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*Mediation for peace*



# From the Nakuru County peace accord (2010-2012) to lasting peace

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**The Centre for Humanitarian Dialogue (The HD Centre)**

is a private diplomacy organisation founded on the principles of humanity, impartiality and independence. Its mission is to help prevent, mitigate, and resolve armed conflict through dialogue and mediation.

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<i>Women:</i>	Prof. Mary Kariuki and Ms. Miriam Labat
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<i>Maasai:</i>	Mr Joseph Mateani Ole Naina
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## Foreword

The intense global spotlight that focused on the Kenyan crisis in 2007/8 and the mediation process that followed is a typical example of the high profile peace processes that we so often see in the media. The process that this case study details focuses on another facet which is part of the important work of peacemaking – longer term work with leaders in communities. While many of the foundations of the Nakuru peace process were initiated through the Kenya National Dialogue and Reconciliation process mediated by Kofi Annan, the Nakuru process also demonstrates the need for focused work around reconciliation, which is a long term project for Kenya – far beyond the KNDR agreements.

The work of the National Cohesion and Integration Commission (NCIC) in the Nakuru process highlights the importance of continuing to implement many of the ideals that emerged from the Kenya National Dialogue and Reconciliation process. How organs such as the NCIC, and the processes that they initiated following the 2008 mediation, navigated the new political climate and the longer term impact they have had will be a topic for continuous discussion in Kenya for years to come.

When he first came to Kenya, during the establishment of the KNDR process, Kofi Annan was clear that, while ending the violence and addressing the humanitarian consequences of the fighting was critically important, the roots of the conflict stemmed from much deeper issues in Kenya. The process detailed in this case study attempted to further reconciliation of historical grievances in one specific area. While there were important successes and lessons to be drawn from the Nakuru process, it also highlights that much more needs to be done to reconcile these historical grievances.

The experience of working with the Elders in Nakuru also shows the important links between the ‘traditional’ power brokers (the Elders) and the more ‘modern’ political actors – and how these both must be engaged for sustainable long term peacemaking. Too often there is an artificial distinction between the traditional and modern in peacemaking, while in reality these are closely connected and both must be engaged for sustainable peace efforts.

The question of how peacemaking efforts collide or collude with, or are impacted by, wider politics is also important. An enduring question for mediators is how to either shield mediation processes from political manipulation, or to develop processes and agreements that are resilient to this manipulation and will help to sustain peace and avoid co-optation.

Ultimately, we hope that the experiences from Nakuru will offer some insights, not only for Kenya but for other contexts where local peacemaking efforts will have a key role in supporting national efforts and fostering longer term sustainable peace.

**Meredith Preston-McGhie**, *Regional Director - Africa Office, The HD Centre.*

## Synopsis

This case study provides the first analysis of the successful mediation between two communities who took up arms against each in the wake of the disputed 2007 General Elections. It is written by one of the mediators in the peace process. The Nakuru County Peace Accord ensured that, for the first time since 1992, a peaceful election took place in 2013. That this happened despite the earlier indictment of important political actors from the two communities by the International Criminal Court is even more remarkable.

The case study examines the post-election violence of 2007-2008 within a wider historical context of ethnic-based conflict. It reveals the critical role of four groups – male Elders from the Gikuyu and the Kalenjin communities, the National Cohesion and Integration Commission (NCIC) working with the National Steering Committee on Conflict Management and Peace Building (NSC), and the Centre for Humanitarian Dialogue (the HD Centre) – who collaborated for a period of 16 months between 2010 and 2012. The case study concludes with some lessons drawn from the process, including the challenge of securing peace and justice, as well as recommendations for ensuring the durability of the Peace Accord.



## A historical perspective on conflict in Kenya & Nakuru

The violence that broke out in the aftermath of Kenya's 2007 elections shocked the world. It prompted the rapid dispatch of the former Secretary-General of the United Nations, Kofi Annan, as the chair of an African Union-sanctioned panel charged with halting the violence.

He mediated a peace agreement that brought stability to the country through the Kenya National Dialogue and Reconciliation (KNDR) process. The agreement created space for the two political protagonists to come together in a coalition Government. Raila Odinga from the main opposition party, the Orange Democratic Movement (ODM), became Prime Minister, while Mwai Kibaki from the Party of National Unity (PNU), resumed his role as President.

Prior to the violence in late 2007 and early 2008, the international community had largely considered Kenya a peaceful country, particularly when compared to the violent conflicts in neighbouring Somalia and Sudan.

Kenya had played a central role as peace broker in these conflicts and achieved considerable success in ushering in the Transitional Federal Government (TFG) in Somalia and in mediating the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Movement. Yet, Kenya's role as peace broker masked the violent conflicts in local Kenyan communities and across its borders which had existed for many years. The perceived absence of conflict at a national level since Kenya's independence in 1963 provided an elusive sense that Kenya was a nation at peace.

Kenya's northern and upper eastern regions were particularly neglected, first by the British colonial regime, and then by successive post-independence Kenyan Governments.<sup>2</sup> This neglect, in addition to the availability of small arms and light weapons across Kenya's porous borders with Uganda, Sudan, Ethiopia and Somalia, has led to repeated inter-clan and ethnic conflicts.<sup>3</sup> These conflicts have been driven by issues such as cattle rustling, access to water and pasture, and, increasingly, electoral competition and the politics of ethnicity.<sup>4</sup> These conflicts are different from those in other developed parts of Kenya, such as the Rift Valley.

Before colonialism, the Rift Valley was populated largely by pastoral communities including the Kalenjin, Maasai, Samburu, Pokot and Turkana. European colonial settlement forced these communities to move out of the Rift Valley.<sup>5</sup> Nakuru became colonial white farmland with Africans from different parts of Kenya brought in as labourers. Many of these labourers came from the Gikuyu, Luo, Kisii and Luhya communities. By the end of 1961, there were about 40,000 Africans in Nakuru town and about 160,000 in the farms. Fifty per cent of the farm labourers were Gikuyu.<sup>6</sup>

The Kalenjin and Maasai were unhappy with the settler population and with other African communities not originally from the Rift Valley who had come to settle there. In time, these differences resulted in particular tensions between the two largest communities, the Gikuyu and the Kalenjin. A 1961 Annual Report for Nakuru captures these tensions in the following way:

*Inter-tribal tensions increased markedly as the year wore on. The Kalenjin make no secret of the fact that they are stockpiling native arms against the inevitable day probably after independence, when they will have to fight the Gikuyu and perhaps the Luo for control of their own areas, including the upper and middle Rift.*

***Although the tensions are longstanding, conflict has been mostly provoked by the politicization of perceptions of economic exploitation.***

The tribal antipathies are now so great on some farms that the Kalenjin members of the Agricultural Workers Union would refuse to take part in a union strike alongside Gikuyu members and would automatically take the opposite line in any controversy.<sup>7</sup>

By the time of the re-introduction of multiparty politics in 1991, the Rift Valley was ripe for conflict and tensions simmered below the surface in many of the communities. Multiparty politics signified an end to the single party rule of then President Daniel arap Moi. The Kalenjin felt threatened by the enthusiasm with which the other communities, particularly the Gikuyu and Luo, welcomed multiparty politics. They saw it as a direct affront to the President.

Although the tensions are longstanding, conflict has been mostly provoked by the politicization of perceptions of economic exploitation, exclusion and unequal access to resources and opportunities. The ideological claim of the Kalenjin, the largest ethnic community in the Rift Valley, is that the migrations of other communities, most notably the Gikuyu, represent 'historical injustices'. This feeling is informed by their perception that the 'migrant' communities, particularly the Gikuyu and Kisii, favour their own in elections and do not vote for Kalenjin candidates.<sup>8</sup>

The simmering tensions exploded on 29th October, 1991 at a farm known as Miteitei in the Tinderet Division, in Nandi District of the Central Rift Valley. The conflict pitted the Nandi, a sub-ethnic community of the Kalenjin, against the Gikuyu, Kamba, Luhya, Kisii and Luo.<sup>9</sup> Since 1991, ethnically-driven and politically-manipulated violence has recurred every election year in the Central Rift Valley.

In historical terms, ethnic conflict follows the pattern of forcible alienation and appropriation of land by the colonial and subsequent post-colonial Governments. This, combined with the unequal distribution of resources, the suppression of dissent, and the selective distribution of public positions to ethnic groups allied

to those in power, has been a powerful historical driver of conflict.<sup>10</sup> The belief that public positions bring advantages to the entire ethnic community has encouraged communities to promote and protect their own. Upon appointment, the successful politician is expected to return the favour by protecting his or her ethnic community's interests and distributing the largesse of the office.

In the past, this pattern of expectation and behaviour has extended from junior positions to the Presidency and has turned electoral politics into an ethnic, rather than an issue-based, contestation. It has created political leaders whose key qualification has been their ability to champion ethnic interest and these ethnic champions have provided a continuity factor in the violence within the Rift Valley.

More broadly, developments in the Rift Valley have taken place within a national context in which a small number of families in three ethnic communities have dominated the political scene throughout Kenya's post-independence history.

Kenya's first President, the late Jomo Kenyatta, was Gikuyu while his first Vice-President, Jaramogi Oginga Odinga, was Luo. Kenya's second President, Daniel arap Moi, was Kalenjin. Mwai Kibaki, Kenya's third President was Gikuyu, while Raila Odinga, the former Prime Minister and son of the first Vice-President, Jaramogi Oginga Odinga, is Luo. Uhuru Kenyatta, Kenya's current President and the son of the first President, is Gikuyu. William Ruto, Kenya's current Deputy President is Kalenjin. Two of Moi's sons are also successful in politics in the Rift Valley: Gideon Moi is the current Senator of Baringo County while Raymond Moi is currently MP for Rongai.

***The belief that public positions bring advantages to the entire ethnic community has encouraged communities to promote and protect their own.***

The tensions between these individuals and their families form a powerful narrative in Kenyan history. Jomo Kenyatta and Jaramogi Oginga Odinga had an acrimonious fall out that has sustained at least two generations of mistrust and hatred between their respective ethnic communities, the Gikuyu and the Luo. This mistrust was, however, briefly buried in 2002 when Raila Odinga, Luo and Mwai Kibaki, Gikuyu teamed up to trounce Uhuru Kenyatta, Gikuyu.

The mistrust between the two ethnic communities however intensified once again when Odinga and Kibaki fell out after the elections.<sup>11</sup> Daniel arap Moi was considered to be hostile to the Gikuyu, particularly in the 1980s and 1990s, and this was seen as the reason why the ethnic clashes of the 1990s were allowed and, in some cases, assisted by State organs.

The 2002 Akiwumi report also characterizes the Kalenjin and the Gikuyu as more or less traditional enemies. Daniel arap Moi, however, backed Uhuru Kenyatta, a Gikuyu, as Presidential candidate to take over from him as President in the 2002 elections although Uhuru Kenyatta was trounced by Mwai Kibaki.

Perceptions that communities benefit from having one of their own in power is backed up by more recent research. In a 2011 audit of the degree of ethnic discrimination in public offices, the National Cohesion and Integration Commission (NCIC) established that the Gikuyu and Kalenjin had benefited most in appointments to public offices.<sup>12</sup> The Gikuyu were the largest single ethnic group in all ministries and departments except in the office of the then Prime Minister Raila Odinga (a Luo), the prison service and the police. The Kalenjin were the second largest group in the civil service and dominated the law enforcement agencies. The two groups alone made up more than 40 per cent of the entire civil service. The NCIC concluded that their dominance in the civil service was linked to the tenure of previous Presidents Jomo Kenyatta (a Gikuyu) and Daniel arap Moi (a Kalenjin). The NCIC further observed that the pattern was being repeated in the Office of the Prime Minister (Raila Odinga, a Luo) established after the 2007 election that drew a majority of civil servants from the Luo community.

It is important to note that the use of divide and rule techniques and ethnic mobilization against the 'other' abounds all over the world. From the genocide in Rwanda, the civil war in Bosnia, the civil war in Afghanistan, the clashes between Hindus and Muslims in India, the clashes between Christians and Muslims in the Moluccan Islands in Indonesia, and clashes between ethnic groupings of Christians and Muslims in the Jos Plateau of Nigeria, divisions based on 'othering' others and supporting one's own has been a feature in the durability of conflict.<sup>13</sup>

In the case of Central Rift Valley, another major factor in the persistence of violence has been the steady growth of ethnic militia. In every successive wave of violence, the state has failed to decisively disarm and transform youth militia. The increase in the numbers of unemployed young people has meant that political and business leaders have had ready access to organised gangs of people, easily available for reactivation in every election year.

Persistent attempts by non-governmental organisations (NGOs) and religious organisations to bring these conflicts to public attention in the 1990s were met by detentions and arrests of the civil society and opposition leaders. These factors and, ultimately, the failure of the state to contain, what the media referred to as, 'politically instigated ethnic clashes' in the Central Rift Valley, led to the institutionalization of violence as part of the political culture and a persistent feature of all elections between 1992 and 2007.

## Conflict in the aftermath of the 2007 general elections

In December 2007, what appeared to have started as protests against flawed election results exploded into violence, unprecedented by Kenyan standards, as supporters of the two Presidential aspirants Mwai Kibaki of the Party of National Unity (PNU) and Raila Odinga of the Orange Democratic Movement (ODM) turned against each other. More than 1,300 people were killed, 600,000 were displaced, and property of incalculable value was destroyed. Increasingly, the violence took an ethnic form with many arguing for the '41 against 1 strategy', 41 Kenyan communities against the Gikuyu. As conflict raged, the critical theatre of violence was the Central Rift Valley with Nakuru County as its epicentre.

**The Commission of Inquiry into the Post-Election Violence (CIPEV) describes the genesis of the conflict thus:**

The Commission was able to establish that much of the violence in Nakuru in late December 2007 and early January 2008 was the culmination of ethnic tensions built up during the electoral campaign and a reaction to perceived attempts to rig elections. Commission witnesses were unanimous in acknowledging that tension started building up in Nakuru town well before the elections, and that the announcement of the results for the presidential elections was preceded by a lot of anxiety among members of the public. A succession of isolated criminal incidences before and after the elections, and the inadequate police response to these incidents contributed to the increasing tension within the district.<sup>14</sup>

**The Commission further established that:**

Contrary to previous election related ethnic clashes which were mainly confined to rural areas, the December 2007 violence affected urban as well as rural areas of Nakuru district. The DC, Wilson Wanyanga, told the Commission that on 28 December 2007, a day after the elections, incidents of violence involving eviction of Gikuyu and Kisii farmers were reported from the Rongai division, particularly in the areas of Kambi ya Moto and Rongai location, prompting the DSIC to call an emergency meeting on 29 December 2007. On the evening of 29 December 2007, Kalenjins started burning houses belonging to Gikuyus and Kisiis and chasing away members of the two communities. Some Gikuyus and Kisiis left their houses out of fear before they were burnt.<sup>15</sup>

**It also established that:**

Members of the Gikuyu community were enraged by stories of fleeing Gikuyu IDPs and influential Gikuyu business people allegedly held meetings to raise funds for attacks against the Luo, Luhya and Kalenjin communities. During this period of a tense and uneasy calm, a member of the Kalenjin community was killed and to avenge his death, Kalenjin youths from Kaptembwa and Kwa Ronda areas attacked Githima Estate - mainly inhabited by Gikuyu on 24th January 2008, torched their houses and stole property.

Gikuyu militias supported by members of the outlawed Mungiki sect and angry displaced Gikuyu youth armed with new pangas, knives and petrol bombs were assembled and deployed to various estates -Kaptembwa, Kwarhoda, Mwariki, Free Area and Kiti to flush out 'enemy' communities...The Kalenjin community living around Nakuru, who had already been mobilized and reportedly paid to fight the Gikuyu, retaliated immediately by attacking the Gikuyu dominated areas of Kaptembwa, Mwariki and Githima where they burnt houses, business premises and also killed a number of people.

According to Commission witnesses, the estates of Kaptembwa, Free Area, Kiti and Githima were the hardest hit by this violence which lasted from the 24th to 27th January 2008 while Kiamunyi a middle and upper income neighborhood was unaffected. The Commission heard that in one night alone, the 26 January 2008, 48 people were killed in the aforementioned estates of Nakuru.

A report on the violence published by the Kenya National Commission on Human Rights (KNCHR) in 2009 described the situation in Nakuru during the violence as follows:

In Nakuru town, tension started rising on 28 December 2007, when Orange Democratic Movement, (ODM), supporters stormed the Nakuru Town Council, which was the tallying station for Nakuru town. They demanded the release of the presidential results. On 29 December 2007, violence erupted in the residential estates when Luo ODM supporters in Ponda Mali took to the streets demanding the release of presidential results. They were met by the ODM parliamentary candidate, Mike Brawan who urged them to continue with the protests. The youths started stoning vehicles and businesses belonging to the Gikuyu.

An uneasy calm returned on 2 January 2008 but a fresh orgy of violence erupted on 25 January 2008. Members of the Gikuyu community were enraged by the stories of brutality told by Gikuyu and Kisii IDPs who were flocking the town in multitudes after fleeing from the escalating violence in the countryside. The KNCHR investigating team heard that local leaders and influential businesspeople in the town began holding meetings and raising funds for revenge attacks against the Luo, Luhya and Kalenjin communities.

Gikuyu organized groups were assembled and deployed to the estates to flush out the enemy communities. Contingents of Gikuyu youths armed with new pangas, knives, petrol bombs and other crude weapons viciously attacked their enemies leading to numerous deaths and fatal injuries. Luo men were rounded up and forcefully circumcised using pangas and broken bottles. Those who resisted were beheaded.

The investigating team was told that the Gikuyu organized gangs comprised members of the outlawed Mungiki sect and angry youths who had fled to the town from the violence in the countryside. The Kalenjin living around Nakuru immediately retaliated and attacked Gikuyu strongholds of Kaptembwa, Mwariki and Githima where they burnt houses and premises and killed several people.

The KNCHR team heard that the Kalenjin raiders had been mobilised and paid to fight the Gikuyus. The police were overwhelmed by the sheer numbers of the marauding gangs and the army was called in to assist. By the time the violence came to a halt, more than 100 people had died, and thousands displaced from their homes. According to the Human Rights Watch the Rift Valley Provincial Hospital morgue reported 56 deaths, while the municipal morgue recorded 105 deaths since the beginning of the revenge attacks on 25 January 2008, an official total of 161 for Nakuru district alone.<sup>16</sup>

Internationally-led mediation quickly appeared to be the only possible avenue to arresting the spiralling violence. Kofi Annan was mandated by the African Union to head a Panel of Eminent African Personalities and lead the Kenya National Dialogue and Reconciliation (KNDR) process.

***The agreement prioritized the role of Kenyans themselves in resolving the consequences of violent conflict and preventing recurrence.***

Annan arrived in Kenya supported by the United Nations and other actors, including the Centre for Humanitarian Dialogue (the HD Centre). Once there, his mediation team quickly established that the crisis was not solely about electoral malpractice but that the more fundamental and long unaddressed, drivers included ethnic rivalry, land disputes, political power and unequal access to resources and opportunities.

The peace agreement negotiated by the KNDR process addressed the cycle of economic, ethnic and political grievances that had fuelled the violence. The process had four agenda items. The first three prioritized an immediate end to the violence, addressing the humanitarian crisis and a power-sharing arrangement between the two major political parties led by Mwai Kibaki and Raila Odinga respectively. The fourth agenda focused on long-term solutions such as constitution-making and the consolidation of national cohesion and unity, with the hope that these reforms would prevent the eruption of violent conflict in the future.

The agreement prioritized the role of Kenyans themselves in resolving the consequences of violent conflict and preventing recurrence. Under agenda item four of the KNDR process, a number of national Commissions were established to contribute to the reconciliation process (known as the Agenda 4 Commissions).

These included the Commission of Enquiry into the Post-Election Violence (CIPEV); the Commission Investigating the 2007 General Elections; the Commission of Experts on Constitutional Review (CoE); the Interim Independent Electoral Commission (IIEC); the Truth, Justice and Reconciliation Commission (TJRC); the Interim Independent Boundaries Commission (IIBRC); the Interim Independent Constitutional Dispute Resolution Court (IICDRC); and the National Cohesion and Integration Commission (NCIC). It was hoped that they would contribute to a national reconciliation process, by introducing a full array of transitional justice mechanisms and other reforms.

The agreement highlighted cohesion as a cross-cutting task that required the efforts of several different actors, including civil society and Government ministries. The enactment of the National Cohesion and Integration Act 2008 was designed to promote peaceful coexistence and protect against ethnic and racial animosity and discrimination. The Act established the National Cohesion and Integration Commission (NCIC) in 2009 as a permanent body to lead this effort.

Section 25 of the National Cohesion and Integration Act outlines the Commission's objectives: "The object and purpose for which the Commission is established is to facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of the different ethnic and racial communities of Kenya, and to advise the Government on all aspects thereof." With this mandate, in 2010 the NCIC decided that a focus on reconciliation among the main protagonists of the 2007/08 violence in the Rift Valley would be a priority.



## Peace mediation in Nakuru County

Despite the establishment of the coalition Government and a clear reform agenda among the Agenda 4 Commissions, the process of healing in the Rift Valley and across Kenya was virtually non-existent when the Nakuru County peace process began in 2010. The Truth, Justice and Reconciliation Commission, for example, had not yet visited Nakuru. Many faith-based organisations were preaching forgiveness but it was clear that Nakuru required more than this. The issues that had, for many years, simmered beneath the surface needed to be addressed in discussions and solutions needed to be found.

The NCIC, therefore, initiated the Nakuru peace process as an attempt to help move the Central Rift Valley away from its culture of violence. In 2010, another cycle of violence seemed likely to occur in the looming 2013 General Elections and it was clear that this cycle needed preventing.

Intervening in the peace process was fully consistent with the NCIC's mandate as stated in Section 25 of the National Cohesion and Integration Act, which established the NCIC's role as follows:

- a) Promote arbitration, conciliation, mediation and similar forms of dispute resolution mechanisms in order to secure and enhance ethnic and racial harmony and peace;
- b) Initiate, lobby for and advocate for policy, legal or administrative reforms on issues affecting ethnic relations; and
- c) Monitor and make recommendations to the Government and other relevant public and private sector bodies on factors inhibiting the development of harmonious relations between ethnic groups and on barriers to the participation of all ethnic groups in the social, economic, commercial, financial, cultural and political life of the people.<sup>18</sup>

When the NCIC began its mediation effort, it established, through several preparatory meetings, the issues such as the electoral politics of Nakuru, the land and economic disparities, and the interests which would bring the primary parties to the conflict – the Kalenjin and the Gikuyu – to the peace table. All these elements had contributed to the eruption of violence and conflict and, therefore, needed to be considered in any effort to move beyond it.

## The context for peace mediation in Nakuru County

Nakuru town is of key strategic importance to Kenya. It is one of Kenya's fastest growing towns and lies at the centre of the Rift Valley, one of Kenya's most important agricultural areas. Three of Kenya's former Presidents, Mwai Kibaki, Daniel arap Moi and Jomo Kenyatta have business interests in Nakuru County. One of them, former President Moi, still lives there.

The demographic balance of ethnic communities in electoral constituencies is a powerful factor in the contestation of Kenyan elections. Political campaign strategies are often couched in the language of ethnic blocs ('them', 'us' etc.) and Nakuru is no exception.

In the General Elections of 2007, a total of 657,219 registered voters cast their votes in the six constituencies of Nakuru County (Naivasha, Nakuru Town, Subukia, Kuresoi, Molo and Rongai). The PNU won four of the seats, with the remaining seats going to the ODM. The PNU winners included John Mututho (Naivasha), Lee Kinyanjui (Nakuru Town), Nelson Gaichuhie (Subukia) and Joseph Kiuna (Molo). They were all Gikuyu. Two seats were won by Zachary Cheruiyot (Kuresoi) and Lukas Kigen (Rongai) of the ODM who were both Kalenjin MPs.

At a national level, observers were quick to notice the overwhelming support of the Gikuyu for the PNU and Mwai Kibaki as Presidential incumbent and Kalenjin support for the ODM and the Presidential aspirant, Raila Odinga, a Luo.

***Competing interests for land in a context of high population growth, as well as economic insecurity and disparities, fuel ethnic-based conflict in Nakuru County.***

This dynamic is consistent across the previous General Elections. In 1992, violence erupted in the Rift Valley before and after the elections as there was a perception that the Gikuyu would, and had not, voted for the Kalenjin incumbent, Daniel arap Moi. In 1997, the same scenario prevailed, as President Moi was defending his seat, contributing to the recurrence of violence. In 2002, when the outgoing President Moi supported a Gikuyu candidate, Uhuru Kenyatta, against a fellow Gikuyu candidate Mwai Kibaki, the violence reduced significantly.

Competing interests for land in a context of high population growth, as well as economic insecurity and disparities, fuel ethnic-based conflict in Nakuru County. Historically, the colonialists had monopolized fertile parts of much of Nakuru. Many pastoralist communities, including the sub-communities of the Kalenjin namely the Kipsigis, Kisii, Nandi but also the Maasai who had owned much of the vast lands in the Rift Valley, were pushed to the periphery.<sup>19</sup>

Post-independence, the Kenyatta Government settled a significant number of the Gikuyu agriculturalists through land-buying companies in areas that had been vacated by the colonialists. Many of the Kalenjin also sold land to the Gikuyu.

The Gikuyu, in what the Kalenjin saw as an eerie repetition of the colonial experience, employed Kalenjin young people on their farms and renamed the places they lived with Gikuyu names. Anger against this was most violently expressed in early 2008 when Kalenjin young people brutally attacked a church in a previously Kalenjin area which had been renamed by the Gikuyu as Kiambaa, reminiscent of a village in Kiambu, Central Province. The church was destroyed and 28 Gikuyu women and children were burned to death.

By 2010, new political developments – including the promulgation of the constitution and the indictment of several leaders by the International Criminal Court for fuelling post-election violence – were set to reframe the historic tensions between the Gikuyu and Kalenjin.

Constitutional reform had been a long and difficult process in Kenya, with a history of failed referendums and reforms. The KNDR process helped to give impetus to new constitutional reform process which resulted in the introduction of a new Constitution in August 2010. This was after several efforts that included the 2005 referendum in which the Constitution, known as the Kilifi draft, failed to be approved. In the referendum of 2010, the Kenyan Constitution received overwhelming support partly because both principals, President Mwai Kibaki and Prime Minister Raila Odinga, threw their weight behind it and rallied the country to support it.

The 2010 Constitution provides a strong basis for coexistence and positive ethnic relations. Its preamble states that Kenyans “are proud of our ethnic, cultural and religious diversity, and determined to live in peace and unity as one indivisible sovereign nation”.

The Constitution also devolved administrative and political structures. For some, this threatened to polarize the country in Counties dominated by one ethnic community. The new County structures also created minorities in areas that had been traditionally dominated by a particular group.



*Signing of the 'Nakuru County Peace Accord', 19 Aug. 2012.*

The new County arrangement left the Gikuyu as the majority community in Nakuru County in a predominantly Kalenjin Central Rift Valley, a situation replicated in some other Counties in the country in which there was domination by an ethnic group. Considering that voting in Kenya significantly follows an ethnic trend, the new rearrangement spelled disaster in a region with a history of ethnic divisions and violence.

The Kalenjin were aware that the new Constitution would break up their political dominance of the previous Central Rift Valley Province (of which Nakuru is just a part) and that they would lose Nakuru County to the Gikuyu majority although the Kalenjin majority would be maintained in the rest of the Central Rift.

It was for this reason that many of the Kalenjin in Nakuru had campaigned against the new Constitution. With the prospect of the 2013 elections looming, the NCIC felt that violence seemed likely as the communities with the largest numbers would most likely vote in 'their own' triggering violence from the Kalenjin. Nakuru threatened, once again, to be a flashpoint.

The Gikuyu had their fears as well. They had been the community most displaced from their homes and property in all four previous General Elections. Thousands of people had been wounded or died and huge investment losses had been suffered by Gikuyu businesses. It was felt that peace must prevail in Nakuru County to preserve their property and lives. Despite their numerical and electoral advantages, the Gikuyu had a strong interest in coming to the peace table to ensure a peaceful election and to discuss some of the underlying issues that had given rise to violence in the past and might trigger it again.

## The role of male elders

Male Elders are critical actors among political ‘ethnic champions’ active within Kenya’s electoral processes. In many cases they constitute an informal grouping of men that bestow blessings on their candidates of choice. These Elders wield considerable influence and are expected to protect their ethnic communities from any external aggression. The NCIC and NSC saw the Elders as having the power to intervene and broker peace and identified them as essential interlocutors between the militia and the wider population.

Kenya’s first president, Jomo Kenyatta, recognized the unique role played by the Elders in Kenyan society in the following way:

*“What answer did the African have to the important question of: ‘what is the State and why I should I obey it?’ To him the traditional Tribal Council – that occasionally met other Tribal Councils through nominated representatives or in times of war through intermediaries – was at once a Government and an expression of the very personality of each and every citizen. It may be argued by some scholars that the African took no part at all in self-Government, and that Government was run solely by autocratic leaders who imposed their will on their subjects. But people with such qualities of leadership are to be found in many parts of the world, and there is nothing inherently African in this.”*

The main point is that African leaders invariably had a number of advisers, who were selected by virtue of their logic and reasoning. They in turn elected their spokesmen by popular acclaim. The Elders thus elected were constantly in touch with their families, blood brothers, clans and tribes. In this context, the rulers were to the people what the people were to them. By obeying the Tribal Councils, the people maintained that they obeyed themselves and their true will. The State – and its geographical areas were immaterial – was justified on the grounds that only therein could find people find peace and security.<sup>20</sup>

Elders all over Kenya have been important players in societal events, even as they have been weakened by the failure of Government to integrate their traditional justice systems into modern administration systems. Colonialists were particularly strict in dismantling or appropriating traditional administrative functions and replacing them with a system of Provincial Administration.<sup>21</sup>



*Signing of the ‘Nakuru County Peace Accord’, 19 Aug. 2012.*

However, traditional structures remained active. Politicians and communities constantly sought male Elders for advice and they retain a huge influence on governance in Kenya. If the Elders endorse a candidate publicly, then the actual election is frequently a foregone conclusion. The community will follow the Elders' advice on who should best lead them.

During the 2007-2008 violence, while the young men raided and warred, the male Elders gave direction, blessings and, importantly, money to fund the violence. When one youth involved in the 2008 violence was asked how the Elders participated, he recalled:

*"The elders, they advised the youth on how to attack and organize people. They gave out their expertise on how to go about it. Some of them... had intermarried (with the community we were targeting) and they told us stories on how they used to attack. This gave us psyche to do it. They told us that if one was killed during the war, it was a good sign of how we defended their ethnic group. This made us value our community and we could do anything for it. So the old men advised us and ensured we had food. In our culture when people go to war they do not go back home but feed and stay in the forest. It was rare to meet with your family members."*<sup>22</sup>

The NCIC was also alive to the possibility of Elders playing an important role in conflict resolution and this was also suggested by various reports as indicated in the following account:

*In Narok, there were brief skirmishes between the Maasai and the Gikuyu on the Bomet/Narok border from 30 December 2007 but this violence fizzled out by 2 January 2008 after elders from the two communities met and struck a peace deal.*<sup>23</sup>

The initial thinking in the NCIC was that the powerful Chairman of the Gikuyu, Embu, Meru Association (GEMA)<sup>24</sup>, the former Defence Minister Njenga Karume, and the former President Daniel arap Moi could assist in the peace process. Karume and Moi had previously attempted to foster dialogue between the communities in the Rift Valley through talks between GEMA and KAMATUSA, an ethnic entity consisting of the pastoralist communities of the Kalenjin, Maasai, Turkana and Samburu.

On further reflection, the NCIC recognized the limitations of this strategy. One of the key reasons why attempts at dialogue had failed was because politicians had promoted it. It was for this reason that the NCIC elected not to involve Mwai Kibaki, Raila Odinga, Uhuru Kenyatta and William Ruto despite the undoubted influence that each wielded within his own community. Ultimately, they were politicians with deeply vested political interests of their own.

Elders have the unique advantage of being listened to by political leaders but not being formal political leaders themselves. They represent an obvious entry point. Approaching them was not done without some anxiety.

The NCIC was also conscious that the Elders knew they were important and they were particularly wary of commissions. Both the Akiwumi Commission and the Kenya National Commission on Human Rights had named some of them as planners and instigators of violence. Consequently, the NCIC chose to approach the male Elders through the Provincial Administration.

One of the challenges the NCIC faced was that the Provincial Administration and the police had demonstrated themselves to be far from impartial during the 2007-2008 violence. The Kenya National Commission on Human Rights report had noted that:

***Elders have the unique advantage of being listened to by political leaders but not being formal political leaders themselves.***

*The Provincial Administration, particularly the chiefs and assistant chiefs, have been mentioned significantly regarding involvement in the violence in the Central Rift region. The local administration officers were reportedly involved through instigating the violence, use of inflammatory remarks, being partisan in the dispensation of their duties and in some instances directly taking part in the violence.*

*The investigating team heard that several chiefs and assistant chiefs are notorious and have previously been involved in the violence in the past. Some have, in the past, been interdicted but later reinstated under unclear circumstances. It is the belief of the locals that the culture of impunity has been encouraged among these leaders such that they engage in crime without fear of repercussions.<sup>25</sup>*

Despite these reports, the NCIC recognized that no attempts at a peace process would have been possible or complete without the involvement of the Provincial Administration. The Provincial Administration has a presence throughout the country and houses the peace infrastructure that includes the District Peace Committees. The National Steering Committee on Peace Building and Conflict Transformation, known in short as the NSC, manages these committees. The NSC facilitated the NCIC partnership and preparatory activities for the Nakuru County peace process.

A number of factors influenced the Elders' positive response to the invitation by the NCIC and NSC to come to the peace table. These included the KNDR Annan-brokered peace agreement, imminent devolution under the new Constitution, and the International Criminal Court (ICC) indictment of six individuals including two key Gikuyu and Kalenjin leaders Uhuru Kenyatta and William Ruto.

In September 2009, Judge Philip Waki, Chairperson of the Commission of Inquiry into the Post-Election Violence delivered a report to the ICC which contained a sealed list of alleged perpetrators. The ICC gave Kenya a year to establish a local tribunal and conduct appropriate investigations. The failure to do this led to the case being referred to the ICC Prosecutor, Luis Moreno Ocampo.

On 15 December 2010, Ocampo submitted applications to the pretrial chamber under Article 58 of the Rome Statute requesting the issuance of summonses to William Ruto, Henry Kosgey and Joshua arap Sang (case one) and Francis Muthaura, Uhuru Kenyatta and Hussein Ali (case two) for their alleged responsibility in the commission of crimes against humanity during the 2007-2008 violence.

Prior to the naming of the suspects, animosity was widespread across the Kalenjin and Gikuyu communities. The summons had ramifications that the Court could not have imagined. Ruto, Kosgey and Sang are Kalenjin. Kenyatta is Gikuyu and Muthaura is Meru, a community widely perceived as related to the Gikuyu.

***While the Elders could potentially have a good influence on establishing peace, they also carried certain disadvantages.***

Seeing their leaders facing the same charges provoked a common bond with far-reaching implications for Kenyan politics. Although the consequences of this bond, including the results of the 2013 election, could not yet be known, in the short term it predisposed the Elders in Nakuru to work with the NCIC and NSC in their efforts towards peace.

At the time the NCIC began the Nakuru County peace process, the situation between the Gikuyu and Kalenjin in Nakuru could best be described as a stalemate. Gikuyu and Kalenjin anger continued to simmer within an uneasy peace. With no disarmament having taken place after the post-election violence and the root causes of the violence not addressed, the danger of violence was real.

While the Elders could potentially have a good influence on establishing peace, they also carried certain disadvantages. Most obviously, they excluded women and young people, treating them as recipients of 'wisdom' from male Elders rather than people with ideas and a stake in the process. However, under the constraining circumstances, the NCIC considered that the Elders presented the best, and most logical, entry point for initiating and executing a firmly rooted peace process for Nakuru.

At the NCIC and NSC's request, the Provincial Administration identified eighty male Elders – forty drawn from the two communities of the Gikuyu and Kalenjin – to participate in the peace process. Some of the Elders selected were relatively



wealthy. In the preparatory meetings, a few of them had explained to the NCIC that both sides had business interests and that they had everything to gain from a stable and peaceful Nakuru as many of them had suffered huge losses in previous electoral violence. The involvement of community Elders would ensure prevention of any possible degeneration into a fresh bout of electoral violence and instead build peace and cohesion within Nakuru County.

## The mediation process

In 2010, attempting to broker peace between the Kalenjin and Gikuyu was clearly one of the most challenging tasks facing the NCIC. If it succeeded, it would inspire peaceful coexistence and responsible leadership in other parts of Kenya. Several efforts to broker peace were already taking place at a local level through community-based and faith-based initiatives but there was nothing at a national level. More importantly, there were no attempts to bring together the two most powerful communities' Elders and protagonists in Kenya's hot spot for electoral violence.

The NCIC considered that the Kalenjin and Gikuyu communities needed to be led through a process of acknowledging, recognizing and addressing factors that could impede a peaceful election and devolution process. Informing this strategy was the conviction that conflict transformation among Kenya's ethnic groups can only succeed when local communities are encouraged and willing to participate in owning the peace.

The NCIC's opportunity to work in Nakuru County had come on 18 February, 2010. Lucas Kigen, Member of Parliament for Rongai, alerted the NCIC to a looming conflict between the newly settled IDPs and the local community in Nakuru. The Regional District Commissioner Amos Gatheca, representing the Provincial Administration, described tensions between the IDPs and the Kalenjin community.

These descriptions were confirmed in visits to the Aliko, Minto, Muoroto and Giwa camps for the internally displaced. In meetings attended by the NCIC, the Gikuyu IDPs sat on one side of the hall with the Kalenjin the other side. Land and employment were cited as the main potential cause of future ethnic violence and conflict. Neither community spoke to the other.



*Bethwel Kiplagat, Chairperson, Truth Justice and Reconciliation Commission; and Mzalendo Kibunja, Chairperson, NCIC, at the 'Nakuru County Peace Accord' signing'.*

From April 2011, the NCIC decided to engage more fully in a peace process bringing together the whole of Nakuru County with the meetings extending over sixteen months before a peace agreement was reached. By the time they were complete, the talks had brought in not only the Gikuyu and Kalenjin, but male Elders from the Luo, Luhya, Kamba, Giriama, Somali, Turkana and Maasai ethnic communities. These

other communities initially sought to join in the peace process and agreement. They did not want to be left out of a peace deal but as soon as the issues were explained all were in agreement that the key protagonists were the Gikuyu and the Kalenjin and therefore the two communities would form the core of the agreement. If the Gikuyu and Kalenjin were at peace, they said, then Nakuru County would know real peace. The Provincial Administration also played a key role in the meetings. Ten Regional and District Commissioners attended two of the major meetings.

They provided leadership during the focused group discussions, sitting with Elders from all the communities in each of the Districts in Nakuru County and ensuring that the plans which emerged to prevent conflict were captured in a peace agreement.

Initially, the NCIC and NSC met the Gikuyu and Kalenjin communities separately at Elburgon and Nakuru respectively. In both separate meetings, the NCIC and NSC asked the Elders to explain their antagonism towards the other. The NCIC and NSC promised honesty and assured the Elders that their messages would be delivered to the other side. The Elders spoke frankly and their views were captured in minutes.

In the first joint meeting of both groups of Elders, I was tasked by the NCIC and NSC team to read out to the Elders what each had said of the other. At this point, no-one in either of the two communities would even shake hands with the other. As I ploughed through the list, tensions grew in the room but nobody spoke. The NCIC and NSC team had to prevail upon them to be Elders and accept the need to listen to each other. It was evident that there were deep-seated animosities between them. Though I had read from the list that the use of derogatory names against each other was considered provocative, one Elder continued to use one of the names in the meeting.

When the meeting ended, like others to come after it, the Elders would often withdraw into their ethnic cocoons to discuss the day's happenings.

Although the joint meetings began soon after the initial separate meetings, it took five meetings before the



*Meredith Preston McGhie, HD Centre Regional Director for Africa, and Alice Nderitu, NCIC Commissioner, at the 'Nakuru County Peace Accord' signing.*

Elders would sit together as different communities on one bench. We found ourselves having to adopt focus group discussions to get the Elders to talk to each other. We realized that among the Elders were men whose relationships had been defined by mistrust for several years. Each had lost property or loved ones through death caused by the other's ethnic communities.

Sixteen months would pass before the Elders could, as they put it, "pray with their eyes closed" in each other's presence. In one of the meetings, one Gikuyu man pondered rhetorically, "Who would have known that one day, we would sit with the Kalenjin and discuss peace?"

From very early on, the Kalenjin and Gikuyu Elders made it clear that the ICC indictment was among the reasons that they had agreed to pursue peace. The joint indictments of Uhuru Kenyatta and William Ruto had created an environment in which the Elders were prepared to listen and talk to each other, rather than at each other. As the team leading the mediation, we welcomed the thawing of relationships but acknowledged that this had come with a high cost to both communities with regard to balancing peace and justice as many perpetrators of the post-election violence were yet to be arrested. Our hands were tied by the failure of the criminal justice agencies to pursue the local level perpetrators. The Truth, Justice and Reconciliation Commission was also expected to, at some point, ensure the justice aspect.

In one of the meetings with the other community Elders, one Kamba Elder said:

*"When the Gikuyu and Kalenjin begin their attacks against each other, we from the other communities always suffer more. We are expected to take sides, yet all the warring parties attack us indiscriminately. Now as we sit here, we are wondering, if you the Gikuyu and Kalenjin pursue justice against each other, who will pay whom more? Who has been wronged more? The TJRC has not told us why you fight. All that we know is that in your hands you hold the power on whether or not we shall have a peaceful election in March 2013. Once we have a peaceful election, we shall have taken away the power of your two big communities to hold us at ransom with violence during elections."*

## The peace accord

After several rounds of meetings and progress with the Elders, the NCIC and NSC reached a point at which there was a need for technical expertise to draft a peace agreement. The moment was surreal. Former Kalenjin and Gikuyu Elders, protagonists in war, were now sitting at the same table, sharing food and even jokes, wondering when they could begin working on a peace agreement.

Given their involvement in the entire KNDR process, and their influence in the establishment of the NCIC, the HD Centre was a natural choice from which to source technical expertise. Despite fears from the NCIC and NSC that the Elders might see the HD Centre as an imposition, they were well received. The HD Centre offered something that the NCIC and NSC could and did not: their non-Kenyan staff were seen to have no position or interests in the Nakuru peace process because they had no ethnic affiliation to any Kenyan community. The HD Centre facilitated a process in which the Elders could contribute considerably to the drafting of the peace agreement, word by word. The HD Centre team could then ensure a complete draft after the first intensive meeting.<sup>26</sup>

The Nakuru County Peace Accord (attached as an annex) was finally agreed on Sunday 19 August, 2012. The agreement required a series of immediate actions including a series of meetings without the NCIC, NSC and HD Centre to demonstrate the Elders' commitment to the peace agreement. It also required them to convene both political leaders and young people, individually and collectively, to order them not to incite anyone to violence.

The Elders encountered doubt and suspicion from their communities when they began these meetings. This convinced them that the hard work involved in sixteen months of meetings was not over and there would also be a lot of hard work involved in the actual implementation. In the immediate future a peaceful election process was at stake while they were also waiting for justice in relation to the events after the last election. Justice, it was argued, would come from the findings of the Truth, Justice and Reconciliation Commission & the constitutionally created National Land Commission. For this reason, justice did not feature as prominently as forgiveness and tolerance of each other in the peace discussions.

This was a point emphasized by the Chairman of the Truth, Justice and Reconciliation Commission, Mr Bethuel Kiplagat, when he signed the Peace Accord as a witness. "This agreement," he said. "will create the necessary climate to implement the findings of the Commission that I head. To have the Gikuyu, Kalenjin and all other communities in the Rift Valley discussing their issues amicably, despite their violent past, is something that I have longed to see, and that I am glad that with this agreement, I have lived to see".

The goal of the peace agreement was ensuring that people from all ethnic communities resident in Nakuru lived in harmony. The agreement was divided into five sections; purpose, guiding principles, actions resulting from dialogue, dispute resolution, and relationships with other processes and institutions.

The first paragraph states the purpose and summarises the agreement as follows:

*The purpose of the agreement is to acknowledge the issues between our communities in the Nakuru County and to take our share of responsibility for dealing with them – peacefully. Our communities have been protagonists and it is in this respect that we have met to discuss the way forward. We do not seek to exclude other communities and especially we do not seek to exclude the many other groups, businesses, organizations and people who share our lives in Nakuru County. Our focus is on our responsibilities. We do not pretend that the paths will be easy. We do not have all the answers. But we do accept that both communities have had a role in the violence between us and that both communities must have a role in preventing repetition of that violence.*

***The goal of the peace agreement was ensuring that people from all ethnic communities resident in Nakuru lived in harmony.***

The agreement affirmed the deep historical and socio-economic differences between the two communities. The agreement also stated that competition over land and other resources informed perceptions and claims of injustice and violence on all sides that were difficult to reconcile. The agreement

did not shy away from pointing to discrimination across the board – depending on who was in power – in employment, political arrangements, democratic governance structures, planning, development initiatives and public deliberations. This discrimination had resulted in domination and exclusion.

The agreement delved into the problems created by the failure to bring many perpetrators of the past electoral violence to justice. It exposed the real difficulties faced by victims and perpetrators living side by side. The Elders agreed that, even without justice, peace meant ensuring that violence would not happen again.

Despite Kenya's aspirations to democracy, the four successive multiparty elections had been held at great cost to life and property. This, the Elders said in the agreement, would not happen again. The agreement stated that they would avoid collective ethnic hurt, commission and retaliation. The agreement spelt out a Code of Conduct where the communities pledged to respect each other's peaceful traditions and customs, including dispute resolution mechanisms. They recognized the need for honesty among Elders across communities and acknowledged that planning and participating in violence is illegal.

They encouraged political leaders and supporters to ensure peaceful political competition and responsible leadership that promoted inclusion and respect for human rights. The Code of Conduct forbade the use of derogatory stereotypes and insulting language.

Despite the long process required to reach agreement, the Elders would later inform the NCIC that the meetings themselves had not been the real test. After months of arguing which community “owned” Nakuru County or whether anyone from any ethnic community could represent everyone, the real test was appearing in public together in a roadshow organised by the NCIC. Open trucks were waved off in a ceremony from Nakuru town by the NCIC, the HD Centre and the Provincial Administration – rolled out all over Nakuru County, carrying the Elders. They made stopovers in every market place where both Gikuyu and Kalenjin Elders would speak together, side by side, about the benefits of peace. Communities listened in disbelief as their local leaders stood with former enemies and spoke to them about the importance of peace.

The NCIC organised several media briefings for the Elders. They also appeared on national television and radio. Gikuyu and Kalenjin Elders appearing together on each other’s respective vernacular radio stations generated thousands of reactions. The radio broadcasts produced reactions from the Kenyan diaspora as far away as the United States of America and the United Kingdom.

The reaction from Kenyans was that of disbelief. Kenyans could not believe that two ethnic rivals could agree to peace, particularly before perpetrators of the post-election violence were yet to be arrested. The sentence in the Nakuru County peace agreement that provoked most reactions was one that stated:

*Our starting point is to apologize to each other. We are deeply sorry for the suffering that each of our communities has inflicted and experienced. That suffering is ongoing. But we also express our determination to heal, to learn, to prevent further violence and to build mutual respect between us.*

To ensure success, the Elders noted the need to involve those that felt excluded from the peace process as well as those that had a vested interest in maintaining animosity. They recognized the importance of ensuring that the agreement was not used to consolidate political power or initiate processes that would be at the other communities’ expense. Consistent joint implementation as well as local relationship and capacity-building to sustain peace and reconciliation would be critical to sustaining the breakthrough of the peace agreement.

The Elders would also need to constantly engage the Provincial Administration, law enforcement agencies, Commissions such as the NCIC and neutral third parties to

ensure support for implementation of the peace agreement and that they did not slide back into their previous state of enmity.

It was in this context that Uhuru Kenyatta and William Ruto joined forces to firstly, rally their followers against the December 2010 ICC indictment, and then contest the 2013 elections as Presidential and Deputy-Presidential candidate of the Jubilee Alliance. It is difficult to explain the fervent following that Kenyatta and Ruto managed to raise among their ethnic communities. For many, these two individuals personified their ethnic communities. This meant that their support of the Nakuru peace process became an important factor in the election.

***To ensure success, the Elders noted the need to involve those that felt excluded from the peace process.***

In late 2012, the Elders walked Uhuru Kenyatta and William Ruto through the signed agreement and asked them to embrace it. They also did the same for all those who were running for elective office in Nakuru County. That Uhuru Kenyatta and William Ruto

embraced the peace agreement was an important contribution to the agreement's validity throughout the 2013 electoral process as the two were clearly emerging as the leaders of their ethnic communities countrywide, and not just in Nakuru. However, at this point there appeared no likelihood of their winning the Presidency and Deputy Vice Presidency ticket as the opinion polls consistently placed their main contender, Raila Odinga, way ahead of them.

Under the new Constitutional dispensation, there had been a possibility that the Gikuyu would sweep all the seats in Nakuru County as they had a bigger population than other ethnic communities. In the first meeting, the Kalenjin had initially negotiated for 'guided democracy' where the Gikuyu were to be advised 'to vote for other people except their own' to ensure that those ethnic communities without a large population had an opportunity to lead. They proposed to create a climate of trust that would leave the Gikuyu and other communities comfortable to elect a Kalenjin that could articulate their issues.

The Nakuru County peace process did not, however, work towards 'guided democracy', preferring to create a conducive climate for any Kenyan, not just Kalenjin or Gikuyu, to represent Nakuru in Parliament.

In the run-up to the elections, the Elders identified the electoral candidates they would support. A key factor that guided the Elders support for the electoral candidates was the candidate's support for the peace process. The Elders continued to talk in the media and among communities about peace. Some of the Members of Parliament had been opposed to the peace process, wanting to turn



and influence it politically. They all lost their seats as the Elders only supported those political aspirants who were for the Peace Accord.

All the candidates the Elders identified for various positions in the County Assembly, Senate and Parliament got elected. These results demonstrated the powerful influence of the Elders. At the national level, in March 2013 Uhuru Kenyatta and William Ruto were voted in as President and Deputy President respectively. For the first time since 1992, nobody was injured or died during the elections in Nakuru.

## Two lessons learned

### *Women are still missing from the peace table*

For sixteen months while we negotiated peace, I was the only woman at the peace table. The process initially involved eighty Elders – Gikuyu and Kalenjin – and later a hundred Elders when the other communities sent their Elder representatives. My colleagues from the NCIC and NSC were all male. I sat at the talks in my capacity as a Commissioner, stung by negative statements directed at women but refusing to be defensive. This would have drawn attention to myself as a woman and away from the matters being discussed.

In the discussions, the Elders presented contradicting images of women as helpless victims but also as leaders. The Kalenjin had elected the most women to National Parliament in previous elections, yet matters of war and peace were perceived to be the affair of male Elders. Not even male youth could gain entry into this club.

I did express myself as a woman on one occasion. There was an objection from one of the Elders to language in the agreement that women from both sides of the divide had been raped. He argued for the drafters to “use a less sensitive word, rape is too strong” I objected vehemently and the word rape was retained. At tea break, one of the Elders told me that rape was the ultimate symbol of men’s failure to protect their women, undermining their honour and ethnic collectivity.

### ***To ensure the success of the peace agreement, a lot of work still needs to be done in Nakuru on reducing stereotypes of women as victims and men as perpetrators.***

I drew quite a number of lessons from the peace process. Unless women work in positions of authority such as Commissioner, judge, police officer or religious leader, inclusion into the male Elders club to discuss peace building is still a mirage. Even among the ten Regional and District Commissioners who attended two of the Elders’ meetings, there was only one

woman – Naivasha District Commissioner, Helen Kiilu. Political leadership does not translate into ethnic community leadership for women. Cultural barriers to women’s participation in peace processes as women in the community are very strong.

To ensure the success of the peace agreement, a lot of work still needs to be done in Nakuru on reducing stereotypes of women as victims and men as perpetrators. This means that the Elders see women as too weak to negotiate peace. These simplified descriptions deny both men and women their agency in either perpetuating or reducing violent conflicts.

When the NCIC and the HD Centre held meetings separately for women opinion leaders, they told us that peace for them meant their children going to school and medicine not running out in dispensaries.<sup>27</sup> For the men, the dividends of peace were that their businesses did not suffer when there was violent conflict. A woman's perspective is simply different and is therefore necessary at any peace table.

The NCIC, the HD Centre and the NSC must empower women from the local community to come to the table and ensure that their voice is heard during the negotiations. This will create a wider sense of ownership and contribute to stronger, and more enduring, peace agreements.

### Political inclusion as a pre-condition for democracy

Political inclusion is still not a reality in Nakuru. Not all ethnic groups are politically represented. The key focus of the NCIC, NSC and HD Centre teams was ensuring peaceful relations which would create the climate for a peaceful election. In retrospect, as the new Constitution did not guarantee a proportional representation system, the agreement relied on the goodwill between communities to elect those not from their own communities.

The results could have been better if we, as the NSC, NCIC and the HD Centre, had encouraged Elders to formalize political inclusion and power-sharing agreements. This would have taken the shape of Elders supporting candidates across ethnic communities. This would have seen seats distributed among ethnic communities and minority groups. This arrangement could have been arrived at by the Elders in separate meetings without necessarily being part of the Nakuru County peace process which did not deal with the political division of seats.

## Concluding recommendations

The Nakuru peace process and agreement presents, in stark terms, the dichotomy of peace versus justice which is present in many other peace processes. The process tried to address the question of how to stop the violence while preserving the fragile social harmony by developing a peace agreement.

The peace agreement reflects the desire of the communities involved in the Nakuru County Peace Accord to look forward rather than back. The agreement's implementation plan, therefore, does not emphasize bringing the perpetrators of violence to justice. It leaves that aspect for the findings of the Truth, Justice and Reconciliation team and the criminal justice agencies. It focuses instead on measures to ensure peace and stability and the long term recovery of Nakuru County. In considering the long term, six key elements should be considered:

**Disarmament, Demobilization and Reintegration:** In order to achieve durable peace the County Government of Nakuru needs to study issues related to the disarmament and disbandment of armed ethnic militia. Joint action between the Government and Elders, young people, women and local civil society organisations will contribute to the removal of small arms and light weapons.

**An integrated approach:** The Nakuru County Peace Accord sets out an implementation strategy that involves several actors including the Government, women, young people and Elders. These actors should keep the ideals of the peace process in mind and build on tangible achievements – such as the resolution of land disputes in an equitable manner, the reintegration of internally displaced people as well as concurrent reforms in law enforcement and judicial processes. The different actors will need to sustain collaboration and co-operation between them in order to secure a lasting peace. To support this process, the HD Centre, the NCIC and other organisations should invest in sharing experiences of good governance and improved communication with the Elders and other actors in Nakuru.

**Mediation:** The peace agreement recognizes a mediation role for the male Elders in the future. The Elders have succeeded in ensuring political but not social integration. They should now develop a culture of conflict transformation that creates win-win outcomes and thus contributes to the reintegration of internally displaced people and reconciliation. The Elders will be challenged in that the individual solutions they provide for land disputes may not ensure sustainability at a village, regional or national level. At these levels, ethnic differences represent a collective decision not to co-operate with the 'other'. The Elders will also need training and capacity-building on awareness of women's rights, human rights, and legal rights as well as conflict prevention and transformation mechanisms.

Linkages between the decisions of the local Elder community and the alternative dispute resolution systems practiced within the mainstream judicial systems will help transform the decisions of the Elder committees into concrete action.

**Inclusivity:** The agreement ensures the inclusion of all communities in sustaining the peace, not just the main protagonists, and links community level structures and processes with national ones which is crucial to preventing violence in Nakuru. The inclusion of women and young people in the implementation processes of the peace agreement is essential, as is collaboration between state and non-state actors. Sustained dialogue and media coverage of the gains now being enjoyed by the two former protagonist Gikuyu and Kalenjin communities is critical.

**Peace Agreements in other regions of Kenya:** The Nakuru peace process and agreement provides key guidelines for several other processes in Kenya. The NCIC and NSC had been, and continues to be, involved in several inter- and intra-ethnic peace processes with other communities in Kenya. These include (not in any order of prioritization) the Somali clans; various Meru ethnic communities such as the Tharaka and Tigania; the Gabra and Borana; the Nandi and Luo in Muhoroni; as well as the Tana River ethnic communities of the Pokomo, Wardei and Orma.

The Nakuru County peace process provides logical approaches for specific interventions at the national and local level, including dispute resolution mechanisms. However, there is a need to emphasize that access to justice and reconciliation efforts need to happen with clear links between peace process and the rule of law.

**Land and Reconciliation:** The persistence of land disputes threatens the implementation of the reconciliation and reintegration processes declared in the Nakuru peace agreement. The hearings of the newly constituted National Land Commission will be a true test of the new ties between the Nakuru ethnic communities. The National Land Commission should use both traditional and legal conflict transformation mechanisms while taking care to ensure that they do not impinge on Kenyan law. Women and young people could work with the Elders to develop alternative livelihoods and reduce land dependency. The NCIC facilitated the women's meetings with Joyce Neu of the HD Centre.

## End notes

- 1 The writer has served as a Commissioner of the National Cohesion and Integration Commission (NCIC) since 10 September 2009. She was named the 2012, Woman Peace Maker of the year by the Joan B. Kroc Institute for Peace and Justice of the University of San Diego, California, USA. She is a member of the Women Waging Peace network and Co-Chair Of Uwiano Platform for Peace.
- 2 The level of neglect prompted the creation of a Ministry of State for Development of Northern Kenya and other Arid Lands in April 2008.
- 3 Hannah Whittaker, *Pursuing pastoralists: The stigma of Shifta during the Shifta war in Kenya 1963-1968*, (London: School of Oriental and African Studies, Eras Edition, 10, November, 2008). Available at <http://www.arts.monash.edu.au/publications/eras>
- 4 Ahmed Nassir M Abdullahi, *Intrastate conflicts in Africa: Providing a constitutional mediation for ethnic rivalries and conflict in Africa*, a paper presented to the East African Law Society Conference, 23-24 April, 1999.
- 5 This process was replicated in central and western Kenya affecting the Gikuyu and the Luhya respectively.
- 6 The Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya (Nairobi: Republic of Kenya, 2002) p.116. The report (known as the Akiwumi report after the Ghanaian Judge appointed to lead the Commission) quotes the 1961 Annual Report for Nakuru.
- 7 The Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya (Nairobi: Republic of Kenya, 2002) p.116
- 8 Walter Oyugi, "Ethnicity in the Electoral Process: The 1992 general elections in Kenya" in *African Journal of Political Science*, Vol 2, No.1 (1997), pp.41-69.
- 9 Violence has also occurred between the Maasai and Gikuyu in Naivasha but on a smaller scale. The Maasai and Kalenjin hold ideological claims of ownership to the Central Rift Valley. The rate of intermarriage between the two communities is very high and this has probably contributed to lower incidences of violence between them.
- 10 Macharia Munene, "Conflict and conflict management in Kenya" in Jan Kamenju and Godfrey Okoth (Eds.) *Power Play and politics in Kenya: An interdisciplinary discourse* (Nairobi: Oakland Media Services, 2006) pp.171-213.
- 11 This has contributed to the shallow misinterpretation that national political competition in Kenya is between the Gikuyu and the Luo, ignoring the politics of other Kenyan communities. Initially the disagreement was based on ideology, with Jomo Kenyatta leaning towards capitalism and Jaramogi Oginga Odinga socialism. In a Cold War context, the two men's ideological differences translated into Jaramogi Oginga Odinga being closer to the Soviets and Jomo Kenyatta to the British and Americans. The leaders succeeded in drawing the respective ethnic communities they came from into narratives of hate about the other that have been handed down, to the present day, like an inheritance.

- 12 National Cohesion and Integration Commission, *Towards Cohesion and Unity in Kenya, Ethnic Diversity and Audit of the Civil Service*, Volume 1 (Nairobi: National Cohesion and Integration Commission, 2012), pp.4-5.
- 13 Society for International Development, “*Xenophobia, Culture and Identity*” in *Development*, Volume 52, Number 4, (December, 2009) p.450 (Editorial) Available at <http://www.sidint.net/>
- 14 Commission of Inquiry into the Post Election Violence, Report, (Nairobi: Government Printers, 2009) pp.97-102. CIPEV was appointed through Gazette Notice No.4473 on 22nd May, 2008 to inquire into the post-election violence that occurred immediately after the 2007 Presidential election. It had the following terms of reference: 1) Investigate the facts and surrounding circumstances related to acts of violence that followed the 2007 Presidential Elections; 2) Investigate the actions or omissions of State security agencies during the course of the violence and make recommendations as necessary; and 3) Perform any other tasks that the Commission may deem necessary in fulfilling the foregoing terms of reference.
- 15 Commission of Inquiry into the Post Election Violence, Report, (Nairobi: Government Printers, 2009) pp.97-102.
- 16 Kenya National Commission for Human Rights, *On the Brink of the Precipice: A Human Rights Account of the Post-Election Violence*, (Nairobi: Kenya National Commission for Human Rights, 15 August, 2008), pp79-80.
- 17 The Agenda 4 Commissions take their name from item 4 on the KNDR’s Annotated Agenda which dealt with long term issues. For more information see, Kofi Annan Foundation, *The Kenya National Dialogue and Reconciliation report: One Year Later*, (Geneva: 2009). It is also available at [http://kofiannanfoundation.org/sites/default/files/KA\\_KenyaReport%20Final.pdf](http://kofiannanfoundation.org/sites/default/files/KA_KenyaReport%20Final.pdf)
- 18 The National Cohesion and Integration Act can be downloaded from <http://www.cohesion.or.ke/>
- 19 Bethwell Ogot, “*Boundary Changes and invention of Tribes*” in Bethwell Ogot & William Robert Ochieng’ (Eds.), *Kenya: The making of a nation: 1895-1995*, (Maseno: Maseno University, IRPS, 2000).
- 20 Jomo Kenyatta, *Suffering Without Bitterness: The Founding of the Kenyan Nation*, (Nairobi: East African Publishing House, 1968), p.149.
- 21 The Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya (Nairobi: Republic of Kenya, 2002) p.116 refers to “prophetic” tensions in Nakuru in 1961 and refers frequently to other pre-1990s “land clashes” that were extinguished by the Provincial Administration set up to replace the traditional chiefs and Elders.
- 22 Kimani Njogu, *Healing the wound, personal narratives about the 2007 Post election violence in Kenya* (2009), Nairobi Kenya, Twaweza Communications p. 278

- 23 Kenya National Commission for Human Rights, *On the Brink of the Precipice: A Human Rights Account of the Post-Election Violence*, (Nairobi: Kenya National Commission for Human Rights, 15 August, 2008), pp79-80.
- 24 The colonialists created GEMA to lump together the communities of Gikuyu, Embu and Meru in order to control them and distract them from the Mau Mau movement. After independence, GEMA had organised itself into an ethnic political bloc with business interests across the country including in Nakuru and the wider Rift Valley.
- 25 Kenya National Commission for Human Rights, *On the Brink of the Precipice: A Human Rights Account of the Post-Election Violence*, (Nairobi: Kenya National Commission for Human Rights, 15 August, 2008), p.87.
- 26 David Gorman and Andrew Ladley of the HD Centre facilitated the peace talks, while Andrew drafted the peace agreement.
- 27 The NCIC facilitated the women's meetings with Joyce Neu of the HD Centre.



## The Nakuru County Peace Accord

**Peace Agreement between the leading protagonists in Nakuru County, the Agikuyu and Kalenjin communities, with all other communities invited to share in achieving the peaceful and cooperative objectives**

### Contents

Preamble

1. Purpose
2. Acknowledgement of causes and consequences of violence
3. Our code of conduct
4. Follow up
5. Dispute resolution
6. Relationships with other processes and institutions
7. Review of this Accord
8. Walking forward

### Signatures

This Accord may be signed by the following:

#### 1. Founding Signatories

Comprising members from the Kalenjin, Agikuyu and other communities in Nakuru County who participated in the making of this Accord in discussions spread over 16 months, and who accept responsibility for upholding its terms. (A list of all Elders who participated will be added)

#### Witnesses

Comprising people in any organizational, official or personal capacities, who wish to record that they were present at and personally witnessed the foundation signing.

#### 2. Joining Signatories

Comprising representatives from other communities, groups, or individuals in Nakuru County, who wish to embrace this Accord and share in the responsibilities of furthering its objectives and terms. Signatories in this category may join at any time by procedures to be established by the Elders.

#### 3. Welcoming Signatories

Comprising any others, anywhere in Kenya or internationally, who wish to acknowledge this Accord and welcome its objectives and terms. Signatories in this category may be added at any time by procedures to be established by the Elders. People in this category may also 'sign' via the internet, when the Accord website is established.




## **Preamble**

As Elders from the Agikuyu and Kalenjin communities in Nakuru County, we were initially brought together in April 2011 by the National Steering Committee on Peace Building and Conflict Management and the National Cohesion and Integration Commission. The background was our County's history of communal and election-related violence. As Elders of the principal protagonist communities in our County, we began a dialogue that has led to this Accord. At times, this process has been painful for us all. We have discussed the causes of the conflicts between our communities, the injustices we both felt, our hurts at insults and derogatory language applied to members of our communities, our impressions of each other, our suspicions and our hopes. Sometimes our perspectives have been directly contradictory. But we have all acknowledged the great suffering in Nakuru County, especially in the violence in 1992, 1997, 2002 and 2008. For many, that suffering continues.

Starting from our acknowledgment of that suffering, we have agreed to this Peace Accord.

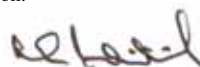
### **1. Purpose**

- a. In forming this Accord, we respect the many other communities, women and youth, persons with disabilities, businesses and organisations who share our lives in Nakuru County. Recognizing that they will have their own perspectives and interests, we are open to consultation with all in the hope that others will share the peace objectives of this Accord.
- b. As Elders in each of our communities in Nakuru County, we share responsibilities for the well-being of our communities. Our communities have mostly lived peacefully together for decades. We share with all the Kenyan family the simple hopes of improving our lives and communities in a climate of stability, security and mutual respect.
- c. However, we acknowledge that our communities in Nakuru have regularly been protagonists in violence, especially at election times. The purpose of this Accord is therefore to acknowledge the issues between our communities in Nakuru County and to take our share of responsibility for dealing with them – peacefully.
- d. Mindful of our responsibilities as Elders, we accept that violence has caused great suffering for many. As Elders, we are deeply sorry for the suffering that each of our communities has contributed to and experienced. That suffering is ongoing.
- e. Trust is the centerpiece of peace. We acknowledge that we each suspect and sometimes fear each other's motives, actions and even some of our traditions. We are determined to earn trust in and between our communities. We do not pretend that the paths will be easy and we do not have all the answers. But in humility, with God's grace and blessings, we make this Accord in our determination to heal, to learn, and to prevent further violence.



## 2. Acknowledgement of causes and consequences of violence

- a. Some of the events and changes relevant to violence in our community have deep historical and socio-economic roots, reflected in differing degrees in specific localities. Whilst not every situation is identical, common features have included our different traditions of pastoralism and agricultural farming, patterns of settlement, ownership and economic development generally. We share many natural resources, including pastures and rivers. Competition over the use of resources, has produced claims that have been difficult to reconcile. This has produced claims of injustice, on all sides, that have been part of the concerns of each of our communities. At local levels, these issues have also often produced violence.
- b. Another category of historical causes lies in the nature and functions of the government of Kenya and in our County, from colonial times to the present. How the government has worked, who it has employed, how its political leaders and state officers have been chosen – these things have greatly affected our communities. The concerns of different communities include both domination and exclusion from the offices, functions and activities of government on ethnic grounds. These are of specific concern in Nakuru County.
- c. These roots have contributed to patterns of ethnic politics and government in which all communities are deeply concerned about exclusion, marginalization, injustice and identity. In Nakuru County, where our communities have been mobilized politically as Agikuyu and as Kalenjin in support of rival candidates. Justifications offered by political candidates include protecting and defending our peoples, our businesses and our lands. But we also know that unless we find peaceful paths forward, our communities face a spiral of attack and defence that will repeat tragic consequences. People have already died, homes and businesses have been destroyed, women raped, children traumatised, families and whole communities have fled for their lives.
- d. These complex factors have been key causes of violence between our communities in Nakuru County. We particularly acknowledge the suffering in 1992, 1997, 2002 and 2008. The problems from those years are still ongoing, particularly reflected in the issues of Internally Displaced Persons (IDPs).
- e. We acknowledge that the issues we face in Nakuru County are in various degrees shared by many of the communities of Kenya and that they are being addressed in the new Constitution and related changes. Our particular concern as Elders in Nakuru County, is that the safety and security of our communities should not depend upon national politics, or on events that take place elsewhere. For example, political slogans, or alleged events in neighbouring areas involving members of different communities, often have violent consequences in Nakuru. The events are often sensationalized in the media and may even be wrongly reported. We seek to build relationships that might reduce the sudden inflammatory effect of alleged events outside of Nakuru. We must avoid collective ethnic hurt, commission and retaliation.

### **3. Our Code of Conduct**

To reduce the risks of violence, especially politicized violence, our vision is that our communities in Nakuru County will:

1. Respect our peaceful traditions and customs consistent with the rights and freedoms in our Constitution, including dispute -resolution mechanisms that might build better trust and resolve grievances so that we live in peaceful co-existence.
2. Recognize that violence is against the law, involves the commission of crime (and if mass violence, of mass crimes) and that all communities have rights to live peacefully.
3. Act towards each other in good faith; this includes speaking honestly about our fears as well as our ambitions, acknowledging each other's perspectives and reasons, and not participating in (or planning, encouraging, inciting or failing to prevent) activities relating to ethnic and political violence.
4. Encourage political candidates and supporters, leaders and the institutions of state, to find ways of acknowledging and dealing effectively with all our concerns about being permanently excluded from governance and state functions.
5. Insist that our leaders, candidates and supporters conduct political competition peacefully in accordance with mutually-respected rules.
6. Acknowledge that democratic processes and their results must be respected by all communities, whilst recognizing that with power comes responsibility. Once a person is elected, he or she is a representative of all communities and should recognize that power is a shared responsibility among all the people. Elected representatives must demonstrate integrity and goodwill in working with all communities to address their needs, interest, concerns and aspirations.
7. Mutually respect the rights guaranteed in the Constitution, especially the rights to life, security, property, and of free movement and residence.
8. Avoid derogatory stereotypes about Agikuyu and Kalenjin, and other communities living in Nakuru, especially including insulting language, descriptions and assumptions, as well as permanently calling whole communities terms like 'immigrants'.
9. Avoid 'communalising responsibility' for individual crimes, allegations, or slogans (where something done by an individual becomes a hurt done by or to, a whole community, often prompting attack and retaliation).
10. Be proud of our County's stability as a beacon for other communities seeking non-violence.



#### 4. Follow up

##### 4.1 Actions to be undertaken

- a. Accepting that as Elders we cannot offer simple solutions, we will seek ways of addressing mutual issues that may arise in different communities and localities. These might include local issues like drought, rivers, resource distribution, animal health and livestock movements. It could also include more general issues like state service delivery, schools, youth employment and job creation, crime and housing.
- b. We will establish mechanisms for ongoing dialogue between our communities and for furthering the objectives of this Accord. This will include making reference to, and linkages with other authorities, and seeking support from relevant authorities and donors.
- c. Our immediate institutional development will include:
  - 1) establishing a small secretariat for our ongoing work;
  - 2) creating a network of monitors and contacts with whom we can interact at different levels where that might be useful to local peace issues;
  - 3) disseminating, explaining and discussing this Accord in our communities and with others who share the concerns;
  - 4) establishing appropriate linkages with the National Commission for Integration and Cohesion (NCIC), the National Steering Committee (NSC) and other relevant institutions and processes;
  - 5) establishing the Nakuru Elders Mediation Committee (see below).
- d. Our major priorities between now and the forthcoming General Elections will be to:
  - 1) prevent election violence of any sort,
  - 2) disseminate and discuss this Accord, and to
  - 3) build linkages with surrounding Counties for the same purposes as in this Accord.

##### 4.2 Initial requests to relevant authorities

- a. We recommend that the police and other security agencies make all appropriate efforts to build trust with the communities in Nakuru County as part of conflict reduction. This should ensure that policing is conducted transparently, in accordance with law and without favouritism or disadvantage to ethnic communities. There should be regular dialogue with local communities, to build trust at all levels of command and operation. There should be community confidence in the ethnic representativeness of staff. We particularly recommend that planning and capacity should enable rapid responses to early warnings of conflict, so as to defuse tensions early. Organized gangs/militia and illegal weapons pose great risks to peace, and these should have appropriate priority in prevention strategies. Particular attention should be paid to the prevention of incitement to violence.
- b. Similarly, we recommend that law enforcement authorities, especially District Commissioners, should build community confidence, including by regular meetings. We note the importance of promptly addressing local issues that might




give rise to conflicts (such as the movement of livestock across farming areas and livestock theft, especially near ethnic boundaries).

- c. We ask the NCIC and NSC to continue to assist the Elders of Nakuru County in addressing issues of particular relevance to conflict in our County, including IDPs both in camps and 'integrated'.
- d. We request the NCIC to establish appropriate linkages with us as Elders in Nakuru County, in furthering the objectives of this Accord. These linkages may include dispute-resolution in Nakuru County, sharing experiences as resource people in other conflict areas, and other mutual assistance.

#### **5. Dispute resolution**

- a. In relation to matters that concern our communities and this Accord, we commit ourselves as neighbours and communities in Nakuru County, to resolve issues that arise through ongoing discussions between us.
- b. For problems that may prove difficult to resolve by discussions, we will establish the Nakuru Elders Mediation Committee, comprising of at least three respected members of each community. They will address the issues and propose ways forward.
- c. If the Mediation Committee is not able to reach agreement with the parties, it may of its own accord convene a wider meeting of Elders of our communities to discuss the issues, and where appropriate, invite the NCIC (or another relevant authority with most connection to the issue) to participate, chair or convene such a meeting.

#### **6. Relationships with other communities**

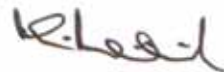
We acknowledge that all of the issues in this Accord will be relevant to, or be the direct business of, many other communities. We will try to work constructively with all to achieve the purposes of this Accord.

#### **7. Relationships with women, youth, persons with disabilities and other processes and institutions in civil society**

Similarly, we acknowledge that all of the issues in this Accord will be relevant to, or be the direct business of, faith organisations, families, women, youth, persons with disabilities and other groups, and institutions of civil society. We will particularly engage with youth groups, given the substantial proportion of youth in Nakuru County and the challenges for youth in our society.

#### **8. Review of this Accord**

Recognizing that events may change quickly, we will meet to review the progress under this Accord as necessary, and in any event no later than 3 months after its signature.



**9. Walking forward**

This Accord resulted from nearly 16 months of discussions between us as Elders.

We have built better mutual understanding of each other, as well as of the issues that confront all the communities in Nakuru County.

We acknowledge, however, that the work is only just beginning.

We express our deep gratitude to our communities in Nakuru County and to the many others who walked with us up to the signing of this Accord, especially members of the National Cohesion and Integration Commission and the National Steering Committee on Peace Building and Conflict Management.

We express in advance our thanks to those who will walk further with us as we implement our commitments.

That journey has no end in our hope that there will never again be violence between our communities.

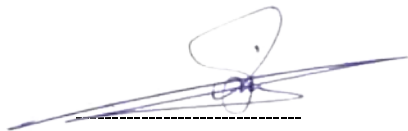


## 1. Founding Signatories

*Comprising members from the Kalenjin, Agikuyu and other communities in Nakuru County who participated in the making of this Accord in discussions spread over 16 months, and who accept responsibility for upholding its terms.*

**Dated: 19 August 2012**

### Co Chairs of the Elders Committees



**Mr Samuel Maigua**  
(for Agikuyu Elders)



**Hon Wilson Leitich**  
(for Kalenjin Elders)

### Patrons



**Daniel Kamau Kanyi EBS**

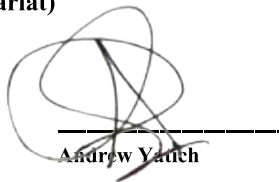


**Gideon Toroitich EBS**

### Coordinators (Secretariat)



**Maina Muhia**



**Andrew Yatch**

### Founders



**Ndungu Gaithuma**



**Joshua K Toroitich**



**Civil Society Groups**


Youth 



Charles Mburu

Women -----

Civil Society 

Simon Ole Nzioki

Business Community   
J. M. Gichuru  
KNCCI

  
Samuel Njoroge  
  
Walter Othman

Dr. Solomon Wangari

County Peace Monitor


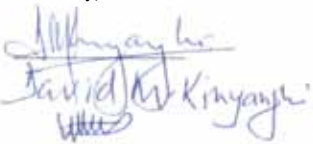

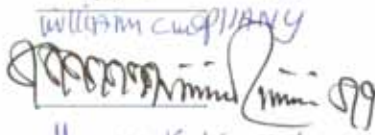
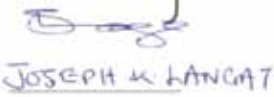






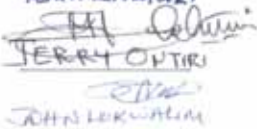
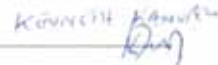

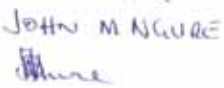
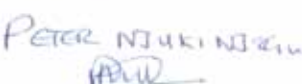
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Community Chairs

Abaluhya	<u>JOHN AMUKOYE</u>	<u>[Signature]</u>
Abagusii	<u>DR. ANDREW ISSIE OCHTUKI</u>	<u>[Signature]</u>
Akamba	<u>PHILIP MALOTZA</u> <u>[Signature]</u>	_____
Ameru	<u>JOHN MUYURI</u>	<u>[Signature]</u>
Luo	<u>CHARLES OTHENK DUKO</u>	<u>[Signature]</u>
Maasai	<u>JOSEPH MATEANI OLE NAINU</u>	<u>[Signature]</u>
Mijikenda	<u>ATHMAN MABRO</u>	<u>[Signature]</u>
Ogiek	<u>CHARLES C RONO</u>	<u>JOHN LESINGO</u>
Somali	<u>ABDULREHMAN A. MOHAMMED</u> <u>[Signature]</u>	_____
Turkana	<u>DAVID AKOIT</u>	_____

## District Chairs (by community)

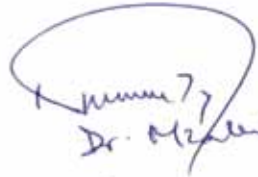
Bahati	 JOHN SIGILAI	 ALFRED KINYANGI
Gilgil	 JOSEPH KERENDARY	 WILLIAM CHESWANI
Kuresoi	 JOSEPH K. LANGAT	 HENRY K. KENYATTA
Naivasha	 MICHAEL MUTAI	 MUSA
Molo	 JOHN J. MWALHE	
Njoro	 HON. EVANSON NJAU KIPRUI	 SAMUEL K. TONU
Rongai	 JOHN LUKWALA	 KENNETH KARIUKI
Subukia	 MACHARIA	
GILGIL	 JOHN M NGURE	
KURESOI	 PETER NJUKI NJIRU	

### Witnesses

*Compromising people in their organizational, official or personal capacities, who wish to record that they were present at and personally witnessed the foundation signing.*

Dated: 19 August 2012

B.A. Kip Lagat

  
Dr. Mzeelele Kibung'u



ALICE NDERITU



M. PRESTON. MCGHIE



MUSUMBA SAMUEL

~~Mohamed Suraw~~  
Mohamed Suraw  
Mayor Nakuru

JULIUS K. MUTHAUA  
ADVOCATE, NAKURU  
MUTHUA

### 3. Welcoming Signatories

*Comprising any others, anywhere in Kenya or internationally, who wish to acknowledge this Accord and welcome its objectives and terms. Signatories in this category may be added at any time by procedures to be established by the Elders.*

*People in this category may also 'sign' via the internet,  
when the Accord website is established.*

A handwritten signature in black ink, appearing to read "B. A. Kiplogat". The signature is written in a cursive, somewhat stylized font. The letters are dark and the background is a light, slightly textured grey.

## About the author

Alice Nderitu is a peace builder and human rights educator, and she has been a Commissioner of the National Cohesion and Integration Commission in Kenya. She previously headed the human rights education department of the Kenya National Commission on Human Rights. Ms Nderitu is a member of the Women Waging Peace Network and Co-Chair of Uwiano Platform for Peace, a conflict prevention agency that brings together six groups: the National Cohesion and Integration Commission; Kenya Police; the National Steering Committee for Peace Building and Conflict Management, which houses the District Peace Committees; UN Women; the Independent Elections and Boundaries Commission; and PeaceNet-Kenya- a network of more than 500 NGOs. Ms Nderitu is also a Convener of the Concerned Citizens for Peace, a group of Elders mediating between Kenya's political leaders at the highest levels.

Ms Nderitu has authored several policy papers and opinion pieces including *Bringing up the Child: Local Conflict Prevention Mechanisms in Kenya*, (2013); *Building Peace: A Forum for Peace and Security in the 21st Century*, September, 2013.(<http://buildingpeaceforum.com>); "Taming the Demon of Kenya's Election Violence", Institute for Justice and Reconciliation Policy Brief No.4, (2011); "Conflict Transformation and Human rights, a Mutual Stalemate?"Bergof Conflict Research, [www. Berghof- handbook.net](http://www.Berghof-handbook.net). No 9 (2010). She also contributed a chapter to *Human Rights in the Middle East & North Africa, A guide for NGOs*, 9th October 2011, (which has been translated into Arabic) and she co-authored "Getting to the Point of Inclusion: Seven Myths Standing in the Way of Women Waging Peace" with Jacqueline O'Neill. This was an official Background Paper for the 2013 Oslo Forum – a gathering of the world's top mediators, high-level decision-makers, and key peace process actors which is co-hosted by the Royal Norwegian Ministry of Foreign Affairs and the Centre for Humanitarian Dialogue.

Alice Nderitu was named the 2012, Woman Peace Maker of the Year by the Joan B. Kroc Institute for Peace and Justice at the University of San Diego, California, USA and is a Transitional Justice Fellow of the Institute for Justice and Reconciliation, Chaired by Arch Bishop Desmond Tutu, Cape Town, South Africa.



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