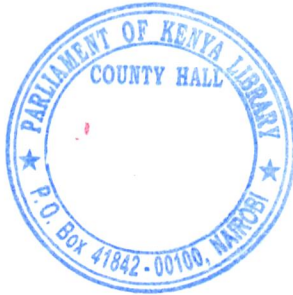


REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION - 2012

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REPORT OF THE JOINT  
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND  
NATIONAL SECURITY; AND JUSTICE AND LEGAL AFFAIRS; ON  
THE CONSIDERATION OF A PETITION ON THE ADOPTION OF  
THE NATIONAL PEACE BUILDING AND CONFLICT  
MANAGEMENT POLICY

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CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI

JUNE, 2012

## PREFACE

Mr. Speaker, Sir,

The Parliamentary Departmental Committees on Administration and National Security; and Justice and Legal Affairs, were constituted pursuant to the provisions of Standing Order No. 198 of the National Assembly and have executed their mandate as a joint Committee, in accordance with the provisions of the said Standing Order 198(3), which mandates the Committees to, inter alia:

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments; and,*
- (b) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House...*

Mr. Speaker,

The following are the Members of the Joint Committee:

The Hon. Fred Kapondi, MP (Joint Chairman)  
The Hon Ababu Namwamba, MP (Joint Chairman)  
The Hon. Peter Kiilu, MP (Vice-Chairman)  
The Hon. Njoroge Baiya, MP (Vice-Chairman)  
The Hon. Cyprian Omollo, MP  
The Hon. Abdikadir Mohammed, MP  
The Hon. Danson Mungatana, MP  
The Hon. Millie Odhiambo-Mabona, MP  
The Hon. Raphael Letimalo, MP  
The Hon. Isaac Ruto, EGH, MP  
The Hon. Pollyins Ochieng', MP  
The Hon. George Nyamweya, MBS, MP  
The Hon. Mohamed Hussein Ali, MP  
The Hon. Mutava Musyimi, MP  
The Hon. Joseph Kiuna, MP  
The Hon. Amina Abdalla, MP  
The Hon. Olago Aluoch, MP  
The Hon. Sophia Abdi Noor, MP  
The Hon. Maison Leshoomo, MP  
The Hon. Nkoidila ole Lankas, MP  
\* The Hon. Clement Kung'u Waibara, MP

*(The Member whose name is marked with an asterix \* has never participated in any Committee deliberations and so he is not part of the observations, findings, conclusions and recommendations contained in this report).*

Mr. Speaker,

The petition on the adoption of the Peace Building and Conflict Management Policy was presented to the House by the Hon. Gitobu Imanyara, MP, on behalf of the petitioners, on 17<sup>th</sup> May 2012; pursuant to Article 119 of the Constitution, which provides that every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.

The petitioners prayer read thus *“We, the undersigned citizens of Kenya who are members of the National Peace Policy Advocacy Network, National Youth Sector Alliance, Picha Mtaani Initiative, Yes Kenya and Power 254, draw the attention of the House to the following:*

*THAT aware that peace policy is critical since the signing of the National Accord and Reconciliation Agreement in 2008; THAT WHEREAS the Government has spearheaded the process of development of a peace policy since 2003, the adoption of the same policy has not seen the light of the day;*

*THAT WHEREAS recognizing that sustainable peace in the country is critical for development and appreciating the fact that the adoption of the policy will guarantee Government commitment to finance and coordinate peace initiatives in one clear direction for impact;*

*WE, THEREFORE, humble petitioners pray that the National Assembly facilitates, with immediate effect, the adoption of the National Peace Building and Conflict Management Policy in order to realize sustainable peace in the country.”*

The Hon. Gitobu Imanyara, MP, also laid in the House a compilation of more than ten thousand signatures having been collected by the petitioners from citizens who were in support of the petition.

Standing Order 210(3) provides that, *“whenever a petition is committed to the National Assembly, the relevant Committee shall, in not more than twenty one calendar days from the time of reading of the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House...”*



The matter of the petition on the adoption by the Government of the National Peace Building and Conflict Management Policy was referred to the Committee on Administration and National Security; and Justice and Legal Affairs, on 17<sup>th</sup> May, 2012.

Mr. Speaker, Sir,

The Joint Committee, in its sitting of 22<sup>nd</sup> May, 2012, resolved to invite the petitioners and the Minister of State for Provincial Administration and Internal Security to make representations before the Committee on the petition. The Committee intended to establish whether the Government was really committed to the peace process as set out in the peace policy, and what measures had been taken towards the adoption and implementation of the said National Peace Building and Conflict Management Policy, whose development process had been going on since 2003.

The Committee received oral submissions from National Peace Policy Advocacy Network, being the petitioners; on Thursday, 24<sup>th</sup> May, 2012. The Committee further held a meeting with the Minister of State for Provincial Administration and National Security on Thursday, 31<sup>st</sup> May, 2012.

During the meeting with the peace advocacy groups, the Committee was informed that the Government had slackened the pace of implementing the peace building initiative. The lack of a clear peace building policy in the past had exacerbated conflicts. The root causes of 2007/2008 post election violence could have been adequately addressed if there was peace and conflict management policy in place.

Mr. Speaker,

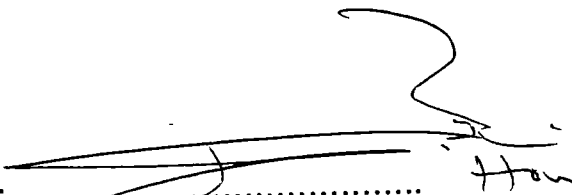
The Committee noted that the process of implementing the National Peace Building and Conflict Management Policy by the Government had stalled since the formulation of the first policy draft in 2004. There was need therefore for the Government to make an undertaking to ensure that the policy was adopted and implemented in order to avoid situations as witnessed in 2007/2008 post election clashes.

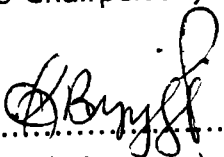
The Minister, in his submission, informed the Committee that the Government was committed to have the National Peace Building and Conflict Management Policy implemented. However, numerous consultations with the security state organs had delayed the processing of the policy. The consultations had now been finalized, and the Peace Policy was to be presented to the National Security

Advisory Committee for consideration and would thereafter be forwarded to the Cabinet for approval.

Mr. Speaker, Sir,

After consideration of the petition and deliberations on the adoption of the petition, the Committee recommended that the Minister of State for Provincial Administration and Internal Security spearheads the process of fully implementing the Policy. The Minister shall report progress to Parliament by July 31<sup>st</sup>, 2012.

Signed: .....  Hon. Faisal Kapadia, MP  
(Co-Chairperson)

Signed: .....  .....  
(Co-Chairperson)

Date: 7/06/2012 .....

## 1.0 BACKGROUND

- 1.1 The concept to develop a National Peace Building and Conflict Management Policy was initiated in 2001. The idea was conceived through a joint effort by the Government and the Civil Society who came together to establish the National Steering Committee (NSC) on National Peace Building and Reconciliation.
- 1.2 The idea to formulate a Peace Building and Conflict Management Policy was borne out of the need to start a coordinated approach to seek long term solutions to conflicts. There was lack of policy guidelines to address root causes of problems. As a result, there has been ad hoc reaction to conflict, which does not resolve problems once and for all, but tends to address short term remedies.
- 1.3 NSC was established in 2001. It was based at the Ministry of State for Provincial Administration and Internal Security. It became operational in November 2002 when a Secretariat was founded. The role of NSC was to primarily bring together representatives from relevant Government Ministries and Departments, umbrella Civil Society Organizations, development partners and UN agencies. The Committee was mandated with the coordination of all peace related activities in Kenya. It also serves as Kenya's Conflict Early Warning and Response Unit (CEWERU).
- 1.4 A key achievement of the NSC has been the development of the Draft National Policy on Peace Building and Conflict Management. The process began in 2004 and has been gone through consultative forums. The initial thinking by policy makers and peace practitioners began with the development of a framework, referred to as the "Zero Draft".
- 1.5 The NSC commenced the review of the policies, strategies, legislations, reports, protocols and publications, in 2005. The review included collection of views from the public. The consultations involved Government Ministries, Departments, academia, development partners, regional organizations, CSOs, women and youth groups, communities, private sector and local authorities. The consultations gave rise to the development of the first draft of the national policy.
- 1.6 A peer review of the first draft was conducted in 2006 which resulted in the refinement of the draft. The draft was then subjected to a stakeholder's validation process in September 2007. Twelve validation workshops were

conducted in various regions in the country. Other consultative forums were conducted with civil society organizations.

- 1.7 In June 2007, the second draft was subjected to a further peer review process that led to a more refined document. After the 2007 post election, the NSC undertook a review and value addition of the policy between May and August 2008. The draft policy was then presented to the consultative forum in Naivasha in September 2008.
- 1.8 Members of Parliament from the Arid and Semi Arid areas deliberated on the Draft Policy and made input into the Draft. In April 2009, the Second Draft Policy was presented to a National Stakeholder's Validation Forum and polished by a team of peer reviewers in May, 2009.
- 1.9 The Draft Policy has been reviewed to make it conform to the Constitution which was promulgated in August 27, 2010. Further, it has also been reviewed to align it to the existing peace-building and conflict management initiatives.
- 1.10 The Peace Policy is desired to develop a national capacity to effectively manage potentially violent conflicts at all levels of society. Such conflict should however be forestalled through an effective early warning system. The Policy is therefore intended to ensure prevention, mitigation and preparedness.
- 1.11 The Ministry of State for Provincial Administration and Internal Security in conjunction with other sector agencies and development partners is tasked with the role of setting up a framework for the implementation of the policy. The framework is designed to provide for the establishment of a collaborative mechanism to operationalize the policy pending the establishment of the National Peace Council (NPC).
- 1.12 The proposed peace infrastructure shall include:
  - i) A National Peace Council, which shall consist of members drawn from strategic state and non-state actors. The NPC shall spearhead peace building and peace keeping initiatives.
  - ii) A NPC Secretariat headed by the Council Secretary and will oversee day to day activities of the Council.
  - iii) A County Peace Secretariat which will provide a platform for consultation, collaboration, co-operation and coordination of peace issues by the National and County Governments.

- iv) A National Peace Forum which is a platform for consultation, collaboration, cooperation and coordination by all peace actors and stakeholders.
- v) County Peace Fora which shall be convened by Counties as platforms for consultations, coordination and accountability at the County levels, within and across the Counties.

- 1.13 The petition on the adoption of the Peace Building and Conflict Management Policy was presented to the House by the Hon. Gitabu Imanyara, MP, on behalf of the petitioners, on 17<sup>th</sup> May 2012; pursuant to Article 119 of the Constitution, which provides that every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.
- 1.14 The matter of the petition on the adoption by the Government of the National Peace Building and Conflict Management Policy was referred to the Committee on Administration and National Security; and Justice and Legal Affairs, on 17<sup>th</sup> May, 2012.
- 1.15 The Committee thus embarked on receiving submissions from the petitioners' representatives. The Committee intended to establish the facts what measures the Government was taking towards the adoption and implementation of the said National Peace Building and Conflict Management Policy, whose development process had been going on since 2003.
- 1.16 The Committee received oral submissions from National Peace Policy Advocacy Network, being the petitioners; on Thursday, 24<sup>th</sup> May, 2012. The Committee further held a meeting with the Minister of State for Provincial Administration and National Security on Thursday, 31<sup>st</sup> May, 2012.
- 1.17 During the meeting with the peace advocacy groups, the Committee was informed that the Government had slackened the pace of implementing the peace building initiative. The lack of a clear peace building policy had exacerbated conflicts. The root causes of 2007/2008 post election violence could have been adequately addressed if there was peace and conflict management policy in place.
- 1.18 The Committee noted that the process of implementing the National Peace Building and Conflict Management Policy by the Government had stalled since the formulation of the first policy draft in 2002. There was need



therefore for the Government to make an undertaking to ensure that the policy was adopted and implemented in order to avoid situations as witnessed in 2007/2008 post election clashes.

1.19 The Minister, in his submission, informed the Committee that the delay in the adoption and implementation of National Peace Building and Conflict Management Policy was occasioned by lengthy consultations with stakeholders and Government security agencies to ensure that the draft policy conformed to state security statutes. However, the Government was committed to having the policy adopted and implemented fully as soon as it was practically possible. The draft had reached its final stages and was now before the National Security Advisory Committee for consideration before being forwarded to the Cabinet for approval.

## 2.0 CONSIDERATION OF THE PETITION ON THE NATIONAL PEACE BUILDING AND CONFLICT MANAGEMENT POLICY

### 2.1 SUBMISSIONS BY THE NATIONAL PEACE POLICY ADVOCACY NETWORK (NAPPAN)

#### 2.1.1 Submissions by Kituo Cha Sheria

During representations from the National Peace Policy and Advocacy Network (NAPPAN), the Executive Director, Kituo Cha Sheria, informed the committee that:

2.1.2 The policy formulation process began in 2001 when the Government and civil society jointly established the National Steering Committee (NSC) on Peace-building and Conflict Management. By 2005 a draft policy had been prepared after wide consultations with stakeholders.

2.1.3 The draft has been reviewed a number of times, notably in 2009 after the post election violence as well as in 2011 to align it with the new Constitution. The policy had been forwarded to the office of the Permanent Secretary, Ministry of State for Provincial Administration and Internal Security late in 2011 but no action has since been taken.

2.1.4 The policy was important since it provided guidelines for a coordinated approach to peace-building and conflict management. It provided for the infrastructure and resources necessary to effectively manage potentially violent conflicts, as well facilitating rapid response to conflicts at all levels of society. If the Government had put in place the Peace Policy before the

2007 general elections as was advocated by NAPPAN and NYSA, the post election violence that the country experienced may have been averted.

2.1.5 The following alternative suggestions on the way forward were proposed;

- a. That the Minister of State for Provincial Administration and Internal Security be moved to see that the policy is adopted.
- b. That Parliament debates the Peace Policy and passes it.
- c. That the Policy be adopted via an Executive Order.

## 2.2 Submissions by the National Youth Sector Alliance (NYSA)

In their presentation, NYSA informed the Committee that:

2.2.1 Peace was being threatened by ethnic mobilization and clandestine formations going on across the country. It was therefore critical that the Peace Policy was adopted. Once the policy is adopted, all peace building and conflict management efforts would not only have a policy backing from the Government but will also have financially supported budgets to coordinate their activities in achieving sustainable peace for Kenya.

2.2.2 NYSA, in partnership with NAPPAN, Kenya ni Kwetu, YES Kenya and Power 254 had mobilized the support of 10,000 youth to petition Parliament to support the adoption of the Peace Policy.

2.2.3 NYSA pointed out the following key propositions:

- a. Urgent adoption and implementation of the National Peace and Conflict Management Policy and funding from the exchequer to finance its operations.
- b. Declaration of 2012 as the year of peace and the Government agencies to support all initiatives geared towards attaining peace for Kenya
- c. The organs established under the Peace Policy should be supported to conduct activities for conflict prevention, management, and resolution and the ownership of the peace process at community level.

### 2.2.4 Key issues raised by Committee Members

The Committee Members sought to know what particular areas the petitioners thought the Government was under performing in terms of conflict resolution and how the proposed policy would cater for this.

2.2.5 In response, the petitioners emphasized that the Government currently has a reactive approach to dealing with conflicts, employing law and punitive

measures against the perpetrators after the conflict has already taken place, and lives and property having already been lost. The Peace Policy on the other hand provides for guidelines towards peace building, and aims at preventing the conflicts from happening in the first place.

2.2.6 The petitioners sought to know the timelines within which their grievances would be addressed. They were informed that the Committee would be meeting with the Minister of State for Provincial Administration and Internal Security on Tuesday, 29<sup>th</sup> May, 2012 to engage him on the issues raised.

2.2.7 Further, the Committee would table a report detailing their observations and recommendations within 21 days from the date the petition was presented. The Committee hoped to push for the formulation of legislation out of the National Peace and Conflict Building Policy Paper.

### 3.0 SUBMISSIONS BY THE MINISTER OF STATE FOR PROVINCIAL ADMINISTRATION AND INTERNAL SECURITY

3.1 The Minister gave a brief history of the formulation and content of the Draft National Policy on Peace-building and Conflict Management. He explained that the process commenced in 2004, and involved multiple consultations with various stakeholders across the country. The draft peace policy was developed as a long-term measure for effective management and prevention of conflicts in Kenya and across borders as well.

3.2 The Committee was informed that the draft policy had been harmonized with various national documents like Vision 2030, relevant national legislations, international treaties and agreements, and other draft policies like the Draft Disaster Management Policy, Draft National Cohesion Policy, Draft Ethnic Relations and Race Policy etcetera.

3.3 The Minister further highlighted the components of the peace structure as outlined in the policy, that is:

- i. A National Peace Council
- ii. National and County Peace Secretariats
- iii. National and County Peace For a
- iv. Local Peace Committees
- v. Mediation Support Units

3.4 These components will be interdependent and complementary, comprising of capable individuals who will work on preventing, mitigating and

transforming conflicts. Additionally, there will be a Department of Peace Building established in the Ministry of State for Provincial Administration and Internal Security as an outcome of the draft peace policy.

- 3.4 The Minister explained that the delay in the policy's implementation was due to the lengthy process in consultation of State and Non-State actors; this was done to ensure formation of a long-term policy framework. The Ministry was now fast-tracking the process to ensure the policy was in place before the next general elections.
- 3.5 The draft policy was currently scheduled for discussion by the National Security Advisory Committee (NSAC) on Monday 4<sup>th</sup> June 2012. The policy is to be reviewed and harmonized with the Draft National Security Policy before transmission to the Cabinet for final approval and adoption. The Committee was informed that the draft Cabinet Memo on this policy was also ready for presentation to the Cabinet. Once approved by Cabinet, the policy becomes part of the Government's policy framework.
- 3.6 The Committee Members urged the Minister to hasten the process of adoption of this peace policy as much as possible due to its importance in providing stability to the country. The Committee further urged the Minister to bring a Sessional Paper into Parliament with the aim of ensuring that the draft Peace Policy was transformed into an Act of Parliament.

#### 4.0 FINDINGS, OBSERVATIONS AND CONCLUSIONS OF THE COMMITTEE

- 4.1 After meeting the petitioners and the Minister of State for Provincial Administration and Internal Security, the Committee made the following observations;
1. That the pace towards the adoption and implementation of the National Peace Policy had slackened after the conception of the idea, in 2004. There was a lull after the publication of the first draft policy, which was, according to the Minister of State for Provincial Administration, occasioned by lengthy consultations with the various security sector stakeholders.
  2. There was renewed activity from the Civil Society over the adoption of the peace policy after the 2007/2008 post-election violence. This led to increased activity by the Government which sought to establish long term measures to address the root causes of conflicts.



# Annextures

Appendix I – Committee Minutes

Appendix II – Petition

MINUTES OF THE 1<sup>ST</sup> JOINT SITTING OF THE DEPARTMENTAL COMMITTEES ON JUSTICE AND LEGAL AFFAIRS; AND ADMINISTRATION AND NATIONAL SECURITY, HELD ON TUESDAY, 22<sup>ND</sup> MAY, 2012, IN THE COMMITTEE ROOM, 5<sup>TH</sup> FLOOR, CONTINENTAL HOUSE, AT 12.00 NOON

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**PRESENT**

The Hon. Njoroge Baiya, MP - Vice Chairman (Ag. Joint Chair)  
The Hon. Fred Kapondi, MP - Joint Chairman  
The Hon. Peter Kiilu, MP - Vice Chairman  
The Hon. Maison Leshoomo, MP  
The Hon. Isaac Ruto, EGH, MP  
The Hon. Danson Mungatana, M.P.  
The Hon. Millie Odhiambo-Mabona, MP  
The Hon. Pollyins Ochieng', MP  
The Hon. Joseph Kiuna, MP

**ABSENT WITH APOLOGY**

The Hon. Ababu Namwamba, MP - Joint Chairman  
The Hon. Mohamed Hussein Ali, MP  
The Hon. Raphael Letimalo, MP  
The Hon. Amina Abdalla, MP  
The Hon. George Omari Nyamweya, MBS, MP  
The Hon. Abdikadir Mohammed, MP  
The Hon. Cyprian Omolo, MP  
The Hon. Raphael Letimalo, MP  
The Hon. Mutava Musyimi, MP  
The Hon. Olago Aluoch, MP  
The Hon. Sophia Abdi Noor, MP

**ABSENT**

The Hon. Nkoidila Ole Lankas, MP

**IN ATTENDANCE** - **NATIONAL ASSEMBLY**

Mrs. Lucy Wanjohi - Second Clerk Assistant  
Mr. Daniel Mutunga - Second Clerk Assistant  
Ms. Wanjiru Ndindiri - Third Clerk Assistant  
Mr. Abdullahi Keynan - Third Clerk Assistant  
Mr. Martin Mugambi - Parliamentary Intern  
Mr. Kimathi Muriithi - Parliamentary Intern

**MIN.NO. 01/2012 - PRELIMINARIES**

The meeting was opened with a word of prayer. Members of the joint Committee were welcomed to the meeting. The Agenda of the meeting was adopted. The Vice Chair of

the Justice and Legal Affairs Committee was proposed to act as the Joint Chair for the first Joint Sitting to consider the petition, in accordance with Standing Orders 184 and 185(1).

MIN. NO. 02/2012 - CONSIDERATION OF THE PETITION ON THE ADOPTION OF THE NATIONAL PEACE BUILDING AND CONFLICT MANAGEMENT POLICY

The purpose of the meeting was to consider a petition presented to Parliament on 17<sup>th</sup> May, 2012; by the Hon. Gitobu Imanyara, MP, on the adoption of the National Peace Building and Conflict Management Policy. The petition was committed to the two Committees; who are to look into the matter and submit a report to Parliament within 21 days, in accordance with Standing Order No. 210 (3).

The petitioners are members of the National Peace Policy Advocacy Network (NAPPAN), the National Youth Sector Alliance (NYSA), Picha Mtaani Initiative, YES Kenya and PAWA 254. The petitioners noted that although the Government had spearheaded the process of developing of a peace policy since 2003, the adoption of the policy had not been forthcoming. The petitioners therefore seek to have the policy adopted with immediate effect in order to realize sustainable peace in the country.

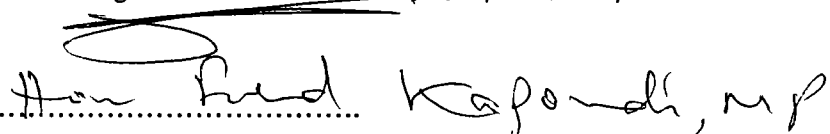
To accord fairness to this petition, the Committee Members unanimously agreed to have one hearing on Thursday, May 24<sup>th</sup>, 2012 at 10am with the representatives of the petitioning organizations. This will give them an opportunity to state their grievances comprehensively.

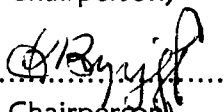
The Joint Committee will then meet the Minister of State for Provincial Administration and Internal Security on Tuesday, May 29<sup>th</sup>, 2012 at 10am to engage him on the issues raised by the petitioners.

After conducting the above mentioned hearings, the Joint Committee will then table a report with its observations and recommendations.

MIN.NO 03/2012 - A.O.B/ADJOURNMENT

There being no other business, the Chair adjourned the sitting at thirty minutes after twelve O'clock. The next meeting would be held on ~~Thursday, 24<sup>th</sup> May, 2012 at 10am.~~

Signed: .....  .....  
(Co-Chairperson)

Signed: .....  .....  
(Co-Chairperson)

Date: 7/06/2012 .....



MINUTES OF THE 2<sup>ND</sup> JOINT SITTING OF THE DEPARTMENTAL COMMITTEES ON JUSTICE AND LEGAL AFFAIRS; AND ADMINISTRATION AND NATIONAL SECURITY, HELD ON THURSDAY, 24<sup>TH</sup> MAY, 2012, IN THE SMALL DINNING ROOM, PARLIAMENT BUILDINGS, AT 10AM

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PRESENT

The Hon. Peter Kiilu, MP - Vice Chairman (Chairing)  
The Hon. Ababu Namwamba, MP - Joint Chairman  
The Hon. Danson Mungatana, MP  
The Hon. Pollyins Ochieng', MP  
The Hon. Joseph Kiuna, MP  
The Hon. Raphael Letimalo, MP  
The Hon. Maison Leshoomo, MP  
The Hon. George Omari Nyamweya, MBS, MP

ABSENT WITH APOLOGY

The Hon. Fred Kapondi, MP - Joint Chairman  
The Hon. Njoroge Baiya, MP - Vice Chairman  
The Hon. Mohamed Hussein Ali, MP  
The Hon. Millie Odhiambo-Mabona, MP  
The Hon. Isaac Ruto, EGH, MP  
The Hon. Amina Abdalla, MP  
The Hon. Abdikadir Mohammed, MP  
The Hon. Cyprian Omollo, MP  
The Hon. Mutava Musyimi, MP  
The Hon. Olago Aluoch, MP  
The Hon. Sophia Abdi Noor, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi - Second Clerk Assistant  
Mr. Daniel Mutunga - Second Clerk Assistant  
Ms. Wanjiru Ndindiri - Third Clerk Assistant  
Mr. Abdullahi Aden - Third Clerk Assistant  
Mr. Martin Mugambi - Parliamentary Intern  
Mr. Kimathi Muriithi - Parliamentary Intern

IN ATTENDANCE - PETITIONERS

Ms. Priscilla Nyokabi - Chief Executive, Kituo Cha Sheria  
Mr. Kevin Ogema - Kituo Cha Sheria  
Ms. Odiyo Jackline - Kituo Cha Sheria

Mr. Paul Ngugi - Kituo Cha Sheria  
Mr. Otiato Guguyu - Kituo Cha Sheria  
Mr. Evans Machira - National Youth Sector Alliance  
Ms. Fatma Nyambura - National Youth Sector Alliance  
Mr. Stephen Mwakesi - National Youth Sector Alliance  
Ms. Maria Osulo - Act, Change, Transform  
Ms. Roselyn Mungai - Act, Change, Transform

MIN. NO. 04/2012 - PRELIMINARIES

The meeting was opened with a word of prayer. Members of the Joint Committee were welcomed to the meeting. The Agenda of the meeting was adopted. The Ag. Chairman welcomed the petitioners to the meeting and informed them that the Committee had been tasked with the role of examining the petition, and reporting back to the House within 21 calendar days. The Committee was thus constituted to establish why there was a long delay in the implementation of the National Peace Building and Conflict Management Policy. The Ag. Chair then invited the petitioners to make their submissions.

MIN. NO. 05/2012 - PRESENTATION BY PETITIONERS ON THE ADOPTION OF THE NATIONAL PEACE BUILDING AND CONFLICT MANAGEMENT POLICY

**Submissions by Kituo Cha Sheria**

During representations from the National Peace Policy and Advocacy Network (NAPPAN), the Executive Director, Kituo Cha Sheria, informed the committee that:

The policy formulation process began in 2001 when the Government and civil society jointly established the National Steering Committee (NSC) on Peace-building and Conflict Management. By 2005 a draft policy had been prepared after wide consultations with stakeholders.

The draft has been reviewed a number of times, notably in 2009 after the post election violence as well as in 2011 to align it with the new Constitution. The policy had been forwarded to the office of the Permanent Secretary, Ministry of State for Provincial Administration and Internal Security late in 2011 but no action has since been taken.

The policy was important since it provided guidelines for a coordinated approach to peace-building and conflict management. It provided for the infrastructure and resources necessary to effectively manage potentially violent conflicts, as well facilitating rapid response to conflicts at all levels of society. If the Government had put in place the Peace Policy before the 2007 general elections as was advocated by NAPPAN and NYSA, the post election violence that the country experienced may have been averted.

The following alternative suggestions on the way forward were proposed;

- a. That the Minister of State for Provincial Administration and Internal Security be moved to see that the policy is adopted.
- b. That Parliament debates the Peace Policy and passes it.
- c. That the Policy be adopted via an Executive Order.

#### **Submissions by the National Youth Sector Alliance (NYSA)**

In their presentation, NYSA informed the Committee that:

Peace was being threatened by ethnic mobilization and clandestine formations going on across the country. It was therefore critical that the Peace Policy was adopted. Once the policy is adopted, all peace building and conflict management efforts would not only have a policy backing from the Government but will also have financially supported budgets to coordinate their activities in achieving sustainable peace for Kenya.

NYSA, in partnership with NAPPAN, Kenya Ni Kwetu, YES Kenya and Power 254 had mobilized the support of 10,000 youth to petition Parliament to support the adoption of the Peace Policy.

NYSA pointed out the following key propositions;

- a. Urgent adoption and implementation of the National Peace and Conflict Management Policy and funding from the exchequer to finance its operations.
- b. Declaration of 2012 as the year of peace and the Government agencies to support all initiatives geared towards attaining peace for Kenya
- c. The organs established under the Peace Policy should be supported to conduct activities for conflict prevention, management, and resolution and the ownership of the peace process at community level.

#### **Key issues raised by Committee Members**

The Committee Members sought to know what particular areas the petitioners thought the Government was under performing in terms of conflict resolution and how the proposed policy would cater for this.

In response, the petitioners emphasized that the Government currently has a reactive approach to dealing with conflicts, employing law and punitive measures against the perpetrators after the conflict has already taken place, and lives and property having already been lost. The Peace Policy on the other hand provides for guidelines towards peace building, and aims at preventing the conflicts from happening in the first place.

The petitioners sought to know the timelines within which their grievances would be addressed. They were informed that the Committee would be meeting with the Minister of State for Provincial Administration and Internal Security on Tuesday, 29<sup>th</sup> May, 2012 to engage him on the issues raised. Further, the Committee would table a report detailing their observations and recommendations within 21 days from the date the petition was

presented. The Committee hoped to push for the formulation of legislation out of the National Peace and Conflict Building Policy Paper.

MIN. NO. 06/2012 - A.O.B/ADJOURNMENT

There being no other business, the Chair adjourned the sitting at twenty minutes after eleven O'clock. The next meeting would be held on Tuesday, 29<sup>th</sup> May, 2012 at 10am.

Signed: Hon. Fred Kapandi, MP  
(Co-Chairperson)

Signed: [Signature]  
(Co-Chairperson)

Date: 7/06/2012

MINUTES OF THE 3<sup>RD</sup> JOINT SITTING OF THE DEPARTMENTAL COMMITTEES ON JUSTICE AND LEGAL AFFAIRS; AND ADMINISTRATION AND NATIONAL SECURITY, HELD ON THURSDAY, 31<sup>ST</sup> MAY, 2012, IN THE COMMITTEE ROOM, 5<sup>TH</sup> FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 4.30PM

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PRESENT

The Hon. Peter Kiilu, MP - Vice Chairman (Chairing)  
The Hon. Fred Kapondi, MP - Joint Chairman  
The Hon. Joseph Kiuna, MP  
The Hon. Maison Leshoomo, MP  
The Hon. Millie Odhiambo-Mabona, MP  
The Hon. Danson Mungatana, MP  
The Hon. Pollyins Ochieng', MP

ABSENT WITH APOLOGY

The Hon. Ababu Namwamba, MP - Joint Chairman  
The Hon. Njoroge Baiya, MP - Vice Chairman  
The Hon. Mohamed Hussein Ali, MP  
The Hon. Raphael Letimalo, MP  
The Hon. Isaac Ruto, EGH, MP  
The Hon. Amina Abdalla, MP  
The Hon. George Omari Nyamweya, MBS, MP  
The Hon. Abdikadir Mohammed, MP  
The Hon. Cyprian Omollo, MP  
The Hon. Mutava Musyimi, MP  
The Hon. Olago Aluoch, MP  
The Hon. Sophia Abdi Noor, MP  
The Hon. Nkoidila Ole Lankas, MP

NON-MEMBER OF THE COMMITTEE IN ATTENDANCE

The Hon. Boaz Kaino, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant  
Ms. Wanjiru Ndindiri - Third Clerk Assistant  
Mr. Abdullahi Aden - Third Clerk Assistant  
Mr. Martin Mugambi - Parliamentary Intern

IN ATTENDANCE - MINISTRY OF PROVINCIAL ADMINISTRATION AND INTERNAL SECURITY

The Hon. (Prof.) George Saitoti, EGH, MP - Minister  
Mr. Mutea Iringo, EBS - Acting Permanent Secretary  
Mr. Dickson L. Magotsi - Senior Administrative Secretary

Mr. Simon Karanja  
Mr. Wilberforce Kilonzo

- Economist/Minister's Office  
- DC/Minister's Office

MIN. NO. 07/2012 - PRELIMINARIES

The meeting was opened with a word of prayer. Members of the Joint Committee were welcomed to the meeting. The Ag. Chairman welcomed the Minister and Ministry officials to the meeting. He informed them that the Committee had been tasked with the role of examining the petition tabled by the Hon. Gitobu Imanyara, MP, and would report back to the House within 21 calendar days. The Ag. Chairman pointed out to the Minister that the Committee had held a meeting with the petitioners, and now sought to establish the cause of the long delay in the adoption and implementation of the National Peace Building and Conflict Management Policy from the Ministry. He then welcomed the Minister to make his presentation.

MIN. NO. 08/2012 - PRESENTATION BY THE MINISTER ON THE ADOPTION OF THE NATIONAL PEACE BUILDING AND CONFLICT MANAGEMENT POLICY

The Minister gave a brief history of the formulation and content of the Draft National Policy on Peace-building and Conflict Management. He explained that the process commenced in 2004, and involved multiple consultations with various stakeholders across the country. The draft peace policy was developed as a long-term measure for effective management and prevention of conflicts in Kenya and across borders as well.

The Committee was informed that the draft policy had been harmonized with various national documents like Vision 2030, relevant national legislations, international treaties and agreements, and other draft policies like the Draft Disaster Management Policy, Draft National Cohesion Policy, Draft Ethnic Relations and Race Policy etcetera.

The Minister further highlighted the components of the peace structure as outlined in the policy, that is:

- i. A National Peace Council
- ii. National and County Peace Secretariats
- iii. National and County Peace Fora
- iv. Local Peace Committees
- v. Mediation Support Units

These components will be interdependent and complementary, comprising of capable individuals who will work on preventing, mitigating and transforming conflicts. Additionally, there will be a Department of Peace Building established in the Ministry of Provincial Administration and Internal Security as an outcome of the draft peace policy.

The Minister explained that the delay in the policy's implementation was due to the lengthy process in consultation of State and Non-State actors; this was done to ensure

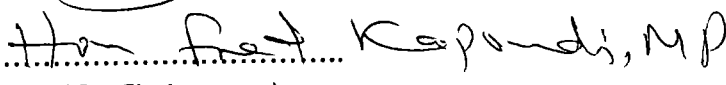
formation of a long-term policy framework. The Ministry was now fast-tracking the process to ensure the policy was in place before the next general elections.

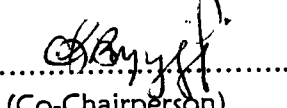
The draft policy was currently scheduled for discussion by the National Security Advisory Committee (NSAC) on Monday 4<sup>th</sup> June 2012. The policy is to be reviewed and harmonized with the Draft National Security Policy before transmission to the Cabinet for final approval and adoption. The Committee was informed that the draft Cabinet Memo on this policy was also ready for presentation to the Cabinet. Once approved by Cabinet, the policy becomes part of the Government's policy framework.

The Committee Members urged the Minister to hasten the process of adoption of this peace policy as much as possible due to its importance in providing stability to the country. The Committee further urged the Minister to bring a Sessional Paper into Parliament with the aim of ensuring that the draft Peace Policy was transformed into an Act of Parliament.

MIN. NO. 09/2012 - A.O.B/ADJOURNMENT

There being no other business, the Chair adjourned the sitting at five minutes after five O'clock. The next meeting would be held on ~~Tuesday~~, 5<sup>th</sup> June, 2012 at 10am.

Signed: .....  .....  
(Co-Chairperson)

Signed: .....  .....  
(Co-Chairperson)

Date: 7/06/2012 .....

PETITION

BY THE NATIONAL YOUTH SECTOR ALLIANCE ON THE ADOPTION OF  
THE NATIONAL PEACE BUILDING AND CONFLICT MANAGEMENT  
POLICY

**WE, THE UNDERSIGNED** citizens of Kenya who are members of the National Peace Policy Advocacy Network (NAPPAN), National Youth sector Alliance (NYSA), Picha Mtaani Initiative, YES Kenya and PAWA 254

**DRAW** the attention of the House to the following;

**THAT** aware that Peace Policy is critical since the signing of the National Accord and reconciliation Agreement in 2008.

**THAT WHEREAS** the Government has spearheaded the process of developing of a peace Policy since 2003; the adoption of the same policy has not seen the light of the day.

**THAT WHEREAS** recognizing that sustainable peace in the Country is critical for development and appreciating the fact that the adoption of the policy will guarantee government commitment to finance and coordinate Peace initiatives in one clear direction for impact.

**THEREFORE** your humble petitioners PRAY that;

The National Assembly facilitates with immediate effect the adoption of the National Peace Building and Conflict Management Policy in order to realize sustainable peace in the Country.

And your **PETITIONERS** will ever pray

PRESENTED BY,

  
HON. Gitobu Imanyara, MP

CENTRAL IMENTI CONSTITUENCY



