

# Conflict Management and Disaster Risk Reduction:

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## *A Case Study of Kenya*

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This report is the result of a collaborative effort between the Feinstein International Center at Tufts University, the Kenya Red Cross Society and the Nairobi Peace Initiative-Africa. The research team consisted of the following individuals. Kenya Red Cross: Ahmed Idris and Nicholas Odoyo. Nairobi Peace Initiative-Africa: Peter Maruga and Nahashon Kariuki. Feinstein International Center: Daniel Maxwell, Anastasia Marshak and Simon Richards. All members of the team contributed to the writing of the report.

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## Table of Contents

Acronyms .....	4
A. Introduction.....	6
B. Background on Kenya.....	7
Rationale for a Case Study focusing on Kenya .....	8
Linkages between Livelihoods and Conflict .....	11
Summary .....	13
C. Methodology .....	14
Limitations .....	15
D. Conflict Management and DRR: A Programming and Policy Separation? .....	16
Separation in Conflict Management and DRR Programming .....	16
Overlap in Conflict Management and DRR Programming .....	19
Summary .....	21
E. Actors and Activities in Conflict Management in Kenya .....	23
Examples and Impact of Activities .....	24
Constraints to Conflict Management Programming.....	33
Summary .....	35
F. Case Study – 2013 Kenya Elections .....	36
Factors that Prevented Conflict in 2013 .....	36
Summary .....	44
G. Conclusion and Recommendations for Practice and Research.....	45
H. Annexes.....	53
Annex 1: Background and Conflict Analysis for Isiolo and Burnt Forest.....	53
Annex 2: Land Policy in Kenya.....	59
Annex 3: Types of Conflict Management Activities in Kenya .....	64
Annex 4: Definitions and Terminology.....	67
I. End Notes .....	73

## Acronyms

ASAL	Arid and Semi arid Lands
ALRMP	Arid Lands Resource Management Project
CBO	Community Based Organisation
CEWARN	Conflict Early Warning and Response Mechanism
CIPEV	Commission of Inquiry into Post Election Violence
CJPC	Catholic Justice and Peace Committee
CSO	Civil Society Organization
DSG	District Steering Group
ECK	Election Commission of Kenya
ECOS	European Coalition on Oil in Sudan
FIC	Feinstein International Center
GIEWS	Global Information Early Warning System
GoK	Government of Kenya
ICC	International Criminal Court
IDP	Internally Displaced People
IBEAC	Imperial British East Africa Company
IEBC	Independent Electoral and Boundaries Commission
INGO	International NGO
IREC	Independent Review Committee
KFSSG	Kenya Food Security Steering Group
KNFPSAL	Kenya National Focal Point on Small Arms and Light Weapons
KRC	Kenya Red Cross
MCK	Media Council of Kenya

M&E	Monitoring and Evaluation
NCIC	National Cohesion and Integration Commission
NCMA	National Conflict Mapping and Analysis
NDMA	National Drought Management Authority
NGOs	Non Government Organisations
NPI	Nairobi Peace Initiative
PC	Peace Committee
DPCs	District Peace Committees
LPC	Local Peace Committee
NCIC	National Cohesion and Integration Commission
NSC	National Steering Committee
ODM	Orange Democratic Movement
OFDA	Office of Foreign Disaster Assistance
TJRC	The Truth, Justice, and Reconciliation Commission of Kenya
TNA	The National Alliance
UNDP	United Nations Development Program

## A. Introduction

The literature and the practice of disaster risk reduction tend to be overwhelmingly concerned with the prevention, mitigation and reduction of risk of natural hazards. Yet at the local community level, people face the risk of both natural disasters and man-made crises, and they recognize both kinds of risk. In terms of policy and practice, dealing with these two categories of hazards is often rather separate. In institutional terms, both national governments and various international and non-governmental agencies often attempt to address both sets of concerns—conflict and natural disasters—but often in very separate ways. And much of the emphasis on conflict is not necessarily on risk reduction, but rather on responding to conflict once it has erupted, or on recovery (and in many cases, on stepped up law enforcement). Prevention or mitigation of conflict has not received the attention that prevention or mitigation of a “natural” disasters has.

In recent years, there has been a major emphasis on reducing the risk of disasters. Some organizations have set a goal of allocating 10% of funding for disaster response specifically for prevention and risk reduction, but this spending is devoted to the reduction of natural risks.<sup>1</sup> However, the actual allocation of funds for humanitarian response goes disproportionately into emergencies caused by conflict. Total humanitarian assistance to non-conflict emergencies has remained relatively static at about \$2.0-2.5 billion per year over the past decade, while funding for conflict emergencies went from about \$3 billion in 2000 to over \$7 billion in 2008.<sup>2</sup>

Many—some evidence suggests most—humanitarian disasters today are triggered by some combination of factors, both “natural” and “human-made”. Indeed, it is the combination of factors behind any given humanitarian emergency that makes the separation of risk reduction mechanisms not only counter-intuitive, but potentially also undermines an integrated approach to prevention and mitigation generally. There is thus some rationale in investigating the way in which various risks are mitigated. In 2012, out of a total of 34 countries reporting humanitarian crises requiring external assistance to the UN Food and Agriculture Organization Global Information Early Warning System (GIEWS), ten of these were conflict related situations, and 15 were a mix of conflict and natural hazards. Only nine were the result of natural hazards alone. This highlights two points: first, the role of conflict as a causal factor in the predominant number of disasters: and second, the likelihood of overlap between different causal factors.<sup>3</sup> Nevertheless, in many countries and international organizations, disaster risk reduction and conflict prevention/conflict resolution/ peace building have been handled quite separately, even though both are related to incidence of humanitarian emergencies and the requirement for response.

In this report we explore the links between disaster risk reduction and conflict prevention, with a specific focus on Kenya. The overall objective is to develop a livelihoods approach to understanding and reducing the risk of households and communities who have been, or are likely to be, affected by disasters. Conflict is linked to livelihoods through both cause and effect pathways, but the linkages between conflict mitigation and disaster risk reduction at the level of policy and program are limited.

This study seeks to understand those linkages at the community level, and strengthen the policy connections.

Specifically, the research was organized around three questions. The first question seeks to understand why conflict management or conflict mitigation tends to be institutionally separate from (natural) disaster risk reduction and livelihoods protection more broadly. This question was addressed in the specific context of Kenya, but also more globally. The second and third questions are much more specific to the Kenya case study. The second question seeks to understand the institutional form that much of the peace-building or conflict resolution work has taken in Kenya—that of the *local peace committee* (LPC), or similar kinds of interventions at the local level, often growing out of civil society activism, but which has now been adopted by government in the form of *District Peace Committees* (DPCs). The third question seeks to understand the extent to which “peace-building” measures of a number of different types can actually be shown to have reduced the risk of conflict, or increase the capacity of affected communities to manage, resolve and transform conflict—and, critically, to understand how reducing these risks impacts people’s lives and livelihoods.

## **B. Background on Kenya**

Kenya is a country that faces multiple hazards. Drought has been the dominant hazard, affecting large parts of the country in 2000, 2005-6, 2009 and 2011. Floods and other natural disasters have been a frequent occurrence in some parts of the country. Conflict and human-made crises are also present, both pastoral and election-related violence are common forms of conflict in Kenya. In the aftermath of very closely contested elections in 2007 (the results of which, many observers and citizens thought, were not adequately verified) there was widespread violence, killing and displacement and the destruction of livelihoods that accompanied these. There had been election-related violence in Kenya before, but the extent of the violence in early 2008 was unprecedented. Over 1,000 people were killed, with estimates of the number of people displaced running as high as 300,000-400,000.

The threat of drought-related emergencies is recurrent—as convincingly demonstrated by the 2010-2011 drought and subsequent regional emergency. It was widely feared in some quarters that the 2013 elections may see a repeat of violence, however due to a variety of reasons explored in this report, the elections were relatively peaceful.<sup>4</sup>

Kenya has long had a well-organized disaster risk management system in place – the Arid Lands Resource Management Project (recently reconstituted as the Kenya National Drought Management Authority, NDMA). ALRMP focused on response to multiple hazards, including a historical focus on food security responses to drought through the Kenya Food Security Steering Group (KFSSG)—one of its components. Another government body – the National Steering Committee on Peace Building and Conflict Management – fulfills a somewhat similar function with regard to conflict. This office serves formally at the CEWARN unit for Kenya (Conflict Early Warning and Response Network project – is officially run by IGAD, but with national ownership and participation). CEWARN focuses mostly on early warning, with some effort on response, but not so much on prevention or mitigation. Furthermore, since 2008, many civil society groups have emerged to join a small number of long-standing

organizations concerned with peace and conflict resolution in Kenya. These organizations are promoting civic education, conflict prevention and conflict resolution at the local level to give people the tools to try to prevent violence at least at a local level.

Below, we discuss in greater detail the rationale for choosing Kenya as a case study, the type of conflict and source of conflict in our two research sites Burnt Forest and Isiolo Triangle, as well as the linkages between conflict and livelihoods.

### **Rationale for a Case Study focusing on Kenya**

A significant humanitarian emergency resulted from the conflict in 2008. On-going response to the humanitarian crisis was included in the 2008 and 2009 CAP Appeals and in the 2010 Appeal for people remaining in transit sites. The cost of response was significant. The CAP Appeal for 2011 recognized on-going conflict threats and their implications for response, but conflict threats were incorporated into official preparedness and mitigation activities only in very limited ways. In the run-up to the 2013 elections, preparations were made to respond to a potential humanitarian crisis in the event of election-related violence. Numerous agencies had prepared for and had taken steps to reduce the threat of conflict, including the government, international donors, local and international NGOs, and civil society groups. Many of the civil society organizations were new and did not have any direct experience in either the humanitarian response to the conflict or other longer-term poverty reduction. Many of these approaches weren't well connected to risk management mechanisms, and the links between conflict and livelihoods were not being made very well.

This research deliberately looks at livelihood assets that risk management programs seek to improve on or build, in particular human, social capital. While the focus in many risk management programs is on financial, physical and natural assets, this case study focused explicitly on community institutions and building social capital to manage and reduce conflict risks. One of the institutions developed in pastoral areas to help manage conflict is the Local Peace Committee (LPC). LPCs were introduced in pastoral areas affected by conflict in the 1990s by civil society activists and organizations, and were introduced in areas affected by post-conflict violence in 2008 with varying degrees of impact in the short term. But these have been strengthened in the period between 2008 and 2013. Various programs have introduced other capacity building measures. Assessing these institutional and capacity innovations will be important to future conflict risk management efforts.

The report considers two cases in Kenya: one in the Isiolo Triangle where much of the conflict is over natural resources and therefore has a direct link with natural disasters; the other in Burnt Forest, which experienced widespread conflict in the 2007-08 post election violence, and where much investment was made to prevent the breakout of violence in the 2013 presidential election (For more details on the background and conflict analysis of the two case studies, please refer to Annex A).

In Isiolo, the main manifestation of conflict traditionally was cattle rustling, banditry, and border grazing disputes. However, since the introduction of multi-party democracy in Kenya, the conflict in Isiolo has taken a political rather than traditional/cultural angle with high levels of political incitement (See Box 1).



### Box 1: Political Alliances and Conflict in Isiolo

One of the parliamentary candidates for the Isiolo North constituency seat for the 2007 General Elections came from the Turkana community. The seat traditionally belonged to the Borana community and when the Turkana candidate lost the seat by only a few thousand votes this led to increased tensions between the different ethnic communities in Isiolo, resulting in an upsurge of conflicts. Some of the conflicts manifested themselves in the more traditional form of cattle rustling, but were clearly a result of the possible upset by the Turkana candidate.

The Conflict Analysis Committee, a sub-group of the National Steering Committee on Peacebuilding and Conflict Management was commissioned to explore the conflict in the Isiolo triangle. In their report “Amani Papers – Conflict Dynamics in Isiolo, Samburu East and Marsabit South Districts of Kenya” the team established that alliances were being formed. The Samburu and Rendille community were also supporting the candidate from the Turkana community, while the Borana candidate had the support of the Somali and Meru community. These political alliances were formed purely on ethnic lines rather than policy concerns. Even though the manifestation of these political alliances were in the form of “traditional” conflict such as cattle rustling and other banditry, this was not conflict over scarce natural resources but rather over political seats, and the cattle rustling was seen as a means to “punish” the different ethnic communities for their alliances.

*Source:* UNDP Kenya (2010) “Amani Papers – Conflict Dynamics in Isiolo, Samburu East and Marsabit South Districts of Kenya” *Amani Papers, Volume 1 (3), June 2010*

Since introduction of multi-party politics in 1992, the communities were motivated by gain of political power, making the conflicts deadlier and more difficult to resolve. During the period of this research, bouts of violence were witnessed in Isiolo and the neighboring Marsabit County (Moyale), which was linked with the perceived importance of controlling power devolved to the County level and the accompanying community tensions (See Box 2). Another source of future conflict in Isiolo is the Vision 2030 projects in which Isiolo has been named a resort city—a flagship project in the overall national plan. This has intensified competition over land and other resources as speculators bet on a rapid increase in the price of land close to the city.

## Box 2: Moyale Conflict Dynamics

Long-standing tensions between the Borana and the Gabra communities of Moyale District since October 2011 finally escalated into a fully-fledged conflict from mid-January 2012 with the two communities engaging each other in a battle of gun shots, burning down of houses and destruction of property perceived to belong to the rival community. In total 48 people lost their lives and thousands displaced.

The Kenya Red Cross facilitated community conflict resolution sessions with the leadership on both the Borana and the Gabra and also included other communities residing in Moyale who had a hand in the conflict. For example, the Borana were of the opinion that the Burji could not be arbitrators in the conflict, since the Burji have had conflict with the Borana that had not been resolved. However, the Gabra argued that the fear of the Burji was not about conflict with the Borana, but the fear maintained by the Borana that the minority communities of Gabra, Rendille and Burji could unite against them politically and vote them out of power. In deed at the time of the peace discussions, the Burji and Gabra accepted that they were in the process of establishing a political pact with the Rendille as against the Borana.

During the negotiations it was also observed that the Borana and Gabra in Isiolo live harmoniously and do not fight amongst themselves even though there is an issue of insecurity on the ground. Some of the community leaders argued that this shows that the Borana and Gabra do not have a “natural dislike” for the other but rather blamed the problems in Moyale on the preparation for the county elections. Historically clashes were witnessed between the two communities over resources, this was of low scale with minimum number of deaths reported. In fact, both the Borana and Gabra leaders agreed that this was the “first time” that bodies of dead people were mutilated and children targeted, showing that the goal of the conflict was not acquiring resources in the short run but intimidation in order to have greater control in the long run via the political system.

The Gabras argued that the Borana initiated the conflict when the Gabras announced their candidate for the position of County Governor. On the other hand, the Borana believe that the Gabra political elite are financing the conflict in order to displace Borana voters. The negotiations also examined who, or more broadly what ethnic group, controls public offices such as the District Register of Persons in Moyale, the office in charge of issuing National Identification Cards, a requirement for voter registration. At the request of the Gabra community, the government replaced two individuals of Borana origin who worked at the office, claiming an unfair advantage for the Borana community in the elections. The Borana in turn refused further negotiations until the two members of their community were reinstated.

The more violent manifestation of the conflict and its political basis points to a transformation of conflict in Isiolo more closely resembling the politically instigated violence witnessed in the Burnt Forest area around the 2007/8 election season.

Conflict in Burnt Forest revolves mainly around electoral issues. During election periods, politicians with the aim of maximizing on their votes and reducing votes to opponents engage in parochial politics of incitement and ethnicity. The combination of poverty, frustration and general deprivation in the population makes it easier for manipulation along ethnic divides. This resulted in localized clashes in both 1992 and 1997 and in widespread violence, displacement and killing in early 2008 after close and disputed national elections. But the election violence is rooted in historical patterns of land alienation, migration and natural resource ownership.

These two case studies allow us to explore different conflict dynamics and the related peacebuilding and livelihood programming. In Isiolo, the presence of pastoral conflict, allows us to look at possible links between natural disasters and conflict. While the 2013 elections led to more direct questions in both Burnt Forest and Isiolo about exploring conflict as a disaster.

### Linkages between Livelihoods and Conflict

Land is a critical issue in both Isiolo and Burnt Forest and inseparable from livelihoods for the majority of Kenyans.

*“As for the vast majority of the Kenyan rural population, land is the basic, and often only, economic resource from which they eke a livelihood and it is also around land that socio-cultural and spiritual relations among community members are defined and organized.”<sup>5</sup>*

Land is also a major source of conflict, precisely because its close links to livelihoods. Appropriation of land was seen as a motivating factor in much of the 2007/8 violence in Burnt Forest. For example, after many of the inhabitants of Rironi farm in Burnt Forest relocated to Central province due to the violence, it was reported that the farm was taken over by Kalenjin farmers and renamed Kaplalech.<sup>6</sup>

In the pastoral areas, competition for resources is also a leading cause of conflict—both pasture and water for livestock. Livestock production is the primary livelihood strategy in the arid and semi arid lands (ASALs). Livestock production accounts for 26% of total national agricultural production and over 70% of the country’s livestock and 75% of wildlife are in the ASALs.<sup>7</sup>

Increased scarcity of arable land, due to droughts and demographic pressures, has contributed to civil violence, including insurgencies and ethnic clashes.<sup>8</sup> Pastoralists move from one place to another according to rain patterns in search for the scarce resources for their livestock. These movements occasionally take them and their livestock into other communities’ territories and if the rules of entry and sharing among the communities are not observed, conflicts erupt. During more severe droughts, as the number of available pasture and sources of water diminishes pastoralist communities are forced to congregate in fewer and fewer places, increasing the likelihood of conflict. By the same token, fear of conflict may prevent the rational usage of resources in remote areas if security of human beings and

livestock cannot be assured or negotiated (See Box 3). Any environmental decline is also closely linked to declining economic prospects as livelihood assets become less productive.

During droughts, pastoralists are mainly faced with two processes that adversely affect their capacity to support themselves and effectively raise the minimum herd numbers required to maintain their households: they face losses in their livestock capital from higher mortality rates and are forced to sell off their cattle rather than face losing them to starvation. This adversely affects their terms of trade and purchasing power, leading to serious livelihood implication. Due to the reduced purchasing power, periods of “restocking” are characterized by raiding other communities for cattle, and hence can result in conflict.

### **Box 3: Natural Resource Management and Conflict Prevention in Ilaut**

In February/March 2011, as the Horn of Africa drought began to really bite in arid and semi arid areas of northern Kenya, the study team visited Meru and Isiolo districts. In both districts, government officials and local peace committee leaders were concerned about the increasing levels of violence as competition for scarce grazing and water resource worsened with the drought. Animals owned by various different pastoralist groups from Isiolo were increasingly encroaching on farmland in Meru, and indeed animals owned by farmers in Meru were also increasingly deprived of adequate grazing and water. Major livestock losses loomed for both groups, and crops failure was eminent for Meru farmers.

In both locations, local peace council members told the study team about several well known locations in the area of Ilaut where reliable sources of water enabled access to considerable grazing resources that had, to that point, remained under utilized—and hence perhaps offered possibilities for dry season grazing and perhaps even the means to protect large numbers of animals from the effects of the drought. However, livestock herders from both districts were afraid to go to Ilaut, because it was an insecure area, and there was no way to guarantee their own safety or that of their livestock. From an individual risk management perspective, it was preferable to keep livestock closer to areas of known security risks—and accept some losses due to the lack of grazing and water—than it was to take animals to an area with known water and grazing resources but risk the loss of large numbers of animals, or perhaps whole herds.

At the time of the visit, District and Local Peace Committees from both Isiolo and Meru were trying to convince the police to send their Anti-Livestock Theft Unit to the area to provide security, or else negotiate an agreement among various different livestock owning communities to share the grazing area equitably. But the fear of commercialized cattle rustling required more than just an inter-communal agreement. Several months later, there were unconfirmed stories that the efforts of the DPCs had not been successful. Livestock losses during the drought in Kenya were substantial—precise figures on Isiolo and Meru were not known.

*Source: Interview Notes*

Declining economic prospects has contributed to the commercialization of cattle raiding and pastoral conflict as a source of livelihood. One of the reasons for raiding used to be the need of restocking. Thus raiding was generally seen as a cyclical process in which groups in a restocking phase raided enemies that happened to be currently better off.<sup>9</sup> However commercialization of raiding, coupled with a larger

availability of arms in the ASALshas had negative consequences on the region's stability. It also removes the risk management component that traditional raiding implied. Due to commercialization, raiding has been divorced from land and labor availability and excludes reciprocity, as cattle sold in the market cannot be raided back.

Environmental degradation and resource scarcity and their impact on livelihoods interact in a complex fashion with political and economic forces and can increase existing horizontal inequalities or create new ones. Declining land quality or availability, erosion, and lack of access to clean water for livestock all have a detrimental impact on livelihoods and increase inequality, which can breed unrest and conflict.

*“Egregious land inequity (e.g., the district percentages of both landless population and large farm holdings are in the top 15th percentile nationwide) estimates an increase of roughly 73 casualties against constituencies with land inequity comparable to the national average.”<sup>10</sup>*

Inequitable access to common resources that are important to livelihoods—or even just the perception of inequitable access—is a source of conflict. The presence of fluid boundaries and territorial claims by different ethnic groups leads to numerous clashes. Much of the land in Isiolo is trust land, which means the Isiolo County Council manages it. The Council is responsible for controlling settlement and the processing of title deeds to the population; however the Council has been accused of favoritism and multiple allocations, as well as the privatization of formerly communally used pastures. The resulting tenure insecurity as well as the squeeze on commonly available pasture has heightened different community claims over territorial boundaries and historical claims of marginalization. This sense of victimization in turn makes practically all groups easy prey for political manipulation. Land issues are very easy to instrumentalize in the context of polarized relations between ethnic groups when political leaders are involved in a power struggle.

## Summary

Kenya is highly prone to drought and flooding. Along with natural disasters, election violence has been endemic in Kenya mainly following the introduction of the two-party system in 1991. Conflict in pastoral areas is frequently associated with resource access, exacerbated by drought or other acute events that sharpen competition. Over the years it has been exacerbated by proximity to national boundaries and the flow of small arms from neighboring countries. However, much of the pastoral conflict has started to transform into more political conflict, as groups vie to have a representative of their ethnicity in a seat of power.

Due to Kenya's proclivity to natural hazards and conflict, it has numerous organizations designed to work on disaster and conflict management. The structure of many of these organizations in Kenya (as elsewhere) is similar: organizations often have units or teams working on conflict resolution or peace building, on humanitarian response, and on disaster risk reduction—but these groups are often quite “siloed” and working relatively autonomously from each other, and not necessarily working towards the same goals in the same place.<sup>11</sup> Similar language is used to describe similar activities, but the activities themselves are rarely joined up or part of the same strategic plan. There is also a wide range of civil

society actors engaged—one leading expert estimates that 3,000 organizations working on “peace building” have emerged since 2007.<sup>12</sup>

Many of these groups have not made linkages to livelihoods issues. Yet there are both cause and effect linkages between conflict and livelihoods. The “backward” (causal) link is mainly the land issue, but the land issue is complex, with its history dating back to the colonial era, and its outcomes linked with the question of identity and power (for a more detailed description of the land issue please refer to Annex C).<sup>13</sup> The obvious “forward” (impact) link – in addition to the loss of life – is the loss of livelihoods through displacement, but also through the destruction of informal sector businesses during the violence, particularly in cities and peri-urban areas. But even the fear of conflict undermines rational usage of scarce natural resources in times of drought, so even the threat of violence can undermine rural (and especially pastoral) livelihoods. In this report we will explore to what extent are organizations making linkages between livelihoods, conflict, and natural hazards and whether those linkages affect overall programming impact in Burnt Forest and the Isiolo Triangle.

### C. Methodology

The study is based on two different forms of information. An extensive literature review was undertaken to understand the land and natural resource management issue, conflict management processes, and the history of violent conflict in Kenya. Key informant interviews were conducted with a wide range of stakeholders, including a number of global experts, donor agency officials and agency staff to understand the relative separation of conflict and natural disaster risk management. And field interviews were conducted with community members, community leaders, local government officials and agency workers. Interviews were carried out in a joint collaboration between the Feinstein International Center at Tufts University, the Kenya Red Cross Society, and Nairobi Peace Initiative-Africa. Interviews took place between February 2010 and June 2012 at the national level, and locally in Burnt Forest and Isiolo, Kenya. These site visits were carried out as follows:

- Meetings with key informants government representatives, NGO leaders, community leaders concerned with peace and conflict issues in the study areas; and victims of violence;
- Visits to IDP camps and communities to conduct individual and group formal and informal interviews and recording these through handwritten notes;
- Debriefing sessions to discuss the main observations and emerging findings by the research team and, finally;
- Analysis and validation of findings with research team.

This field work was supplemented by additional research carried out in 2013 following the elections. This follow-up research assignment focused on understanding the way in which interventions did or did not play a role in mitigating, preventing, resolving or transforming violent conflict in anticipation of the 2013 election.

Using purposive and snowball sampling procedures, informants interviewed by the study team were always asked if they knew anyone with specific knowledge or experience of conflict and conflict

management in the area. This person was then subsequently contacted. Interviews were conducted using an open-ended qualitative protocol. Key informants included individuals from the Government, NGOs and local civil society organizations, local and district peace committees, local community leaders as well as and community members and internally displaced people (IDPs) in each study area. These categories were selected based on their knowledge and involvement in peacebuilding initiatives in the areas and included those who were affected by the conflicts. Focus group interviews with up to 10 people at a time were conducted. In all places representation in terms of ethnicity, gender and age was also considered. In addition to key informants and global experts, some 150 people were interviewed in the two locations prior to the election with an additional 50 following the election. In addition, members of the study team have been involved in various peace building initiatives or, in some cases, negotiations over inter-communal conflicts. This direct experience and the observation it permitted of conflict dynamics and the potential for conflict management informed the design and conduct of the study.

Narratives were obtained (or observed) that gave information on the perceptions and experiences of informants about issues related to violence, its causes and mitigation, peace interventions and their impact and suggestions on ways forward. Information was also sought concerning their livelihood activities, their views on changing political conditions, how they were affected and how they coped with and adapted to violent conflicts and evictions.

### Limitations

One of the study limitations was restriction to access. Especially in Isiolo, the state of insecurity was such that mobility of the researchers was restricted to the town and its close environs because of the uncertain atmosphere that followed the violent confrontations. Moreover, both the study areas in question are geographically expansive and could not be covered comprehensively by a small team doing a small study due to limited funds and limited time.

Furthermore, the team observed that a study of this type is bound to invite socially desirable answers from those involved ranging from government officials to NGO leaders, because violent conflict is generally viewed as a “bad thing.” Responses to questions may thus not be accurate—or may put an overly optimistic interpretation on some events or perspectives. Finally, despite assurances to the contrary, the researchers were sometimes perceived to be on a humanitarian assessment mission—respondents were sometimes quick to divulge many problems they face and hence had the hope that the researchers might be aid workers who could provide assistance. These are areas worth taking into account in future research.

Key informants were purposively chosen for their deep knowledge of the elections, the political situation of Kenya and strategic overview of what has been happening with respect to conflict or because they have been active stakeholders working on peace, livelihoods or particularly key sectors that have had a bearing on the situation (for instance the media). Their names emerged as a result of informed suggestions from the research partners Kenya Red Cross and the Nairobi Peace Initiative-Africa as well as referrals from other civil society leaders or government stakeholders. Thus a snowballing approach was adopted where key informants suggested further useful sources of information or key

informants who have had an interesting experience or who may have insights or be able to cast an interesting light on the election process and the conflict dynamics.

This has been a qualitative study and so should not be considered statistically representative, rather it is a set of observations from key informants around their observations of what the key factors that affect conflict and its prevention. A subsequent piece of field work in May/June 2013 after the elections were over helped to demonstrate how these factors played out in the extent to which conflict was managed around the 2013 elections. So while there was a dominant narrative that emerged from the interviews with broad consensus on the major points, there were other views that were voiced that were counter to the main emergent perspectives and where possible these have been articulated as a counter-narrative. There is a danger here that any one voice is over-emphasized and its import exacerbated within such a small sample. Nevertheless if taken as a broader discussion of reflections on what was happening during and after the elections in terms of conflict and the implications of this for the long term and future, then there was a rich array of feedback and learning that can be drawn on by others to inform possible future approaches and discussions on these topics.

#### **D. Conflict Management and DRR: A Programming and Policy Separation?**

The objective of this section of the report is to understand the separation – in both policy and programming terms – of conflict management from disaster risk reduction and livelihoods protection more broadly. In brief: what are governments, organizations and agencies actually doing on the ground with regard to disaster risk reduction and conflict management and why? And, is there any case to be made for greater integration of the two?

##### **Separation in Conflict Management and DRR Programming**

In general, there is little in the way of coordinated strategy, programming or even operating tools between organizations that work primarily on natural disaster risk reduction and those working on conflict. Many institutions, though acknowledging the interface between conflict and natural disaster, nevertheless operate programs separately, with separate policies, teams and operations for peacebuilding/conflict mitigation and natural disaster risk management. In this section we will describe this separation from a more general view encompassing international institutions, international NGOs, and donors to a more specific look at Kenya, its government, NGOs, and local institutions.

The distinction between reducing the risk of natural disasters and of human conflict is reinforced by the “The Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters.”<sup>14</sup> 168 countries are currently party to the Framework<sup>15</sup> and use its guidelines to structure their national disaster risk policies. Because of its influence on international action in DRR, the Hyogo Framework has impacted NGO approaches as well. The Framework’s approach focuses exclusively on “disasters caused by hazards of natural origin and related environmental and technological hazards and risks.”<sup>16</sup> The Hyogo framework emphasizes that while coordination with other hazards may be essential, they are not part of DRR framework.



As such, other United Nations organizations that use the Hyogo Framework as the main instrument through which to coordinate and/or execute DRR operations have little in the way of formal policy or program on risk reduction or mitigation related to conflict, and largely do not conceptualize disaster risk reduction and conflict reduction in similar ways. For example, UNISDR strictly states, “[DRR] aims to reduce the damage caused by natural hazards like earthquakes, floods, droughts and cyclones, through an ethic of prevention.”<sup>17</sup> A comparable perspective can be found in the language of multi-lateral agencies.<sup>18</sup> The Joint Declaration on Post-Crisis Assessments and Recovery Planning by the European Commission and the World Bank covers some of the distinctions and commonalities of natural disaster and conflict, but does not address situations where both are present.<sup>19</sup>

Most of the major donors involved in disaster risk reduction recognize the importance of bringing conflict and other types of disasters into reduction strategies—but nevertheless house the two approaches in different departments. Some donors have made “conflict management” a crosscutting issue or have taken a “multi-hazard” approach. This terminology focuses not just on natural hazards but encompasses such threats as drought, conflict, and HIV/AIDS.<sup>20</sup> The “multi-hazard” approach is significant in that it recognizes the necessity of coordinating various types of preventative efforts; however it does not consider conflict management as DRR. And the “multi-hazard” approach is not necessarily the dominant paradigm.

The Government of Kenya has historically handled conflict and natural disasters separately. Kenya has a well-organized drought management system in place (previously the Arid Lands Resource Management Project (ALRMP), now the National Drought Management Authority), and another government body, the National Steering Committee on Peace Building and Conflict Management fulfills a similar function with regard to conflict. The Kenya National Focal Point on Small Arms and Light Weapons (KNFPSALW) focuses primarily on disarmament. ARLMP has sometimes served at the local level representative for KNFPSALW, so in some ways the two different systems overlap at the local level.

Kenya’s National Report on implementing The Hyogo Framework originally identified “Peace Building and Conflict Management Policy”<sup>21</sup> as one of five initiatives to support Disaster Management, but conflict is not mentioned elsewhere in the document. Furthermore, in a subsequent progress report on the Framework’s implementation, there is no reference to conflict; suggesting that in practice the link between conflict prevention and DRR is limited at best.

The Government also has a draft National Policy on Peacebuilding and Conflict Management. The document mentions collaboration with other natural disaster policies and describes them as “fundamental” to conflict management, but does not describe in detail how that collaboration will occur:

*“The National Policy on Peacebuilding and Conflict Management recognizes the existence of other policies and plans that GoK is in the process of publishing and tabling in Parliament. These include the draft disaster management policy, the draft national policy on small arms and light weapons, the draft national land policy and draft policy on community policing amongst others. These policies address issues that are fundamental*

*to conflict Management and Peacebuilding and the National Policy on Peacebuilding and Conflict Management will ensure that there will be collaboration and cooperation between different government agencies and other stakeholders in implementing activities related to these issues”.*<sup>22</sup>

Some NGOs operating in Kenya promote conflict management activities in areas affected by natural disaster but still define “disaster” in strictly a “natural-hazards” sense, which effectively means that organizations do not integrate conflict management efforts into other risk management or risk reduction programming. However, even though official mandates tend to show little direct relationship between conflict management and disaster risk reduction, on the ground the situation is often much more fluid. Some organizations have a general mandate that does not include conflict management, however due to the conflict context in Kenya, include components of conflict programming and sensitivity in the local programming.

### ***Why the Separation?***

Several factors have contributed to the separation of programming in natural disaster and conflict management. Organizations point to both the conceptual and operational reasons for this separation, sighting the differences between the programming approach in a conflict and natural disaster situation, the innate political sensitivity of conflict, the lack of flexibility of thematic budget lines, the concentration of expertise in either natural disaster management or conflict issues, as well as the preference for narrower, more specific mandates.

Conflict is seen as a fundamentally different event from a natural disaster, which therefore requires distinctive and separate programming. The perceived notion is that the conditions required for effective and sustainable disaster risk management can only be found in stable (non-conflict) environments.<sup>23</sup> Some of the major national DRR success stories – Bangladesh, Mozambique, Cuba, Vietnam, Indonesia, and Nepal – had first achieved a level of political stability which then allowed them to address natural disasters on a national scale (or at least this is the popular perception of these cases). Countries experiencing a high degree of conflict and low governance, such as Somalia, are seen as having a low capacity for implementing the large-scale DRR efforts necessary to realize change on a national level.<sup>24</sup>

Another reason given for separate programming is that political sensitivities associated with conflict-related activities are much higher than for stand-alone, natural disaster management.<sup>25</sup> Actors in the disaster management field have an overall mandate of neutrality and impartiality in the provision of aid and implementation of programming. Work in conflict mitigation and peacebuilding is seen by some agencies and donors as too “political” to retain the neutrality needed to continue servicing affected areas. Managers of programs that deal with reducing the risk of natural disasters can be reluctant to deal with conflict because they are expected to work with governments, who may be on one side or the other of a conflict, whereas in natural disasters, the role of government is seen as less partisan.<sup>26</sup> Engagement with state actors in the arena of conflict management is may remove the necessary perception of neutrality in a conflict—and it is feared, could hinder the peacebuilding process.<sup>27</sup> The need for political sensitivity contributes to an added complexity in conflict mitigation and relief operations, not found in ‘simple’ natural disaster contexts. Still, many managers recognize that

from the perspective of affected communities, these distinctions are superficial, and communities face many hazards—addressing only some of them doesn't necessarily make sense from their perspective.<sup>28</sup>

Current funding structures also tend to reinforce existing separation. Budget lines for humanitarian and conflict related assistance are usually distinct from development activities, under which disaster risk reduction (and much in the ways of livelihoods programming) tends to fall. Where emergency funds are disbursed in conflict areas affected by a natural disaster, they are often tied to short-term programming (up to a year), and so cannot be used for longer-term activities that could be used for risk-reduction activities.<sup>29</sup> Funding both conflict and natural disaster management programs requires a flexibility and responsiveness that is often not found in development and humanitarian planning and budgeting.<sup>30</sup> Even if organizations are interested in adding a conflict management component to their natural disaster programming, lack of financial resources specifically earmarked for conflict impede their application and may limit the organization's ability to effectively respond to a dynamic disaster or conflict-affected context.<sup>31</sup>

Current funding trends also affect the decision to include a conflict component in DRR. There has been a lot of money earmarked to address the impact of climate change. Though conflict can be conceptually linked to climate change (as for example, in UNEP's framework)<sup>32</sup> the relationship is far more ambiguous than between natural disasters and climate change.<sup>33</sup> Given the strong links in the eyes of donors and other practitioners that DRR is primarily linked with climate change, agencies tend to stick to the ISDR definition of a disaster as an environmental risk.

Organizational mandates reinforce the separation of conflict prevention and natural disaster risk reduction. The inclusion of conflict as a risk comparable to a natural disaster would involve organizations in a broad array of programming and places, making it more difficult to isolate necessary activities especially given budgets that are already overstretched.<sup>34</sup> Though organizations acknowledge the conceptual overlap and overlapping risks on the ground, they see programmatic integration as requiring many additional programming steps and expertise. Many admit that they are already over committed to their own mandate making change difficult. Plus, as one interviewee said "there is plenty of work to be done in the area of natural disasters without worrying about conflict."<sup>35</sup>

### **Overlap in Conflict Management and DRR Programming**

Contexts in which conflicts and natural disasters overlap are daily realities for affected communities, local government, and the national and international organizations that serve them. Interventions that do not account for this complex interplay have the potential to worsen tensions and increase risk. For example, assets are generally seen as increasing household resilience to a disaster because they increase a household's asset base that can be liquidated for cash or traded for necessary items that would allow a household to better rebound from the impact of a disaster. In a conflict setting, however, the same assets may become liabilities: livestock, for instance, are raided, and people can be targeted based on their presumed education or white-collar professions.<sup>36</sup>

Some agencies have begun to bridge the gap between conflict management and DRR. UNDP commissioned a study in 2007 on the Conflict-Disaster Interface Program<sup>37</sup>, which is part of the agency's

initiative to mainstream DRR into its development operations. It examined nine countries that were simultaneously experiencing natural disaster and human conflict and concluded that the relationship between natural disaster and conflict is unique in each situation, is not causal in nature, and is influenced by different ground conditions. Whether or not responses to crises recognize the relationship between natural disasters and conflicts can have a major impact on affected populations' vulnerability afterwards. UNEP leads a disasters and conflicts program that also recognizes direct links between environmental disaster and human conflict<sup>38</sup>

In Kenya, given the strong link between conflict and natural disaster particularly in the ASAL areas, there have been efforts at integration. The 2007 UN Country Team's Humanitarian Strategy analyzed common causes for natural disaster and conflict risk and sought to address shared impacts on food and livelihood security, displacement, disease and insecurity. The issues were similarly linked in the UN's Development Assistance Framework that identified peacebuilding capacity, conflict resolution, and reduction in small arms and weapons as components of disaster management.<sup>39</sup>

In the last decade there has been a substantial push, lead by the Government of Kenya (GoK), to develop a comprehensive DRR strategy in the country. The 2011 National Disaster Management Policy has a strong focus on disaster risk reduction, emphasizing the importance of preventive and mitigating measures to minimize the impact of a disaster. The policy goes beyond focusing on natural hazards and takes an "all hazards" approach:

*"This overarching disaster management policy takes an "all hazards" approach which means that the institutions, coordination mechanisms, processes and principles provided for hereunder strive to be relevant for any type of hazard or disaster scenario that may affect the Kenyan people. An all-hazards approach focuses on establishing lasting institutions and mechanisms that can be flexibly applied to any current or developing emergency."<sup>40</sup>*

Other examples include the work of the National Steering Committee (NSC) under the National Policy on Peacebuilding and Conflict Management, which calls for collaboration between conflict management and disaster reduction organizations. For example, one of the members of NSC is the National Drought Management Authority that is primarily concerned with natural disasters. However, with the help of the NSC it integrates peacebuilding into drought-mitigation programming. This is done through an organization called Peace Dividend. Communities in conflict and drought affected areas are encouraged to disarm and share resources. The new National Drought Management Authority (NDMA) has a strategic response in its five-year plan around conflict—but of course given its mandate, this is mainly in drought-affected areas.<sup>41</sup>

### ***Should Conflict Management and DRR Programming Build Greater Cohesiveness?***

In the 1990s an analysis of the impact of interventions in conflict-prone areas led to the realization that aid and relief efforts can be counterproductive and inadvertently fuel violent conflict by reinforcing divisions among contentious groups. This reflection led to the "Do No Harm" philosophy spearheaded by Mary Anderson's famous book.<sup>42</sup> Assistance programs were redesigned and humanitarian mandates

broadened to incorporate a more conflict sensitive approach to aid and relief. Over the last decade, proponents of conflict sensitivity have pushed strongly for it to be mainstreamed into the day-to-day activities of both peace building and development organizations. This has occurred at the level of individual organizations/agencies, international organizations, and governments.<sup>43</sup> The principles of ‘Do No Harm’ can be extrapolated beyond post-disaster scenarios to refer to disaster risk reduction given that they share similar concerns about increasing conflict risk.<sup>44</sup>

There are instances where the DRR programming, carried out in a conflict-sensitive way, is a form of conflict management. This can occur in situations where the conflict is linked to resource scarcity and therefore can share some of the same root causes and objectives with DRR programming. This approach is premised on “the resource scarcity” paradigm. As such the aim is reducing conflict over natural resources through improved water provision, better and more transparent management of natural resources, development of a well articulated resource sharing and management systems. The interventions that have been carried out by various stakeholders have been in the form of development initiatives such as drilling boreholes, irrigation schemes, relief food distribution and restocking. Disaster management therefore has the potential, if applied correctly, to contribute to conflict management as well as reducing natural disaster risk.<sup>45</sup> For example, Kenya Red Cross, as part of its DRR programming installs boreholes in communities that are highly prone to drought. However, because they work in areas of Kenya where much of the conflict happens over scarce resources, they work with local peacebuilding organizations to provide boreholes to communities in discord in a manner that forces the communities to work together and share the resources, reducing the incentive for conflict and increasing cooperation.<sup>46</sup>

The 2011 Kenyan Disaster Management Policy proposed to take a multi-hazard, multi-risk, or all-hazard approach, (similar to some UN agencies and donors). Natural hazards, on their own, do not automatically become natural disasters. A hazard is an occurrence that has the potential to cause injury, loss of life, and damage to property and the environment, however it is ‘risk’ and ‘vulnerability’ that are at the core of what makes a disaster. In disaster management, risks refer the likelihood of a hazard turning into an actual disaster that affects humans; risks are rooted in the social, political, financial, natural, and physical conditions of the affected household, community, or country. Current thinking about *integrated* disaster management grew out of the dissatisfaction over a too narrow approach that focused primarily on the hazard itself and not the risk of that hazard or the vulnerability of the people and systems affected by that hazard.<sup>47</sup> By placing focus on the underlying causes of vulnerability rather than the ‘event’ itself, organizations can begin to address susceptibility and resilience and deal with the basis of humanitarian emergencies. Given certain risks, a better understanding and analysis of vulnerability and hence the root causes of a disaster would allow for better preventive measures.<sup>48</sup>

## Summary

There is a separation between conflict management and disaster risk reduction on a policy and programming level, with some exceptions. That separation, however, tends to be more pronounced at the international level; less so at the local level. Several of the organizations we spoke with that work on the ground in conflict contexts tend to incorporate either conflict sensitivity or peacebuilding into their

programming, even if overall policy does not prescribe it. For some international organizations, the decision to incorporate conflict and disaster management rests on the country level offices.

Given that such a large proportion of natural disasters occur in conflict settings, more and more organizations are exploring integration. One of the forms that this takes is the adaptation of a multi-hazard, multi-risk, or all-hazard approach. This approach focuses on the underlying causes of vulnerability and resilience to a disaster, be it conflict or natural, something that is absent from the current definition of disaster risk reduction. By placing focus on the underlying causes of vulnerability rather than the ‘event’ itself organizations can potentially address susceptibility and resilience and deal with the basis of humanitarian emergencies. This is the current evolution of thinking about overall risk management.

However, there is also an argument against integrating conflict management and natural disaster management programming. Much of this argument rests on the assumptions that trying to address both conflict and disaster risk could reduce the efficiency of specific programming, and the two might not be successfully managed together. This remains largely an assumption—there exists little evidence to determine whether there is an added benefit to increasing household resilience when addressing both conflict and disaster simultaneously. Much of the programming we reviewed bases ‘success’ on whether outputs were delivered and the program carried out rather than on any measures of impact. This is not specific to examining the impact of conflict and disaster management integration, but disaster risk reduction in general.

So whether there is a case to be made for greater integration of the management of hazards is perhaps a context-specific question. It is fairly clear that to date, these have been managed in separate spheres of policy and practice. We have argued that to some extent, this separation of different kinds of hazards into different programming and policy realms has probably resulted in opportunities lost for better impact in overall risk reduction, or risk management. And clearly, local communities are vulnerable to both kinds of hazards, so focusing only on one, as a matter of national or organizational priority, seems shortsighted.

There is little doubt organizations have specific capacities, and no one organization can do everything. Likewise, government departments and ministries (and for that matter, donor agencies) have specific mandates. And there continues to be the perception that interventions that deal with conflict are “political” whereas interventions that deal with natural disasters are, if not apolitical, at least less politically fraught than conflict. On one hand, this makes organizations hesitant to engage with conflict prevention. On the other hand, the principles of engagement with conflict tend to suggest that some of the same characteristics of engaging in humanitarian action apply equally to peace making. Much of the perception tends to revolve around the way in which governments perceive the issue.

In Kenya, with a history of both conflict and natural disasters, the policies of the government seem to be toward increased integration of the management of different kinds of risk. Therefore, Kenya offers a good case for exploring these issues in greater depth.

## E. Actors and Activities in Conflict Management in Kenya

Conflict management refers to actions taken to contain, or at the very least mitigate ongoing violent conflict by limiting the scale of destruction and suffering, or any potential spillover effects into other geographic areas.<sup>49</sup> Over the past five years, Kenya has witnessed an unprecedented growth of conflict resolution or conflict management initiatives in the aftermath of the 2007-08 political violence. Many of the new conflict management organizations that have emerged over the last five years are Civil Society Organizations (CSOs) and NGOs. CSOs have come to be considered particularly suitable for conflict management work because they are considered more “flexible” than government or international institutions. Thus flexibility is manifested in the wide range of activities provided in conflict and post conflict situations including confidence-building between conflicting parties, lobbying for peace, psycho-social care, awareness-raising, retraining of ex-combatants, and organizing reconciliation events rather than focusing on belligerents. Generally, they are thought to be more knowledgeable about local institutions and are therefore more likely to represent the interests of the local communities.<sup>50</sup>

There has also been an added focus on “traditional institutions.” Traditional institutions are seen to be resistant to violent conflict—the underlying assumption being that “the potential for peace-building, such as authentic leadership, already exists in the particular region or community and hence is rooted in its ‘traditional culture’.”<sup>51</sup> Traditional institutions may also endorse violent conflict as well. These may be elders, local chiefs, and other types of community leaders. These groups or individual have been the focus of conflict mitigation, establishing dialogue between communities, initiating peace projects, and other conflict management activities.

A concept central to the current conflict management approach is the “paradigm of participation” according to which broad representation reflecting the diversity of civil society is a cornerstone for giving voice to the subordinate and marginalized in peace forums. Such empowerment is critical to leveraging the bargaining power of local communities vis-a-vis powerful national and intergovernmental bureaucracies. The vision is that by including people in decision making who are perceived to be disadvantaged or marginalized we will promote a fairer and more equal society.

However, while CSOs and traditional institutions are meant to reduce conflict among individuals or communities, it is understood that conflict generally only occurs in a permissive environment that enables group leaders to prefer violence as a mode of political bargaining. The choice to use violence to achieve a certain end is not inevitable. A “window of political opportunity” helps to explain why, among some groups under some circumstances, violence breaks out—both within and across state boundaries—and why, among other groups in very similar circumstances, it does not:

*“Mass violence results when leaders see it as the only way to achieve their political objectives and they are able to mobilize groups to carry out their strategy. Without determined leaders, groups may riot but they do not start systematic, sustained campaigns of violence to achieve their goals; and without mobilized groups, leaders are unable to organize a fight.”<sup>52</sup>*

Part of the peace agreement signed by the coalition government in February 2008 included establishing institutions that was intended look into long-term injustices. Hence the government and international institutions have also designated more broad programs to help reduce an environment that is conducive to conflict. “Those strategies include putting in place international legal systems, dispute resolution mechanisms, and cooperative arrangements; meeting people’s basic economic, social, cultural, and humanitarian needs; and rebuilding societies that have been shattered by war or other major crises.”<sup>53</sup> For example, the International Criminal Court is currently investigating into the responsibility of the 2007-2008 post election violence, and several Kenyan leaders are under indictment including the current president. Other efforts in Kenya include the Truth, Justice and Reconciliation Commission, the National Steering Committee for Conflict Management, the National Cohesion and Integration Commission, and the Uwiano Platform which brings together key partners under one structure.

This section focuses on examples of different types of local interventions carried out by NGOs, CSOs, and district and local peace committees, as well as their impact on conflict management (for a list and description of each of the types of conflict management activities please refer to Annex C – Conflict Management Activities). Considering Kenya’s socio-economic background, we focus on a widespread type of peace interventions. There has been a recognition of the role of multiple causal factors and interests at work in these conflicts (see Conflict Analysis section in Annex A), and hence the plethora of conflict management approaches deployed by those working in and on such conflicts.

## Examples and Impact of Activities

### *Community Dialogue*

Much of the community dialogue is done through local structures, the most common and institutionalized of which are the Local and District Peace Committees established through the Government of Kenya—built on the success of Peace Committees in Wajir that were convened by civil society actors.<sup>54</sup> With contemporary District and Local Peace Committees, a location chief, and therefore representative of the government, would go to a village and ask the community members to nominate 15 people, based on DPC guidelines and representative of women, elders, and youth, to a village (sub-location) peace committee to discuss conflict issues. The goal of this institution is to develop a consensus at the village level of the conflict and associated problems of that village and each of the represented groups. The LPC provides a venue to discuss specific issues or conflicts that have arisen.<sup>55</sup> The 15 members from each of the sub-location peace committees would then meet with other sub-location peace committees and elect 15 individuals to represent them on a local (location) peace committee. The same process happened on the division and district level leading up to the District Peace Committees.

In both Isiolo and Burnt Forest, a high level of animosity exists between the different groups: “community relations have been characterized by hatred, acrimony, blame games, and fear.”<sup>56</sup> The goal of the community dialogues is to restore trust and a common bond, minimize suspicion amongst the affected groups, and move towards reconciliation. Dialogue immediately after a conflict is initiated to restore the trust necessary to allow communities to work and live together. Most organizations have



also attempted to set up structures to allow for ongoing community dialogue with the aim of preventing the breakout of future conflict.

One interviewee working for a local peace organization in Burnt Forest recollected an incident in which her organization's vehicle was almost burnt down by irate IDPs because of her ethnic identity. Her organization had to start the conversation and reconciliation process through communicating via letters. It took three months for the victims to open up and feel comfortable to work together.<sup>57</sup>

The work carried out by these peace committees is partly done in order to provide a space for discussion, but also for mediation between parties in the event of actual conflict. Their aim is to resolve ethnic conflict involving land disputes, theft that was blamed on a specific ethnic group, and other issues of conflict through dialogue. (See Box 4). The idea is that dialogue would allow communities to open up, to discuss issues that they could not openly discuss before, and permit for different ethnic groups to discuss these issues under one roof.<sup>58</sup> This allows individuals to hopefully work out problems through the LPC, rather than resulting in violence.<sup>59</sup> If a problem cannot be resolved in the Local Peace Committees then it is taken up to the District Peace Committees and eventually to the NSC or to the police.

#### **Box 4: Wareng District Early Warning and Conflict Resolution**

Sometime in December 2011, a group of people from the Kalenjin community in Eldoret hired a public service minibus to transport them to their rural homes just near the border of Wareng and Nandi Districts. The Public Service Vehicle was being operated by a crew who come from the Kikuyu community. The whole of Eldoret and outlying areas witnessed some of the worst election violence following the disputed elections in December 2007 and the two communities were pitted against each other over a host of grievances stemming from land ownership and perceived historical injustices.

Once the vehicle reached the destination, the passengers recanted on the amount of fare they had previously agreed with the crew and refused to pay up, sparking a heated argument. The passengers raised the alarm, and though it was late at night, fellow villagers came to the rescue of their village mates. However, after a lengthy and stormy confrontation the passengers finally relented to honor their deal and soon, the public service crew was on their back to Eldoret. But this was not to be—what they did not know was that the group that had hired their vehicle had used their mobile phones to call their friends in Eldoret town, claiming that the crew had robbed them of their money. So, on reaching Lemook, about ten kilometers from Eldoret, they found the road blocked with stones. A mob of Kalenjin youths pulled the driver and his tout from the vehicle and started slashing them mercilessly with machetes. The driver succumbed to his injuries but the tout managed to escape and upon his arrival in Eldoret alerted his friends of the incident.

Enraged members of the Kikuyu community vowed to avenge the death of the driver and converged at Langas, where they blocked the road as they planned the revenge attack. A potentially explosive conflict situation was in the offing.

When a member of the District Peace Committee was informed of the unfolding events, she rushed to

the scene and started pleading with the crowd not to retaliate and give peace a chance. She had by then communicated to the District Commissioner and area chief of police who arrived at the scene soon after. They were able to convince the angry crowd that the culprits would be brought to book. Towards this, they set in motion the process of convening a joint peace meeting for the Kalenjin and Kikuyu at Lemook the following day to discuss ways of diffusing the situation.

Following lengthy deliberations by members of the two communities, the Kalenjin agreed to identify the culprits—both those who had started it all by claiming to have been robbed and those who actually attacked the vehicle crew. That same day, seven suspects were arrested over the killing of the driver and assault on the tout. Over the next few days, several other people were arrested and charged in connection to the incident. Public service vehicle operators who had vowed to withdraw their services went back and an inter-ethnic conflict was prevented.

*Source: Interview Notes*

Besides LPCs and DPCs, NGOs, CSOs, and various local organizations also utilize community dialogue for peacebuilding. These organizations generally foster dialogue in groups broken down by gender, age, ethnicity, or religion focusing their efforts individually on women, elders, youth, and/or warriors. Many coordinate or invite the participation of LPCs or DPCs in the dialogue sessions. Local organizations, such as the CJPC, utilize parallel peace dialogue structures that feed into the LPC and DPC structure. They help organize peer dialogue groups – women, elders, and youth. These groups discuss what is happening locally and the intent is that their discussion and concerns funnel upwards to the location peace committees, then to the DPCs, and are therefore linked to the national (NSC) peace committee structure.

Other civil society organizations are involved as well. For example, Rural Women’s Peace Link helps organize dialogue between women from different ethnic groups. Breaking down dialogue by ethnicity, gender, age, religion, etc. allows individuals to discuss issues specifically pertaining to their group. In some cases representatives are then chosen from each group to discuss conflict on a larger level, while other organizations use these categories to initiate dialogue between different ethnic groups. This allows for a common bond to develop based on gender and the assumption that women and children are the main victims of conflict. The Peace Caravan in Isiolo takes a similar approach as Rural Women’s Peace Link, but with a special focus on professionals and warriors. However, where RWPL brings women together on the basis that they are the main victims of conflict, professionals and warriors are seen as the key actors in perpetuating conflict. Professionals, many of which do not live within the districts, but rather in urban centers, such as Nairobi, have the financial resources and connections that help fund much of the conflict in Isiolo.<sup>60</sup> Where professionals are perceived to fund the conflict, warriors are seen as one of the main perpetrators of conflict. Therefore the goal of facilitating dialogue between these actors goes beyond reconciliation, but with the end goal of conflict prevention.

The impact of community dialogue as a means of *reconciliation* after conflict was seen by many respondents as positive. Peace building structures with a focus towards community dialogue were able to relieve initial suspicion and communities were able to interact and return to the status quo – “students can go to school, people intermingle in trade centers, intermarriages are ongoing, casual work

is done together, Kalanjin can now book a Kikuyu lodge at night.”<sup>61</sup> This was apparent in the return of trade between the communities and the opening up of schools: “children from Tharaka and Tigania can now go to school together.”<sup>62</sup>

The impact of community dialogue as a means of *preventing future conflict* is more difficult to ascertain. Several institutions referred to the return of stolen assets and livestock as an indicator of peacebuilding as well anecdotal evidence of victims forgiving their neighbors who might have looted, burned, or even killed their relatives. “Some people who burnt houses or looted the property of the IDPs have since repented of what they did, and even returned looted property to the rightful owners. In other cases, there has even been reconciliation between people who had family members killed and those who did the killing.”<sup>63</sup> Other potential indicators of peacebuilding are the return of IDPs to their farms, sometimes by invitation from the perpetrators of the violence.

Part of the criticism from some respondents was that dialogue-based approaches seem to be about re-establishing the *status quo ante*, and hence are not capable of addressing underlying problems that are at the root of conflict. At face value, there is no reason why dialogic approaches could not be applied to more underlying issues, but there is limited evidence of this having been done. One positive example is that two communities after participating in the community dialogue sessions came together and agreed on electoral boundaries that they successfully brought to the district.<sup>64</sup>

In Isiolo, community dialogue sessions in 2011-2012 with professionals and warriors have led to fewer numbers of raids and stolen livestock in the participating communities, as well as evidence of different ethnic communities sharing the same pasture for grazing.

The DPCs have also reported some success in community’s perception of them as arbitrators of conflict, with the hope that problems can be peacefully resolved without the outbreak of violence. Their effectiveness in some areas can be witnessed by the fact that communities are more willing to inform them if there is a problem rather than turning to violence. In Eldoret, the DPC is often called in to help resolve varied situations that go beyond their mandate, such as criminal cases of rape, theft, and arson. They have even contributed to three arrests in the past year.<sup>65</sup>

However, there is also evidence of the limited impact of dialogue. Several respondents lamented that for all the positive change happening in the communities, the sense persists that they could again be incited to violence. A village head in Isiolo commented that they have been having peace dialogues in their community and still conflict breaks out. There is fear that some individuals who actively participate in the peace dialogues might not be genuine in their transformation as they still hold on to the materials looted during the violence from their neighbors. Furthermore, when some of the underlying causes such as ‘land’ are mentioned they revert to the attitude that their neighbors are “foreigners.”<sup>66</sup> Similar responses are triggered when politicians attend the meetings and speak divisively.

### **Connector Projects**

The best example of connector project is the AmaniMashinani approach initially implemented by CJPC (Catholic Justice and Peace Committee) that utilizes dialogue (See Box 5), but goes one step further and

combines it with financing small community connector projects such as building roads or bridges between affected and different ethnic communities. The novelty of AmaniMashinani was the convergence of development or livelihoods projects and fostering dialogue between the aggrieved communities for the goal of reconciliation.

#### Box 5: AmaniMashinani

*AmaniMashinani* (peace in the village) is an initiative of the Catholic Diocese of Eldoret. The Bishop and his Diocesan staff had been involved in several peace initiatives through seminars and trainings in hotels or facilities usually located in urban centers or towns. Initially, these involved representatives of the Pokot and Marakwet communities who have been involved in long-running raids over resource access and control and cattle rustling. These people were expected to go back to their communities and impart the lessons they had learned during the training. However, before long, the conveners discovered only the same faces kept on attending the seminars and upon further investigation discovered these people had lost the confidence of their villages. This discovery prompted the Bishop and his employees to devise another strategy of ensuring that they reached out to the village residents who were the real perpetrators and victims of violence- hence the term *amanimashinani*. In short order, their efforts bore fruits through directly engaging communities in dialogues. It is this tested strategy that the Bishop employed in the aftermath of the 2007/8 post election violence in stopping the conflict and restoring peace among affected communities in Eldoret and its environs which were hard hit.

The Bishop and his staff acted quickly by adopting lessons learned from previous peace initiatives with the Pokot and Marakwet communities as well as that gained from experiences of the 1992 and 1997 clashes and applying them to the new situations in Burnt Forest, Kimumu, Timboroa, Munyaka and other areas affected by the post election violence. They adopted a 12 step-by-step approach in grassroots peacebuilding which achieved some remarkable results despite the mitigating factors:

1. Analysis, Intervention and Interruption
2. Protection, Sanctuary and Relief for the affected
3. One-to-one Meetings
4. Small Group-to-Small Group Meetings
5. Sharing Food
6. Intra-Ethnic Meetings
7. Airing of Grievances
8. Preparation of Agenda and Inter-Ethnic Meetings
9. Reporting Back and Consultations with Communities
10. Peace Connector Projects
11. Social Contract
12. Monitoring and Ongoing Development of the Agenda

The implementation may differ from one specific area or situation to the other but the 12 steps proved effective in bringing communities together again.

*Source: Interview Notes and the book, AmaniMashinani*

The use of ‘connector’ projects to foster peace is not isolated to CJPC’s AmaniMashinani program. In our research we encountered incidences of unassisted efforts at community dialogue and ‘connector’ projects. In one of the communities torn by ethnic violence, a member of the community started a nursery school that deliberately tries to get children from both communities and was built in a ‘neutral location’ so that one ethnicity cannot claim sole ownership of the school. The parents meet to discuss the management of the school. The feeling of the interviewee was that these multi-ethnic meetings are critical not only to running the school, but also in fostering a joint purpose and commitment between the communities.<sup>67</sup>

### *Early Warning and Monitoring*

LPCs and DPCs are tasked with the reporting of any potential conflict. Community members are mobilized to participate in reporting ‘early warning’ signs to their Peace Committees. The DPC in Wareng has even established a SMS line for reporting purposes. In response the DC or chief may call meetings to find out the cause of the problem and address the issue immediately. For example, in Eldoret, community members reported the printing of leaflets – a mechanism by which one community spreads leaflets during the night warning another community that they should leave or they would be attacked, a tactic that invokes fear in the hope of displacing specific ethnic populations. This information was reported to local organizations and government, enabling a rapid response to confront the problem.

Early warning is not only the prerogative of the government sanctioned Peace Committees, but also some organizations involved in peace building. IOM for example, similarly works with LPCs to report on signs of potential conflict, using a similar set of indicators. This approach is referred to as ‘community scanning’ whereby if anyone hears anything worrisome they immediately report it to the chief, other local leaders, the DC, and the IOM office in Nairobi.

The established peace groups are also used for conflict monitoring. During the 2008 post-election violence in Burnt Forest, the women’s peace structures put in place by the RWPL were used to report conditions on the ground to the RWPL. They would call from camps, communities, and police stations, reporting offences committed and their location. In one instance they were able to provide information on the movement of a group of young men headed in the direction of a community of a particular ethnic group. RWPL in response was then able to contact the local Bishop in order to intervene and intercept their procession.<sup>68</sup> In Isiolo, where livestock theft and raids are a large component of the conflict contexts, DPC are tasked with monitoring and recording incidences, and alerting authorities. While DPCs appear to successfully report potential incidences of conflict unfortunately, the response to early warning signs has sometimes been erratic, confused and some distress reports are treated casually by the local security apparatus.

### *Shelter Construction*

Shelter construction was one of the most prominent activities carried out in Burnt Forest following the post-election violence by the Japanese government, African Development Bank, IOM, KRC, and the Danish Refugee Council. Most of these organizations combined the construction of housing with peacebuilding and used a conflict sensitive approach. Kenya Red Cross, for example, provided houses to

members of both communities, so as not exacerbate the existing animosity between them. Labor was sourced from both communities as a way of deepening the reconciliation work. IOM provided housing material, encouraging the recipients to put up the structure themselves and then hire someone from the other community to help with mudding the walls. During the construction, the two communities are meant to share food and re-establish their relationship. DRC integrated housing construction for returning IDPs with community dialogue sessions.

The provision of shelter and its construction via a conflict sensitive and peacebuilding approach had the two-fold goal of meeting a household's basic need to allow for faster recovery and community reconciliation. Though the provision of housing materials fell far short of meeting the immediate needs of re-establishing some kind of livelihood security, three years after the post election violence there is now a large gap in terms of recovery between households who received housing materials and those that did not. In compounds where many of the households were still living in tents many could not afford tractor hire and had to cultivate their plots by hand. The chairman of one of the farms said, "Though there were many other needs at the time, the provision of housing was the critical single factor that enabled people to get back on their feet."<sup>69</sup>

### *Livelihood Activities*

Livelihood programming focused on building up human capital, financial capital, and physical capital. Interventions with the goal of increasing human capital were most visible in Burnt Forest. Part of the rationale was with an eye towards youth who were seen as some of the main perpetrators of the post-election violence. It was reasoned that one of the causes of the violence was a low level of youth employment and idleness. In Wareng, youth initiatives were funded by USAID providing young people with training on computer literacy. Mercy Corps carried out trainings on leadership, financial literacy, investment, and savings for youth through group work. Women from both communities were targeted for business and micro-enterprise training, carried out in mixed ethnicity groups to promote reconciliation and build trust. The Burnt Forest Market was also rebuilt with an understanding that it would be mixed – Kikuyu and Kalanjin stalls – to provide a shared location for women to carry out their micro-enterprises. Micro-grants were provided to women, youth, and returning IDPs. Youth had to form multi-ethnic groups and compete for the micro-grants. Returning IDPs and members of the host community were selected to receive a 15,000 Kenyan Shilling grant in order to avoid breeding resentment. Youth employment was also addressed by the creation of a cash-for-work program.

Agricultural inputs were a large part of livelihood for peace type interventions in Burnt Forest. CJPC in partnership with CRS provided seeds and fertilizer to returning IDPs. The US embassy provided fertilizer and dairy cattle with the agreement that the offspring of the dairy cattle were to be shared with a member of the other ethnic community (Kalanjin or Kikuyu) to foster reconciliation.

In Isiolo, some organizations have developed projects whose aim is to reduce inter-community tensions arising over contested resource allocation (see Box 6). These projects were aimed at integrating peacebuilding objectives into development projects. As such, some of the projects were aimed at creating sustainable livelihoods and sources of income, especially through diversification outside the

pastoralist focus on cattle economy. These projects are located in areas that have traditionally been considered as violence hotspots due to scarcity of resources.

### **Box 6: Establishing Peace Pacts through Livelihood Projects**

During the 2011/12-drought response, KRC adopted a two-pronged response. One was to address the immediate humanitarian needs of communities in the form of provision of food, water and health care. The second was to address the longer term needs of communities through diversification of livelihoods by putting in place long-term projects targeting addressing the livelihood needs. As such the essence of such an approach is that it puts people at the center of the analysis and is cross-sectoral.

Understanding the asset base – land and livestock, human, financial and social capital – is important, as this will give an indication of the degree of drought resilience that a given community will have. Under the objectives of these long-term projects, KRCS argued that it was important to “build back people’s livelihoods. With the drought accelerating the depletion of livelihood assets of vulnerable communities, it is important to ensure that robust recovery initiatives are developed, implemented and linked to ongoing development programs.” Moreover, KRCS consciously noted the immediate linkage between compromised livelihoods and conflict among the nomadic-pastoral communities. Therefore, a key objective of the long-term projects was to reduce conflict among pastoral communities.

These projects were implemented in 22 different sites across the country for a period of between two to three years. Whereas it is too premature to measure the impact of these projects, gains are already being recorded with regards to peace building. For example one of the projects located in the Tot-Kolowa area of the Marakwet and Pokot District borders in Northern Kenya has already been a key factor in creating a peace pact between the Pokot and Marakwet Communities who have been traditionally in conflict. Under this project, water for irrigation is to be pumped from the Marakwet side the Pokot territory to establish an irrigation scheme. With the Pokot territory having no source of water for irrigation, this project provides an opportunity to diversify livelihoods in a community that has been predominantly pastoralists. The Marakwet having agreed to supply water to the Pokot established a strong basis for a peace pact between the two communities. At the request of the Pokot, KRC was able to facilitate dialogue between the two communities to establish a long-term peace agreement. In this sense the project is not only addressing the long-term needs of both communities, but it is also a connector project providing an opportunity for warring communities to rally around a common cause.

*Source: Interview Notes*

### ***Civic Education***

Oxfam, RWPL, and the Amani People’s Theater Group provided information around the ICC and the 2011 constitutional referendum in order to demystify the process and make sure individuals had the right information to make an educated decision. Prior to the referendum, the Amani People’s Theater Group went to communities identifying literate populations and distributed booklets of the proposed

constitution so that the literate population can read and then translate it into the local language for their communities. The goal was to provide factual information on the referendum and dispel some of the false rumors that were circulating at the time.

The land issue was also addressed. The Amani People's Theater Group put engages in street theatre around cattle rustling, competition over natural resources, and the land questions in communities to establish dialogue, provide information, sensitize, and empower communities. This is done in different communities that are then brought together to discuss and work towards resolution. The Isiolo Human Rights Network also carries out advocacy in Isiolo around conflict over land. In Burnt Forest, CJPC hired a lawyer to work with communities in order to draft a memorandum regarding the land issues to share with the Truth Justice and Reconciliation Commission.

The RWPL worked with women to discuss and confront issues of political accountability, identification of negative politics, creating political awareness and accountability, sensitizing women on their rights, with the hope that this information would deter them from being rallied by politicians during the election season. Part of this process was via the creation of Wareng Bunge (grassroots parliaments) to bring together women in order to discuss current affairs.

Youth are also targeted by Mercy Corps for civic education. Elders are brought in as mentors with the objective to give youth a voice in the government and facilitate an environment in which they can come together, discuss issues, and propose solutions. The program exposes youth to current issues and how they related to their demographic.

### *Disarmament*

In Isiolo, a "voluntary" disarmament exercise was announced in 2010 but many respondents thought that no meaningful disarmament was done. While the majority returned firearms on a voluntary basis some groups were never disarmed. This leaves other communities vulnerable to preemptive attacks. Others also point to the long lapse of time, usually 4-6 months, before the actual policy is implemented. This is likely to create a window in which those who hold guns may either find ways of concealing their weapons or move on to safer neighboring divisions.<sup>70</sup>

The failure of disarmament is partly due to the historically militaristic approach to peace in Isiolo by the government, and has so far produced more bitterness, suspicion and fear of the government. Hence the low levels of legitimacy the government enjoys in the area. A report compiled by the Kenya National Focal Point on Small Arms and Light Weapons with ministry of foreign affairs of Denmark makes the following alarming observation that "the number of the weapons has increased from 300,000 to between 530,000 and 680,000 despite various measures that have been put in place to address the problem."

### *Security Sector Reform and Policing*

Senior government officials have accepted that there was very little to show regarding the success and effectiveness of community policing: "We attach a great deal of importance to community policing but we have not done well in that area."<sup>71</sup> The same official also blamed the Treasury for withholding funds meant for equipping the two services. Moreover, while some legislative reforms have been rolled out



including police recruitment, salary review and welfare reforms, a new police-training curriculum that is currently being implemented by the police training colleges, preparation of training curriculum, and the drafting of five Bills,<sup>72</sup> these are yet to “trickle down”.<sup>73</sup> As for policing done by community members, similarly with the DPCs the impact is marginal given the slow or nonexistent response of the government security forces.<sup>74</sup>

### **Constraints to Conflict Management Programming**

In the past five years the number of NGOs, CSOs, DPCs, and loosely organized community groups that have been established in the name of conflict management has grown substantially. However, many of these organizations have no clear objectives besides a vaguely defined intent “to reduce conflict.”<sup>75</sup> Many peacebuilding activities are not guided by any underlying grounded theory or overall strategy and much of the work is uncoordinated – either internally amongst themselves, or with government or other grassroots efforts. For example, in Isiolo, there are multiple NGO-funded projects under the theme of conflict early warning. These included engagement with communities during periods of relative resource stress such as droughts with the goal of diffusing tensions, whereas ostensibly such effort should be coordinated under the District Steering Group (DSG). Many NGOs do not share with the DSGs information on the type of programming they will be carrying out in their districts.<sup>76</sup> In both of the research sites in 2011 and 2012, DPCs were quite effective at conflict early warning and monitoring, but they have often not been supported by a corresponding rapid response from the government—either local administration or the police. By the time of the 2013 election, this situation had changed significantly in Isiolo. There is limited networking between local NGOs and the DPC with regional organizations such as IGAD-CEWARN in order to strengthen the local capacity of peace interventions and to coordinate better response to distress situations. The limited exchange of knowledge between decision-makers, practitioners, researchers, local communities and local government is an obstacle to effective peace interventions.

The lack of coordination means that conflict management activities, such as inter-community dialogues, might appear ineffective in preventing future violence. While there is evidence that dialogue through DPCs or NGOs is a good means for fostering reconciliation between different parties, if there is no concrete follow up that addresses the cause of conflict by other institutions (livelihood programming) or government (security, disarmament, prosecution of offenders) the peace might be easily broken due to elections or other instigating factors. As a result, a potentially useful mechanism – inter and intra community dialogue – often seems ineffective in preventing conflict.

While inter-personal exchanges may address mistrust, suspicion and hatred, they need to be accompanied by a more concrete programming that addresses root causes. NGOs and government should collaborate more effectively with DPCs and exploit their core competencies in order to better integrate the peacebuilding effort of DPCs with development programming. DPCs, on their own, do not have the capacity to address the numerous root causes of conflict, their goals should be to identify potential conflict (early warning) and notify appropriate channels, mitigate where possible, and provide a venue where inter-personal or local conflicts can be resolved. However, this is only a short-term approach, and is ineffective without complimentary efforts by NGOs and government to address the core and long term causes of conflict – political impunity, landlessness, poverty, etc. For example, one

of the main differences between Isiolo and Burnt Forest is the government provision of police and overall security in Burnt Forest, compared to Isiolo. This has had a large impact on the ability of DPCs to carry out their work. While in Isiolo, DPCs have only managed to work in the Central Division of Isiolo County, much of the conflict is in the periphery and pastoralist zones; community outreach at the village level has been particularly extensive in Burnt Forest.

The comparative advantage of DPCs, CSOs, grassroots organizations and their participatory methodology is that they have a direct link to the pulse of the community. However, NGO- and government-organized peace meetings do not always take advantage of this. One of the main complaints heard over and over in interviews was that many of the organized peace meetings had poor representation of government officials and influential politicians, as well as members of the local communities directly affected by the violent conflicts.<sup>77</sup> In most meetings, those perceived to be community leaders (local MP, councilors) have always had an erratic attendance and commitment record and/or refused to attend.<sup>78</sup> The majority of the representation was made up of NGO officials, individuals with varying levels of influence among ordinary people.

Currently, in Kenya governmental and nongovernmental peacebuilding interventions are mostly located in urban and semi-urban areas and involving formal training and “peace” meetings with a smattering of youth and women representation. By and large, these have yet to engage the real perpetrators and victims among local people. Moreover local institutions are sidestepped and are, in some cases, perceived to be the problem, without any critical analysis of conflict situations. This problem of representation has been marked out as critical to sustaining peace initiatives especially given the increasing involvement of civilians as both perpetrators and victims in violent conflicts. This is consistent with studies which indicate that the role of politically influential individuals is crucial because they can use their credibility and position to influence governmental officials and the broader society, and yet since they are not officials they have more flexibility to participate in the process and will be more open to change given their distance from the decision-making process.<sup>79</sup>

Limited funding, the associated volunteerism, and lack of transparency in selection criteria all limit the ability of DPCs to identify and mitigate community level conflict. DPCs function on shoestring budgets with very little logistical support. The little they have obtained is in the form of security escorts and transport, which have been provided inconsistently. To plug financial gaps, members have resorted to soliciting support from wealthy community members (especially in Isiolo), relying on the voluntary spirit of participants, internal fundraising and NGO contributions.

While one of the more effective components of DPCs is their ability to be in touch directly with the community, reaching people on the ground has been difficult. Visits to the grassroots are usually only undertaken once a week, if that. Notably, the voluntary nature of such work has taken a toll. Given the large distances DPC members have to travel to reach their communities, they are sometimes unable to afford to travel when called for. In the eyes of one informant, “The DPC people are town guys and so they never reach the villages.”<sup>80</sup> We found that some of the most successful DPCs were those that had members who were able to have access to personal funds that allowed them to be much more responsive to their community needs.<sup>81</sup>

In some cases, ethnic identity and political inferences have constrained the work of peace committees. This was reflected in both the ethnic stereotyping in discussing the drivers of conflict as well as the actual 'peace' work. Warring communities are 'identified' and expected to come to the table for peace negotiations. The view amongst many, even in the peacebuilding community in Isiolo, is that "Samburu cultural warrior rites are a major cause of violence" while "the Meru are perceived as silent participants in conflict."<sup>82</sup> The Turkana were described as 'outsiders', 'lazy', 'violent', while the Meru as 'inciters', 'people who bankroll and misuse Turkana for their ends', and 'expansionists'. Borana and Somali are seen as "corrupt, insular, and given to exploiting other pastoral communities."<sup>83</sup> Similarly in Burnt Forest, Kikuyu were described as outsiders', 'expansionist', 'insular' and 'people who do not reciprocate help offered to them' while Kalenjin were described as 'un-accommodative', 'warrior-like' and 'given to violence'. This creates conditions in which it is difficult to make even initial steps in peacebuilding.

The view of communities and ethnicities as monolithic further guides the conflict management approaches causing whole communities to be criminalized and treated as culprits when one unknown member of that community is implicated in cattle rustling. During the research, security forces undertook disarmament operations in communities that were raiding others. During these operations, male adults were asked to give up their guns or face severe punishments. The assumption right from the onset of such operations was that being an adult male of a certain ethnicity means you are more likely to pose a gun.<sup>84</sup> Indeed, as argued by Birch and Waqo (2003) regarding dilemmas of communal punishment, on the one hand it is seen as having contributed to improved security, while on the other, when it is not possible to get information on the person who committed the crime, it is seen as often targeting, with no legal basis, innocent parties of the same clan rather than the actual culprit.<sup>85</sup>

## Summary

In this section we discussed some examples of the types of activities, their impact, and constraints to successful programming in Burnt Forest and the Isiolo Triangle. Most people interviewed suggested that the impact of their work is immeasurable, and anecdotal evidence tends to suggest that the general acceptance of "peace" is indicated by such empirical facts as students can now go to school, people intermingle in trade centers, intermarriages have taken place, people carry out casual work together, return of 'stolen' goods, and that "a Kalenjin can now book a kikuyu lodge at night."<sup>86</sup> The number of rebuilt shelters, number of tools and seeds distributed, number of meetings held, number of IDPs returned have also been mentioned as indicators of the impact of their work.

The absence of overt conflict (called "quietism" by some observers) was thus cited in both study areas as the overall "indicator" for program impact. Indeed, "peace"—defined as the absence of conflict—seems to be the default answer by most actors in the evaluation of the success of their work. In several interviews respondents mentioned peaceful referendums, peaceful 'peace rallies', etc. as evidence of the impact of their work.

While the evidence may not be measurable per se, the effect has been to succumb to the force of the 'reverse logic' of peacebuilding, by which is meant that where conflict is absent then *ipso facto* their work is successful. And as a result, "their effectiveness is conceived as "natural" or common sense ...as grounded in unquestioned assumptions about social change and interactions."<sup>87</sup> This perspective ignores

the “legacy of bitterness”<sup>88</sup>—the cumulative grievances resulting from either previous conflict or from the historical causes of conflict—which undermines any simplistic notions of success. Whereas *negative peace* [a law and order view] is the absence of direct violence, *positive peace* includes in addition the absence of structural violence, and cultural violence, which offers people the normative justification for using violence against the ‘other’. Moreover, peace is also defined as a continuous process rather than a passive state.

This is not to say that there has been no impact, but rather that many of the organizations working around conflict management have not set explicit criteria and indicators of success, making the measurement of impact extremely difficult. Where attempts at measuring impact are made, they are often linked with managerial standards, targets, and deadlines or financial accountability. Efficiency and specialization of organizational roles to ensure effectiveness is the main priority in many of the programs we explored. There is also a sense that donor policy concerns and priorities are driving peace programs and the measurement of their impact, especially their short-time horizon and their concern for financial accountability. This tends to work against the need to see peacebuilding as a long-term venture and that performance accountability is equally important. Consequently, efficient fund utilization, number of activities held, and number of program beneficiaries are all used as proxy measures for program impact.

Just as there are severe constraints in how these organizations measure impact, we similarly found constraints to the programming itself: lack of coordination between peace building programs, no follow up or support from the government on incidences reported by the DPC, programs do not address root causes of the conflict, programming does not target the rural communities directly involved in the conflict, and limited funding. In the next section we explore the 2013 election and how international, national, and local conflict management programming contributed to the prevention of violence.

## **F. Case Study – 2013 Kenya Elections**

On March 9, 2013 following a tense but relatively peaceful election, the Independent Electoral and Boundaries Commission (IEBC) declared Jubilee Coalition’s Uhuru Kenyatta president-elect.<sup>89</sup> Kenyatta won with 50.07 percent of the vote, which barely passed the threshold for victory.<sup>90</sup> Despite some clashes preceding the vote, and following the court’s decision, the nation avoided a repeat of the 2007-2008 post-election violence. The 2013 elections were the most peaceful since reintroduction of multiparty politics in 1992.<sup>91</sup> In this section we explore some of causes of the different outcomes in terms of election-related violence in 2007 and 2013, and their implications for conflict management programming.

### **Factors that Prevented Conflict in 2013**

The availability of resources meant that stakeholders had the luxury of planning well ahead of time for the 2013 election. Various platforms were developed early on for coordination between the major stakeholders; such as the important Uwiano Platform where government agencies and civil society worked together. Nevertheless, some members of civil society also noted that their sector was scrambling at the last minute with coordination mechanisms. This necessitated some last minute

adjustments with active members stepping up and taking lead roles supporting coordination and collaboration in key potential geographic hot spots.

One way of analyzing the situation is to consider the factors and types of peace-building activity or conflict management mechanisms that were in place at the national or County and local levels during, prior to and post the election period, and looking at their perceived role, efficacy and influence on whether or not conflict took place in any particular location. In this section we discuss some of the factors that contributed to reducing the possibility of conflict surrounding the 2013 elections.

### ***National Level Factors considered to have influenced Election Behaviours***

A number of factors at the national level help to explain the different outcomes in 2013 compared to 2007/08:

**Political Alliances.** One of the major factors in the 2007/8 elections was the way the lack of transparency and accountability of the Electoral Commission of Kenya and associated delayed announcement of the presidential election results was allowed to feed into an ethnic dimension that tapped deep historical grievances. In the aftermath of the 2007 elections, there were large-scale attack on the mostly Kikuyu migrant communities in the Rift Valley, and retaliatory attacks against Kalenjin or Luo communities in other places. Thus one of the traditional ethnic ‘fault lines’ since independence was played out along political party lines. The anger at the announcement of the presidential election and the loss by the ODM exacerbated the feeling that once again they had been cheated or disadvantaged by a perceived blatant manipulation of political power; in this case the perceived rigging of the voting.

In the 2013 elections, the two major competing political coalitions were the CORD and the Jubilee. Importantly the political party alliances did not reflect the same set of historical ethnic rivalries. In this case the winning party consisted of an alliance between the Kikuyu and Kalenjin leaders. Thus the two communities that had seen such violence in 2007-2008 were within *the same* political alliance rather than opposed against each other. While there were apparent reported tensions within this alliance and reports of some degree of unhappiness at the grass roots level within this ‘marriage of convenience,’ many respondents nevertheless considered this a major factor for the lack of violence.

**The International Criminal Court (ICC):** In response to the 2007/2008 PEV, Kofi Anan oversaw a peace agreement that took a meaningful look into the nature of the violence. When Anan was able to reach the end of negotiations in February 2008, several conditions were put into place that have changed the way Kenya operates today. There was a renewed energy and momentum into determining who was responsible for the violence and to hold perpetrators accountable: Out of the negotiations came the Commission Report, which went straight to the ICC prosecutor with names. This resulted in ICC pressures and subsequent indictments of several people.<sup>92</sup>

The influence of the International Criminal Court (ICC) on the behavior of the senior stakeholders was also perceived to have been significant at the national level. The indictment of prominent figures in the Kenyan political scene by the ICC for their actions in the 2007-2008 elections (including the newly elected President and Deputy President)—all accused of crimes against humanity in the 2007-2008 presidential elections<sup>93</sup>—has been very visible in the media. This reportedly shaped the political

alliances discussed above. In the views of some respondents this allowed the election to be framed as a referendum against the ICC and a defense of the sovereignty of Kenya. However, the public debates around the ICC gave a very clear message to all election participants and leaders that their behavior was under international scrutiny and that there were potential consequences for inciting violence this time around. The fact that there was also a senior media person indicted demonstrated that *all* actors, not only the political leaders, should consider their actions and be responsible.

**The Institutional Framework:**One of the issues in the 2007/8 elections was the failure and lack of trust in some of the key institutions involved in the election, notably the electoral commission. Confidence in the Kenya Electoral commission was very low and the judiciary was considered to be corrupt so people considered that there had been no viable options in the event of an election dispute.

In 2010, Kenya adopted a new constitution, representing the greatest change in governance in the country and resulting in 47 county governments – a much more decentralized and representative system.<sup>94</sup>The election tested the power of the new constitution, which emphasized decentralization of power, created accountable government and sought to prevent the violence of 2007/2008 by sharing resources more equitably.<sup>95</sup>A number of new institutions were also formed under the auspices of the 2010 referendum. These included the National Cohesion and Integration Commission (NCIC) established under the National Cohesion and Integration Act of 2008.<sup>96</sup> The NCIC has the mandate to promote reconciliation and contribute towards a peaceful and integrated Kenya. Its vision is of a peaceful, united, and integrated Kenyan Society. The NCIC has employed a series of activities aimed at promoting tolerance, acceptance of diversity and equal opportunities and peaceful co-existence of persons of different ethnic and racial communities. It also monitors various forms discrimination as well as hate speech and harassment on the basis of ethnicity.<sup>97</sup> Hate speech and incitement of violence had been identified as a major contributor to the Post election violence of 2007/2008. Other institutions established or renovated included the Interim Independent Electoral Boundary Commission (IEBC), and the Truth, Justice and Reconciliation Commission (TJRC). Additionally, there were major overhauls to the Judiciary.

The reaction of the defeated Jubilee coalition leader to the election was that he felt that it had been stolen, but instead of using the words “mass action” he said, “I do not want you to protest, I do not want violence, I want to go to court.”<sup>98</sup> If it is true that leaders can incite individuals to violence, then his words might help to explain the peace.<sup>99</sup> Kenyans also said the calmer atmosphere this time was in part because of far greater trust in the reformed judiciary that ruled on the disputed vote, and because the CORD leadership was quick to accept the verdict despite their frustration.<sup>100</sup>

Coupled with these higher-level changes, was the reformulation of the provincial administration the devolution of local government to the county level—a change brought about by the new constitution. This meant that in the 2013 elections there were six possible positions to be voted on at the local level, for rather than simply the position of President. This created a new series of opportunities for voice and representation, replacing ‘winner takes all’ politics that had historically been taking place at the national level. With the prospect of devolved governance and resources, the tensions have been reduced at the

national level and possibly enhanced at or displaced to the new County level. At any local level, the elected positions during the 2013 Kenya elections included:

- *The President*
- *The National Assembly Representative*
- *The Senator (National Level – County Representative)*
- *The Women’s Representative (National Assembly – County Representative)*
- *The County Governor*
- *County Assembly Ward Representative*

**The Security Forces:** The different behavior of the security forces in 2013 was also considered a significant change from that of the past. A change in leadership within the police with the appointment of a new Inspector General of the Police marked a change in attitude and behavior, as the new Inspector General was known and respected for his willingness to work with civil society and other stakeholders, and this assisted enormously in the new collaborative approach adopted in addressing election violence in 2013.<sup>101</sup> The election is likely to have benefitted from the deployment of 100,000 police forces across Kenya, which sent a message to citizens that their actions were being monitored.<sup>102</sup> Under the new constitution, if a citizen introduced violent rhetoric, there was monitoring, tracking and reporting of that hate speech. For this reason, it would have been difficult to incite Kenyans in the same way as 2007 and 2008.<sup>103</sup>

The preparedness and much improved deployment of the security forces with a sophisticated containment policy played a significant role in preventing violence throughout the country in 2013. The security forces were also reportedly far more responsive to feedback from other stakeholders in terms of their own impact on crowd dynamics and the perception of people towards them.<sup>104</sup> Thus, for example, when a heavy police presence was considered to be inappropriate, the police force withdrew from certain public occasions to a far less visible and ‘provocative’ profile (sometimes having shown an initial large presence as a deterrent). The police were also far more proactive in their crowd control, particularly in the informal urban settlements where large public meetings were not allowed and any gathering of more than a few people close to the elections, before and after, was dispersed. Even large social gatherings did not take place with funerals and weddings postponed. This responsible and more active policing, with increased presence and deployment in known hotspots or areas of concern, was in stark contrast to that of 2007-2008 where the violence took state and other actors largely by surprise and where the behavior of security forces even catalyzed or played into the violence. In the previous election even where there had been possible early warning signs these had not been integrated into any conflict-prevention planning and therefore had been left unaddressed.<sup>105</sup>

**The Role of the Media:** The Kreigler Report noted that prior to the 2007-2008 elections, there had been a liberalization of the media sector, but with no clear regulatory and legal framework, which resulted in a proliferation of different new media, both print and radio. Without a strong regulatory framework some considered that the media had been very partisan in their coverage of political events and that in 2007/2008, some of the vernacular FM radio stations in particular were accused of contributing to the incitement of violence.<sup>106</sup> The consequence of this was that the media sector invested heavily in self-regulation in 2013. Some respondents even suggested that this strayed into the area of self censorship.

The Media Council of Kenya (the independent regulatory body for the media) developed a code of conduct and guidelines aimed at helping journalists to provide ‘comprehensive, accurate, impartial, balanced and fair coverage of the elections’.<sup>107</sup> In the front cover of the guidelines is also a list of twenty-one of the major media houses in Kenya who publically committed to adherence to the guidelines in the elections of 2013. Coupled with the production of the guidelines was a substantial investment in training of journalists in ‘conflict sensitive reporting’. As a result, the media were careful not to report events in any way that might potentially raise tensions or increase the possibility of violence. Respondents noted the far more responsible in which the media behaved in the 2013 elections, and noted that this sometime manifested itself in tensions within media houses as reporting was toned down by local reporters so as not to sensationalize or enflame relationships, while at the centre the media were keen to report more actively on what was taking place out in different locations.<sup>108</sup>

### **Other Factors Limiting Conflict**

As well as the formal noted within the institutional structures of framework of government, there were also a set of other factors that were broadly within the public or civil society domain.

**Public mood:** The whole nation and indeed the international community was deeply shocked with the majority of people appalled at how the violence in Kenya unfolded and escalated following the 2007-2008 elections. While acknowledging that there were many structural issues just below the surface, Kenya has been relatively peaceful since its independence and so large-scale, national and brutal violence was shocking and completely unexpected to most people. While there had been violence around elections in the past, it had been fairly limited in extent and localized in the Rift Valley. Given the large number of deaths as well as the number of displaced in 2008, interviewees note that the nation was traumatized by the experience and those who had not witnessed the violence first-hand had seen the behaviors and associated disturbing images through the media.<sup>109</sup>

There was a consensus between political elites and the citizens alike not to allow Kenya to almost erupt into civil war again.<sup>110</sup> Formal analysis of the 2007-2008 post election violence took place through two commissions but at the level of the community there was also a large amount of soul-searching around roles, responsibility and ‘our part’ in the experience. This also extended to the media, the business community and the religious communities, many of whom engaged in processes of self-examination resulting in various reforms, guidelines and considerations of how to change their behaviors and actions in 2013. The overall effect of these actions and consequence of the experience was that the majority of people had a ‘never again’ attitude to the possibility of violence.<sup>111</sup>

**Public Scrutiny:** There was a greatly expanded set of observers to the elections compared to the past, with both formal and informal election monitors. Members of churches and other civil society groups ‘took their time’ when voting at the polling booths to ensure that they could report issues at polling places in real time. Further scrutiny was formalized through the work of NCIC monitoring ‘hate speech’ at political rallies. This monitoring—both formal and informal—was backed up by the more strategic presence of the security forces as noted above.



**Accountability:** As a result of both the formal and informal soul-searching related to responsibility for the 2007-2008 experience, as well as the work of NCIC, respondents considered there emerged an increasing sense of stakeholders being accountable for their behavior, actions, and for what they said in the public arena. This new responsibility led to a series of public signing of pledges from politicians (instigated by the Kenya Red Cross and others) to eschew violence and its incitement during the election in 2013, in a similar way to the endorsement of the self-regulation of the media houses.

**Saturation of Peace Messaging:** All respondents noted the heavy emphasis on peace messaging that was coming from virtually all sectors of society: government, media, the political leaders themselves, religious leaders, women leaders, youth leaders as well as civil society and a large variety of NGOs and CSOs. The business sector was vocal with peace messages both to their constituents as well as public messages. For instance that there were large banners at all the flower factories in Naivasha. Large corporations paid for advertisements and business leaders went on media to give messages of peace. Some respondents noted that the nature of this consistent and overwhelming expression of peace had a 'peace at all costs' flavor to it. One interviewee referred to it as '*bombing the people with peace*' as a way to describe the combined effect of specific targeted messaging, and the broader blanket approach to this kind of messaging adopted by all stakeholders. While this constant messaging had some impact, a perhaps perverse result was that there was little opportunity for dissenting voices to dispute whether this was actually healthy or had a social cost that might come back to bite later.

#### **County Level Factors considered to have influenced Election behaviour**

There were additional factors that were being played out at the county level. These varied from county to county but appear to be fairly similar overall. In the early stages of analysis by civil society following 2007-2008 there was an assumption that the hotspots where conflict occurred would inevitably be the same areas where the potential risk in 2013 would be highest. There were a number of conflict mapping and analysis activities being undertaken during this time—the National Conflict Mapping and Analysis process (NCMA) during 2011 as well as other complementary activities undertaken with various civil society actors. It was not until a relatively late stage in 2012 that a look at the county level under the umbrella of NSC revealed a range of different issues that might be expressed in violence.<sup>112</sup> The analyses that were undertaken to considered factors such as the ethnic balance and potential voting blocks in the counties, previous patterns of voting, how voting had been undertaken during the constitutional referendum, voter registration, party affiliations—as well as the existing issues of competition over land and natural resources, social and economic dynamics, and relationships between various groups in the county. Important historical events where relationships between key stakeholders had been sour or contentious (for instance displacement in past elections) were also assessed. All of these dynamics were now placed and assessed within the broader context of devolution and decentralization.

This comprehensive level of analyses in the counties had never before undertaken previously. It revealed a complex and fractured pattern and set of relationships and issues that could play out in a number of ways in the future. With respect to the 2013 election some areas and previous hotspots receded in importance, while others such as Tana River became more significant as potential conflict hotspots. Others such as Mandera remained constant for a variety of reasons.

**‘Negotiated Democracy’:** One traditional response to ethnic conflict and competition in the past has been separate the two competing factions through the creation of a new district. There appears to have been little substantive effort at negotiating social compromises. Given the extent of homogeneity or heterogeneity in the ethnic balance in any county, the emerging concept of ‘negotiated democracy’ is now being discussed by stakeholders. The notion behind negotiated democracy is that leaders of different groups or political parties discuss together the optimum way to ensure that there is a ‘fair’ representation of different factions or ethnic groups across the different positions being elected or appointed in the county. This apparently may take various forms such as agreeing not to compete for certain positions, or balancing the county assembly, creating ethnic alliances and so on. The key point being that this is discussed *before* the elections take place. The extent to which this reported process of ‘negotiated democracy’ actually took place in the various counties that were prone to electoral violence would a much more in-depth analysis, but civil society interviewees reported this process as becoming increasingly important, and suggested that in the future the practice might become even more common. The idea suggested is that if some of the more contentious possibilities are agreed beforehand or prevented from occurring and there is relative consensus in the approach to achieve this result, then the possibility for violence will be reduced and people will feel less dissatisfied with any electoral processes. There are important real and potential conflict issues expressed within this example that will need to be addressed more broadly in the future as the political system matures and to prevent escalating ethnic violence, such as:

- The trend towards land and resource ‘ownership’ in across different clans or ethnic groups in pastoral area—with its assumed associated political representation.
- The potential accompanying lack of tolerance of minority ethnic groups of clans within these geographical area and administrative areas.
- The need to develop political and administrative leadership that represents the interests of all groups equally, not just the interests of their particular group when in power.

These areas are where the role of ‘negotiated democracy’ could come into play in preventing violence by ensuring that there is ‘fair’ representation of the ethnic groups.<sup>113</sup> However, a fear associated with ‘negotiated democracy’ is that, while helping to keep the peace, the democratic process may be manipulated and undermined through this type of agreement. The extent to which negotiated democracy actually happened in 2013 is difficult to determine. In Isiolo, key informants were divided on the question. On the one hand, many informants stressed that the elections had been fair, open, transparent and fiercely contested (as evidenced by the close competition and number of votes of the different candidates) and that this was a result of ‘normal’ transparent election competition. On the other, some key informants stressed that there had been discussions prior to the elections between the leadership of the various ethnic groups to see how best to reflect ethnic power and population balances within the county. In the case of Isiolo, informants considered that imbalances reflected in elected positions might be addressed through representation in the county assembly and the careful appointment of ethnic leaders in positions that are within the mandate of the governor to appoint. In other words, interviewees in Isiolo suggested this as a departure from the old national ‘winner takes all’ system, by ensuring that each group will at least have some representation at some level, together with

some of the accompanying resources for its constituency—which in turn diminishes the importance of any given electoral outcome.

In Isiolo there are five main ethnic groups; the Borana, Somali, Meru, Samburu and Turkana with the Borana being the majority. The key to negotiated democracy in Isiolo was therefore how to ensure that the minority groups had some representation and did not feel completely dominated by the Borana. Key informants were mixed in their reporting of whether or not some form of ‘negotiated democracy’ had taken place. The upshot however, was that the elections in Isiolo were peaceful, there was a relatively high voter turnout and the elected leaders in the end did to some extent represent the cosmopolitan make-up of the population. Whether this outcome was “negotiated” or was just the fortunate outcome of political competition this time around is not entirely clear. Unfortunately the research period in Isiolo was insufficient to be able to organize to meet with these main political actors.

**District Peace Committees and Peace Committees:** Traditionally peace building in the ASAL areas adopted a pattern of peace committee formation in the community, trainings, and community dialogues—particularly after an event to ‘normalize’ the situation and possibly to return stolen cattle or compensate for death or injury to humans. Significant time and effort has been invested in the training of the District Peace Committees (DPCs). These trainings often cover various topics including conflict management, peace-building, conflict resolution, and mediation training. The ability of DPCs and LPCs to address underlying problems is limited and they are rarely in a position to address root causes of conflict. Nevertheless the peace committee as a mechanism for managing conflict in areas where government may be weak and areas expansive is considered by many observers to be a significant success in the Kenyan context. This is evidenced by the incorporation of the concept of the peace committee, which emerged out of a civil society effort in Wajir, into the government structures (although to date, the structure has no formal constitutional basis). The National Steering Committee (NSC) has a mandate under the Office of the President to address national issues of peace and conflict and this body has introduced the District Peace Committee (DPC) across the country. DPCs were very active in the election period mainly organizing peace dialogues, and maintaining early warning mechanisms and communications lines open with more formal authorities and between different groups. Where necessary they had access to the rapid response fund mechanism at the national level under the umbrella of the NSC.<sup>114</sup>

Respondents in Isiolo considered the comprehensive work of dialogue undertaken between groups at the community level (often, but not exclusively, through the DPC or LPCs) to be a significant factor in keeping the peace during the elections. There had been considerable anxiety within all stakeholders that there might be election-related violence, because in 2011 and in 2012 there had been worrying signs that violence was escalating, and 2012 in particular witnessed some nasty outbreaks of inter-ethnic violence that resulted in house burnings, deaths and a series of revenge killings. Fighting in the town was a common occurrence. It was not until a heavy investment in cross-community discussions catalyzed by community leaders, organized by the Inter-faith forum, as well as other civil society members managed to bring the situation under control. On analysis it became clear that most people did not know why they were fighting, but that it was clear that politicians and leaders were manipulating the situation. In the run-up to the elections there was a large stakeholder meeting held in Isiolo

involving politicians, elders, government and others to agree on how best to campaign, and where and when to hold rallies. This and other examples of dialogue at the grass root level were examples of the work of DPCs and other civil society stakeholders such as the churches.

## Summary

The 2013 elections were relatively peaceful with little dispute over the final results, particularly when compared against the 2007 elections. A combination of different mechanisms operating together and collaborative work between stakeholders, coupled with an investment in voter education, media self-regulation, improved behavior from politicians—and perhaps most importantly the preparation and preparedness of the security forces—have all played a role. What is harder to say is the *extent* to which the each of the different elements was significant within the whole panoply of interventions and different activities.

Some of these interventions appear to be more significant than others. For instance the effective containment approaches adopted by the police were significantly more sophisticated and proactive than during previous elections. The security forces were supported by many other actors and stakeholders through early warnings and advice. Nevertheless, even considering the role that peace institutions played, it is probable that the influence of the policing was more important in ensuring the lack of election related violence. The early warning role of peace building organizations was critical, but this time around, early warning was linked to a response that largely involved the security forces. At the same time, as noted above the security forces were more sophisticated in their approach to prevention.

Despite the peaceful elections, a large number of the interviewees at the national level were of the strong opinion that conflict and the many issues that drive it, are still just below the surface and that violence may yet still erupt in the future. The election was not peaceful simply because people did not fight. The mood of people was described as being ‘numbed with peace’ or the interviewees used phrases such as that ‘justice was drowned out.’ In other words, there were injustices done—but if people did not think that an outcome was fair, they simply kept quiet as they did not want a return to violence. In the views of many respondents, there did not appear to be space for debate in case the discussion got ‘out of control.’ Discussion about difficult national issues such as ethnicity was stifled rather than facilitated. In the fear of allowing the genie out of the bottle and not being able to control it, there was instead a sense of over-control. No one wanted to be seen as the “person who did not want peace.” This does not mean that, overall, it was not a fair election, but rather there was limited opportunity to explore or challenge whether it was or was not.

There was heavy investment in keeping the peace and preventing any outbreaks of violence in 2013, but now that the elections are over, many in the peace-building sector sense that there has been little progress on real issues. While there was no major election violence, most of the root causes have not been addressed. In interviews there were fears expressed that the situation was still very fragile and there remains the possibility of conflict occurring in the near future as a result of the unaddressed issues.

## G. Conclusion and Recommendations for Practice and Research

Kenya had a shocking insight into the potential dangers of unchecked violence through the experience of the 2007 elections and 2008 post-election violence. This demonstrated how inadequate all stakeholders—including government, the security forces, and the peace-building sector—had been in their ability to control events. This research has sought to place peace building and conflict mitigation in the range of activities around mitigating the risk of humanitarian emergencies. In the case of the 2013 elections the risk had both local and national facets and dangers associated with it. So there was recognition that risk-reduction and preparedness was needed at both levels to address the potential for violence.

The relative lack of election violence in 2013 suggests at least a degree of success to this approach, in terms of preparedness and levels of containment activity. The combination of organizations with different mandates aiming their activities towards prevention and reduction of the risk of conflict worked well. One of the key factors for the overall success of the prevention of violence in the 2013 elections, aside from the enormous level of activity and availability of resources, was the high level of coordination and collaboration between diverse organizations and institutions. This level of alignment is perhaps unique compared to risk reduction activities that are routinely undertaken concerning natural disasters or protracted conflict—and it was at least partially possible *because* of the experience of 2008. In 2013, everyone foresaw the possibility of repeated conflict, and many institutions were well prepared to deal with it. Thus the nature of the risk in the case of the 2013 elections was unusual when comparing it with more routine risks of either natural disaster hazards or the risk of violent conflict, because it was known in advance when it would occur, it was a single event, and it was national in nature.

The major difficulty comes with addressing DRR principles to the more chronic unforeseeable issues associated with conflict, particularly in the ASAL areas. While it is possible to identify higher-risk locations and indeed times where the likelihood of conflict is increased, it is much more difficult to prepare for and even prevent these events in the same manner as nation-wide elections. It is for these types of conflicts that the DPC model in Kenya was established.

Thus this analysis might question the extent to which the investment in skills development around mediation, conflict mitigation and peace building translates into increased peace. The DPCs and other peace actors now have increased abilities that they are able to put to use, but the fundamental drivers of conflict are not necessarily being addressed. Following the 2008 violence, some semblance of normalcy did return, and this is sometimes credited to “peace work” that was conducted in the aftermath of the violence. But this is indeed one of the criticisms leveled against “peace work” generally: that – irrespective of intent, work seems to be more concerned with re-establishing some kind of *status quo ante*. And the success of such work is “measured” in those terms—rather than in terms of either preventing further conflict or addressing the causes of conflict.

Skills at the individual or even community level have not been shown to be capable of addressing some of the larger issues such as historical grievances between ethnic groups that are played out in the national arena. As evidenced by the research into the situation in Isiolo, without a functioning justice system the impact of conflict mitigation activities at the community levels are likely to be limited. They

clearly need to be linked to a working system of law enforcement and justice, whether customary or statutory, or a combination.

The main criticism against peace-building approaches is that they do not deal (or at least, *have not* dealt) with the underlying issues. While the rhetoric of addressing underlying grievances is ever-present, much of the actual observable activity in conflict management is less about addressing the underlying problem than it is about trying to put a stop to violence when it is happening, or getting people back to talking to one another after violent conflict has broken out. This is actually a shared characteristic between peace-building and DRR in a natural disaster hazard context. When discussing DRR some might take the position that DRR work is not mandated to tackle the “root causes” of whatever the potential disaster might be, rather it simply enables vulnerable communities to deal with the consequences in ways that minimize risk to human outcomes. However, there is an obvious significant difference between man-made disasters and natural disasters which is that while it may not be possible to tackle the “root causes” of natural disasters, it is possible (indeed imperative) to address those of potential man-made disasters such as conflict.

The work of the DPCs and the majority of peacebuilding organizations has been around the prevention of the escalation of conflict, and the ability of individuals within the peace committees to respond to incidents once they have occurred. So if the ‘normal’ drivers of ‘everyday’ conflict have not changed then one will not see any change in the levels of conflict being experienced by the community—except that perhaps someone might intervene to try to stop the overt violence, and law enforcement might be notified more quickly. In the case of Isiolo, the conflict has reduced—not as a result of the change in conditions or drivers, but rather in the institutional response that the government takes, so that there is real accountability rather than a culture of impunity. Whether (and precisely where) law enforcement and justice are placed within the spectrum of peace-building activities is a separate issue, but without these fundamental pieces of the governance equation in society, peace is very difficult to achieve. Without systemic functional institutions that can deal with injustice, conflict will likely continue, as there is little chance of breaking cycles of violence, revenge or struggle to address the injustice. Peace building activities by themselves in this context will have limited impact.

Nevertheless the DPCs have played an acknowledged role in the early warning realm with reporting potential issues to security authorities where appropriate. The early warning component of DPCs is one obvious link between natural disaster reduction and conflict, but even the early warning function is somewhat *ad hoc*. The response to conflict early warning is relatively constrained by the capacity of DPCs and other actors on the ground.

One place where peacebuilding programming specifically works to address root causes is when those root causes are related to resource competition. For instance in ASAL areas, peacebuilding activities often take an approach to limit the competition and reduce the underlying source of conflict. This may be through the introduction of additional water points or improved rangeland techniques that seek to improve the resource base available to the competing groups. Addressing other types of conflict, particularly those involving arable land, are less amenable to this approach but still must be dealt with in the longer term. In counties such as Isiolo there appears to have been insufficient investment in

addressing some of the root causes of conflict—in part because of the lack of a sufficiently specific conflict analysis, lack of capacity, the lack of resources, and perhaps most importantly, the lack of political will.

Many organizations see a link between conflict and livelihoods, and indeed incorporate some elements of livelihoods into peace building and conflict management. But much of this is *post-hoc* provision of inputs, goods and services for people displaced; reconstruction of housing that had been destroyed, or training for youth based on the observation that unemployed (and particularly male) youth are the main group perpetrating the violence (if not necessarily always the party instigating it). These may all be helpful things to do, but they likewise are mostly not addressing the underlying issues. Again, this is not to conclude that these aren't useful things to do, but many of these activities are less about enabling ways of reducing the risk of conflict than they are about restoring the situation to "normal" afterwards.

Increasingly with the introduction of conflict-sensitive approaches, most NGOs in ASAL and conflict affected areas are blurring the edges further and further between traditional sectoral programs involving livelihoods or education and active peace-building that may attempt to address the root causes of conflict. For instance the Kenya Red Cross, having moved from the pure humanitarian end of the development spectrum, is now looking at introducing such elements as resource-sharing agreements and conflict management into their work in these areas: programmatic boundaries are increasingly flexible. An acknowledgement that conflict is multi-causal and encompasses multiple sectors also implies a responsibility to address the nexus between sectoral programs and conflict.

Significant differences arise about the wisdom of humanitarian agencies engaging in peacebuilding. Some agencies, tired of simply binding up the wounds of conflict, have begun to invest significant program resources into peace building programs. But a number of respondents argued that there is a good reason why humanitarian agencies steer clear of peace building. First is the issue that engagement with actors in conflict may compromise the principle of neutrality unless that engagement is restricted to the question of humanitarian access. The second is the politics of risk reduction—it is seen to be okay to work on natural hazards but not to work on political hazards. On the other hand, peace building principles and some humanitarian principles appear to overlap—the most obvious example in Kenya being the work of the Kenya Red Cross Society as a trusted "honest broker" in situations like the conflicts in Moyale or Tana River. That is, as a result of their obvious humanitarian principles of independence and impartiality, KRC had the credibility with all communities in the conflict to mediate a cessation to the violence.

In longer term approaches, the distinction between "peace building" and "development" or "strengthening livelihoods" needs to be broken down so that peace-building is mainstreamed into sectoral. For example, Oxfam reported attempting a technical support approach whereby each livelihood program was supported by a technical peace-builder who could ensure that conflict sensitive approaches stakeholder relationships, and a broader strategic approach was taken into account. According to the informant, there were signs that this was yielding results, but unfortunately the costs associated with the additional personnel that were required appeared to be prohibitive.

In considering long term risk reduction approaches to conflict issues, particularly with respect to areas where livelihoods and competition over natural resources lends itself to the blurring of the edges between peace-building, addressing root causes of conflict and DRR, it is worth more deliberately exploring a variety of models that blend the lessons learned and approaches of DRR, conflict transformation and integrated livelihoods programming. Some organizations in Kenya have done this though it is rare to see more than one organization at a time in one area taking this approach. One of the lessons learned from the 2013 elections is that a combination of a common purpose and a relatively integrated approach has significantly more impact than a more “siloeed” approach, but it also requires considerable investment in coordination. But it could yield an enormous benefit in terms of stability, the improved effectiveness of the programs, the creation of a stronger foundation for long term development, and a reduction in the impact of conflict and the associated costs of ongoing humanitarian responses.

This discussion is timely as most organizations that were interviewed noted that their peace-building grants are coming to an end and the larger programs funded by USAID are also ending and this drying up of resources will then flow on to affect national partner organizations. For instance Pact’s Kenyan Civil Society Strengthening Program – KCSSP is ending in September; the Mercy Corp program LEAP – Local Empowerment for Peace—has already ended in July 2013; and the IRC program PIK – Peace Initiative Kenya—is also due to end in September. Others are also ending soon. This represents a sharp drop in the number (and budget) of peace building programs in the NGO sector. It is also likely that following the peaceful implementation of the elections that there will be a considerable reorientation of the resources from all donors towards other interventions, and there seems to be a particular interest in the devolution process as a target for support.

However, despite the largely peaceful outcome of the elections, Kenya remains prone to conflict, and a multi-sectoral approach needs to be adopted if stability is to be achieved. This requires a far more sophisticated approach to peace building (and the reduction of the risk of violence) to be adopted which includes a deep investment in addressing the different causes of conflict. The suggestion of an integrated approach to peace building is perhaps not new, but it still remains to be put into practice in a meaningful way. It would be a grave mistake to simply stop funding conflict prevention and peace-building, rather a new approach should be developed with an accompanying investment in addressing the root causes of conflict that hinder Kenya’s development.

Given the findings of this study, several policy recommendations are made:

- Community-based peace building programs should be broadened to address root causes rather than focus primarily only conflict management approaches. Simply closing conflict programs down as the elections have passed ‘peacefully’ is a shortsighted and potentially dangerous option.
- Donors should consider allocating funds and supporting programs that specifically address the historical grievances that are fundamental conflict fault-lines within Kenyan society and have been shown to be deep national hurts that can be tapped into for political ends and can erupt in violence.



- Conflict mapping can help to prioritize the most fragile of the new counties where there are fears of conflict breaking out during the devolution process. A comprehensive, coordinated approach can then be developed to assist these counties through the devolution process
- Agencies that normally focus on livelihood development programs and who are working in conflict affected areas should adopt, not only conflict sensitive or Do No Harm approaches to their work, but should either partner with a specialist peace-building agency or ensure that specialist peace-building/ conflict transformation technical assistance is embedded in their programs to put addressing root causes of conflict at the center of their efforts rather than only sectoral objectives.
- Conventional Disaster Risk Reduction approaches and peace building approaches should be better integrated at the local level, even if some degree of specialized capabilities for both are required
- Ensure that development activities in counties use the county based ‘conflict priority’ documents that are to be shortly available to the public as the initial basis for designing programs, in whatever sector to be mindful of the key conflict issues in that environment.

Regarding further research, several more observations include:

- Further research on the topic of ‘negotiated democracy’ should be conducted to understand the phenomenon and the extent to which it is a positive force for peace and stability, or whether it has a less favorable impact by preventing conflicts from being aired and addressed.
- A more fundamental problem with risk reduction research has been highlighted by this study. Research on risk reducing interventions can only really show impact if the risk being mitigated by activities under study actually manifests itself—and then only really is there is a meaningful comparison between communities where interventions were practices and communities where they were not. Many instances of DRR research have monitored but the risk has not materialized in an actual shock, or no comparison is possible because the coverage of the intervention is general. In this case, the Kenya case study was selected *because* there was a strong likelihood of repeated conflict around the 2013 election, given the experience of 2008. However, interpreting the results of this study are difficult precisely because the elections were such an obvious source of contention that many actors—government, donors, NGOs, and civil society—all mobilized to prevent a repeat of the violence of 2008. While that effort can largely be judged a success in terms of limiting repeated violence in 2013, it is very difficult to extrapolate the findings about peace building activities around the 2013 elections to other, less predictable but nevertheless ever-present, sources of conflict.

## Post Script: Presentation of the Research and Round Table Discussion

### *Background to the Round Table*

As a means of feeding back the findings from the study, and of generating discussion within the DRR and peace-building communities in Kenya, the study team held a presentation and round table discussion on the study and the issues growing out of it on July 9, 2013 at Kenya Red Cross. Some 25 persons or organizations were invited to attend, in the end 18 actually made it. The main report notes that in Kenya, as in other contexts, the overlap between the natural hazard DRR community of practice and the peace building community of practice is small. People and organizations from both communities were invited—more actually attended from peace building organizations.

Dr. James Kisia of Kenya Red Cross chaired the session. Dan Maxwell briefly presented the background to the study, and the methods and approach of the Kenya study; Ahmed Idris of Kenya Red Cross presented the empirical findings. For the remainder of the half-day round table, the following questions were discussed.

1. What was the role in the relatively peaceful outcomes of the elections of local, community-based peace building activities? What was the role of livelihoods protection or other DRR activities?
2. Did the effort put too much emphasis on “keeping the peace” rather than electoral fairness?
3. What do you see as the future role and relevance of the District Peace Committees? How does the experience of 2008 Post Election Violence and the 2013 elections shape this role?
4. What are the main lessons to learn from this? The possibility for election related violence was very visible, known well in advance, etc. Will lessons learned in the election period help in other, less easily foreseen conflicts?
5. What are the implications going forward for peace building activities and other programs aimed at risk reduction?

### *Main points from the general discussion*

DRR and livelihoods interventions in Kenya need to be underpinned by a strong conflict analysis, and one of the purposes of livelihoods work is to reduce the long-term threat of conflict. But the policy context isn't clear. The National Steering Committee for Peace Building and Conflict Management (NSC) is the relevant government body for peace building; the National Drought Management Authority (NDMA) is more the lead agency on DRR (given that drought is the predominant hazard). At least for an interim period, the National Cohesion and Integration Commission (NCIC) has a mandate to promote peaceful relations between different ethnic and racial groups and also to service in an advisory capacity to the government. There is often good collaboration on the ground, but not yet in policy. The National Peace Building Policy is still being developed—now in the Attorney General's office.

There remains some confusion about the role of District and Local Peace Committees (DPCs/LPCs). Are they about peace building organizations growing out of civil society, or are they reporting/early warning mechanism for government security forces? On the ground, information from DPCs is shared up and

shared horizontally—with information going to local government and security forces, also to the NSC. The perception is that DPCs are part of government, but in fact they should be seen as separate (a point that was debated for several minutes—which in itself is indicative of the widely varying perceptions). There was a strong sentiment from some members that peace messaging (from across the spectrum of government, political leaders, civil society and the private sector) contributed to “peaceful” outcomes of the elections. But there was less agreement on exactly what this means for the future. There is now a very fragile peace, described by one person as “peace built on impunity.” The issue of “underlying causes” to conflict remains largely unaddressed, despite all the activity in peace building of the past several years. All this means that the lack of violent conflict is good but there remains a lot to be done to build real peace. DRR and “developmental” approaches to peace assume that conflict can be resolved by addressing the underlying resource constraints that sometimes leads to conflict. That may be, but it is expensive. There was no consensus as to whether increased resource availability is the key to peace building.

There are certainly livelihoods-related causes of some conflict in Kenya—both in the PEV affected areas and in the Arid Lands areas, but organizations should be careful about “blaming” livelihoods as the root cause of conflict. In many of the conflicts leading up to the the 2013 elections (including Moyale and Tana River) the immediate conflict was about politics—“people crossing the river to vote.” However, long standing struggles over resources and the control over resources that would result from winning the election were issues behind the immediate politics.

There was significant discussion about “negotiated democracy.” Negotiated democracy is meant to get beyond the argument that politics is a zero sum game in political economy terms. While negotiated democracy is not necessarily the ultimate answer, it is a step in the right direction. However, the fear is that negotiated democracy may tend to quash the narrative of dissent. Conflicts are cyclical because there is never sufficient attention to the structural (underlying) issues; structurally. Peace builders have a sense of a “winner-takes-all” character to politics. Negotiated democracy is meant to be a negotiated alternative to that. But negotiated democracy has to put it in context—it isn’t a panacea.

There was also a good deal of discussion about District Peace Committees (DPCs) and their role. DPCs came out of civil society experience in the Arid Lands’ areas and regional (IGAD) engagement around the Conflict Early Warning and Response Network (CEWARN) project. During the 2008 PEV, the government decided to copy them elsewhere. But they didn’t grow out of those contexts, so there was a misfit between institution and context. There have been some growing pains, but peace building organizations have worked successfully with them. For example, in Tana River, DPCs highlighted the problems before they broke out into full-scale conflict (but they weren’t able to contain the conflict). In the past, the response would have been military with the civil society approach of dialogue and problem solving, getting people to talk to each other etc. missing. Now there has to be a mixed approach of dialogue and security force intervention.

Early warning (whether from DPCs or other sources) needs to be linked to a variety of responses, not just a security force response. It also needs to be linked to dialogue and mediation, as well as to livelihoods interventions.

But DPCs have the reputation of consisting mainly of community elders. Where DPCs work well, they have been broadened beyond the “elders,” and have diversified their approaches. The perception however, is also that they are government structures. The community chooses its DPC’s members, but they are mandated by government action (not by official policy or legislation yet) so the perception of a sort of “dual role” continues to persist.

There is also the issue of the Terms of Reference for DPCs. When the research was carried out, the District Commissioner was the “patron” of the DPC. One couldn’t say it was not part of government. But this has now changed. There are roles that require DPCs to be independent. For example, the Wareng case from the research highlighted the role of the DPC in returning items stolen during PEV. It was done confidentially so that stolen goods could be returned, but without victimizing those who chose to return stolen items. But that meant that DPC had the information about who returned what. If DPCs were linked to the criminal justice system, this would never have happened. DPCs are sometimes used for other purposes by businessmen, or by politicians, because they offer a forum or platform for public purposes.

Lastly, DPCs are very dependent on the personalities of individual leaders. They need to be institutionalized—made independent of personalities. With capacity building, they can become more independent. There is a need for more in-depth research on DPCs—both their strengths and weaknesses. But it would have to be a very different study from this one: nation-wide in terms of representation, and in-depth on this one institution, not a survey of all institutions and actors.

Civic education and education around the new constitution is very important to the way forward. The greatest hope for peace is devolved government. But devolution has raised a lot of hopes, and this optimism will be wasted if people don’t see results. Civic education is critical to ensure that devolution works for the people

It is difficult to talk about sustained peace when there are still all the same structural causes of violence, when young people still can’t find jobs and guns are easily available. Youth empowerment and employment are critical issues. But levels of education are very low, schools are few in the informal settlements and the only ones who are doing well are criminals. Government after government has talked about addressing the “youth problem.” Addressing root causes is expensive and complicated.

There is a questioning of the directions that donors are going with this agenda. There had been big money for “peace building” projects in the run up to the elections, but the emphasis is now clearly shifting to other areas. Part of this is support is for government devolution and part of it is simply pulling back now that the elections were held without major incident or outbreaks of violence.

All this is why there is a need to emphasize the conflict/livelihoods link: Many of the youth now say, “talk, talk, talk, but you can’t eat peace—Tumesotanaamani”(we are “broke” with peace). They say it laughingly now, but participant fear they may say it with bitterness later.

## H. Annexes

### Annex 1: Background and Conflict Analysis for Isiolo and Burnt Forest

#### *Burnt Forest*

With the exception of minor clashes that may occur for a variety of reasons, conflict in Burnt Forest is almost entirely triggered by presidential and parliamentary elections. This underlying issue goes back to the alienation of land from the indigenous population during the colonial era, and the companies and individuals who bought this land when the European settlers sold big farms and estates in the 1960s and 1970s. The cumulative effect of land policies from the colonial era has been to alter land ownership relations and therefore set the stage for the present land problems bedeviling post-colonial Kenya.

The land question is concerned with issues of access to and control of land. Who owns what and the discourses emerging from different claims to land is critical to understanding the relationship between land, politics and policy and the attendant conflicts that this engenders. The contestation over land basically involve the claims of the Kalenjin that Rift Valley is their ancestral territory and that the Kikuyu are 'foreigners' who were aided by the state to acquire land in different periods in the post-independence era. The Kikuyu counter this by saying that they found their way into Rift Valley by legitimately buying land through the market. The issue of who owns the land is at the root of the oft-repeated "historical grievances" that come up in nearly every interview in the Eldoret/Burnt Forest area related to conflict.

*"Because certain ethnic communities benefited at the expense of and to the exclusion of autochthonous communities, the latter were left with a sense of bitterness that incubated serious intercommunity and sometimes intra-community tensions, which exploded at the slightest provocation."<sup>115</sup>*

But while land ownership is the underlying issue, it is the issue of political representation that is the trigger of violent conflict. In Kenya's political system, political affiliation was, and is, often dependent on tribal affiliation. For example, when President Moi, a member of the Kalenjin ethnic group, came into office he confronted an entrenched Kikuyu elite in the government, the legacy of the Kenyatta presidency and the colonial administration prior to independence. Moi then faced pressure from members of his group for public goods and services and had to "destroy Kikuyu hegemony and dismantle the economic foundations of the Kenyatta state" to "build Kalenjin privileges into the structure of the state."<sup>116</sup>

Prior to multi-party elections much of the violence was perpetrated by the state to silence dissidents and critics of the regime. While this violence manifested itself as detentions and physical abuse, murder was infrequently utilized. However, with international pressure to allow multiple parties to compete in the 1992 elections, Moi and other high-level government officials focused on new means to ensure their

continued hold on the office of the Presidency. These officials are alleged to have organized and employed gangs to violently intimidate voters who, based on assumptions about ethnicity, were likely to vote against President Moi.<sup>117</sup> It was during this election cycle that politically motivated, civilian directed ethnic violence first emerged on a large scale.

In November 1991, bands of fighters from the Kalenjin ethnic group, President Moi's ethnic group, began attacking members of other ethnic groups in Rift Valley Province.<sup>118</sup> In addition to the element of voter intimidation inherent in the violence, Moi's Government highlighted the tribal nature of the violence and the role of land rights and historical injustices.

*"In the name of defending their people's land rights, the politicians re-ignite and exploit historical injustices in land allocation to rally local populations against 'foreigners' or 'invaders' perceived to subscribe to opposing political persuasions. The idea is to incite violence against migrants as a means of 'cleansing' those areas of opposition elements and so alter the electoral demographics in the belligerents' favor. This strategy was applied by President Daniel Arap Moi's ruling Kenya African National Union party (KANU) in Rift Valley Province, but also in the Coast and parts of Western (including Mount Elgon District) and Nyanza provinces to deflect the opposition that threatened to end his rule at the height of the calls for multi-partyism in the early 1990s. The resultant ethnic violence uprooted many migrant families and destroyed their livelihoods and in the process disenfranchised them ahead of the first multiparty elections of 1992 to the benefit of President Moi and his party, KANU."<sup>119</sup>*

A very oft-repeated narrative in the interviews, from members of both the indigenous (Nandi—one of several Kalenjin groups) and migrant (mostly Kikuyu) communities, was that in earlier times, ethnic differences had not made any difference to anybody. Rather, it was the elections, and instigation or manipulation by political leaders—in a thinly disguised effort to not only consolidate one's own political base but also to intimidate the base of one's opponents—that was the trigger if not the actual cause of the election-related violence.<sup>120</sup>

Though here had been election-related violence in 1992 and 1997, the election of 2007 triggered the greatest extent of violence ever seen in the area, including wholesale displacement of the Kikuyu migrant community in Burnt Forest lasting for over a year. The 2007 Presidential election was expected to be an intensely fought affair even before the campaigning began. The two competing parties were the Party of National Unity (PNU) and the Orange Democratic Movement (ODM). The election revolved around the question of devolution. The PNU supported the centralized system of government that Kenya had utilized since independence. The ODM favored regionalism or federalism, known in Swahili as "majimbo."<sup>121</sup> However, there was a dark side to the ODM's devolution push. Another meaning of majimbo is "ethnic purity and exclusivity with regard to access to resources and citizenship rights within ethnic territories."<sup>122</sup>

The push for devolution was understood by many to be a push for the creation and empowerment of ethnically homogenous cantons in the country. A view held particularly strongly by Kalenjin extremists

in Rift Valley Province stressed that their group would only be able to succeed fully if all non-Kalenjin were removed from the tribe's "home" areas in the Rift Valley.<sup>123</sup> Politicians in both parties sought to mobilize their respective bases by focusing on the impact of the majimbo proposal. The PNU warned Kikuyus that they and other minority ethnic groups in Rift Valley province could be driven from their homes if the ODM won.<sup>124</sup>

The election was held on December 27<sup>th</sup>, 2007. Initial results seemed to indicate that the ODM had won a close victory. However, as the results from large constituencies in Rift Valley Province trickled in the official count began to show a thin PNU victory. On the 30<sup>th</sup> of December the Kenyan Election Commission declared President Kibaki's the winner of the vote.<sup>125</sup> Before the commission's announcement the ODM had already accused the government of fraud, and refused to accept the commission's decision. Within hours of the commission's announcement rioters started to burn Kikuyu areas in Nairobi's Kibera slum.<sup>126</sup> The killings would not abate until February 28<sup>th</sup>.<sup>127</sup> In the end, over 1,000 people were verified as having been killed, with the estimated number of people displaced running as high as 300,000-400,000.

In earlier elections, some of the violence occurred prior to the elections. In 2007-2008, most of the violence—certainly the most egregious violence—took place after the elections, and particularly in light of the widely held belief expressed mainly by the Kalenjin community that the elections had been "stolen".<sup>128</sup> This was to some degree fuelled by media sensationalism and some degree of ethnic provocation to violence via the media (at least one media figure—a local vernacular FM radio station personality—was charged with crimes against humanity by the International Criminal Court investigating the post election violence).

Beyond the ethnic/tribal argument, it is worth noting that the conflict was as a result of a larger economic situation in the country.

*"The 2007 election took place against the background of a meteoric growth in the Kenyan population, deepening poverty, widening inequality and youth under-employment."*<sup>129</sup>

When the ethnic set up is combined with higher level of inequality (within specific ethnic groups/components indicating horizontal inequality) a causal relation between demography and conflict comes to the surface. A study done by Michael Knissshowsthat "the economic inequity variables emerge as highly significant,"<sup>130</sup> and that "land inequity is likely an effective proxy for horizontal inequity, especially when controlling for provincial characteristics".<sup>131</sup>

*"Confronted with acute poverty, inequalities and unemployment in the context of ethnic polarization and the resurgence of ethno-nationalism, Kenya's fragmented power elite resorted to populism and manipulation of genuine economic grievances and disaffection to win the vote of the poor."*<sup>132</sup>

While not a cause of the violence *per se*, many respondents also pointed to inadequate policing and inadequate security arrangements generally for the fact that the violence spread so widely and so

quickly.<sup>133</sup> The failed state paradigm is used to explain Kenya's violence on the bases of a number of criteria – most important of which is the prevailing general insecurity in urban areas and throughout the country. In this regard, Susanne Muller offers a potent explanation on the intervening factors in Kenya that resulted in the 2007 violence. Her argument points to fact that the Kenyan state had the exhibiting characteristics of a fragile state long before the 2007/08 violence.

*“A gradual decline in the state’s monopoly of legitimate force and a consequent generalized level of violence not always within its control; deliberately weak institutions, mostly overridden by a highly personalized and centralized presidency, that could and did not exercise the autonomy or checks and balances normally associated with democracies; and political parties that were not programmatic, were driven by ethnic clientalism, and had a winner-take-all view of political power and its associated economy byproducts. The argument here is that: violence was diffused, could be ignited easily, but not controlled, and was not; institutions outside the presidency normally associated with vetting a contested election were not viewed as being sufficiently neutral to do so and did not; and the nature of Kenya politics predisposed both leaders and followers to seek politics as a do or die zero-sum game, which is what the elections became. Had the election not been so close, these same factors may have been held in check for a while. Nevertheless, they were dangerous and looming problems.”<sup>134</sup>*

Major changes have been made in the Burnt Forest area following the 2007/08 election violence regarding police presence, in anticipation that violence could break out again. Many of the former European estates or “farms” (mostly now occupied by members of the migrant community) have a police post. This may serve to quell violence, but of course it doesn't address any of the underlying problems.

### **Isiolo Triangle**

Much of conflict in Isiolo was described in ethnic terms, even though many other factors came up in interviews. There are five main ethnic groups in Isiolo: Borana, Somalia, Meru, Turkana and Samburu. There are smaller numbers of other groups as well. Some of the conflict was attributed to traditional customary or cultural practices—in particular the related notions of “moranism” (being acculturated into the role of a warrior); and “cattle rustling” (livestock theft, often for the purposes of bride wealth, but also for post-drought restocking etc.).

Livestock play a central part in the entire socio-economic organization of pastoralism. Conflict can be motivated by the need to restock after a devastating calamity such as drought. The fact that the herd size is an indicator for wealth and status among pastoral communities puts a lot of pressure on individuals to acquire more and it can also result from cultural pressures such as requirements to pay high bride prices or the desire to enhance personal or generational status. The status that goes with wealth, determined by the size of an individuals' herd is a great motivator to raiding among the pastoralists.<sup>135</sup>



The pressure put on young men of marriageable age to pay high dowry for their brides encourages them to engage in raids so as to raise the required livestock. The praise songs and cultural dances that accompany successful raids are springboards for all to get involved in order to enjoy the recognition that goes with such raids. The further fact that polygamous marriages are encouraged means that raiding can go on as long as one plans to have another wife; thus becoming a life-long venture. The killings that accompany such raids become motivating factors for the raided communities to seek revenge and further create hatred among the participating communities.

While in contemporary terms these factors have probably lost much of their explanatory value, they are still invoked, and indeed political leaders cultivate ethnic constituencies, and often incite ethnic tensions and stereotypes in pursuit of political goals. Many communities were aware of this kind of incitement, as were local peace activists—but at the same time, even local peace activists often used ethnic categories to explain why the prevalence of conflict.<sup>136</sup>

Many respondents also note that “cattle rustling” has become commercialized, and is a highly lucrative form of asset capture. The social banditry of the past has subsequently evolved into a more professional enterprise driven by commercial forces.<sup>137</sup> Furthermore, the introduction and diffusion of wage-labor has provided an institutional framework that enables richer people to hire fighters, not only mercenary soldiers from outside the pastoral economy, but “warriors” as well to carry out the raids. The ability (or willingness) of the Police Anti-Livestock Theft Unit to protect livestock or to recapture stolen livestock is limited, according to many respondents.

Pastoral conflicts in the Isiolo Triangle are further compounded by massive armament<sup>138</sup> and the corresponding rise in civil militarism among the pastoralist communities. The proliferation of modern automatic weapons has substantially transformed the structure, content, impacts and actors in pastoralist conflicts. One of the ways these transformations manifest themselves is through the introduction of the gun culture into the life-long processes of education and socialization. These transformations will continue to increase the fatality of pastoralist conflicts in ways that will certainly have long-lasting repercussions. The unregulated proliferation and circulation of illicit modern automatic weapons also continues to undermine numerous efforts made towards peace and contributes to the steadily rising incidences of cattle rustling, roadway banditry, and related crime. An additional category of conflict related to these explanations has to do with revenge for previous defeats or attacks, which are further exacerbated by increased uses of arms. Many of these explanations are over-lapping or seen by respondents as part and parcel of the same phenomenon.<sup>139</sup>

But nearly everyone agrees that at the heart of local conflict is the issue of land and natural resources, resource degradation and scarcity. Our respondents explained resource competition in different ways. Many expressed this in terms of conflict over grazing and or water for livestock, as different pastoral groups seek out increasingly scarce resources in both categories. Past agreements between different groups about access and use rights to the same areas at different times of the year, or at the same time to different resources (browse and grazing, for example) have broken down, and new groups are competing for the limited stock of resources. In other cases, different kinds of livestock (camels and cattle) sharing surface water catchments led to problems. In some cases, development projects,

intended to ease these pressures rather than exacerbate them, have had perverse effects—the most commonly cited example being the drilling of boreholes whose placement caused increased conflict over who controls them. Many respondents expressed this as a lack of conflict-sensitive approaches to development programming.

More recently, there is also conflict over sand mining as the demand for building materials increases in Isiolo town. Who has the right to mine sand—and who has a claim on the income generated—have been reported as sources of fierce clashes in recent years. Nearly all these factors (with the exception of sand mining) are aggravated by drought, which is increasingly common in Isiolo (this research started in 2011, which was one of the worst drought years in recent memory in parts of Northern and Eastern Kenya.) The western parts of Isiolo (the area immediately around the town) has long been known for better dry season grazing, and hence the site of increased competition for resources in dry years.<sup>140</sup>

The competition over resources is partly fuelled by the nature of land tenure in Isiolo. Most land outside the town is held by the state as “trust land”. Trust land is one of two categories on non-private land recognized under both the former constitution and the new constitution. Trust land is a complicated category in which land is held by the County Council on behalf of local communities who have use rights, but the state retains the right to alienate the land for “development purposes”.<sup>141</sup> Historically, large farms, game reserves and other uses of land were carved out of “trust land” at the behest of County Councils. To some degree, this has been done in Isiolo and surrounding areas in terms of creating “Conservancies.” But the alienation of trust land has become a much more serious issue in Isiolo with advent of Vision 2030,<sup>142</sup> and the plans for the construction of a “resort city” in Isiolo. The demand for land has increased sharply, and the rights of the communities who have lived on the land in recent decades have declined proportionately—at least in the view of those communities.<sup>143</sup>

Respondents report both rising land values, and newcomers seeking to control land, particularly in the area in which facilities are expected to be built. While specific information about plans is often not necessarily available to people currently living on land or using natural resources, this is a constant source of rumors, and the cause of considerable insecurity. Some respondents suggested that part of the reason for minimal intervention by the security forces into local disputes that turn into violent conflict is because at least some parties in government hope that the conflict will actually drive people away from the area.<sup>144</sup>

The limited ability of security forces to prevent clashes between groups, to prevent livestock theft, and in general to ensure law enforcement contributes to insecurity in the area, even though it is not a “cause” of conflict *per se*. The flow of small arms and light weapons into Isiolo from surrounding districts, and from Somalia or even Sudan, also exacerbates the problem.

Conflict in Isiolo is experiencing an overall transformation with both “traditional” conflict and resource-based conflict becoming more politicized. Were before clashes occurred between different communities over individual water holes or pastures, the devolution of power to the county level under the new constitution has translated into competition over the entire county. During the period of this research, bouts of violence were witnessed in Isiolo and the neighboring Marsabit County (Moyale). The

researchers were part of a team that facilitated peace discussions between the warring communities in Moyale (See Box 1). The key highlight of these processes was the strong role of the County elections in fuelling community tensions and hatred.

The competition for representation of Isiolo in Parliament and other bodies is frequently divided along ethnic lines, or sometimes subject to ethnic alliance—and hotly contested (See Box 2). The belief is that whatever ethnicity has political power also controls the resources. Numerous respondents accused other groups of “importing” voters from their ethnic group in other districts, in order to tip the scales in their favor in local elections. The politicization of local disputes is thus a frequently mentioned explanation for violent conflict. There are other ways in which “traditional” conflict has changed in recent times. Traditionally, one of the objectives of such conflict was the capture of cattle or other livestock. Captured livestock can be traced and recovered if they are identifiable, and hence one of the initiatives for prevention of livestock theft has been the branding—particularly of cattle and camels. However, as resource competition has grown, a new trend has been the killing of livestock—reportedly to scare away the owners of the livestock, and to prevent the intermingling of livestock at surface water catchments.<sup>145</sup>

Development and inequality also play a role in conflict. While poverty is in and of itself not a predictor of conflict, poor conditions within the economy, and by extension poor economic prospects for a great portion of a population, can hold grave implications for the development of sustainable peace and economic development.<sup>146</sup> According to the Carnegie Commission on Preventing Deadly Conflict, one of the central key reasons groups engage in conflict is “from economic factors, such as resource depletion, rising unemployment, or failed fiscal and monetary policies, particularly when discriminatory economic systems create economic disparities along cultural, ethnic, or religious lines, what in recent years has been termed “horizontal inequalities” i.e. inequalities between groups with shared identities.”<sup>147</sup> However, the precise causal mechanism between poverty, inequality, and violence is not necessarily evident.<sup>148</sup> Some under-developed societies are characterized by quietism while some wealthy societies are mired in violence. Furthermore, the focus on development-as-conflict prevention or resolution could reinforce simplistic understandings of why certain conflicts happen.

## **Annex 2: Land Policy in Kenya**

### ***History of Land Policy in Kenya***

British imperial conquest of the territory now known as Kenya first found expression in the forceful acquisition of land from the indigenous people. The British assumed control in 1895 of the Ten-Mile Coastal strip from the Imperial British East Africa Company (IBEAC). The Coastal strip was earlier ceded to the latter following a Concession Agreement in 1888 entered into with the Sultan of Zanzibar. A 1908 Ordinance declared the land ‘Crown Land’. The implication of the 1908 Ordinance is that indigenous communities would no longer acquire title nor have the right of access.<sup>149</sup> Hence the establishment in 1926 of native reserves in Kwale and Kilifi and further legislation in 1938 effectively set the stage for subsequent landlessness.<sup>150</sup>

Concurrently, the colonial government in 1899 declared all 'waste and unoccupied land 'in all 'stateless' areas as Crown Land. The East African (Lands) Order in Council of 1901 on which this order was based was later incorporated into the Crown Lands Ordinance of 1902 and 1915.<sup>151</sup>The Kenyan territory was thus consolidated by the final incorporation of the Northern Frontier District that comprised Northern Parts of Rift Valley Province, Eastern and North Eastern Provinces.<sup>152</sup>These were acquired following the legal definition of 'Crown' land which meant "all Public lands within the East African protectorate which for the time being are subject to the control of His Majesty's Protectorate, and all lands which have been or may hereafter be acquired by His Majesty under the Land Acquisition Act,1894,or otherwise howsoever."<sup>153</sup>

Land relations in colonial Kenya were therefore radically re-constructed in three ways. First, radical title (i.e., ultimate ownership) was re-located to the Crown re-incarnated in the Governor of the colony.<sup>154</sup> The natives would no longer have any rights to land but would be mere 'tenants at the will of the Crown'. Secondly, this established a state-subsidized export-oriented agricultural economy to serve European countries. Expansive land in the most productive areas was secured for this project. And lastly, it created an agrarian-based political superstructure on over 8 million acres of land. These new class consisted of Britons and South Africans working for Government or Multinational Companies.

The next task in the project of imperial domination and exploitation was to address what was referred as the 'Native Question' which highlighted peasant revolts as a result of repressive colonial policies.<sup>155</sup> To this end ethnic reserves were established. Policy-wise this served two other objectives. It purportedly checked the prevalence of dubious 'treaties' between white settlers and natives. And it also protected European settlements from invasion by nomadic Pastoralists through the creation of 'closed Districts' mainly in the arid and semi-arid areas (ASALs) of Northern Kenya. Lastly this policy served the labor recruitment needs of the colonial economy. The cumulative effect of these land policies was to alter African land relations and therefore set the stage for the present land problems bedeviling post-colonial Kenya.

It is important to look at the policy and administrative changes with respect to land beginning 1948 in order to understand the complications they would bring for postcolonial land policy.<sup>156</sup> According to the Crown Land Policy the Governor was empowered to make grants of freehold and leasehold to individuals or corporate bodies. This was amended in 1915 to read that the Governor could make grants of agricultural leases of up to 999 years and of Town plots of up to 99 years. By 1949 those settlers who had acquired 99-year agricultural leases were allowed to convert them, at a price, into 999-year leases.<sup>157</sup> On the other hand Commercial Plots in Townships and Urban centers were allocated through a system of public auction while residential plots within municipalities were allocated through a public tender.<sup>158</sup>

Land tenure policy was again reviewed following a committee appointed in 1939. Their report, which was released in 1941, suggested that the system of auctioning plots be abandoned in favor of direct grants of commercial town plots.<sup>159</sup> The allocation would be subject to certain development conditions. Municipal plots would be disposed of by tender instead of by auction in cases where the Government felt the public interest was at stake. Residential plots would continue to be allocated through local plot

allocation committees. It was felt that by 1948/9 land speculation was rife and these changes were meant to contain wealthy cartels that had taken over the public auction system and therefore were distorting colonial agricultural policies. Again that this was the continuation of discriminatory policies meant to further dispossess Africans.

Thus a 1951 circular issued by the Governor now required the selection of allottees who had responded to the advertisements by interviewing them through a Selection Board established by the Provincial Administration under the direction of the Provincial Commissioner or the District Commissioner as the latter's representative.

After 1951 the successful applicant selected after an advertisement would be required to sign a letter of allotment signifying his/her acceptance of the terms and conditions of the offer. A letter of allotment is an offer and not a contract and therefore cannot be sold to a third person. The title to the allocated plot provided for the development of the plot within a specified period of six months within which a Development Plan is submitted and 24 months to complete the development. It further said that during this period the Grantee could not be allowed to sell, sub-divide or otherwise deal with the land. He/She was only allowed to mortgage or charge the land to finance the said development.

At independence in 1963 the Government Lands Act (GLA) allowed the Governor to cause land available for leasing for agricultural purposes to be surveyed and divided into farms not exceeding 5,000 acres unless the Governor consented to the leasing of farms exceeding that acreage but only up to 7,500 acres.<sup>160</sup> However this public auction system was abandoned in the post-colonial period and the President, Commissioner of Lands, District and Provincial Plot Allocation Committees who assumed powers to grant land. However, without due regard to the public interest.<sup>161</sup>

The emergence of competitive politics in the late 1980s and throughout the 1990s marked the beginning of the disappearance of the public trust doctrine and the emergence of the phenomenon of illegal and irregular acquisition of public land. The Ndung'u report notes that not much public land has been allocated through advertisement and auction or allocation committees for the past 20 years. And also that since Town plots have not been allocated through auction for more than 50 years the report concludes that Presidential orders of direct grant may have been the method used. Note that even in cases of Presidential orders, the law requires that he/she must give it in writing.

### *Settlement Schemes*

The idea of re-settlement schemes came in the form of a development project, an international aid program with funds from the World Bank and the Colonial Development Corporation designed to affect a smooth transfer of land from the settlers to Africans. Coupled with an agricultural intensification program, the Land Development and Settlement Board (LDSB), established in January 1961 and largely controlled by the settlers, affected the transfer of land.<sup>162</sup> Subsequently, the land bought would be subdivided by the LDSB into large holdings of about 20 ha and small holdings of about 6 ha. With this LDSB was to settle 1800 large scale farmers and 6000 peasants on 73 000 ha by September 1963.<sup>163</sup>

Purchases began on November 1961 when the Kenya/World Bank loan agreements were signed. The main beneficiaries were the petty bourgeoisie and better-off peasants.<sup>164</sup> This is mainly because the

eligible buyers had to make a down payment of 1000 and 10 000 shillings for small- and large-scale farmers respectively. The real income of a squatter then came to about 60 shillings per month. This is given the fact that the original plan of the program was to make it self-financing. Furthermore the Government was forced into a commitment with strict guidelines as to its implementation by the Bank.<sup>165</sup> With time the program faced two problems, namely: finding suitable land and qualified prospective buyers.

Kalenjins had shown an interest in buying land in their home areas-adjacent to their tribal reserves- however only a portion on the eastern side of the Rift Valley in Dundori (in Central Province) was found. This was close to the Kikuyu reserves where the Board found most difficult to sell.<sup>166</sup> This was a large scale aspect of the project. And evidence shows that majority in Dundori were loyalists and were having financial difficulties in their farms. In sum the LDSB failed in settling Africans in the new lands.<sup>167</sup>

In mid-1962 the Million Acre Scheme was introduced in response to the failure of the LDSB-led settlement program. Its aim was to settle 35,000 families on far lower quality land than that set aside for the LDSB one.<sup>168</sup> The difference between the LDSB project and the new high density one is that it now focused on settling masses of landless families and had very easy terms of purchase. It was also undertaken with largely UK government funds to settle 35,000 families. Conversely the remaining 6 million acres would be left intact for large scale agriculture.

Against this backdrop was established a geography of settlement that lay the basis for future agrarian-based inter-ethnic conflict. Apart from the ethnic criteria in setting up settlements, the Regional Boundaries Commission reported in its findings that the Kamba and Meru did not want to be grouped together with the Kikuyu. Likewise the Maasai did not want to 'live' with the Kamba. Hence a central region was created predominantly for the Kikuyu; Eastern for the Meru and Kamba and the Maasai were placed in the Rift Valley plus the Kalenjin and large-scale farmers and ranchers.<sup>169</sup>

Thus for example the strip of land between the Rift Valley and the eastern Aberdare Mountains was to serve Kikuyu. This area was then included in the Central region. For settling the Kisii, Luo and Luhya, parts of Nyanza and Western were chosen. This policy therefore enhanced ethnic uniformity in areas where mixing was already in place. In Lugari, what was to be Western region, Kikuyu were evicted to make room for Luhya. As this was being done land in the White highlands was increasingly being sold on easy terms to a select group of black farmers totaling about 82 000 ha.<sup>170</sup>

However by the early 1980s the resettlement program began to unravel. This is because the Million Acre Scheme had created a vibrant land market that invited foreign investors.<sup>171</sup> In consequence an area earmarked for smallholders was bought sparking a reaction from district and divisional land boards. Land speculation was emerging because of a rapid rise in land prices. Three additional factors also served to block the resettlement program: allocation of plots to undeserving cases, ethnic criteria in setting up schemes and the high population growth rate, a 3.4 per cent per annum in the 1980s. This was taking place in the context of dwindling resource base due to an increasingly hostile international economy.

### *Land in the Rift Valley*

The politics of land in the Rift Valley revolves around three issues. These are-the appropriation of land by past elites especially in the Kenyatta regime and subsequent misallocations by subsequent regimes; the post independence re-settlement of peasant especially from Central province and; the control of large tracts of land by multinational corporations. The analysis of the land question will focus on four districts, namely Uasin Gishu, Trans Nzoia, Narok and Nakuru.

These districts basically fall in what was known as the white highlands. The possible reasons for the heavy presence of settlers here can be attributed to its highly fertile lands, heavy rainfall fairly distributed throughout the year and the initial sparse settlements when the colonialists came. Thus this pattern of settlements greatly influenced the politics of land in the postcolonial period. First, cash crops – tea, coffee, wattle, etc. – mainly introduced here as a major foreign exchange earner for the colony and the independence government meant that they would have a head start in terms of development relative to other parts of Kenya. Secondly, this cash crop economy entailed massive displacement of ‘indigenous’ peasants and re-settlement of those from Central province and later employment of the same in settler farms.

Moreover the massive investment of multinational companies further shrank the available land in Rift Valley. These invested majorly in tea, coffee, wattle. Some continue to exist – Unilever, James Finlay, etc. The dialectics of domination set off a process of out-migration of the Kikuyu from Central province in the early 1900s as a result of land pressure. The motivation for this has been outlined in the introduction of this paper. More important is the fact that by 1920s over 150,000 kikuyu were settled in Rift Valley as squatters in European farms. The farms were large tracts of land owned by both British and South African whites especially in the three districts of Trans Nzoia, Uasin Gishu and Nakuru.

By 1941 the first re-settlement scheme in Olenguruone settled some Kikuyu while some were forcibly repatriated to Central province. While schemes were established thereafter, the major scheme to animate politics in Kenya was the Million Acre Scheme in 1963. Through the aid of British and other Donor funds the million acre scheme had settled some 29,000 families by 1971. Together with 18,000 families in additional ‘squatter schemes’ over 500,000 Africans were settled by the 1970s.<sup>172</sup> While all this took place during the Kenyatta regime, grabbing of land also intensified in the 1980s during Moi’s government. Land has therefore continued to animate politics in the Rift Valley. This can be understood by relating it to the structure of land ownership.

The contestations over land involve basically the claims of the Kalenjin that Rift Valley is their ancestral territory and that the Kikuyu are ‘foreigners’ who have been aided by the state in different periods in the post-independence era. The Kikuyu counter this by saying that they found their way into Rift Valley by buying land genuinely through the market. These competing claims are predominant in Nakuru, Uasin Gishu and Trans Nzoia.

### *Trust Land*

The confusion over land tenure is not only a matter of ambiguity between formal and customary law. There are five land registration laws in Kenya. Non-private land falls into two broad categories of

Government Land and Trust Land. The latter, which forms most of the pastoral areas, is enshrined in the Constitution and governed by four different Acts.<sup>173</sup>

Under the former constitution, Section 115 gives trust land to county councils to hold in trust for the benefit of the people ordinarily resident on it and in recognition of their rights according to 'African customary law'. However, a clause in the same section allows for the legal manipulation of customary law by stating that "no right, interest, or other benefit under African customary law shall have effect, so far as it is repugnant to any written law." Even without legislative action, customary rights over trust land can be extinguished through the procedure of "setting apart" certain areas (Section 113). This can be done by Parliament or government for the purpose of prospecting for or extracting minerals or oil — directly or in favor of public or semi-public corporations — and by county councils, for any purpose that 'in the opinion of that county council is likely to benefit the persons ordinarily resident in that area or any other area of trust land vested in that county council'.

Government land, under which many important pastoral grazing lands fall is controlled by the Commissioner of Lands Office and the President. Government land can be, and regularly is, given to farmers as freehold land, but not to pastoralists. In Northern Kenya, large areas of trust land are lost to irrigation schemes, game reserves, wheat farming and other cultivation. Overlapping and contradictory rights of exclusion legitimized by the parallel Acts and tenure systems, lead to lack of respect for the law, often leading in turn to open conflict.

### **Annex 3: Types of Conflict Management Activities in Kenya**

#### ***Community Dialogue***

The most common instrument for conflict management in both Isiolo and Burnt Forest was intra and inter-community dialogue. Numerous organizations use some form of dialogue or 'peace' meetings for peacebuilding purposes. Organizations want to help transform societies by changing the attitudes and behavior of people living within them. The individual becomes the only true agent of peace; a peace that is supposed to become a shared culture thanks to a gradual diffusion from individuals to groups, starting with the select few who are immediately connected with the programs.

#### ***Conflict Mitigation Training***

Conflict mitigation is an important component of conflict management. NSC trains the 15-member District Peace Committees on peacebuilding and conflict mitigation, the DPC members are then in turn encouraged to pass on the training to the LPC members. Similarly, all interventions carried out by IOM and organizations within the Peace and Development Network have a conflict resolution and mitigation training component to them. CRS, NPI-Africa, the Forum for Protection and Pastoralist Development, RWPL, Oxfam, CJPC, and the Peace Caravan all mentioned training on reconciliation, peacebuilding, or conflict mitigation as part of their programming as related to community dialogue.

#### ***Connector Projects***

Peace interventions in UasinGishu involved what are termed "connector" projects. This idea comes from the observation by peace researchers that during conflict some linkages are still maintained between conflict parties and that these positive links may be strengthened in order to emphasize what people



share in common. In Olare, there is ongoing construction of a polytechnic that seeks to provide opportunities for technical training to locals so that they may acquire “market-oriented” skills that give them an edge in the job market. Other projects have constructed bridges to facilitate market and inter-personal exchanges. Indeed, USAID through the Catholic diocese funded the re-construction of Burnt Forest market and schools (e.g. Queen of Peace Secondary school, in Kamuyu and Rurigi; Koiluget secondary school). Their purpose is to teach cooperation and transcend parochial identities among young people.

### ***Conflict Early Warning and Monitoring***

CEWARN is Kenya’s early warning program under the coordination of the NSC. Member countries across borders work together to contribute to the early warning system with local peace committees in the border areas engaged at the local level. If conflict arises NSC gets in touch with the local Peace Committees, following the assumption that peace is owned by the community. However, this early warning system only pertains to border areas. NGOs have also been involved in establishing of early warning systems. Communities have been trained to identify stresses in the system to take corrective measures before violence erupts based on a list of indicators. These include, but are not limited to: rumors, spreading leaflets, the selling of land in large amounts, strange ‘mono-ethnic’ movements of people, and secret ‘mono-ethnic’ meetings.<sup>174</sup>

### ***Conflict Contingency Planning***

Efforts to improve contingency planning have also been made. Evidence of this was noted in Burnt Forest, given the more predictable nature of breakouts of violence during the elections. DPCs reported making plans for having phone credit, and cash reserves for transport in the event of any violent outbreak or in response to the early warning indicators described above. In preparation for the referendum vote Kenya Red Cross met with partners and developed scenarios. They put in place plans for supplies, logistics, and food as well as identified possible hot spots where their volunteers could look out for signs of potential conflict.

### ***Peace Festivals, Marches, Organized Sports, Peace Clubs, etc.***

To build community cohesion and at the same time to show goodwill between historically antagonistic communities several peacebuilding organizations have organized peace festivals and marches, joint singing groups, tree plantings, and sports competitions. Some communities have participated in symbolic exchanges of food. One community, initially torn by election violence, slaughtered a goat in a symbolic jester to represent healing, while in another, a dairy cow was given as a gift from one affected community to another as a sign of forgiveness. In other locations, peace centers were constructed for the goal of having a shared and peaceful place where members of the community could meet. Some schools located in certain communities have opened peace clubs where the students engage in activities that help build a culture of peace. The peace clubs are established through the support of the Ministry of Education or CBOs. The peace clubs link peacebuilding activities that happen at school with those of the community.

### ***Psycho-social Support***

One of the more targeted peacebuilding activities is the provision of psycho-social support. This involves specially trained individuals in trauma healing and was provided by organizations with enough capacity for such a specialized intervention. At the height of the crisis in Burnt Forest, IOM had 40 staff trained in psycho-social methods that worked in IDP camps and affected communities. This response usually takes the form of counseling on an individual basis and targets people who experienced a high level of trauma such as rape victims, s who had lost family members, and members of the community who witnessed a high degree of violence. This activity is seen as both integral for the healing of the victim as well as breaking the cycle of violence where current victims become future perpetrators.

### ***Post-conflict Reconstruction and Livelihood Support***

Most organizations carried out activities around post-conflict reconstruction with the goal of meeting the immediate needs of an affected household in a conflict sensitive manner. These mainly consisted of building shelters in the most affected areas and providing livelihood support. Several livelihood interventions were carried out: human capital enhancement, micro-grants for business, cash-for-work, the provision of agricultural inputs, and the construction of water points and roads. Most of these interventions also integrated a peacebuilding component aimed at rebuilding broken relationships. .

### ***Civic Education***

Civic education and general information disbursement are also carried out in Burnt Forest and Isiolo. While many organizations working in the above activities actively refrained from involvement or discussion of politics, a few made it part of their programming. In Burnt Forest, the goal was partly to raise political awareness with the hope of preventing instigation by politicians through sensationalized or false information. While in Isiolo there was a focus on overall land issues. But the focus on not only dialogue but also education is important to note.

### ***Disarmament***

The Kenya National Focal Point on Small Arms and Light Weapons is the main government body tasked with disarmament. KNFPSALW prepares the national actions plan around SALWs, carries out disarmament, does research, and disseminates findings on the issue. Their research focuses on who has the weapons, why they have them, and where they are located, in order to understand both the demand and supply side of SALWs. Their focus is both cross-border and internal, primarily with pastoral communities. Much of their programming is around awareness exercises working with MPs and civil society to disseminate information around firearms and encourage disarmament.

### ***Security Sector Reforms***

Recently, the government has budgeted K.sh. 78 billion for the implementation of police reforms beginning 2011 over the next three years. The blue print for the reforms are laid out in the Police Reforms Program Document developed by the Police Reform Implementation Committee (PRIC), the National Police Service, and donors like Sweden, the United Kingdom, Japan, the Netherlands, the United Nations Office on Drugs and Crime (UNODC) and the UN Women, among other key stakeholders. The money was to be used in the implementation of the various projects like provision of transport, housing, communication gadgets, and for re-training, capacity building and institutional support

programs for the two police services. Community policing is done by identifying ‘strangers’ during points of potential conflict who are then reported to the local government.

#### Annex 4: Definitions and Terminology

Many of the definitions were taken directly from the ISDR: Terminology web page:

<http://www.unisdr.org/eng/library/lib-terminology-eng%20home.htm>. The terminology used in conflict programming, specifically with a focus on prevention, varies widely. Some of the most common terms are conflict prevention, conflict management, conflict sensitivity, peacebuilding, risk reduction, conflict resolution, and conflict transformation. Though often used interchangeably, technically they mean different things though with significant overlap.

**Capacity** A combination of all the strengths and resources available within a community, society or organization that can reduce the level of risk, or the effects of a disaster.

Capacity may include physical, institutional, social or economic means as well as skilled personal or collective attributes such as leadership and management. Capacity may also be described as capability.

**Conflict Management** Conflict management has been defined as the process of “planning to avoid conflict where possible and organizing to resolve conflict where it does happen, as rapidly and smoothly as possible.”<sup>175</sup>

Conflict management is often taken in an organization context to mean “designing effective macro-level strategies to minimize the dysfunctions of conflict and enhancing the constructive functions of conflict in order to enhance learning and effectiveness in an organization.”<sup>176</sup>

Conflict management is taken as a corollary to peace building in Kenya—the national government body charged with enabling peace building in Kenya is the National Steering Committee on Peace Building and Conflict Management. In identifying the activities designed to achieve the goals of conflict, four thematic clusters are mentioned.<sup>177</sup> The ‘security’ cluster includes (but is not limited to) the following activities: humanitarian mine action; disarmament, demobilization and reintegration of combatants; disarmament, demobilization and reintegration of child combatants; Security Sector Reform; and small arms and light weapons.<sup>178</sup> The ‘socio-economic foundations’ cluster consists of physical reconstruction; economic infrastructure; infrastructure of health and education; repatriation and return of refugees and IDPs; and food security.<sup>179</sup> The ‘political framework’ cluster consists of democratization (parties, media, NGO, democratic culture); good governance (accountability, rule of law, justice system); institution building; and human rights (monitoring law, justice system).<sup>180</sup> Finally, the “Reconciliation and Justice” cluster involves dialogue between leaders of antagonistic groups; grass roots dialogue; other bridge-building activities; Truth and Reconciliation Commissions; and trauma therapy and healing.<sup>181</sup> Smith underscores the utility of combining together various techniques and activities in a given situation, so as to finely tailor a program to the unique situational needs.<sup>182</sup>

LPCs came out of the need to supplement the lack of provision of security and justice for civilians due to low state capability. LPCs quickly moved beyond providing the space for dialogue, to the creation of ad hoc but innovative security structures associated with the fact that government was distinct both

psychologically and geographically from the population.<sup>183</sup> Peace committee members are elected from the community without the interference of the government and local politicians (according to their guidelines, though this does not always happen in practice – see Question Two for more details).

**Conflict Prevention** Conflict prevention, as a discipline, was developed soon after the end of the cold war.<sup>184</sup> The UN defines conflict prevention as “an action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts, and to limit the spread of the latter when they occur,” which he essentially defined as synonymous with preventive diplomacy.<sup>185</sup> Michael Lund offers a more comprehensive definition, noting that:

*“Conflict prevention entails any structural or interactive means to keep intrastate and interstate tensions and disputes from escalating into significant violence and to strengthen the capabilities to resolve such disputes peacefully as well as alleviating the underlying problems that produce them, including forestalling the spread of hostilities into new places. It comes into play both in places where conflicts have not occurred recently and where recent largely terminated conflicts could recur. Depending on how they are applied, it can include the particular methods and means of any policy sector, whether labeled prevention or not (e.g. sanctions, conditional aid, mediation, structural adjustment, democratic institution building etc.), and they might be carried out by global, regional, national or local levels by any governmental or non-governmental actor” and which “address the structural causes of conflict and foster institutions which will promote the kinds of distributive and procedural justice that have been shown to make violent conflict less likely” (emphasis added).<sup>186</sup>*

Of all the terms defined here, “conflict prevention” is probably the one that most includes a long time frame, identifies structural causes of violence, and attempts to deal with them before they are manifest in overt violence. It is less applicable to dealing with violent conflict once it has broken out.

An example of conflict prevention is the Conflict Early Warning and Response Mechanism (CEWARN) in the Horn of Africa. Since the Horn of Africa is a region that is haunted by conflicts ranging from intra-state and inter-state to cross-border community conflicts CEWARN was established in 2000 under the auspices of the Intergovernmental Authority on Development (IGAD). The idea of CEWARN is to predict conflict, anticipate it, and be able to respond in a timely fashion.

**Conflict Resolution** Conflict resolution is predicated upon the idea that conflict arises because of different beliefs, competition for resources, or inter- and intra-group difference, and the “perceived incompatibility [can be eliminated] and conditions [created] that foster common goals and values.”<sup>187</sup> This viewpoint suggests that while conflicts are inherent in social life, not all conflict is unequivocally bad. According to one set of definitions, conflict resolution deals with everything procedures to de-escalate conflict or prevent further escalation, through “conflict settlement,” which goes beyond procedural matters to take up substantive ones dealing “with enough of the issues that parties are willing to give up their . . . struggle,” to what they call “conflict resolution, an agreement in which most or all of the issues are cleared up.”<sup>188</sup>

Problem solving negotiation activities are at the heart of conflict resolution. It is at this point that adversarial groups meet and work (or are helped to work) towards a mutually beneficial and agreeable solution. There is a strong focus in conflict resolution theory as to the role of the intermediary (the conflict resolution professional); such an individual can assist in the negotiation process. Some definitions of conflict resolution emphasize conflict transformation in conflict resolution, defined as an activity in which the “very relationships among the contesting parties are changed, and the “underlying tasks of structural and cultural peacebuilding” are engaged.<sup>189</sup>

**Conflict Sensitivity** Conflict Sensitivity has been defined as “understand[ing] the context in which [an organization] operate[s]; understand[ing] the interaction between [an organization’s] intervention and the context; and act[ing] upon the understanding of this interaction, in order to avoid negative impacts and maximize positive impacts.”<sup>190</sup> Practically, it is geared towards “avoid[ing] inadvertently escalating the conflict situation, and ideally also contribut[ing] to peacebuilding, e.g., by providing space for dialogue between rival groups at the district or local level, or by using mixed community committees and participatory approaches that includes conflicting parties.”<sup>191</sup> Ideally, the inclusion of a conflict sensitive approach is a boon both to violence prevention activities and to development activities.

Much of contemporary conflict sensitivity owes its intellectual roots to the work of Mary Anderson and the “Do No Harm” initiative (Anderson 1996) on limiting the extent to which humanitarian and development aid exacerbate conflict (and the potential to support peace building or conflict resolution. Activities in conflict sensitivity, centered on the three part definition above, include: undertaking an in-depth conflict analysis, linking the analysis to an organization’s programmatic cycle, and “plan, implement, monitor and evaluate [an] intervention in a conflict-sensitive fashion (including redesign when necessary).”<sup>192</sup>

**Conflict Transformation** Conflict transformation, as defined by John Paul Lederach, is meant to capture the dialectical nature of conflict – that it both transforms and is transformed by the conflict actors. It is therefore a natural occurrence and cannot be simply eliminated or controlled. Lederach writes that “transformation as a concept is both descriptive of the conflict dynamics and prescriptive of the overall purpose that building peace pursues.”<sup>193</sup> This implies a prescriptive nature to the term ‘conflict transformation,’ where conflict on its own can have negative consequences, but with proper mediation and an understanding of the conflict and the culture within which it occurs, the consequences of conflict can be positive.

*“A transformational approach recognizes that conflict is a normal and continuous dynamic within human relationships. Moreover, conflict brings with it the potential for constructive change. Positive change does not always happen, of course. As we all know too well, many times conflict results in long-standing cycles of hurt and destruction. But the key to transformation is a proactive bias toward seeing conflict as a potential catalyst for growth.”<sup>194</sup>*

Conflict transformation is a process that requires addressing underlying patterns and causes of the conflict, and engaging with the elements of the society that might be supporting it. Thus, dialogue is seen as a fundamental, though not the only, tool to promote constructive change.<sup>195</sup>

**Coping Capacity** The means by which people or organizations use available resources and abilities to face adverse consequences that could lead to a disaster.

In general, this involves managing resources, both in normal times as well as during crises or adverse conditions. The strengthening of coping capacities usually builds resilience to withstand the effects of natural and human-induced hazards.

**Disaster Risk Management** The systematic process of using administrative decisions, organization, operational skills and capacities to implement policies, strategies and coping capacities of the society and communities to lessen the impacts of natural hazards and related environmental and technological disasters. This comprises all forms of activities, including structural and non-structural measures to avoid (prevention) or to limit (mitigation and preparedness) adverse effects of hazards

**Disaster risk reduction** The conceptual framework of elements considered with the possibilities to minimize vulnerabilities and disaster risks throughout a society, to avoid (prevention) or to limit (mitigation and preparedness) the adverse impacts of hazards, within the broad context of sustainable development.

The disaster risk reduction framework is composed of the following fields of action, as described in ISDR's publication 2002 "Living with Risk: a global review of disaster reduction initiatives", page 23: risk awareness and assessment including hazard analysis and vulnerability/capacity analysis; knowledge development including education, training, research and information; public commitment and institutional frameworks, including organizational, policy, legislation and community action; application of measures including environmental management, land-use and urban planning, protection of critical facilities, application of science and technology, partnership and networking, and financial instruments; early warning systems including forecasting, dissemination of warnings, preparedness measures and reaction capacities.

**Early Warning** The provision of timely and effective information, through identified institutions, that allows individuals exposed to a hazard to take action to avoid or reduce their risk and prepare for effective response.

Early warning systems include a chain of concerns, namely: understanding and mapping the hazard; monitoring and forecasting impending events; processing and disseminating understandable warnings to political authorities and the population, and undertaking appropriate and timely actions in response to the warnings.

**Mitigation** Structural and non-structural measures undertaken to limit the adverse impact of natural hazards, environmental degradation and technological hazards.

**Natural Hazards** Natural processes or phenomena occurring in the biosphere that may constitute a damaging event.

Natural hazards can be classified by origin namely: geological, hydro-meteorological or biological. Hazardous events can vary in magnitude or intensity, frequency, duration, area of extent, speed of onset, spatial dispersion and temporal spacing.

**Peacebuilding**Peacebuilding is also a relatively new term, having been popularized in the early 1990s by former UN Secretary-General Boutros BoutrosGhali. Initially used in reference to a point on “a conflict continuum that passed from pre-conflict prevention through peacemaking and peacekeeping”, the term was broadened in its usage throughout the 1990s and 2000s.<sup>196</sup> In an attempt to refocus the term, they utilize the following definition for peacebuilding:

*“Those actions undertaken by international or national actors to institutionalize peace, understood as the absence of armed conflict (“negative peace”) and a modicum of participatory politics (as a component of “positive peace”) that can be sustained in the absence of an international peace operation. If there is a trade-off between these goals, the immediate absence of conflict, in our view, should take priority over participatory politics if peacebuilding is the frame of reference.”<sup>197</sup>*

Hence there is an emphasis of bringing violent conflict to an end, but also an emphasis on subsequently addressing the causes of violent conflict. Peace building may draw on various elements discussed above. Another definition, provided by joint Utstein study, defines Peacebuilding by its goals, which are:

- *To provide security;*
- *To establish the socio-economic foundations of long-term peace;*
- *Likewise to establish the political frame-work of long-term peace; and*
- *To generate reconciliation, a healing of the wounds of war and justice.*<sup>198</sup>

**Preparedness** Activities and measures taken in advance to ensure effective response to the impact of hazards, including the issuance of timely and effective early warnings and the temporary evacuation of people and property from threatened locations.

**Prevention** Activities to provide outright avoidance of the adverse impact of hazards and means to minimize related environmental, technological and biological disasters.

Depending on social and technical feasibility and cost/benefit considerations, investing in preventive measures is justified in areas frequently affected by disasters. In the context of public awareness and education, related to disaster risk reduction changing attitudes and behavior contribute to promoting a "culture of prevention".

**Relief / response** The provision of assistance or intervention during or immediately after a disaster to meet the life preservation and basic subsistence needs of those people affected. It can be of an immediate, short-term, or protracted duration.

**Resilience / resilient** The capacity of a system, community or society potentially exposed to hazards to adapt, by resisting or changing in order to reach and maintain an acceptable level of functioning and structure. This is determined by the degree to which the social system is capable of organizing itself to increase its capacity for learning from past disasters for better future protection and to improve risk reduction measures.

**Risk** The probability of harmful consequences, or expected losses (deaths, injuries, property, livelihoods, economic activity disrupted or environment damaged) resulting from interactions between natural or human-induced hazards and vulnerable conditions. This is conventionally risk is expressed by the notation: Risk = Hazards x Vulnerability. Some disciplines also include the concept of exposure to refer particularly to the physical aspects of vulnerability.

Beyond expressing a possibility of physical harm, it is crucial to recognize that risks are inherent or can be created or exist within social systems. It is important to consider the social contexts in which risks occur and that people therefore do not necessarily share the same perceptions of risk and their underlying causes.

**Risk Assessment/analysis** A methodology to determine the nature and extent of risk by analyzing potential hazards and evaluating existing conditions of vulnerability that could pose a potential threat or harm to people, property, livelihoods and the environment on which they depend.

The process of conducting a risk assessment is based on a review of both the technical features of hazards such as their location, intensity, frequency and probability; and also the analysis of the physical, social, economic and environmental dimensions of vulnerability and exposure, while taking particular account of the coping capabilities pertinent to the risk scenarios.

**Risk Reduction** Risk is the “probability of harmful consequences, or expected losses (deaths, injuries, property, livelihoods, economic activity disrupted or environment damaged) resulting from interactions between natural or human-induced hazards and vulnerable conditions.”<sup>199</sup> Disaster risk reduction is “the conceptual framework of elements considered with the possibilities to minimize vulnerabilities and disaster risks throughout a society, to avoid (prevention) or to limit (mitigation and preparedness) the adverse impacts of hazards, within the broad context of sustainable development.”<sup>200</sup>

Note that this all of this is presumed to be in the context of natural hazards. No particular definition of risk reduction with conflict is in common usage (i.e. not in the UN ISDR nomenclature or other common source).

**Vulnerability** The conditions determined by physical, social, economic, and environmental factors or processes, which increase the susceptibility of a community to the impact of hazards.



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