



BRIEFING MEMO

August 2018

**Report of the National Cohesion and Integration
Commission (NCIC)**

Achievements, Challenges and Recommendations (2014 – 2018)



***Briefing by NCIC Chair, Hon. Francis Ole Kaparo, EGH, SS., and
Commissioners to H.E. President Uhuru Kenyatta, CGH,
President of the Republic of Kenya and Commander in Chief of the
Kenya Defence Forces***

1.0 INTRODUCTION

The National Cohesion and Integration Commission (NCIC) is a government agency established in 2008 to address and reduce inter-ethnic conflicts. The Commission draws its mandate from the Kenya National Dialogue and Reconciliation (KNDR) Agreement, signed in Nairobi on 1 February 2008 to end the post-election violence that followed the disputed December 2007 presidential elections.

This briefing memo covers the work of the second Commission, which was in office between August 2014 and August 2018. The Commission was composed of Hon. Francis Ole Kaparo as Chair, Ms. Irene Njeri Wanyoike as Vice Chair, Mr. Hassan Mohammed as Secretary and Chief Executive Officer (CEO), Hon. Morris Dzoro, Ms. Belinda Akoth Ochiel, Professor Gitile Naituli, Dr. Roba Sharamo, Dr. Joseph Wamocha Nasongo and Mr. Adan Mohamed as Commissioners. Building on the foundation laid by the inaugural Commission, which served between 2009 and 2013, the Commission deepened the impact of the Government's national cohesion efforts. The Commission developed a five-year Strategic Plan to guide its work between 2015 and 2020, putting into consideration the new dynamics brought about by devolution. The Commission also forged important partnerships that increased the impact of its work and complemented the funding allocated by the National Treasury.

The current Commission is leaving office at a time when Kenya is at the crossroads, emerging from two divisive presidential elections in 2017, yet facing the prospect of a high-level journey towards peace for posterity. This new hope came on 9 March 2018, when H.E. President Uhuru Kenyatta announced a joint effort with Opposition leader Raila Odinga to unite Kenyans. The unanticipated rapprochement between the two leaders, after months of an escalating political crisis, was a welcome surprise that has calmed political tensions in the country and deserves the support of all Kenyans.

2.0 BACKGROUND

In the process of carrying out its mandate over the past four years, the National Cohesion and Integration (NCIC) has had a privileged viewpoint of the state of cohesion in Kenya. In this report, the outgoing Commission presents its achievements, challenges and recommendations going forward. Based on its experience between August 2014 and August 2018, the Commission notes that many gains have been made but national cohesion remains elusive because of ethnocentrism, political intolerance, disparity in the sharing of national resources, and unresolved historical injustices. For a fact, Kenya is *not* a cohesive nation. Ethnic intolerance has been on the rise over the past decade, mostly perpetrated by politicians.

Although ethnic undertones have blighted Kenya's public sphere since independence, ethnic hate and incitement has become more brazen in recent years. Election seasons are more polarising because many candidates for public office tend to solidify their ethnic voter bases by unabashedly demonising their opponents—and entire ethnic groups—using divisive language. As a result, Kenyans vote for candidates from their own communities (or a “partner” community) out of the unfounded fear that the “other” candidate somehow represents a dangerous alternative. Such sentimental voting also brings the illusion of being close to power and access to state resources, just because a fellow “tribesman” is in power.

The Commission has keenly studied the outcome of Kenya's ethnicised politics. A 2014 Cohesion Index study by the NCIC showed that only 56% of Kenyans are open to the ideal of inter-ethnic cohesion. Moreover, a 2017 NCIC study on the *Impact of Organised Gangs on Social Cohesion in Kenya*, indicated that incitement by the political elite is the main reason for ethnic polarisation among the country's diverse ethnic groups.

Despite these challenges, Kenya is fortunate to have strong governance institutions. The 2010 Constitution is hailed as one of the most progressive in Africa. The Constitution is people-centred and provides a suitable foundation for national cohesion. The unfortunate part is that while the *letter* of the constitution is sound, it is the *spirit* of most officials mandated to implement and protect the constitution that is rather wanting.

2.0 ACHIEVEMENTS OF THE NCIC (2014-2018)

2.1 Shaping National Values Among the Youth, Children and Communities

Since inception, the NCIC has promoted the development of national values and a Kenyan identity. The Commission has implemented robust awareness and advocacy programmes aimed at uniting Kenyans in the richness of their diversity. In this effort, the Commission has mainly targeted the youth, children and communities, with the ultimate aim of nurturing a new generation of people that will become agents of peace and national cohesion going into the future. The programmes are delivered in a curriculum developed together with the Ministry of Education (MoE), which enshrines national values, cohesion and integration into the new education system. The last four years have seen the curriculum rolled out in 1,200 schools across the 47 Counties, reaching 500,000 students and 1,000 teachers. The curriculum imparts the understanding of the ethnic diversity and teaches non-violent ways of resolving conflicts and disputes.

The NCIC and the Ministry of Education have also partnered to facilitate the establishment of Amani Clubs in primary, secondary and tertiary institutions of learning. The Amani Clubs help nurture young people into adults who see ethnic diversity as a positive phenomenon, not a basis for division. The Clubs also deepen their understanding of diversity through frank discussions. Prior to the establishment of the Amani Clubs, there were no such avenues for young people to have candid, structured discussions on ethnicity. The Commission has further partnered with the Ministry of Education, Twaweza Communications and Google Kenya to establish an online platform named the *Amani Google Bridges*. Created to increase outreach beyond the Amani Clubs, the *Amani Google Bridges* have enabled the Commission to bridge geographical distances between people, communities and cultures using technology. The online programme is currently being piloted in 10 schools spread across the five counties of Nairobi, Mombasa, Kisumu, Kwale, and Migori.

The scouting fraternity has provided another important partnership for increasing the engagement of the youth in promoting cohesion. Kenya has 1.4 million scouts, the largest scouting community in Africa, the sixth largest in the world, and a large pool of potential peace ambassadors for the Commission. In 2015 the NCIC and the Kenya Scouting Association (KSA) launched a joint programme named **“Scouts for Peace in Kenya: Promoting National Cohesion, Coexistence and Celebrating Ethnic Diversity.”** The programme has seen girl and boy scouts advocate and sensitise students, teachers, parents and other stakeholders on the importance of peaceful coexistence in various parts of the country through peace caravans, peace walks, peer education, and championing the establishment of Amani clubs in schools. The programme also has a “Trees for Peace” initiative through which the scouts have planted 17 million trees across the country, inspired by the life mission of the late Kenyan environmentalist and Nobel Peace Laureate, Professor Wangari Maathai.



2.2 Promoting Inclusion through Ethnic Diversity Audits

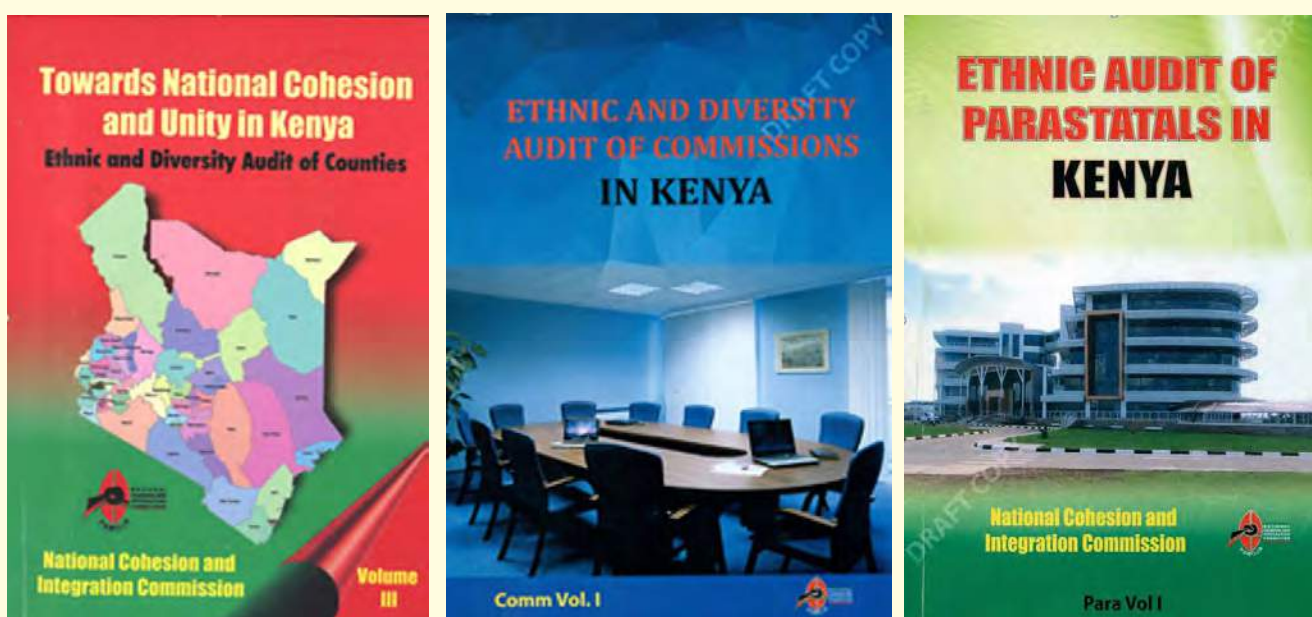
One of the most important roles that the NCIC has attained in the past four years is that of a national barometer on ethnic inclusivity within public institutions. The Commission's Ethnic and Diversity Audits have covered state parastatals, commissions, public universities, and County Governments, rigorously interrogating the level of inclusivity and adherence to the constitutional rights to equitable representation of ethnic groups within public institutions.

Article 7 of the NCI Act requires all public establishments to represent the diversity of the people of Kenya in employment. It also forbids the staffing of more than a third of the total employees in any public institution from the same ethnic group, and demands the representation of Kenya's diverse communities within the public sector. The findings of the Ethnic Audits have always been made public, alongside policy recommendations aimed at ensuring ethnic equality and equitable distribution of opportunities in public institutions.

In some of the most profound findings between period 2014 and 2018, the ethnic audits have established that there is skewed dominance of the public service by Kenya's largest communities, stimulating public debates and provoking demands for accountability by state institutions on the equitable recruitment of staff into public service. For instance, over 83.9% of the country's public universities breached the Constitution by allocating more than one third of their vacancies to persons from the same ethnic group. Public parastatals have been slightly more equitable, with only 30% employing more than one third of their entire staff from a single ethnic group.

On devolution, 68.1% of the counties hired more than 70% of their staff from one ethnic group. This implies that despite the explicit laws on diversity in public staffing, new recruitments continue to contravene the provisions of the law, especially regarding the proportional inclusion of ethnic minorities in public employment.

Although the Ethnic Audits often elicit defensive and sceptical reactions, they have made a significant contribution towards reduced ethnic, religious, and racial discrimination in the National and County bureaucracies.



Various Ethnic Audit reports published by the Commission.

National and County Government institutions have notably improved their attempts to comply with the requirement for the representative inclusion of ethnic minorities in the public service. Public universities have introduced diversity in the appointment of the members of Public University Councils, as well as adopting the Commission's recommendation that the University Council Chair and Vice Chancellor of any public university must not be drawn from the same ethnic group.

On its part, the Kenya Police Service has developed recruitment guidelines aimed at increasing the recruitment of minority and under-represented ethnic groups within its ranks. The National Government has also adopted the NCIC's recommendation to include the representation of ethnic diversity in employment as one of the performance targets of public sector chief executives. On their part, members of the public are increasingly using the NCIC Ethnic Audits to hold the leaderships of public institutions accountable on appointments, while Civil Society Organisations (CSOs) have occasionally instituted

2.3 Mediating Peace Pacts Among Feuding Ethnic Groups

Over the last four years, the NCIC has invested substantial effort in helping communities to peacefully resolve their conflicts using locally existing structures. The Commission has worked with various peace actors to resolve intra-ethnic and inter-ethnic conflicts, mainly using mediation and dialogue. Depending on the situation, the outcomes of the NCIC's interventions have led to cessations of hostilities, ceasefires and peace agreements. Below are some of the conflicts that have been successfully resolved through the efforts of the NCIC.

a) The Marsabit Peace Initiative

Marsabit County has experienced recurrent conflict since the 2005 Turbi massacre, in which an estimated 60 people were killed in armed clashes between the Borana and Gabbra communities. Since 2005, the conflict recurred almost annually, with the epicentre being Moyale Sub-County. On 5 February 2014, H.E. President Kenyatta appointed Hon. Francis Ole Kaparo (before his appointment as NCIC Chair) and Senator Yusuf Haji of Garissa as mediators in the Marsabit conflicts, tasking them with finding solutions for lasting peace. The Kaparo/Haji Committee visited the conflict areas in Moyale, North Horr and Marsabit North Sub-Counties and witnessed the grave human suffering and material devastation resulting from the repeated conflicts. The Committee presented a trenchant report detailing the root causes underlying the perennial conflict, namely (a) land and settlements; (b) politics; (c) unequal distribution of resources, including skewed employment in the County Government and the award of contracts based on ethnic identity. It also came out that Moyale was the worst affected and hence most restive part of the County. The findings of the Kaparo/Haji Committee led to the conclusion that the conflict was largely political, fuelled by perceptions of exclusion, marginalisation and inequality.

The ten-point recommendations from the report were transformed into **“The Boma Peace Agreement”** which was signed in February 2014. Upon Hon. Kaparo's appointment as Chair of the NCIC in August 2014, he institutionalised the implementation of **“The Boma Peace Agreement”** within the Commission to ensure lasting peace in Marsabit County. Moyale has been relatively calm since the signing and implementation of the Agreement.

The following were some of the main recommendations that led to the success for the Marsabit Peace Initiative.

Strong Humanitarian Response: Considering the continuous loss of lives, population displacement, and destruction of property and livelihoods, the National and County Governments were encouraged to facilitate the reconstruction and resettlement of the displaced persons, particularly in Heilu and other worst affected areas.

Robust Peace and Security Link: The National Government was asked to increase security in the affected areas by adequately resourcing the security agencies with the funding, equipment and transport required for quick response; and to institute mechanisms to effectively police the porous borders, to control the proliferation of illicit arms, and to stem the easy influx of non-local elements. The National Government was also asked to work with the local communities in identifying aliens, including alleged members of the Oromo Liberation Front (OLF) from Ethiopia, as well as to fast-track the implementation of the “Nyumba Kumi” initiative across the County.

Equitable Resource Allocation: To ensure equitable and sustainable development of the County, the Committee recommended the equitable and transparent sharing of County resources, particularly in the hiring of senior County Government officials; budgetary allocations for Constituencies and Wards; and constant consultations among the County leadership. Area MPs were encouraged to embrace wider consultations for the fair and transparent distribution of Constituency Development Funds (CDF) to all communities, and to ensure equitable representation in the CDF and other Committees.

Addressing Lands and Settlement: Having identified land as one of the major drivers of conflict in Marsabit, the Committee recommended that the National Land Commission (NLC), in consultation with the locals, would determine boundaries and other related aspects in line with traditional land usage and the NLC's constitutional mandate.

b) Maasai and Samburu Clashes along the Laikipia-Isiolo County Borders

Violent inter-ethnic clashes have long destabilised the Samburu and Maasai communities living on the border of Laikipia and Isiolo Counties. In one episode of violent conflict, 20 lives were lost, and thousands of livestock raided. The NCIC, working in partnership with the Ministry of Interior and Coordination of National Government, convened a high-level meeting at the Ngare Ndare Bridge to address the hostilities and restore law and order between the warring Samburu and Laikipia Maasai communities. The meeting was co-chaired by Hon. Francis Ole Kaparo of the NCIC and the then Cabinet Secretary for Interior and Coordination of National Government, the late Hon. Joseph Nkaissery.

The meeting led to the immediate cessation of hostilities between the two communities and the signing of the “**Ngare Ndare Peace Pact.**” Among the participants were influential elders from the Samburu and Maasai communities and the respective County Commissioners of Isiolo and Laikipia Counties.

c) Lamu County Peace Initiative

Lamu is a cosmopolitan County whose population comprises both indigenous ethnic groups that have lived in the area for centuries, and communities that settled in Lamu from other parts of Kenya. The largest communities in Lamu County are the Bajuni, Kikuyu, Giriama and Pokomo, while minority groups include the Aweer, Dahalo and Orma.

In June 2014, over 60 people were killed in attacks in and around Mpeketoni town. Although Al Shabaab claimed responsibility for the attacks, there was speculation that the attacks could have been masterminded by local politicians motivated by ethnic or religious hate, or driven by land grievances. The NCIC, in partnership with other stakeholders, facilitated several dialogue and mediation forums targeting communities in Mpeketoni, Witu, Hindi, Faza, and Amu. These partners included the National Steering Committee on Peacebuilding and Conflict Management (NSC), and the Kenya Red Cross Society (KRCS), working with representatives of community, political, religious, and civil society groups.

These dialogues culminated in “**The Boma Commitment on the Promotion of Peace and Cohesion in Lamu County,**” whose signing was witnessed by H.E. President Uhuru Kenyatta and other influential political and religious leaders.



H.E. President Uhuru Kenyatta (left) witnesses the signing of the “The Boma Commitment” on peace and cohesion in Lamu County,” flanked by Governor Issa Timamy (centre) and Senator Abu Chiaba (right).

The NCIC further facilitated a series of grassroots workshops for youth, women, community and religious leaders to disseminate **“The Boma Commitment,”** and established local peace committees in Mpeketoni, Lamu and Hindi to sustain the peace initiative beyond the intervention.

d) Turkana-Samburu Conflicts in Samburu County

Samburu County has experienced protracted ethnic conflict between the Turkana and Samburu communities, caused by competition for grazing land, cattle rustling and general insecurity. The Commission facilitated a series of dialogue forums bringing together Turkana and Samburu political leaders, community leaders, religious leaders, women leaders, youth and professionals. The result was the signing of **“The Sportsman's Arms Ceasefire and Peace Agreement”** in Nanyuki on 21 June 2015 by representatives of the two communities. The signing of the Agreement was witnessed by the NCIC Chair, Hon. Francis Ole Kaparo; the then Chair of the Joint Committee on Cohesion and Equal Opportunity, Hon. Johnson Sakaja; and the then Chair of the Parliamentary Committee on Administration and National Security, Hon. Asman Kamama.

e) Turkana-Pokot Peace Dialogue around Kapedo

The Kapedo area in Turkana County has been a hotbed of violence between the Turkana and Pokot communities over cattle rustling, a boundary dispute between the two Counties, and the disputed “ownership” of Kapedo itself. In November 2014, armed bandits massacred 21 police officers deployed to restore peace in Kapedo, drawing attention to the gravity of the conflict between the two ethnic groups.

The Commission facilitated a number of peace dialogues, culminating in a ceasefire and the signing of a peace agreement, **“The Sirikwa Declaration.”** The Commission also facilitated several peace caravans to promote peace at the local level. The Commission continues to use dialogue, mediation and other alternative dispute resolution mechanisms in search of lasting peace between the Turkana and Pokot communities.



A reformed Turkana warrior voluntarily surrenders his gun to security forces at Loima.

f) Isiolo Dialogues

The ethnic conflict in Isiolo County is complex, pitting the Turkana against the Samburu/Borana/Meru; the Borana against the Meru/Samburu; and the Meru against the Samburu. The causes of the conflict include competition over grazing land, cultural practices such as cattle rustling, illegal grazing in parks, and political incitement. The Commission facilitated a series of peacebuilding forums in the County, targeting political leaders, elders and youth of the warring communities. The forums were exclusive peace dialogue meeting bringing together Turkana and Samburu warriors in the Oldonyiro, Longopito and Loruko areas of Isiolo County.

The peace dialogue forums saw an end to the incessant killings and resumption of normalcy in the affected areas. These meetings led to the cessation of hostilities and the signing in December 2015 of **“The Lewa Down Peace Agreement”** and **“The Morans Peace Accord”** in Loruko.

g) Meru-Isiolo Peace Dialogues

Retaliatory attacks due to incidences of cattle theft have been a common feature along the Meru-Isiolo border. Violent conflicts between the Borana and Meru communities routinely claims lives and displaces scores of people. The Commission initiated dialogue forums between the two communities, holding separate meetings with each of the feuding communities in order to understand their grievances as a foundation for a peace effort that would yield lasting solutions.

The Commission first organised a dialogue meeting with representatives of the Borana community, and another one with the leadership of the Meru Community. A joint dialogue forum meeting was subsequently held in January 2016 at Murera Springs Eco Lodge in Meru County, bringing together over 200 participants from both sides. It resulted in **“The Murera Declaration,”** a unanimous agreement by both communities to end hostilities and to embrace peaceful coexistence.

h) Pokot and Elgeyo-Marakwet Peace Dialogues

Conflicts in the Kerio Valley, situated between Baringo and Elgeyo Marakwet Counties, have persisted since May 2016. More than 30 people have been killed, hundreds have been displaced, and an unknown quantity of livestock stolen. The conflict drivers include competition over access and control of scarce resources, mainly pasture, water and grazing land along the River Kerio; as well as ethnic animosity and political differences between the Pokot and Marakwet communities residing in the Kerio Valley. To help end the conflict, the Commission facilitated several reconciliatory meetings between the two

communities, involving political and religious leaders, women, youth and community leaders from the two Counties to explore strategies for lasting peace. The result was **“The Nakuru Declaration,”** endorsed and signed by representatives of the two communities and the National Government. The Commission's peace process brought about a temporary cessation of conflict in the Kerio Valley and provides a template for future conflict resolution.

i) Pokomo and Somali Dialogue in Tana River and Garissa Counties

The Pokomo and Somali ethnic communities living in Tana River and Garissa Counties, respectively, both rely on water from the River Tana for their livelihoods. Consequently, there are periodic conflicts around the scarce water resources, and invasions of the agricultural lands of the farming Pokomo community by the pastoralist Somali communities. Political incitement also plays a part in the conflicts.

In March 2016, livestock belonging to the Somali communities in Garissa County strayed into Pokomo farms in Tana River County. This resulted in crop damage and livestock theft, touching off a conflict between the Somali and Pokomo communities. Three people were killed, many farms and five water pumps destroyed, and livestock stolen in retaliatory attacks. The Commission intervened, cooperating with elders and security agencies in the two counties to organise a three-day dialogue forum bringing together elders and leaders from the two communities. Resource sharing stood out as a key conflict driver in the two Counties, aggravated by land tenure/adjudication issues, poor healthcare facilities, poor infrastructure, water scarcity, a culture of cattle theft, the proliferation of small arms and rising insecurity.

The forums resulted in improved understanding and a cessation of hostilities between the Somali and Pokomo communities. Representatives of the two communities signed **“The Tana Delta Peace Agreement”** to restore peaceful coexistence and to promote inter-ethnic harmony. The Commission additionally trained grassroots women leaders on peacebuilding, mediation and conflict resolution, as well as the concepts of cohesion and integration, with a view of creating a pool of women peace actors.

j) Nandi-Kakamega Peace Dialogues

The Commission mediated an end to a conflict between the Luhya and Nandi ethnic groups living along the borders of the two counties, rooted in cattle theft, land disputes and political incitement. The Commission facilitated peace meetings, first separately and then jointly, with elders and political leaders from the Luhya and Nandi communities in partnership with the Offices of the respective County Commissioners.

These meetings led to a cessation of hostilities between the two communities and the signing of **“The Tom Mboya Labour College Accord”** in February 2015. This was followed by the arrest of identified cattle rustlers; the return of displaced people; compensation for destroyed homes; the establishment of the “Amani” market along the border of the two counties; the improvement of the road linking the two Counties; and the formation of a 30-member cross-County border peace committees, who were bestowed the “Cohesion Award” for their outstanding commitment to the peace process. The Commission regularly holds meeting with the standing peace committee, and the border area has since remained calm.

k) Nandi-Kisumu Inter-County Dialogue

The NCIC played a key role in the resolution of violent conflicts between Luo and Kalenjin communities living along the common border of Nandi and Kisumu Counties. The Commission, in partnership with the Offices of the County Commissioners and Sub-County Peace Committees from the two Counties, initiated an inter-ethnic peace meeting. NCIC Chair Hon. Francis Ole Kaparo led the forum that was attended by representatives from the Kisumu and Nandi County Governments and the elected MPs for the adjacent Tinderet and Muhoroni Constituencies.



Kisumu Governor Jack Ranguma (with microphone) and Nandi Governor Cleophas Lagat (right) speak at a peace meeting organised by the Commission to reduce border tensions between their counties. Seated to Governor Ranguma's right is NCIC CEO Hassan Mohamed.

The conflicts were largely driven by incidences of cattle theft, a boundary dispute between the two Counties, a squatter problem, and political incitement.

The communities unconditionally agreed to end hostilities and their leaders signed **“The Chemelil Declaration,”** which was endorsed and witnessed by the NCIC. The Commission facilitated further follow-up meetings that resulted in the arrest of notorious cattle thieves along the border of the two counties; the return of stolen livestock to their owners; the re-opening of a common market along the joint border of the two Counties; the formation of a 30-member cross-border peace committee to promote a positive inter-ethnic relationship; and measures to discourage cattle theft, such as livestock branding, the closure of unlicensed slaughterhouses, and the drawing of sale agreements between sellers and buyers of livestock. The cross-border peace committee that was formed is still active.

I) Mt Elgon Peace Dialogue

The Mt Elgon area of Bungoma County has long faced intra-ethnic violence within the Sabaot community. The conflict arises from land disputes; retaliatory attacks rooted in past conflicts orchestrated by the outlawed Sabaot Land Defence Forces (SLDF); as well as political incitement and realignments. The Commission facilitated several peace dialogues that brought Sabaot community representatives from Mt Elgon and Cheptais Sub-Counties to discuss the root causes of the perennial conflicts.

The dialogues resulted in **“The Abbey Resort Resolution,”** a peace agreement signed in Nakuru on 31 March 2015 and endorsed by various leaders, including Bungoma Deputy Governor Hon. Hillary Changwony; Mt. Elgon MP, Hon. John Serut and his predecessor Hon. Fred Kapondi; Bungoma County Commissioner Maalim Mohamed; several Members of the County Assembly (MCAs); former Councillors; representatives of the County and Sub-County Security Intelligence Committee; religious leaders; women; CSOs; and the youth. The Resolution led to the cessation of hostilities; the training and facilitation of the Sabaot Council of Elders in peacebuilding; the increased inclusion of members of the Sabaot community in County employment; the increased allocation of development funds for Mt. Elgon Sub-County; and the arrests of SLDF remnants.

m) Maasai-Kipsigis Dialogues in Narok County

Narok County experiences two strands of conflict: one intra-ethnic among Maasai clans, and the other inter-ethnic between the majority Maasai community and the Kipsigis minority. The conflicts largely centre around land disputes, especially within group ranches; political rivalry among top politicians in the County; political incitement along ethnic or clan lines; discrimination in the sharing of resources (especially County jobs and tenders); and disagreements about settlement in the Mau forest.

The Commission facilitated peace meetings with political leaders, elders, interfaith leaders, women and youth representatives, leading to a cessation of hostilities. At the request of the Commission, the National Land Commission (NLC) intervened to help resolve the group ranch disputes. The main result of the Commission's intervention was ***“The Trans-Mara Peace Agreement,”*** signed between representatives of the Kipsigis and Maasai communities.

n) Samburu Herders vs. Ranchers in Laikipia County

The Commission facilitated community meetings aimed at discussing cross border and inter-ethnic conflicts affecting the Samburu community in Laikipia County. These meetings were necessitated by the invasion, in 2015, of the Il Ngwesi Conservancy, owned by the Il Ngwesi Community Group Ranch, by Samburu warriors seeking pasture for their livestock. It was established that the tensions were part of a progressive wave of encroachment on ranches by Samburu herders searching for pasture. As a result, a draft ceasefire resolution was adopted, and a joint peace committee established to continue to enhance the promotion of peaceful coexistence between the two sides.

o) Kisumu-Vihiga Boundary Dispute

There were rising tensions between residents of Kisumu County and Vihiga County over the ownership of the Maseno area and the sharing of public resources located along the borders of the two Counties. The Commission convened two meetings in Kisumu and Maseno towns to facilitate a resolution of the issues and to promote peaceful coexistence among the communities residing in the region. Among the issues raised during the forums included discrimination in employment opportunities at Maseno University, leading to tensions between the locals and the students; power struggles among various churches in the area; and the alleged marginalisation of the Luhya community residing in Maseno.

The Commission has continued to engage the County Governments of Kisumu and Vihiga, the National Government, the local communities, and the Independent Electoral and Boundaries Commission (IEBC) towards finding a lasting solution.

p) Mandera Peace Initiative

Mandera County has for many decades been the theatre of internecine clashes between the various Somali clans living in the County. Various attempts to resolve the clan conflicts have never been enforced beyond the ceasefire phase, and the failure to address the root causes has caused the conflicts to reignite at different times. One of the most prolonged conflicts has been between the Garre and Degodia clans, peaking in 2011-2015 with the loss of at least 77 lives, the displacement of over 18,000 households and massive destruction of property. In September 2014, H.E. President Kenyatta appointed the NCIC Chair, Hon. Francis Ole Kaparo and Senator Yusuf Haji of Garissa County to help resolve the conflict following their successful mediation of the Marsabit Conflicts.

In order to fully understand the depths of the conflicts and to find possible solutions, the Kaparo/Haji and the NCIC met Nairobi-based professionals from Mandera; facilitated a joint meeting of interfaith and political leaders in Nairobi; and made a fact-finding mission to the conflict-affected parts of the County, jointly with political and religious leaders.

From the various peace meetings, it became apparent that the conflicts were rooted in mutual suspicion by the Garre and Degodia clans, each believing itself to be in danger of political and economic marginalisation by the other. Other issues included competition for grazing land and other natural resources; and boundary disputes between Wajir and Mandera Counties, both of which have substantial Garre and Degodia populations. The peace efforts resulted in a ceasefire in February 2015, and a commitment by leaders from Mandera and Wajir Counties to come up with a comprehensive peace accord. The cessation of hostilities between the two clans paved way for the return of displaced people to their homes. It also resulted in the launch of a long-term peacebuilding programme implemented by the NCIC and the peacebuilding NGO, Interpeace, to create a locally-owned conflict resolution structure at the grassroots level. The Commission is using the resulting Mandera Peacebuilding Programme as a pilot initiative for the use of Participatory Action Research (PAR) as a potential way of resolving local level conflicts in Kenya.

2.4 Building Community Capacities for Peaceful Coexistence

To help communities in various parts of Kenya to develop their own sustainable, locally-driven structures for conflict resolution, the NCIC has invested in building local capacities for dialogue, mediation and reconciliation. This endeavour has been pursued through skills training for local community and CSO actors, as well as the establishment and training of cohesion committees in key public institutions. The overarching goal of these efforts is to entrench a culture of non-violent approaches to dispute resolution, and a pre-disposition to identify solutions that are mutually beneficial for the socio-economic and political wellbeing of rival communities.

Community elders are one important entry point through which the Commission has been able to anchor its local infrastructures for peace. Many communities in Kenya today still revere their elders, making them important players in reconciliation and mediation efforts taken to promote peaceful coexistence among ethnic communities. At various times, the Commission has used elders as an entry point in facilitating sustained dialogue among feuding communities, notably in the Counties of Marsabit, Pokot, Tharaka Nithi, Tana River, Lamu, Garissa, Bungoma, Marakwet, Kakamega, Nandi, Isiolo, Meru, Samburu and Laikipia. To enhance the crucial role of elders in creating harmonious relationships at the community level, the Commission has trained over 500 elders and District Peace Committees (DPCs) in conflict transformation, the facilitation of community dialogue, networking, and early warning. In places where the Commission has brokered peace, it has created platforms where the local Councils of Elders and Government officials meet regularly to discuss the progress of the peace agreements to ensure sustainability.

In a separate initiative to harness the power of women in promoting peace and cohesion, the Commission rolled out a series of dialogue forums and cohesion clinics for local women leaders in different Counties, reaching over 5,000 women and enhancing their knowledge on peacebuilding, mediation, conflict resolution, national cohesion and integration. The Commission used these platforms to enhance the role of women in planting the seeds of cohesion from the family level, their immediate community, and the national level, with the ultimate aim of developing a critical mass of women peace actors.



LEFT: NCIC Vice Chairperson, Irene Wanyoike, leads a training workshop in Kilifi to sensitise women leaders on radicalisation and violent extremism.

2.5 Strengthening Resilience against Radicalisation and Violent Extremism

Kenya has been the target of attacks by Al Shabaab militants since the country's 2011 incursion into Somalia. Between 2011 and 2015, there were over 200 violent attacks linked to Al Shabaab. The attacks targeted Government and security infrastructure, shopping centres, public transport vehicles, universities and places of worship, leaving hundreds dead and instilling fear, a sense of insecurity, and creating the potential for inter-religious tension. The impact of extremist violence and terrorism is a risk to Kenya's social cohesion, security and development agenda.

Radicalisation and violent extremism are impacting disproportionately on youth and women. Al Shabaab and other organised terrorist groups have capitalised on the drivers of fragility to radicalise and recruit economically vulnerable youth into their ranks and to commit terrorist acts. To mitigate the risk posed by violent extremism and radicalisation, the Commission has partnered with various agencies in conducting Countering Violent Extremism (CVE) initiatives targeting women and youth in the Coastal and North-Eastern regions. The Commission complements the security sector's CVE strategies, focussing on soft approaches that address the drivers of violent extremism, through training and capacity building for women, youths, religious leaders and government officers. This has so far been carried out in the Counties of Mombasa, Kilifi, Kwale, Tana River, Lamu, Taita Taveta, Wajir, Mandera and Garissa. The Commission further advised the Government to give an unconditional amnesty to Kenyans who have joined Al Shabaab. This resulted in the surrender of over 800 youths, who renounced their membership of the outlawed group and handed themselves over to the authorities's de-radicalisation programmes.

3.0. CHALLENGES TO NATIONAL COHESION IN KENYA

Although Kenya has been an independent state for 55 years, national cohesion has remained elusive. The country, forcibly cobbled together by the British colonial administration from disparate ethnic nations into one sovereign State, continues to grapple with the challenge of becoming a truly cohesive nation. The political violence of the 2007-2008 post-election crisis, which took Kenya to the brink of civil war, laid bare the historical animosities among the various ethnic groups in Kenya and created the need for the formation of the NCIC to spearhead the cause of national cohesion as a critical pathway towards lasting peace. Over the life of the Commission, the following factors have persisted as the main drivers of conflict.

a) Struggle over Resources

Competition for resources is a key driver of conflict in Kenya. On one hand, this has historically been perceived in terms of skewed distribution of resources across the country, especially in the era before devolution, when pro-Government regions were seen to receive more national resources than pro-opposition regions. On the other hand, there is competition for scarce natural resources, which predominates conflicts among pastoral communities, such as the cyclical conflicts that pit the Turkana against the Pokot, or the Rendille and Borana over grazing land, water, and clashes relating to cattle rustling.

b) Land and Boundaries Disputes

Land is a very emotive matter in many parts of the country. Although the constitution allows Kenyans to acquire land and settle in any of the 47 Counties, there are persistent ancestral claims by majority ethnic communities in parts of the country such as the Rift Valley and Coastal regions, fomenting the binary classification of residents as "natives" and "outsiders." These ancestral claims are easily instrumentalised by political and economic actors, fomenting conflicts of various scales.

The Commission has noticed a worrying trend of conflicts over County and constituency borders. Land is also increasingly becoming a conflict driver in areas with commercially valuable natural resources, such as Turkana, Lamu, Marsabit, Isiolo, Meru, Baringo, Elgeyo Marakwet among others. If not addressed in advance, these resource and land border issues may become additional threats to the country's already fragile cohesion.

c) Ethnocentric Perceptions of Identity

It is a common practice in Kenya for people to identify themselves primarily by their ethnic group. Most ethnic groups describe themselves as “tribes,” even though many modern-day Africanists consider the term a racist epithet that presents Africans as savage and barbaric. This ethnic-based identity has socialised most ethnic communities to insulate themselves, and to project their identity, communal issues and political affiliations as “we” versus “the others.” The result is mutual suspicion and inter-ethnic divisions that impede national cohesion and the quest for a unifying Kenyan identity. Ethnocentrism is accelerated during elections, with the bigger “tribes” displaying their dominance in votes and ultimately sharing the national and county resources, leaving the minority communities disenfranchised. It is important to stress that this ethnic-based identity is heavily exploited by the political class for their own political gain rather than for the good of the nation or even that of their ethnic communities.

d) Political Organisation Along Ethnic Lines

The culture of political mobilisation along ethnic rather than ideological standpoints is the bane of Kenyan politics. Political parties in Kenya are largely vehicles for voter mobilisation into ethnic alliances for elections, hardly offering ideological alternatives at the ballot. This makes elections highly contested and often violent, partly due to the exploitation of ethnicity by political actors, and the easy manipulation of economically disadvantaged youth into violent gangs. The absence of an outright ethnic majority has made elections a fierce contest between the five largest ethnic groups, the Kikuyu, Luhya, Kalenjin, Luo and Kamba, who together constitute about 65% of the Kenyan population. It is the ethnic rivalries and the intense electioneering animosities among these larger ethnic groups and smaller, allied communities, which precipitated the 2008 post-election violence. This divisive approach to electoral competition threatens national cohesion because it is the political and business elites, rather than ordinary voters, who drive both the campaign agenda and election outcomes, in pursuit of their own vested interests.

e) Historical grievances

Kenya's capacity to achieve national cohesion is additionally impeded by longstanding structural issues, most notably political exclusion, and historical grievances over land, grand corruption, economic shocks, as well as widespread poverty and unemployment. While the 2010 Constitution sought to provide a skeletal framework for the amelioration of the country's structural problems, many of these issues are yet to be fully addressed and still constitute a significant albeit latent conflict driver.

f) Easy Access to Small Arms and Light Weapons (SALW)

It is estimated that there are about 650,000 illicit small arms in Kenya, most of them in the hands of pastoralist communities in the North Rift, North Eastern and Upper Eastern regions. This is enabled by porous international borders that allow for the seepage of arms from neighbouring conflict countries. The Commission has established the proliferation of small arms as a major conflict factor in the Turkana, Baringo, West Pokot and Elgeyo Marakwet cluster; in the Laikipia, Meru and Isiolo cluster; in Tana River and Garissa; as well as Marsabit and Mandera. Security experts have drawn a strong correlation between the proliferation of these arms and conflict among pastoralist communities. Moreover, cattle rustling has been commercialised by business cartels, who provide arms and orchestrate cattle theft for profitable gains. These small arms also fuel armed urban crime in the big cities and towns.

g) Emerging disputes over County Borders

The Commission is concerned by emerging border tensions among County Governments. The controversies have taken two perspectives: while some disputes concern the actual boundaries of the Counties, other disputes are based on historical claims on lands that lie outside of the constitutionally gazetted County borders. These border disputes have created tension and, in some instance, violent conflict between residents of adjacent Counties. Lives have been lost, communities displaced, property destroyed, and livelihoods disrupted. Some of the counties with boundary disputes are Isiolo and Meru; West Pokot, Turkana and Baringo; Garissa and Wajir; Kisumu and Kericho; and Kisumu and Nandi. These emerging County border disputes risk undermining both devolution and national security.

4.0 POLICY RECOMMENDATIONS

a. Promote Equity in the Sharing of Public Resources to Enhance Inclusion

There is a need to promote a sense of inclusion through the equitable sharing of public resources at both the National and County Government levels. One of the justifications for devolution was to enhance peace by allowing decentralised governance that is participatory and empowered to base its priorities upon the needs of the grassroots populations. However, it is a fact that the presidency remains the true centre of power and resource allocation in the country. An exclusively majoritarian form of Government, such as the existing presidential system, does not protect the country from the skewed allocation of national resources towards pro-Government communities and regions. Considering the intractability of ethnocentrism in Kenya, it might be worth exploring other more inclusive forms of governance at the national level, such as a parliamentary or consociational democracy. A less majoritarian system would allow decentralisation to thrive by reducing possible ethnocentric bias over the National Government, which controls the National Treasury and other resources.

b. Review the NCI Act and Entrench it in the Constitution

The work of NCIC is constrained by the weakness of the NCIC Act of 2008. This is because the Act was formulated as a stopgap piece of legislation that formed part of the process of resolving the 2008 post-election violence. Since then, the country has undergone numerous changes in legislation, including the adoption of a new Constitution in 2010. The Act has however remained unchanged, crippled by loopholes that render the NCIC weak in the delivery of its mandate. There is a grave need to review the Act and to align it with the Constitution. Two attempts to review the NCI Act have failed because both times, the Bill was not tabled in parliament. This is because MPs are among the main perpetrators of hate speech, and a review of the Act would diminish their capacity to mobilise political support on the basis of ethnicity.

The following are the most pressing aspects that require legislative attention.

- (i) The need to explicitly entrench the NCIC in the Constitution, which will it more leverage to pursue its mandate to bringing the nation together.
- (ii) The need to tighten laws governing hate speech.
- (iii) The need to review the Act to recognise and/or encompass other actors/institutions in national cohesion and integration processes, for purposes of maximising the existing synergies.
- (iv) The need to review, re-align or rationalise institutions that are likely to have an overlap in their mandates, in this way minimising the duplication of effort.
- (v) The need to decentralise the NCIC by having physical presence at County level for an effective monitoring system.
- (vi) The need to update the Act for full conformity with the provisions of the 2010 Constitution.

In addition to these legislative proposals, there is a need for uncompromising leadership from the highest offices in the land to isolate hate mongers. Kenyan politicians are apparently unfazed by any possible consequences of incitement to hate speech. The isolation, arrest and imprisonment of notorious ethnic chauvinists would send a clear message that incitement to hate is not tolerated in the country, particularly from leaders.

c. Nurture a Win-Win Electoral Culture

Due to the lack of an outright ethnic majority, presidential elections in Kenya tend to produce close results and a narrow margin of victory for the winner. The post-election period is typically characterised by mutual antipathy between the winning and losing candidates, and animosity between their supporters. This is partly due to the winning side's tendency to mock the losing side without regard for the significant support that they received in their tally, as well as the tendency of the losing side to perceive the elections as rigged due to the closeness of the results.

This requires the Office of the Registrar of Political Parties (ORPP), in concert with the NCIC and Parliament, to spearhead the enactment of laws, policies and practices that set high standards for presidential candidates. These standards could include binding presidential candidates to stay above the ethnic fray; to be cordial to each other (at least in their public remarks and appearances); to be magnanimous in victory; and to graciously accept defeat.

To help mitigate the do-or-die approach to presidential elections, parliament could additionally enact laws that ensure the dignity of losing presidential candidates who chose to remain active in politics, including their rightful treatment as respected opposition leaders. These laws could also create dignified exits for incumbent presidents who lose their re-election bids, as well as to allow presidential candidates to simultaneously run for other seats simultaneously with the presidency, for instance in the Senate or the National Assembly. This would allow them to play a different role, in another elective office, in the event that they lose in the presidential election.

d. Promote Politics of Ideology Rather than Ethnic Balkanisation

It is necessary to strictly enforce the Political Parties Act, to enhance the development of ideologically grounded political parties rather than the temporary ethnic alliances that keep shifting with each election cycle and political parties that rarely remain viable beyond ten years. Another way to promote ideological parties would be to encourage the formation of post-election coalitions (instead of what are essentially pre-election ethnic voting blocs). This would compel political parties to develop ideological standpoints and to seek post-election alliances based on the comparative resonance between their manifestos.

e. Complete the Agenda Four Reforms

Lasting national cohesion requires the complete implementation of the Agenda Four Reforms. These include the need to comprehensively address the historical injustices documented by the Truth, Justice and Reconciliation Commission (TJRC); restoring faith in the IEBC following the resignations of most of its Commissioners in 2018; and auditing all existing legislation to ensure conformity with the 2010 Constitution (such as the above-mentioned NCI Act, 2008). There is also a need for renewed national dialogue on the prickly issue of land, to preclude the possible use of land as currency for future electoral or other political gain. Although there have been many constitutional reforms regarding land management, there is an emerging trend in which some ethnically homogenous Counties and heterogeneous regions are gradually modelling themselves as ethnic enclaves, even though the Constitution allows any Kenyan to settle anywhere within the Republic. It is important to stem any possible use of land-related violence to displace and disenfranchise voter communities based on ethnicity, as has happened during past election cycles.

5.0. CONCLUSION

Kenya has the potential to become an African success story in the realm of national cohesion. The country has made significant political, structural and economic reforms that have driven sustained economic growth, social development and political gains over the past decade. A critical drawback to Kenya's growth and development is the disruption that elections bring every five years. Kenya can learn from Tanzania and Mauritius, both African countries that have successfully achieved a national identity by implementing policies that gradually and deliberately melted their diverse ethnic and racial groups into unified nations. The experience of these two African states shows that a truly cohesive Kenya is equally achievable.

For this to happen however, the sheer magnitude of ethnic intolerance and mistrust needs to be acknowledged by both the National and County Governments. It is a well known fact for instance that ethnic divisions largely emanate from the country's political elite, who trickle them down to their communities. De-ethnicising Kenya's public sphere requires deliberate leadership from the highest levels of Government. Unless the country embarks on a determined path towards national cohesion, ethnic relations will continue to worsen, and election cycles will remain periods of trepidation, overcast with the threat of violence. The recent rapprochement between H.E. President Kenyatta and the Rt. Hon. Raila Odinga is a welcome step towards freeing Kenya from the ethnocentrism that has long impeded national cohesion. The Commission is optimistic that the Building Bridges Initiative, if well insulated from political interference, and if executed in partnership with relevant institutions like the NCIC, could succeed in bringing lasting cohesion to the nation.

Lastly, the NCIC requires adequate political and financial support to effectively fulfil its mandate. For instance, the Commission is now ten years old, but has remained unable to establish its presence beyond Nairobi for lack of adequate resources and personnel. The Commission needs these resources now more than ever, not least because its mandate now includes the challenge of building national cohesion in a country that is devolved.



DIVERSITY
IS OUR
STRENGTH

One People **One Nation** **One Destiny**



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