



# OFFICE OF THE PRESIDENT

MINISTRY OF STATE FOR  
PROVINCIAL ADMINISTRATION AND  
INTERNAL SECURITY

## **NATIONAL POLICY ON PEACEBUILDING AND CONFLICT MANAGEMENT**

(FINAL VERSION)  
SEPTEMBER 2009

## LIST OF ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
ALRMP	Arid Land Resource Management Project
ASAL	Arid and Semi-Arid Lands
AU	African Union
BP	Besieged Population
CBOs	Community-Based Organizations
RRF	Rapid Respond Fund
CDF	Constituency Development Fund
CF	Consolidated Fund
CEWARN	Conflict Early Warning and Response Mechanism
CEWERU	Conflict Early Warning Response Unity
CIPEV	Commission of Inquiry into Post-Election
CSOs	Civil Society Organizations
DPC	District Peace Committee
DSIC	District Security and Intelligence Committee
EAC	East African Community
EGH	Order of the Elder of the Golden Heart
EAPCCO	East African Police Chiefs Co-operation Organization
FBOs	Faith Based Organizations
GA	United Nations General Assembly
HIV	Human Immunodeficiency Virus
ICGLR	International Conference on the Great Lakes Region
IDPs	Internally Displaced Persons
IGAD	Inter-Governmental Authority on Development
IREC	Independent Review Commission on the General Elections
KNDR	Kenya National Dialogue and Reconciliation
KNFP	Kenya National Focal Point on Small Arms and Light Weapons
KWS	Kenya Wildlife Service
LATF	Local Authority Transfer Fund
MDGs	Millennium Development Goals
MNCs	Multi-National Companies
MP	Member of Parliament
NARA	National Accord and Reconciliation Agreement
NEMA	National Environmental Management Authority
NEPAD	New Partnership for Africa's Development
NGOs	Non-Governmental Organizations
NPC	National Peace Commission
NSC	National Steering Committee on Peacebuilding and Conflict Management
PBCM	Peacebuilding and Conflict Management
PEV	Post Election Violence
RRF	Rapid Response Fund
RECSA	Regional Center on Small Arms
SALW	Small Arms and Light Weapons
UN	United Nations
UNPOA	United Nations Programme of Action

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## EXECUTIVE SUMMARY

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**The Problem.** Whether responding to humanitarian needs or root causes of conflict, a fundamental problem in Kenya has been lack of an institutional framework and co-ordinated approach to conflict management. As a result, most actors engage on *ad hoc* basis and with interventions that are reactionary in nature. Lack of norms, values and principles to guide interventions, has in certain situations exacerbated conflicts. In addition, sufficient resources have not been mobilized to prevent latent conflicts and enable rapid response when conflicts occur. The need for a policy framework that articulates the country's vision and strategy in this regard is, therefore, urgent.

**The Process.** Prior to the post-election violence (PEV) experience in January 2008, the government, in partnership with civil society had put in place the National Steering Committee on Peacebuilding and Conflict Management (NSC) within the Office of the President to strengthen, co-ordinate, and integrate various conflict management initiatives. From this effort, a draft policy had been developed by August 2007. Following the PEV and the mediated National Accord and Reconciliation Agreement (NARA) on February 28th 2008, however, the need for re-alignment of the policy to reflect the new reality was felt. This process included a series of consultations with actors within the state and non-state sectors. The results were collated with those of previous efforts by NSC dating back to 2004, to produce this policy.

**The Product.** The vision of this policy is " *A peaceful and stable Kenya*". The mission is to " *...To promote sustainable peace through a collaborative institutional framework between state and non-state actors*"

**The Peace Architecture.** To achieve the above, the policy proposes a peace architecture with the following structure:

***A National Peace Commission (NPC).*** Appointed by the president with approval by parliament. To have 13 Commissioners, one (1) from each province and five (5) others representing; *women, youth, civil society, persons with disability and academia*, all with a national reputation. The Commission to be supported by a Secretariat headed by a Secretary.

***A National Peace Forum.*** To be constituted as a platform for consultations, collaboration, co-operation and co-ordination by all peace actors and stakeholders.

***Provincial Peace Fora.*** To be constituted as a platform for consultations and co-ordination at the provincial levels, within and across provinces.

***The District Peace Committees (DPC).*** To be constituted at the District level as per the existing guidelines. The DPC is to be a hybrid institution that brings together synergies between traditional and formal mechanisms for conflict resolution. The DPC shall consist of formations that are mandated to determine parameters for tasks in the district.

***The NPC Secretariat.*** To be the management arm of the Commission.

**Policy Thrust.** The peace architecture will help develop a national capacity to effectively manage potentially violent conflicts at all levels of society. However, we intend to forestall such conflicts through an effective early warning system. The policy intention is therefore to ensure prevention, mitigation and preparedness.

**Institutional Framework.** The Ministry responsible for Provincial Administration and Internal Security shall in collaboration with other sectoral agencies and development partners, set up a framework for the implementation of this policy. The envisaged Framework will provide for the establishment of a collaborative mechanism to operationalise this policy pending the establishment of the NPC. In addition, the framework will provide for capacity building and financing mechanisms of this policy.

# CHAPTER ONE

## POLICY INTENTIONS

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### 1.1 INTRODUCTION

In the past, Kenya has faced numerous threats to its national security and stability. These challenges have become increasingly sophisticated and complex with time. The resulting conflicts range from internal disputes between and within different groups, to cross-border confrontations with groups from neighbouring countries. These conflicts are either violent or non-violent and are exacerbated by a number of things. The spill-over effects from the wider conflict in the Great Lakes Region and the Horn of Africa has, for instance, adversely affected neighbouring communities. Similarly, complex and interrelated factors that include poor governance, poverty, competition for scarce resources and identity-based rivalries have been recorded as push factors for conflict. The violent conflicts are further complicated by easy access to small arms and light weapons (SALW). The proliferation of illicit SALW is felt in gun-related crimes, particularly in urban centres and in pastoral conflicts.

Following the December 2007 elections, Kenya experienced a spate of violent conflicts. This caused extensive damage to life and property, and led to the displacement of populations either as refugees, internally displaced persons (IDPs) or besieged populations (BP). Beyond the material impact, the Post Election Violence (PEV) had psychological, physical and emotional repercussions mainly on women, children, youth and the elderly. For a stable country like Kenya, this demonstrated that peace and security cannot be taken for granted. Human security is the foundation of good governance, individual and societal welfare and economic development.

The concern to promote peace and stability in Kenya has been with policy makers and stakeholders for decades. This is reflected in active and continuous engagements with local and national peace initiatives over the years. To fully realise the country's peace building potential, there is a consensus on the need for a comprehensive and viable strategy on peace building and conflict resolution. The need for a policy framework that articulates the country's vision and strategy in this regard is, therefore, urgent.

### 1.2 THE PROBLEM

Whether responding to humanitarian needs or root causes of conflict, a fundamental problem in Kenya has been lack of an institutional framework and co-ordinated approach to conflict management.

Interventions by government and non-governmental actors in various conflicts in the country are as old as the conflicts themselves, yet conflicts continue unabated. This is largely because responses have been uncoordinated and lack a strong institutional framework. As a result, most actors engage on *ad hoc* basis that are reactionary in nature. Lack of norms, values and principles to guide interventions, has in certain situations exacerbated conflicts. In addition, sufficient resources have not been mobilized to prevent latent conflicts and enable rapid response when conflicts occur. This national policy therefore, strives to respond to the glaring gaps.

The intention of this national policy framework is to guide the work and operations of all stakeholders. It re-focuses peacebuilding and conflict management efforts and practices towards measures that increase the potential for peaceful co-existence and human security as precursors for sustainable development, and a just and peaceful society. The framework also takes a regional perspective.

### **1.3 POLICY RATIONALE**

It is intended that the policy will ensure prevention, mitigation and preparedness. It will facilitate better coordination and build synergies among stakeholders involved in PB&CM. This requires effective and integrated communication systems, the development and implementation of appropriate strategies and documentation of experiences.

### **1.4 POLICY ALIGNMENT**

**The NSC.** In an effort to strengthen, co-ordinate, and integrate various conflict management initiatives, the government and civil society organizations (CSOs) jointly established the National Steering Committee on Peacebuilding and Conflict Management (NSC). NSC was established in 2001 within the Office of the President, and became operational in November 2002 with the placement of a Secretariat. It brings together representatives from relevant Government Ministries and Departments, umbrella civil society organizations, development partners, and UN agencies. As a multi-agency organization, NSC is mandated with the co-ordination of all peace related activities in Kenya. It also doubles up as Kenya's Conflict Early Warning and Response Unit (CEWERU) for the implementation of the CEWARN Protocol acceded to by IGAD Members States.

### **1.5 VISION OF POLICY**

*"A peaceful and stable Kenya"*

### **1.6 MISSION OF POLICY**

*"...To promote sustainable peace through a collaborative institutional framework between state and non-state actors"*

## 1.7 OBJECTIVES OF POLICY

The National Policy on Peacebuilding and Conflict Management will:

- a. Promote and establish an institutional framework for peacebuilding and conflict management that fosters strong collaborative partnerships between the government, the private sector, the civil society, donors, grass roots communities and regional organizations for sustainable Peace, Conflict transformation and national development.
- b. Develop peacebuilding and conflict management guidelines that promote sustainable conflict sensitive planning, implementation, monitoring and evaluation.
- c. Mainstream gender issues in conflict management with emphasis on the empowerment of women towards long-term conflict mitigation and peace making.
- d. Promote application of conflict early warning and response to prevent violent conflict in collaboration with CEWERU.
- e. Develop conflict prevention strategies and structures that will address root causes of internal and cross-border conflicts.
- f. Propose policy options to regulate, transform and strengthen relationships between actors in different sectors and levels of society for sustainable peace.
- g. Propose strategic options for resource mobilization to initiate, establish and sustain proactive peacebuilding and conflict management interventions.
- h. Establish mechanisms for regular review and monitoring of the policy implementation.
- i. Provide a framework in which best practices of peacebuilding and conflict management institutions will be harmonized, enhanced and co-ordinated.
- j. Formulate strategies for research documentation and dissemination in collaboration with other stakeholders.

## 1.8 VALUES OF POLICY

This policy takes cognizance of our national values, with special emphasis on the following:

- a. National unity and nationhood;
- b. National sovereignty and equality of Nations;
- c. Equality before the law and application of the Rule of Law;
- d. Sanctity of life;
- e. Integrity, honesty and accountable leadership;
- f. Adherence to democratic principles
- g. Equitable distribution of wealth;
- h. The right to economic and social development;
- i. Inviolability of international borders;
- j. Peaceful change in the international environment.

## 1.9 PRINCIPLES OF THE POLICY

**Proactive & Preventive.** Kenyans either individually or collectively, have the responsibility to build and nurture a culture of peace for both present and future generations. This principle requires every Kenyan, relevant government sectors and state organs, private organizations, civil society and the general public to take proactive early response measures to prevent violent conflict

**Cultural Sensitivity.** Peacebuilding and conflict management interventions must take cognizance of political, social and economic dimensions of conflicts. They must be sensitive to the cultural values and norms of the affected communities and build on the existing traditional conflict handling methods that have fostered peaceful coexistence within and among communities. Cross-cultural activities as a means of helping communities appreciate unity in diversity and the interdependence between security of the citizens and the state will be a vital emphasis of this policy

**Human Rights Based.** Every Kenyan is entitled to live in a peaceful and secure environment that is conducive to sustainable human development. Kenyans have the basic right to justice and enjoyment of their rights. Interventions to prevent and resolve conflicts will uphold human rights in accordance with the international human rights law, respect the rule of law and sanctity of human life

**Conflict Sensitivity.** Development, security, commercial initiatives and media reporting, if not well designed and implemented, all have the potential to cause or escalate conflict. Thus, development initiatives must be designed as to maximize peace and minimize conflicts. Interventions should be conflict sensitive.

**Participation and Inclusivity.** Citizens are a prime resource, their Involvement in the process of conflict analysis, decision-making and formulation of appropriate conflict response approaches and mechanisms is essential for effective management of conflicts. All stakeholders will be encouraged and/or facilitated to participate in all the processes towards peacebuilding and conflict management.

**Research-Based.** Sound conflict analysis and best practices from previous interventions will be one of the key pillars that will inform intervention strategies. Intervention strategies must be formulated from an informed perspective. In this regard, stakeholders are encouraged to undertake research that will interrogate theory and best practices to inform interventions.

**Gender Sensitivity.** This Policy recognizes that, men and women experience conflict differently. The role of men and women in peacebuilding shall be strengthened and their involvement in decision-making improved. In doing so gender equality must be considered as an integral part of all programmes and projects. Gender equality as a cross-cutting theme requires that women's views, interests and needs shape intervention strategies as much as men's. Further, women and men, girls and boys in conflict areas have different perspectives, needs, interests, roles and even resources reinforced by class, economics, politics, ethnicity or age. This is critical in progressing toward more equal relations between women and men, boys and girls in peacebuilding and conflict management.

**Equity.** All individuals are equal as human beings and are entitled to their human rights without discrimination on the basis of sex, race, colour, ethnicity, age, political or other opinion, religion, disability and other status recognized under human rights treaties.

**Collaboration and Cooperation.** The Policy emphasizes collaboration, partnership and co-operation among all actors at all levels of government, Civil Society Organization's, private sector, communities and donors.

**Accountability and Transparency.** The involvement of many actors in conflict management activities call for high adherence to the code of conduct that guide working relationships. Among this is the high level of accountability and transparency particularly on resources.

## CHAPTER TWO

### THE POLICY CONTEXT

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#### 2.1 THE GENERAL CONTEXT

Following the post-election crisis in January 2008, it was apparent that conflict in Kenya plays out through three spheres of authority: the traditional, civic and predatory spheres. These spheres provide a 'regime of choices' in which conflict is 'manufactured', sustained and reproduced. This policy is cognisant of the three spheres and therefore advances from a context that is not singular, but multi-faceted and pragmatic.

**Traditional Sphere.** In this sphere, authority is exercised through customary or traditional law. This sphere is also regulated by a normative dialogue, which comprises of norms that are independent of formal law and based on reciprocity, trust and goodwill. Conflict amongst pastoralists tends to occur within, and is regulated by, this sphere. Similarly, conflict in the post-election period was partly inspired by, and rationalised through, this sphere

**Civic Sphere.** This is the formal sphere of authority governed by 'civil law'<sup>1</sup>. Activities in the civic sphere are regulated through formal institutions of government charged with the responsibility of rule application, and adjudication. For the most part, conflict in Kenya avoids this sphere. And more so because, within this sphere, violent conflict has attracted international attention following the signing of the Rome Treaty establishing the International Criminal Court (ICC) in July 2002.

**Predatory Sphere.** This is partly a creation of the proliferation of the Small and Light Weapons, and the democratization process of the 1990s. This sphere is regulated by 'bandit law' and has a selective application of civic law. It is estimated to generate significant revenue and to actually constitute a vibrant parallel 'bandit economy'<sup>2</sup>. Unlike the conventional conflict where there are two opposing sides and a defined disagreement, predatory conflict is different. Its context derives from a mutation of historical and cultural practices<sup>3</sup>. It is simply about a predator, a prey and a parallel market system. Carjacking, SALW-related urban conflicts, and commercialised livestock are some types of predatory conflict.

Because of the fluid nature of the three spheres of authority, conflict in Kenya has become inter-related. In each sphere, a number of conflicts interact with one another. As a result of this inter-related nature of conflict,

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<sup>1</sup> Defined loosely as the law regulating the activities of the civic citizen.

<sup>2</sup> Concept used to depict a non-regulated, criminal-supported economic sphere.

<sup>3</sup> For instance, traditional cattle rustling for bride price.

response has tended to be inadequate. This has allowed the drivers of conflict to overlap the three spheres in order to maximise their opportunities. This policy seeks to address the three spheres of conflict. It recognises the positive elements of the traditional sphere, but discourages resort to it as a way of justifying violent conflict.

## **2.2 THE ECONOMIC CONTEXT OF CONFLICT**

Conflicts have an economic dimension that this policy seeks to address. There is a close link between poverty and conflict. Poverty causes conflict, while conflict keeps poverty afloat. The position of this policy is that the two must be dealt with simultaneously.

## **2.3 THE SOCIO-POLITICAL CONTEXT OF CONFLICT**

The roots of structural violence in Kenya are dynamic. The structural factors that nurture conflict and become the triggers of the violence are various. These include;

- i. Ethnic divisions
- ii. Social and economic marginalisation of communities
- iii. Inequitable distribution of resources
- iv. Disregard for the rule of law and the culture of impunity
- v. High levels of unemployment particularly among the youth

## **2.4 THE ENVIRONMENTAL CONTEXT OF CONFLICT**

Generally, conflicts arise from unsustainable utilisation of environment and its attendant resources, which leads to depletion. Thus, scarce natural resources, worsening environmental conditions and increased populations have resulted in stiffer competition for land, pasture, water, fish, mineral and forest resources. This has precipitated conflicts over access, control and ownership frequently degenerating into violent conflicts within and among communities.

## **2.5 NATURE OF CONFLICT AND RATIONALE FOR POLICY**

### **2.5.1 Conflicts in Pastoral Areas**

The most frequent and often violent conflicts in Kenya are found in the pastoralist environment and cross-border regions in North Rift, North Eastern, and parts of Eastern and Coast provinces. These areas are characterized by unpredictable climatic conditions leading to periods of drought and famine, migration in search of pasture and water which increases competition with host communities for these resources.

These conflicts are aggravated by social and political alienation, economic marginalization and the proliferation of small arms emanating from conflicts in the Sudan, Somalia, Ethiopia and Uganda. This leads to increased banditry that makes commercial raids of livestock more viable.

#### 2.5.1.1 **Livestock Rustling**

Livestock rustling/theft is a common practice among certain communities in Kenya and has certain cultural, economic and social dimensions. These practices have overwhelmed the security operations, eroded traditional conflict management mechanisms and adversely impacted on pastoral mobility and environmental resources.

#### 2.5.1.2 **Banditry**

Banditry is largely characterized by armed criminal gangs, the waylaying of travellers, including livestock in transit, and relieving the victims of their possessions. Highway bandit attacks are common in certain parts of the country.

#### 2.5.2 **Cross-Border Conflicts**

These are most common in areas sharing borders with Kenya. In the border areas of Somalia, Ethiopia, Sudan, Uganda, Tanzania, Kenyan communities live and interact very closely with their neighbours across international borders. Conflicts thus tend to transcend the national borders.

#### 2.5.3 **Agro-Pastoralist Conflicts**

These conflicts occur in areas where agriculturalists and pastoralists coexist. While some are internal, others are cross-border. Their conflict environment has been influenced by the differences in the social, cultural and economic practices of the farmers in contrast with the neighbouring pastoralists.

#### 2.5.4 **Land Conflicts**

Land ownership is an emotive issue in Kenya and has been a central theme of politics. Conflicts over land are compounded by:

1. **Politicisation of Land.**
2. **Conflicting land-tenure and land-use systems.** This is further complicated by overlapping systems for example:
  - i. Land as a traditional area for social groups linked to their identity and governed by traditional laws;
  - ii. Land as national heritage governed by the laws of Kenya as stipulated by constitutions and policies
  - iii. Land set aside for public utility
3. **Border and boundary disputes.** Conflicts arising from these are both internal and external particularly over administrative and electoral units..
4. **Land related conflicts.** These have historically taken the form of evictions, squatter problems, non-utilisation of land by individuals, excision of forests and illegal land allocations.

### 2.5.7 **Urban Conflicts**

These involve communities with different social strata and economic disparity mainly in the cities and major towns. The rich-poor divide is more prominent in this environment. This conflict environment is characterized by urban crime, landlord and tenant disputes, squalid conditions of slum life, industrial and labour disputes.

### 2.5.9 **Human-Wildlife Conflict**

Communities affected by human/wildlife conflicts are those living within and around National Parks, Game Reserves and other protected areas. Human/wildlife conflict is caused by an inadequate compensation regime for victims of attacks of wildlife on both humans and property. Often times, communities are hardly consulted over management of wildlife resources thereby leading to conflicts.

### 2.5.10 **Institutional Conflicts**

Institutional conflicts include riots and strikes by students in schools and institutions of higher learning. Besides causing damage to property of the affected institutions as well as the public, it interrupts learning and has the potential to cause conflicts due to disruption of socio-economic activities.

### 2.5.11 **Religious Conflicts**

Religion is not a major cause of conflict in Kenya. However, in some instances there are tensions and potential for conflict among groups of different faiths.

## CHAPTER THREE

### CONFLICT INTERVENTIONS

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#### 3.1 RESPONSE MECHANISMS IN KENYA

Most of the existing peacebuilding and conflict management approaches in Kenya have been as a result of intermittent conflicts that affect most parts of the country. Consequently, many of such interventions exist primarily in conflict prone areas.

Social, economic, political and cultural contexts have over time determined the nature of interventions. These interventions often depend on the availability of external funding.

#### 3.2 STATE RESPONSES

##### 3.2.1 Commissions of Inquiry

The Government's response to conflict is determined by the intensity of the conflict in question. Often times, the Government sets up Commissions of Inquiry in response to conflicts with a view to gather information from the public. Findings of such Commissions, though not the best mechanisms for conflict management, have guided policy level decisions in Government.

It is increasingly clear that the outcomes of most of the Inquiries revolve around the need for reforms in the following areas:

- i. Constitutional reforms;
- ii. Electoral reforms;
- iii. Parliamentary reforms;
- iv. Reform of the Public Service;
- v. Police reforms;
- vi. Finalization of the Land Policy;
- vii. Legal and judicial reforms; and
- viii. Other legislative, structural, political and economic reforms and punishing impunity.

##### 3.2.2 Disarmament

The proliferation of illicit firearms, due to the porosity of borders, conflict in neighbouring countries, and the attendant demand within the borders, has fuelled conflict in most arid and semi arid areas of Kenya. These illegal firearms are often used in cattle rustling, banditry, highway robbery and other forms of crime in Kenya. To address this issue, the government has often instituted mechanisms for the recovery of illegal firearms. At the

height of violent conflict related to illicit firearms, the operations have often involved the use of force. In other instances however, the Government, has put in place measures for the voluntary surrender of arms, in collaboration with local community representative structures, such as the peace committees. To deal with the problem of small arms and light weapons, the government is in the process of formulating a national policy on SALW. When in place, the policy will go a long way in addressing SALW as a driver for conflict.

### 3.2.3. **Conflict Early Warning**

The Government is signatory to the CEWARN Protocol, that seeks to strengthen Kenya's mechanisms for conflict early warning and response. These mechanisms are mainstreamed within the provincial administration, and are complementary to existing intelligence systems. Elsewhere, peace committees work with the provincial administration to ensure that that early warning and response is an on going activity.

### 3.2.4 **Judicial System**

Judicial mechanisms are useful in the settlement of conflict. Perpetrators of violence are often prosecuted in the criminal courts. Victims of violence have recourse to the civil courts to seek redress in the form of damages, compensation and restitution. In the context of conflicts involving members of the same community, families and clans or inter-community conflict, factors such as cultural values and norms, kinship ties, means of livelihoods, affordability of accessing justice and appropriate compensation, restitution and deterrence structures, impact on the effectiveness of the administration of justice. While the courts can adequately provide justice in cases of crime, they face the following obstacles in meeting the needs of communities involved in conflicts:

- a. Courts are viewed as time consuming and unable to respond immediately to conflict situations such as payment of fines to those affected by the violence.
- b. There are high costs involved for litigation both in time and money.
- c. The adversarial system of justice fails to promote reconciliation between opposing sides and instead pits them against one another on the basis of a winner or loser.
- d. Remedies available under both criminal and civil jurisdictions are fairly inflexible and do not allow for creative problem-solving through the granting of redress such as apologies, traditional peacebuilding rituals, declarations and compensatory method.

Parties to conflict often resort to informal traditional conflict resolution processes. These processes allow for the participation of all affected persons rather than the injured and use the traditional peacebuilding mechanism to achieve justice. There is need to recognise these as noble conflict resolution mechanisms with a view to entrenching them within the formal legal system.

### **3.2.5 National Steering Committee on Peacebuilding and Conflict Management**

The National Steering Committee on Peacebuilding and Conflict Management has been instrumental in addressing issues related to peace work in Kenya. The Committee comprises government departments, CSOs, NGOs and development partners. It was established after a realization that effective management of conflict can only be realized through joint efforts. Through this establishment, there is better co-ordination of peace initiatives across the country. In particular, the peace committee model has been strengthened.

The establishment of the Kenya National Focal Point on Small Arms and Light Weapons (KNFP) has also contributed to the strides made in addressing issues of peace work. In particular, the problem of proliferation of illicit small arms and light weapons is being addressed through this inter-agency structure.

### **3.2.6 Community-Based Policing**

Community-based policing is a strategy designed to promote mutual trust and co-operation between the public and the police. It seeks to demystify the public perception of the police by encouraging information sharing regarding crime.

## **3.3 REGIONAL INITIATIVES**

There are a number of regional initiatives on peace and security to which the Government of Kenya is a signatory. These initiatives have components within their frameworks, which promote the peaceful management of conflict. They exist within the AU, NEPAD, IGAD and, the EAC. Separately, Kenya is a signatory to the Nairobi Protocol that established the Regional Centre on Small Arms (RECSA), which co-ordinates sub- regional initiatives addressing the illegal proliferation and use of SALW. The secretariat is based in Nairobi Kenya.

## **3.4 NON-GOVERNMENTAL INITIATIVES**

### **3.4.1 Civil Society responses**

In Kenya, peacebuilding and conflict management interventions by civil society organizations have involved faith-based and Non-Governmental organizations

Civil society interventions have focused on reconciliation and building new relationships amongst the warring communities. Such activities include dialogue, negotiations, and problem solving workshops, information, education and communication. These have set precedence to the coexistence in places where violence was the norm.

The media highlights the problem of insecurity in the country as a result of the proliferation of illicit small arms. They have echoed the plight of those affected by the proliferation. They have also disseminated the findings of research work done on insecurity in parts of the country as well as presented cases in print and electronic media. They have also highlighted the gaps between legislation and enforcement of security provisions. The media has a big role to play in peacebuilding and conflict management. There is need for conflict sensitive reporting. The media could demystify the whole issue of insecurity by illuminating the life cycle of violent conflicts in Kenya.

There have been efforts to identify and strengthen structures that are conducive to conflict handling and development in a given area. As a result, *ad hoc* government and community committees, civil society networks and like-minded stakeholders' forums have emerged in the conflict prone areas where peace work has been active. While some of the structures and institutions have emerged from the post conflict external interventions and the community coping mechanisms, some have been built on the knowledge of existing traditional conflict handling methods. Existing calm in some districts can be attributed to the enforcement of resolutions agreed upon in fora facilitated using traditional conflict handling methods.

Generally, non-state initiatives have formed the foundation upon which local conflicts have been addressed by both the government and communities. However, owing to poor co-ordination, non-state actors often engage in duplication of efforts.

#### 3.4.2: **The Private Sector responses**

The private sector has played a vital role in enabling conflict management interventions to take off. Business communities in violent conflict-prone Districts fund some of the activities of district security operations.

### 3.5: **COLLABORATIVE RESPONSES**

These are interventions that are fostered at various levels in addressing issues of peacebuilding and conflict management. On the one hand are national initiatives involving government and the civil society and on the other.

#### 3.5.1: **The Peace Committee Model**

Peace Committees at lower levels of administrative units bring together stakeholders who work on peace and security issues.

### 3.6: **HUMANITARIAN RESPONSE**

In situations of conflict, the first aid is usually in the form of relief supplies for the affected people. This takes the form of food and non-food items to make living conditions bearable before the conflict resolution process begins. In

Kenya, these efforts are co-ordinated by the Ministry of State for Special Programmes.

Humanitarian aid is a short term strategy to ensure that envisaged disastrous effects of conflict do not take place through provision of basic needs. However, humanitarian aid can also trigger conflict as has happened in areas surrounding refugee camps. A conflict sensitive approach to humanitarian support is therefore called for.

### **3.7: INTER-STATE INITIATIVES**

**The CEWARN Mechanism.** The IGAD Member States – Kenya, Sudan, Ethiopia, Eritrea, Djibouti, Somalia and Uganda have formalized this understanding in the “Protocol on the Establishment of Conflict Early Warning and Response Mechanism” (referred to here as the “CEWARN Protocol”, signed in Khartoum in January 2002). The signatory states undertake, among other things, to establish national conflict early warning and response units (CEWERUs) to be guided by national conflict steering committees that include representatives of government.

**Joint Cross-Border Commissions** There are inter-state structures in place to address issues of peace and security. In particular, there are Joint Cross-Border Commissioners/Administrators meetings that are held regularly. They have been instrumental in addressing conflict issues of cross- border nature.

**EAPCCO Initiatives** This is a regional initiative by the East African states governed via a protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa.

### **3.8: GAPS IN EXISTING RESPONSE MECHANISMS**

Based on the situational analysis, best practices and response mechanism, the National Policy on Peacebuilding and Conflict Management must articulate innovative strategies to overcome the following gaps in current approaches, and guide peacebuilding and conflict management initiatives in the coming years for sustainable human security in Kenya.

- i. Inadequate understanding of the factors which breed conflict
- ii. Limited peace education
- iii. Inadequate mainstreaming of conflict sensitivity in development planning
- iv. Inadequate consultation on governance issues
- v. Limited networking for peace
- vi. Inadequate capacity building for peace
- vii. Ineffective Government response mechanisms
- viii. Lack of legal framework for traditional conflict handling mechanisms
- ix. Inadequate inter-faith dialogue
- x. Inadequate gender mainstreaming and analysis

- xi. Inadequate mainstreaming of HIV/AIDS in planning
- xii. Limited research and analysis of conflict
- xiii. Weak reconciliation and healing initiatives
- xiv. Absence of a Code of Conduct
- xv. Inadequate resource mobilization
- xvi. Increased and uncontrolled number of SALW
- xvii. Ineffective mechanisms to address cross-border conflicts

## CHAPTER FOUR

### LINKAGES TO EXISTING POLICIES AND LEGISLATION

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#### 4.1 LINKAGES TO EXISTING POLICIES AND STRATEGIES

The National Policy on Peacebuilding and Conflict Management takes note of existing and complimentary national policies and other relevant international instruments with a view to making essential references and harmonization as is essential. Nonetheless, although the Policy is presented as a distinct national policy, some of its aspects must be integrated into other national development frameworks because all the national development plans will require a peaceful environment to be realized. In this way, it will encourage the integration of a range of policies and legislations focusing on peaceful co-existence, human security and human rights into a comprehensive national policy framework designed to achieve sustainable peace and development in Kenya.

Among the key policies and strategies to which this policy will be linked are the following:

##### 4.1.1 **Implementation of the UN Millennium Development Goals (MDGs) in GA Resolution A/54/2000 and New Partnership for Africa's Development (NEPAD)**

The Government of Kenya is committed to the principles of MDGs and NEPAD. However, she is unlikely to meet the goals if there is continued outbreak of conflict in the country. In particular, the goals relating to gender equality and the empowerment of women, universal primary education, combating of HIV/AIDS and ensuring environmental sustainability will remain unmet unless there is a targeted and co-ordinated strategy to address the underlying causes of conflict, prevent and manage further outbreaks of violence. This Policy is based on principles that promote sustainable human development and will contribute to ensuring that Kenya achieves the MDGs.

##### 4.1.2 **Vision 2030**

The Vision seeks to ensure that Kenya achieves and sustains an average economic growth rate of over 10% per annum over the next 25 years; build a just and cohesive society with equitable social development, clean and secure environment; and, ensure a democratic political system that nurtures issue-based politics, the rule of law, and protects all the rights and freedoms of every individual and society. The realization of this Vision will be pegged among others, a stable and peaceful country, to which the National Policy on Peacebuilding and Conflict Management will strive to attain.

#### 4.1.3. **National Action Plan for Arms Control and Management**

The Plan's key components are the establishment of institutional and policy frameworks, human development planning, public education and awareness raising, stockpile management, training and capacity building, border control, regional and international information exchange and research. The Action Plan is part of the Government's commitment to the implementation of the UN Programme of Action on Small Arms (UNPOA). This Action Plan together with the Policy will therefore, work in tandem towards the realization of peace and development in Kenya.

#### 4.1.4. **National Policy on Gender and Development**

The current National Policy on Gender and Development is intended to facilitate mainstreaming of the needs and concerns for men, women, girls and boys in all sectors of development in the country. As articulated through Sessional Paper No.5 of 2005 on Gender Equality and Development, the Policy framework asserts the need to focus on enabling empowerment strategies that not only demonstrate understanding of the essential linkages between the reproductive and productive roles of the women, but also recognizes the need to adopt equity as a goal, which will only be achieved if disparities between men and women are addressed. The National Policy on Peacebuilding and Conflict Management will mainstream gender in all peace and development programmes and policies.

#### 4.1.5. **Education Policy Sessional Paper No.1 of 2005**

Conflict impacts on access to human rights including the right to education. Children in conflict prone areas are unable to take advantage of the universal education policy in place in Kenya because of open conflict, population displacement and destruction of school facilities. The National Policy on Peacebuilding and Conflict Management will reinforce the Education Policy Paper in working towards achieving access to universal education for all.

#### 4.1.6 **National Food Policies of 1981 and 1994**

The National Food Policies seek to promote sufficient supply of nutritionally balanced food to people in the country and to increase food production and targeted relief interventions for the poor particularly in Arid and Semi Arid Lands (ASAL). Food security is closely interlinked with the state of the environment, the agricultural sector and the economy. Conflict impacts on all three factors by destroying the environmental base, lowering production in agriculture, disrupting infrastructure and destroying investor confidence. The National Policy on Peacebuilding and Conflict Management will ensure that food security is prioritized in compliance with the Food policies and the MDGs as a precursor to promoting sustainable human development and peace in Kenya.

#### **4.1.7 Strategy for Revitalizing Agriculture 2004-2014**

The Strategy is cognizant of the fact that agriculture is the backbone of Kenya's economy and an important sector in employment creation. Conflict in the agricultural sector leads to the destruction of the environment and the unsustainable use of natural resources. The occurrence of drought, famine and floods leads to competition over resources further increasing the potential for conflict. The Strategy recommends the adoption of multi-sectoral co-ordination in addressing national conflicts. In turn, the Peacebuilding Policy will support the Strategy by mainstreaming conflict sensitivity in service delivery and development programming amongst government agencies and other stakeholders.

#### **4.1.8 The Kenya National HIV/AIDS Strategic Plan 2005/6-2009/10**

It provides the action framework for HIV/AIDS and the context in which all stakeholders will develop their specific strategies, plans and budgets to make responses. In recognition of the HIV/AIDS and conflict dynamics, the Policy's Implementation Plan will ensure careful targeting of the affected and infected in the peacebuilding process.

### **4.2 LINKAGES TO EXISTING LEGISLATION**

#### **4.2.1: National Legislation**

The legal and legislative framework for conflict management is contained in the Constitution and in statute law. Chapter IV of the Constitution provides for the Judicature, establishing the High Court, the Court of Appeal, the subordinate courts and courts-martial. This is the basic infrastructure for the formal resolution of disputes in Kenya. Additionally, Chapter V of the Constitution recognizes and protects the fundamental rights and freedoms of the individual, setting out the mechanisms for vindicating these rights and freedoms.

In terms of statute, there exists an assortment of Acts of Parliament dealing with disparate aspects of conflict management. These laws include the Magistrates Courts Act, the Kadhis' Courts Act, the Penal Code, the Civil Procedure Code, the Criminal Procedure Code, the Public Order Act, the Preservation of Public Security Act, the Election Offences Act, the Sexual Offences Act, the Commissions of Inquiry Act and the Kenya National Commission on Human Rights Act, the National Cohesion and Integration Act, the Truth, Justice and Reconciliation Commission Act, to mention only a few.

There are additionally, sectoral laws such as the Agriculture Act, the Forests Act, the Water Act, the Environmental Management and Co-ordination Act, the Wildlife (Conservation and Management) Act, land laws, labour laws, local government legislation and the Chiefs Act, among others. These laws provide for dispute management and dispute resolution processes for their respective sectors independent of other existing mechanisms in other laws or

at local community levels. Others make provision for issues such as land registration and land use that go to the heart of some of the underlying causes of conflict in Kenya.

It is clear that there is a need to harmonize the operation of the various Acts of Parliament that relate to peacebuilding and conflict management. There is also need to institute an enduring rather than an ad hoc or time bound legislative framework for addressing issues of conflict. This is particularly so because conflict is recognized as a social justice and human development issue that is best addressed through focused and comprehensive legislation. Only the National Peace Commission will be able to holistically address matters of peace building and conflict management.

#### **4.2.2: International Treaties and Agreements**

Kenya is a signatory and party to regional and international treaties, conventions and protocols that relate to peace and security. These include the UN Charter, the United Nations Universal Declaration on Human Rights, the Rome Statute of the International Criminal Court, International Covenant on Civil and Political Rights, the African Charter on Human and Peoples Rights and the UN Convention on the Rights of the Child, the Constitutive Treaty of the East African Community, the CEWARN Protocol, the UN Programme of Action on SALW, the Nairobi Protocol on SALW.

Other international treaties that the policy seeks to link with include the Convention on the Elimination of all forms of Discrimination against Women; the UN Resolution 1325 on women and peacebuilding; the Declaration on the Rights of Disabled Persons. As a member of the UN, Kenya has opportunities to tap potential resources for peace work from the United Nations Peacebuilding Commission which seeks to marshal resources, to advice and propose strategies for post conflict recovery. The Commission focuses on reconstruction, institutional building and sustainable development in countries emerging from conflict.

## **CHAPTER FIVE**

### **PILLARS OF THE POLICY**

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#### **5.1 INTRODUCTION.**

The National Policy on Peacebuilding and Conflict Management has seven key pillars that are critical to the achievement of the overall goal. It underscores the need for conflict sensitive planning and programming at all levels of national development. These pillars are:

- i. Institutional Framework
- ii. Capacity Building
- iii. Preparedness
- iv. Conflict Prevention
- v. Traditional Conflict Prevention and Mitigation
- vi. Recovery
- vii. Post-Conflict Stabilization

#### **5.2 INSTITUTIONAL FRAMEWORK**

The institutional framework for the policy will underpin processes, functions, roles and responsibilities of different actors, and institutional components. The established institutions will be a point of reference wherever there are differences leading to peaceful resolutions and non-violent approaches to conflict. The framework will take cognizance of the legal basis, operationalisation, roles and responsibilities of the following as specified in Chapter One of this policy:

- i. The National Peace Commission
- ii. The Secretariat
- iii. Peace Fora
- iv. Peace Committees

#### **5.3 CAPACITY BUILDING**

Capacity building is important for sustainable implementation of this policy. Training of various stakeholders in relevant areas such as conflict prevention, resource mobilization, peace building, conflict sensitivity and alternative conflict resolution mechanisms will be a key focus.

#### **5.4 PREPAREDNESS**

This policy recognizes early warning and early response as a critical component of peacebuilding and institutionalizes peace structures that will be an integral part of the CEWERU, which is part of the IGAD CEWARN structure

at the national level. Peace Committees will gather and analyze information of local or cross border conflicts and share it with all stakeholders at local, district, national levels including cross-border. These processes will ensure participation of both men and women. They will give recommendations for decision-making and ensure rapid response.

For purposes of implementation of this policy, a national Rapid Response Fund (RRF) for Conflict shall be established by the National Assembly upon the recommendation of the Commission. It will provide strategic humanitarian support for victims of violence. The administration of the fund shall be as provided for in the Rapid Response Fund Framework.<sup>4</sup>

## **5.5 CONFLICT PREVENTION**

In order for proactive and preventive interventions to be undertaken, there is need for:

- a) Effective early warning and response systems where information flow is timely and accurate.
- b) Effective dialogue on the latent conflict issues
- c) Contingency resources and capacity for rapid response
- d) Monitoring restoration of normalcy/stabilization of situation
- e) Systematic and structured efforts to learn from conflict events as they occur, so that each new response builds on what has been learned already.

## **5.6 TRADITIONAL CONFLICT PREVENTION AND MITIGATION**

This policy recognizes the critical role of traditional conflict resolution mechanisms such as community declarations and social contracts. The mechanisms will be strengthened to provide ownership and cultural relevance to the interventions in each conflict context. The Policy will facilitate the harmonization of the traditional conflict resolution procedures with basic international human rights standards and the Constitution in particular, with respect and protection of human rights. The policy shall promote the tolerance for cultural diversity by judicious conflict management. All interventions will embrace the principles of building peace such as inclusiveness, impartiality, non-violence, gender equity, community ownership and sustainability

## **5.7 POST-CONFLICT RECOVERY INTERVENTIONS**

The policy recognizes the necessity of developing a co-ordinated and consistent approach to deal with post conflict situations. These include displaced populations whose political and human rights aspects should be respected. Resettlement and reintegration of the displaced persons with

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<sup>4</sup> The National Steering Committee on PB&CM has developed a Rapid Response Fund Framework (RRF) to guide the operations of the fund.

special consideration to women and child-headed households is important. Special attention will also be paid to HIV/AIDs in displacement situations.

Post-conflict interventions will include all measures aimed at rebuilding destroyed relationships, livelihoods and infrastructure as well as healing processes to addresses conflict related trauma, and psycho-social destabilization.

## **5.8 POST-CONFLICT STABILIZATION**

Communities emerging from violent conflict have the tendency to revert to conflict after short periods, unless measures are taken to stabilize the peace. These measures include:

- a) Actions to address root causes of conflicts and consolidating peace;
- b) Actions to enhance communities' capacities to sustain conflict resolution outcomes;
- c) Proactive peacebuilding
- d) Reinforcing existing effective mechanisms;
- e) Entrenching a culture of peace and non-violence.

## CHAPTER SIX

### THE INSTITUTIONAL FRAMEWORK

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#### 6.1 EXISTING INSTITUTIONS IN PEACEBUILDING AND CONFLICT MANAGEMENT

##### 6.1.1 The Ministry of State for Provincial Administration and Internal Security

The Ministry, envisaged as the Parent Ministry, shall in collaboration with other Stakeholders, develop a framework for the implementation of this policy. The envisaged framework will provide for the establishment of a collaborative mechanism to operationalise this policy pending the establishment of the NPC. In addition, the framework will provide for capacity building and financing mechanisms of this policy.

##### 6.1.2 **The National Peace Commission**

The government shall propose legislation to Parliament for the purposes of establishing a National Peace Commission (NPC). The legislation will provide for the functions, role and mandate of the Commission. It will also spell out the relationship between the Commission and other existing bodies and institutions.

**Membership to NPC.** The NPC will have a non-executive Chairperson elected by the Commission. The Commission shall be made up of 13 Commissioners with competence, knowledge, and experience in matters relating to conflict transformation and peace. Of these, eight (8) will come from the provinces and five (5) others representing; women, youth, civil society, persons with disability and academia,.

**Appointment to NPC.** Commissioners shall be appointed according to the provisions of the proposed legislation. Their appointment shall be vetted and endorsed by Parliament. The President shall make the final appointment of commissioners based on the recommendations from Parliament. The Commissioners shall serve for a term to be prescribed.

**Mandate of NPC.** While the mandate of the Commission shall be to promote sustainable peace and human security in Kenya, its broad functions will include promoting peaceful resolution of conflicts and building inter-group trust and confidence. It shall create spaces for dialogue between and amongst national actors, and shall engage in

***inter alia* negotiations, mediation, and reconciliation with parties in conflict with a view to achieving a non-violent resolution.**

The work of the NPC shall be guided by bi-partisanship and independence. The NPC can appoint special representatives from within or outside its membership, (including outside the country) to any conflict spots in the country upon terms that will lead to a mitigation of violence in the conflict and/or its resolution.

**The NPC shall make recommendations to government and stakeholders on the following:**

- i. The actions to promote trust and confidence between parties with potential for conflict;
- ii. The implementation of agreements reached in the resolution of any conflicts, especially the Post Election Violence (PEV) experienced after the December 2007 elections.
- iii. The monitoring of compliance to such agreements, resolutions and recommendations of resultant commissions.
- iv. Consolidation of peace and stability as it unfolds.

**Specific Mandate.** The following will be the specific mandate of the NPC.

- i. Oversee the implementation of the national policy on peacebuilding and conflict management.
- ii. Advise government on policy matters of peace and security;
- iii. Promote values that enhance nationhood;
- iv. Promote the proactive prevention of conflicts in Kenya;
- v. Promote peaceful resolution of conflicts and reconciliation;
- vi. Monitor incidents and threats to peace and facilitate peacebuilding and conflict management processes;
- vii. Initiate and oversee national level dialogue (inter-province, inter-district)
- viii. Harmonise operations of the DPCs.
- ix. Facilitate and institute post conflict recovery.
  - x. Ensure continuous conflict impact assessment.
- xi. Co-ordinate PBCM activities and link them to SALW and Community Policing processes.
- xii. Promote and strengthen cross border peace initiatives.

**Functions of Commissioners.** The functions of the Commissioners shall include the following:-

- i. Providing policy review and direction;
- ii. Recruitment of senior staff within the NPC Secretariat;
- iii. Approve matters relating to the finance and administration of the Secretariat;
- iv. Mobilizing resources;

- v. Rewards and sanctions in the area of peacebuilding and conflict management;
- vi. Convening the annual National Peace Forum

### **The Secretariat**

This will be the administrative structure that will support the operation of the Commission. The secretariat will serve the co-ordination role that the current National Steering Committee on Peacebuilding and Conflict Management (NSC) secretariat plays. The secretariat will consist of government officers appointed by the Office of the President.

The NPC shall establish a Secretariat with an appropriate number of staff to provide technical support, and to operationalise its strategic intentions.

The NPC shall set up a Secretariat within the appropriate Ministry in the Office of the President which will serve as the Government counterpart for facilitating the work of NPC. Additionally, it shall serve as a think tank to Government on peacebuilding and conflict resolution issues generally, providing cutting edge perspectives and drawing attention to critical areas of need.

The Secretariat shall liaise with government from the National, Provincial and District levels to ensure that a structured and coordinated approach to resolving conflicts within the country is adopted. In addition, the Secretariat shall mobilise for necessary support from the relevant national government agencies or institutions for the work of the Commission and its constituent organs. It shall liaise with the different organs of the provincial administration with a view to avoiding duplication and in appropriate cases providing support to ensure that the conflicts within their jurisdictions are resolved.

Similarly, the Secretariat shall establish an early warning and analysis section, which shall collate information from diverse sources on potential conflict causative, triggering and perpetuating factors. For this purpose, the Secretariat will analyse the information and timely disseminate the same to relevant actors for necessary response.

**Commission Secretary.** The Secretariat will be headed by a Secretary responsible for the day-to-day management of the Commission. The Secretary shall be the Accounting and Authorised Officer of the Commission and shall have competence, knowledge and experience in peacebuilding and conflict management.

The Secretary shall be an Ex-Officio member of the Commission. He/she will be responsible for:

- i. Attending all meetings of the Commission as the Secretary;
- ii. Carrying out policy decisions of the Commission;
- iii. Accounting for funds of the Commission;
- iv. The day-to-day administration and management of the Commission and its staff;
- v. Provide linkages with District Peace Committees as well as National, Provincial and Stakeholder Forums, cross-border peace networks and regional organizations;
- vi. Initiate and maintain liaison with Government and non-governmental stakeholders;
- vii. Perform all other functions as may be assigned by the Commission.

**Functions of Secretariat.** The Secretariat shall be responsible for the implementation of the mandate and functions of the Commission on a day-to-day basis. Specifically, it shall be responsible in the following areas:

- i. Receive, collate, analyse and disseminate information on conflict early warning for response;
- ii. Coordinate Peacebuilding and Conflict Management interventions;
- iii. Coordinate the technical sub-committees;
- iv. Capacity building on peacebuilding and conflict management matters at all levels;
- v. Development of the Early Warning and Response mechanism in line with the CEWERU;
- vi. Monitoring and evaluation of DPCs;
- vii. Develop an IEC strategy, including carrying out the Public Relations function;
- viii. Maintenance of Resource Centre to act as a point of information on PBCM;
- ix. Preparation of annual work plans and budgets;
- x. Finance administration and management (disbursement);
- xi. Development and implementation of Annual Work Plans and budgets;
- xii. Development of an M&E system.

### **6.1.3 The National Peace Forum**

The National Peace Forum will be a platform for consultation, collaboration, co-operation and co-ordination of peace issues by representatives from the Government, United Nations agencies, private sector, Civil Society Organizations and development partners. Other stakeholders inclusive of representatives from the

**grassroots shall participate and freely organize themselves in the promotion of peace in Kenya but within the auspices of the National Peace Commission.**

#### **6.1.4 The Provincial Peace Fora**

**The Provincial Peace Forum will be a platform for consultation, collaboration, co-operation and co-ordination of peace issues by representatives from Government, civil society and other stakeholders at the Provincial level. The PPF will monitor and support the work of individual Peace committees within the province.**

#### **6.1.5 Peace Committees**

**The Peace building and Conflict Management process in Kenya has grown from originally *ad hoc* initiatives designed to respond to violent conflict in parts of Kenya. Such frameworks were inspired by traditional dispute resolution mechanisms, such as the *Alfatah* council of elders in Wajir. With the build up of conflict and the appreciation of the cycle within which conflict occurs, stakeholders at community level have developed semi formal structures to manage conflict. The peace committee model for example has grown from its original formation as an elders council, to the present all inclusive committee.**

**The Peace Committees are community representative institutions based at the various administrative levels. They bring together traditional dispute resolution mechanisms involving traditional elders, women, and religious leaders on the one hand and formal mechanisms for conflict resolution including those by Government administrative and security agencies and Non Governmental organisation initiatives on the other. Their establishment and operations shall be guided by the existing standard guidelines and terms of reference.<sup>5</sup>**

### **6.2 The Legal Framework.**

A legal framework will be established through an Act of Parliament with provisions for:-

- i. Establishment of the National Peace Commission, the Secretariat, the National Peace Forum, Provincial Peace Fora, Peace Committees;
- ii. Operational principles under which the NPC and related institutions will function in line with the Constitution, Acts of Parliament and international human rights principles;

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<sup>5</sup> The current National Steering Committee on Peacebuilding and Conflict Management has published these guidelines

- iii. The powers, mandate, functions and funding of the Commission and its constituent organs;
- iv. The co-ordination and mechanisms of collaboration with government and non-governmental agencies;
- v. The mechanism that recognizes traditional methods and processes for resolution of conflicts.

### 6.3 Funding for the Peace Architecture

**Government Financing.** The Government will commit financial resources through the Consolidated Fund and budgetary resources to develop basic infrastructure and capacities of the NPC and the other institutions under it.

**Donor Financing.** The Commission will seek to develop partnerships with development partners, NGOs and the private sector in mobilizing funds for the attainment of its mandate and functions

**Systems Development.** The Commission will develop financial management and procurement regulations and procedures at the district, provincial and national level in line with the existing Government guidelines. However, the system will be flexible enough to meet the accounting requirements of various stakeholders involved in peace work. A Rapid Response Fund (RRF) will be established for the rapid response and instances of humanitarian intervention.

### 6.4 MONITORING AND EVALUATION

Monitoring and evaluation shall be an inherent component at all the implementation stages of this policy. The process shall be participatory with the involvement of all stakeholders. Stakeholders shall act jointly in the process for purposes of transparency, ownership, and accountability, embracing the outlined principles of the policy.

This component will function as follows:-

- i. Provide a regular feedback for assessing the relevance, sustainability and consequences of peacebuilding and conflict management initiatives under the policy and its impact on addressing issues of conflicts;
- ii. Continuously, systematically and critically review interventions, check progress in terms of achieved objectives and results in sustainable peace and human security;
- iii. Act as an early warning strategy and propose timely remedial actions;
- iv. Assess the impact of peacebuilding programmes, their relevance and effectiveness;
- v. Provide a mechanism for accountability and capacity building for stakeholders in the peace initiatives and approaches;

- vi. Act as an audit of the policy and other interventions to determine lessons learnt, policy effectiveness, and best practices.

### **6.5 Policy Review**

This policy recognizes the need for its review and update based on the dynamics of conflict. The policy shall therefore be reviewed after every five years to provide for new developments. The Commission will hold consultations with other stakeholders from time to time to review and update the policy.

## **APPENDIX: 1 GLOSSARY OF TERMS**

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The following definitions will apply for the purposes of this policy.

### **Civil Society**

The political space between the state and the family. This space is occupied by a range of institutions, groups and organizations, separate from the state and the private sector, which freely group together according to their own diverse interests. These include Non-Governmental Organizations (NGOs), Community Based Organizations (CBOs), Faith Based Organizations (FBOs), Media Organizations, Professional Associations, Trade Unions, Student Groups, Cultural Societies, Groups and Institutions.

### **Conflict Cycle**

This refers to the distinct phases a conflict goes through from its onset to termination. These include pre-conflict, confrontation, crisis, crisis outcome and the post conflict stage.

### **Conflict Early Warning**

Early warning is the act of alerting a competent authority about the threat of new (or renewed) conflict sufficiently in advance for preventive action to be attempted.

### **Conflict Early Warning Mechanisms**

Processes and structures that collect and analyses data on conflict indicators and provide advance warning information on conflict risks and vulnerabilities.

### **Conflict Management**

This refers to actions undertaken with the main objective to prevent the vertical (intensification of violence) or horizontal (territorial spread) escalation of existing violent conflicts

### **Conflict Mapping**

Conflict mapping is a technique used for conflict analysis to represent any conflict graphically, placing the parties in relation both to the problem and to each other. When people with different viewpoints map their situation together, they learn about each other's experiences and perceptions that should be mentioned on the map. These include the core issues (content), level of conflict and the context of conflict.

### **Conflict Prevention**

Measures taken to avert the escalation of conflict into violence.

### **Conflict Resolution**

This is a more comprehensive term than conflict management, which implies that the deeper-rooted sources of conflict are addressed and resolved. This

implies that the behaviour is no longer violent, attitudes are no longer hostile, and the structure of the conflict has been changed.

### **Conflict Sensitivity**

Understanding the interaction between your intervention and context and act upon this interaction to avoid negative impacts and maximize positive impacts.

### **Cross-Border Conflict**

Conflicts between groups traversing or separated by international borders, in which there is no state-support of any of the groups.

### **Crime**

Activities amounting to breach of law as described in the penal code and is punishable under the criminal justice system through the criminal procedure act.

### **Development**

Long-term efforts aimed at bringing improvements in the technology, economic, political and social status, environmental stability and the quality of life.

### **Disaster**

A disaster is a natural or human-made occurrence resulting from an impact of a hazard, causing widespread human suffering, injury, loss of life and livelihoods, damage of infrastructure and environmental degradation, rendering the affected community incapable to cope without external interventions.

### **Ethnicity**

Fact of belonging to a particular tribe, race.

### **Gender**

Socially construed norms defining one to be a man or woman as prescribed by the reproductive, productive and communal roles they have in the society.

### **Human security**

Refers to two aspects: 'freedom from fear' (referring to the threat of violence, crime, and war); and, 'freedom from want' (referring to economic, health, environment and other threats to peoples' wellbeing).

### **Karamoja and Somali Clusters**

The term " Karamoja Cluster " is in common use and has been employed for many years to describe the pastoral and agro-pastoral ethnic groups, most of whom share a common language, culture, and geographical location encompassing North Eastern Uganda, North Western Kenya, South-Eastern Sudan and South-Western Ethiopia. Many of these ethnic groups live in what was the old Karamoja District in North-Eastern Uganda.

The term “Somali cluster” comprises that area in Northern Kenya, South-Eastern Ethiopia and Somalia mainly occupied by the six Somali sub-clans.

**Mitigation**

These are measures undertaken to limit adverse effects that may result from a conflict.

**National Policy**

A broad set of principles, guidelines and objectives that inform the authoritative allocation of resources, values, practices, norms and strategies to the society. It is a broad purposeful course of action to be followed by a concrete operational/implementation planned action.

**Non-State Actors**

These include civil society organizations, and private sector actors involved in processes of peace building and conflict management.

**Peace**

This is a state of harmony, order, and justice in society

**Peacebuilding**

This is the implementation of measures to consolidate peaceful relations and create an environment which deters the emergence or escalation of tensions which may lead to conflict.

**Poverty**

State of being poor, inability to access the basic things for survival.

**Region**

A geo-politically defined area at the inter-state level. For example, Kenya-Uganda; East African Community; Inter-Governmental authority on Development (IGAD); Great Lakes Region and The Horn of Africa.

**State Actors**

These include state institutions/agencies and structures as well as regional and international organizations to which the state is a partner or signatory, which are engaged with processes to enhance peace and human security.

**Sustainable Development**

Sustainable development is that type which meets the needs of today's generation without compromising those of future generations.

**Violence**

Act or behaviour that is intended to hurt or kill.