



# Conflict Sensitive Approaches

**An Analysis of the Kenyan  
Context**

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# Introduction and Methodology

- A combination of the desk and field researches
- **Desk Research:** Sought to provide details of the key causes of conflict, conflict dynamics and conflict actors in Kenya.
- **A conflict mapping workshop:** Aimed at identifying gaps and prioritising areas for further research. This informed the focus of the participatory conflict analysis
- **Participatory conflict analysis:** Focused on thematic areas/sectors informed by the mapping workshop as well as on the shared interests and areas of work of consortium members.
- The study involved actual field research, stakeholder workshops and key informant interviews.
- Based on the Consortium's intervention mapping exercise, it was found that members worked in all of Kenya's provinces except Central. The findings cover as a result those seven provinces (Coast, North Eastern, Rift Valley, Nairobi, Eastern, Western and Nyanza).

# Objectives of Conflict Analysis Research

- The objective of the study was to
  - develop an overview of the Kenyan context
  - Determine the current conflict trends,
  - analyse the key stakeholders,
  - Map out conflict related risks and Conflict sensitive opportunities,
- This study had standardised themes of analysis i.e.
  - analysis of structural causes of conflict,
  - actor analysis,
  - a brief on conflict dynamics,
  - scenario analysis



# Timing of the Study

- The research was in the period preceding the 27th August 2010 promulgation of the new constitution.
- Field research was conducted between November 2009 and January 2010.
- This study as a result highlights certain constitutional weaknesses as structural causes of conflicts,-----it is the previous constitution rather than the new that is the focus of such discourse.
- Further, the research was conducted with provinces in mind rather than counties, as is currently the case under the new constitution.



# Findings

## Key drivers of Conflict in Kenya

- Identity consciousness and politics
- Resource scarcity and competition for it
- Governance issues and clamour for better governance
- Illicit small arms flows and possession
- Organized gangs, warriors and militias



# Conflicts related to Land

- a. Land Distribution and ownership Issues/ Lack of clarity in administrative boundaries**
  - Historical in nature and dates back to post independence resettlement
  - Largely due to the linkage between economic dependency on land, political interference in distribution and ownership practices, and the weaknesses in land policy
  - Common in the coastal region, The Rift valley and Northern Kenya



# Conflicts related to Land

## **b. Politicization of boundaries**

- Aspirants to political office harp on the high value attached to land to woo a support base, often deliberately or unwittingly inciting communities against each
- This Problem as a result has had a central theme in the politics of the country often resulting in political violence
- Problem is evident in high density, settlement areas such as Trans Nzoia district, but worse in pastoralist areas where poorly defined tenure rights have instigated clashes over access and ownership of grazing areas.



# Resource Based Conflicts

## Conflicts Over Pasture and Water

- Common problem in the pastoral areas and highly linked to the land problem
- Mainly as a result of harsh environmental conditions - Cyclic droughts e.g. the current drought situation
- Issue of allocation of land for game reserves resulting in displacement of pastoralists and or restriction of movement
- The result is increase in pressure and competition for the limited resources





# **Resource Based Conflicts**

## **Culture vs. Pastoral Conflicts**

- Cattle rustling has for a very long time been assumed to be their way of life
- Has been complicated by the current trend of commercialization of the cattle rustling

## **Agro- Pastoral Conflicts**

- Closely linked with land boundary issues and the restriction of movement among the pastoralists e.g. the Coast (Tana River)



# Politically driven Conflicts

## Centralized Power

- Political competition over key public positions and the ‘winner takes all’ mentality
- Not only national government but also local level, competition for political positions such as seats on the Council or Constituency Development Fund are just as ethnically charged

(New constitution may have changed this)

- It is the fear of domination (or possibility of exclusion from political power) that heightens tensions around electoral competitions where those in power take conflict-inducing action in an attempt to maintain power, and those perceiving themselves as marginalized taking action to redress the situation,
- Violent conflicts have over the years characterized Kenyan Politics



# Marginalization and Historical Injustices (Real or Perceived)

## **Closely linked to the Centralization of Power**

- Balance between the capacity and representation
  - Who makes the decisions? What informs the decisions?
- Exclusion or under representation in political systems or under representation in decision making processes ( Illiteracy levels, Distances/ remoteness)



# Governance related conflicts

- History of bad governance which has propagated injustice, corruption and Impunity at all levels, Flawed electoral systems and processes, ethnic politics leading to social and economic marginalization of communities, economic disparities, rise in poverty levels and inequitable distribution of national resources and services. – causing low levels of public confidence in state institutions as well as resentment



# Governance related conflicts

## Security and Justice

- The legal system in Kenya remains to the majority of the population inaccessible, slow and inefficient.
- A widespread perception exists that the judicial institutions lack capacity and moral standing.
- The system is seen as a structure for personal gains that is facilitated by extensive corruption and a culture of impunity



# Governance related conflicts

## Ineffective Security Provision

- Both the police and intelligence services suffer from a lack of capacity to enforce law and order within Kenya during ‘peaceful’ periods, and to an even lesser extent during times of national crisis. (2007 PEV Crisis) - (Reforms currently underway)
- In areas where the police have no or very minimal presence, so-called ‘ungoverned spaces’, criminal and non-state armed groups fill the void, operating successfully without the watchful eye of the law
- This is witnessed particularly along Kenya’s international borders such as the ASAL region and Mt Elgon’s border with Uganda.



# Governance related conflicts

## Ineffective Security Provision

- The lack of border police along the porous borders inadvertently facilitates the proliferation of illegal trade including cattle rustling, SALW and illicit drugs.
- The absence of effective security provision has led some communities to establish their own groups for defense purposes. However, these groups frequently deviate from their original 'defensive' objectives, becoming active participants in the continuation of certain forms of violence, corruption and illicit trading, and ultimately becoming spoilers in future peace initiatives e.g. illegal taxation by demanding 'protection money
- Such groups include Taliban in Kibera, Mungiki in Nairobi, Sungusungu, Baghdad boys e.t.c.

# Governance related conflicts

- The political elites have been known to play a role in instigating and sustaining the momentum of violence caused by the militias
- Most of the vigilante groups have a highly semiautonomous character. For example, the Baghdad Boys, the Taliban and the Mungiki have been known to operate across a spectrum of political alliances i.e. for the 'highest-bidder who include politicians, businessmen, landlords, members of the elite classes e.t.c
- There is also concern over the Private Sector Security and Ex-Security Agents
- Ex-security/ former agents pose a specific problem as they have been accused of training criminal and militia groups in the use of SALW





# Governance related conflicts

## Law Enforcement

- The perception that state rule is ‘predation’ instead of protection has flourished
- Police involvement in rural non-state armed groups remains a concern.
- Reports suggest that police are overlooking the transportation of stolen cattle on a national level by facilitating corruption at roadblocks from the borderlands to Nairobi (Commercialization of cattle rustling)



# Opportunities For Peace

## International mediation

- **International mediation - the success of the international community** and the Annan mediation team in bringing the 2008 post-election violence to an end indicates the abilities of external actors to influence the political elite within Kenya.
- **Development assistance - the international community has** a responsibility to learn from the experiences of past aid giving and to strive to be conflict sensitive in providing Aid (CSA Consortium)

## National Level

- **The Coalition - as the Coalition stands,** a demonstration of multi-ethnic cooperation though experience has shown that it is not strictly an 'opportunity for peace', but because of the vested interests it can contribute to a peaceful Kenya (Though fragile)



# Opportunities For Peace

## National Level cont....

- **New Constitutional–The Constitution** provides space from which to establish and maintain mechanisms for peace. If implemented in a conflict-sensitive manner, the potential for addressing long-standing provisions for equal distribution of, and access to, national resources could be achieved
- **Implementation of the National Accord processes and Waki recommendations - full implementation of the security sector reforms: the proposed plans for SSR, if** conducted fully and effectively provide an opportunity to address the current ineffectiveness, bias and lack of capacity that prevails in the security services. This could also include revisions that extend community-policing, directly targeting local level security provisions.

# Opportunities For Peace

## National Level cont....

- **Agenda 4 Commissions – the** commission provides an opportunity to investigate ‘human rights abuses, historical injustices, illegal or irregular acquisition of land and the misuse of political power from independence in 1963 to present, deal with cohesion issues e.t.c
- **2012 elections and the electoral process – The changes though few witnessed so far in the** electoral process are a promising sign that things can get better especially once the independent Electoral commission is established
- **Disarmament, Demobilization and Reintegration (DDR) -If** conducted effectively, DDR could provide a starting block from which militia groups are fully disbanded, arms prevalence (Especially in pastoral areas) reduced and reintegration and reconciliation between communities established.



# Opportunities For Peace

## Local Level

- **Traditional conflict resolution mechanisms - *support to traditional*** conflict resolution and peacemaking mechanisms (in areas such as ASAL where there is historical evidence of traditional structures mediating peace treaties) holds potential for positive change.

Linking these traditional mechanisms to formal institutions would provide a means for the continuation of mechanisms of stability on a longer-term basis.

- **Religion - *where religion plays a significant role in the lives of*** communities (as Christianity does in the RVP and Mt Elgon region or Islam in the coastal areas), religious leaders should be supported to become ambassadors for peace, promoting multiculturalism and trust building between different group
- **Environmental adaptation - *early warning systems tracking changes*** in climatic activity, both on the short and longer term



# Opportunities For Peace

- Return of IDPs – Conflict sensitive design and implementation
- Targeting and support of the Youth
- Decentralization of power and resources (Very Contentious)
- Media for peace (Not Propaganda)



# Conflict Actors (For/ Against

- Politicians
- Local Govt (County, Municipal and town councils)
- Security actors
- International Community
- Civil Society Organizations
- Business community
- Religious organizations
- Media
- Non State armed groups
- Traditional/ Local governance structures



# Nairobi Context

- **Landlords versus tenants**
- Biggest triggers of larger scale inter-ethnic violence in Nairobi's informal settlements. The class of landlords is mainly composed of members of the community who are viewed as latecomers to areas like Kibera (Nubians
- The fact that earlier settlers (e.g. Nubians) pay rent to landlords that are considered newcomers fuels tensions.
- Residences in informal settlements is viewed through the ethnic lens, which informs fault lines during conflicts.
- Landlords on the other hand, have also reportedly mobilized gangs of unemployed local youth to eject tenants who fail to pay their rent on time. The unemployment that exists in these informal settlements has not helped the landlord-tenant relations





# Nairobi Context

- **Population explosion**

The growing population of poor unemployed youth has put a lot of pressure on the limited available resources in Nairobi. The rising youth population bursting along the seams with no access to a meaningful means of livelihood have ended up joining gangs that have engaged in criminal activities in the city.

- **Encroachment into private land**

Apart from limited access to resources, the government has failed to adequately deliver basic social services and equitably distribute resources to the urban poor. High level corruption in the public service has seen private developers encroaching both private and public land and further displacing already disadvantaged slum communities like those in Kibera. This has caused new conflicts between city residents in informal settlements and private developers.

# Nairobi Context

- **Religious conflicts**

The constitution of Kenya provides for freedom of religion. There is generally a great level of tolerance among different groups yet beneath this veil is a clear latent religious conflict between Christians and Muslims. Case in point is the constitutional review process which exposed part of the discord between these two groups.

- Christians within the same churches have also had differences that have broken out into open conflict. Some of the contentious issues have revolved around poor church leadership and land feuds. These conflicts have sometimes resulted into injury, destruction of property

# Nairobi Context

- **Political parties – affiliations and ideologies**

Political affiliations and ideologies tend to become more pronounced just before and during elections.

-There exists a paradox of government cracking down on illegal gangs yet activate them during electioneering periods

-Some of these gangs are actually shadow governments in their respective residential areas where they cause conflict between them and surrounding communities.

- Different communities are also known to align themselves along ethnic lines in supporting candidates from their communities. This has been a source of conflict in the informal housing settlements as minority



# Nairobi Context

## **Land issues**

- Communities strongly feel that they have been systematically
- marginalized in land allocation processes in the city. During the 2007 PEV, ethnic boundaries were drawn e.g. Mathare where “rival” communities were expected to respect and observe these boundaries.
- Encroachment of land by private developers has put more pressure on the growing slum population and has been a source of conflict between these investors and surrounding

## **Structural Inequalities**

- The glaring inequalities in the distribution of wealth; the gap between the rich and the poor has been on the increase. Dissatisfaction in the distribution of wealth has often been manifested in political violence.



# Nairobi Context

## **Domestic violence**

- Domestic violence is on the rise due to drug abuse, poor living conditions and meager pay which cannot sustain the daily needs of numerous families.

## **Under-development**

- Growing dissatisfaction with social and economic conditions among the youthful population in Nairobi has resulted in many of these youths joining gangs that have engaged in different forms of crime and violence.
- Where Govt has failed to offer basic services, organised gangs have taken over but over time these gangs have been a source of conflict for overstepping their “mandate



# Nairobi Context

## Unemployment

- Lack of employment and poor wages especially among the youth has contributed to crime. The situation make them easy prey for individuals who want to fuel violence and unrest.

e.g.

Landlords to evict tenants who are late with their rent from their houses.

Politicians during campaigns to intimidate opponents.  
When mobilized

Some of them also benefit from looting during chaotic situations in order to enrich themselves.



# Nairobi Context - Actors

- Ethnic groups
- Police force
- Militia/ Armed Gangs
- Youth
- International Community