

# COUNTRY REPORT

March 2023

## **Conflict-Sensitive Social Protection: Kenya Country Report**

Izzy Birch and Becky Carter

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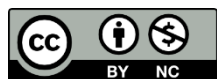
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Izzy Birch and Becky Carter  
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First published by the Institute of Development Studies in March 2023  
DOI: **10.19088/IDS.2023.023**

Suggested citation: Birch, I. and Carter, B. (2023) *Conflict-Sensitive Social Protection: Kenya Country Report*, Brighton: Institute of Development Studies, DOI: **10.19088/IDS.2023.023**

A catalogue record for this publication is available from the British Library.

This report has been produced thanks to funding by Irish Aid from the Government of Ireland. The opinions expressed here belong to the authors, and do not necessarily reflect those of Irish Aid or IDS.



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# Conflict-Sensitive Social Protection: Kenya Country Report

**Izzy Birch and Becky Carter**

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## Summary

This is one of three country case studies (the others being of Somalia and Sudan) that explore the interaction between social protection and conflict in the Horn of Africa. Kenya's social protection system has matured significantly over the last decade, although its resilience in violent conflict has not been tested given the country's relative stability. Even so, Kenya has significant vulnerabilities, particularly its high spatial and social inequalities, and while devolution may have diffused political tensions from the centre, it has fed into local-level conflicts. Social protection policy frameworks hint at elements of a conflict-sensitive approach but do not develop these further. Conflict is treated as a discrete shock, rather than the chronic condition that has long characterised parts of the north in particular. The potential to build on Kenya's innovative shock-responsive social protection mechanism from a conflict perspective would require more sustained interaction between the sectors responsible for social protection, peace and security, and disaster risk management.

## Keywords

Conflict; political instability; social protection; shock-responsiveness; humanitarian assistance; Kenya.

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# Acknowledgements

This research and the report were funded under an agreement between the Institute of Development Studies and the Development Cooperation Division of Ireland's Department of Foreign Affairs (DFA).

# Acronyms

ASAL	arid and semi-arid lands
CRA	Commission on Revenue Allocation
CT-OVC	Cash Transfer for Orphans and Vulnerable Children
EU	European Union
FCDO	Foreign, Commonwealth & Development Office
HSNP	Hunger Safety Net Programme
KCSC	Kenya Conflict Sensitivity Consortium
KCWG	Kenya Cash Working Group
KII	key informant interview
KSEIP	Kenya Social and Economic Inclusion Project
LAC	Locational Validation Committees
LNOB	leave no one behind
NDEF	National Disaster Emergency Fund
NDMA	National Drought Management Authority
NGO	non-governmental organisation
NSNP	National Safety Net Programme
NYS	National Youth Service
OPCT	Older Persons Cash Transfer
PMT	proxy means test
PwSD-CT	Persons with Severe Disabilities Cash Transfer
RoK	Republic of Kenya
SAU	Social Assistance Unit
UN	United Nations
VCI	Vegetation Condition Index
VMG	vulnerable and marginalised group

# 1. Introduction

This report is part of a multi-country study exploring the interaction between social protection and conflict in the Horn of Africa (the other countries of focus are Somalia and Sudan). Irish Aid commissioned the study, to inform its work on social protection, particularly in fragile contexts, as a key policy instrument to reach those furthest behind, to reduce extreme poverty, and respond to shocks and emergencies (Government of Ireland 2019; Irish Aid 2017).

Conflict and fragility challenge the design and delivery of social protection while simultaneously heightening the vulnerabilities it seeks to address. This study considers both these aspects, that is, how social protection programmes function in situations of conflict and instability as well as the extent to which they respond to conflict and conflict-related shocks. The three research questions are:

1. To what extent and in which ways do social protection programmes and policies consider conflict-related risks?
2. What features enable the effective delivery of social protection during conflict and in response to displacement? What features mitigate against this?
3. What can development partners do to make social protection programmes and systems more conflict sensitive and conflict responsive?

These questions illustrate how social protection and conflict intersect in the following dimensions:<sup>1</sup>

1. **Sensitivity:** understanding the realities of operating in areas affected by or at risk of conflict in order to adapt programmes and interventions in ways that minimise harm and, where possible, have a positive impact on conflict dynamics.<sup>2</sup>
2. **System resilience:** maintaining the systems and structures necessary for the delivery of social protection during and after conflict.
3. **Response:** mobilising social protection to respond to the additional needs created by conflict.
4. **Transformation:** designing and delivering social protection to facilitate and promote peacebuilding and social justice.

Kenya is a lower-middle-income country with persistent social and economic inequalities, and a competitive, clientelist political settlement (Haider 2020; Tyce

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<sup>1</sup> The first three dimensions are informed by analysis undertaken by Slater and Longhurst on the delivery of social assistance systems in protracted crises (summarised in Slater and Longhurst 2022).

<sup>2</sup> Besser (2021); Directorate-General for International Partnership, European Commission (2021).

2020; Scott-Villiers *et al.* 2014). Over the last decade the social protection sector has grown in maturity, with domestic support for politically popular cash transfers converging with donor agendas and assistance (Wanyama and McCord 2017). The primary focus of this report is non-contributory social assistance (namely cash transfers), which dominates both programming and related literature.

The design of the research was limited in scope. The methodology involved a rapid but thorough review of available literature supplemented by five interviews with stakeholders in Kenya. Most of the informants are, or have been, associated with the Hunger Safety Net Programme because HSNP is used as a case study in this report, for several reasons: it operates in conflict-affected parts of Kenya, it integrates a shock-responsive mechanism, and the investment in its monitoring and evaluation systems has generated a strong body of evidence to draw on.<sup>3</sup>

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<sup>3</sup> The contributions of all informants and reviewers are gratefully acknowledged.

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## 2. The state-led social protection system in Kenya

In the last decade, the social protection sector in Kenya has grown significantly, from a small set of *ad hoc* programmes to a ‘relatively mature’ state-led social protection system (Republic of Kenya (RoK) 2019a; Doyle and Ikutwa 2021: 1). Kenya has made notable progress in,

shifting from a ‘business as usual’ emergency response model to a country in which the humanitarian system architecture has largely been overtaken by greater government investment in resilience building, social protection programmes for a number of vulnerable groups, and early response systems.  
(Dolan and Shoham 2017: 1)

### Box 2.1: Kenya’s definition of social protection

The Government of Kenya defines **social protection** as ‘policies and actions, including legislative measures, that enhance the capacity of and opportunities for the poor and vulnerable to improve and sustain their lives, livelihoods, and welfare, that enable income-earners and their dependants to maintain a reasonable level of income through decent work, and that ensure access to affordable health care, social security, and social assistance’.

Source: National Social Protection Policy (RoK 2011: v)

Key social protection developments in the past decade or so have included:

- The right to social security and freedom from hunger included in the 2010 Constitution.
- Deepening political commitment and increased government financing<sup>4</sup> for the national social protection system.
- Adoption of the 2011 National Social Protection Policy setting out the ambition to expand social protection support for people to cope with life-cycle and covariate shocks, as a key tool to achieve Kenya’s Vision 2030 of reaching middle-income status (RoK 2011). See Box 2.1 for the national definition of social protection.

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<sup>4</sup> Government share of financing for social assistance rose from 15 per cent (2007) to nearly 70 per cent (2016) (Opalo 2021: 242).

- Strengthened state-led institutional coordination with the creation of the State Department of Social Protection<sup>5</sup> in 2013, and establishment of the National Safety Net Programme (NSNP) (*Inua Jami*) which provides non-contributory social assistance<sup>6</sup> through four cash transfer programmes (see Boxes 2.2 and 2.3). The NSNP manages the cash transfers through a common operating framework including a single registry, and a monitoring and evaluation framework (National Social Protection Secretariat 2020).
- Labour market interventions to increase economic opportunity. One example is the National Youth Service (NYS) Cohorts Programme which provided skills and employment to 236,250 young women and men nationwide between 2014 and 2018 (Kimari 2021). Research in two of Nairobi’s informal settlements demonstrated the positive effect of even a modest income when provided on a predictable basis, as well as improvements in community security and safety achieved by eliminating the incentive for crime and by strengthening young people’s confidence and social standing (Ruteere and Kutahi 2021).
- The impact of devolution on the sector. Some county governments have taken some social protection initiatives, particularly in relation to health and food security. While social protection is not a devolved function, national programmes are implemented in close partnership with county structures, and county finance could, if well-coordinated, help expand social protection coverage (RoK 2019a: 49, 58).
- A shift from food to cash. While general food distribution was the largest social assistance programme in 2012, by 2015/16 cash transfer programmes comprised 83 per cent of social assistance expenditure (RoK 2019a: 130).
- Learning and capacity built from recurrent triggering of emergency scale up of cash transfers in response to drought – seen as ‘key success and innovation’ for the design of shock-responsive social protection (Gardner *et al.* 2017: v).
- A dynamic information and communication technologies sector which has benefited social protection systems. Mobile penetration in Kenya was 90 per cent in 2019. The growth of mobile money has helped expand access to formal financial services and products, which rose from 26.7 per cent of the adult population in 2006 to 83.7 per cent in 2021 (Kumar *et al.* 2021: 4).

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<sup>5</sup> Full name is the **State Department for Social Protection, Senior Citizen Affairs and Special Programmes** (accessed 7 October 2022).

<sup>6</sup> Other social assistance not covered by this review includes subsidies and school feeding.

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## Box 2.2: *Inua Jamii* – the National Safety Net Programme (NSNP)

The NSNP four cash transfer programmes include support for: (1) older people,<sup>7</sup> (2) poor households with people with severe disabilities, (3) poor households with orphans and vulnerable children, and (4) poor households in eight arid and semi-arid lands (ASAL) counties, with additional scale up of support during droughts (the Hunger Safety Net Programme (HSNP)). The first three are managed by the State Department for Social Protection, Senior Citizen Affairs and Special Programmes (SDSP), while HSNP is managed by the National Drought Management Authority (NDMA). Households can only be enrolled in one cash transfer programme and have to be residing in one location for a year (Social Assistance Unit 2019).<sup>8</sup> Since 2021, NSNP management is consolidated in the recently expanded Ministry of Public Service, Gender, Senior Citizen Affairs and Special Programmes (MPS) (FCDO 2022: 1). The programmes work through local county and sub-county offices and a network of Beneficiary Welfare Committees, with additional support from local chiefs, assistant chiefs, and community members (Social Assistance Unit 2019).

National Safety Net Programme						
State Department for Social Protection, Senior Citizen Affairs and Special Programmes (SDSP)			National Drought Management Authority (NDMA)			
<b>Cash Transfer for Orphans and Vulnerable Children (CT-OVC) (2004 - )</b> Targeted to poorest households (hhs) in all counties	365,232 hhs (2016)		KES 2,000 per month	<b>Hunger Safety Net Programme (2007 - )</b>  Targeted to poorest hhs in Turkana, Marsabit, Mandera and Wajir, and from Phase III (2019 - ) expanding to Garissa, Isiolo, Samburu, and Tana River  Expands to help additional hhs cope with impacts of drought	<i>Regular beneficiaries</i> 100,000 hhs (2007 - )	KES 2,700 per month
<b>Older Persons Cash Transfer (OPCT) (2007 - )</b> Targeted to poorest hhs in all counties  Being replaced with <b>Inua Jamii social pension (70+) (2018 - )</b>	320,636 hhs (2016)  (Inua Jamii pension: 808,000 individuals including OPCT 70+)*				<i>Regular beneficiaries (expanded counties)</i> 32,000 hhs (2019 - )	
<b>Persons with Severe Disabilities Cash Transfer (PwSD-CT) (2011 - )</b> Targeted to poorest hhs in all counties	41,374 hhs (2016)				<i>Shock response beneficiaries</i> 270,000 hhs (at times of drought in HSNP Phase II)	

Note: \* Figures for the *Inua Jamii* pension include OPCT beneficiaries over 70 (Kidd and Chirchir 2021: 10).

Source: Kidd and Chirchir (2021: 10) – number of beneficiaries for CT-OVC, OPCT and PwSD-CT are from 2016; universal pension beneficiaries from Tran *et al.* (2019); and HSNP from FCDO (2022).

<sup>7</sup> The cash transfers for older persons have evolved into the *Inua Jamii* social pension, widely referred to as a universal pension for all those over 70, regardless of income, although it currently excludes those already registered in a public or private pension scheme (Social Assistance Unit 2019; Kidd and Chirchir 2021). The pension is the first – and only – social transfer for individuals rather than on a household basis (Doyle and Ikutwa 2021: 2).

<sup>8</sup> In practice there are still overlaps between programmes. Efforts to reduce these are ongoing.

## Box 2.3: Hunger Safety Net Programme (HSNP)

HSNP was a response to chronic poverty and under-development in northern Kenya. At the time it started, 18 of the 20 poorest constituencies in Kenya were in the north (RoK 2008). Inequality and national cohesion had been forced up the political agenda by contested elections in December 2007. The post-election violence was ended by a process of national dialogue and reconciliation that identified 'poverty, inequality, and regional imbalances' as one of six underlying causes of the violence (Kenya National Dialogue and Reconciliation 2008). This growing awareness of the risks of exclusion and marginalisation went on to shape the 2010 Constitution (Odhiambo 2013).

Northern Kenya is also predominantly arid and exposed to regular droughts to which the default response had been food aid, both costly and poorly targeted (Kumar *et al.* 2021). Consequently, another motivation behind HSNP was to find a more efficient response to cyclical need. In 2015, the programme introduced a facility that allows it to expand to more households in emergencies (SPaN 2019). These households are referred to as 'Group 2', and those in receipt of the regular transfers as 'Group 1'. All receive transfers direct to their bank accounts and access cash through a network of bank agents across the region or from bank branches/ATMs.

The first phase of HSNP (2007–13) was a pilot designed to test three targeting options. Its evaluation concluded that the programme was fulfilling its function as a safety net and that, while not transformative, had an essential role in supporting basic consumption (OPM 2014). As HSNP has evolved through two subsequent phases both its coverage and government ownership have increased. Since 2019, the transfers have been fully financed from government revenue, although donor funding is still important in strengthening social protection systems. In the 2020-21 financial year, despite budget cuts, HSNP delivered all payments to Group 1 and Group 2 households, albeit with some delay. However, in the following year it faced a budget shortfall of approximately 23 per cent (KSEIP 2022: 6); this was not made up by the year end.

However, there is a way to go before Kenya's social protection system provides a national safety net that prevents (further) falls into poverty and promotes development on a large scale. The contributory social security schemes for workers and health insurance have limited coverage particularly in the informal sector (Doyle and Ikutwa 2021). The government's four main cash transfer programmes – which currently support an estimated 12 per cent of the vulnerable population – have variable coverage, both across life-cycle categories and geographically (RoK 2019a; MPS 2022a; UNICEF 2022: 2).

Moreover, despite the increased share of government financing,<sup>9</sup> overall budgetary allocations to social protection remain 'limited',<sup>10</sup> with continuing 'reliance on development partners' raising questions of sustainability (UNICEF 2022: 2). This last point is heightened by the current severe budgetary pressures facing the government which have affected the financing and performance of the NSNP (Smolyar 2022; FCDO 2022).

Donors provide financial and technical assistance to the NSNP. The World Bank and the UK's Foreign, Commonwealth & Development Office (FCDO) provide results-linked support to the NSNP and specifically the HSNP through the Kenya Social and Economic Inclusion Project (KSEIP).<sup>11</sup> This aims to strengthen social protection systems, widen social and economic inclusion, and improve shock-responsive social protection (World Bank 2018; DFID 2019). The smaller Joint UN SDG Fund Programme for Social Protection (2020–22, US\$2m) channels United Nations Children's Fund (UNICEF), World Food Programme (WFP), Food and Agriculture Organization (FAO) and ILO support to strengthen policy, legislation and coordination for a universal gender-sensitive social protection system (Joint SDG Fund 2020).<sup>12</sup>

International humanitarian aid to Kenya remains critical. Stronger government leadership has improved coordination at national and local levels (Aklilu and Wekesa 2002; RoK 2015; Groupe URD and ALNAP 2018). However, there is room for improvement and progress is not on a linear trajectory as a comparison of the response to major droughts in the late 1990s, 2011, and 2016–17 reveals: significant gains were made in the first and third of these but the second was substantially weaker (Aklilu and Wekesa 2002: 4, 32; Groupe URD and ALNAP 2018: 10). Greater use of cash (and voucher) transfers by humanitarian actors in recent years has heightened the need for closer coordination with national systems to resolve issues such as multiple grants to single households while others receive none, over-focus in some areas compared with others in need, and varying transfer values (British Red Cross 2019: 4). The national Kenya Cash Working Group (KCWG), chaired by the NDMA and the Kenya Red Cross Society, was established to improve coordination, but during the Covid-19 pandemic its 'influence was muted' with limited government attendance (Doyle 2022: 8).

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<sup>9</sup> The cash element of the cash transfer programmes is wholly financed by the Government of Kenya (Doyle and Ikutwa 2021; FCDO 2022).

<sup>10</sup> 'In 2011/12, social protection funding was KES 4.3bn (0.1 per cent of GDP) and this increased to a projected KES 29.9bn in 2017/18 (amounting to 0.35 per cent of GDP)' (Kidd and Chirchir 2021: 2, drawing on budget data from the National Treasury).

<sup>11</sup> Set to run from 2018 to 2023, the project involves US\$1,010m funding from the Government of Kenya; US\$250m IDA credit; £71.45m from FCDO for HSNP (World Bank 2018; FCDO 2022).

<sup>12</sup> 'Donors to the Joint SDG Fund are Denmark, EU, Germany, Ireland, Luxembourg, Monaco, Netherlands, Norway, Portugal, Spain, Sweden, and Switzerland' (Joint SDG Fund 2020).

### 3. Aid and conflict in Kenya

Today, Kenya does not experience armed conflict on a large scale. The presidential election in August 2022 resulted in a ‘peaceful and transparent’ democratic transition, with the transfer of power to a new ethnic group (International Crisis Group 2022). Given the country’s previous history of electoral violence (and memories of the violence of 2007–8 are still fresh), analysts have hailed the acceptance of the Supreme Court’s upholding of the results as potentially ‘a stabilizing and unifying moment in Kenya’ (Orr 2022).

However, Kenya remains a country of contrasts with some profound challenges. From a long history of insecurity, violence, and criminality, over the past decade it has achieved sustained economic growth, ‘political stability gains’<sup>13</sup> and declining poverty rates.<sup>14</sup> Yet, poverty remains widespread and there are persistent social and economic inequalities and fragility along multiple dimensions (OECD 2022). Inhabitants of Marsabit in northern Kenya reported in 2014 that ‘democratic institutions are distorted by clientelism and citizens feel forced by their economic vulnerability to join in’ (Scott-Villiers *et al.* 2014: 28). From time to time these underlying tensions bubble up into pockets of unrest and violence. In particular, the north, north-eastern and border areas of Kenya experience periodic outbreaks of violent conflict, resulting in the movement of people and affecting livelihoods, infrastructure and service delivery, including HSNP processes.

Key trends include:

- Extreme spatial inequalities in access to human capital investment and basic services in the north and north-eastern ASALs (World Bank 2022; WFP 2022). Conflict in ASALs is increasingly associated with political contestation post-devolution (‘generally extended along ethnic lines’) and/or with the expected benefits of enhanced regional development (Mkutu 2019: 2). The devolution of substantial public resources, combined with an upsurge in domestic and global investment in the north, has raised the political stakes in ASAL counties and fed into local conflict dynamics (Lind 2018).
- Concurrently poverty rates in urban areas have been stagnant with high unemployment and a young population<sup>15</sup> frustrated at the limited economic opportunities and ‘at higher risk of human trafficking and recruitment into

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<sup>13</sup> See **World Bank Kenya overview** (accessed 27 September 2022).

<sup>14</sup> Poverty rates declined from 43.7 per cent in 2005/6 to 33.4 per cent in 2019 (World Bank 2020).

<sup>15</sup> ‘Some 21.9 million people – 46 per cent of the population – are under the age of 18 years’ (UNICEF 2022: 2).

terrorist networks' (UN Kenya 2022: 6), alongside widely held perceptions of high corruption levels.<sup>16</sup>

- Increasing threat of terrorism and regional insecurity in the Horn of Africa. Al-Shabaab continues to pose a threat to regional security, and for Kenya given the proximity to Somalia (USAID 2020: 5). Within Kenya, and in particular along the Kenya–Somalia border, Al-Shabaab has targeted local-level political administration and seeks to disrupt basic services (Zeuthen 2022).
- Insecurity and displacement in the region mean that Kenya is a major refugee-hosting country – with 555,183 registered refugees and asylum seekers.<sup>17</sup> A new Refugee Law came into force in 2022, but what changes this will mean in practice remain unclear.
- Intersecting social inequalities and discrimination shape insecurities, with higher risks of violence and conflicts, along income, gender, age, disability, ethnicity, religion, sexuality, location and residence status lines (UN Kenya 2022). Violence against women and girls is widespread, including sexual violence and domestic violence (*ibid.*).

### 3.1 How development and humanitarian donors engage with conflict in Kenya

Donors of official development assistance and humanitarian aid to Kenya engage with insecurity and conflict in Kenya at various points along a continuum (Figure 3.1), at minimum aiming to avoid further harm, but more ambitiously seeking to influence conflict dynamics in a positive direction, possibly even transforming them, in support of Kenya's Vision 2030's prioritisation of security, peacebuilding, and conflict resolution (RoK 2019b).

A quick scan of recent donor country strategies and assistance frameworks for their support to Kenya reveals some intent for interventions to be conflict sensitive. For example, the UN Development Assistance Framework 2018–22 states:

Considering the Kenya's significant terrorism threats particularly from the Al Qaeda affiliated Al-Shabaab, the UN will ensure that its interventions are in line with 'do-no harm' principle, are conflict-sensitive and avoid negative impacts and maximize positive impacts toward promoting peace and stability.  
(UN Kenya 2019: 28)

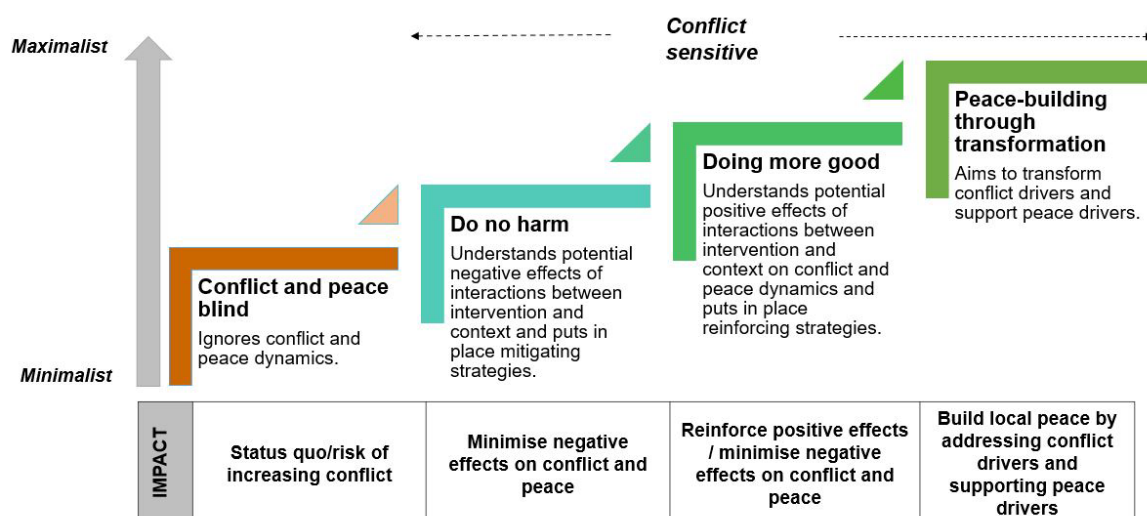
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<sup>16</sup> In 2021 Kenya ranked 128 out of 180 countries on Transparency International's **Corruptions Perception Index** (accessed 30 September 2022).

<sup>17</sup> Forty-two per cent of refugees are hosted in Dadaab and 42 per cent in Kakuma camps, and 16 per cent in urban areas (UNHCR 2022).

Some donors have also developed more detailed global guidelines on operationalising conflict sensitivity for their work in fragile contexts (for example the EU (Directorate-General for International Partnership, European Commission 2021)).

### Figure 3.1: The social protection conflict-sensitivity continuum



Source: Adapted from FAO (2019) and Besser (2021).

Donors have invested in conflict, power, and vulnerability analysis to understand the operating context in Kenya (a critical initial step for a conflict-sensitive approach).<sup>18</sup> A published example is the 2022 UN Kenya Common Country Assessment which integrated a leave no one behind (LNOB) focus into a peace and conflict analysis. The resulting research provides insights into the main drivers and dynamics of conflict in Kenya, as well as impacts at county, community, population groups (e.g. along gender, age, disability, ethnicity, sexuality, location, residence status lines) and household levels (UN Kenya 2022). However, the same study highlighted gaps in operationalising the LNOB agenda in UN internal systems and programming which will affect the conflict sensitivity of interventions. These gaps include the lack of an overarching UN framework to operationalise the LNOB concept and assess and monitor progress against it, as well as ‘massive LNOB data gaps – at both UN and national partners’ level’ (UN Kenya 2022: 6)

An explicit collective donor focus on the conflict sensitivity of aid in Kenya was more prominent following the 2007 post-election violence than it is today – illustrating how an interest in conflict sensitivity is often reactive and generated

<sup>18</sup> See guidance in Directorate-General for International Cooperation and Development, European Commission (2015: 35).



by crisis. For example, in 2010, a UK Department for International Development (DFID)-funded Kenya Conflict Sensitivity Consortium (KCSC) of international NGOs produced conflict analysis and facilitated discussion and learning on how to institutionalise conflict sensitivity in organisational processes and systems (KCSC 2010). While there does not appear today to be an explicit donor initiative on conflict sensitivity and aid in Kenya (in contrast with some other countries<sup>19</sup>), some civil society organisations are taking steps to strengthen their practice. One example is the Kenya4Resilience Community of Practice, established in 2019 to contribute to disaster risk reduction, and supported by the Swedish Mission Council, which organised training for its partners in 2021 on conflict-sensitive approaches to resilience programming.<sup>20</sup>

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<sup>19</sup> For example, there is a **Conflict Sensitivity Facility (CSF) in Sudan** working with donors and implementing agencies to support the adoption of more conflict sensitive practices in their work (accessed 7 October 2022).

<sup>20</sup> **Kenya4Resilience Conflict Sensitivity Training 2021** (accessed 29 October 2022).

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## 4. Conflict-sensitive social protection

Conflict-sensitive social protection involves understanding when and how an intervention may either create or aggravate tensions and grievances (Slater and Longhurst 2022: 2). These tensions may be within households and communities, between communities, and between regions within a country. Conflict-sensitive social protection considers what the potential negative and positive impacts are for conflict at each point along the operational delivery chain and puts in place mitigation strategies. It then learns during implementation, and adapts operations according to that learning.

### 4.1 Strategic and policy framework

The Government's Vision 2030 and National Social Protection Policy (NSPP) prioritise, on paper at least, elements of a conflict-sensitive approach but without necessarily elaborating how it might be applied. The overarching Vision is built on three pillars – economic, social, and political, with the social pillar seeking to build 'a just and cohesive society with social equity in a clean and secure environment' (RoK 2011: 3). It 'makes special provision for those with disabilities and those who live in marginalized areas' (*ibid.*). The NSPP is based on a set of principles which include 'gender mainstreaming', 'equity and social justice' and 'public participation' (RoK 2011: vi). The NSPP states that Kenya's social protection provision will ensure good governance with 'inclusive and transparent' social protection programmes that 'will have inbuilt accountability and will disseminate information in an accurate timely way, including information on instances involving abuse of the system...' (RoK 2011: 5–6). Meanwhile, there are clear linkages between conflict sensitivity and the new president's statements on leaving no one behind, supporting people's resilience and their ability to 'hustle', promoting peace and cohesion, and building back better from the Covid-19 pandemic.<sup>21</sup>

### 4.2 Design

The Government of Kenya and its donors have undertaken conflict-sensitive assessment and planning for the NSNP, with particular regard to the inclusion of historically marginalised minority communities (known as vulnerable and marginalised groups (VMGs)).<sup>22</sup>

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<sup>21</sup> '“The journey for transforming this country's economy and open opportunities for everyone regardless of ethnic origin, creed, gender, and political persuasion has begun”, Ruto remarked...' (Abisoye 2022). See also President Ruto's address to the UN Assembly on 28 September 2022 (UN 2022).

<sup>22</sup> The majority of counties in Kenya have VMGs, identified in the Constitution of Kenya as minority small, traditional, indigenous and/or pastoral (nomadic or settled) communities who have not been able fully to

Most recently, to inform the design of the World Bank-financed KSEIP, which triggered the Bank's Operation Policy (OP) 4.10 on Indigenous Peoples, there has been a Social Assessment (RoK 2018b) to understand the needs of minority communities; a Vulnerable and Marginalised Group Framework that identifies potential positive and negative impacts of the KSEIP (RoK 2018a); and management plans for VMGs in affected counties setting out mitigating actions with specified responsibilities and timelines to monitor (MPS 2022b). These highlighted the potential for exacerbated inter-household, inter-family and inter-clan conflicts between beneficiaries and non-beneficiaries, and challenges to VMG, women and youth participation in community management and oversight structures (RoK 2018a: vii). Moreover, a key exclusion risk across communities is that VMG members often lack the required legal documents for registering with the NSNP; VMG plans therefore include activities to help VMGs secure national IDs (MPS 2022b).<sup>23</sup>

The 2018 KSEIP Social Assessment lists other vulnerable people according to age, gender, disability, and health identifiers (RoK 2018b: v–vi). The KSEIP programme design includes gender considerations such as programme targeting recognising the vulnerability of female-headed households (although they are not explicitly targeted), which has reportedly enabled 'women to increase control of household budgets and participation in income-generating activities' (World Bank 2018: 26). The VMG management plans identifies potential risks such as exacerbated gender-based violence and domestic violence, and people with disabilities and older people being left out of targeting exercises. Mitigating strategies include supported reporting, service referral pathways, and separate consultation with vulnerable groups (MPS 2022b).

Research by Pavanello *et al.* (2016: 1155) on the CT-OVC found that participatory design principles in the NSNP – such as community validation of beneficiary lists and vulnerable people (for example people living with HIV/AIDS) participating in the Beneficiary Welfare Committees and public meetings on the cash transfers – have contributed to 'reducing stigma while boosting acceptance of marginalised groups'. The authors emphasise that broader social and 'transformative' policy goals associated with cash transfer programmes are often implicit when they should be explicit in their aims and design, with qualitative and quantitative indicators to enable monitoring and evaluation (*ibid.*: 1158). This rapid review did not find impacts on social capital and social cohesion included in the donors' published theories of change for KSEIP and HSNP phase three (World Bank 2018; DFID 2019). However, the KSEIP design includes explicit measures to enhance the inclusion of VMGs and improve gender outcomes by

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participate in the socioeconomic and political life of Kenya (RoK 2018a: 9–10). The Constitution requires the state to put in place affirmative action measures designed to ensure their participation and advancement (RoK 2010, Article 56).

<sup>23</sup> An example of this in HSNP is discussed below.

introducing interventions targeted directly at women and by ensuring that monitoring frameworks, surveys, and the single registry support the disaggregation of data and analysis by gender (World Bank 2018). The KSEIP theory of change also includes the outcomes of a range of complementary services and economic inclusion activities, such as subsidised National Hospital Insurance Fund (NHIF) registration (World Bank 2018: 18). It is too early yet to evaluate the impact of these intentions, but one emerging lesson is that multisectoral programming of this kind brings in a much larger group of stakeholders, increasing the centrality and complexity of functions such as communication and outreach (KSEIP 2021).

### 4.3 Implementation

This section illustrates some of the risks and mitigation measures at different stages of the social protection delivery chain: stakeholder engagement, registration, targeting, payments, and complaints and grievances. It is based on HSNP's experience in ASAL counties where conflict is predominantly inter-communal and politically driven in nature, shaped by resource scarcity and competition.

**Stakeholder engagement:** HSNP ran into difficulties at the start of its second phase in 2013, when the new county leadership challenged the targeting results. The application of PMT scores, alongside community-based assessments of relative wellbeing, resulted in nearly 80 per cent of targeted households being from a single county (Turkana). This was politically unacceptable to the other three. A compromise was reached whereby a modified version of the Commission on Revenue Allocation (CRA) formula, recently adopted by parliament to share revenue among county governments, was also applied to HSNP.<sup>24</sup> This determined the total number of beneficiaries in each county and sub-county and resulted in a more even distribution between them. The actual beneficiaries were then identified through a process of poverty ranking using the PMT results followed by community validation (Pinney 2013; Fitzgibbon 2014).

This experience showed how issues of perception and political acceptability require the same attention as technical factors. Compromise on the latter was essential to securing the political support that has allowed the programme to operate.<sup>25</sup> This lesson has informed the expansion to four more arid counties in phase three, which was guided by a more thorough and sustained strategy of stakeholder engagement. Particular targets were the governors, members of county assemblies, members of parliament, and chiefs. In terms of power

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<sup>24</sup> KIIs with former and serving HSNP/NDMA officers, 1 and 20 September 2022. The formula applies percentages to different factors – at that time 26 per cent equally to each, 30 per cent based on population size, and 44 per cent based on the poverty rate.

<sup>25</sup> KII with social protection expert/former HSNP officer, 1 September 2022.

analysis, these exercise significant influence over their communities and are also essential sources of support for the programme. The HSNP has found that a clear system and objective formula to guide allocations, combined with a careful and effective process of stakeholder engagement, were key to managing demand in a context of high vulnerability. The fundamentals of the programme, including the CRA formula, are reportedly no longer being challenged by stakeholders at this level.<sup>26</sup>

**Registration:** Towards the end of phase one a voluntary mass registration was carried out in the four counties. The vision behind this was that the payments infrastructure would become a platform to deliver a wider range of benefits and services, beyond HSNP, and support eventual graduation (HSNP 2012; Fitzgibbon 2014: 10, 15). The payment service provider (Equity Bank) opened an account for each registered household, regardless of whether or not they were likely to be HSNP beneficiaries. This meant that when the shock-responsive mechanism was introduced in phase two, emergency cash could be paid direct to the accounts of almost anyone in the four counties.

For HSNP, therefore, registration is distinct from entitlement to programme benefits. Since mass registration of this kind represents no immediate gain or loss for any one individual, it is assumed to be less contentious. However, there are still risks to consider, including the acceptance and safety of the registration teams and the possibility that poor practice could generate grievances or exacerbate inter-communal tensions (Table 4.1).

A re-registration exercise was completed in March 2021 and resulted in an updated data set of 568, 539 households in the four original counties, up from 374,000 households at the start of phase two (KSEIP 2021: 6). Registration of households in the four new counties was underway in 2022.

**Targeting:** Between 60 and 70 per cent of registered recipients are women,<sup>27</sup> reflecting the programme's focus on strengthening household food security. Anecdotal evidence from NDMA officers is that 'things generally work more smoothly' when women are the named beneficiaries.<sup>28</sup>

The targeting methodology has evolved over the life of the programme. The phase two evaluation found that targeting was 'not much better than random' given the high and uniform rates of poverty (Gardner *et al.* 2017: iv, 10). Phase three uses a harmonised approach to registration and targeting developed by the NSNP to improve consistency and coordination. The process of data capture is

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<sup>26</sup> KII with HSNP/NDMA officer, 4 October 2022. However, the application of what are, in effect, quotas is still questioned on the grounds that it contradicts the sector's objective of ensuring that the rights of all Kenyans in relation to social protection services are the same, irrespective of where they live (Mertens *et al.* 2018: 29).

<sup>27</sup> KII with HSNP/NDMA officer, 20 September 2022.

<sup>28</sup> KII with NDMA officer, 27 September 2022.

standardised so that any programme can use the basic data gathered by another. There are common systems and guidelines for community sensitisation and validation, and the apportionment of eligible households to each programme is coordinated at the location level. One advantage of this is that HSNP is sometimes able to assist households that would have been eligible under one of the other three programmes but were excluded by their smaller quota in HSNP counties (since they have national coverage).<sup>29</sup> A further benefit of consistency across the NSNP may be that it minimises the risk that unequal treatment generates discontent within or between communities, although no firm evidence has been found to suggest this.

Targeting in HSNP's phase three adds a layer of community-based validation on top of the PMT, blending different instruments to maximise acceptance.<sup>30</sup> NDMA officers regard this as key to managing potential conflict at the community level. The registration lists and meeting notifications are published seven days in advance for the public to scrutinise and prepare. Locational Validation Committees (LACs) keep records of concerns or complaints. NDMA officers facilitate the community validation meetings at which queries are discussed and resolutions recorded by the LACs.<sup>31</sup> Gardner *et al.* (2017: 11) find that allowing space for meaningful community engagement leads to much greater public and political acceptance of targeting processes.

While the complicated PMT formula is difficult for stakeholders to understand, it appears to have been accepted (Gardner *et al.* 2017: 11). However, complaints were reignited when the shock-responsive transfers were introduced in 2015 because this was a time when large numbers of people were in acute need, the differences between them even more marginal than before.<sup>32</sup>

**Payments:** The value of the HSNP transfer has been adjusted more frequently than those paid by the other three programmes in the NSNP and is therefore slightly higher (KSh 2,700 vs 2,000). While this is a policy question for the NSNP, in terms of the balance between programme results and fiscal sustainability (Merttens *et al.* 2018: 60), the difference in transfer value does not appear to create tensions between recipients.<sup>33</sup> This may be because the value of both the HSNP and the other NSNP transfers meets only a proportion of household needs. The more significant gap is between NSNP transfers and those paid by NGOs which can be as high as KSh 6,000. The NDMA uses the Cash Working Group to explain the constraints on a government programme which must operate within fixed sector budgetary ceilings, and to encourage NGOs to consider both vertical top-ups and the sharing of evidence on the cost of living.

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<sup>29</sup> KII with HSNP/NDMA officer, 4 October 2022.

<sup>30</sup> KII with social protection expert/former HSNP officer, 1 September 2022.

<sup>31</sup> KIIs with HSNP/NDMA officers, 20 and 27 September 2022.

<sup>32</sup> KII with social protection expert/former HSNP officer, 1 September 2022.

<sup>33</sup> KII with HSNP/NDMA officer, 4 October 2022.

In allocating limited resources, the NDMA's position has been to maximise reach rather than increase the transfer for a smaller number of households, and to communicate this message as part of its ongoing engagement with community and political stakeholders.<sup>34</sup>

Another potential risk is the behaviour of agents. This is an integral part of HSNP's case management system and explored in post-payment monitoring.<sup>35</sup>

**Complaints and grievance mechanisms:** Until the middle of phase two, complaints and grievances were dealt with by community-level Rights Committees managed by HelpAge. Their work in some instances extended beyond HSNP: for example, there are cases of them successfully negotiating the return of stolen livestock after inter-communal clashes (HSNP 2014). The Rights Committee (and the LAC) is now being replaced by a location-level Beneficiary Welfare Committee. This is a structure developed by the NSNP to improve community engagement and awareness and to strengthen accountability, including by recording and managing complaints and grievances.<sup>36</sup> Its members are elected from among programme beneficiaries against specified criteria.<sup>37</sup> With the right support, NDMA field officers see their potential as a 'third eye' – ensuring that processes such as targeting are conducted fairly and that those at risk of being disenfranchised are protected.<sup>38</sup>

HSNP operates a decentralised and digitised case management system that uses SMS updates, a digital feedback loop, a toll-free line, and an online dashboard<sup>39</sup> that puts monitoring information in the public domain (Gardner *et al.* 2017: 7). Any member of the public may make a complaint. Chiefs play an important role in the communication system, since one of their functions is to support the administration of government programmes and help the public benefit from and engage with them. HSNP has provided training and communication equipment which enables chiefs to disseminate programme information and to collect and escalate complaints and grievances. The Beneficiary Welfare Committees provide an alternative channel through which complaints about chiefs themselves could be directed (Gardner *et al.* 2017: 25; 27–28).

Table 4.1 draws together some of the key points made in this section based on interviews with HSNP and NDMA officers. Against each possible area of conflict-related risk, the table indicates measures planned or taken in response. For the

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<sup>34</sup> KII with HSNP/NDMA officer, 4 October 2022.

<sup>35</sup> KII with HSNP/NDMA officer, 20 September 2022.

<sup>36</sup> KII with HSNP/NDMA officer, 28 September 2022.

<sup>37</sup> These include: (i) NSNP beneficiaries or caregivers, with both genders and programmes proportionate to the number of beneficiaries in the location; (ii) from different sub-locations, where possible; (iii) consideration of minority groups; (iv) majority of members literate, where possible.

<sup>38</sup> KII with NDMA officer, 27 September 2022.

<sup>39</sup> **HSNP Dashboard** (accessed 13 October 2022).

most part these measures sit around the ‘do no harm’ part of the continuum in Figure 3.1, rather than consciously influencing conflict dynamics in a positive direction.

**Table 4.1: Summary of conflict risks and mitigation measures<sup>40</sup>**

Areas of risk	Mitigation measures
<b>Stakeholder engagement</b>	
Failure to address perceptions of unequal treatment exacerbates political tensions	<ul style="list-style-type: none"> <li>– Sustained stakeholder engagement using clear and consistent communication and drawing on evidence</li> <li>– Willingness to listen and compromise</li> </ul>
<b>Registration</b>	
Enumerators are from communities in conflict with those they are registering	<ul style="list-style-type: none"> <li>– Registration teams of mixed ethnicity</li> <li>– Training and supervision</li> <li>– Careful choice of field supervisor</li> </ul>
Active conflict places enumerators at risk <sup>41</sup>	<ul style="list-style-type: none"> <li>– Budget includes the cost of security officers to accompany teams in conflict areas when needed<sup>42</sup></li> </ul>
Enumerator bias leads to grievance and tension	<ul style="list-style-type: none"> <li>– Training and supervision</li> <li>– Random sampling of enumerators’ work by validation team</li> </ul>
Registration exacerbates conflict across locational boundaries	<ul style="list-style-type: none"> <li>– Prior high-level agreement on the sources of population data and boundary status to be used</li> <li>– Registration teams accompanied by chiefs and elders</li> </ul>

<sup>40</sup> These are illustrative and drawn from KIIs with HSNP/NDMA officers, 20, 27 and 28 September and 4 October 2022. There may well be further measures outlined in programme documents, but a thorough review of these was not possible in the time available.

<sup>41</sup> Inter-communal tensions in Marsabit, for example, have restricted the deployment of certain staff in certain areas at certain times, reducing flexibility and the pace of delivery (KII with NDMA officer, 27 September 2022).

<sup>42</sup> This was needed in the Turkana/Pokot border area, for example.



Areas of risk	Mitigation measures
<b>Targeting</b>	
Targeting outcomes generate tensions within communities	<ul style="list-style-type: none"> <li>– Transparent and meaningful process of community-based validation</li> <li>– Programme staff shadow community-led systems to ensure that agreed procedures are followed</li> </ul>
<b>Payments</b>	
Households are displaced by conflict	<ul style="list-style-type: none"> <li>– Each registered household receives a debit card which can be used in any location</li> </ul>
Personal identification documents are lost during conflict and ID numbers forgotten	<ul style="list-style-type: none"> <li>– Payment service provider replaces first loss of ATM card free of charge. They may charge a small fee for subsequent losses</li> <li>– HSNP keeps a record of ID numbers to help secure replacements</li> </ul>
Payment agents abuse their position	<ul style="list-style-type: none"> <li>– Agent-related complaints are monitored through the case management system with referral mechanisms to CBK in place</li> <li>– Training and supervision by payment service provider</li> </ul>
<b>Complaints and grievances</b>	
Unresolved grievances foster tension and discontent	<ul style="list-style-type: none"> <li>– Transparent case management system with clearly defined roles and responsibilities and multiple channels / checks and balances</li> </ul>
<b>Coordination</b>	
Lack of collaboration between agencies (for example, not sharing data, variance in transfer values, differing methods) generates or exacerbates discontent among communities	<ul style="list-style-type: none"> <li>– Government and/or donors use their convening power to encourage and/or enforce consistency between implementing agencies</li> </ul>

In conclusion, the impact of conflict on HSNP's ability to function appears to have been limited. The literature refers to 'pockets of insecurity' or 'sporadic localised incidences of conflict' leading to some delays in implementation (Kumar *et al.* 2021: 15; FCDO 2022: 17), but on the whole, conflict has not been a major

constraint.<sup>43</sup> It may be more so for international partners whose security policies limit their presence in certain areas (DFID 2019: 14) and who lack the access to state security resources that a government programme can call on. However, interviews with those responsible for HSNP make clear that community dynamics are always a consideration in strategic and day-to-day decision-making, and the county political leadership a key constituency to engage.

In terms of the impact of HSNP on community conflict dynamics, the published evidence provides some information but does not tend to explore this in depth. The qualitative research for the phase two evaluation looked at ‘informal institutions and social relations (inter- and intra-household relations, gender relations, social cohesion)’ and found that the regular transfers helped to ease stress and conflict within the household. There were some reports of domestic disputes, and occasional physical violence, but these were uncommon. The regular transfers also appear to have strengthened inter-household support networks, easing tension and conflict through the application of customary norms of resource-sharing (Merttens *et al.* 2018: 53–55; see Otulana *et al.* 2016 for more detail). The emergency transfers did not have the same effect, largely because the amount received at any one time was smaller and the payments intermittent (*ibid.*). These inquiries into social cohesion reflect a general concern about the impact of injecting substantial resources into an area of poverty and deprivation. To illustrate the scale of investment, since the start of phase two a total of KSh 22.9bn has been paid out to Group 1 households and KSh 3.6bn to Group 2.<sup>44</sup>

Finally, one could speculate about the impact of expanding access to identity documents on attitudes to citizenship and belonging in a region historically left on the margins. Kenyan Somalis, in particular, have a long history of precarious access to citizenship, including struggles to secure identity documents, their status within the nation contested and entwined with domestic political agendas and regional security dynamics (Lochery 2012; Lind *et al.* 2017). ID cards are essential for voting and to access government services; they also facilitate financial inclusion (Kumar *et al.* 2021). At the start of phase two it was estimated that 23 per cent of Group 1 households had no adult with an ID. Since Central Bank of Kenya (CBK) regulations require account holders to have a national ID, the NDMA supported and funded mass registration campaigns with the National Registration Bureau. The proportion of Group 1 households with no ID later fell to 0.4 per cent (Gardner *et al.* 2017: 21).

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<sup>43</sup> KIIs with NDMA/HSNP officers, 20 and 28 September and 4 October 2022.

<sup>44</sup> **HSNP Dashboard** (accessed 13 October 2022).

## 5. Shock-responsive social protection and conflict

The development of a shock-responsive mechanism was built into the design of HSNP's second phase. Payments are triggered by an indicator, the Vegetation Condition Index (VCI), which is routinely monitored by the drought early warning system. The first payments were made in April 2015 and have always been drought-related, with the exception of El Niño-induced flooding in 2015. The early transfers were donor-funded but since 2019 have been covered by government revenue. One future source will be the newly established National Drought Emergency Fund (NDEF).<sup>45</sup>

The shock-responsive mechanism was built on, and is being further reinforced by, a number of drought-focused institutional developments and reforms. These include: (i) a drought early warning system which has steadily evolved since its origins in the 1980s; (ii) the establishment of the NDMA in 2011; and (iii) the testing of a drought contingency fund by the NDMA, with EU support, which has now evolved into a government fund (the NDEF). The NDEF is one of the financing instruments in the National Disaster Risk Financing Strategy (2018–22), a prior action to a World Bank-financed Catastrophe Deferred Drawdown Option (CAT-DDO). The strategy seeks to strengthen national and county government disaster response, prioritising 'improving and expanding the coverage of shock-responsive [social protection] programs' (World Bank 2018: 4).

However, Kenya is routinely exposed to multiple hazards, not just drought. Recent years have also demonstrated the importance of preparing for less frequent but high impact shocks, such as locust infestations and pandemics. One consideration in expanding scalable social protection to other shocks is to recognise that drought differs from them in several respects. Its evolution is slow, over successive seasons. Its effects are not immediately visible, particularly in the early stages. Its impact is rarely contained to specific geographical areas or populations and can be felt over years, even generations. The event itself cannot be prevented so the response is focused on mitigating harm. These characteristics have implications for a range of issues including the choice of indicators and the type and timing of intervention. They are also why (alongside the fact that drought is Kenya's dominant climate risk) ASAL leaders have consistently argued that drought requires a distinct policy and institutional response.<sup>46</sup> One consequence, however, is that disaster risk management as a

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<sup>45</sup> NDEF regulations allocate 40 per cent of the fund to drought response, of which at least 25 per cent is earmarked for cash transfers through the NSNP (RoK 2021: Part IV, Article 33).

<sup>46</sup> For example, correspondence between the Pastoral Parliamentary Group and the Head of the Public Service in July 2014.

whole, and disaster risk finance specifically, is fragmented (Calcutt and Pietrkiewicz 2022: 4).

Neither the government nor its donors is yet looking in detail at how the shock-responsive social protection system might respond to the impacts of conflict. Conflict-related shocks have some similarities to drought but in other respects are closer to quick-onset crises; for example, tension may build up slowly but then explode in violence. Whether social protection would be a relevant and effective instrument in such cases is also contingent on other foundations being in place, including an institutional framework, financing mechanisms, and early warning system.

- 1. Institutional framework:** Government bodies work within the mandate they are given, which for the NDMA is limited to drought. Conflict management is the mandate of the Ministry of Interior and National Administration. The NDMA recognises the links between drought and conflict, most explicitly in the multisectoral Ending Drought Emergencies framework: drought-prone communities cannot build their resilience to drought for as long as insecurity and violence persist, while timely response to an emerging drought can help reduce inter-communal tension (RoK 2015: 11, 20). Mechanisms would be needed to facilitate access to the shock-responsive infrastructure by other parts of government.<sup>47</sup> The National Steering Committee on Peace Building and Conflict Management,<sup>48</sup> which operates the National Conflict Early Warning and Early Response System (NCEWERS), a domestication of the regional IGAD-CEWARN mechanism, would be the key actor here.
- 2. Financing mechanisms:** The government has strengthened its management of drought risk through a variety of instruments, including insurance programmes and contingency funds (Calcutt and Pietrkiewicz 2022: 7). It has also drawn down CAT-DDO finance for flooding and the Covid-19 pandemic (Calcutt and Pietrkiewicz 2022: 20). Similar efforts would be needed to finance a response to conflict shocks.
- 3. Early warning system:** Three qualities guided the choice of indicator for HSNP's emergency transfers: objective, quantitative, and auditable. The aim was to eliminate subjective analysis and political influence in decision-making (SPaN 2019). Essentially, this was a trade-off between speed of response, made on a 'no-regrets' basis, and participation (OPM 2016). A different trigger would be required in conflict. An *ex-ante* trigger may be difficult to identify since emerging signs of tension do not necessarily develop into active

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<sup>47</sup> One reason why the HSNP scalability mechanism has worked relatively smoothly may be that the link between information and action, which is often weak in emergency response, is under the control of the same institution: both the early warning system and the payments system are located under the NDMA.

<sup>48</sup> **National Steering Committee on Peace Building and Conflict Management** (accessed 4 October 2022).

conflict. A single trigger may also be problematic given variations in the nature of conflict. Furthermore, there is limited robust data on conflict-related displacement (Internal Displacement Monitoring Centre 2022: 36) or on vulnerabilities to disaster risk that are driven by poverty and climate change.<sup>49</sup>

The Covid-19 experience also exposed a lack of pre-agreed guidance and rules for shock-responsive social protection. The recommendations made in response include measures that were part of the design work for HSNP's scalability mechanism, such as *ex-ante* guidance on the parameters for a social protection response, including target populations, identification methods and data sets, transfer values and durations, payment modalities, use of existing systems, and monitoring and evaluation frameworks (Binci *et al.* 2021). Other issues to work through in advance include: the protocols for registration of beneficiaries; agreements for working with mobile money and other service providers; and how to include those without national IDs (Doyle 2022).

In conclusion, some elements of the HSNP model may be straightforward to deploy in other contexts, such as the payments system and delivery mechanisms. Indeed, during the 2016–17 drought some NGOs and county governments used the HSNP payments infrastructure to channel assistance.<sup>50</sup> The more challenging aspects are likely to lie upstream in designing workable decision protocols and introducing the necessary institutional and financing reforms. Moreover, would cash be the most appropriate response in conflict, and where should it be directed? Displaced households may need financial assistance, but so may the facilities in the places where they move which have to meet increased demand. Other interventions to complement cash may be required, such as support to deal with gender-based violence or psycho-social needs, or to restore livelihoods.

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<sup>49</sup> See **Tracking subnational government investments in disaster risk reduction in Kenya** (accessed 20 October 2022).

<sup>50</sup> This experience was positive for some, less so for others (Gardner *et al.* 2017: 20). One consequence of the latter is that some agencies defaulted to their separate and parallel systems rather than working to reinforce a single platform (KII with social protection expert/former HSNP officer, 1 September 2022).

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## 6. Enabling features

This section discusses measures that may help to strengthen the conflict sensitivity of social protection programming in Kenya and its ability to remain resilient during conflict and respond to conflict-related needs.

### 6.1 Institutional framework and guidance for shock-responsive social protection

An effective nationally-led social protection response to a crisis – which may include conflict – will require coordination of the multiple government stakeholders and international actors. On the one hand, Kenya is often cited as a success story for government-led institutionalisation of a national social protection system. However, the Covid-19 pandemic exposed fault lines in the coordination of government's emergency social assistance response. While the NSNP platform was used to funnel cash support to people affected by the negative economic and social impacts of the pandemic,<sup>51</sup> framing the pandemic as a national security issue meant that the flagship government intervention largely bypassed the social protection sector<sup>52</sup> (Doyle and Ikutwa 2021: 17–18). There was also weak coordination of the humanitarian cash-based response with a lack of government direction leading to duplication (Binci *et al.* 2021; Doyle 2022).

### 6.2 Strengthening intergovernmental relations and capacities

Kenya's devolved governance means that intergovernmental coordination and communication on social protection is critical. Devolution has been shown to strengthen locally informed and agile responses to climate shocks; for example, in the 2016/17 drought (Groupe URD and ALNAP 2018; Obrecht 2019). However, research in 2017 found unclear national–county linkages on social protection with challenges including limited resources, staffing, and data and poor comms and coordination between national and county levels (Kimetrica 2017: 2, 4). Since then, there has been more investment in intergovernmental relations, including through the NSNP, and on capacities that could strengthen conflict sensitivity. One example is ongoing decentralised support and capacity-

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<sup>51</sup> With a reported 39 per cent increase in NSNP expenditure for the financial year 2019/20 (Calcutt and Pietrkiewicz 2022: 6).

<sup>52</sup> The multi-agency Covid-19 cash transfer was implemented through the State Department for the Interior and not the SDSP (Doyle and Ikutwa 2021). The FCDO Covid-19 cash transfer programme also bypassed the social protection sector and was implemented through GiveDirectly (Binci *et al.* 2021).

building (following some Covid-19-related delays) for face-to-face training of county and sub-county officers to handle grievances and update beneficiary data at the local level (KSEIP 2021).

At the same time, the national social protection architecture needs to find meaningful ways to engage with county-level politics and processes. Devolution has diffused political tensions away from the centre such that the county has emerged as the locus of many conflict risks. These risks are largely navigated through sub-national structures and processes, even though security is still technically a national function. This calls for close intergovernmental cooperation and effective engagement by national programmes with stakeholders at the county level.

### 6.3 Conflict-sensitive rules-based operations

In crisis and non-crisis times, a conflict-sensitive social protection system requires robust rules and coordination to maximise its positive impacts while reducing the risk of non-programmatic capture and maladjustments that can incite tensions. Research into NSNP cash transfers finds that central programme design, formal rules, and state infrastructural power influence whether cash transfers are implemented as designed.<sup>53</sup> These studies have found ‘less political interference in the local distribution of social transfers than the extant literature predicts’, crediting ‘strong formal programme rules and guidelines, combined with significant central oversight over programme implementation’ (Porisky 2020: 2), in particular for the beneficiary selection process (Kramon 2019: 1). On the other hand, a Human Rights Watch study into the government’s Covid-19 cash transfer programme in informal settlements in Nairobi documents the irregularities and corruption that occurred when there was poor coordination of implementation (Human Rights Watch 2021).

### 6.4 Conflict-sensitive operational delivery

The experience of those responsible for HSNP suggests a number of factors that can help such programmes function in conflict-affected regions and mitigate potential harm. They include:

1. **Clear and consistent communication with stakeholders**, properly resourced at all operational levels, and referencing agreed policy parameters and programme rules and procedures.

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<sup>53</sup> ‘State infrastructural power’ in this context refers to the state’s ability both to deploy bureaucratic capacity and to exercise political control in order that programmes are implemented as designed.

2. **Careful management and deployment of staff**, paying constant attention, in the ASAL context, to clan and ethnic identities and the likely impact of these on personal safety and political dynamics.
3. **Effective community-based processes**, particularly those for validating programme decisions taken at the local level and for monitoring exclusion in its various forms, including the impact of intersecting inequalities (gender, disability, ethnicity, age).
4. **Digital technologies**, which can strengthen transparency and accountability when used in management information and case management systems and improve the speed and efficiency of communication. Digital payments also accommodate mobility (including, potentially, displacement-related).
5. **Rapid response to grievances**, which is key to stopping their escalation into conflict. Various factors can help, including (i) good quality records, accessible to field staff, which give them the evidence on which to verify claims; and (ii) reinforcement of field teams by senior staff in resolving county-level difficulties.

Going forward, for the NSNP as a whole, key reform initiatives include the roll-out of the Enhanced Single Registry, in conjunction with county-tailored sensitisation campaigns to ensure the most vulnerable are registered, and expansion of national ID possession (Doyle and Ikutwa 2021: 2–3; Maintains 2021). Other priorities are to continue building on gains made in financial inclusion and in the HSNP digital and decentralised case management system for strengthened inclusion, transparency, and accountability (as highlighted in the HSNP case study) (Gardner *et al.* 2017: v).



## 7. Conclusions and recommendations

National social protection systems – and cash transfers in particular – require a conflict-sensitive approach, given their political and social salience and the potential for targeting decisions to exacerbate or instigate tensions. While a focus on conflict-related risks may have been higher up the agendas of development actors following the 2007 post-election violence, today's social and political landscape in Kenya still requires careful, informed navigation.

Social protection in Kenya has not been used to respond to conflict impacts; this is still the remit of the disaster response system which operates separately from that for social protection. Neither has the resilience of key cash transfer programmes to continue operations during outbreaks of conflict been fully tested. Kenya does, however, have solid experience in using scalable shock-responsive cash transfers to help people affected by drought, and there are valuable lessons learned from Kenya's national cash response to negative social and economic impacts of the Covid-19 pandemic. The experience of the HSNP also gives valuable learning of what has supported and what has constrained conflict sensitivity along the social protection delivery chain.

On the whole, reviews and evaluations of the NSNP cash transfer programmes have found that, while community-level tensions can arise (usually linked to targeting, and in particular when the support does not cover broad-based need in communities), there have been broadly positive impacts on social capital, inclusion and cohesion (Pavanello *et al.* 2016; Strupat 2021; UNHCR 2019; Merttens *et al.* 2018: 53–55). However, as with other countries, work is still needed to build the evidence base on how and under what conditions cash transfers can strengthen social capital, inclusion and the state–citizen contract (Pavanello *et al.* 2016: 1158; Burchi *et al.* 2022).

Drawing on relevant recommendations from the literature, and discussions with key informants, Irish Aid and other development partners could consider:

- Investing in inclusive multi-stakeholder platforms that facilitate knowledge-sharing and capacity-building on how to operationalise conflict sensitivity in social protection.
  - Exploring what openings exist to further strengthen the institutional framework for disaster risk management on which a shock-responsive social protection mechanism would depend.
  - Identifying opportunities to support *ex-ante* development of shock-responsive social protection design, which take into consideration lessons learned from
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the Covid-19 cash-based response, and integrate a conflict-sensitive, inclusive focus (in particular for people affected by specific vulnerabilities and intersecting inequalities). (See, for example, Doyle and Ikutwa 2021 and Doyle 2022 for more detailed recommendations.)

- Supporting government data collection on multiple vulnerabilities and displacement, as well as regularly updated conflict and inclusion analysis, to (1) inform conflict-sensitive social protection approaches and operationalise the SDG leave no one behind agenda, and (2) feed into early warning forecasts and systems. This could include working with all actors to improve the coordination and sharing of knowledge resources (Midgley *et al.* 2022).
  - Continuing to invest in independent evaluation and participatory qualitative research on the impacts of the NSNP and cash transfer programmes, with a focus on identifying where and how the interventions amplified positive impacts on conflict, social cohesion and social capital, and/or exacerbated existing, or provoked new, tensions and grievances. Use this learning to inform and adapt programme design and implementation.
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