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Devolution and Peacebuilding in Kenya, fact or illusion?

The case of Marsabit County

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Abstract

Devolution and the associated mechanisms of governance, such as power-sharing, limited government, a reformed system of public administration and civic engagement, and its features that include the protection of minorities, inclusivity and socio-economic development, are all parts of the wider mosaic of peacebuilding. In Kenya, the devolution of political, fiscal and administrative powers to 47 counties is built on the promises of enhancing democracy, building peace, and ensuring the equitable distribution of resources. This article investigates whether devolution has delivered on the promise of greater inclusion, accountability and peace in the Marsabit County. The investigation revealed that the adaptation of a devolved system in Kenya has radically transformed Marsabit County: socio-economic development has improved, and significant progress is recorded in the health and education sectors. Critical challenges remain and these include the prevalence of ethnic conflict, endemic corruption, limited resources, an inequitable distribution of resources and non-inclusivity.

Key-words

Kenya, devolution, ethnic conflicts, Marsabit, Socio-economic development, Resource distribution



1. Introduction

Decentralisation is increasingly viewed as a potential solution to some of the problems that Africa is facing (Bancati 2009). In Kenya, the devolution of political, fiscal and administrative powers to 47 counties is built on the promises of enhancing democracy, ensuring the equitable distribution of resources, the inclusion and participation of minorities in government, as well as enhancing checks and balances, and protection of the separation of powers (Ghai 2015). Debates over federalism and decentralisation took place in Kenya at independence in 1963 with the nation initially establishing a devolved government commonly referred to as ‘*Majimbo*’ (Nabwire 2018 & Gertzel et al. 1969). Thus, Kenya’s first constitution provided for *Majimboism* with a central government and seven regional administrations (Coast, North-Eastern, Eastern, Nairobi, Rift Valley, Western and Nyanza). The executive authorities were vested with a Governor (Article 72(1) of the Kenya Constitution 1963) and a Prime Minister (Article 75(1) of the Kenya Constitution 1963) with regional executives at the regions’ headquarters. In addition, the legislative authorities were vested with two houses of parliament – the Senate and the House of Representatives (Article 34(2) of the Kenya Constitution 1963). Nonetheless, political leaders and elites were divided on the suitability of *Majimboism* or any form of decentralisation in Kenya. During negotiations an ideological split emerged as the communities perceiving themselves as minorities pushed for a federal republic, while dominant groups such as the Kikuyu and Luo pushed for a unitary system. Jomo Kenyatta and Oginga Odinga were major opponents of *Majimbo*: Kenyatta’s intention was to rule Kenya under Kikuyu hegemony; Odinga thought a unitary system would be best for Kenya, in the sense that it would promote national identity and unity. *Majimbo* was dismantled less than 2 years after independence. (Ogot 1995).

The constitution was amended in 1964 and 1969, resulting in the end of devolved and multiparty system in Kenya. The House of Representatives and Senate were merged to form the National Assembly, while the Head of State and Prime Minister were consolidated to create a strong presidency with unlimited powers (Gertzel 1966).

The post 1964 era witnesses the continued existence of, the powerful provincial colonial administration and its use as a major agent of the executives up the 2000s^{II}. The successive Kenyan presidents – Jomo Kenyatta (1963-1978) and Daniel arap Moi (1979-2002) – both



used centralised state power and resources to favour their regions and exclude other communities from public opportunities and development (Bosire CM, 2015 and Muigai G, 2004). Bureaucratic inefficiencies related to the centralisation of power caused a further decline in access to resources and development (Ibid.). The public service became an appendage of the executive through which the president, his family, ethnic group, and close political associates amassed wealth through rent-seeking and the illegitimate and primitive accumulation of the resources of the state (Sihanya 2011). This resulted in regional and other geographical inequalities, marginalisation and disenfranchised citizens of their constitutionally guaranteed rights. Dissent was expressed in the form of political party opposition, a vibrant civil society and international support for political and legal reforms (Ibid). Mwai Kibaki come to power in the year (2002-2007) through such change, however, corruption, ethnic favouritism and inter-communal violence continued during his two terms in the office.

The Northern Frontier Districts (NFD) are the regions that Kenya's successive presidents marginalised and excluded the most.^{III} The Truth, Justice and Reconciliation Commission reports found that Northern Kenya – taken to consist of the former Northern Frontier Districts, the Upper Eastern and North Rift Valley provinces – suffered particularly harsh economic marginalisation as a result of biased or indifferent state policies (TJRC Vol. 1 2013: xv). The implication is that marginalisation in this region occurred with hardships often passed on to subsequent generations through a cycle of limited education and employment opportunities. The Commission noted further that women, minority groups and indigenous people suffered state-sanctioned discrimination. As a result, the NFD suffered gross violations of human rights on account of their ethnicity, limited resources and continued conflicts in the region (TJRC Vol. 2C 2013: 28). The complex underlying causes of violations and marginalisation in the NFD include centralised power, a culture of impunity, inter-ethnic competition, uneven development, under-employment and patriarchy (Ibid.).

The 2007 post-election violence, which resulted in death and destruction, resulted in intensified calls for fundamental constitutional changes.^{IV} A devolved system was adopted in 2010 to address some of the challenges discussed above. It is expected to enhance democratic governances, fostering unity by recognising diversity, addressing historical injustices which resulted in glaring disparities in regional development. Devolution is also expected, in the



long run, to tackle ethnically motivated violence by lowering the stakes in the competition for the presidency, a persistent cause of ethnic violence in Kenya.

The adaption of the devolved system in Kenya has radically transformed the previously forgotten NFD. The region's, including the Marsabit County, have witnessed the county government's expansion of the functions, such as agriculture, county health services, county transport, cultural activities, county education, and public works and services, which fall under its ambit since the devolved system was adopted^V. As a result, socio-economic development is being enhanced, women and youth are getting empowered, and access to education and health care services has improved.^{VI} However, endemic corruption, perennial conflicts and limited resources is decelerating the success of devolution in the county.

Therefore, this article investigates if the devolution has delivered on the promise of greater inclusion, accountability and peace in Marsabit County. The article proceeds as follows: the next section appraises the objectives of devolution in Kenya and evaluates the implementation of these objectives under the first and second county government in Marsabit. The article then examines the challenges that impede the realisation of devolution objectives in Marsabit. It ends with a conclusion that argues that both county and national government need to settle ethnic conflicts and cultural rivalries to foster peace and realise the objectives of devolution in Marsabit.

2. Devolved system in Kenya

In August 2010, Kenya promulgated a new constitution whose provisions included the devolution of political, fiscal and administrative powers from the national government to 47 counties.^{VII} The constitutional provisions under Chapter 11 of the 2010 Constitution represent a fundamental shift in the state structure in Kenya, from centralised unitary system to a devolved government.^{VIII} The decentralisation of power to 47 counties under the leadership of democratically elected governors indicates a move towards more inclusive and accountable county institutions that would be able to deliver better services. It was also hoped that devolution would bring the government services closer to the people, enhance democratic and development gains by giving marginalised communities an increased stake in the political system and enabling local solutions to be found for local problems.



The constitution also requires ‘each level of government to perform its functions and powers in a manner that respects the functional and institutional integrity of the government at the other level’ (Art 189 of the Kenya Constitution). Art 1(4) of the Kenya Constitution, 2010, stipulates that the sovereign power of the people is exercised at (a) the national level; and (b) the county level. Kenya’s historical experiences informed the inclusion of these constitutional clauses specifically to protect counties from having their powers usurped by the national government, as previously happened under the old constitutional order.

The 2010 Constitution sought to ensure that the exercise of presidential and gubernatorial powers is checked and in the process enhance national cohesion. The executive has been delinked from the legislature and a number of checks and balances introduced to curb executive dominance, as was the practice before. The executives will be subjected to horizontal, vertical and normative checks and balances. Horizontal checks are in the form of an independent and empowered bicameral parliament,^{IX} an independent and administratively empowered judiciary, and commissions and independent offices.^X Vertical checks are in the form of a devolved system of county governments, a restructured public service and an empowered civil society. The 2010 Constitution stipulates that the president, the governance and the entire public service be subjected to normative standards in their exercise of constitutional, statutory and administrative functions. Furthermore, the Constitution has established various measures to ensure that the president has the support of Kenyans beyond his or her ethnic base. The constitution also calls for the composition of executive and legislative systems that reflect the country’s diversities.

Other affirmed intentions of the devolved system in Kenya include the protection of minority rights and marginalised groups,^{XI} enhancing democratic governance, fostering peace and unity by recognising diversity, Scott-Villiers rightly notes that ‘devolution in Kenya is aimed at reducing incidents of violence arising from the politicisation of ethnicity’ (Scott-Villiers 2017:247). He argues further that, ‘politicised ethnicity had long been one of the active mechanisms that governed the distribution of goods, rights and responsibilities in the Kenyan state’ (Ibid.248). Therefore, devolution is expected to lead to a more inclusive and accountable national and county institutions that are able to deliver better services for all and in turn reduce the tension and divisions that cause conflict.

Objectives of devolution in Kenya is provided in article 174 (a)-(h)^{XII}. Objectives is achieved while observing national values as set out in Article 10 which includes; -



a) Patriotism, national unity, the sharing and devolution of power, the rule of law, democracy and the participation of the people;

b) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and the protection of the marginalised;

(c) Good governance, integrity, transparency and accountability and

(d) Sustainable development (Article 10 (2) (a)-(d) of the Kenya Constitution 2010).

The above national values and principles of governance seek to diffuse, if not eliminate altogether, the ethnic tensions fuelled by perceptions of marginalisation and exclusion.

County governments have been in place since the March 2013 general election, and much effort and resources have been dedicated to implement their functions. The county governments have to build new institutions and develop capacity from scratch to enable them to perform their functions and exercise their powers.

3. Marsabit County – a brief background

Marsabit is the largest county in Kenya with its population having increased from 291,077 in 2009 to 459,785 in 2019 (KNBS, 2019).^{xiii} The county's physical environment is marked by desert or semi-desert conditions with the exception of Mount Kulal (close to Loiyangalani), Mount Marsabit (where Marsabit Town is located), and Hurri Hills (in North Horr).^{xiv} As a result, arable farming is limited to only 3 per cent of the county's total land area and mainly in the areas around Mount Marsabit (Fratkin & Roth 2005). For this reason, the livelihood systems of the area's inhabitants have historically depended on pastoral production with farming in the region, which remains limited, only commencing after the advent of the colonial era. In the other remaining areas, pastoralism is the predominant form of land use.

Marsabit is composed of four sub-counties and these are Laisamis, Saku, North Horr, and Moyale.^{xv} In addition, the county is home to a number of ethnic groups, the major ones being the Borana, Gabra, Rendille, Burji, Samburu, Turkana, Dessanetch, Walu, and Somali communities (Ibid.). Historically, nearly all ethnic groups in the county engage in pastoralist livelihoods. The Gabra and Rendille communities herd camels, cattle, goats, and sheep, whereas the Borana and Samburu largely herd cattle, and the Burji are entrepreneurs and small-scale farmers.



3.1 Marsabit prior to devolution

Prior to independence, Marsabit was part of the Northern Frontier District (NFD) in what was also known as Northern Frontier Province (NFP). Ghai rightly noted that the NFD was not fully integrated into Kenya until shortly before independence (Ghai 2015). As the British prepared to relinquish their control over the Kenya Colony, their authorities decided to transfer the NFD to the Somali Republic. These plans inspired hope of reunification between Kenyan Somalis and their ethnic brethren (Ibid.). However, ethnic groups in Marsabit, are divided on the issues of secession. The Borana, with the exception of the Waso Borana,^{xvi} were not interested in the creation of a Greater Somalia (Branch 2011: 28-35). At the same time, ethnic groups such as the Garreh, Somalis and Rendille supported secession. The Borana feared that their merger into Somalia would lead to a loss of Borana lands and political rights. Although the Borana and Somalis belonged to the same linguistic family and practised nomadic pastoralism, there were certain religious and cultural differences between them that influenced against the realization of a united front (Schlee 2008).

The Somalis are largely Muslim while the Borana (apart from few of Isiolo Borana) follow customary practices linked to the Oromo Gadaa system. It is also important to note that various Borana viewed Oromia (Region of Ethiopia) and not Somalia, as their 'homeland' (Arero 2007). The Majority of Borana speaks Oromo language whilst Somalis largely speaks Somali language. The ethnic groups that supported secession joined the Somali nationalist party called the Northern Province Progressive People's Party (NPPPP) and campaigned for secession (Ibid.). In the end, the overwhelming majority of the inhabitants of the NFD voted for secession in a referendum, which the colonial government organized in 1962, the results of which were rejected by the Kenyan government. Even so, Britain suggested that the NFD be given new regions (under a system of regionalism) which would have given Somalis in Kenya greater autonomy, however, the offer was rejected by the Somalis (Ghai 2015).

The Kenyan government was staunchly opposed to secession because they did not wish to lose a fifth of the new country's territory and feared that it would stoke dangerous centrifugal forces (either in the form of demands for self-rule or new secessionist movements) that could threaten Kenya's stability (Arero 2007). The Kenyan government's rejection of the results of the 1962 referendum led the dissatisfied NPPPP to launch a guerrilla war under the umbrella of the Northern Frontier District Liberation Front



(NFDLF). The guerrillas attacked government outposts and used weapons they acquired from Somalia to gain an advantage in the previously largely dormant regions. The Kenyan government responded by through draconian emergency powers, which were retained until 1969, with great brutality and overwhelming forces and thus, resulted in a successful containment of the rebellion (Ghai 2015). Nonetheless, the end of the ‘*shifita* war,’ as the conflict is popularly known, did not bring back , the stability and relative security experiences during the colonial (and pre-colonial) period.

The elimination of the threat of secession meant that the government had few incentives to devote further resources to the NFD. The region, much like its colonial predecessor, is considered to be of low potential. Both Kochore (2016:499-500) and Arero (2007:294) noted that the colonial and successive post-colonial government in Kenya did not do much to develop Marsabit, hence the area was classified as a low potential area. As a result, the communities in Marsabit did not imagine themselves as part of Kenya, owing to their social, economic and political marginalisation (Arero 2007). The public services provided to the local population remained very limited. The *shifita* guerrillas took advantage of the subsequent neglect of the area and transformed themselves into actual bandits; for the next few decades incidences of murder, robberies, and other criminal acts made Marsabit a highly dangerous and volatile place (Branch 2011: 28-35). The deaths of two prominent leaders in Marsabit – Daud Dabaso Wabera, first District Commissioner of the NFD and Isako Umuro, Member of Parliament – were attributed to the secession and *shifita* war. (Schele and Shongolo 2012).

3.2 Marsabit County as a devolved unit

The Jomo Kenyatta government dissolved the NFD and the Somali-dominated regions were changed to the North Eastern Province while the Borana regions, Isiolo and Marsabit districts were transferred to the new Eastern Province. Marsabit County came into existence with the promulgation of Kenya’s new constitution in 2010. The devolved government of the new county was established in 2013 after a period of extensive preparation. Devolution has enabled the development of regions, including rural areas, which were severely underdeveloped. The merits of devolution are visible in Marsabit as noted in the improved service delivery and passing of development plans that are more localised. Additionally, public services have now become more accessible to the residents due to subsidiarity and local control and management brought about by the devolution (Czuba 2018). This



transformation has been possible because of the decentralization of budget allocation, of which Marsabit County has been a major beneficiary.^{xvii} The resources that the county government manages and the power that comes with it also made the office of the governor very attractive to political agents in the county.

Political competition in Marsabit has been complex due to its history and geographical location. The devolution has intensified local political competition, cases of conflicts increased and the major ethnic groups felt that ‘it’s their time to eat!’ – Meaning, they are expecting to gain something, such as the potential of promised jobs and contracts, from the political process (D’Arcy and Cornell 2016). Interestingly, there is no outright majority ethnic group in the county. As a result, alliances were formed by like-minded ethnic groups to form voting blocks in order to get the governorship and elective positions and upon getting powers, the politicians divide up county executives and departmental heads amongst themselves. Parties in the government wield huge county resources and reap huge rewards, and opposition parties are left to wither. These ‘negotiated democracies’ have been found to be inclusive enough to maintain short-term stability, in the long-run lead to exclusive services delivery based on patronage rather than needs. Since adoption of devolved system, inter-clan conflict over the scarce resources such as (grazing, water points and fertile lands) have increased in magnitude and intensity. In addition, longstanding tensions pitting dominant ethnic groups against minorities are exacerbated by the electoral context for county leadership. Consequently, expectations that devolution would lead to peace has not been fully realised in Marsabit County.

3.3 First county government – ReGaBu Alliance

The first governor of Marsabit Ukur Yattani. Ukur, who is from the Gabra tribe, was elected under the new 2010 Constitution by the coalition of ethnic groups known as *ReGaBu* (Rendille, Gabra and Burji). This coalition provided for interethnic cooperation in the divisive politics in Marsabit, which was also meant to reduce Borana’s domination of the political discourse in the county. Ukur, in order to obtain Burji and Rendille support, offered them positions of the deputy governor and senator, respectively. He also sought to expand the alliance to include smaller communities that might give it an electoral edge over the Borana; to this end, the position of the female Member of Parliament was offered to the



Garreh. The ReGaBu alliance took 22 seats from the 33 Members of County Assembly (MCAs). Thus controlling both county executives and Assembly.

However, the relationships between the most powerful Marsabit politicians worsened considerably after the 2013 elections. Governor Ukur's political calculus changed in that, although the *ReGaBu* coalition and the unification of the Gabra allowed him to become the governor, *ReGaBu* and Gabra were expecting political rewards for their support. Unfortunately, Governor Ukur is said to have side-lined both *ReGaBu* and his Gabra constituents with the major beneficiaries said to be his immediate clan, which is Gabra-Gar. Czuba noted that sub-ethnic favouritism was common; 10 out of 25 county directorships were given to Gabra-Gar (Czuba 2018: 23). Czuba also mentioned that contracts and government tenders were given to Ukur's closest allies (ibid: 24). This unequitable pattern of allocating government positions and contract led to discontent not only among the defeated Borana but also political agents representing the Burji, Rendille and, to a lesser extent, the non-Gabra-Gar. Hence, Ukur lost the governorship in 2017 to the new political alliance, *KAYO*,^{xviii} which is led by Governor Mohamed Ali.

3.4 The second county government – *KAYO* alliance

Mohamed Ali, a Borana, was elected the second county governor after the 2017 general elections. On their own, the Borana do not have a sufficient number of voters to win county elections in Marsabit, as a result, Mohamed and his associates set out, to construct a new interethnic alliance that intended to unseat Ukur. Thus, the *KAYO* alliance was formed a few years before the 2017 general elections. Governor Mohamed won the seat on the distribution of elective seats amongst the major tribes in a way similar to the success of the *ReGaBu* alliance. The position of deputy governor was given to Burji, and the senatorial seat went to Rendille. In addition, Governor Mohamed secured the support of the representatives of small (non-Garre) Somali clans known as the 'corner tribes' (Aden 2014). True to his words, Governor Mohamed included all ethnic groups in his executive and nominated minorities and youths in the county assembly. He asserted that he would distribute resources and opportunities across the county and that no one would be excluded from his government services.^{xix} The *KAYO* alliance controls all executives and the county assembly, thus enabling it to pass any policies and regulations easily.



3.5 Performance of ReGaBu and KAYO in Marsabit

One of the most frequently cited argument in favour of the devolved system is that it will have a positive impact on public basic needs in marginalised regions such as Marsabit. Devolution's ability to allow government to tailor decisions to the specific demands and needs of the local population is perceived as enabling the matching of resources with citizens' needs in a cost effective way. The transformation is visible in Marsabit: previously marginalised communities, including minorities, are now enjoying the fruits of devolution with services and government resources reaching every corner of the county. The minorities are represented in the county assemblies and executives. Their voices and needs are provided for. Nonetheless, many still feel that opportunities are given to elites and governors colleagues.

Schedule four of the Kenya Constitution 2010 distributes functions and powers between the national and county governments. The county governments have various functional areas. These include agriculture; county health services; the control of air and noise pollution; cultural activities; county transport, including roads, street lighting, traffic and parking, public road transport, ferries and harbours; animal control and welfare; and trade development and regulations. Further functions include, county planning and development; pre-primary education; and county public services, which includes water and sanitation, firefighting services and ensuring public participation in administration and governances. This section briefly appraises how both the *ReGabu* and *KAYO* government have performed in the areas of Health Services, Education, Agriculture and implementation of public participation.^{xx}

3.5.1 Health Services

The Kenya constitution 2010 provides a legal framework that guarantees an all-inclusive rights-based approach to health services in Kenya. Article 43 of the constitution provides that Kenyans are entitled to the highest attainable standards of health, which include a right to healthcare services such as reproductive health care. Article 53 provides the rights for every child to basic nutrition, shelter and healthcare. The constitution proclaims further that minorities and marginalised groups should have access to water, health services and infrastructure.

The health sector was the largest services sector to devolve under new 2010 constitution yet it faces various challenges. The rationale for devolving the health services was to allow



the county government to design models and interventions that matched the unique health needs in their context. Nonetheless, Marsabit County has fewer health facilities per 100 square kilometres with patients traveling long distances and days to reach these limited health amenities (Elliott and Abella 2005). The problem of distance is complicated by an unreliable public transport service, specifically for residents of North-Horr, Loiyangalani and Laisamis. Sometimes the people use camels and donkeys to transfer the critically ill to the health facilities and oftentimes the long distance to these facilities result in deaths before they reach health centres. Thus, the sparsely and far-away located health services are a burden and risky particularly for the critically ill, children, elderly and expectant women.

The *Regabu* Government built a Level 4 hospital in North-Horr and increased medical personnel and Ophthalmology at the Marsabit Referral Hospital.^{xxi} The *KAYO* alliance is building modern facilities at the Marsabit Referral Hospital, Renal units were operationalised in 2018 and now provide dialysis to county residents.^{xxii} In addition, the construction of the Kenya Medical Training Collage at the Hospital began in 2017/18. Similarly, *KAYO* built a mother and child complex with bed capacity of more than 50 and established the *KAYO* medical insurance scheme for county workers and residents. An impressive 26 new maternity rooms were built and a number of health centres refurbished by *KAYO*. *KAYO* committed 30% of gross county revenue to health in order to strengthen their commitment towards health. Finally, the adaptation of devolved system has witnessed an increase in the number of health personnel in Marsabit from 330 in 2015 to 623 in 2019 (CIDP, 2019).

The improved infrastructures, facilities and services will offer improved health services to the residents of Marsabit. The completed medical training college, will develop skills and provide the much-needed health practitioners in the vast county. Both *Kayo* and *Regabu* governments have shown commitment to the health sectors. These are encouraging signs of devolution in that, the county resident will benefit greatly from this development. In fact, a study conducted by Rare and Ombui (2017:470) confirms that health sectors have improved greatly under the devolution in Marsabit.

3.5.2 Agriculture

Agriculture is also one of the key sectors whose functions have been devolved under the Constitution of Kenya, 2010. It remains the mainstay of the Kenyan economy and, accounts for about 24 per cent of GDP and 74 per cent of employment (GoK, 2008). The sector has



direct implications on at least two critical areas that the county has to address and these are food security and youth employment. It is thus important that the devolution in the sector be carried out in a way that addresses the aforementioned challenges and do not worsen them.

About 80 per cent of the Marsabit County residents are pastoralists deriving their livelihood from livestock and livestock-based products. About 10 per cent of the total population practises subsistence agriculture and resides mainly around Mount Marsabit in the divisions of Central and Gadamoji. The mountain area receives high rainfall and thus provides a suitable location for agriculture and economic development in the county.

Agro-pastoral systems involve about 16 percent of the population while both livestock and food crops combined account for 50% of the income among agro pastoralist (GOK, 2013c). Crop production is limited to a few areas due to the low and erratic rainfall received in most parts of the county. The contribution of the Agriculture sector to youth employment in Marsabit is very high; approximately 70 percent of the labour force in the rural areas is employed in agriculture (GOK, 2013). Although agriculture remains the main economic activities in the county, the sector is exposed to environmental, economic, and social constraints that affect productivity. Environmental conditions, such as droughts, floods, and water scarcity, affect production and the marketability of livestock and agricultural products. Devolution is enabling the county government to invest more in agriculture and livestock. Under the *Regabu*, Livestock production was supported through the construction of sale yards, livestock pens, market stalls and sinking boreholes. Whilst *KAYO* government allocated more than Ksh 380 million in the 2018/2019 financial year to development and growth of agriculture sectors.^{XXIII}

3.5.3 Education

The Constitution of Kenya 2010 stipulate that every child has a right to free and compulsory basic education (Article 53 (1) (b)). Article 55(a) provides that the states shall takes measures, including affirmative action programmes to ensure that the youth access relevant education and training. Constitution also provides that special opportunities be given to children belonging to minorities and marginalised groups (article 56 (b)). To give effect to the Constitution, the Basic Education Act (No 14 of 2013) was passed into law to regulate the provision of basic education and adult education in Kenya. Similarly, a number of policy



relevant to education were adopted, the recent one include Medium Plan Term of Vision 2030 (2013) and Policy Framework for Education and Training (2012).

Kenya's 2010 constitution devolves the provision of pre-primary education, village polytechnics and home crafts to the county governments. Similarly, Section 26(1) of the Kenya Basic Education Act No. 14 of 2010 stipulate that county government are responsible for the funding the development of required infrastructure for the institutions providing Early Childhood Development and Education (ECDE) services. ECDE is one of the most important levers for accelerating attainment of Education for All goes, as well as the Millennium Development Goals. (National Policy Framework for Education and Training). In view this, the county government and stakeholders are expected to expand opportunities for young children to access ECDE services.

The provision of basic education in the Marsabit continues to face numerous challenges in spite of the government efforts to provide basic education to all its citizens. Children, particularly those in the county's rural areas, are engaged in pastoralist activities and hence there are reported cases of a low participation in formal schools. Pastoralist are confronted with a myriad of challenges that include the under development of infrastructures and schools, rampant insecurity due to lack of sufficient law enforcement agencies, vastness of the arid lands and cattle rustling. All these impedes children's chances to access education. Buma and Begi (2016:129) in their recent study on the social-cultural factors impeding children's access to early education, revealed that the majority of the children in Turbi division in Marsabit County, do not have access to early childhood education. They noted that factors such as taking care of livestock's, participation in traditional ceremonies, and female genital mutilation hinder the development and growth of the ECSs in the area.

Since independence, national plans and solutions have largely failed to provide adequate solutions to the challenges faced by the county's education sector. Net enrolment rations in pre-primary, primary and secondary schools remain far below those of the national level.^{xxiv} The county has few educational facilities and endures low access, retention, completion and transition rates.^{xxv} In addition, there is a severe shortage of teacher's with teachers from other regions of Kenya not willing to work in some regions due to problems of insecurity.

The first county government made ECD their key priority areas. A number of ECD Centres were built and training for more 160 caregivers provided under *Regabu* government. Similarly, *KAYO* increased ECD and built centres across all four sub-counties, and allocated



more funds to the youths and polytechnic skills development.^{xxvi} Therefore, there is positive development in early childhood education, thus obligation of children's rights to education gradually being fulfilled. Research conducted by Rare and Ombi (2015:470) on the effects of devolution in improving living standard of Marsabit county, revealed that the devolution in Marsabit County has positive results in all education levels and specifically growth and expansion recorded in the early childhood programs.

3.5.4 Public participation and inclusivity

Public participation is an empowering process, which enables local people to do their own analysis, take command and gain confidence (Chambers, 2002). Strengthening public participation and governance is a core element of Kenya's strategy to accelerate growth and address long standing inequalities. The 2010 Kenya constitution and laws have expressly mandated government officials, systems and processes to guarantee public participation and actively promote it.^{xxvii} The Kenya constitution demands transparency, accountability, participation and inclusiveness in governance, and thus envisions a strong participation of citizens, right from the grassroots, in decision-making processes. This is guaranteed through devolution and platforms provided for this purpose.

The County Government Act of 2012 requires that the county governments ensure the public participation, coordinate the participation, and develop the capacity of the public to participate (The County Government Act, 2012, Section 87-89).^{xxviii} Moreover, the Public Finance Management Act of 2012 requires public participation in county public finance matters through the establishment of a County Budget and Economic Forum (Public Finance Management Act of 2012).

Both *Regabu* and *KAYO* have passed public participation and civic education bills.^{xxix} In expanding their services across the county, *Regabu* supports the listing of a new ethnic in Kenya, commonly referred to as *WAYU*. *KAYO* has gone further than that in enhancing public participation in all its programmes and activities. Nevertheless, a growing number of scholars and researchers have been critical of county government. Bulle and Omubui (2016: 179) contend that under *Regabu* 'Public participation is done in a hurry by the executive and as such many people are left out of decision making in budget and other government programmes' they further noted that nepotism, clannism and ethnic favouritism by county executives in youth employment was common under the *Regabu*. (ibid. 179). Similarly, Czuba



(2018:23) notes that the *Regabu* regime gave preference on employment, county contracts and public services to governor Ukur's closest clans, particularly the *Gabra-Gar*. Nonetheless, *KAYO* is improving the interactions between citizens and the government.^{xxx} In addition, people are closer to democratic processes that affect their lives directly. More efforts are needed to enhance public participation, inclusivity, peace and conflict resolution; as discussed below, conflict has been and continue to be the biggest challenge to development, co-existence and harmony in the county.

4. Challenges that impede the realisation of objectives of devolution in Marsabit

4.1 Ethnic conflicts

The formation of a devolved system in Kenya has witnessed a change in the nature of the conflict owing to the political developments in the country. Competition over the control of administrative units or competing claims over boundaries has escalated in different regions of Kenya. The Marsabit County has experienced a wave of violent conflicts, where major ethnic groups (Borana, Burji, Gabra, Garreh, Dassenetch and Rendille) are competing for limited arable land; access to and the utilisation of resources such as water and pasture; politico-administrative units' boundaries and for inclusivity in employment and government opportunities. Traditionally, the majority of conflicts in the county have been caused by competition over grazing space and water for livestock and sporadic cases of revenge killings.^{xxxI} Cattle rustling was very common and seen as one of the cultural practices, which were sanctioned and controlled by the clan elders; such raids were carried out in order to obtain bride-wealth or as a rite of passage.^{xxxII} However, the motivations of such practices have changed as rustling is now carried out to increase one's own wealth or for commercial purposes. The small arms that are easily available through porous borders fuel the conflict in the county.^{xxxIII} In addition, the ever-increasing fierce conflict between the communities is a source of concern amongst themselves and security forces (Schlee 2008 & Gray et al. 2003).^{xxxIV}



4.1.1 *Conflict within the county*

Members of the Borana and Gabra communities have politically and economically dominated Marsabit for years. This dominance has created growing resentment from smaller communities, such as the Rendille, Dessanenach and Burji. The Gabra and the Borana are traditionally seen as one community since they speak the same language and share settlements and pasture. However, the perception of dominance and inferiority within members of the Gabra led to a gradual and increasingly assertive challenges at the social, political and economic level to notions of Borana ‘supremacy’ in the county.^{xxxv} Various cases of conflict between the Borana and Gabra have been reported over the years with one such conflict being the ‘turbi’ massacre, where more than 56 people were killed.^{xxxvi} This was followed by revenge killings a few days later, where 10 people were executed in broad daylight in Bubisa. (Huka 2014)^{xxxvii} In May 2019, 11 Gabra elders were killed in the border town of Forolle (Ombat & Ngasike 2019). In November 2019, 10 people were killed, among them two police officers in a retaliatory attack (Komu & Walter 2019).^{xxxviii}

Cases of conflict between the Gabra and Dessanach have also been reported. Conflicts between the two groups, which occurred between 1915 and 1996, resulted in many deaths, several injuries and the destruction of properties (Witsenburg 2012). Yet again, the conflict between Gabra and Rendille was attributed to cattle rustling and revenge killings (Schlee 1991). Similar conflicts have also been reported between the Samburu and Borana,^{xxxix} Garreh and Burji, Borana and Gareeh. (Schlee 2007). Political leaders have attributed these conflicts to competition over pastures that arose from the drought conditions, cycles of livestock thefts, growing political tensions between the groups over the political developments in the county and land issues (Scott-Villiers 2017). Ethnic violence in the Marsabit County has resulted in the loss of hundreds of lives and property and adversely affected human security. It also heightened tensions and hatred between the communities. Eventually, increasing conflicts have affected the livelihood of all the ethnic groups in the county in a negative way. (Cynthia 2000).

4.1.2 *Spillovers from border areas*

Moyale District, which is in Marsabit County, borders Ethiopia,^{xl xli} Moyale is geopolitically and economically important to both the Kenyan and Ethiopian governments. The dominant ethnic groups on both sides of Moyale are Borana, Gabra, Garreh and Burji



and these transcend national boundaries in terms of settlement, ethnic and kinship relationships (Kefale 2009). The strategic geopolitical and economic importance of the border between Kenya and Ethiopia made it a contested space among many actors, including the Oromia regional state and the Somali regional state in Ethiopia. Periodic conflicts between the communities along the Ethiopia-Kenya border have existed for centuries.^{XLII}

Over the years, cases of conflict have been reported between Borana-Garreh, Gabra-Borana, Garreh-Gabra and recently between Burji and Gabra. Reports on conflict amongst the community started as early as the 1990s and most of this spilled over to each of the sides of the border. In December 2011, fighting broke out in rural areas on the Kenya side that are close to the international border with the media reporting that more than 7,000 people fled into Ethiopia (IRIN, Kenya 2012). In August 2013, immediately after general elections, more houses were burnt down and some 24 people died (*All Africa*, Kenya 2013). The Moyale conflict of 2013, which was felt on both sides of the border, led to 200 deaths, 53,968 displacements and 100 burnt houses (UNDP 2015). It was alleged in this conflict that Governor Ukur's administration encouraged his kin from Ethiopia to settle on the Borana settlements permanently, which the Borana saw as a wider scheme to change demographic patterns in favour of Gabra in future elections. Thus, many have attributed this to the curse of devolution.

In July 2012, armed militia attacked two villages near Moyale on the Ethiopian side. Houses were burned, more than 19 people died, and the Red Cross reported that 20,000 people fled into Kenya (BBC, Ethiopia 2013). In May and June 2015, conflict erupted between the Gabra and Garreh over land claims arising from the Somalis establishment of a new village under the Libaan zone that crossed into the Borana territory used by the Gabra for grazing. Even though there was no historical indication showing Garreh's territorial ownership of and settlement in the contested village, the group, backed by the then federal government in Addis Ababa, has been continuously been expanding into Borana land (Ibid.). Conflicts on the Ethiopian side of the border between communities have claimed many lives with various people displaced and properties on both sides of the border destroyed.

Conflict within the county and spillovers from Ethiopia continues and this has escalated in magnitude, intensity and frequency. The worsening of relationships and increasing commercialisation of raids, as well as the spread and use of devastating automatic weapons, have intensified the conflict as noted in the way the attacks affect combatants, women and



children (Ibid.). Most of the incidents occurring since 2013 relate to the political developments in Kenya, in particular, the devolved system. There is a general view, which asserts that devolution has been a curse to the pastoral community. Competition over voters and future voting blocks and resources accompanying it have fuelled the conflict. The persistence of conflicts has reduced cooperative and social relationships that had existed over a long period. The recurrent ethnic conflict will have a profound impact and greatly delay the region's socio-economic development, economic growth and derail the achievement of the objectives of devolution.

4.2 Resource-distribution

Scholars and researchers have continuously pointed out that access to and the distribution of resources are the most common causes of conflict in Africa.^{XLIII} The unequal distribution of resources, inequalities and the human passion for greed is one of the root causes of conflicts over time and across countries. This reality is apparent in the Marsabit County, where cyclical conflicts are often triggered by access to resources such as water and pasture. As discussed previously in the problem statement, communities in Marsabit have been marginalised under successive Kenyan regimes. Therefore, it was hoped that devolution would address these historical injustices. Hence, devolution was received with high expectations and enthusiasm. As previously discussed, both *ReGaBu* and *KAYO* roll out services and government reach to all corners of Marsabit County. However, county governments' employment and issuing of government tenders was reportedly marked by imbalances (Czuba 2018). For instance, during the reign of *ReGaBu*, it was alleged that Governor Ukur distributed resources and key government positions to his clan, particularly the *Gabra-Gar*. It was also alleged that employment and other opportunities is given to patronage among political supporters, with a largely tokenistic inclusion of the other ethnicity. For that reason, Under *Regabu* devolution process that explicitly promised inclusion has locked out the majority of people. (Czuba 2018). In this instance, devolution reinforced ethnic divisions by concentrating power around one dominant community. This perception created rifts between rival communities. Hence, there is little optimism for devolution changing the situation without addressing allegations of ethnic favouritism and ensuring transparency and equitability in the distribution of resources.



Devolution, if implemented transparently and equitably, offers opportunities for greater peace in the county. In reality, ethno-political struggles for the control of resources, including land and government positions, pose the potential for massive destabilisation and create the potential for recurrent eruptions of violence (Scott-Villiers 2017). There are high expectations from the public around the issue of resource distribution, land reform and service delivery and yet disappointment over the slow pace of development initiatives is growing. These issues need to be addressed by the current and future county governments. The unequal distribution of resources will derail the objectives of devolution and eventually infringe the rights provided for in the Kenyan constitution.^{XLIV}

4.3 Socio-economic development

The Kenyan 2010 constitution's article 174(b) stipulate that the key objectives of devolution are to promote social and economic development and the provision of easily accessible services to the residents. One of the abiding assumptions of devolution in Kenya is the notion that devolution carries an 'economic dividend'. The economic dividend is in the potential benefit of opportunities for communities to design and deliver policies that are attuned to their own needs. As discussed previously, the Marsabit County is gradually flourishing and the economy is improving. Therefore, devolution in Marsabit presents vast opportunities to improve the lives of the citizens, as well as to bring services closer to the people.

Devolution has resulted in the growth of the county's economy as evidenced in the increases in the local revenues since adaptation of devolved system. The revenue collection increased from Ksh 40 million in the financial year (FY) 2013/14 to Ksh116.48 in the FY 2016/2017.^{XLV} The country also collected Ksh 137.4 Million in the FY 2018/19.^{XLVI} During the year FY 2018/19 Marsabit county has Ksh 7,812 Millions. The main sources of revenue are; - allocation from National Government, Donors Fund, Conditional Allocation e.g. Road maintenance, Levy Fund, Free Maternal and Compensation and also from county own revenue collection.^{XLVII} Using this funds, county government has an opportunity to develop socio-economic development, strengthen projects in Agriculture and livestock, and expand youth's skills and development, Women empowerment and expand citizen business opportunities.



The mountain area provides a suitable location for investment and economic development in the county. The recent completion of the Isiolo-Marsabit highway decreased the travel-time from Isiolo to Marsabit and also contributes to economic growth in the county (Kochore 2016). However, factors such as droughts, perennial conflicts, unequal distribution of resources and poverty, resulting slow socio-economic development, cripple participation in decision-making processes, obstruct the movement of persons.

4.4 Inclusivity, transparency and accountability

The objectives of devolution in Kenya include the promotion of the democratic and accountable exercise of power (Constitution of Kenya, 2010 Article 174 (a)). Democratic governance emphasises that decision-making is based on participatory approaches (Ibid. Article 174 (c)), all level of government, governors and leaders should maintain inclusivity, accountability and constructive engagement with the various stakeholders. In addition, key national principles of governance, as articulated in Article 175, stipulate that county governments be based on democratic principles and the separation of powers. These principles are further echoed in Article 10, which highlights national values to include human dignity, equity, equality, inclusiveness, social justice, human rights, non-discrimination and protection of the marginalised, as well as good governance, integrity, transparency and accountability.

Section 35(1) of the County Government Act provides that the governor shall ensure that the composition of the executive committee reflects the community and cultural diversity of the county and take into account the principles of affirmative action as provided for in the constitution. Furthermore, the county assembly is directed not to approve nominations for appointment to the committee if they do not take into account the representation of minorities and marginalised communities, as well as community and cultural diversity within the county. Kenya's 2010 constitution also mandates parliament to legislate so that membership in both county assembly and county executives reflects the 'cultural diversity of a country' and that minorities within countries are protected (Article 197 (2)).

Transparent, accountable and democratic governance is, therefore, an imperative if economic integration is to be realised and conflict reduction addressed effectively. However, the existence of conflict and underdevelopment in Marsabit undermines the objectives of



devolution. Lack of accountability, transparency and inclusivity fans conflicts and instability, where conflicts leads to death and the destruction of property. There is growing consensus on good-governance-development-peace linkages, which remain vital for any form of transformation to occur in the Marsabit County. There is also an urgent need to put proactive strategic policy measures in place that will effectively promote peace, conflict resolution and improve the well-being of the people.

Structures and systems, as in the first county government, which permit a few people to have inordinate riches while the majority of the citizens remain disadvantaged, must be substituted by arrangements that nurture the generation of wealth in a way that promotes justice and good living standards. The opinions and lived experiences of the people of Marsabit – including the poorest – must be heard. The challenge is to make conflicts, wars and chaos come to an end and strive towards a new county of peace, stability, economic-growth, development and a sustainable pattern of livelihood.

5. Concluding remarks

The adaptation of a devolved system in Kenya is gradually transforming the counties as socio-economic development has been enhanced, and the participation of minorities and women in the government programmes developed. The county government in Marsabit is enhancing economic development and expanding the activities that fall within the ambit of county government, such as health, education and cultural activities. Critical challenges remain and these include, ethnic conflicts, the scarcity of resources, insecurities and the unequal distribution of resources by the county government. The study recommends that the county government should settle ethnic conflicts, enhance cultural diversity and foster peace and economic development in order for the objectives of devolution to be realised. The county government should also establish an independent commission consisting national and local experts to offer solutions on the contentious issues at the core of inter-clan frictions, such as boarder lands, wells, and access to grazing land, and just restorations for the losses. Finally, the county government should also cultivate accountability, transparency, inclusivity and the equitable distribution of county resources.

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ⁱⁱ According to Gertzel, the Provincial Administration during the colonial period was a sophisticated, centralised machine through which governor administrator by direct rule.

ⁱⁱⁱ Bulle & Ombui (2016) state that ‘Most districts of Northern Kenya were marginalized as the sessional paper ten (10) of 1967 could not give them opportunity as they are regarded as /Northern frontier district which does not add any value to the country (Kenya) the sessional paper sought to invest heavily in agricultural production area identified by colonial government, with the hope that it would include d the rest of the country which was not effectively achieved’.

^{iv} The United Nations Special Rapporteur stated that the dispute over the results of the 2007-2008 general elections were intensified by issues of land and ethnicity with the ensuing violence leading to more than 1500 people killed, thousands injured, widespread looting and land grabbing. See United Nations, 2011 ‘Report of the Special Rapporteur on the Human Rights of Internally displaced Persons, Chaloka Beyani’, Human Rights Council, Nineteenth Session, and Agenda Item3. United Nations General Assembly, New York.

^v See schedule of the Kenya Constitution 2010, for the functional areas of county government.

^{vi} The article uses desktop study to appraise how these functions have been rolled out in the Marsabit County.

^{vii} For a comprehensive background and explanation of the objectives behind devolution in Kenya, see Ghai 2015.

^{viii} The new constitution, under Articles 6 and 176, establishes a system of devolved government consisting of national and county governments.

^{ix} The two houses of parliament are the National Parliament and Senate.

^x Article 248 of the 2010 Constitution establishes nine commissions and independent offices, including the Kenya National Human Rights and Equality Commission, the Independent Electoral and Boundaries Commission, the Commission for Revenue Allocation, the Parliamentary Service Commission, the Judicial Service Commission, and the Public Service Commission. These commissions differ from the commissions based on the 1969 Constitution because they have an express provision outlining their independence from other arms of government and are administratively and financially delinked from the executive.

^{xi} Article 56 of the Kenya Constitution, 2010, stipulates that ‘The State shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups— (a) participate and are represented in governance and other spheres of life; (b) are provided special opportunities in educational and economic fields; (c) are provided special opportunities for access to employment; (d) develop their cultural values, languages and practices; and (e) have reasonable access to water, health services and infrastructure’. Article 102(2) (b) deals with some in-depth inclusion of minority and marginalised groups to ensure greater certainty of the application of bills of rights to marginalised groups. Specific obligations are imposed on the state (which also include the counties) with regard to minority and marginalised groups and persons with disabilities (Arts 52, 54 and 56). A specific object of the devolution of government is then to protect and promote the interests and rights of minorities and marginalised communities (Art 174).

^{xii} The objectives of devolution in Kenya, as provided for in the article 174(a)-(h) include, - promotion of the democratic and accountable exercised of power, to foster national unity by recognising diversity, to give powers of self-governance to the people and enhance the participation of people in the exercise of the powers of the state and in making decisions affecting/, and to protect and promote the interest and rights of minorities and marginalised communities.

^{xiii} Kenya National Bureau of Statistics (KNBS), n.d. *Kenya Population and Housing Census, August 2009–Population Distribution by Sex, Number of Households, Area, Density, and County*, Kenya National Bureau of Statistics (KNBS), Nairobi. See also Kenya National Bureau of Statistics (KNBS) (2019) *Kenya Population and Housing Census, August 2009–Population Distribution by Sex, Number of Households, Area, Density, and County*, Kenya National Bureau of Statistics (KNBS), Nairobi.

^{xiv} Ibid.

^{xv} The county has 20 Ward Assemblies. The county electoral wards are; - Saku, 3, Laisamis 5, North Horr, 5 and Moyale 7. See County government of Marsabit (2019) The second county, integrated development Plan (CIDP).

^{xvi} The Waso Borana are mostly Muslims.

^{xvii} The budget allocation for Marsabit County increased from Kenya Shilling (KSHS) 3.906 Billion in the Financial Year (FY) 2013/14 to 7 Billion KSHS in the FY 2019/20. Government of Kenya (GOK), Commission on Revenue Allocation Budge 2013-2014, See Also County Government of Marsabit, County Fiscal Strategy paper (CFSP) 2018.

^{xviii} Kayo- is derived from the Borana/Oromo words meaning peace or success

^{xix} Inaugural speech, presented at the Marsabit Stadium.

^{xx} The research is a desktop appraisal offering an analysis of county activities that take places in many forums



with outcomes entering public domain through means such as government statements, newspaper editorials, nongovernmental briefings and academic articles.

XXI The Modern level 4 Hospital with complete theatre and x-ray wing was built at the cost of 450 million Kenya shillings, the facility he said to accommodate more patients than it was before. See Mugo, J' 2016 'North Horr get a Ksh 450 Million level four Hospital' Citizen News, available at <https://citizentv.co.ke/news/north-horr-get-a-ksh-450m-level-four-hospital-136182/>. Accessed 4th September 2019.

XXII Chari, A , 2019 ' Governor Ali launches modern facilities at Marsabit Referral Hospital' Star News , 6th May 2019' available at <https://www.the-star.co.ke/counties/north-eastern/2019-05-06-governor-launches-modern-facilities-at-marsabit-referral-hospital/> accessed 4th September 19.

XXIII County Government of Marsabit, County Fiscal Strategy Paper (CFSP) -2018.

XXIV The ECD enrolment is estimated to be 19, 239 with a total number of 413 teachers. The primary population is estimated to be 46,178 pupils, while Secondary schools stand at 6028 and 568 students enrolled in Vocational training colleges. Marsabit County (2019) Second County Integrated Development Plan 2018-2022. For national statistics see, Ministry of Education, Science & Technology (2014) *Basic Education Statistical Booklet*, Nairobi.

XXV Marsabit county has 253 public ECDC and 64 Private, 231 Primary school (181 public, 50 Private), 43 Secondary Schools, 4 Youth Polytechnic and 8 Vocational Training Centres. Marsabit County (2019) Second County Integrated Development Plan 2018-2022.

XXVI In the Financial Year 2018/19 more than 500 Million KSHS were allocated to the Youth polytechnic and skills development by KAYO government.

XXVII The Constitution 2010, Article 1(2), Article 10(2) a,b and c, Article 27, 33, 35, article 174c,d ; article 184(1), article 232(1) (d) Fourth Schedule Part 2(14) and The Public Finance and Management Act 207.

XXVIII See reference to public participation see also; County Government Act, Section 91-96, section 100 and 101.

XXIX REGABU passed – Marsabit County Civic Education and Public Participation Bill, 2015. Whilst, KAYO passed the Marsabit County Citizen Charter: Civic Education and Public Participation policy. [Cursor look]? at the content shows both policies are aimed at involving the public in the activities and programs of the county government.

XXX For recent public participation see public participation schedules to the public draft finance bill 2019, available at <http://marsabit.go.ke/public-participation-schedule-on-marsabit-county-finance-bill-2019/> see also <http://marsabit.go.ke/invitation-to-attend-annual-development-plan-adp-2020-21-public-participation-forums/>. See also At the launch of the Marsabit County Citizen Charter- Deputy governor Hon Riwe argues that county planning and administration is anchored on consultative process between informed citizen and responsive government. See <https://www.standardmedia.co.ke/article/2001285919/marsabit-launch-citizens-charter>.

XXXI However, in recent years, livestock raiding has become more frequent, violent and destructive. Cattle rustling has been common practice among pastoral communities in eastern Africa since the pre-colonial period (Gray et al. 2003).

XXXII Cattle raiding is to some extent, a response to disasters such as drought and an attempt to increase the yields of livestock by increasing numbers in a good season as an insurance against bad seasons.

XXXIII Marsabit County's proximity to the borders with Ethiopia, Sudan and Somalia and the porosity of the country's borders and bordering communities give access to small arms and ammunitions, which are used by ethnic groups fighting with rival communities.

XXXIV For comprehensive reports on Marsabit conflicts, please see SRIC 2014 'Report on Marsabit Pastoralists' Tension, The Influence of Unsealed National Boundaries and Developing Political Outfit on Pastoralists' Conflict in Marsabit'. See also Scott-Villiers 2017.

XXXV Ibid.

XXXVI On 12 July 2005, about 1,000 heavily armed bandits made a series of raids in the Didagalgalu area, some 130 kilometres from Marsabit Town. At least 53 people, including children, were killed (Witsenburg 2012).

XXXVII In a revenge attack, 10 people were killed in the Bubisa Trading Centre, 80 km from Turbi.

XXXVIII Komu, N & Walter, J (2019) Kenya: Police officers among 10 Killed in Marsabit Bandit Attack, (All-Africa News, November 19). Available at <https://allafrica.com/stories/201911060634.html>.

XXXIX Borana herders have conflicted with pastoral Rendille and Samburu along the district boundaries from southern Marsabit to Isiolo, east of the long Isiolo–Marsabit–Moyale highway (Fratkin and Roth 2005).

XL Marsabit County shares an international border with Ethiopia, stretching over 500 km from Moyale to the east and all the way to Illeret at the top of Lake Turkana to the west.

XLI Moyale is basically two towns in one: the smaller section on the Kenyan side and the bigger one on the



Ethiopian side with the border running between them. The Kenyan Moyale is made of seven (7) County Assembly Wards, namely: Butiye, Sololo, Heillu, Golbo, Moyale Township, Urain and Obbu.

^{XLII} During the Derg (Provisional Military Administration Council) between 1974 and 1991, Moyale was under Borana Awraja (Province). Local communities include the Borana, Garreh and Gabara communities, who lived in peace and harmony for years. During this period, Borana held uncontested control of the traditional wells. With the demise of Derg, the Borana province was split into two regional states and became two competing Woredas (districts), Oromia-Moyale and Somali-Moyale, without any clear demarcation. See Tache & Oba 2009.

^{XLIII} See also Markakis 1997; Maxwell and Reuveny 2000.

^{XLIV} Art 174(g) of the Kenya 2010 constitution provides that the objectives of devolution is to ensure the equitable sharing of national and local resources and to promote the interest of minorities and marginalised. Communities.

^{XLV} County Government of Marsabit (2019).

^{XLVI} Ibid.

^{XLVII} County collection revenues from business permits, livestock licenses, land and transportations charges and hospital bills. Ipsos MORI 2016).

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