

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**POST CONFLICT PEACE BUILDING: EXAMINATION OF SUSTAINABLE
PEACE INITIATIVES IN EAST AFRICA**

BY

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DEGREE OF MASTER OF ARTS IN INTERNATIONAL CONFLICT**

MANAGEMENT

SEPTEMBER, 2013

DECLARATION

I, Samuel Kiti Lewa, hereby declare that this research project is my original work and has not been presented for a degree in any other university.

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This research project has been submitted for examination with my approval as University Supervisor.

Signed:..... Date.....

DR. OCHIENG KAMUDHAYI

DEDICATION

This project is dedicated to my dear wife Margaret Kadzo Kiti (Malkia) together with my children who inspired me to pursue further studies.

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ABSTRACT

This study investigated post conflict peace building initiatives in East Africa. It explored to find out whether peace building initiatives in East Africa have been successful or not and whether there is sustainable peace. Since post conflict societies are plagued with various issues such as immediate humanitarian assistance, reconstruction and rehabilitation, the study navigated through these issues with a bid to appreciating them and exert peace building approaches to negate them. The objectives of the study were to examine the sustainable peace initiatives amongst post conflict societies in East Africa. The study specifically undertook to analyze the strategies used in bringing about sustainable peace in the East African Community. It finally zeroed down to explore reconstruction and recovery strategies in post conflict peace building in a bid to clearly bring out which one is commendable within the East African Community. The case study was post election violence of 2007 /08 in Kenya. The research hypothesizes that post conflict peace building initiatives in East Africa are sustainable and effective even though they are reconstruction oriented rather than recovery oriented. The study also assumed that post conflict peace building initiatives in East Africa are not sustainable and are ineffective because they are reconstruction oriented rather than recovery oriented. Finally the study hypothesizes that post conflict peace building initiatives in East Africa are neither affected by reconstruction nor recovery strategies. In pursuit of these objectives and hypothesis, the study adopted a methodology with three component tools of analysis. The first was primary and secondary data analysis. This involved a critical review of both published and unpublished materials on post conflict peace building initiatives in East Africa. The instruments employed in this case were within case analysis and cross case analysis. The second component involved use of questionnaires and interviews with various members from the East African countries and other key informants. The third methodological component was focused group discussions with select participants on the basis of their knowledge and expertise. The study employed the qualitative aspects of research procedures and used narratives in explaining its findings. The study found out that peace building initiatives in East Africa are not sustainable and are ineffective because they are reconstruction oriented rather than recovery oriented. The study, therefore rejected the assumption that post conflict peace building initiatives in East Africa are sustainable even though they are reconstruction oriented rather than recovery oriented. It further rejected the assumption that post conflict peace building initiatives in East Africa are neither affected by reconstruction nor recovery strategies. In concluding, the study fully examined the peace initiatives in East Africa and revealed that peace initiatives are not sustainable. The East African Community is living on viable peace rather than sustainable peace. The member states in the EAC still adhere to state sovereignty and efforts to foster the East African Federation are more of blueprint rather than practical.

ABBREVIATIONS AND ACRONYMS

EAC	-	East African Community
UN	-	United Nations
IDP's	-	Internally Displaced Persons
PEV	-	Post Election Violence
DDRR	-	Demobilization, Disarmament Re-integration and Rehabilitation
ITP	-	Integrative Theory of Peace
CSR	-	Corporate Social Responsibility
KDF	-	Kenya Defence Forces
AU	-	African Union
EU	-	European Union
COMESA	-	Common Market for Eastern and Southern Africa
USA	-	United States of America
UK	-	United Kingdom
SALW	-	Small Arms and Light Weapons
IGADD	-	Intergovernmental Authority on Drought and Desertification
IGAD	-	Inter-Governmental Authority on Development
CEWARN	-	Conflict Early Warning and Response Mechanism
EASBRIG	-	East African Standby Brigade
EASBRICOM	-	EASBRIG Coordinating Mechanism.
ASF	-	African Standby Force
PEEFA	-	Peace Education and Enjoyment For All
EFPP	-	Education for Peace

UNON	-	United Nations Offices in Nairobi
UNDP	-	United Nations Development Programme
NGO	-	Non-governmental Organization
CBOs	-	Community Based Organizations
NCCK	-	National Council of Churches in Kenya
CSOs	-	Civil Society Organizations
SADC	-	Southern Africa Development Cooperation
ECOWAS	-	Economic Community for Western Africa States
KNDR	-	Kenya National Dialogue and Reconciliation
PNU	-	Party of National Unity
ODM	-	Orange Democratic Movement
KANU	-	Kenya African National Union
KADU	-	Kenya African Democratic Union
TNA	-	The National Alliance
NRM	-	National Resistance Movement
UNLA	-	Uganda National Liberation Army
CRS	-	Catholic Relief Services
UNLA	-	Uganda National Liberation Army
NATO	-	North Atlantic Treaty Organization
CRS	-	Catholic Relief Services
ICG	-	International Crisis Group
FBOs	-	Faith Based Organizations
ECOSOC	-	Economic Social and Cultural Arm of United Nations

WHO	-	World Health Organization
WFP	-	World Food Programme
WFP (K)	-	World Food Programme, Kenya
WFP(S)	-	World Food Programme, Somalia
AACC	-	All African Council of Churches
WCC	-	World Council of Churches
IMF	-	International Monetary Fund
SAPs	-	Structural Adjustment Programmes
WB	-	World Bank
WTO	-	World Trade Organization
ILO	-	International Labour Organization
ICC	-	International Criminal Court
NARA	-	National Accord and Reconciliation Agreement
NLC	-	National Land Commission
TJRC	-	Truth, Justice and Reconciliation Commission
EPLF	-	Ethiopian People’s Liberation Front
UNISOM	-	United Nations in Somalia Mission
ECK	-	Electoral Commission of Kenya
ODM – K	-	Orange Democratic Movement – Kenya
MP	-	Member of Parliament
KNCHR	-	Kenya National Commission on Human Rights
NARC	-	National Rainbow Coalition
CDF	-	Constituency Development Fund

MOU	-	Memorandum of Understanding
NAMLEF	-	National Muslim Leaders Forum
KPA	-	Kenya Ports Authority
CIPEV	-	Commission of Inquiry into Post Election Violence
ID	-	Identify card
IHL	-	International Humanitarian Law
IHRL	-	International Human Rights Law
ICRC	-	International Commission of the Red Cross
ICTY	-	International Criminal Tribunal for Yugoslavia
ICTR	-	International Criminal Tribunal For Rwanda

CHAPTER ONE

Introduction and Background to the Study

1.1 Background to the Study

The numerous conflicts that continue to plague the world necessitate post conflict peace building mechanisms to restore peace reconciliation and rehabilitation of societies and economies that have emerged from conflict. After the cold war, there was great optimism that conflicts would immensely reduce in the world. However, this was not the case. This optimism was thwarted as violent conflicts broke out in various parts leading to destruction of property, infrastructure and worse still, human life.¹ Brilliant examples in this regard are the Angolan, Rwandan and Somalia² conflicts which re-emerged in more vicious form in the 1990s. More recent instances are given by the electoral conflicts in regard to presidential election disputed results in Kenya in 2007 and Zimbabwe in 2008.

On the international front, civil wars in Latin America in such countries as Guatemala, El Salvador and Nicaragua left much damage and need for post conflict peacebuilding became imminent. Further, in Asia, countries such as East Timor, Cambodia and the Philippines have suffered devastating violent conflicts while on the European front the British and Irish have also had their share of conflicts which were resolved by the Good Friday Peace agreement. Since conflict and civil wars have the adverse effects of destroying property, infrastructure, forceful transfer of human beings

¹ 'Post –Poll Violence deaths hit 1,000 despite peace talks. Business daily (Nairobi), 6. February, 2008, p. 2

² Makumi Mwangi, *Human Security. Setting the Agenda for the Horn of Africa*. Africa Peace Forum, Published with the Support of IDRC pp. 56-58.

which leads to internally displaced persons (IDPs)³ and refugees⁴ and Wanton Killings, measures of deterring them are necessary.

In Africa, conflicts and civil wars, have been rampant, examples are Rwanda, Burundi, Mozambique, South Africa, Uganda, Zimbabwe, Mali, Libya, Sudan and most recently in Egypt. Within the East African sub-region, the post election violence of 2007 /08 in Kenya remains fresh in memory. It destroyed property, infrastructure, killed over 1,333 Kenyans, internally displaced over 650,000 Kenyans and brought the Kenyan economy on its knees just within a period two months. By and large, post conflict peace building initiatives are required almost in every continent of the globe. However, this particular study undertakes a research on the post conflict peace building initiatives in East Africa

The East African community (EAC) started in 1967 and its membership then was originally, Kenya, Uganda and Tanzania. Its aim was to promote regional⁵ economic integration but it collapsed in 1977 due to political and ideological differences among its member states and squabbles over the sharing of the economic benefits of integration. In 1993, the three said countries established a permanent Tripartite Commission of Cooperation. ⁶ This commission culminated in the framework agreement to re-establish the East African Community which agreement was signed by the leaders of the three countries in December, 1999. The main focus of the East African Community is regional economic integration, with the ultimate goal of establishing an East African Political

³ Ssenyonjo, M. *Justifiability of Economic and Social rights in Africa: General Overview, Evaluation and Prospects*; *East African Journal of Peace and Human Rights* vol. 9. No. 1.

⁴ Convention Relating to the Status of Refugees, Article 1.

⁵ John Burton and Frank Dukes, *Conflict: Readings in Management and Resolution*; Centre for Conflict Analysis and Resolution George Mason University, Virginia, USA pp 113 – 115.

⁶ Maurice Schiff and L. Alan Winters, *Regional Integration and Development* pp 4 – 10.

Federation.⁷ The current member states of the East African Community are Kenya, Uganda, Tanzania, Rwanda and Burundi.

This research project is, therefore, meant to navigate and examine through the post conflict peace building sustainable peace initiatives in East Africa. At the end of the study peace students, practitioners and political and economic policy makers should be able to clearly say whether Peace initiatives in East Africa have been sustainable or not. The question which requires an answer is whether there exist sustainable peace initiatives in EAC and their success or otherwise.

1.2 Statement of the Research Problem

Post conflict peace building initiatives have been undertaken on the global front as a mechanism to restore order to societies which have just emerged from violent conflict and wars. A brilliant example in this regard is the post conflict peace initiatives which were undertaken to rebuild the German Empire in Europe which went under due to Hitler's extermination of the European Jews where over six million Jews were killed. The aftermath of the Nazi conflict necessitated the proposal and approval of the universal Human Rights Law 1948 by the United Nations as well as the convention on the prevention and punishment of the crime of Genocide, which was proposed by Raphael Lemkin and approved by the United Nations in the same year.

In Africa, there has been numerous episodes of conflicts, for example the Rwanda Genocide of 1994 which saw over one million people killed and the Burundi massacre of 1993. A recent conflict is the post election violence of 2007/2008 in Kenya which left 1,333 people killed, destroyed property, almost brought the Kenyan economy on its knees

⁷ Makumi Mwangi, "*Human Security Setting the Agenda for the Horn of Africa.*" Published by Africa Peace Forum, with the support of IDRC, (Nairobi, 2008) pp. 209 – 211.

and caused forceful transfers of over 650,000 people as internally displaced persons (IDPs). In Asia, we have had violent conflicts in East Timor, Cambodia, El Salvador and Bosnia Herzegovina. Recent violent conflicts have erupted in Libya, Egypt and the Middle East, mainly caused by ethnicity or religious affiliations.

Most peace building approaches have been undertaken by states on the realist basis. This study envisages to stress on the need to employ both state and non-state actors in peace building approaches. It goes further to explore the gap between relief and development. The spiritual impact through the church as an interface between reconstruction and recovery strategies at the grassroot level of the community offers the bridging of this gap. Whether peace building efforts in East Africa have been successful or not will be revealed through the navigation of this research.

1.3 Objectives of the Research Project

The main objective of this research project is to examine the sustainable peace initiatives amongst post conflict societies in the East African Community. The specific objectives of this study are:

- (i) To analyse the strategies used in bringing about sustainable peace in post conflict societies in East African Community.
- (ii) To zero down to recovery and reconstruction strategies so as to clearly bring out which one is commendable within the East African Community.

1.4 Literature Review

The section reviews relevant literature from scholarly articles on Post conflict societies, Peace building, Sustainable peace initiatives and The East African Community. Essentially, it explores the concept of peace building, the role played by state and non

state actors in peace building under post conflict conditions and looks at preventive diplomacy, peace making, peace keeping and post conflict peace building as postulated by the United nations. It further explores how, within the domain of non state actors, the church plays a role in conflict transformation. Peace building initiatives, undertaken by the church in East Africa and particularly by the NCKK⁸ exemplifies how the church participates in enhancing peace building and conflict transformation within African societies and the globe at large. The literature also interrogates and navigates case study of South Africa's TRC and the peace building efforts of the church and identifies subsequent and emerging academic gaps.

Literature on issues in post conflict societies such as human rights, international intervention, international humanitarian assistance, DRRR, land ownership, environmental security, human security and agenda for peace, complex humanitarian emergencies transitional justice and state reconstruction will be reviewed within the constraints of the scope of this research project.

The concept of peace building is actually a new phenomenon which has been brought to the fore and a new dimension by the former United Nations Secretary Boutros Boutros Ghali in his report of 1992 on "Agenda for peace" where peace building was conceptualized as an integrated approach to human security that would address the root causes of conflict, economic despair, social injustices and political oppression.⁹It thus becomes important to bring out clearly the concept of peace building in this research project. The church involvement in peace building has also not been given much

⁸ Healing Memories: *Rift Valley Community leaders visit to Rwanda*, 2nd to 10th February 2013 (NCKK Unpublished document).

⁹ Boutros Boutros Ghali, *An Agenda for peace, Preventive Diplomacy, Peace making and Peace keeping*, UN Report, A/47/277/324111, 17th June, 1992.

prominence as an effective peace builder. Contemporary conflicts require peace building approaches that respond to the real nature of the conflicts in question.

Recent conflicts have been very radical which have included politics of hatred, manipulation and violence as Lederach observes. The Kenyan post poll chaos of 2007/08 dented Kenya's history and requires serious people of substance who are really interested in building sustainable peace and not jokers who can let the violence recur.¹⁰ The church is, therefore, best suited as a Track Two Diplomatic player to transform conflict as observed by Tarimo who contends that: religion provides compelling answers in small social groups and communities by furnishing people with a sense of identity and direction in life. The values and virtues impacted by the church help people to be generous through overcoming selfishness and pride. The South African case where the church was actively involved in TRC will be highlighted in this regard.

1.4.1 Post Conflict Societies

Literature on post conflict societies focuses on issues in post conflict peace building as unveiled by various scholars and peace practitioners. According Jeong, post conflict societies are those that have undergone and emerged from a conflict.¹¹ The issues involved in post conflict societies are many and diverse. These are peace keeping, peace making and peace building, complex humanitarian emergencies, principles of humanitarian intervention, human rights and legal issues, DDRRR and security sector reforms, transitional justice, state reconstruction, human security and the agenda for

¹⁰ John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Society* (Uzedy: US Institute of Peace, 1997) (ed). P. 39.

¹¹ G. Berridge, *Return of the UN*, (London: Macmillan, 1991); and A. Parsons *From Cold War to Hot Peace: UN Interventions 1947-1995* (London: Peguin, 1995). pp.1-10.

peace and environmental issues. Due to constraints on the scope of this research project, only some of these issues are discussed as under.

1.4.2 Peace Keeping, Peace Making and Peace Enforcement

The advent of a society having emerged from conflict needs security measures to be beefed up to ensure peace prevails and to ensure post conflict society does not slide back to violence. For example, the return of authoritarian rule in Zimbabwe, political killings and intimidation by the dominant political party in Cambodia and the continued influence of former political and military elites accused of massacres in Guatemala and El Salvador means without mechanisms of peace keeping, monitoring or enforcement violent can resume. Boutros Boutros ¹²Ghali posits that the issue of putting supporting structures which tend to strengthen and solidify peace is of paramount importance. Galtung contends that the issue of structural transformation need not be given priority. He argues that social reconstruction, rehabilitation and reconciliation are essential elements that make a peace process durable and sustainable.

The issue of peace keeping, peace making and peace enforcement is engraved in Article 33(1) of the United Nations Charter which mandates the UN security council to deploy personnel for these noble activities. It is, therefore, important to note that various scholars and peace practitioners may have divergent opinions but all must adhere to the postulates of the said Article 33 (1).

1.4.3 Reconstruction VS Recovery

Post conflict reconstruction refers to actions that must start after the war. Reconstruction calls for people to enter the society after the war. Reconstruction leans

¹² Boutros, Boutros Ghali, *An Agenda for Peace, Preventive Diplomacy, Peace Making and Peacekeeping* (New York: UN Department of Public Information, 1992) pp. 32 – 34.

more on regaining the physical aspects that have been destroyed as a result of violent conflict. For example, issues of reconstructing schools, bridges, roads, railways,¹³ hospitals, electricity installation and water connectivities.

Kodikara, Shelton,¹⁴ posits that society does not require physical things only. Rather, post conflict society needs deeper things than physical amenities. He expounds that people must begin to interact and leave in harmony. That social and political aspects of life are important and that a good post conflict peace building arrangement should address them.

He argues that the concept of physical reconstruction is an outdated school of thought. Shelton further stresses that peace building in a post conflict society should start before the war and continue even after the war. Peace building initiatives go beyond reconstruction. As a matter of fact, a better term for peace building is conflict recovery. Recovery is a multiple concept which requires social, economical, psychological, cultural and community development to bring about communal and holistic change in society. Recovery means picking up life from where it is and returning it back to normalcy or where it was before.

Post conflict societies are characterized by presence of the International Community, for example, the United Nations Agencies such as UNDP, WFP and UNHCR still think of reconstruction. These international organizations have mandate towards reconstruction than recovery. This leads to a conspicuous gap between relief and development which must be covered. Recovery takes care of this gap. The process of post conflict peace

¹³ Humanitarian News and Analysis (IRIN) (May 05, 2011), In brief : Sri Lanka Accountability Mechanism Key, Says US (<http://www.irinnew.org/report.aspx?> accessed on May 25, 2013).

¹⁴ Kodikara, Shelton “*Internationalization of Sri Lanka Ethnic Conflict*,” Paper Presented at a Social Scientists Association Seminar, 1983.

building, also known as recovery, is very important because it is a process which involves the people, it is for the people, is driven by the people since it emerges from the people. This people oriented process is bound to succeed because it is owned by the people. Its focus is on the community and not the peace builders.

1.4.4 Human Rights as a Post Conflict Issue

There was little concern with human rights until after World War II which ended in 1948. Despite the enlightenment, modern capitalism's emphasis on individual property rights, and western democracy's emphasis on individual political rights, state sovereignty as per Westphalia treaty of 1648 has taken precedence over human rights.

When the modern state system was established in mid 17th century, governments agreed, ostensibly in the interest of world peace, not to concern themselves very much with how other governments treated their own citizens. Within its own boundaries, each state was supreme and could do almost anything it wished.

Gradually, however, human rights law developed, initially out of concern with protecting persons during armed conflict. The Geneva Convention¹⁵ of 1864, for example sought to establish standards for treatment of wounded soldiers and of prisoners. The international committee¹⁶ of the red cross is a non governmental organization which for a long time has been concerned with international human rights. It was organized by a group of Swiss citizens who had attended the 1864 Geneva Convention. The Red Cross remains active to date as does its Islamic equivalent, the Red Crescent, seeking fair treatment of people during armed conflict.

¹⁵ ICRC, IHL: *Answers to your questions*, second edition (Geneva: ICRC, 2002) p4-12.

¹⁶ ICRC, *International Humanitarian Law and International Human Rights Law: Similarities and Differences*, (Geneva: ICRC, 2003) pp. 1-2.

Following World war I, there was widespread recognition that one cause of the conflict was the denial of national rights within such large empires as Austria – Hungary’s. Hence human rights received explicit attention from the League of Nations, which emphasized that minorities must be respected by larger federal governments. Labour rights sprang up to organize to have decent working conditions and wages, restrictions on child labour was the domain of the International Labour ¹⁷Organization (ILO) which currently is part of the United Nations. Opposition to slavery catalyzed numerous early human rights organizations, such as the anti –slavery league. As a matter of fact, many people do not realize that in many countries slavery was only abolished during the 1950s. There are still claims that slavery is still being practiced to date in Mauritania, Pakistan and Sudan. ¹⁸

1.4.5 Universal Declaration of Human Rights (UDHR) 1948

The Universal declaration of Human Rights was passed in 1948 in a United Nations Conference held in Geneva Switzerland. Its main aim was to make human beings more humane in terms of conflict. This culminated into other branches such as the international ¹⁹humanitarian law of 1949 and the convention for the protection²⁰ of non-combatants. Experiences of mechanized war in 1948 brought issues of how war should be concluded. Criminalizing war activities during war was done.

Prosecution of war criminals started in Nuremberg where victors tried losers. The Nuremberg trials. worked on those who were responsible for war crimes. Before the

¹⁷ *The International Human Rights Law of 1949 as Postulated by the Geneva Convention of 1948.*

¹⁸ David P. Barash, *Peace and Conflict Studies* 2nd Edition, University of Washington, Seattle, SAGE Publications, pp. 374 – 376.

¹⁹ L. Moir, “*The Historical Development of the Application of Humanitarian Law in Non-International Armed Conflicts to 1949,*” *International and Comparative Law Quarterly*, Vol. 47. No. 2, (April 1998) pp. 337-361.

²⁰ O. Durr, *Humanitarian Law of Armed Conflict: Problems of Applicability*, *Journal of Peace Research*, vol. 24, No. 3 (September, 1987). p. 271.

Nuremberg trials, international laws did not have space for individuals. The Nuremberg trials, therefore, brought into focus individual responsibility but there was no development in law until the post cold war era. After the 1994 Genocide²¹ in Rwanda and the Yugoslavia Massacre, the United nations started Ad hoc courts and Tribunals to try perpetrators of crimes against humanity in a bid to protect human rights. Individuals responsible for planning, financing or perpetuating crimes against humanity were henceforth held personally responsible for crimes committed. The Ad hoc courts transformed to the International Criminal Courts (ICC).

There has been competition on the concept of sovereignty and individual responsibility for a long time. The state can be held accountable for what happens within its territory. If anything goes wrong, immediate neighboring countries within the sub region have responsibility to intervene, failing which the international community shall intervene. This is the reason why currently we have three Kenyans who still face trial with the ICC following their indictment upon being implicated in the 2007/08 post election violence in Kenya. Thus human rights era, driven by NGOs and human rights organizations insist that states must act with restricted measure and that they no longer have monopoly of violence.

1.4.6 Peace Building

Peace building is difficult to define and even more difficult to achieve in practice.

²² This notwithstanding, post conflict peace building can be viewed as strategies and efforts designed to promote a secure and stable lasting peace in which basic human needs of the population are met such that violent conflicts do not recur. This definition takes a

²¹ T.Meron, "The Continuing Role of Custom in the Formation of International Humanitarian Law," *The American Journal of International Law*, Vol. 90. NO. 2 (April, 1996). pp. 238 – 249.

²² A. Tarimo. P. Mwanwelo, *African Peace making and Governance* (Nairobi action, 2007) p. 125.

long term focus and incorporates the goals of both negative peace which refers to the absence of physical violence and positive peace which refers to the absence of structural violence. This distinction of negative and positive peace was first propounded by Galtung.²³ This analytical framework is also informed by the more comprehensive and normative definition of peace building provided by Rebecca Spence who defines peace building as those activities and research processes that focus on the root causes of the conflict, rather than just the effects. Peace building supports the rebuilding and reconciliation of all sectors of war-torn society, encourages and supports interaction between all sectors of society in order to repair damaged relations and start the process of restoring dignity and trust. Further, peace building recognizes the specifics of each post conflict situation, encourages and supports the participation of indigenous resources in the design, implementation and sustainment of activities and processes that will endure after the initial emergency recovery phase has passed.²⁴

Tools of track two diplomacy such as problem-solving workshop provide an environment in which the parties to the conflict could meet and learn techniques that enable them to ultimately resolve their conflict peacefully and sustainably.²⁵ Problem solving workshops entail sustained attempts at tackling more intractable conflicts between parties. They were developed from the realization that conventional track one methods of third party intervention, which were based on legal and diplomatic traditions were not really successful in resolving conflict, especially where masses at

²³ Johan Galtung, "Violence, Peace and Peace Research," *Journal of Peace Research*, (1969) pp. 167-191.

²⁴ Rebecca Spence, "Post Conflict Peace building: Who determines the Peace?" In Bronwyn Evans- kent & Roland Bleiker (eds) *Rethinking Humanitarian Conference Proceedings 24th – 26th September, 2001*. (St. Lucia: University of Queensland, 2001) pp. 137-138.

²⁵ B. J. Hill, 'An Analysis of Conflict Resolution Techniques: from Problem Solving Workshops to Theory,' *The Journal of Conflict Resolution*, Vol. 26, No. 1 (March 1982) pp 108 – 138.

grassroot level are highly involved and have to be consulted. Track one diplomatic techniques relied so much on coercive methods, resulting solutions based on compromise and imposed by authority arising from both national, regional and international agents.

Ramsbotham²⁶ et al notes that problem solving workshops, initiated by classicals like Banks, de Reuck, Mitchell, J. Burton, Nicholson and Kelman,²⁷ examine conflicts as problems to be solved, to explore more integrative solutions where both sides might win.²⁸ They also involve influential but non-official participants, entail holding of meetings facilitated by third parties; joint analysis of likely constraints; joint research on possible solutions to the constraints and the building of new relationships.²⁹

P. Aall posits, and argues, that track two diplomacy offers a socializing function. He further argues that actors involved in track two diplomacy have a high predisposition to succeed because of the social interaction and networks that they enjoy among local communities. These connections help the peace builders overcome the perception that a solution to a particular conflict is imposed by aliens. Track two diplomacy helps in building bridges between individuals, it builds confidence, increases trust, helps in correcting misperceptions and in changing attitudes. It also helps in fostering mutual understanding and in developing a sense of ownership within the local community.³⁰ The socializing strategy helps to improve communication and changes peoples perceptions about the conflict at hand. It also serves a good way to strengthen the voices of

²⁶ O. Ramsbotham et al (eds), *Contemporary Conflict Resolution*, 2nd edition, op.cit. p. 48.

²⁷ H. C. Kelman, 'The Problem-solving Workshops: A social Psychological Contribution to the Resolution of International Conflicts,' *Journal of Peace Research*, Vol. 13 (1976) pp. 79 -90.

²⁸ B.J. Hill, Op.cit. pp.108-138.

²⁹ O. Ramsbotham et al, Op.cit p. 48.

³⁰ J. Bercovitch, K. Huang & C. Teng (eds), *Conflict Management, Security and Intervention in East Asia: Third Party Mediation in Regional Conflict* (New York: Routledge, 2008) p. 77.

moderation and to develop social networks which cement peacebuilders with constituents and other stakeholders in the peace building initiative.

The concept of post conflict peace building emerged and seemed to offer immense promise. Alongside preventive diplomacy, peacemaking and peacekeeping, post conflict peace building is the fourth pillar of a comprehensive approach by the United Nations (UN) and other multilateral bodies to peace and security not only between states but also on intra-state basis. Post conflict peace building encourages more deliberate links among the various actors of the UN System, developing an effective division of labor among their respective forms of humanitarian assistance, social, economic, political and military attributes while at the same time attending to their interrelationships.³¹

As envisaged by Galtung, it is generally agreed that the task of peacebuilding is to promote positive peace. This has become the starting point of the analysis, from which point the next step is about addressing the ‘root causes’ of a conflict. In essence, the root causes of conflicts are most frequently complex and hard to identify and most peace builders find difficult to understand them. In most developing countries root causes of conflict include skewed land property structures, issues on environmental degradation and unequal political representation at the national government level.³² Emphasis on resolving the root causes of conflict has been criticized for being an overly negative row of social conflict. So long as it does not take violent forms, it may contribute to a dynamic and innovative society. As Mwangi acknowledges, social conflicts are

³¹ Christopher Crocker, “How Wars End” *Millennium. Journal of International Studies* 26, Vol. 3 (1997) pp. 615 – 630.

³² W. Zartman (ed). *Elusive Peace: Negotiating an end to civil wars*. The Brookings Institution. New York. 1995. P. 5. Also See J. Markakis. *Resource Conflict in the Horn of Africa*. SAGE Publishers, London. 1999. p.4.

inevitable. Some approaches to peace building have turned their focus from the root causes to good governance and peaceful dispute resolution.

Based on these arguments, it can be opined that the main aim of peace building is to remove violence as a tool for conflict resolution. It is equally quite conceivable that a democratic environment, judicial reforms and other good governance measures can remove strong social tensions. However, there are some entities or individuals who are not contented with good governance and feel that positive peace building must primarily address the root causes of conflict and also solve them, or else there is no sustainable peace. The integrative theory of peace (ITP) advocates for a holistic approach towards change of attitudes, perspectives, culture and norms with a view to incorporating a unity based peaceful environment in society. Accordingly, formation in leadership, mediation and conflict transformation skills should necessarily be tapped from a model of integrative peace education. This is an effective means of initiating a process of change in society. Integrative peace education involves invoking different initiatives aimed at positively transforming society in totality; at personal level through change of attitudes, perceptions, cultural norms, religious norms and other constructed beliefs at the community or national level. This is done through change of unjust structures engraved in cultural, social, political and economic domains³³ as Omondi posits.

1.4.7 Literature on Sustainable Peace

Sustainability refers to all those strategies and initiatives which assure durable outcomes, providing the necessary infrastructure for long term peace as well as being

³³ Elias Omondi Opongo, '*Peace Weavers: Methodology of Peace Building in Africa* (ed) Pauline's Publications Africa 2008) p. 124.

achievable within acceptable time frame. According to Reychler,³⁴ sustainable Peace strategies should encompass a multidimensional analysis which helps with assessing the strengths of the peace potential by examining the impact of diverse policy tools on the outcome.

According to Doyle and Sambanis,³⁵ generic categories of peace building can be listed in an all –inclusive design but which standard model must be adapted to identify strategies that respond to specific sets of problems. Formulating a systematic strategic plan will have to be supported by a comprehensive analysis of the original conflict. In other words, each component of peacebuilding, which incorporates security, development, reconciliation and re-integration, must take into account the diverse nature of past violence, for example, deep ethnic divisions, military imbalance and its causal antecedents as well as an assessment of future prospects. Since memories of past events and visions for the future have significant effects on the current peace struggle in the East African Sub-region, it is imperative to employ an all inclusive approach to peacebuilding.

In a nutshell, sustainable peace is characterized by brining development for all. The said development must be environmentally friendly.³⁶ The development must be sustainable, not degradable. For example, development must advocate and incorporate all aspects of (CSR) corporate social responsibility. Such development must take care of the welfare of the local people otherwise such investment become useless. For example Gold mining in an area should not undermine the peoples’ health. According to Makumi

³⁴ Ho-Won Jeong. *“Peacebuilding in post conflict societies.” Strategy and process.* Lynne Rienner Publishers, boulder London. p. 20.

³⁵ Ibid.

³⁶ Anara, T. *Promoting Human Security Ethical, Normative and Educational Frameworks in Central Asia* (Paris: UNESCO).

Mwagiru,³⁷ non-military security threats to human security such as terrorism, HIV/AIDS, environmental degradation, globalization, global warming, pollution, poverty, piracy along the Kenya / Somalia Coast, external influence and interference should be part and parcel of government efforts to deter them so as to ensure sustainable peace. Finally sustainable development for sustainable peace should ensure a bottom up participatory development approach. Thus sustainable peace in the East African Community can be assured if policy makers will accept the pragmatic shift from reconstruction to recovery as this study seeks to affirm.

1.4.8 Peace Building through the Church and Religion

In order to ensure adequate reconciliation among conflicting communities as Robert Mudida³⁸ posits, it is imperative to promote healing at the grassroots. The Serena mediation process championed by Kofi Annan in Kenya, for instance, provided a firm base upon which to build sustainable reconciliation processes. Track one conflict management is the type practiced by states and international organizations. It is based on formal rules and operating procedures. It is power based and state –centric. An inherent weakness of most Track one conflict management initiatives is that they are rational responses to irrational phenomena. In most cases, conflict is not rational. Track one diplomacy is usually oriented to a “carrot and stick” policy and to short-term results often achieved under pressure through coercion, intimidation or bargains based on balance of power and usually effected under public glare. Such conflict management processes, therefore, do not adequately attend to the need of healing.

³⁷ Makumi Mwagiru, *Human Security, Setting the Agenda for the Horn of Africa*, Africa Peace Forum Published with the support of IDRC (2008) pp. 221-225.

³⁸ Robert Mudida, “*Enhancing the Role of the church in conflict transformation in Africa*” (2009) p. 127.

In most cases, they are settlement rather than resolution oriented. This, though, does not mean that Track one diplomacy is not useful but rather, that it must be accompanied and complemented by Track two diplomatic processes which are more effective in reaching the grassroots. Track two or unofficial or citizenry processes are carried out most notably under the auspices of religious organizations and civil society organizations (CSOs). These are better placed to promote healing which is important for resolution of deep rooted conflict. Such unofficial organizations can more effectively reach the grassroots where it is vital to achieve reconciliation. Sustainable peace is only possible through the transformation of people and relationships from below. The transformed people would then be able to change their relationships and build adequate new structures to support them. For sustainable peace to be achieved, there must be input and implementation across the board from all levels of the post conflict society. As Tarimo and Manwelo contend:

Religion provides compelling answers in small social groups and communities by furnishing people with a sense of identity and direction in life. In religious activities, people rediscover their identities and moral responsibilities. These values help people to be generous by overcoming selfishness and pride. Because of their authentic commitment to promote fundamental values and to shape human conscience, the role of the church and religion must be thus accepted. In promoting a deeper meaning of life, religious practices strengthen personal identity and simultaneously reinforce inter-group solidarity.³⁹

Lederach posits, and argues, that the church can contribute more effective conflict transformation by focusing on personal, relational, structural and cultural issues at the

³⁹ A. Tarimo and P. Manwelo, *African Peace making and Governance* (Nairobi: Action, 2007) p. 125.

grassroots level. On the personal aspects of conflict transformation an analysis should be carried out by the church on what attitudes in society increase the likelihood of destructive patterns of conflict. For example, in countries plagued with ethnic conflicts, adherence to ethnic norms and perspectives by the various ethnic groups becomes the breeding base for conflict. The church should, therefore, specifically target the most destructive attitude to effect change through its programmes at the grassroots level. The church should be able to monitor whether the attitude has positively changed in relation to specific program activities it has developed.⁴⁰

On the relational aspect, according to Lederach, the church should look beyond tension of issue as visibly seen but rather the underlying changes that can evolve the conflict in the patterns of how people perceive themselves, the others and the conflict. The church should inject hope in the people regarding their future relationships. Further, the church should engage in intentional intervention to minimize poor communication and maximize mutual understanding in a bid to unearth relational fears, hopes and goals of people. The church needs to encourage interdependence.⁴¹ The church needs to encourage regular and open contact between conflicting sides. For example it should organize peace meetings and also encourage intermarriage between conflicting parties to express themselves accurately in conversations without fear, judgement, intimidation or restriction. Another vital principle the church can invoke is to develop the capacity of people to listen and hear accurately the concerns of others without judgement or prejudice.

⁴⁰ J. Paul Lederach, R. Neufeldt and H. Culbertson, *Reflective Peace Building: A Planning, Monitoring and Learning toolkit* (Notre Dame: John B. Kroc Institute for International Peace Studies, 2007), pp. 17 -23.

⁴¹ Ibid.

On the structural level, a change in focus is created that moves beyond direct relationships to relational patterns that involve and affect whole groups. The structural dimension highlights the underlying causes of conflicts and the patterns and changes it brings in social structures.⁴² The issues in post conflict peace building are sometimes understood as ‘contents’ or ‘substance’ of a conflict and may include issues such as human basic needs, access to resources and participation in institutional decision making. The church should invoke an analysis of social conditions that create disparity and inequality among ethnic, religious or racial groups. Lederach further contends that, the church should encourage discussion about conditions and patterns that have contributed to perceived and actual disparity in access to resources and political power in African states. The church needs to consider whether there are consistent patterns of marginalization and exclusion that have led to a greater privilege for some and disadvantaged others. Identification of historical patterns of ethnic marginalization is particularly vital for positive social transformation.

According to Vayrynen,⁴³ Wall⁴⁴ and Levy,⁴⁵ conflict transformation in a structural context represents deliberate intervention to provide insight into the underlying causes and social conditions that create and foster violent conflict. It also promotes non-violent mechanisms that maximize participation of people in decisions that affect them. The church can also exert impact on the cultural aspects of conflict transformation in

⁴² J.O. Lederach, Op.cit.pp. 17-23.

⁴³ R. Vayrynen, *To settle or to Transform? Perspectives on the Resolution of National and International Conflicts in Vayrynen, R. (ed) New Directions in Conflict Theory: Conflict Resolution and Conflict Transformation* (London: Sage Publications, 1991) pp. 1 – 25.

⁴⁴ J. S. Levy, *Theories of Interstate War: A Levels of Analysis Approach,* In C.A Crocker, et al, (eds). *Turbulent Peace: The Challenges of Managing International Conflict.* (Washington: United States Institute of Peace, 2001) pp. 3 – 27.

⁴⁵ J.A. Wall, *Will New Blood in the Leadership Produce New Blood on the Battle field? The Impact of Regime Changes on the Middle East Military Rivalries,* *Journal of Conflict Resolution*, Vol. 25 (1981) pp. 157 – 180.

Africa. The cultural dimension relates to the changes produced by conflict in cultural patterns of a group and to the ways that culture affects development and handling of conflict. For example, among the Karamajong clusters of Kenya and Uganda, cattle rustling is accepted as part and parcel of their culture. To deter this perception, a cultural transformation is necessary. Culture is fundamentally about how people make sense of things. The church should build an inventory with people in a given group about what aspects of their culture contribute positively to the expression and handling of conflict and which patterns aggravate the conflict. Additionally, patterns that have been affected by factors such as displacement or migration, population growth, conflict dynamics and modernization should be identified.⁴⁶

The church's role in conflict transformation can also be reinforced as envisaged by Montville, through drawing on tools of conflict analysis and management. An important practical tool for track two diplomacy is problem solving workshops. These have been used in protracted conflicts around the world with some degree of success. These workshops are carried out over a period of four to five days with the aim of facilitating a process of undermining negative stereotypes held by participants and re-humanizing their relationships.⁴⁷ The ideal delegation of representatives of the groups in conflict ranges from three to six, while a third party panel of facilitators can range from two to five. In the process of working together at close range for a number of days, the representatives of groups in conflict learn that they can act openly and honestly with each other. The church can facilitate problem solving workshops in different conflict

⁴⁶ J.A Wall, Op.Cit.pp. 157-180.

⁴⁷ J. V. Montville, *"The healing function in political conflict resolution"*, op.cit. pp. 112-127..

contexts. Church leaders should receive training and facilitate training in problem solving workshops.

The church leadership fraternity should also draw upon the principles of non-violent means of social transformation which are more effective and less costly in the long run. The principle of non-violence as a strategy for change was fully developed by Mohandas Mahatma Gandhi in his campaign to secure independence for India from Britain between the 1920s and 1948 when India secured independence. Mahatma Gandhi's non-violent principle was known as 'Satyagraha' and entailed converting the power of non-violence into political action.⁴⁸ The interesting thing about the principle of non-violence is that its aim is not victory over the other side but mutual gain through friendship and realizing an intrinsically good end. The non-violent resister does not seek to defeat the opponent but rather to win friendship and understanding. Non violent resisters seek to attack the evil system operating in the individuals rather than the individuals who happen to be caught up in the evil system.⁴⁹ Development of a culture of non-violence is important in addressing ethnic conflicts in East Africa because it encourages the preservation of human life. It discourages people from taking up arms and killing or wounding other people even where serious disagreements exist between different ethnic communities.

Track two peace builders at the grassroots such as religious organizations should focus on fostering a culture of non-violence in resolution of conflicts. In times of problems some religious leaders have been known to take refuge in their ethnic groups. A

⁴⁸ Mahatma Gandhi and Martin Luther King Jr: *The Power of Non-Violent Action* (Paris: UNESCO, 1999), PP. 240-280..

⁴⁹ M. Luther King Jr., "The Power of Non-Violence" in Jr. M. Washington (ed). *The Essential Writings and Speeches of Martin Luther King Jr.* (New York: Harper Collins, 1986) pp. 12-15.

good example in this context is the Rwanda Genocide of 1994. In the Said Genocide, Christians could not invoke the Christian conscience to address the situation. Even those in positions of leadership and authority could not stand above ethnic parameters to address the situation. Christianity, for some is like a garment which can only be worn when needed and abandoned when conditions are unfavourable.

When Karekezi was asked in an interview to link the role of the church fraternity in Rwanda with what happened during the 1994 Rwanda Genocide, he had this to say.

“My faith as a Christian has been affected seriously, in the sense that I cannot realize that such evil could happen in a country where so many people are Christians and where there are so many Catholics, over 65%, with such influence in education. What have we been doing as Christians and as priests? How can we preach love of God and the compassion of God in this situation? All these questions derive from an experience of the deep mystery of evil. Evil is so consistent and so strong that its power is prevailing.”

The questions that Karekezi posed are not limited to Rwandan Christians only. The experience of Rwanda should be taken as a typical example for many Christians in Africa. The Rwanda episode calls for Christians to examine themselves and ask themselves serious questions especially on the relevance of the Christian faith in the public life.⁵⁰ It is emerging that many Christians, incidentally, preach water but drink wine!

As posited by Hoyweghen, some churches in Rwanda participated as actors in the violence while others played a critical role in maintaining peace during the genocide. Not

⁵⁰ Tarimo A. S. J. Manwelo P. S. J., *‘Ethnicity Conflict and the Future of African States,’* Nairobi. (2009), P. 40.

only were members of the Christian community responsible for most of the killings but the church leadership was deeply implicated in perpetration of the genocide both explicitly and through omission. By refusing to speak out against genocide, the church implicitly condoned the violence. Church property, as the site of sanctity and holiness was violated and polluted. More Rwandans died in churches and parishes than anywhere else in Rwanda.⁵¹ The Catholic Church was particularly implicated in the genocide resulting in making her efforts in post conflict peace building and reconciliation very difficult. The Rwandan Catholic Church entered into a phase of crisis, lost her credibility and failed in her mission.⁵² This is a sad state of affairs.

Despite the failure of the Catholic Church in Rwanda, according to Tiemessen, the role of religion, particularly Islam, in post genocide in Rwanda should not be underestimated in terms of its contributions in healing efforts. The Islamic temples were one of the few places in Rwanda where genuine reconciliation was occurring. Rwandan Muslims are embracing reconciliation in pursuit to their mission: *“Our Jihad is to start respecting each other and living as Rwandese and as Muslims.”*⁵³ This is evident from the fact that many Rwandese currently find it easier to enter into mosques and get relief amenities than go to church.

A rather peculiar example of the use of religion in resolving conflict concerns South Africa where the Truth and Reconciliation Commission (TRC) was led by the Anglican Archbishop in close association and collaboration with the country’s Christian

⁵¹ Van Hoyweghen, Saskia.. *“The Disintegration of the Catholic Church in Rwanda: A Case Study of the Fragmentation of Political and Religious Authority.”* *African Affairs*, vol. 95. no. 380 (July, 1996) pp. 379-401).

⁵² Ndahiro, Tom: *“The Churches Blind Eye to Genocide in Rwanda.”* In *Genocide in Rwanda: Complicity of the Churches?* Eds. Carol Puttner, John, K. Roth and Wendy Whitworth. St. Paul, Minnesota: Paragon House. (2004). pp. 102 – 110.

⁵³ Tiemessen, Alana,. *“From Genocide to Jihad: Islam and Ethnicity in Post Genocide Rwanda: Paper for Presentation at Annual Meeting of CPSA in London, Ontario, (2- 5 June, 2005) p. 77.*

communities. The work of the TRC was mainly anchored on the idea that long term reconciliation depends critically on religious notions of reconciliation, forgiveness and healing even in the absence of formal justice. Even though the Truth and reconciliation commission has been criticized even in South Africa itself, its ultimate success or failure will be judged over the passage of time. Meanwhile, the South African TRC model has been widely emulated as a pace setter in issues of transitional justice in regard to restorative justice as opposed to retributive justice.

History is rich in presenting cases of mediation and peacemaking by religious leaders and institutions. A good example at hand is the world council of churches (WCC) and the All Africa Council of Churches (AACC) mediation of the short lived peace agreement in Sudan in 1972. In south Africa, various churches were in the fore for the struggle against apartheid and the peaceful transition. Among the most dramatic and frequently mentioned cases is the successful mediation that the Rome-based community of Sant' Edigio achieved to help end the civil war in Mozambique in 1992.⁵⁴

According to Ramsbotham and Woodhouse, peace building initiatives by the church is a strategy clearly desirous in confronting the suffering normally faced by victims. The reason is that the church goes beyond mere material assistance and provides the needed humanitarian responses to cover psychotherapy of traumatized victims, reconciliation and overall reconstruction of shattered lives of both the victims and the victimizers.⁵⁵ According to Boulden, the church is morally suitable for peace building as it focuses on aspects such as repairing relationships, rebuilding the economic base of the victims, encouraging and fostering forgiveness and restoration of human rights and

⁵⁴ Osagie, U. C., *'Mission of Revenge,'* West Africa (1994) p. 205.

⁵⁵ Ramsbotham O. and Woodhouse, *'Contemporary Conflict Resolution'* Cambridge: Policy Press, 1999) pp. 50 – 56.

dignity in life. The role of the church according to Boulden is, therefore, to mobilize resources, build trust, consensus, facilitate victims to seek redress in court of justice and support economic reconstruction.

Another scholar and peace practitioner whose work stimulates thoughts on the usefulness of religion as a tool to peace building is Reychler. Reychler advocates for a dedicated study on the impact of religious organizations on conflict behavior and a comparative study of the peace building efforts of different religious organizations. He further posits that the world cannot move on without a new global order and that religious partnerships coined with a coalition of peace makers and peace builders would make this goal realized.

Reychler ⁵⁶sees peace making as an activity of both religious and non-religious NGOs and refer to both Catholics and other Christians to take centre stage in this regard. He concludes that religious NGOs and religious institutions have an untapped and under-used integrative power potential. To assess this potential and understand which factors enhance or inhibit joint peace ventures between the Christian religion and other prophetic religions such as Judaism, Islam, and the Indian religions like Hinduism and Buddhism and the Chinese religions is a research venture that needs to be explored. ⁵⁷

Religious actors and faith based organizations currently feature at every stage of the conflict transformation cycle. They work in forums of peace education, conflict prevention, mediation, inter-religious dialogue, peace building networks for local leaders

⁵⁶ Reychler, Luc, “*Religion and Conflict*,” *International Journal of Peace Studies*, (1997). Vol. 2. No. 1, pp. 19 – 38.

⁵⁷ Ibid.

in post conflict social reconstruction and trauma work, in human rights forums which include religious freedom⁵⁸ and matters of conflict resolution.

The scope of religious leaders and institutions is hence very wide and it ranges from high –level mediation to grassroots projects. Peace building projects carried out by faith –based organizations very closely resemble those by secular NGOs. However, in many instances, the various religious orientations of the said Faith-Based Organizations shape the activities they undertake, including when they introduce peace building components into more traditional relief and development activities.

Bercovitch⁵⁹ posits that it is a fact that previous non state actors in peace building, reconciliation and reconstruction. Currently, however, these actors contribute significantly to issues in post conflict reconstructions and sometimes in more focused and faithfully than the traditional state actors. Non official agents in track to diplomacy, and to be precise, the church, with its moral standing, can effectively channel communication and humanitarian assistance to victims and adversaries in a post conflict scenario. This argument is, however, refuted by scholars who advocate for total state involvement in the management of post conflict societies.

Necla⁶⁰ Tschirgi, in his study on peace building, maintains that a post conflict violence situation is best managed by the government as exemplified by the Marshall plan of 1948 for the reconstruction of post world war II in Europe and Japan. This state centric paradigm of top-bottom approach has been applauded by realists such as

⁵⁸ R.Scott Appleby, “*Disciples of the Prince of Peace? Christian Resources For Non violent Peace building,*” in *Beyond Violence: Religious Sources of social Transformation in Judaism*, James L. Heft (New York: Fordham University Press, 2004). p. 137.

⁵⁹ Jacob Bercovitch and Rubin J. Z. *Mediation in International Relations. Multiple Approaches to Conflict Management.* London. St. Martisa Press, 2004 p. 6.

⁶⁰ Necla Tschirgi. “*Post Conflict Peace Building Revisited Achievement, Limitations and Challenges* (Networks: WSP, 2000) pp. 82 – 90.

Mwagiru.⁶¹ Mwagiru argues that the concept of peace building or post conflict management is not to end conflict but to prevent its resumption. According to Mwagiru and Necla, this is purely a political understanding and not a development or a humanitarian agenda. Mwagiru continues to argue that for positive outcome to be realized, the state actors must bring in strong foundations of democracy, judicial reforms and economic growth which should be sustainable, and that this does not include the church.

The realists argument assumes that the government has the monopoly of directing fundamental issues of peace and security within a sovereign state without due regard to non state actors in the reconciliation and peace building processes in a post conflict society. The realists' stand on sole official involvement in the institutional and political reforms smacks an oversight into the structural diversity of modern politics and peace dispensation. As Lederach⁶² posits, it is important to know that even economic growth cannot take place without grassroots support from the local population. Further, all the other reforms, besides the need to solicit support and participation from the non official players, can only take place in a peaceful environment. The church is closer to the citizenry than the state. Thus a bottom-up approach postulates the pivotal role the church ought to play in peace building endeavors.

1.4.9 Literature on the East African Community

The East African Community was initially formed in 1967 and comprised of three countries namely Kenya, Uganda and Tanzania. The formation of the East African

⁶¹ Makumi Mwagiru, "*Conflict in Africa: Processes and Institutions of Management*" (Nairobi: Watermark Publications, 2000). pp. 18-24.

⁶² John Paul Lederach and Reynolds L., '*Building Peace, Sustainable Reconciliation in Divided Societies.*' (Uzalata. US Institute of Peace, 1997) p. 39.

Community was informed by the notion of regional integration which draws its mandate from Article 52(1) of the United Nations (UN) Charter⁶³ and also Article 3 of the African Union (AU) Charter. The simple notion behind the East African regional integration lies in strengthening ties that generate transnational social capital and identity with stronger social capital.⁶⁴ Regional integration derives its sources from the idealists theory. Idealists believe that states act nicely. That states cooperate and act for the common good of the ruled. Idealism believes in having a free trade area, for example customs, preferential trade agreements as is practised in COMESA. ⁶⁵On the global front, the aftermath of the 2nd world war demanded expansion of idealism and was the genesis of the evolution of the big victorious five (5) powers which are Britain, France, China, Russia and the United States of America (USA) which gave themselves veto powers.

The East African community, in forming the integration had in mind not only cohesing on trade and development agenda, but also to foster regional peaceful co-existence as advocated by the United Nations Charter, Article 33 (1) on peaceful resolution of conflicts. ⁶⁶Having been in existence for ten years, the East African Community broke down in 1977 due to political and ideological differences over sharing of the benefits of integration. In 1993, the three countries established a Tripartite commission for cooperation. This commission culminated in the framework agreement to re-establish the East African Community and was signed by the leaders of the three countries in December 1999. The primary focus of the East African Community is

⁶³ United Nations (UN) Charter, Article 52(1) and African Union (AU) Charter, Article 3.

⁶⁴ Adekunle Amuwo, Hippolyt Pul Irene O. Adadevoh; “*Civil Society, Governance and Regional Integration in Africa.*” pp 57-63.

⁶⁵ Makumi Mwangi, “*Human Security,*” *Setting the Agenda for the Horn of Africa*, Africa Peace Forum.” Published with the Support of IDRC. PP. 201 – 208.

⁶⁶ United Nations (UN) Charter, Article 33 (1).

regional Economic integration, with the ultimate goal of establishing a political federation. The current member states of the East African Community are Kenya, Uganda, Tanzania, Rwanda and Burundi.⁶⁷

It is imperative to note that East African Countries have had a history of forming and breaking their bonds of solidarity. For example, after the original EAC collapsed in 1977, Kenya, Uganda and Tanzania signed a second EAC Treaty, which laid the foundation for future negotiation on regional integration. The second bid on the EAC was formally launched on 15th January 2001. Priority areas of cooperation and coordination include fiscal and financial policies, immigration controls, tariffs, customs procedures, trade standards, air, road, rail and water transport and postal services and telecommunication.⁶⁸ The sole objective of the East African Community, as it stands currently is to develop policies and programmes aimed at widening and deepening cooperation among its partner states in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs for mutual benefit.⁶⁹

Although the EAC is primarily a vehicle for economic integration, of late it has been developing important mechanisms for cooperation and border controls, policing and strategies to curb trafficking and proliferation of small arms and light weapons (SALW) amongst its members.⁷⁰ At the core of the revised EAC Treaty is the school of thought that economic development and regional integration can help prevent conflicts and

⁶⁷ Makumi Mwangi, "Human Security," *Setting the Agenda for the Horn of Africa*, Africa Peace Forum. Published with the Support of IDRC. Pp 209 – 211.

⁶⁸ Kibula, T. & A. Tostensen, 'Fast Tracking East African Integration: Assessing the Feasibility of a Political Federation by 2010' (Norway, CMI, 2005). P1-18.

⁶⁹ Makumi Mwangi. Op cit et al. p. 210 paragraph one.

⁷⁰ Makenkamp, M., Van Tongeren, P. & Van de Veen, H. *Searching for Peace in Africa: European Platform for Conflict Prevention and Transformation* (1999).P. 1-20.

enhance sub-regional security. This can be inferred from the fact that in 1998, the EAC came up with a memorandum of understanding on common defense and security which was followed by another one in 2000 on interstate security. Due to the Kenya – Uganda border clashes among the Pokot, Sebei, Turkana and Karamajong communities, it became necessary to sign the memorandum of understanding providing specifically for the establishment of border committees for the stability of the said areas. The East African Community also instituted the interstate security committee and judicial affairs committee to focus on prevention of conflict as a preventive diplomacy gesture.⁷¹

It is very important to note the ambiguity in the East African Community Treaty. For example, the said Charter does not clearly stipulate how the promotion of peace, security and stability will be achieved and mostly emphasizes on cross –border criminal issues. For example, Article 124(5) of the EAC Charter Provides that partner states agree to enhance cooperation in the handling of cross border crime, provision of mutual assistance in criminal matters and the exchange of information on national mechanisms for combating criminal activities.⁷² There is a clear gap in this treaty in that there is no framework in it stipulating how matters relating, for example, to one of the heads of state being overthrown in a military coup, or an invasion of any of the members by non-partner states or any mechanism to activate military personnel to deter any injury to security parameters in the region.⁷³

A further gap is that matters of security are not discussed elaborately to implementation levels. Security is only discussed when it is acknowledged that the

⁷¹ Lund, M. *Preventing Violent Conflict: A Strategy for Preventive Diplomacy* (Washington DC: USIP, 2001).

⁷² East African Community (EAC) Charter, Article 124 (5).

⁷³ Makumi Mwangiru, *op.cit.* et al. p. 20 4th paragraph.

maintenance of peace and security is an essential ingredient for the promotion of trade, investment and other development strategies.⁷⁴ A concluding note on the EAC literature would suffice to include the structure and institutions of its daily activities.

The EAC's institutions are, the summit which comprises the presidents or heads of government of the member states, the council of ministers, the coordination committees, the sectoral committees, the East African Legislative Assembly, the East African court of justice whose headquarter is Arusha and the secretariat. The East African Community has benefited on its overlap of two of its member states, that is Kenya and Uganda being also member states of the Intergovernmental Authority on Development (IGAD). By virtue of this overlap, through IGAD, the conflict Early Warning and response mechanism (CEWARN) was put into place a decade ago. Further, IGAD has also been instrumental in the establishment of the 3000 – strong East African Standby Brigade (EASBRIG) for peace keeping action under a unified command whenever required for the restoration of peace and security. The EASBRIG management has since been taken over by the EASBRIG coordinating mechanism (EASBRICOM). The two institutions have been formed to be used for preventive deployment, peace enforcement and peace keeping missions in accordance to Article 33 (1) of the United Nations Charter and are now part of the African standby force (ASF).⁷⁵

It will be of academic and policy benefit to know that the EASBRIG currently has three components, both the brigade and logistics head quarters located in Addis Ababa Ethiopia while the planning element is based in Nairobi, Kenya. The structure of the EASBGRIG includes the committee of Eastern African Chief of Defence staff which

⁷⁴ Ibid. p. 211.

⁷⁵ Alusalia, N. 'African Standby Force: East Africa moves on.' *African Security Review*, vo. 13, No. 2 (2004).

reports to the Assembly of the Heads of State of Eastern Africa for EASBGRIG. A mention of the successes and challenges of the East African Community as is currently constituted will add value to this research project. On the success story, the EAC has managed to operationalize a customs union from the year 2005 to date while currently is in the process of fast tracking into a monetary union and eventually a political federation by the year 2015.

However, despite these successes on economic growth and development, economic security still remains one area that East African Countries, the Horn of Africa and the whole continent of Africa in general continues to fair very poorly. First, underpinning Africa's security crisis is its severe underdevelopment. The common denominator of civil wars and conflict hereby is poverty.⁷⁶ Suffice it to say that much of this poverty is a result of bad policy and poor governance. As economic and social conditions have steadily worsened it equally correlates that insecurity and instability have increased and hence adversely affecting the general populace.⁷⁷

Another thorny challenge facing the EAC is non-tariff barriers and compensation among its member states. This arises out of the perception that Kenya still dominates intra-regional trade due to its more diversified manufacturing sector coupled with its strategically placed Mombasa port on which three land locked East African countries of Uganda, Rwanda and Burundi depend on the water transport front. The East African Integration is therefore faced with the danger of dysfunctioning and may not safeguard

⁷⁶ Cilliers, J. *Human Security in Africa: A Conceptual Framework for Review* (African Human Security Initiative, www.africanreview.org,2004),accessed on 20th Mary 2013.

⁷⁷ Luckham, R., S. White, I. Ahamed & R. Muggah '*Conflict and Poverty in Sub-saharan Africa: An Assessment of the Issues and Evidence*' (IDS working Paper No. 128, Sussex).

economic ⁷⁸security unless appropriate strategies are put in place to address trade imbalances.⁷⁹

1.5 Theoretical Framework

As it emerged earlier in the literature review, this research project is informed by the Integrative Theory of Peace (ITP). This theory is based on the concept that peace is, at once, psychological, social, political, ethical and spiritual state with expressions at intrapersonal, interpersonal, intergroup and international areas of human life. The Integrated Theory of Peace holds that all human states of being, including peace, are the outcome of the main human cognitive (knowing) emotive (loving) and conative (choosing) capacities which, together, determine the nature of our worldview.⁸⁰ Within the framework of a peace based Worldview, the fundamental elements of a culture of peace, such as respect for human rights and freedom assume a unique character. ITP draws from the existing body of research on issues of psychosocial development and transformative peace education as well as a developmental approach to conflict management.⁸¹

The Integrative Theory of Peace (ITP) consists of four sub theories which are peace, which is a psychosocial, political as well as a moral and spiritual attribute. Secondly, peace is the main expression of a unity – based worldview. Thirdly, the unit – based worldview is the prerequisite for creating both a culture of peace and a culture of

⁷⁸ Speiser, D. *Conference Report on the Political Dimension of Regional Integration: EAC, ECOWAS and SADC* (Nairobi: Freidrich Ebert Stiftung, 2000). pp. 1-20.

⁷⁹ Makumi Mwangi, *Human Security “Setting the Agenda for the Horn of Africa*. Published by Africa Peace Forum with the support of IDRC (Nairobi, 2008) pp. 213 – 217.

⁸⁰ Huitt, W. (1999a) *An Important Factor of Mind*. Available Online at <http://chiron.valdosta.edu/whuitt/col/egsys/conation.html>(accessed 15 May 2013).

⁸¹ Danesh, H. B. *‘Education for Peace: Breaking the Cycle of Violence*. Paper Presented at: African Civil Society Organization and Development: re-evaluation for the 21st century (New York, Office of Social and Economic Development, United Nations September 2002). pp. 32 – 39.

healing. and fourthly, a comprehensive, integrated and lifelong education within the framework of peace is the most effective approach for a transformation from the conflict-based metacategories of survival-based and identity –based worldviews to the metacategory of unity-based worldview.⁸²

The Integrative Theory of Peace (ITP) states that once human needs are satisfied, peace will be the ultimate outcome. The ITP, which borrows a lot from the Human needs theory as propounded by John Burton and Frank Dukes, will be appropriate in his research since it supports the fact post conflict reconstruction, Recovery (peacebuilding) and transformative peace education are tools for peace initiatives for regional and international development. The Integrative Theory of Peace (ITP) posits that peace has its roots at once in the satisfaction of human need for survival, safety and security; in the human quest for freedom, justice and interconnectedness; and in the human search for meaning, purpose and righteousness. Thus, peace is the ultimate outcome of our transition from self-centred and anxiety – ridden insecurities of survival instincts and the quarrelsome, dichotomous tensions of the identity formation processes to a universal and all-inclusive state of awareness of our fundamental oneness and connectedness with all humanity and, in fact, with all life.

The Integrative Theory of Peace (ITP) incorporates many of the currently held perspectives and approaches to peacebuilding, integrative community development, and peace education while at the same time challenges some of the most widely held concepts with respect to the nature of peace itself. By viewing peace as a psychological, social, political and spiritual phenomenon, ITP calls for a comprehensive and integrative approach the all-important issue of peace. Inclusion of the spiritual dimension of peace in

⁸² Groff L. *A Holistic View of Peace Education*, *Social Alternative* 21 (1) 2000, pp 7 – 10.

the formulation of ITP and the curriculum of EFP, invites serious discourse among the peace academics and practitioners. Both ITP and EFP (Education for Peace), call for a fundamental rethinking of the current concepts on peace and conflict and the most prevalent approaches to the strategy of peace education to communities adversely affected by violent conflict. These concepts hold that in order to create peace, there is need to focus, first and foremost, on creation of unity in the context of diversity. The aim of peace building within the context of the ITP is to help post conflict societies and individuals create a healing and peaceful culture out of the ruins of conflict, violence and war. The tenets of the ITP will, therefore, guide the navigation of this research project.

1.6 Justification of the Study

This study is justifiable both at academic and policy levels. At the academic level, this study shall be part of literature in post conflict peace building studies. Perusal of literature has revealed that issues of post conflict peace building have been randomly written and sometimes assumed to exist. Most East African countries have not documented issues pertaining to post conflict peace building. Peace building initiatives encompass attending to the psychological; social, cultural, economical, political, basic human needs, and spiritual attributes of the affected society. The gap in literature reviewed relates to the lack of distinction between reconstruction and recovery strategies in peace building. Most writers on peace building have failed to identify this distinction and have erroneously referred reconstruction to mean recovery. This has led to confusion amongst academicians as to which terminology to use. This has further confused government executives and policy makers to carry out reconstruction activities such as infrastructure, bridges, roads, hospitals without due regard to recovery activities such as

effecting a bottom up, participatory community development to meet the basic needs of the community in an integrative manner. Most states have majored on most of these areas but have left a gap in the recovery which can be accomplished through the spiritual arena within the church. This study adds value in filling this academic gap which pertains to recovery aspect of a post conflict society. Through its multi-disciplinary and integrative approach, this study seeks to contribute to academic literature by providing a comprehensive analysis of peace building initiatives in the East African region which makes a clear distinction of reconstruction and recovery. This will remove the ambiguity and confusion hitherto associated with the two post conflict peace building activities.

At policy level, this research will help inform the governments and states on the value of focusing on peace building strategies. It will prove useful to international conflict managers not only in East Africa but other parts of the world where post conflict peace building services are required. Additionally, this study is expected to influence policy formulation and review at summit and diplomatic fora. It works on the understanding that effective regional post conflict peace building requires effective policy and institutional frameworks. Incorporation of the spiritual element via the church will open the understanding of policy makers to think about the impact of the church and religion in effecting peace building initiatives. Reference to this research work will enable regional policy makers and analysts to review and evaluate some of the existing regional policies with a lense to co-opt merited members of the church in issues of peace building to ensure sustainable peace, healing and recovery form trauma. Conflict is a cross-cutting concept and hence a conflict in one country of the region can have spill - over effects to the other member states in the region.

The study will benefit society in informing policy makers and government executives in the world, and in particular East Africa, on the distinction between reconstruction and recovery activities in peace building. The society will benefit through a balanced approach in effecting these activities. A bottom up approach, leading to meeting the basic needs and hence culminating into a holistic community development will accrue to the society. This will deter conflict which has many times occurred because nation states have concentrated on physical reconstruction at the expense of recovery and welfare of the citizenry.

It is a true fact that there have been numerous interventions in conflict situations in East Africa but these have not been documented. As a result, there is little effort to build institutional memory to enable us document best practices and lessons learnt. This study, therefore, strives to strengthen documentation in this regard so as to elucidate interest and further research.

1.7 Research Hypothesis

The research hypothesis is guided by independent and dependent variables. In this regard sustainability of peace building initiatives in East Africa depends on whether they are reconstruction or recovery oriented. In this case peace building initiatives are dependent variables while reconstruction and recovery strategies are independent variables. The dependent and independent variables have a direct proportional relationship.

This study hypothesizes that:

- (i) H_1 - Post conflict peace building initiatives in East Africa are sustainable and effective

even though they are reconstruction- oriented rather than recovery – oriented.

- (ii) H₀ - Post conflict peace building initiatives in East Africa are not sustainable and are ineffective because they are reconstruction – oriented rather than recovery – oriented.
- (iii) H₂ - Post conflict peace building initiatives in East Africa are neither affected by reconstruction nor recovery strategies.

1.8 Research Methodology and Design

This section gives details on the research methodology used during this study. It identifies the research design and various sources of data relevant to the study. This research project adopts the qualitative method which majors on narratives. The research project relies on both primary and secondary data for collection of information. The study also employs case study type of research design. The reason is that the study seeks to apply the concepts related to track one and track two approaches to post conflict peacebuilding on the East African community. Due to logistical and financial constraints the study envisions to work through the peace initiatives that were put in place after the 2007/8 post election violence in Kenya.

A case study entails the detailed and intensive analysis of a single case. Case study research investigates the complexity and particular nature of the case in question. A case is commonly associated with a geographical location, a community or an

organization. The emphasis in a case study tends to move on the intensive examination of the setting.

The 2007/8 post election violence in Kenya was selected as a critical case within the East African community because it allows a better understanding to the circumstances in which the clearly specified study hypothesis will be measured against. A scrutiny of measuring recovery verses reconstruction strategies on the post 2007/8 peacebuilding initiatives will be effected. The case study will be expected to unearth the relative impact of the two strategies on post conflict societies. This very conflict is also a good case study because it will provide a suitable context for research questions to be answered.

A case study also allows for an intensive examination of a single case in relation to which a theoretical analysis is carried out. That is, how well the data collected supports the theoretical arguments therefrom generated.⁸³ It equally allows for longitudinal research that affords phenomena ⁸⁴comparison over a period of time. Concomitantly, it illuminates social change and improves the understanding of causal influences overtime. Analysis of archival information and focus group interviewing increases elements of longitudinal research into case study research.

It is imperative, however, to note that a standard criticism labeled against case study research design is that the findings derived from it cannot be generalized. External validity or generalization of case study is highly debatable as may not be universally acceptable and applicable. It is highly doubted that a single case can be representative of

⁸³ C. R. Kothari, *Research Methodology, Methods and Techniques*, 2nd Edition (New Delhi; New Age International Publishers, 2004) pp. 10 – 18.

⁸⁴ C. Frankfort-Nachmias, and D. Nachmias, *Research Methods in Social Sciences*, 5th Edition (London: Arnold,1996) pp. 234 -230.

a large population so as to yield findings that can be applied more generally to other cases on the international front.

1.8.1 Sampling Design

In the collection of primary data, this study employed purposive or judgemental sampling. This kind of non-probability sampling involves purposive or deliberate selection of particular units of the universe for constituting a sample that represents the universe (population).⁸⁵ Specifically the study used convenience sampling because population elements were selected for inclusion in the sample based on ease of access.

Given that the study focuses on the examination of sustainable peace initiatives in East Africa, the population of this study revolved around key regional departments and ministries charged with security, trade, coordination of humanitarian issues such as the Ministry of East African Community and Integration, the Ministry of Defence and Internal Security and the Ministry of foreign Affairs and International Cooperation. Other non-governmental entities that formed the sample population of this sample study were the United Nations Offices in Nairobi (UNON), UN development partners such as UNDP, Inter-Governmental Organizations, Non-Governmental Organizations, Embassies, Community based Organizations (CBOs), Religious Organizations including the church, NCKK, other Civil Society Organizations (CSOs) and the media.

It was believed that the above mentioned units had considerable information about the study being undertaken. In this regard, therefore, convenience sampling was advantageous since it allowed for selection of only those respondents who were available for inclusion in the sample. This was meant to save time and resources available for the

⁸⁵ C. R. Kothari, *Research Methodology: Methods and techniques*, 2nd edition (New Delhi: New Age International Publishers, 2004) p. 15.

research project. Despite these advantages we should take cognizance of the fact that convenience sampling suffers a drawback where it may give biased results particularly when the population is heterogeneous.⁸⁶

1.8.2 Primary Data Sources

Tools for data collection in this research project included questionnaires and face to face interviews and observations during field visits. During the collection of primary data, this study employed both structured and semi-structured interviews. This is a method where the interviewer's role is engaged and encouraged but the interviewer does not necessarily have to be personally involved. The interviewer facilitates the interviewees to talk about their views and experiences in depth but with limited reciprocal engagement or disclosure of personal information. One advantage of this method is that although the interviewer has some established general topics for investigation, the method allows for the exploration of emergent themes and ideas rather than relying only on stereotype concepts and questions defined in advance of the interview session.

Given that the respondents in this regard are professionals in their areas of specialization, the high level of flexibility offered by semi-structured interview allows for extraction of more information with less limitation. With limited direction from the interviewer, the respondents feel free to relate their experiences, to describe whatever events significant to them, to provide their own definitions relating to their situations and reveal their opinions and attitudes as they wish. This kind of data collection method affords the interviewer a lot of freedom to control the interview situation and to probe

⁸⁶ C.R. Kothari, *Research Methodology, Methods and Techniques*, 2nd Edition (New Delhi: New Age International Publishers, 2004) pp 45-50.

various grey areas and be able to pose specific questions during the course of the interview.⁸⁷

Through semi-structured interviews, complex questions and issues can be discussed and fully clarified. This is because the interviewer is able to probe areas suggested by the respondents' answers, picking up information that had either not occurred to the interviewer or of which the interviewer had no prior knowledge. The multiplicity of actors, issues, internationalization of regional conflicts as has been experienced in East Africa makes this method of data collection most suitable for the study in question.

With all these advantages, however, personal interviews have attracted a number of criticisms. Some of the criticisms labeled against personal interviews are high costs in terms of the time to be spent during interviews and the traveling expenses incurred in reaching the respondents. Further, the flexibility that the method is associated with leaves room for interviewer's personal influence and bias. Interviews also lack anonymity as compared to other methods like mail questionnaires.⁸⁸ In addition, the method is dependent on the skills of the interviewer and his ability to think and pose questions during the interview and the reciprocal attitude of the respondents.

1.8.3 Secondary Sources of Data

Data collection in this study also included analysis of secondary data that had already been collected and analysed by other researchers and stored in libraries or archives. The said secondary data was in both hard copies and electronic versions. Hence,

⁸⁷ C. Frankfort – Nachmias, and D. Nachmias, *Research Methods in Social Sciences*, 5th Edition (London: Arnold, 1996) p. 235.

⁸⁸ C. Frankfort – Nachmias, and D. Nachmias, *Research Methods in Social Sciences*, 5th Edition (London: Arnold, 1996) P.238.

data collection involved analysis of various publications by the Ministry of East African Community, various member states, UN agencies, Non-Governmental Organizations, Inter-Governmental Organizations, Religious Organizations such as the Church and NCCCK and other Civil Society Organizations (CSOs). Further to these, Online Journals, books, special magazines, articles and relevant feature stories in newspapers with wider circulation and readership, relevant papers presented at national, sub-regional, regional and international fora, reports and projects prepared by earlier research scholars were also be used.

Secondary data analysis has the advantage of saving the researcher from problems associated with collection of original and primary data such as extensive traveling expenses and fieldwork risks. Furthermore, secondary data is readily available and cheaply accessible in libraries and archives, and conveniently so, already analyzed. It is imperative to note, however, that secondary data is associated with the disadvantage of inadequacies and inaccuracy of data especially due to changes in the discipline after completion of such sources as books or research projects.⁸⁹ Some secondary sources, especially government publications, might be doctored and hence materially altered, or even barred from the public leading to delays or adverse impairment in the research findings.

1.8.4 Data Processing and Analysis

In most cases, data collected from field studies are raw and can only make sense once analysed. The raw data collected during this study will be edited for quality assurance. The process of editing involved examination of the collected raw data to detect errors of commission and omission and to effect corrections where possible. Editing

⁸⁹ *ibid.* P. 238.

assures that the data is accurate, consistent with other factors gathered, uniformly entered, as complete as possible and well arranged for facilitation of analysis.⁹⁰ After editing, and validation, the data was subjected to thematic analysis to reflect the various themes of the study. All the information gathered was examined in relation to the hypothesis of the study to see if the hypothesis holds with a view to validate it.

1.8.5 Limitations of the Study

This study makes use of the 2007/8 post election violence peacebuilding initiatives in Kenya as a case study in East Africa Community. Recovery and reconstruction debates and strategies were critically examined. The limitation of this study is that conflict and conflict management strategies in the East African region are complex and diverse. Further, such conflicts involve state and non-state actors, issues touching on multi-dimensional functional areas such as socio-economic, psychological, spiritual, cultural and ethnic variables. The intra-state and inter-state interests make the whole process of regional peace building for integration rather too ambitious. This study focuses mainly on post conflict peace initiatives which are skewed towards political domain and governance. The recovery and reconstruction strategies subject to examination hereto may not be exhaustive taking into account the scope of the geographical area covered by the East African Community and the logistical and economic constraints mentioned earlier. This particular research project may not, therefore, exhaust all the arguments in this regard and further reading and research on similar literature is highly advised.

⁹⁰ C. R. Kothari, *Research Methodology, Methods and Techniques*, 2nd Edition (New Delhi: New Age International Publishers, 2004) p. 122. .

1.9 Chapter Summary

Chapter one consists of the introduction and background information to the research problem, statement of the research problem, objectives of the research project, justification of the study, literature review, theoretical framework, hypothesis, methodology of the research, scope and limitations of the research and chapter summary.

Chapter two discusses the various peace building approaches by states and non-state actors in the East African region. The inherent post conflict peace building processes and design are discussed. Debates on the role and impact of the church are also discussed.

Chapter three specifically looks into the post conflict peace initiatives put in place in East Africa from 2007 to 2012 and thereby examines recovery and reconstruction strategies and their relative impact. The role and impact of the church is also factored. Specifically the 2007/8 post election violence in Kenya is the case study.

Chapter four researches on the peace initiatives put in place by the international community following the 2007/8 post election violence in Kenya and their sustainability impact. United Nations (UN) pacific settlement methods of peaceful resolution of conflicts in accordance to UN Charter Article 33 (1) is researched. Secondly, the use of leverage by international actors to pressurize former president Mwai Kibaki and Prime Minister Raila Odinga to enter into negotiations and reach accommodation on the four reforms agenda which formed the backbone of the genesis on post conflict peacebuilding in this regard is discussed.

Chapter five dwelt on chapter summary, conclusion and recommendations for further action and research.

CHAPTER TWO

Peace building Approaches

2.1 Introduction

This chapter looks at the raging debates regarding the approaches to conflict management by state and non-state actors within the East African region, and by extension, as used internationally. The chapter explores the dynamism and endemic nature of conflict that necessitates the adoption of appropriate post conflict peacebuilding and management approaches. It discusses track one and track two diplomatic initiatives as has been employed in the region, the nature of the peace initiatives and brings out the outcome resulting therefrom. Whether the results are settlement or resolution – oriented will also be brought to the fore. A discussion on conflict transformation will also be reviewed as debated by Galtung and other scholars. Finally the chapter seeks to explore the inherent post conflict peace building processes and design. For purposes of this study, the phrase post conflict peace building, post conflict peace initiatives and post conflict mediation are used interchangeably.

2.2 Debates on Peace Building Approaches

Post conflict management approaches or peace building initiatives can be grouped into two main types. This depends on whether they are formal or informal. As it were, conflict management strategies can be formal, which is referred to as official mediation or informal; in which case referred to as unofficial mediation. The choice between which approach to use depends on the actors in the conflict, the nature and complexity of the conflict, the circumstances surrounding the conflict, the resources available and the stage at which the conflict has evolved. For example, when a conflict gets transformed,

unofficial measures do not have enough effect on its management process. For a post conflict peace building initiative to succeed, it might require synergical creation and that linkages are established with states within the region. Further, there may be need to involve international organizations such as the United Nations that have leverage so as to get to possible solutions or settlements.

2.3 Debates on Peace Building Approaches by State Actors (Track One Diplomacy)

Conflict management by state actors follows the Realist approach and is the official diplomacy. This approach is commonly referred to as “Track One Diplomacy.” Track one Diplomacy was coined by Montville,⁹¹ a former diplomat, who distinguished traditional diplomatic activities from unofficial, informal interaction between members of adversarial groups under track two diplomacy.

For many decades, track one conflict management, which typically involves government to government diplomacy has been the most dominant approach in international relations. Mwangi argues, and observes, that for quite a long time, international relations did not recognize the role of non-state actors since according to the realist theory states were perceived as dominant actors in matters of war, conflict and peace, which were considered as matters of high politics.⁹²

⁹¹ J. Montville, ‘*Trans-nationalism and the Role of Track Two Diplomacy*,’ in W.S. Thomson et al (eds), *Approaches to Peace: ‘An Intellectual Map.*’ (Washington, DC: US Institute of Peace Press, 1991) P. 262.

⁹² M. Mwangi, *Conflict in Africa. Theory, Processes and Institutions of Management* op.cit.p.120.

Hans Morgenthau⁹³ simultaneously, and in agreement, adds that as a matter of fact, states were the only actors in international relations. Further, International Law also recognizes very little role played by non-state actors in matters of conflict management and post conflict peace building except for their engagement on ad hoc basis as need may require.

State actors are, and remain, one of most successful and enduring forms of social and political organization. State actors are able to do this because they offer a measure of political and economic muscle and security and are to date widely revered as the most significant actors in international politics and by extension, international peace building. Bercovitch⁹⁴ posits that the system of diplomacy that we have currently has evolved around the state as promulgated by the Westphalia Treaty of 1648⁹⁵. States create peace building synergy by involving top bureaucrats, decision-makers and other eminent personalities in representing them in post conflict peace building agenda. A good example to this is the involvement of Former Tanzanian President Benjamin Mkapa, former Ghanaian president John Kufuor, Graca Machel and Bishop Desmond Tutu in Kenya's post conflict peace building process at the height of Kenya's post election Violence of 2007 /08.⁹⁶

The influence of states in international systems determines their capacity to undertake peace building initiatives. For instance, Jimmy Carter, former US President, took a leading role in the Israeli-Palestine peace talks, Tony Blair, former British prime

⁹³ Hans J. Morgenthau. *Politics Among Nations: The Struggle For power and Peace*. (New York: MCGraw Hill). P.213.

⁹⁴ J. Bercovitch (ed), *Resolving International Conflicts: The Theory and Practice of Mediation*, (Boulder, Co. & London: Rienner, 1996), Chapter 4.

⁹⁵ Westphalia Treaty of 1648.

⁹⁶ M. Mwagiru. *The Waters Edge, Mediation of Violent Electoral Conflict in Kenya*. IDIS Publication International Studies. 2. pp. 30 -33.

minister, was appointed the ambassador for the Middle East and Kofi Annan, the former secretary general of the United Nations (UN) was appointed chief mediator for Kenya's 2007/08 post election violence and has been recently involved in the peace process in Syria. Under the same token, the United States of America took a leading role in the mediation process for the India – Pakistan, Iraq-Kuwait, Northern Ireland and the Sudan peace process. It is imperative to note that track one diplomatic activities range from official non coercive measures such as good offices, fact-finding missions, facilitation, negotiation, mediation and peacekeeping to more coercive measures such as settlement oriented power-mediation, sanctions, threats of sanctions arbitration and peace – enforcement as per the United Nations Charter, Article 33 (1) Chapter VI.⁹⁷

The influence and role of the United Nations and other international organizations as official actors in Track One diplomacy cannot be disputed. International Organizations and, to be precise, the United Nations, still play an important role in managing post conflict peace building initiatives. The United Nations Secretary General with his representatives exercise 'good offices' in many parts of the world in their bid to build peace. For example, they have made important impact in their contributions to the peace building initiatives in EL Salvador, Cambodia, Mozambique, Kenya and recently in Syria.⁹⁸ By the mandate of the UN Charter, the Secretary-General has a political function to "bring to the attention of the security council any matter which in his opinion may threaten international peace and security." It is imperative to note that the UN's

⁹⁷ See Chapter VI, Article 33 Charter of the United Nations. See also K. Skejlsbaek & G. Fermann, *The UN Secretary General and the Mediation of International Disputes in Bercovitch, J. (ed), Resolving International Conflicts: The Theory and Practice of Mediation*, (Boulder, Co.& London: Rienner, 1996), Chapter 4.

⁹⁸ For a Review of the Role of the UN as a Conflict Manager, see. G. Berridge, *Return to the UN*, (London: Macmillan, 1991): and A. Parsons *From Cold War to Hot Peace: UN Interventions 1947 – 1995*, (London: Penguin, 1995).

legitimacy contributes to its special role and its resolutions as pronounced by the UN security council continues to play a pivotal role in setting out principles for conflict resolutions and peace building. It is also important to note that the UN performed below par in Bosnia Herzegovina, Rwanda and currently is still struggling with its peace initiatives in Syria and Somalia without much visible success.

Track one diplomacy of peace building deals with official representatives of governments. This normally involves individual governments or may be effected under the auspices of regional organizations such as the United Nations (UN), the European Union (EU), the Inter-governmental Authority on Development (IGAD), the East African Community (EAC), Southern Africa Development Co-operation (SADC), Economic Community for Western Africa States (ECOWAS), the Arab League, Magreb and such other regional blocks.⁹⁹

Track one diplomacy is a more visible form of conflict management and, by extension, post conflict peace building due to its more leverage. This is because it enjoys more power and resources than informal diplomacy. Track one diplomacy stands to be supported by several states that usually exert some degree of pressure on conflicting parties to address their conflict and ensure accommodation of each others' issues. In this regard, the Post Election Violence of 2007/08 in Kenya stands out as a prominent example. During the Kenya National Dialogue and Reconciliation (KNDR) process of 2008, the combined efforts of states such as the United States of America (USA) and regional organizations such as the European Union (EU), the African Union (AU), the East African Community (EAC), and the inter-governmental Authority on Development

⁹⁹ United Nations (UN) Charter Chapter VIII, Article 52 Provides for Regional Organizations' Involvement in Conflict Management and Regional Peace.

(IGAD) exercised leverage in mounting pressure towards reaching an amicable agreement by the conflicting parties hereby being former president Mwai Kibaki of PNU and former Prime Minister Raila Odinga of ODM.¹⁰⁰

It is important, though, to note that track one diplomacy suffers a number of disadvantages. First and foremost, is its limitation with regard to pervasiveness of power, time pressures and pressure from the public gaze and visibility.¹⁰¹ Track one diplomacy is usually characterized by power and its manipulative strategies, it results in peace agreements that reflect the power balances of the parties after bargaining. Being a zero-sum game where the gain for one party means a corresponding loss for the other bargaining only leads to a temporary settlement that is bound to change once the weaker party becomes stronger.

This notwithstanding, scholars such as Makumi Mwangiri posit that sometimes it is better to achieve any agreement that can reduce the intensity of the conflict especially if resolution appears inconceivable in the foreseeable future. He gives as an example, the move by the Kenyan government to agree to increase the teachers' salaries during the nasty teachers' strike in 1997 only to change its decision later after the elections had been conducted.¹⁰² In this instance, the government acted to resolve a political impasse in the face of an impending general election. However, this strategy only served to settle the conflict rather than resolve it. As a matter of fact that the teachers in Kenya went on a fresh strike on 6th July, 2013 in demand of the full implementation of the 1997 salary increase agreement. The strike sent on for almost three weeks up to July 22nd 2013, when

¹⁰⁰ Makumi Mwangiri, *The Water's Edge, Mediation of Violent Electoral Conflict in Kenya*. IDIS Publication International Studies. 2 pp. 75 – 86.

¹⁰¹ M. Mwangiri, Op.cit.

¹⁰² M. Mwangiri, *Conflict in Africa: Theory, Processes and Institutions of Management*, Op. cit. p.g 40.

the Jubilee Government under President Uhuru Kenyatta the teachers salary increase demands.

Further, because track one diplomacy takes place in full public gaze due to the high official and political levels at which it is conducted, it raises a lot of expectations as both the peace maker and the parties work against time to deliver an outcome. Concomitantly, pressure from constituents coupled with public opinion often leads to the “negotiator’s dilemma” where there is need to satisfy both the constituents and the antagonistic parties so as to enable the peace building process to proceed.

Further, track one diplomacy operates under time pressure because of the desire for quick results of success that are designed to appease the rising expectations of the entire public. Oftenly, the constituents exert pressure on the peace builders to deliver certain outcomes. It is common practice the world over that most of the actors involved in official peace building initiatives are high-level officials and politicians, most of who are usually engaged in many other activities, leading to shortage of adequate time to undertake peace building projects which may require more time to accomplish. Such peace practitioners, especially politicians, are also under pressure to achieve results that can earn them electoral mileage.¹⁰³ For example, the involvement of Kalonzo Musyoka in the Somali peace process did catapult his position and ambition to occupy a higher political office. Another classic example of official conflict management and peace building effort is in regard to Kenya’s mediation of the internal conflict in Uganda in 1985 under retired president Moi. The said peace building approach proceeded along traditional power bargaining frameworks between Tito Okello’s Uganda National

¹⁰³ M. Mwangi, *Conflict in Africa: Theory, Processes and Institutions of Management* (Nairobi: CCR Publications, 2006) pp. 123 – 125.

Liberation Army (UNLA) and President Museveni's National Resistance Movement (NRM). This peace initiative did not involve any of the other actors within the East African Community conflict management system. It also did not have unofficial inputs and as a result it was short-lived. In his PhD Thesis, Mwagiru alludes that, since the process was rushed through as the peacebuilder sought to establish his credentials as a regional peacemaker, the Uganda Peace Agreement collapsed within a month of its inception.¹⁰⁴ This peace building effort did not have the blessing of the constituents and hence suffered the problem of re-entry.¹⁰⁵

Ramsbotham et al argues that states and governments are not always willing to shoulder a peace building role when their national interests are at stake, and where they are, peace making initiatives readily blurs into traditional diplomacy and statecraft.¹⁰⁶ They advance the argument that when governments bring coercion to bear to try and force conflicting parties to change position, they become actors in the process rather than third parties. Nevertheless, coercive or forceful intervention can bring forward the ending of violent conflict in some cases as was the case of Bosnia and also in Libya as happened in 2012 when President Muamar Gaddafi was forcefully removed from power and eventually killed by NATO forces.

For the case of Bosnia, a long duration of absence of the United States in the mediation process had been felt. However, on gaining re-entry in to the conflict

¹⁰⁴ M. Mwagiru, *The International Management of Internal Conflicts in Africa: The Uganda Mediation 1985* (Ph.D Dissertation, University of Kent at Canterbury, 1994). See also M. Mwagiru, 'Internal Conflict and the Process of Mediation: The Uganda Peace Process East African Journal of Peace and Human Rights, Vol. 3, No. 2 (1997) pp. 170 – 188.

¹⁰⁵ M. Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management*, op.cit. pp. 49-57:50

¹⁰⁶ O. Ramsbotham et al, *Contemporary Conflict Resolution*, 2nd edition. op.cit, p. 171.

management process, the United States tactfully built up the Croatian armed forces and sanctioned NATO air strikes on Serb positions in order to force the Dayton Settlement.¹⁰⁷ However, the big question that often arises is whether such coercive interventions can lead to sustainable peace and also whether imposed settlements really hold. The answer is heavily skewed to the negative. A big ‘No’ in this case.

During her research work on the role of NGOs as actors in Track two diplomacy, Botcharova notes that an inherent weakness of many official peace initiatives is that they are rational responses to irrational phenomena. She posits that although the military can successfully suppress military activities and introduce ceasefire, they do not have the flair to heal trauma. This is because they are not able, not prepared, not equipped and not trained to deal with matters of healing trauma, addressing existing stereotypes and other challenges that must be met for achieving sustainable peace, reconciliation and restorative justice.¹⁰⁸ Botcharova further argues that track one diplomacy, also called official diplomacy, is oriented to a “carrot and stick” policy and to short-term results achieved through military pressure and is, therefore, not an effective peace building approach that guarantees sustainability.

From the fore-going discussion, it is imperative to point out that Track one diplomacy revolves around power, which occasionally helps in the signing and implementation of peace agreements. However, this is often temporary. Bargaining is also central to this approach as parties get involved, and engrained, into trade-offs of interests. Under such circumstances, conflict resolution, which leads to a win-win

¹⁰⁷ Ibid.

¹⁰⁸ O. Botcharova, *Implementation of Track Two Diplomacy: Developing a Model of Forgiveness in Lederach, P. Building Peace: Sustainable Reconciliation in Divided Societies*. (Washington DC: United States Institute of Peace Press), p. 270.

situation becomes difficult. Arguably, if well managed, Track one diplomacy can lead to positive outcomes with win-win situations. Nonetheless, this is dictated by various factors such as leverage of the peacebuilder and the strategies that are adopted.

This notwithstanding, experience has it all over the world that track one diplomacy concentrates on addressing interests at the expense of values. Specifically, this pre-occupation with interests leaves the underlying drivers of conflict unaddressed as exemplified in the peace agreements signed in Sudan (1963) and Uganda in 1985.¹⁰⁹ The peace process that culminated into the signing of the Adis Ababa Agreement in 1963 was facilitated by the late Ugandan President Milton Obote, who seemed to have acted based on state security reasons. He feared for the influx of Sudan refugees in Uganda and thus hastily mobilized resources to mediate but the said peace agreement never lasted.

Common observation shows that efforts by individual governments to offer political assistance have typically been rejected by the parties involved in such conflicts. Track one diplomatic efforts have also usually failed to resolve the root causes of conflict. Settlements based upon track one diplomatic efforts typically fall apart when the balance of power in these conflict changes. Due to the failure of track one diplomacy,

McDonald¹¹⁰ characterizes track one diplomacy as power-based, formal and often a rigid form of official interaction between instructed representatives of sovereign states. McDonald further argues that because of this rigidity, track one diplomacy cannot effectively be used in resolving intra-state conflicts. McDonald, thus, advocates for track-

¹⁰⁹ See M. Mwagiru, *'Internal Conflict and the Process of Mediation.'* The 1985 Uganda Peace Process, op.cit.

¹¹⁰ J. W. McDonald, *'Further Exploration of Track Two Diplomacy,'* in *Timing the De-escalation of International Conflicts*, Kriesberg, I & Thorson, S. J. (eds) New York: Syracuse University Press, 1991) Pp 200 – 221, also L. Diamond & J. McDonald, *Multitrack Diplomacy: A Systems Approach to Peace*, 3rd Edition (West Hartford: Kumarian Press, 1996).

two or “citizen diplomacy” as an alternative strategy for addressing root drivers of intra-state conflicts in a diversity of ethnic, religious, cultural and economic environment.

2.4 Debates on Peace building Approaches by Non-state Actors

It is important to acknowledge that the concept of Track two diplomacy has been growing rapidly since the end of the cold war in the late 1990s. In contrast to Track one diplomacy, track two diplomacy is a less visible form of peace building and conflict management even though it plays a very important role in effective mediation. Track two diplomacy refers to all non-official and non-coercive and non-violent activities, illustrated by facilitation of consultation. The main actors in this unofficial peacebuilding strategy include outstanding individuals with international legal personality, Non-governmental Organizations (NGOs) Civil Society Organizations (CSOs) and Faith – Based Organizations (FBOs). This strategy aims to work on the prudence that there are many ways of bringing people or contending parties together besides official diplomacy. Among influential non-official actors with international legal personality and repute are Amnesty International, Carter Center, the Catholic Relief Services (CRS) and the International Crisis Group (ICG).

McDonald characterizes Track two diplomacy as an non-governmental, informal and unofficial form of conflict resolution between citizen groups which is aimed at de-escalating conflict by reducing anger, fear and tension while at the same time improving communication and mutual understanding.¹¹¹ This is a human relations approach, so to speak. A number of UN agencies and NGOs have been able to provide economic and humanitarian assistance during peace building efforts, but only with the approval of the governments currently in power. For example the ECOSOC arm of the UN has been

¹¹¹ J. McDonald, “*Further Exploration of Track Two Diplomacy*,” Op.cit.

actively involved in provision of economic, social and cultural needs of post conflict societies. Likewise the World Food Programme (WFP) and the World Health Organization (WHO) have been actively involved in provision of food and health assistance to post conflict societies respectively. Great debate has been eminently evident amongst scholars about the contributions of unofficial actors in peace building efforts. Some scholars such as Peck argue in their favour noting their potential for developing a broader set of ideas and approaches to address complex conflicts.¹¹²

Track two diplomacy tries to facilitate communication between conflicting parties by bringing a better understanding of the conflict through the use of tools such as problem-solving workshops. Track two diplomacy is particularly useful for conflict resolution and peace building initiatives at the grassroots level and is considered to be effective for facilitating healing in divided societies than track one diplomacy as Peck further opines.¹¹³

One outstanding idea behind track two diplomacy according to Lederach is that peace needs to be built from below and not from a top-down approach.¹¹⁴ Hence, it rejects power, formality and protocol associated with Track one diplomacy. This vantage position of non official actors is what led to the successful mediation by the World Council of Churches (WCC) in collaboration with All African Conference of Churches (AACC) in the Sudan Conflict in 1971 as Assefa posits,¹¹⁵ while the United States Evangelical Movement was quite vocal and pivotal in South Sudan peace process which

¹¹² C. Peck, *Sustainable Peace: The Role of the United Nations and Regional Organizations in Preventing Conflict* (Lanham, Md: Rowman & Little, 1998); Harold Saunders, *Possibilities and Challenges: 'Another way to consider unofficial Third Party Intervention'* *Negotiation Journal*, No. 11 (1995) pp. 270 – 275.

¹¹³ Ibid. PP. 119 -141.

¹¹⁴ J. P. Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington DC: US Institute of Peace Press, 1997) p. 39.

¹¹⁵ H. Assefa, *Mediation of Civil Wars: Approaches and Strategies: The Sudan Conflict* (London: Westview Press, 1987).p. 90.

culminated into its independence on July 11th 2011. Concomitantly, the Carter Centre's Intervention in Haiti, North Korea, Bosnia and the Great Lakes Region played a pivotal role in pioneering peace initiatives with notable results.¹¹⁶This is as posited by Aall.

One more central feature of this approach is that Track two diplomacy allows the involvement of individuals or organizations that are often influential second level leaders and civil society actors to interact more freely while at the same time impacting influence of their leadership to their own communities. Many times, influence is accompanied with some element of power. In this case Rubin advances the view that unofficial actors wield some form of power that makes them likeable in track two diplomacy. In Rubin's¹¹⁷school of thought, these actors have informational power, expert power, referent power, legitimate power, reward power and coercive power which enables them to carry out peace building assignments.

As already mentioned earlier in this debate, power is an imperative ingredient in peace building. However, failure to acknowledge the role of power and formality in peace building in itself is a weakness. Sometimes the actors in unofficial peace building may lack the required resources and leverage. Under such circumstances it thus becomes necessary to have a mix of both track one and two diplomacy.

Track two diplomacy has been a less visible form of peace building because it is not part of power relations and because it is not driven by power or politics. Track two peace building efforts aim at the resolution of conflict rather than merely settling them on temporary basis. Track two diplomacy is informal because its operations are not guided

¹¹⁶ P. Aall, 'What do NGOs Bring to Peacemaking?' in Crocker, C.A et al (eds), op. cit. pp 364 – 385.

¹¹⁷ J. Z. Rubin; 'International Mediation in Context in Bercovitch, J. & Rubin, J. Z. (eds), *Mediation in International Relations*' (New York: St Martin's Press, 1992) pp. 253 – 257.

or influenced by formal structures or protocol. Due to the fact that players in track two diplomacy are not high ranking government officials, they are not bound by any official policies, ideologies nor ultimatums. As a result they are flexible and act according to the dictates of the conflict, rather than those of official bureaucracy and power. Due to its informality, track two diplomacy does not have bureaucratic structures and players can interact freely. According to Mwangi this makes the peace building process more flexible¹¹⁸ and manageable

Track two diplomacy employs problem –solving workshops which are more flexible and devoid of the rigorous protocol associated with track one diplomacy. It has been argued by Reimann and rightly so, that because of its non-official and non-coercive nature, track two diplomacy is skewed towards conflict resolution.¹¹⁹ It is essential to understand that when a conflict is getting transformed and tending towards a deadlock, informal mediation stands out as the best peace building method especially because of its capacity to sustainably reorient human relationships¹²⁰ as Groom argues, Track two diplomacy as Sandole opines, addresses attitudes of the parties to each other and their perception about their relationship leading to a resolution since perceptual elements of a conflict are embedded within the parties psychological relationships with each other.¹²¹

The said elements and attributes are critical in providing a good outcome in conflict

¹¹⁸ M. Mwangi, *Conflict in Africa: Theory, Processes and Institutions of Management*, Op. cit, pp. 127 – 134.

¹¹⁹ Reimann, C. 'Assessing the State of the Art in Conflict Transformation Reflections from a Theoretical Perspective' in M. K. Juma (ed) *Conflict Prevention, Management and Resolutions in Africa. A Reader*. Pretoria: Pretoria University Law Press, 2009) pp 103 – 104.

¹²⁰ A. J. R. Groom, 'Paradigms in Conflict: The Strategist, the Conflict Researcher and the Peace Researcher,' *Review of International Studies*, Vol. 14, No. 2 (April, 1988) pp. 96 – 116.

¹²¹ D.J. B. Sandole, 'Paradigm, Theories and Metaphors in Conflict and Conflict Resolution: Coherence or Confusion?' in Sandole, D. J.D and der Merive, H. V. (eds) *Conflict Resolution Theory and Practice: Integration and Application* (Manchester: Manchester University Press, 1993) pp. 2 – 25.

resolution. According to Mwangi, ¹²² Track two diplomacy is also associated with resolution of conflict because it is based on in-depth understanding and analysis of the conflict, its processes and management methodologies in conjunction with application of leverage in peace building initiatives.

Track two diplomacy, as a long term peacebuilding strategy, helps in institutionalizing healing and reconciliation, issues that are not normally addressed by Track one diplomacy. In addressing such issues, track two actors, especially NGOs play a very vital role in provision of funding that can support the implementation of long term programmes addressing underlying conflict drivers. It is also equally important to note that such funding also sometimes comes with strings attached. Conditionalities¹²³ associated with such funding may also militate against the peace building efforts in the long run. It is possible to pinpoint a number of cases where peace builders from NGOs have contributed to transformation of key conflicts, usually in conjunction with government and international organizations. Good examples in this regard include Jimmy Carter's peace building initiative with the Carter Centre in the Ethiopia/Eritrea conflict¹²⁴ and the Structural Adjustment Programmes (SAPs) imposed to least developing countries by the International Monetary Fund (IMF) and World Bank.¹²⁵

Due to the flexibility of Track two or "citizen diplomacy," NGOs have sometimes been able to adapt their methods to the local culture. This act of immersing with the local community can work usefully with one or more parties rather than with all. For example,

¹²² M. Mwangi, *Conflict in Africa: Theory, Processes and Institutions of Management*, op.cit, pp 128-134.

¹²³ World Bank, *Applied Training Project Appraisal Document: NBI Shared Vision Programme* (Washington DC: World Bank, 2004).

¹²⁴ M. Ottaway, 'Eritrea and Ethiopia: Negotiations in a Transitional Conflict,' in Zartman, I. W. (ed) *Elusive Peace: Negotiating and End to Civil Wars* (Washington DC: Brookings Institutions, 1995) p. 103 – 119.

¹²⁵ World Bank, *Africa Development Indicators* (Washington DC: World Bank, 2007).

Lederach found out that the parties look for trust rather than neutrality in third parties and that an insider that is partial would be more acceptable than an impartial outsider in any peace building initiative.¹²⁶ It has also been contended that unofficial actors associated with track two diplomacy have a deeper understanding of the people and the issues in context. This helps them approach peace building issues with ease. The value addition of such unofficial and informal contacts between the parties is that they have potential to de-escalate a conflict before any official negotiation can do so, or work as a parallel forum where the parties to the conflict can explore options without necessarily taking an official stand. On the other hand, it is also true that the actors may inflame the conflict and therefore suffer rejection from the constituents thereby adversely affecting their capacity to effectively carry out their peace building efforts.

It is important to note that at times, such unofficial actors are also part of the problem and help drive the conflict and thus may remain biased and partial in attempting to make peace. Unfortunately, most forms of economic and humanitarian aid generally do little or nothing to resolve the root drivers of conflicts. Such aid is very superficial and does not positively impact the victims of conflict in causing psychological healing of the stigma and trauma sustained. Additionally, unofficial actors often face challenges related to the entry point and ripeness of the entry moment. At times it is not clear when it is ripe to intervene. Moreover, the issue of legitimacy poses serious challenges to track two diplomatic actors since they may be treated as partial at any given stage of the peace building process.

¹²⁶ J.P. Lederach, *Preparing for Peace: Conflict Transformation Across Cultures* (New York: Syracuse University Press, 1995).

2.4.1 Peace Building Approaches by the Church

There exist different debates by various scholars on the peace building approaches adopted by the church. The major challenge within the domain of the African churches and the entire globe is how to invoke Christian values to make an impact in peace building. The church is looked upon as a pool from which peace flows. It is viewed as having the capacity to use Christian values to inform and transform social relationships. The church, however, has sometimes failed because it has become part of the problem in regard to ethnocentrism. The church always advocates for water baptism as a sign to remove the old life and acquire a born again life. However, it has emerged that ethnic blood is thicker than the blood of Jesus in water baptism. The church has consistently and visibly pursued a system of ethnicity even in church planting and policy. This is explained in six ways: First, the church has been unable to address the problem of ethnocentrism openly, secondly, for many years Christian churches have been using the structure of ethnicity for evangelism, thirdly bishops and other religious leaders have not yet succeeded to transform public conscience since there has been no active participation in peace building from grassroot communities, fourthly, when it comes to social problems, churches have failed to be self-critical, fifth, an ethnic bias is also held by some ecclesiastical leaders and sixth, there is no serious ecumenical collaboration intended to address social – political issues due to religious competition and quest for power.¹²⁷

The church, however, has an important role to play. It is the interface between the government and victims of conflict. Where as the state has to put into lace appropriate

¹²⁷ Tarimo A., S. J. and Manwelo P. S. J., '*Ethnicity Conflict and the Future of African States*', Nairobi (2009).pp. 40-41.

peace building structures, the church complements the state by channeling resources to the victims and ensuring that conditions are set for forgiveness, healing and collective prosperity. The church is always on the forefront when it comes to welfare and recovery of the post conflict victims. Peace building initiatives by the church are clearly desired in confronting the suffering faced by victims. This is because the church goes beyond mere material assistance but provides the much needed humanitarian responses to ensure psychotherapy of traumatized victims, reconciliation and holistic reconstruction of the lives of both victims and the victimizers.¹²⁸

As Boulden argues, the church has a moral obligation as it focuses on aspects like, restoring relationships, rebuilding the economic base of the victims, encouraging forgiveness and restoring respect of human dignity and human rights.¹²⁹ According to Boulden, therefore, the role of the church is to mobilize resources, build trust and consensus, facilitate victims to seek redress of their grievances in court and support economic reconstruction.

Omondi, argue that the formation of leadership, mediation and conflict transformation skills constitute integrative peace education. This is an effective means of initiating processes of change in the society. Integrative peace education refers to different initiatives aimed at positively transformation the society, at personnel level, through change of attitude, perception and constructed norms and beliefs and at the community level, through change of unjust structures from cultural, social political and

¹²⁸ Ramsbotham O. and Woodhouse 'Contemporary Conflict Resolution' Cambridge: Polity. Press, (1999) pp. 50-56

¹²⁹ Boulden, J. (ed) *Dealing with Conflict in Africa* (The United Nations, Basingstoke: Dalgare Macmillan 2003) pp. 120

economic perspectives. The approach is integrative because it is multi dimensional. This process is in most cases carried out through workshops, formal and informal education.¹³⁰

The church can also promote the search for the truth by engaging actively in public debate that seeks to establish the truth. Truth seeking can also be done through truth and reconciliation commissions (TRC). The church should seek to play an active role in truth commissions by advocating for its majority inclusion in such commissions, not just on voluntary basis but that its members be included on a competitive basis based on merit. This is the only way it can give professional services as exemplified by Bishop Desmond Tutu who led the TRC in South Africa. Truth and reconciliation commissions provide a more comprehensive record of past atrocities and violations than trials of specific individuals. Further, they aim at documenting and acknowledging a legacy of conflict and a step towards healing, reconciliation, forgiveness and a shared future.¹³¹ It is, though, imperative that truth commission go beyond truth finding and promote national unity and reconciliation in a spirit of understanding which transcends the conflict and the divisive trends of the past. The church should also play a pivotal role in co-opting its merited members into truth commissions.

While the state has always been quite responsive in attending to psychological, social, cultural, political and economic aspects of post conflict societies; the spiritual aspect has not adequately been attended to. In the same vein, diplomacy has not fully pursued the spiritual aspect of handling post conflict societies. While the state and international organizations may not have the flair and expertise in offering spiritual guidance, the church is best suited to cover this gap. While the state concentrates on

¹³⁰ E. Omondi. S. J. (ed), *Peace Weavers: Methodologies of Peace Building in Africa*, (Nairobi 2008).p. 124.

¹³¹ R. Mudida, Hekima Review: *Journal of Hekima College*, (No. 41, December 2009) pp. 124 – 125.

physical reconstruction of amenities such as roads, hospital, bridges and schools, the church should rise to the challenge and offer recovery and reconciliation services. For example, in Kenya, the church action in past cases of violence has mainly been in mobilizing resources to help victims of violence. The Catholic Church, for instance helped in availing materials such as blankets, rebuilding of burnt houses and payment of school fees of the victims children in the Rift Valley in 1992.¹³² In North Eastern Kenya, where violent conflicts especially over resources such as pasture, watering points and livestock theft have been rampant, the church has been very active in the provision of relief food, sinking of boreholes and disarmament programmes. Such conflicts have thus drawn the attention of the government as well as international donors in collaboration with the church to ensure sustainable peace is achieved.¹³³

2.5 Debates on Settlement and Resolution of Conflict

Debates on conflict settlement and conflict resolution are antagonistic to each other. They also offer contending views about the international system and the forces that prevail in it. Mwangi observes that the debate is also about the nature of human beings and the interactive nature of society and how best human relations and interactions, can be managed to ensure a peaceful environment.¹³⁴ A review of these two main strategies to achieving peace is relevant to this study since it will provide relevant insights in the navigation of peace building initiatives in the East African region. It needs to be understood that in many cases, conflicts are either settled or resolved, depending on the

¹³² Republic of Kenya, *Report of Parliamentary Select Committee to investigate the causes of Tribal Clashes in the Rift Valley and Western Provinces* (Kiliku Report), June 1992. Pp. 98

¹³³ M. Mwangi, *Conflict in Africa: Theories, Process and Institutions of Management* (CCR Publications 2006) p. 90

¹³⁴ M. Mwangi, *Conflict in Africa: Theory, Processes and Institutions of Management*, op.cit.p. 38.

conflict management approaches used. Further, whether conflicts have been settled or resolved will result in temporary or sustainable peace respectively.

Groom,¹³⁵ a profound Author and scholar, identifies three main approaches to conflict, namely those of the strategist, the conflict researcher and the peace researcher. In Grooms view, both the strategist and conflict researcher hold the assumption that human beings have an inherent urge to dominate. He opines that this domination is built on the quest to acquire power. However, in the earnest bid to address this, the strategists resort to settlement of conflict through coercion or deterrence. On the other hand, the conflict researchers have a bird's eye view of the conflict. They focus on resolution of the conflict and in this case the focus is in legitimization relationships between the conflicting parties so as to ensure self sustenance. To achieve such a new order of interactions, conflict researchers avail a supportive framework to ensure the parties work towards resolving their conflict. Groom argues that unlike conflict research, peace research adopts a structural approach. Peace research focuses on deep-rooted structures which catalyzes conflict. The peace research paradigm rejects the facilitation of parties to a conflict with a supportive framework as propounded by conflict research proponents.

Instead, like the strategists, peace researchers embrace threat systems that encourage polarization of conflicts in order to create an environment which allows the same peace researcher to resolve the conflict. In this scenario, the peace researcher provides the so called 'carrot and stick method' which resorts to organized violence with a view to addressing the anomalies prevalent in societal structures. Such a method employs a mixture of settlement and resolution as has been the case in the protracted

¹³⁵ A.J. R. Groom, '*Paradigms in Conflict: The Strategist, The Conflict Researcher and the Peace Researcher* in Burton, J. & Dukes, F., (eds), *Conflict: readings in Management and Resolution* (London: Macmillan, 1990) pp. 70 – 98.

Arab-Israeli conflict which stands unresolved to date. The said Arab-Israeli conflict is a context on land, religion and ideology and has attracted many actors over time each making an entry with a different approach skewed towards either settlement or resolution. In the same vein, the Sudan¹³⁶ and Somali conflicts have attracted many peace makers each applying approaches that have not served to address the deep-rooted causes thereby most of the approaches have merely and hastily focused on signing of peace agreements on power sharing that have had no sustainability whatsoever.¹³⁷

Mwagiru reiterates Groom's view and argues that settlement of conflict is anchored on the notion of power while resolution rejects power as the dominant framework for managing social relationships. In Mwagiru's view, conflict settlement does not address the root drivers of the conflict. It simply re-adjusts and regulates conflict relationships.¹³⁸ Under such circumstances, the weaker party accepts the outcome just because it has no power to contest it. For example, the Kofi Annan reconciliation efforts during Kenya's 2007/08 post election violence worked towards conflict settlement between the two main conflicting parties, namely Orange Democratic Movement (ODM) and Party of National Unity (PNU). This was only a marriage of convenience and for the sake of peace.

The two principals, Mwai Kibaki of PNU and Raila Odinga of ODM were facilitated in sharing political power by signing the "Agreement on principles of partnership of the coalition government" on 28th February, 2008 as contained in the National Accord and Reconciliation Agreement (NARA), which paved way for the formation of the grand coalition government. This was a marriage of convenience which

¹³⁶ Peace, Conflict and Development, Issue No. 4 (April 2004), p.9.

¹³⁷ A. Alier, *Southern Sudan: Too Many Promises Dishonoured*, (Reading: Ithaca Press, 2003). p.

¹³⁸ M. Mwagiru, Op. cit. pp. 38 – 48.

helped in returning the country to normalcy. However, the truth of the matter is that the signing of the said NARA was followed by a slow pace of healing and reconciliation efforts, most of which were effected on ad hoc basis.¹³⁹ Additionally, implementation of reforms under Agenda Item No. 4 went on a snail's pace with some of them haphazardly effected and some such as the enactment of the National Land Commission receiving presidential assent as late as 2013. Further, release of the Truth, Justice and Reconciliation Commission (TJRC) Report as late as May 2013 indicates the gravity of slow pace of the said reforms implementation and puts political will into question.

Conversely, conflict resolution does not embrace the notion of power as the basis of relationships, especially in conflict situations. Conflict resolution, unlike conflict settlement, is non-power based and non-coercive. In advancing the Human Needs Theory, John Burton observed that human beings find themselves in conflict with one another and with their environment not because they are "naturally evil" or naturally aggressive but because they are naturally needy. Once the basic human needs are fulfilled, conflicts can easily be resolved.¹⁴⁰ To effectively and successfully resolve a conflict, there are certain needs that must be fulfilled by both parties in conflict. The said needs such as recognition, identity, participation and dignity are non-negotiable and must therefore be fulfilled since they touch on the very heart of the conflicting parties. These needs must, therefore, be met with a view to have the conflict resolved.

¹³⁹ See Southern Consulting, 'Kenya National Dialogue and Reconciliation (KNDR) Monitoring Project. Status of Implementation of agenda Items 1 – 4. Third Review Report, July 2009. p. 19.

¹⁴⁰ J. W. Burton, *Conflict Resolution as a Political System. Working Paper Centre for Conflict Analysis and Resolution*: George Mason University, 1989); also J. W. Burton (ed), *Conflict: Human Needs Theory* (London: Macmillan, 1990).

2.6 Peace building Design

Given all the complexities involved in rebuilding societies emerging from violent conflict, a clear policy and relevant conceptualization of a peace building process becomes necessary. Although multiple strategies and visions exist for peacebuilding, their differences can be compared in the examination of sectoral and sequential activities as well as operational goals and environments. This particular study reviews the recovery and reconstruction strategies employed by the East African Community in an attempt to bring back sustainable peace with the post election violence episode of 2007/08 in Kenya.

With this concept in mind the study envisions to develop a clear understanding of the diverse dimensions of peacebuilding and how various strategies can be put together to achieve sustainable peace. A peacebuilding design should go beyond demobilization of armed groups, refugee resettlement, development assistance, institutional reforms and the advancement of human rights. A synergetic approach is adopted for a more concerted effort to rebuilding post conflict societies.¹⁴¹

2.7 Principles and Concepts of Peace building

According to Jeong,¹⁴² one of the reasons that too many peace initiatives lack sustainable effects is a failure to determine clear and compelling goals of peace and to coordinate strategies to achieving them. Incoherence derives from the pursuit of different goals by multiple actors and a lack of consensus or clarity of definition of peace that presents a long term vision extending beyond humanitarian assistance and control of

¹⁴¹ H. W. Jeong, *Peacebuilding in Post Conflict Societies: Strategy and Process.* Lynne Rienner Publishers, Boulder London. Pp. 27-29, 37.

¹⁴² H.W. Jeong, *Peace Building in Post Conflict Societies: Strategy and Process.* Lynne Rienner Publishers, Boulder London (2000) pp. 24 – 38.

violence. Decision makers and policy makers should be sensitized about the complexity of peace building in formulating a more integrated policy framework.

While peace building does not always proceed as planned and should be adapted to unforeseen conditions, it needs to be a goal-oriented process. A designing approach to peace building relies on a conscious process of developing priorities and strategies. Mapping peace building components and processes in the context of local circumstances, also known as immersing, should be seen as more than a list-making exercise. Peace building design helps to clarify priorities and goals, identify means to achieve them and assess their effects on the overall process.

The operational level of peace building design focuses on orchestrating field elements in such a way as to ensure that tactical actions do not work counter to the strategic plan. Activities at the tactical level are geared towards achieving outcomes in a given area than the overall aspects of the peace building project. Further, tactical objectives are more finite with limited logistical boundaries and times. Human rights monitors, UN civilian police, peacekeeping forces and elections support personnel are important in fostering peace building efforts. However, without harmonization of their work with each other and across chains of command, an overall strategy cannot be effectively pursued.

Whereas goals are defined in terms of desirable and achievable conditions for peace, a strategy has to do with logistics and means that are appropriate to the pursuit of the objectives. To be more specific, implementation strategies have to be based on the identification of actors and the coordination of activities in various sectors within a given time frame according to priorities. Consideration of the different needs of the societies

recovering from a violent political conflict must be incorporated into a peace building design.

Effective implementation of individual or overall policies needs a compelling definition of peace. The goal of peace building lies not only in reducing physical and material suffering but also in achieving self sufficiency. Beyond responding to immediate needs, local capacity building is necessary for the institutionalization of peace. For deconstruction of a violent system, attitudinal and motivational changes are needed to reduce organizational and social vulnerabilities. Thus sustainable peace can be defined as a collective good to redress the past legacy of violent conflict, helping the population to overcome extreme vulnerability and move towards self sufficiency. Integrative social development, geared towards meeting human needs should be the ultimate focus of post conflict reconstruction and rehabilitation.

The promotion of processes that will transform existing social, economic and political structures is opposed to a “quick-fix” engineering approach.¹⁴³ A wider and greater impact on the system can be brought about by changes in social and political dynamics related to power and cultural norms. For example, demobilization would not be sufficient to bring about stability without efforts aimed at transforming a cultural affinity for resolving conflicts with armed weapons. Projects addressing individual needs such as the rehabilitation of child soldiers or intergroup reconciliation in a communal setting may benefit a small number of targeted beneficiaries. Interpersonal approaches do not affect a large number of people, though they can contribute to personal healing and inner change at a deeper level.

¹⁴³ Pugh, Michael, (ed) *Regeneration of War-Torn Societies.* New York: St. Martin's (2000).

Programmes offering training in practical conflict resolution skills, seeking changes in attitudes, perceptions and behaviour can generate intensive psychological effects at a small group level. When compared with psychotherapeutic approaches, development assistance programmes bring about positive changes on a large scale but generally have a less intensive impact on interpersonal progresses.

Reconstruction programmes need to be geared toward reducing social discrimination as well as improving the personal welfare of members of underprivileged groups. A broader and greater change derives from expanding the tangible impact at the lowest grassroots level. Most importantly, approaches oriented toward individual needs or interpersonal issues eventually have to move beyond a small number of beneficiaries to develop an institutionalized base. In order to have an impact on institutional reforms, the base of grassroots projects can be broadened by reaching out to diverse groups of people. In particular, the active engagement of individuals who are in a position to influence their own community can be expanded to provide a foundation for community building. Cumulatively, social effects of communal processes such as offering medical services through health centres and dispensaries can bring positive changes in national consciousness, policies and institutions.¹⁴⁴

2.7.1 Conclusion

The chapter has reviewed various debates on post conflict peace building by various authors and peace practitioners. Debates on post conflict management by state actors in Track one diplomacy basis have been reviewed as well as debates on conflict management by non-state actors on track two diplomacy basis. Debates on settlement and

¹⁴⁴ H. W. Jeong. *Peace Building in Post Conflict Societies. Strategy and Process*. Lynne Rienner Publishers, Boulder London. (2000). pp. 17 – 38.

resolution of conflict have been reviewed at length. Views of scholars such as Groom and Mwangiri have been discussed on the same. The strategist, conflict research and peace research paradigms have also been discussed and their bias towards settlement or resolution of conflict. Stress has been made on the fact that the strategists base on power and coercion in settlement of conflicts while the conflict researcher uses non-violent and non-coercive means resulting in conflict resolution whose result is a win-win scenario.

Finally a discussion has been made on the peace building design with its tenets of an integrative sustainable development approach to the community that has emerged from violent conflict. Mention has been made on reconstruction and recovery strategies of post conflict peace building as regards the case study of the post election violence of 2007/8 touching on the disputed presidential electoral results of the December 2007 General Elections. The case study and its findings will be navigated indepth in chapter three.

In summary, therefore, track two diplomacy should not be taken as a replacement of track one diplomacy. In an ideal situation, track two diplomacy should pave the way for official negotiations and agreements by encouraging official actors to recognize and utilize vital information and insights obtained through track two diplomatic efforts. Thus the two peace building approaches should not be used in isolation but should rather be used complementary so as to pave way for multi-track diplomacy which is a refined integrative approach of the two strategies.

CHAPTER THREE

Post Conflict Peace Initiatives in East Africa

3.1 Introduction

This chapter discusses the observations and opinions expressed by Kenyans and the East African Community at large on the Post Conflict Peace building Initiatives that have been put into place following the post election violence of 2007/8. As a matter of prudence, the chapter starts by including a discussion on the events that took place prior to the 2007 general election, during the election and after the elections leading to the PEV and finishes with the Post Conflict Peace building Initiatives as observed during the course of field work.

This chapter, therefore, zeros down to the case study of Kenya's post election violence which occurred in 2007/08. It looks at what happened from the election period and what triggered the violence after the announcement of the presidential election results. Mediation efforts done during the post election period to ensure that violence ended and the signing of the grand coalition government agreement and the establishment of the office of the prime minister into the power sharing deal will be discussed as part of the post conflict peace initiatives.

On 29th December, 2007, the chairman of the defunct Electoral Commission of Kenya (ECK), the late Samuel Kivuitu, declared Mwai Kibaki, the PNU presidential candidate as the winner with 4.5 million votes against Raila Amolo Odinga the ODM presidential candidate who obtained 4.3 million votes. The results were widely doubted by the media, the commonwealth, African Union, East African Community, local and

international observer missions who cited several anomalies in the electioneering process.

This announcement sparked off violence that was the genesis of widespread tension that was felt in major cities of Kenya such as Nairobi, Nyanza, Western, Coast and Rift Valley Provinces. Concomitantly, ethnic communities perceived to have supported either side went against each other on a fierce and brutal fight. In the process lives were lost, property and valuable assets were destroyed and also key infrastructural amenities were destroyed.¹⁴⁵ This followed people being displaced from their homes and places of residence to Internally Displaced Persons (IDPs)¹⁴⁶ Camps under deplorable conditions. The epicenter of violence was in major towns and rural areas in Rift Valley, Nyanza, Western, Coast and Nairobi provinces as they were called under the old constitutional dispensation.

The cultural, social and economic fabrics and gains that Kenya had built for several decades crumbled down at a very high velocity. The peace, Justice and all democratic achievements the country had made since independence went down in the cause of political and ethnic violence. State and sovereign security, which Kenya was famously known for in the East African region was quickly eroded and the rule of law was at its low ebb.¹⁴⁷ There was visible mushrooming of new and resurgence of old militia such as Mungiki in the country. Human rights violations became rampant in most parts of the country. Kenya, being the economic hub and transit point to the Eastern,

¹⁴⁵ Peacenet-Kenya, *“Post Election Violence in Kenya: Facts and Figures”* Nairobi 2008, p.1.

¹⁴⁶ Ssenyonjo, M. *Justifiability of Economic and Social Rights in Africa: General Overview, Evaluation and Prospects*; *East African Journal of Peace and Human Rights* vol. 9 No. 1.

¹⁴⁷ Ibid.

Central, some parts of southern and northern Africa, through the port of Mombasa, meant that most economic activities stagnated in the entire region during the violence.¹⁴⁸

3.2 Pre-election Environment and Campaigns

Prior to the general elections on December 27th 2007, campaigning by the main presidential candidates had started several months earlier even before the elections referee had blown the whistle. The campaigns were widely conducted in an open and free environment, whereby the freedom of expression, assembly and association was generally respected. Candidates and parties campaigned extensively, mainly on helicopters and other sophisticated modes of travel, and were generally able to move freely throughout the country without restriction or interference. This notwithstanding, the campaign atmosphere was also associated with strong ethno-political polarization between the communities of the two main contenders, leading to hostile confrontations in some strongholds of the contenders. This resulted in both contenders avoiding campaigning in the strongholds of their opponent, in order to avoid hostile receptions.¹⁴⁹

The 2007 campaigns had three major presidential candidates namely the incumbent president Hon Mwai Kibaki, Raila Amolo Odinga and Stephen Kalonzo Musyoka of PNU, ODM and ODM-Kenya respectively. The three named presidential candidates took their campaigns on major rallies across the county. Parliamentary and civic candidates running for position of member of National Assembly (MP) and councilor respectively usually accompanied the presidential candidates. Parliamentary and civic campaigns were mainly conducted through smaller and improvised stopovers at market places, door-to-door campaigns and at times organized smaller rallies. In a

¹⁴⁸ Peacenet-Kenya, *“Post Election Violence in Kenya: Facts and Figures,”* Nairobi 2008, p. 2.

¹⁴⁹ *Kenya Final Report, General Election 27 December 2007,* 3 April 2008. European Union Election Observation Mission, Nairobi, 2008.

positive note, coordination between the police and political parties helped to ensure that candidates and parties were not campaigning in the same area on the same day, thus reducing the potential for violence.¹⁵⁰ Initial disputes concerning the use of venues by major candidates were amicably resolved by the candidates' campaign managers and the police department prior to the event. This was also the case in the campaigns running to the March 4th 2013 elections.

Strong and fierce competition and wrangles erupted between parliamentary candidates of the same alliance particularly in Central Nyanza and Western provinces as candidates maintained best chances of winning through association with the strongest presidential candidate of the respective area. Under such circumstances, the constituency based peace committees were able to mediate conflicts in some places, but since they did not have any proven mechanism to enforce conflict solutions on the contestants, their impact was limited.¹⁵¹

Bribery, through money handouts and goods by candidates was very rampant as reported by European Union EOM observers, the media and the Kenya National Commission on Human Rights (KNCHR). This habit seems deeply entrenched in the political culture of the country, despite the fact that it is visibly incompatible with democratic standards.¹⁵² During campaign period, unfortunately, there is a general expectation that candidates on the campaign trail will hand out money or goods or both to

¹⁵⁰ *Kenya Final Report, General Election 27 December 2007*, 3 April 2008. European Union Election Observation Mission, Nairobi, 2008.

¹⁵¹ *Kenya Final Report, General Election 27 December 2007*, 3 April 2008. European Union Election Observation Mission, Nairobi, 2008.

¹⁵² *The European Union Election Observer Mission, (EU EOM), Kenya 27 December, 2007, Final Report on the general elections*, Nairobi 2008.

the public. Bad as it may sound but that is the truth of the matter and this practice has its roots dating back to the first two multiparty campaign of 1992 and 1997.

Contrary to 2002 elections, all three major presidential candidates in 2007 promised free secondary education. The current regime has taken a departure from this in that the Jubilee government has promised free laptops for all public standard one pupils starting from January, 2014. On corruption issues, both PNU and ODM leaders accused each other of having senior leaders in office while they had been implicated in major corruption scandals during the NARC and KANU regimes.

One of the major contentious issues during the 2007 campaigns was the debate about the preferred system of governance. The Orange Democratic Movement (ODM) anchoring on the Bomas Draft Constitution, campaigned strongly for devolution, promising to bring development and decision making closer to the people. Conversely, PNU favoured to maintain status quo with the existing centralized system. It promised to increase the budget share of the then highly popular constituency development fund (CDF) from 2.5 to 5% of the national budget. With the devolution debate at hand, both ODM and PNU used the term 'Majimbo' a Swahili terminology meaning region as used by its propounder Ronald Ngala in his KADU¹⁵³ political party.

This terminology was used as a label for a devolved system of governance. Unfortunately, some Kenyans misunderstood the term Majimbo to mean regional hegemony and hence eviction of people who did not ancestrally originate from a region. ODM used the term to solicit support in Rift Valley, North Eastern and Coastal regions, while PNU advised their voters in the said regions not to vote for ODM as this would

¹⁵³ K. Kanyinga, 'Limitations of Political Liberalization: Parties and Electoral Politics in Kenya,' 1990 – 1992,' in W.O. Oyugi, P. Wanyande & C.A Mbai (eds), *The Politics of Transition in Kenya: From KANU to NARC* (Nairobi: Heinrich Boll Foundation, 2003) p. 102.

mean eviction from these areas.¹⁵⁴ Tension was further aggravated by intimidating leaflets of undisclosed origin that were circulated particularly in Rift Valley, to the implication that certain ethnic minorities would be evicted in case of an ODM win. Further, similar texts with hate messages about both political camps were circulated via mobile phones and the social media.

Further, the signing of a Memorandum of Understanding (MOU) between ODM and the National Muslim Leaders Forum (NAMLEF) in August 2007 became a very big contentious issue. While it contained a pledge of mutual support for development in the Coast and North Eastern Regions under an Odinga presidency, it was fabricated with fake visions in circulation to the effect that this was tantamount to introduction of Sharia Law in Kenya. This nurtured religious – ethnic tensions in the country. It is interesting to note that a similar MOU between President Uhuru Kenyatta and NAMLEF prior to the March 4th 2013 general election did not raise as much political or religious – ethnic tension as it hitherto did, possibly due to the fact that Najib Balala, a former Pentagon member of ODM had this time round decamped from ODM to Jubilee.

During the course of field visits and inquiry within the East African Community, and in particular Kenya, various causes have emerged major in triggering, maintaining and escalating the 2007/08 post poll chaos. The populace interrogated have come up with land and distribution of natural resources, greed for political power, negative ethnicity, poor governance and leadership styles and lack of conflict management strategies as top drivers of the violence.

On greed for political power, what came out from the field opinion is that it stood out as the major cause. This is because both PNU and ODM presidential candidates

¹⁵⁴ K. Kanyinga, Op. Cit. P. 102.

adamantly refused to concede defeat even when it looked obvious. A further indicator to this is the way the swearing in was done. Conducting swearing in of president Kibaki on 30 December 2007 at night raised much suspicion and played a bigger role in fueling and propelling the already volatile conflict atmosphere since Kenyans' patience had since gone out of hand due to delayed announcement of the presidential results. On the whole, all the factors that caused the 2007/08 post poll chaos are important for analysis. The degree of importance will be critically looked into in chapter four.

Majority of the East Africans interviewed responded with much gravity as regards the effects the post election violence had on the citizens of the sub-region. The 2007/08 post poll chaos has been described as terrible, horrible, an unfortunate event in our history and a calamity never ever to recur. An interview conducted in the NCKK offices in Nairobi, Kenya on 21st June 2013 with Mr. Samuel M. Kingi, the peacebuilding and conflict prevention programmes officer revealed the following:¹⁵⁵ That the post election violence of 2007/08 led to massive loss of lives and property worth millions of shillings, loss of livelihood by Kenyans, weighing down significantly on the Kenyan economy. The interview with Mr. Kingi further revealed that the transport corridor from Mombasa to other East African Countries that are land locked and which hence depend on Kenya's Mombasa Port for their imports became impassible. Within the domain of the East African Community it came out from the interview that economically, when Kenya sneezes, other East African countries catch the '*economic flu*.' This is due to its strategic position as the economic hub of the East African sub-region. The post poll chaos was mentioned as very devastating not only to human life but also on the trade and economic

¹⁵⁵ Interview with Samuel Mwandoro Kingi Peacebuilding and Conflict Prevention Programmes Officers with NCKK on 21 June 2013 at the NCKK offices at Jumuiya place, Nairobi, Kenya.

fronts. This confirms the integrative theory of peace (ITP) guiding this study as it advocates for a participatory approach and sub-regional and regional integration and cohesion. Further, the East African Community treaty signed by the member states in 2005 concurs with this school of thought as already seen in chapter one.

3.3 Major Political Contended Issues: The Land and Squatter Problem in Kenya

One of the most contentious issues that played a major role in triggering the post election violence in 2007/08 is the land question. The squatter problem in most parts of the country is a big thorn in the flesh of the Kenyan political and governance arena. This issue keeps on cropping up every other time when Kenyans go to the polls to elect their leaders. It also featured very prominently in the just concluded general elections in which case presidential candidates took chance to outwit each other during their final televised¹⁵⁶ presidential debate held on February 11th 2013. During this debate current president Uhuru Kenyatta's presidential opponents took chance to accuse the current president of land grabbing, claiming that he owns over 500,000 acres of land. At that juncture, the cool reply from president Uhuru Kenyatta was that he owns land yes, but that all that he owns was acquired on a willing seller willing buyer basis and that any interested party could go and verify the facts from the lands registry. While other presidential candidates pinned Uhuru on the land question, former PM Raila¹⁵⁷ Odinga came to Uhuru's rescue when he said Uhuru might have fallen victim of circumstances by inheriting property from his father Mzee Jomo Kenyatta who ruled Kenya as first president of Kenya upon Kenya's Independence in 1963.

¹⁵⁶ Final live televised presidential debate held in Nairobi, Kenya. on 11 February 2013.

¹⁵⁷ Ibid.

On the issue of land, the fact remains that the majority of displaced people in Kenya are small-scale peasant farmers and business people, who purchased land they occupied several years ago. Most people in East Africa, and particularly Kenya, lost their ‘ancestral’ communities long before independence and have no other place to call home. This raises difficult questions about historical land claims, transitional arrangements in the decolonization of the country and legislation and policies that allowed successive independent governments’ sole control over the allocation of public land.¹⁵⁸ For example, during the Jomo Kenyatta and Moi regime, it was common practice for the president to allocate prime land such as beach plots in the coast region or the fertile white high lands formally in the lands of the white settlers who chose to leave the country after independence.

Within the context of the African continent, land remains the last colonial question to be addressed. Since land is one of the five factors of production it remains central to development in Africa. Any hope of significant economic recovery and double digital economic growth as envisioned by the Jubilee government, poverty reduction and restoration of political stability rests largely on how and when the land question will be fully addressed. Most independence struggles in Africa focused mainly on the repossession of indigenous land. Yet as many African nations have started celebrating their years of Jubilee meaning priding themselves in 50 years of enjoying independence, the majority of citizens in most African countries remain landless and miserably poor.¹⁵⁹ In Kenya, the current land problems have their political and legal origins in the invasions,

¹⁵⁸ Hakimani, *Jesuit Journal of Social Justice in Eastern Africa*, April – June 2008, Issue No. 02/08 ISSN 1995 – 6339, P.5.

¹⁵⁹ Interview with Mr. George Kabonga, A Deputy Director with Africa Peace Forum, Nairobi Kenya, on 21st August, 2013.

conquest, occupation and consolidation of the European dominance in Africa at the end of the 19th century as revealed by the Berlin Conference of 1884/5.

The process of decolonization began over a half-century ago; but while political power was restored to the African people, land and property acquired by white settlers was secured and protected through a mixture of political negotiations, constitutionalism and foreign land and property laws. While communities and individuals seek legal redress to historical land grievances, the problem is that foreign law was the weapon initially used by the British to oppress, dispossess and impoverish the African black people.

As mentioned earlier, the Berlin ¹⁶⁰Conference of 1884/5 was the genesis of all land problems in Africa. The scramble for Africa was the basis for the first “Land grab” which was based on the principle of “terra nullis” which means land of no-one. Further, its application was not based on the notion that the territory was uninhabited but that indigenous societies could not exercise proper territorial sovereignty because they were barbaric, uncivilized or immature. Explained differentially, it means only the white Europeans were capable of governing and the rest of the world was vacant, empty and thus available for grabs, conquest and possession.¹⁶¹ In the absence of international law to deter their actions, the European powers took the view that political sovereignty stands supreme over domestic possession and in the process granted themselves the right to confer property rights on any race or individual that they chose. This is where a few Indian labourers who participated in the building of the Uganda railway running from Mombasa to Kampala had the golden opportunity of being allocated land in prime parts of Kenya and hold the same property rights upto date.

¹⁶⁰ The Berlin Conference of 1884/5.

¹⁶¹ .Hakimani, *Jesuit Journal of Social Justice in Eastern Africa*, April – June 2008, Issue No. 02/08 ISSN 1995 – 6339, P.5.

After guaranteeing jurisdictional power, the colonial powers, also referred to as the crown, proceeded to enact the East African lands orders in council of 1895, 1897 and 1901 for the purposes of alienating land in the new colony. These orders of council were re-enacted in the form of Crown Lands Ordinances of 1902 and 1915, which governed the allocation of land. In the said statutes, crown land was defined as

“All public land within the East African Protectorate, which for the time being are subject to the control of his majesty.”

This led to the entire territory of Kenya being appropriated to colonial invaders leading to the expropriation of millions of hectares of the most productive land in Kenya. By the time Kenya got independence in 1963, nearly half of its productive agricultural land had been grabbed, with the Kikuyu, Nandi, Maasai and Coastal Communities mainly adversely affected.

Further, another consequence of the colonial expropriation of land held under the indigenous customary law was that foreign properly law took precedence over indigenous law. As a consequence, land governed by foreign law received the full protection of the state. However, resistance to dispossession and the emergence of the Mau Mau insurgency force obliged the colonial administration to consider and start granting of land titles to indigenous people.¹⁶² Thus the famous Swynnerton ¹⁶³ land plan of 1954 for the first time granted individual title to Africans. This was the first step upon which the colonial forces deliberately influenced the transition from colonial rule to suit their own needs and in the process created an ‘African elite’ that would manipulate Kenya’s inherited political institutions to its own needs and advantage.

¹⁶² Hakimani, *Jesuit Journal of Social Justice in Eastern Africa*, April – June 2008, Issue No. 02/08 ISSN 1995 – 6339, P.5.

¹⁶³ Swynnerton Land Plan of 1954, (Nairobi, Kenya) pp. 1-9.

As a result, loyalists among the Kikuyu community were the principal beneficiaries of this window of colonial corruption. When the process of dishing out land¹⁶⁴ titles was over, there was a clear strata of the “haves” and “have-nots” who were clearly demarcated between the British Colonialists verses the Mau Mau supporters.

Many political detainees returned home to find their land occupied by loyalists. Even worse, the former detainees were disenfranchised in the 1957 – 1958 elections as voting rights were granted only to those who qualified based on criteria of annual income, property ownership and possession of a loyalist certificate. With this background, it can be concluded that right from the beginning, land ownership and political power went hand in hand in Kenya¹⁶⁵ and that the same trend holds to date.

Politically speaking, the British created a middle class political elite to represent their interests in the transitional arrangements that would follow the Lancaster House talks on independence which were attended by the Late Ronald Ngala and Martin Shikuku among other political veterans. For the British, the aim of the conference was political enfranchisement of the majority without the sacrifice of the property rights of the minority. They believed that this was only possible through constitutional safeguards. The landless Mau-Mau veterans were left with no option save to seek refuge in urban slums or find solace in the vast Rift Valley for resettlement which some did.¹⁶⁶

As Kenya approached its independence, some kind of consensus was reached on the land issue. The consensus reached was that indigenous people would buy back the land which they had initially forfeited to the colonialists with money lent to them by the

¹⁶⁴ H.W.O Okoth Ogendo, "Agricultural Development in Kenya," pp. 9-13.

¹⁶⁵ Hakimani, *Jesuit Journal of Social Justice in Eastern Africa*, April – June 2008, Issue No. 02/08 ISSN 1995 – 6339, P.5.

¹⁶⁶ Ibid.

Kenya government, which in turn borrowed it from the British government and the World Bank. While the British government and the World Bank lent the Kenya government for the said buying back project, it did not successfully implement the project. Sessional paper ¹⁶⁷ No. 10/1965 “African Socialism and its application to planning in Kenya” was meant to ensure equitable distribution of land to Kenyans. However this did not happen.

After distributing about 1 million acres in a bid to resettle the landless the programme was stopped in 1971 due to its high costs related to foreign exchange constraints. Thus the Kenya government undertook to redistribute about 6 million acres of white settlers’ highlands to Kenyans on a willing –buyer willing – seller basis. This project favoured rich Kenyans without considering the plight of the poor landless Kenyans.¹⁶⁸ The new post colonial independent Kenya government did not encourage nor advocate for equitable land redistribution. Further, there was no political will to overhaul the land laws which facilitated the dispossession of millions of acres of land from indigenous Kenyans. As a result, the post colonial government only made superficial amendments to land laws. Ordinances were renamed ‘Acts’ Crown was substituted with “president” and crownland was renamed “Government land” and where Crown referred to the British Monarch, it was simply replaced with “government.”¹⁶⁹ This culminated into powers of alienating and allocating land in Kenya, previously vested in the British Monarch transferred to the President of Kenya. Thus Kenyans had now moved from being tenants of the crown to being tenants of an imperial president on their own ancestral land.

¹⁶⁷ Sessional Paper No. 10/1965: “*African Socialism and its application to planning in Kenya.*”

¹⁶⁸ Hakimani, *Jesuit Journal of Social Justice in Eastern Africa*, April – June 2008, Issue No. 02/08 ISSN 1995 – 6339, P.5.

¹⁶⁹ Ibid.

The background of the 2007/08 post election violence partly hinged on unresolved land issues where people are squatters. While Mwai Kibaki of PNU anchored his issues on maintaining status quo, Raila Odinga of ODM came up with promises of reforming the land issue in his advocacy of a new constitution which would overhaul institutional structures and ensure widespread reforms. This disparity of ideologies made the ODM leader win favour in six out of eight provinces in 2007 election presidential results, making his ODM party to enjoy majority parliamentary seats in the National Assembly.

3.4 Other Contentions Prior to Peace building Agreements in 2007 / 08 PEV in Kenya

Apart from the land question and purported historical injustices regarding land, there were other issues, contentions and demands which preceded the formation of peace building initiatives and reforms in Kenya. Addressing these issues, contentions and demands from both PNU and ODM was the genesis of the viable peace that Kenyans have enjoyed to date.

One would ask what the real issue was that triggered the 2007/08 post election violence. The truth of the matter is that the disputed presidential electoral results on the elections held on 27 December 2007 and announced by ECK's chairman Samuel Kivuitu¹⁷⁰ on 30 December 2007 was the real issue and trigger of the violence. The word trigger here is carefully used to connote that there could be other issues but this one sparked off the explosion of the violence.

¹⁷⁰ Makumi Mwangi, *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya*. (Nairobi: Institute of Diplomacy and International Studies, 2008). PP. 25 – 85.

Be as it may, the two antagonistic parties had to tame their tempers, and reveal their demands so that the agenda could be clearly set up for a soba resolution of the political impasse. One outstanding thing in the management of the electoral violence in Kenya is that it underlined the importance of the pre-negotiation phase. Raila Odinga of ODM was very specific in his agenda for negotiations. His take was that he was willing to participate in an interim government as long as fresh elections would be conducted in three months and that the elections would be conducted by an independent electoral commission. He further impressed on the need for PNU's Mwai Kibaki to accept that the election results were doctored and hence compromised. In the same vein of contention, Mwai Kibaki of PNU also made his negotiation stand clear. He said Raila Odinga and his ODM team should know that he was the legitimately elected president of Kenya and that all leaders from all walks of life should prevail on their people to stop killings and restore peace before seeking a solution to the election crisis. Kibaki went on inviting ODM leaders to team up with him in a government of national unity which proposal was totally rejected by the ODM team which viewed it as legitimizing his presidency. It is important to note that all these demands and contentions were driven by identity parameters of ethnicity and the greed for power as the field discussion at the NCKC, the EAC offices and the CIPEV reports¹⁷¹ have revealed.

3.5 Contentions Between Infrastructural Reconstruction And People's Welfare

While the incumbent president Mwai Kibaki of PNU emphasized on economic recovery and physical reconstruction of the infrastructure which went on to its knees after the Moi regime, Raila Odinga's campaigns and manifesto majored on the 'peoples'

¹⁷¹ CIPEV Report on the 2007 /08 Post Election Violence, (unpublished) related cases presented by: The Multi-Agency Task Force on the 2007/08 Post Election Violence, January, 2013. pp. 1-42.

welfare and fulfillment of human needs. This is manifest by the “Kibaki Tena” (Kibaki for another term) and “Kazi iendelee” Swahili slogan which means maintenance of status quo in reconstruction work in progress. Much of this is evidenced by the major physical infrastructural works in roads, schools and hospitals which were indeed effected during Kibaki’s first and second terms in office. Major road bypasses in Nairobi Metropolitan city were effected connecting the city with its suburbs and immediate environs. Other amenities include the expansion of Jomo Kenyatta, international Airport, the refurbishment of Kisumu Airport, the construction of Ridge International Golf Club at Vipingo in Kilifi County in the coastal region and the famous Nairobi – Thika Super highway amongst others.

On the other hand, Odinga’s main focus was on the welfare and human needs of the people. His arguments centred on looking into the needs of the people of Kenya and, to be precise, those marginalized communities. Great emphasis was placed on the devolved system of governance as the only way out of poverty and sure even distribution of resources and equitable development. It can hereby be said that the two major presidential candidates of 2007 general elections which turned sour were in two different schools. Kibaki of PNU was skewed toward realism while Raila was focused on idealism. The two schools were merged in line with the integrative theory of peace in the culmination of the signing of the coalition government agreement on 28th February 2008.

Field research visits in Eldoret, Mombasa, Kilifi, Kwale and Taita Taveta clearly show that some of the construction projects are still going as late as July 2013, meaning the Jubilee government may have to adjust its budgetary priorities to accommodate their completion. In the converse some IDP’s are still languishing under deplorable conditions

in IDP camps over five years down the line. This is per interview¹⁷² held with Samuel Mwandoro Kingi of the National Christian Council of Kenya (NCCCK) who is the peace building and conflict prevention programmes officer of the said civil society organization. The interview was held on 21 June, 2013.

3.6 Post Conflict Peace building Initiatives by the NCCCK

Healing memories: Rift Valley Community Leaders Visit to Rwanda

A field visit to the NCCCK offices in Nairobi on 21st June 2013 conducting an interview with the peace building and conflict prevention programmes officer Mr. Samuel M. Kingi¹⁷³ revealed quite an interesting step towards peace building initiatives in Rwanda. The General Secretary of the NCCCK accompanied 90 community leaders from the Rift Valley in Kenya to Rwanda on a fact finding peace building on the 1994 Rwanda Genocide and how the Rwandese have managed to move on despite the havoc caused by the genocide. This gesture was meant to unveil lessons to be learnt from Rwanda on a linkage between the 1994 Rwanda Genocide and the PEV of 2007 /8 in Kenya. The Rwanda visit took place between 2nd and 10th February 2013, just a few weeks before Kenya went for its general elections on March 4th 2013.

The NCCCK has been working towards enhancing peaceful coexistence among communities in Kenya. The council has particularly taken a keen interest on the Rift Valley considering that the two main communities living in the region namely Kikuyus and Kalenjins have had a conflicting relationship notably after the 2007/08 disputed presidential poll results. The NCCCK has been mobilizing elders from communities

¹⁷² Interview with Mr. Samuel M. Kingi of NCCCK on 21st June 2013 at the NCCCK Offices in Nairobi, Kenya. The Interviewee is the Peace building and Conflict Prevention Programmes Officer with NCCCK.

¹⁷³ An interview with Mr. Samuel M. Kingi, the Post peace building and conflict prevention programmes officers of the National Christian Council of Kenya (NCCCK) held on 21 June 2013 at NCCCK offices Nairobi, Kenya.

involved in intra and inter-community dialogue to try and deconstruct the narratives that caused the conflict. To crown it all, the NCKK, heeding to a request from the elders, approached the All African Council of Churches (AACC) to help in facilitating a trip to Rwanda for the elders to learn from the Rwanda Genocide, a conflict that saw close to a million people killed in Rwanda in 1994 sparked by ethnic hostilities between the Hutus and Tutsis. About 90 community leaders from the Rift Valley, majority being from the Kikuyu and Kalenjin community youth and women traveled to Rwanda, in the company of the clergy. A few members from other communities leaving in Rift Valley such as Luo, Luhya, Maasai and Kisii were in the delegation as well.

3.6.1 Sessions Conducted: A Session with Rwandese Church Leaders

A host of senior church leaders from Rwanda, among them the General Secretaries of the council of protestant churches in Rwanda, Dr. Gatwa¹⁷⁴ and the AACC General Secretary Dr. Karumanga, were present to welcome the delegation from Kenya to a wonderful devotion. The Rwandese hosts said they had come to join Kenyans in their visit to the Genocide sites because they know the importance of peace after going through the humiliating experience of Genocide in 1994. They acknowledged that Kenya's peace is East Africa's Peace and that is the very reason why AACC is headquartered in Kenya instead of Uganda where it was launched in 1963 at a time when Uganda was passing through a period of conflict.

3.6.2 Testimonies from Rwanda Genocide Victims

The delegation had a chance to hear testimonies from three Rwandese who were victims of the 1994 genocide. The victims mentioned the pain they went through and the

¹⁷⁴ Interview with Dr. Gatwa, General Secretary of the Council of Protestant Churches in Rwanda on 18th July, 2013.

losses they incurred including loss of family members such as spouses and children. All the victims explained how they were able to pick themselves up and began initiatives to reach out to the other victims. One of the victims, a lady who was widowed at age of 19 years managed to recover from the stigma and trauma of the genocide, took up studies and founded a widows association which is currently having its presence in all the districts in Rwanda.

The second victim, a gentlemen aged forty years, began an outreach ministry to those in prisons while the third victim recovered and is currently running a milk company which acts as a collection centre where over 2000 farmers take milk to his firm. This milk company has employed over 100 people. These testimonies really touched the delegation and notably what the victims went through and their resolve to pick themselves up and move on with life.

3.6.3 Field Visit to the Kigali Genocide Memorial Centre

A visit to the Kigali Memorial Centre as led by Bishop Stephen Gashumba of Rwanda for Jesus Church revealed terrifying pictures and images which went down into memories. The Kigali memorial centre is the place where more than 250,000 bodies collected from various sites were buried and a memorial museum set up for the people of Rwanda to remember. Rwandese gather there every year for a period of three month's from April to mourn the departed. Three months is the length of the period that the genocide took place. Through a tour guided visit, guests were able to learn the history of the massacre. Crowning the visit to the memorial centre the delegation placed a wreath of flowers, observed a minute of silence in respect to the departed and finally made a

prayer for sustainable peace in Rwanda. The horrifying images of skeletons,¹⁷⁵ machetes, pangas, bloodstained clothes and skulls of children within an environment of graves made people break down into tears upon which the Kenyan guests vowed to ensure that Kenya does not follow the same path at all costs.

3.6.4 Field Visits Outside Kigali

Guests visited two genocide memorial sites located outside Kigali, the capital city of Rwanda. The said two sites are Ntamara¹⁷⁶ memorial and Nyamata Memorial Sites. These are Catholic Churches where thousands of people running for refuge in the churches were pursued by their attackers and in one day more than 40,000 people including women and children were killed. This is synonymous to the Kiambaa church killings in Eldoret in January 2008 where over 30 people were burnt to death as they took refuge in a church. The killers are said to have used grenades to kill their victims among other crude weapons such as machetes and pangas. The delegation saw horrifying sites of bones and skulls of people murdered preserved in the memorial site and many clothes of the people who died. The delegation was informed of the terrible methods the attackers used to kill their victims.

On the third day of the visit, other church dignitaries from Rwanda joined the Kenyan delegation. Among them was the president of the Episcopal Conference of Rwanda and the Kenyan Ambassador to Rwanda accompanied by the Chairman of the Association of Kenyans living in Rwanda. The Rwandese Minister for Local government and a representative from the National Electoral Commission of Rwanda also were in attendance.

¹⁷⁵ Kigali Genocide Memorial Centre. Displays on the Walls and Corridors.

¹⁷⁶ NCKK: Healing Memories, (Unpublished) Stipulating a Visit by NCKK Employees with elders from Rift Valley to Rwanda between 2nd and 12th February 203.

3.6.5 Testimonies from Genocide Perpetrators

The Kenyan delegation got a rare opportunity of listening to testimonies of two Rwandese who participated¹⁷⁷ in the genocide. The two are among other people who confessed having killed masses during the genocide and who now have been going around giving their testimonies to various groups of people. They mentioned their motivation to carry out the heinous crimes and how they were able to confess the crimes before the government which had promised to reduce sentences to whoever would publicly confess.

One of the perpetrators mentioned that he has been looking for some of the people whose families he killed to seek for forgiveness after serving for a jail term of twelve (12) years. However, the two are among others who have since been integrated into the community and moving on with normal life. It was shocking for Kenyans to hear such testimonies. It was further amazing how the perpetrators of genocide were able to be forgiven and integrated back to the community, something most Kenyans found difficult to comprehend.

3.6.6 Group Workshops

Participants were put into groups to discuss the following questions;

- (a) Lessons learnt from the Rwanda Genocide
- (b) Comparing similarities and differences between the Kenyan 2007 /08 post-election violence and the Rwanda 1994 genocide and
- (c) What can be done to resolve the root causes or drivers of the Kenya Post-election violence.

¹⁷⁷ NCKK: Healing Memories, (Unpublished) Stipulating a Visit by NCKK Employees with elders from Rift Valley to Rwanda between 2nd and 12th February 2013.

3.7 My Research Visit to Rwanda and Burundi

As already mentioned in chapter one, the East African Community currently comprises member states namely Kenya, Uganda, Tanzania, Rwanda and Burundi. Since virtually all the East African Community member states have had major conflicts, it became necessary to make an international visit to have a first hand grasp of the conflicts encountered and the peace initiatives put in place by the individual countries to avoid a repeat of conflicts and ensure sustainable peace and development. Since Rwanda suffered a Genocide which claimed over one million lives in 1994 and Burundi suffered an ethnic massacre in 1993, it became imperative to visit the two East African countries.

3.7.1 Rwanda: A Visit to the Kigali Genocide Memorial Centre on 18th July 2013

On entering the Kigali genocide memorial centre, literature ¹⁷⁸on genocide captures the attention of visitors. What became very vivid before images in the museum was the *UN definition of Genocide. Genocide as defined by the United Nations Convention 1948.* Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- Killing members of the group.
- Causing serious bodily or mental harm to the members of the group.
- Deliberately inflicting conditions calculated to bring about its physical destruction.
- Imposing measures intended to prevent births within the group.
- Forcibly transferring children of this group to another group.

¹⁷⁸ Publications and Literature Hanging on the Walls of the Corridors Inside the Kigali Genocide Memorial Centre. Viewed on 18th July, 2013 on the Research Visit to Rwanda.

Raphael Lemkin

Scrutiny of the literature on the walls in the Genocide museum caught the attention of the founder of the word ‘ Genocide.’ Raphael Lemkin, a Jewish polish lawyer, introduced a new word to describe the NAZI policy of systematic destruction of European Jews. He used a combination of greek and Latin words ‘geno’ (race or tribe) and ‘cide’ (Killing).He also proposed a convention on the prevention and punishment of the crime of Genocide, which was approved by the United Nations in 1948. A picture of Raphael Lemkin remains hanging on the Kigali Genocide Memorial.

3.7.2 The Trigger of the 1994 Rwanda Genocide

The Genocide was sparked off by the Killing of Rwandese President Habyaramana Juvenal and president Cyrien Ntaryamira of Burundi on 6th April 1994 at 20.23 hours both of whom were killed aboard a plane which was entering Kigali Airport. They were in the same plane on return from attending an official function in Arusha, Tanzania.

3.7.3 Financiers of Genocide

People involved in organizing¹⁷⁹ and financing the genocide are still at large but their names and amount they gave out to sponsor the genocide are publicly displayed on the walls of the Kigali Genocide Memorial Centre as follows:

¹⁷⁹ Kigali Genocide Memorial Center, Corridor Walls Displays. Figures viewed and extracted on 18th July 2013as Displayed Inside the Genocide Museum.

Table 3.1: Amount of Money in Rwandese Francs (FRW) used to sponsor the 1994 Genocide

Name	Amount (FRW)
Basabose Pierre	600,000
Kabuga Felicien	500,000
Musabe Pasteur	500,000
Nzirorera Joseph	500,000
Bwabukumba Seraphin	500,000
Kamana Claver	300,000
Bagosora Theoneste (Jailed in Arusha Tanzania)	250,000
Mbonye Kope Gratien	200,000
Munyanganizi Donat	200,000
Total	3,550,000

Source: Kigali Genocide Memorial Centre, Rwanda.

3.7.5 Hate Propaganda by Newspapers and the Media

This record is among other publications on how newspapers and the media equally contributed hate propaganda on the Tutsi who were the main target of the Genocide as perpetrated by the Hutu ethnic community. Some of the extracts of the publications pasted on the Walls¹⁸⁰ read as follows:

“More than 20 newspapers and journals incited hatred of the Tutsi. Hassan Ngeze was editor of Kangura, one of the leading propaganda papers, which suggested

¹⁸⁰ Displays in the Kigali Genocide Memorial Centre. Viewed on 18th July 2013.

that the Hututs needed to protect themselves as Tutsi were planning a war that would “leave no survivors.”

Afp/Stella Vuzo

3.7.6 The Working of the Genocide and What is Displayed in the Genocide Memorial Centre

The genocide in Rwanda is a terrible thing to happen to humanity. The pictures and images in the Genocide memorial centre are so scaring and traumatizing. Skulls, skeletons, blood stained clothes and genocide tools such as pangas, guns, jembes, knives, bows and arrows remain displayed in the museum. Literature vividly displayed on the genocide walls indicate that some people were chained and buried alive.¹⁸¹ Some people were killed and bodies thrown into river Nyavarongo,¹⁸² one of the biggest rivers in Rwanda.

3.7.7 Torture

The genocidaires often mutilated their victims before killing them. Victims had their tendons cut so that they could not run away, they were tied and bitten. They were made to wait helplessly to be clubbed, raped or cut by machete. Family members were made to watch as their parents or children were tortured, bitten or raped in front of their eyes. On occasion, victims were thrown alive down deep latrines and rocks were thrown in one at a time until their screams subside into silence, meaning they were dead. On other occasions, large numbers of victims were thrown down pit latrines. Victims trampled each other to death. The piles were sometimes ten bodies deep.

¹⁸¹ AFP/ Stella Vuzo.

¹⁸² Interview with Gilbert katarwo on 19th July 2013 in Kigali, Rwanda.

The genocide resulted in the death of over one million people. Tens of thousands of people were tortured, mutilated and raped, tens of thousand of people more suffered machete cuts, bullet wounds, infections and starvation. There was rampant lawlessness, looting and chaos. The infrastructure was destroyed and the ability to govern was dismantled. Homes had been demolished and belongings stolen. The Genocide generated and left over 300,000 orphans and over 85,000 children became heads of their households, with younger siblings or relatives. There were thousands of widows. Many of the widows had been victims of rape and sexual abuse or had seen their own children murdered.¹⁸³

3.7.8 Post Genocide Peace Building Initiatives and Challenges

An interview with Safi Dad¹⁸⁴ an employee of the Department of immigration in Rwanda on 18th July, 2013 in Kigali revealed Rwanda had made a lot of strides in overcoming the damage caused by the genocide. Chief among the successful peace initiatives is the endorsement and promulgation of the constitution in year 2003 which played a key role in rebuilding the country. Further, in helping Rwandese people coexist peacefully after the genocide, the government abolished use of ethnic ID cards¹⁸⁵ which initially indicated one's ethnicity, becoming a tool to identify and exterminate victims during the genocide. The Rwandese government, under the leadership of president Paul Kagame, started a program dubbed 'Come and See then Go and Tell programme targeting Rwandese on exile to return home.

¹⁸³ Kigali Genocide Memorial Centre Visit on 18/07/2013. Genocide Literature Publicly Displayed on Walls of Genocide Museum

¹⁸⁴ Interview with Safi Dad, an Employee of the Department of Immigration In Rwanda on 18th July, 2013.

¹⁸⁵ Interview with Madam Martha Kagome on 18th July 2013.

The Rwanda government also made efforts to improve living conditions and the welfare of the Rwandese people by abolishing grass thatched houses and structures and replacing them with decent iron or tiled houses. The government also established an equalization fund allocated to each district. The principle of inclusivity in all aspects has been factored in hence dealing with issues of marginalization.

In order to boost agricultural productivity and food security, the government subsidized farm inputs such as fertilizers to improve yields. The Rwanda government also came up with vision 2020, equivalent to Kenya's development blue print, vision 2030. The interviewee reported that an assessment done in 2012, reveals that most of the goals will be achieved by 2015 and hence the government is looking forward to include other goals. Rwanda has been hailed as one of the countries expected to achieve the millennium development Goals. (MDGs) by 2015.¹⁸⁶ Concerning mechanisms in place to address issues which became evident after the 1994 Genocide, the interviewee pointed out that the Rwandese governance system is built on homegrown solutions. The government has resorted to the traditional Gacaca system,¹⁸⁷ modernized to incorporate contemporary norms of jurisprudence.

3.7.9 The National Commission for Prevention Against Genocide

The interview also revealed that, as a peace building gesture the Rwanda government established the National Commission for Prevention Against Genocide. This is an organ established to prevent genocide with the following objectives.

- Establishing the truth
- Speeding up the cases of genocide

¹⁸⁶ Interview with Safi Dad, an Employee of the Department of Immigration In Rwanda on 18th July, 2013.

¹⁸⁷ Interview with Safi Dad, an Employee of the Department of Immigration In Rwanda on 18th July, 2013.

- Fighting against the culture of impunity
- Constitute national unity and reconciliation
- Demonstrate the capacity of the Rwandan people to resolve their own problems (Home grown solutions).

The interview revealed that the ethnic hatred in Rwanda was perpetuated by colonizers who used the doctrine of divide and rule to antagonize the natives. When the government of National Unity under president Paul Kagame, took over there was the challenge of over 200,000 genocide suspects that needed to be arrested and prosecuted. The requisite resources to do this were limited. It was equally challenging to come up with ways of administering justice to survivors of the genocide.

The government of National Unity took cognizance of the fact that there could be no peace if no justice was done to suspects and the victims of genocide. It was estimated that it would take a minimum of 200 years to handle the cases of genocide and administer justice considering the limited resources available, specifically the justice system at that time. It was such factors that led to the formation of the Gacaca courts which not only sought to punish the convicts but also to provide restoration. The government noted that killing suspects would not be a solution hence the system would offer a platform for suspects to be heard with a view to not only punishing them but helping them transform as well. This was also meant to eradicate impunity from the country at the same time rehabilitating it.¹⁸⁸

¹⁸⁸ Interview with Safi Dad. Employee of Rwandese Immigration Department, on 18th July, 2013 in Kigali, Rwanda.

3.8 Visit to ENAC Mixed Boarding Secondary School, Kibimba, Kitega Province Burundi

While the Rwanda Genocide was very devastating to human life and brought Rwanda on its knees, Burundi also had a share of its ethnic massacre in 1993 also based on ethnic rivals between the Hutus and Tutsis. A visit to Kibimba village, Kitega province on 20th July, 2013 and holding an interview Mr. Real Jado revealed how negative ethnicity can perpetuate and propel conflict. According to the interviewee, in 1993 Burundians had a Hutu President. Hutus were majority in the country but majority of the personnel in the armed forces were Tutsis. The Tutsis in the armed forces organized a coup which had the president killed.

This sparked a massacre which targeted the Tutsi community. On 21st October, 1993 a head master of ENAC secondary school, a mixed boarding school, owned by the Friends church, called some Tutsi students and assembled them in a house next to a petrol station, posing as if he wanted to protect them from the Hutu enemies. It turned out that after that he called the Hutu killers who burnt the students to death: The headmaster who planned the Tutsi students killing has since been executed. On visiting the site of the massacre on 20th July, 2013 mass graves of the killed students still display vividly while the house in which the students were burnt and the petrol station have since been turned into ruins and are a museum centre. On the mass graves are written these words.

‘ENFANTS VICTIMES DUGENOCIDE’¹⁸⁹ a French sentence translated as infants victims of Genocide with the date 21st October, 1993 written on the mass graves. On the walls of the abandoned petrol station which houses the mass graves are written the

¹⁸⁹ Interview with Mr. Real Jado, a computer Engineer with International Health Services,an NGO, in Bujumbura City on 20th July, 2013.

words.’¹⁹⁰ PLUS JAMAIS C! which is a French sentence meaning NEVER AGAIN THIS! The school where the catastrophe took place was named ENAC, which is translated as ‘ECOLE NORMALE ARTHUR CHILSON’ after the missionary who started it and the dormitory which used to house the students who were killed has since been abandoned and is only used temporarily by the local police within the school compound.

Conclusion

The observations made in this chapter will be critically analyzed in chapter four. The observations made on the field research and visits both in Kenya and other East African countries clearly show the identity based problem which the integrative theory of peace (ITP), upon which this study is anchored elucidates. Further, the epicenter of negative ethnicity seems to be a special evil spirit (Demon) released from hell with a mission to kill, harm and destroy humanity. In East Africa it has adversely affected Uganda, Rwanda, Burundi and in 2007 it visited Kenya in the form of post election violence.

On the International Front, countries like Somalia, Bosnia, Kosovo, East Timor, Liberia and Afghanistan have been adversely affected and are struggling to come out of their failed state status. African Nation states, and the global community needs to inculcate a culture of peace and celebrate ethnical diversity as they practice the all inclusive principle advocated by the Integrative Theory of Peace (ITP).

¹⁹⁰ Interview with Fleury, a 3rdYear Law student at University of Burundi, Bujumbura on 20th July, 2013.

CHAPTER FOUR

Findings on Peace Initiatives by the International Community

4.1 Introduction

This chapter seeks to critically research on the peace initiatives put in place by the international community following the 2007/08 post election violence in Kenya and their sustainability impact. Before proceeding further, it is imperative to note that post conflict peace building initiatives need to be put in place before, during and after the conflict. That holds if any sustainable peace is to be realized. Further, it is important to note that the international community includes any state, as stipulated by the Westphalia treaty of 1648, the United Nations (UN), non –state actors such as NGO’s, multinational corporations MNC’s regional and sub-regional organizations and individuals with international legal personality. The efforts by the said categories will be looked into in this chapter. The chapter critically links the findings in chapter one, two and three to deduce sensible conclusions and recommendations for final submission.

4.2 Intervention by the International Community

The intervention by the international community in the management of Kenya’s 2007/08 post election violence was as a result of Kenya Government’s failure to quell and prevent conflicts originating from negative ethnicity. This catalyzed the African Union (AU) to intervene and take a leading role in the mediation of the post election violence. This was followed by the entrance of the United Nations (UN) and other international actors. When regional organizations intervene in conflicts, their activities are required to be consistent with the stipulated purposes and principles of the United

Nations Charter.¹⁹¹ In this regard, it is, therefore, prudent to look at the philosophy and rationale of conflict management within the United Nations Framework.

The whole philosophy and rationale of conflict management is the peaceful management of conflict.¹⁹² The notion of peaceful management of conflict is central to international relations, international law, and is engraved in essential documents of contemporary diplomacy such as the United Nations (UN) Charter. The UN, which was established in 1948 as an organization of equal and sovereign states with the supreme aim of ensuring and developing peaceful and friendly relations between states,¹⁹³ requires its member states to settle their conflicts by peaceful means in a way that does not impair or threaten international peace and justice.¹⁹⁴ Further, Article 33 of the UN Charter on Pacific Settlement of disputes the continuance of which is most likely to endanger the maintenance of international peace and security shall first of all seek a solution by means of negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies as stipulated by Article 52 or other ‘peaceful’ means of their choice.¹⁹⁵ It is imperative to note that although internal conflicts were not the main concern of the propounders of the UN, the UN Charter mandates the security council to disregard the general principles of non-intervention in domestic affairs of states if a threat to international peace and security is duly confirmed. In this regard, Article 2 (7) reads:

“Nothing contained in the present charter shall authorize the UN to intervene in matters which are essentially within the domestic jurisdiction of any state or shall

¹⁹¹ Article 52 of the United Nations Charter.

¹⁹² M. Mwangi, *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya* (Nairobi: Institute of Diplomacy and International Studies, 2008) pp. 35.

¹⁹³ Article 2 (4), UN Charter.

¹⁹⁴ Article 2 (3), UN Charter.

¹⁹⁵ Article 33, Chapter VI, UN Charter.

require the members to submit such matters to settlement under the present charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."¹⁹⁶

Internal conflicts, and to be precise, in Africa have engineered six different sub-regional, continental and international responses, namely military intervention to help one warring side, peace enforcement, humanitarian intervention, mediation, preventive diplomacy and regional institution- building to manage violent conflicts.¹⁹⁷ It should be noted that in the contemporary world, mediation has proved to be the most popular method of peaceful management of conflict by third parties.¹⁹⁸ Bercovitch and Houston¹⁹⁹ define mediation as a "Process of conflict management, related to but distinct from the parties' own efforts, whereby the disputing parties or their representatives seek the assistance, or accept an offer of help from an individual, group, state or an organization to change, affect or influence their perceptions or behaviour, without resorting to physical force, or invoking the authority of the law."

In mediation a third party assists two or more contending parties to find an amicable resolution without resorting to force. In this regard, parties in a conflict agree to invite a third party, called the mediator, to help resolve their differences. The choice of the mediator and acceptance or rejection of mediation outcome lies with the parties in conflict. It will be remembered that mediation has been used to resolve ethnic driven political conflicts with varying degrees of success in various parts of the globe. It can be

¹⁹⁶ Article 2(7) of the UN Charter.

¹⁹⁷ S. J. Stedman, *Conflict and Conciliation in Sub-Saharan Africa*, in M. E. Broan (ed), *The International Dimension of Internal Conflict* (Cambridge: The MIT Press, 1996), P. 11.

¹⁹⁸ M. Mwangi (2008), OP Cit P: 15.

¹⁹⁹ M. Kleiboer, 'Understanding Success and Failure in International Mediation' *The Journal of Conflict Resolution*, Vol. 40, No. 2 (June, 1996) pp. 360-389:360.

recalled that in cyprus, for example, different mediation efforts have been unsuccessfully carried out to conflicts driven by negative ethnicity over the years. Still on the international front, recent efforts by former UN Secretary General Kofi Annan in Sirya and UNISOM cum AU forces in Somalia have had no tangible success.

Another popular third party intervention measure is peacekeeping. The concept of peacekeeping, a pacific method of intervention which is not provided for in the UN Charter, was developed by the UN at the beginning of the cold war as a practical mechanism to be used by the UN to contain armed conflicts and facilitate their political settlement by peaceful means such as mediation despite constraints brought about by the cold war.²⁰⁰ The principal mandate of peacekeeping is to contain war so that stable conditions are provided in search for peace and its goal, unlike collective security, is not to impose an international community's will on an aggressor as such.²⁰¹ For example, during the cold war peacekeepers were expected to act as buffer or standby between two warring parties. The main concern was that regional conflicts might draw in the great powers and culminate into a super power confrontation which would have global spill-over effects.²⁰² A classic example in this regard is the 1960 – 1964 UN Peacekeeping operation in Congo which was the greatest during the cold war period. The factors that triggered and led to the UN involvement in this regard were: State fragility, lack of central government authority, ethnic and regional fragmentation favourably compare with

²⁰⁰ F. T.Liu, *UN Peacekeeping and Non Use of Force International Peace Academy, Occasional Paper series* (London Lynne Publishers, 1992), p. 249.

²⁰¹ H.W. Jeong, *Peace Building in Post Conflict Societeis: Strategy and Process: Lynne Rienner Publishers, Boulder London.* p. 125.

²⁰² B. Boutros – Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping* (New York: UN Department of Public Information, 1992) pp. 32 – 34.

the 2007 / 08 post election violence in Kenya and hence the need for international intervention.

The notion of peacekeeping in the post cold war period has since evolved to include peacemaking and post conflict peace building, a peacekeeping role proposed by Boutros Boutros – Ghali, a UN Secretary General, in his report to the General Assembly entitled ‘An Agenda for Peace.’ Thus the task of peacekeeping mission of the UN has become more complex ranging from monitoring buffer zones and force disengagements to overseeing the demobilization of armed factions, ensuring that national elections are free from all manner of bias and voter intimidation and that election results are a valid reflection of votes cast in the electoral exercise.²⁰³ The heavy presence of EU observer mission, UN and AU personnel in Kenya before, during and after the voting exercise of December 2007 attests to this fact.

4.3 Regional Organizations Peace Initiatives

Article 52 of the UN Charter authorizes regional and sub-regional organizations or agencies to make every effort to achieve pacific settlement of local disputes before referring them to the UN security council. Clause (1) of the Article reads:

“Nothing in the present UN Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the purpose and principles of the UN. The United Nations (UN) usually gets involved when all other available options have failed.”²⁰⁴ United

²⁰³ Clause (1) of Article 52, UN Charter.

²⁰⁴ S. Touval, ‘Why the UN fails’ *Foreign Affairs*, Vol. 73, No. 5 (Sept-Oct. 1994) pp. 44 – 57: 46.

Nations' (UN) dilemma of being the reference point for intra-state or intra-regional conflicts was visibly noted by former UN Secretary General U Thant when he stated as follows:

*“Great problems usually come to the UN because governments have been unable to think of anything else to do about them. The UN is a last-ditch, last resort affair, and it is not surprising that the organization should often be blamed for failure to solve problems that have already been found to be unsolvable by governments.”*²⁰⁵

When regional and sub regional organizations intervene in conflicts befalling their member states, they actually do so on behalf of the United Nations. Over the years, these multilateral organizations have played major roles in peace building initiatives especially when it comes to mediating between warring parties and deployment of peacekeeping troops in war torn zones. Even though the UN has organized and directed most peacekeeping operations, it is important to note that regional organizations are better placed to deal with regional conflicts which have inter-state or intra-state attributes which have undergone a spill-over effect into neighboring countries rather than global security concerns.

The reason in this instance is that most member states of regional and sub regional organizations are likely to share common cultural tradition history and close affinity commonalities in methodologies of problem solving which makes them reach a consensus on the issues pertaining to peace building. In adherence to the UN Charter on the role of regional arrangements in the maintenance of international peace and security and in line with the provisions of articles 5 (2) of the AU's constitutive Act, a peace and

²⁰⁵ S. Touval, 'Why the UN Fails,' *Foreign Affairs*, Vol. 73. No.5 (Sept – Oct. 1994) p. 46.

security council was established within the African Union through a Protocol as a standby decision making organ for the prevention, management and resolution of conflicts.²⁰⁶ This systemic arrangement of peace initiatives trickled down to the birthing of EASBRIG a brain child of IGAD whose head quarters are in Addis Ababa Ethiopia as already revealed in the literature review in chapter one.²⁰⁷ The peace and security council within the AU fraternity is guided by peaceful settlement of disputes and conflicts and is a collective security and early-warning arrangement to facilitate timely and efficient response to conflict situations in Africa.

It is imperative to note that some regional and sub regional organizations whose mandate during the cold war restricted their interactions to strictly economic matters had to amend their constitutive charters to allow them to intervene in post cold war civil wars which were threatening to derail development efforts. For example ECOWAS member states in 1990 included management of political issues confronting West African States as part of the organization's mandate in order to be able to intervene in the civil war which had broken in Liberia. Concomittantly, inter-government Agency on Development and Desertification (IGADD) charter was amended in April 1996 to give the institution a conflict management mandate on realizing its increasing preoccupation with issues of conflict management in regard to the Sudan Conflict. This became necessary because no development could tangibly be realized in an environment of recurring violent conflicts.²⁰⁸ IGADD was initially set up by the states of the Horn of Africa namely

²⁰⁶ Article 2, Protocol Relating to the Establishment of the Peace and Security Council of the African Union.

²⁰⁷ Alusalia, N. 'African Standby Force: East Africa moves on. *African Security Review*, Vol. 13, No. 2 (2004). Pp.1-18.

²⁰⁸ M. Mwangi, *The Greater Horn of Africa Conflict System: Conflict Patterns, Strategies and Management Practices* (Paper prepared for the USAID Project on Conflict Management in the Greater Horn of Africa.

Kenya, Uganda, Ethiopia and Eritrea to develop joint approaches of dealing with common problems, especially those related to life threatening drought and the attendant threat of desertification. The amendment of April 1996 saw IGADD become IGAD which is intergovernmental Authority on development to give it a wide scope of operation including conflict management. IGAD currently encompass Kenya, Uganda, Ethiopia, Eritrea, Somalia, Sudan and Rwanda.

4.4 Regional Dilemma in Kenya's 2007 / 08 Post Election Violence

The genesis of post conflict peace building initiatives was to ensure cease fierce and demobilization of the militia involved in the post poll chaos. Kenya's 2007 post election violence posed a management challenge to sub regional organizations such as the East African Community (EAC) and IGAD which Kenya is a member.

At the core of the challenge was the fact that non of the member states of these organizations had hegemonic interests, authority and capability to champion intervention as Nigeria did in pushing ECOWAS to intervene in Liberia's civil war and the USA's leading role of the UN to intervene in Lebanon in 1978 and also in mobilizing NATO forces to remove Muamar Gadafi of Libya from power and eventually killing him in recent 2012. Lack of interest by member states of EAC and IGAD to intervene in Kenya's Post Election Violence was captured by public domain when Tanzanian President Jackaya Kikwete, who was serving as chairman to the EAC, termed the post election violence as a Kenyan peoples' problem which needed to be solved internally. Kikwete is quoted to have said in an interview with the BBC that

“It is they (Kenyans) fighting one another. They are best placed to look for solutions to their own problems. We can only intervene when our interests are at stake or if they ask for our assistance.”

Consequently, when the sub regional organization showed no interest in intervening and the warring parties, former president Mwai Kibaki of Party of National Unity (PNU) and Raila Odinga, Presidential Candidate of Orange Democratic Party (ODM) grew increasingly reluctant to internal calls for ending the worsening violence, it was left for the international community to decide Kenya’s fate. The UN and AU had earlier on started urging the two leaders to resolve their electoral disputes amicably long before it became a reality that the EAC and IGAD were reluctant to intervene.²⁰⁹ The UN Secretary General Ban Ki-Moon urged the two Kenyan leaders and political parties to resolve their differences peacefully through dialogue while making full use of existing legal mechanisms while the AU simultaneously appealed for calm and asked leaders to embrace the virtue of dialogue and consultation and offered its willingness to assist in ending the impasse. The seriousness of AU’s willingness became manifest when Ghanaian President John Kufuor who was then AU Chairman made a three days visit to Kenya. This visit culminated into the creation of a team of African eminent personalities to start the mediation process under the leadership of former UN Secretary General Kofi Annan under the umbrella of the African Union (AU).²¹⁰ This was the genesis of salvation and peace to the Kenyan people.

²⁰⁹ Earnest Mpingajira, ‘EAC unable to intervene in Crisis’ The Sunday Standard, 20th January, 2008, p. 25.

²¹⁰ M. Mwangi, *The Water’s Edge: Mediation of Violent Electoral Conflict in Kenya* (Nairobi: Institute of Diplomacy and International Studies, 2008), p. 19.

4.5 Actors in AU-Led Peace Initiative of Kenya's 2007/08 Post Election Violence

It is important to note that actors in peace initiatives prima facie enter into mediation processes on altruistic basis. But this is far from the truth. They normally have their interests and stakes which need to be taken care of. Traditional mediation analysts assumed that only immediate parties to a conflict are involved and interested in a conflict and its outcome.²¹¹ Wall disagrees with this notion and has come up with a mediation paradigm which does not only include the parties to the conflict but an environment which includes the constituents of both parties. For example, the Uganda mediation by former president Moi of Kenya between Yoweri Museveni and General Tito Okello suffered a re-entry problem because the constituents could not buy the contents of the peace agreement which the core parties had signed. Even the 2007/08 post election violence mediation process almost suffered a similar re-entry problem when constituents of both PNU (Martha Karua) and William Ruto of ODM took stringent hardline stances and almost threw the whole process into re-entry.

It must be remembered that while the internal actors may have been driven by patriotism and, possibly, desire to gain international recognition as peacemakers, the urgency in which the international actors reacted to Kenya's post election violence showed that there was a lot at stake for them. As noted in chapter two and three, Kenya is the gateway to eastern and central Africa through its strategically placed Mombasa port which makes Kenya the economic hub for this sub region by virtue of the fact that three East African countries namely Uganda, Rwanda and Burundi are landlocked and depend on the said Mombasa Port for passage of transit goods to their countries. Indeed this

²¹¹ J. A Wall, 'Mediation: An Analysis, Review and Proposed Research,' *Journal of Conflict Resolution*, vol. 25 (1981) pp. 157 – 180: 158.

confirms the fact that when Kenya economically sneezes, the whole East Africa catches the ‘flu.’ In this regard the stakes for end to the violence went beyond Kenya, whose political and economic peace is an essential ingredient for the security and prosperity of Eastern and Central Africa impacting the Northern Corridor and influencing foreign investors investment decisions for the entire African continent.²¹² Indeed Kenya’s political and economic stability determines regional access to energy supplies and basic commodities and guarantees a haven of peace to numerous Somali and Sudanese refugees who have even made permanent homes in Nairobi’s Eastleigh and Mombasa’s Bondeni and Majengo areas, just to name a few.

The UN, AU, EU and other regional organizations were concerned that instability in Kenya was going to be a major setback in the management of conflicts in the EAC, the Horn of Africa and the Great Lakes region. Although Kenya had isolated perennial ethnic clashes in the advent of the multiparty era, generally speaking, it was hitherto viewed as an island of peace in a region plagued with violent and bloody civil wars. Other international organizations and individual countries had different reasons for vouching for an end to the post election violence. In addition to their attention being drawn by violation of human rights against the Universal Convention on Human Rights 1948 and the International Humanitarian Law (IHL) found in the Geneva Conventions of 1948,²¹³ some had vested interests ranging from trade relations to Kenya being strategically placed to combat the pirates problem off the coast of Somali waters. All these interests were threatened by the post election violence and hence the international actors had full passion to see that Kenya’s post poll chaos came to an end.

²¹² Kenya in Crisis Africa, International Crisis Group, Report no. 137, February 21st 2008. [http://www.crisisgroup.org/en/regions/Africa/horn of Africa/Kenya/137-Kenya-in-crisis.aspx](http://www.crisisgroup.org/en/regions/Africa/horn%20of%20Africa/Kenya/137-Kenya-in-crisis.aspx) (accessed July 25, 2013)

²¹³ ICRC, *Discover the ICRC*, Geneva, Switzerland: ICRC,(2002) P.14.

As mentioned in the literature review, theoretical framework and approaches to post conflict peace initiatives in chapter one and two respectively deconstruction of a post conflict society requires an integrative participatory approach. In the AU-led mediation process of Kenya's post election violence this strategy was applied. There were internal and external actors. Both Track one and Track two Diplomatic methods of peace initiatives were employed. The internal and external (international) actors applied leverage first to make the political crisis ripe for resolution. According to Zartman, the success of mediation is closely tied to the perception of creation of ripe moment in conflicts.²¹⁴ Ripe moments are conceived as periods of time under which conflict management is most likely to be successfully effected.²¹⁵ Cognisance has to be taken that by the time the AU-led lead team embarked on the mediation exercise, the two warring parties were not ready for negotiations and hence application of leverage came in handy to force them abandon their hardline stances and enter into negotiations.

Further leverage was used to force the two parties to compromise and reach a favourable accommodation on established critical issues. The term leverage, as used in this context, refers to the application of diverse resources to exercise control of the mediation process and its outcome.²¹⁶ Resources may include promises of financial reward, threats of sanctions, deployment of peacekeeping or peace enforcement troops and issuance of VISA and travel embargos to leaders. In support of the application of leverage in mediation, Zartman argues and posits that it is not the degree of formal

²¹⁴ I. W. Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (New York: Oxford University Press, 1989), p. 272.

²¹⁵ J.M. Greig, 'Moments of Opportunity: Recognizing Conditions of Ripeness for International Mediation Between Enduring Rivals,' *The Journal of Conflict Resolution*, Vol. 45, No. 6 (Dec, 2001) pp. 691-718:692.

²¹⁶ M.Mwagiru, 'The Water's Edge: Mediation of Violent Electoral Conflict in Kenya (Nairobi: Institute of Diplomacy and International Studies, 2008) pp. 75-86.

authority to decide that determines the relative effectiveness of third party conflict resolution, but the informal power to make the parties decide and this very informal power is leverage.

4.6 The UN and Other International Actors' Pressure and Leverage

The post election violence in Kenya moved from being a domestic affair being managed solely by AU appointed eminent personalities led by former UN Secretary General, Kofi Annan. It got internationalized the moment AU Chairman John Kufuor visited Kenya and announced African Unions (AU) willingness to bring former president Mwai Kibaki and ODM leader Raila Odinga to come to the negotiating table. Further the post poll chaos was internationalized the moment the Human Rights of some Kenyans began being abused as some were maimed for life, raped, killed or rendered to status of being internally displaced. The international actors provided the much needed leverage to ensure the two leaders entered into negotiations and came to an amicable compromise even though some of their party members adopted hardline stances.

The international community separately but systematically spoke with one voice. They did not miss their target in achieving the goal of restoration of peace to Kenya as their sentiments reinforced each other and were meant to either disempower both the warring sides or disempower the government side while empowering Raila's ODM party. For instance, both the US and EU issued statements on separate fronts targeting the Kibaki government and sending warning that it will not conduct business as usual in Kenya unless a political compromise is made to stop the 'bloody' violence. The two international actors were filled with indignation as they reacted following a deadlock on the peace talks led by AU Chairman John Kufuor.

The EU also threatened to reduce aid to Kenya if a solution was not found over the disputed presidential election. This became evident as the EU Development Commissioner, Louis Michel told a meeting of the European's parliament development committee that EU could not continue on the same level of budgetary support unless the election outcome was fully respected.²¹⁷ Further pressure also came from the United Nations as UN secretary General Ban Ki-moon exerted pressure on the two warring sides to negotiate while he was addressing an African Union (AU) summit in Addis Ababa. He called on president Kibaki and ODM leader Raila Odinga to do everything possible to resolve the electoral crisis. The UN secretary General asked the summit to urge and encourage the leaders and Kenyan people to resolve their differences through dialogue and respect for democratic processes.²¹⁸

The international actors exerted more pressure again with threats of travel ban to top leaders when the mediation process hit another dead lock on the way forward in regard to Agenda three which was about the disputed re-election of former president Mwai Kibaki. The US and Canada were in the forefront in imposing travel bans to top leaders who, in their opinion, were undermining the peace initiatives to bring back Kenya to normalcy.²¹⁹ The US, through its vibrant Ambassador to Kenya Michael Rannerberger, said it had identified high profile personalities in government and opposition who would suffer a VISA ban due to suspicion of fanning ethnic violence. The visa ban embargo targeted hardliners in both sides of the political divide who were suspected of derailing negotiations on Agenda three. More pressure to force the

²¹⁷ J. Adan & E. Fortunate, 'EU Warns of Donor Support,' The Standard 16th January, 2008, p.1.

²¹⁸ B. Moody & D. Wallis, '*global talks focus on Kenya: Country's violence dominate talks at the AU and the UN security council*,' Daily Nation, 1st February 2008,p. 64.

²¹⁹ US, Canada ban threat as talks register gains,' The Standard, 5th January 2008, p.1.

government to soften its stand came from the Director General of the United Nations Office in Nairobi who voiced concern over the fate of the UN Environmental Programme (UNEP) Headquarters in Nairobi which depended on the outcome of the peace initiative for its continuity in operations.

He was quoted as saying:

*"I am afraid the challenges facing this country (Kenya) mean that this UN global headquarters is not functioning optimally, so our work in other parts of the world is also adversely impacted. We are now operating under phase two of heightened alert. Our next course of action would depend on the outcome of Kofi Annan – led mediation."*²²⁰

Thus the pressure from the International Community and actors, saw the government soften its stand and the two warring sides agreed to carry on with talks on Agenda three on resolving the political crisis. When there was another deadlock on power sharing structure the international community continually intensified its pressure on the two sides until finally there was agreement. It needs to be noted, therefore, that the international actors employed the power of leverage to unlock any cropping deadlock and reach an outcome that was favourable to the allies and to some of the constituents. There was no 100% appreciation from all the constituents but at least there was no problem of re-entry.

4.6.1 Pursuing Agenda Items One to Four on Peace Initiatives

As a matter of prudence, the mediation panel chose to deal first with political interests arising out of the 2007 presidential election and thereafter address the long term issues, values and needs of Kenyans. To be precise, they agreed to first of all come up

²²⁰ US, *Canada 'Ban Threat as Talks Register Gains'*, The Standard, 5th January 2008, p. 3

with a political settlement on Agenda one, Two and Three and thereafter advance to conflict resolution to Kenya's crisis under Agenda four. The contents of the four Agenda items are enumerated hereto for clarity.

Agenda one was stopping the violence and restoring fundamental freedoms and liberties. Agenda item number two involved taking immediate measures to address the humanitarian crisis, promote reconciliation, healing and restoration. Agenda three sought to overcome political crisis which came about as a result of the disputed presidential election results and finally agenda item number four was about long term issues and solutions thereto. It will be recalled that even after signing of the National Accord and Reconciliation poll violence still remained untackled. Agenda item number four was meant to address them. In this regard the parties agreed to undertake constitutional, legal and institutional reforms to tackle issues of poverty, inequality, unemployment among the youth, consolidating national cohesion and unity, combating regional development imbalances, addressing issues of transparency, accountability, fighting impunity and undertaking land reforms.²²¹ Agenda item no. 4 encompassed the bulk of the contentious issues which need a long term redress.

Settlement is a strategist paradigm approach that is anchored on the notion of power while resolution approach is anchored on resolving issues based on values and rejects power as the dominant parameter for managing social relationships.²²² Settlement is informed by the idea that because society is anarchical in nature, and the role of power in relationships, what can be done in situations of conflict is to enter into bargains and

²²¹ M. Mwangi, *The water's Edge: Mediation of Violent Electoral Conflict in Kenya* (Nairobi: Institute of Diplomacy and International Studies, 2008), p. 19.

²²² M. Mwangi, *Conflict in Africa: Theory, Processes and Institutions of Management* (Centre for Conflict Research, Nairobi, 2000). p. 38.

reach accommodations which the parties in the conflict are forced or coerced to live with.²²³ Settlement is short term, coercive and geared towards a win-lose outcome. This is where the gains of one conflicting party translates to the loss of the corresponding party. Conversely, resolution is non power based, non coercive and is based on the notion that at the root of every conflict, there are certain non negotiable needs and values whose non fulfillment causes conflict. Conflict resolution is about issues touching on the very personal integrity of individuals which cannot be bargained about. In this case Agenda item number one, two and three were settlement oriented for they did not address the underlying causes of the violence but sought to end the violence and restore normalcy.

On 28th February, 2008, former president Mwai Kibaki and ODM leader Raila Odinga signed a document based on political settlement. The tenth parliament enacted this as an amendment to the Kenyan constitution as the constitution of Kenya Amendment Act 2008 and as the National Accord and Reconciliation Act, 2008. Also included for signing on the said day were agreements establishing the Commission of Inquiry into Post Election Violence (CIPEV), the Independent Review Commission (IREC) and related mechanisms to look into other matters contingent to settlement of the poll impasse.

4.6.2 Analysis of Effectiveness on Peace Initiatives

The 2007/08 post election violence in Kenya had real issues which had been incubating for a very long time. As much as the trigger of the post-election violence was the disputed presidential results which enjoyed a political settlement on 28 February, 2008, issues in Agenda four were meant to be resolved gradually and it is this very gradual resolution of these issues which this study is researching. Whether there is viable

²²³ Ibid.P. 40.

peace or sustainable peace in Kenya and East Africa at large mainly depends on the implementation or political will to implement the parameters engraved in Agenda item number four. The hidden causes of the post poll chaos included, landlessness or inability to access it, unemployment, poverty and unequal distribution of national resources.

Some of the peace initiatives put into place to ensure that there is sustainable peace in Kenya and, by extension, East Africa include the promulgation of the new constitution on 27th August 2010, the formation of various commissions, for example the National Land Commission, the National Cohesion and Integration Commission (NCIC), formation of District Peace Committees within the National Steering Committee on National Peace Policy and the Peace Caravan Conference held at the Bomas of Kenya on 27th August 2012. It needs to be understood that the study seeks to test the sustainability of the post conflict peace initiatives or otherwise and whether they are skewed towards reconstruction of physical amenities or recovery which entails resettlement, healing and reconciliation and restoration of the victims (IDP's).

The study reveals that on prioritizing resettlement of IDP's, 82% of the respondents favour efforts to be geared towards resettlement, healing and reconciliation and restoration while 14% favour the reconstruction of physical infrastructure, for example roads, railway, hospitals and schools. 4% of the population interviewed did not respond. In this regard, Kenyans are in dire plea to get the IDP's out of the deplorable IDP camps and get them resettled.

The interviewed population also confirmed that the government has been busy incurring capital expenditure on physical infrastructure such as the Nairobi- Thika Super Highway, construction of road networks for example the North-south bypasses in Nairobi

and the Northern Corridor connectivity. 68% of the respondents said 'YES' while 32% said 'No.' This means the government has concentrated major efforts in infrastructural issues at the expense of the poor IDPs some of whom still languish in deplorable conditions in IDP camps.

On the question of government efforts to resettle IDPs only 4% responded 'YES' and 96% responded with a big 'No.' Finally on the question as to whether the peace initiatives in Kenya and East Africa at large are adequate to ensure sustainable peace, development regional integration and cohesion, 27% of the respondents said 'Yes' while 73% said 'No.' It can therefore be deduced and concluded that although the government has effected major reforms stipulated in Agenda four of the National accord signed on 28th February 2008, and undertaken other peace initiatives in collaboration with NGO's, Civil Society Organizations (CSOs) and other sub-regional organizations, the peace initiatives undertaken so far are not adequate and may not yield 'sustainable peace' in the real sense of the theme. Further, it is important to know that some of the unimplemented clauses in the constitution still need implementation. It follows, therefore, that Kenya is living on viable peace for as long as structurally things look peaceful, yet a small trigger can make what is latent become manifest. Thus this chapter availed a critical analyses of the post conflict peacebuilding initiatives carried out in the East African Community in the aftermath of Kenya's Post election violence of 2007/08 and finally zeroed down to reconstruction and recovery strategies put in place to avert a repeat of such a national calamity whose effects had potential to affect regional peace,

integration and development. Chapter five avails conclusion, lessons learnt and recommendations on attainment of sustainable peace, regional integration, cohesion and sustainable development.

Table 4.1: Responsiveness to Peace Building Initiatives in East Africa

Nature of Post Conflict Peace Building Activity	Frequency	Percentage
Reconstruction of physical infrastructure	6	14
Prioritize resettlement rehabilitation and reconciliation of IDPS	36	82
No response	2	4
Total	44	100%

Source: Primary data

Table 4.2 Governments efforts in getting IDPs back to their homes and fully resettling them.

	Frequency	Percentage
Yes	2	4
No	42	96
No response	0	0
Total	44	100%

**Table 4.3: Government Expenditure on Reconstruction of Physical Infrastructure
Such as Roads, Superhighways, Schools, Hospitals etc**

	Frequency	Percentage
Yes	30	68
No	14	32
Total	44	100%

Source: Primary data

Table 4.4 Major Causes of Post Election violence of 2007/08 in Kenya

Major causes for 2007/08 PEV in Kenya	Frequency	Percentage%
Greed for political power	14	32
Land and distribution of resources	8	18
Negative ethnicity	11	25
Poor governance and leadership	7	10
Lack of conflict management strategies	3	7
No response	1	2
Total	44	100

Source: Primary data

Table 4.5: Adequacy and Sustainability of Peace Initiatives in East Africa

Adequacy and sustainability of peace initiatives in E.A	Frequency	Percentage
Yes	12	27
No	32	73
Total	44	100%

Source: Primary data

CHAPTER FIVE

Findings, Conclusions and Recommendations

5.1 Summary

The entire globe is plagued with numerous incidents of violent conflicts which encompass inter-state, intra-state, regional and intra-regional conflicts. The African continent is recorded as one of the leading regions in terms of conflicts due to poverty, poor governance, identity problems resulting from negative ethnicity and adoption of a culture of conflict rather than a culture of peace. The East African Community has been characterized by all diversities of conflicts ranging from conflicts related to dictatorship cattle rustling and cross border conflicts. Lack of integration has been a common feature in the East African sub region due to disparities in geographical location, economic endowment and historical cultures impacted by the colonial masters.

Kenya has experienced both internal conflict, cross border conflict and has also experienced the spill over effects of conflict occurring in neighbouring states. As a result, a number of intervention mechanisms exist to address conflict and foster peace building strategies at community, national, regional and international arena. These measures range from traditional peace building initiatives for example the ten houses vigilance initiatives where for every ten houses in an estate or residential area there is a peace committee to keep vigilance, the District and County Peace Committees and participation of various peace practitioners in regional peace and security initiatives. Conflict management has become a necessity at both national and the modern international system with all the 21st century complexity. By use of the early warning systemic approach, conflicts in most

cases are monitored, reported, controlled and prevented from growing to destruction levels.

Conflict control has become both a diplomatic domain and a branch of military strategy. The international community has hitherto used the Westphalia Treaty of 1648 to ensure a state centric control to conflicts but with the passage of time, inclusion of non state actors in the noble task of international peace making peace building and peace enforcement as postulated by Article 33 (1) of the United Nations Charter and the Universal Convention on Human Rights (1948), the International Humanitarian Law (IHL) of 1949 and the International Human Rights Law (IHRL) all of which are engraved in the Geneva Conventions of 1949 has made issues of peace initiatives to be appreciated globally. It is imperative to remember that there are many peace building strategies that can be used in the aftermath of a conflict. The official ones include judiciary, arbitration, negotiation and mediation. It is important to know that within the African context, an emerging trend has vividly come up on 'home grown' (traditional) mechanisms of peace building.

The notion of involvement of non-state actors in resolution of conflict is increasingly gaining momentum and should not be underrated. To most effectively resolve a conflict, we should use the strategy that is most appropriate for that particular conflict situation. For example the use of the Gacaca (traditional) courts system in trying the suspects and perpetrators of the Genocide in Rwanda has worked out more effectively than the British or classical judicial system.

Conversely, some individuals may consider using other strategies of conflict management such as forcing, accommodating, avoiding or compromising. Even though many different strategies may be used, conflict management is normally seen as a distinct and separate process. It is important to note that the language, philosophy and methodologies postulated by settlement and resolution are inclusive enough to cover basically any peace building effort that third parties may resort.

Research on conflict management styles reveals that different peace makers use one or two strategies of peace building strategies than others. For example, some peace practitioners predominantly use collaboration or negotiation when dealing with issues in interpersonal conflicts. When in a conflict, a person is likely to agree to negotiation or collaboration instead of the use of force which might change the dynamics of the conflict adversely. Peace building needs conflict managers and peace practitioners who are endowed with appropriate skills to understand interpersonal conflict situations so as to use peace building strategy for every circumstance.

In the aftermath of the 2007/08 post election violence in Kenya, the National Steering Committee on peace building and conflict management, a Kenya government project in partnership with the United Nations Development Programme (UNDP), not only developed a draft framework for a policy on conflict management but also came up with a draft National policy on Peace building and Conflict Management. Integrative and Strategic coordination amongst member states of the East African Community has been lacking in matters of conflict management and peace building.

5.2 Findings of the Study in Relation to Objectives

As illustrated in chapter three and four, the study revealed that the 2007/08 post election violence in Kenya had very devastating effects as it destroyed property, generated IDPs some of whom remain unsettled to date, resulted in the killing of 1,333 Kenyans destroyed infrastructure thereby almost bringing the economy to its knees and played a major role in dividing Kenyans on ethnic lines. Further, chief among the causes or drivers of the post poll chaos was greed for political power, negative ethnicity, marginalization in distribution and access to land and poor governance in that order.

5.2.1 Findings from the Statement of the Problem

The study managed to investigate and examine peace initiative in East Africa. The study further strived to examine whether the strategies on peace initiatives in East Africa have been sustainable to offer sustainable peace to the East African Community. The study revealed that the post conflict peace building initiatives put in place in the aftermath of the 2007 / 08 are not sustainable and do not guarantee sustainable peace in Kenya and East Africa.

5.2.2 Findings from the Literature Review

The study found out that indeed all the five member states of the East Africa Community have experienced violent conflict one way or the other. Kenya, Uganda, Rwanda and Burundi have all suffered violent conflict. Tanzania has not had much experience of violent conflict. The study confirmed from the literature review that there is no sustainable cohesion and integration in East Africa. Most of the Integration policies are only blue print policies which have not enjoyed much implementation. The East

African Community member states firmly hold on to the Westphalia Treaty of 1648 in safeguarding their state sovereignty.

The literature review revealed treaties and statutes within sub regional, regional and international domain put in place to ensure peaceful resolution of conflicts. Chief amongst these is Article 33 (1) of chapter VI of the United Nations (UN) Charter, the Universal Convention on Human Rights 1948, the International Humanitarian Law (IHL) of 1949 and the International Human Rights Law (IHRL) of the Geneva Conventions of 1949 . The Literature Review further revealed the various approaches used by states and non-state actors in the 2007 /08 post poll chaos and that a combination of track one and track two diplomatic methods of peace building offer better results. Literature Review also revealed that sustainable peace initiatives are those that offer durable outcomes, providing necessary infrastructure for long term peace as well as being achievable within acceptable time frames.

Finally literature revealed that the East African countries are still living on viable peace because up to date there exist Kenya Uganda border clashes among the Pokot, Sebei, Turkana and Karamajong communities of both countries. This is because the spiritual dimension has not been fully explored to bring about reconciliation, forgiveness and recovery. In this regard, the East African Community (EAC) instituted the interstate security committee and the judicial committee to focus on prevention of conflict as a preventive diplomacy gesture. The East African Community is constituted based on Article 52(1) of the United Nations Charter which gives member states the mandate to form regional organizations to foster regional integration on matters of peace, security, trade and regional and sub regional development.

5.2.3 Findings from the Theoretical Framework

The study acknowledges that various actors were involved in the violence, as illustrated in chapter three and four. They included political parties, supporters of the said political parties, political parties and political leaders thereof. The violence was orchestrated by a multiplicity of factors, actors and ideologies.

It therefore, needed an integrative approach to bring back the much needed sustainable peace. The integrative theory of peace (ITP) which advocates for an all inclusive participatory approach to ensure sustainable peace, unity in diversity and development was applied in this regard. Moreover, International Humanitarian Law (IHL) emphasizes that every actor is liable for crimes committed as provided for in the Rome Statute and Common Article 3 to the Geneva Conventions of 1949.

The statute of the International Criminal Tribunal for Yugoslavia (ICTY) also provided for criminal responsibility for leaders who are considered party to crimes committed even if they were not actively involved. This is within the framework of a peace based worldview, which encompasses the fundamental elements of a culture of peace, such as respect for human rights and individuals' freedom.

5.2.4 Findings from Hypothesis One

The study assumed that post conflict peace building initiatives in East African are sustainable and effective even though they are reconstruction oriented rather than recovery oriented. The arguments supporting hypothesis one and those provided in chapter four reject the hypothesis that post conflict peace building in East Africa are sustainable and effective even though they are reconstruction oriented rather than recovery oriented.

5.2.5 Findings From Hypothesis Two

The study also assumed that post conflict peace building initiatives in East Africa are not sustainable and are ineffective because they are reconstruction oriented rather than recovery oriented. This is evidenced by the deliberate efforts by the government in prioritizing physical infrastructural amenities at the expense of resettlement of IDPs some of whom are still languishing in deplorable IDPs in various parts of the country. Heavy capital expenditure has been incurred in construction of roads such as the Nairobi Thika Superhighway, various by pass connection roads, the Northern corridor connectivity, schools and hospitals in this regard.

5.2.6 Findings from Hypothesis Three

Another assumption was that post conflict peace building initiatives in East Africa are neither affected by reconstruction nor recovery strategies. Prioritizing reconstruction of infrastructure and other physical amenities necessarily contravenes the human rights and freedoms of the Kenyans who are still in IDP camps todate. Human needs of the said IDPs are not adequately met as long as resettlement, reconciliation and rehabilitation efforts are not prioritized. Thus the various acts of violence that took place in Kenya just before and after the announcement of the disputed 2007 presidential election results were also in contravention of Kenya's international human rights obligations that require the government to protect the right to life, guarantee security of persons and safeguard private property and respect for the rule of law. Leaving the IDPs to suffer in deplorable IDP camps over five years down the line is in dire contravention of this obligation. The study, therefore affirms that there is an inverse relationship between reconstruction and recovery peace initiatives in East Africa.

Chapter two provides scholarly approaches to peace building and conflict management as posited by various established scholars and peace practitioners. Debates on peace building approaches by state and non-state actors was exhaustively, navigated. Further, peace building strategies as practiced by Track One and Track Two diplomacy was explored. Characteristics and tactics used in track one diplomacy which includes use of force, coercion and balance of power manipulations were looked into. Further resultant win lose outcome in Track one diplomacy was explored, while resolution oriented conflicts requiring a win-win non violent, non coercive and problem solving workshops which require track two diplomatic peace building approaches were explored in regard to the 2007/08 post election violence in Kenya. The chapter finally dwelt on guiding tenets on peace building design, principles and concepts of peace building.

Chapter three examined post conflict peace initiatives put in place in East Africa from 2007 to 2012, thereby specifically examining recovery and reconstruction strategies and their relative impact. The case study of Kenya's 2007 /08 post election violence was specifically researched on. The chapter also analyses state laxity in resettlement of IDPs and its complicity in reconciliation and restoration of hope to them. Further, failure by the government to prevent and manage politicized ethnic conflicts led to the international community to intervene and end the 2007 /08 post election violence. The chapter also includes research visit inputs from Rwanda and Burundi, and the short comings of the church in the Rwanda Genocide.

Chapter four starts by analyzing peace initiatives put in place by the international community. In particular, UNs pacific settlement methods of conflicts and peace enforcement measures are critically analyzed. Examples are given where the two

approaches have been used by the UN and regional organizations to manage conflicts. The chapter analyses the use of leverage by international actors to pressurize PNU's former President Mwai Kibaki and ODM'S Raila Odinga to enter into negotiations and reach accommodation on contentious issues. It is also noted and argued, that the international community acted with urgency to Kenya's political crisis partly to secure and protect their vested interests. The chapter splits the four agenda items into those which were geared towards settlements, in this case agenda one, two and three and resolution agenda four. The chapter also examines real issues based on agenda four with a bid to finding out whether the peace initiatives put in place in regard to agenda four have been fully implemented and are sustainable or not. Further the chapter makes a critical examination on the political will of the government on implementation of the parameters postulated in agenda four. It interrogates the work by the commissions set up as a result of Agenda four and their impact. Finally the chapter zeros down to reconstruction and recovery strategies put in place to avert a repeat of such a national calamity whose effects had potential to adversely affect regional peace integration and development.

5.3 Conclusions on Key Findings

It is the primary responsibility of any government to provide security to its people. Failure to do so leads to a security dilemma where individuals and organized groups including ethnic, religious or cultural groups challenge the state's monopoly of instruments of violence thereby losing its legitimacy to exercise control over anarchical acts. When such legitimacy is lost, the people seek to secure their future by arming themselves to fight perceived enemies whom they view as a threat to their survival.

Despite international, regional and subregional organizations being mandated by their constitutive Acts to ensure peace prevails among their member-state they face challenges as analyzed in the previous chapter in intervening in internal conflicts inflicting their member-states. This is due to the Westphalia Treaty of 1648 which advocates for state sovereignty and non interference of internal affairs of other states.

5.3.1 National Development in the Spirit of Devolved Government Implementation

One of the ways in dealing with the political crisis that the Kenyan society found itself is by pursuing nation building through pursuance of equitable national development. As a way of streamlining and harmonizing national and ethnic interests the government in power has to spread out resources and projects for equal regional development. This is possible if there is full implementation of the devolved government system which the current constitution advocates for. Further, once development is fully decentralized, the system should adapt and entrench sensitivity into the special needs of particular localities. In other words, the governance system should immerse with the local people to ensure grassroots aspirations of communities are met.

Participation of the populace across the board in the national development effort that builds a sense of ownership among the people will be necessary to enhance cohesion and reduce the antagonism that would otherwise prevail. Just in case such antagonism re-emerges; there should be diversities of mechanisms through which the common populace can raise them up with the relevant authorities. Such structures must be created on grounds of transparency trustworthiness and confidence such that matters raised should not just remain as blue print memoranda but should be prudently and appropriately addressed. Areas lagging behind in development such as the pastoralist communities of

Eastern and Northern Kenya and some parts of the coastal region should be given additional budgetary slots to enhance speed of development.

5.3.2 Governance and Reforms in General Elections as a Peace Building Strategy

The political unrest experienced in Africa, East Africa and in Kenya in recent years has something to do with confidence in the institutions of governance and in particular the electoral processes. The ethnic animosity experienced at every electioneering season in Africa, East Africa and particularly in Kenya speaks volumes. For example in Zimbabwe poll chaos have been a common feature because President Robert Mugabe, a Shona, has been clinging to power since 1986 when Zimbabwe attained independence from the British colonial powers. Other ethnic communities such as the Ndebele have had no taste of the presidency. Coming back home, Kenya has had four presidents since attainment of independence fifty years ago. Out of the four presidents only one namely retired president Daniel Arap Moi came from the Kalenjin community and this was more of a fluke than a governance policy. All the other three presidents have emerged from the Kikuyu ethnic community which has majority numbers and is scattered all over Kenya. In view of the instrumentalist theory which believes in 'otherness' it is doubtful whether Africa, and Kenya to be precise, has really come of age to enjoy dominance of one or two ethnic communities in top leadership. The study has unveiled the notion that to avoid political unrest due to the notion that if one of 'our own' is on top we stand to benefit, there should be an enactment to ensure that once an ethnic community has produced a president the presidency should be allowed to rotate to the other ethnic communities. If this is done in good faith, it will sustainably eradicate all manner of negative ethnicity and chaos experienced during electioneering. Further,

before this is enacted, thorough peace and voter education needs to be saturated in all institutions to ensure the populace is educated in having a national president and not a tribal one.

5.3.3 Lessons Learnt

Based on the literature reviewed, data collected interviews and visits to the genocide memorial sites and the stories told by different people during the sessions, some of the key lessons drawn were that violence is something that can cost a country dearly, leading to huge losses of lives, property and destruction of the economy and infrastructure among other things. Further, another lesson is that Kenya, and the whole African Continent at large, must resort to homegrown mechanisms to resolve their conflicts instead of depending on foreigners and the international community who sometimes play a key role in perpetuating conflict.

From the discussions during the visits, it was mentioned that the Kenyan PEV and the Rwanda Genocide shared some commonalities. One unique commonality was the use of identity cards (IDS) as a tool to identify the enemy community and eventually effect extermination of the same. During the genocide, the ethnic origin of a person was indicated on the ID, hence it would be easier for killers to know who is Hutu and who is Tutsi. Likewise during the PEV, killers would at one point force people out of a public vehicle and ask them to produce their IDs which show by one's name to which community they belong. Another key commonality is that both conflicts were politically instigated. However, some differences were noted and key was the fact that the Rwanda genocide was on a larger scale, leading to mass killings of people to almost a million people as opposed to the Kenyan PEV which recorded 1,333 killings.

Key probable solutions to such inhuman conflicts were flagged out as equitable distribution of resources, addressing historical injustices, embracing the culture of forgiveness, inculcating the culture of restorative justice, healing and reconciliation and finally seeking homegrown solutions to local issues and conflicts.

5.3.4 Conclusion

Present conflicts in most African nations are indicative of serious flouts in governance and political systems. Most democratic structures in Africa and most least developed nations still cling to colonial ideologies which have since become redundant. As a result, there are many changes of government that are taking place across the continent. Unfortunately most of these changes have been characterized and accompanied by violent conflicts which have left many people dead let alone destruction of property and the infrastructure.

Further, economic growth and development have been retarded to almost stand still levels. The Kenyan society has made strides towards streamlining its democratic structures by promulgating the new constitution on 27th August 2010. The recommendation that this study avails is full implementation of the postulates of the new constitution particularly in regard to devolution and finalizing reforms under agenda four.

The study further recommends use of one language in all East African community member states. In this regard Kiswahili has been recommended. Further, the other East African member states still using ID cards based on ethnic identities should look into mechanisms of eradicating this colonial hangover which came up through divide and rule

strategies during the scramble for Africa era as stipulated in the Berlin conference of 1884/5.

Further, a culture of peace should be inculcated in all our institutions of learning. This should start from the lowest level of learning, to the highest. Just as the Jubilee government has prudently come up with the lap top project from class one, so should peace education be introduced right from, primary to University level. We should inculcate the culture of peace by hearing more of peace in our media fraternity, Radios and Televisions than messages of war, conflict and confusion.

There must be political will from the major ethnic tribes to give room to smaller, marginalized ethnic communities to enjoy top leadership. This will help ease the ethnical animosities which come with the notion, of having one of our own in leadership. It is believed that a top leader from a marginalized ethnic community will adopt a servant leadership which will benefit both the small and big ethnic communities. Thorough education on adherence on policy needs to be pursued as effecting presidential rotation as law may not come in the foreseeable future. For the sake of peace society needs to have faith and support any presidential winner from whatever ethnic background. We need to develop a culture of being Kenyans living in the joy of celebrated diversities where ethnical identities do not matter but merit is given priority when it comes to opportunities.

Finally, nation states and contemporary administrations nationally, regionally and internationally must shun greed, corruption and the “accumulation syndrome,” also known as the “once more syndrome” which seeks to accumulate wealth at the expense of

others and at whatever cost. This philosophy is the major cause of conflicts the world over and mostly in least developed countries. A paradigm shift is necessary in this regard to foster and ensure peaceful coexistence amongst individuals, local communities and within international relations.

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APPENDIX 1: RESEARCH QUESTIONNAIRE

This questionnaire is meant to help in collection of information on the post conflict peacebuilding initiatives in East Africa, a case study of Kenya's post election violence of 2007 – 2008. You are kindly requested to answer / fill in the appropriate responses at the end of every question to the best of your knowledge and sincerity. Every information given will be handled with utmost confidentiality and will be used for academic purposes only. Please do NOT write your name.

Tick only one response unless otherwise updated.

1. Gender

Male

Female

2. Age

18 – 24 years

25 – 34 years

35 – 44 years

45 – 54 years

55 – 64 years

65 and above

3. Highest level of education.

Primary level

Secondary level

Tertiary college level

Degree level

Any other, specify.....
.....
.....

4. Did you experience the post election violence in Kenya in the year 2007 – 2008?

Yes []

No []

5. Were you a victim in any way?

Yes []

No []

6. How would you describe this post election violence of 2007 – 2008 in Kenya?

.....
.....
.....

7. What would you say were the major causes or drivers of Kenya’s post election violence in the year 2007 – 2008?

Greed for political power []

Land and distribution of natural resources []

Negative ethnicity []

Poor governance and leadership styles []

Lack of conflict management strategies []

Any other. Explain.....
.....
.....

8. How did you manage the post election conflict in your area?

.....
.....
.....

9. Did the post election violence of 2007 – 2008 in Kenya have any effects on Kenyan people and East Africa at large?

Yes []

No []

Explain.....
.....
.....

10. How would you rate the effects of Kenya’s 2007 – 2008 post election violence in the society todate?

Very devastating (25 points) []

Devastating (15 points) []

Less devastating (10 points) []

No visible effect (0 point) []

11. What peace building initiatives would be put into place to ensure sustainable peace in society. Explain.....
.....
.....

12.(a) Do you know any government peace initiatives that have been undertaken in the past five years to avert a repeat of such a conflict as witnessed in 2007 – 2008?

Yes []

No []

(b) If yes, what are some of these peace initiatives?

(i)

(ii)

(iii)

(iv)

(v)

(c) Are there any other such efforts by Civil Society Organizations (CSOs) and the international community? Explain and give examples.....

.....

.....

13. What recommendations have been implemented as an initiative to sustainable peace after the poll chaos of 2007 – 2008?

.....
.....
.....

14. In your opinion has the Kenya Government, in collaboration with other member states of the East African Community, embarked on a number of activities after the post election violence of 2007 -2008 so as to bring about sustainable peace, healing and reconciliation?

(a) Incurred heavy capital expenditure in physical reconstruction activities such as

(i) The construction of the Thika Superhighway

Yes []

No []

ii) Railway line reconstruction from Mombasa to Malaba, connecting to Uganda

Yes []

No []

iii) Road networks connecting Kenya through the Northern corridor to South Sudan, Ethiopia and beyond.

Yes []

No []

iv) Built hospitals, a good example being Mama Lucy Hospital in Nairobi, Kenya with the help of the Chinese Government.

Yes []

No []

- v) Came up with the Lamu Port Project in a bid to spur employment and economic growth. This initiative will ensure peace is sustained and healing and reconciliation of post poll chaos victims will be sure.

Yes []

No []

- vi) Promulgated the new constitution on 27th August 2010 though its implementation is yet to be fully realized.

Yes []

No []

- vii) Has fully addressed all land issues and other historical contentious issues which triggered the 2007 – 2008 post poll chaos.

Yes []

No []

- viii) Has conducted adequate peace, voter and civic education which has led to sustainable peace in Kenya and the East African Community at large.

Yes []

No []

- ix) Has streamlined all gaps at its borders with other neighbouring countries and all manner of cattle rustling and other border conflicts are a matter of the past.

Yes []

No []

x) Has exhausted all peace initiatives and hence there is sustainable peace in Kenya and East African Community at large.

Yes []

No []

15. The 2007 – 2008 post election violence in Kenya left over 650,000 Kenyans forcefully transferred or fleeing their homes as Internally Displaced Persons (IDPs) into deplorable IDP camps. Has the government exhausted its efforts in getting the IDPs back to their original homes or fully resettled them?

Yes []

No []

16(a) In your opinion is it better to mobilize resources to resettle the over 650,000 Kenyan IDPs or incur capital expenditure to construct physical infrastructure such as Thika Highway, schools railways etc?

Prioritize resettlement, rehabilitation and reconciliation of IDPs []

Prioritize reconstruction of physical infrastructure []

(b) Explain the reason for your choice.....
.....
.....

17. To what extent would you rate the effectiveness of implementing the conflict management style you adopted in 16 to bring about healing and reconciliation in a post conflict society?

Very effective (25 points) []

Effective (15 points) []

Fairly effective (8 points) []

Less effective (2 points) []

Not effective (0 points) []

18. Are the peace initiatives in Kenya and the East African Community adequate to ensure sustainable peace, development, regional integration and cohesion?

Yes []

No []

19. What suggestions would you give to ensure the implementation of an effective post conflict peace building approach to foster sustainable peace, healing and reconciliation in Kenya and the East African community?

.....
.....
.....

20. Avail suggestions on how the member states of the East African Community can put into place policy mechanisms that will ensure sub-regional peace, cohesion, integration and sustainable trade and development.

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Thank you for your cooperation.