Uneven Accountability in the Wake of Political Violence: Evidence from Kenya’s Ashes and Archives *

Mai Hassan † & Thomas O’Mealia ‡

Abstract

In the wake of electoral violence, governments face significant pressure to sanction local-level perpetrators within the state. We know little about this accountability process, however. We evaluate three competing accountability hypotheses within the context of Kenya’s 2007/2008 post-election violence. Using micro-level archival data on 2,500 local officer appointments and fine-grained satellite data on the locations of violence, we find support for an uneven accountability hypothesis, in which the government sanctions officers differentially based on whether an officer’s perpetuation of the violence was in service of or against the government’s political interest. The Kenyan government was more likely to fire officials whose jurisdictions saw opposition-instigated violence that targeted government supporters. But we find the opposite result where violence was instigated by incumbent supporters: there, officers were less likely to be fired if violence occurred in their jurisdiction. Our results indicate that leaders can manipulate accountability processes after political violence to further politicize the state.

Keywords: electoral violence; Africa; state; coercive apparatus; ethnic politics

*We thank Meredith Blank, Charles Crabtree, Donghyun Choi, Christian Davenport, Charles Hornsby, Jule Krüger, Anne Meng, Susanne Mueller, Noah Nathan, Brenton Peterson, Rachel Riedl, Tyson Roberts, Christopher Sullivan, and Carly Wayne for helpful comments and feedback.
†Assistant Professor, University of Michigan, mhass@umich.edu.
‡PhD Student, University of Michigan, tomealia@umich.edu.
Introduction

Sanctioning perpetrators becomes a priority after large bouts of electoral violence: those in power after the violence abates seek to placate domestic audiences who want closure while simultaneously appeasing the international community’s demands for justice. These dual imperatives are especially salient in unconsolidated democracies that disproportionately see electoral violence (Straus & Taylor 2012, Hafner-Burton, Hyde & Jablonski 2014) and are beholden to pressure from international organizations (Bratigam & Knack 2004, Moss, Gelander & van de Walle 2006).

In this paper, we examine the extent to which a post-violence government holds non-elite perpetrators within the state accountable. We focus specifically on local state and coercive officers as the state coercive capacity endowed to them can be wielded to organize electoral violence at the local level, either in support of or against the government.\(^1\) At the same time, local state officers are unlikely to face international sanctioning.\(^2\)

To the extent local state officers are held accountable, it is by the post-violence government itself.\(^3\) Yet the government may have its own incentives that affect the accountability process

\(^1\)Existing literature has shown how these officers are at the forefront of political violence that is carried out in either direction more broadly (e.g., Davenport 2005, Deng & O’Brien 2013, García 2014, Sullivan 2015).

\(^2\)This has been a conscious move by the international community after international tribunals in Yugoslavia focused heavily on prosecuting lower-level perpetrators as opposed to the “big fish” (O’Brien 2012).

\(^3\)It is difficult to hold local state officers accountable within the judicial system, in part because the congested court system of developing countries can not handle the number of lower-level perpetrators. Further, mechanisms such as truth and reconciliation commissions may shed light on the actions of such officers. However they are focused on informal restorative justice, not on formal retribution or punishment. In fact, truth commissions often grant lower-level perpetrators \textit{de facto or de jure} impunity in exchange for their testimony (Roche 2005).
that are separate from those of domestic and international audiences. The government faces a principal-agent problem with local state officers: after officers are granted coercive capacity, they are expected to follow the government’s directives. But these officers can shirk, at times (mis)using that power to perpetrate violence, perhaps even to the political detriment of the government.

We thus adjudicate between three competing hypotheses about how local state officers are held accountable for their involvement in electoral violence within unconsolidated democracies in which politicians face few constraints on their power and can manipulate the accountability process towards their political interests. We begin by recognizing that these countries tend to possess low-capacity states where it is considered difficult to adequately identify all perpetrators. In light of this low-capacity, we first evaluate a no accountability hypothesis. Here, the government does not receive enough information during political crises for perpetrators to be held accountable for their actions. In contrast to this hypothesis, we argue that the government can observe officer action under certain conditions. Violence in an officer’s set territorial jurisdiction is a signal of the officer’s actions during the conflict.

Our second and third hypotheses, therefore, are based on the government solving their principal-agent problem based on the observation, or at least inference, of officer action. We evaluate a hypothesis of even accountability in which the government punishes all local state officers who perpetuated violence so as to cull the security apparatus of officers who have shown a willingness to misuse their coercive capacity for tasks outside of their formal duties. We also propose an uneven accountability hypothesis where the government negatively sanctions officers who perpetuated violence that harmed the government while rewarding officers who perpetuated violence that was in support of the government’s political interests. The logic here is that an officer’s actions during the violence indicate her underlying loyalty, and thus her likelihood to use her coercive capacity, both during times of crisis or times of peace, to the government’s advantage in the future.

We evaluate these competing hypotheses using micro-level data on Kenya’s 2007/2008 post-election violence. We focus on Rift Valley Province where a reported 1,100 people were killed and
350,000 displaced (Human Rights Watch 2008). The violence in the province provides a unique opportunity to rigorously examine all three hypotheses because there were two waves of violence in geographically distinct areas. In the government’s area of core support, the government’s co-ethnic Kikuyus attacked opposition supporters. But in opposition strongholds, opposition supporters attacked Kikuyus.

We examine the sanctioning of 2,500 state-appointed, bureaucratic “chiefs,” the local state officers most directly responsible for maintaining law and order, within the state. We recognize that data on state personnel involved in political violence is subject to the “victor’s justice” – the same elites who maintain these records may have also ordered officers to commit the violence (Balcells & Sullivan 2017). We overcome this data constraint by relying on administrative records that are seemingly unrelated to the violence to back-out which individuals involved in political violence were held accountable. In doing so, we broaden the range of potential uses for archival data highlighted in this special issue. Systematic, administrative data from government archives – which often do not suffer from the political biases described in Balcells & Sullivan (2017) – can be used to document otherwise opaque processes. We merge the archival bureaucratic data with a NASA satellite database on daily arson activity as arson was the main form of violence during the post-election violence (see below).

We find strong support for our uneven accountability hypothesis. Bureaucratic chiefs whose jurisdictions saw violence against the government’s co-ethnic Kikuyus were more likely to be fired from their positions than other chiefs within the same district whose jurisdiction did not see violence. But we find the exact opposite result in areas hit by violence that favored the government: chiefs whose jurisdictions saw Kikuyu-instigated violence against opposition supporters were far less likely to be fired in comparison to other chiefs within the same district whose jurisdiction did not see violence. Our results indicate that the government only viewed officers who misused their authority in service of the opposition, as opposed to all officer who misused their authority, as disloyal, dangerous agents that had to be dismissed. The end result is that the government has
been able to craft a more loyal security apparatus that can be trusted to use their authority for the political benefits of the incumbent government in the future.

This paper makes several contributions. Alongside other work that has looked at the electoral benefits of electoral violence to incumbents (Wilkinson 2004, Kasara 2016, Klaus 2017), we showcase the benefits of electoral violence in helping the incumbent alleviate the principal-agent problem that arises when relying on state officers to perpetuate violence. Much extant research argues that leaders overcome this problem through *ex ante* institutional design (Quinlivan 1999, Greitens 2016). Instead, we demonstrate how a “stress test” can *ex post* enable the incumbent to reduce future principal-agent problems and contribute to the literature on the ways in which leaders actively manage state officials (Hassan 2017).

We stress that the creation of a more loyal security apparatus has implications that extend far beyond periods of electoral violence. Local state officers who engaged in electoral violence on behalf of the government clearly have the will to coerce area residents using less violent (and less monitorable) tactics in the future. But these tactics of “low-intensity coercion” – e.g., beating local opposition supporters or preventing them from registering to vote, denying rally permits to opposition candidates – are not only more prevalent than punctuated, infrequent acts of electoral violence but more crucial in stopping opposition candidates from becoming viable before election day in the first place (Levitsky & Way 2010).4

This paper also speaks to the literature on accountability processes after violence. Recent research focuses on the ways in which official mechanisms such as courts or transitional justice regimes can become politicized and ultimately undermine the pursuit of justice (Brown & Sriram 2012, Mueller 2014, Loyle & Davenport 2016, Lake 2017). We show that the accountability process can be manipulated outside of the judicial realm as well, in less visible but crucial domains such as the bureaucratic management of state institutions. Our results suggest that uneven accountability can reinforce the idea that officers can only continue in their positions by appeasing political

4Slater & Fenner (2011) make a similar point for authoritarian regimes.
elites, not faithfully carrying out their duties on behalf of society as a whole.

Accountability in the Wake of Political Violence

Though our analysis is applicable to most forms of political violence, we focus specifically on electoral violence. We define electoral violence as political violence that is shaped by the dynamics of, or seeks to influence, the electoral process. Electoral violence can be incumbent-instigated, enacted by government supporters and targeting the opposition’s supporters, or opposition-instigated where those supporting the opposition target incumbent supporters (Straus & Taylor 2012).

We look specifically at the role of local state officers. Local state officers are endowed with state coercive capacity (e.g., control over the local police, authority to punish those who threaten public order) because they are formally responsible for maintaining law and order in their jurisdiction. Some examples of these officers include centrally-appointed mayors, local police chiefs, and village executives. The coercive capacity endowed to these officers combined with their local embeddedness, and thus their ability to differentiate the political affiliations of residents in their jurisdiction (Straus 2006, Lyall 2010), makes them particularly adept at organizing and carrying out electoral violence at the local-level.

The government thus faces a principal-agent problem with regards to local state officers. Officers are expected to use their coercive capacity as directed by the government, but they can instead shirk and use that authority for other ends. Since accountability is dependent on the government’s directives, we consider the range of demands that the government may ask of officers. On one end, a government may direct officers to stick to their formal duties and do their utmost to maintain order. This strategy helps to create an impartial state that cannot be used against the current government should the opposition take office (Grzymała-Busse 2007). It also prevents domestic or international backlash against electoral violence. Domestic audiences can punish the government at the ballot box or through political unrest for the actions of local state officers. Similarly,
the international community can pressure governments whose agents carried out violence (Hafner-Burton 2008) or withhold development assistance (Bratigam & Knack 2004, Moss, Gelander & van de Walle 2006). On the other end, and as is possible within unconsolidated democracies, the government may implicitly expect officers to use their authority for its political gain, or even explicitly demand this misuse of authority. The perpetuation of electoral violence against the opposition can help the government secure re-election or help its supporters benefit materially (Wilkinson 2004, Kasara 2016, Klaus 2017).

Regardless of the government’s directives, officers are likely to use their authority to perpetuate electoral violence when they have a neopatrimonial relationship with political elites (Höglund 2009). This is easiest to see when the government expects officers to misuse their authority on its behalf. Top government elites can promise compliers the retention of their coveted position, a promotion, or a raise. We note that officers may have incentives to use their authority to perpetuate incumbent-instigated violence even when the government demands professionalism. The officer may have a neopatrimonial relationship with political elites who are aligned with the government, albeit not top government leaders.

Officers can create these neopatrimonial relationships with opposition elites as well, and use their authority perpetuate opposition-instigated violence. Opposition elites have sources of private funding (Arriola 2012) that can be leveraged to promise officers money, land, or favors. Further, elites in the opposition can pledge to retain or promote the officer should the opposition win, a consideration that the officer weighs heavily when the election is expected to be tight. Separately, officers may have their own incentives. Officers may choose to direct violence for or against the interest of the government without elite direction. During heightened periods of political competition, salient identities – whether ethnicity, religion, sect, region – solidify (Fearon & Laitin 2000, Eifert, Miguel & Posner 2010).

Given these considerations, we present three hypotheses about the extent to which the government holds local state officers accountable for their actions during the violence. We begin by
recognizing that the post-violence government cannot hold any individual officer accountable if it is not capable of observing or inferring officer action, as is the case in many weak states (Englehart 2009, Cole 2015). This brings us to our first hypothesis of no accountability which predicts no discernible pattern in how the government holds officers whose jurisdictions saw violence accountable from those whose jurisdictions did not see violence.\(^5\) Though the government may symbolically sanction some officers as scape goats, sanctioning is not based on the officer’s actions during the violence.\(^6\)

\(Hypothesis_{NoAccountability}:\) The government will not punish officers whose jurisdictions saw electoral violence or officer punishment will be random.

In many instances, however, the government is able to observe, or at least infer, officer action. Electoral violence leaves immediate and lasting signs in an area, such as a mass exodus of victimized groups, large numbers of civilians dead, scorched fields. Moreover, local state officers are

\(^5\)Such monitoring problems are compounded during large bouts of violence, regardless of state strength, when the “fog of war” makes it difficult to observe specific actions. While the fog of war often refers to real-time decision making, it can also contribute to an actor’s ability (in our case, the government’s) to collect and decipher officer action within the conflict (Davenport & Ball 2002).

\(^6\)The empirical observations of no accountability due to weak state capacity is observationally equivalent to accountability processes that are hampered by obstruction from the coercive apparatus. In the pre-democratic period, coercive agencies were the most powerful in the state precisely because they were at the forefront of political violence. Their bureaucratic culture and informal institutions will be slow to adapt to new democratic norms of accountability (Weitzer 1990). In the short-run, they have strong incentives to retain their organ’s relative weight and importance in society by, for instance, preventing the creation of internal oversight committees that would reprimand officers or by refusing to share information about officer behavior (Goldsmith & Lewis 2000, Baker 2002, Auerbach 2003).
sufficiently well-known in their jurisdictions such that their role in the violence is visible to area residents: even governments of low capacity states may receive information through the chain of command or local civil society about the local perpetrators of large scale violence. In cases where a government cannot ascertain officer action completely, it can make well-informed inferences about the probability of the officer’s actions based on the dynamics of the conflict there. That violence played out in the officer’s jurisdiction acts as a credible – albeit sometimes noisy – signal as to the likelihood of the officer’s actions.\(^7\)

If the government is indeed able to observe officer action, it may hold all officers who perpetuated violence accountable. To the extent that the government demanded professionalism in the execution of officers’ duties, all officers who engaged in violence have not only disregarded their mandate to maintain law and order, but have shown a willingness to misuse their authority to perpetuate violence. Reprimanding these officers reduces the incidence of officer shirking in the future.

\[\text{Hypothesis Even Accountability}: \text{ The government will uniformly punish those officers whose jurisdictions saw electoral violence.}\]

We contrast the even accountability hypothesis with our uneven accountability hypothesis. Here, the government considers the information that violence provides about the loyalty of an officer and only holds some officers accountable. If the government (implicitly or explicitly) demanded that officers misuse their authority on its behalf, then officers who perpetuated incumbent-instigated violence compiled with orders. Instead, the government has a strong incentive to punish officers who perpetuated opposition-instigated violence.\(^8\) By negatively sanctioning officers who have shown a willingness to misuse their authority against the government and positively sanction-

\(^7\)While there may be concern about the government’s ability to perfectly see officer action, this concern empirically biases the results towards \(\text{Hypothesis No Accountability}\).

\(^8\)The government may also have an incentive to punish officers who refused to perpetuate incumbent-instigated violence.
ing (i.e., rewarding) officers who perpetuated incumbent-instigated violence, uneven accountability helps the government create a more loyal security apparatus; the government lessens its principal-agent problem when it demands that officers misuse their authority for its political benefit in the future.\textsuperscript{9}

\textit{Hypothesis Uneven Accountability}: The government will punish officers whose jurisdictions saw opposition-instigated electoral violence. The government will reward or offer immunity to officers whose jurisdictions saw incumbent-instigated electoral violence.

For both accountability hypotheses we acknowledge that political violence can occur for reasons beyond the facilitation of the local-level officer posted there. Violence might be the result of the local officer’s incompetence. An officer might simply be unable – as opposed to able but unwilling – to stop violence in her jurisdiction. The even accountability hypothesis is theoretically ambivalent about the cause of violence; either way, the presence of violence in an officer’s jurisdiction signals a breakdown of law and order that the government must punish. The uneven accountability hypothesis will also be ambivalent about the cause of violence in jurisdictions that saw opposition-instigated violence. There, officers either willingly instigated violence against regime supporters or were unable to stop this violence. The logic for incumbent-instigated violence under the uneven accountability hypothesis, however, slightly changes. The government would want to punish officers whose jurisdictions saw violence, even if those officers tried to stop incumbent-instigated violence. However, it is empirically difficult to disentangle these two mechanisms for areas that saw incumbent-instigated violence to observe the relative importance of each. Analyses that cannot identify between those places that saw incumbent-instigated violence due to the

\textsuperscript{9}We note that much of the work on the conditions under which elites are held accountable similarly suggests the manipulation of the accountability process for the post-violence government’s political gain. For example, see Subotic (2009) and Smith (2012) on how transitional justice regimes and war crimes tribunals, respectively, can be manipulated for political gain. In Kenya specifically, see Brown & Sriram (2012) and Mueller (2014).
direct instigation of an officer versus her incompetence – such as ours – will be empirically biased towards zero.

Kenya and 2007/2008 Post-Election Violence

Kenyan Local Officers: Chiefs and Assistant Chiefs

Our analysis centers on Kenyan “chiefs” and “assistant chiefs,” centrally appointed village-level state officers that serve a wholly bureaucratic function. A chief is in charge of her respective administrative “location” and an assistant chief is in charge of her respective administrative “sub-location.” Each location is comprised of several sub-locations such that the chief is directly ahead of the assistant chief within the chain of command. Both ultimately report to the Permanent Secretary of the country’s interior ministry, among the president’s most important appointments and trusted advisers, and the president himself. Decisions about the hiring, promotion, or dismissal of chiefs and assistant chiefs are formally made by the Permanent Secretary with input from other regime elites.

Chiefs and assistant chiefs are in charge of upholding internal security and maintaining law and order within their jurisdiction. Chiefs and assistant chiefs are appointed in their native, “home” jurisdiction, are never rotated to work outside that jurisdiction, and serve until retirement.¹⁰ They have a wide range of duties relevant to our study; they control the local police, have the authority to punish area residents who they deem as disturbing law and order, and adjudicate local land disputes.¹¹ Indeed, they are the highest-ranking, most important bureaucrat of any state organ within an administrative location or sub-location. These positions are highly valued and, unsurprisingly, ...
it is rare that a chief or assistant chief willingly leaves her position for another within the state (save assistant chiefs who become the next chief of their sub-location’s respective location).

The appointment process strives to choose officers who are familiar with local dynamics precisely because officers are crucial to maintaining law and order within their jurisdiction. Chiefs and assistant chiefs are always members of the local ethnic group, speak the local language, are familiar with local customs, and can tap into family and ethnic networks. The center’s need for local knowledge means that areas that are ethnically-affiliated with the opposition must still be governed by a chief or assistant chief who is a co-ethnic of the opposition. Indeed, ever since the colonial era, the government has never packed the ranks of chiefs and assistant with officers who are ethnically aligned with the government in places that are ethnically affiliated with the opposition.

**Rift Valley, Ethnicity, and Land**

This paper’s empirical analysis focuses on the main site of Kenya’s 2007/2008 post-election violence, Rift Valley Province.\(^\text{12}\) Electoral violence there stems from historic and contentious land politics. As we describe below, the violent tactic of choice in Rift Valley was arson.

Rift Valley is a contested space. The province is considered the homeland of various pastoralist groups, namely the Kalenjin.\(^\text{13}\) Since the colonial period, however, Kikuyus as well as other “migrant” ethnic groups have settled in the province.\(^\text{14}\) Kikuyu migration into Rift Valley continued under the country’s first president, Jomo Kenyatta, a Kikuyu himself. The government acquired 744 of the reported 1,133 deaths (Waki Report 2008) and 1,021 of the 1,775 fires during the post-election violence were in Rift Valley (see below).

\(^\text{12}\) The Kalenjin comprise around 11.5% of the country’s population and 46.8% of Rift Valley’s population. The other “indigenous” Rift Valley groups comprise 3.6% of the country’s population and 14.2% of Rift Valley. All ethnicity figures are from the 1989 census, the most recent census to release sub-national ethnicity information.

\(^\text{13}\) The Luhya, Luo, and Kisii comprise 9.6%, 3.9% and 2.5% of the population, respectively.
large tracts of land from the colonial regime which it passed on to small-scale farmers. Kenyatta fa-
vored his co-ethnics in land allocations across “settlement schemes” in Rift Valley without regard
to historic land claims by native pastoralist groups. The Kikuyu population of Rift Valley grew
from 341,000 in 1969 to more than 950,000 by 1989 (19.2% of the province’s total population) in
response to these policies. Within Rift Valley, the Kikuyu are concentrated in districts with high
numbers of settlement schemes but are a majority in only one Rift Valley district, Nakuru.

The settlement of Rift Valley by the Kikuyu has fueled feelings of land injustice among the
Kalenjin. Kalenjin narratives of “stolen” lands became tied to the presidency and the political
process. This narrative was solidified soon after independence as Kalenjins saw Kenyatta’s distri-
bution of land to the Kikuyu as a political move to reward his supporters at the Kalenjin’s expense
(Klaus 2017). The link between presidential ethnicity and land distribution was only strengthened
under the reign of the country’s second president, (Kalenjin) Daniel arap Moi (1978 - 2002). Moi
engaged in the same land distribution tactics Kenyatta did and doled out land to his co-ethnics
though many Kikuyus remained in Rift Valley throughout his presidency.

The tension between ethnicity and land in Rift Valley rose to the surface in the run-up to the
1992 election, the country’s first multi-party election since the independence era. Moi faced a se-
rious electoral challenge from the Kikuyu community. Politicians from Rift Valley’s indigenous
ethnic groups rallied their bases and stirred fears that a Kikuyu presidency would result in a reversal
of Moi’s land-allocation policies with Rift Valley’s land again being parceled out to Kikuyus. Po-
litical elites incited “youths,” largely from the Kalenjin community, to launch pre-election violence
centered in districts with large migrant communities” (Throup & Hornsby 1998, Klopp 2001). Im-
portantly, the violent tactic of choice was arson. The instigators’ goal was to evict Kikuyus and
other migrant groups to claim their land (Akiwumi Report 2002, Boone 2011). In the end, some
1,500 people died and 300,000 were displaced (Human Rights Watch 1993).
2007 Election and Subsequent Violence

Kenya was gearing up for another contentious presidential election in 2007. Mwai Kibaki, a Kikuyu, came to power in 2002. He faced a challenge from Raila Odinga, a Luo candidate. Odinga chose William Ruto, a Kalenjin, as his running mate to help win the Kalenjin vote. As during the 1990s, national-level politicians tapped into Kalenjin fears about land allocation to mobilize electoral support (Lynch 2008, Mueller 2008, Klaus 2017). Kalenjin electoral support was thought to be enough to guarantee Odinga the presidency. And indeed, early election results gave Odinga a commanding, almost insurmountable, lead. Later results favored Kibaki, however, who was declared the winner on December 30 amid serious allegations of fraud.15

Violence broke out soon after the official announcement of the results. Parallel to the violence in the early 1990s, Kalenjin youth attacked members of non-indigenous groups across Rift Valley. This Kalenjin-instigated (opposition-instigated) violence was centered in Kalenjin districts as well as neighboring Trans-Nzoia and targeted the Kikuyu (Harris 2012). Unlike the 1990s, however, there were sustained retaliatory attacks by Kikuyu on the Kalenjin and the Lou in Nakuru district, Rift Valley’s one Kikuyu-majority district.

As during the 1990s, the primary violent tactic was arson.16 Instigators of the violence attempted to displace local residents of ethnic groups associated with their political opponent and subsequently claim their land (Anderson & Lochery 2008).17 Perpetrators torched the farms, shops, and compounds of area residents that they knew to be from the opposing ethnic group. The victims...

15Gibson & Long (2009) report the results of the only nationally-representative exit poll for the 2007 election. They suggest that Odinga won 46.1% to 40.2%.
16Existing literature has established that arson was the primary violence tactic during the violence (e.g., Waki Report 2008, Human Rights Watch 2008).
17Kasara (2016) argues that a secondary goal of the violence was to redistrict constituencies for future elections, and make safer Kalenjin parliamentary seats. Indeed, Harris (2012) finds that the number of registered Kikuyu voters in Kalenjin districts dropped in areas with arson activity.
tims would flee and leave the land for the instigators to claim. Much of the violence was intra-communal: local residents knew where members of other ethnic groups lived locally (Mueller 2008). In the end, some 1,100 were killed and 350,000 were displaced.

The Role of Chiefs and Assistant Chiefs in the Violence

Both sides of the post-election violence were organized by political elites (Mueller 2008, Boone 2014, Klaus 2017), but there is evidence that local chiefs and assistant chiefs played a significant role in its implementation and spread. We present secondary evidence on the role of chiefs and assistant chiefs in the violence from the Waki Report (2008), produced by the official international commission of inquiry on the 2007/2008 post-election violence.

Chiefs and assistant chiefs involved in the violence used their state authority to perpetuate violence instigated by their co-ethnics. In Nakuru, the Waki Report (2008) details an incident where local police officers, “spotted some people burning houses and managed to arrest one arsonist whom they were escorting to [the local Chief’s] camp [so that the arsonist could be jailed] ... The Chief ordered the officers to release the [arson] suspects otherwise he would incite his people to attack them” (110). Similarly, the Waki Report (2008) states that security services in Nakuru, many under the control of chiefs and assistant chiefs, “did not want to stop the violence or were under orders not to do so” (90).

In Uasin Gishu, the district that saw the worst violence, a pastor recalled that he had tried contacting the chief but,

Nothing happened. Kikuyu young men started trying to defend themselves. There was no response. The Chief arrived with his two police officers who were both Kalenjin. The AP officers started pushing the Kikuyu men back [into the fire] as the Kalenjin men burnt houses behind them (57)

In Baringo, another Kalenjin district, one witness claimed that local chiefs had organized local

---

18 See Ruteere (2011) for the role of other state officers in the violence.
community meetings “during which sentiments were expressed to the effect that Kikuyus would have to leave and go back to Central Province” (92).

The Post-Violence Coalition Government

The violence abated when Kibaki and Odinga signed a peace accord on February 28, 2008. The accord created a coalition government where Kibaki retained the presidency and Odinga was appointed Prime Minister. Their parties each received about half of all ministerial positions. The accord tried to further enshrine power-sharing by mandating dual control over each ministry. If a party chose the Minister, the other party chose the Assistant Minister(s).

Despite these formal power-sharing arrangements, however, the interior ministry continued to carry out the interests of Kibaki and his allies after the violence ended. Power-sharing within each ministry failed because the Kenyan state is particularly top-heavy, with the Minister and Permanent Secretary of each ministry making the bulk of decisions. And although Kibaki himself was largely absent from the day-to-day affairs of the interior ministry, many of Kibaki’s closest allies were heavily involved in the management of the state and were looking forward to electing Kibaki’s (Kikuyu) successor in the next election.\(^\text{19}\) Indeed, the Assistant Minister of Provincial Security after 2008 was a member of Odinga’s party. Yet, he claims that he had little *de facto* authority over the PA: “they only give me scraps. I am kept off the real decisions.”\(^\text{20}\) Instead, Kibaki’s inner circle made the vast majority of decisions about personnel within the PA after the violence. Kibaki remained president until 2013 when Uhuru Kenyatta, his co-ethnic and an alleged elite organizer of the Kikuyu-instigated violence, took office.

\(^{19}\)The government also stymied the accountability process of elite Kikuyu perpetrators from facing sanctioning from the International Criminal Court or high domestic courts (Brown & Sriram 2012).

\(^{20}\)Interview with Assistant Minister of Provincial Security, 01 February 2012, Nairobi, Kenya.
Data and Models

Archival Data on Chief Appointments

We construct a dataset of chief and assistant chiefs postings in Rift Valley. The data comes from administrative officer records located in the archives of Rift Valley’s provincial headquarters from 2009 - 2012. Each province is mandated to keep all bureaucratic records for three years after their publication, after which they have permission to destroy the files. The field research for this project was carried out in 2012, when Rift Valley headquarters still had records from the immediate aftermath of the violence. The records list all of the locations and sub-locations within a district (districts are one administrative tier lower than provinces), the officer stationed there, when that officer started her post, or the station’s vacancy if empty.\footnote{These records occasionally record other officer characteristics, including the officer’s sex, age, education level, and rank (e.g., Senior Chief 1 or Chief 2).} We provide an anonymized sample of the officer returns in the Supplemental Information (SI).\footnote{Unfortunately, and as we describe in the SI, the records do not all systematically record an officer’s rank and when they were last promoted. This means that we cannot back out if certain officers were demoted or promoted in the wake of the post-election violence.} We geolocate each chief and assistant chief’s location or sub-location to its corresponding administrative unit from the 1989 and 1999 censuses so as to merge in demographic information. We are able to geolocate more than 96% of observations in our study area.\footnote{We could not geolocate a satisfactorily high number of observations for two districts – Turkana and West Pokot – so we remove them from the analysis. The removal of these districts does not affect the validity of our results as they did not experience Kalenjin-Kikuyu election violence.}

We have no reason to suspect any bias of omission or a political motivation in the release of the data that might affect our results.\footnote{The records that were the most spotty were those in arid, far-flung parts of the province where state capacity is weakest. Records from Rift Valley’s farming districts – that are among the}
provincial-level on behalf of the central government for decades. In recent years, archival officer returns have been made available for perusal by researchers so long as they obtain the necessary clearance.

These archival records allow us to capture a “snapshot” of Kenyan chiefs and assistant chiefs who were in place in the years after the violence ended. To evaluate our three hypotheses, we use the records to back out whether a chief or assistant chief was fired from her location or sub-location sometime during 2008 - 2009 by determining if the current chief or assistant chief was hired in the post-violence period or was retained throughout (see below). We note that it is highly unlikely for officers to willingly leave their posts. Chiefs and assistant chiefs are the most important bureaucrats within their jurisdiction and would see any other government job as a demotion. Further, chiefs and assistant chiefs are institutionally mandated to be from the area they serve and can not be rotated across stations. If an area’s chief or assistant chief started serving after 2008, this is most likely due to the previous chief or assistant chief having been fired from her post.

The richness of the systematic data we are able to extract from their files allows for a rigorous evaluation of which chiefs and assistant chiefs the Kibaki government held accountable. At the same time, we recognize the limitations of this archival data source. The vast majority of records from the pre-violence era were destroyed in accordance with official policy (as described above). Empirically, this means that we cannot link specific officers to demotions or dismissals, or measure officer promotion. Further, we are not able to measure if officers with certain characteristics – e.g., officers from a particular ethnic group – were more likely to be punished.

**Geolocating Electoral Violence**

We geolocate the post-election violence using NASA’s Moderate Resolution Imaging Spectroradiometer (MODIS) Thermal Anomalies Fire data. We use this satellite data to measure whether a given location or sub-location experienced post-election violence between December 30, 2007 country’s most developed and where the violence took place – were the most complete.
- February 28, 2008. As we discuss above, arson was the violent tactic of choice in Rift Valley. Indeed, Kasara (2016) finds that 89% of the 736 police cases during the post-election violence involved arson. Moreover, arson occurred in the same jurisdictions that also experienced post-election violence of other forms (Waki Report 2008). This suggests that the MODIS data likely captures the incidence of violence more broadly.25

We follow the procedures other projects have employed when using MODIS to locate political violence. First, the data itself is prepared to ensure that each observation is a fire as opposed to, for instance, hot gas or volcanic activity (Giglio, Descloitres, Justice & Kaufman 2003). Second, we acknowledge that the satellites sense non-violent fires. We create an indicator variable for whether a fire occurred in the area over the same time in the previous year (December 30, 2006 - February 28, 2007) and use this measure as a control. Figure 1 displays arson activity in Rift Valley during the 2007/2008 post-election violence. Figure 2 plots the number of fires per day in Rift Valley from December 30, 2007 - February 28, 2008. As a comparison, we plot the number of fires one year prior (December 30, 2006 - February, 28 2007).

[Figure 1]

[Figure 2]

The MODIS data has important limitations.26 Namely, it cannot identify the direction of violence – it cannot tell us whether a specific fire targeted Kikuyus or Kalenjins. That said, we believe

25 In the SI, we run a placebo test on whether officers who saw a fire in their jurisdiction in the year prior were subsequently fired. The null results (SI) both indicate that chiefs and assistant chiefs’ firings were not related to arson activity in the pre-violence period and serve as an additional measure of validity of the MODIS data.

26 In addition to the problems discussed below, we account for the possibility that the MODIS data may count fires that are not arsons by re-running the analysis after only including the largest fires – those at the 50th and 75th percentiles of intensity. The results are substantively similar.
that the geographic concentration of the violence alongside pre-existing settlement patterns allows us to infer the target of arson in a jurisdiction. Secondary sources and research on the post-election violence agree that government-instigated violence was concentrated in Nakuru while opposition-instigated violence was concentrated in the Upper Rift where Kalenjins were more numerous.\(^{27}\)

**Variables and Specifications**

We run logit regressions where our dependent variable is \( Fired_{ij} \), a binary indicator of whether a chief or assistant chief \( i \) was fired in location or sub-location \( j \) sometime during 2008 - 2009. Only looking at locations or sub-locations with officers currently in them, however, undercounts the number of administrators who were let go because there is a time lag in-between when a chief or assistant chief is fired and when a replacement is hired. For this reason, we also code as \( Fired_{ij} \) whether a station was vacant as this indicates that the previous administrator was fired.\(^{28}\)

We run three different specifications, first with no controls and then with controls for a total of six regressions. In the first specification, our independent variable is \( Arson_{j} \), a binary indicator drawn from the MODIS data of whether location or sub-location \( j \) experienced an arson during the post-election violence. In the second and third specifications, we interact \( Arson_{j} \) with \( OppositionDistrict_{j} \) and \( Nakuru_{j} \), respectively. These are binary indicators of whether a location or sub-location is in an opposition district or Nakuru. Our regression equations for the main models are as follows:

\(^{27}\)We are cognizant of the possible potential bias in all existing narratives whereby they misrepresent the nuances of the violence, arguing a narrative that falls neatly into what we would expect from episodes of ethnic conflict (Brass 1997) or partisan conflict (Ruteere 2011). In the SI, we attempt to overcome this concern by looking at within district variation in residence patterns and the direction of the violence.

\(^{28}\)We also re-run the analysis after coding \( Fired_{ij} \) up to 2011 (the results do not change).
\[
\text{logit}(Fired_{ij}) = \beta_0 + \beta_1 \text{Arson}_j + X_j
\]  
(1)

\[
\text{logit}(Fired_{ij}) = \beta_0 + \beta_1 \text{Arson}_j + \beta_2 \text{OppositionDistrict}_j + \beta_3 \text{Arson}_j \times \text{OppositionDistrict}_j + X_j
\]  
(2)

\[
\text{logit}(Fired_{ij}) = \beta_0 + \beta_1 \text{Arson}_j + \beta_2 \text{Nakuru}_j + \beta_3 \text{Arson}_j \times \text{Nakuru}_j + X_j
\]  
(3)

\(X_j\) is a vector of control variables. We control for President Kibaki’s 2007 vote share (\(\text{Kibaki Vote Share}_j\)), local economy conditions by including the number of individuals (normalized) living below the poverty line (\(\text{Poverty Headcount}_j\)), ethno-linguistic fractionalization as measured by the Herfindahl Index (\(\text{ELF}_j\)), and local land grievances by including a dichotomous variable for whether Kenyatta created a settlement scheme in the observation’s larger division (\(\text{Settlement Scheme}_j\)). We also control for traditional administrative factors by including each location or sub-location’s logged area in sq. km (\(\text{larea}_j\)), logged 1999 population (\(\text{lpopulation}_j\)), and ruralness (\(\text{Distance To Major Town}_j\)).

Each of our three competing hypotheses has different observable implications for officer management. \textit{Hypothesis NoAccountability} predicts that the government is not able to gather enough information about where violence occurred and is unable to discipline officers in any coherent way. We would expect null coefficients on \(\beta_1\) across all equations. \textit{Hypothesis EvenAccountability} suggests that the coefficient on \(\beta_1\) in Equation 1 and \(\beta_3\) in Equations 2 and 3 should be positive and significant, as any chief or assistant chief whose jurisdictions saw violence would be held accountable. \textit{Hypothesis UnevenAccountability} suggests that chiefs and assistant chiefs should be fired at different rates depending on the direction of the violence in their jurisdiction: this hypothesis suggests a positive and significant coefficient on \(\beta_3\) in Equation 2 and a negative and significant coefficient on \(\beta_3\) in Equation 3.

\(^{29}\text{Distance To Major Town}\) is derived from geospatial data and measured in decimal degrees.
Results

The results are presented in Table 1 and provide strong and consistent evidence in support of the uneven accountability hypothesis. Chiefs and assistant chiefs in opposition districts, where the violence was instigated by opposition supporters and targeted the government’s co-ethnic Kikuyus, were more likely to be fired if there was violence in their jurisdiction. In contrast, chiefs and assistant chiefs in government-aligned Nakuru, where the violence was propagated by Kikuyus and aimed at opposition supporters, were less likely to be fired if there was violence in their jurisdiction. These results indicate that the Kibaki government selectively fired officers who oversaw electoral violence in their respective jurisdictions that went against their interests and selectively retained officers who oversaw electoral violence in their respective jurisdictions that was in favor of the government.

[Table 1]

Refuting Alternative Explanations

In this section, we discuss alternative explanations to explain our results and present data to refute them. Full details and results of models presented are in the SI.

First, we consider the alternative explanation that there was an indiscriminate purge of all opposition officers after the violence. This explanation suggests an ethnic story where officers who were ethnically misaligned with the Kikuyu government were sanctioned, regardless of their actions during the violence: although the government gained no new information from the violence, the government opportunistically used the violence as political cover to negatively sanction all opposition officers, even without evidence that any given officer acted against the incumbent’s interests.\textsuperscript{30} Our empirics in Table 1 refute this alternative explanation. Had the Kibaki government

\textsuperscript{30}We note that the president cannot purge all non-co-ethnics indefinitely from chief and assistant chief positions. These jurisdictions must be governed by a member of the majority ethnic group.
engaged in a “purge” of misaligned officers, we would have seen a null coefficient on $\beta_1$ and a positive coefficient on $\beta_2$ in Equation 2.

Relatedly, we examine whether the government only held Kalenjin chiefs accountable, as opposed to all chiefs that engaged in opposition-instigated violence. Since the majority of opposition-instigated violence took place in Kalenjin-majority districts, one might assume that our results for Equation 2 were driven by this explanation. To remedy this concern, we re-run Equation 2 after removing all Kalenjin districts from our sample. In this new sub-sample, we see opposition-instigated violence in Trans-Nzoia, a district with a Luhya majority. Equation 2 remains significant and positive in this model, indicating that our results are not the result of an ethnic battle between Kikuyu and Kalenjin, but one about revealed officer loyalty.

Second, we attempt to address concerns arising the limitation of the MODIS data and its inability to tell the direction of the violence. Our results run into inference problems if there were many opposition-instigated attacks in Nakuru or incumbent-instigated attacks in opposition districts. We look specifically at the potential for double-sided violence in Nakuru given its history of Kalenjin-instigated violence during the 1990s. We restrict our sample to those jurisdictions in Nakuru where we are certain that violence was incumbent-instigated. We leverage the fact that violence broke out in places where the instigating group was the local majority and the victimized group were a local minority. Only in these areas did the majority group feel safe enough to perpetuate violence and was there sufficient animosity against the minority group. We re-run Equation 3 after interacting $Arson * Nakuru$ with an indicator variable for whether the Kalenjin population of the location or sub-location was between 10 - 49%. Additionally, and as a harder test, we also interact $Arson * Nakuru$ with an indicator variable of whether the Kalenjin population of the location or sub-location was between 10 - 49% and there was a Kikuyu majority. The results are in the SI are all consistent with the uneven accountability hypothesis.

---

Kalenjin locations and sub-locations thus continued to be governed by a Kalenjin officer, even if the officer in charge during the post-election violence was fired.
Third, we re-run the models after controlling for sites of 1991/1992 pre-election violence using data from Boone (2011). Including this variable controls for the government’s perceived likelihood of violence breaking out in an area. Further, the government can estimate the loyalty of officers who have been in their post since the early 1990s. This test is thus particularly useful to rule out the alternative explanation that the government instigated violence in particular jurisdictions within Nakuru (where all government-instigated violence occurred) because it already knew the loyalty of officers there. The results are in the SI.

Conclusion

In this paper, we propose three separate hypotheses about how governments manage local-level state officers in the wake of electoral violence. The government might not sanction officers in any coherent way (no accountability), hold all officers accountable regardless of their political or ethnic affiliation (even accountability), or selectively reward and punish officers who perpetrated violence based on whether that violence was in favor of or against the government (uneven accountability). We find support for the uneven accountability hypothesis in Kenya’s Rift Valley in the aftermath of the 2007/2008 post-election violence. Local bureaucratic chiefs and assistant chiefs in jurisdictions that saw opposition-instigated violence against government supporters were more likely to be fired. On the other hand, chiefs and assistant chiefs in jurisdictions where electoral violence was incumbent-instigated and against opposition supporters were less likely to be fired.

While we examine these hypotheses only on one case, we see signs of uneven accountability in other post-violence situations. Consider the wake of Zimbabwe’s 2008 election violence. The Mugabe government demoted or fired police and army personnel suspected of being sympathetic to the political opposition: “Several policemen told HRW that officers were told to support ZANU-PF or resign, and that promotion in the police was contingent on support for ZANU-PF” (Zimbabwe Country Report 2008). Likewise, consider the 2010/2011 post-election violence in Cote d’Ivoire.
where an estimated 3,000 civilians were killed and more than 150 women were raped (Human Rights Watch 2011). The election unseated incumbent Laurent Gbargo and the opposition candidate Alassane Ouattara took office. The Ouattara government appointed a Special Investigative Cell in the Ministry of Justice, which was charged with holding perpetrators on both sides of the conflict accountable. Reports of the cell’s activities, however, indicate that the accountability process was similarly politicized: “though the cell was designed as an impartial judicial body ... this balance has not been achieved. More than 150 Gbagbo supporters have been accused of crimes and arrested, but few from the Ouattara side have been similarly charged and detained, leading observers to point to the cell’s politicized leadership and a strong current of ‘victor’s justice’” (Davis & Vigani 2013). Future research should examine the accountability process for these cases and others to refine the uneven accountability hypothesis we propose here.

More broadly, the Kenyan 2007/2008 post-election violence, alongside other cases, gives insight into why we might see uneven accountability processes take place within unconsolidated democracies. These countries remember the previous authoritarian era when the security apparatus was crucial for helping autocrats stay in power and officers were compensated well in return. Since the beginning of multi-party elections, little time has passed and little will has been developed to create impartial, professional coercive organs. Both officers and politicians are primed to re-establish the neopatrimonial relationships that allow for the misuse of the state’s coercive authority, providing a fertile ground for the perpetuation of electoral violence by state actors.
Arsons in Kenya's Rift Valley During 2007/2008 Post-Election Violence

Figure 1: This map plots the fires that occurred in the Rift Valley between December 30, 2007 - February 27, 2008. Rift Valley Province is heavily outlined; individual districts are lightly outlined. Nakuru is shaded in blue. Opposition districts which saw violence against Kikuyus are in orange.
Figure 2: These plots give the number of fires reported in the MODIS data in the Rift Valley during the post-election violence on the right (December 30, 2007 - February 28, 2008) and the year before the violence on the left (December 30, 2006 - February 28, 2007).
### Table 1: Main Results – Officer Firings on Local Arson Activity

<table>
<thead>
<tr>
<th></th>
<th>Basic</th>
<th>Opposition</th>
<th>Nakuru</th>
<th>Basic</th>
<th>Opposition</th>
<th>Nakuru</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arson</strong></td>
<td>-0.24</td>
<td>-0.63**</td>
<td>-0.18</td>
<td>-0.36†</td>
<td>-0.83***</td>
<td>-0.24</td>
</tr>
<tr>
<td></td>
<td>(0.19)</td>
<td>(0.21)</td>
<td>(0.24)</td>
<td>(0.20)</td>
<td>(0.17)</td>
<td>(0.22)</td>
</tr>
<tr>
<td><strong>Kalenjin District</strong></td>
<td></td>
<td>-0.44*</td>
<td>-0.70**</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.22)</td>
<td>(0.21)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Arson * Kalenjin District</strong></td>
<td>0.72*</td>
<td>0.89**</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.30)</td>
<td>(0.27)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Nakuru</strong></td>
<td></td>
<td></td>
<td>0.91***</td>
<td></td>
<td>0.76***</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(0.11)</td>
<td></td>
<td>(0.18)</td>
<td></td>
</tr>
<tr>
<td><strong>Arson * Nakuru</strong></td>
<td></td>
<td>-0.85***</td>
<td></td>
<td></td>
<td>-0.79***</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.24)</td>
<td></td>
<td></td>
<td>(0.23)</td>
<td></td>
</tr>
<tr>
<td><strong>Kibaki Lagged Vote Share</strong></td>
<td></td>
<td>-0.06</td>
<td>-0.69</td>
<td>-0.07</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.36)</td>
<td>(0.39)</td>
<td>(0.35)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Poverty Headcount</strong></td>
<td></td>
<td>1.41</td>
<td>1.58</td>
<td>1.13</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(1.14)</td>
<td>(1.05)</td>
<td>(1.02)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ELF</strong></td>
<td>-0.48</td>
<td>-0.26</td>
<td>-0.36</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.31)</td>
<td>(0.30)</td>
<td>(0.32)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Settlement Scheme</strong></td>
<td>0.18</td>
<td>0.29*</td>
<td>0.11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.13)</td>
<td>(0.11)</td>
<td>(0.13)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>larea</strong></td>
<td>0.06</td>
<td>0.01</td>
<td>0.06</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.06)</td>
<td>(0.06)</td>
<td>(0.06)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>lpop</strong></td>
<td>-0.07</td>
<td>-0.08</td>
<td>-0.08</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.09)</td>
<td>(0.09)</td>
<td>(0.09)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Distance to Major Town</strong></td>
<td>0.00</td>
<td>0.33</td>
<td>0.08</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.42)</td>
<td>(0.42)</td>
<td>(0.39)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Intercept</strong></td>
<td>-1.38***</td>
<td>-1.13***</td>
<td>-1.45***</td>
<td>-0.83</td>
<td>-0.34</td>
<td>-0.86</td>
</tr>
<tr>
<td></td>
<td>(0.13)</td>
<td>(0.19)</td>
<td>(0.11)</td>
<td>(0.77)</td>
<td>(0.82)</td>
<td>(0.73)</td>
</tr>
</tbody>
</table>

**Num. obs.** 2277 2277 2277 2277 2277 2277

***p < 0.001, **p < 0.01, *p < 0.05, †p < 0.1 Logit regressions of the likelihood of a given chief or assistant chief getting fired by 2009 given an arson in their given location or sub-location during the post-election violence. The derivation of the variables is described in the text. Standard errors are clustered at the district level.
References


Balcells, Laia & Christopher Sullivan. 2016. “Ideology and State Terror: How Officer Beliefs Shape Repression During Argentina’s ‘Dirty War’.”


Human Rights Watch. 2011. “‘They Killed Them Like It Was Nothing:’ The Need for Justice for Cote d’Ivoire’s Post-Election Violence.”


