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POST CONFLICT HEALING AND RECONCILIATION PROCESSES IN AFRICA: THE CASE OF KENYA

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DECLARATION

I Anne Waithira Gachoya declare that this research project is my original work and has not been presented for a degree in any other university.

Signed... Date...18TH NOV, 2010....................

This research project has been submitted for examination with my approval as university supervisor

Signed... Date....24 NOV 2010.................

ii

DEDICATION

This work is dedicated to the memory of my Late Father, Johnson Gachoya Thumbi for instilling in me discipline of hard work. To my daughter Patience Muthoni for her unwavering support and encouragement throughout my M.A. course.

ACKNOWLEGEMENT

TABLE OF CONTENTS

Content   **Page No.**

LIST OF TABLES

LIST OF FIGURES

LIST OF ABBREVIATIONS

ANC	-	African National Congress
CCM	-	Chama Cha Mapinduzi
CGD	-	Centre for Governance and Development
CIPEV	-	Commission of Inquiry into Post Election Violence
DRC	-	Democratic Republic of Congo
ECOWAS	-	Economic Community of West African States
ICTR	-	International Criminal Tribunal for Rwanda
IDP	-	Internally Displaced Persons
IGAD	-	Inter Governmental Authority and Development
KHRC	-	Kenya Human Rights Commission
NGO	-	Non-Governmental Organization
NCCK	-	National Council of churches of Kenya
OAU	-	Organization of African Unity
ODM	-	orange democratic movement
OLS	-	Operation Lifeline Sudan
OLF	-	Oromo Liberation front
PNU	-	Party of National Unity
SIPRI	-	Stockholm International Peace Research Institute
SADC	-	South African Development Commission
SPLM	-	Sudan People's Liberation Movement/Army
TJRC	-	Truth, justice and Reconciliation Commission
TRC	-	Truth and Reconciliation Commission
UN	-	United Nations

UNDP	-	United Nations Development Programmes
UNHCR	-	United Nations High Commission for the Refugees
USA	-	United States of America
ZANU	-	Zimbabwe African National Union

ABSTRACT

This study seeks to examine the extent to which National Accord and Reconciliation Act has been implemented to restore peace and stability in the country. It also attempts to establish the progress of National Healing and Reconciliation Processes in Kenya.

In chapter one, an attempt has been made to justify the study both as a policy guide and in terms of its contribution to scholars. It is useful not only to African policy makers but also to the international community. The review of the literature which has been done in the same chapter has further emphasized the need to establish the root causes of conflicts to address the humanitarian needs and crisis for achievement of sustainable peace and stability. In terms of its methodology, the study has relied largely on secondary data and qualitative analysis of the data. Chapter two gives the historical background of post conflict healing and reconciliation processes in Africa. This background has been given in the belief that it provides a good precedence for the subsequent healing and reconciliation processes. Chapter three relates to Kenyan experiences in post- conflict healing and reconciliation processes. It gives an account of the root causes of conflicts in Kenya and government initiatives in facilitating peace and stability.

Chapter four is the main chapter of the project and analyze the extent to which the Government is committed to of the implementation of the National Dialogue and Reconciliation Act and specifically agenda 2 of the National Peace Accord. It also gives analysis of actions taken to address the humanitarian crisis, resettlement programmes of IDPs, nature of humanitarian assistance, strategies to facilitate healing and reconciliation processes and challenges faced in the implementation of agenda 2 of the National Peace Accord.

Chapter five gives summary, conclusions and some policy guidelines. The conclusion point out that humanitarian crisis is far from being addressed and that violence may recur in future elections. The policy recommendation are designed to reflect the policy relevance of the study as contained in chapter one.

OPERATIONALIZATION OF TERMS

Agenda-setting: Controlling the focus of attention by establishing the issues for public discussion.

Amnesty: An act by which the state pardons political or other offenders, usually as a group.

Arbitration: Traditional method of dispute settlement whereby the conflicting parties voluntarily seek out a single arbiter or arbitration court to arrive at a final judgment. The arbiter is an authoritative and legitimate third party, superior in strength to the parties to the dispute. The recommendation reached by a (neutral) arbiter is considered binding.

Bargaining: Process of give and take during negotiations, beginning with a first offer (entry point) from each side and ending .if negotiations are not aborted. With final offers (exit points). Agreements may be reached by compromising on each single issue or by trading concessions on one issue for 'exchanging points' by the other side on another.

Basic needs: Minimum requirements of a community for a decent standard of life: adequate food, shelter, and clothing plus some household equipment and furniture. They also include essential services provided by and for the community-at-large such as safe drinking water, sanitation, health and education facilities, protection against human rights violations and gainful employment.

Chaos: A condition of total social, economic and political disorder, in which the state is unable to provide for law enforcement and security or deliver basic services, and the economic and other institutions that underpin and sustain normal life in the community collapse.

Coalition: An alliance between two or more political units in response to opposing forces.

Coalition government: A parliamentary government in which the cabinet is composed of members of more than one party.

Conflict: Two or more parties with incompatible interests who express hostile attitudes or pursue their interests through actions that damage the other(s). Parties may be individuals, small or large groups or countries. Interests can diverge in many ways, such as over access to and distribution of resources (e.g. territory, money, energy sources, food); control of power and participation in political decision making; identity, (cultural, social and political communities); status; or values, particularly those embodied in systems of government, religion, or ideology.

Dialogue: A common response to destructive conflict between groups. Dialogue is primarily directed toward increasing understanding and trust among participants with some eventual positive effects on public opinion, rather than the creation of alternative solutions to the conflict.

Healing: Healing is closely related to reconciliation. It means restoring individuals to a fuller state of being, through among other measures restoring broken relations among individuals and communities, and to restoring the dignity of such individuals and communities.

Mediation: A problem-solving negotiation process in which an outside, impartial, neutral party works with disputants to assist them in reaching a satisfactory negotiated agreement.

Reconciliation: Reconciliation is a process of 'settlement, resolution, compromise, bringing together'. It includes national reconciliation (respecting issues and concerns of a national character) and individual reconciliation between perpetrator(s) and victim(s).

Spoilers: Disgruntled followers, excluded parties or an alienated leader who believe that peace emerging from negotiations threatens their power, worldview and interests, and who use violence to undermine attempts to achieve it.

CHAPTER ONE

1.0. INTRODUCTION

1. 1 .Background to the Study

In recent decades, the nature of conflict worldwide has moved from the conventional conflict towards intra-state conflict. Whereas most violent conflicts during the past century have been between states, most major conflicts since the 1990s have taken place within states[1]. It is in this environment that warring parties have realized that their objectives cannot be achieved through war, and subsequent efforts to resolve intra-state conflict through international mediation have led to its cessation in many parts of the world. The end of conflict in turn presents an unprecedented opportunity for countries in dispute to rebuild their "societies, polities, and economies and embrace reforms that have been elusive in the past."[2]

Peace accords have been drafted and enacted in order to resolve political violence, restore peace and allow room for solving fundamental issues behind the conflicts. However, not all peace accords last and some degenerate into worse violence than before. The Addis Ababa Agreement was the most successful, contributing to nearly ten years of peace between Northern and Southern Sudan.[3]Conventional wisdom holds that the failure to implement a peace agreement is an important explanation to the recurrence of war. However, there are promised pacts have not implemented, but peace has endured. For example, the successful implementation of a 50/50 power-sharing government in Guinea-Bissau in 1999 failed to stop the military junta from

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[1] Peter Harris and Ben Reilly, eds., *Democracy and Deep-Rooted Conflict: Options for Negotiators*, (Ljubljana: Korotan Ljubljana 1998), p. 1.

[2] Krishna Kumar, "The Nature and Focus of International Assistance for Rebuilding War-Torn Societies," in *Rebuilding Societies After Civil War: Critical Roles for International Assistance*, ed. by Krishna Kumar (Boulder, CO: Lynne Rienner Publishers, 1998), p. 1.

[3] Rothchild, Donald and Caroline and Hartzell, 1988. *The Peace Process in the Sudan 1972-72*. Paper Prepared for Delivery at the International Political Science Association Meeting, Washington, D.C., August 30. Available at http:///jrich/Richardson.peaceend.html

effectively ousting their Guinea-Bissau government partners later that year. Also, whilst a commitment to a peace agreement might be credible in one phase of implementation, shifting power relations and changing priorities can force the former warring parties to withdraw their commitment, meaning that such promises and trust can easily come and go; as can implementation efforts.

Kenya is strategically placed for the U.S.A as it facilitates its capability to project air and naval power in the Indian Ocean to ensure free flow of international commerce and respond to any crisis or security threat, such as terrorism and other emerging organized international crimes in the region. Due to the threats by the terrorists, the U.S. signed a military agreement with Kenya in April 1980 which permits the U.S. Navy to use Mombasa as a liberty port and also use Kenyan air facilities to counteract aggression in the region should there be need. Kenya features prominently in the defense   plan of the U.S. A and Mombasa continues to play a strategically valuable role as a potential launching point of American forces to counter terrorism or any other foreign aggression in the Indian Ocean, Persian Gulf, and the Sub Saharan Africa. Historically, British have various commercial trade links with Kenya and as a result, British commercial interests have continued to enjoy a high profile in Kenya's economic development. Thus, Kenya's peace and stability are crucial and any instability must necessarily attract the interest of Britain and the United States.

Kenya is important in the East African region due to its geographical position, as the gateway to Uganda, Rwanda, Burundi, Sudan, northern Tanzania and other neighboring countries that are landlocked and, therefore have to depend on Kenya for their international trade outlet. These

2

states have been pre-occupied with issues pertaining to national unity, .nation building, the establishment and maintenance of viable economies, political stability and peace.

Kenya is also the hub of regional economic growth, and its economic and political stability is likely to have adverse effect in the East Africa region's economic development. In recognition of Kenya's importance in East Africa and in exchange for Kenya's strategic co-operation with USA, political and economic stability in the country remains a concern internationally and any instability in Kenya has high potential of being internationalized.

Following Kenya's intense violence and political unrest that threatened to destabilize the nation contested presidential elections in the late December 2007 led to a round of negotiations beginning in late January 2008, known as Kenya National Dialogue and Reconciliation. The Kenya National Accord and Reconciliation Act identified four main items for the purpose of ending the crisis. The four areas are critical for addressing the causes of the crisis, communities, and preventing future conflicts in the country. These four agenda items are: Agenda 1; Immediate action to stop violence and restore fundamental rights and liberties: Agenda 2: Immediate measures to address the humanitarian crisis, promote reconciliation, and healing: Agenda 3: How to overcome the political crisis. Agenda 4: Address long term issues, including constitutional, legal and institutional reforms; land reforms; tackling youth unemployment; tackling poverty, inequity and regional development imbalances, consolidating national unity and cohesion ,and addressing impunity, transparency and accountability.

The Kenya Healing and Reconciliation Accord brokered by the African Union's Panel of Eminent Personalities led by former UN Secretary General Kofi Annan managed to end the post

election violence that had threatened to tear the country apart. It is apparent that the communities worst affected by the violence needed healing, reconciliation and restoration among other reform items as stipulated in the Kenya's National Accord and Reconciliation Act. While the political elite is expected to spearhead the achievement of the agenda, an interesting dynamic has developed in the context of ethnic-based contestation within the current political sphere[4].Those clamoring for justice on occasion recede into ethnic constituencies where action against particular individuals is invariably seen as a witch-hunt. Since questions of accountability seem inextricably linked to political succession and reorganization of the state, at a certain level, few can deny that this renders the task at hand even more complex and difficult to realize[5].

1.2. Statement of the Research Problem

A good number of the recent proliferation of conflict within the African continent and to some extent they have been seen as both a cause as well as a result of Africa's economic crisis. The continuation of conflicts in some parts of the world for example Liberia, Sudan, Somalia, democratic republic of Congo, the former Yugoslavia, coupled with the potentiality of others to explode for example Burundi, Algeria, Kenya however testify to the fact that there is a gap in the area of post conflict reconciliation and healing in Africa to pave way for its economic development.

Kenya is a multi-ethnic society, and many communities have been living in harmony for many years. The conflict that rocked Kenya in the period 1992 and 2008 surprised many Kenyans

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[4] George Wachira (Ed). On the lingering role of ethnicity in the political discourse in Kenya. Ethnicity, Human Rights and Constitutionalism in Africa (2008).

[5] Makau Mutua, Human Rights and State Despotism in Kenya: Institutional Problems, P41 Today 5 0 (1994.

because it was associated with ethnic based clashes of the Nyayo era, NARC Government and the disputed presidential election results of December 2007 between two main parties, party of National Unity [PNU] and the Orange Democratic Movement [ODM]. Kenya's major ethnic groups remain bitter rivals competing for the scarce resources. As such, the potential for violence is a major Kenya government concern. Therefore, there is need for the country to find a lasting solution through establishment of working mechanisms. Violent conflict often erupts when deep rooted cultural, religious, historical, social, economic and political issues are not properly addressed. In Kenya, such conflicts are linked to chaos left behind by the departing colonial rulers and decolonization struggle and the post- colonial governments that have tended to be partial to sections of the society, such acts of violence are largely induced, planned or caused by avoidable circumstances and situations.

The intense violence and political unrest that threatened to destabilize Kenya following its contested presidential elections in the late December 2007 led to a round of negotiations beginning in late January 2008, known as Kenya National Dialogue and Reconciliation. The negotiations produced terms for a Grand coalition government including Party of National Unity and Orange Democratic Movement. The accord led to the cessation of most violence and called for the establishment of several bodies of inquiry. Therefore, this study examined whether the establishment of truth and reconciliation as a form of national healing has led to restoration of peace and stability in the country. In order for a peaceful settlement to lead to its ultimate goal – peace – the parties' commitment to implementation is key. In order to transform a deal into reality, however, the parties need to credibly commit to the deal by implementing it. Showing signs of commitment to a settlement and actually implementing it are vastly different aspects of

the same process. Post conflict peace accords negotiated by the government and international actors have succeeded or failed depending on the commitment of the actors in the implementation of the accord.

With regard to Agenda item number two of the peace Accord - taking measures to address the humanitarian crisis, promote reconciliation and healing, the number of internally displaced persons (IDPs) camps has reduced but this is no measure of success in addressing the IDP problem. Evidence shows that the humanitarian crisis is far from over and that it has taken a new and more complex dimension. IDPs continue to live in informal camps without access to basic service, they face new problems. Furthermore, the importance of the IDPs situation appears to be diminishing as a national and international issue and priority. Though there have been initiatives aimed at promoting healing and reconciliation among communities and a Truth, Justice and Reconciliation Commission put in place, results are yet to be achieved. Findings show that the initiatives do not address the core causes of conflict and division among communities. Politicians are also not actively involved at the local level. There is a relapse with regards to fast tracking healing and reconciliation. The calm witnessed in the areas affected by post-election violence has led to the assumption that the causes of conflict have been addressed. To the contrary, there is resentment against IDPs in the areas from where they were evicted[6]. This situation raises serious questions on whether the Government of Kenya and the international community is committed to the implementation of the National Accord and Reconciliation Act and specifically agenda two.

This study therefore examined government and international community commitment to the peace accord and specifically agenda two as it relates to the peace accord. The study sought

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[6] http://www.tikenya.org/documents/Adili109.pdf

answers on the underlying factors in the implementation of the accord, the extent to which peace and stability has been achieved, and extent to which the government and international community are facilitating and promoting healing and reconciliation. This will largely reflect their commitment to national healing and reconciliation.

1.3. Objectives of the research

This study was guided by the following objectives:

The general objective was:

To examine the extent to which post conflict healing and reconciliation processes has been implemented in Africa.

The following were the specific objectives:

i.   Examine the extent to which peace and stability has been restored between communities in the areas worst affected by conflict in Kenya.

ii.   Establish factors affecting the implementation of measures taken to address the humanitarian crisis, and promote healing and reconciliation processes in Kenya.

iii. Assess the extent to which the international community facilitate and promote healing and reconciliation processes.

1.4. Justification of the research problem

The study has both policy and academic justifications: Policy justification refers mainly to policy implications while academic justification refers to the contributions made by the study to what is already known in the area studied.

1.4.1. Policy justification

The study will inform policy makers on how to deal with the issue of internally displaced persons. Specifically, findings from this study will inform policy makers on the need to have explicit accords that clearly delineate the role of each of the actors in the accord and indicators upon which the commitment of the stake holders can be assessed. The study will also inform policy makers on factors which are situation specific and how they interact in affecting the achievement of the intent of the accords. This will guide future policies and accords dealing with post conflict healing and reconciliation. The findings of this study will also help guide future policy development and implementation of national cohesion in Kenya.

1.4.2. Academic justification

This study will create more knowledge on how to deal with the issue of internally displaced persons. Specifically most studies on civil conflict settlements focus on the commitments to implementation of peace accords and how these affect durable peace; not on how the actual success or failure of the implementation of certain provisions by the signatories relates to the success of the whole accord. By examining agenda two of the accord, the study will yield more knowledge on the interrelatedness of the various variables that serve to influence the outcomes of mediated healing and reconciliation and how they affect the presence of long-lasting peace.

The research attempted to explore how coalition governments may serve to interfere with the existence of durable peace due to competing interests between the partners. By focusing on the degree of implementation of pacts forged in peace agreements following the post election

violence, this research attempted to remedy the empirical deficit on peace agreement implementation and also outline how implementation success may be positively associated with durable peace.

This study will also provide information on challenges that impact on the implementation of the National Accords. Often, the international mediators look for a quick fix to the problem and especially the immediate restoration of peace. However, the extent to which the local actors implement the accord is highly dependent on the commitment and goodwill of all actors involved. However, the extent to which the international actors can intervene to create lasting peace in the Kenyan context remains unknown.

1.5. Literature review

This section cover the concept of conflict resolution, national healing and reconciliation, peace building, humanitarian crises during conflicts, the role of truth, justice and reconciliation commission, and a section on IDP's.

Conflict resolution

Conflict resolution and peace building are issues which have become very topical in debates and discussions in Africa. This is not only because Africa is characterized by many conflicts, but much more so due to the realization that in most cases the conflicts has negative impacts on Africa's socio-economic and political development. Thus conflict resolution and peace building processes have become very essential in solving the problem of conflicts in the continent.

Mwagiru[7] has underscored the importance of conflict resolution when he says: "One of the distinguishing features of Africa's political landscape is its many dysfunctional and protracted social and political conflicts. This problem is made worse by lack of effective mechanisms to manage these conflicts. Where they exist they are weak and, thus, social and political relationships in the continent have been disrupted. This has had negative consequences, including the interruption of the development and the diversion of scarce resources to the management of these conflicts'

The most profound impediment to peace in Darfur is the lack of commitment of the part of the rebel and Government sides. In July 1999, the six countries involved in the Congo war – Zimbabwe, Zimbabwe, Namibia, Angola, Uganda, Rwanda – and Congolese rebel groups – met in Lusaka and signed a peace agreement aimed at ending the war. The Lusaka agreement has failed to hold up to date, due to ceasefire violations by all parties, splits within the rebel movements, and lack of commitment by the international community to implement it[8].

Peace negotiations and mediations always go together because most negotiations are carried out through a mediator or facilitator. The mediator can be a respected wise individual or an institution. For instance, the mediator of the peace negotiations between the FRELIMO Government and the RENAMO rebel group in Mozambique was an institution. It was a religious NGO in Rome, Italy called Saint Egidio.[9] The facilitator for the Burundi Peace Negotiations was a respected individual, the Late Mwalimu Julius Kambarage Nyerere who after his death, was

[7] Mwagiru, Makumi. Conflict Management in Africa: Lessons Learnt and Future Strategies; Nairobi: Centre for Conflict Research (CCR) and Friedrich Ebert Stifling (FES). 2001
[8] http://www.acts.or.ke/reports/CountryDataBase/databasedrc.pdf
[9] Romano, A. "Peace is Possible: Lessons from the Mozambique Peace Process", Paper for the Workshop on "Learning from Conflict Resolution in Africa", held in Arusha, Tanzania. 1998

followed by Nelson Mandela, former President of South Africa. However, Mwalimu and late Mandela worked through an institution, the Mwalimu Nyerere Foundation. The peace accor
drafted in Kenya in 2008 was facilitated by the panel of eminent persons led by former Ul
secretary general Kofi Annan.

Peace building, healing and reconciliation

According to the former UN Secretary-General Boutros Boutros-Ghali, peace building consiste of 'sustained, co-operative work to deal with underlying economic, social, cultural an humanitarian problems'.[10] After considerable debate and disagreement on the exact meaning c peace building, the Secretary-General modified his position in the 1995 Supplement to an agend for peace and suggested that peace building could also be preventive.[11] This coincides with somewhat broader view that peace building is essentially about removing or weakening facto: that breed or sustain conflict, and reinforcing factors that build positive relations and sustai peace.[12] Tschirgi[13] points out that the term 'peace building' was gradually expanded to refer · integrated approaches to address violent conflict at different phases of the conflict cycle. As f: as this research is concerned, the view is taken that the purpose of peace building is to avoid return to conflict and that in some cases it may require ambitious long-term nation buildi efforts by international actors.

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[10] UN Secretary-General. *An agenda for peace: preventive diplomacy, peacemaking and peacekeeping*. Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January, A/47/277 – S/24111, New York, 17 June 1992

[11] UN Secretary-General. *Supplement to an agenda for peace*. Position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations, A/50/60 – S/1995/1, New York, 3 January, 1995

[12] Hitchcock, N. DDR: Disarmament, demobilization & reintegration: the case of Angola. *Conflict Trends*, 1:36–4 2004

[13] Tschirgi, N. *Peace building as the link between security and development: is the window of opportunity closing:* New York: International Peace Academy, 2003.

As argued by Evans[14] "at the heart of the notion of peace building is the idea of meeting needs: for security and order, for a reasonable standard of living, and for recognition of identity and worth". This focus on satisfying human needs is derived from the conflict resolution theories of John Burton.[15] According to Spence, "the process of peace building calls for new attitudes and practices: ones that are flexible, consultative and collaborative and that operate from a contextual understanding of the root causes of conflict".[16] The approach is transformative: it is based on terminating something undesired (violence) and the building of something desired through the transformation of relationships and construction of the conditions for peace.[17]

John Paul Lederach[18] defines reconciliation as building relationships through the engagement of conflicting parties at a place where truth and mercy with justice and peace meet. He suggests that reconciliation is both a backward and forward looking exercise which entail forgiveness. He argues that reconciliation involves interweaving processes of truth, forgiveness, justice and peace, encompassing all levels of society.

Dwyer argues that reconciliation is not something that people seek for its own sake. In what she calls a deeper account of reconciliation (human reconciliation), she provides a notion of reconciliation in terms of tensions. She observes: reconciliation involves "tensions between two or more beliefs; tensions between two or more differing interpretations of events; or tensions

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[14] Gareth Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond.* (Sydney: Allen & Unwin, 1993), p. 39.
[15] John W. Burton, "Human Needs Theory" in *Conflict: Resolution and Prevention* (London: Macmillan, 1990), pp. 36-48.
[16] Rebecca Spence, "Post-Conflict Peace building: Who Determines the Peace?" in Bronwyn Evans-Kent & Roland Bleiker (Eds) *Rethinking Humanitarianism Conference Proceedings,* 24-26 September 2001. (St Lucia: University of Queensland, 2001), pp. 137-8.
[17] John Paul Lederach, "Journey from Resolution to Transformative Peace building" in Cynthia Sampson & John Paul Lederach (eds), *From the Ground Up: Mennonite Contributions to International Peace building* (Oxford/New York: Oxford University Press, 2000), pp. 45-55
[18] John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies,* (Washington D.C: United States Institute of Peace Press, 1997).

12

between two or more apparently incommensurable sets of values and our responses to them".[19]
The ideal responses to these tensions are not exactly the truth and logical consistency, she points
out. Rather they have to do with understanding, intelligibility, and coherence, which are essential
features of human lives and are a source of concern when they are threatened. In short, bringing
the obvious irreconcilable descriptions of events into a narrative equilibrium constitute her
notion of reconciliation.[20]

For his part, Louis Kriesberg[21] regards the term 'reconciliation' as referring to a process of
developing a mutual conciliatory accommodation between hostile or formerly hostile persons or
groups. He notes: "it often refers to a relatively amicable relationship, typically established after
a rupture in the relationship involving one-sided or mutual infliction of extreme injury".

Healing and reconciliation need to go together, especially when the groups that have engaged in
violence against each other continue to live together.[22] People involved in violent conflict have
witnessed and experienced violence, destruction, displacement, and personal loss. The ability of
individuals and society to cope with such extraordinary painful experiences is limited. The
break-down of coping strategies often triggers psychosocial trauma. Traumatized people are less
able to reconcile, because they are trapped in their experiences of violence and loss. Therefore,
reconciliation must include providing psychosocial support for the affected communities.
Psychosocial support must be designed very carefully according to age and gender in addition to

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[19] Susan Dwyer, 'Reconciliation for Realists' in Carol A. L. Prager and Trudy Govier (eds.) *Dilemmas of Reconciliation: Cases and Concepts* (Waterloo: Wilfred Laurier University Press, 2003), p.96
[20] Ibid, pp.96-101
[21] Louis Kriesberg, 'Coexistence and the Reconciliation of Communal Conflicts' in Eugene Weiner (ed), *The Handbook of Interethnic Coexistence*, (New York: Continuum, 2000), p. 184
[22] Herman, J.L. (1992).*Trauma and recovery: The aftermath of violence from domestic abuse to political terror.* New York: Basic.

the specific cultural, social and political context[23]. The Peace Accord had indicated the need to provide guidance and counseling to the affected individuals and families. The extent to which this was done remains undocumented.

Healing from the psychological wounds created by past victimization should make it less likely that victims engage in unnecessary "defensive" violence. In addition to reducing pain and suffering, healing also makes reconciliation possible. A history of violence and conflict between groups may be stopped through a peace agreement. However, it has been increasingly recognized that the reemergence of conflict and violence remains probable after such agreements.[24] The peace agreement does not by itself change feelings of enmity—fear, mistrust, and hostility–that have developed. Lasting peace requires changes in the attitudes of people in each group toward the other (as well as changes in institutions and culture). This change in attitude is even more necessary after intense violence, and when the violence was stopped not by a peace agreement but by military defeat of the perpetrators. Perpetrators are also wounded. Often their violence is due to past victimization or to a culture that has focused on a past "chosen" trauma.[25] But engaging in great violence against others inflicts its own wounds. Even after they are defeated and stopped, perpetrators tend to shield themselves from feelings of empathy and guilt, often by continuing to devalue their victims and clinging to their belief in the destructive ideology that has guided them. Their healing process may open them both to their own pain and to the pain of others, and increase the possibility of reconciliation.[26]

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[23] www.oecd.org/dac/gender.
[24] Staub, E.&Bar–Tal, D. (2003). Genocide, mass killing and intractable conflict: roots, evolution, prevention and reconciliation. In D. Sears, L. Huddy, and R. Jervis (Eds.), *Handbook of political psychology*. New York: Oxford University Press.
[25] V. Volkan, *Blood Lines: From Ethnic Pride to Ethnic Terrorism*, Farrar, Straus and Giroux, New York, 1997.
[26] E. Staub *et al, Healing, Forgiving and Reconciliation : An Intervention and its Experimental Evaluation*

Healing requires that people face up to their painful experiences, under supportive conditions.[27] The presence of other people who are empathic and caring can help, as can that of people who have suffered in a similar manner. In Rwanda, we had people in mixed groups of survivors and members of the perpetrator group (who presumably were not perpetrators themselves) confront their experiences during the genocide. The empathic presence of others can help with another important aspect of healing — regaining trust in people, reconnecting with people.[28]

In the shift from peacekeeping to peace building, and the increasing focus on international justice, the international community has taken on the goals of justice and reconciliation without adequately analyzing the concepts and how they are best achieved in different conflict circumstances and cultural contexts. There is a lack of discussion in policy circles and the international relations literature of the relationship between mechanisms and desired outcomes in terms of justice and reconciliation. There are many assumptions made about the role of justice in achieving reconciliation, such as the assumption that the International Criminal Tribunal for Rwanda would somehow automatically contribute to reconciliation in Rwanda.[29] This is particularly true in the context of peace building:

It is consistent with the perspective enunciated by Ryan that the task of peace building "involves a switch of focus away from the warriors, with whom peace-keepers are mainly concerned, to the

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in Rwanda, forthcoming (on file with the author) ; E. Staub, L. Pearlman and V. Miller, " Healing the roots of genocide in Rwanda", *Peace Review,* Vol. 15, No. 3, 2003, pp. 287-294.
[27] J. Herman, *Trauma and Recovery,* Basic Books, New York, 1992; McCann and Pearlman, *op. cit.* (note 18), p. 7 ; L. Pearlman and K. Saakvitne, *Trauma and the Therapist,* Norton, New York, 1995.
[28] Ibid
[29] Aleksandar Fatiæ, *Reconciliation via the War Crimes Tribunal?* (Alders hot, England: Ash gate Publishing, 2000).

attitudes and socio-economic circumstances of ordinary people ... So whereas peacekeeping is about building barriers between the warriors, peace-building tries to build bridges between the ordinary people".[30]

The Kenya National Healing and Reconciliation Accord

The post-election violence following the December 2007 Kenya's General elections had almost brought what had been one of Africa's most stable countries to the brink of civil war. Over 1000 people were killed and 100,000 to 350,000 were internally displaced in the violence that followed the outcome of the election. As the situation escalated with murders, rapes, burning of properties, looting and the displacement of thousands of people throughout the country, the International community was poised to intervene and hence engaged in mediation efforts by team of eminent African personalities led by Kofi Anan, the former United Nations Secretary-General. The outcome of the mediation efforts witnessed the enactment of The National Accord and Reconciliation Act 2008 which is meant to be implemented and enforce the power sharing agreement deal between the two parties to the conflict.[31]

The National Accord and Reconciliation Agreement articulated the mandate of the Commission of Inquiry into Post-Election Violence (CIPEV) to investigate the facts and circumstances surrounding the violence, the conduct of state security agencies in the handling of it, and to make recommendations concerning these and other matters.[32]

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[30] Stephen Ryan, *Ethnic Conflict and International Relations* (Aldershot: Dartmouth, 1990), pp. 61-2.
[31] Khaled Mohammed Aman. Mediation: A Viable Mechanism in Africa's Political Crisis - A Case Study of Kenya's Post-Election Crisis, 2008
[32] Government of Kenya, Report of the Commission of Inquiry into Post-Election Violence (CIPEV – The Waki Commission), Nairobi, Kenya, 2008.

The Waki Report noted that following the election-related clashes of 1992 and 1997 'the main perpetrators of systemic violence have never been prosecuted'. The Waki Report further noted that 'the violence surrounding elections has been ethnically directed; this has increased distrust among different groups and vastly eroded any sense of national identity. Hence, ethnicity has now taken on a dangerous and negative connotation. In the absence of an effective process of transitional justice and the complete transformation of the constitutional framework to ensure that there is adequate ethnic accommodation, the future sustainability of the Kenyan state will remain in doubt. The Waki Report makes a dire warning that left unchecked the forces behind the 2007 post-electoral violence in Kenya could lead to the country becoming 'a failed state'.[33] To date, nothing much has been done with regard to the Commission Recommendations. Despite the cease fire to the violence and power sharing between the warring political parties, violence may recur in future elections if the local and international architects of the Kenya Peace Accord are not committed to the timely implementation of all the agendas. Specifically, if healing and reconciliation is not promoted and sustained among the communities' worst affected by the crisis, the Kenya National Healing and reconciliation accord may be documented as one of the failed, internationally mediated peace treaties of modern times.

Humanitarian crises during conflicts

Conflict and displacement inevitably erode and weaken many of the social and political structures that are designed to protect members of the community. Displaced populations, particularly in the context of armed conflict, have usually fled from an environment of violence and will often encounter further violence during the course of their displacement. The resources available to affected populations, and to the humanitarian community that is there to assist them,

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[33] Waki Commission of inquiry into post-conflict violence Nairobi, Kenya2008, p.6.

are frequently insufficient to meet basic needs. All too often, mechanisms for protection are not given sufficient priority.

There are many consequences to displacement. There is usually a deterioration of basic humanitarian needs and services, not only from displacement itself, but due to lack of employment and a huge economic decline throughout the country. Needs expressed by displaced persons usually include food, water and sanitation, fuel and electricity, shelter, health care, and education. This level of displacement has increased competition for limited resources and continues to place huge burdens on host communities, which in turn has had an impact as communities reach their saturation point[34].

Allegations of irregularities during the December 2007 elections in Kenya sparked widespread violence. Over 1,000 people were killed and as many as 600,000 displaced from their homes. Apart from the immediate humanitarian implications, the economic cost of the crisis is put at over Ksh100 billion (around $1.5bn). Jobs have been lost, and people have not been able to harvest or cultivate their farms[35].

Many of those displaced – perhaps as many as half – were not in camps, but sought refuge with host families, often in their so-called 'ancestral homelands'. The caseload includes landowners and farmers from the Rift Valley, who have fled to nearby towns and camps; migrant workers from the Rift Valley and Central Province, who are moving back towards western Kenya; and

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[34] International Organization for Migration, "Iraq Displacement 2006 Year in Review," January 2007 and "Iraq Displacement 2007 Mid-Year Review," July 2007; and "Iraq Displacement 2007 Year in Review," January 2008 and January 2009.
[35] International Crisis Group, *Kenya in Crisis*, Africa Report 137, 2008, pp. 1, 19.

urban dwellers and business owners from main cities such as Nairobi, Kisumu, Eldoret, Nakuru and Naivasha. These are in addition to pre-existing IDPs displaced by clashes during the 1990s, mainly located in Molo, Kuresoi, Burnt Forest and Mount Elgon. A further 12,000 refugees are thought to have fled across the border into Uganda[36].

The Kenyan government has led the humanitarian response through the Ministry of Special Programmes (MoSP). Within the ministry the National Disaster Operations Centre acts as the coordinating agent, with the Kenyan Red Cross (KRCS) the official implementing partner. The government's response has been supported by the international community. The cluster approach has been activated and an Emergency Humanitarian Response Plan was launched in April for $190 million (revised upwards from $40m).[37] The initial appeal was 74% funded. There has also been a concerted response by civil society organizations, particularly Church associations such as the National Council of Churches of Kenya (NCCK), which has historically played a significant role in assisting IDPs.

The government pledged to adhere to international guiding principles on IDP return, resettlement and reintegration. In addition, the Inter-Agency Standing Committee (IASC) developed a framework designed to ensure a 'durable solution', covering return, relocation (settlement in another part of the country, including movement to ethnically homogeneous areas or so-called 'ancestral homelands', where the IDP had links to extended family or to an identifiable ethnic group) and local integration in areas of refuge.[38]

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[36] OCHA Humanitarian Update, 16–19 February 2008
[37] UN, *Kenya: Emergency Humanitarian Response Plan.* 7 Kenya Land Alliance, *Righting the Wrongs: Historical Injustices and Land Reforms in Kenya*, Policy Brief (Nairobi: KLA, 2004), pp. 1–2.
[38] IASC, *IASC Steps Towards Durable Solutions to Post-Election Displacement in Kenya* (Nairobi: IASC, 2008).

Security in the affected areas has been tense, and at times volatile. While large scale burning and violence has stopped, incidents of intimidation, threats and killing still occur. Security in all areas where IDPs are accommodated is a serious problem, with the police forces stretched to the limit to provide adequate protection. Where available, law enforcement agents attempt to provide escorts to people for working their lands, fetching their harvest or accessing basic services. Freedom of movement of the IDPs is severely restricted due to the ongoing security concerns. The violence has a devastating effect on adolescents. It is increasingly evident that much of the violence is perpetrated by young boys and men between the age of ten and twenty years[39].

Humanitarian organizations have expressed concern about the use of the terminology surrounding returning IDPs and the place of return. UNHCR has stated that in the Kenyan context it is important to place the issue within the context of protection and suggests that by 'areas of return', it is understood, homes from which IDPs have been forced by post-election violence. Therefore, by definition 'ancestral homelands' are not considered to be areas of return but relocation. This suggests that agencies involved in the transportation of IDPs, for example, need to be sensitive to this fact when assisting and ensure that returns and relocations are voluntary; the conditions are right for returns to take place; and that people are able to return home in safety and dignity[40].

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[39] United Nations Kenya. Promoting Sustainable Solutions and Peaceful Communities An Early Recovery Strategic Framework for Kenya, February 2008.
[40] Comments provided by UNHCR to Concept Note on Early Recovery Assessment, 14 February, 2008

Promoting and healing and reconciliation in Kenya

There have been various efforts by both the government and international organizations to promote healing and reconciliation. In June 2008, the Government mandated District Peace Committees to carry out peace building activities in return areas. Since October 2008, however, a shortage of operational funds has hindered their work. Some donors pledged to give support from January 2009. UNDP, in partnership with the Government, supports the Neighborhood Volunteer Scheme to train District Officers and the youth on peace-building in 19 districts. NGOs are also supporting peace-building initiatives. The major challenge has been low community participation, focus on IDP camps and the perception among the local ethnic community that such meetings are designed to benefit only the returning population who are from a different community. As a result, participation of the locals in peace activities is low. UNDP and several NGOs have supported a peace training programme targeting the youth, volunteers and District Officers on conflict management and conflict-sensitive programming.[41]

The closure of camps does not mean the end of displacement; the humanitarian crisis is far from over. The emergence of transit camps in return areas means that the underlying causes of conflict and displacement have not been adequately addressed. New displacement in new areas has compounded the magnitude of the problem. The lack of resources and a clear policy and institutional framework hinder efforts to address the humanitarian crisis. Healing and reconciliation requires political leadership; it cannot be left to faith based and other civil society organizations at the grassroots. To provide national direction, it is critical that the two principals form groups ostensibly to mobilize people at the national and grassroots level towards reconciliation. Further, healing and reconciliation is an urgent issue that should not await the

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[41] OCHA, *Kenya Humanitarian Update*, Vol. 40, p. 9

formation of TJRC or the ethnic integration Commission. It should be treated as a national political priority; policies may be required to spell out this urgency. The two principals should mobilize the nation towards this end.[42]

Role of Truth, Justice and Reconciliation Commissions

In recent years, many countries have welcomed Truth, Justice and Reconciliation Commissions as a means of confronting the fractious legacies of the past. The purpose of these Commissions is to unify people and move them forward to democratic development. Nations as diverse as Guatemala and El Salvador in Latin America, East Timor in Asia and South

Africa in Africa has embraced reconciliation programs. These programs have been an effective means of coming to terms with their painful pasts of repressive state policies and the negative legacies of sharp political divisions and deep conflicts. They are seen therefore as instruments for the democratization of non-democratic political systems. Thus, reconciliation processes have increasingly become a central part of the transition agenda in emerging but politically fractured democracies.[43]

These commissions provide avenues to investigate and establish the truth about past human rights violations by allowing both perpetrators and victims to confront each other.

Such confrontation with the ugly past is widely regarded as the beginning of the process of real individual and national healing and forgiveness. The truth-telling component helps to unburden

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[42] The Kenya National Dialogue and Reconciliation Monitoring Project. Agenda Item 2: Addressing the Humanitarian Crisis And Promoting National Healing And Reconciliation. Report on Status of Implementation. January, 2009.

[43] E. Gyimah-Boadi, National Reconciliation in Ghana: Prospects and Challenges. *Ghana Center for Democratic Development (CDD-GHANA) Volume 4 Number 1May 2002*

those who are weighed down by past state atrocities, either as victims or perpetrators. In this sense, truth-telling helps to promote genuine reconciliation. The commissions also help in the clarification and documentation of the nation's historical records. They help to bring out and promote the truth, ensure accountability and transparency in the exercise of state power, and discourage the development of a "culture of impunity." Moreover, by bringing the past into focus, commissions facilitate the process of recognition and restoration (by the state and society) for those who have been wronged, abused and victimized unjustifiably by past regimes.[44] In Kenya, Two Commissions have been set up to address and spearhead the national healing and reconciliation i.e. The Truth Justice and Reconciliation Commission (TJRC); and National Cohesion and Integration Commission. The appointment of Bethuel Kiplagat as the chairman of the commission was met with great opposition.[45]

The concept of truth, justice and reconciliation in Kenya has been miss-conceptualized with very limited understanding of the actual purpose of a Truth Commission. The ill advised timing, sequencing, composition and limited victims' consultation has seen the legitimacy and credibility of TJRC featuring prominently. The government mandated the commission to try post-election violence, and consequently, this clogs the whole process and denies its sentimental value.[46] The national healing and reconciliation is hardly non-existent, disarray, and disjointed. Failure to implement the WAKI Commission Report further diminished the support of the Truth Commission. Further the Truth Justice and Reconciliation and National Cohesion and Integration Commission are simply discordant couples. Several concerns inherent in the Act that established

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[44] Ibid.
[45] http://www.standardmedia.co.ke/InsidePage.php?id=1144021665&cid=289&
[46] Kenyan cabinet resolution aired live from State House, Nairobi by the Presidential Press Service to all media houses.

the commission have been raised. The concerns include: Inadequate provisions for reparations, rehabilitation, amnesty and reconciliation: The Act does not include provisions for grassroots or community based approaches that would lead to authentic encounters towards healing and reconciliation among neighbors: There are no clear mechanisms for the implementation of the recommendations made by the Commission and the Commission may well turn out like all other Commissions before it.[47]

1.6. Theoretical framework

The theoretical basis of conflict and violence are important in understanding of conflict dynamics. It explains relationships to the nature of the underlying structure. The better we understand conflict and how it works, the more likely we will be able to successfully manage and resolve conflict. Conflict theories are perspectives in social sciences which emphasis the social, political or material inequality of a social group which critique the broad social-political system, or which otherwise detract from structural functionalism and ideological conservatisms .Conflict theories draw attention to power differentials, such as class conflict, and generally contrast historically dominant ideologies. The current conflict in Kenya has its origin in decades of economic and political marginalization, and tension over increasingly scarce land for settlement.

The human needs theory of conflict resolution provides an important conceptual tool that not only connects and addresses human needs or all levels but also recognizes the existence of negotiable and non-negotiable issues. According to the conflict scholar John Burton, human needs are a powerful source of explanation of human behavior and social interaction. All individuals have needs that they strive to satisfy either by using the system, acting or the fringes,

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[47] http://www.africanrealitiesinstitute.com/downloads/NCCK.doc.

or acting as a reformist or revolutionary, social system must be responsive to individual needs, or be subject to instability and forced change through violence or conflict. Human needs theorists argue that one of the primary causes of protracted or intra actable conflict is people's unyielding drive to meet their unmet needs on the individual, group, and social level .Human needs theorists argue that although needs cannot be compromised they can be addressed in a generally win-win or positive sum way. The great promise of human needs theory, in Burton's view, was that it would promote relatively objective basic, transcending local political and cultural differences, for understanding the sources of conflict, designing conflict resolution processes and founding conflict analysis and resolution as an autonomous discipline. The theory of human needs conflict resolution operates on the premises that pre-condition for the resolution of conflict is that fundamental human needs are met. Various schools of thought or "worldviews" about how to resolve or transform conflicts have been described. Jean Nicolas Bitter proposes three distinct worldviews that influence how one approaches a conflict.[48] The most mainstream approach in the West is the "Harvard Approach", which focuses on specific interests (why people want what they want) and uses negotiations to find a mutually acceptable settlement to the different interests. Negotiations also seek mutually-acceptable criteria for assessing solutions. It tends to be content and output-oriented, and is based on an individualist worldview.[49]

The intense violence and political unrest that threatened to destabilize Kenya following its contested presidential elections in the late December 2007 led to a round of negotiations beginning in late January,2008.The negotiations produced terms for a Grand coalition government including Mwai Kibaki's, Party of National Unity and Raila Odinga's, Orange

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[48] Fisher, R, Ury W. Patton B. *Getting to Yes: Negotiating Agreement Without Giving In*. Penguin: New York, London, Victoria, Ontario. 1991.
[49] Burton, John. Conflict: Human Needs Theory, New York: St. Martin's Press, 1990.

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Democratic Movement. The accord led to cessation of most violent. The "Human Needs Approach" refers to all needs - based approaches to (permanently) resolve the root causes of a conflict. It argues that some issues cannot be negotiated and no conflict can be dealt with in a sustainable way if the basic needs (for example recognition and identity) of the conflict parties are not satisfied. Universal needs are also seen as a bridge between different conflict parties. It analyses the problem and can be output, process or relationship-oriented.[50]

Finally, the term "conflict transformation" refers to all relationship-focused approaches that view conflicts as culturally constructed realities. Conflicts are not just conflicts of interests, but of values, that take place in a specific cultural context. Conflicts can be motors of social change. Understanding the "language" and the terms of reference is important to empower conflict parties and support recognition between them. This approach is process-oriented.[51] The three approaches are significant to the study in that much of the contents of the peace accord seem to have a foundation on them. The Harvard Approach may serve to explain the presence of a coalition government between Orange Democratic Movement and Party of National Unity in order to meet their diverse political interests at the time of the post election violence. The human needs approach may serve to explain the urgent need to address the humanitarian crises as expressed in the accord. The conflict transformation approach puts into focus the ethnic diversities and stereotypes that served to create the ethnic tension and animosity that has always largely affected some ethnic groups in Kenya. The approach may have hugely informed the need

[50] Bitter, Les Dieux Embusqués and: Lederach, John Paul. The Moral Imagination, the art and soul of building peace, Oxford: Oxford University Press, 2005.
[51] Montville, Josef V. The Arrow and the Olive Branch, the Case for Track Two Diplomacy. In: McDonald, John W. & Bendahmane, Diana B. (eds.) Conflict Resolution: Track Two Diplomacy. Washington DC: Foreign Service Institute, US Department of State, S. 5-20. 1987.

for healing and reconciliation and addressing past injustices through the Truth Justice and Reconciliation Commission.

1.7. Hypotheses to the study

This study was guided by the following hypotheses.

1. That government, the world over, has commitment to implement the national healing and reconciliation accords in order to restore peace and stability in their countries.

2. The lower the level of government commitment in addressing the humanitarian crises of the internally displaced persons, and promoting healing and reconciliation, the lower the level of achievement of peace and stability in the country.

3. The higher the level of government commitment in addressing the humanitarian crises of the internally displaced persons, and promoting healing and reconciliation, the higher the level of achievement of peace and stability in the country.

1.8. Methodology of Research

Library research and primary data sources constituted the source of investigating. Consequently, the library research was essentially be documentary, hinging majority on secondary sources of information. The secondary sources of information includes articles, magazines, newspapers, books, statistical abstract, public documents, periodical and any other such literature that deemed adequate in giving appropriate information. Also documented literature on post-conflict reconciliation in other parts of Africa, institution documents such as research reports and scholarly journals were reviewed. The internet also acted as an important source of secondary data.

Primary data source was collected from interviews with key informants and Focus Group Discussions at the local level with IDPs, government officials, civil society and host communities in the vicinity of Eldoret town. Structured questionnaire to get important information on reconciliation and healing was used. The survey data reported is based on people's perceptions and opinions about the government commitment to the implementation of the peace accord. A descriptive survey research design was used for the study. The research focused on assessing the current position on the government and international community commitment to the implementation of the peace accord. The findings will be used as a basis for making recommendations on how best to facilitate the realization of the peace accord. The population, from which the sample will be drawn, will be representatives of IDP's, their leaders, civil society and some members of truth, justice and reconciliation commission. Purposeful sampling was used to identify key informants to participate in the interviews and focus group discussions. The sample size will be of 30 respondents. After collecting the data, the data will be edited, coded and organized into themes based on the research questions.

Quantitative and qualitative analysis was used to analyze data obtained from the field. Qualitative data analysis considered inferences that will be made from opinions and perceptions of respondents. Qualitative data will be analysed by organising it into categories on the basis of the themes, concepts or similar features. Quantitative data was analysed using the Statistical Package for Social Science (SPSS). The computed data was then analysed using descriptive statistics. The statistics calculated include frequencies, means and percentages. Interpretation of the data has been done within the frame of reference of the research problem. Our choice of

Kenya was guided by the fact that Kenya's stability is key to East African region and U.S.A due to its geographical position. Kenya's post-conflict resolution is also appropriate to our systemic analysis since it coincide with a shift in global power relations restoration of international peace and stability.

1.8.1. Scope and limitations of the research

While the post election violence affected many parts of the country such as Nyanza, Nairobi, Mombasa, Western Province and Rift Valley, the study only focused on Rift Valley Province and specifically accessible areas within Eldoret town. The areas were chosen because of the magnitude of the violence experienced. It is within Eldoret town where the worst atrocities of the violence such as the burning of persons in a church and ethnic cleansing were experienced. Due to time and resource constrains other areas within Rift Valley which experienced almost similar conflicts such as Naivasha were not involved in this study.

Among the key limitations to the study included accessibility of IDPs since most of the camps have closed down. However, there was use of key informants linked to IDPs living within the town. The topic also arouses past memories of a conflict that many Kenyans would wish to forget. This was overcome by explaining to the respondents on the significance of the findings towards ensuring that the peace accord is implemented and healing and reconciliation achieved. The respondents were also assured of confidentiality of their responses. Pseudo names were used to report comments from the respondents' instead of using their real name. Some of the key informants, such as government officers, could not provide real data as concerns the situation on the ground. This was overcome by ensuring that number of key informants was increased so as to ensure the overall responses are valid. The focus group discussions also helped clarify some of the contentions responses from the key informants.

29

1.9. Chapter outline
Chapter One: Introduction to the study

Chapter one consist of the introduction, statement of the problem, objectives of the study, justification of the study, literature review, theoretical framework, hypotheses and the research methodology.

Chapter two: Historical context of Reconciliation and Healing process in Africa

Chapter two dwells on the major theme of the study. It provides the background of the Truth, Justice and Reconciliation as a form of National Healing and Reconciliation in Africa. .It also gives a detailed account of post-conflict healing and reconciliation processes selected African countries.

Chapter three: Post-conflict healing and Reconciliation processes in Kenya

Chapter three gives an in depth study of the national healing and reconciliation Act. It also looks at the extent to which Truth, Justice and Reconciliation as a form of National Healing in Kenya has been progressing.

Chapter four: Challenges and prospects of reconciliation process in Kenya

Chapter four consists of critical analysis of data collected in the field study. The outcome of this study was evaluated, synthesized and put down in a coherent manner to give meaning that is in line with the objectives of the study.

Chapter five: Summary, conclusions, and recommendations of the study

Chapter five provides the summary of the findings, conclusions, recommendations and suggestions on areas for further research.

CHAPTER TWO

2.0. AN OVERVIEW OF POST CONLICT HEALING AND RECONCILIATION PROCESSES IN AFRICA

2. 1. Introduction

This chapter provides an overview of the history and causes of conflicts in Africa. It will also give the historical perspective of post-conflict healing and reconciliation processes in Africa, using specific examples. The problem of conflicts in Africa, and lack of efficient and effective responses to African conflict, is one of the biggest challenges for African healing and reconciliation processes. Past responses to conflicts have often failed to understand the context within which conflicts has operated or to address the causes, while it is possible to distinguish between the root causes of conflicts, the secondary causes that enable and sustain conflict and the tertiary causes, or the barriers that hinder resolution remain critical.

2.2. Conflict issues

Weak states and state collapse

The weakening and collapse of state institutions has caused internal and regional conflicts. However, collapse is rarely sudden. It arises out of a long and degenerative process. In Africa, state institutions never grew very strong roots in the first place. Unable or unwilling to make the sacrifice necessary to maintain popular support, governments begin to operate through coercion, corruption and the use of autocratic styles of ruling in order to secure political power and control of economic resources. In Somalia, competition for control of power and resources has

significantly destroyed state institutions, and changed clan boundaries in many parts of the country with new clan consolidating their position on occupied lands[52].

Deterioration of the Security

African countries like, Somalia, Uganda, Sudan, Rwanda, Burundi, and Sierra-Leone, in the past security sector had in the past become unaccountable and abusive as Judicial and penal systems had collapsed[53]. The state found itself unable to provide the basic social services and security to her people. The erosion of the infrastructure completely led to the breakup of state. This had been usually accompanied by violent, competition for power between different groups and factions who sometimes identified themselves in ethnic terms. Overtime, one of these factions may dominate but this does not necessarily result in the resolution of the conflict. Rather it leads to the perpetuation of state collapse[54].

State building

In state building situation, the process of holding elections could easily become a vehicle not for democratization but for the consolidation of personal and abusive rules as happened during Daniel Arap Moi's tenure in Kenya. The ability of external actors to deal with such situations is further hampered by the dependence of the international political system on the concept of state sovereignty from which collapse states derive judicial status and hence a veneer of legitimacy[55]. The existence of these collapse states like Somalia could have serious international ramifications,

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[52] Clare short, Jack Straw, and Geoff Horn, *The Causes of Conflict in Sub-Saharan Africa*, Framework Document, (UK: Department for international Development, 2001) P.14.
[53] Ibrahim Abdullah: *Between democracy and terror: The Sierra Leone Civil War*, (South Africa: UNISA PRESS, 2005), p90.
[54] Naomi Chazzans, Robert Mortimer, John Ravenhall & Donald Roth child, *Politics and Society in Contemporary Africa*, second edition, (Colorado: Lymnne Rienner Publisher, 1992). P189-208.
[55] Leland Goodrich M. Edvard Hambro, & Anne Patricia Simons, *Charter of the United Nations: Commentary and Documents*, Third Edition, (New York: Columbia University Press, 1969), P37.

as they have ideal conduits for international crime networks, money laundering scams, drugs trafficking cartels and so on.

Economic decline and economic shock

Continuous economic decline plays a major part in state collapse and conflict. African countries have undergone through a process of steep economic decline over many years. This is partly as a result of conflict itself together with corruption and bad economic management[56]. Africa's economic woes are also a consequence of massive debt, unfavorable terms of trade with the rest of the world, and exclusion from increasingly complex base technology, and globalized economy[57]. As a result of economic decline, governments find themselves unable to fulfill promises of more jobs, better wages and improved public services. Important sections of the population particularly youth become disillusioned, marginalized and frustrated.

Economic shock may cause conflicts in Africa. It involves various forms ranging from natural catastrophic to sudden large shifts in terms of trade and commodity prices. Natural catastrophic for instance, droughts are cyclical and omnipresent and worsened by over cultivating. Large areas of one's fertile soils are decertified, available land is reduced, and competition over remaining land intensifies. The Ethiopian famine of 1974 was the main factor in the overthrowing of Haile Selassie's government[58].

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[56] Michael Todaro P., *Economic for Developing World; an Introduction to Principles, Problems and Policies for Development,* Third edition, (England, Pearson Education Limited, 1992), P143.
[57] Jacques Gelinas B., *Freedom from Debt, the Re-appropriation of Development Through Financial Self reliance,* (London: Zed Books Ltd, 1998) p53.
[58] Adu Boghen A. *African Prospective on Colonialism,* (Baltimore: The Johns Hopkins University Press, 1985); p96.

Colonialism

Colonialism in places such as the Rwanda and Burundi; created a state model based on the artificial creation and abuse of ethnicity to maintain power[59]. For instance, before the arrival of European colonialists, Burundi had a strong well organized kingdom for centuries. The country comprised of three primary groups, Tutsi, Hutu and Twa. The European colonists brought a culture of racial differentiation and considered the Tutsi group as the racially superior dominant group and the Hutu as racially bound to be servants of the Tutsi, the European culture influenced the traditional relationships between each group negatively. After independence in 1961, the division between the Tutsi and Hutu group became in one clearly and intensely. The Tutsi group wanted to take the control of the state while the Hutu would not give up their rights on pursuing military and political power[60].

Natural Resource Wealth

Africa experiences resource based conflicts due to scarcity and discriminative resource distribution. The most common conflicts of scarcity are related to the control of land and water rights. In both cases, the crucial elements are how competing interests for those resources are managed. Countries whose economies depend on natural resources such as oil, minerals, and inequitable access to land face a high risk of conflict. In the wars of abundance, groups compete for control of these resources which become the prize for controlling the state and could lead to coups as in Burundi, Rwanda, and Somalia, changes in land use and access, have been significant factors in a number of high-intensity conflicts in Africa. In Somalia, a land base and

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[59]Ibid;p16
[60] Ronald Rothchild, *Managing Ethnic Conflict in Africa; pressures and incentives for cooperation,* (Washington, D. C. Brookings Institution's Press, 1997), P6-15.

its resources play a central role to conflict. The Somalia conflict involves many clans and sub clans. Shifting alliances are formed between different clans and sub clans to gain leverage in the conflict and to stake stronger claims to particular deegan[61]. The natural resources of Sudan, particularly in the south where there are significant oil fields is a source of conflicts. Oil revenues make up about 70% of Sudan's export earnings. Due to numerous tributaries of the Nile River and heavier precipitation in southern Sudan, the south also has greater access to water and therefore much more fertile, while the north of the country is on the edge of the Sahara desert. The northern desired to control these resources, while the southern also desired to maintain control of them hence contributing to conflicts[62]. Therefore, unfair exploitation and poor management of resources in those rich regions could lead to secession. While abundant resources could also attract external intervention. The role of the private sector is critical in wars of abundance as belligerents rely on its capacity to exploit and commercialize the resources. Frequently, the military have become involved in developing their own commercial companies. The wars become self-financing, self-sustaining, and therefore less open to mediation.

Unemployment, lack of education and population pressure

Some Africa factional conflicts have been drawn on a pool of marginalized or socially excluded youth. In Rwanda, the high levels of rural unemployment, and increasing insecurity of land, provided already group of participants in the genocide. The conflict in Kenya during post election on December 29th, 2007 following disputed presidential elections result was fought by socially marginalized youth[63].

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[61] Farah Hussein I. A and Lind J., *Deegan, Politics and War in Somali:* in Lind, J and Kathryn Sturman (Eds), P321-356.
[62] Goldsmith L. P., Abura and Switzer J., *Oil and Water in Sudan*, in Lind, J and Kathryn Sturman, (Eds), P187-241.
[63] Peace and Development Network Trust, *Waki Commission: Process Monitoring Report*, 2008, P1.

Ethnicity

Political leaders and belligerents in Africa have made increasing use of ethnic hatred. Such abuse prolongs conflicts and creates long term divisions that reduce the effectiveness of peace building efforts[64]. The war in Somalia provides a ready example of the abuse of ethnicity. The clan systems have played a major role in the catastrophic civil wars. To this effect since Somalia attained statehood, private pursuit and fierce competition over the resources of the country has been a marked feature among Somalia elite behavior. Every elite person within the government believes to be representing the interests of his or her particular kinship and lineage members. Each member of the governing elite thinks that he or she is in the government, not as a national figure but a clan representative. Conflicts in Burundi have often been characterized as clashes between two inherently antagonistic ethnic groups. The war in the DRC also provides an example of the abuse of ethnicity. Elements of the DRC governments have openly provoked ethnic tensions in the KIVUS with the intention of destabilizing areas under Rwanda influence. Equally elements of the Ugandan armed forces have exploited ethnic differences in order to benefit commercially from the conflicts. In both instance community divisions have been deepened and there have been a greater number of fatuous and injuries than are experienced in more conventional fighting.[65]

The availability of arms

The availability of small arms in Africa is a major factor in sustaining and fueling conflict. Considerable supplies of small arms have been in circulation from previous wars. For example between 1972 and 1990, Ethiopia and Somalia imported $8 billion worth of small arms and light

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[64] Ibid

[65] Ibid

weapons[66]. Imports of arms primarily, from former soviet bloc countries continue to grow and to sustain conflicts in the Africa. The availability and relatively low cost of small arms has been coupled with the emergency of a network of both local and international dealers who trade arms for minerals or other resources[67]. This has been a major factor in prolonging African conflicts which have become self sustaining conflict and consequently-less able to external mediation or intervention[68].

Absence of an independent, well informed civil society sector

In Africa, the absence of a strong, well informed and independent civil society sector is another factor increasing the risks of conflict. Censorship of the media, harassment of journalists and abuse of media for propaganda purposes can have a devastating impact. This was amply shown by the role of media controlled by the genocidal forces in Rwanda in 1994. Civil society organizations, including independent media; provide important channels for expressing discontent in society. They also provide basic services in many situations where state provided services are inadequate or non existence. Civil society organizations can also help to build bridges between divided and disaffected communities and are essential for the promotion of accountability and inclusive government[69].

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[66] Edward Laurence J.M. Siemont Wiseman T., & Herbert Wolf, *Arms Watch SIPRI Report on the First Year of the UN Register of Conventional Arms*, (New York: Oxford University, 1993), P29.
[67] Heather Deegan, *Third Worlds, the Politics of the Middle East and Africa*, (London: Rout ledge, 1996), P186-187.
[68] Ibid, P15.
[69] Ibid P16

Failure to consolidate peace

Parts of Africa have settled into a conflict cycle in which states or factions move from low level crisis or open war into long term and protracted conflict and then back to low level crisis. Often the greatest risks occur when a fragile peace is not properly consolidated as was demonstrated in Sudan, Uganda and Somalia. In some cases, states or factions have entered into a framework that provides for "consensual" conflict where belligerents have more to gain from sustaining low level conflict than from its resolution[70].

Lack of guarantors

Internal conflicts are mostly resolved when the parties involved have arrived at a stalemate, frequently a political and military balance. When either party to a conflict feels that it has a perceived advantage or disadvantage it continues to fight spurred on by the prospect of victory of a desire to negotiate from a more advantageous position. A hurting stalemate" where all belligerents have lost provides opportunity for resolution of conflict. In many cases the opportunities for resolution are lost because of the lack of credible external guarantors to the peace process. This is particularly important when dealing with demobilization and disarmament where the stakes are high for the belligerent groups in terms of the potential loss of power and personal security[71].

Territory and border-conflicts

Conquering of territories and secession of territories have continuously been subjects of political conflicts and central conflict issues of countless disputes, confrontations and wars. The goals

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[70] Ibid P213-214
[71] Ibid P219-220

38

could include not only territorial expansion, but also incorporation of ethnic frontiers within the state's one, as well as secession. Secession is here understood as the detachment of territory and the people living on that territory from the sovereignty of an existing state and the establishment of a newly independent state with sovereignty over that territory and its people. Territorial goals, however, are either implicitly or explicitly tied to resources or to ethnic or religious minorities. Conflicts over territory are what Burton Sandole has termed "classical conflicts." According to Vasquez (as quoted in Sandole, a major issue in war is territory, and consequently he asserts that: "... of all the possible issues that could end in war, issues involving territorial contiguity are indeed the most war prone"[72]. However, based upon their recent empirical researches of international conflicts, Pfetsch and Rohloff claim that interstates rivalries and conflicts about territories have became significantly less frequent. The size of territory has lost much of its former significance as an object of national power and prestige. These are the main reasons that influenced the decline of territorial expansionism. As a consequence, today's territory-related conflicts are dominantly conflicts over disputed state frontiers (border conflicts), which mostly arise about disagreements over a specific delineation, rather than about threats of annexation and conquest.

Traditionally, borders have been seen as physical lines and border conflicts were, therefore, conflicts of subordination where rules were to be extended beyond the existing geographical borderline. Geographically represented border conflicts are a particularly "stable form of conflict

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[72] Alker, Hayward R, Gurr, Robert Ted, Rupesinghe, Kumar (2001) (eds.), Journeys through conflict. Narratives and lessons, Lanham.

because they provide a clear cut physical distinction between two easily identifiable sides[73]. In such conflicts, borders have a 'double function' in that they provide a means of both territorial inclusion and exclusion, but in parallel also for 'functional' inclusion or exclusion.

Minority, ethnic and government-power conflicts

Minority conflicts are not necessarily related to ethnic conflicts. In the case of such a conflict minority could be also a social minority for example. Yet, ethnicity-related minority conflicts are the dominant one. That kind of conflict can have domestic dimensions (minority – government) as well as be an interstate dispute (one state minority another state. These conflicts arise, according to arguments of Bakker (as quoted in Szarka, because the majority or dominant national government wants to establish the same conditions in regions where the majority population belongs to a minority as in other regions of that state.

He presumes minority's ability for political articulations and formulation of its specific cultural, educational, and self-governance demands. Consequently, he defines a minority conflict "… as a form of active antagonism between the government of a state and representatives of a minority over the extent of opportunities of minorities to influence the use and organization of the sub-state territories they inhabit." This definition, however, narrows down the concept of minority disputes to the level of political struggle for ethnic territories.

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[73] Dietz, Thomas, Stetter, Stephan, Albert, Mathias (2004), "The European Union and the transformation of border conflicts: theorizing the impact of integration and association (EUBorderConf-Working Paper 1)", Liverpool.

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Inadequate and inappropriate mediation

External mediation is frequently offered in times of conflict, yet the past decade has seen few obvious successes. While the option for peaceful resolution of conflict must always be available, poor mediation processes can make the situation worse and prolong conflict by giving combatants time to rearm and reorganize as has happened in the DRC and Angola. Peace processes that are based on inadequate analysis and rushed timescales can push the parties to conflict into untenable position and threaten their power base or chances of survival. Greater emphasis on security and maintaining a cessation of hostilities as the first priority is critical. Peace processes need to be able to draw on a wider spectrum of arrangements for transitional government to provide the conditions in which a stable peace, that addresses the fundamental causes of conflict can be established[74].

2.3. Post Conflict Healing and Reconciliation Processes in Africa

Processes of conflict resolution in Africa are characterized by three dimensions which include the nature of conflicts, conflict resolution mechanisms and the outcome of such mechanisms. In understanding the nature of conflicts, there is need to identify types of conflicts. There have been different ways of identifying types of conflicts. One way is in terms of complexity. It has been observed that in Africa there are simple and complex types of conflicts[75] .Most of the conflicts have been and continue to be complex.

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[74] Ibid, P16
[75] Ibid p219

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The second way   is in terms of duration. In this context there are short-lived and protracted conflicts. Protracted conflicts are the most common in most countries in Africa. Wars of liberation in Southern Africa were protracted conflicts and civil wars that came after independence in Mozambique and Angola were also protracted. This is also true of civil wars in Sudan and Somalia. The Rift Valley conflicts in Kenya in 1991/92 and again in 1997 constitute few examples of short-lived conflicts.

The third way is in terms of violence. There are conflicts which are violent and those which are non-violent. Some people have characterized the non-violent conflicts as latent or structured conflicts [23] However, most conflicts which have been studied and which have drawn greater attention are violent conflicts which have involved bloodshed. Although most conflict resolution measures have been taken on violent conflicts, there have also been situations when conflict resolution measures have been made on latent conflicts. For example the latent conflict between CCM and CUF in Zanzibar from 1995 to 1999 had given rise to a process of peace negotiations under the auspices of the then Commonwealth Secretary General Chief Anyaoku[76] . The fourth way of identifying types of conflicts is in terms of the scale of the conflict. In this context conflicts in Africa have been categorized into internal, interstate and internationalized conflicts. Purely internal conflicts are said to be few in Africa. There have been a good number of interstate conflicts such as wars between Tanzania and Uganda in 1978/79, Ethiopia and Somalia and Ethiopia and Eritrea. Internationalized conflicts are the most common. These are conflicts, which in one way or another have involved other countries or affected neighboring countries

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[76] Burton, John W. (1990) (ed.), "Conflict: human needs theory", London.

such as the influx of refugees and their implications. Given this conception, most conflicts in Africa have been or are internationalized conflict.

The fifth way is in terms of necessity or legitimacy of conflicts. While some conflicts are regarded as necessary and legitimate, others are unnecessary and illegitimate. Sekou Toure classified conflicts legitimate and illegitimate conflicts[77]. Legitimate conflicts are mainly concerned with struggles for liberation from an oppressive and exploitative regime. The objective is to liberate the whole society from such domination, oppression and exploitation. The first stage when such conflicts took place in Africa was during struggles for national independence from colonialism. Colonized people, who could not achieve independence through peaceful means, had to resort to armed struggle. In his speech to the University of Toronto, Canada, in October 1969, the Late Mwalimu Julius K. Nyerere, emphasized the fact that although the principle was to struggle for independence through peaceful means, under situations where peaceful means were not possible the use of violence became inevitable

Conflict resolution and peace building

Peace-building accomplished through international intervention has had little success in achieving sustainable peace. In February of 2004, Haiti slipped back into chaos and despair, turning ten years of international and Haitian state- building efforts to dust. Liberia is in its second round of international intervention since returning to conflict in 2004 following UN supervised elections in 1997. There is daily violence in Iraq and ongoing instability in Afghanistan. Kosovo remains under UN administration, with an uncertain future and ongoing

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[77] Howard, Peter. "United Nations, "Microsoft@Encanta2006 [DVD].Redmond, W.A; Microsoft

undercurrents of conflict. Theories abound for the lack of success in peace-building. Some focus on operational limitations and the unintended negative consequences of international aid, while others focus on institutional lacunae. Increasingly though, it is accepted that the most critical problems involve a lack of knowledge of how to rebuild states and an associated failure of state-building strategy.

The conflict resolution approaches also point out strategies that could be employed to find an exit from the conflict's destroying dynamic and that aim toward achieving satisfying solution for all parties involved. Among the many, Burton could be regarded as the main representative of this research direction[78]. Contrary to the conflict settlement approaches, Burton considers ongoing conflicts as a result of unsatisfied human needs. This view becomes clear particularly in his approach to problem-solving conflict resolution and respectively in his human-needs theory[79]. This differentiates thereby interests that are changeable or negotiable, from needs, which a quasi natural. Here, security, justice and recognition are to be mentioned among the others needs and values. These values are regarded universal; they are not to be suppressed and are consequently indivisible.

In accordance to this conflict resolution intends not to end the conflict as such, but to transform it into a nonviolent conflict. Burton offers a wide spectrum of methods like workshops, discussion groups, or round tables and procedures like mediation, negotiations, or arbitration in order to convert the respective conflict into a situation acceptable for both sides[79]. Basically Burton's point is to improve communication between the conflict parties and to develop a mutual

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[78] B ercovitch, Jacob (1984), "Social conflicts and third parties. Strategies of conflict resolution", Boulder. p 20

[79] Howard, Peter,"United Nations, "Microsoft@Encanta2006 [DVD].Redmond, W.A; Microsoft corporation

understanding for the interests of the each side. Of central importance are both sides to make to understand that human needs are not limited resources and that negotiation by all means can lead to win-win outcome. Conflict resolution and peace building are issues which have become very topical in debates and discussions on Africa. This is not only because Africa is characterized by many conflicts, but much more so due to the realization that in most cases the conflicts has negative impacts on Africa's socio-economic and political development.

The Process of Conflict Resolution and Peace Building in Burundi

Burundi provides a very interesting case study in terms of conflict resolution and peace building in Africa. Currently Burundi is having a transition period which has followed the protracted peace negotiations and the signing of the peace accord in Arusha on 28th August, 2000. Violent conflicts in Burundi have been periodic events since when Burundi achieved independence in July 1962.

The most important aspect of conflict resolution in the Burundi conflict was the Burundi Peace Negotiations. The first phase of the negotiations was carried out in two sessions in Mwanza, Tanzania in 1996, and the second phase was the negotiations in Arusha from June 1998 to August 2000. In the interest of our discussion in this paper we shall make a discussion of four important aspects which include the initiative for the peace negotiations, the facilitation process, negotiating parties and the signing of the peace agreement. The initiative to begin the process of peace negotiations for Burundi was mainly made by Governments and Heads of State of the Great Lakes Region. In other words it was a Regional Initiative. The initiative was propelled by a widely shared concern by the international community on the deteriorating law and order and

internal security situation in Burundi[80]. The international concern was associated with fear that the genocide of Rwanda in 1994 could also take place in Burundi. However, the Regional Initiative was greatly supported by the OAU and the UN. In terms of facilitation, through the Regional Initiative, the OAU and the international community, the Late Mwalimu Julius K. Nyerere was requested to mediate in the Burundi peace negotiations in 1995. After studying the situation in Burundi, Mwalimu accepted the responsibility as mediator and began work in 1996 in Mwanza. Mwalimu was chosen because he had long experience on the affairs of Burundi as a nationalist leader and President of the United Republic of Tanzania. As a retired President he was a respected national and international figure with enough knowledge and wisdom to enable him play the role as mediator for Burundi. He was also accepted by the Burundi negotiating parties in Mwanza and later on in Arusha. Mwalimu preferred to use the methodology of facilitation rather than mediation.

Facilitation created a special relationship between the Facilitator and the negotiating parties such that it provided greater freedom, openings and space for the negotiating parties to make decisions and arrive at consensus. Given the nature of conflicts in Burundi the facilitation approach was viewed by Mwalimu as the best option compared to the mediation approach. Mwalimu carried out the task as the Facilitator during the Mwanza two sessions in 1996 and during the negotiations in Arusha from June 1998 to 1999. After his death Nelson Mandela the former President of South Africa succeeded him until August 2000.

In Mwanza in 1996 there were only three negotiating parties that is the government, the UPRONA Party and the FRODEBU party. This means that many parties to the conflict were

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[80] Brass, Paul (1997), "Theft of an idol: text and context in the representation of collective violence", Kalkutta 1997 p 58

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excluded. After the second session the negotiations broke down due to disagreements on basic principles of the negotiations and the coup d'état on the 25th June, 1996. One obvious feature of the political parties was their ethnic character with ten of them Tutsi based and seven Hutu based parties. The issues negotiated were based on four themes that is the nature of conflict, democracy and good governance, peace and security and social and economic reconstruction and development. Four committees were established each to deal with one theme[81]. Towards the end of the negotiations a fifth committee to deal with issues of implementation of the peace agreement guarantees was established. In each committee all the 19 negotiating parties were represented Periodically committees presented their work to plenary sessions for overall discussions.

Negotiations took place for two years and three months. They were protracted and difficult. In some situations consensus was reached, in others it was difficult to arrive at consensus. The final document of the peace agreement known as the Arusha Peace and Reconciliation Agreement for Burundi bore many aspects with consensus and many without consensus. Among issues without consensus there were two important issues that needed to be settled before the signing of the agreement. These were the question of ceasefire and secession of hostilities and leadership of the transition period. The issues called for serious negotiations as the signing process was nearing. At last it was decided that the signing ceremony on the 28th August 2000 should take place as planned so that the issues could be resolved later.

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[81]Elkins, Caroline. Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya. Holt, 2005. p 496

Conflict Resolution and Peace Building in the DRC

Conflict resolution and peace building in the DRC entails a complex process. The complexity arises out of the fact that since 1996 the country has been involved in a complicated war situation. The complexity became more serious when the war erupted the second time in August 1998 as it involved more than six countries, some supporting the government of the DRC, while others supporting rebel groups that were intending to overthrow the government. During the three phases of the war conflict resolution initiatives can be traced into two stages. The first stage begins with the eruption of the second war in August, 1998. We do not find any conflict resolution initiatives during the first war until the overthrow of the Mobutu regime[82]. The first stage constitutes the period from August 1998 to the signing of the Lusaka Ceasefire Agreement in July, 1999. During this first stage it was the Southern African Development Commission (SADC) and President Ghadafi of Libya who played an active role. The initiative began with holding of a number of Summit and other meeting of the SADC. The first was on 7th and 8th August, 1998 at Victoria Falls, Zambia. The summit was attended by SADC Presidents as well as Presidents from Uganda and Rwanda.

The second was a meeting of defense ministers called by President Mugabe as the then chairman of the SADC Organ of Inter-State Defense and Security Committee, held in Harare, Zimbabwe. It was in that meeting that it was decided that any SADC country that was able to assist Kabila in the War should do so; thus the measures taken by Zimbabwe, Angola and Namibia. Other summit meetings were held in September 7th and 8th at Victoria Falls, and then 13th and 14th September in Mauritius. During the two summits support and appreciation was given to the

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[82] Kaldor, Mary (1999), "New & old wars. Organized violence in a global era", Cambridge, Oxford. P 40

SADC Countries which supported Laurent Kabila in the War[83] [83.] From September 1998 to June 1999 a number of other summits and meetings were held with the objective of finding a solution to the Congo war by the SADC.

From November 1998 to June 1999 President Muamar Gadafi of Libya also took steps of conflict resolution. He held talks at different times with Presidents Kabila of the DRC, Museveni of Uganda and Kagame, the Prime Minister of Rwanda. Arising out of such an initiative President Museveni signed a ceasefire agreement with President Gadafi in May, 1999. Gadafi insisted that warring parties should agree on ceasefire to be followed by withdrawal of foreign troops from the Congo and the deployment of international peace keeping forces. The second stage of the conflict resolution initiative constitutes the period after the signing of the Lusaka Ceasefire Agreement in July 1999 to the present.

The Lusaka Agreement tried to address external and internal concerns and identified real issues and the interconnectedness of various agendas. But it failed to pave the way to a lasting solution to the Congolese Conflict. It was weak because it left implementation to the belligerents themselves, thus creating possibilities of sabotaging the process. Conflict resolution steps taken during this second period included the appointment of ex-president Masire of Botswana to be the mediator in the Congo crisis[84]. He was appointed by the OAU. Masire faced problems because some parties, including Laurent Kabila, did not accept him. The Lusaka Peace Agreement came to be reconfirmed in February, 2001. On the basis of the Lusaka Peace Agreement a national

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[83] Ervin staub and Laurie Anne Pearlman (2002)"creating paths to healing" p 79

[84] Stock holms, http:,www.sipri.org,contents,conflict,MAC patterns html.

49

dialogue was initiated to take into consideration concerns of all parties the Government the rebel groups[85]. At the same time security concerns of Rwanda, Burundi and Uganda had to be taken into consideration. In January 2001, the President, Laurent Kabila, got assassinated. His son, Joseph Kabila succeeded him. This change opened a new chapter in conflict resolution initiatives. While his father believed in continuing fighting until military victory against the rebels, Joseph Kabila swiftly adopted a more diplomatic approach. The national dialogue led into a series of negotiations including those of Sun City, South Africa from April, 2002. In the same month the Kinshasa Government signed a ceasefire agreement with the MLC (Movement for the Liberation of Congo) rebel group under the leadership of Bemba. In January 2001, the President, Laurent Kabila, got assassinated. His son, Joseph Kabila succeeded him. This change opened a new chapter in conflict resolution initiatives. While his father believed in continuing fighting until military victory against the rebels, Joseph Kabila swiftly adopted a more diplomatic approach. The national dialogue led into a series of negotiations including those of Sun City, South Africa from April, 2002.

In the same month the Kinshasa Government signed a ceasefire agreement with the MLC (Movement for the Liberation of Congo) rebel group under the leadership of Bemba. Another important peace agreement was signed in Pretoria in August 2002. The importance of the Pretoria Agreement was that it greatly addressed issues of the Lusaka Agreement particularly in terms of ensuring its implementation. Another importance of this agreement is that it committed Rwanda to withdraw her forces from the DRC and for the Congolese government to support the

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[85] Harbom, lotta, Wallenstein Peter (2005),'Armed conflict and its international dimensions, 1946-2004'in journal of Peace Research

disarmament, demobilization and repatriation of the groups [86]. The two groups were identified in the Lusaka Agreement as negative forces.

Developments during this period have had both elements of achievements and problems. In terms of achievements the negotiations agreements and the national dialogue in general led into withdrawal of forces of Uganda and Rwanda, ceasefire agreements and disarmaments. Mechanisms of a transitional period with a transitional government have been established. A relative state of peace is being restored. Problems include the position of the UN which lacks political and military support from members of the UNSC. It lacks influence on political events. Another problem has been weaknesses of the various peace agreements such as the Lusaka Peace Agreement, the Pretoria Agreement and the Sun City Agreements. Their main weakness is that they have failed to recognize and address serious issues of the problem of Eastern Congo which include Southern and Northern Kivus and Ituri.

Conflict resolution in Zimbabwe

African National Union-Patriotic Front (ZANU-PF) party; the illegitimate land seizures by government loyalists; the negative response or unwillingness of the state establishment to remove the unlawful land invaders; political violence before, during and after elections and; the Sky-rocketing unemployment rate due to the hyperinflationary environment[87] By the late 1990s, as a result of the government's continued lip-service to issues of social and economic

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[86] UNES (2002), Developing capacity for conflict analysis and Early Responses. United Nations Environmental Secretariat available at: http:\unpan\un.org\intrade\groups\public\documents\unpan\1 117,pdf

[87] Ranchmen B (2005) cooperation between the UN and Regional organization in international conflict: the case of Congo: African year book, international 3,2005,8-9

empowerment, ordinary people and workers responded through their union movements by increasingly showing a capacity for militancy and adopting political positions that were in opposition to those of the ruling elites.

In response, the government concentrated wealth and power in the ruling class and stifled popular dissent through repression and the systemic use of military force. Lacking an effective state social policy, people rose up in protest against the experienced poverty and social injustices. The state increasingly resorted to terror tactics and violence in order to maintain social control. Despite all these repressive tactics, and with the support of a disenfranchised people, political opposition rallied around left-leaning trade-union leaders such as Morgan Richard Tsvangirai and Gibson Sibanda whose nascent Movement for Democratic Change Party (MDC) sent political shock waves to the ruling government by taking half of the vote in the parliamentary elections of June 2000. This strategic alliance between party politics and trade-union politics marked a critical turning point in Zimbabwe's political and historical memory landscape. By 2007 Zimbabwe had entered a tragic and devastating stage in its history, with enormous human, material and moral costs.

The political landscape was characterized by violence allegedly perpetrated by the state-sponsored militia against political opposition groups or anyone labeled as an enemy of the state. In addition, the violent political and electoral campaigns were characterized by arbitrary arrests, detention, torture, disappearances and the deaths of political opponents and activists[88]. Preceding these contradictory events were devastating droughts in the early 1990s and the period 2001-

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[88] Ibid pp 17-24

2002, coupled with an unsuccessful structural adjustment program me, all of which added up to the transitional challenges and socio-political complications. Today, the Zimbabwean socio-political crisis is best described as a complex emergency because of the mosaic nature of the crisis. Thus, all these events constitute fundamental flashpoints which help give context and reflective understandings about the factors that influence the evolution and shaping of the politically motivated violence in Zimbabwe.

However, with the help of a mediated process by the former South African President, Thabo Mbeki and the Southern African Development Community (SADC), the ruling ZANUPF party and the opposing MDC factions signed a Global Political Agreement (GPA) on 15 September 2008. While this historic event marked the end of violent politics, it also ushered in the beginning of the many challenges involved in rebuilding the country. Thus, by signing the agreement, Zimbabwe as a nation entered another challenging process: the creation of a new era of democratic and transparent leadership, anchored in transitional justice with national healing and reconciliation as prerequisites for sustainable peace and nation building.

Agenda for the reconciliation and national healing process in Zimbabwe

The process of developing a framework and legislation for national healing and reconciliation in Zimbabwe remains fairly open on paper, whilst it appears to be devoid of a coherent, inclusive, consultative and participatory guided process[89]. Whilst a number of local, regional and international conferences on national healing and reconciliation involving civil society have generated widespread and robust public debate about the key issues, at the time of writing this

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[89] Gatheru R. Mugo. Kenya: From Colonization to Independence, 1888 – 1970. McFarland, 2005. p 236

paper there had been very little progress made in trying to engage institutions such as parliament in debate that will pave a way in formulating reconciliation and national healing policies and legislative bills. There is no dispute that Zimbabwe's accumulated history of socio-political oppression, repression and ongoing trauma has had a profound and continuing effect on different categories of people in society. In responding to these, a range of individuals and organizations are deliberately or unknowingly working on a variety of strategies that can be an important part of the Zimbabwean national healing and reconciliation project. The work ranges from one-to-one dialogue with victims and perpetrators, to community-based activities on raising awareness as informed by the political environment. For example, in certain rural communities, victims and perpetrators have been coming together – sometimes at the behest of perpetrators feeling the need to confess and pay their dues – through the rebuilding.

Conflict resolution, healing and reconciliation in Sudan

Egypt and Britain ruled Sudan since early nineteenth century until independence in 1956, leaving a colonialist heritage and a divided country. Apart from an 11- year period of peace (1971-1982), Sudan has been torn apart by civil war since its independence. Among the world's longest and most destructive civil wars, those in Sudan have caused over two million deaths and over four million displaced[90]. While there is conflict between the people in the North and the various independence movements in the South, devastating armed conflicts among warring parties have left the country in an extremely precarious state with a population becoming increasingly dependent on outside assistance.

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[90] Http.www.org.conflicts resolution/unpan July, 14th 2007

Peace process in Sudan

Many attempts have been made in the past to bring an end to the civil wars in Sudan. Negotiations that are being held in Kenya under the auspices of the regional inter- Governmental Authority on Development[IGAD[are seen as offering the best chance of bringing peace since the current phase of conflicts began in 1983. Under pressure from the US, Britain, and Norway, the so-called "troika" a framework peace deal was signed in July 2002 in Machakos. Kenya-Machakos, Protocol[91]. It provided the foundation for further peace talks by giving two main assurances: that there would be no sharia in Southern part, and that a peace agreement would grant a six- year transition period of national unity, after which self- determination would decide on issue of Unity and independence.

A major humanitarian breakthrough came in October 2002 when Sudanese government and the rebel Sudan People's Liberation Movement/ Army [SPLM/A] signed a memorandum of understanding [MOU] in which they agreed to allow 'unimpeded humanitarian access to all areas and for people in need, in accordance with the Operation Lifeline Sudan [OLS] Agreement'. The cease-fire was to last from march 2003 until summer[9292].Current issues under negotiation include power-sharing [government, presidency] wealth-sharing [oil, land], religion and state, boundaries, and security.

In spite of some difficult issues ahead, human rights abuses and the breaking of the cease-fire are recurring concerns. However, there appears to be strong determination, both by top leaders of

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[91] Ronald Rothschild (1997) Managing Ethnic Conflict in Africa, pressures and incentives for cooperation Washington D.C.Brookings, Institutions Press

[92] Goldsmith L.P, Abura and Switzer J.Oil and water in Sudan and Kathryn Sturman, (Eds).

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the government and rebel movements on the one hand, and by the grassroots on the other, to make peace become a reality after so many years of suffering.

Conflict processes in South Africa

South Africa inspiration has been the work of the Truth and Reconciliation Commission. It started in 1995 under the Chairmanship of Archbishop Desmond Tutu to examine the perpetrated under apartheid between 1960-1994.The mandates of the TRC was not only to examine South Africa's past but to begin the processes of national healing and reconciliation and thereby serve as a catalyst for peaceful coexistence in rule. South Africa had its first all-race democratic election in April 1994 toward joining the community of democratic nations of the world[93]. It also stepped up to examine its own violent past review truths and move forward in a spirit of healing and reconciliation. The Reconciliation Act was passed which established the Truth and Reconciliation Commission and it was mandated to investigate and document gross human rights abuses committed within South Africa in the period 1960-1994.It was to bring unity and reconciliation based on the principle that reconciliation depends on forgiveness and that forgiveness can only take place if gross human rights are fully disclosed.

Africa's Truth and Reconciliation Commission (TRC) is arguably the continent's best known example of restorative justice. Established in 1995, the TRC was charged with investigating gross human rights abuses that occurred between 1960 and 1994 so as to create as complete an accounting as possible of the atrocities of that period. Perpetrators were offered amnesty in exchange for full disclosure about their past crimes. To a significant degree, this was part of a

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[93] http:www.unisapress 2005

political compromise between the African National Congress and the outgoing apartheid government led by the National Party that was deemed necessary for a peaceful transition to democracy.

South Africa's version of restorative justice emphasized reconciliation between perpetrators and victims built ideally on a perpetrator's repentance and a victim's forgiveness. Ultimately, it was hoped, the South African nation as a whole would likewise become reconciled. Although the TRC's task was not officially framed in religious terms, the dominant role of Chairman Archbishop Tutu meant that his theological view of reconciliation often trumped other views. This was aided by the large number of commissioners who came from the faith community. It has been argued that two features of South Africa's religious culture supported the TRC's emphasis on forgiveness, rather than punishment[39].The Christian theology and the traditional concept of ubuntu. The Christian admonition to forgive one's enemies and embrace the sinner within the family of God was widely accepted among the largely Christian South African population.

Due in part to the considerable role many church organizations played in protests against apartheid, the teachings of the church retained relevance for many South Africans. The concept of ubuntu was also used to legitimize the TRC's call for reconciliation. Difficult to translate precisely, ubuntu encompasses the notion of "humaneness" or "humanness." A common Xhosa expression states, "Umuntu ngumuntu ngabanye Bantu," which translates as "People are people through other people." Thus, ubuntu emphasizes community over individual. As John Mbiti explains, "Whatever happens to the individual happens to the whole group, and whatever

happens to the whole group happens to the individual. The individual can only say: 'I am because we are, and since we are, therefore I am.'" This belief in the indivisibility of humanity, it is argued, creates a capacity for forgiveness. Complete assessments of the TRC will require extensive testing of the degree to which the truth commission resonated with South Africa's religious culture, a project begun by Audrey Chapman and Bernard Spong for the American Association for the Advancement of Science.

Scholars debate the advisability of offering amnesty. In promising amnesty to apartheid killers, did the ANC choose a more comfortable political expedient and found a new democracy on a flawed judicial response to a systemic crime against humanity? Mahmood Mamdani argues that the TRC resulted in "an institutionally produced truth, as the outcome of a process of truth-seeking, one whose boundaries were so narrowly defined by power and whose search was so committed to reinforcing the new power, that it turned the political boundaries of a compromise into analytical boundaries of truth-seeking." Did the government compromise justice in its effort to provide an interpretation of apartheid crimes that would facilitate reconciliation among the races? If so, is this a failure of transitional justice or strength of such a response to atrocities? The South African case can provide empirical evidence to help scholars make more informed evaluations of transitional justice. However, such work will require identification of the means to judge the TRC's impact. For example, how can we know whether reconciliation emerged from the TRC? What does reconciliation look like? Who becomes reconciled?

In her contribution to this special edition, Tristan Borer addresses this challenge directly by identifying the multiple meanings of reconciliation used by people inside and outside of South

Africa's TRC. She demonstrates that the TRC's founding documents, as well as its final report, failed to define clearly the kind of reconciliation the commission was charged with building[41]. She finds two models of reconciliation permeating the commission's statute and report. "Interpersonal or individual reconciliation," in which victims and perpetrators of gross human rights violations have their relationships restored with the victims being healed, is one goal which the commission sought to achieve. Yet, the commission also strove to hasten "national unity and reconciliation" in order to create a nation "democratically at peace with itself." Borer argues that the lack of clarity hampered the commission's work and has affected the way it has been judged.

She finds that while the TRC was empowered to contribute primarily to "national unity and reconciliation," the greater popular expectation was for the TRC to foster "interpersonal or individual reconciliation." The unfortunate result of this dichotomy is that "the TRC is most likely to be judged in a way that makes it least likely to appear successful."Borer draws cautionary lessons for any future effort to analyze similar truth-seeking transitional structures. She emphasizes testing the argument that truth leads to reconciliation, rather than simply asserting it. Testing requires a clear definition of reconciliation and the identification of ways to observe it. Only then, she asserts, can any future truth commission tailor its work to achievable goals that scholars can evaluate according to clear criteria.

Joining the debate over the appropriate goals for truth commissions and what they ultimately contribute to reconciliation, Du Pisani and Kim argue strongly that truth commissions ought not to be expected to uncover "the truth" about a violent past. From the outset "the TRC had to

pursue historical truth not for its own sake, but in the service of reconciliation and nation-building," which therefore imposed "a discursive framework on testifiers" and the way in which their evidence was interpreted in the commission's report. Du Pisani and Kim lament that the TRC's work gave the impression of a nation having achieved closure after its apartheid past. They conclude that while truth commissions can dramatically enliven a society's confrontation with its past, they can make only a partial contribution to using history as "an essential tool in re-defining national identity."Stark contrast to South African's experiment with restorative justice, Rwandans' asked for United Nations assistance to establish a structure for retributive justice. Archbishop Tutu had urged Rwandans to forego punishment in favor of pardon fearing that "justice with ashes" would be the outcome of the Rwandan effort to punish the perpetrators of the genocide. Instead, the UN Security Council established the International Criminal Tribunal for Rwanda (ICTR) in 1994 to prosecute the masterminds of the genocide.

2.4. Conclusion

In African continent , the healing and reconciliation has come up as a result of conflicts .Many African countries have experienced conflicts and therefore, conflict resolution have been achieved through the process of peace negotiation by signing peaceagreements cease-fire. Healing, Truth, Justice and Reconciliation has become the most popular instrument of achieving peace and stability in Africa .This has been witnessed in many African countries.

CHAPTER THREE

3.0. POST CONFLICT HEALING AND RECONCILIATION PROCESSES IN KENYA

3.1. Introduction

Already in the sphere of the everyday language the term conflict has no positive intonation. Usually dysfunctional phenomenon like discord, dispute or fighting is associated with it. Therefore, with the omnipresence of conflicts it is not surprising that the debate about this topic takes on significance also in the political science. Although the branch of peace and conflict research owes even a part of its name to this subject, the disagreement over the exact notion of the conflict as a term dominates until today. This is however little amazing because it is about one of the most enigmatic and controversial terms, which itself triggers conflicts very often. Singer & Small defines conflicts as violent disputes in which at least one of the combatant parties is a state, and there are at least 100 battle-deaths. This definition covers exclusively soldiers and other military staff. Nevertheless, until today shape both aspects the empirical-quantitative analysis of conflicts, as the definition of the Stockholm International Peace Research Institute (SIPRI) shows.

3.2. Kenya ethnic conflict history

Since independence in the 1960's, Kenya has witnessed ever changing levels of openness and transparency in the democratic process. Hand in glove with the electoral process has been a cycle of violent conflict since 1992, with the most devastating uprising occurring in the wake of a disputed presidential election result in late 2007. For many Kenyan citizens, the throes of

democracy open a rich seam of anger and frustration at perceived historical injustices over land distribution and inequality between different ethnic groups[94]. Political power and rights have shaped the relationships among Kenya's ethnic groups. Since independence in 1963 there have only been three presidents of Kenya; Jomo Kenyatta, Daniel arap Moi and Mwai Kibaki. Kenyatta was a Kikuyu and though he chose a Kalenjin, Daniel Moi, as his vice-president, he showed favoritism to his ethnic group. Similarly, Moi has increasingly favored the Kalenjin during his presidency[95]. Anne Pitsch et al. illustrate this situation under Kenyatta, under the country's first president Jomo Kenyatta, much of their Kalenjin land was taken by agriculturalists, mainly the Kikuyu, and they Kalenjin suffered great poverty and social disorganization.

This political favoritism is a primary reason why democratization in multiethnic states, that have no history of a central government, often leads to conflict. Ethnic groups that have traditionally ruled themselves and occupied their historical lands are often unwilling to cooperate with a central government that is headed by someone from a different tribe. In Kenya, political favoritism has proven to be unavoidable, so Kenyans invariably support the political candidate of their own ethnic group in such a way that each of the main opposition parties are divided, largely along ethnic lines[96].

Conflict Dynamics in Kenya

The pastoralist Pokot and Marakwet communities have shared the same region in north-west Kenya for a long time and have sometimes fought with each other. In April 1998, 500 Marakwet

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[75] D.James (1944), Ethnoc war as a commitment problem. New York.
[95] R.Mugo (2005).Kenya from colonialization to independence. p 236
[96] Collier, Paul and Lal, Deepak 1986 labour and poverty in Kenya. Oxford press p 296

attacked a police post in West Pokot's Lelan Division, about 200 miles north-west of Nairobi. Two policemen were killed and three injured. This was the first attack in which security forces had been directly targeted. Hundreds of cattle were stolen or maimed. A few weeks later the violence spilled over into an area of northeastern Uganda, inhabited by the Karamajong, a people closely related to the Pokots. In July 1998 the Pokot and Uganda's Karamojong clashed over cattle. At least 84 people were killed. North-east Kenya is equally unstable.

Armed raids by bandits and guerrilla activity have been reported from the Ethiopian border. In October 1998, a large group, comprising mainly Borana, raided several settlements inhabited by the ethnic Somali Degodia clan, killing at least 142 and abducting around fifty people. An estimated 17,500 cattle were stolen. Government officials said that the majority of the attackers came from the Oromo Liberation Front (OLF), an Ethiopian rebel group[97]. On August 7, 1998, 253 people were killed and several thousand people injured in a bomb attack on the US Embassy in Nairobi. The government provoked the 1.7 million-strong Muslim community by banning five Muslim NGOs. This was not the first occasion President Moi had challenged the Muslim community: in the 1997 elections the Islamic Party of Kenya (IPK) remained unregistered.

3.2 President Kenyatta regime

His authoritarian style, with elements of patronage, favoritisms, tribalism and nepotism drew criticism and dissent, and set a bad example followed by his successors. He had the Constitution radically amended to expand his powers, consolidating executive power. Kenyatta's presidency has also been criticized for ruling through a post colonial clique consisting largely of his

[97] http://unpan/.un.org/intrades/group/public/document/un/unpan011117.pdf.

relatives, other Kikuyu, mostly from his native Kiambu district, and African Kikuyu colonial collaborators and their offspring, while giving scant reward to those whom most consider the real fighters for Kenya's independence. This clique became and remains the wealthiest, most powerful and most influential class in Kenya to date. Under Kenyatta's regime, Kenya's economic performance was among the highest on the continent.

However this economic growth generated tremendous disparities of wealth, much of which was in the hands of Kenyatta's family and close associates. This concentration of wealth along with an extremely high rate of population growth meant that most Kenyans did not realize a corresponding large increase in per capital wellbeing thus creating tension among communities[98]. In June 1969 Tom Mboya, a Luo member of the government considered a potential successor to Kenyatta, was assassinated. Hostility between Kikuyu and Luo was heightened, and after riots broke out in Luo country KPU was banned. The government used a variety of political and economic measures to harass the KPU and its prospective and actual members. Ignoring his suppression of the opposition and continued factionalism within KANU the imposition of one-party rule allowed Mzee Kenyatta, who had led the country since independence, claimed he achieved political stability. Underlying social tensions were evident, however. Kenya's very rapid population growth rate and considerable rural to urban migration were in large part responsible for high unemployment and disorder in the cities. There also was much resentment by blacks at the privileged economic position in the country of Asians and Europeans[99].

[98] Ellcins Caroline (2005), Imperial Recooning Collier, Paul (1986).The untold story of Britains'.Gulag in kenya.p111
[99] Jacques Gelinas B, (1998) freedom from debt, the re appropriation of development through finance self reliance, (London Zed books ltd)p 104

3.3 President Moi regime

The vice president Daniel Arap Moi, interim president on Kenyatta's death August 1978 became president formally on October 1978.moi began to follow in Kenyatta's autocratic footsteps and tolerated little political dissent. Human rights abuses, corruption and political patronage rose significantly. In June 1982, the ruling party KANU had the National assembly amend the constitution to make Kenya one-party state.

That development to create the infamous section 2A delegitimized Kenya's loyal opposition - entrenched impunity, and led to the detention exiling, torture maiming and even murder of many progressive politicians, intellectuals and ordinary Kenyans who sought to establish a democratic polity[100]. Attempted air force coup August 1982 suppressed by loyal troops with many civilian casualties. Efforts to consolidate power increased, as did repression. Obstructing the press both before and after the 1992 elections, Moi continually maintained that multiparty politics would only promote tribal conflict.

His own regime depended upon exploitation of inter-group hatreds. Under Moi, the apparatus of clientage and control was underpinned by the system of powerful provincial commissioners, each with a bureaucratic hierarchy based on chiefs (and their police) that was more powerful than the elected members of parliament. Elected local councils lost most of their power, and the provincial bosses were answerable only to the central government, which in turn was answerable to the president[101].The emergence of mass opposition in 1990-91 and demands for constitutional

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[100] Ibid P126

[101] http/www.kenya/Developing capacity for conflict analysis and early responses.14th may 2009.

reform were met by rallies against pluralism. The regime leaned on the support of the Kalenjin and incited the Maasai against the Kikuyu. Government politicians denounced the Kikuyu as traitors, obstructed their registration as voters, and threatened them with dispossession. In 1993 and after, mass evictions of Kikuyu took place, often with the direct involvement of army, police, and game rangers. Armed clashes and many casualties, including deaths, resulted. Moi sponsored irregular army units that attacked the Luo, Luhya, and Kikuyu communities, and he disclaimed responsibility by assigning the violence to ethnic clashes arising from a land dispute. Eruptions of ethnic violence surrounded both elections, with hundreds killed, thousands displaced: faced with losing to Kikuyu-dominated opposition, ruling party allegedly incited Kalenjin-Kikuyu clashes in the Rift Valley. 1999 "Akiwumi" report of presidential commission of inquiry into interethnic violence found some leading ruling politicians responsible[102].

The Advent of Multiparty Democracy

Ethnic violence from 1991 to 1994 in the Rift Valley left over 3,000 Kikuyu and Luo dead, allegedly the work of "trained warriors" from Moi's ethnic group. In 1993, Africa Watch, a US-based human rights group, reported that as many as 1,500 Kenyans have been killed and over 300,000 displaced as a result of ethnic violence instigated by Moi's regime in the Rift Valley[103]. In the lead up to the 1997 general elections, ethnic fighting flared up in Mombasa, claiming over 42 lives.

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[102] Akiwumi (1999) Presidential commission of enquiry into ethnic violence.
[103] Aluoka (2008) Kenya's Post-Election Violence, Tokyo Foundation, March 31, 2008 from http://www.tokyofoundation.org/en/sylff/kenya2019s-post-election-violence on June 8,2009

3.4 Conflict during Kibaki's Regime

Diverse interests that have accumulated over time, especially in businesses, have continued to control the country's politics, and when a motley crew of younger opposition politicians upstaged them in elections last year, the old leaders just dug in and refused to leave. Widespread violence followed. The year 2007 stood politically in the light of preparations for the presidential and parliamentary elections of 27 December. There was a record voter turnout of 70%, with credible outcomes of the parliamentary elections. However, the Electoral Commission's tallying of the presidential election votes were severely flawed, which sparked political violence in Kenya. Many unstable political parties and coalitions emerged and dissolved during the year, including the ruling party under the National Rainbow Coalition (NARC). Some of the parties and coalitions earned a reputation for pragmatism but most were vehicles for personal interests, entrenching a trend of ethnicization and regionalization in Kenyan politics[104].

In the run-up to the elections, two main coalitions dominated the scene: the Party of National Unity (PNU) of incumbent President Kibaki and the Orange Democratic Movement (ODM) of his main contender, Raila Odinga. The alliances were largely formed on ethnic lines, with the opposition accusing the government of privileging the dominant Kikuyu population over other ethnic groups[105]. For the better part of the first two months of the year, Kenya's political situation remained fluid, tense and unpredictable. The country was not holding, and a bloodbath loomed after weeks of ethnic violence precipitated by a suspected electoral fraud that returned President Mwai Kibaki of the Party of National Unity to power. As wide sections of the

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[104] Jay Milbrandt (2008) "Political Violence Threatens Kenya's Microfinance Sector", *Microfinance Report*, <http://www.microfinancereport.com/2008/01/political-viole.html> Retrieved on March 31, 2009.
[105] IRIN (2009) Humanitarian News and Analysis a Project of the UN Office for the Coordination of Humanitarian Affairs: In-Depth: Kenya's post election crisis, Monday June 8, 2009.

population tottered from the consequences of internal strife, a nebulous search for peace began in Nairobi: the National Dialogue and Mediation forum, chaired by Kofi Annan, with the assistance of a panel of preeminent African leaders. At the talks the opposition party, the Orange Democratic Movement (ODM), first decamped from its earlier radical position to press for the resignation of President Kibaki to allow for fresh presidential elections, opening the way for the negotiations. The ODM had refused to recognize Kibaki as the president, and during the first few statements from him at the start of the talks, the ODM threw tantrums and almost boycotted the parley after Kibaki referred to himself as the duly elected president of Kenya.

The ruling party dodged the reconciliation spirit of the talks and failed to read the intensity of local and international pressure to work on a solution to the impasse. It required the intervention of African Union Chairman and Tanzanian President Jakaya Kikwete and US Secretary of State Condoleezza Rice, who warned the parties of dire consequences if the peace processes were to be derailed. The big stick wielded by the two seemed to have worked as a new peace accord has now been reached between the warring parties and Kenya have a premier and a president, with both sharing executive powers. The grand coalition agreement was constitutional zed under the National Accord. A host of local and international observers in the polls, including the European Union observation team and the Commonwealth, agreed in their reports that the December 2007 elections, particularly the presidential vote tallying, was marred with incompetence and spurious tallying. In a multiethnic society of about 40 distinct ethnic groups, Kenya was firmly jolted by the disputes. At the Annan talks it was also agreed to form a review committee to establish the facts behind the election fiasco, as well as to create a Truth, Justice, and Reconciliation Commission to help in reconciling Kenyans and addressing historical grievances that were partly

the reasons for the conflicts. The electoral differences have been very costly for the country: About 1,500 Kenyans died in the post-electoral skirmishes, 350,000 people were displaced from their homes, and many continue to live as internally displaced refugees in temporary camps across the country. Businesses have been stalled, moreover, and by local estimates over US$2 billion losses to businesses have been counted. Any more dithering on the peace talks, and the impatience and war-mongering culture that was beginning to take root in the country would have led Kenya to an eventual paralysis and even collapse[106.]

Conflicts among pastoralist communities of Northern Kenya

During the Past 10 years (2000 -2009) perennial conflicts involving the Pastoralist communities of Northern Kenya have assumed an increasingly violent nature. In most cases the conflicts have resulted in the deaths of dozens of men, women and children and the theft of thousands of livestock. Like many other countries in Africa a destination of choice for transit and sale of illegally acquired weaponry that catalyze conflicts; map existing policy initiatives aimed at addressing the problems of insecurity caused by the proliferation of small arms and light weapons in pastoralist communities in Northern[107].

Official Conflict Management

Since most conflicts are domestic, no outside interference by the UN, OAU, IGAD or other international bodies has taken place. While the Kenyan government is sometimes accused of having an interest in the continuation of violent conflicts in the Rift Valley province, it has

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[106] Jacob (1984) "Social Conflicts and third parties, strategies of conflict resolution". Boulder P 117

[107] Waki report (2008) commission of enquiry into post election violence

mediated in several cross-border conflicts. For example, the governments of Kenya and Ethiopia discussed the attacks by the Oromo Liberation Front (OLF) in early 1999. In addition, several high level government officials and politicians organized meetings with the Ugandan authorities to try and resolve the conflict between Kenyan pastoral groups and the Ugandan Karamojong. In June 1996, the first -ever such meeting was held at Kakuma county headquarters in Kenya's Turkana district. As a result the Dodoth and the Turkana handed over stolen animals. A second (four-day) meeting was held in November 1996 to bring peace to the southern common border pastoralists in Kenya and Uganda. It was attended by Pokot from Uganda and Kenya, Sabiny, and Turkana. The high-level meeting was intended to develop the basis for regular meetings and to coordinate regional planning in these areas. One of the recommendations was the establishment of a Regional Peace Secretariat to address peace and security issues in the border areas.

The Waki Report

The mandate of the Commission of Inquiry into Post-Election Violence (CIPEV) was to investigate the facts and circumstances surrounding the violence, the conduct of state security agencies in their handling of it, and to make recommendations concerning these and other matters. .

Sadly, violence has been a part of Kenya's electoral processes since the restoration of multi party politics in 1991. However, the violence that shook Kenya after the 2007 general elections was unprecedented. It was by far the most deadly and the most destructive violence ever experienced in Kenya. Also, unlike previous cycles of election related violence, much of it followed, rather than preceded elections. The 2007-2008 post-election violence was also more widespread than in

the past. It affected all but 2 provinces and was felt in both urban and rural parts of the country. Previously violence around election periods concentrated in a smaller number of districts mainly in Rift Valley, Western, and Coast Provinces. As regards the conduct of state security agencies, they failed institutionally to anticipate, prepare for, and contain the violence. Often individual members of the state security agencies were also guilty of acts of violence and gross violations of the human rights of the citizens[108]. In some ways the post-election violence resembled the ethnic clashes of the 1990s and was but an episode in a trend of institutionalization of violence in Kenya over the years. The fact that armed militias, most of whom developed as a result of the 1990s ethnic clashes, were never de-mobilized led to the ease with which political and business leaders reactivated them for the 2007 post-election violence.

Secondly, the increasing personalization of power around the presidency continues to be a factor in facilitating election related violence. The widespread belief that the presidency brings advantages for the President's ethnic group makes communities willing to exert violence to attain and keep power. Inequalities and economic marginalization, often viewed in ethno geographic terms, were also very much at play in the post-election violence in places like the slum areas of Nairobi.

One of the main findings of the Commission's investigations is that the post election violence was spontaneous in some geographic areas and a result of planning and organization in other areas, often with the involvement of politicians and business leaders. Some areas witnessed a combination of the two forms of violence, where what started as a spontaneous violent reaction to the perceived rigging of elections later evolved into well organized and coordinated attacks on

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[108] Jay Milbrandt (2008) "Political Violence Threatens Kenya's Microfinance Sector", *Microfinance Report*, <http://www.microfinancereport.com/2008/01/political-viole.html> Retrieved on March 31, 2009.

members of ethnic groups associated with the incumbent president or the PNU party. This happened where there was an expectation that violence was inevitable whatever the results of the elections. The report concludes that the post-election violence[109] was more than a mere juxtaposition of citizens-to-citizens opportunistic assaults. These were systematic attacks on Kenyans based on their ethnicity and their political leanings. Attackers organized along ethnic lines, assembled considerable logistical means and traveled long distances to burn houses, maim, kill and sexually assault their occupants because these were of particular ethnic groups and political persuasion. Guilty by association was the guiding force behind deadly "revenge" attacks, with victims being identified not for what they did but for their ethnic association to other perpetrators. This free-for-all was made possible by the lawlessness stemming from an apparent collapse of state institutions and security force. In general, the police were overwhelmed by the massive numbers of the attackers and the relatively effective coordination of the attacks.

However, in most parts of the country affected by the post election violence, failure on the part of the Kenya Police and the Provincial Administration to act on intelligence and other early warning signs contributed to the escalation of the violence. The post-election violence is also the story of lack of preparedness of, and poor coordination among, different state security agencies. While the National Security Intelligence Service seemed to possess actionable intelligence on the likelihood of violence in many parts of the country, it was not clear whether and through which

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[109] Peace and development Network Trust, Waki Commission; Process Monitoring Report,2008 P18

[109] Kaldo, Mary [1999] new and old wars. Organized violence in a global era', Cambridge Oxford.

channel such intelligence was shared with operational security agencies[110].The report recommended concrete measures to improve performance and accountability of state security agencies and coordination within the state security mechanism, including strengthening joint operational preparedness arrangements; developing comprehensive operational review processes; merging the two police agencies; and establishing an Independent Police Complaints Authority. To break the cycle of impunity which is at the heart of the post-election violence, the report recommends the creation of a special tribunal with the mandate to prosecute crimes committed as a result of post-election violence. The tribunal will have an international component in the form of the presence of non-Kenyans on the senior investigations and prosecution staff.

3.5. Peace building and Reconciliation initiatives in Kenya

Ten years ago only few groups were working on peace in Kenya. That has changed. Today a much more interwoven group of organizations exists. They are committed and self-confident, and they have a clear vision. Some peace builders are willing to pay a great personal price. In 1999 three of them died in the course of their work. Some peace initiatives have been successful in the end to the conflict between the Karamojong and Kenyan pastoralists, for example. In 2000 an American catholic priest and human rights defender was murdered remain fragile insofar as they depend largely on the willingness to uphold agreements. In Kenya, as in many other African countries, the possession of small arms has shifted political and economic authority from clan elders to those who command the warriors' respect and these are not necessarily the elders. In order to stop the spiral of violence, Kenyan Church leaders have urged Washington and London to put pressure on the government to commit itself to an all-party constitutional conference and

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[110] Bratim, Eric (2003), conflict stages" in Guy Burgees,HeidiBurgeesleds) beyond intractability, Boulder p41

draft a new constitution for Kenya. Consequently their strong preference for peaceful change over ethnic warfare may have helped limit the expansion of rural conflict. Yet even if this violence is kept below the level of a civil war, it will affect the lives of hundreds of thousands of people[111]. Most of the land is now in Kalenjin hands and the majority of the displaced people are Kikuyu. Moi looked likely to succeed in changing the Rift Valley into an exclusively KANU/ Kalenjin zone. He likely acted on the demands of the international community for economic and political reform only with the greatest reluctance.

A Truth, Justice, and Reconciliation Commission

A Truth, Justice, and Reconciliation Commission were created through an Act of Parliament. Much belief that the route to a stable future for Kenya lies in confession, forgiveness, restitution and ultimately, reconciliation mediated through an impartial arbitration mechanism such as TJRC .The Commission would inquire into human rights violations, including those committed by the state, groups, or individuals. This includes but is not limited to politically motivated violence, assassinations, community displacements, settlements, and evictions. The Commission would also inquire into major economic crimes, in particular grand corruption, historical injustices, and the illegal or irregular acquisition of land, especially as these relate to conflict or violence. Other historical injustices would also be investigated. The commission would therefore set the country on a path to national healing and reconciliation more so to those seeking transitional justice. The Commission would inquire into such events which took place between 12th December 1963 and 28th February, 2008[112]. However, it would will as necessary look at antecedents to this date in order to understand the nature, root causes, or context that led to such

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[111] Truth, justice and reconciliation act of 2008.
[112] The rule of law and transitional justice in conflict and post conflict societies. Report of the secretary general UN.DOC.S/2004/016,23rd August 2008, paragraph 32.

violations, violence, or crimes. It would also identify the individual and institutions responsible for the human rights violations.

The Commission would receive statements from victims, witnesses, communities, interest groups, persons directly or indirectly involved in events, or any other group or individual; undertake investigations and research; hold hearings; and engage in activities as it determines to advance national or community reconciliation. The Commission may offer confidentiality to persons upon request, in order to protect individual privacy or security, or for other reasons[21]. The Commission would solely determine whether its hearings would be held in public or in camera. Upon completion of the investigations the TJRC would recommend prosecution of suspected perpetrators and reparations for the victims and also provide a forum for reconciliation. However, no blanket amnesty would be provided for past crimes.

Individual amnesty may be recommended by the Commission in exchange for the full truth, provided that serious international crimes that are crimes against humanity, war crimes, or genocide would not amnestied, nor persons who bear the greatest responsibility for crimes covered by the Commission. The Commission would complete its work and submit a final report within two years. The final report would state its findings and recommendations, which would be submitted to the President and would be made public in fourteen days and tabled in Parliament. Both parties have also agreed to support the resettlement of displaced Kenyans and to set up a truth and reconciliation process that will address land conflicts and the violence and human rights violations that followed the elections.

3.6. Non Governmental Organizations.

Kenya has a surprisingly wide range of NGOs. These include many briefcase organisations.NGOs involved in civic education and advocacy are in a precarious position. Prominent civilian pressure groups include local groups' churches, legal associations, university students, and private voluntary organizations advocating environmental and development causes, women's interests, and civil liberties. These groups are, and remain, the main domestic proponents of political reform[113]. Nevertheless, although many are strongly representative of Kenya's larger ethnic clusters, their analyses of the causes and effects of the various conflicts have become deeper and more complex while the issues they raise tend to be class-based. Kenya has a growing number of human rights organizations. These include the Kenyan Human Rights Commission (KHRC), the Kenya Anti-rape Organization, the Legal Advice Centre, the Catholic Justice and Peace Commission, the National Council of Churches of Kenya (NCCK), the Release Political Prisoners pressure group, and the Centre for Governance and development (CGD).

Legal organizations concerned with human rights include the Public Law Institute, the Law Society of Kenya (LSK), the International Commission of Jurists (ICJ/Kenya) and the International Federation of Women Lawyers (FIDA/Kenya). NGOs and some opposition parties maintain comprehensive files on human rights abuses. In addition to special reports, the KHRC produces a 'Quarterly Repression Report' cataloguing the human rights situation in the country. The Government Standing Committee on Human Rights, established in May 1996, has maintained a low profile and kept away from most pressing human rights problems. These

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[113] Eilstrup-Sangiovanni, Mette, Verdier, Daniel 2005, "European integration as a solution to war", in European Journal of International Relations, 11, 1, P 99-135.

organizations can sometime respond quickly to crisis situations. After the ethnic cleansing in the early 1990s in the Rift Valley, some thirty NGOs affiliated to the Non-Governmental Council of Kenya organized a NGO Council Ethnic Clashes network alongside the provision of relief assistance. Later renamed the Peace and Development Network or Peace Net, this network sought to find solutions to societal problems which, experience elsewhere in Africa showed, if ignored were likely explode with disastrous consequences. Peace Net focuses on capacity building, with local peace committees of nine to fifteen people each in ten areas in Kenya.

The influential Protestant National Council of Churches of Kenya (NCCK) - staff, 300; membership, six million) - and its Peace and Rehabilitation Programme (initially called 'Land Clashes Project') also deserve special mention. The Programme was started in 1992 to help resolve several devastating conflicts in Kenya[114]. These were initially political in nature but soon turned different ethnic communities against each other. The Programme allows the NCCK to cooperate closely with other NGOs, including Muslim organizations, and with officials at district and local level. There are a number of other groups active, albeit with a smaller impact than the NCCK. The Centre for Conflict Resolution, based in Nakuru promotes constructive, creative and cooperative approaches to the prevention, management and resolution of conflicts. It carries out public education and awareness campaigns, undertakes situational analysis of the state and the nature of social conflicts in Kenya, and acts as an advocacy liaison centre for the improvement of dialogue, negotiation and mediation services.

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[114] Http/www/Explaining nationalist violence. Explanation/nation /violence 9th July 2009

Theatre promotion

Theatre is also used in peace promotion and conflict handling. An example is the Amani People's Theatre in Nairobi. Amani is Kiswahili word for 'peace'. The Theatre group encourages people in four areas of the country, at youth conferences and at peace festivals in Kenya and countries of the Great Lakes Region to respond pro-actively to conflict. The group is particularly interested in Afro-centric models of peace-making using participatory methods of research. Recently it transformed its research and documentation division into the Institute of Interactive Arts and Peace building. It has also begun an intermediate level training programme in leadership and conflict transformation for grassroots leader and people in positions of authority. So far the Amani People's Theatre has been involved in some potentially violent conflicts[115]. Communities threatened by violent conflicts use internal mechanisms to deal with these conflicts far more frequently than is recognized by the outside world.

Frequently unrecognized too are the few NGOs focused on conflict prevention and management which operate far from the capital at regional and local level. A good example is the Wajir Peace and Development Committee, set up in 1994 in Kenya's North-eastern District. It is a multi-ethnic network of 27 governmental and non-governmental organizations representing a variety of people including businesswomen, elders and religious leaders, both Muslim and Christian. Its mandate is conflict prevention and resolution. Women play an important role. They are often better equipped than men to get meetings organized with people from all clans.

They were rather instrumental in interesting local police officials in peace work. The peace group combines both traditional and modern mechanisms and conducts community training for

[115] Http/www. Unpan/un/orgn/groups/public /documents/unpan0117.pdf. 15th June 2006

leaders, aimed at capacity building and the creation of structures. Mediation is part of its mandate, while it also has a Rapid Response Team for conflicts, run by elder's religious leaders, women and government security officials. Muslim NGOs have felt the fullest weight of government censure.

Coast Peace Initiative

Coast Peace Initiative (CPI) is a network of NGO's and religious organizations working for peace and development in Coast Region. It was formed in May, 1998, during an NGO stakeholder's workshop on conflict transformation and peace building, organized by Peacenet-Kenya. This came about as a result of the 1997 clashes in Likoni and some parts of Coast Region. The National Council of Churches (NCCK) Coast Region was asked to give leadership to the Initiative. The NCCK had spearheaded the Eldoret Community Peace Building Project in the North Rift Region following the Ethnic clashes that rocked the country with the introduction of multi-parties' in 1992. It was felt that the programme would be informative in helping CPI go forward.

Kenya Rapid Response Fund works

In the early nineties, fighting was spilling over from Somalia in to the Wajir District of Northern Kenya. Dismayed at the rising violence, Dekha and other local women decided that, at the very least, the market should be safe for people of any clan. Dekha and her team established ground rules for the market, bravely monitored them and were on hand to intervene in conflict. Dekha started to involve clan elders, putting them at the forefront of discussions about wider conflicts and eventually, after 1,500 deaths, the violence was brought to an end.

The Kenya Civil Society Strengthening Program ACK, work to promote peace, reconciliation and inter-ethnic tolerance in the greater Uasin Gishu and Trans Nzoia districts that were some of the epicenters of the 2007 post-election violence. This was designed to strengthen ACK Eldoret Region Christian Community Services' capacity to promote inter-ethnic tolerance and conflict transformation in the greater Uasin Gishu and Trans Nzoia districts. Through this project, ACK hold series of district level and thematic workshops and seminars aimed at identifying problems and concerns affecting the target districts; perspectives and expressions about local and national conflict; understanding of peace, inter-cultural and ethnic relationships, and community building initiatives; to recommend strategies, procedures and methods that strengthen CCS' work.

Catholic Relief Services

Catholic Relief Services has been providing services to the people of Kenya since the early 1960s, addressing the major causes of poverty including drought, floods, disease and injustice. Together with the Kenya Ecumenical Commission, National Council of Churches of Kenya and the Inter-Religious Foundation, CRS aims to strengthen foundations for peaceful coexistence of displaced and host populations in the Rift Valley Province[116]. CRS therefore undertake to strengthen the peace building and reconciliation structures in the Rift valley Province and facilitate accessibility to reliable information in the affected areas.

The caucus for women's leadership

The Caucus for Women's Leadership's goal is to promote women's contribution in fostering a culture of peace and non- violent means of conflict resolution. Through the KCSSP grant, they

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[116] National council of churches of Kenya monitoring report 2008 available at http/www.nationalcouncilchurch

aim to enhance conflict resolution skills for Women Regional Assembly leaders, build a strong foundation of community support to prevent violence and prepare women for participation in the Truth, Justice and Reconciliation Commission through Inception workshops, Capacity building trainings, Inter-community Peace Forums and preparing women for participation in the TJRC.

Centre for conflict resolution

The Center for Conflict Resolution's core activities are mainly in the areas of conflict prevention, management, resolution and peace building. Through this program, CCR promotes respect for the observance of human rights, empower local communities with skills and knowledge on peace building, advocate for policy reforms that will ensure sustainable peace in the target areas and empower communities in the project target areas to effectively contribute towards the on-going reforms.

Coalition for peace in Africa (COPA)

COPA offers continual practical support to people and organizations on the ground faced with volatile and potentially violent conflict situations. COPA incorporate trauma management in peace building efforts by strengthening the capacity of local organizations in Kenya in trauma management in peace building efforts and support local community efforts at trauma recovery through dialogue[117].

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[117] http://www.beyondintastability.orgn /essay/trauma/healing/20th July 2010

Ilishe trust

Ilishe creates harmony between Coastal and up country people living in Mombasa and Kwale by establishing on strengthening peace structures in the two districts, promoting inter-ethnic dialogue on issues that caused the post–election violence and education the communities on the Truth Justice and Reconciliation Commission processes and empower them with skills to make informed contributions during the TJRC

National Council of Churches of Kenya

NCCK facilitates initiatives that contribute to national healing and reconciliation in Kenya by reducing polarization of communities that was brought about by the post-election violence and instead foster healing and trust.

Their projects enhance the work of NCCK's national taskforce to develop common national values on healing and reconciliation which is guiding the Council's interventions in relation to ethnicity, truth, justice and reconciliation. NCCK's intervention will therefore focus on facilitating debate dialogue on ethnicity, truth, justice and reconciliation; and also lobby for the enactment and implementation of the National Ethnic and Race Relations Bill; the Truth, Justice and Reconciliation Commission Bill; and the National Peace Building and Conflict Management policy.

Peace -net Trust

Peace-Net Trust is committed to encourage collaboration, facilitation and mobilization of local initiatives for peace building, promotion of justice and conflict resolution. Peace-Net aims to strengthen on-going dialogue and reconciliation of national and community efforts through

mapping and information sharing and promoting dialogue and reconciliation in 22 epicenters of the post election violence[118]. This will result in up to date and verified information on all leadership and reconciliatory initiatives in affected communities, ensure that capacity of communities to organize peace and reconciliation processes is recognized by all actors, and that all lessons learnt about the current crisis are captured to be used for influencing the content and adoption of the Draft Peace Building and Conflict Management Policy.

3.7 International communities

To date there have been no conflict resolution initiatives from international sponsors, largely because Kenyan conflicts tend to be regarded as internal affairs which are relatively insignificant in comparison to conflicts in nearby countries. The elections of 1992 and 1997 were criticized by political groups inside Kenya but international monitors judged them relatively free and fair. The government denied any involvement in the conflicts which makes it hard to identify the conflicting parties and to bring them to the negotiating table. Kenya's various conflicts have aroused little attention in the foreign media. The Rift Valley has been practically closed to foreign journalists in the belief that international intervention in domestic conflicts is directly linked to the amount of media coverage they receive. The North-Eastern Province is remote from the capital, and for unaccompanied UN-officials, other aid-workers and travelers it is a no-go area. What little public awareness exists of the conflicts in Kenya, has been generated largely by Amnesty International, Human Rights Watch and African Rights.

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[118] Ervin Staub and Laurie Ann Dearman 2002 creating paths to healing para.4

At present, government policies benefit certain ethnic groups and discriminate against others and the government does not do enough to solve conflicts. Foreign organizations have emphasized that economic reform and political democratization are the most important means of ending corruption and improving standards of government. Any deterioration or improvement of the situation in Sudan, Ethiopia, Eritrea, Uganda, Somalia or the Great Lake Region has an immediate impact on Kenya. Recognizing this sensitivity, Action Aid has set up an information centre in Nairobi to monitor political events and conflicts in eastern and central Africa. In 1996, it organized an international conference in Nairobi on the crisis in the Great Lakes region. Action Aid supports the basic needs and rights of the poor, in particular pastoralist and squatter communities. Its projects are intended to improve pastoralist's and squatter's access to services, and it lobbies government and others to change policies and practices that affect their lives. Several organizations which focus on conflict resolution in regions of Africa or parts of the continent are based in Nairobi, Kenya.

3.8 Conclusion

Efforts to prevent and mitigate violent conflicts involving different communities of Kenya need to address each of the factors contributing to conflict as outlined above. The development of effective actions to tackle each cause of conflict is difficult because these problems are rooted in the people's cultures. However, serious attempts to address these problems can contribute immensely to conflict resolution if they are recognized as such by the communities involved.

A good start could be made by taking measures directly aimed at conflict prevention such as developing mediation and conflict prevention capacities of the communities involved and

establishing projects in support of marginalized groups to strategically invest in awareness raising early warning for early action training and indigenous peace building processes[119].

Displaced groups must be rehabilitated and re-oriented into mainstream society by aiding them with alternative livelihoods for example, promotion of eco-tourism, small-scale business enterprise, basketry and provision of social amenities such as schools, health facilities and water. Reconciliation requires that victims and perpetrators come to accept the past and not see it as defining the future as simply a continuation of the past, and that they come to see the humanity of one another accept each other and see the possibility of constructive relationship[120]. Primary responsibility for developing and implementing the programmes and measures outlined above must rest with the Kenyan government, local, national and international stakeholders.

International community also has a responsibility to do what it can to assist manage the problem of insecurity, conflicts and the ensuing displacements. There are many windows and entry points to reduce the pressures generating conflict and to promote sustainable prevention and enhancement of the pastoralists' communities' resilience.

[119] D James 1994, "Ethnic war a commitment problem (paper presented at the annual meeting of the American political Science Association) New York. Para 6
[120] http/www.tokyofoundation.orgn/en/series/sylff/kenya2019s-post-election-violence on July 9, 2008

CHAPTER FOUR

4.0. ANALYSIS OF HEALING AND RECONCILIATION PROCESSES IN KENYA

4.1. Introduction

This chapter analyses and critique the data collected in the field of study. The study aimed at examining Kenya government commitment to the implementation of National Healing and Reconciliation Accord and specifically, agenda item NO. 2. That is, taking immediate measures to address the humanitarian crisis and promote healing and reconciliation. The study employed both quantitative and qualitative methods of enquiry to collect relevant data from the internally displaced persons, government officials, civil society actors and other stakeholders involved in the post conflict healing and reconciliation processes.

In order to get broader views of post conflict healing and reconciliation processes in Kenya and 2007 election violence in particular, the study first reviewed published and unpublished documents on post conflict healing and reconciliation processes in Kenya. The documents reviewed included published materials on post conflict processes; documents on conflict resolutions, peace building and transformation among others. Documents reviewed also included published materials and reports generated by the government, civil society, the United Nations agencies, the Kenya Red cross, International Non-Governmental Organizations and the media. Primary methods included interviews with various respondents. The survey conducted gathered perceptions and opinions on the state of implementation of the agenda item No.2 of the national accord.

The study also held interviews with key informants which included representatives from the provincial administration, special program me co-coordinators', religious leaders and IDPs representatives. The study also conducted a survey in the areas worst affected with violence. A total of 50 respondents were subjected to a structured questionnaire which was administered by the researcher. Among the survey respondents, purposeful sampling was used to select the respondents from among the internally displaced persons living in the IDP's camps. The study also held a focus group discussion, where selected members of the communities discussed the issues that arose during key informant interviews and in the survey. Finally the data collected from the field was then examined and compared carefully, and analyzed.

4.2. The extent to which peace and stability has been restored

The first objective of this study was to examine the extent to which peace and stability has been restored between communities in areas worst affected by conflict in Kenya. In examining the above, key informants and focus group participants were asked to list the root causes of the conflict that took place in the country. They were also asked questions on their perception and opinion towards national healing and reconciliation in restoring peace and stability. The purpose of the study was to establish the level (extent) to which the following factors have been addressed towards achievement of peace and stability in Kenya with reference to Agenda two of the national peace accord. The goal of the national accord is the achievement of sustainable peace, stability and justice in Kenya through the rule of law and respect for human needs. The key indicators to be tracked in the study include addressing the humanitarian crisis; that is resettlement program me for IDP's and the nature of humanitarian assistance. The other indicator is promoting healing and reconciliation where actions to promote healing and reconciliation will

be examined.   The chapter will therefore present the analysis of data interpretation and discussion of the findings generated from this study. The methods used are both descriptive and qualitative. The instrument of data collection was questionnaire, interview schedule and focus group as earlier stated. The responses from respondents were presented qualitatively using frequencies that were converted into tables, graphs and charts.

The questionnaire response was good by achieving 100% of the targeted samples of the 50 internally displaced persons who received questionnaire. While 100% respondents for focus group and interview schedule was realized.

4.3. Background on Post Election Violence

Table 1.0   IDPS gender ratio

Gender	Frequency	%
Male	25	41.6
Female	35	58.4
Total	60	100%

The gender distribution was quite representative of 41.6% for male and 58.4% for female.   The lower male ratio was as a result of men going out of the camp to look for casual labour to feed their families. However, it was anticipated that gender aspect would not affect the responses in regards to the study. The study revealed that post election violence affected all gender and all ages of people in the communities involved in the conflict.

Table 1.1 Different occupations among IDPs

Occupation	Frequency	%
Farmers	35	70
Civil servants	4	8
Self employed	8	16
Squatters	5	6
Total	50	100

The study shows that a majority of IDPs were farmers rated at 70% while self employment in other ventures besides farming rated at 16%.

Table 1.2 various reasons for vacating homes

Reason	Frequency	Percentage
Death threatening leaflets	50	100
Actual fatal attacks of tribes man and relatives	50	100
My community members properties burnt down	50	100
Followed others to safety of DPS camp	50	100

There was spontaneous movement out of settlement for one or all the reasons given represented by 100%

Table 1.3: When the civil anarchy took place

Duration	Frequencies	%
A few days before 2007 election	20	40
On announcement of president results	25	50
Total	50	100

Main eruption of violence took place on the announcement of presidential results represented by 50% while 40% indicate violence started a few days before election the same a few days after election represented by 10%.

Table 1.4: Real causes of the conflicts

Reason/cause	Frequencies	Percentage
Social and economic inequalities	40	80
Historical and injustice	10	20
Political initiation	50	100
Tribal intolerance	70	20
Any other	20	40

All of respondent confirmed that political incitation caused the violent conflict. 80% of respondents also indicated that allegation of social economic inequalities caused the conflict. Only 20% were aware of some historical injustices that could have contributed to the violent conflict. Not many attached tribal intolerance as major cause of violence represented by 20%. While 40% believed that they were other hidden reasons beside the ones indicated that they were not really aware of.

Table 1.5 Shared facilities and practices among all tribes.
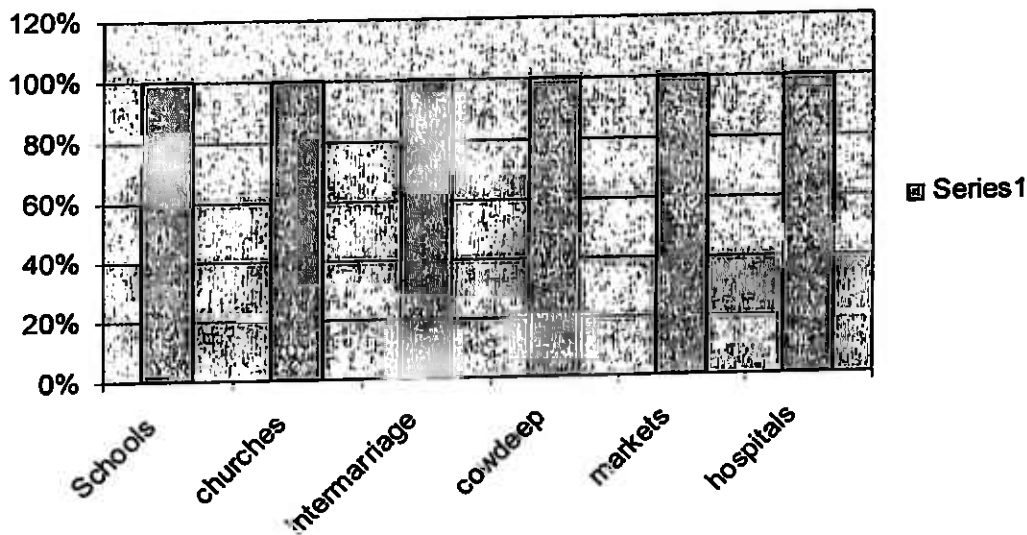
The study revealed that all respondents agreed that all those facilities were commonly shared by all communities indiscriminately.

4.4 Immediate Response to the IDP'S Crisis

Table 2.0 Order of priorities of interventions provided by shareholders after the rapture of 2007 violence

Interventions	On time	Percentage	Aftertime	Percentage
Government security	10		40	
Government disaster management team	12		38	
Peace and recommendation meetings	23		27	
The church assistance	40		10	
NGOs humanitarian assistance	35		15	
Government humanitarian assistance	22		28	
Resettlement initiative by government	10		40	
Arresting and persecution of perpetuators of violence	28		42	
Individual and corporate bodies humanitarian assistance	8		42	
International governments	8		42	

The table indicate that the churches the NGOs are the two shareholders who brought in the most needed interventions on time represented by average of 38% . While the government failed to deliver the most need basic requirements for the IDPS on time represented by 20% most of the needed services came after expected time indicated by 64%.The findings of the study therefore shows that the government was slow in its response to the IDPs crisis.

Individuals, NGOs and Faith based organizations responded faster to the IDPs plight. They also highlighted the condition of the IDPs to the international community and other actors.

Table 2.1 Chances of reoccurrence of 2008 civil strife in 2012

Event 2007 violence	Frequencies	Percentage
Occurrence	27	54%
No occurrence	23	46%
TOTAL	50	100

The possibility of reoccurrence of the like of 2008 violence seems to be reasonably high indicated by 46%.This is an indication that still remained in the communities.

The researcher asked questions to assess government commitment in resettling the IDPs and visible evidence was looked into.

4.5 Resettlement Programs for IDP

In trying to establish government effort in implementing agenda 2, specifically resettling the IDPs respondents were asked to give opinion on what the government had provided as a measure of resettling them.

Table 2.2 Physical evidence of government initiative to resettle the IDPs

Effort evidence	Frequencies	Percentages
Yes	18	36
No	32	64
Total	50	100

64% of IDPs said there was no visible evidence of government initiative to resettle them. This was found to be true because most IDPs are still in the temporary camps where they lack the basic service.

The researcher went further to ask questions with a view to establish the effort put to promote healing and reconciliation processes in Kenya. Respondents were asked to comment on reconciliation meeting attended and to state the composition of the organizers of the said meetings. They gave the following responses. There is not much evidence of the government seriousness in resettling the IDPs as indicated by 64%

Table 2.3 Government provision of shelter to farm returns

Provision of shelter	Frequency	Percentages
Yes	11	22
No	30	60
To just a few	9	18

The table indicates majority disagree that the government has undertaken its obligation of providing shelter to IDPS who have returned to their homes indicated by 60%.

4.6 Programs to promote healing and reconciliation.

Table 2.4 Number of reconciliation meetings attended between the warring tribes in the last 2 years

Meetings	Frequencies	Percentages
Less than three	22	44%
More than 4	28	56%
None	0	
Total	50	100%

The table indicates that within the two years majority agreed that more than four meetings had taken place as indicated by 56%. The meetings were organized and coordinated by the Ministry Of Special Programs, Ministry Of Justice And National Cohesion, and FBO, NGOs, TJRC and religious organizations. However, the meeting lacked community ownership since they were not involved in the organization.

Table 2.5 Composition of the reconciliation meetings

Presentation	Yes	Percentage	No	Percentage
NGOS	50	100	-	0
Both Warring parties	35	70	15	30
Provincial; administration	45	90	5	10
National cohesion and integration commission	39	78	11	22
TJRC	18	36	32	64
Individual personalities			50	100
Local churches	50	100	-	0

The NGOs and local churches have fully participated in the exercise indicated by 100% while the government represented by provincial administration and NCIC have participated 90% and 78% respectively. The warring communities have often not been involved as indicated by 30% of the respondents.

4.7 Assessment of the role of TJRC in healing and reconciliation.

TJRC was established by the Truth, Justice and Reconciliation Act of 2008, TJRC is a step towards ensuring accountability for past human rights violations and guaranteeing that victims of those violations know the truth, obtain justice and are provided with full reparation. Many believe that the route to a stable future for Kenya lies in confession, forgiveness, restitution and ultimately reconciliation mediated through an impartial arbitration mechanism such as the TJRC .Remembering and telling events are prerequisites both for the restoration of the social order and for the healing and reconciliation of social order and for the healing and reconciliation process of individual victims. Thus a majority of the respondents believe that TJRC can provide healing and reconciliation. However, the commission faces the challenge from the civil society on the procedure of appointment of commissioners and the fulfillment of its mandate. The commission is still maturing in providing Healing and reconciliation in the country. The commitment of the government to promote healing and reconciliation through TJRC has not been evident yet. The leadership of TJRC raises questions as to whether the government is committed to promoting reconciliation in the country. The chairman is entangled in the Kenyan conflict and cannot free himself from the conflicts. The government has remained adamant to calls for his resignation which is clear evidence that the government is not committed to the process of healing and reconciliation in the country.

Figure 1.0 IDPs perception of TJRC ability to promote healing and reconciliation in the country.
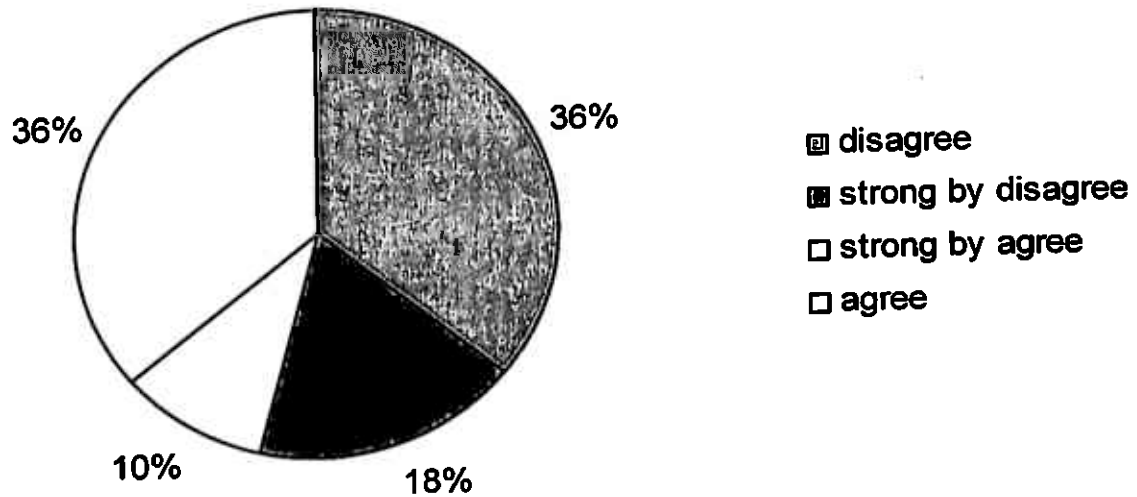
The findings of the study shows that majority were not sure if TJRC could promote healing and reconciliation. Majority of the respondents pointed out the need for a TJRC that was transparent and that would be objective in its deliberations. For example, the chairman of the commission was criticized for being part and parcel of Kenyan conflict since he was in the government of the regimes that violated human rights resulting to conflicts.

Table 3.0 Prospects of the new constitution in preventing future conflict

Responses	Frequencies	%
VALID YES	21	42%
NO	17	34
NOT SURE	12	24

Still 24% of the IDPs doubt whether the new constitution will guarantee non-occurrence of ethnic conflict though majority were positive about the new constitution dispensation as indicated by 42% . They hoped the new constitution would strengthen nationhood and reconciliation. It would help to promote equity through devolved funds to the counties and would reduce tension among communities. The creation of several political posts in the National Assembly, the Senate and counties would ensure wider political representation and bring checks and balances on the executive which had promoted patronage .The bill of rights would ensure citizens would enjoy wider freedoms in the country and internationally. This would enhance Kenya's global relations.

Table 3.1 Ability of government ability to contain violence
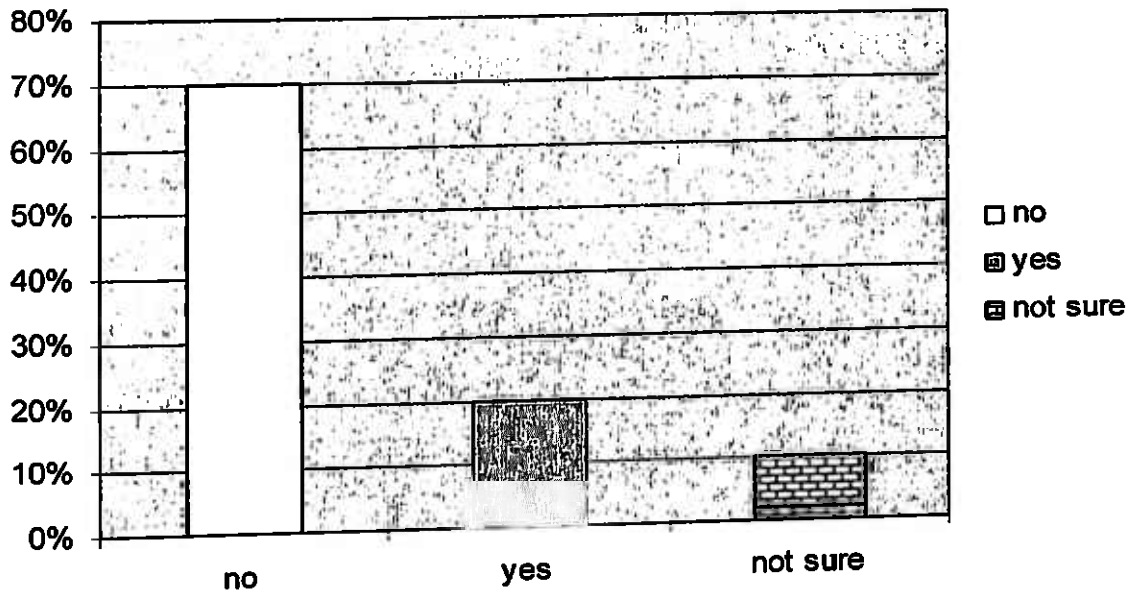
In the issue of government ability to contain violence without international community, majority agree that the government could not have handled the conflict as indicated by 70%. The government would not have managed to end the crisis without international community. The country needed a mediator because the two conflicting parties had reached both stalemate and deadlock. His Excellency Kofi Annan used shuttle diplomacy at some point. The mediation also took place at the ripe moment.

Table 3.2 NCIC, ability in addressing socio – economic factors that fuelled ethnic animosity.

Respondents	Frequencies	Percentage
Yes	17	34
No	23	46
Not save	10	10
	50	100

46% of the respondents did not have faith in the ability of National Cohesion and Integration Commission in addressing the post election violence.

4.8. Major Causes of Post Election Violence

Table 4.0.Reasons for unemployed youth mayhem in 2008 ethnic violence

Reasons for taking up arms	Frequencies	Percentage
Lack of jobs	12	24
Lack of education	17	34
Moral decadence	18	36
Given cash handout	40	80
Promised free land occupied by perceived aliens	42	84
Promised jobs	43	86

The table indicates three major incentives for the youth to cause mayhem were as cash given , promise of Freeland and jobs as indicated by 40% , 42%, 43% respectively. Most of the respondents said lack of employment and other resource base such as land had led to frustrations. There was perceived community marginalization in power politics and allocation of resources which fuelled the conflict. They also reported that the indigenous community in Rift Valley felt threatened by NARC government which had sacked some Kalenjin , members from top government seats. Therefore, there was fear of continued sacking of top community officials in government and continued marginalization.

4.9. Government Effort in Providing Humanitarian assistance to the IDPs

One indicator of government commitment to the implementation of the national accord is assessing the effort made in providing humanitarian assistance with reference to the nature of the assistance. The respondents were asked questions that could assist the researcher obtain information.

Table 5.0 Government provisions for the victims of violence

Needs	Yes	Percentages	No	Percentages
Free children education	16	32	34	68
Free medical care	21	42	29	58
Waver for outstanding loans	4	8	46	92
Compensation of business community	0	0	50	100

The indication is that children lost a lot in education as indicated by 68%. IDPs have to pay for their medical bills while very little waiver of loans of 8% was given. There was no compensation of burnt houses and businesses as indicated by 100%.

4.10 Government commitment in Addressing Agenda 2 of the National Accord

Figure 2 Government commitments in prosecuting the perpetrators of Post Election Violence
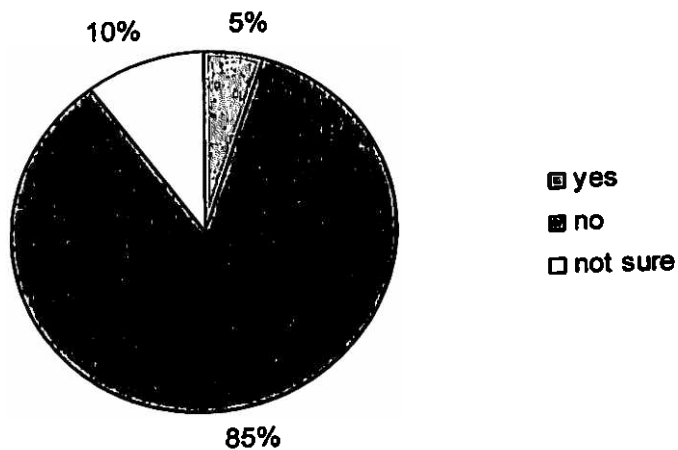
The figure indicates majority disagree that the government is committed to prosecuting perpetuators of post election violence and bring justice to IDPs as indicated by 85%. The humanitarian assistance provided was not well coordinated by various actors. There were allegations of corruption by the provincial administration that were charged with the coordination of the humanitarian assistance. The IDPs continue to languish in poverty and to live in deplorable condition.

The researcher also asked questions to find out the feelings of the IDPs towards the perpetrators of the conflict. This was geared towards establishing whether real healing had taken place.

Table 6.0 Victim's attitude towards perpetrators and executors of post election violence

Frequencies

Victims attitude	Yes	Percentage
Forgive and forget	10	20
Forgive and never forget	32	64
Never forgive never forget	8	16
	50	100%

The majority IDP s agree to forgive but never to forget as indicated by 68%.This is mainly because healing and reconciliation is often more difficult to deal with, because frequently the perpetrators still live in close proximity to the victims, thereby providing constant reminders of the past, as well as the threat of further incidents.

4.11. Challenges in the implementation of the National Peace Accord

The researcher asked questions on challenges faced in the implementation of the peace accord. 80% of the respondents said lack of job description between the two principals made it difficult to implement. Lack of cohesiveness in the coalition government was another challenge. There were other challenges which include mistrust and suspicion which delay implementation processes. The issue of ethnicity is live among the communities. All programmes and appointment to senior positions are based on ethnic ground which create tension and become potential of conflict.

CHAPTER FIVE

5.0. SUMMARY, CONCLUSIONS AND POLICY RECOMMENDATIONS

5.1. Introduction

This chapter shall consist mainly of summary, conclusions, recommendations and then lastly issues for further research. In our conclusions, we shall state our final findings namely, whether the hypothesis of the study have been confirmed or not. Our policy recommendations shall target not only Kenya but also the international community at large

5.2. Summary

The study interviewed a total of 60 respondents. These were drawn from the civil society, faith based organizations, government officials and internally displaced persons from Eldoret town and its environs. Of the 60 respondents interviewed in the study 35 were female and 25 were male. The larger number of female was explained as relating to their gender role in the society where they were left in the IDP camps to look after the families while the female went out to look for casual labour.

In chapter one of this study, we stated that we intend to examine the extent of government commitment to the implementation of national peace accord and specifically agenda item two Drawing from the human needs theory to conflict resolution which we had chosen as our theoretical tool of analysis, we hypothesized that the higher the level of government commitment in addressing the humanitarian crisis of the IDPs and promoting healing and reconciliation ,the higher the level of achievement of peace and stability in the country and vice versa. Our choice of the human needs theory and the post conflict healing and reconciliation

processes in Kenya was particularly significant in that, the human needs would serve to explain the urgent need to address the humanitarian crisis as expressed in the National Accord. In our methodology in chapter one, we also stated that this study would depend on both secondary sources of information and primary documentary data. We further stated that our method of analysis would mainly be qualitative as opposed to quantitative.

In chapter two, we looked at the historical context of post-conflict healing and reconciliation processes in Africa. The main intention of the chapter was to throw some light on the causes of conflicts and subsequent role of Truth, Justice and Reconciliation Commission as a form of healing and reconciliation processes to restore peace and stability. Our observation in chapter two was that inter-state armed conflicts are increasingly ended by negotiated peace settlements and the role of regional governments and international community in the implementation process is critical. For example, in December 1995, the Dayton Agreements ended the war in Bosnia and Herzegovina and established a fragile peace between the former conflicting parties' .South Africa's facilitation of intra-Congolese dialogue led to the signing of the Sun City agreement in December 2002, which resulted to a referendum on the Democratic Republic of Congo's new constitution in December 2005 approved by 84 percent of the population.

In chapter three we looked at post –conflict healing and reconciliation processes in Kenya. The study revealed that the British colonialist alienated African land and formed the root of the structural land and poverty problem in Kenya today. African land owners were internally displaced. The colonial borders also prepared ground for future conflicts as some communities were cut across into different countries. It was further observed that the three post-independent

regimes have in the last four decades perpetuated the colonial legacy and even aggravated the injustices committed to the people .The post independence state has been involved in gross human rights violations and patronage within the presidency has perpetuated more inequality to the country resulting to structural conflict. The study further revealed that conflicts in Kenya are resource based and the underlying factors have been inequitable distribution of resources. Kenya ethnic groups' remains bitter riffles competing for the scarce resources which are a potential of violent conflict. Our observation was that truth, justice and reconciliation commissions was critical in the process of healing and reconciliation because healing prevent future violence and facilitate reconciliation among the communities involved in the conflict. It was also evident that healing and reconciliation requires political leadership and commitment for proper implementation of peace programme.

It is in the light of the above background that we set out in chapter four to examine the extent to which the Kenyan government is committed to implementing the National Accord and specifically addressing the humanitarian needs of the IDPs .Our observation was that National and international response to the post conflict violence have been spontaneous and un-coordinated. There have also been inadequate resources and a clear policy and institutional framework that hinder efforts to address the humanitarian crisis. The major challenge has been low community participation in peace building activities due to use of provincial administration and the perception among the local ethnic communities that such activities are designed to benefit only the displaced communities.

This chapter also revealed that victims of violence often feel humiliated, vulnerable, and helpless and that their lives are out of control. These conditions generate feeling of frustration and revenge that can produce a cycle of violence .Therefore. there is need to promote post conflict stability and development and increase conflict management capacity ,tools and intellectual capital worldwide.

5.3. CONCLUSIONS

The historical injustices during the colonial times, Kenyatta's, Moi's and Kibaki's, administration created tension among communities and has continued to pose a threat of inter-state conflicts especially in the electioneering period. Conflicts in Kenya are resource based and there cannot be development without sustainable peace and any meaningful peace processes. The government should address the resource based needs and political will is critical. Kenya has shown little commitment on improving institutions to ensure state capacity. This calls for long term solutions such as a comprehensive community recovery strategy encompassing ecology economy, social equity and balanced development, security, national building policies and a holistic approach to peace and development. The Kenya National dialogue and reconciliation accord mediated by his Excellency Kofi Annan presented the national structure of peace. At the local levels, structures are important and should be reflective of the future in order to ensure sustainable healing and reconciliation. Lack of cohesion in the government and challenges of the justice and sustainable peace by O.D.M and P.N.U are embedded in principality. The PNU push for retributive justice while the ODM advocate for restorative justice. There is need for a common path that should address economic, criminal, social, cultural and political justice to promote healing and reconciliation and restore peace and stability

The study revealed that government intervention in addressing the humanitarian crisis has been slow, spontaneous, and un-coordinated and lack structures and consistency in resetting the IDPs and addressing immediate humanitarian needs. Lack of decisiveness by the government on solutions to root causes of the violence leaves a blurred non clear future for peace and stability. There is need for the government to be decisive and intervene to address the root causes of the IDP situation. International community, the national and local NGOs, faith based organizations and other and other actors intervention on the IDP issues have also been inconsistent and haphazard .Furthermore ,the importance of IDPs situation appears to be diminishing as a national and international issue and priority. That means, national and international responses to post conflict situation have been uncoordinated resulting to lack of sustainable solutions. National dialogue and reconciliation amongst communities needs to remain a critical pillar in all efforts to reconcile communities and in seeking non –violent approaches to dispute resolution. Traditional conflict resolution mechanisms which have been eroded in the past should be strengthened.

The Kenya National Dialogue and Reconciliation Act on 28 February, 2008 ended most violence and called for establishment of National Cohesion and Integration Commission TJRC, CIPEV and other programmes were initiated. The Ministry of programmes and the Ministry of Justice and National Cohesion and Integration were also started. The findings of this study shows. So far that the initiatives to promote healing and Reconciliation do not address the core causes of conflict and division among communities thus not addressing durable long-term solutions to avert future violence. It was further established that commissions set to solve land issues such as Akiwumi and Ndungu Reports were not fully implemented. Political will is critical is critical in the implementation of healing and reconciliation process. The recent

GEMA, KAMATUSA and KKK revitalization, the ethnic media & TV stations, community militia groups, and community business associations are alive for perceived protection, political and economic dominance. Economic and political vulnerability, the poor has aggravated the conflict situation even more and pose a threat to peace and stability. The fragile coalition government, biased application of the rule of law, non- inclusive compensation policy, exclusion n development projects, unequal government opportunities and elections polarized along ethnic orientations or agendas tend to threaten peace and stability. The study found that police and provincial administration were adversely mentioned in the conflicts for failing to take action and instead fuelling tribal animosity. With the promulgation of the new constitution and implementation, it is expected that reforms in the police force will restore their credibility.

To foster National healing and Reconciliation process there is need for support and intervention by the International Government partners, International NGOs, National NGOs, United Nations and Local initiatives to support Government efforts in the National healing, reconciliation and peace building process. Implementation of the new constitution is a step towards healing and reconciliation. The threat to peace comes from many dimensions: economic, political, social, cultural and environmental. Economic stability is an essential requirement in order to build peace within a society. The uneven distribution of benefits: economic growth, modernization and employment have resulted in an increased in an increased gap between members of society. Peace cannot be maintained if there is injustice and disparity in the society. States should promote the values of democracy that provide empowerment to the people, the ability to influence policy, protect human rights and most importantly hold the government accountable. Promotion of democracy prevents conflicts, strengthens governance improves the rule of law and

creates stability. Peace can only be attained if each nation has an interest in maintaining peace and security. Nations must cooperate in order to attain global equity. This cooperation must come in terms of economic, social, and political change and the promotion of peace at national, regional and global levels.

The hypotheses of the study were tested to be true. The findings of the study revealed that the lower the level of government commitment in addressing the humanitarian crises of the internally displaced persons, and promoting healing and reconciliation, the lower the level of achievement of peace and stability in the country. And the higher the level of government commitment in addressing the humanitarian crises of the internally displaced persons, and promoting healing and reconciliation, the higher the level of achievement of peace and stability in the country. The study revealed that communities involved in the post election conflicts had not healed from past experiences and continued to live in fear. Post conflict peace accords negotiated by the government and international actors have succeeded or failed depending on the commitment of the actors in the implementation of the accord. The government commitment in the implementation of the national healing and reconciliation accord in order to restore peace and stability has not been visible as IDPs continue to live in informal camps without access to basic service. Addressing the humanitarian crises and resettling the IDPs has not been achieved which is a potential ground for future conflict. The respondents felt that the government was not committed to implementing the national accord and the establishment of a Truth, Justice and Reconciliation Commission to promote healing and reconciliation was yet to make progress in achieving its mandate. To attain sustainable peace and stability the government should address the structures that lead to social, economic, political and environmental injustices in the society

110

5.4 RECOMMENDATIONS

We shall in this study advance only policy guidelines and not attempt to give any final prescription to Africa's problem of conflict. The focus will be mainly on pointing out some weaknesses in past national, regional and international policies which, if taken into account by policy makers may contribute to more viable policies. Such policy guidelines will, of necessity include the major contributing factors to conflict in Africa. It is our belief that as policy makers become increasing aware of such root causes, they will formulate national, regional and international policies which have more bias towards eradication of such causes for achievement of sustainable peace and stability.

The study revealed that historical land injustice and unequal distribution of social, cultural, economic and political issues should be addressed. It is recommended that there is need to establish structures and formulate policy guidelines to allocate resources equitably. The government should fast track resettlement of IDPs. There is lack of community ownership of emerging and on-going interventions that pose a challenge in the implementation of government programs. It is recommended that there is need for dialogue initiatives at the grass root level before real resettlement and reconstruction is undertaken. The government together with actors should first track the structures for community reconciliation. The process should ensure direct community, IDP and stakeholder involvement. The community ownership of interventions will ensure truth, justice and real reconciliation is sustainable. The IDP's in the country particularly in Rift valley continue to live in temporary shelters in informal camps without access to basic service and face new problems. Most IDP's are unwilling and would never return to their farms without realistic political intervention. It is recommended that a national policy on IDP's be

developed to enable assumption of responsibilities and provide guidelines to government authorities' at various levels. It will also enable easy coordination of humanitarian assistance and reconciliation without duplication of efforts with various actors. There is also need for sustainable humanitarian assistance and protection of all categories of IDP's. Deliberate programs targeting youth and women should be developed to extend credit facilities and capacity building as a recovery strategy hence attainment of sustainable peace. Unemployment among the youth result to frustrations thus need for deliberate government intervention to engage the Kenyan youth in gainful economic activities.

The other recommendation is that the government should continue facilitating national cohesion and integration commission and TJRC to enhance national healing and reconciliation. TO promote healing and reconciliation, the government should work with CBO's, FBO's, NGO's, women, youth groups, IDP's and other stakeholders to facilitate peace building process. The ethnic based radio stations, television and gutter press fuelled the 2007, post election violence. They have no professionalism and should be regulated.

The findings of various commissions should be assessed and implemented. The truth, justice and reconciliation commission was mandated to recommend prosecution of suspected perpetrators and reparations for the victims. It is recommended that the government should be committed and support ICC to prosecute perpetrators of human rights abuse, both in government, the community and the IDP fraternity. All should face due process of the law without perceived impartiality. The government and the stakeholders should also develop a centralized information system where information flow is coordinated in top- down, bottom -up participatory process.

112

Conflicting information on the grassroots distort the peace process leading to delayed healing, un coordinated information flow is detrimental to peace process.

The government should demonstrate its commitment to restore peace and stability by implementing recommendations made by the commissions of inquiry and also hasten implementation of agenda item no. 2 of the national peace accord. Implementing all phases of the accord would address the root causes of the violent and foster sustainable peace process. One root cause of post election violence lies in the state incapacity. The nation building programme has been slow falling prey to negative ethnicity perpetuated by the elite's politicians who play the ethnic card to woo voters. It is recommended that a national policy on nationhood and integration should be formulated to emphasize on our strengths in diversity rather than treat differences as weaknesses. Peace is not absence of war. We cannot have positive peace while social, culture, economic and political injustices prevail in the country. It is therefore recommended that the government should fully implement agenda item no. 2 of the national peace accord. That is addressing the humanitarian crisis, resettle the IDP's and come up with programmes and structures that promote healing and reconciliation process. Based on the findings of the study, infrastructure, underdevelopment, lack of integration, unemployment, historical injustices and biased applications of the rule of law formed part of the root causes of the conflict situation in Kenya. It is recommended that a comprehensive and sustainable policy and framework should be set up for sustainable peace and stability.

The other recommendation is that the coalition government should not be a preferred solution in future. The existing fragile coalition government threatens national cohesion and stability in the country which is a potential of conflicts. Cases of historical land injustices should be addressed to reduce tension. The positive aspects of the Kenyan history and outside world such as man and civilization, civic education and industrial development should be given prominence instead of historical upheavals such as wars and revolution. The Kenya national dialogue and reconciliation Act on 28 February, 2008 ended most violence and called for establishment of National cohesion and integration Commission, TJRC, CIPEV and other programmes were initiated.

The ministry of special programmes and the ministry of justice and national cohesion and integration were also started. The findings of this study shows so far that the initiatives to promote healing and reconciliation do not address the core causes of conflict and division among communities thus not addressing durable long term solutions to avert future violence. It was further established that commissions set to solve land issues such as Akiwumi and Ndungu reports were not fully implemented, political will is critical in the implementation of healing and reconciliation process. Capacity building and training of teachers, Board of Governors and primary schools SMCs. In charge of Quality Education and Assessment in the district, Coordination of co-curriculum activities .Supervising effective implementation of the curriculum at all Education levels in the district.

The consequences of violence are particularly, damaging to civilian populations, displacing them within their own state, depriving them of security and stability, and preventing them from achieving self –fulfillment and self realization. The resulting insecurity and instability force

114

communities to turn to violence in defense of their right to survive. Thus need to understand and prevent the conditions that lead to conflict among communities in the country.

Education is a vehicle for transmitting information from one generation to another. The education system that seeks to integrate learners from different communities should be enhanced. The current system of admitting pupils to secondary education based on district quarter system should be scrapped and replaced with one that give pupil's opportunity to live, mix, interact and appreciate other communities' culture. In addition the system of admitting students in learning institutions should ensure students from various parts of the country are spread to all learning institutions across the country based on merit. The content taught in the history syllabus should be reviewed to give prominence to heroes of peace as opposed to heroes of wars. For education to play its fundamental role of promoting national unity, education managers at all levels should be deployed based on merit and not on ethnic and regional balancing.

Violence is a product of culture. Governments must promote a culture of peace and non-violence. The country must strive to build a culture which consists of values, attitudes and behaviors' that reject violence and attempt to prevent conflict by addressing the root causes with a view to solving problems through dialogue and negotiation between individuals, groups and nations.

5.5   Issues for further Research

This study has opened new areas of interest for further inquiries, especially in the area of the Truth, Justice and Reconciliation Commission in the healing and reconciliation process and conflict resolution not only in Kenya but also in the international community. One particular area of interest is the issue of ethnicity and its effect in the country's peace and stability. The study shows that post election violence was more of ethnic violence. Therefore, a study should be carried out on the effect of ethnicity especially the details required in the national identity cards. A comparative study should also be undertaken in the neighbouring countries such as Tanzania and Rwanda where the issue ethnicity is not present.

Another area for further research is on the procedures followed in the appointment of commissioners to various commissions' inquiry and other top positions. A study should be carried out on the credibility of the reports generated by the commissioners. The issue of land ownership remains a problem in the country. Thus a critical analysis of historical land in justice should be carried out. It would also be appropriate for the government to carry out an IDP survey in country to be able to categorize emerging scenarios of IDPs.

Finding stability and peace is the greatest collective challenge that mankind has ever faced. The creation of peace and stability is a long ongoing process that communities and nations must endeavor to achieve to promote a world of peace. Thus need for world governments to invest in researches whose findings would inform to promote peace and stability.

APPENDIX 1; INTERNALLY DISPLACED PERSONS QUESTIONNAIRE

Kindly respond to this questionnaire as truthfully and objectively as possible. The responses will be treated confidentially and will only be used for academic purposes.

PART A: BACKGROUND INFORMATION

GENDER   MALE [ ]   FEMALE [ ]

AGE (YEARS)   < 30 [ ]   30 – 40 [ ]   40 -50 [ ]   Above 50 [ ]

REGION OF THE RESPONDENT———————————————

OCCUPATION: Farmer   [ ]

Civil Servant   [ ]

Self employed [ ]

Religious Leader   [ ]

Squatter   [ ]

PART B: Tick in the box as the question requires

1. Which specific reason(s) made you move out of where you were staying before the conflict to the IDP camps? (Tick ones that applies)

- My community was being fatally attacked   [ ]

- There were threatening leaflets to members of my community [ ]

- My community's properties were being burnt down   [ ]

- I followed others to the IDP camp   [ ]

2. Was the civil strife gradual or spontaneous after the announcement of 2007 Presidential election results

    Gradual   [ ]

    Spontaneous   [ ]

3. What form did the conflict develop into? Tick appropriately.

    Violence   [ ]

    Non – Violence [ ]

4. In your opinion what could have caused the conflict (tick those that applies)

  Social and economic inequalities [ ]

    Historical land injustice   [ ]

    Political incitation   [ ]

    Tribal intolerance   [ ]

    Any other---

5. Which among the following facilities were shared by all the tribes in the entire community indiscriminately?

    Schools   [ ]

    Churches   [ ]

    Intermarriage [ ]

    Cow dips   [ ]

    Market   [ ]

    Hospitals   [ ]

6. Did you receive the following interventions to assist you after the rapture of the 2007 post-election violence? Tick in the box indicating the order in which the assistance reached you from the list below.

i)   the government security   [ ]

ii)   government disaster management team   [ ]

iii)   peace and reconciliation meetings   [ ]

iv)   the church assistance   [ ]

v)   peace and reconciliation meetings   [ ]

vi)   local, national and international NGOs humanitarian assistance [ ]

vii)   humanitarian assistance by government   [ ]

viii)   resettlement assistance by government   [ ]

ix)   arresting and prosecuting of perpetrators of violence   [ ]

x)   individuals and corporate bodies   [ ]

7. Are you satisfied that the reoccurrence of 2008 tribal conflict is unlikely to occur in future?

        Yes [ ]   No [ ]

If Yes or No comment _____

8. Is the government support to assist resettlement of IDPs evidently visible?

        Yes [ ]   No [ ]

9. How many healing and reconciliation meetings have you attended in the last two years?

        None [ ]   Less than three times [ ]

        More than four times [ ]

10. Who among the following was in-corporate in the healing and reconciliation meetings? Tick

appropriately.

        NGOs   [ ]

        Warring parties   [ ]

        Religious organizations   [ ]

        Provincial Administration   [ ]

        National Cohesion and Integration Commission [ ]

        TJRC   [ ]

        Individual personalities   [ ]

119

11. Do you have confidence in the TJRC's effort in the healing and reconciliation processes in the country?

YES [ ]   NO [ ]

If Yes or No comment _____

12. Does the new constitution sufficiently mitigate possibilities of reoccurrence of such conflict in future?

Yes [ ]   No [ ]

If Yes or No explain_____

13.   Do you think the government would still have managed to contain the conflict even without the international community intervention?

Yes [ ]   No [ ]

If Yes or No explain _____

14.   Do you think the national cohesion and integration commission has sufficiently addressed most of the socio-political factors that fueled the tribal animosity?

Yes [ ]   No [ ]

15.   The unemployed youth were used to cause the mayhem. Tick the options that might have lead them to these heinous acts.

i) Frustrations due to lack of jobs   [ ]

ii) Lack of education l   [ ]

iii) Moral decadence   [ ]

iv) Were given money to act   [ ]

v) Were promised free land after   they chase/kill the perceived enemies   [ ]

vi) Were promised jobs   [ ]

16. Has the government put up shelters for all those who have gone back to their settlements whose houses were burnt?

            Yes [ ]   No [ ]

17. Has the government provided the following to the victims of the post election violence?

   - Free children education   Yes [ ]   No [ ]

   - Free medical care   Yes [ ]   No [ ]

   - Waive of outstanding loans   Yes [ ]   No [ ]

   - Compensation for business community   YES [ ]   NO [ ]

18. In your view, is the government committed to prosecute the perpetrators of 2007 post-election violence and ensuring IDPs receive justice?

            Yes [ ]   No [ ]

If Yes or No explain _____

19. What is the victim attitude towards the perpetrators and executors of the post election violence? Tick appropriately

   - Forgive and forget   [ ]

   - Forgive and never forget   [ ]

   - Never forgive nor forget   [ ]

121

20. What are the challenges towards success of peace building and reconciliation among conflicting communities?

21. In your opinion what do you suggest should be done to promote peace and stability and avoid future conflicts in the country?

APPENDIX II: INTERVIEW SCHEDULE FOR NATIONAL COHESION AND INTEGRATION COMMISSION OFFICERS

Kindly respond to this interview as truthfully and objectively as possible. The responses will be treated confidentially and will only be used for academic purposes.

1. It's common knowledge that Kenyans tribe has been co-existing in peace and harmony. They have intermarried and enjoyed freedom of movement and ownership of property in any part of Kenya according to the constitution. What in your opinion was the role of the following influencing animosity?

    i. Corruption

    ii. Greed

    iii. Poverty

    iv. Inequality (social, cultural, economic and political)

    v. Historical injustice

2. How are you addressing each one of them as a way of creating national cohesion and integration of the 42 tribes in Kenya?

3. What measures have you put in place to enhance national cohesion and integration?

4. What has been your major challenge in achieving your objective?

5. What is the way forward?

APPENDIX III; MINISTRY OF SPECIAL PROGRAMME COORDINOTORS'

QUESTIONNAIRE

PART A: PERSONAL DATA

Area of Jurisdiction --

Officer's Professional Qualification

Diploma [ ] /Graduate [ ] / Masters [ ] /PHD [ ] In

Area of Specialization..

Age..

PART B: QUESTIONS ON GOVERNMENT INITIATIVES TO ADDRESS HUMANITARIAN CRISIS

1. I am professionally trained in ; [tick as applies to you]

   i.   Conflict management   [ ]

   ii.   Human rehabilitation   [ ]

   iii.   Psychology counseling   [ ]

   iv.   Peace-building initiatives   [ ]

   v.   Trauma healing and reconciliation [ ]

2. Was the government well prepared in handling 2007 post election violence?

   Yes [ ]   No [ ]   No exactly [ ]

3. Which group pioneered the IDP's immediate humanitarian needs?

[Tick appropriately]

   i.   The government   [ ]

   ii.   The international community [ ]

   iii.   Individuals   [ ]

         NGO's   [ ]

   iv.   Religious organizations   [ ]

4. Which other body supported the government interventions during the recent national crisis?

[Tick appropriately]

   i.   Religious organizations [ ]

   ii.   Local community [ ]

   iii.   Corporate bodies [ ]

   iv.   Individuals   [ ]

   v.   NGO's   [ ]

   vi.   Any other ---

5. What percentage of material support was allocated to each of the following in mitigating for the crisis?

BODIES	%
International communities	
National and international NGO's	
Religious organizations	
Local community	
Individuals	
Kenyan government	
Foreign government	

6. Did the government address the following humanitarian needs immediately after the post-election crisis? Indicate the item position on priority in the box.

i.   Establish temporary shelter   [ ]

ii.   Identifying appropriate camp site   [ ]

iii.   Establishing feeding programme   [ ]

iv.   Establishing health programme   [ ]

v.   Providing education opportunity to the displaced children.   [ ]

vi.   Providing security to home returnees   [ ]

vii.   Establishing funds to purchase of alternative settlement of IDP's [ ]

viii.   Providing materials or cash to assist rebuilding of burnt houses in the IDP's

        homes.   [ ]

ix.   Establishing compensation program for IDP's to enable them rekindle their

lives.   [ ]

7. Has the government initiatives been penetrated by corruption and diversion of funds from

original course? [ ]

8. Has the ministry of special programme fully mitigated the IDP's humanitarian needs?

    Yes [ ]   No [ ]

9. What has been the major challenge of this government obligation? [Tick appropriately]

    i.   Insufficient funds.   [ ]

    ii.   Lack of government commitment   [ ]

    iii.   Apprehension among the IDP's on their security   [ ]

    iv.   Lack of co-operation from various communities and stakeholders [ ]

APPENDIX IV: FOCUS GROUP DISCUSION

Consisting of the following members;

i.	Provincial administration	-	2
ii.	Leaders from IDP's camp	-	4
iii.	Members from special programme	-	2
iv.	Members from NGO's	-	2
v.	Civil society	-	2
vi.	Religious bodies	-	4

Items of discussion

i. What have been the causes of conflicts in Kenya since independence?

ii. What measures has the government put in place to facilitate healing and reconciliation processes in the country?

iii. Would you suggest other ways that could enhance healing and reconciliation for the achievement of sustainable peace and stability in the country and avoid conflicts in future.

iv. What challenges are faced by the country in the efforts to promote peace and stability?

v. In your view, what is the level of government commitment in addressing the humanitarian crisis, resettlement of the IDPs and prosecuting the perpetrators of the 2007 post- election violence?

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