

Republic of Kenya



Ministry of State for Provincial Administration and Internal Security



A VALIDATED REPORT of the National Conflict Mapping and Analysis with Recommendations for Actors



A VALIDATED REPORT **of the National Conflict Mapping and Analysis with Recommendations for Actors**

Comprehensive conflict analysis should combine an analysis of structures and actors and how the two interact with one another. Structural analysis focuses on the institutions (political, economic, social and security) that may engender violent conflict. Conflicts are about perceptions and the meanings that people attribute to events, institutions, policies and appeals for public support. Hence the importance of an actor oriented analysis that involves a fine-grained analysis of individual incentives and motivations.

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Abbreviations & Acronyms

| | |
|-----------|--|
| ACORD | Agency for Cooperation and Research in Development |
| ADR | Alternative Dispute Resolution |
| AU | African Union |
| ALRMP | Arid Lands Resource Management Project |
| APFO | Africa Peace Forum |
| BAWA | Baraza la Wanawake la Amani (BAWA) (Women Peace Forum) |
| CAG | Conflict Analysis Group |
| CBO | Community Based Organisations |
| CBS | Chief of the Order of the Burning Spear |
| CCR-Kenya | Centre for Conflict Resolution-Kenya |
| CDF | Constituency Development Fund |
| CEWARN | Conflict Early Warning Network Mechanism |
| CPF | County Peace Forum |
| CPMR | Conflict Prevention Management and Reconciliation |
| CSO | Civil Society Organizations |
| CUA | Court Users Association |
| DC | District Commissioner |
| DFID | Department for International Development |
| DoP | Director of Planning |
| DPC | District Peace Committees |
| DRC | Democratic Republic of Congo |
| DSM | Distinguished Service Medal |
| EAC | East African Community |
| EACJ | East African Court of Justice |
| EBS | Elder of the Burning Spear |
| ECK | Electoral Commission of Kenya |
| EWER | Early Warning & Early Response |
| FGD | Focus Group Discussion |
| FM | Field Monitor |
| FIDA | Federation of Women Lawyers Kenya |
| GDP | Gross Domestic Product |

| | |
|-----------|---|
| GIS | Geographic Information System |
| GoK | Government of Kenya |
| GPPAC | Global Partnership for Prevention of Armed Conflict |
| ICC | International Criminal Court |
| ICJ | International Court of Justice |
| ICT | Information and Communication Technology |
| IDPs | Internally Displaced Persons |
| IEBC | Independent Electoral and Boundaries Commission |
| IGAD | Inter-Governmental Authority on Development |
| INGO | International Non-Governmental Organisation |
| IRC | International Red Cross |
| ISS | Institute for Security Studies |
| KACC | Kenya Anti-Corruption Commission |
| KNCHR | Kenya National Commission on Human Rights |
| KNHREC | Kenya National Human Rights and Equality Commission |
| KICC | Kenyatta International Conference Centre |
| KII | Key Informant Interviews |
| KKV | Kazi Kwa Vijana |
| KMJA | Kenya Magistrate and Judges Association |
| KNFP-SALW | Kenya National Focal Point on Small Arms & Light Weapons |
| KPR | Kenya Police Reserve |
| KTI | Kenya Transition Initiative |
| KWS | Kenya Wildlife Service |
| LDT | Land Disputes Tribunal |
| LRF | Legal Resource Foundation |
| LSK | Law Society of Kenya |
| MERP | Mobilising Early Response Project |
| MoE | Ministry of Education |
| MoJNCCA | Ministry of Justice, National Cohesion & Constitutional Affairs |
| NARC | National Rainbow Coalition |
| NCIC | National Cohesion and Integration Commission |

| | |
|----------------|---|
| NCMA | National Conflict & Mapping Analysis |
| NEMA | National Environment Management Authority-Kenya |
| NGO | Non-Governmental Organisation |
| NPI-Africa | Nairobi Peace Initiative-Africa |
| NSC | National Steering Committee on Peacebuilding and Conflict Management |
| ODM: | Orange Democratic Movement |
| OOP/PAIS | Office of the President/Provincial Administration and Internal Security |
| PB | Peacebuilding |
| PeaceNet Kenya | Peace & Development Network of Kenya |
| PEV | Post Election Violence |
| PfPS | Partnerships for Peace and Security |
| PPF | Provincial Peace Forum |
| Prov-Admin | Provincial Administration |
| PS | Permanent Secretary |
| RC | Regional Commissioner |
| RECSA | Regional Centre on Small Arms |
| RWPL | Rural Women Peace Link |
| SALW | Small Arms and Light Weapons |
| SCCP | Steering Committee on Community Policing |
| SMS | Short Messaging System |
| SSR | Security Sector Reforms |
| SRIC | Security Research and Information Centre |
| TJRC | Truth, Justice and Reconciliation Commission |
| TLPF | Tecla Lorupe Peace Foundation |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| UNSCR | United Nations Security Council Resolution |
| USAID | United States Agency for International Development |
| USIP | United States Institute for Peace |
| YDF | Youth Development Fund |

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In particular, we acknowledge support from the UNDP Kenya that enabled the NCMA to be conducted in Kenya by the NSC; and the Global Partnership for the Prevention of Armed Conflict Foundation (GPPAC) that enabled NPI-Africa to conduct the study *Mobilising Early Response Project (MERP)* that has been referred to in this report. The participants to the validation forum are highly appreciated.

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For more information contact: NPI-Africa and the NSC Secretariat.

Preface

It is generally acknowledged that research and intervention studies are a critical component in the peace, security and conflict sector. The studies conducted by the various actors in the past three years, following the experience of the PEV have continued to inform ongoing interventions. In particular, these studies have delved into an assessment of the structural causes of conflict in Kenya, the capacity of the various peace and conflict actors, the response options and intervention measures.

Prior to the December 2007 general elections in Kenya, various initiatives were undertaken by both State and Non-State Actors such as the Civil Society Organisations (CSOs), the media, UN agencies to name a few, to encourage peaceful campaigns and elections. Following the violence that broke out with the announcement of the disputed Presidential election results, further initiatives were immediately undertaken aimed at averting the escalation of violence and encouraging the resolution of the electoral dispute through dialogue. The Post-Election Violence (PEV) in Kenya provided an opportunity for stakeholders to reflect on the status of peace, causes of conflicts, probable interventions as well as the need for preparedness aimed at preventing and/or managing conflict.

Among the numerous responses to the crisis by various actors, NPI-Africa, in its role as the regional secretariat of the Global Partnership for the Prevention of Armed Conflict (GPPAC¹) in Eastern and Central Africa, commissioned a study titled *Mobilising Early Response Project– Kenya (MERP)* to identify causes of conflict particularly in selected regions that were very volatile during the 2007 elections and to start developing a multi-stakeholder prevention plan for future interventions.

Similarly, the NSC, in partnership with the UNDP Kenya, commissioned a *National Conflict Mapping and Analysis* process in June 2010, which covered an even greater scope and went on to recommend actors and actions. Through a survey that included 38 focus group discussions (8 in each group) and 1725 questionnaires as well as interviews and literature reviews, information was gathered and documented in the report that was presented for validation in July 2011.

This report provides a snapshot of the major causes of conflict in Kenya and different scenario settings to capture the essence of the discussions and subsequent recommendations presented at the workshop. It is intended to inform and guide possible interventions following the findings of the studies.

Since the period during which the study was conducted to the time of publication, it is acknowledged that there have been several developments in different sectors, which may have addressed some of the proposed actions made at the validation forum.

¹ GPPAC, a global civil society driven network, working towards the creation of effective partnerships between civil society organizations, governments and intergovernmental agencies and the UN systems to entrench a culture of conflict prevention. In this respect, GPPAC is committed to the development of Early Warning and Early Response (EWER) in areas with actual or potential conflicts.

Executive Summary

The National Steering Committee on Peace-building and Conflict Management (NSC) in partnership with the Nairobi Peace Initiative-Africa (NPI-Africa) organized a one day workshop dubbed *Conflict Mapping and Mobilizing for an Early Response Plan* at Silver Springs Hotel, Nairobi, Kenya on 22nd July 2011.

This Forum brought together different actors in Kenya in a two-fold assignment. On the one hand, the Forum, aimed at validating a report from a study commissioned by the NSC on *National Conflict Mapping and Analysis: Peace and Conflict Trends in Kenya* and on the other hand, re-examine another study commissioned by NPI-Africa titled *Mobilising Early Response Project (MERP)* that sought to investigate how a national early response mechanism would look like for Kenya.

The specific objectives of this meeting were:

- To assess the peace and security context in Kenya;
- To map out peace initiatives conducted by various actors;
- To identify any gaps and recommend possible interventions/activities;
- To envision a multi-stakeholders' action plan for preventing violent conflict in Kenya prior to and during and even after the next general elections.

Calls for strengthening *Kenya's Infrastructure for Peace* at the National, County and Community levels with a view to address the myriads of conflicts in Kenya were made by all speakers at the Forum. This was underscored as one such venture that, if implemented to the fullest, would result into reduction of the levels of violence being experienced as well as preventing those which may occur as a result of the devolved systems of governance. Emphasis for continuous support to and facilitation of Peace Committees in conflict prevention, management and resolution was also made with highlights to build such committees where they do not exist being underscored.

Conflict causalities, drivers, trends and dynamics in the country were outlined at the Forum. These included climate change and its subsequent challenges; recurrent drought, proliferation of illicit Small Arms and Light Weapons (SALW), increase in levels of crime and deviant behavior together with negative ethnicity, with the latter increasingly becoming a serious challenge that needs concerted efforts to deal with so as to achieve national healing, integration and cohesion. In order to undertake this, it was deliberated that all stakeholders should be keen on developing effective conflict early warning and early response systems and mechanisms.

The key discussion themes were underpinned by the findings of the national conflict mapping and analysis, which showed that the Kenyan context is coloured by different types of conflicts ranging from structural violence, political, economic, identity-based, cross-border, gender-based, human-wildlife, urban, to environmental conflicts. There are also challenges of pastoralist conflicts, intrastate and with neighbouring countries.

A common thread throughout the meeting was that the nexus between peace and security and by extension, peace and development cannot be ignored. For instance, it was revealed that Kenya's PEV led to loss in investment opportunities that eventually led to a considerable drop in Gross Domestic Product (GDP) from 7.1% in December 2007 to 1.7% in January 2008.

The outcomes of the Forum were intended to contribute to informing policy on peace and security management efforts at various levels by discussing the various scenario settings for the forth-coming general elections.

The Stakeholders' Forum

On 22 July 2011, about 90 stakeholders met at Silver Springs Hotel, Nairobi, Kenya, to participate in the validation of the National Conflict Mapping report and mobilize support for EWER in Kenya. The stakeholders were drawn from Civil Society networks, government and inter-governmental bodies, UN agencies as well as other development partners, media, faith and inter-faith institutions and academicians.

The validation Forum was designed to have thematic presentations by the researchers, plenary reactions to the presentations and group discussions. These were meant to give the researchers an opportunity to update their findings and to stimulate debate from the findings. The purpose of group discussions was to get a more focused approach to the issues raised and to fill the gaps in the study.

Objectives of the Forum

The overall objective of the Forum was to validate the NCMA report and to specifically:

- Assess the peace and security context in Kenya;
- Map out peace initiatives conducted by various actors;
- Identify any gaps and recommend possible interventions/activities;
- Envision a multi-stakeholders' action plan for preventing violent conflict in Kenya prior to, during and after the next general elections.

Outputs of the Forum

- An update on the current Kenyan context in view of peace and stability.
- An inventory of current initiatives by different actors/stakeholders.
- Recommendations to aid in conflict prevention and Peace-building in the country.
- A multi-stakeholders' Conflict Prevention Plan for Kenya that proposes specific actions and actors.

Remarks by Convenors of the Forum

In his remarks, the NSC Coordinator Mr. S. K. Maina, EBS expressed satisfaction that the validation of the *National Conflict Mapping and Analysis Report*, would be yet another great milestone in the quest for sustainable peace in the country, undertaken by the government and other stakeholders. He outlined other development and progress made

by the NSC from its inception that had since shifted initial focus from pastoralists to the entire country in the search of sustainable peace and security.

Mr. Maina noted that the aftermath of PEV created room for stakeholders to reflect on the status of peace, causes of conflicts, probable interventions, as well as the need for preparedness to contain any eventualities. He informed the forum that occurrences, processes and successes witnessed in the period 2008 and 2009 in stabilizing the country, presented a critical opportunity for stakeholders through the leadership of the government and NSC to undertake the conflict mapping process to measure peace levels in the country, which notably had been part of the performance targets for the NSC.

He added that the mapping and analysis process had been conducted in a highly consultative manner. It commenced with consultations between the NSC, Arid Lands Resource Management Project (ALRMP) and the UNDP on the need to have such an important process for the country. The Team developed a concept paper that was later presented to a national stakeholder's forum at the Kenyatta International Conference Centre (KICC) in March 2010 for critique and value addition with regard to both methodology and process. Further, both review of primary and secondary data, including field missions, were conducted and a series of peer reviews were also done. He underscored that the findings of the mapping would help in determining peace levels and hence, inform the development of strategic intervention frameworks for peace building, conflict prevention, management and resolution.

The NPI-Africa Executive Director, Ms Florence Mpaayei noted that research and intervention studies were critical components in any probable early interventions, as well as the need for preparedness to contain any eventualities. She noted that following the violence that broke out with the announcement of the disputed presidential elections results, several initiatives were undertaken that aimed to avert the violence and encouraging the resolution of the electoral dispute through dialogue. Among the numerous responses to the crisis by various actors, NPI-Africa, in its role as the Regional Secretariat of GPPAC Eastern and Central Africa, commissioned a study titled *Mobilising Early Response Project* to further enrich and expand the knowledge base, but more importantly to explore how a national early response or conflict prevention mechanism would look like for Kenya. This project was aimed at contributing towards mobilising early response in order to prevent conflict.

Keynote Address by Mr. Francis Kimemia, CBS

The Permanent Secretary in the Ministry of State for Provincial Administration & Internal Security, Mr. Francis Kimemia, gave the keynote address. He asked the participants to observe a minute of silence in remembrance of the late Ms. Dekha Ibrahim, an icon of peace building in the country, who, together with her husband, died in July 2011 following a tragic road accident while on a peace mission to Garissa.

He pointed out that in the world over, States and Governments, together with their people, were in constant search for peace as exemplified through various initiatives, international institutions, instruments and resolutions. Kenya is a signatory to a number of regional and

international treaties, conventions and protocols that relate to peace and security. These include the United Nations Charter; The Rome Statute of the International Criminal Court; The Conflict Early Warning Network Mechanism (CEWARN) Protocol; The UN Programme of Action on Small Arms and Light Weapons; The Nairobi Protocol on Small Arms and Light Weapons; The UN Resolution 1325 on Women, Peace and Security, among others.

He singled out Kenya's record in nurturing peace processes in the region, which he said was a clear testimony to the country's commitment and cited Kenya's role in the peace processes in Sudan, Somali and the Democratic Republic of Congo (DRC). He further reminded the participants that research and intervention studies were critical components of peacebuilding and conflict management and pointed out challenges of pastoralist conflicts, both intra- and inter-state with Kenya's neighbouring countries.

The PS underscored the need to strengthen Kenya's *Infrastructure for Peace at the National, County and Community* levels with a view to addressing the myriads of conflicts in Kenya. He reiterated that Peace Committees need to be supported in conflict prevention, management and resolution noting that most of them were doing a commendable job.

He further observed that conflict trends and dynamics have continued to change over time as a result of a number of challenges, including climate change, recurrent drought, proliferation of illicit SALW, increase in levels of crime and deviant behavior together with negative ethnicity, with the latter increasingly becoming a serious challenge that needs concerted efforts to deal with, to be able to achieve national healing and cohesion. He urged stakeholders to be keen on developing effective conflict early warning and early response systems and mechanisms and reiterated that the nexus between peace and security and by extension, peace and development cannot be ignored or overemphasized. He noted that it is on record that the PEV led to loss of investment opportunities that eventually led to a considerable drop in GDP from 7.1% in December 2007 to 1.7% in January 2008.

The PS pointed out that as the country headed for the next general elections, numerous challenges lay ahead and there was a need to mobilize mechanisms for early warning and early response with a view to preventing any possible conflicts. To meet these challenges, he said that among other measures, the Short Messaging System (SMS) Platform of the national early warning and early response system was being fast-tracked. He called for concerted efforts and the scaling up of community dialogue across the country, as well as support towards the resettlement of Internally Displaced Persons (IDPs) through reconciliation efforts, and emphasized that the NCMA Report should therefore be finalized and disseminated widely. This would ensure that all actors, including the peacebuilders, humanitarian agencies, electoral body, security and law enforcement agencies, private sector, peace committees and communities, sieve out specific recommendations for implementation.

The PS lauded the consolidated partnership that had been forged during the NCMA process and thanked all the partners particularly UNDP for facilitating the entire process through financial and technical support; Institute for Security Studies (ISS) for supporting the external peer review and the NSC Conflict Analysis Group together with the Researchers who stood up to the challenge in steering the process.

Findings of the National Conflict Mapping and Analysis Study

Theoretical Framework

There are a number of different theoretical frameworks for analyzing contemporary conflicts. This guide is based upon a multidisciplinary approach that uses a number of different analytical ‘lenses’ to examine and develop responses to violent conflict.

Important recent advances in the understanding of conflict come from the ‘political economy’ approach. This focuses on the political and economic interests of those engaged in conflict and draws attention to those who exploit conflict for their own ends. If the political economy of conflict brings opportunities, there will be strong interests in perpetuating and managing conflict for purposes of personal gain. Interventions which ignore these interests risk fuelling the conflict.

The above approach has been developed into an analysis of the causes of conflict in terms of:

- ‘greed’ (meaning opportunities for predatory accumulation); and
- ‘grievance’ (meaning the negative reactions of those who are disadvantaged).

While the greed and grievance framework usefully highlights economic agendas in conflict, it is only one among a number of ways of looking at conflict and should be complemented by other analytical lens, in particular, social, anthropological and gender analysis.

Comprehensive conflict analysis should combine an analysis of structures and actors, and how the two interact with one another. Structural analysis focuses on the

Comprehensive conflict analysis should combine an analysis of structures and actors and how the two interact with one another. Structural analysis focuses on the institutions (political, economic, social and security) that may engender violent conflict. Actor oriented analysis involves a fine-grained analysis of individual incentives and motivations. Conflicts are about perceptions and the meanings that people attribute to events, institutions, policies and appeals for public support.

institutions (political, economic, social and security) that may engender violent conflict. Actor oriented analysis involves a fine-grained analysis of individual incentives and motivations.

Conflicts are about perceptions and the meanings that people attribute to events, institutions, policies and appeals for public support. Contemporary conflicts are complex and multi-leveled. Conflicts interact at the local level and are often part of wider regionalized conflict systems. Analysis, therefore, needs to encompass the international/regional, national and local dimensions of conflict.

Finally, the notion that the ‘beginning’ and ‘end’ of a conflict can be identified is inappropriate in contemporary conflicts. Conflict is a dynamic social process in which the original structural tensions are themselves profoundly reshaped by the massive disruptions of conflict. Therefore ‘root causes’ may become decreasingly relevant in protracted conflicts that have led to the transformation of the state and society.

The supposition that there are multiple explanatory concepts for Kenya’s complex conflict systems underpins the conflict assessment methodology herein; the challenge is to blend these different conceptual elements. The methodology used in this study attempts to do this by systematically analyzing the structures, actors and dynamics of conflict using a multidisciplinary approach.

A holistic espousal of conflict as arising when two or more groups have incompatible goals and interests should hopefully help in expanding the scope of analysis to include all factors against which such inter-group aims are formed and competed for. It is in this regard that this study undertakes to analyse nationally, the 6-relevant variables of conflict in Kenya on the following basis:

- a) Political dimensions
- b) Security dimensions
- c) Legal dimensions
- d) Economic dimensions
- e) Socio-cultural dimensions
- f) Environmental dimensions

Goal and Objectives of the Study

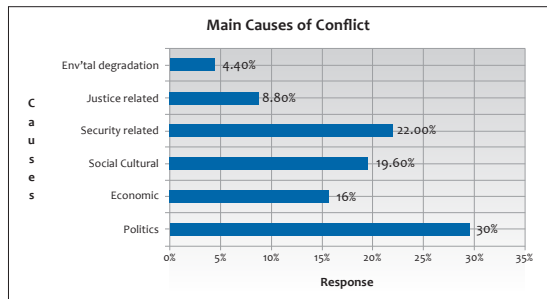
The overall goal of conducting the conflict analysis was to improve the effectiveness of development policy and programmes in contributing to conflict prevention and reduction in Kenya. The specific objectives included:

- i. Identifying lessons in order to generate evidence-based data and guidance for policymakers and practitioners to improve the conflict-sensitivity and peace-building impacts in the country;
- ii. Promoting uptake of such good practice;

- iii. Putting the links between development and peace-building on the agenda of relevant national and international actors through advocacy, outreach and networking.

Main Causes of Conflict in Kenya

The thematic areas were seen to be based upon a multi-disciplinary approach that uses a number of analytical ‘lenses’ to examine and develop responses to violent conflict. It therefore develops into an analysis of the causes of conflict in terms of “greed” (meaning opportunities for predatory accumulation) and “grievances” (meaning the negative reactions of those who are disadvantaged). In brief, the thematic areas that emerged as main conflict causes were related to politics, economics, socio-cultural, security and legal issues, and environmental degradation.



a) Political Dimensions of Conflict

According to the NCMA report, the major causes of conflict in Kenya are:

- i. Ethnicity and Political Conflicts, including Patronage and Ethnicisation of Politics;
- ii. Boundaries and Administrative/Electoral Units;
- iii. Political Intolerance;
- iv. Politics of Citizenship;
- v. Ethnicisation of the State Politicizing Indignity where issues of “indigenous versus migrant groups” were found to be a major cause of conflict in Rift Valley and Coast provinces;
- vi. Nature of Parties and Internal Party Democracy and Discipline; Political Instrumentation of Gangs, among others.

Political Indicators

The major political indicators for conflict include:

- i. Political statements;
- ii. Secretive political meetings;
- iii. Citizens’ Kamukunji (meetings) Discussions and Public Opinion;
- iv. Political Party and Government wrangles;
- v. Militia activity/inactivity;
- vi. Inter-ethnic coexistence;
- vii. Constricting democratic space.

Political Interventions

Most of the interventions put in place to address politically-related conflict are:

- i. Political settlements embedded in Presidential appointments and/or patronage; Inter-Parties Parliamentary Group (IPPG) Reforms 1997; Memorandum of Understanding (MOU) and National Accord;
- ii. Civic education;
- iii. Grassroots political dialogue and reconciliation.

Plenary Responses

Participants explained that there was an over-concentration on Kenya at the expense of the external environment or external context. It was recommended that Kenya should not continue the practice of insulating herself from her obligations in regional partnerships like the East African Community (EAC). For instance, national political conversations on issues such as leasing of land to foreign countries should be juxtaposed with issues of food security and situations as found in Somali and their implications for Kenya.

A reconsideration of the concept of leadership at the national, county and constituency level where there is not only ethnic but also clan divisions, was suggested. This reassessment called for benchmarking on leadership and development of a leadership code that outlined a clear definition of leadership. The provisions in the current constitution on leadership and integrity were cited to support this.

Participants added that there was need to clarify the role of the citizens in working for peace or conflict. They noted that continued national unity was also pegged on either cooperation or wrangles that community leaders had. The leadership wrangles in ODM that were characterized by a bitter exchange and major split of its top leadership with leaders from the Rift Valley walking away and influencing their people to leave the party, was cited. Citizens' blind loyalty of their ethnic kingpins was criticized.

They pointed out that sometimes leaders also fell prey to the demands of their people. The Burnt Forest case, where some politicians had initially supported resettlement of displaced persons on some farms there but quickly retracted their support when the community rejected the effort, was cited.

They recommended that there was an urgent need:

- To ensure that the code of conduct for leadership was aligned to Constitutional provisions in Chapters 6 & 7;
- For actors offering civic education to focus more on citizens' engagement;
 - ♦ Move away from dialogue and seek action. Whereas citizens already know what good leadership should be, there is still a big challenge to actualize their knowledge to pick their leaders well;
- To sensitize the public on devolution, its application and implications in empowering the citizen to be more involved in holding accountable these new devolved structures;

- To actively seek different alternatives to meet communities at their level for higher impact. For example, work with already existing structures to avoid duplication of efforts;
- To use public spaces, forums, networks and groupings like District Peace Committees (DPCs), County Forums, Jukwaa La Katiba, Katiba Yetu forums, youth groups, to disseminate the report findings and further the transformative discussions;
 - ♦ This information should not just end up in “big” offices;
 - ♦ Popular versions with graphic illustrations and accessible language should be developed;
 - ♦ Invest in developing them in different languages e.g. Kenya Sign Language, etc.;
 - ♦ Develop pamphlets, stickers, websites etc. targeting youth and other social groupings.

b) Security Triggers of Conflict

The most notable security triggers of conflict are ineffectiveness of security agencies, mushrooming of organized gangs, and proliferation of illicit small arms, decreased community safety and cattle rustling.

Plenary Responses

Participants pointed out that there was a critical need to include a regional analysis of regional insecurity causal factors evidenced by incursions and cross border raids, which have often resulted in the proliferation of small arms.

Besides this, the issue of terrorism and the ongoing global war on terror should be considered alongside other causes because it is a major security issue especially along the Coast and the North Eastern Provinces of Kenya.

It was strongly recommended to use local structures such as DPCs and Community Policing, which should be strengthened and an interface between these structures and the existing government structures be quickly developed.

In addition, a regional analytical approach to issues of organized gangs should be developed. Participants agreed that economic empowerment of the youth should be prioritized and government initiatives for youth such as Kazi Kwa Vijana (KKV) and Youth Development Fund (YDF) that empower the youth be restructured to achieve their goals.

c) Economic Drivers of Conflict

The factors assessed under this thematic area include land ownership, competition for economic resources, business competition and rivalry, manner in which local resources are exploited, unequal opportunities, unemployment and levels of poverty in the area.

The major economic drivers of conflict are:

- Poverty and inequality
- Unemployment
- Land
- Competition and exploitation of resources
- Forests
- Wildlife
- Minerals

Plenary Responses

Participants expressed that there was an imperative need to clearly define the relationship between poverty and economic causes of conflict; provide a clear explanation and mapping in areas of the country that have conflict emanating from ownership, access and utilization of resources; frameworks and interventions that bring empowerment to individual households, who should be the actors.

Besides this, participants noted that, while discussing economic issues, there was a crucial need to consider the provisions in the Constitution and the extent to which it empowers the poor, deals with corruption, taxation, devolved system of government, core values and Bill of Rights;

Their other areas of concern included:

- A break down on the various dimensions of inequality;
- Unemployment and conflict – the nature and causes of unemployment and the possible interventions for addressing the situation which could include a review of the Employment Policy;
- Ways of how the education system can be used as a tool for addressing unemployment in the country;
- Investments and conflict e.g. displacements of communities for utility of land for investment;
- Nexus between actors and factors – how are the actors relevant to the identified factors?
- Recommendation: Commensurate growth of economy to rate of production of skilled labour and nurturing of the same;
- Need to look at more economic issues in the scenario building Instead of focusing only on land. Suggesting diversification in the economy.

d) Legal Aspects of Conflict

There are two ways of considering law in relation to its direct contribution to the conflict by the nature of statutory and regulatory provisions and its indirect contribution through the failure to adjudicate, mediate and resolve conflict. It is difficult to differentiate between law as a cause of conflict and law as a trigger of conflict.

As a cause, law and its application engender conflict by commission as well as by omission. Examples of these are the emergency provisions under the Constitution² that curtail fundamental freedoms such as the freedom of expression, association, and from detention; provisions prone to abuse and that could exacerbate conflict are also contained in the Stock Theft and Produce Act Cap 355.³

Actors and Interventions

There are a variety of legal mechanisms involved in conflict management and the relationships and interactions between the mechanisms themselves create multiple avenues of engagement. An individual or group in a particular conflict area may seek beneficial outcomes through accessing the range of mechanisms available.

i. Traditional Responses

'Traditional responses' refers to those mechanisms that are based upon customary practices like a council or group of elders exercising authority strictly within their community. The survey found that approximately 60%⁴ of respondents rated traditional justice structures as very effective or effective in regard to conflict resolution.

The peace agreements and declarations produced from deliberation amongst, or between traditional structures found majority support amongst respondents with 58% stating that declarations were effective or very effective at resolving conflicts as against 25% who said that they were not.

ii. Civil Society Organisations Responses

CSOs responses are geared towards conflict management interventions undertaken by local, national and international Non-Governmental Organisations (NGOs) and INGOs as well as Community Based Organisations (CBOs). Since the early 90's, across the country and more particularly in marginalised rural and pastoralist areas, CSOs play the central role in facilitating and implementing conflict management and peacebuilding strategies.

iii. State Responses

State responses to conflict can be divided into:

- (a) Judicial; and
- (b) Administrative responses.

² The Constitution of Kenya 2010, Article 58 thereof

³ Section 4 of Cap 355 allows for warrants the levy of a fine by distress and sale of any property of an offender to also be issued against any member of the offender's family, any inhabitant of the village or place in which any stolen stock or produce has been found, any member of the sub-tribe to which the offender belongs and any member of the tribe to which the offender belongs. See also section 3 of the Indemnity Act Cap 44 indemnifies government officials and public officers against prosecution or trial for acts committed in between a particular period in the former Northern Frontier Districts and parts of coast and eastern province. It is unjust in that those who suffered loss and damage during that particular period in these areas have no recourse to legal redress.

⁴ Refer to the National Mapping and Analysis: Peace and Conflict Trends in Kenya: The percentages are based on the 38 Focus Group Discussions composed of 8 participants in each group, over 100 respondents, key informants, interviews, 1725 questionnaires. Respondents included CSO representatives, DPCs and general public

Judicial responses relate to the resolution of disputes through legally sanctioned judicial and quasi-judicial fora; the latter include quasi-judicial bodies.

Administrative responses on the other hand, relate to national structures and initiatives within the government that respond to conflict.

These include: the security agencies, provincial administration, the National Steering Committee on Peacebuilding and Conflict Management (NSC), the Kenya National Focal Point on Small Arms and Light Weapons (KNFP-SALW); the Conflict Early Warning and Response Unit (CEWERU) and the Steering Committee on Community Policing (SCCP).

(a) The Judicial System

The Judiciary is the branch of government tasked with fairly and impartially adjudicating differences, resolving conflicts and enforcing the rule of law throughout the land. The Constitution provides for the hierarchy and system of courts in Kenya.⁵

Specialised Quasi-judicial Mechanisms

In addition to the formal judicial system, there are a number of statutory quasi-judicial mechanisms. They include the Land Disputes Tribunal,⁶ the Kenya National Commission on Human Rights (KNCHR),⁷ the Kenya Anti-Corruption Commission (KACC),⁸ the National Cohesion and Integration Commission (NCIC)⁹ and the Truth Justice and Reconciliation Commission (TJRC).¹⁰ Most of these quasi-judicial bodies have been reconstituted under the new Constitution.¹¹

(b) The Administrative System

The administrative system in Kenya falls within the mandate of the Office of the President under the Ministry of State for Provincial Administration and Internal Security. Its role is central in the executive management of the country as well as the management of conflict. It consists of the Provincial Administration.¹²

The National Steering Committee on Conflict Management and Peace-building is the coordinating agency for peace-building and conflict management under the administrative system. The NSC discharges its mandate through the County Peace Forum (CPF) at the County level, the District Peace Committees (DPC) at the district level and other lower level units.

5 Refer to Chapter 10 of the Constitution of Kenya. Under this and the Fifth Schedule thereto, Parliament is required to enact legislation operationalizing the system of courts and the provisions relating to removal from office by August 2011.

6 Land Disputes Tribunal Act 18 of 1990

7 The Kenya National Commission on Human Rights Act (Act No. 9 of 2002); Article 59 of the Constitution establishes the Kenya National Human Rights and Equality Commission (KHREC). Under the Fifth Schedule Parliament must enact legislation to give full effect to the provision establishing the KHREC by August 2011. The functions of the KHREC are similar to those of the KNCHR under the KNCHR Act.

8 Established under the Anti-Corruption and Economic Crimes Act Cap 65; the KACC became operational in February 2005.

9 Established under the National Cohesion and Integration Act (Act 12 of 2008) which came into force in March 2009

10 Established under the Truth, Justice and Reconciliation Bill, 2008 which came into force on 9 March 2009

11 For example, Article 59 establishes the Kenya National Human Rights and Equality Commission. Article 88 establishes the Independent Electoral and Boundaries Commission and Article 79 establishes the Ethics and Anti-Corruption Commission replacing the KACC.

12 There exists no constitutional or statutory mandate for the Provincial Administration; only the chiefs have been explicitly provided for through the Chief's Authority Act Cap 128 of the Laws of Kenya.

Kenya National Focal Point on Small Arms and Light Weapons¹³ is an inter-agency body to coordinate the law enforcement in response to the proliferation of small arms and light weapons. It also forms a national point for co-ordination with Regional Centre on Small Arms (RECSA) and represents the government at regional and international forums on small arms and light weapons.

Security Apparatus

The security apparatus are made up of the Kenya Police¹⁴ and the Administration Police.¹⁵

iv. Regional Responses

These are interventions and structures created and/or operating within the Continent and across its States.

(a) East African Community (EAC)

The EAC is made up of Kenya, Uganda, Tanzania, Burundi and Rwanda (the Partner States).¹⁶ The EAC Treaty establishes the East African Court of Justice (EACJ)¹⁷ to provide a platform for redress beyond the national judicial system particularly in regard to state compliance with ratified conventions and protocols.

(b) The Inter-Governmental Authority on Development (IGAD)

IGAD is another important regional body involved in peace and security matters in the region. Its mandate is to promote peace and stability in the sub-region and create mechanisms for the prevention, management and resolution of inter and intra-State conflicts through dialogue.

The principle mechanism in this regard is the CEWARN,¹⁸ whose principal function is to track and inform its stakeholders on violent incidents and provide unique early warning information in addition to events that exacerbate or mitigate violence in its area of operations.

(c) Regional Centre on Small Arms and Light Weapons (RECSA)

The Regional Centre on Small Arms and Light Weapons in the Great Lakes and the Horn of Africa was established under the Nairobi Declaration¹⁹, to tackle the small arms and light weapons menace that fuels conflicts in the region.

13 The KNFP was set up in June 2002 (operational in March 2003) in regard to Kenya's obligations under the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and The Horn of Africa.

14 Established under the provisions of the Police Act, Cap. 84

15 The Administration Police was established under the provisions of the Administration Police Act, Cap. 85. The Administration Police further derives its powers from the Chiefs Authority Act, (Cap. 128) the Penal Code, (Cap. 63) and the Criminal Procedure Code (Cap 75).

16 The Community was revived in a different form through the enactment, in 1999, of the East African Community Treaty (the Treaty) by the initial East African states, Kenya, Tanzania and Uganda.

17 Provisions concerning the EACJ are contained under Chapter 8 of the EAC Treaty.

18 The Protocol on the Establishment of Conflict Early Warning and Response Mechanism (CEWARN Protocol, signed at Khartoum in January 2002)

19 See the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, March 15, 2000 and the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and The Horn of Africa May 5, 2006.

v. International Responses

In regard to conflict in Kenya, the actors are divided into judicial and non-judicial actors. Judicial structures are the International Court of Justice (ICJ) and the International Criminal Court (ICC).

Principal non-judicial actors include foreign government agencies such as the United States Agency for International Development (USAID) and the Department for International Development (DFID) and international organisations such as the United Nations (UN) and the International Red Cross (IRC).

Indicators

Law- Society Disengagement

This refers to the lack of harmonious functional relationship between legal provision, procedure and principles and the lived realities of individuals and communities in Kenya. The system of constitutional and administrative law is unable to address, and may potentially exacerbate conflicts in society due to not being contextually grounded.

Judicial Reform

This refers to the ability of the judiciary to address the physical and structural causes of conflict through the judicial process. This involves issues concerning the conduct of judicial officers and the content of judgments and other judicial pronouncements.

Statutory and Constitutional Reform

Statutory reform refers to the review and change of laws of Kenya to mitigate or remove conflict enhancing provisions; introduce legally binding measures that secure, for example non-legal institutions, and/or reform statutes, taking into account the actual circumstances of conflict and conflict response in Kenya.

Rationalisation of Non-Legal Structures

This refers to steps taken to improve, monitor and coordinate the activities of these conflict management actors and reconciling them with the formal judicial structures.

Regional and Global Considerations

This links with the above four themes but focuses on cross-border, regional and global actors and institutions. It assesses issues such as ensuring and improving access to international judicial bodies and the relationships between domestic and international legal regimes towards enhancing conflict management strategies in Kenya.

Plenary Responses

There were extensive discussions on the need to analyze policies, rules and procedures in regard to peace and security particularly within the regional framework of the EAC, IGAD, and the AU, in order to situate the legal aspects within the broader framework. This, it was explained, should also utilize the most current draft on the National Policy on Peacebuilding and Conflict Management. The SALW policy should be used to advise work that will be carried in some areas. Besides, it was pointed out that access to justice should consider the 'social justice contract' perspective and be elaborate on restorative justice in regard to traditional structures and emphasize on para-legality and outreach to and from the legal and non-legal structures.

Participants recommended that the following legal dimensions of conflict should also be taken into account:

- Court Users Association, an initiative from the Legal Resources Foundation(LRF);
- The constitutional requirement for alternative dispute resolution;
- Restorative justice, particularly since it relates to the expectations that people have from the variety of legal and non-legal mechanisms;
- How the legal system is being reformed e.g. vetting of judges could be used to build a best case scenario;
- The constitutional provisions on customary law.

e) **Socio-Cultural Aspects of Conflict**

The analysis focused on a few cultural factors principally ethnic groups/tribes, social identity, values and norms thought to be causative to violence, including social sense of belonging and identity, community practices and beliefs. The main socio-cultural causes of conflict include:

- i. Tribal/clan rivalry
- ii. Cattle rustling
- iii. Incitement to violence
- iv. Religious intolerance
- v. Cultural practices
- vi. Tribal hatred
- vii. Beliefs
- viii. Substance abuse
- ix. Moranism/heroism
- x. Illiteracy

Mitigating Socio-Cultural Aspects of Conflict

The survey sought to determine the effectiveness of structures and institutions within the social and culture framework in resolving conflict. A few were singled out based on past experiences:

(a) Community elders

The engagement of community elders had been found to be effective for resolving community conflict. Communities were still strongly patriarchal and elders remained epitomes of authority and wisdom in many communities. Most of the peace declarations reviewed in literature indicated that elders were involved on behalf of their communities and had been successful in the maintenance of those agreements.

(b) *Declarations*

The study indicated that many communities had negotiated declarations aimed at observing peace between, or among them such as the Modogashe Declaration²⁰ which has a mechanism of review that is important for reminding the community of the importance of maintaining these declarations.

(c) *Religious leaders*

Religious leaders continue to be perceived as peace makers since no religion propagates conflict or violence. In most communities in Kenya, religious leaders have participated in brokering peace, which points out why the formal institutions should endeavour to work with religious institutions in peace building efforts.

(d) *Youth groups*

Youth groups were also seen as effective agents of brokering and maintaining peace. Some of them had been involved in community policing and peer counselling and in other communities they provide security as Kenya Police Reserves (KPRs)²¹.

Plenary Responses

Participants stated that there was an urgent need to:

- Document the work of the KPR and how it can be streamlined in accordance to the new Constitution and the Police Act;
- Design intervention and mechanisms that focus on youth. Utilize youth as agents of conflict transformation;
- Fast track the implementation of peace education curriculum in schools;
- Enhance intercommunity dialogues;
- Strengthen the NSC structures on the ground and restructuring them in line with the aspirations of the constitution and devolving to county level;
- Include the Ministry of Justice, National Cohesion & Constitutional Affairs (MoJNCCA) as a stakeholder. This should also be extended to other line ministries like Ministry of Education (MoE) and the newly created Administration of Justice Commission;
- Confirm and use specific examples where sensitive issues on tribe and religion were cited as facts in the report

20 At Modogashe, community leaders from Eastern Province (Moyale, Marsabit and Isiolo) and North Eastern Province (Wajir, Mandera and Garissa Districts), together with respective security organs met at Modogashe in Isiolo in 2001 and signed the peace accord.

21 KPRs are armed by government to supplement the government security forces at the community level.

f) Environmental Drivers of Conflict

As a fairly new construct in understanding conflict, environmental causes are often overlooked or indistinguishable from other more traditional causes of conflict. To illustrate this, a conflict of arable land by agricultural communities may be interpreted as a purely economic or political conflict despite the fact that there is scarcity of arable land.

(a) Land Use and Access

Conflicts over land as an environmental resource have revolved around incompatible uses of land, access to and quality of land. With a population that is highly reliant on the environment for livelihood sustenance, land use is a critical factor in environmental management in Kenya. As the population expands, land remains a limited resource that is vital for the fulfilment of various livelihood options.

A key category of land use and access conflicts has involved communities and state institutions vis-à-vis land being declared by the State as a protected area with direct impact on the access by the community on what was formerly public land. In addition, the displacement of communities in favour of environmental conservation, through protected areas and forest reserves, also presents a source of conflict. Faced with limited availability of arable or grazing lands, the communities find themselves in stiff competition and/or conflict with the government regarding their need to use this land for livelihood sustenance.

A further aspect of land use and access conflicts involves the privatization of huge tracts of land, some of which was formerly public land, by individuals who, in some instances do not develop the land adequately. Communities end up in conflict with these private buyers who have now restricted their access to land for common use.

“Faced with limited availability of arable or grazing lands, the communities find themselves in stiff competition and/or conflict with the government regarding their need to use this land for livelihood sustenance.”

An additional category of land use conflicts has arisen through competitive livelihood uses of the land. For example, conflict between pastoral communities, who need grazing land for their livestock and agricultural communities who require land to grow crops. These conflicts occur both on an intra- and inter-community level with competition within the communities for either grazing or farming lands as well as against each other for the use of the land to their livelihood benefit.

For the pastoralist communities, climate change has played a role in the increased incidences of environmental conflict with frequent droughts forcing them to migrate in order to survive. With existing traditions of mobility and cattle rustling, pastoralists often find themselves in direct conflict with other communities as

they compete for environmental resources. In regions of Kenya occupied by these communities, there have been increasing reports of conflict due to cattle rustling, access to water points and land for grazing.

Policy²² regarding the Arid and Semi-Arid Lands (ASALs) indicates the need to reduce reliance on livestock as a means of life and diversifying sources of income. It also highlights a need to improve productivity of pastoralism while ensuring sustainable use and conservation of the environment. Likewise, farmers requiring arable land for productive farming have faced challenges from scarcity of land through degradation caused by soil erosion due to deforestation and flooding, infrequent rains and drought. The lack of available fertile land for farming has forced communities to migrate in search of arable land bringing them into direct conflict with resident communities.

Closely linked to utilization of land, access to land as an environmental resource has also caused conflict. In the coastal regions, there is conflict between hotel proprietors and local communities over access to the beach with hotel proprietors blocking the public from the right to use this land for fishing or recreation. Conflict has also occurred regarding the construction of illegal structures on the beach by informal traders, which threatens the preservation of the beach as an environmental resource through pollution and littering. The use of the coastal front for economic gain through the activities related to tourism and local entrepreneurship negatively impacts on the marine ecosystem with the destruction of the delicate coral reef.

As the quality of land is compromised by degradation, conflict ensues in the struggle to earn a livelihood from the environment. Some of the activities that have caused land degradation include sand harvesting, charcoal burning, tree cutting and the planting of water consuming blue gum trees. In areas where communities have been unable to sustain traditional livelihoods such as pastoralism, the adoption of practices such as charcoal burning have the unintended consequences of deforestation, land degradation and pollution. This has been the case in Lower Eastern region and when environmental conservationists discourage charcoal burning, it creates conflicts with those dependent on it for their survival.

Urban development and industrialization have created land pressure due to congestion of population and industry, which is not adequately planned and managed. In most urban areas, there is a proliferation of informal settlements that, despite being heavily populated, have poor drainage and sanitation that adversely impact on the environment. Attempts to dissuade the development of informal settlements have been unsuccessful due to the cycle of demand for low-income workers who need affordable housing close to their work places. Most of the informal settlements flank up market residential areas where the lower income workers earn their living.

22 Government of Kenya National policy for the sustainable development of arid and semi-arid lands of Kenya(2004)

The concentration of population and industry has also greatly heightened the prevalence of illegal dumping both by residential and commercial entities. A tour of Nairobi city will reveal illegal dumping sites around lower income residential areas, markets and city outskirts. This is in clear violation of environmental laws but apparent lack of capacity to implement the stipulations has led to a continual flouting of these laws.

Away from the cities, conflict over land as an environmental resource is also apparent in areas where visiting environmental migrant communities opt to stay in their adoptive environmentally rich areas even after the rains.

(b) *Water Use and Access*

In the State of Environment Report 2006/7²³, the National Environment Management Authority-Kenya (NEMA) indicates that, despite the presence of substantial drainage basins, the basins are unevenly distributed giving rise to indicators of water resource stress. Human over-usage and climate change projections of reduced precipitation compound these conflicts over access to water due to diminished quantities. The effects on water volume and quality have coalesced as a source of conflict for those whose livelihood is dependent on water for fishing, farming and livestock rearing. A good example is fishing conflicts in Lake Victoria and how the various factors threaten the viability of the industry. Over-usage of the Lake's water resources, climate change and invasive species such as hyacinth, have inversely affected water volume and consequently availability of fish resulting in conflict over increased competition for fish. This situation has bred conflict between fishermen as they compete for territorial fishing rights over limited fish. There has also been conflict between conservation groups who are discouraging fishing as they seek to restore the water quantity and quality and preserve the variety of fish species and fishermen who are dependent on fishing as means of survival.

There have also been conflicts over availability of quality water resources as existing resources are polluted from illegal dumping and silting. Silting is the process through which solid deposits are accumulated, mostly through soil erosion, flooding and dumping. The combined effects of these, especially soil erosion and deforestation, have been silting of lakes that have affected the water quantity and quality. Dumping, on the other hand, is an environmental crime particularly rife in the cities with industries which dispose of their effluence in nearby rivers.

Related water conflicts have also been experienced regarding seemingly incompatible uses of water, either for fishing, farming or livestock rearing. Attempts by the specific groups to dominate water points and resources have led to conflict with each group vying for exclusive rights of access. In the Coastal region, there have been conflicts between the Kenya Navy and fishermen as they each seek to use the waters for seemingly incompatible reasons.

23 State of Environment Report 2006/7, the National Environment Management Authority-Kenya, 2007, 127

Similarly, conflicts on access to water take place between fishermen as they compete for diminishing fish resources. For instance, local fishermen at the Coast have been engaged in international conflict over territorial fishing rights, while regional conflict has been experienced over the same in the waters of Lake Victoria.

Without alternative livelihood options, diminished water volumes, quality and availability of fish will continue to be a source of conflict from a local to international level. Water management policies need to be consistently implemented to mitigate water scarcity especially in the drier regions and to protect water quality and quantity to support the relevant livelihoods.

(c) *Air Pollution*

With the rapid industrialization, the quality of air presents a potential cause of conflict with the rising pollution levels occasioning public health concerns. In urban areas, dust and aerial emissions from industries is a growing source of tension with area residents forced to live with poor air quality.

Similarly, in breach of environmental agreements, aerial spraying by companies has affected productivity of crops and livestock in some areas creating tension between residents and the companies. Air pollution is in contravention of Environmental Law but failure to enforce the law is now turning this crime into a basis for conflict.

(d) *Conservationists and Community Conflicts*

Kenya is home to a broad spectrum of wildlife, which boosts tourism as the country's second largest economic sector. With the seeming prominence attached to wildlife conservation to boost the tourism industry in the context of population growth and land pressure, human- wildlife conflicts abound.

Apart from the conflict generated by divergent land use options regarding wildlife conservation and livelihood sustenance, wildlife activities have also been a major source of concern as wildlife have caused destruction of crops and property and in some cases injuries and death. Communities have then retaliated by killing wildlife. Compensation to communities for losses incurred through damage by wildlife becomes a key issue that fuels further conflict. The fact that communities are often not involved in the wildlife management system already alienates them from the conservation efforts and fuels their frustration from the inadequate compensation offered. This situation has led to rising tension between resident communities and wildlife authorities with their differing needs seeking to take precedence. Such tensions may adversely affect the community's sense of ownership of wildlife resources and ultimately, their desire to nurture these resources that now prove a threat to their own survival.

(e) *Degradation from Climate Change*

Of particular mention is the negative impact of climate change on the environment and how this has fuelled environmental conflict. With a large percentage of the

population heavily dependent on the environment for their survival, the cascading effects of climate change have been dire. This global crisis has seen the rise of the earth's temperature, reduction in moisture levels, erratic weather patterns, floods and drought, which have adversely affected the quality and availability of environmental resources in Kenya.

Frequent droughts, unpredictable rainfall patterns and diminished water levels have increased land aridity, reduced arability and water volumes increasing threats to food security and sustainable livelihoods. The established link between human industry and climate change requires that policies governing development remain cognizant of a need to regulate industry in order to slow down the rate of climate change. National policies on agriculture, water, forestry, wildlife, tourism, energy, wetlands, land, sustainable development of ASALs, disaster management, fisheries and industrialization, all include an element of environmental conservation²⁴. However, implementation strategies need to be clearly defined and coordinated for these efforts to be effective.

(f) *Other Variables*

The interplay of political, economic, legal and socio-economic causes of conflict with environmental causes means that the severity of environmental conflict is exacerbated by the related variables. In addition, the impact of conflict on the environment has a degrading effect, which feeds into the cycle of environmental conflict due to scarcity caused by environmental degradation. When political actors illegally apportion land for political mileage, this often has an untold effect on forests and water catchments areas, which results in environmental degradation that may lead to environment conflict. Economically, the inequitable distribution of resources will result in reduced access to environmental resources against population pressure, setting the stage for environmental conflict. Environmental crimes that flout the existing legal frameworks to protect the environment also have the same effect. Social causes of conflict such as migration and incompatible livelihood options directly impact on the use of and access to environmental resources thus creating room for environmental related conflicts.

Plenary Responses

Participants noted that there was need for:

- An analysis of environmental impact on illegal/unplanned settlements to inform urban planning and development;
- Enforcement of environmental regulations on air pollution from the transportation industry;
- Adequacy of existing environmental assessments or research in stating the problem;

24 State of Environment Report 2006/7, the National Environment Management Authority-Kenya, (2007), 129

- More analysis on:
 - ♦ The impact of climate change on environmental conflict;
 - ♦ Natural calamities and their role in environmental conflict;
 - ♦ Compliance by Kenya to regional/international environmental laws and standards.

They recommended:

- Mainstreaming environmental conservation into urban planning for sustainable development;
- Enhanced awareness on sustainable use of environmental resources & sustainable livelihoods;
- Capacity building of law enforcement agencies on environmental crime;
- Identification environmental research themes for further study as relates to conflict.

Scenario Building for Sustainable Peace

Introduction

The current reforms in Kenya have heightened the collective optimism about the country's progress in general. However, the extent of these reforms calls for caution, since there are attendant challenges that all actors should be aware of, with the aim to surmount them.

Reforms naturally destabilize the status quo, and hence beneficiaries of the old order are bound to oppose the new. Secondly, the new constitutional order has brought about a paradigm shift-systems and institutions need to be overhauled or transformed. The raft of institutional, policy and legal reforms necessitates the availability of qualified staff, provision of financial resources, political goodwill, and a good internalisation of constitutional requirements.

This section therefore, seeks to build scenarios- status quo, worst case and best case with a view to developing strategic options for risk management, conflict prevention and transformation of the political, security, socio-cultural, economic, legal and environmental landscape in the country. This would then be a basis for guaranteeing sustainable peace.

Status Quo

This infers that things and more specifically security situation will remain the same as it is currently with sporadic spates of violence at the County levels

1. Ethnicity

There is currently a mix of heightened ethnic consciousness informed by alliance-seeking efforts of the political elites as well as sensitivity to the ills of ethnic discrimination thanks to the NCIC work. The political environment is highly fractious, as political leaders try to outsmart each other in forming political alliances in the on-going succession politics. Most of the efforts at forming political coalitions have been ethnic in nature.

There is also the creation of counties, which promise to create new centres of inter-ethnic political competition. As earlier noted, the predominant view is that ethnicity continues to influence politics around the County system of governance.

Alongside this, there is the new constitution's creation of a bicameral legislature which has a senate and parliament. Some politicians are viewed to be angling for the senator seats with a view to controlling broader electoral zones in their regions, which are largely ethnically defined.

There are persistent concerns that the scars of the ethnically motivated electoral conflicts have not been healed, and this is evidenced by the frantic efforts towards resettlement of IDPs. There is persisting inter-ethnic mistrust.

There is also the politicisation of the Hague cases against six prominent leaders at the International Criminal Court (ICC). These politics have ethnic undertones and continue to influence the nature of political alliances being forged by a wide cross-section of leaders.

2. Elections

Respondents appeared apprehensive about the next general elections, with 67.3% indicating that the elections could be very violent, slightly violent or unpredictable. It was however, positive to note that 30.3% of the respondents believed that the next general elections would be peaceful. Perceptions were that the new constitution has created hope in the electoral processes; among the law enforcement agencies as well as widened the democratic space for the participation of all, through legal protections and decentralizing governance. Some 37.1% of the respondents were unable to predict whether the next general elections could be violent or peaceful. The inability by many Kenyans to predict the nature of general elections could be due to the fluid nature of Kenya's political environment.

Despite the divergent views on the nature of the next general elections, evidence from recent by-elections held in Starehe, Makadara, Wajir South, Kirinyaga, Juja and Ikolomani illustrate that electoral and law enforcement agencies can work together towards managing conflict during election periods. These institutions will, therefore, need to be supported to realise their mandate.

3. Access to Justice

Access to justice considered what structures can be accessed to resolve disputes, what outcomes can be expected, and to what extent these expectations are met. Although evidence from the national conflict survey illustrated that legal/justice related issues were not seen by respondents as central causes of conflict (less than 9% of respondents felt that 'justice-related' issues were a cause of conflict), the failure to address conflicts through formal and informal legal avenues was considered central to the failure of the whole conflict management process. The centrality is mirrored by the data, in that 78% of respondents believed that lack of justice was a trigger for conflict in their area, with the same percentage stating that a lack of dispute resolution mechanisms in their area was also a conflict trigger.

The survey illustrated that respondents perceived that beyond the courts, a number of different structures were effective in conflict management.²⁵ Key informant interviews and FGDs across the country suggested that understanding and reforming these avenues for conflict resolution and redress was central to an effective and comprehensive conflict management process. Comparing the data gathered from the questionnaire against that gathered from the key informant interviews and FGDs suggests that whilst respondents felt that certain structures were effective, this should be qualified against the fact that they fail on many occasions to achieve their objectives. That conflicts continue to occur in significant frequency across the country is testament of this status.

4. **Environmental degradation**

Availability and access to quality environmental resources have been compromised by environmental degradation due to unsustainable environmental usage and effects of climate change. This survey showed that degradation had reduced soil arability, compromised quality and quantity of water supply and caused air pollution. This resultant scarcity has been the cause of several conflicts over environmental resources characterised by access to scarce water, land, beaches, pasture and privatization of public land.

Another source of conflict has been the incompatible uses of environmental resources in the absence of sufficient civic education on alternative sustainable livelihoods. Such conflicts include those between environmental conservationists and communities whose livelihood depends on the environment like sand harvesters, fishermen, charcoal dealers and illegal forest dwellers; and conflict between wildlife conservations and communities over compensation for wildlife damage to crops and property.

Worst-Case Scenario

That the country will probably witness another bout of electoral violence come the next general elections

1) **Ethnicity**

If the political leaders persist in pursuing ethnically-defined alliances, the country risks widening politically determined ethnic schisms. And as revealed in this study's political analysis, some political fallout among some ethnic groups informs grievances that feed into new conflicts.

A national level political schism is bound to be reflected at lower levels such as counties and constituencies. As groups compete to have one of their own to clinch a county, senate and parliamentary positions, the points of political conflict will increase and potentially exceed the security forces' capacity to simultaneously manage these. In this case, the country will persistently have IDPs.

The relatively new Independent Electoral and Boundaries Commission(IEBC) would struggle to handle an election of such magnitude, with seats contested for at the county governors, county assemblies and at the national level- Senate, National Assembly, President.

²⁵ 49.6% found National Courts either effective or very effective; Traditional Structures – 65.7%; Peace Forums – 75.3; DPCs - 73.3; KNCHR 57.1; NCIC 41.7 TJRC 38.8; CSOs – 69.4; Provincial Administration 73.7

The International Criminal Court (ICC) process, its politicisation and continued lack of political goodwill to locally combat impunity would form harmful ingredients for wider conflict. This would be propelled by the political leaders' exploitation of ethnicity to blur the objectivity of the ICC process.

2) Economic situation

The implementation of the National Land Policy, and especially the demarcation of Community Land, is likely to be a contested and highly politicized process and possibly in itself, a trigger for violent conflict.

3) Elections

The electoral reforms as envisaged in the new constitution are not adequately implemented or supported. This would mean that the country goes into the next General Election without the required legal safeguards thus opening up the process to abuse that could trigger widespread violence as witnessed in the 2007 General Election. With the new devolved government framework, this violence would occur at the national and county levels. Situations that could spark conflict could range from boundary disputes to uneven distribution of resources within the counties and the clan based animosities.

Further, the prevalence of small arms and light weapons in Kenya and particularly in pastoral areas means that devolved conflicts could take on an extremely violent and widespread dimension, with increased violence incidences including cattle rustling and other forms of gun violence. Failure to complete and implement reforms within the security agencies means that Kenyans are left unprotected during the chaos that follows the disputed election. Furthermore, violent crackdown on post-election protests could result in extra-judicial killings and a pervasive atmosphere of fear and disorder.

4) Access to Justice

The current status quo is not very far removed from the worst case scenario in regard to access to justice. Physically, courts would remain largely inaccessible. Traditional structures would degrade with the authority of elders completely eroded and with continued marginalisation of customary structures from the formal legal regime. The Judicial system, increasingly lacking expediency, efficiency, and affordability would be completely ineffective for and/or beyond the reach of the average Kenyan. In the absence of avenues for judicial or non-judicial recourse, there would be severe "mafiasation" of justice by organised gangs and vigilante groups. Lack of political will by peace actors to adhere to regional and international instruments will leave Kenya unaccountable to its state counterparts for breaches of its international obligations.

5) Environmental Degradation

Unsustainable usage of environmental resources will occasion increased degradation of these resources leading to food insecurity. Lack of arable land or water resources to sustain farming will result in an inability for the country to sufficiently meet the food requirements for its citizens. Unregulated deforestation and destruction of water catchment areas will lead to a more severe impact of climate change in prolonged drought, unreliable rains and increased earth temperature resulting in loss of land cover, depleted water resources and death of wildlife.

Best-Case Scenario

That the next electioneering process and political transition will be largely successful and peaceful. Kenyans have learned from the PEV and the political playing field has been levelled.

1) Ethnicity

The new constitutional dispensation, coupled with the work of the National Cohesion and Integration Commission (NCIC) and the Truth, Justice and Reconciliation Commission (TJRC), will yield ethnic tolerance. The resolution of historical injustices through the TJRC, and the increasing national cohesiveness resulting from efforts by the NCIC to curb hate speech and ethnic discrimination, as well as the increasing national outlook of political parties, thanks to the Political Parties Act, will provide firm grounds for a mature and patriotic electorate.

Strong issue-based politics assured in vibrant and disciplined political parties and leaders would promote nationalist politics that builds the Kenyan nation. In similar light, the multiplier effects of peace processes such as the Uwiano Initiative, DPCs' and civil society actors' efforts, would lead to peaceful communities keen on stability.

The IEBC would have learnt and internalised lessons from the successful referendum, and transparent post-2008 by-elections that made it possible to utilise electronic voter registration, voter education and electronic transmission of by-election results. This way, the next and subsequent elections will be information and communication technology intensive, transparent, and results announcement will be quick, eliminating past anxieties about electoral outcomes which fed suspicion and violence.

2) Elections

The promulgation of the Constitution of Kenya in 2010 and subsequent legislation on elections means that structures are in place and the IEBC can conduct elections in a free, fair and impartial manner. The next general elections proceed peacefully, further securing a democratic and inclusive dispensation in Kenya. Mechanisms to satisfactorily address election petitions are in place, hence securing the confidence of contestants and their supporters.

The security analysis indicates that the next election will generally be peaceful. One of the contributing factors to this could be the effectiveness of the security agencies in addressing related security challenges. The study places effectiveness of security agencies at 62%. The conduct and behaviour of security agencies in the lead up to the successful national Referendum in 2010 and other by-elections are cases in point. There were no serious security incidences reported throughout these processes. Further, the relationship between the police and the community will greatly improve. The capacity of security agencies to handle electoral related processes has been strengthened. This effectiveness coupled with improved community safety will work towards delivering a peaceful general election.

This will be further strengthened by the dwindling impact of retrogressive cultural practices that has occurred through effective civic education, the strict application of

legislation against hate speech, to secure equal representation in all sectors of life and the activities of the courts and specialised quasi-judicial agencies such as the NCIC.

3) Economic

In order to lay the foundations for improved natural resource management, the National Land Policy has provisions which, if implemented, should help to manage conflicts arising from natural resource scarcity. This will, among other things, change tenure laws and benefit-sharing schemes to the benefit of local communities in Kenya, especially, in northern Kenya. It also contains measures that would safeguard the legal status of conservancies.

4) Access to Justice

Under this scenario, all Kenyan citizens can maximize their ability to access justice by being able to access the range of national, regional and international judicial structures as well as coordinated non-judicial legal regime. Traditional structures would be strengthened across the country having taken particular note of the diminishing authority of elders and the patriarchal nature of many traditional structures that engender exclusion of other key stakeholders.

Partnerships would exist between judicial and non-judicial structures enhancing the enforceability of the decisions of traditional structures. Concepts of peace and justice, as well as contradictions between principles of customary law and those contained in the Constitution or under various regional and international human rights instruments, would be resolved. This will allow a system that is owned by various communities that also fosters inter-community cooperation in conflict management.

The National Peace Commission will be actively involved in exercising its mandate under the adopted National Peace-building and Conflict Management Policy. The Commission will play the oversight role over conflict management in the country and oversee a hierarchy of operational and robust peace committees. Regional and international judicial bodies will form an extra avenue through which Kenyans can hold their government to task in fulfilling its international obligations especially those that address the structural causes of conflict in society such as human rights protection. In regard to the region, there will be increased cross-border cooperation from the community to the government level towards enhancing joint peace structures as well as exchange of perpetrators.

5) Environmental Conservation

There will be rigorous implementation of the existing frameworks on environmental conservation that will reverse levels of degradation and increase the availability of quality and quantity environmental resources, hence eliminate the conflicts over diminishing resources. Engaging in sustainable environmental practices will regenerate renewable resources such as forests and water catchment areas resulting in a healthier environment with sufficient resources resulting in reduced chances of conflict.

Lastly, there will be improved access and shared usage of environmental resources due to availability of these resources both in quality and quantity.

Chapter **THREE**

Conflict Prevention, Management and Resolution

Recommendations and Actors

Given the discussed scenarios, this study makes recommendations focusing on strategic areas of relevance. These target policies and actors that are of significance to addressing identified causes of conflict across the thematic areas.

| Key Thematic Recommendation/ Finding | Implementation | Main Actors | Intended Impact |
|---|--|--|---|
| Security | | | |
| Advocacy on the enactment and implementation of peace and security related policies such as the peace policy, small arms policy, IDP policy etc. The need to have a comprehensive document that analyses security related matters is vital in order to respond to the multi-faceted needs of the Kenyan people. | Government/ Community Driven Process. | <ul style="list-style-type: none"> Office of the President Internal Security and Provincial Administration, NSC, Foreign Government Aid Agencies, PPF, DPCs, CSOs. | Holistic approach to security through the development of community friendly mechanisms that enhance community ownership. |
| Harmonize and sustain formal institutional arrangements for cooperation between civil society and government on issues of peace and security. The need to harmonise arrangements among key stakeholders gives synergies for cooperation and institutionalised frameworks that are acceptable across board. | Cooperation, transparency and coordination between security agencies and CSOs. | <ul style="list-style-type: none"> CSOs, Security Apparatus, Provincial Administration. | Development of harmonized and coordinated initiatives to address conflict by enhancing linkages between security agencies and CSOs. |

| Key Thematic Recommendation/ Finding | Implementation | Main Actors | Intended Impact |
|---|--|--|--|
| Fast-track security sector reform to strengthen responsiveness and accountability of security forces. It is fundamental that reforms are carried out consistently and with comprehensive public participation. | Periodic audit of the police reforms process. Advocacy for adherence and reviews. | <ul style="list-style-type: none"> • Police Reforms Implementation Committee, • Police Service Commission, • Police Oversight Committee, • OP Ministry for Prov. Admin. & Internal Security. | To ensure that the on-going police reforms aim to conform to universal security provisions. Creates a secure and enabling environment for all Kenyans. |
| Legal | | | |
| Sensitize the formal judicial system to the particular challenges raised by conflict in Kenya vis-à-vis the judicial process. The disengagement between formal law and the society that it ought to regulate must be addressed by enhancing the relationship between the Judiciary and other non-legal peace actors. | Training judicial officers focused on the nature of conflict in Kenya. Conversely, training of non-judicial peace actors on the access to and outcomes of judicial processes. | <ul style="list-style-type: none"> • Judiciary, Judicial Service Commission, • KMJA, • LSK, • CSOs, • NSC. | A judiciary which provides relevant and effective avenues for the mediation and resolution of conflicts across the country and improved linkages between judicial and non-judicial conflict actors. |
| Strengthen and engage with traditional structures with particular attention to their strengths, weaknesses and contradictions with the formal legal regime. Strengthen the currently institutionalised community frameworks by anchoring them in the law and hence increasing the enforceability of their decisions. | Debating, rationalising and reconciling principles of customary law anti-ethical to principles contained in the Constitution and other legislation; Creating linkages and harmonization between the various customary mechanisms to foster inter-community cooperation in conflict management. | <ul style="list-style-type: none"> • Traditional Structures, • CSOs, • LRC, • KNCHR, • NCIC, • LSK, • The Judiciary. | Increased effectiveness of local/community/customary structures through recognizing their central role in conflict mediation and resolution; Legally entrenched and mandated local structures that enhance access to justice and dialectically complement the judicial system. |
| Creation of a framework for the operation of CSOs engaged in conflict management to enhance monitoring, coordination and accountability at the national and local levels. Some common level ground need to be created in the country to manage and coordinate the operations of CSOs. | Creation of a national strategy and policy focused on the operations of CSOs in conflict management. | <ul style="list-style-type: none"> • CSOs, • NSC, • The NGO Council, • The Judiciary. | Activities of CSOs complimenting and working in tandem with other judicial and non-judicial actors. Enhanced effectiveness and sustainability, as well as promoted use of peace agreements and declarations across the country. |

| Key Thematic Recommendation/ Finding | Implementation | Main Actors | Intended Impact |
|---|--|--|--|
| Access to regional structures should be enhanced not only to hold the state accountable under its international obligations, but also in recognition of the fact that conflict is a regional phenomenon in many parts of Kenya and facilitating regional structures will enhance effective conflict resolution both within and across the border. | Create regional forums to bring together non-legal conflict management structures from both jurisdictions to discuss collaboration. Enhance access to regional judicial structures by lobbying the government as well as informing the public on the access options for redress. | <ul style="list-style-type: none"> • Judiciary; • Provincial Administration • Ministry of Foreign Affairs, • EACJ, • AU • Judicial structures, • CSOs, • NSC. | <p>Accessible regional judicial and non-judicial structures that play a central role in addressing cross border conflicts. A coordinated interstate response to shared conflict concerns.</p> <p>An additional avenue for redress, particularly in regard to state failure, to honour its international obligations.</p> |
| Socio-Cultural | | | |
| Strengthen the role of NCIC by enhancing partnerships with community based actors to sustain the core shared national values of integration and cohesion. This study emphasizes the optimal utilization of this diversity both as our strength and the foundation for co-existence. | Coordinating with and enhancing the capacity of the NCIC highlighting the contribution of ethnicity to conflict. | <ul style="list-style-type: none"> • NCIC, • NSC, • CSOs. | To enhance the capacity of the NCIC to facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of different ethnic and racial communities and thereby address a structural cause of conflict in Kenya. |
| Encourage public dialogue forums, social exchange programs and peace education as higher levels of social interactions in any society enhances the efficacy of grassroots' conflict mediation and resolution. | Locally situated workshops, dialogues, programs and other community conversations on peace and conflict. | <ul style="list-style-type: none"> • Traditional structures, • CSOs, • DPCs. | To prevent conflicts by enhancing local capacities to mediate and resolve conflict. The effectiveness of day to day disputes prevents escalation of these disputes into wider conflicts. |
| Promote awareness on constitutional provisions for representation of youth and women in all decision making levels including conflict management structures. | Wider stakeholder involvement in decision making processes fostering community ownership collective responsibility. | <ul style="list-style-type: none"> • CSOs, • LSK, • FIDA, • YDF, • Ministry responsible for Culture, Social Services and Youth Affairs, • NCIC, • The Judiciary, • DPCs, • CPF. | As women and youth are key conflict actors, increased youth and women involvement in decision making regarding conflict management interventions, enhances conflict resolution by incorporating a wider spectrum of perspectives. |

| Key Thematic Recommendation/ Finding | Implementation | Main Actors | Intended Impact |
|--|---|---|--|
| Political | | | |
| <p>Strengthen the performance and independence of the registrar of political parties to implement the relevant laws to the letter.</p> <p>Political parties and the politicians heading them over time have mishandled the trust the people of Kenya had in them. The political parties have acted differently from what they promised to do in their manifestos; hence there is need to institutionalise the order of operations by the political parties.</p> | <p>Legislative process to align the Act to the new constitution;</p> <p>Policy dialogue forums on strengthening democracy</p> | <ul style="list-style-type: none"> • The legislature • Political parties, • Registrar of Political Parties • IEBC, • NCIC. | <p>Having a strong registrar of political parties will empower the office and enable it rein in rogue parties.</p> <p>Stronger parties espousing nationalistic ideals will be building blocks for nation-building and truly nationally representative politics.</p> |
| <p>Fast-track the establishment of an IEBC that will independently and professionally discharge its mandate. The ECK bungled elections, and it wasn't truly independent hence contributed to a political crisis. The electoral malpractices and open anomalies destroyed the processes and eroded the people's faith and trust. To restore the confidence in people over this institution, a people-driven process is vital.</p> | <p>Lobbying for a truly independent IEBC;</p> <p>Transparent legislative process;</p> <p>Civic education on the new body and its roles and those of voters.</p> | <ul style="list-style-type: none"> • Legislature, • CSOs, • Media. | <p>An independent and modern IEBC will guarantee the sanctity of the ballot through transparent, free and fair electoral processes.</p> |
| <p>Design a collaborative mechanism for guaranteeing citizenship rights to all Kenyans in order to secure voting rights. In this light, educate the public on the Bill of Rights in the new constitution.</p> | <p>Legislative process;</p> <p>Awareness rising on bill of rights and citizenship rights.</p> | <ul style="list-style-type: none"> • Legislature, • Civil Society, • The Media. | <p>The fundamental human rights enshrined in the constitution such as freedom of expression and freedom of association as well as citizenship rights will be realized nationally</p> |
| Environmental | | | |
| <p>There is a strong need to highlight the contributions of environmental factors to conflict since these important and significant challenges have yet to receive sustained consideration in conflict management circles.</p> <p>There is an urgent need to ensure and improve effective implementation of environmental conservation policies and initiatives; placing particular emphasis on the relationship with conflict. This is also supported by Chapter 5 of the Constitution.</p> | <p>Prosecution of environmental crime; civic education and workshops involving the range of conflict actors towards sensitizing policy and practice in regard to conflict management.</p> | <ul style="list-style-type: none"> • The Judiciary, • NEMA, • NSC, • KWS, • National Environmental Tribunal and Council, • DPCs, • CPF, • CSOs. | <p>Increased public awareness on the Environmental Management and Coordination Act, the subsequent regulations and active litigation of cases on environmental crime.</p> <p>Growing recognition of environmental factors that contribute to conflict and cross-sectoral engagement on environmental issues.</p> |

| Key Thematic Recommendation/ Finding | Implementation | Main Actors | Intended Impact |
|---|---|---|---|
| Economics | | | |
| Economic factors such as poverty and unemployment significantly trigger and cause conflict. The creation and implementation of sound fiscal policy, with particular focus on marginalised groups and areas, can therefore address this finding. Further, holding the government to task under the Constitution regarding measures taken to address the socio-economic conditions of Kenyans can form a strong tool for positive action. | Comprehensive implementation of the Vision 2030 and Medium Term Plan (2008-2012); Litigation before the courts interrogating the government's performance in this regard. | <ul style="list-style-type: none"> • Vision 2030 Secretariat, • National Economic and Social Council, • Government, • Judiciary, • CSOs. | Structural causes of conflict that engender conflict such as poverty and unemployment are actively mitigated and addressed. |
| Advocacy for the implementation of the devolved funding framework by the Commission on Revenue Allocation; enhance the realisation of the socio-economic rights as contained in the Bill of Rights in the new Constitution; Implementation of all natural resource-based management policies to bring harmonious ownership, productivity and utilization of the natural resources in the country e.g. land, water, minerals. | Legislations; Lobbying the Commission on Revenue Allocation. | <ul style="list-style-type: none"> • Government, • NSC, • County governments, Commission on Revenue Allocation, • CSOs. | Addressing regional inequalities in development and guaranteeing socio-economic rights. |

Plenary Responses

Other Areas and Possible Interventions

Conflict Prevention Management and Reconciliation Strategy

a) Political

- Strengthen party systems through the Political Parties Act, 2011 and the Registrar of Political Parties ensuring that the Act is enforced;
- Parliament should fast-track the enactment of the Independent Electoral and Boundaries Commission;
- The Judiciary, Kenya National Commission on Human Rights (KNCHR) and the other relevant institutions should ensure protection of citizenship rights.

b) Security

- Parliament should fast-track the enactment of the Security Sector Reform Acts and the Executive should also implement peace and security policies;

- NSC should continue to harmonize and sustain Government/CSOs cooperation.

c) Economic

- Treasury should create and implement a sound fiscal and monetary policy;
- There is a need for the Attorney General to litigate on violators of socio-economic rights;
- There is need for Treasury to devolve the management and funding systems;
- Implement natural resource management policy.

d) Socio-Cultural

- There is need to strengthen the NCIC by amending the Act governing its operations;
- Various government ministries and departments should encourage public dialogue forums so that they are able to get more participation particularly on peace and security issues;
- Involve CSOs and other stakeholders in promoting awareness on the new representation requirements contained in the Constitution of Kenya, 2010.

e) Legal

- The State Law Office should enhance conflict sensitivity within the formal legal system when drafting new laws and revising existing ones;
- NSC should strengthen and engage traditional/community structures;
- Create a framework to coordinate CSOs efforts in conflict resolution;
- Promote regional legal and administrative engagement.

f) Environmental

- The school curriculum should be re-designed to promote civic education on environmental conflict;
- Prosecute environmental crimes.

Conclusion

The study examined conflicts in Kenya on the basis of six relevant variables namely political, security, legal, economic, socio-cultural and environmental dimensions of conflict. These provided the key discussion themes. The subsequent discussion around these variables was intensive with useful suggestion to help understand these dimensions and more importantly apply them.

Application was informed by an attempt to set worst and best scenarios illustrate the implications and significance of getting it right. The recommendations have been matched with possible actors that integrate all in the peacebuilding community, humanitarian agencies, electoral body, security and law enforcement agencies, private sector, peace committees, state and regional players. The task, without doubt, now shifts to implementation.

Annex

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A Peace Resource Organisation

