kill devolution". *The East African Standard*. April 4, 2013. Retrieved from http://www.standardmedia.co.ke/?articleID=2000080782&story_title=Kenya-Raila:-State-officials-out-to-kill-devolution.

Mukinda, F. "Tool to track hate messages unveiled". *Daily Nation*, January 30, 2013a. Retrieved from <http://elections.nation.co.ke/news/Tool-to-track-hate-messages-unveiled--/1631868/1680262/-/12a2cd3z/-/index.html>.

_____. "Team urges Facebook to expose hate speech". *Daily Nation*, February 20, 2013b. Retrieved from <http://elections.nation.co.ke/news/Team-urges-Facebook-to-expose-hate-speech--/1631868/1699694/-/egxersz/-/index.html>.

National Cohesion and Integration Commission (NCIC). *National Cohesion and Integration Act*. Nairobi: NCIC, 2008.

Ndonga, W. "Public to report crimes, hate speech via SMS". *Capital News*, January 30, 2013. Retrieved from <http://www.capitalfm.co.ke/news/2013/01/public-to-report-crimes-hate-speech-via-sms/>.

Ndung'u Commission. *Report of the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land*. Nairobi: Republic of Kenya, 2004.

Ngirachu, J. "Candidates warned to play by the rules". *Daily Nation*, January 30, 2013. Retrieved from <http://elections.nation.co.ke/news/Candidates-warned-to-play-by-the-rules-/-/1631868/1680102/-/ks7p8p/-/index.html>.

Nyasato, R., and R. Ongwae. "Four youth killed, scores injured after rival ODM supporters clash". *The East African Standard*, December 12, 2011. Retrieved from <http://www.standardmedia.co.ke/?id=2000048263&cid=159¤tPage=3&articleId=2000048263>.

OCHA (United Nations Office for the Coordination of Humanitarian Affairs). Kenya: 2012 Inter-communal conflict by district (Jan 2012 – Jan 2013). 2013a. Retrieved from <http://reliefweb.int/sites/reliefweb.int/files/resources/Kenya%202012%20Inter-communal%20conflict%20by%20district%20%28Jan%202012%20-%20Jan%202013%29.pdf>.

_____. Kenya: *Inter-communal conflict by district (January 2013 – June 2013)*. 2013b. Retrieved from https://kenya.humanitarianresponse.info/sites/kenya.humanitarianresponse.info/files/KEN_Jan-Jun2013_Conflict_Tracking_10July2013.pdf.

Olick, F. "Ruto assures EU observers of peaceful polls". *The East African Standard*, January 23, 2013. Retrieved from http://www.standardmedia.co.ke/?articleID=200075675&story_title=Kenya:%20Ruto%20assures%20EU%20observers%20of%20peaceful%20polls.

Ombati, C. "Team to monitor hate speech set up ahead of polls". *The East African Standard*, January 9, 2013. Retrieved from http://www.standardmedia.co.ke/?articleID=2000074588&story_title=team-to-monitor-hate-speech-set-up-ahead-of-polls. Omino, B. (2013). Media monitoring committee warns against hate speech. *The Star*, 13 March. Retrieved from <http://www.the-star.co.ke/news/article-111925/media-monitoring-committee-warns-against-hate-speech>.

Omondi, G. "Obama calls on Kenyans to keep peace". *The Business Daily*, February 5, 2013. Retrieved from <http://www.businessdailyafrica.com/Obama-calls-on-Kenyans-to-keep-peace-/-/539546/1685538/-/n7b684z/-/index.html>.

Ongwae, S. and K. Otieno. "Police probe politicians in killings of Migori youth". *The East African Standard*, December 13, 2011. Retrieved from https://www.standardmedia.co.ke/?articleID=2000048305&story_title=police-probe-politicians-in-killings-of-migori-youth&pageNo=1.

Opiyo, D. "Joining hands for peace". *Daily Nation*, February 24, 2013. Retrieved from <http://elections.nation.co.ke/news/Joining-hands-for-peace-/-/1631868/1703522/-/158gqes/-/index.html>.

Otieno, B. "Likoni election results still stand, ODM leaders insist". *The Star*, December 31, 2011. Retrieved from <http://www.the-star.co.ke/news/article-35959/likoni-election-results-still-stand-odm-leaders-insist>.

Sigei, J. "Land question divides experts and politicians right down the middle". *Daily Nation*, February 7, 2013. Retrieved from <http://elections.nation.co.ke/news/Land-issue-divides-experts-and-politicians-/-/1631868/1687056/-/124ey85/-/index.html>.

Smith, D. "Kenyan elections marred by Mombasa violence". *The Guardian*, March 4, 2013. Retrieved from <http://www.theguardian.com/world/2013/mar/04/kenyan-elections-marred-mombasa-violence>.

Synovate. KARF Audience Research Establishment Survey Q1 2011. London: Synovate, Ltd. 2011. Retrieved from http://aitec.usp.net/Broadcast%20&%20Film%20Africa.%205-6%20July%202011.%20Nairobi/JoeOtin_Synovate_Broadcast&FilmAfrica_6-7July2011,Nairobi.pdf

Wanyoro, C. "CORD braves bid to disrupt rally in Embu vote chase". *Daily Nation*, February 16, 2013. Retrieved from <http://elections.nation.co.ke/news/cord-braves-bid-to-disrupt-rally-in-Embu-vote-chase-/-/1631868/1695510/-/2r4fw7z/-/index.html>.