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REPORT OF THE COMMITTEE OF NATIONAL ELDERS CONFERENCE ON COHESION AND INTEGRATION

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CENTRAL PROVINCE CONSULTATIONS

Wednesday, 21st July, 2009, Nyeri

The Committee's consultations with the Elders and Community leaders of Central Province were held in Nyeri on 21st and 22nd July, 2009. On the first day, Elders were drawn from the following Districts: old Muranga, Thika, Tetu, Nyeri North, Nyeri Central and Nyeri South, Kieni East, Othaya, Mukurweini and Kirinyaga. The list of names of participants is hereby attached as annexure. The consultations started off with a courtesy call to the Deputy PC of Central Province. He briefed the Committee on the nature and causes of conflicts in the Province. According to him,

> "Conflicts in other areas always affect Central Province for instance IDPs after PEV and the Mungiki menace and the accompanying security issues. Efforts to use the religious leaders have not been successful because of the in fighting between different denominations."

The Catholic Church have been acting under their Justice and Peace Committees. On the other hand the Government has reactivated the old District Peace Committees {DPC) to deal with specific issues of peace. The Deputy PC noted that the issue of the Envelope has evoked various emotions; some people being convinced that the whole debate is just a delaying tactic.

Central Province does not have an umbrella Elders' Council like other places; however there are a number of self-proclaimed Elders' Councils but there is no co-ordination among them so they are unable to speak with one voice.

The socio-political problems experienced in Central Province are due to the fact that the social fabric has broken down. This started at the onset of the Mau Mau war when Elders were taken away for about 6 years and those who were detained also stayed away for 6 years. For more than 10 years, therefore, there was no social order. Upon return the genuine fighters went unrecognized while the compromisers were rewarded with land. The latter are the elites who are considered traitors. The current Mungiki are merely criminal outfits and extortionists who are being handled by the police; while the original Mungiki were a cultural group that fought for land. They were the sons of Mau Mau fighters who did not inherit any land. They are aggrieved because they were unfairly treated. Some people who fought for liberation are pushing for compensation as Mau Mau fighters; a number of them have even gone to London and filed a case. However, their efforts are hampered because their representatives are divided into many groups that have at times worked at cross purposes. Specifically, there are seven groups with very different interests.

The Province hosts about 20,000 squatters. It was the feeling of the Administration that the Elders can handle and solve the Mungiki problem since it was their traditional duty to talk to the youth.

The Elders were briefed by the Chairperson who emphasized that the Government was keen to institutionalize Elders' Forums so as to help them

make an impact in maintaining order. The current Government was convinced that the Elders hold the key to National Cohesion. The Elders had prepared a memorandum in which the following issues were articulated.

POVERTY

There is considerable poverty in Central Province because only a few got privileges from the colonialists and these are the same families still driving the wheels of Government and who make other Kenyans believe that all in Central Province are rich. The truth is that those who have, have so much but there are still many poor people, for instance, there are 20,000 squatters in the Province and almost every division has informal housing. With this in mind, it was clear to the Committee that poverty's attendant problems must be rife in parts of Central Province. Elders soon confirmed this by identifying politicians using the poor youth to propagate violence for a very small pay especially during elections, as one of the major causes of conflict.

The poverty situation was made worse by IDPs who moved into Central Province after PEV and brought strain to the limited resources. There is need to make Kenya habitable to all. There are three basic ways of fighting poverty – education, empowerment and finances. Funds are not the problem, lack of knowledge is the issue.

Population density is a cause of poverty. The land is constantly being subdivided into uneconomical pieces. The earlier efforts at land consolidation were thwarted by people who themselves feared losing their land.

Most of the arable land in many parts of Central is under coffee/tea but this is not of immediate help. The little income from these cash crops is of little value to the community. Another issue of concern is monopoly of businesses by a few rich tycoons.

DRUGS AND SUBSTANCE ABUSE

All traditional and illegal liquors are brewed in the region and many people have become addicted to them. The most notorious are chag'aa, kumi kumi and manga which are consumed by both men and women as well as the youth. The Elders complained bitterly that people taking these brews become demobilised and of no value. Things have gone to an extent where schools are closing down because there are no children being born because of impotence among the reproductive age group as a result of the consumption of these illicit brews. Worse still, family units are breaking down in great numbers; this is an area where Elders and community leaders need to take a lead role in order to reverse the trend.

PARENTING AND EDUCATION

Parents have greatly neglected the nurturing of their children and this has led many to become street children. At the same time, the Elders said, there was great emphasis being laid on the "girl child' to the complete neglect of the boy child to the point that many boys have become delinquent. With this state of

affairs, it is not surprising that in the Province many have neglected sending their children to school because they do not consider education to be of importance to them. This has affected development in the region. Another factor that has affected children's education has been their involvement in tea and coffee picking which increases child labourers.

In addition to child labour, many people, for instance in Thika, live in slum areas and many of their children are involved in crime. The parents seem to take the easy way out by saying they have nothing to give their children. The Government's response with the Kazi kwa Vijana Programme has alleviated the problem to some extent.

LAND ISSUES

The Province was for a long time the leader in cash crop farming and hence its economic advancement. This trend seems to have been reversed because of the low returns from cash crops brought about mainly by the extra and unnecessary charges of the brokers and middlemen in the marketing chains of tea and coffee.

However, the major problem with land has been people's farms were taken during the Emergency simply because they were available. This is the issue covered by the Ndungu Land Report in great detail. Some of the aggrieved people still live in villages while others are squatters. They do not understand why some of that Land taken from them and now being held by individuals or church organizations cannot be given back to them. The Committee was told that for instance the Catholic Church alone has over 6000 acres of land in Mweiga. People were happy about the resettlement on Solio Ranch because it took into account all tribes, however bitterness still exists because home guards got land while freedom fighters got nothing.

INSECURITY

Insecurity is a big problem in Central Province. The Elders attributed this state of affairs to a number of factors:

> "This is caused by idleness and lack of opportunities There is an *underhand* in the insecurity situation in Central Province. Parents are also going wrong as they no longer talk to their children. Parents seem to encourage their children to engage in crime as a source of income. Mungiki is rampant in the slums of Majengo, and Wetemere among others. Mungiki issue needs to be addressed from the roots. It is a political movement formed by Kenyan politicians. But it also has rituals; any traitor gets killed. The youth involved have the support of the powerful and that's why they have the confidence to do what they do. Who are the Mungiki'? It means all people. The founders were forming a group to overthrow Moi but the things turned around when Kibaki won. They were promised that they would be given opportunities in Government. The leaders refused to honour their end. The focus now turned to overthrowing Kibaki. They feel that the rich have taken over their rightful inheritance and want it back by all means. Youth movements are sprouting in every community to fight this elite class. In

1992, 1997 and 2007, the youth were used for political ends and never gain a thing. But don't the youth ever learn. The politicians are not keen to deal with the Mungiki issue as it serves their interests."

Looked at from a different perspective the Mungiki as an organization started as an alternative religion to the main religious organizations for the Kikuyu. The organisation's membership was dominated by young men with mentorship from a few elderly persons. Mungiki as an organization has degenerated with time and also changed its objectives from one of religious grouping into:

- a political organization with backing from a few politicians.
- an economic process–based organization with devised financial structures based both on genuine economic activities such as taxi operations, farming and *boda boda* businesses but also on criminal activities such as forced collections, theft, gangsterism, extortion and kidnappings.
- A mafia kind of society harbouring ambitions not well known by those not within the organization. The main aim of the group is to take over leadership in the Province and also nationally through a revolution kind of operation. The society boasts of membership from other tribes in the political class, academia and the military.

RECOMMENDATIONS ON HOW TO HANDLE THE MENACE

Dialogue with the group leadership.

- Police and even military action especially on disarmament.
- Religion action by the mainstream religious societies.
- Infiltration by the intelligentsia.
- Realization by other tribes that the menace is not just a kikuyu phenomenon but also a national threat.
- Political action.

CORRUPTION

- This has been a major hindrance especially in access to justice.
- The police particularly are compromised by the offenders and end up interfering with cases. As a result, some citizens have been taking the law into their own hands.

DOMESTIC VIOLENCE

The issue of conflict in families and at home was passionately discussed. It was stated that some men are being beaten up because they are of no value in their homes. Many young men are less educated than the women they marry and this creates disharmony in homes. Religious leaders and parents, it was felt, should counsel couples before they get married. As matters stand now, it is parents who are exacerbating the violence because of the example they set for their children. Consequently, children are becoming wayward.

POST ELECTION VIOLENCE AND ITS AFTERMATH

The Elders were not happy about what happened immediately after the General elections of 2007. These events completely shattered the national fabric. Central Province was hard hit because people had left their homes a long time ago and settled elsewhere in particular Rift Valley Province, most of these people were forced to come back as IDPs. Those who could not get into camps were taken in by other people or relatives. Consequently, they have become a burden even for the host families.

The Elders suggestion was that the Government must settle the IDPs elsewhere as it is not easy for them to go back to the places from where they were displaced. There were about 19,000 integrated IDPs from Central Province. The victims want justice to be done as this is the only way to peaceful co-existence. As to what should be done with the perpetrators of PEV, the Elders held different views:

- There was no need to go to the Hague as this will demean Kenya's image. What was required was a credible local tribunal; in this way people would be able to follow the proceedings;
- It was also felt that politicians were using the Hague to settle political scores;
- Others felt that the perpetrators should just confess and ask for forgiveness as Kenyans were willing to forgive;
- The perpetrators who bore the highest responsibility should go to the Hague while others should be tried through a local tribunal;
- Talk on the administration of justice for crimes committed during PEV should not be trivialized as this was insensitive to victims, particularly, and Kenya, generally.

Resolutions:

Having discussed the aforementioned matters the Elders resolved as follows:

- That the Elders Forum be institutionalized from the grassroots to the national level. This should be registered in the law, be provided for in the national budget and consolidated in one Forum to address their issues. These Councils/Forums should be structured in a formal way and made up of people who are respected in society;
- That the Ndungu Commission Report and the National Land Policy be implemented;
- That the Elders stand against all forms of domestic violence, alcoholism, lack of respect and irresponsibility;
- That they will undertake to counsel the young men and women during initiation into adulthood. The Elders to make effort to befriend them and restore them with love and wise counsel;

- That the Council of Elders will partner with other stakeholders to maintain peace and order by engaging the perpetrators of crime. This will be done through the local structures;
- That NACADAA strengthens its work in the Province and that the Elders, teachers and Provincial Administration be vigilant in the campaign against drug abuse. Talks be done in primary and secondary schools;
- That the Elders take responsibility to liaise with the various stakeholders e.g. parents, teachers and provincial system to restore education standards;
- That the small scale farmers be helped to add value to their products so that the farmer benefits directly. Also other crops like cassava, millet and fish production be considered;
- That the licensing of local brews be cancelled henceforth;
- That recruitment of Kenya and Administration Police be scrutinized by the Elders. The Elders be given the power and capacity to do this;
- That Elders take a leading role in the discipline of children in the community;
- That the issue of tribes be abolished and that census should not indicate this;
- That one language be used in the country;
- That children be taught to live as citizens of one nation and not be divided into tribes;
- That programmes such Kazi kwa Vijana be intensified to ensure that the youth are kept busy, earn a living and contribute to national building;
- That equitable measures be put in place when re-settling people to ensure that all persons benefit; and
- That IDPs be resettled as a matter of urgency. Sort out those who are alive and pursue matters pertaining to the dead. Compensate them their due to start afresh. Give soft loans to the people to enable them start businesses.

NYERI TOWN, 22ND JULY, 2009

Introduction

On the 22nd July, 2009, the Committee met with Elders from Nyeri North, Nyeri Central, Muranga North, Kieni East, Nyeri South, Tetu, Kirinyaga, Kiambu West, Kigumo and Nyandarua districts.

At the start of the consultations, the DC for Kieni West stressed the importance of national cohesion and said that for it to be achieved, conscious effort must be made by ordinary people to bring peace in situations where many people would concur that war was justified. He illustrated his point by telling the Committee and the Elders about pastoralists and agriculturalists in southern Sudan who ended their conflict when each side realized that they needed each other for the improvement of both crops and herds. Cattle rustling in another southern Sudan region had been brought to an end by the wives of the rustlers. These stories served to point out to the Elders that the onus of bringing peace lay with each one of them.

The DC told the gathering of his initiatives to twin Bondo and Kieni West districts as a way of dismantling enemy images and stereotypes that individuals and communities hold about others and which create animosity.

His point was elaborated by the DC of Nyandarua Central who lauded the Elders for coming together to frankly identify causes of the conflict that afflict them and then propose solutions. He advised the Elders to dialogue sincerely so that finally actions and words will deliver the same message of peace and cohesion in the nation.

Echoing these pieces of wise counsel, the DO of Kiambu West emphasized the fact that peace and reconciliation are individual responsibilities for which the Elders had to take a lead role in their communities.

The Chairperson of the Committee explained to the Elders that it was important for them to organize themselves so that they could speak with one voice about their role in promoting peace, reconciliation and cohesion in their communities and the nation. The Committee specifically wanted to learn from them the causes of conflict in the Province and how they proposed to resolve them.

The Elders' discussions on this second day of the Committee's consultations in Central Province revolved around the causes and nature of conflicts.

THE DISCUSSIONS

These Elders informed the Committee that the main causes of conflict were as follows:

POVERTY

The Elders observed that poverty in the Province was the result of selfishness on the part of more able members of their communities. It was claimed that these selfish people denied others opportunity of getting out poverty, for

instance by refusing Kenyan citizens from other communities to invest in the Province. This was ironic because foreigners were welcome with open arms.

Elders had the perception that some people of Central Province had been disinherited by colonial policies and this had led them to relocate and invest elsewhere to the detriment of the Province.

Some Elders stated that poverty was often a mindset that led people to embrace a life of idleness and dependence on alcohol. This was said to be especially true among the male population of the Province. This had greatly contributed to poverty. It was also pointed out that cash crop farming had been adversely affected by middlemen in the marketing chain. The Elders applauded the Kazi kwa Vijana Initiative and urged the Government to continue with it.

INSECURITY

Insecurity in the Province, it was claimed was fuelled by Mungiki, consumption of illicit brews and greed for money.

More often than not, Elders blamed *Mungiki* for the insecurity in the Province. It was claimed that *Mungiki* was the natural consequence of the breakdown in societal systems that had left young men completely frustrated, without mentors, proper homes or jobs. Quite a number of *Mungiki* members come from dysfunctional families so that information in respect of their activities can never be traced, let alone passed on to the authorities. This group was mainly concentrated in former freedom fighter strongholds. It is mysterious, well organized and extracts unwavering allegiance from its members more out of fear than respect. Mungiki has generated such great fear in the community that no one is willing to talk freely about it. For this reason, it appears to have eluded even Government law enforcement agencies some of whom are claimed to be its followers.

OTHER CONFLICT-CAUSING ISSUES

- Alcoholism and drug abuse were cited as big problems. The police, chiefs and headmen are said to be of no help because they collude with the brewers and distributers of illicit brews. There is need to reduce the number of bars. In Nyandarua, there is a town with 112 bars and only 78 schools. This was one area where the services of Elders were urgently required. If Elders worked with the Provincial Administration, they observed, a lot would be achieved for instance in scrutinizing the issuance of licences and limiting bar operating hours.
- Political instigation, politicians must stop instigating communities for their own ends.
- Tribalism was condemned. It was stated that there was need to address intra community fights between the Kikuyu from Nyeri and those from Murang'a. Equally, there was a concern that there was deliberate effort to mobilize the other 41 communities in Kenya against the Kikuyu and as a

result the Kikuyu in various areas were victimized for reasons not known to them.

- There is the issue of individualism where firstborns in families refuse to share family land with their siblings leading to landlessness and feelings of disinheritance
- Government efforts to take care of the landless were applauded. However, the settlement in Solio Ranch was wrongly done, according to these Elders, because the poor and squatters did not benefit.
- Leadership has become an issue because it is given to those with money and education instead of people who can give proper counsel to the community.
- The Kikuyu have been accused of not integrating with other communities and instead wanting to dominate other communities.
- According to these Elders, the matter of the Waki List or the "Envelope" was very complex and the law should take its course.

RECOMMENDATIONS

- Politicians be prevailed on by Elders to stop inciting their communities;
- The socialization that we are first Kenyans needs to be taken seriously and start from the lowest level as a fire burns bottom-up;
- Assist children interact with others from different communities through education and career system;
- Increase agricultural production in Central Province which has the best water system and establish industries there;
- Provide land for settling persons who are disabled so that their children can cultivate;
- Develop boarding and/or other facilities for the training and education of the differently- abled in order to reduce transit accidents;
- Elders to assist in the creation of business opportunities in the Province;
- The Elders need to inspire young men to be self- employed instead of waiting for the very limited number of jobs;
- Elders to recommend ways of handling illicit brews through ways of reducing demand in the community;
- Those who lost their property (during PEV) should be compensated and Government to buy land and allocate to the displaced;
- Kenya to have only two languages – Kiswahili and English;
- There be a peace slogan e.g. 'amani idumu' as a response for all greetings;
- The law should apply to all people without fear or favour;

- Those who perpetrated the PEV should confess and be brought to book;
- Build homes for the aged;
- The Committee to visit IDP camp to hear more;
- Only political parties with a national membership should be registered;
- Improve community policing;
- Need to inculcate a culture of hard work and reduce greed for money as an end in itself;
- Elders should be people with many more qualities than age;
- Have Elders interact with another community elders;
- Church to join hands with the Kikuyu Traditional Elders "Kiama" which has helped resolve issues in Kiambu West;
- That the National Youth Service be made mandatory and that the Youth be trained on alternative employment; and
- Youth polytechnics be empowered to provide practical skills for development.

Resolutions:

The Elders in this Forum resolved as follows:

- That the community Elders be mandated solely to deal with the Mungiki and street children;
- That a National Elders Council be established from the grassroots to the national level;
- That Elders undertake to recruit and train all fellow married men to be responsible husbands and fathers who teach their children to save and invest;
- Elders should undertake to provide civic education on Nationalism;
- That the country forms a Local Tribunal (with international standards) to try the perpetrators of PEV but more effort be on national cohesion and integration and TJRC;
- That Elders undertake to register the youth and facilitate the lists to the police during recruitments into security forces;
- That widows be protected from greedy relatives; and
- That the Elders will follow up on these discussions and mobilize each other.

COAST PROVINCE CONSULTATIONS

Malindi Grassroots Meeting

Date: 27th and 28th July, 2009

Introduction

The Malindi grassroots meetings were held in the Malindi County hall. The meeting was attended by the delegates from the following areas: Malindi, Lamu, Magarini, Tana Delta, Tana River and Kilifi

The procedure for the meeting was as follows:-

1. Arrival of participants–On arrival the participants were ushered in to a room and supplied with writing material.
2. Prayers – A person conducting the meeting called on one Christian and one Muslim to conduct prayers.
3. Introduction – The participants and Committee were asked to introduce themselves stating their names where they come from and what organization they were representing.
4. Opening remarks – The opening remarks were delivered by Professor Abdulghafur El-Busaidy the Vice Chair of the Committee who was chairing the sessions for Malindi.

He thanked the participants for coming to the meeting and hoped that the deliberations would be successful. He gave the history and the purpose of the Committee as follows:

The Ministry of Justice, National Cohesion and Constitutional Affairs had appointed a Committee of eight people comprising of Lady Justice (Rtd.) Effie Owuor, Prof. Abdulghafur El-Busaidy, Dr. George Wainaina, Prof. Peter Wanyande, Mr. Phares M. Rutere, Mr. Owino Magana, Mrs. Margaret Nteere and Amb. Bethwel Kiplagat.

The objective of the Committee was to organize an Elders Conference in which the Elders would convey to Kenyans and Government what they could do and achieve cohesion and integration in Kenya. It had been decided that consultations will be made with the Elders so that they are the ones who will come out what they considered was important for the nation as opposed to where experts telling the Elders what the Elders needed.

The Committee had realized that to be able to decide what is necessary to achieve cohesion and integration it was important to know the causes of tension, lack of cohesion, hatred and violence. To achieve the objective of the meeting it was imperative that each person spoke with extreme openness without fear that one would hurt another person as this was the only way of knowing the exact problem of what is ailing the country.

He asked those who may be affected by any remarks not to feel offended because that was the only way knowing what affects this country.

Rules of engagement

The rules of engagement were agreed as follows:

1. The phones would be put to silent mode or switched off completely.
2. People would speak on authorization of the chair.
3. Nobody would interrupt another person.

Before opening the meeting to the participants the Chairman invited the representative of the District Commissioner to say few words. The District Commissioner representative welcomed and thanked the Committee for visiting Nakuru and also the delegates for attending the meeting. He said that the meeting was very important for the creation of cohesion and integration and hoped that the Elders would do what they can to make the meeting successful.

At the conclusion by the address by the District Commissioner representative Prof. Abdulghafur El-Busaidy thanked him and asked him to leave the meeting because the Committee had decided, to ensure that delegates were free to talk what was in their mind, the meetings would not allow the presence of civil servants or politicians.

The District Commissioner representative left the meeting.
The Chairman of the session opened the meeting to the participants and the following issues were raised.

Malindi

The issues highlighted were as follows:

- The major problem in this area is between the cattle rearing community and the agricultural community as the former grazes cattle in the farms belonging to the latter. The Elders have been involved in trying to bring compromise between the two communities and it was agreed that the cattle would go to the river through a set path.

- There have been problems between Christians and Muslims but these matters have been deliberated upon by the inter religious groups, they are however existing conflicts between different Christian religious groups who have been fighting over property.

- In early 2008, there was fighting between the Miji Kenda and the Kikuyu because of the allegations of the Presidential Elections have been stolen, the perpetrators of these violence have not been arrested and the community feel that the Elders should be involved in peace building.

- It was stated that Elders should deal with Waki Report issues with the aim of forgiving the wrong doers but clemency should not be given before admission of wrong doing.

- A task force on land which was working with the Elders in 2006 operated for two weeks, the Elders involved were given only KSh. 400 which was very unsatisfactory.

- The major cause of conflict is land especially private land which was being used by large scale farmers to grow mangoes, nuts and sisal. The Giriama believe that Arabs are foreigners who have been living there for a long time on land given to them by the Sultan of Zanzibar and this has resulted into sporadic violence.

- Most locals who had land ended up selling to Italians, Indians and some Arabs. The Government has not shown the will to solve the land issue. It was felt that Government should buy land to settle squatters as they did with the White Highlands.

- The Government lands in Chebwe, Kibaniche Scheme and Kilifi Kimbinda Scheme in the south of Malindi where the Mijikenda settled and was later given to individuals despite knowledge by the lands board should be looked into.

- He complained about the degradation of economy especially the fishing industry which has virtually died; same thing has happened to agricultural, leaving employment opportunities only in the local hotels which inturn do not employ the local leading to massive unemployment to the local youth.

- In the post election violence, fighting was between the Giriama and the Arabs as a result of political incitements.

- Currently, the issue of youth taking drugs is on the rise. Suppliers amongst others should face the law.

Other concerns were:

- Education, which is under developed as there are only 3 Government secondary schools in the area.
- Non recruitment of the local residents in the Kenya Navy or failure to recruit locals in the Kenyan Navy.
- Harassment of locals by the police if found to be walking with a tourist.
- Lack of empowerment of the locals in pineapple production despite involvement of parastatals like ADC in irrigation of the farms.
- Involvement of outsiders who do not know the area in programmes like census.
- Construction of Marereni crystal lime, thereby evicting locals which have led to several conflicts.
- The Hague issue should be resolved through reconciliation.
- Sheet No. 20 and 22 which have 500 acres in Rasmaweni, have shown that the local people were not allocated land and that there were problems with alloçation of land where a title has two or more names.

Magarini
The issues highlighted were as follows:

- The main problem was settlement scheme where Government officers had allocated land to foreigners (who had not been in the planned allocation) thereby displacing the local people.
- Problem had arisen between Christians and Muslims resulting out of clerics from either side talking in derogatory manner about the other religion and this has been settled by reconciliation of Coast Inter Faith Council of Clerics (a Committee made of preachers from the various religions).
- A Council called Vaya/Baya used to deal with wrong doers and it was felt therefore that a Council of Elders should be formed to resolved difference like these.
- Much as there was no violence after the announcement of elections it was felt that Government should take measures to ensure that there would be no problems during the next election to avoid destruction of property and death.

Tana Delta
The issues highlighted were as follows:

- It was reported that residents of Tana Delta used to have a Council called Gasa earlier called Kijo, and that it used to solve all tribal problems including boundary and family issues of the Pokomo. The Gasa is recognized by the Provincial Administration.
- The problem has been between the Wardhei and the Pokomo in fighting for grazing area with Wardhei grazing their cattle on the maize belonging to the Pokomo. The Pokomo retaliated by injuring the cattle using machete which brought in the fighting between the two tribes which the DO was able to resolve.
- There were complaints that foreigners were given title for the land they own while the coastal were kept waiting indefinitely.
- A participant stated that a claim that Salama area had no owners thereby justifying the cultivation by Tarda and Mumias Sugar Company was wrong and the case has been in court for the last seventeen years. It was stated that it was wrong to lease land to Malt international by the Government.
- It was said that Kipini people like most other coastal people do not have title deeds.
- He said men had been ignored when Government set up funds for youth and women and there was need to create a fund for men. He felt that there is a need to have Council of Elders of all the tribes.
- He stated that most of the insecurity in Kenya was brought by Somalia.

Tana River

The issues highlighted were as follows:

- A participant stated that the tribes in the District include the Pokomo, Orma, Wardhei, Uyuwaya, Munyoyaya, Wata and Barjun. There is a Council of Elders at every district, division and location which are registered and recognized. The work of the Council is to build peace and also to approve people seeking election to Parliament. A Council decision is respected by the people, indeed it is stated that the youth would not defy the order of the Council.
- A participant stated at one time the community had problems with Ormas but this matter was resolved with the help of Mr. Wanyama–currently senior D.P.C., Eldoret. The participant felt that peace keepers should be provided for transport by the Government. They complained that Government only used them when they needed help but forgot them after the problem had been resolved.
- They felt that if Government allocated them a vehicle they would be willing to meet the cost of fuel. They said that the Council of Elders for the Wardhei has four members for every one of the three districts plus the Chairperson. They hold an AGM in March every year; The AGM is for the whole tribe but women and youth are not allowed to talk.
- The felt that they needed the following:
  - Recognition for Government jobs.
  - The administration of Madogo and Bagale Police Posts which are in Coast Province but are under the OCPD of Garrissa (North Eastern Province) should be reverted to the Coast Provincial Police Officer.
- A resident of Tana River complained that people from North Eastern Province do not recognize the Provincial boundary which is three miles beyond Tana River. Another complaint was that Government does issue title deeds which would help the economic development of the area. He stated that the Government had taken away the power the Elders had and was making this matter worse by appointing young people who have no experience at all as chiefs.
- A participant complained that they were referred to as Malikote while they are Wailwana. He advised that the Wailwana have a Council of Elders. The Council of Elders which is the highest organ in the tribe. At the second level there is youth body Nigateni. He further advised that Nigateni is a community based organization formed by the youth to help in the development of the community.
- The Elders' work is to settle land disputes and clashes while the youth is to address development. The tribe has only one graduate, Salim Mugwayo, and the population is estimated to be about approximately 20,000. All chairmen of the Council of Elders are members of the District Peace Committee.

- There are communities who came to our area during the drought season and thereafter refused to go back to their districts and this has caused problems.

Kilifi

The issues highlighted were given as follows:

- Participant complained that in the old days, everybody had a piece of land to live in but this was messed up when Government came with the idea of title deed which has not been accomplished–only 28% have titles and 72% is unregistered. There was great need to hasten registration. He felt that corruption in civil service was to blame for the delay.
- He complained about the recruitment of young chiefs who were not married adding that the chiefs would not be able to handle family issues on conflicts. He blamed politicians who incited people to negative ethnicity.

MOMBASA

Mombasa Grass Roots Meeting
Date: 29th July, 2009

Introduction

The Mombasa grassroots meetings were held at the Castle Hotel. The meeting was attended by the delegates from the following areas: Taita, Kwale, Kaloleni, Mombasa, Taveta, Mariakani and Kaloleni.

The procedure of the meeting was as follows:

1. Arrival of participants– On arrival the participants were ushered in to a room and supplied with writing materials.
2. Prayers – A person conducting the meeting called on one Christian and one Muslim to conduct prayers.
3. Introduction – The participants and Committee were asked to introduce themselves stating their names where they come from and what organization they were representing.
4. Opening remarks – The opening remarks were delivered by Professor Abdulghafur El-Busaidy the Vice Chair of the Committee who was chairing the sessions for Mombasa.

He thanked the participants for coming to the meeting and hoped that the deliberations would be successful. He gave the history and the purpose of the Committee as follows:

The Ministry of Justice, National Cohesion and Constitutional Affairs had appointed a Committee of eight people comprising of Lady Justice (Rtd.) Effie Owuor, Prof. Abdulghafur El-Busaidy, Dr. George Wainaina, Prof. Peter Wanyande, Mr. Phares M. Rutere, Mr. Owino Magana, Mrs. Margaret Nteere and Amb. Bethwel Kiplagat.

The objective of the Committee was to organize an Elders Conference in which the Elders would convey to Kenyans and Government what they could do in order to achieve cohesion and integration in Kenya. It had been decided that consultations will be made with the Elders so that they are the ones who will come out what they considered was important for the nation as opposed to experts telling the Elders what the Elders need.

The Committee had realized that to be able to decide what is necessary to achieve cohesion and integration, it was important to know the causes of tension, lack of cohesion, hatred and violence. To achieve the objective of the meeting, it was imperative that each person spoke with extreme openness without fear that one would hurt another person as this was the only way of knowing the exact problem of what is ailing the country.

He asked those who may be affected by any remarks not to feel offended because that was the only way of knowing what affects this country.

Rules of engagement

The rules of engagement were agreed as follows:

1. The phones would be put to silent mode or switched off completely.
2. People would speak on authorization of the chair.
3. Nobody would interrupt another person.

Before opening the meeting to the participants the chairman invited the representative of the District Commissioner to say a few words. The District Commissioner representative welcomed and thanked the Committee for visiting Nakuru and also the delegates for attending the meeting. He said that the meeting was very important for the creation of cohesion and integration and hoped that the Elders would do what they can to make the meeting successful.

At the conclusion of the address by the District Commissioner representative, Prof. Abdulghafur El-Busaidy thanked him and asked him to leave the meeting because the Committee had decided, to ensure that delegates were free to talk what was in their mind, without the presence of civil servants or politicians.

The District Commissioner representative left and the Chairman opened the meeting to the participants, the following issues were raised.

Taita

- Land and unequal distribution of resources which begun before independence are the main problems of the area.
- 62% of the total land is taken up by the Tsavo National Park.
- 24% by rich land owners like Neap Farm (12,000 ha), Criticos (8,000 ha), Mwatate Farm (10,000 ha), Voi Sisal Farm (8000 ha) thus leaving only 11% of the land for the local residents, who still hold no title deeds, hence living on trust land.
- Resources: Tsavo National Park brings a lot of Foreign Tourist hence income but does not help the common man, and does not even provide employment for the Taita residents.
- Gemstone only benefits outsiders in Taita; In the town centres all tribes are there but those from outside control all tenders and business opportunities since all Government officials are mostly from outside the District.
- The locals have held several meetings with the District Commissioner on peace and reconciliation and requested the District Commissioner to explain the inequalities on tender and business opportunities without any success.
- Kenya Wildlife Services in Taita District recruits their staff mostly from outside the District.
- After results of 2007 elections, there was minimal violence but no work due to hate between tribes, mistrust and segregation.

- Intermarriage between communities have helped to bring peace.
- After 2008 violence, influx of people from Bara (upcountry) came to the District because of the peace.
- One of the issues is the loose-talk by Kikuyus who said that one kikuyu is worth ten Taitas.
- Waki Report should be followed to the letter.
- The national leaders are the causes of split and if not addressed, 2012 general election will be terrible.

Kwale Ngo'mbeni

- Main problem is political incitement and drug abuse; the people of the area (almost all mijikenda) live together in harmony, but as soon as campaign starts, intra-clan conflict, including violence incited by politicians divide the wananchi.
- Those from outside control all tenders and business opportunities since all Government officials are from outside the District.
- Ngo'mbeni is the centre of heroin so there is no peace, education standard is very low, and the people are not interested to work because they do not sleep at night.
- If the drug traffickers are caught, the police release them and even release names of who reported them to the police.
- Kaya shrine is like Government and there are nine (9) Kayas for preaching prayers and peace.

Mombasa District

- Coast Inter-faith Council of Cleric (CICC) which was formed after 1992 skirmishes in Mombasa because the Government seemed too reluctant to act. The (CICC is composed of Catholic, Supreme Council of Kenya Muslims (Supkem), Organization of Africa Instituted Churches, Council of Imams and Preachers of Kenya (CIPK), Kayas and others.
- In 2008, Post Election Violence in the area was caused by the media.
- Coast Inter-faith Council of Clerics helped the victims by providing food, blankets and clothing.
- CICC urges the Government to resettle and compensate the victims (IDPs)
- The next problem in Mombasa is drug and substance abuse; CICC is working very hard to resolve this problem.
- Lack of security and raping is rampant and the police are doing very little to control.

- CICC foresees problems to be brought about by the Waki Report; there should be thorough civic education concerning the report; the impact, the cohesion and integration and the 2012 General Election.
- CICC feels that Electrol Commission of Kenya (ECK) was the cause of the problem.
- There were no tribal conflicts at the Coast and the properties stolen were returned.
- Land issues need to be resolved and squatters to be settled; people from outside the Province have been settled but Mombasa residents are yet to be settled.
- Local FM stations to be used in setting up special programe to bring cohesion and integration among Kenyan communities.
- The proposed National Conference should be extended to district levels.
- The local people of the area should benefit from the income of Fort Jesus, which should also help in bringing back the old town to its glory.
- There should be a National Policy on Marine to safeguard national resources like fish.

KWALE

Shimba Hills/Mwaluvanga Location

- Wild animals from Shimba Hills National Park invading farms; in one incident an elephant killed a young man.
- Kenya Wildlife Services and the Government at large do not seem to do much.
- Electrical fencing using solar is not prudent.
- Some of the farmers have abandoned their farms and moved to some other areas.
- Land settlement schemes opened to people between 1954-1961 under African Land Settlement Scheme of 25 acres each; there was peace in the settlement up to 1997. Crisis arise each time there are elections where politicians incite hatred among the tribes within the settlement.
- Three locations were merged into one ward in 2002; this ward is too vast for one councilor to manage.
- They have no confidence in local courts hence the violence perpetrators should be tried at Haque.
- Drug and substance abuse is really hurting this community and they feel that the Government officers are involved.
- Unemployment especially among the youth is the cause of drug and substance abuse; local hotels employ less than 10% of the local inhabitants.

- The gap between the rich and the poor is extremely wide.
- The Government should settle the squatters, to solve the problem of landlessness.
- There is corruption especialiy in the cases of recruitment of the police, army and other Government recruitments.
- Political rivalry, if a certain candidate loses elections, his supporters are locked out of all devolved funds e.g. CDF, bursaries etc.
- High salaries of Members of Parliament should be reduced and they should be more productive in legislations (bills), the MPs should not control the devolved funds.
- Public Service Commission should be decentralized to employ people at the district level.

Kaloleni

- No community should take other communities for granted.
- There is need to listen to the desires of the people especially land complaints.
- Several commission findings have not been implemented, e.g. Goldenberg, Anglo Leasing, Artur Brothers saga have not been solved, this must be corrected to prevent disintegration of Kenya.
- The perpetrators of election violence must go to the Hague.
- Kaya in Giriama is like a Government and the Elders are like the ministers performing different responsibilities like leading prayers and reconciliations.
- NB: The elder was quoting article by Phillip Ochieng of the Daily Nation of 2nd September, 2008.
- The Kaya Rabai Council of Elders is disturbed by the Christian and Muslim preachers who despise their Kaya beliefs.
- The Kaya Rabai Council of Elders is disturbed by politicians who incite the youth to violate peace and they blame the Government for not taking any action.

Taveta

- Before the colonial period, Taveta had the NJAMA Council of Elders who led the community and were recognized by the British Government.
- The main problem was the huge land that was made a park while residents are only left with a small portion of the land. The Member of Parliament, Hon. Lukindu from Ukambani brought people from Makueni District and settled them in the already congested area – the matter is in court. This has led people to move to other farms like Criticos.

- They suggested that the Government should buy land from Mtito Andei to Nairobi to resettle those people who were brought by the MP so that the Taveta people can get back their land.
- In regard to the Waki Report, the South African truth and reconciliation style should be adopted so as to bring lasting peace. Kenyans are urged to preserve their cultural and national heritage.

Mariakani

- As Kaya elders, we hold meetings where we talk to the youth and advise them not to fight among themselves when they are drinking.
- These talks promote love amongst the youth in the process to eliminate ills when they are incited.
- The Kaya Elders are worried that the Somalis have invaded the place and they are buying the land all over colluding with the County Council without consulting the Elders.

Kinago

- The Kaya Elders see the problem with the villagers who are polluting River Mwache and cutting trees around the area thereby destroying their heritage.
- Christians despise the Kaya beliefs.
- People of Mazeras go to Mwache Forest and Robert Matano's place for blessings.
- The Forest Department allows companies to quarry and collect levy from them but the local/Kaya receives nothing.
- The companies though they provide employment, they harass the employees using the police–the Government should look into this.
- The Kaya Elders urge the locals to ensure that trees are not cut as they are source of employment, revenue and rain.

LAMU

Lamu Grassroots Meeting

Date: 30th July, 2009

Introduction

The Malindi grassroots meetings were held in the Malindi County Hall. The meeting was attended by the delegates from the following areas: Lamu.

The procedure of the meeting was as follows:

1. Arrival of participants – On arrival the participants were ushered in to a room and supplied with writing material.
2. Prayers – A person conducting the meeting called on one Muslim to conduct prayers.
3. Introduction – The participants and Committee were asked to introduce themselves stating their names, where they come from and what organization they were representing.
4. Opening remarks – The opening remarks were delivered by Professor Abdulghafur El-Busaidy the Vice Chair of the Committee who was chairing the sessions for Lamu.

He thanked the participants for coming to the meeting and hoped that the deliberations would be successful. He gave the history and the purpose of the Committee as follows:

The Ministry of Justice, National Cohesion and Constitutional Affairs had appointed a Committee of eight people comprising of Lady Justice (Rtd.) Effie Owuor, Prof. Abdulghafur El-Busaidy, Dr. George Wainaina, Prof. Peter Wanyande, Mr. Phares M. Rutere, Mr. Owino Magana, Mrs. Margaret Nteere, Amb. Bethwel Kiplagat later replaced by Amb. Benjamin Kipkulei.

The objective of the Committee was to organize an Elders Conference in which the Elders would convey to Kenyans and Government what they could do and achieve cohesion and integration in Kenya. It had been decided that consultations will be made with the Elders so that they are the ones who will come out what they considered was important for the nation as opposed to where experts telling the Elders what should be done.

The Committee had realized that to be able to decide what is necessary to achieve cohesion and integration it was important to know the causes of tension, lack of cohesion, hatred and violence. To achieve the objective of the meeting, it was imperative that each person spoke with extreme openness without fear that one would hurt another person as this was the only way of knowing the exact problem of what is ailing the country.

Rules of engagement.

The rules of engagement were agreed as follows:

1. The phones would be put to silent mode or switched off completely.
2. People would speak on authorization of the chair.
3. Nobody would interrupt another person.

Before opening the meeting to the participants, the chairman invited the representative of the District Commissioner to say few words. The District Commissioner representative welcomed and thanked the Committee for visiting Nakuru and also the delegates for attending the meeting. He said that the meeting was very important for the creation of cohesion and integration and hoped that the Elders would do what they can to make the meeting successful.

At the conclusion of the address by the District Commissioner representative, Prof. Abdulghafur El-Busaidy thanked him and asked him to leave the meeting because the Committee had decided, to ensure that delegates were free to speak their minds. Further that politician and Civil Servants were not allowed in the meetings.

The District Commissioner representative left and the chairman opened the meeting to the participants, the following issues were raised.

Lamu

- Biggest problem is incitement from the politicians.
- Before chiefs were mature people who understood cultural values and could communicate to the community but now chiefs are young, inexperienced and do not understand cultural values of the community, they are appointed by the Provincial Administration without consulting the Elders.
- Kikuyus who have been settled at Mpekatoni Settlement Scheme about thirty five years ago have been issued with title deeds while the Indigenous people who have been living in the area for at least 400 years have not been issued with title deeds.
- The locals feel that the land board should have local indigenous people as members.
- The Elders urge the people to be careful with their words.
- The chairman, Amu Council of Elders is warning that Lamu is brewing pot of violence therefore peace-making between the communities is urgently needed.
- Amu Council of Elders since its formation has been recording and submitting lists of problems to be addressed; unfortunately there has been no political will to address them. This is likely to cause violence despite its absence in 2008.
- The major problem revolves around land issues; in Lamu 950 hectares has been registered as a water catchment area and was not supposed to be allocated to anyone, but unfortunately, currently the remaining water catchment area is only 720 hectares; 230 hectares have been allocated to "private developers" against the same Government ruling, the Amu Council of Elder have submitted several petitions against the allocation of

the water catchment area to Government including Office of the President.

- Unfortunately, none of these petitions have been answered except a general acknowledgement letter from physical planning officer which do not address any of the problems received in 2006.
- The Njonjo Commission was informed that over 150 plots were allocated to churches in Mpeketoni against one plot for a mosque. Unfortunately, this has never been addressed.
- In Manda Island, Government official evicted local residents for the expansion of an airstrip but unfortunately, some individuals and Government officials have acquired title deeds, this was reported during the visit to the Ministers, Hon. Nyaga and Hon. Mudavadi but to no response.
- Lake Kenyatta Settlement Scheme at Mpekotoni – was originally an agricultural research station, only 20% of the land was allocated to the local indigenous people who have been there for more than hundred(s) years, 80% was allocated to people from other regions.
- The Internally Displaced People from Kiungu due to shifta war should have been given the first priority to settle there.
- The settlement scheme settlers for only thirty years, since 1974 have been issued with title deeds while the rest of the greater Lamu District people who have been there for more than 400 years have not been issued with title deeds.
- Manda Channels has been drenched without any consultation from the local elders. It has now become dangerous to the people crossing the channel.
- During the Lancaster House Constitution, the Ten mile coastal strip which formally was the Sultan of Zanzibar territory was annexed to the Republic of Kenya with an agreement that Islamic ways of life should be protected by the Republic of Kenya through the constitution on several issues, but most of these have not been adhered to and they lack political will.
- Pastoralists from Somalia and Ijara districts, due to drought have been grazing in people's farms in the District. These need to be solved amicably.
- Shungwaya Council of Elders explained that, Shungwaya is a welfare group for the local community, it was originally a political party known as Shungwaya Freedom Party whose first elected leader was the late Hon. Ahmed Jenaby.
- Shingwaya Welfare Association was revived back in 1992 to deal with land issues; when the local people saw that their community has been marginalized by the Government.
- Shangwaya people were the first refugees (Internally Displaced Persons) as the result of the shift war in 1964.

- These refugees (Internally Displaced People) are still lingering and have not been settled, some have moved to other parts of the country while others have migrated to Uganda, Tanzania and Somalia, these people should be brought back and resettled in their land.
- The local Council of Elders have expressed sense of marginalization when they see that Government ministers visiting Mpeketoni (where people from other regions have been settled) only and not the whole District.
- In 1999, Shungwaya went to court before Hon. Phillip Waki as the judge to stop any letter of allotment or any title deed to be issued on land in Lamu District. Unfortunately, some people in collaboration with the land office have back-dated land allotment letters and title deeds so as to beat the court order of 1999.

Below is the list of ranches and land title deeds which have been allocated to the following in Lamu District:

Ranch Name		**Hectares**
Tulu Ranch	-	20,000
Nyongoro Ranch	-	32,000
Bujra Ranch	-	8,000
Nairobi Ranch	-	23,000
Amu Ranch	-	25,000
Bhodhei Ranch	-	21,000
Maalim Ranch	-	5,000
Proposed Ranch	-	3,200
Enganani Ranch	-	6,200
NYS Farm	-	7,000
Akiro Ranch	-	18,000
KWS Game Reserve	-	60,000
KWS Game Reserve	-	45,000
Proposed Ranch	-	8,000
Mngola Ranch	-	10,000
Mwanati Ranch	-	7,000
Mwanati Ranch	-	7,000
Bodhei Limited	-	7,000
Umoja Ranch	-	5,000
Bargoni Limited	-	15,000
Proposed Ranch	-	3,200
Majeno Ranch	-	12,000

- Mpeketoni Settlement Scheme and Hindi – 55,000 hectares.
- Legally allocated land before and after independence – 25,000 hectares.

- Remaining land in the whole of Lamu District due to allocation – 15,000 hectares.

LAMU

- The Elders complain that they do not have title deeds although they have been living the same area since the 14th Century; thus practice of unfair allocation of land is still in practice and is known as the "wakemare" in Pangani, the area adjacent to Mpeketoni.
- There have been several unfulfilled promises on the issuance of title deeds since the Kenyatta and Moi regimes and even up to the current Kibaki Regime.
- Although our brothers in Mpeketoni have title deeds, it is also alleged that our land in the District has been taken by outsider "up country" i.e. the land has been sub-divided and title deeds issued and hence the land is theirs.
- On injustices, schools lack facilities, dispensaries have no doctors and the administration is almost entirely composed of people from up-country.
- Recruiting those living in Mpeketoni have some disadvantages to the local as they can be recruited from their places of origin such as Muranga.
- The Elders do not support the Hague or the local tribunal but support reconciliation as for South Africa's case because those identified for the Hague or local tribunal are not the only one who have committed crime/violence.
- Land has been divided without the approval of the local authority but letters of allotment are still issued illegally.
- Employment depends on whom you know more than what you know – corruption and nepotism;
- The Kikuyu from Mpekekoni hold more senior positions than the locals who in the whole greater Lamu District hold only six.
- Teachers training positions for the District are twenty five and only five are held by the local indigenous people; the rest twenty are Kikuyus and others in Lamu Districts.
- The Army recruitment – at Mpekekoni only Kikuyus are recruited while in other divisions the competition is for both local indigenous and others.
- The Mpekekoni settlers from outside the region started with full support from the Kenyatta Government i.e. they were supplied with food and buildings materials, agricultural tools and supervision from Government officials from the ministries while the few local indigenous who were offered settlement received no support and could not continue and hence the plots allocated were repossessed.

- A Pokomo lady from Lindis plot was repossessed by acting land registrar and land settlement officer who are located Mpeketoni. The Elders are not happy that the land registrar and land settlement officer were removed from District headquarters in Lamu Town.
- Those coming from outside the area, once trained do not serve in Lamu District but go somewhere else.
- In Kenya Navy, the locals are not given the opportunity to train though it was the Bajunis (locals) who rescued the people in the plane that crashed into the sea, but not the navy trained personnel.
- Being called terrorist is hurting the community and should be stopped as it is a wrong perception.
- Roads to Lamu are in poor state while other regions have tarmacked roads.
- Kiunga has no courts and they have to be sent to Hindi or Mpeketoni and stay in police cells in Kiunga for several days in order to be extracted money.
- The Kiunga people feel that there should be a court hearing at Kiunga at least two days in a week.
- The local administration is accused to be biased and involved in land grabbing as well as selling marine reserves to foreigners.
- The Elders feel that the agreement reached at Lancaster House should be fully implemented in the form of federalism (majimbo).

EASTERN PROVINCE CONSULTATIONS

Meru Town, 20th July, 2009

Introduction

As indicated before, Group II of the Committee commenced consultations in Eastern Province at Meru Town on Monday, 20th July, 2009. Eastern Province is the second largest Province amongst the eight Provinces in Kenya. It borders all the other Provinces except Nyanza and Western Provinces. Towards the west, it borders Rift Valley, Central and Nairobi Provinces, to the east, North Eastern Province and to the south, Coast Province. Internationally, it borders Ethiopia to the North Eastern Province covers an area of 155,759 square kilometers. The conflicts and problems in the vast Province are many as can be expected from the many different people and tribes that inhabit the Province.

MERU ELDERS CONSULTATIONS

The consultations in Meru Town mainly covered the areas referred to as the larger Meru which consists of the following 12 districts: Buuni, Igembe North, Igembe South, Imenti North, Imenti South, Maara, Meru Central, Tharaka North, Tharaka South, Tigania East, Tigania West and Meru South.

As was the custom, the members of the Committee first paid a courtesy call to the District Commissioner. His brief to the Committee as to the main causes of conflicts in the region were invaluable during the consultations. According to the District Commissioner, the main challenges or causes of conflict in the Province were:

- Cross border conflict and crime.
- Food security.
- Cattle rustling.
- Inadequate resources.
- Poverty.
- Negative ethnicity.
- Weak social empowerment.
- Environmental security.
- Organized crime.
- Squatter issues.
- Poor infrastructure – road network etc.
- Administrative boundaries.
- Land.

The latter two challenges are attributed to the fact that when the Meru people arrived from Mbwaa, now in Coast Province, they settled in Meru according to their clans, and this land was eventually divided into districts along clan lines. The issue of boundary disputes began from that time and has persisted to date.

THE IMPORTANCE AND ROLE OF NJURI NCHEKE COUNCIL OF ELDERS

The District Commissioner praised the work of the Nchuri Ncheke Council of Elders in maintaining peace and order in the region especially during the period of Post- Election Violence (PEV) in 2008. According to him, the Elders had also played a key role in resolving boundary disputes which are rampant in the region. The Provincial Administration relies a lot on the Elders of Nchuri Ncheke in resolving land disputes and matters of welfare as well as community problems. People rely greatly on the decision of Elders in these matters and even the courts depend on them while solving disputes in the community.

The District Commissioner further stated that amongst the Ameru, the Institution of Nchuri Ncheke was highly respected. The records of its operations are well kept in the Kenya National Archives and date as far back as the early 20th Century. It was the only traditional institution represented in the Lancaster House Conference in 1962. The operations of the Council are above politics and have no political inclinations.

On the presence of Mungiki in the area, the District Commissioner stated that it was the Council of Elders that stood firm and issued a statement through Muga FM (a local vernacular radio station) to the effect that Mungiki activities would not be tolerated in Meru. As a result, there is no Mungiki or any other youth or criminal gang operating in Meru.

BOUNDARIES

As to the issue of boundaries between the Tharaka people with their neighbours, the Government has set up a task force chaired by Mr. Zachary Ogong'o to address this issue. The Tharaka people border all other communities in Meru. They feel aggrieved because their land has been given to others especially along the borders.

We will, later on in this Report, refer to a memorandum presented by Tharaka people to the Ministerial Task Force looking into the Boundary Dispute in Greater Meru, presented to this Committee (annexure) in respect of the Ethnic Clashes of 1996-1998 between Igembe, Kamba and Tharaka communities. In our view, it puts the conflict in a better perspective.

The objectives of the consultation were explained to the Elders as follows:

- Conduct consultations with community Elders and other local leaders including faith-based, women and youth leaders with a view to having them propose solutions to enhance our sense of nationhood;
- Explore opportunities for community Elders to contribute to National healing and reconciliation;
- Create a platform for Elders and other community leaders to contribute to National reconciliation thus helping maintain Kenya's sense of nationhood on an ongoing basis:

- Identify and document both the immediate and underlying causes of endemic inter and intra-community conflicts in Kenya;
- Provide Kenyans with an opportunity to actively participate in designing, bringing about and appreciating the value of peaceful co-existence within and between communities;
- Institutionalize a national framework through which Elders from different communities can on a continuous basis consult and contribute to the strengthening of nationalism in Kenya by learning from each other and from lesson beyond our borders.

The meeting at Meru Town was attended by selected Elders.

THE DISCUSSIONS

Land inheritance

The discussion on the causes of conflict and resolution mechanisms in the region centered mainly on land ownership and boundaries issues. One of the most noted causes of conflict in families arises when fathers entrust the division of their property (land) to their elder sons to divide to the rest of the siblings. The elder sons more often than not refuse to part with any of the land thereby forcing the other children to fight back in order to get their share. Parents do not leave written wills. Matters are further complicated by illegal marriages in which property is involved. In most of these cases, Njuri Ncheke Elders are called in to resolve the issue. A suggestion also echoed by the District Commissioner is that the Government should provide finances to enable these Elders to carry out their work instead of people resorting to courts. It was observed that conventional court processes take very long and lack the precise knowledge of the matter on the ground.

Boundaries

As indicated before, the issue of land boundaries and disputes dominated the discussions. Of particular importance is the dispute between the Tharaka people and their neighbouring communities – Tigania, Igembe, Imenti and Kamba, all in the northern part of Tharaka District. The tension and conflict over land has persisted for a long time between Tharaka and Tigania communities. While ethnic clashes over land have also occurred between Tharaka on one hand and Imenti, Igembe and Kamba on the other, it became clear in the discussions that current land disputes are about "administrative" boundaries and not community boundaries amongst the people. These boundaries are mainly the creation of the Government.

The Ogongo Task Force is addressing these issues in details. It therefore, suffices to state that the most visible effect is the displacement of over 5,000 Tharaka people from Njuguri area in 1998 who are now squatters in other parts of Tharaka. Similarly, there was more displacement of other people following

suspicious adjudication process in Ruri and Kibulire areas. Until the resettlement of these people is done, tension will subsist.

The main recommendation from the Elders was that since people in the conflict areas are more concerned with boundaries between their individual parcels of land, rather than the District boundaries, titles be issued to them for their parcels of land. Finally, the Government should permanently settle all the Internally Displaced Persons.

OTHER ISSUES

Other issues that were discussed included: aggression from neighbours over pasture and water. The lack of civic education in the way in which conflict management and resolution should be addressed in the community, gender based violence against widows in connection with the deceased husband's property, abdication of parenting roles that is giving rise to street children, illegal marriages and inequitable sharing of resources thereby causing poverty.

ELDERS' REACTION TO THE WAKI REPORT

The Elders in Meru offered 4 options that Kenya could take in dealing with this report. It was important that Justice is done and equally important that peace should be maintained.

Option 1: If trial is held in a Local Tribunal; it was stated that the likelihood of more anger and acrimony being generated leading to more time being wasted was great. To avoid all this, it would be better to forgive and forget.

Option 2: Establish a Local Tribunal: A local tribunal would give people a chance to participate and have a sense of satisfaction because of transparency; it would also ensure that more people are tried. Going to the Hague would undermine Kenya's sovereignity.

Option 3: Take PEV perpetrators to the Hague: This would avoid the prospect of politicians interfering with the process.

Option 4: Bring the Hague to Kenya: Bringing the ICC to Kenya would allow citizens to participate in the proceedings and at the same time save Kenya a lot of money.

RESOLUTIONS/RECOMMENDATIONS

- That a National Council of Elders should be formed to advise the Government on all issues and representation be from location to the national level.
- That the above Council be institutionalized into law either by an Act of Parliament or in the Constitution and the same be funded by the Government.
- That civic education be conducted both in schools and in the public to enhance nationhood.

- Counseling in schools be enforced in order to stop riots and destruction of property.
- That it be known that the Meru people do not want Mungiki or any other criminal gangs.
- That the Meru pursuant to their 1956 Resolution will work towards total abolition of FGM in the region.
- That the PEV perpetrators should be tried in an ICC equivalent here in Kenya and the international investigators and prosecutors should be engaged as this is a cheaper option. When it is done in Kenya, we will have an opportunity to monitor the proceedings and enhance and develop the skills of Kenyans. Trials may be conducted in Kenya but sentences may be served elsewhere.
- That a TJRC should be established since not everybody can be jailed.

EMBU TOWN, 24TH JULY, 2009

Introduction

Before the grassroot consultations started in Embu, the Committee paid a courtesy call on the Deputy PC. In his welcoming remarks, he observed that the people from the greater Embu District needed assurance of confidentiality before they could speak openly and candidly to visitors. He further informed the Committee that conflicts in the area were mostly along the borders with pastoralist communities but that these had been resolved by Peace Committees which were active in those conflict prone areas.

The Committee and the Elders and other leaders from the Embu and Mbeere communities held consultations in Embu Town on 24th July, 2009.

The participants were drawn from the Districts.

In her introductory remarks to the Elders and other leaders, the Chairperson of the Committee said that the Government appreciated the role Elders were playing in peace and integration in communities. She explained that the Government wanted to strengthen their contribution by providing a framework through which they would bring national reconciliation and propose solutions that would enhance our sense of nationhood. It was important therefore that the Elders at the consultations took this opportunity seriously by first candidly identifying conflict causing issues in their region.

THE DISCUSSIONS

The Elders frankly discussed issues that centered on post-election violence and its aftermath; the role of Elders in the community; boundaries; the Mau Mau factor; alcohol and drug abuse; neglect of cash crop agriculture; the youth and the boy child.

POST ELECTION VIOLENCE

Elders and leaders at the meeting agreed that the Embu and Mbeere had not evicted people from other Kenyan communities; instead they lamented that cries for their eviction had come mostly from the Kikuyu who live among them. They further observed that the breakdown of Kenyan cultural values of co-existence had led to the breakdown of national cohesion. Elders, it was stated, who used to advise the youth and the community generally, had been weakened. They and the Church had evaded their mandate leading to breakdown of national unity and ultimately PEV happened.

BOUNDARY DISPUTES

The Embu are surrounded by Kikuyu, Kamba, Meru and Tharaka. They blamed the Government for having ignored the Elders' recommendations in boundary disputes along the Tharaka border and the Mwea boundary between Kieni and Runyenjes. Another concern was over people who had been allocated land to cultivate but had had to wait for 12 years to actually get the land. They were

demanding to be issued with title deeds. Politicians' frequent interference in these matters on the pretext of speaking for their constituents had exacerbated matters and caused tension.

MAU MAU

The Government's lack of concern about Mau Mau fighters was said to be a source of conflict. Because of this, many brokers had cropped up thus giving the issue a different slant. All the Mau Mau fighters want is some form of recognition preferably in the form of an office and museum space to display their artifacts. What is needed is justice for all as peace begins with individual who have experienced just treatment.

ALCOHOLISM AND DRUG ABUSE

Elders were very perturbed by the seeming indifference of the administration to drinking hours. It was stated that bars opened at 6 a.m. and closed at midnight. For 18 hours therefore, many able- bodied people did little else besides getting drunk on illicit brews (masore and makavo). Elders further claimed that the youth mixed these brews with drugs and peddled them. This has led to the breakdown of the family as men have neglected their responsibilities thus forcing women to shoulder all the burden of bringing up families. Elders are even worried about falling birth rates which they claimed have caused closure of nursery schools in the area.

The youth lack counseling and mentorship which makes them fodder for evil influences. For instance, many a boy child has left school and gone into miraa harvesting and selling while the youth are used as weapons during crises. It was pointed out that the boy child had become disadvantaged because of overemphasis on the girl child.

ELDERS

The Committee was informed that in 1933, the Embu, Mbeere and Kirinyaga Elders took an oath that bound them together (Nyangi Ngiriri). However, the colonialists weakened them by creating and entrenching the powerful office of Chief. Currently, Elders' Forums are not effective because Elders are factionalized. They need a united forum, an office and proper meeting place rather than the old court where they now hold their sessions. Elders at this meeting were keen to take up their responsibilities once recognized and policy guidelines enacted.

OTHER ISSUES

Education should be structured in such a way that it helps the youth develop a sense of nationhood. The quota system of admission in secondary school was seen as a hindrance to this.

Politicians' desire to control everything was another stumbling to development efforts. It was said that this thwarts a lot of noble initiatives.

Cash crop farming has been adversely affected by middle men whose presence reduces farmers' earnings. Farmers have taken to growing the much more financially lucrative miraa or muguka but which promotes other negative tendencies in the population as alluded to earlier.

In Embu and Mbeere, the Mungiki were successfully repulsed by the combined force of the security apparatus and co-operation of Elders. During their discussions, the Elders said that there is still need for vigilance lest this dangerous gang infiltrates Embu/Mbeere ranks and wreaks havoc.

RECOMMENDATIONS

- Elders' Forum should be constituted from the village.
- The Forum should be all inclusive – women and youth.
- The focus of the Forum should be on promoting a sense of nationhood.
- The office bearers should not be persons from the same locality. This will enhance neutrality.
- The law should apply to all Kenyans equally regardless of their position in society.

RESOLUTIONS

From the foregoing discussions, the Elders resolved as follows:

- That they will form a Council of Elders from the grassroots – conveners at the District level were identified and they were mandated to organize a sensitization meeting.
- The proposed Council of Elders should use Njuri Ncheke as the benchmark in structure and scope.

LOWER EASTERN ELDERS CONSULTATIONS

Makueni Consultations, 6th August, 2009

Introduction

The Consultative meeting of the Committee and the Elders of the larger Makueni District was held on 6th August, 2009 in Wote Town. In attendance at the briefing by the Chairperson were the DC of Kilungu and DO1 of Makueni. The Elders were drawn from Mbooni West, Mbooni East, Mukaa, Kilungu, Nzaui, Kathonzweni, Makueni, Kibwezi and Makindu districts. The Chairperson's introductory remarks explained the purpose of the meeting.

The idea behind the meetings was for the Committee to know the causes of conflicts and the methods that the community has used to solve them. The Government wanted to avoid dividing people as was witnessed during the Banana and Orange Referendum of 2005. This meeting, she stated, would lead to Regional Conferences and finally the National Conference later in the year. The Elders were assured that the opinions and views they gave during these consultations would be held in confidence and furthermore that Makueni region's input was crucial for this ongoing exercise and could not have been left out.

The Chairperson gave a very brief background about the Committee which she said was set up by Minister for Justice National Cohesion and Constitutional Affairs. The Government was interested in conflict resolution and peace building among all Kenyans. Kenyans fought for independence as one united nation and we want regain that status of unity. Sadly, lamented the Chairperson, the country has been divided along political, tribal, religious and racial lines.

THE DISCUSSIONS

The discussions with Elders in this region brought out a lot of important issues.

The Elders applauded the idea of their being consulted by the Government. According to them, dialogue will lead to forgiveness, reconciliation and healing. It was unfortunate that the unity the country had at independence has been forgotten; even the freedom heroes are no longer remembered and are unknown to children. It was important to publicize the issues of peace and unity in the media so as to sensitize the people on the need for peace and stability for our nation.

Inter-tribal conflicts

Previously, conflicts existed between the Kamba and Maasai in Makindu, Kibwezi and Mukaa areas. This was when Kamba and Maasai used to engage in cattle rustling. The politicians were inciting people by telling the Maasai that they were going to get their land back from the Kamba. Through the New Akamba Union under Mulu Mutisya's leadership, the Kamba were able to

interact with other communities. There was never a lot of tension with the Meru except for the recent conflict with the Tharaka.

Tension has also been experienced along Mombasa Road whereby people of different tribes have been intimidated to vote in a particular manner by hired youth. The solution to this is creation of awareness among the youth to respect the rule of law, life and property.

Reasons for the formation of Councils of Elders

Historically, the Kamba had a Council of Elders known as King'ole. (King'ole means to finish). It had representation from the grassroots, was well respected and dealt with all community matters including some criminal issue. The colonialist disbanded this Council. It had the power to discipline and give moral guidance to the Kamba. It also oversaw the political, economic and social well being of the community.

Elders were firmly of the view that a Council of Elders should be formed to undertake some of the very important functions performed by the King'ole. Some of these being:

- The discouraging (killing) of "our people" syndrome. If this is not tackled, the politicians will interfere with the functioning of the Elders' Council.
- The discouraging of corruption and the mismanagement of devolved funds.
- The responsible management of natural and agricultural resources such as sand harvesting along river beds and ensuring the locals are not exploited.
- Providing moral authority and guidance for the youth.
- Uniting the Kamba both economically and socially especially by helping the Kamba who had settled in the Rift Valley and Nyanza and were forced to come back during the Post Election Violence of 2007/8.
- The tackling of the culture of individualism and promoting unity so that the saying "united we stand but divided we fall" can be actualized.

Who is an ELDER?

Discussed at length was the question of who was an elder and who qualified to serve in the Council of Elders. It was agreed that an elder should be:

- A person of integrity;
- A youth who has integrity and is a role model will qualify as a youth representative and help manage succession issues of the Council and be trained by the Elders. This was a Biblical principle like Timothy who was chosen when he was still young. This will also help to link the youth with the Council;
- A person with a stable family;
- Above all, non-partisan and not active in politics.

RESOLUTIONS

- That a Council of Elders with representation from the grassroots be formed. The Council will be based on the Mbai or clans;
- That the Government institute a National Council of Elders through an Act of Parliament in which the Council's mandate and responsibility should be clearly defined;
- That politicians be completely delinked from the proposed Council of Elders
- That the proposed Council be benchmarked on the Njuri Ncheke since the latter has been in existence for a long time;
- That issues of patriotism, nationhood and national loyalty be taught in primary and secondary schools;
- That the proposed Council would advise on various development projects in the community in order to minimize perennial droughts, and reliance on relief food as well as protect the environment; and
- That the National Council of Elders be anchored in the Constitution.

MACHAKOS CONSULTATIONS, 19TH AUGUST, 2009

Introduction

The consultations held at Machakos Town on 19th August, 2009, were the final ones in the greater Ukambani region of the lower Eastern Province. Participants were Elders and community leaders drawn from Machakos, Athi River, Kathiani, Mwala, Yatta, Masinga, Kangundo and Matungulu districts (Annexure Two containing the list of names of the participants). The Committee first paid a courtesy call to the District Commissioner who welcomed and thanked the Committee for visiting the region.

The Committee Chairperson introduced the team and briefed the DC on the mandate of the Committee. The Committee was undertaking consultations with Elders to establish ways in which they would like to be engaged in national cohesion and integration. Another reason for the consultations was that the Government is planning to hold a National Elders Conference so as to find peace, national cohesion and integration following the crises experienced after 2007 Presidential Election results.

Prior to the commencement of the consultations, the Committee requested the two representatives from Kathiani District, that is, the chairman of CDF and a Committee member to leave the meeting because they did not meet the criteria set by the Committee of who qualifies to be an elder. They were in the view of the Committee, public, political officials.

The mandate of the Committee was explained to the Elders in that the Committee was appointed to ensure that the Elders are consulted and involved in the cohesion and integration plans. Soon after these consultations, the Government will organize a Conference of Elders to enable them play a lead role in restoring lasting peace in the country.

The purpose of that day's meeting was to assist the Committee to get the views of Elders on how to manage the regional and national conferences; who should attend the conferences and what efforts should be undertaken to enable the Government achieve its objective, namely bringing peace and unity into the country.

THE DISCUSSIONS

The discussions centred on the causes of conflict and resolution mechanisms. The first area of concern is Yatta where the Kikuyu and Kamba have lived peacefully together since independence and have even intermarried. Most of these people have title deeds to their lands but live in separate villages according to their tribes. However, when it comes to election campaigns, each community wants its own leader and this consequently causes conflict and tension.

Another result of segregation, is the fact that development projects are carried out only in areas where the MPs come from while the other parts of the constituencies are ignored. The other specific complaint was that most public officers come from a particular area of that region while people from other areas in the same region are not given any leadership opportunities. It was also

observed that in that region many senior Government posts are occupied by Kikuyu and this inevitably causes suspicion and tension.

KANGUNDO

In respect of Kangundo, it was claimed that the population is rising very fast and thereby putting pressure on the land causing insecurity and unemployment. Complained about also, was the manner in which Provincial Administration recruits people for national duties. The specific example given was the recruitment of staff for the recent census exercise whereby the educated unemployed youth were left out and instead teachers were given jobs. Some of those recruited did not even apply for the jobs. There was no information as to where the interviews were going to take place or what criteria had been used to select the people. As far as the community was concerned, there was corruption; for instance, in Kiimakimwe only one youth was recruited and consequently the residents were threatening not to open their doors to the enumerators on census day.

Another township in which similar concerns were raised was Athi River. In that area, the population has grown extremely fast resulting in unemployment and mushrooming of slums. This has given rise to a raft of other social problems.

Where the Kazi kwa Vijana initiative existed, the youth are employed but their salaries are always delayed.

A HISTORICAL PERSPECTIVE

A retired paramount chief who fought for Uhuru and was detained during Mau Mau exulted the good old days. This was when all Kamba, Meru and Kikuyu lived peacefully together to the exclusion of the Maasai who were claimed to be cattle thieves. In his view, the recent Governments have given people and politicians too much freedom and as a result the Government does not have any control over people's lives; it just leaves them to do what they want. The youth in particular came in for a tongue lashing from the old chief who castigated them for doing exactly what they want regardless of the offence they caused. The solution to this was to restore the old Chief's Act. The youth should be controlled and disciplined by clans as the practice of Elders had been. Finally, this thing called "freedom, he begged," should be reviewed as it caused more harm than good.

In addition to the above, it was felt that the appointment of chiefs should be done in consultation with Elders as this will ensure that whoever is recruited is a person who is respected and respects the community. This is contrary to the present practice where the Government is selecting young chiefs based merely on academic qualifications.

Apart from the deliberate destruction of King'ole, the Elders felt that another historical injustice committed against the community was the movement of the Kamba land boundaries. They claim their land bordered Nairobi on one side and extended to beyond Makuyu which had been Ndonye's seat. This caused and still causes deep suspicions which makes the Kamba to fear when they might lose more land.

COUNCIL OF ELDERS

The Elders specifically stated that the King'ole was an effective Council. when it existed and that the last time they had a Council of Elders was during Mulu Mutisya's lifetime. Those who visited the old man would find people from every walk of life. regardless of their status in his home. Therefore, the Elders strongly proposed the formation of a Council of Elders to fill the existing gap. Further reasons for this were that:

- Elders are often bypassed in meetings and no advice is sought from them. For instance, in the splitting/merging of new administrative units done without due regard to the communities needs or preferances;
- It is perceived that a dangerous trend has emerged whereby MPs act as if they were governors of constituencies such that even the job of the DC has been taken over by them;
- There are conflicts that have arisen out of sand harvesting and it is proposed that Elders should be involved in regulating this business;
- In situations where peace is threatened, Elders are better placed either to calm protagonists or advice the Government on a course of action to be taken; and
- The Council of Elders would be in a better position to advise on priorities in development projects regardless of who is the sitting political leader, M.P. and Councillor;
- It was felt that the Elders' Council would play a role in the manner in which CDF and other devolved funds are planned and managed and thereby ensure that the funds are fairly, justly and equitabily distributed.

RESOLUTIONS

- It was resolved that an elder shall be a mature, honest, enlightened, exposed, impartial, married person, with high integrity and acceptable to the community and one who commands high level of respect. An elder who is a member of the Council shall not be a politician and in the event he gets into politics, he shall cease to be a member of the Council.
- It was resolved that a Council of Elders shall be formed in all districts so that it can address social issues thus providing a precendental wisdom which can be a reference point for administrative policies.
- It was proposed that a National Council of Elders be institutionalized by an Act of Parliament and based in the Ministry of Justice and that it should deal with social disputes from the highest to the lowest level.
- It was proposed that the old Chiefs Act be reinstated and that appointment of chiefs should be done on advice from the Council of Elders.
- It was proposed that the Council of Elders should have an advisory role in the management of all community affairs.
- It was resolved that an interim Committee be formed consisting of one elder from each of the 8 districts of Machakos.

MWINGI TOWN CONSULTATIONS, 3RD AUGUST, 2009

The consultations in the greater Ukambani region of the Lower Eastern Province commenced at Mwingi Town on 3rd August, 2009. The Elders and/community leaders who attended the meeting were drawn from the following districts: Mwingi Central, Mwingi east, Migwani, Kyuso, Mumoni and Tseikulu. Annexure Three contains the names of the Elders who attended the meeting.

The Committee was first briefed by the DC on some of the causes of conflict in the region. He implored the Elders to speak candidly about the problems that have affected the area for a long time and thereafter come out with concrete ways in which the Elders could contribute in solving some of the national and local issues amongst the Kamba people. In his view, "the seed of discord has been planted by negative ethnicity. If this is not addressed, it is a time bomb and something must be done very fast. Nothing can go well in an environment where there is no peace." He also addressed the fact that there was no existing Council of Elders among the Kamba. Therefore, the valuable advisory services to both the community and the Government provided by other councils, for instance the Njuri Ncheke, the Luo Council of Elders and the Kayas was lacking in the region. The DC also addressed the issue of the lack of co-ordination in implementation for projects carried out by CDF and those under the DDC. While the CDF operates under an Act of Parliament, DDC operates under policy. There should be a proper linkage between the players and relevant departments on the ground. The DC observed that for integration to take place, the use of vernacular language in school should be abolished. To that end, teachers should not be posted in their own home areas; further that the recommended integration of the Administration Police and the regular police would be a step in the wrong direction in that the two play completely different roles.

Problems of Mwingi

The main problem in Mwingi according to the DC is the drought and the attendant lack of water. This problem has caused people to depend on relief food for a long time. Consequently, there is the perception that the Government does not do enough for them. With proper institutionalizing of the Elders' Council, a lot could be achieved in sorting out this problem by way of encouraging dam-construction.

The Committee's Brief

The Elders were briefed on the objectives of the consultations by the Committee and more importantly, that the Government wanted a Forum through which Elders can be more relevant in the fostering of cohesion and integration among Kenyans.

The Elders Contribution

There exists a gap in the Kamba Community left by the disbandment of the King'ole. The King'ole or Kamba Elders Council died as a result of

colonialism and modernity hence the community found itself with a myriad of problems and no proper mechanism of sorting them out. The King'ole used to address disciplinary issues among the youth in the community. Today, the youth are rudderless and everything is left to the parents to deal with and some of them are not capable. This has led to increased indiscipline in the community.

For these and other reasons, the Elders strongly recommended the formation of an Elders Forum. The need for this Forum was emphatically articulated by several speakers.

- The absence of a functioning Council of Elders has made life in the community more of an individual matter in that most people are left to do things on their own, for instance, individuals are left to find markets for their produce on their own instead of it being a group or joint effort.
- The Elders should resolve to form a non political Council of Elders involving all Kamba districts to cater for the needs of the larger Kamba community.
- Another function for the Council of Elders would be to undertake to ensure that members of the community access important and beneficial information in time.
- The Elders want the Council to spearhead efforts in promoting environmental conservation by checking charcoal burning, perennial drought, unsupervised sand harvesting from water sources that interferes with water courses.
- The Council of Elders should be seriously involved in the management of water for instance by identifying areas where much needed surface dams should be constructed so that water can be harvested during the rainy season. Water so harvested could be used for irrigation farming and thereby address the perennial famine in the region.
- The Council should work together with NGOs and politicians in prioritizing water projects and tree planting in order to alleviate drought.
- It was stated that the Elders' Council should be involved in what was perceived as a potential conflict in the area concerning the discovery of coal in the region. There is already political interference as politicians try to get mileage out of the issue. The local community will have to be compensated for their land. A proper environmental audit of the coal mining project will have to be carried out.
- The Council would also be involved in lobbying for improved infrastructure and development so that communities can access markets for their products easily.

Youth

A major concern for the Elders were the issues involving the youth namely, the problem of early marriages whereby parents marry off their young daughters in order to get dowry. Elders' Councils should confront the socially damaging issues of illicit brew consumption, miraa-chewing and illicit sex in which the

youth engage after getting money from sand harvesting. The communities are greatly distressed by the many bright but poor children who cannot access secondary education due to inadequate finances. This is because the Government bursary is either inadequate or does not reach the needy cases. In this regard, it was felt that secondary school education should be made completely free. In addition to this, most of the parents are poor and cannot afford to educate their children with some even being forced to sell their land at very low prices in order to get school fees. When sections of the community become landless, there is potential conflict.

The aftermath of Post-Election Violence (PEV)

There are many Kamba living outside the region who have been forced to come back home whenever violence breaks out in recent election years namely, 1992, 1997 and 2007/8. However, Elders felt that inter-tribal marriages should still continue in order to foster integration and cohesion. The elders contended that the rule of law must be adhered to whereby perpetrators of election violence should be tried locally but through ICC. They applauded the setting up of TJRC because it would look into the root causes of conflict and historical injustices.

RESOLUTIONS

- It was resolved that a National Council of Elders be formed through an Act of Parliament under the Ministry of Justice.
- It was also resolved that the Council of Elders should be formed from grassroots to the divisional, district, provincial up to the National level.
- It was resolved that a convener/co-ordinator of the proposed Council would be appointed to represent each district.
- It was also resolved that the proposed Council engages the Government to provide the community with water to carry out irrigation-based farming.
- It was resolved that the proposed Council should be involved, together with other stakeholders, in prioritizing projects and use of devolved funds.
- It was resolved that the Council will act as an advisory body in all community activities including recruitment into the uniformed forces, census operations, entry into Government training institutions, awarding of bursaries to needy children, improving of infrastructure, promoting acceptable environmental practices among others.
- It was resolved that the Council should address the issue of child marriages and negligent parents.
- Elders Council should be formed and established on the same lines as the Njuri Ncheke of Meru.

KITUI MEETINGS

The consultations of the Committee with Elders of the greater Kitui District took place on 4th August, 2009 in Kitui Town. The participants/Elders were drawn from Kitui Central, Mutito, Lower Yatta, Mutomo, Kitui West and Nzambani districts. Their names are contained in the list in Annexure Three. Before meeting with the Elders, the Committee paid a courtesy call on the DC of Kitui Central District. During this meeting, the DC, who no doubt had worked in all parts of Kenya, briefed the Committee on the work of some Councils of Elders in Kenya. The Councils he mentioned were the Njuri Ncheke Council of Elders of Meru, the Luo Council of Elders headed by the Ker, the Luyia Council of Elders in Western Kenya and the Mbai System in Kitui. He applauded the work of the existing Council of Elders and was of the view that all other regions in Kenya should set up their own Councils of Elders since they would have the capacity to identify early signs of impending conflict.

The DC further stated that the Government has been treating the symptoms rather than the root causes of the problem. In most cases, the Government deploys security forced to quell the conflicts, this brings calm to the conflict area but does not necessarily bring peace and harmony.

He was of the view that when setting up the National Council of Elders, a study should be done in the use that has be made by the Somalia Government of their Councils of Elders known as Masla. Nearer to us, the Maslas were used to negotiate for the release of the Catholic nun that had been abducted and in several other cases where cattle and other livestock had been taken away by militias. More importantly, was the DC's advice that the Council of Elders and peace Committees must be owned by members of the particular community for them to remain relevant and viable. They must be differentiated from the ones involved in Provincial Administration commonly referred to as *Wazee wa Chifu.*

He addressed the shortcomings and implementation of CDF, a very noble idea, but that as currently constituted the CDF Act has created disconnect between the Government officials, members of the community, the politicians and Members of Parliament. According to him, there are inadequate mechanism for checks and balances for the funds used. This is a very unsatisfactory situation since the fund does not fall under the Public Procurement Procedures Act, 2005.

In respect of the *Kazi kwa Vijana* programme, he stated that it was another noble idea but the only mischief lies in its implementation in that there are many Ministries involved. This results in poor co-ordination of the projects.

While addressing causes of conflict, he gave the example of the Kiambaa Church incident where the Kalenjin are opposed to the construction of a monument at the Kiambaa Church site and would rather have a school which will be used by children of the two communities. The Kikuyu on the other hand, want the monument constructed to act as a reminder of the atrocities that took place during the Post-Election Violence (PEV).

The lessons that should be learned here are that Kenyans must learn to respect each other as Kenyans and avoid the stereotyping associated with their diverse communities.

DISCUSSIONS

The discussions in Kitui were very lively. The Committee's co-ordinator had the following to say in urging the rest of the Elders to speak candidly about problems/causes of conflict in their area.

"Somebody may be quiet because he is dumb, satisfied, has nothing to say, fears, or has no permission to speak. Do not agree to be left behind the band wagon because if 'we fail' the train will move ahead and leave us behind. The Elders have been overshadowed by the youth who express themselves mostly in a negative way and therefore they rediscover themselves and their roles in the community. Opportunities are created by people to make a move. As the Elders, we should make a move today. There is a lot of money in Ukambani but due to poor planning and lack of insight the funds have not made much impact in the community. If you do not talk, you will die with your wealth of information and insight. You should talk and talk with passion to help the community have a way forward. The Government wants to correct the mistake that could have been corrected in 1963. Peace is not delivered in brief cases but built over time by the people. Absence of war does not mean there is peace it may just be calmness. One person can be cause of evil even if others are innocent and this may lead to conflict and even chaos of a larger proportion."

The discussants were quite clear about the problems that affect the community. They are: Land disputes, Drug abuse, Defilement, Divorce and Politics of ethnicity and tribalism.

On the Council of Elders, it was stated that there had been attempts to form an Akamba Council of Elders since 2004 but it failed because of limited support and suspicions from the politicians. Its main function was to restore family dignity in the community.

All the speakers were of the firm opinion that a Council of Elders should be formed to deal with all the above and other problems in the community. The composition, mandate and qualifications of the Councils were clearly spelt out.

The specific recommendations as to the nature of the Council were:

- There should be a National Councilof Elders completely delinked from the politics of the day and be left to execute its mandate without interference;
- The Elders to be chosen to the Council should be people who are highly respected in the community and impartial;
- The Elders must be people who have attained the age of 50 years and above. They should be people who are respectable and acceptable to the community, with a stable family, be honest, people of integrity, have

wisdom and experience in cultural issues, with the ability to understand and articulate community issues sympathetically and patiently;

- An elder should not be a politician or partisan. He should be involved in peace-building and conflict resolution and be committed to development.
- An elder should be a custodian of cultural and social knowledge and with ability to manage emerging issues in the community
- An elder should respect people's faith, be a person of a sound mind, mature and not inclined to be manipulated by others especially politicians;
- An elder should be a person who understands issues and is sensitive to problems of the youth; and
- An elder should be a good listener, does not impose himself on other people and their situations.

The mandate of the Council

In as far as the mandate of the Council is concerned, the Elders stated:

- That the Council be an advisory role to the Government and oversee all issues that take place in the community;
- That the Council should deal with marital conflicts and marital issues;
- That the Council should oversee the management of devolved funds;
- That the Council should oversee the management of development funds and projects as well as overseeing the activities of NGOs in the region;
- That the Council should tackle the issue of drugs and substance abuse especially among the young people; and
- That the Council should also set and enforce official drinking hours; this is because when women are toiling all day looking for food, men sit in bars drinking karubu. Men have neglected their responsibilities.

MAU ISSUE

On the Mau Forest issue, the settlers/squatters should be evicted immediately without any compensation because if they are compensated others who were evicted from other forests will feel discriminated against. All evictees should be settled alongside all other IDPs in the country.

THE HAGUE DEBATE AND THE WAKI ENVELOPE

The Elders observed that people were not fully informed about the merits and demerits of trial at the Hague or locally. This has caused confusion and suspicion and could be a source of conflict. The Elders felt that whatever is going to be done should be such that would ensure that unity and peace are sustained.

At the end of the meeting the following resolutions were passed.

- It is hereby resolved that the Government through an Act of Parliament form a National Council of Elders with defined structure from the

grassroot and clear powers and responsibilities both in the respective communities and at the national level.

- The Council shall be above the political class and its decisions shall be binding if it is to make any impact.
- Members should be elected in line of devolution and people involved in selecting the members from the grassroot. The roles and responsibilities of the Council should be well defined.
- The Council of Elders should be an oversight body on issues affecting the community. With working Council of Elders, even the workload of the Provincial Administration and the Judiciary could be reduced especially in solving civil cases of land, succession and domestic issues which have jammed our courts.
- The Council of Elders will offer oversight and advisory role to the CDF and the CDCs on the priority development projects and in particular it will prioritize the issue of water problems in the Kamba region."

ISIOLO TOWN, 11TH AUGUST, 2009

Preliminaries: Courtesy call to DC

The Committee Chairperson introduced the team and briefed the DC on its mandate which was: to undertake consultations with Elders; to establish the way in which they would like to be engaged in national cohesion and integration. The reason for the consultations was that the Government is planning to hold a National Elders Conference so as to enable peace to prevail, national cohesion and integration in the country, following the crises experienced after 2007 general elections. In return, the DC welcomed and thanked the Committee for visiting the Province. He pointed out that there was a need for Elders to be engaged in the exercise of cohesion and integration especially in Isiolo.

Introduction

The consultations on this day were with Elders from Isiolo Central, Buuri and Tigania West districts.

The Chairperson briefly explained to the participants that the Committee had come to visit the Upper Eastern Province region in order to inform Elders that the Government was keen to involve them in peace-keeping and conflict resolution in the country. Beyond that, the Committee wanted to know from the Elders themselves how they would like to contribute to the process of national cohesion and integration.

The Committee stressed the need for communities to dialogue and for the participating Elders to discuss the causes of conflict candidly but at the same time provide solutions. This was the way Elders all over Africa functioned. Indeed, the institution of Elders was respected and a lot was expected from them. Similarly, a lot was expected from the Elders in the Isiolo Forum.

The discussions in Isiolo centred on the causes of the conflicts and resolution mechanisms in the region.

TRIBALISM

- The majority of the speakers ranked tribalism as a major problem and the main cause of conflict in Kenya. It was stated that in order to overcome the problem, Kenyans should borrow a leaf from her neighbours: Tanzania and Rwanda. Tanzania has made deliberate efforts to regard themselves as brothers (ndugu) and Rwanda who went through genocide but in the end made a deliberate effort to live in peace.

INSECURITY

- In addition to the problem of tribalism, insecurity was discussed at great length. According to most speakers, about 60% of fights are between husband and wife caused insecurity. Problems in the family arise out of unemployment and this is attributed to the fact that young people are "idling and getting married at very early age." In the Upper Eastern region, the clashes and fights between the Borana, Meru, Samburu and Turkana

have greatly hindered development while a cattle rustling among the pastoralists has caused serious security problems including in the educational sector as was seen when a good school was built at Garba. The community leaders fought against it and children could not attend it. The Provincial Administration also came in for blame for the manner in which they deal with cattle- rustling. It was alleged that when more than 300 head of cattle are stolen despite the Government having choppers which they can use to trace them, nothing was done. Examples were given where MPs had fuelled conflicts by importing voters for instance, the Oromo from Ethiopia to fight against the Pogotia and Samburu. People were killed and tension still exists in the communities.

Conflicts also arise when politicians bring people to register and vote during elections but in the end do not keep their promises to them. This normally causes violence and destruction of property.

One other source of insecurity is the possession of guns. The Committee was told that most of the guns were sold by the Somali, then they are distributed by the Government to some of the tribes for protection. This in itself has caused even more tension. It was suggested that disarming everybody would be the solution to this problem. Then there is the cultural aspect of insecurity as a result of cattle rustling. It was stated that the Samburu often raid with the full knowledge and blessings of their Elders.

It was felt that in order to address the myriad of problems, a Council of Elders that takes into consideration the cosmopolitan nature of the region should be formed. The proposed Council of Elders would be able to intervene and help disarmament within the communities. They would also help in tracing and returning stolen livestock. The Council of Elders would also educate the warring tribes on the importance of having peace.

After day-long deliberations, it was resolved that:

- A National Council of Elders be formed and institutionalized under an Act of Parliament.
- An interim co-ordinating Committee be formed comprising Elders attending the meeting in order to sensitize the people and arrange for further meetings including the National Conference of Elders.

ISIOLO TOWN, 12th August, 2009

On the following day, 12th August, 2009, the Committee held consultations with Elders from Marsabit Central, Marsabit South, Marsabit North and Laisamis at the same venue. The discussions were similarly centered on causes of conflict and resolution mechanisms. The Elders were as usual briefed on the objectives of the consultations. The preliminary comments from the Elders on how they wanted the discussions to be conducted were that:

> "We should talk to one another and not at each other
> The main reason for the meeting is to bring cohesion in the country
> We should bring solutions to the problems we have
> that we will help to bring our communities together
> We would like our country to be one
> When we talk about cohesion and integration we should be sincere."

As with the previous group made up of people from Buuri, Tigania West and Isiolo Central, this group also identified insecurity, tribalism, poor infrastructure development, poor governance, failure in judicial systems, corruption, drug abuse, sickness caused by careless dumping of chemicals, lack of education and IDPs.

- **INSECURITY**

Speaker after speaker stated that the region suffered greatly because of insecurity in one form or other. There were the fights over pasture and water that started in 1987 and have been escalating ever since then because of politicians' incitement. A clear example of this is the abrogation of the Mogadashe Declaration. In order of frequency, these fights were followed by cattle rustling in which all communities now seem to be engaged and which, it was further claimed was fuelled by easy access to guns. The presence of guns mainly from the Kenya Police Reservists (KPR) also leads to robberies and highway banditry being committed by a population with little else to do. There were also the inter-tribal wars especially between the Borana and Garbra which had left over 100 dead; and between the Rendille and their neighbours. These conflicts may have their roots in scarce resources and the lack of initiative in finding alternatives. Whatever it is, the region is beset by perennial conflicts which need attention of Elders and the Administration.

- **TRIBALISM/CORRUPTION/GOVERNANCE**

In trying to address the issue of insecurity, the Elders claimed that they faced another problem; tribalism came in whenever a solution was found that could negatively affect one group. Politicians incite their tribesmen not to abide by the solution, again like the Mogadashe Declaration and others. Tribalism also features in the management of devolved funds including bursary allocations where only the tribe of the MP or leader benefits.

- **JUDICIAL SYSTEMS**

It was claimed that the court system was overwhelmed by the number of cases and more so as the magistrates had to split their time between Marsabit and Moyale. It was further stated that the Khadhi's courts in the region are non-functioning thus putting more pressure on the conventional justice systems. Furthermore, police stations are few and far between which leads to inefficiency in arrests and prosecutions. (Others saw this as a way in which conflicts are allowed to get out of hand because there is no rapid response to distress).

POOR INFRASTRUCTURE

Elders lamented that they were denied development for lack of proper roads. Even when it came to receiving relief food transportation was an issue although not the only problem.

THE YOUTH, DRUG ABUSE AND KAZI KWA VIJANA

The youth in the region, the Committee was informed, will only act when Elders (read their Parents) have agreed on a course of action and tell them. At the moment these Elders have not told their youth anything so some have filled their time with drug-taking and other social vices. Some speakers applauded the *Kazi kwa Vijana* programme saying it had engaged the youth in a lot of development activities and therefore out of mischievous ways. The Government was appreciated and urged to continue with the programme

EDUCATION

In their contributions some Elders were of the strong opinion that if education was readily availed to children in the region much of what are seen as major problems would be solved. And those who can now see the relationship between the *Kazi kwa Vijana* programme and education are yearning for the Government to set up mobile schools to cater for the pastoralist lifestyles of the region.

OTHER ISSUES

There are a few other issues that raise concern among the Elders such as the matter of the IDPs from the Borana –Gabra war of 2005 who have been left on their own by the Government. Elders also expressed dissatisfaction over the way relief food was handled implying that in order to get it people had to travel to Mombasa which was expensive.

COUNCIL OF ELDERS

There was a strong feeling that a lot of conflicts in the region could be addressed through a recognized Council of Elders that is constituted in the laws of the land. It was therefore resolved that:

A Kenya National Council of Elders should be formed and institutionalized under an Act of Parliament.

An interim coordinating Committee be formed comprising Elders at this meeting.

RECOMMENDATIONS

- Pasture boundaries should be marked and identified so as to reduce conflict incidences over pasture and water and the sinking of boreholes;
- Perceptions of elite domination should be addressed;
- Unemployment especially among the youth should be addressed;
- Poor education system looked at;
- Political incitement should be addressed;
- Cattle rustling (fueled by easy access to firearms) should be addressed as well as insecurity in the area between Sorolivi and Laisamis.
- We need civic education at the grass roots (destocking for example, can be done by gradually buying off cattle while encouraging people to substitute livestock with crops that can be grown through irrigation);
- Niakona declaration should be pursued;
- Corruption in Provincial Administration and Police should be studied and best ways of eliminating it used;
- Establishment of a livestock market to encourage investment;
- Educating those who will be given guns by the Government especially KPR; and
- Historical injustices should be addressed.

ELDERS FORUM ISIOLO MOYALE GROUP

Thursday, 13th August, 2009

On 13th August, 2009 the Committee met the Elders from Sololo and Moyale districts in Isiolo. Under normal circumstances these consultations should have taken place in either Moyale or Sololo. However the security situation did not allow this to happen.

(The list of names of those who attended is Annexure Three).

The meeting started with a brief from the Committee Chairperson to the Elders. She said that the Committee's main mandate was to ensure that Elders are involved in and consulted on national cohesion and integration plans of the Government.

At the end of October 2009, the Committee had been detailed to organize a National Conference of Elders to ensure that the Elders play a lead role in restoring lasting peace in the country. In that regard the current consultations were to help the Committee obtain views of the Elders on how to organize Regional and National Elders Conferences and also to critically discuss how Kenyans are going to bring peace in the country. At the end of the Conference the Elders will come out with concrete strategies as to what should be done with the participation of the Elders in bringing about reconciliation, National healing, peace and cohesion in the country.

The Elders aired their views very freely and candidly. A statement which captured the problems in this region was made by one of the speakers when he said, "The major problem that we have is that we are pastoralists and as a result of this we fight over the scarce resources that we have like water and pasture. We also live at the border and if there are problems at the border with Ethiopia we are also faced with similar problems."

In their presentations the Elders further identified the following as some of the major areas of conflict in this region:

INSECURITY

Each and every speaker lamented the state of insecurity in this region. The main forms of insecurity being cattle rustling, shiftas, bandits, highway robbers and aggression from neighbouring countries. It was very clear that not all the problems in this region are of Kenyans' creation. It would appear that whatever happens in Ethiopia affects our people. For instance when Ethiopians have problems with the Oromo, instead of following the correct procedure they merely pursue them across the border into Kenya. This happens even when the Kenyan army is situated at the border. Amongst the people of the region there is a feeling of despondency and fear. What is also clear is that the Oromo rebels live in Kenya and continue to fight the Ethiopian army hence their being pursued across the border. During these attacks, the Kenyan army does nothing to protect the people or prevent the attack.

ILLEGAL ARMS

There is a general feeling that the Government has abandoned the people of this region. Some of the specific examples they gave were that the Government has not made any attempt to ascertain the exact position of the border between Kenya-Somali, Kenya–Ethiopia.. As a result arms have been brought freely into the country and there is now a thriving gun-running industry in Moyale where for a long time people did not have guns but now every family has them.

When the Ethiopian army attacks people, the Kenyan army does nothing to stop this. Furthermore even when the Shiftas attacked the people the army is alleged to have ran away only to come back later and harass the residents. In their view the Government has become incompetent. The Kenyan army knows exactly where the Shiftas and rebels are and yet it does nothing and it is like it does not even care. They say:

"These days our Government is weak. The problem of insecurity arises out of the inaction of our Government. We have been left to handle the security situation on our own and this has allowed the criminals to gain an upper hand. Like in Soralivi when we were attacked by bandits, we reported this to the police and no action was taken."

CATTLE RUSTLING

This region is inhabited mainly by pastoralists the Borana, Garbra, Gari, Somali and Sakuye. Cattle rustling among these people groups is rampant. In the past the Government was alert and whenever the animals were taken they would be recovered but these days this is not the case. Instead people seek help from Elders of the neighbouring communities to have the cattle returned.

This is a valuable service rendered by Elders.

One other serious effect of insecurity is banditry and robberies on the roads. The road from Marsabit to Isiolo is filled with armed robbers and the Government does not take any steps against the Samburu who are said to be causing this problem. To travel from Moyale to Isiolo through Marsabit is a one day's journey but because of insecurity one is forced to travel from Moyale to Wajir then Garissa, Nairobi and then finally get to Isiolo. This journey takes a minimum of 4 days and costs more than 4 times the journey through Marsabit. Due to this the people from Moyale and Sololo face a major communication hurdle.

EDUCATION

The lack of education makes people here feel that they are marginalized and that the Government has not laid any importance on education for this region.. So disregarded is education for this area that the Government has not established a single National school. In order to acquire secondary education children from this region have to go as far as Meru which is very expensive. As a result many children from the area drop out of school.. There is also the issue of communication with the fortunate children who get to National schools.

Travel out of the area as stated earlier, is dangerous, cumbersome and expensive which makes it practically impossible for parents to see their children during the school year.

DEVOLVED FUNDS

CDF and other devolved funds are another source of conflict in the community. It was alleged that that CDF Committees are mostly constituted of MPs' supporters. This is evident in the awarding of contracts. The contracts for tenders are mainly awarded to those who are deemed to be close to the MP or his relatives. This is an area which it was thought a Council of Elders would be most helpful. The residents of this area were saddened in that since 1974 they have been dependent on relief food. Prior to that Moyale was able to supply relief food to Ukambani. People used to grow sufficient food which they cannot do now due to drought.. Strangely they get water from Ethiopia which is drawn from a distance of 60 kilometeres and is piped into their homes. This is despite the fact that there is water at Odda which is only 7 kilometres away.

ELDERS' COUNCIL

The issue of who is an elder was discussed at length. This was important because these people were convinced that most of their problems were those. in conjuctIon with the Elders across the borders which could be handled. It was agreed that an elder shall be an adult of sound mind, one that is responsible and respected within the community. An elder should be a person with who the community identifies, one who is honest, with an independent mind and should be at least 40years and above. In Borana there are no age restrictions for an elder. Currently the President of Borana is called *yogoba* and lives in Ethiopia, he is a young man under 30 years of age.. His position is hereditary. Similarly in Borana before one attains the age of 30 you are not considered as "some one" but if one is married and is 30 one is considered an elder.

At the end of the day several important resolutions were passed, namely:

- It is hereby resolved that a National Council of Elders shall be institutionalized under an Act of Parliament which will enhance peace, love and unity.
- It is hereby resolved that a grass root Council of Elders will be informed.
- It is hereby resolved that an interim coordinating Committee will be formed that comprises Elders attending the meeting.
- It is hereby resolved that the Council of Elders will be mandated by the Government to deal with all issues and problems along the borders with a view to maintaining good relationship.
- We hereby resolved that the Ministry of Northern Kenya Arid and Development do implement the numerous implementations given by Kenyans in the Kenya we Want Conference.
- We hereby resolved that issues of insecurity on the Isiolo–Moyale Highway be taken care of as a matter of urgency and National concern in order to stop the robberies and killings that are presently going on.

NAIROBI PROVINCE CONSULTATIONS

National Elders Conference on National Cohesion and Integration Committee
Nairobi Grassroots Meeting
Dates: 26th -27th September and 7th-8th October, 2009
Persons present see annexture.

Introduction
The Nairobi grassroots meeting were held on four different days with different groups, the reason for this was to accommodate the wide spectrum of people living in Nairobi, however the details collected for each separate section were all put together.

In each meeting the procedure was the same and included:

1. Arrival of participants – On arrival the participants were ushered in to a room and supplied with writing material.
2. Prayers – A person conducting the meeting called on one Christian and one Muslim to conduct prayers.
3. Introduction – The participants and Committee were asked to introduce themselves stating their names where they come from and what organization they were representing.
4. Opening remarks – The opening remarks were delivered by Professor Abdulghafur El-Busaidy the vice chair of the Committee who was chairing the sessions for Nairobi.

He thanked the participants for coming to the meeting and hoped that the deliberations will be successful. He gave the history and the purpose of the Committee as follows:

The Ministry of Justice, National Cohesion and Constitutional Affairs had appointed a Committee of nine people comprising of Lady Justice (Rtd.) Effie Owuor, Prof. Abdulghafur El-Busaidy, Dr. George Wainaina, Prof. Peter Wanyande, Mr. Phares M. Rutere, Mr. Owino Magana, Mrs. Margaret Nteere Amb. Benjamin Kipkulei and Mr. Hassan Hussein. The objective of the Committee was to organize an Elders Conference in which the Elders would convey to Kenyans and Government what they could do to achieve cohesion and integration in Kenya. It had been decided that consultations will be made with the Elders so that they are the ones who will come out with what they considered was important for the nation as opposed to where experts telling the Elders what the Elders needed.

The Committee had realized that to be able to decide what is necessary to achieve cohesion and integration it was important to know the causes of tension, lack of cohesion, hatred and violence. To achieve the objective of the meeting it was imperative that each person spoke with extreme openness without fear that one would hurt another person as this was the only way of knowing the exact problem of what is ailing the country.

He asked those who may be affetcted by any remarks not to feel offended because that was the only way knowing what affects this country.

Rules of engagement

The rules of engagement were agreed as follows:

1. The phones would be put to silent mode or switched off completely.
2. People would speak on authorization of the chair.
3. Nobody would interrupt another person.

The chairman of the session opened the meeting to the participants and the following issues were raised.

Nairobi

Issues raised were as follows:

- A participant opened her remarks and stated that since people were different conflicts were expected but the important thing is to find ways of resolving these conflicts. She said that the conflicts in Kenya were not new and they stem from nepotism, historical injustices and tribalism adding that the conflicts were inter related.
- She said that at time for fighting for independence Kenyans had one enemy (colonialist) and they were, therefore fighting as one unit. On attainment of independence however some Kenyans thought they had done more than others and therefore they needed to take greater control of what was gained at independence namely power and wealth. This coupled with ethnic background of Somalis of northern Kenya which was similar with that of Somalis in Somalia made the residence of north eastern want to secede and join their brothers in Somali.
- This did not only bring the Shifta war but has been a cause of a lot problem the Province has had with the Government of Kenya.
- The Government has to create peaceful co-existence and ways of eliminating injustices and nepotism at all levels.
- The other big problem that the country has is impunity to such an extent that that a person may kill and get out of the problem with no punishment and another who steals chicken is jailed for seven years. This has impacted very badly on our children and we would need to change our ways of life and bring up our children differently if we have to have hope for this country. It is because of the same impunity that FM stations incited people before, during and after 2007 elections without any action being taken against them.
- Another participant, a retired educator, raised a number of issues. She was very unhappy with the way the Constituency Development Fund (CDF) was run as if the money was the MPs personal property and he could do whatever he wanted to do. She said that the loss of discipline in the youth was as result of the removal of the cane in the schools which destroyed discipline.

- The students carry their indiscipline out of school. The youth today have no respect for the Elders with the result that the Elders cannot control their actions. This can, to some extent, explain the riots that followed the Elections in 2007/8. She said that there was need for the Elders to be enabled to regain the self esteem of yester years. She said that parents needed to be more responsible in their parenting and endeavor to be better role models.
- She felt that women needed better representation in institutions and demanded that 30% participation required by law must be implemented in all places of work.
- The participant said that Kenyans had become very poor and poverty had to be addressed as it was causing a lot of other problems, she cited the issue about prostitution which had become very rampant and disgraced to some communities. She also felt that it is poverty that had taken the youth to drug and alcohol abuse and suggesting that the Government should provide job opportunity to the youth.
- She said that food had become very expensive and Government had to find ways of making food affordable and consider giving food donations to those who cannot be able to buy it irrespective of price.
- One of the ways of making food available is to encourage agriculture by either subsidizing agricultural production and by building dams to help in irrigation and harvesting water could help people running kitchen gardens.
- To help in the governance in this country the participant felt that it was imperative that a National Council of Elders be established.
- Another participant told a story about tendering in Kamkunji Constituency. One of the tenderers was not the most qualified and therefore we did not offer him the tender. The MP called him and urging him to change this but he flatly refused and offered the tender to the best qualified.
- He said that the level of unemployment had become extremely high and called on the Government to look into ways of reducing unemployment.
- He said that the behaviour of the youth had changed a great deal because in the old days people were brought up as children of the communities which ensured discipline in the society but today children are brought up as individuals and have grown up to be very self centered.
- He said that the Council of Elders would help in bringing this communal way of life and encourage cohesion and integration in the country.
- A participant gave a brief history how the Nubians came from Sudan around 1850s and how they were conscripted into the army. The colonialists were encouraging tribalism amongst the tribes. There are a number of problems that bedevil the country and we need to concentrate

on the various causes to be able to find solutions for our problems in order to achieve cohesiveness.

- He said that we are importing tribal hegemony from rural areas to the urban areas to guarantee parliamentary seats on tribal basis- a dangerous situation.
- He felt that the country was tottering at the edge of precipice.
- Some of the things that he suggested are:-
    - In the intervening period we must give plenty of teeth to the IIEC(K).
    - As a prelude to the establishment of the new IE which must be structured as follows;
- Must have rapid response investigation;
- Must have rapid response court which has powers to cancel elections without reference to any other party, can order a rerun.
- He said that if the Kikuyu had drawn the line in the sand we would have had a Rwanda experience.
- The three arms of Government will have been rolled into tribal hegemony as one system it is suicidal. We should have civic education that should be continuous that will impact our children. We have to change our attitude. We should have an exchange programme at the District and provincial levels including MPs and let us integrate the country. Civic leaders should also do the same and they also should be emulated. Suspicion comes from non communication.
- A participant said Singapore was faced with similar ethnic problems, it has different culture and to resolve the ethnic problem the first President instituted deliberate way of social integration in which he came with the program wherein the any grouping (employment, housing etc) of people was according to the various culture to the country. We must have courage to save our country. This country will be changed by a revolution. Whatever we do we must do with conviction.
- A participant said that Kenya was losing direction because of "me, myself and I" wherein leadership has lost integrity. We need a re-examination of our direction which calls for examination of roles of Elders. there is great need in re-examining our level and mode of governance. We should copy China where there are Council of Elders all over the country who sit with leaders in their area. The Elders bring the local needs to the Council and President tours all regions to interact with Elders.
- The Elders know all the problems and they can provide solutions in most governance issues. To succeed however, we must make a serious decision to change. Among other things we must be able to feed our population bearing in mind China.

- Another participant, a pastor, stated that when the PEV fighting started various religions came together to try and achieve National cohesion. Evangelical group was allocated the work of the cohesion and National Christian Council of Kenya (NCCK) was allocated the work of keeping the Government on its toes. The former came up with the following issues:-
    - That the tribes in Kenya are in an identity crisis in that the ethnic groups feel that they are under siege.
    - That they feel they are fighting for survival especially in the case of Mount Elgon.
    - They fear that they are about to be swallowed by the bigger tribes and they want to retain their identity.
    - That this kind of perception is very dangerous for cohesion.
    - That there is need to recognize that every tribe constitutes part of the nation and must be appreciated their aspirations recognized and honoured.
- That land is a sensitive issue and various tribes have been fighting for it, that the issue of taking Post Election Violence suspects to the Hague have been taken very badly by the Kalenjin.
- The Kalenjin in particular were of the feeling:
    - That there was no need to talk.
    - That they were ready to die.
    - That land had been taken away from them.
    - That their cultural identity should be addressed and appreciated.
    - Tribes like the Kikuyu, Kisii, Kamba and Luhya were imperialistic and they have their own agenda to swallow others.
    - That if any tribe came to their place they should adopt their culture and identify with the Kalenjin political aspirations and what had been achieved was not peace but cease fire.
    - That some people like the Kikuyu have closed their Provinces to other people but expect to live any other part of the country.
    - That the 800 churches burnt in Rift Valley were burnt because they were considered to be tribal churches.
- A participant stated that the Council of Elders was the only thing that could save the country and it was long overdue. It was important Kenyans to establish their moral values and warned that politics should not interfere with the cohesive coexistence Kenyans enjoy.
- A young participant complained while the youth were the majority of the country they have been ignored in the governance of the country. The youth had suffered from lack of employment and the consequent poverty or the resultant poverty. It is because of this the youth were susceptible to political manipulation leading to violence. He stated that a number of youth were looking into the possibilities of creating jobs for themselves.

- He felt it was important that a National Council of Elders be established so that it can have advisory and supervisory role sin the development of the youth. He complained that the *Kazi kwa Vijana* have been beset with nepotism, poor pay and political maneuvers, On the Youth Fund he said that the funds was not reaching the needy because they could not meet the requirements of funding.
- He felt that Government should focus on future generations and find ways and means of helping youth rise from poverty. He felt it was wrong for leaders past and present to try and create dynasties, he felt that there should be massive and civic education to enlighten the youth on their rights and responsibilities. He however felt the youth should change their perception of getting white collar jobs and instead get involved in blue collar jobs. He suggested that Government ministries should be located in semi-rural/ urban areas like Nakuru, Kitale, Garissa in order to take the impact of Government to where the people are.
- A participant who professes a Bahai faith said that had they been in the country for 50 years and their number is 200,000. The Bhai believe that each individual is a member of the universe and their fundamental teaching is unity and believe the community should understand and appreciate one another. They believe that each individual must have an opportunity to live and believe in issues.
- Bahai have local councils that pick up local issues; these Councils are the source of National light. The overall body is the general meeting; the National Assembly. The principle of oneness is the main thing that we aspire to.
- While the Bahai faith has no objection to wealth it does not believe in opulence while ther rest of the community are suffering. Bahai are therefore required to help their neighbours.
- Based on these teachings, the Bahai shun ethnicity, encourage marriage between different groups. There is need to see diversity in our ethnicity as an asset that should be exploited. This should start with the civic education from the grassroots to the National level.
- Another participant, a Bohra, said they are 7000 followers of one spiritual leader, therefore one of the shia sects of Muslims. The sect is free to undertake any kind of business, and are encouraged to have economic houses where His Holiness contributes 1/3, the individual 1/3, 1/3 by community which is a loan to the individual. Through this, they have managed to develop a number of housing schemes.
- His Holiness buys land and the houses are developed from his kitty and sold to the people. As a community, they are involved in a number of social activities in the country. The community is urged to love the country.

- Most of the Bohras are in large scale business and they make contribution to projects like housing, schools and roads. Whenever there is a national disaster, Bohras are always there to contribute and offer themselves to be mediators.
- They are ready to do the healing but we have been having problems with the Government who are not willing to engage the community. At one time they wanted to build a hospital in Karen but residents objected for environmental reasons and the project was taken to Tanzania. Indeed no communication was given about the hospital project and they were very frustrated by the Government's inaction.
- A former civil servant who joined the civil service in 1961 remembered with nostalgia how life was those years. He said that Kenyans had faith in their country and there was no tension notwithstanding the tension between Oginga and Kenyatta because the civil servants recognized that they had to build the nation.
- At that time if one felt aggrieved and complained, action would be taken.
- He expressed concern about the discussions on the removal of the Kadhi Court from the constitution. He said that this issue dates back to some months when the Americans instigated the Christian churches in Kenya against the Kadhi Court, he thought this was unfair because Kenyan constitution protects the Christians like they have the Sunday, Easter holiday and Christmas day as public holidays.
- He admitted some Muslim extremist from Tanzania had come to Kenya and started criticizing the teachings of the bible, in his view those people were insignificant and should be ignored. He thought that it was necessary to engage the politician to discuss issues relating to Kadhi Court with a view of removing tensions apparently exist.
- He said that the Kikuyu have serious problem with the Mungiki group whose formation was as result of the land that had been taken from the Kikuyu from the colonialists.
- Another participant said he was in support of making Kenya an example as far as peace, harmony and religious freedoms are concerned. He said that Islamic Foundation was the second largest community and as a Muslim he considered the teaching of Islam as a way of bringing peace. He said that Muslims were did not discriminate in whom they assisted, he cited a school that was built in Machakos in which the majority are Christians yet the students are not required to study Islam. He said Islam gives equal opportunities to women as to men particularly as regard to inheritance. He said a believer ordered to take care of his neighbor and not allowed to kill a bird, leave alone a human being.
- He said that to create harmony it was necessary to establish a Council of Elders in which, at the village every clan (not tribe) will be represented to ensure success. At the District and provincial level clans and religions

need to be represented and at the National level professionals, experts and religious leaders need to form the leadership. He gave an example in India where there is a panchayat system in which every village there are five people who deal with issues of the area.

- Among the objectives of the Council of Elders will be the overseeing of the management of devolved funds. To make the Council of Elders manageable it should have about 25 Elders.
- The Tanzania Nyumba Kumi initiative is a good initiative which controls a lot of things that are done in Tanzania e.g. to run for a political seat one needs to get permission from the Elders.

Attributes of an elder:

- The participants were asked to give what they considered as attributes of an elder and the following were suggested, each bullet represent a participant :-
- Aged 50 years and above, Experienced, full of integrity, wisdom and leadership.
- Aged 35 years, with integrity and ready to work for peace voluntarily.
- Cultural values, corruption free, wise and has leadership skills.
- Aged 35 years and above, truthful, honest and reliable.
- Person that does not harbor tribalism is nationalist and will be accepted by all especially the youth.
- Informed, involved and acceptable to the community.
- Leadership ability irrespective of age.
- Person who is not tribalistic and able to work with the community.
- A person of patience.
- Trusted by the community, no age limit.
- Experienced.
- Person who does not habour tribalism, acceptable to the community, a good leader of his home, person of courage.
- Impartial, in charge of his family and the community.
- Responsible person who is a role model.
- Responsible.
- Wise, able to give direction, bold and contacts with authority, is capable of picking up of early warning of problems.
- Commands respect.
- A good speaker who commands attention of the community and not jealous of other people.

The following reports were made by representatives of different areas in Nairobi

Westlands

- Westlands was described as the land of two divides i.e. the rich and poor. The rich lived in gorgeous houses in Westlands, Riverside drive, Kitusuru etc while the poor who work for them lived in the slums of Kangemi.
- The major areas of concern are however the following:-
    - Poor governance – The Provincial Administration was accused of lacking due care, was corrupt and consequently unable to resolve the problems of the area.
    - The police were blamed for many things:-
        - Releasing of culprits rather than taking them to court.
        - Rising cases of drug traffic by drug barons and drug abuse by residence.
        - It is also claimed that the police are also given a share by the illegal levies collected by Mungiki.
    - Politics: – Politicians were accused of encouraging the growth of illegal gangs like Mungiki who take illegal levies from residents and have established a torture centre.
    - Kazi kwa Vijana Initiative: – It is full of corruption because officials pretend to be recruiting youths from the area while they only bring their own people.
    - The youth have engaged in prostitution with a resultant increase in unwanted teenage pregnancies which cause the children to fall outside schools.
    - Lack of recreational facilities which leaves the youth idle most of the time.
    - Poor parentage: – Parents appear to have abdicated their responsibilities thereby leaving the children to do whatever they wished.
    - Land: – Participants reported that there were acute land problems in Westlands. She said that there were so many slums by squatters on land belonging to other people. This creates problems when finally the owner emerges. There were also illegal demolition of slums.
    - Illegal gangs: – It is said that the Mungiki collects fees from Matatus, traders and changaa brewers, for every structure erected the developer has to pay a fee failing which the structure will be demolished. The worst crime however is that the group kidnaps a wife, rapes her for a number of days and demands what they call up keep fee of 1000 ksh a day.
    - Drug abuse: – There has been a marked increase in dealing and usage of illegal drugs. When people known to be dealers are reported to the police, the police arrest them in apparent cover up but release them the following day.

- Pornography:- the vending of pornographic material has increased substantially, when this matter was reported to the District Office DO she went round with the police in an effort to arrest the culprit the group was apparently threatened and withdrew the operation. A matatu that displays pornographic material on its rear screen is said to belong to a police officer.

Lang'ata

- The high population coupled with different ethnic groupings is a source of many problems. Some of the issues raised were:-
  - Insecurity
    - By the police:
      - The police were said to be very corrupt.
      - Reluctant to arrest offenders.
      - Are themselves drinkers of chang'aa.
    - By the illegal gangs:
      - Youth mainly from rich families have formed illegal gangs like the Mungiki by the Kikuyu and Siafu by the Luo who collect illegal levies and evict people from houses.
      - Surprisingly they are youths groups not related to Mungiki who are registered under Social services who collect levies just like the Mungiki.
    - By the administration:
      - It was said that the DO does nothing even after reports have been made to him.
  - Corruption:
    - Public officers were said to be corrupt. CDF money was said to be used corruptly or misused through corruption with members of the public not knowing what is being done.
  - Tribalism:
    - Politicians divide people on tribal basis.
  - Tenants and landlords relations:
    - Tenants refused to pay rent arguing that the houses belong to the Government thereby causing tension between tenants and the landlords.
  - Religion:
    - Often there is tension between the Christians and Muslims.
  - Peace Committee: - A Participant reported that he and his group had been running peace Committees through which they have been able to rehabilitate 105 youths who belonged to a criminal gang, they had managed to form a micro finance company through which the youth had access to 800,000 kshs. He suggested that the Government should rehabilitate and empower the youth in a manner similar to what they had done.

Embakasi

- The main problem in Embakasi is said to be land grabbing and it was felt that if this issue is not addressed there would be problems.
- The chief, in conjunction with the village area were said to be corrupt and perpetuators of this problems.
- The police are said to be corrupt and to be working with the youth to the detriment of the community.
- There are number of illegal bars running without licenses.

Makadara

A number of problems were cited in Makadara:

- Unemployment which results in idleness and encourages prostitution and drug abuse among the youths.
- Kazi kwa Vijana Initiative – This initiative has not been very successful as the funds do not reach to the youths due to corruption Money has been diverted through corruption and tribalism. The same sentiments were expressed about the Women Enterprise Development Fund, it was suggested that the youth and women should be trained on entrepreneurship and the Government should help in the marketing of their products.
- Poverty – The area is beset with poverty which has led to high prevalence of HIV/AIDS resulting in orphaned children who do not go to school but engage in criminal activities.
- There is need for civic education where people can be empowered through training in civic education and entrepreneurship.
- Insecurity – This mainly comes from the youth, who collect illegal levies and the police who protect them. The number of carjackings has risen substantially, the carjackers work in fours using support cars. When they carjack the driver they drive to the Arboretum where they leave the driver and the car after robbing him off all his belongings. There has been an increase in the number of Maasai (or people dressed as Maasai) who have been hawking various things and who have been suspected to have been a contributing factor to insecurity. There are a number police officers engaged in illegal activities and it is impossible to stop them. Some of the officers have been dismissed from the forces are the ones who train the youth to commit crime.
- Youth – The youth are engaged in drug and alcohol abuse and engaged in prostitution with the knowledge of the police who do nothing about it. Administration was accused of abetting crime. Toilets built on the river banks and are health hazards and hideouts of criminals. One of the major contribution factor to the problems is that fact that schools are very expensive and the parents cannot afford to pay fees, this produces many idle youth who hang around markets.

- Governance: – A participant reported that they are many bars operating for 24 hours which also produce a lot of noise throughout the night making it impossible for people to sleep at night. It is not known whether the bars are a licensed to run 24 hours a day or the Administration is failing in their duty. A participant complained that chiefs were being transferred too often for them to be useful to the society. Apparently conflicts had arisen between the administrators and peace Committees because the chief, mistakenly, believe that the Committees had taken over their work. They had therefore humiliated the Committee members on a number of occasions.

Kamkunji

The following issues were cited as problems affecting Kamkunji:

- Illegal arms: – it was stated that almost everyone has a gun brought from a Somali.
- Administration and police: – The Government was said to be unwilling to curb the problems because it was aware of the presence of guns. This arm of law is aware of problems facing the area but have done nothing to resolve the problem.
- The use of drugs was said to be prevalent – Users inject their private parts with the drugs because after prolonged use their veins cannot be found. Drinking of alcohol was said to be rampant to an extent that some houses have counters for the sale of the same.
- Ethnicity: – There is a lot of ethnic tension fueled by politicians who incite the larger communities to get support and undermine the smaller ones. It is negative ethnicity that brought Post Election Violence in 2007/8 and it appears like tribalism has taken root.
- Illegal immigrants have led to insecurity because they travel with guns.
- Poverty is a huge problem which has led to prostitution.
- On the Kazi kwa Vijana initiative has been very poorly managed with the youth not getting paid after working.
- It is also argued that politicians give work to their people rather than the needy youth.
- The sewage system has broken down and has not been repaired for a long time.
- Many of the roads are impassable.
- Tenant landlord problem – There has been problems between the tenants and the landlord.
- Land was said to be sensitive as foreigners are buying land at exorbitant prices thereby making it impossible for locals to acquire land.

- CDF money is insufficient and cannot meet the cost of repairing the infrastructure.
- Disposal of waste has not been managed properly thereby making the area unhealthy zone.
- Early marriages have been common mostly among the Muslims.
- There are clubs belonging to prominent people who lure girls into prostitution and strip tease acts.

Kasarani

The following problems were reported by the participants from Kasarani:

- Kazi kwa Vijana initiative and relief food distribution are run corruptly by officials because they employ their own and sell relief food.
- The Chiefs do not call barazas nor recognize the District Peace committees (DPC). They end up writing false reports to the Government.
- Misuse of alcohol – It was reported that alcohol was abused because a certain alcoholic drink, Senator Keg, was very cheap. It was said that when the youth drink it they become restless.
- Pornography – The sale of pornographic material has become a common feature in the district.
- Police:- police are a major source of concern.
    - They report informants to the criminals.
    - They don't care about other crimes e.g. when pornography trader was reported to them they said he was running a business like any other.
    - The OCS fears the Mungiki leaders and it is said that he takes money from them.
    - The police arrest people and wrongly accuse them of being drunk and disorderly. The police release arrested criminals. The police were accused of encouraging the youth to join the Mungiki rather community policing.

Starehe

Issues arising in Starehe were:

- The area harbours the rich, middle class and poor people.
- That the poverty levels have increased and children are being exposed to jobs like open brewing of chang'aa.
- Mungiki menace has increased and more people are buying services from them to protect their grabbed land.
- It was stated that a senior politician was encouraging the brewing of changaa by giving grants of 5000. That the drinking of chang'aa has basically made men impotent
- That the hawkers bribe city askaris when they come to arrest. The askaris subsequently, leave them alone.

- The traffic jams are created by the police so than Matatus can collect passengers from unaurthorised "stages".
- A youth group called "Russia" which is more fierce that Mungiki will kill a person on what may appear to be a robbery is actually politically instigated murder. The group has already thrown out the Mungiki from the area.
- Ethnicity is being fueled by politicians.
- Politicians grab land, get the gang to protect it and then sub divide it and give a few plots to the group members.
- It was recommended that the Government should enlarge the Kazi kwa Vijana Initiative and try to reduce the poverty and crime rates.

Njiru

- Njiru had a good measure of problems namely;
  - Land: – The biggest problem on land is the occupation of any idle land by Mungiki youth who usually do this with knowledge of politicians and the Administration. The squatters allocate themselves plots but the confrontation arises when the owner comes to claim his land. It is said that the police are aware but they appear to offer protection to the illegal gangs. One of such property acquired illegally is said to belong to Dr. Manu Chandaria, a suggestion was made that Government should acquire the illegally occupied plots and settle the deserving people.
  - Illegal gangs – It was said that the late Mwenje welcomed Mungiki from Nyahururu and set its headquarters in Kayole at which place the group was given supplies twice a week. The group owns Matatus and make it a habit to fight with the police arguing that they want historical injustices addressed. When issues appear not have been attended to they killed seven people and forced landlords to give into their demands. Besides Mungiki there is another illegal gang called Chinkororo which is made up of Kisii youth. The two gangs run the following operations.
    - Collecting levies from both commercial and private vehicles.
    - Control of water points.
    - Illegal connection of water and power.

    The latter made Kenya Power and Lighting Company to remove a power transformer. It is said that there is hatred between Mungiki and Chinkororo and the two groups are organizing to fight each other.
  - Firearms: – In virtually every village in Njiru area young people are said to own fire arms which causes a lot of insecurity leading to deaths of several people.
  - Education: – It was reported that a lot of the youth in the Njiru had little education if any and it was suggested that the Government

should establish educational institutions that would give post secondary school education.

- Drug and substance abuse: – A participant reported that idle youth normally turned to drug and substance abuse. It was said that there was a lot of hatred of Kikuyus who were accused of looking down on other people.
- Tribalism: – It was stated that tribalism is a big problem in Njiru and politicians used tribal illegal groups for protection e.g. protection of land grabbed and allocated to the youth.

NORTH EASTERN PROVINCE CONSULTATION MEETING
GARISSA GRASS ROOTS MEETING
Dates: 3rd to 5th August, 2009

The Garissa grassroots meetings were held at the Provincial Administration Board room. The meeting was attended by the delegates from the following areas: Garissa

The procedure of the meeting was as follows:

1. Arrival and reception of participants in meeting room.
2. Prayers – A person conducting the meeting called on one Muslim to conduct prayers.
3. Introduction – The participants and Committee were asked to introduce themselves stating their names, where they come from and what organization they represent.
4. Opening remarks – The opening remarks were delivered by Professor Abdulghafur El-Busaidy the Vice Chair of the Committee who was chairing the sessions for Garissa.

He thanked the participants for coming to the meeting and hoped that the deliberations would be successful. He gave the history and the purpose of the Committee as follows:

The Ministry of Justice, National Cohesion and Constitutional Affairs had appointed a Committee of eight people comprising of Lady Justice (Rtd.) Effie Owuor, Prof. Abdulghafur El-Busaidy, Dr. George Wainaina, Prof. Peter Wanyande, Mr. Phares M. Rutere, Mr. Owino Magana, Mrs. Margaret Nteere and Amb. Bethwel Kiplagat.

The objective of the Committee was to organize an Elders Conference in which the Elders would convey to Kenyans and Government what they could do to achieve cohesion and integration in Kenya. It had been decided that consultations will be held with elders so that they are the ones who to come out with what they considered important for the nation as opposed to where experts tell Elders what should be done.

The Committee had realized that to be able to decide what is necessary to achieve cohesion and integration it was important to know the causes of tension, lack of cohesion, hatred and violence. To achieve the objective of the meeting it was imperative that each person spoke with extreme openness, without fear that one would hurt another person as this was the only way of knowing the exact problem ails the country. He asked those who may be affected by any remarks not to feel offended because that was the only way of knowing what affects this country.

Rules of engagement.

The rules of engagement were agreed as follows:

1. The phones would be put to silent mode or switched off completely.
2. People would speak on authorization of the chair.
3. Nobody would interrupt another person.

Before opening the meeting to the participants the chairman invited the representative of the provincial commissioner to say few words. The Provincial Commissioner representative welcomed and thanked the Committee for visiting Nakuru and also the delegates for attending the meeting. He said that the meeting was very important for the creation of cohesion and integration and hoped that the Elders would do what they can to make the meeting a success.

At the conclusion of the address by the Provincial Commissioner representative Prof. Abdulghafur El-Busaidy thanked him and asked him to leave the meeting because the Committee had decided, to ensure that delegates were free to talk what was in their mind, the meetings would not allow the presence of civil servants or politicians.

The Provincial Commissioner representative left and the chairman opened the meeting to the participants, the following meetings were raised.

The chairman of the session opened the meeting to the participants and the following issues were raised.

Garissa Civil Society

- Instability in Somalia is a challenge to the region's peace.

(Director of Womankind Kenya).

- Suggested that the causes of conflict can be classified broadly into four (4);
- Resources-based conflict, due to communities fighting over grazing land, boundaries and water points;
- Political conflict; people fighting along political lines and Government acting as a catalyst;
- Conflict due to gender differences;
- Conflict arising from clanism where people from different clans fight for power and recognition.
- The conflicts occur frequently because the traditional system (Heer) has been diluted by westernization and unfortunately, the Elders themselves have become corrupt.
- She commends peace Committees which have succeeded to bring peace especially in Wajir District between Ajurans and Degodia when they were fighting over water resources.
- The peace Committee physically went to the water points and talked to men and women, and in the process they resolved to ask the Government and NGOs (e.g. OXFAM GB) to drill more boreholes which was done and peace was subsequently restored in the area.
- In Garissa, the Aulian and Abudwaq were reconciled by UNDP peace initiative using the Elders.
- She stated that Elders (men) need to involve women in peace initiatives.

- To realize lasting peace in the country, the Waki Report should be implemented cautiously.
- The Truth, Justice and Reconciliation Commission (TJRC) would not solve the crisis and should not be charged with the prosecution of perpetrators of post election violence.
- Local tribunal should deal with perpetrator of Post Election Violence (PEV).
- The Government should work together with Elders, religious and women leaders in restoring peace.
- The locals and National media stations such as Kenya Broadcasting Corporation (KBC) should put up peace programmes so as to educate and urge the mass on the advantages and importance of having lasting peace.
- She encouraged MPs to undergo capacity building training on humanity and be prepared to consider views and recommendations from other stakeholders.

Garissa Peace and Development Committee

- The organization is registered and is recognized and works with provincial administration; and is supported by United Nations Development Program (UNDP, Oxfarm GB and Peacenet.
- Though Garissa has several tribes, Somalis being the majority did not experience Post Election Violence (PEV) because Sheikhs, Imams engaged the people constantly on peace and importance of having lasting peace.
- Elders must be recognised and be involved in national issues, be invited to National Elders Conference.
- Two Somali "states"; Somali Land and Put Land which are run by Elders and religious leaders have no problems.
- Wagala was a problem between clans and could be solved by Council of Elders from the clans – 3 from Garissa, 3 from Wajir and 3 from Mandera; the Elders should have moved to where the problems were and should not involve politicians.
- The peace initiative of the organizations have been receiving support from Arid Land Authority, Oxfam-GB, World Bank and UNDP through the Government but only a third of the donation goes to the Peace Committee; the USAID gives their contribution directly. The Garissa Maendeleo ya Wanawake and other organizations for peace are grateful to the donors.
- The Waki/Kofi Annan's call for the Hague will be useless; bring Elders/Religious leaders together and let the perpetrators be taken to courts.

Chairman, Nineteen (19) Districts Pastoralists Committees

- The Government should be leading the peace initiatives instead of leaving donors to lead.
- Traditional peace mechanism has to be revitalized since they are effective.
- To achieve cohesiveness of the nation – people should accommodate one another e.g. the Christians should tolerate the Muslims – the case of Kadhi's courts.
- The pastoralists feel that the Government has ignored them.
- No Government policy on pastoralism/nomadism.
- Not even one National University has pastoralism/nomadism as its faculty though over 80% of land is involved of pastoralism/nomadism.
- The setting up of Kenya Meat Commission (KMC) is away from the areas.
- One former Permanent Secretary (Benson Kaaria) was determined to eliminate Pastoralism/Nomadism.
- Non-cohesive education system, the schools should be used to build Nationalism and Patriotism, during the British , schools used to "God Save the Queen" to remind and inculcate the patriotism of the British Empire.
- Waki Report is dangerous and can fail the country. Reconciliation – oathing the leaders and punishing the inciters including the media.
- Foreign missions over-stepping their port folio; some have even incited one tribe against another e.g. Somalis vs Pokomos.
- Denying of Resources to boarder committees leads to loss of loyalty to those denying its own people.
- The Government should engage Elders/Assessor on land issues.
- Leaders do not resign when they are named for National misdeeds – the wananchi lose confidence in their own systems.
- Elders are not concerned about fragmentation of the country by setting up "New Districts" instead of bringing people closer.

Pastoralist Youth Forum

- No Post Election Violence registered in pastoralist areas especially from North Eastern Province and upper Eastern Province because their respective local Council of Elders was working together with Youth and Women groups preaching peace.
- Waki Report as reported by other leaders will only bring tension between communities; Kriegler stated that there was no clear Winner of the 2007 Presidential election hence the Waki Report should be shelved Truth, Justice and Reconciliation Commission (TJRC) give a chance.

- Constitutional matters on the power of the executive must be settled for peace to be realized.
- Unemployment of the youth; tolerance between religions, boundary fixing and land issues must be addressed with the use of Elders/Councils of Elder.
- National universities should study the National issues and give suggestions/solutions.

Women for Peace

- Women for Peace from North Eastern should be taken as a role model.
- Reconciliation (maslaha) by Elders/Councils of Elders should be upheld.
- Not Waki but reconciliation – The TRUTH must be established, trauma healing process be given priority.
- Refugee camps at Lagdera and other locations are destroying the environment, in fact they are a source of desertification and the Government and UNHCR must act now.

Garissa Community Leader

- North Eastern Province was in the state of emergency from 1962 to 1992, the effect is still there. In any insecurity incident extra security measures are taken not the same is but it is in other areas e.g. Mungiki does not receive harsh and ruthless force of the security units.
- Discrimination on identify and passport issuance – the Elders/Sheikhs should be used to solve them.
- Land allocations/identification cause violence and even deaths – should be solved by Elders.
- Waki Report should be rejected; the Europeans want to finish Kenyans.

Maendeleo ya Wanawake –Garissa

- Eradication of poverty is not by feeding the population but starting and encouraging farming and other economic activities so as to empower the people to feed themselves and have sustainable economic activities.
- The Government should be proactive on problems which are common in the areas.

Youth Leader – Garissa

- Poor infrastructure in education, health facilities and overall inequality of Government allocations in the Province.
- Rejection of the Waki Report.

Northern Environmental Conservation Agencies

- War veterans from the area, youth are recruited and then dismissed before completing their training from armed forces. These unutilized youths become a big security challenge in the Province – carjacking, arms

trafficking, criminal gangs etc. The Government must address this problem urgently.

- The country has been fully mobilized to get the solution for 2008 violence where about 1300 people died; BUT there has not been investigation and National concern on the Wagalla Massacre where more than 5000 people died; the Malkamari Massacre where military planes attacked leaving more than 1000 dead. The Government should stop behaving as if those killed in the 2008 violence (mostly from Rift Valley) are more of human beings than those killed in North Eastern Province.
- North Eastern should not just be treated as a training area but a Province to be developed as any part of the country.

Chairman Supkem

- Since 1963 the people of North Eastern have not been treated as human beings. In November 1980, a District Officer (DO) was killed when his vehicle was attacked; twelve hours after that the Police, Administration Police (AP) and General Service Unit (GSU) were deployed and Garissa
- Town was burnt and about 50,000 people were brutally killed. In other parts of the country, Government officials are killed and no such ruthless action is taken. It was not another tribe which killed our people but the Government itself; there has been no inquiry or investigation on the incident and the perpetrators have not been questioned. So Post Election Violence does not concern us.
- Land is in plenty, thousands and thousands of hectares, but there is no official land identification or allocation; the last land allocation was in 1991.
- Employment of young inexperienced people as chiefs who have no respect for the community. Chiefs should be at least fifty (50) years old.
- There should be religious respect and tolerance; Christians complain about the inclusion of Kadhis' courts in the constitution whereas they enjoy all facilities from holidays including Sundays as a Christian prayer day; an extensive airtime on Kenya Broadcasting Commission (KBC); free operation of Christian based aid organizations, while banning of Muslim based-Aid Organizations.

An Elder

- People in this area do not kill one another over politics but over food, water and grazing land.
- So people migrate to urban areas settling where others have already settled causing conflicts and even violence.
- No Hague, Kenyans should reconcile, Elders and Council of Elders should be used as is happening in our area (North Eastern Province).
- The Government was asked to solve the issue of Identity Cards (ID); Somali are not the only border people, what about the Luhyas (Kenya/Uganda), Maasai (Kenya/Tanzania) and others.

Chairlady – Maendeleo ya Wanawake (Greater Garissa)

- Women raped and men killed by security officers or civilians over land issues BUT Elders were able to contain the situation hence the Elders and Council of Elders be given more power and authority to deal with conflicts.
- In the Elders Conference, WOMEN must form a substantial number of participants.
- North Eastern Province not involved in Post Election Violence, because the leaders led them to stay put.
- North Eastern Elders Forum at Garissa – Tuesday, 4th August, 2008.
- Chairman – Arwale Community Trust.
- North Eastern has been a neglected area as it was one of the closed Districts with no development initiative from the Government.
- Elders were in charge of clans and gave direction of proper use of land; they also looked after education, but currently the role of Elders has been eroded and hence people are migrating to urban areas where they over depend on relief, food from donors.
- Waki report should be implemented.

Chairman Civil Society – Garissa

- Establish resources management of the area.
- Promote both local and interNational tourism.
- Empower Elders to solve conflicts between communities on resources
- Invasion of Boni forest in Ijara by Somali is a challenge

Chairman – Pastural Environmental Watch

Several demeaning acts were and are still being done to people in this area:

- Use of excessive force by the police;
- Dumping of civil Servants accused of gross misconduct as a punishment; and
- Illegal distribution of land to people from non local communities.

Waki Report to be implemented even if Ministers are accused so as to restore peace in the country.

Garissa Elder

- Government's refusal to allocate land to residents.
- Government ignored the Province; no proper roads, water for cattle, difficulty in getting Identity Cards.

- Madarasas are part of education system, why are madarasas not supported by the Government?
- Waki Report, those accused should be tried by local tribunal with local and foreign judges, sending them outside the country's "Haram" (committing a sin).
- Close the Somali border until Somalia is stable.

Peace Committee – Garissa Central

- People feel marginalized and the Government has never apologized for atrocities of 1980s – Wagalla Massacre, the Minister for Internal Security then Hon. G.G. Kariuki has never been questioned, the same for Provincial Commissioner.
- Harassment of Muslim teachers/preachers alleged to be Al Qaida, families disintegrated with several women and children lost to date.
- Management of Kenya spoiled by the confusion caused by sharing power between the President and the Prime Minister.

Anglican Church of Kenya

- Forty-two (42) tribes of Kenya have to unite as one nation;
- The common mwananchi (ordinary citizen) has no problem but politicians/politics divide the people.
- Political parties MUST be minimized;
- Locals should benefit from projects originating from their areas such as Mbeere power station.
- Unity by putting God first.
- For the Conference, at least one must come from the forty-two (42) tribes.

Probation Officer – Fafi/Garissa

- Using the Somali proverb: the two principals Hon Kibaki and Hon Raila were the ones who made Kenyans fight, but instead of them going round solving the problem, they ask others to find the reason why people fought.
- The two principles must address and solve the land issues as urgently as possible to save the integrity of the country.
- The Government must use the Elders/Council of Elders and religious leaders in peace and reconciliation process.
- Those in power are the ones who caused the problem. The political giants, the Commissioner of Police, the Directors of National Security Intelligence Service (NSIS) and Criminal Investigation Department (CID), the Electoral Commission of Kenya (ECK) should all appear before the courts.

- Elders should deal with reconciliation, we from North Eastern are neutral; the Hague/local tribunals will spark fighting and will not bring the country normalcy.

Chairlady Maendeleo ya Wanawake – Ladgera District

- Modagashi (Lagdera) Eastern/North Eastern Provinces - the border police barriers are only on the North Eastern side not on the Eastern side.
- Livestock rustling from the Boran, but not from the Somali side; reported to Provincial Police Officer but only empty promises.
- The police ask for Identity Card in buses from Garissa to Nairobi but only the Somalis have to identify themselves not other passengers in the bus; are Somalis not Kenyans?
- Those responsible for massacres in North Eastern such as Wagalla, Garissa Gubai must be brought to justice.
- Constitutional review must be completed before 2012 General Elections.
- Garissa/Tana River Boundary MUST be addressed urgently, as the boundary stands the North Eastern headquarters in Garissa is in the Coast Province.

Environmental Degradation Committee

- Corruption is the cancer of our country and must be eradicated.
- Security poses as a major problem despite the fact that there are all relevant authorities.
- Government has refused to allocate land and this leads to conflicts and violence.
- Waki Report should be implemented and take those implicated to the Hague so as to get justice.

Youth Leader

- Land problems as stated by others.
- Elders have abandoned the youth and hence the youth have been exploited by the politicians – and this is costing the country its peace.

Dujis Environmental Committee

- The participant has listed the issues according to their seriousness as corruption, drought, personal political interests, land problems, constitutional review, insecurity and unemployment; these have been presented by others, he was to register them.
- People need to be educated and make the potential of the street idlers - the Government should come up with a program for their own self employment.
- Ijara Boni Forest penetrated by Somali bandits (Al Shabab).
- Speed up Constitutional Review to save the country.

Chairman, Persons with Disability – Garissa

- People with disability are marginalized in Kenyan Parliament while in Uganda Parliament there are five (5) Members of Parliament with disabilities.
- Government's absence of action for the massacres in the Province with no apology or acknowledgement. The incidences are very disgusting; in 1979 a Mandera youth, Ali Yusuf Ibrahim was rounded up with 75 camels, 120 cows, 300 goats all killed and the father had lost everything.
- Land allocated for Disability Rehabilitation Centre and built by 1980 but no funds to run it.
- The Poor/Persons with Disability have no RIGHTS.

Elder Garissa

- Why Waki Report only after post election violence? What about North Eastern massacres not investigated – are North Eastern people animals with no life value?
- Those killed during Post Election Violence – Kusame heyana (forgive one another).
- Those who stole votes should be asked to explain – Raila was fighting for his rights.
- Since there is no official demarcation of land between clans conflicts and inter-clan violence.
- NEP has potential resources as tourist attraction such as Rahole Sharbini, Bothey, Arwalle and Bulgari.
- The Residents should be encouraged to engage in irrigation and build institutions of learning.

North Eastern Province Elders' Forum – Garissa (Wednesday, 5 August, 2009) ASK – farmer Garissa

- Fight tribalism.
- Eliminate corruption.

District Peace Committee – Fafi

- Before independence there were three (3) clans in Garrisa – Abdallah, Aulian and Abudwahaq, but this changed in 1991 after the fall of the Somali Government, a large number of refugees – who cause security problems and demanding Kenyan Identity Cards.

Peace Committee – Garissa Central

- The problem is the influx of refugees and their effect as discussed by others.

Development Youth Forum

- Some communities evicted from Bula Lafto by the local Council and presently living in ADC farm. Have challenged the eviction ten (10) years ago but the case is still pending.
- Hydro electric in Ndaruma is open up without warning causing floods which destroy crops in the area.

Maendeleo ya Wanawake – Garissa Farmer

- Police harassment in the area including raping of women yet when reported no Government action, not even apologies.

Youth Leader – Garissa

- Corruption in getting Identity Cards/Birth Certificates
- Clanism and nepotism highly hinders development; Ijara for Abdalla, Lagdaera for Aulian and Fafi for Abudwaq.

Provincial Chairwoman – Maendeleo ya Wanawake

- 1980 Garissa Massacre not even an apology from the Government but 2008 Post Election Violence discussed country wide.
- Influx of refugees received without the host community being consulted; 390,000 refugees neither the Government nor UNHCR have compensated by road construction between Garissa and Daadab.
- Police harassment at Police Road Blocks to the locals but free passage for the refugees through corruption; even students moving home/school are troubled.
- Permits for BARS in the town centres are issued from Nairobi and not local authorities; these Bars spoil the town environment and intimidate the Muslims who are the majority.
- Miraa should be barred into the Province; the Government should limit the Bar permits to the minimum.
- Marginalization – after 44 years of independence the resources available to the Province are far below those for the rest of Kenya.
- Encourage Islamic Banking for those who practice Islam in the Province; and who are the majority especially the Muslim women.

Farmer – District Peace Committee

- Corruption and tribalism to be dealt with by Elders/Council of Elders.
- In Police force corruption is rampant and hated by the residents instead of "Utumishi kwa Wote" it is "Adui kwa Wote".

- Instead of powerful President, it should be Prime Minister, Upper and Lower House system.
- The Laws are there but no IMPLEMENTATION.
- Ministry of Agriculture has employed 40 drivers, 20 to the North Eastern Province but not even one from the area (i.e. not even one Somali)

Youth Leader Garissa

- Employment in the armed forces does not look at the area diversity, all are from Municipality of Garissa, even if some are refugees; some should be recruited from the divisions.

Provincial Peace Committee – Garissa

- Three miles strip from the Tana River to be the Tana River/North Eastern Province boundary must be resolved urgently.

Farmer Garissa

- Kadhi's courts should continue;
- Corruption: Matatus, Buses have to pay the police ;
- Why not employ local officials when available instead of others from other regions;
- Bridges – encourage farming , good farm lands even apples can grow;
- Land disputes of more than 6 years have not been solved.

NYANZA PROVINCE CONSULTATIONS KISII TOWN, 29th July, 2009

The Committee of Elders met with community leaders and Elders from Kisii on 29th July, 2009. (The list of the names of Elders is contained in Annexure Three). Those who attended this meeting were from Nyamira, Manga, Kisii Central, Nyamira North, Masaba South, Gucha South, Kisii South, Gucha, Masaba and Kenyenya.

The Chairperson briefly addressed the participants on the mandate of the Committee, and explained that the Government wanted the Elders to be involved in the process of healing the country through cohesion and integration. The Elders were encouraged to speak frankly about issues that affect their communities and suggest how they can deal with these issues in order to enhance cohesion and integration.

THE ABAGUSII CULTURAL AND DEVELOPMENT COUNCIL

It was evidently clear that most participants were members of the Abagusii Cultural and Development Council. Their Chairman explained what the Council stood for and how it was started four years ago. The leaders realized that their people and especially the youth were losing direction. The Council was therefore born out of a need to re-direct its won people towards social and economic empowerment. This Forum is non political and engages people of all ages. The chairman said that the Council's efforts had paid off because during. Post Election Violence no such violence took place despite the fact that Kisii is home to many other communities. Even though about 200 Kisii were killed elsewhere during this period, no retaliation took place in Kisii itself because the Elders were able to contain the youth.

POST ELECTION VIOLENCE (PEV)

The Kisii have problems of scarcity of land and as a result many of them have moved to Luo Nyanza and other parts of the country. They are a hard working people and known for their business acumen. They have established thriving businesses wherever they have settled however, this has caused them problems with host communities. In Luo land, prior to PEV they ran big businesses and owned most of the matatu transportation. The Luo, during PEV destroyed businesses belonging to the Kisii, Kikuyu and Indians. The reason for the Kikuyu being attacked was that they were perceived to be arrogant to their host commuinity.

The Elders were convinced that their politicians fuelled animosity amongst their supporters hence the violence that erupted. They also believed that the politicians do not understand what democracy is all about. This was illustrated when people were attacked for supporting parties not popular in particular regions. In addition, politicians made unattainable promises to their supporters which were a major cause of violence. For example, the Kipsigis and the Maasai were promised land if they voted in a certain way; this raised expectations. In the whole process Kisiis were victimized by the Luos in

Nyanza, the Kalenjins in the Rift Valley and in the Borabu area along the borde where, for instance, the Chebilat market was completely burned.

The politics of intolerance was another reason for the violence. The Kisiis were perceived to be supporting PNU (Party of National Unity) which was not true because many Kisii supported ODM (Orange Democratic Movement). The Kisii accused the Luo of intolerance and voting as a block while they (the Kisii) were more liberal and understood democracy better. People were incited to remove "Madoadoa" from their midst. This resulted in violence and people were forcefully removed. The youth who did this had been hired, trained and promised payment at the completion of the mayhem. The reasons the Elders gave for not reacting violently was the recognition that their people had settled all over the country and therefore restrained themselves in order not to jeopardize the lives of the Kisii in the daispora.

CAUSES OF CONFLICTS

- **Cattle rustling**

For a long time the Kisiis have accused their Masai neighbours of cattle rustling. These raids are said to take place with the blessings of the Maasai Elders who support and protect the raiding youth. It was strongly felt that this is a matter that should and can be dealt with by Elders on both sides.

- **Boundary disputes**

The creation of the new Districts has caused boundary disputes that need to be looked into. This is not to say that the old boundaries drawn by colonialists were free from complaints and disputes. An Elder explained that in 1906 boundaries were drawn "vertically and not horizontally". This in fact led to the "Gusii massacre" in which 300 people died. The formation of the Boundaries Commission is a welcome move.

- **Criminal gangs**

These are known by various local names: *CHINKORORO*; *AMACHUMA* AND *SUNGUSUNGU.* However the Elders categorically stated that in Kisii land there were no organized criminal gangs such as the mungiki. The *Chinkororo* and the Amachuma, it was said were an amorphous groups that got together only when there was a conflict or on in order to defend a course. After the event the groups disband. The groups are also used a lot by politicians to fight political battles. They have no permanent memberships; the name *chinkororo* is derived from a monkey that becomes very fierce when provoked. Traditionally, the *chinkororo* was formed when the village was under attack. Whenever the Maasai attached a village the Kisii young men would dress like the Maasai and would strike back with success because of the camouflage. The *Sungusungu* are a vigilante group that is supposed to do community policing but instead they have killed many people in the name of defending others.

The Elders had supported their young men fully while the women fed the warriors with porridge, bananas and sugarcane. The Elders however, said that these Kisii/Maasai conflicts were resolved by religious leaders and politicians.

Other Issues

Other issues that cause conflict in this region are:

- Unemployment, corruption and misuse of devolved funds. Like in many other regions, the Kisii complained that some politicians did not use the devolved funds for the benefit of their people.
- The growing of blue gum trees in the riverbeds was said to be causing problems of drought as the rivers dry up.
- The Elders castigated the notorious killing of old women and men who were accused of witchcraft. This problem has persisted and the Elders felt, the Council should be able to handle it firmly. In most cases there is no evidence that one is a witch.
- The Elders wanted the Government to address the issue of IDPs. Presently, There are 200 IDPs who have been integrated into the community and 500 who still need to be resettled.
- The problems of drugs and substance abuse exist within the community and are causing great danger to the youth.
- Kazi kwa Vijana has benefited many young people but there is still room for improvement.
- In respect of the Mau Forest Elders strongly felt that the Governments' decision to remove people from the Mau Forest should be final. The issue should not be politicized and people should move out of the Mau Forest as soon as possible.
- In as far as the Hague issue is concerned the Elders were of the opinion that for reconciliation to take root, justice must be done. They therefore, felt the perpetrators of PEV must go to The Hague however they felt that a Local Tribunal would save the face of Kenya and its sovereignty.

RECOMMENDATIONS

At the end of the meeting, the following recommendations were made:

- The church should take a lead role in resolving all conflicts.
- A National cultural Forum should be established to enhance interaction.
- An Act of Parliament should ban hate speeches.
- That young people should be helped to have right attitude by inculcating in them values right from young age.
- The leaders should also change their attitude of greed and power.
- The leadership should be accountable.

- Service in public offices should be done without discrimination.
- Civic education to be spread among the Abagusii.
- The National leaders must be controlled and held accountable for their actions.
- Give a National outlook to secondary schools. Children from different areas should be mixed in schools to enhance exposure.
- Encourage with ethnic exchanges so people can experience different cultures.
- Young people should not be left to idle around. Ways to keep them engaged should be found.
- The National ID cards must be such that no tribe is shown as is the case to day.

RESOLUTIONS

After the long deliberations the Abagusii Elders resolved that:

- The Government should establish a National Council of Elders running down to the grassroots levels and enacted by Parliament. The Council should encompass all the 42 tribes of Kenya.
- The Abagusii Cultural and Development Council (ACDC) be strengthened to include leaders at the grass root such as youth and women.
- Those who incite others into violence should be arrested and prosecuted in spite of their social standing. This should start with the PEV perpetrators.
- The ACDC shall endeavour to reach out to neighbouring communities and.seek peace.
- The 8-4-4 system should be reviewed to abolish the quota system.
- The planting of blue gum/eucalyptus tress be abolished in water catchment areas and be phased out of others slowly.
- The National Cohesion and Integration Act be implemented to the letter.
- The people in the Mau Forest be moved out and be compensated accordingly.

KISUMU CONSULTATIONS, 30th and 31st July, 2009

INTRODUCTION

The Secretary–General of the Luo Council of Elders welcomed the participants. The Kisumu Consultations were conducted over a period of two days namely 30th and 31st July 2009. Due to some logistical problems the meeting on the first day started late and it was obvious that the participants who had been assembled did not satisfy the Committee's criteria as to who an elder was or should be. Nevertheless consultations were held and some useful contributions were made. On the second day however the group of properly constituted Elders were in attendance and very successful and passionate consultations took place.

The participants were drawn from the following Districts: Homa Bay, Kisumu Town West, Nyakach, Nyando, Rachuonyo North, Rarieda, Kisumu East, Bondo, Gem, Suba North, Rongo, and Migori. The meeting was attended by the Ker, who is the head of the Luo Council of Elders, and several other members. (The list of names of the people who attended on both days is Annexture Three).

Committee and participants. He introduced the discussions by listing the meeting's objectives as:

- To revitalize the spirit of unity in Kenya;
- To identify causes of the conflicts in the community (intra and Inter). These are challenges that need to be turned into opportunity; and
- To establish ways of resolving the conflicts in a sustainable manner through the guidance and intervention of Elders.

On his part the Ker welcomed the Committee and persons present. He urged the participants to be very open and share all information that would enhance the cohesion in the country.

The Committee briefed the participants on its mandate and urged them as Elders to take up Government's offer to work with them in matters of National reconciliation and cohesion by working in an institutionalized framework. The Committee stressed that Elders must first of all correctly identify the causes and nature of the conflicts in their area if they were to come up with viable solutions. To this end the participants discussed what conflicts afflicted them and how they proposed to resolve them.

HISTORICAL INJUSTICES

This topic was discussed at great length and appeared to be the one upon which all other grievances hinged. Not only was it passionately discussed but it also elicited very strong feelings and pain that exist in the community. This report cannot pretend to capture in full the extent of the deep sense of betrayal and hurt that exists in this Community.

- **Political betrayal**

The conflict arising out of political betrayal, broken promises, elimination of members of the Luo tribe, discrimination and all other perceived and real

evils were discussed with brutal frankness. The following quotations from speakers at the meeting serve to illustrate this point.

"At independence, Odinga vouched for Kenyatta to be President when he was invited to take over leadership of Kenya.

After independence something happened. When the power was on the table tribalism became the main thing. The Luo have never been given the finance portfolio yet they have very strong qualifications...

"Tribalism was planted by the first regime, nursed by the second and the current one has perfected it."

- **Broken Promises**

On this issue the following was said:

"Kikuyus are the cause of all conflicts: They lie, never keep promises and are unfaithful. Unless they come down and allow others to take over then conflicts will always be there. —The Kikuyu need to apologize to the Luo they should repent to all. No Kikuyu was ever killed in Nyanza and yet so many Luo were brutally murdered. Demonstration and violence in Luo Nyanza were people trying to express themselves after they lacked avenues to do so. The Kikuyu decision to suppress the Luo politically is what caused all...

The major broken promise as far as this community is concerned is

"After the swearing in of Kibaki on 31 Dec 2002 Raila was denied entry to see Mr.Kibaki. Later the MoU was disregarded and this never went very well with Luos. The community feels duped."

Elimination of members of the Luo tribe

On this issue contributors claimed that prominent Luo politicians, Tom Mboya, Argwings Kodhek, were assassinated by the Kenyatta regime which regarded these men as threats especially because they both had played key role in the fight for independence. Furthermore this was perceived by the Luo as yet another illustration of the Kikuyu using the Luo and then discarding them. This trend was seen as having been perpetuated by the Moi and Kibaki regime in the killings of Dr.Robert Ouko and Dr.Mbai.

The 1969 Kisumu Massacre stands out as a terrible expression of unwarranted brutality on an unarmed people. All these are very sore points that contributed to PEV.

Discrimination and unfair treatment

Contributing on this topic Elders alleged that the majority of those high office holders who were named and dismissed in Commissions like the Ringeera one are Luo. A couple of speakers also narrated their own experiences of unfair dismissals All these perceptions fuel the fire of conflict. Some big businesses which had opened in Kisumu were said to discriminate against the Luo when employing: people from outside, mostly Kikuyu, were given jobs at the expense of the youth of the area. When Presidential election results were announced they were the spark that lit the well- prepared firewood.

Other expressions of discrimination were cited

"During PEV it's the Luo Nyanza were people suffered most.

Its only here where live bullets were used"

It was stated that the Kisii and Kikuyu in Kibuye market were compensated and yet no Luo from there had been accorded the same treatment. Similarly Luo IDPs from Naivasha and Nakuru have not been compensated.

Perceptions on matters of discrimination and unfairness went as far as employment in Government, recruitment of youth into the uniformed forces. For example, during the rehabilitation of street children. It was said that those from Nyanza were not taken into the National Youth Service.

TRIBALISM

As far as the Elders at these consultations were concerned tribalism is a deep seated cause of conflict. It was started by the Kenyatta and has been perfected in the Kibaki era. They aver that:

"Appointments in the Government are ethnically skewed
with Kikuyus being the most beneficiaries"1

Another speaker stated that (tribalism):

"It's a disease that is eating up the country.
It has led to the suffering of the community".

While the Luo are quick to point an accusing finger at other tribes and the way those tribes treat them, they are not as quick in pin pointing their own skewed attitudes towards other communities. However some Elders at this Forum blamed the issue of tribalism on the Luo themselves. They said that right in their homes the Luo teach their children that their suffering was because of the Kikuyu. What is more the Luo community seems to live in constant suspicion of their neighbours: they claim the Luhya are unreliable; the Kisii are hypocritical and the Kalenjin steal their cattle. The Kikuyu are said to be liars who have a superior attitude that scorns everybody else. Tribalism had bred hostilities that have fuelled conflicts on different fronts in the region.

OTHER ISSUES

Other areas of conflict that were brought up have to do with the youth and the way politician use them to cause mayhem. It was said that politicians pay them with alcohol and drugs. This in turn gives birth to another sinister problem of drugs and alcoholism which cause young people to be unproductive and thus perpetuate the poverty cycle. The youth are idle, it is claimed, because they scorn manual labour, will not find out about, far less, enroll in the Youth Enterprise Development Fund (YEDF). Youth representatives appealed to fellow youth to take advantage of all these Government initiatives for them and be willing to take risks. The youth in the Kazi kwa Vijana initiative were said to be relatives or friends of the Councilor who was in charge of it. Elders were encouraged to look into this kind of mismanagement. Another youth issue raised was related to HIV/AIDS and the many orphans that this pandemic had left in its wake. The orphans needed care to ensure that they did not turn into criminal gangs. Also related to youth was the matter of education. As inn other

[1] Op cit

areas the Committee had visited there were heartfelt cries in Luo Nyanza for the abolition of the quota system of secondary school intake. This denied students exposure to and an appreciation of other people's cultures. It enhanced tribal prejudices in an already volatile region.

The women are a marginalized group. In employment there is often gender bias in favour of the men. Women's inheritance rights in the family are more often than not ignored which leads to a lot of poverty-associated conflict. It was suggested that women should not be discouraged from accessing the women's Fund on the basis of rumour. Rather, they should organize themselves properly for this venture.

On the issue of economic disempowerment it was noted that most of the industries in Nyanza namely, Breweries, Cotton and Sugar had or were at the point of collapse and very little had been done to revive them. This has led to high levels of poverty in the community.

On the issue of Luo versus Kikuyu in business it was observed that from 1992 there was a massive influx of Kikuyu and Kisii into Nyanza and they took over most of the businesses.

The Luo said that they have no business because of the stiff competition . as a result they are looked down upon by the other tribes, called derogatory names and insulted and told, "you are just proud but you have nothing."

They further stated that they opened up their markets to all but the Kikuyu do not reciprocate in their areas. This was given as one of the reasons why the Luo burned down premises owned by Kikuyu and Kisii. "We destroyed their property because they and we don't have."

All the above existed before 2007 but what triggered the violence was the belief in the community that the Kikuyu had once more stolen the election which the Luo had squarely won. This notwithstanding, the community got the raw end of the stick and were murdered in great numbers in Naivasha and Nakuru. It was their belief that this was a well planned operation to eliminate them.

As one speaker put it, "the Kikuyu were to blame for treating other communities as though they do not matter. There can never be a compromise unless the Kikuyu recognize the Luo and give them an opportunity to lead."

MAU

The Elders and community leaders at these consultations stated that allocations of land in the Mau Forest had been done during the Moi era and the beneficiaries had been KANU sympathizers. They were unanimous that people should be moved out of there immediately.

TRUTH JUSTICE AND RECONCILIATION COMMISSION (TJRC)

Elders said that they wanted the TJRC to bring out the truth about assassinations that have largely targeted the community. For peace and reconciliation the perpetrators of political assassinations should be given a platform to confess and receive forgiveness. Noting that the community has faced mental torture as a

result of these assassinations, the Elders would like the TJRC reconstituted. They stated that it needed to be headed by a neutral person preferably from outside the country and with a legal background.

RECOMMENDATIONS

- Elders to give guidance to the community in all matters of welfare;
- LCE be made strong to deal with the local problems of the community;
- That Council of Elders be made legal through the constitution and that budgetary allocations be made for them;
- Each of the community Councils remains intact and that they meet at the National level;
- The Luo Council of Elders should move to the grassroots and they be facilitated so that the people are made aware of what is happening;
- The Elders should work with the chiefs to motivate young people to work hard in their farms or other projects;
- That the Luo Council be holding regular, all inclusive meetings addressing internal issues including pride, forgetting the past and seeking solutions for the community. LCE should encourage the community to stop the blame game, forge ahead with development fully utilizing devolved and other funds in order to add value to the community;
- Review the CDF Act to allow for community Elders and leaders to play an advisory role in the management of devolved funds;
- The youth be incorporated in all decision making process;
- Change of perceptions about the community and others should be encouraged;
- Kenyans need to do a good job wherever they go regardless of their tribe;
- Civic education on what democracy and nationhood are all about be carried out;
- Parties without Presidential candidates be barred from participation in the general elections;
- Respect for women be enhanced in the community and their capacity be strengthened so that they can be involved in the development of the region;
- Laws against tribalism be enforced and tougher penalties be attached to it
- The property destroyed during PEV be repaired;
- The Constitution review be finalized and the new one enacted for Kenya to move forward;
- The Law on hate speech should be enforced;

- Inter tribal Marriages should be encouraged. The people should adopt the cultures of the communities into they are married;
- Employment opportunities should be fairly given to all Kenyans;
- There is need for change of attitude among the community members; and
- National Identity cards and other Government documents should not contain information on an individual's tribal identity.

RESOLUTIONS

From the above deliberations the Elders resolved as follows:

- A National Consortium of Elders Councils and Community leaders be established through an Act of Parliament. The responsibilities of the Consortium will be clearly stated. The Consortium is to be a non-partisan body that will play an advisory role in the governance of the country.
- That the capacity of the Luo Council of Elders be strengthened as non-partisan body with a strong base at the grassroots. It will offer oversight in the matters of governance in Luo Nyanza.
- The Luo Council of Elders will endeavour to help the Luo community to change the stereotyping of other communities and their perceptions of themselves as poor and lazy.
- The Luo Council of Elders will endeavour to help change the work ethic within the community. Research needs to be done on how best to engage this issue.
- The LCE will push for the abolition of the quota system of admission in secondary school.
- That there be established a Nyanza Youth Consortium
- The IDPs in the community be compensated as a matter of urgency. The LCE will meet the relevant authorities and see to it that this is done. The lists are with the chiefs.
- Inter community exchanges among Council of Elders.
- The LCE make deliberate efforts to reach out to the Kikuyu Elders to help resolve their differences including handling historical injustices.
- The LCE will work with the Abagusii and Kuria to work on a Forum for Nyanza with a base at the grassroots.

The formation of this National Council will require a lot of effort so as to ensure that the various community Councils are sustained. There shall be an organizational structure from the top to the grassroots.

RIFT VALLEY PROVINCE CONSULTATIONS
Nakuru Grass roots meeting
Date: 20th July, 2009

Introduction

The Nakuru grassroots meeting was held in Jams Hotel. The meeting was attended by the delegates from the following areas; Marigat, Koibatek, Naivasha, Baringo, Mauche, Njoro, Nakuru Municipality, Subukia, Kuresoi, Baringo North, Molo and Laikipia.

The procedure at the meeting was as follows:

1. Arrival of participants – on arrival the participants were ushered in to a room and supplied with writing material.
2. Prayers- were said by one Christian and one Muslim.
3. Introduction – The participants and Committee were asked to introduce themselves stating their names where they come from and what organization they were representing.
4. Opening remarks – The opening remarks were delivered by Professor Abdulghafur El-Busaidy the Vice Chair of the Committee who was chairing the sessions for Nakuru

He thanked the participants for coming to the meeting and hoped that the deliberations would be successful. He gave the history and the purpose of the Committee as follows:

The Ministry of Justice, National Cohesion and Constitutional Affairs had appointed a Committee of eight people comprising of Lady Justice (Rtd.) Effie Owuor, Prof. Abdulghafur El-Busaidy, Dr. George Wainaina, Prof. Peter Wanyande, Mr. Phares M. Rutere, Mr. Owino Magana, Mrs. Margaret Nteere and Amb. Bethwel Kiplagat.

The objective of the Committee was to organize an Elders Conference in which the Elders would convey to Kenyans and Government what they could do and achieve cohesion and integration in Kenya. It had been decided that consultations will be made with the Elders so that they are the ones who will come out what they considered was important for the nation as opposed to where experts telling the Elders what the Elders needed.

The Committee had realized that to be able to decide what is necessary to achieve cohesion and integration it was important to know the causes of tension, lack of cohesion, hatred and violence. To achieve the objective of the meeting it was imperative that each person spoke with extreme openness without fear that one would hurt another person as this was the only way of knowing the exact problem of what is ailing the country.

He asked those who may be affected by any remarks not to feel offended because that was the only way knowing what affects this country.

Rules of engagement

The rules of engagement were agreed as follows:

- The phones would be put to silent mode or switched off completely.
- People would speak on authorization of the chair.
- Nobody would interrupt another person.

Before opening the meeting to the participants the chairman invited the representative of the Provincial Commissioner to say few words. The Provincial Commissioner representative welcomed and thanked the Committee for visiting Nakuru and also the delegates for attending the meeting. He said that the meeting was very important for the creation of cohesion and integration and hoped that the Elders would do what they can to make the meeting successful.

Thereafter Provincial Commissioner representative was thanked by Prof. Abdulghafur El-Busaidy and asked him to leave the meeting because the Committee had decided, to ensure that delegates were free to talk what was in their mind, the meetings would not allow the presence of civil servants or politicians.

The chairman of the session opened the meeting and the following issues were discussed.

MARIGAT (RUGUS)

Issues raised were as follows:

- Government has done little to stop the proliferation of small arms which encourage cattle rustling and general insecurity in the area.
- This has lead to people being evicted from their areas because of violence.
- The re-introduction of Multi-party system wherein parties were run on tribal basis brought in differences between the various ethnic groups resulting in tribal conflicts from 1992.
- On the basis of the foregoing the draft constitution in 2005 created anger between the tribes.
- The difference in voting patterns in the 2007 elections which created the Post Election Violence.
- Elders should be informed of problems arising in the area before the Provincial Administration is involved.
- The Elders from different areas should consult each to benefit from experiences gained in other areas.
- Elders from different tribes should be involved in National issues.
- Vernacular FM stations need to be controlled and or closed because their utterances incited different tribes before and during the elections resulting in the Post Election Violence.

- Political parties should be reduced to two or three to ensure that they are run on National issues and not on tribal basis.
- The selling of properties should be controlled to stop the hurried transactions through which people sell properties and later claim they are not sold.
- There was complain about the appointment of chiefs required by the administration and it was suggested like in the old days chiefs should be elected by the people.
- Most Kenyans attached importance to land ownership which resulted in tension, there was need to civic education where people would be taught about alternative economic initiatives.
- It was complained that little attention was given to the youth and it was necessary for the empowerment of youth and introducing them to sustainable initiatives.
- Attention should be given to the fact that criminals always take advantage to commit crime taking advantage of the tribal problem.
- There were complains that the Kisii were engaged in black magic and that was the reason they were chased away from the region.
- That the former President should be involved in peace building initiatives.

KOIBATEK

Issues raised were as follows:

- Inter-generational conflict is a big problem in the area since young people are not willing to listen to their Elders.
- Politicians brought about tribalism especially after the 1992 elections where people started identifying themselves by their tribes.
- Politicians make laws to their advantage and detriment of the common man,
    I. In the Mau issue the politicians invaded the forest taking a lot of land for the themselves and giving little to their followers
    II. Politicians control CDF and other devolved funds which results in very little development.
- Mechanism should be put in place to ensure that the community has control over the devolved funds.
- Politicians were blamed for inciting people who had lived as brothers and sisters for a long time.
- That the two principals should not only open the Conference but take part so that they learn the feelings of the people.

NAIVASHA

Issues raised were as follows:

- There was claim in Mau Mahiu that there was unfair allocation of licensing on sand harvesting.
- That there was diversion of the water from its course thus hindering those in the lower areas from accessing clean water and causing tension between the communities.
- There were complaints that the Government ignored early warnings of the violence.
- It was reported that the Government is not taking the drought seriously which may ignite violence between communities.
- It was reported that in Kabati Kispigis and Luo are not allowed to rent houses and the police who know about have done nothing.
- There were complaints that the IDPs from Koibatek region settled in Naivasha were not getting help from the Government.

BARINGO

Issues raised were as follows:

- There has been problem in cattle rustling between the Tugens, Pokots and Iljamus.
- They reported there is corruption in the recruitment of police, army and admission in the medical training college.
- Vernacular FM stations namely Kass and Citizen FM were blamed of incitements of tribes.
- There were complaints of new administrative boundaries creating sub-Provinces from Rift Valley Province.
- Participants expressed concern of likelihood of politicians being taken to Hague.

MAUCHE AND NDEFO

- Issues raised were as follows:
- The Kikuyus complained that they were given 1.6 acres while the Ogieks were given 5 acres; these created tension between the communities.
- The other issue was the access point to the water which is a source of violence between the communities.

NAKURU MUNICIPALITY

Issues raised were as follows:

- While the violence in Nakuru area was based on socio-economic issues it was the poor fighting one another on issues instigated by the politicians.
- A lot of the fighting was based on rumours brought from outside by people claiming that certain communities were being attacked by others.

- There were complaints that when Narc came to power the former President was disregarded which looked like the issue was tribal.
- Tribal affiliations were exploited during the referendum and 2007 general election.
- The sacking of public servants appeared to be on tribal basis.

SUBUKIA

- A participant from Subukia stated that the Committee should take its message to the locational level and politicians whom he claimed as inciters should listen to the people.

KURESOI

Issues raised were as follows:

- A participant complained of unfair distribution of land claiming that Kalenjins were disadvantaged in the allocation of land particularly to Kikuyus who had taken their land.
- This injustice should be looked so as to avoid possible confrontations.
- There were complaints about the Kisii who were accused of practicing witchcraft.
- The youth should be provided with sustainable jobs.
- It was alleged that Kikuyus were moving away from the area fearing reprisal from the Kalenjins if some were taken to the Hague.
- There people who were using derogative language which was likely to cause tension.
- The youth should be encouraged to become religious.

BARINGO NORTH

Issues raised were as follows:

- Participants complained of blanket condemnations of the whole community especially in political issues with the consequences that people are branded as traitors.
- There were complaints of unemployment which was the cause of poverty.

MOLO

Issues raised were as follows:

- That to heal the Nation they should be no more than two political parties.
- Vernacular stations should be banned.
- InterNational communities should not be allowed to interfere in local politics in the country.
- There should be fair distribution of resources.

- Joint activities between different communities should be encouraged.
- Women and youth representatives should be involved in matters of development and governance.
- To curb rising crime level there is need to increase security.
- The former President be peace building to provide integration and National cohesion.
- The Government should resettle IDPs.
- The Government should discourage the taking of oaths by different tribes.
- The fighting for community rights over land should not be considered as criminal acts.
- The youth should be involved in more substantive projects.
- That the talk about Hague should be considered carefully as it creating tensions.
- Religious leaders should play their moral roles and duty.

LAIKIPIA

Issues raised were as follows:

- It was said that some people were looking down upon each other and influencing youth which was causing conflicts.
- The was need to disarm the youth.
- There was need to establish a Council of Elders.

Recommendations drawn from the participants

- Carry the work of the Committee to the location level and use the Elders to educate the people on peace, cohesion and integration.
- Carry out civic education to enable the citizens to appreciate one another.
- Establish a Council of Elders from the locational level to the National level.
- Institutionalize the Councils of elder in the law.
- Leaders should be told openly and emphatically of their wrongdoing especially in inciting citizens.
- The media should be impartial and constructive and avoid incitements.
- People who incite violence should not be allowed to hold any public office.
- Elders should talk to their children addressing issues of peace.
- The Committee should visit areas considered to be prone to conflict and encourage dialogue between the communities.

- Politicians should not be allowed to hold office in Council of Elders and peace Committees.
- Elders should be consulted in formulating Government policies.
- There should be enforcement of the laws without discrimination.
- The Mau problem should be addressed promptly and wisely.
- The Government should find a way of resolving issues of availability/use of water.
- The Committee of National Elders Conference on Cohesion and Integration should work in collaboration with the peace Committees.
- The Elders should partner with the Provincial Administration on peace.
- The Elders should emulate the Rwandese lessons on peace building/ keeping.
- The Principals should participate in the National Conference.

KERICHO GRASS ROOTS MEETING

DATE: 21TH JULY, 2009

Introduction

The Kericho grassroots meetings were held in Kericho Town Hall. The meeting was attended by the delegates from the following areas Sotik, Bomet, Trans Mara, Buret, Kajiado Central, Kajaido, Kajiado North, Kericho, Bomet, Kipkelion, Londaini.

The meeting of the procedure was as follows:-

1. Arrival of participants – on arrival the participants were ushered in to a room and supplied with writing material.
2. Prayers – a person conducting the meeting called on one Christian and one Muslim to conduct prayers.
3. Introduction – The participants and Committee were asked to introduce themselves stating their names where they come from and what organization they were representing.
4. Opening remarks – the opening remarks were delivered by Professor Abdulghafur El-Busaidy the Vice Chair of the Committee who was chairing the sessions for Kericho

He thanked the participants for coming to the meeting and hoped that the deliberations would be successful. He gave the history and the purpose of the Committee as follows:-

The Ministry of Justice, National Cohesion and Constitutional Affairs had appointed a Committee of eight people comprising of Lady Justice (Rtd.) Effie Owuor, Prof. Abdulghafur El-Busaidy, Dr. George Wainaina, Prof. Peter Wanyande, Mr. Phares M. Rutere, Mr. Owino Magana, Mrs. Margaret Nteere, and Amb. Bethwel Kiplagat.

The objective of the Committee was to organize an Elders Conference in which the Elders would convey to Kenyans and Government what they could do in order to achieve cohesion and integration in Kenya. It had been decided that consultations will be made with the Elders so that they are the ones who will come out what they considered was important for the nation as opposed to the elders being told what to do.

The Committee had realized that to be able to decide what is necessary to achieve cohesion and integration it was important to know the causes of tension, lack of cohesion, hatred and violence. To achieve the objective of the meeting it was imperative that each person spoke with extreme openness without fear that one would hurt another person as this was the only way of knowing the exact problem of what is ailing the country.

Rules of engagement

The rules of engagement were agreed as follows:

- The phones would be put to silent mode or switched off completely.
- People should speak on authorization of the chair.
- Nobody should interrupt another person.

Before opening the meeting to the participants the chairman invited the representative of the District commissioner to say few words. The District Commissioner representative welcomed and thanked the Committee for visiting Nakuru and also the delegates for attending the meeting. He said that the meeting was very important for the Creation of cohesion and integration and hoped that the Elders would do what they can to make the meeting successful.

At the conclusion by the address by the District Commissioner representative Prof. Abdulghafur El-Busaidy thanked him and asked him to leave the meeting because the Committee had decided, to ensure that delegates were free to talk what was in their mind, the meetings would not allow the presence of civil servants or politicians.

The District Commissioner representative left and the Chairman opened the meeting to the participants, the following issues were raised.

The chairman of the session opened the meeting to the participants and the following issues were raised.

SOTIK

The causes of problems in the area were given as follows:

- Cattle rustling/ cattle theft.
- Suspect conduct of the last general election.
- Excessive use of traditional liquor, it said that people indulged in excessive drinking as a result they sell their farms and later claim they have been cheated.
- Land/historical injustices, it was reported that people were pushed by the Europeans out of their farms rendering them IDPs.
- Unemployment of youth and poverty.
- Participants blamed politicians as the cause of Kenya problems in that they never tell the truth they preach tribalism, it was apparent that they did not care about Kenyans (they cared about themselves only) it was high time politicians joined other Kenyans in creating peace, harmony/ development.
- Churches were blamed for keeping away during Post Election Violence but the Muslims were commended for being together irrespective of their tribe.
- Some participants felt that Post Election Violence suspects should be taken to the Hague adding that each person should carry his own cross.

TRANSMARA

The issues highlighted were given as follows:

- **Land:** – In the old days land issues were handled competently by Elders. When Government took control problems arose as issues either not attended to thereby handled corruptly bringing issues of multiple title deeds.
- **Agriculture:** – it was felt that Government should help people with huge tracts of land by providing tractors for hire. If this was done Transmara would have had two harvest a year.
- **Mau Forest:** – The Maasai complained that they had invited the Kalenjin to share in the use of land but when the Kalenjin came they destroyed the Maasai side of the Mau Forest while the Kalenjin (Kericho side) remained intact. The settlers in the Mau Forest who are being asked to leave would like to be compensated by the Government since they were given Title deeds by the same Government that is demanding the returning of the same. It was stated that most of the people currently in Mau were people who had bought land from the original allotees.
- **Political incitement:** – It was claimed that political incitement was the cause of violence and it was felt that there should be a procedure to deter incitement failing which the 2007-2008 violence would be repeated in future. It was suggested that the Elders should find a way of resolving the post election problems rather than having people sent to the Hague.
- A participant said that to avoid problems in 2012 peace must be preached all over the country, he felt that only a small piece of Kenya burnt in 2008 but if no action was taken the whole of the country would burn so or later because politicians continue to grab public funds/ properties. There were suggestions that the President should come from the smaller tribes to avoid conflicts.
- Participants complained about the attitude taken by the Kalenjin to move out of the Mau voluntarily because the Maasai had accommodated many more Kalenjins in Maasai than were in the forest- they felt that this was a slap on the face.
- A suggestion was made that civil service should be kept separate from the politicians.
- Fear was expressed that on the issue of sending suspects of post-election violence to the Hague, would be looked upon by leaders of certain tribes as witch hunting leaders of other tribes.
- A participant said that Elders were the cause of tribalism because they talked ill of other tribes in the presence of youths.

KAJIADO NORTH

The issues highlighted were given as follows:

- **Tribalism:** – It was stated that since the advent of multiparty system leadership has been based on tribe rather than ability or capability and this has been the cause of tension. It was felt that the Elders should find a mechanism of ensuring peace to create cohesion.
- **Poverty:** – It was felt that Government should endeavor to reduce poverty at the grassroots. The CDF programmee was commended by the people as means of helping development but it was important that the people were involved in the projects to be funded.
- **Land:** – The Government was urged to ensure that people should have title deeds which would help resolve land problems especially at the time of selling/buying.
- **Administrative boundaries:** – Participants complained about the balkanization of the country where, sub-locations have been turned into Districts, this was causing conflicts.
- **Politics:** – Participants expressed concern that leaders should lead by example and the refusal by MPs to pay tax was irresponsible and was encouraging Kenyans to try and evade tax. It was felt that Parliamentarians should be careful with their statements adding that many of them criticized their country at any Forum.
- **Education:** – It was stated that the quota-system of education was causing disintegration of the country.

KAJIADO CENTRAL

The issues highlighted were as follows:

- A participant felt that they was need to review education system because a number of educated people had lost identity they are not Africans and not Europeans, this has affected the social fabric of the nation.
- Land: – the fragmentation of land has created problems for the Maasai. A special problem is the influx of the Somalis who are buying a lot of public land and constructing building with poor plans yet the town Councils who are aware were doing nothing about it, this was causing conflict among residents.
- A participant felt Kiswahili had integrated people in Tanzania and suggested that people should be urged to use Kiswahili as a mode of communication.
- Comments on Government.
- There is need to have civic education so that Kenyans can become patriotically and consequently to be able to live peacefully.
- It was alleged that Public Information Officers cover only political meetings and do not cover issue raised by the people thereby keeping Government out of touch with the people.

- It was stated that Government should implement issues raised by the citizens.
- A participant felt that politicians were irresponsible insisting that whenever National Security is threatened politicians must speak with one voice.
- Water: – there were conflicts / availability of water, participants felt that the water act 2002 was creating confusion and was very expensive to operate. There was complaint of misuse of National resources quoting the salaries of politicians and the 33 million meant for renovation of Prime Minister's house.
- Another participant felt that politicians must come up with a system of reconciliation and apologies to the Kenyans to the wrongs committed to them. He said that politicians have double personality and emphasizes that they should practice what they preach. They should be an open way of running the elections from campaigning to voting to avoid violence during election.

KERICHO

The issues highlighted were as follows:

- **Politics: – Political issues have had major impact on the lives of the people in the area.**
    - Political problems started in 1961 between KADU and KANU when the two parties merged in 1964 it was meant to create cohesion but instead created silent conflict because a lot of people accepted the merger out of fear.
    - In 1982, attempted coup created a cocoon around the President thereby distancing him from the people; a group that was near the President acquired public property at will.
    - The re-introduction of multi-party system exacerbated the tribal conflict since the parties were run on tribal lines.
    - The "Moi Project" when in 2002 former President Moi brought in Hon. Uhuru as his Presidential Candidate annoyed most politicians who set up Narc which in turn came up with "Mou" which was later disowned creating a huge political tension.
    - The firing of various people affiliated to Kanu after the 2002 election caused in a lot of tension.
    - The formation of ODM and the loss of the referendum in 2005 raised the expectation of ODM that they would win the 2007 Election; therefore the announcement thereafter that Kibaki had won was a bitter pill ODM could not swallow.
    - There were accusations that the Government used Provincial Administration to campaign for PNU and the streets celebration on

the streets by the PNU supporters was insulting to ODM supporters the situation was aggravated by the shoot on sight directive by Government which led to the death of 15 youths.

- The creation of sub Provinces and new administrative boundaries had caused a lot of disaffection which was aggravated by the small number of Kalenjins who were promoted to senior Government positions. The decision to put Kericho under the administration of Narok, rather than Nakuru had caused some tension. Government and it agents were accused of changing goal post to meet situation at their convenience.
- The community also felt that their IDPs have been ignored while those from other communities were receiving assistance.
- It was stated that one of the biggest problem was the excessive use of alcohol by the Elders which had resulted to reckless selling of land without any consultation with families.
- **Other issues that created tension were:-**
    - There was also claim that the Government was using the Police and Provincial Administration to bribe people.
    - The war of words between PNU and ODM which was shown on TV.
    - Kivuiti statement stating that "I do not know who has won" and 'I do not know whether the officers were cooking the results'.
    - The contradictory statements between the Principals that continued to add uncertainty and tension especially on the Mau issue.
- Land: – It was stated that people who had title deeds in Mau Forest should be compensated.
- It was complained that religious leaders were using tribal places of worship to create tribal differences.
- Concern was expressed in that to get a job in the army, police and Provincial Administration a person had to pay a hefty bribe which made it imperative for parents to sell cows/bull to raise the fund needed, which continued to widen the gap between the rich and the poor.
- Participant said that the country had enemies and problems which included:-
    - Somalia which he called the greatest enemy;
    - High level of crime which included Mungiki;
    - The tension between the haves and have not- the haves are practicing neo-colonialism on the have nots;
    - Bad governance;
    - Terribly bad system of education;

- Bad constitution that has been messed up by successive regimes; and
- Bad culture.

- Leaders had and continued to ruin the country and he referred to the statement by the Prime Minister where in one day he had said we should forgive each and on the next day he talked about taking people to the Hague.
- Religion: – a participant stated that if religious and political leaders were serious with what they taught Kenya would be a peaceful country.

KIPKELION

The issues highlighted were as follows:

- Politics:–
  - The civic education given to people before the last referendum was led by the politicians for their own benefit to the detriment of the country both during and after the referendum and the elections.
  - A participant felt that the Kenyans should be taught about the rights of others, to vote as they wish, to own property, to live in any part of the country and to associate with whoever they wish to. He felt that the quota-system of education was detrimental to the integration of the Nation as because young person was kept with his ethnic group throughout his education.
  - People should use peaceful means to solve differences. Kenyans should realize that there was no winner as the result of the post – election violence; all Kenyans lost.
  - During the campaigns of 2007, politicians exploiting peoples poverty made a lot of promises of things they would do if they took over the Government. A participant felt that devolvement of Government would be useful for the peace and economic development of country. (Majimbo).
  - Political incitements by leaders caused and will cause conflicts; it was recommended that political parties should be reduced to two or three which would be National as opposed to the current situation where most parties are run on ethnic basis.
  - Participant felt the whether the inciters of Post Election Violence were tried in Kenya or in the Hague the important thing is to ensure that justice was done.
- On employment, the participant felt that while every tribe groups should be given equal opportunity employment should be based on qualification not tribe. Kazi kwa Vijana initiative should be improved.
- While the participant felt that IDPs must be resettled it felt that investigations should be done to identify real IDPs.

LONDIANI

The issues highlighted were as follows:

- Participant complained that politicians seemed to be trading with the lives of Kenyans because establishing 30θ political / tribal parties was a sure way of causing mayhem in the country, they suggested that the political parties to be reduced to two or three
- Politicians used terror gangs like Mungiki, Chinkoro and Jeshi la Mzee etc to threaten Kenyans to submissions. It was suggested that the gangs should be eliminated.
- The participants emphasized that in every fight there is no winner or loser everybody suffers.
- It was stated that poor Kenyans are not protected by the law and the rich are immune from the effects of law, they felt that the law should applied indiscriminately.
- Modern technology and FM stations were used to incite the public before and during the elections and it was suggested that there should be law to control the effects of technology and FM stations.
- It was regrettable that there were no jobs for the youth and at the same time cheap liquor were available to them and it was felt that Government must take measures to control/eliminate the distribution.
- Concern was expressed that Government appeared to be reluctant to resolve issue of IDPs.
- It was strongly felt that Government should always consult the public in all matters affecting the people.

BURETI

The issues highlighted were given as follows:-

- Political and church leaders were blamed for neglecting their leadership in prevention of conflicts.
- It was stated that Elders had lost the respect of the youth.
- It was felt that taking Post Election Violence suspects to the Hague will divide the Country and therefore the matter should be resolved locally.

BOMET

The issues highlighted were as follows:

- The main cause of the 2007 violence was as a result of the indifference of the former ECK chairman, who said that he did not know who had won the elections, thus, residents feel that the current ECK should be competent at its work to avoid such mishaps.
- It was felt that in war there is no winner and Kenyans should try to get together to cure the country which is very sick.

- Participants felt that our leaders from Kenyatta up to Kibaki have not helped Kenyans.
- They also suggest that, the Government should provide youths with jobs to address unemployment issues and make effort to reduce the gap between the have and have not's, he feared that unless Government addressed the problem the 2012 election would have disastrous results, that leaders were living in a ivory tower.
- It was suggested that the quota system of education should be abolished and that civil servants should work outside their home areas.
- Lastly, they also feel that reconciliation ought to start at the community level.

BELGUT

The issues highlighted as follows:

- A participant said that Kenyans talked a lot but did little to implement, he hoped that Kenyans would change Kenya rather than wait for outsiders to change Kenya, he was skeptical of the issue of people being tried at Hague because those named in the Waki envelope may not have an effective role in the post election crisis.
- A participant expressed concern of the double talk by the politicians and gave example of the President Moi who talked of love, peace and unity but displayed lack of love. He complained about lack of misuse of power by leaders which had resulted in many problems which included the killing of youths by the police.
- A participant complained that they appeared to be a lot of problems between the two coalition partners which was creating uncertainty both in the cabinet and the civil service. He said that Parliamentarians used the youth to get to Parliament and have now left the youth to suffer on their own. He was concerned apparently the Elders did not do the do what was necessary to stop the fighting because no tribal war would go on unless sanctioned by the Elders. He was very concerned by what hapened because generally the Kalenjin men did not kill women and children which was not the case in the post election violence. He felt that to stop conflict the exercise must start from the top.
- He stated that on ICC issue it was impossible to suspect that it was not Kamba maneuver as the elections was messed by Kivuitu who is a Kamba, Kalonzo another Kamba who went in between Kibaki and Oginga, Waki who came up with the envelope and now Kilonzo who is another Kamba who has invited the ICC.

KITALE GRASSROOTS MEETING

DATE: 22ND JULY, 2009

The Kitale grassroots meetings were held in Kitale County Hall . The meeting was attended by the delegates from the following areas Large Trans Nzoia, Kwanza, Pokot and Turkana.

The procedure of the meeting was as follows:

1. Arrival of participants- on arrival the participants were ushered in to a room and supplied with writing material.
2. Prayers- a person conducting the meeting called on one participant to conduct prayers.
3. Introduction - The participants and Committee were asked to introduce themselves stating their names where they come from and what organization they were representing.
4. Opening remarks – the opening remarks were delivered by Professor Abdulghafur El-Busaidy the Vice-Chair of the Committee who was chairing the sessions for Kitale.

He thanked the participants for coming to the meeting and hoped that the deliberations would be successful. He gave the history and the purpose of the Committee as follows:-

The Ministry of Justice, National Cohesion and Constitutional Affairs had appointed a Committee of eight people comprising of Lady Justice (Rtd.) Effie Owuor, Prof. Abdulghafur El-Busaidy, Dr. George Wainaina, Prof. Peter Wanyande, Mr. Phares M. Rutere, Mr. Owino Magana, Mrs. Margaret Nteere and Amb. Bethwel Kiplagat.

The objective of the Committee was to organize an Elders Conference in which the Elders would convey to Kenyans and the Government what they could do to achieve cohesion and integration in Kenya. It had been decided that consultations would be made with the Elders so that they are the ones who would come out with what they considered important for the nation as opposed to where experts tell the Elders what the Elders needed. The Committee had realized that to be able to decide what is necessary to achieve cohesion and integration it was important to know the causes of tension, lack of cohesion, hatred and violence. To achieve the objective of the meeting it was imperative that each person spoke with extreme openness without fear that one would hurt another person as this was the only way of knowing the exact problem of what is ailing the country. He asked those who may be affected by any remarks not to feel offended because that was the only way knowing what affects this country.

Rules of engagement

The rules of engagement were agreed as follows:

- The phones would be put to silent mode or switched off completely.
- People would speak on authorization of the chair.
- Nobody would interrupt another person.

Before opening the meeting to the participants the chairman invited the representative of the District commissioner to say few words. The District Commissioner representative welcomed and thanked the Committee for visiting Nakuru and also the delegates for attending the meeting. He said that the meeting was very important for the creation of cohesion and integration and hoped that the Elders would do what they can to make the meeting successful. He thanked the Elders who have helped the community in peace building initiatives, and in making sure peace is restored among the different communities.

At the conclusion by the address by the District Commissioner representative Prof. Abdulghafur El-Busaidy thanked him and asked him to leave the meeting because the Committee had decided, to ensure that delegates were free to talk what was in their mind, the meetings would not allow the presence of civil servants or politicians.

The District Commissioner representative left and the chairman opened the meeting to the participants, the following meetings were raised.

The chairman of the session opened the meeting to the participants and the following issues were raised.

LARGER TRANS NZOIA

- A participant stated that Trans Nzoia land is an ancestral land for the Sabaot Community.
- The European settlers displaced the Sabaots and wanted to employ them as labourers but the Sabaots refused to work as labourers and the European settlers brought in the Bukusu to work for them and added that as result of this the Bukusu dominated the area.
- After independent when the Europeans were leaving, the land was sold/settled to mostly the Bukusu and other communities but the Koony (Saboat) felt that the land should have been given back to them.
- Thereafter the land dealings became tribal and the Sabaots were left out, that was the start of conflict and the periodic land conflict that has continued to date.
- People have been killed, property destroyed and the issue has not being resolved.
- Since 2008 attempts have been made to resolve the land issues between the Sabaots and the Bukusu. Several meetings have been held in the form of workshops.

Date	**No. of Elders Participated**
23rd October, 2009	Twenty Elders (20)
14th February, 2009	Forty seven (47)
18th April, 2009	(Task force to the grassroots)

19th June, 2009	Sabaots/Bukusu Elders Ninety (90)
August, 2009	Two groups led by prominent Elders met to resolve their conflict issues

- Another delegate stated that the Sabaots lost leadership in parliamentary and civic authority which has caused election conflicts, and they the sabaots would like a constituency established where they are the majority in Trans Nzoia.
- Another delegate stated that restoration of peace should be given priority before any other issue.
- A participant felt that in equitable distribution of resources, some communities are not represented in CDF since most Members of Parliament chooses their own people who are not Sabaots, thus a lot of people perceive that local institutions are not in the hands of indigenous.
- A participant stated that that when the Europeans left, all those workers who could not raise funds to buy the plots were displaced and moved to urban areas (slums) and it is said that the youth from descendent of the displaced people (squatters) are easily attracted to criminal gangs.
- A number of participants repeatedly stated that other communities from other areas received/bought land and forced the Sabaots to move to Transmara, West Pokot and Uganda and in return named the new areas with the names of their places of origin e.g. Kitwamba, Mukuyu, Gututu, Kapkaka and Naishlanda.
- A participant complained that the new settlers do not have any regard to the area as most are not willing to develop these new areas, but in turn harvest their crops and repatriate the money acquired to the places where they came from.
- A number of delegates felt that those Sabaots who have been displaced should be settled in Government land (for example ADC) and in settlement schemes and that they should be encouraged to engage in cooperative farming so as to create job for youth and to be more productive.
- In the District security team the Elgon Maasai are suppressed and even those who surrendered were killed while militia groups in Nakitari farm were treated fairly.
- A delegate stated that the Waki report will bring problems because it is perceived to be suppressing one community.
- It was suggested that nomination should be given to the local (Indigenous) irrespective of their parties (politics).
- There is unfair distribution of:
    - Bursaries (education).
    - Government Positions.

- For peace restoration those who have bought land should be integrated with the locals and work for the development of the acquired area, instead of thinking and working for their places of origin.

KWANZA

- It was stated that cattle rustling in Kwanza by Pokot is a challenge since they get arms from Uganda and they even use home guard guns for cattle rustling.
- That the Government must withdraw all firearms and provide the necessary security.
- It was suggested that to curb the insecurity the Government should drill boreholes to help and provide water for the grazing communities.

TURKANA

- It was stated that the boundary between East Pokot and Turkana is an issue and the communities feel that there is lack of Government commitment but cattle rustling between the Pot and Turkana is no longer an issue.
- The participants said that the area did not participate in the post election violence.
- Another participant alleged that animals that are taken by Pokot are never returned to Turkana and Government has never taken any action.
- And as result of insecurity, schools are vandalized by Pokot and roads become impassible and though the land is fertile but because of insecurity it cannot be used.
- It was stated that the communities recommend:
    - The area should be properly mapped and boundaries created.
    - Elders should encourage peace among communities.
    - More administrative units should be created.
    - More Schools should be built.
    - That there should be clinics at the boundary that can serve both communities.
- A participant said that it was because of the bad state of affairs the Turkanas get along with Karamojong of Uganda but not Pokot of Kenya.
- Inter-relationship between the communities must improve.
- It was suggested that the Government should bring the two communities together for clear identification of boundaries and the trading centres be revived.
- It was also suggested that because the Government has neglected the pastoralist there has risen:
    - Cattle rustling.
    - Highway robbery.

- Proliferation of illegal firearms.

- It was also seen that there has been decline in natural resources, which causes poverty in the area.
- The residents complained of increases in gun trafficking which urgently need to be looked at.
- The residents urged women to be involved in peace building and peace Committees and it was added that to make pastoralist appreciate peaceful co-existence it was better to undertake civic education in the area.

ELDORET GRASSROOTS MEETING

DATE: 23RD JULY, 2009

The Eldoret grassroots meetings were held in the Qlick Hotel. The meeting was attended by the delegates from the following areas Uasin Gishu, Marakwet West, Nandi South, Nandi North, Wareng, Tinderet, Eldoret East, Marakwet East, Keiyo South, Nandi East, Keiyo North and Nandi Central.

The procedure of the meeting was as follows:-

- Arrival of participants- on arrival the participants were ushered in to a room and supplied with writing material.
- Prayers- a person conducting the meeting called on one participant to conduct prayers.
- Introduction - The participants and Committee were asked to introduce themselves stating their names where they come from and what organization they were representing.
- Opening remarks – the opening remarks were delivered by Professor Abdulghafur El-Busaidy the Vice Chair of the Committee who was chairing the sessions for Eldoret.

He thanked the participants for coming to the meeting and hoped that the deliberations would be successful. He gave the history and the purpose of the Committee as follows:-

The Ministry of Justice, National Cohesion and Constitutional Affairs had appointed a Committee of eight people comprising of Lady Justice (Rtd.) Effie Owuor, Prof. Abdulghafur El-Busaidy, Dr. George Wainaina, Prof. Peter Wanyande, Mr. Phares M. Rutere, Mr. Owino Magana, Mrs. Margaret Nteere and Amb. Bethwel Kiplagat. The objective of the Committee was to organize an Elders' Conference in which the Elders would convey to Kenyans and Government what they could do and achieve cohesion and integration in Kenya. It had been decided that consultations would be made with the Elders so that they were the ones who would come out with what they considered was important for the Nation as opposed to where experts told the Elders what the Elders needed. The Committee had realized that to be able to decide what is necessary to achieve cohesion and integration it was important to know the causes of tension, lack of cohesion, hatred and violence. To achieve the objective of the meeting it was imperative that each person spoke with extreme openness without fear that one would hurt another person as this was the only way of knowing the exact problem of what was ailing the country. He asked those who may be affected by any remarks not to feel offended because that was the only way knowing what affects this country.

Rules of engagement

The rules of engagement were agreed as follows:

- The phones would be put to silent mode or switched off completely.

- People would speak on authorization of the chair.
- Nobody would interrupt another person.

Before opening the meeting to the participants the Chairman invited the representative of the District commissioner to say few words. The District Commissioner representative welcomed and thanked the Committee for visiting Nakuru and also the delegates for attending the meeting. He said that the meeting was very important for the creation of cohesion and integration and hoped that the Elders would do what they can to make the meeting successful. He thanked the Elders who had helped the community in peace building initiatives, and in making sure peace was restored among the different communities.

At the conclusion of the address by the District Commissioner's representative Prof. Abdulghafur El-Busaidy thanked him and asked him to leave the meeting because the Committee had decided, to ensure that delegates were free to talk what was in their mind, the meetings would not allow the presence of civil servants or politicians.

The District Commissioner representative left and the Chairman opened the meeting to the participants, the following meetings were raised:-

UASIN GISHU WEST

The issues highlighted were as follows:

- A participant stated that when the violence stated after the elections a number of people appreciated that they had lived with the other tribes as brothers and sisters. The therefore started a programme to rescue the Kikuyu's and hide them in the houses; they called the DO and then the DC but non of them answered their distress call but, with the help of police officers they were able to escort the Kikuyus to safety. However, when the police killed 4 people of Kalenjin origin, this made the Kalenjins very annoyed and they started complaining that some people had saved the Kikuyus just to have the Kalenjins killed. Some resident stated meetings with the DO Kiteny (currently in Nyahururu) who talked to the people urging them to live peaceful. It appeared that the people took heed of his appeal seriously because by June 2008 people were ready to let the Kikuyus return to the area.

MARAKWET WEST

The issues highlighted were as follows:

- Voting went well in the District in 2007 but what caused distress was the disputed Presidential results and the swearing of the President at night which resulted in violence among communities in the area.
- It was said that, an officer commanding police division OCPD, allegedly a Kikuyu, shot dead a Marakwet resident in revenge. This hurt a lot of people, resulting in more violence and torching of houses. This was also

aggravated by the belief that the sitting Government did not like Kalenjins.

- The issue has, however, been solved by the Kalenjins asking IDPs to move back to their farms and also helping them to put back their lives together. Notwithstanding what has been done IDPs still existed because of fear of what may happen if Post Election Violence suspects were taken to the Hague. A number of the Kalenjins felt that the issue of taking suspects to the Hague was targeted to certain people.
- During the skirmishes the Kisii who had bought land through the efforts of Dr. Onyonka fell trees across the road to block it. This made the Kalenjin feel challenged causing fighting to start and spread all the way to Eldoret.
- Politics was described as a tornado which caused problems every time they were elections. It was felt that Kenyans loved peace otherwise the country could have been like Somalia. Another driver to conflicts was loose talk by certain people.
- They were fears that a referendum on the constitution might cause violence, participants had hoped that politicians would in future not use tribalism as a campaign tool and should encourage people to live in peace.

NANDI SOUTH

The issues highlighted were given as follows:

- Most residents expected Raila to win the elections and therefore the youth refused to listen to their Elders and went on rampage destroying property belonging to the Kikuyus' and the Kisii's and paralyzing business after the announcement of the Presidential results.
- Young people in bare foot took over leadership and women were ordered to cook for the warriors. A Kikuyu who offered his milk to the warrior was guarded and escorted to Eldoret and after six months he was brought back home from the IDP camp.
- The District officer Mr. Wekesa for the area put in a lot of effort which saved greater destruction.
- The participants expressed concern that a lot of youth do not have jobs even after university education which is expensive and this is a catalyst to the problems. It was claimed that the National cake was not shared equally. The Waki report was said to be biased as the only place the commission visited was Eldoret, the were fears that implementation of the report, especially taking suspects to the Hague would create problems.

WARENG

The issues highlighted were as follows:

- A resident reported that they had bought land in 1969 in which they had lived peacefully but now the Kalenjins were claiming that the farm should be theirs and not Kikuyus notwithstanding the known proportion of who bought the farm which are; Kalenjin 5, Kisii 15, Kikuyu 300. Before the elections of 2007, people had been warned, that irrespective of the election results, whether Kibaki or Raila won, the Kikuyu had to go.
- He stated that, while in church on 1.1.08, he saw houses burning and suspected that problems had started. It was discovered that six bags of arrows had been brought to the chiefs house and various places and it was evident that the Kalenjin and the Kikuyu youth were ready to fight. In an effort to save the situation he had told the Kalenjins around that he had spoken to Mr. Michuki who had said he would send the necessary security and he took his phone called a number and pretended to be speaking to Mr. Michuki, this sent fear into the people and made them not create problems.
- 60 people came to his home seeking refuge where another 300 people camped nearby, he called the DC and asked them to supply them with food and called the Provincial Commissioner and District Commissioner who visited the area with two helicopters, all this saved the situation and his people were not subjected to violence.
- At one time the participant reported that he had seen youth who looked like they were in uniform; he later learnt training was being given in Hon. Sirma saw mill.
- For three months the chiefs and sub-chiefs were nowhere to be seen but they came out of their hiding when the new DC arrived. The chief called for a meeting during which the people present were reconciled.

NANDI NORTH

The issues highlighted were as follows:

- A participant stated that Kipkaren salient farm was given to colonial soldiers with the agreement that the land would revert to the natives at independence. 373 people who included one Kikuyu took over the land, during the post election unrest there were 4 Kisii, 1 Kikuyu who were doing business in the farm and all of them were rescued and taken to the IDP camp but the property of one person was destroyed.
- The area has been rather insecure because, as long as from 1962, there was a group of Kikuyus who lived in a forest camp in Kimondi and during the Kanu/Kadu era it was evident, in his view, the Kikuyus were attacked because of derogatory remarks they made like calling the Nandis "meat eaters".

- In 1992 there was a crisis that was stated by derogatory remark by one headmaster (Luhya) who called the Kalenjins "Kisk" (stamp) he was the first victim that year while the 2007/2008 crisis was a result of Kivuitu's loose tongue and on the election process and result.
- A participant said that Elders who are experienced had been stripped of their powers. He argued that if the Elders had been allowed to decide on issues there would have been no violence.
- He said that times had changed because traditionally Kalenjins do not kill women, children and animals including snakes but women and children were killed during the last violence, he stated that Government should enable the Elders to revert to their original powers.
- He said after the idlers and looters finished with Kisii and Kikuyu properties, they went back to harass the Kalenjins they considered were rich; he feared that taking people to the Hague would revive the bad feelings between the tribes.

TINDERET

The issues highlighted were as follows:

- A participant stated that there was a misconception that if the President came from one tribe, the tribe would benefit more than other tribes and it is for this reasons a lot people attach strong sentiments to the election. A conviction or the belief that ODM would win was shattered by the result of the election which made people very angry. It was this reason that there were destruction of property, burning of Sugarcane farms and looting of houses; beside threatening people from other tribes, the youths harassed the local Kalenjins forcing them to join in the violence.
- He felt that the importance of peace is so high that all people should be involved in peace building which would include trying to change the approach of leaders who are the main inciters of people.
- IDPs have since moved back to their farms after much persuasion and people thereby feel that leaders should not keep quiet at such desperate times as this shows lack of commitment to peace in the country.
- Another participant said that politicians were the cause of the problems based on the orange/banana groupings. Nobody complained that the votes were stolen during the voting and it was only after the announcement of Presidential results people started demonstrating saying that those who voted for Kibaki needed to be beaten.
- It was surprising that while people were collecting in groups the police just watched. Neither the politicians nor church leaders urged people to stop fighting and it was apparent that Elders had become cowards because they too watched while the youth destroyed property. The two Kalenjin who had been killed in Tinderet had stolen cattle and were killed on there second attempt to steal more cattle.

- He concluded that the blame of the violence lays squarely on the politician, administration and the police. He was sure that the issues were not about land but people took advantage over the excuse of the election result to commit crime. In deed even properties belonging to Kalenjin was looted. He said that Elders must reestablish their authority to ensure peace in this country.

ELDORET EAST

The issues alighted were given as follows:

- A participant said that tribal clashes were common phenomenon in Kenya which started in 1992, with repeats in 1994 and 1997 but those of 2007/2008 were of exceptional nature or had greater impact.
- The whole of Burnt Forest town and some farms were destroyed, also destroyed were schools around the area. Lives were lost on both sides of the Kikuyu and the Kalenjin, 35,000 Kikuyus arrived in the camp and there were three small camps for the Kalenjin.
- After the announcement of Presidential results people started destroying properties while others started scampering to safety. A DO and a police inspector whose vehicle was mistakenly believed to have run over a young boy were killed by mobs. The youth stole maize which they sold to the rich people. A lot of the things done were as a result of political incitement of youth who are unemployed and therefore idle. It was important that efforts be made to keep the youth engaged.
- It was felt that the Women Enterprise Development Fund must be available to people from all tribes.
- Another participant felt that drug and alcohol abuse had become rampant and this was contributing to the behaviour of the youth. The Government must, therefore, reduce, if not eliminating, drug and alcohol abuse. He suggested that the solution to the country problem must come from us all adding that it was naïve to expect solutions from politicians.
- The misconception that only the rich can lead must be eliminated from people's minds. He suggested that if the country had ten Elders from every tribe working towards solving our problems a solution would be found.
- To achieve this Kenyans must be patriotic and resolve to make peace a priority while at the same time ignoring negative politics from the leaders.
- There were still IDPs at Burnt Forest who had refused to go back to their homes because of fear of insecurity it was imperative, therefore, that security be considered a high priority.

MARAKWET EAST

The main issues were given as follows:

Other than one youth who was killed by the OCPD, no one else was killed in Marakwet as a result of the Post Election Violence as the Elders in the District

had worked hard to ensure that there was peace between the Marakwets and Pokots especially in regard to cattle rustling but, currently, the only looming problem was that of land.

KEIYO SOUTH

The issues given were as follows:-

- A participant said that politicians, especially the young ones, where inciting the youth telling them that if they were voted to parliament, they would ensure that the youth would be made rich adding that if Kikuyu were chased from their areas, the youths would acquire the houses left behind.
- Vernacular FM radio stations especially incited the youths on ethnic lines: Kass against the Kikuyu; Inooro against the Kalenjin. Participant felt that if there was no way of controlling what the FM stations broadcasted they should be closed.
- Participant felt that there should be Council of Elders from the grassroots to the National level with a view of ensuring the youth do not repeat what they did last year.
- Participant felt that the Government should establish industries to create employment for the youth.
- A participant stated that the history given by the Kalenjin was that the white highlands belonged to the Kalenjin who were displaced by the Europeans and, when the Europeans left and Kenyatta become President all tribes would visit Nakuru to dance for the President but the other tribes would depart leaving the Kikuyus to continue dancing and after the dance they would ask for allocation of land and Kenyatta would obliged. This did not please the Kalenjin.
- Another point that causes anger was the 1977 campaign to change the constitution so that Moi would not become the President after Kenyatta died and the fact that, after 1982 attempted coup, the meeting at Kaptagat Hotel concluded that the Kikuyu were behind the coup attempt.
- It was stated that 1992 tribal problems were caused by loose talk which was interpreted to mean that there was a move to take over power from Moi, the Kikuyu were accused of taking every opportunity to grab leadership. The Kikuyu were accused of voting no one else other than their own with all their votes going to Kibaki and Matiba in 1992 and 1997; no complaint was raised in respect of 2002 as various tribes had agreed as Kibaki as the Presidential candidate.
- Unfortunately, personal interest got a hand of the President in 2003 when Kibaki he disregarded the MOU. This set the people who were affected by the President's action on warpath whereby they urged Kenyans to reject the Referendum on the Constitution. The Ministers who voted/ were suspected to have voted no to the Constitution were sacked and none was a Kikuyu.

- Come 2007 people were following on the Referendum vote but apparently a lot of things were done by the Government to ensure that Kibaki won the election. Government vehicle was found in Kisii with marked votes while other vehicles through the similar cargo Tambach. The people in them were arrested and handed over to the Government and no action was taken.
- Generally the elections were accepted for the local Government and parliament but problems arose when the Presidential election results were announced because people felt that the votes were stolen.

  The following recommendations were made:

  1. Issues raised in agenda 4 should be attended to in particular historical injustices on land.
  2. The new constitution must be developed.
  3. Post election suspects should neither be taken to the Hague nor to the Local Tribunal because this would create problems as this would target certain tribe.
  4. National Council of Elders should be established.

NANDI EAST

The issues highlighted were given as follows:

- A participant stated that the problem we have are a result of the election, the main problem being careless talk by various tribes. He said in his area there were no deaths but there was a lot of looting during the post election violence. He felt The Hague was not the solution for the problem as it would have other repercussion. He stated that there was meeting of all tribes in Nandi where different tribes forgave each other.
- A participant stated that the biggest problem resulted from incitement from politicians who claimed that Government officials from Moi Regime had been removed from office.
- He stated that when Moi was handing over to Kibaki he was badly treated and this would have been the curse that befell Kenya.

KEIYO NORTH

The main issues were given as follows:

- Participant said that much as people have gone to their homes and there is apparent peace, the truth is there is latent tribal animosity as a result of suspicion among the tribes.
- They said that there were injustices in various issues including land and appointment of civil servants many of whom were Kikuyus. The careless talk by Kivuitu that the election officials were probably cooking the votes contributed to the incitement of people against the result.
- He feared that unless corrective measures were taken groups would form militia groups with better arms than the security forces in preparation with the 2012 elections.

- He felt that neither The Hague or Local Tribunal would be the best way to try post election suspects. He recommended use of Truth, Justice and Reconciliation Commission. He stated that Kibaki must seek forgiveness from the people.
- The participant stated that when the problem started on Sunday 1.1.08, he could not go home because of gun fire ever where. He felt that the cause of the problem was that people were very selfish and wanted things to go their way. He stated that Kalenjin do not meet generally as a people adding that the Elders could not stop the youth form what they were doing because the latter were looking for equality. He suggested a system where leaders are selected by Elders as a way of ensuring that the right people were in position of leadership.

NANDI CENTRAL

A member of the peace Committee, Mr. Fredrick Ndambuki, who is also a DC, had talked to the IDPs in the Eldoret Showground, whose lives were disrupted and property destroyed, counseling them and preaching peace and urging them to build peace with their neighbours.

WESTERN PROVINCE CONSULTATIONS KAKAMEGA: MONDAY 27TH JULY, 2009

Introduction

The District Commissioner welcomed the team to Western Kenya and noted that the Province is well endowed with natural resources and good rainfall. He urged the people to speak their minds. A compromise needs to be reached by the Elders in forming their Councils and find a method whereby the several Councils of Elders can be merged into one in order to represent the concerns of the Province. He singled out the Tiriki Council of Elders which mainly deals with circumcision and forest conservation; the Bunyore Council of Elders that mainly deals with culture and environmental issues. An Elders' Court in Sirisia which deals mainly family conflicts. The Elders systems are different in every region. The communities need to be recognized otherwise they go feeling marginalized. He noted that the main issue is resource allocation to all regions.

There is a Council among the Tiriki in Kaimosi called Tiriki Council of Elders who deal with circumcision and conservation of forests- and also in Bunyore who deal with the conservation of the forests.

At the commencement of the consultations, the Chairperson informed the Elders that the Government was seeking to resolve conflicts through the institution of Elders by using this traditional mechanism to enhance National cohesion and integration. It is hoped that these Elders' Forums/Councils can be institutionalized.

It is for this reason that the Committee is collecting views on how best the Elders can be engaged in charting the way forward during the National Elders Conference in Nairobi. (The list of names of the Elders that took part inn the consultations at Kakamega on 27th July '09 is contained as an Annexture) The Districts from which the Elders came were Kakamega , Khwisero, Butere, Lugari. Ikolomani and Mumias (part of the greater Kakamega District).

DISCUSSIONS

Elders Councils

As to the specific causes of conflict in Western Kenya, a matter which was passionately discussed, was the lack of an umbrella Council of Elders uniting the 18 or so sub tribes Councils of Elders. It was noted that there are 18 Luhya sub tribes that find it difficult to agree on any one matter. It was pointed out that the most populous of the sub tribes namely; the Maragoli and Bukusu have become very arrogant. Apparently the Bukusu have a population of about 2.3 million. Coupled with the above, there is also serious problem of lack of leadership there being no father-figures or Forums that can bring together the entire community. It was stated that the last leader who did this was the late Moses Mudamba Mudavadi and he managed to do a lot for the region.

Intra Community Conflicts

There was concern because the existing Luhya Council of Elders has not been very effective as it was still unknown to many in the community and it was not all-inclusive. It was suggested that the Council needs to be more inclusive by incorporating women and youth. It was also noted that the divisions among the Luhya sub-tribes are also demonstrated in the lack of the community's ability to work together and collectively bargain for economic and other leadership opportunities. This has been especially detrimental in past efforts to vie for the highest office in the land.

Inter Community Conflict

Post Election Violence (PEV) that rocked the Province was explained in this way:

> "Failure of Kikuyu to integrate with their host communities has led to animosity. It was noted that many in this community are arrogant and look down on others. Some have also been corrupt and manipulate the land surveyors to allocate them more land than they actually paid for. This angered the locals and they had been waiting for an opportunity to revenge. The post election crisis was such an opportune moment and many Kikuyu's were evicted and their property burnt."

The Committee was further informed how Kikuyu and Kisii communities were terrorized by other communities, namely, Luhya, Luo and Kalenjin during the PEV. In some cases boreholes sank and used by Kikuyu were contaminated by throwing carcases of dogs in the water. This animosity was extended to mixed couples who were forced to separate because they belonged to different tribes. An alleged long time reference to the Luhya as being "only good for cooks and watchmen" found new life and became the basis of violence being meted out to a whole tribe.

OTHER ISSUES

- It was felt that there was massive corruption in that those who are rich and able can get away with anything especially in land adjudication processes. The poor are ignored and denied justice and as a result "they are up in arms and choose to avenge themselves using dubious means."
- Raised also was the matter of dropping standards of education in the Province due to laxity of teachers. There is insufficient supervision. Also voiced as a major set back is the competition in schools which has led to drilling rather than methodical teaching. The quota system of admission in secondary schools was another area of complaints in that it denies young Kenyans opportunities to interact with people from other communities. Consequently, people spent all their lives in the District of birth and are limited by the perceptions of their localities.
- The Elders felt that the Luhya had been discriminated against when it came to resettling IDPs. According to some Elders, in 1992 Luhya were evicted by

the Kalenjin community from their homes. In 1997 the same thing happened and those who had resettled were evicted for the second time. These evictions were instigated by politicians who had promised their people that they would be given land once Luhya had been evicted. The victims of those evictions are IDPs and have not been compensated to date and yet those displaced in PEV have already been compensated. This issue is causing a lot tension among the communities.

- Greed in the political class was cited as a source of conflict in the society. The youth, it was claimed, are manipulated and used when the politicians want elective positions but, after that, they are discarded with false promises. The few opportunities provided, for instance, in the *Kazi kwa Vijana* programme where even university graduates are meant to do manual work on road construction, were said to be humiliating although the spirit of the programme itself was applauded. That notwithstanding, the issue of youth unemployment is causing despondency. In addition, the extension of retirement age to 65 years is being construed and as yet another effort to lock them out of power. It is important that the youth be informed and involved the entire Province's peace initiative. Finally, the youth have to be encouraged to get out of the perception that education was only for employment and instead take on businesses by accessing the Youth Enterprise Development Fund (YEDF).

ELDERS VIEWS ON THE WAKI REPORT

At the time of carrying out these consultations, the country was involved in discussion of the Waki Report and what should happen to the envelope that had been taken to the ICC. Whereas some of the elders were of the opinion that the best option would be for perpetrators to be taken to The Hague, others stated that there was a mistake in calling foreigners to help in sorting out our national problems, They saw the TJRC as the only safe way forward. It was proposed that the" big Fish" should be taken to the Hague while other should be tried in the Local Tribunal constituted with international representation.

There was overwhelming concern that the issue has been over politicized but one thing that Kenyans are agreed on is that impunity must end and that all those involved including the President and the Prime Minister should be charged.

RECOMMENDATIONS

At the end of the day, the following recommendations were made:

- The people should be allowed to debate and agree on the names of the administrative units and place of boundaries. This will in build ownership.
- The youth be involved in seeking solutions to community problems. They also need to be sensitized on the need to be patriotic in all their actions.
- Utilize music to promote cohesion and reward those musicians who do such creative pieces on Peace.
- The Luhya Elders Council /Forum be expanded to bring all sub tribes on board.
- The dealing with PEV perpetrators should focus on Truth, Justice and Reconciliation (TJRC) as there is need to seek confession and forgiveness from the victims.
- The TJRC should be preceded by civic education to prepare the citizens. Confessions may instigate more conflict if this is not done. Many in the country do not know what the TJRC is expected to do.
- Inter ethnic marriages be encouraged as a way of integrating the various communities in Kenya.
- The 8-4-4 system be reviewed to abolish the quota system of admission to secondary schools. The elders should play a supervisory role in the management of education services.
- The Elders to help the community to deal with the perceptions of others towards them by encouraging and identifying role models from the community who have excelled in other areas.

Finally, it was resolved:

- That an Umbrella Luhya Council of Elders be formed.
- That the same be all- inclusive and start from the grassroots.
- That the Council be for welfare, development, mentorship and maintenance of peace and order.
- That this be built on the existing structure of the Luhya Council of Elders.

BUNGOMA CONSULTATIONS. 28th July, 2009

Introduction

Prior to the Committee's meeting with Elders of this region, very careful consultations had been made with the Provincial Administration, peace committees and leaders from various Elders' Council s in the region so as to identify proper elders and community leaders. Those efforts paid dividends. As a result the elders who attended the consultations had, amongst them, leaders and elders from the following Council s, communities and organizations, namely, Cheptais Elders' Council , Council of Elders Dorobo Community, Bukhayo Council of Elders, Bukusu Council of Elders, Koony Council of Elders, Mt. Elgon District Peace Committee (DPC), Maendeleo ya Wanawake Organization from Mt. Elgon, Busia and Matungu Districts, A Quaker Church Minister and Bukusu Elite Elders of Council .

This is a conflict-prone area. The Elders were briefed that the Government's intention was to consult with a view to them to come out with a solution as to how Kenyan's sense of nationhood could be enhanced and achieved. More importantly, to explore opportunities and ways in which elders and community leaders could contribute to national healing and reconciliation. After the consultations, a National Elders Conference would be held where issues from this region would be discussed together with issues from other regions in order to formulate a national agenda.

From the onset, it was clear that this was an area that had a lot of historical conflicts between the sub tribes inhabiting the area. Therefore, the Committee and Elders consultations had not addressed all the issues in this region that cause conflicts.

Western Province consists of the following larger Districts: Mt. Elgon, Bungoma, Lugari, Kakamega, Vihiga, Butere/Mumias, Busia and Teso. The consultations on 28th July mainly covered Teso, Mt. Elgon, Lugari, Bungoma and Busia larger Districts. As expected, the discussions revolved around Mt. Elgon District and its environs where the conflicts had been concentrated over, the years. The main tribes that inhabit this area are the Bukusu (Luhya), Sabaots, who prefer to be called Koony and claim to be Kalenjin, the Bok, the Bongomek, the Dorobo (or Ndorobo) and the Teso.

The Koony

The Elders from the Koony community presented a memorandum containing submissions of the Koony Council of Elders on causes of conflict and suggested solutions. They stated as follows:

HISTORICAL INJUSTICES AND EVICTIONS

- That they are a pastoralist Kalenjin-speaking community, previously known as Elgon Maasai and are now generally referred to as Sabaots; this includes the Bok, Bong'om and Sonnek, numbering about 200,000. However, the Koony still insist that they are a tribe in their own right and were listed as the 43rd tribe of Kenya at independence in 1963. They have lived on the slopes of Mt. Elgon and its moorlands from time immemorial;
- That they occupied the whole territory that is now known as Trans Nzoia, greater Bungoma, as well as Mt. Elgon Districts;
- That conflict started with the colonial settlers who took over their land by force. Some of their people were evicted from Trans Nzoia and sent to Kumkuiwa area (Mt. Elgon District) in Western Kenya, where the other Koony were;
- That their neighbours were Nandi, Tajon, Kabras, Teso and Wa Gishu in Uganda;
- That Nabongo Mumias was imposed on them as their leader which led to conflicts of traditions and culture up to 1934 when they got their own chiefdom based in Kimilili; and
- They perceive themselves as an aggrieved people who were never compensated for the land they lost. Further, they found themselves living under Luhya who have a completely different culture from them. The colonial Government should have settled them in their own ancestral land at independence. The Kenya Government should now settle the community in whatever remaining land there is for it is painful for the community to watch other communities settle in what they consider to be their land. The creation of Mt.Elgon and Teso Districts curved out of Bungoma and Busia respectively was a welcome gesture for the Koony and the Teso. However the only outstanding issue is that the boundaries have not been clearly demarcated.

TRIBAL CONFLICTS

The conflict between the Koony and the Bukusu is attributed to the marginalization of the Koony by the Bukusu when they both lived in the larger Bungoma District. Major political differences would normally arise during Elections when, no doubt, the two groups supported two different people and parties resulting in conflicts. In 1992 following the reintroduction of multiparties the situation turned very bad. The Bukusu are in Ford-Kenya while the Sabaot are in the Orange Democratic Movement (ODM). The 2005 Referendum created a lot of tension. The Bukusu were supporting 'YES' while the Sabaot were supporting 'NO'. This is another matter that the Council s should meet and resolve.

These conflicts have subsided since the creation of Mt. Elgon District, however the Koony still feel that the Bukusu despise them and refer to them in derogatory terms. This conflict can be very easily dealt with through change of

attitude between the two communities and this can be achieved by dialogue between the Koony Council of Elders and the Bukusu Council of Elders.

In respect of this issue the Bukusu say that they do not see any problem or conflict with the Koony.

INTRA TRIBAL CONFLICTS

At Chepyuk the conflict is between the Koony (Mosop) and Bok communities.

Between 1960 and 1971 there were concerted efforts by the Kenya Government to settle the Mosop people of Mt. Elgon in the lower lands as opposed to the Moor lands where they had always lived. The Government wanted these people to access education, health facilities and engage in farming. The Mosop refused to move. In 1971 the Government forcefully moved them.

It should be noted that the residents of Chepkitale (Koony) were against relocation to Chepyuk in exchange of their ancestral land; they would instead have preferred to move within the same Roroket territory because the Koony have a strong belief against moving westwards. The resettlement to Chepyuk was partisan and riddled with malpractices including the fact that the scheme was not de-gazetted from the forest for about 40 years which led to a lot of insecurity for the resettled. Furthermore the sedentary farming life offered in Chepyuk was alien to these pastoralist from Chepkitale.

The Teso

The Teso Council of Elders were gratified by the creation of Teso District and were firm on the issue of violation of their cultural norms by other people. The groups referred to being Luhya (Bukusu) and Sabaot (Koony). The Luhya are Bantu but the Teso and Sabaot are Nilotes. Despite many disparities in their culture, traditions and customs these groups have lived peacefully save for some differences that arise out of political affiliations. These have occasioned some physical conflicts. Like the Koony and the Ndorobo, the Teso complained that their Bukusu neighbours scorned them over many issues. The making of administrative boundaries has not helped the situation: for instance the problem arising from Changara which was divided into Machakha and Changara sub locations. Both these sub locations are supposed to be in North Teso District but instead Machakha has now been annexed to the newly created Bungoma West District, This is obviously an impending source of conflict. The Iteso also believe:

> 'That the principle of divide and rule is very prevalent. Whenever an administrative post falls vacant, the Bukusu believe that it is their exclusive right to fill it with one of their own."[8]

Another source of conflict is that the Luhya refer to the Iteso as children because they are not circumcised. The Iteso feel their culture is violated when Bukusu forcefully circumcise them. This is a practice that the Iteso elders condemn in the strongest terms. However they believe this is a matter the two Council s of Elders should successfully handle. The Iteso quote some of their

dearly held cultural practices and say they should not be violated or belittled especially by those tribes they have welcomed to live among them. For instance they bathe their newly married women (which legalizes and binds the marriage); newly married women do not eat from their mothers-in-law until they are rewarded. More importantly the Teso regard their Elders as authorities and guardians of their culture hence the control they have over their youth to the extent that they can stop them from taking revenge on the Bukusu when they forcefully circumcise Iteso youth.

The Ndorobo (or Dorobo)

The Ndorobo are a small tribe numbering about 10,000 who now occupy two locations: namely, Chepyuk and Emi with one chief and 3 assistant chiefs. As a result they live in fear of being swallowed by the bigger tribe, the Soi. Attempts by the Government to allocate land to the Ndorobo have never exclusively benefited them. Although they have always lived on the Moor land, they were in 1977, given Chepyuk location. The Ndorobo being unfamiliar with farming have sold or given most of their land to the Bok with whom they have intermarried.

The Ndorobo accuse the Soi of scorning them and not wanting them to benefit from any devolved funds or taking part in decision-making Forums in the region. (Annexure the Ndorobo Memorandum).

The Bahayo

This is a sub-tribe in Busia District that shares a boundary with the Iteso. The elders stated that they have coexisted peacefully with their neighbours, the Iteso. However, tension was often heightened during General Elections by politicians inciting the communities one against the other so as to gain political mileage from the ethnic differences. Politicians played on the sensitive matter of the boundary between Bohayo and Teso. It was felt that this is a matter that the Interim Boundary Review Commission (IBRC) should address.

Another area of conflict cited was insecurity which was worsened by the fact that Chiefs no longer play a meaningful role in security issues. Speakers attributed this to the repeal of the Chief's Act and the laxity of administrators who some people even accuse of collusion with criminals. It was suggested that this matter should be handled by Elders on two fronts: one in advising on the appointment of chiefs, and two, in working with chiefs to stem insecurity. It was claimed that very young chiefs were being appointed and insecurity was an issue whose handling challenged youthful chiefs. They are also challenged because there were sensitive matters that chiefs dealt with, Elders should advise them for the good of the community. Other contributors, dissatisfied with the way chiefs were appointed suggested that the whole community should elect them.

The Post Election Violence (PEV) of 2007/8 had taken Busia District by surprise since everybody had lived peacefully up to that time. It was remarked that the Kikuyu were displaced and many fled to Uganda where they were each

fairly given two acres of land. They were now supplying vegetables to Busia. Others had come back and had been re absorbed into Busia society apart from one family that had been accused of looking down on the locals.

MAU

At the time of these consultations the issue of the destruction of the Mau forest was on the national agenda. The elders were categorical in their comments. They stated as follows: "The Mau issue is a matter of life and death and can no longer be taken lightly. The rich people in Mau should meet the costs of compensation." In addition it was further proposed that the whole issue of the Environment should be taken seriously as well as that of the protection of river banks. Protection of river banks should be enacted into law and implemented.

THE WAKI REPORT

The Elders were of the opinion that the perpetrators of PEV should face the law. Taking them to The Hague was seen as the best option unless there are radical reforms in the Judiciary in which case they could be tried in Kenya. Alternatively the ICC should be held in Kenya with International Judges. Nevertheless the matter was said to be very sensitive and should be handled carefully.

RECOMMENDATIONS

The following were the recommendations made by elders:

- The 8-4-4 system be reviewed and the quota system of admission to secondary school be abolished. This will give Kenyan youth an opportunity to interact with different communities and thus 'kill' the stereotypes they have about other communities.
- The National Council of Elders should be set up and institutionalized quickly so that the elders will have power to give guidance on matters of governance.
- Mau forest, Kakamega forest Mt. Elgon, Mau Complex and Mt Kenya forests should be protected and politicians should not be left to destroy our country.

NAROK GRASSROOT MEETING

Date: 21th October 2009

The committee held special consultations with the Maasai at Narok. The meeting brought together all the Maasai Elders Council from the 13 administrative Districts. (The elders who participated and the Districts they represented is contained in annexture). The elders were briefed about the objective and purpose of the meeting, in that the Government had decided to listen to the elders' views on how cohesion and integration could be achieved and maintained in the country.

After the country wide consultation a National Elders Conference will be held in Nairobi, the purpose of the conference will be for the elders to move the

process, started at grassroots, and regional levels to the national level. At the conference, the elders will inform the Government of their plans on the way forward and how the elders intend to be relevant in maintaining peace and a spirit of nationhood.

Most important the elders were reminded that in order to achieve the objective of the meeting it was imperative that each person spoke with extreme openness without fear that one would hurt another person as this was the only way of identifying the causes of conflict which are rampant in the region.

The elders raised several important issues, the most salient being:

Land

Land is a hot burning issue among the Maasai. The contention is that the community was dispossessed of Kenya of their land by the colonial Government and thereafter by all three of Kenya post colonial Governments. They considered this issue as the worst historical and current injustice committed against them. To date, there has been no compensation or redress for the Maasai on this issue.

Marginalization

Similarly, the Masaai are of the view that they have been denied meaningful development. They say so because they have very few schools all of which are poorly staffed. Despite this, university entrance requirements remain the same for them, thus leaving the community greatly disadvantaged. They also claim they have very few health facilities and a poor road network. In the words of one elder: "We are less valued than wild animals!"

The community believe that all three post colonial Governments have not been committed to providing adequate water for them; the fact that pastoralists, perhaps more than other communities, need water to sustain their livelihood notwithstanding.

In the employment sphere, opportunities in the public sector have also not reflected equity. Most opportunities are taken up by the migrant communities who are better educated. Marginalization further manifests in the inequitable distribution of Government resources such as availability of administration offices and essential social amenities.

Constitutional and Legal Reforms

The elders expressed a willingness to be fully involved in the quest for Kenya's new constitution. In particular, they would like their views taken into account as to how their land is administered and utilized. The elders want laws that will safeguard their political, social and economic interests against dominance by economically stronger communities. In this regard, they proposed the establishment of administrative units which will enable them elect representatives only from their community.

Inter-Community Conflicts

The elders claimed that these are often fuelled by land issues. They expressed disappointment at the Government's continued failure to effectively address instances of infringement of their community rights even when the perpetrators are known to Government public administration and internal security personnel. Elders stated that they were better placed to handle land disputes and thereby eliminate the need for long drawn out court cases, which are, in many cases, complicated by high incidences of corruption.

The Government's failure to deal firmly with inciters, especially politicians, has also aggravated inter-community relations. In this regard Maasai, Elders proposed the strict implementation and enforcement of the law on hate speech.

Intergenerational Conflict

Elders took exception to the dress code of young people. They undertook to establish Forums to provide mentorship and guidance on community values. This would be much needed intervention that would instil discipline and moral uprightness in the youth. They further objected to the growing negative influence of the media on the youth especially that which glorifies violence and immorality. This was an unacceptable erosion of their culture.

Human-Wildlife Conflict

This issue evoked a lot of bitterness. The major complaint was that the Maasai are not allowed to protect themselves against rogue animals that escape from the Tsavo and Masaai Mara national parks. These animals destroy their agricultural produce, their livestock and now, more frequently, their lives. Their bitterness stems from the fact that Government does not consult them on how to manage human-wildlife conflict inspite of the community's time-tested knowledge in this area. Despite their compliance with Government directives to date, compensation for the Maasai in the event of loss of life, is slow and usually so painfully inadequate that the elders are left wondering why the Government values lives of wild animals more than those of human beings. They recommended that hunting and gun rights be restored.

KEY RECOMMENDATIONS AND SOLUTIONS

- Involve Maasai Council of Elders (MCE) in all land matters and dispute resolution (including long-standing ones). Elders will also oversee non-controversial land matters such as willing-buyer willing-seller transactions. Elders will be happy to contribute to the formulation and implementation of National Land Policy.
- Elders to be empowered to play oversight role in effective utilization of devolved funds and income from selected National Parks for the community's good (including provision of social amenities and investment in income-generating activities). In Narok South, elders reported that their youth and women had no access to Kazi Kwa Vijana jobs or Women's Enterprise Development Fund and other devolved funds

which, they claimed, benefited members of other communities. Some of them are forced to change their names to those 'more acceptable' to public officers so as to qualify to be served at all!

- Government to demonstrate commitment to the community's welfare by ensuring fairness in public service appointments as no community member holds any high profile public office even in Narok. 2009's Kenyatta Day Speech went unread as it was mistakenly dispatched to Sotik rather than Narok! This raised the issue of the value Government places on the community.
- Government to develop well equipped national schools with appropriate staffing to which the community has easy access. Affirmative action in university entrance must be observed in the interim.
- Government to develop referral hospitals. There is dire need for good maternity facilities.
- Government to ensure the community has access to the national road network (e.g. highway linking Trans Mara and Amboseli). There is also no piped water into community dwellings. Dams and boreholes can be dug, as short term measures.
- Better management of voters' roll to stop voters from other communities registering in Maasai Districts General Elections.
- Government to manage security better. Many in Transmara maimed by unexploded ordinance left after security operations. Women have also been raped during the operations.
- MCE to ensure women are involved in community development projects, peace-building and conflict resolution initiatives.
- Early marriages have reduced. Maasai elders will ensure the practice is eradicated. This will, to a large extent, depend on the success of wealth creation efforts in all the Maasai Districts.
- Elders asked that their traditional dress and hairstyle be respected. They should be compensated when it is used as the National Dress. They were distressed by use of their dresscode by raiders from other communities.
- Government to initiate and help create opportunities for investment in factories for processing meat, leather and milk products. Milk cooling plants could be set up quite quickly.
- Such opportunities offered by Kazi kwa Vijana initiatives and Women's Enterprise Development Fund will help absorb the idle unemployed youth thus greatly improving the security situation.
- Elders want to be fully involved in the Mau evacuation so that the community does not continue to suffer the consequences of drought. This should, fast be systematic and appropriate. Alternative settlement should be found for those evicted.

- Drought and forcible Government eviction of the Maasai have resulted in frequent Internally Displaced Persons not necessarily related to the 2007/8 post election scenario. These people should be resettled immediately, with help of the Elders. This has been a big problem in Laikipia. When ranches have become available there, IDPs from other communities have been have been given priority treatment without due regard to the Maasai Community whose members have been languishing as IDPs.
- A National Council of Elders (starting from the grassroots) is established through an Act of Parliament, in keeping with practice in India, Ghana, Rwanda and other stable democracies. Through the NCE, elders will have an oversight role in matters of governance at community and national level.
- Post Election Violence suspects should be taken through due legal process to help end the culture of impunity and discourage similar occurrences in the future.
- Cattle Rustling takes place during certain times of the year, especially when young men are considering marriage. Elders undertook to lead culture change initiatives. The practice stopped in Narok when the then DC (Mwangi) authorised women prison warders to whip the offending moran. The resulting embarrassment convinced the proud moran to change their ways.
- Cattle raids were cited as the biggest threat to Samburu security. Elders asked that Government provide security to the Samburu, prior to carrying out simultaneous disarmament of all armed groups such as the Pokot and Turkana. Elders undertook to work with GoK to help preserve their forest resources and wildlife.

Ilchamus

Own District in Marigat

- Ilchamus requested via letter to Office of the President (24 April 2009) that newly created Districts in Marigat be named Ilchamus and Makutano. Ilchamus have never had an MP to represent them in Parliament. This would be achievable if they had their own District.

Security

- Government to provide enhanced security to the Ilchamus (especially against Pokot cattle raiders). Elders are ready to co-operate with Government to eliminate insecurity.

Poor Infrastructure

No social amenities - Government to develop infrastructure as a priority so as to enable Ilchamus participate in the nation's socio-economic life.

A PAPER BY LUO COUNCIL OF ELDERS ANNEXTURE PRESENTED TO THE NATIONAL COMMITTEE ON NATIONAL COHESION AND INTEGRATION MEETING AT TOM MBOYA COLLEGE ON 23RD-24TH SPETEMBER 2009.

Preamble

At the achievement of independence, Kenya became purely democratic up to the attainment of Republic status (1964) when some tendencies appeared to come out, when the leaders then, started to amend the constitution which paved the way for dictatorial tendencies for Governance; this manifested when the Head of state was considered to be "ABOVE THE LAW" and was given excessive powers to wield.

Being above the law, and amassing excessive powers, the leaders of the first two regimes nursed, nurtured and promoted nepotism, tribalism, sectionalism and marginalization on other tribes other than one tribe that belonged to the reigning president. These are the traits that led to hatred from other neglected tribes leading to national disintegration and mistrust to ruling cliques, nursing distrust which simmered for a period; hatching itself in the manipulated and rigged general elections of December 2007 that culminated into the bitter dispute which led to the bloody violence which almost plunged this nation into bottomless abyss of turmoil.

Making Kenya a happy and peaceful Nation is the role and responsibility of the Kenyan people. Equally destroying Kenya and making it a hell of blood flowing in the streets is yet their own choice and responsibility. We the Luo Council of Elders and the entire Luo community want ONE KENYA, ONE PEOPLE. This will be only if the following misdeeds of the past are unearthed and redressed.

1. Tribalism

During independence struggle, Jaramogi Oginga Odinga a Luo from Nyanza, persisted and demanded that Mzee Jomo Kenyatta, a Kikuyu, who was languishing in detention as a result of colonial oppression, had to come out of detention and lead Kenyans to Freedom. He further said that, Kenyatta was the second god of Kenyans; this portrayal of sense of deep love, devoid of tribalism, was blatantly abused by Kenyatta when he assumed power at independence that, Jaramogi Oginga Odinga became the first casualty to be relegated from the then political dispensation.

Surpass it to say in 2002, Hon Raila Amolo Odinga, a Luo from the shores of lake Victoria uttered only two words in support of Hon Mwai Kibaki, a Kikuyu from Mt. Kenya "KIBAKI TOSHA" Hon. Raila Amolo Odinga vigorously campaigned for Kibaki, when he was bed ridden after a tragic road accident. Hon Raila Amolo chartered a chopper for campaign all over Kenya, and NARC, a party carved by Raila in a merger of NAK and other parties with a slogan

"KIBAKI TOSHA" and Kibaki became the presidential flag bearer; Kibaki was then elected the third president of Kenya while on a wheelchair and was installed on 30th December, 2002 in a very colourful coronation. On 31st December, when Raila went to congratulate Kibaki and give solitude after the accident, Hon. Raila was refused entry to State House, hence the beginning of a subterranean struggle to throw out Raila from the political dispensation, a cold war that dominated the Ninth Parliament and featured in the campaigns of 2007 and erupted to violence after the General Election of 2007.

The issues featured above are the some of the root causes of disintegration that were pegged on mistrust and tribalism perpetrated that was promoted by one ethnic group. The first two regimes planted, nursed and nurtured tribalism, and for Kenyans to get back from the Post-Violence Election of 2007 position, to its authentic status where it was dabbed "AN ISLAND OF PEACE IN AN OCEAN OF TURMOIL" of Elders must be the work.

2. "No blanket reconciliation"

The main objective of every ordinary Kenyan is to live in one cohesive and integrated Kenya with one people. But since the good image of Kenya, that Kenyans want to restore in this cohesion meeting under the chairmanships of Lady Justice (Rt.) Effie Owuor and that of Ambassador of Bethwel Kiplagat, are seeking to restore and redress issues, there should not be blanket reconciliation where the slogan be "ONE KENYA, ONE PEOPLE" without exposing evil tendencies which led Kenya into disintegration and hatred.

To correct these evils, Kenyans have to speak the truth and truth alone so that pure solutions that might be reached become legacies for posterity. But if truth is ignored and falsehood is magnified and honoured then the truth of the hidden evils will simmer slowly and emerge again to torment generations to come.

3. Assassination in post-colonial independence

Political assassinations have been meted on some prominent leaders in Kenya: Pio Gama Pinto, Argwengs Kodhek, Tom Joseph Mboya, Horace Ongili Owiti, Otieno Ambala, John Robert Ouko, Odhiambo Mbai, Kungu Karumba and JM Kariuki. We, the Luo Council of Elders hereby implore and entreat the leadership of Lady Justice (Rt.) Effie Owuor and Bethwel Kiplagat to unearths and let Kenyans know and understand the causes of the assassinations of these leaders, kinsmen and the perpetrators who planned and carried out the assassinations.

We the Luo Council of Elders bet and challenge members of this Committee to tell us what particular community in Kenya has suffered most assassinations and why it so happened that the subsequent generations can be advised on "do's" and "don'ts" that led to these assassinations. These would avoid repetition of assassinations.

4. Kisumu Massacre of 1969

The Luo community who came out joyfully and innocently on October 25th 1969 to meet their leader who came to lay foundation stone for Nyanza Provincial Hospital were massacred without shame and recourse to any law.

Since then, nobody in the Government has said anything about the massacre and the perpetrators are walking in economical gold streets of this country; having been rewarded for clearing a section of a community, in similar fashion as the Mau Mau victims who are demanding compensations from the British Government. The Luo Community seeks redress and demands compensation for the irresponsible action of certain individuals and the Government of Kenya. The families that were bereaved and traumatized are still being haunted by the memories and spirits of their loved ones, yet the Government of Kenya has assumed that all is well. "All is not well, All is not well!"

5. Marginalization

Political marginalization in Kenya's politics in the first two regimes has been the order. This has been perpetrated by the ruling class, to the exclusion of potential political leaders from other communities. The most segregated community in the last two regimes has been the luo.

Although marginalization has affected almost all tribes, it has been a bad political disease that must be curbed so that subsequent generations do not practice it, if a cohesive and integrated nation is to be realized.

Marginalization in terms of employment, economic development, provision of social services, in all fairness, should cease so that every Kenyan embraces peace, love mutual regard and respect. This must be done in order to realize nation's cohesion and integration.

6. Oppression

Many leaders from various Kenyan communities have been oppressed by the first two regimes: inhuman tortures in Nyati House, detention without trial and political intimidations that propagated animosities and hatreds across the board. This has made people live under suspicion and fear which bred some hostile attitudes among Kenyans tattering the social fabric that held communities together. This made Kenyans from diverse backgrounds hate and disregard each other.

To correct these political and social evils, Kenyans must unearth the real roots of such oppression and propose clear and real solutions.

The real and clear solutions should emerge from:

- Perpetrators of oppressive tortures owning up to clear their consciences.
- The perpetrators should, after owning up, come out and apologize.
- Renounce and denounce such evil actions.
- They should repent and ask the offended and the Kenyan Nation for forgiveness.

If these tenets of the truth are cosmetic in tackling these touching issues and if Kenyans are shy about shunning falsehood and embracing truth and truth alone, then achieving National cohesion and integration will be efforts in futility.

7. Culture of egocentrism

A deadly disease which ravages Kenya is EGOCENTRISM. There is a class in Kenya who thinks that they belong to the Royal Families and will remain in leadership of this country until the break of day. The group made a vow that the scepter would not pass river Chania and the scepter would not leave a certain area.

It is on this perception that the class does not co-operate with the other Kenyan communities in any way about leadership; only if your subscription favours them. But if it favours any other member from another community they do everything to divert it to their favour or spoil it all together. This attitude of selfishness is the situation which has been nursed and has grown to build social animosity among Kenyans hindering a sense of nationalism and mutual regard that can lead Kenyans into one people in one Kenya.

8. Conclusion

In conclusion, we Luo Council of Elders and the entire Luo community stand for ONE KENYA, ONE PEOPLE, based on equality and regard and respect, that promotes a sense of Nationalism and patriotism. Leaders elected are not the owners of Kenya. Kenya is Sovereign State and the sovereignty of this country lies with the people. The leaders should not turn to be the owners of Kenya and its sovereignty and it is to their aspirations as individuals that the elected leaders appear to have a tendency to impose on the conscience of the electorates. This attitude needs to change so that every member of Kenyan society should regard the other as equals regardless of social status.

God Bless You All

Yours Truly

CHAIRMAN LUO COUNCIL OF ELDERS

ABAGUSII CULTURAL AND DEVELOPMENT COUNCIL

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COMMITTEE OF NATIONAL ELDERS CONFERENCE ON COHESION AND INTEGRATION

REGIONAL CONSULTATIVE MEETING – KISUMU ON 23RD AND 24TH SEPTMBER, 2009 AT TOMBOYA LABOUR COLLEGE

We, Abagusii Cultural Elders' Council, on behalf of the Gusii Community wish to reflect our views on the raised issues as follows:

What brings about conflict?

- Land and boundary disputes;
- Cattle rustling;
- Incitement by political leaders;
- The build up to and after the General Election;
- Fièrce rivalry among political parties;
- Interpersonal conflicts;
- Poverty;
- Unequal distribution of natural resources; and
- Cultural conflicts.

Resolutions

1. Legal framework to empower Elders' Council

To form Elders Council starting from sub-location level up to highest level. These groups will look deeply into the causes of conflict within their various levels and how it can be solved. For this to be carried out effectively, elders' Forums need legal empowerment and a series of seminars and workshops sensitize the elders on how to carry out their work better.

The religious groups should also join hands in solving conflicts. Integration among various groups and encouraging people to stay together as good neighbors will also help solve conflicts.

The laws that we already have which ban hate speech, especially from our political leaders, must be put into force.

Young people too need some guidance and counseling by elders on the dangers of engaging in conflicts or any form of animosity.

By using the existing laws, criminals must be dealt with firmly.

Emphasis should be put on intertribal meetings.

As a community we strongly discourage the killing of people or their kin on suspicion that they practice witchcraft or are cattle rustlers. It is recommended that communities be sensitized not to take the law into their hands.

On the issue of poverty, people should be encouraged to work hard to alleviate it. Corruption is unlawful and sinful. It is dealt with firmly.

2. Support for National Council of Elders

The Abagusii, strongly support the idea of forming a National Council of Elders. We also suggest that the Council should have officials down to the lowest level of administration (sub-location). The various level of administering the Council should be legalized and be given enough clout to undertake its operations.

It should be noted that the Abagusii Cultural Management Committee from all Gusii Districts held a workshop at Kisii Hotel on 18th September, 2008 and unanimously agreed on the need to have a National Council of Elders.

This idea was prompted by the post poll violence of the 2007 General Elections. During the first three months of 2008, we encouraged our young people not to take up arms against people of other tribes living in Gusii at that time. This ensured that no property was destroyed.

We therefore were for the idea that if the National Council of Elders was in place earlier, maybe it could have come in handy in calming the situation. We believe that all communities in Kenya do not support hatred towards other communities. What is lacking is the cultural enforcement from the elders of various communities.

3. Tribal conflicts

Many times tribal conflicts are as a result of cattle rustling, incitement and land and boundary disputes. The latter is a major cause of conflict.

By having an elders' Council, which is legally empowered, such cases can be reduced. This is by having close consultations between elders from different communities as a way of curbing these vices. The elders being close to the people can also be used by the Government to sensitize their various communities. A right attitude means that people will not be afraid, for instance, to expose criminals and other trouble makers within a community.

4. Political assassinations

This is something the Gusii community does not want to hear. The Elders' Council to be formed should discuss and use every means available to them to make sure that senseless and inhuman killings are not done in Kenya any more. Surely this must be a closed chapter.

5. Collapse of sugar and cotton industries

We are recommending the revival of the sugar and cotton industries. The closure of these industries has brought higher levels of unemployment among our youth and thus a rise in insecurity. The Government should also look into

establishing an industry in Gusii, to cater for sugarcane growers in the southern parts of Gusii.

6. Plunder of national resources and environmental degration

As Elders' of this region we must focus soberly on the following activities:

- All gazetted forests must be protected and communities in and around them should be encouraged to plant more trees for the sake of clean water in the rivers that they depend on.
- Irrigation should be encouraged in arid and semi-arid areas. However, individuals should be discouraged from diverting water meant for rivers, to their private farms thus causing a shortage to other usage.
- All eucalyptus planted around water beds and rivers should be cut down. Instead, the papyrus and other reeds should be left to grow naturally because they help clean water.
- The plunder of resources by middle men should be firmly discouraged. For instance, people who purport to help the community to sell their tea, sugar, fish, cattle and other goods at the expense of the peasants should be banned from operation. The community is encouraged to deal only with relevant authorities set up by Government.
- Let communities be encouraged to avoid polluting rivers and lakes. This is by avoiding dumping any kind of waste into rivers and lakes and any water catchment areas.

7. Political repression

Many politicians confuse the electorate especially during General Elections with money and other inciting statements. The Elders Council s in collaboration with the Government and other relevant bodies will seek to offer civic education to enlighten the communities.

Some politicians impose projects on the people without consultation with the users. Development officials are also handpicked many do not have the necessary qualifications and are imposed on the people. There is no commitment by the communities to be involved. For instance, in some cases an irrigation project could serve the community better than a health center, these factors are greatly ignored. The elders should therefore intervene and be the voice of the neglected people.

8. Role of women in conflict resolution

Women must be involved in every level of development and governance. The days when they sat on the fence as men made resolutions are long gone. It should be noted that most women are sober, less corrupt and their actions are more humane.They are usually careful in the way they handle conflicts and are normally not biased in their decisions.

Men should be encouraged to take suggestions from their wives. Remember "behind every successful man there's a woman" his shadow!!

CHEPTAIS

PRESENTATION FROM MT. ELGON DISTRICT

CHEPTAIS COUNCIL OF ELDERS

TO THE REGIONAL CONFERENCE FOR COHESION AND INTEGRATION COMMITTEE IN KISUMU

ON 23RD -24TH SEPTEMBER, 2009.

Introduction

As one of the participants in the Forum held in Bungoma on 28th July 2009 I am privileged to make a presentation on issues touching the Sabaot cultural and social activities in relation to other communities within and out f Mt. Elgon District. This reflects the life in pre independence and Post Independence era. These issues include:

a) Intergenerational breakdown;
b) Domination of larger sub tribes over smaller ones;
c) Land and boundary issues;
d) Social problems;
e) Local precedents;
f) Post Election Violence; and
g) Council of Elders.

Intergenerational breakdown

As the Sabaot community, we had our own cultural values that governed all age groups and gender (elders, women and youths). All were under elders control whose decisions were final.

Currently this order has been eroded and overtaken by events such as:

- School education;
- Modern ways of living which have changed;
- Urbanization leading to influx of other communities in the residential areas in the natives home District; and
- Influence of churches.

Domination by larger sub-tribes of smaller ones

Tribal conflicts have existed since the pre colonial and post colonial era among the majority and minority tribes. The cause of these conflicts have mainly been due to cultural activities such as

- Cattle raids.
- Expansion of tribal kingdoms i.e. the majority tribes wanted to either eliminate or assimilate the minority tribe.

This feeling still exists in the community.

Recommendations

Respect for all community property in all aspects

Value each community's existence as an entity

Equitable distribution of resources by the relevant Government authorities such as the Government

Land and boundary disputes

Land and boundary disputes have remained one of the major causes of conflicts in the region. We, the Sabaot, have had sour relations (conflicts) with the Bukusu because of the following issues:

- Land;
- Boundaries;
- Leadership; and
- Recognition.

Recommendations

Boundaries be left intact once an agreement has been signed.

Each community's leadership be respected.

Land ownership be recognized and respected according to the Kenyan laws.

Social problems

The social facilities available in the region such as schools, healthcare, canters, water and infrastructure have not been fairly distributed. This imbalance has led to slower rates of development among minority tribes compared to majority tribes.

Recommendations

Kenya Government should ensure equitable distribution of social facilities to all communities in relation to the current ways of living and population in the region.

Local precedents

Among the Sabaots in the past, if one person killed a person of another family, there was an immediate revenge where somebody of the same sex was killed. However, if that was not possible, the two families agreed for compensation before a cleansing ceremony was held. Without this cleansing ceremony, the two families could not share a meal.

The current situation has changed because of the laws of the whole land.

Recommendation

The community should be ready to embrace change.

Post Election Violence (PEV)

The main cause of Post Election Violence were the disputed December 2007 presidential election results.

Land ownership or occupation by some communities.

Which lead to the following :

- Loss of human lives;
- Destruction of properties; and
- Displacement of people (IDPs).

Recommendations

The main perpetrators of Post Election Violence be tried at the Hague.

The foot soldiers be tried locally in Kenya.

Truth, Justice and Reconciliation Commission be accorded an opportunity to bring the community peace.

Council of Elders

The Council of Elders has existed in many communities in Kenya and has continued to play a vital role in respective communities. Due to this, the Council of Elders should be recognized by the Kenyan constitution to enable them have power to make legally binding decisions in solving conflicts affecting the communities in their regions.

Conclusion

1. We request the Government to recognize the Council of Elders in the Constitution to make it run its activities in promoting healing and national cohesion in their regions for the sake of the future generation.
2. The main causes of conflicts among the communities such as land, boundary disputes and leadership should be addressed and harmonized by all stakeholders to foster unity amongst neighboring communities.

Prepared by

Mr. Patrick K. Ngaina

Chairman Cheptais Council of Elders

SUBMISSION BY KOONY COUNCIL OF ELDERS TO NATIONAL COHESION AND INTEGRATION COMMITTEE SITTING AT KISUMU ON 23RD-24TH SEPTEMBER 2009

Presented by

Mr. Peter Arap Chepkurui Kapsoot

Secretary General, Koony Council of Elders

Introduction

Kenya is a vastly diverse nation in its demography. It is characterized by many ethnic groups with different social-cultural values. This indeed has been and should be a strength in National development and prosperity of the country. However, frequent and persistent conflicts have slowed development, cohesion, harmony and prosperity of the people of Kenya. Kenya must wake up to this reality and address it effectively. It is the responsibility of all Kenyans individually or collectively irrespective of tribe, colour, race, religion, and political inclination.

As for the Koony community, we believe that we owe this country that duty and wish to contribute as stated below.

Historical background

The Koony are a Kalenjin speaking community currently living on the slopes of Mt. Elgon in the present Mt. Elgon and the greater Trans-Nzoia Districts. Before colonial rule the Koony people, also know as ElKoonyi or Elkony Maasai occupied the territory marked by the Suam River in the North Eastern and Rokok (Lwakhakhal) river in the West, both bordering Uganda. To the South they bordered with Wanga (Kitosh), south east with the Kabrasi, the East with Tachoni, Nandi and Uasin Gishu Maasai and the Suk to the North East; as is recorded in the CARTER LAND COMMISSION of 1932 and corroborate by other Commissions such as the NJONJO COMMISSION of 1972. This territory that included the greater Bungoma, Trans-Nzoia Districts formed the cradle of Koony as is testified by the names of places, rivers and physical features e/g Bong'om, Sirirtany, Kapchonge, Kimelil (Kimilili), Kapchai, Katalel (Kitale) etc.

Eviction

After the First World War (1914-1918) the British colonial Government sought to reward their demobilized soldiers with land. Trans Nzoia was one of the selected settlement areas. Hence, between 1920 and 1930 the Koony were forcefully and violently evicted from their homes and land in Trans Nzoia and placed in camps at Kamakoiwa (the present Kamakuywa). From there, they were told to join their brothers in Bungoma or go anywhere else they chose.

The implications were:

- Loss of all the Koony land marked by the entire present day Trans Nzoia District;
- Loss of property in the process of forced and brutal evictions;
- Overcrowding in Bungoma; and
- Dispersion of the Koony people to unfamiliar territories such as Kapenguria, Uganda, Trans Mara, Luo land and even Tanganyika.

Meanwhile, the British colonial rulers brought the Gishu from Uganda into Trans Nzoia to provide labour.

Rule

The Koony people in the greater Bungoma were placed under the rule of Mumia of Wanga, who seconded his brother Muruga to chieftainship over the Koony despite the incompatible culture and customs.

Conflicts:

Historical injustices

The Koony people were deprived of their land in Trans Nzoia and became IDPs. They were subjected to brutality and dehumanizing treatment. Those under the rule of chief Mumia were equally brutalized, subjected to forced labour, dominated, marginalized and weakened as a people no longer able to determine their own destiny.

After independence, the Kenyan Government should have returned lands to their original owners, the Koony and restored the torn social-economic fabric. The Kenya Government did not do that. To date, other communities are occupying the land that belonged to the Koony, a thing that easily provokes the Koony into conflicts.

Tribal conflicts

KOONY/ BUKUSU

The main conflict between those two communities originated from the marginalization of the Koony by the Bukusu. This is in respect of the following:

- Distribution of resources;
- Administrative and political positions;
- Self determination; and
- Limited or outright denial of development opportunity.

Intra- tribal conflicts

This is mainly between the Koony (Mosop) and Bok communities of Mt. Elgon. Between 1960 and1971, there were concerted efforts by Kenya Government to settle the Mosop people in the lower lands as opposed to the moorlands where they had always lived. This was to enable them access education, health

facilities and farmlands. Inspite of these good intentions, the Mosop people refused to move. However, in about 1972, the Government succeeded in moving them forcefully and lumping them with the more advanced and enlightened Bok. The Bok quickly manipulated and marginalized the Mosop thus creating conflicts.

Some salient issues here which need to be resolved are:

- The residents of Chepkitale (Koony) were against relocation as an exchange of their ancestral land.
- The process of relocating was forceful.
- The same residents would have preferred to move within the same (Roroket) territory to join those of their own instead of moving to unfamiliar territory.
- There is a strong feeling in Koony against moving westwards.
- The settlement was not done impartially and was riddled with many malpractices committed by the Bok and the Government of Kenya.
- The sedentary farming life in Chepkitale was alien to the Mosop residents who are pastoralists, thus frustrated they were prone to manipulation.
- The settlement scheme was not degazzetted from forestland for about 40 years. This resulted in settlement insecurity given the ever increasing population. In 2005, during an attempt to conclude settlement on phase III, there was resistance from the residents who were occupying the area. When the Government insisted, the residents, mainly of the Bok took up arms and caused mayhem. This was the beginning of the Sabaot Land Defense Force (SLDF). The Mosop people suffered seriously. This therefore caused resentment, suspicion, and hatred between the two communities.

Other conflicts

- The boundaries of Mt. Elgon and neighbouring Districts are not well defined. There are suspicions that boundaries have been moved unofficially.
- The principle of democracy winner takes it all is unacceptable. There should be "political affirmative action".
- Unequal opportunities in national development and welfare.
- Intergenerational breakdown.
- Traditional values such as respect of elders, obedience, honesty, hard work, support of, and service to the community, responsibility have been disregarded.
- The culprits responsible for this include; foreign influences (so called modern life), religion, and formal education (which do not encompass these values).
- Poverty: The larger proportions of youths are poor. They are deprived of resources by parents, have no jobs and lack of exploitation of their talents due to lack of support.

- Continued occupations of national positions by people who are long past retirement age frustrate the youth who are expecting to take over.
- Social problems: source of conflict include: despising and stereotyping.
- Unequal distribution of wealth among tribes.
- Unemployment.
- Post Election Violence.
- The causes of violence here included.
- Misuse of power.
- Hate politics and incitement.

Initiatives

Despite the presence of these conflicts, there have been initiatives undertaken by both the Government and the communities. However, they have been far from adequate. These include:

- Peace Forums organized by provincial administration;
- Deployment of security forces;
- Peace Forums sponsored by NGOs e.g. Red Cross, Action Aid;
- Peace talks and activities of Council of Elders.

These merely served to reduce the magnitude of both inter and intra tribal conflicts.

Recommendations:

- Recognition and strengthening of traditional Council of Elders.
- Frequent dialogue between various communities nationally and intra clan.
- Clear delineation and definition of provincial and District boundaries according to communities' of interest.
- At independence, in 1963, the listed tribes in Kenya were 42 and Elkony was one of them sometimes in 1965 or so, the name was erroneously changed to SABAOT. We recommend that the name KOONY be reinstated.
- We recommend that Mt. Elgon District be transferred to Rift Valley Province.
- The National Council of Elders be created by an act of Parliament and mandated to deal with peace issues and also advice H.E the president and Prime RH Prime Minister.
- Creation of large national secondary schools in each region to integrate children in all communities of Kenya.
- Provision of equal opportunities to all communities of Kenya.

KURIA

REGIONAL CONSULTATIVE MEETING ON COHESION AND INTEGRITY

The gathering in this hall today must be considered very important for two main reasons.

In the first place, I believe most people in here today are people who were around when Africans in Kenya united to demand our political independence from the European Colonial masters. The unity demonstrated by the Africans was a force which made Europeans to surrender the political and economic influence which they had declared they would never give up.

The second reason is that our experience for what happened after the general election of December 2007 when Kenya as a sovereign state almost disintegrated must be a constant reminder of the eminous danger our country faces.

In the 1950's when Africans in Kenya joined hands to demand political Uhuru, they had two factors which were their driving force; African National leaders of the time were committed for one AIM=Political and economic independence for Kenya.

The second factor was their dedication to achieve the aim they had set for themselves. Therefore my brothers and sisters I am challenging you. Since the aim is the same as it was for the struggle for independence, can we then accept to be driven by the same forces, that is commitment and dedication, not money and ethnicity?

I am sure you are fully aware that after the achievement of independence in our country emerged two competing forces. The nationalists, who stood for the unity of the nation and the self seekers who stood for personal gains. Hence, the beginning of two classes in our society, the *'have"* and the *"have not"*. The result was that the self seeker embarked on the elimination of those who aspired for one Kenya, one Nation. Hence political assassinations, Gamma Pinto, Joseph Thomas Mboya, Ronald Ngala, Argwings Kodhek, J.M. Kariuki-the list is long. Can we now hold that?

When assassinations became part of the system, things began to change. The leadership in Government, in academic circles, in the economic sector and by enlarges national resources turned to regional and sectional.

But, leaders, let me at this point state that we are not here to repeat the failure of the past but to try and find possible answers to put Kenya where it was in the early days of independence when it was one Kenya for all Kenyans.

One important factor that could be a possible solution is to establish a National Council of Elders. I will come back to this issue and explain the reason why I think the Council could be ideal.

The second possible solution would be the restructuring of our academic institutions in order to make them have a national outlook rather than the present local image.

- I therefore suggest that personnel in our schools particularly teachers be our agents of the nation rather than the local communities. In our civil service when one is hired, he/she sign that they can work anywhere in the country, why not teachers?
- The secondary schools must be open to all pupils in Kenya, not just the locals.
- In our primary schools, the subject of Government with emphasis on nationalism must be introduced. The Americans did that in their educational system and Tanzanians have also done it.
- Massive civic education is necessary so as to teach the common mwananchi his/her rights in the community and to know his / her power to elect people with leadership qualities rather than leaders using money to attract votes.

For the achievement of our aim, that is 'one Kenya one nation' integration of our communities is a vital issue to be dealt with seriously. But let me caution here that there are two English words which must be avoided by all means that is assimilation and isolation. Presently in Kenya, we have had movement of people from one area to another part of the country and from one community to join another community.

This is because of search for land or business opportunities. But those who have moved to other areas have made no effort top mingle with the communities they have joined. Instead, they begin forming their own social business groups which exclude members of the community they have joined. This behaviour demonstrates nothing but isolation. I think this was the biggest problem in the Rift Valley where we had severe violence after the 2007 general elections.

On the ASSIMILATION is where the majority groups or communities when joined by others have a tendency to swallow the small groups or minorities, so that the minorities are expected to totally lose their identities and adopt the culture of the majority.

I think for purposes of intergartion those who join other communities should have the right in the first place to mingle and fully participate in the affairs of the new community they join, but also to have the right to choose good behaviour from their new situation and retain some of the good traditions from their place of origin.

So, allow me to stress here that the system to integrate our Kenyan communities must be found. It is a key factor which will make it possible to achieve our aim One Kenya, One Nation.

The other very vital possible solution for the achievement of one Kenya one nation is one national Kenyan language KISWAHILI. It is very fortunate in

Kenya that we have Kiswahili. But its use must be mandatory for all Kenyans, if need be, this should be made law.

For our youth, I suggest that NYS programme be expanded in order to take in more youths. In fact,, there should be more than one centre. Besides, their training must be geared towards learning trades. This will serve two purposes, first the youths who will have undergone such training, can be self employed, and if possible when they complete their training, the Government can provide them with basic tools. The second purpose is that the Government and private sector when hiring for works can draw from the trained youth but it must be stressed that while the youth are going through training, they must be clearly made aware that blue collar jobs are very limited, hence self employment is the only way out.

NATIONAL COUNCIL OF ELDERS

In my introductory remarks, I said that the National Council of Elders would probably be of the best solutions to our present national predicaments. This is because people who will be involved are those people who have dealt with such issues although in most cases, in a small scale.

The second reason would be people whose interest is not political but national unity of the country.

Thirdly, members of such a Council would be people with wide social, economic, cultural and political experiences.

Fourthly, they would be people who have lived within the recent historical changes in the political, social and economic situations of Kenya.

Finally, such a Council will provide a Forum in which national issues would be discussed without the influence of politics. In particular, to find solutions for conflicts in the country.

But since such a Council would be a Forum of discussions, it must be structured in such a way that it has its roots from the grass roots, and if possible, from locations to the Districts. It is in the District level where members to the national Council of Elders would be chosen from.

The members of the National Council of Elders must be respected people with a national outlook, enlightened and experienced individuals from all the 42 ethnic groups in Kenya. The membership in the National Council of Elders must be equal representation.

POSITION PAPER FOR THE LUHYAS IN WESTERN PROVINCE

PRESENTED BY: THE LUHYA ELDERS FORUM

DURING THE REGIONAL CONSULTATIVE MEETING BY COMMITTEE

OF

NATIONA ELDERS CONFERENCE

ON

COHESION AND INTEGRATION

AT

TOM MBOYA LABOUR COLLEGE

ON 23RD AND 24TH SEPTEMBER, 2009

BY ENG. JULIUS NYAROTHO

MR. PETER LUDAAVA

THE SECRETARIAT

POSITION PAPER FOR THE LUHYAS IN WESTERN PROVINCE AND PARTS OF RIFTVALLEY AND THE DIASPORA BY THE LUHYA ELDERS FORUM

1. Introduction

The Luhya Elders Forum is a body that represents all the Luhya sub tribes who number 18 and special seats from the Diaspora with a secretariat of two professionals. It is unique in as much as having oversight supervision and control of the Councils Elders of the sub tribes and special seats from the Diaspora. We shall come to this one specifically in the course of this presentation. It is the largest community organization serving a population of over 4 million people.

It is an umbrella organization with structures starting from the grassroots. Each elder from the Forum supervises Council of Elders from his sub tribe, although he is not required to chair the Council. The main object of the Forum is to provide a Forum in which the hopes and aspirations of the Luhya Community are vested.

It is a unifying force for the community. It covers three pillars of social, political and economic empowerment of the community. The Forum is already registered as community based organization with the Ministry of Social Services, so are the Council of Elders from each sub tribe. The Council of Elders include youth and women wings in order to make them all inclusive. In order to have uniformity as elders in the Forum must be over 65yrs old whereas in the Council of Elders, the age threshold is 60 yrs.

The Luhya Elders Forum was not initially involved in the discussions held both in Kakamega and Bungoma due to a communication problem which has since been resolved. The Forum has since considered the issues raised on 27th and 28th July 2009 and has had very extensive consultations at the Forum and the parties that attended those meetings and had been able to come up with a position paper which we are now presenting.

2. ADMINISTRATIVE UNITS

In its wisdom, Parliament created the Interim Electoral Boundaries Commission. The Forum strongly feels that with the creation of the IEBC Creation and adjustment of administration boundaries should be left to this body after extensive consultation with the residents of respective areas. Specifically, the views of the Luhya Elders Forum should be considered.

3. LAND AND BOUNDARY DISPUTES

These disputes will not arise if the Government leaves the IEBC to carry out all the dermacations in the manner explained above. Western province is a multiethnic province and the Luhya Elders Forum would like this status to be maintained. It should not matter who is a resident of a particular District, division or location so long as all the residents are sensitized to co-exist. The

Forum as a matter of fact involves the Council of Elders of that particular area to determine the cause of disputes and the best way to resolve them.

The Luhya Elders Forum should be empowered to deal with and resolve disputes through an Act of Parliament in order to make the resolutions binding. The Luhya Elders Forum believe that any attempt to move any District to Rift Valley Province would create more problems and open wounds that would be difficult to heal. The Luhya community believes that, since the inhabitants of Trans Nzoia are mainly Luhyas, the Trans Nzoia should actually be administered from Western Province. It might be very useful if at some stage, the IEBC should look at the Lancaster House Country Map to see if they can correct the mutilations that were visited on the map and ended up creating so much animosity among the communities in Western Province.

4. INTER GENERATIONAL BREAKDOWN

The Luhya Elders Forum believe that the inter–generational breakdown has been brought about by the following practices.

i. Education system

a. Boarding schools

There is too much emphasis in creation of boarding schools starting from a very early stage of the Children's development. The Elders have seen children taken to boarding schools starting from standard one where a child is barely 6 or 7 years. At this stage children have not had any opportunity to learn anything from their parents.

b. Tuition

As if taking the children to boarding schools is not enough the desire of the children interaction with the parents during school holidays has been affected by compulsory tuitions.

c. The effects of mushrooming academies

The academies have created baby classes to which breastfeeding children are enrolled and denying a child any opportunity of even getting to learn the surrounding when they are born.

d. 8.4.4. System

Luhya Elders Forum is advocating for inclusion of an elder on every school board to assist in the positive management of schools. The Forum also wants to see an elder appointed to the education board and all higher learning institutions. Such elders should be nominated by the Forum.

ii. Labour market

As soon as the young people finish school, they migrate to big towns or the urban areas which they believe are the only places to get employment, before getting opportunity to interact with parent and elders from their community.

iii. Ignorance of the rites of passage

The Luhya community has an elaborate rite of passage system that gives training to the youth which are fast disappearing.

ii. Changing lifestyle

Parents have no hope of moving back home after retirement giving no opportunity to the children to interact with their counterparts in the villages.

iii. Youth

The youth are not being prepared for a role in the society due to the above observation.

5. DOMINATION BY LARGER SUBTRIBES OF THE SMALLER ONES

Any feelings concerning the domination by larger subtribes of small ones are misplaced. The Forum has not had any experience of such domination.

The largest subtribe among the Luhya is the Bukusu and instead of dominating other subtribes, it has the practice of accommodating them. It is actually a practice that once you move into the Bukusu you become a Bukusu. No single subtribe is a foreigner in the Bukusu Land.

It is for this reason that there were actually no cases of Post Election Violence in the areas covered by the Bukusu.

6. SOCIAL PROBLEMS

a) HIV/AIDS

The largest social problem in the region is HIV/AIDS

The Luhya Elders' Forum has partnered with AMREF in order to address this problem. The Elders have been trained on HIV/AIDS control and advocacy and intend to play a part in its control right up to the grassroots. This is one of the objectives of the Luhya Elders Forum as per their constitution.

b) Repugnant social behaviors and practices

The Luhya Elders Forum has identified several social behaviors and practices that impede on the development of the community such as:

i. Wife cleansing.
ii. Wife inheritance.
iii. Funeral/burial rights and expenses.
iv. Expensive weddings that leave the couple economically crippled when starting their life together.
v. Drug abuse.
vi. Keshas (overnight prayers vigils).

7. POST ELECTION VIOLENCE

The Luhya Elders Forum did carry out thorough investigation and established that the violence was created by a lack of integration. A Kikuyu remains a Kikuyu whether he has lived in Nyanza Province for 20 years or not. He allies

himself to other Kikuyu in the region and ensures that he conforms to voting patterns of his original home. There are cases when they told the local hosts that no matter what happens their man will emerge supreme, so they might as well just vote for their man.

The Kikuyu will not participate in development programs of that area and will only patronize business run by their kin. Hence they are treated as outsiders. The Forum does not believe that there was any organized prior or planning for the violence. The symptoms were always omnipresent and what was needed was a trigger. This was provided by the following factors.

a) The reported distribution of administrative policemen to play an undefined role in the elections.
b) The continuous reporting of the results on the TV monitors discontinued leaving a total blackout.
c) The delay in announcing the Presidential Election results.
d) The careless talk by the Chairman of the Electoral Commission of Kenya and the cheeky behavior of PNU officials at the tallying centers.

Election reforms are now being undertaken the Forum believes that the elders should be fully involved in the reforms. The Electoral Commission should hold specific session to hear presentations from the elders. The Forum believes that Waki commission did a commendable job and provided a report, which has been accepted by the Cabinet. The Government should not develop cold feet. It should move to implement the report to the letter. The Forum sees no need for any further debate on this matter.

8. TRUTH, JUSTICE AND RECONCILIATION AND COHESION (TJRC)

The Luhya Elders Forum is aware that the TJRC was established through the National Dialogue and Reconciliation Accord to deal with the past injustices to promote justice and reconciliation among the Kenyan communities. It has a very big mandate. Any attempt to expand the Commission's mandate will fail. The Forum believes that elders must play a vital role in the Commission's deliberation. The Forum believes that all Council of Elders can be made to carry out civic education on the Commission's mandate before it commences its work. There should be a specific funding provided for this role.

9. OTHER SOCIAL ISSUES

a. Education system

The Forum believes in a system that provides dropouts at various levels of education to provide relevant labour for the market. The present system tends to propel students to form IV and once they leave school, they consider themselves above for the manual work. The economy has a serious problem of labour in the production sectors. The introduction of model schools in each constituency will help in creating a National School for each constituency leading to an eventual abolishment of the quota system.

b. School subjects

There should be a subject introduced in schools to teach about Kenyan communities. The Elders can assist the Kenya Institute of Education to come up with material to be covered.

c. National Council of Elders

As mentioned before, there should be an Act of Parliament to give effect to the Council of Elders and when the new Constitution is enacted, the Council of Elders should be included in the constitution. This should include the establishment of a National Elders Council with a fully fledged secretariat. The Luhya Elders Forum is ready to make its contribution in this regard.

Parliament should make amendment to the CDF Act and all enabling Acts to pave way for Councils of Elders to have an oversight/supervisory role on all devolved funds. ALL ADMINISTRATIVE OFFICES INCLUDING STATE HOUSE SHOULD PUT ELDERS ON THEIR MAILING LIST AND HAVE THEM INVITED TO ALL IMPORTANT NATIONAL OCCASIONS.

NDOROBO

ISSUES RAISED BY KAKAMEGA AND BUNGOMA REGIONAL ELDERS MEETINGS HELD ON 27TH JULY, 2009.

Issues raised in both Kakamega and Bungoma:

1. Inter-Generational breakdown.
2. Domination by larger sub-tribes of smaller ones.
3. Land and boundary disputes.
4. Social problems.
5. Location precedents.
6. Post Election Violence (PEV).
7. Council of Elders.

HOW THE ISSUES AFFECTED AND STILL AFFECTS THE NDOROBO COMMUNITY

Inter-generational breakdown

Since the Ndorobo community practiced circumcision as a rite of passage from childhood to adulthood, the community had 12 age sets which were determined by a period of successive years which made one common age set.

The twelve age sets completed took a total of 96 years and together with possibly 3 to 4 years in which circumcision did not take place because of one reason or the other, the years totaled to 100 years which is one full generation.

The following are the names of the 12 age sets for example;

Rimrim from 1894-1902

1. Olmakanda from 1902-1910
2. Suoinen from 1910-1918
3. Ntatwaek from 1918-1924
4. Mchunguek from 1926-1934
5. Korongoro from 1934-1943
6. Kipkoimetek from 1944-1952
7. Kaplelach from 1952-1960
8. Kipnyikeu from 1960-1967
9. Nyongi from 1968-1975
10. Sowe from 1976-1983
11. Olmomo from 1984-1992
12. Chepkui from 1993-2001

Then the current is again the Rimrim. All the age sets repeat the names. Out of all the age sets as concern the Ndorobo of Mt. Elgon who lived in Chepkitele found in the peak of the mountain, all lived peacefully except three age sets named Chepkui of 1986-1993 in the last generation fought with BUMETIEK from Uganda where all the Chepkuek of that time were killed. Those very few who remained at home could not make an age set and therefore were absorbed in the old or next age set like the Olmomo (the old) and Rimrim (the next) age set.

The other age group which encountered problems was the Rimrim of the last generation from 1902-1904 who were fought by Chemng'alek (Nandi), the Maasai and the Keiyo.

The Mt. Elgon clashes of 2006 to 2008 took place during the current age set of Rimrim which reflects the Ndorobo Elders saying that an event will always repeat itself after one generation, 100 years. This saying calls for all the people of Ndorobo community and the Government at large to know this.

As followed above every age set had to respect the older age sets.

Domination of larger sub-tribes over the smaller ones.

The Ndorobo people being members from a smaller indigenous group of people have been very much affected by neighboring larger sub-tribes like the Bok. The Bok people who are mostly found in Cheptais Division, the last division of Mt. Elgon District to west, first assimilate the Ndorobo and therefore resorted to fighting the Ndorobo on the pretext of fighting for land but the aim was to kill all the Ndorobos.

The second affection is in the Education field whereby the Ndorobo are rarely chosen to benefit from employment vacancies or bursaries if only that department is headed by the Bok people. For example if one goes and examines the names pinned in the CDF offices in Kapsokwivy offices showing students

who have benefited fro CDF bursaries out of almost 400 students, only less than 5 or nil which will be a student from the Ndorobo community.

The worst and deliberate dominance results is in the side of giving wrong information to the Government because most of them work with the Government and therefore get information earlier than the Ndorobo and if the information was to benefit Ndorobo it will always be manipulated to fever the Bok community because most of them have used dubious ways to live with the Ndorobo community in Chepyuk settlement scheme.

Land and boundaries disputes

The land belonging to the Ndorobo community is the Chepyuk settlement scheme which comprises both Emai and Chepyuk location. The community being an indigenous group living in Mt. Elgon District once lived in Trans-nzoia District as is evident from History books and neighbours like the Pokot the Sengwer and the Nandi community.

The boundaries of the Ndorobo with their neighbours is River Rokok in the west and the line put by the Government of Kenya in 1932 which partition the forest and reserve that was settled by the Bok, Someek, Koony and Ndorobo. This boundary stretched from Rokok River in the west to River Swom in the East. This upper part that included the Elgon Thick Naturally the mountain is the land belonging to the Ndorobo people have lived in the forest since the beginning of history and they are number one in the forest enable them to get conservation honey for nutrition, grass for their animal (cattle) and herbals for their medicines.

Social problems

We the Ndorobo encountered many social problems since the time we were in Chepkitale. We had no hospital, one primary school which was opened in 1952 to 1973 when the school was transferred to primary (currently). The school remained in std. 4 for all that long time because nobody struggled for the school to reach Std 8 or 7 in those years because: we had no Ndorobo who had known the benefit of education.

The Ndorobo had no food because the moor land couldn't be cultivated to get food because of the coldness of the place. The Kenyan Government decided to give the Ndorobo the settlement scheme of in 1971 for the Ndorobo to have somewhere to cultivate food.

Another social problem is intermarrying with the Bok people, the Bok took advantage of the relationship which ensued from the intermarriage to migrate, acquire land, live with the Ndorobo who were les experienced with farming and therefore bought land with very little money. Most of the Ndorobos sold their land cheaply.

Local precedents

Local precedents like elections, normal life activities like farming and keeping livestock have not been left aside. The Bok people after influencing the Soomek

and the Koony, have always found rough time to influence the Ndorobo and therefore, this causes friction between them. The Bok believes that all MPs are Bok and can influence the Government to let their people acquire land in settlement scheme which was not identified for them.

Because the Ndorobo keep their livestock in Chepkitale, the Bok are unhappy with this habit and will always use the MP to influence the Government, remove people from there, an act which is very wrong to the Ndorobo because if there is anywhere they call their home it is in Chepkitale.

Post Election Violence

Post Election Violence did not affect the Ndorobo community who lived in either or Chepkitale at the time but those who had migrated to Trans Nzoia or elsewhere because of the land clashes of 2006-2008 were very much affected. People lost property, and to extend lives. All these people deserve compensated for the lose of nearby 70% of people of Chepyuk. Live in homes covered with canvas (tents).

The Electoral Commission should fair and transparent.

Council of Elders

The Ndorobo wish to say that if therefore is any selection of or appointment of Council of Elders, all the people living in Mt Elgon should have equal representation. The sub-tribes living in Mt Elgon on are the Koony, the Somek, the Bok and the Ndorobo. All must have equal representation in any field of appointment.

The elders should be empowered to deal with its own affairs before it is discussed by other elders. The minority should be given special consideration because in most cases they are benefiting from anything for the first time while others are looking for the second or third time.

Recommendations

The Ndorobo living in Emia location should be given nominated Council or because the elected Council or either the current or the last ones never represent the interest of he people belonging to the Ndorobo community because they are their rivals in land ownership. The Ndorobo living in Emia location are few in number and cannot elect a Council or alone or an MP.

During appointments of chiefs, the Government should be very vigilant might end up appointing a criminal to the Government which is their always.

The Ndorobo elders think that Kopsiro could be a District of its own, or they remain in the current Kapsokwony headquarters.

They do not want to be split into two.

Like any other minority, in Kenya, they think the Kenya Government shold enact laws to cater for their interests.

RIFT VALLEY PRESENTATION

May I at the onset express my thanks and those of our friends Mr. Elijah Sumbeiywo from Keiyo, on being invited to participate in this regional consultative meeting of then Committee of National Cohesion and Integration to discuss issues as outlined in your brief that have not only seized our region , the Rift valley, but the whole Republic of Kenya.

On issues of land, may I point out that the leading source of land conflict is primarily the relocation of people from one country to another. History is repeated with examples. Romans conquered the whole world in BC and relocated their population to other parts of the world especially the Mediterranean region. Colonization represents the largest relocation of human population I the whole of our mankind history. Never has such cruel and reckless relocation of people happened again to that scale.

In Latin America, the conquering Europeans dismantled long known empires such as the Azteck and bought their technology. Equally in North America, the enslavement of the black who had been relocated from their mother land endured such cruelty that still persists today. The indigenous Indian population relocated to reserves of the few that survived the massacre. Criminals were shipped from England to Australia and on arrival, massacred the indigenous population to gain land.

In recent history, Governments in Africa having not heard from history attempted a similar relocation though internally. The case of Ujamma Tanzania's reign of Nyerere is a case in point. The relocation was politicized, handed over to overzealous bureaucrats to implement. One regional commoner was murdered in the South of the country. He was eulogized but did not erase the feet of the policy. Nyerere himself admitted and resigned with his exit relocation of population became history.

Up in the north, our neighbors the Ethiopians after a military coup, in 1974, felt that all their national problems not only emanated from the king, but the land tenure which admittedly was landlord/tenant system. All land was nationalized, population raised from drought prone areas which was mosquito free to the areas with high agricultural potential but mosquito infested. There was mass starvation and civil wars. Eventually, a reversal and a federal type of Government was put in place.

From the foregoing, we seem in this country to have leant very little from history on matters of land ownership. It may be recalled that an establishing the so-called white lands, the colonial Government not relocated population from large chunks of land Maasi to Narok. In the case of rift valley and particularly the North Rift, the relocation resulted in long period of resistance. The case of a Nandi Orgoiyot, the removal of all Keiyo people from the Uasin Gishu plateau to the Kerio escarpment valley is a case in point.

So basically the war for independence was promised on return of the land that had been grabbed by the colonial Government. Even as understood, so as,

sacrifices were being made, for Uhuru. In the mind of the colonial Government, this was also understood to be so. So as early as 1961-62, the system of restoring land to communities begun to be implemented. The Nandi people were being settled eastward not the Uasin Gishu plateau hence-Lessos, Ndalate, Kikarei while the Keiyo were being settled westwards into the plateau –hence Kapsabet, Elgeiyo borders are Ainamoi schemes.

If these two people had moved in these areas. The possibility is that they would have met at traditional boundaries as known before the advent of European settlements. This historical phenomenon is repeatable for the Marakwet, Pokot, Sabaot and the bukusu people into Trans nzoia and Maasai.

The settlement, I have stated were perked on negotiation –majimbo as was enshrined in the Lancaster house constitution, 'amendments to remove majimbo, the said historical path of population relocation has failed in many instances was embarked on and it embarked growing.

Send of Districts that has come to character as tribal clashes in 1963, 1969b at Burnt forest and thereafter repeated escalating scale in 1992, 1997 and more devastating in 2007. In all cases bad politics provided the burning oil.

While these events were taking place in high potential areas, people in arid and semi-arid areas where being pushed to the periphery or the economy. In fear fact, this marginalized was fully backed by a Government policy which stipulated that amendment should be focused on high potential areas so that the quicker returns amended then be used to uplift areas with poor resource endorsement. This never happened!

The fascination of land ownership, marginalization and subsequently clashes and emergence of IDPs was constitutional amendments of the Lancaster constitution with the abolition of Majimbo, the merging of senate and the lower house, the detention laws, the one- party system and rule. The totality of all these amenities was creation of what has come to be to be known as imperial presidency.

One giant of a power house that through use of arbitrary power by itself and its close confidants and other pretenders not in high complete for that office for the privileges in accorded but also created, national tension , diminish and more distractions corruption.

In recent times other facilitators of national tension, division and alliances of negative nature to national interests are political parties, vernacular radio stations, cattle rustling and illegal organizations.

The alpha and omega to address all these issues is constitutional and legal reform. New constitution must bear the stamp of the people on all the issues they have expressed not the strap of the politicians who amended the Lancaster constitution, created the party state and stayed silent as corruption eroded national ethics and cohesion. They created the edifice they surveyed as were the bomas. This country must be clear about this matter than have politicians on the

peripheral issues, should be left to the local communities- in any case every person has a name.

Issues of historical injustices are basically issues of land and marginalization, inability of relocated populations to integrate into the local communities. These issues should be addressed in the constitutional at legal reforms.

The youths of the country must be facilitated to earn to earn a decent living through employment. This can be achieved through expanding the economy, proper tax planning. The world has the best examples we can work with.

On other questions:

- Churches –some churches have been inflammatory in their preaching as they are becoming also commercial in praying for the poor.
- The arrogance of a relocated community or population is arbitrary evidence the way they name the new places of settlement. This has happened in history –New England, New York etc. people should rise above a matter if a nation is united.
- Healing and forgiveness in the nation beyond communities but should be seen to be practiced by the national leaders – through legal, just, fair and respectable manner of governance void of corruption.
- Annan's envelope will be opened anyway at some time –what have the national leaders done to ensure when this is done will hold the nation together? I need to see!

  If the envelope is opened, why should Kalenjin fight Luo? Why should kalenjin feel isolated? Whose propaganda is this?

  - Kalenjin thinking is not *homogenous*

Presentation made by

Ambassador S.B.A Bullul

At Tom Mboya College

Kisumu on 23/09/09

TESO

THE NATIONAL ELDERS COHESION AND INTEGRATION COMMITTEE FOR NORTH WESTERN REGION-TESO NORTH DISTRICT

PETER Z.IMOH

I am an elder from Teso North District and sit in the Council of Elders in Teso (EMORIMORI Council of Elders committee). This is a Council that embraces all cultural and customary practices with the Iteso wherever they are in Kenya, Uganda and the Diaspora. The Council of Elders emphasizes on respect and observance of all cultural values and norms hence not interfering with others culture and norms. The Council of Elders hence does not condone any violation of the Iteso culture and customs by others.

SUBJECT: CULTURAL, TRADITIONAL AND CUSTOMARY VALUES IN THE SOCIETY

NORTH WESTERN REGION

This is a region which mainly comprises three ethnic groups with completely different culture, traditions and customs. These groups of people comprise the Luhyia (Bukusu), Teso, and Sabaot (Koony). The Luhyias are Bantus while the Sabaot and Iteso are Nilotes. Despite many disparities in their culture, these groups have always lived in harmony except for the differences usually emerging out of politics. This has always resulted into unwanted behaviour and physical conflicts.

The Iteso have for a long time felt that they are being looked down upon by their Luhyia neighbours on many issues ranging from political to administrative boundaries. A very typical example of boundary problem arises from Changara which was divided into, Machakha and Changara sub-locations. Both Machakha and Changara are supposed to be in North Teso District, but Machakha is annexed to the newly created Bungoma West District. This is obviously a source of conflict in the waiting. The Iteso believe that the principle of divide and rule is being practiced on them. Whenever an administrative post falls vacant, the Bukusu believe that it is their exclusive right to replace with one of their own.

This type of stand beats the culture of sharing whatever is at stake. The Luhyia believe that the Iteso are children for they don't practice circumcision. This is factually incorrect and intellectually consistent. The Iteso culture is violated when the Bukusu forcefully circumcise them. This is a practice that the elders condemn the strongest terms possible. This should be condemned by all leaders as it sets a recipe for serious physical conflict. The Government's insensitivity to the plights of Iteso has encouraged animousity between the tribe and their Luhyia neighbours.

This Forum of elders is best positioned to address the boundary problems, which stand before us as a time bomb. Many administrative units created are

aggravating the boundary problems. The Iteso feel they should reclaim what was their constituency when we attained independence in 1963.

The creation of Mt. Elgon District and Iteso District curved out Bungoma and Busia respectively was a welcomed gesture by the Sabaot and the Iteso but to date there are no clear boundaries. Who will determine them and when? This is a serious dilemma. The Iteso have been thrown here and there hence influence of other cultures and traditions. The Iteso have allowed other tribes living amongst them to practice, maintain and enjoy their traditions and customs freely. Why therefore with the Iteso?

The Iteso believe in peaceful co existence where one, all and sundry are free to do their own. We exhume this old age customs. We bathe our newly married wives, which is true value, which binds and legalize our traditional marriage. Newly married women don't eat food from her mother-in-law until she is rewarded. Women were abducted and taken for marriage. This was accepted but with time, this practice has changed for modern marriages system. Newly harvested "wimbi" would only be eaten when a very big party was in place. It is interference of other people's way of lives that has set bad relationships amongst people in this region.

The elders have had to control the oaths in many occasions when people wanted to revenge on any wrong done to their tribes' person. Due to respect of elders no youth can go against Elders ruling or decision. The elders have strongly reiterated that no more Bukusu should circumcise the Iteso youth forcefully, otherwise they let cat out of the bag. They should not.

The Iteso regard elders as the authority and custodian of their culture hence are referred to for proper interpretation of their customary rights.

Elders in all communities should be given support by Government in resolving possible areas of conflicts.

Resolutions

The Government has to clearly show the Iteso boundaries urgently to avert possible conflict. The youth are against them they might do things their way.

The Government should recognize the Council of Elders at District level hence empowering them by funding their activities in peace sensitization.

The Commission on Boundaries should be given a free hand to do their work without directives from Government and politicians.

Elders should be consulted and involved in the implementation of regional cohesion and integration plans in order to restore lasting peace.

Elders should be mandated to ensure education in their communities is enjoyed by all (boys and girls) failure to which action be taken against non-conforming parents. Positive attitudes should be inculcated to the communities.

Leaders i.e. politicians should stop using their positions to fuel animosities amongst residents with the aim of expanding boundaries for their political selfish ends.

Small tribes should enjoy the national cake equitably and should also be given positions in our Government. No tribe is more equal to enjoy everything at the expense of others. We are all tax payers.

Government should appoint all tribes to senior post but not concentrate to major tribes. Some big tribes should stop influencing the removal of senior offices from smaller tribes i.e. Iteso only to be replaced by them. It is unfair.

TRANS NZOIA

A PAPER ELABORATING THE ISSUES ON COHESION AND INTEGRATION AT THE REGIONAL CONFERENCE

KISUMU ON 23RD & 24TH SEPTEMBER, 2009

I am privileged to address this congregation consisting of senior citizens of this country, qualified in their respective fields, who also hold the responsibility of being aware of social, economic, cultural, political historical development of our beloved country.

Grace be unto you and peace from God our father and from the Lord Jesus Christ.

Introduction

Land is increasingly becoming a source of conflict in Kenya. Although land may once have seemed an almost inexhaustible asset in, population growth and market development and creating mounting pressure and competition for land resources, especially close to towns and cities and productive high values areas where land access had traditionally been characterized as relatively egalitarian. It has been shown that local land conflicts can easily be transformed into full scale strives and political movements due to the emotive economic and social premium put on land.

Land lies at the heart of social, political and economic life in all of the Kenyan communities. Land and natural resources are key assets for economic growth and development. The Kenya economy continue to rely heavily on agriculture and natural resources for a significant share of her gross domestic product, for gainful employment and commercial cash crop growing. At the same time, land is the basic of shelter in urban and rural areas. In addition, land has major historical, cultural and spiritual and spiritual significance amongst all communities.

They are also many underlying factors, such as population pressure, agricultural commercialization and urbanization that have contributed to the increasing number of land conflicts and the current land tenure systems in Kenya is not adequate in dealing with this conflicts.

Land ownership

The question of land in Africa and particularly in Kenya is an emotive and intricate one because of the premium placed on land. The importance of land and property rights for all can no longer be ignored particularly in Kenya. This is highlighted by the land crises resulting in political and social turmoil as witnessed after every election in most parts of this country.

It is therefore important that land tenure as an important part of social, political and economic structures be looked at and policy framework be formulated in order to check the frequent conflicts on land. Land tenure is multi-dimensional, bringing into place social, technical, economic, institutional legal and political aspects that are often ignored but must be taken into account. Land tenure must be looked at from the stand point of legal and customary structures in a community. Without access to secure land tenure for all, the spirit of nationhood will never be achieved. Land ownership represents much more than security and status. It is a source of livelihood in particular for poor communities.

It is worth noting that secure access to land also facilitates investment by the poor in farm production or small scale business, enhancing self employment and food security and providing sources of livelihoods a law-cost social safety net, and ultimately the basis for structural economic transforming rooted in broad based participation in development. Indeed increased productivity in the agricultural sector should be a starting point of such a structural transformation given that the majority of people are currently employed in agriculture and given the sectors importance to the economy.

Kenyan leaders and policy makers have been stressing the importance of regional integration in the development of our country.

In the context of this paper, the first step in the promotion of regional integration will be to harmonize Macro –policies within communities. This harmonization requires a coherent macro –economic framework that takes agriculture as the lead sector to ensue the creation of the initial conditions for a sustained growth and effective poverty reduction in Kenya. This is basically a unifying factor.

Our mission as Kenyans and intellectuals is to put science and technology in the services of Kenya. The time has come to tell our people the tuth of their under development, yes nothing but the truth of their mmisery a midst a world of plenty. Look at Asia, Latin America and the Middle East and then look at Africa (Kenya). What do you see? I see nothing wrong with Kenya and nothing wrong with us either other than being afraid of telling the truth to our people, to the world around us and to say no to mediocrity within us. The truth is this: nobody will bring lasting solutions to Kenya's problems through critical thinking and systematic analysis other than ourselves- we Kenyan scholars and people. What a noble mission, conclusion and recommendations.

The truth is that there is respect of title deed as supreme documents , legislation and land ownership must be strengthened clearly spelt out to enhance due resoect to each others property. Chasing the new path to tribal integration, there must be resettlement of the genuine landless in Kenya to avoid duplication and cater for the increase in Kenya's population which is a looming challenge to our Government.

From concept to practice, there must be diversification of farming activities to enhance health competition in the production or keep work force busy to harmonize traditional legal systems with modern laws. Land disputes communities and land disputes appeal tribunal must be given more powers to have decisions respected by all institutions and the Government.

Marginalized groups

Programmes for settlement of pastoralists and those aimed at substituting pastoral production with private group ranching schemes have generally proved unsuccessful. Pastoralist livelihood systems have demonstrated considerable resilience in arid and risk prone environments. Post- independence Kenya redistributed some of its white commercial farmland and adopted a comprehensive land tilting programme which remains incomplete and problematic, and is now reforming its land institutions and management systems. Uganda and Tanzania have both adopted land policies and laws granting security to customary land holdings, and have began to implement these through District and land institutions. Pastoralist land rights are significant issues in all three of these countries.

Disputed elections

The fiercely contested presidential elections in Kenya in 2007 obviously pitched the country toward chaos. The opposition rejected the results and vowed to inaugurate its leader, Raila Odinga, as 'the people's president' which the Government warned would be tantamount to a coup. As the riots spread, the Government took the firs step toward martial law on Sunday 31st December, 2007 night and banned all live media broadcasts.

At this juncture the paper wish to touch on the after math of General Election. The communities experienced learning. Sessions should be effected where communities learn from each other to cohesion and integration.

Secondly the ECK should be empowered to prosecute perpetrators and or be allowed to give evidence and witness evidence in courts of laws. The ECK should use leaders from conflicts parties to preach peace within and without their political jurisdiction.

Sentinel systems (No tribe is looking for danger in Kenya-comments must be drawn from research.

IDPs

The United Nations for Refugees classify an IDP as "....internally displaced persons who have been forced or obliged to flee or to leave their homes or

places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human made disasters and who have not crossed an internationally recognized sate border". Some of the problems faced by these IDPs include:-

- Lack of shelter and problems related to camps loss of property and access to livelihoods.
- Discrimination because of being displaces.
- Lack of identity cards.
- Lack of access to services.
- Lack of political rights.
- Restitution of/compensation for lost property.
- Problems of return integration.

Internal refugees in Kenya's volatile Rift Valley Province still face hard time although the post-election violence that removed them from their homes ended last February.

Nine months after Kenya's discredited December 207 presidential elections many IDP's lives are yet to return to normal.

Although official reports indicate that almost all displacement camps have been vacated most of the IDPs were simply transferred to "transit" camps in the areas they originally came from, where they are now living under the same sordid conditions they suffered ever since initial protests over the discredited handling of last December's presidential election turned tribal.

IDPs have no choice as most of them lost everything and cannot rebuild their homes, which were gutted down in the tribal skirmishes that erupted after president Mwai Kibaki and opposition leader Raila Odinga both claimed victory in the controversial election.

Internally Displaced Persons are the product of violence. It is an experience which can solicit two effects. Never to repeat triggering violence or repeat violence for total destruction of humanity and his societal structures. It is a magnate that will attract reconstruction leading recovery train people to detect signs of disorders. If this is done collectively will be an indication of cohesion.

Conclusion

Whereas successive Governments have used land for patronage and dishing it out to the politically correct this has skewed land ownership and perpetuated inequality thus creating hatred and animosity from those who are squatting on private and forests. It should suffice here to say that there are people who own huge tracts of lands in this country the size of whole province yet Kenyans are living as IDPs in their own country.

This seeming disparity in land ownership should be addressed by the Government in order to end perennial land conflicts that are likely to blow out into full scale civil strife in this country. In some cases for instance the Government after independence introduced a unified system of property rights based on an imported European model, through programmes of land registration and tilting. This has so far proved, at best, only partially successful and while customary law was hardly acknowledged in national legislation, it continued to dominate land management in practice, particularly in rural areas and amongst poor and marginalized groups. It is important for the Government to note the integral part that customary law has in social and economic life and its equivalent status to formal law as a legitimate source of land rights and local systems of land rights or deeds documentation have begun to emerge.

Despite their extent and legitimacy customary system of tenure are under strain because of demographic pressure land scarcity and competition growing urbanization inter-group and wider civil conflicts breakdowns in customary authority and pluralistic system of law.

Narok and Transmara Districts

Land ownership

- All community boundaries should be wholly respected.
- All land that has been acquired legally should be respected.
- Politicians contribute to land ownership problems by bringing other people from other areas to give them land in exchange of the votes thus creating conflicts.
- People should utilize resources they have according to the land they have.

Marginalization of Pastoralist communities

The Government should provide tight security among pastoralist communities to curb cattle rustling.

The Government to form peace committees among pastoralist to handle all arising issues among them and should be helped to have regular meeting e.g by sponsoring them.

The Government should build education facilities especially boarding schools, among the pastoralist communities so has to help them to rise their education status.

The Government should look for a way of drilling more boreholes so as to help prevent the conflict arising or a result of water problem.

General Election 2007

The Electoral Commission failed to announce the result accordingly.

Politicians contributed by inciting the youths against other communities.

Internally Displaced Persons

The Government should implement the budget allocated for the IDPs immediately.

Vernacular Radio Stations

The Government should formulate the law guiding the operations of local vernacular stations because they were among the major contributors of the violence in 2007 elections.

Constitution and legal reforms

The constitution should be people-driven and be amended by the experts. The politicians should give their views on how the constitution should be done but not what suits them.

Council of Elders

Every community should have Council of Elders which considers gender youth issues.

Regional Council of Elders should be put in Kenyas' Constitution and should be known as National Council of Elders and to be paid salaries and allowances.

Mark Kisembe

Region Two
MERU

CONFLICT RESOLUTION WHILE CREATING PEACEFUL AND COHESIVE KENYA NATION

I. INTRODUCTION

1. PREAMBLE

Hon. Lady Justice Effie Owuor, Chairperson of the Committee of National Elders Conference on Cohesion and Intergration, Members of the Committee, Elder Paul M'Ethingia, Chairman of National Supreme Council of Njûricheke ya Ameru Elders, my Fellow Elders *from North Eastern Province, Upper Eastern Province, Eastern Province and Central/North Rift Valley Province,* Ladies and Gentlemen!. Allow me to take this opportunity to sincerely thank the Government of Kenya and your Committee for inviting Elders to air their views on the various ways to bring about conflict resolution in our country. For the purpose of this Forum, we have no choice but to summarise the details of this paper.

2. THEME: AN APPEAL FOR UNITY- *We appeal to you, brothers and sisters, in the name of the Living God that all of us agree with one another so that there may be no divisions among us and that we may be perfectly united in mind and the thought (1Cor. 1:10)*

We wish to note from the on set that the *Ameru* people are a reasonably orderly, welcoming and a generous community. The *Ameru* have a long history of self governance and a well established civilization that can rival the best anywhere. The advent of colonization and evangelization left the *Ameru* cultural foundations almost intact despite their intense influences. Indigenous Education continued despite colonial constraints. The *Ameru Institution* of *Njûrincheke* has since time immemorial been the only recognized instrument of governance that has been respected by the British colonial authorities as well as the independent Kenyan regimes that followed. *Njûrincheke* is, and will forever be, the only cultural institution of governance that will provide and protect binding cultural relationship of the *Ameru* community and which will enhance relationships with other Kenyan communities and the outside world.

3. COMMON COLONIAL BACKGROUND

The British Capital investment in colonial infrastructure was always aimed at rapid increases in production of primary products such as cotton, coffee, tea and sisal among others, for sale to metropolitan manufacturers, and in turn create markets for manufactured exports. These crops could only be grown in high or medium potential areas. In consideration OF THIS FACTOR, *ASAL were left out in colonial infrastructure planning,* in most

cases. Much of Meruland falls under *ASAL areas* of the region under consideration.

In contrast to social or economic development, *ASAL areas were treated as closed areas* Undue emphasis was laid on preserving the security and the culture of the community. *ASAL population witnessed very little interaction with other communities*. This negligence has left these lands far behind in terms of socio-economic development.

At Independence, the development policy emphasized on putting resources in areas and sectors where economic returns were high. The high potential areas witnessed marked investment in socio-economic infrastructure as well as agricultural based production and processing. *ASAL areas* were not well focused to ensure equitable development of available resources. The economic growth rates realized from such investment were impressive recording an average GDP of six percent over a period of years. *The trickle down approach* was used to rationalize this policy decision, and *ASAL areas were expected to benefit from it.*

However, within a few years, it was realized that the trickles were not getting down. Income and social disparities developed and persisted between the urban, high potential and ASAL communities. The latter were further *marginalized by the near absence of basic socio-economic and physical infrastructures.* Hence, *conflicts* have often arisen from the need to share resources thereof.

4. POLICY OBJECTIVES FOR ASAL DEVELOPMENT

After a series of experimentation with inappropriate development models for ASAl, the Government realized the importance of ASAL development, and this was clearly stipulated in basic Government documents such as National Development Plans and Sessional Paper No. 1 of 1986 on Economic Management for Renewed Growth, among others.

This policy is clearly stated in the Development Policy for ASAL areas of the Government of Kenya and I quote: "*In accordance with the national goal to create employment, generate income and attain food security the long-term objective of the ASAL development policy is to improve the standard of living of the ASAl population by integrating ASAL into the mainstream of the national economy and social development in an environmentally sustainable manner". Implementation of policy matters may create much room for unnecessary conflicts.* Careful planning should preceed implementation processes.

Conflicts are normal aspects of life in human relationships. Elders understand and accept that conflicts are part and parcel of life. Conflicts are universal and inevitable among human beings. Conflicts in themselves are not evil. For example, before a water pipe bursts, there is always a build-up of internal pressure. This is true of social, political, religious, economic, ethinic, family and /or any other forms of conflicts.

This is because before any conflict between parties is visible, there is always a lot of invisible pressure which has taken place within the hearts and minds of those involved. Whatever, results we see have already been formed in the hearts and minds of those individuals. Similarly, our own attitudes towards conflicts, which are usually unseen, greatly influence how we accommodate, assimilate and respond to pressures within ourselves. Pointing fingers at others tends to blind us *from realities and the negative contribution* we might have made. Let us be honest with one another in all matters of life.

Conflicts need not produce negative results if we handle them wisely. God's desire and purpose for humanity is that we should live peacefully with one another. It is sad to note that handling conflicts negatively has caused much suffering and destruction in Kenya since Independence. Kenyans have experienced the pain of Elders' failures to positively and effectively handle conflicts, whether intra-personal or inter-personal levels. Elders have the capacity to make positive use of conflicts. In fact, Elders have theological, moral and cultural mandate to promote peace, reconciliation, cohesion and positive understanding among neighboring ethnic communities and beyond because of our Kenyan rich and varied cultural heritage. Elders have *an inborn duty to remove and minimize potential sources of conflicts and violence.* Consequently, Elders should be at the forefront of supporting reconciliation between our communities by ensuring that social fabrics are not broken by conflicts and violence in order to create the Kenya Nation we want. Elders ought to seek ways and means of enhancing their role *as peace-builders constitutionally to curb and minimize conflicts* which *result from socio-economic deprivations. This is why the Ameru delegation wishes to appeal to you, brothers, in the name of our Living God, that all of you agree with one another so that there may be no divisions among you and that you may be perfectly united in mind and thought (1Corinthians 1:10).*

II. HOW THE AMERU ELDERS EMPLOY CULTURAL STRUCTURES TO RESOLVE CONFLICTS WITHIN THEIR COMMUNITY

1. BRIEF HISTORY

We sincerely hope that these notes will help to answer some of your questions. According to historical accounts, the *Ameru* originated from northern Africa around the Red Sea. They traveled southwards past the great lakes down to the east coast of Tanzania. They then travelled northwards to an Island called *Mbwaa* off the east coast of Kenya. After many generations of slavery under *Nguûntuune,* the Ameru migrated from *Mbwaa* to their present day Meruland about 1400 A.D. In order to provide moral discipline and to build a strong sense of social and personal responsibility in their new homeland, a group of Elders drawn

from the entire *Ameru* Community engaged in an aggressive campaign to stamp out what had become deteriorating moral fabric of their community. The most important structure for the realization of this goal was the establishment of *Njûrincheke* as the Government of the *Ameru* people. This Government was fully established by about 1733 A.D. during *Mîchûbû* Age Group. *Njûrincheke* as a Government consisted of *Legislative, Executive* and *Judicial branches* which operated around a *Spiritual Leader* called the *Mûgwe* (pl. *Agwe*).

1. CULTURAL HERITAGE

Njûrincheke is the Symbol of the Cultural Heritage and unity of the *Ameru* community. It has always been the custodian of *traditional education, political unity, cultural values, biodiversity, conflict resolution mechanisms, law enforcing mechanisms, religious values and economic system* of the *Ameru* of Kenya. *Njûrincheke* is deeply rooted in traditional religion which revolves around a monolithic God. It acknowledges existence of ancestral spirits who act according to God's will. In 1938 Rev. Philip M'Inoti and others decide that Christians should be initiated in to *Njûrincheke* stages by way of the Holy Bible. It is the only Cultural Organization in Kenya which sent a representative, *Elder Julius M' Mworia*, to Lancaster House Constitutional Conference in 1962. *His presentation helped to entrench* Culture and Cultural Expressions in the Constitution.

2. FEDERAL STATES OF AMERU

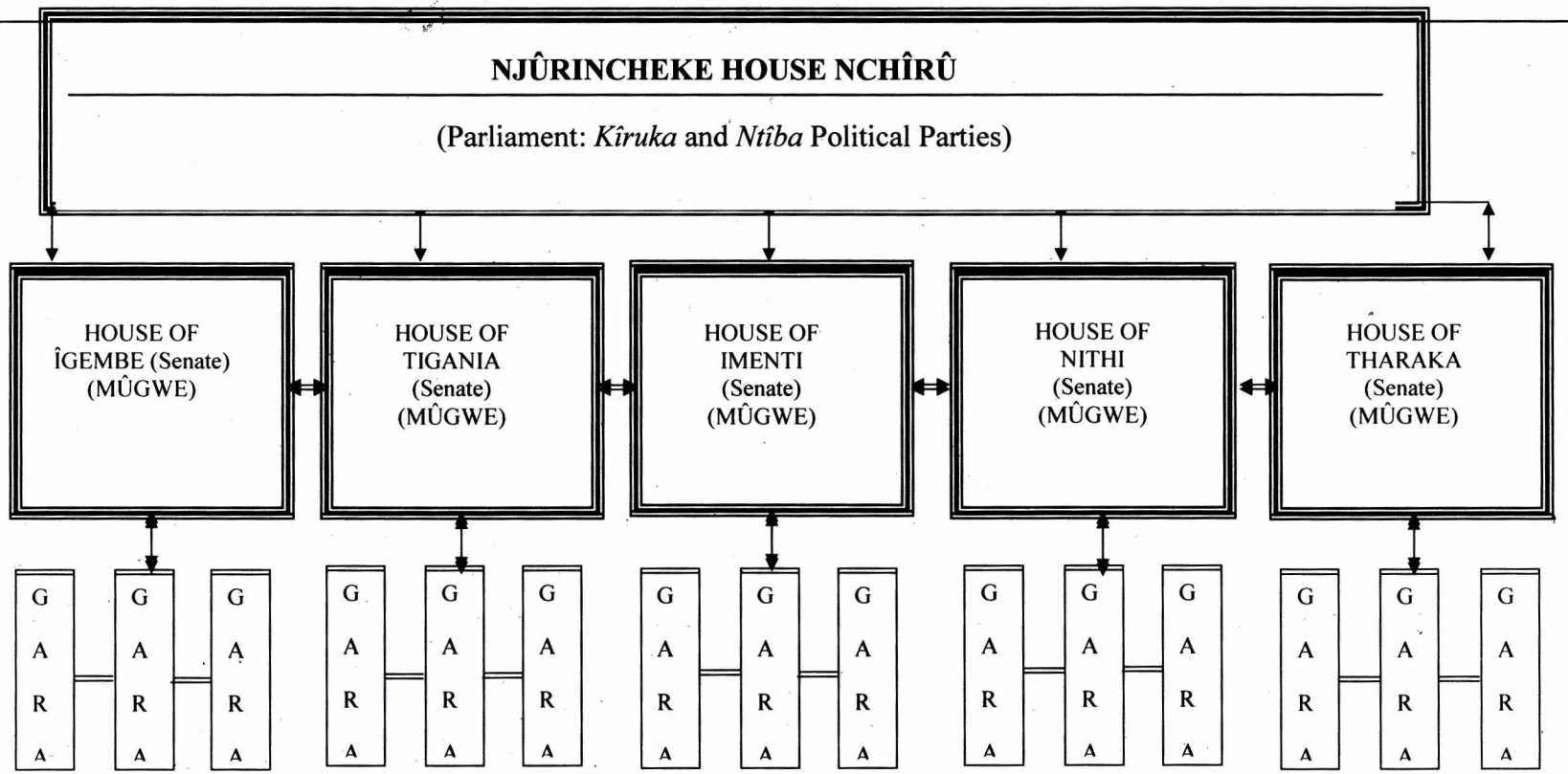
As an institution, *Njûrincheke* was made-up of representatives (*Akîamma)* drawn from (9) Nine Traditional States: *Îgembe, Tigania, Imenti, Mîîtine, Îgoji, Mwîmbî, Mûthaambî, Chuka* and *Tharaka.* These formed a Federal State of the *Ameru* which was ruled by (5) five *Agwe,* (sing. *Mûgwe),* hereditary *High Priests,* who combined both political and religious powers. Each *Mûgwe* received wise counsel from *Njûrincheke* Elders. These High Priests ruled as follows: *Îgembe* had one hereditary Mûgwe; *Tigania* had one *Mûgwe;* another *Mûgwe* ruled over *Imenti(Mîîriga Mîerû, Abothûgûchi, Mîîtîne* and *Îgoji);* then *Nithi,(Mwîmbî, Mûthaambî* and *Chuka*) were under another *Mûgwe;* and, *Tharaka* had their own *Mûgwe.* This arrangement created five regions of *Îgembe, Tigania, Imenti ,Nithi* and *Tharaka.* To exercise checks and balances, *Ameru* people started two *Political Parties* in 1509 A.D. based on age group sets of *Kîruka* and *Ntîba.* They exchanged political leadership during every *Ntwîko* (Political take-over) which occurred after every 13-15 years depending on the prevailing social- economic environmental circumstances. During the *Ntwîko* the in-coming youthful ruling age group would be named. The retiring warriors were named *Mûruaaû,(military reserve). They left* their respective *Gaarû* (military camp) to live in their own homes with their families, but would be available to serve the community as may be required. The *Ameru Army*

was made up of *Nthaka, (Ramare/Lamala)* warriors living in the *Gaarû* aged between 24-35 years. *Mûruaû* (Retired Warriors) aged between 36-50 years were initiated into *Kîamma-gia-nkomango/Kîammootha.* Originally Meruland extended from *Thûchi* to *Ntonyîrî;* from Mt. Kenya, *Kîeni –gîa-Ntonyaange Mithaatene* (Norumoru River) to *Archer's Post*, to *Karîbatura* (Garbatula) to *Kenna* to *Ntonyîrî.* This boundary reduction was manipulated and done by the British colonial power to give room to white settles and later reinforced by the first Post Independence Governement.

4. PRINCIPLES AND CORE VALUES OF NJÛRINCHEKE

The Tenents of *Njûrincheke* have always been *love, honesty, justice, compassion, mercy integrity, reliability, authenticity, discipline, trustworthiness, transparency, accountability* and *consensus.* These principles provided the kind of indigenous dynamics which influenced *Ameru* leadership; and which influenced the opinions, attitudes and behavior of the *Ameru* people. They provided every member of the *Ameru* community with the appropriate motivation to achieve the same goals so as to fulfill the needs and expectations of their community members. Social deterrents were reinforced by *Njûrincheke* unlike today when the *spirit of rebellion has pervaded every social stratum* and is escalated by all forms of corruption. *Traditional cultural values* can be applied today to *enforce Anti-corruption laws* effectively to rid the society of social injustices and economic crimes. Traditionally every Mmeru leader had to have a stable family and be an initiate of all the *Njûrincheke's stages.* It should be noted that all initiates of *Kiammootha or Kiamma-gia-nkomango* had to have their own nucleus families as a pre-requisite to initiation. Consequently, there were no unmarried leaders amongst the Ameru. One had to rule his own family very well before he could be allowed to assume public leadership among the Ameru people. Marriage laid the foundations of procreation which earned respect and honor accorded to a leader amongst the Ameru people arose from being a married man with children who were well behaved. A man without children was considered to be a child and unfit to take up public leadership roles. Hence, the family managerial acumen many times led many Ameru public leaders to marry several wives culminating into a large family or a clan. Co-wives were trained to respect, love and honor one another to ensure a cohesive family of their husband. These practices had deep psycho-social, socio-political and socio-economic implications among the Ameru people. Elders used such family units not only to bind people together but to minimize conflicts, to intensify unity and solidarity and to enhance bonds of social fabrics. The Ameru people considered themselves as a family which need to be cohesive and united. *The Nucleus Family and the Extended Family* are the foundation of the Ameru Community.

5. ORGANIZATION OF NJÛRINCHEKE'S GOVERNANCE – FEDERAL STÁTE OF AMERU PEOPLE.



NB: 1. Each House had several ***Gaarû, (Magaarû p1.)*** Administrative Units, headed by ***Kîamma***. Its spokesman is called ***Mûkîamma*** (Representative) who was also called a ***Mûgambi*** (judge). The principal guiding principles of ***Njûrincheke*** are love, truth, justice, mercy and compassion, trustworthiness, impartiality, authenticity, intergrity, transparency, accountability, honesty and consensus. Democratic principles were upheld by every member of ***Njûrincheke*** with great esteem.

6. INDIGENOUS EDUCATION

The following indigenous education structures and training processes were used to inculcate principles and core values which were embraced by every Mmeru:

a) CHILDHOOD STRUCTURES

PRIMARY SCHOOL LEVEL

1. *Kanamataka* - Nursery, Std 1-3 level
2. *Kîthigancheege* - Std 4-6
3. *Ngiiekîgîrî* - Std. 7
4. *Kabichû* - Std 8

b) ADOLESCENCE STRUCTURES

SECONDARY SCHOOL LEVEL

5. *Gatuurî* - Form 1-2
6. *Ûringûri* - Form 3-4
7. *Kiigûmi* - Form 5
8. Nchiibi - Form 6

c)ADULTHOOD STRUCTURES

TERTIARY LEVEL

9. *Ramare/Lamala* – Diploma
10. *Kîammootha/Kîamma-gîa Nkomango* – B.A. Level
11. *Njûri* – M.A. Level
12. *Njûrincheke/Njûriîmpingîre/ Njûriîmpere* – Ph. D. Level

N.B

1. At the old and mature age, a Mmeru joined Waarîki fellowship, becoming a Mwaarîki (Aarîki, pl.). These are holy people preparing to join God and Ancestral world.
2. Presently, Kenyans are overly concerned about the welfare of females. We propose that while we are endeavoring to protect the rights of girls, we should also consider the rights of boys very seriously, especially in regards to Child Labor in the Greater Meru Community for example.
3. The *Ameru Indigenous Education continued despite colonial constraints and perpetuated* the Ameru cultural foundations.

7.GENERAL TRADITIONAL TRAINING OF NJÛRINCHEKE

The *Ameru* had the above cited specific structures which were utilized to inculcate moral values in each *Mmeru* child, man and woman, and to enhance leadership among the *Ameru* by training them in the following:

(a) Trained individuals to exercise love, honesty, justice, impartiality, compassion, mercy, integrity, reliability, authenticity, discipline, trustworthiness, transparency, accountability and consensus.

(b) Trained individuals to cope with difficult situations; *and establish self reliance*

(c) Trained individuals to be altruistic and devoted both to *their families* and to their community.

(d) Trained individuals to be masters of themselves, and to subdue selfish inclinations.

(e) Trained individuals to appreciate the success and abilities of the others and to eliminate greed.

Trained individuals to be trustworthy and dependable; and to be able to keep confidences; and to train individuals to be responsible *(Lamala/Ramare)* young men aged between 20-40 years. Their Militia (*Kîammootha/Kîamma-gîa-Nkomango*) were responsible and dignified, and learnt to respect their parents, their friends and other people.

8. INDIGENOUS EDUCATION HELPED TO ACHIEVE THE FOLLOWING:

We reiterate that *Njûrincheke* is the Supreme Social-Cultural representation of *Ameru* people. Because of its traditional education role and importance in the affairs of the *Ameru* people, it achieved the following *goals and objectives* which contemporary Governments should not ignore.

(a) To serve, protect and promote the economic, social and cultural rights of every *Mmeru,* with particular emphasis on the welfare of *vulnerable segments and elements* among the people, mainly widows, orphans and the challenged people.

(b) To maintain and uphold family welfare and security throughout the tribal community.

(c) To regulate and control behavior and conduct of the various age groups, and to keep discipline among both the youth and the elderly, for the benefit of the community as a whole.

(d) To maintain and protect wildlife as a joint asset of the community.

(e) To safeguard land in Meru, and to *protect it against destruction* and *forced forms* of *acquisition.*

(f) To preserve and promote all relevant *cultural institutions and values of the Ameru, by encouraging, improving, and developing civic and educational programmes,* with a particular *emphasis on the preservation* of the *Ameru folk songs.*

(g) To protect communal assets, such as the *forests and rivers, land parcels for public use* and *other benefits.*

(h) To maintain unity among the Ameru sub-tribes.

(i) To train young people on issues of life, including *personal, family and social responsibility;* and to *encourage, improve, develop and maintain civic education* in all relevant areas.

(j) To maintain *peace within the Ameru Community,* by making sure that *human rights of each individual and all among the Ameru* are *served and protected*; without favor.

(k) To *maintain peaceful and harmonious relationship* between the *Ameru* and all other tribal communities; and

(k) To *promote and further* the *cultural traditions* and other charitable activities of *Njûrincheke.*

Njûrincheke Elders believe that in to day's Kenya, *Ameru's* traditional purposeful training, within a co-ordinated and organic structures system, can eradicate corruption and dehumanizing poverty if only we would be instill positive social values. However, today things are much different because Elders do not have *traditional powers and authority* which they used to have.

9. RELEVANCE OF NJURINCHEKE CONFLICT RESOLUTION PROCESSES TODAY

Conflict resolution has been inferred below in No. 10 (Relations with the Government) .We need therefore to give some brief clarifications in the light of our contemporary society.

(a) *Njûrincheke* is usually called upon to resolve conflicts by those *Ameru* people who find that corruption in Law Courts would *deny them the truth and just verdict of their lawsuits.*

(b) *Njûrincheke's* legal procedures are fairly slow, but sure to unearth all the relevant, correct and true facts to enable Elders to determine each case with impartiality and all fairness. Every party concerned is *given ample opportunity to state its side.* However, many people rash to the Law Courts because they want quick determination of their cases even at the *expense of corruption. The results in many case are conflicts.*

(c) Cases vary from domestic conflicts to civil and criminal cases; boundaries and land ownership cases as well as other aspects of life. *Njûrincheke* sittings are characterized by very patient and careful hearing of statements from every party concerned, before weighing every fact in order to arrive at a just verdict.

(d) When one party insists on invoking *spiritual realms* for justice, *Njûrincheke* gives that party a choice of either KÎTHIRI OATH or NTHENGE OATH. The later is best suited for land or boundary conflict resolutions. In each choice of them, God's power is invoked to reveal to the community the truth and the offender through calamities on the family whose members are untruthful and unjust. And godly interventions come in answer to the prayers contained in either oathing system. Results start enfolding generally after one season. When the truth starts being revealed through Godly intervention the party which had been dishonest may come back to *Njûrincheke Elders* not only to ask for forgiveness, but also to make restitution and pay other dues according to the Ameru Customary Laws.

(e) GÎCHIARO which is the binding cultural alliances and relationships between clans, sub-tribes, and individual members of the community. The breach of this allegiance resulted into calamity befalling the delinquent his/her family and his/her clan.

(f) NYAMUURÛ which is the compensation paid to the family and clan of killed or mutilated person.

(g) The *Ameru* people do not practice cattle rustling any more. Their cattle are often taken by *Samburu Morans, with assistance of in-house help.* This practice is evil and more so when the invaders use fire arms. They should be disarmed by the Government.

10. RELATIONS WITH THE GOVERNMENT

(a) The British Colonial Government found it expedient *to actively involve* the *Ameru* unique cultural political institution in colonial administration so as to succeed in ruling Meruland. *Njûrincheke* is a cultural social sturcture, whose *sanctity* has been upheld from generation to generation. The *Ameru's* great teacher, *Kaûraobeechaû,* left a curse that the *Ameru* should *never abandon the tenents, faith and beliefs of their Njûri.* From about 1842 *Nchîrû,* in Northern part of Meru, has always been the Seat, Headquarters of *Njûrincheke,* the social cultural Government of *Ameru* people.

(b) *Njûrincheke* relations to the present and the past Governments of Kenya have been cordial. The Government of Kenya has often called upon *Njûrincheke* to help resolve serious conflicts that affect the *Ameru* people. For example, the Government often requests *Njûrincheke* Elders to resolve many land and boundary cases which Law Courts had failed to resolve, e.g. boundaries between *Tharaka and Imenti; Tharaka and Tigania, Tharaka and Igembe,* and *Tigania and Imenti.* All these areas are in *ASAL areas which* are yet to get *Title Deeds.*

(c) *Njûrincheke* has assisted Kenya Government in the protection of environment, e.g. the *Giitûne Sacred Forest of Rûiga* was saved by *Njûrincheke* Elders from destruction when the National Museums of Kenya appealed to it for assistance. As from July 16th to 19th *Njûrincheke Elders* and some foreign visitors are there under the auspices of the National Museums of Kenya. There are many Historical Sacred Sites which should *be restored* and *preserved for posterity*; and environmental issues should be resolved if Elders are empowered.

(d) *Njûrincheke* can also substantially contribute to the course of justice: examples include instances where murder cases had been acquitted by the Law Courts; and, yet when the aggrieved families petitioned *Njûrincheke* which apply Customary Laws the guilty persons to *confess their crimes* and *pay the culturally stipulated appropriate compensations.* It is clear that a non- politicized *Njûrincheke,* devoid

of corruption, can be a powerful structure for moral rearmament and a model to the rest of Kenya.

(e) In February 1956 *Njûrincheke* passed a law during its General Meeting at *Nchîrû* prohibiting Female Genital Mutilation / Cutting in Meru. In April 1956 Resolution No. 2of Meru County Council reinforced it. From that time Ameru people have not been allowed to practice this retrogressive cultural practice. On Saturday, 29th August 2009 *Njûrincheke* reaffirmed total abandonment of Female Genital Mutilation or cutting in the entire Greater Meru Community.

III. ISSUES: AN OVERVIEW OF UNDERLYING FACTORS WHICH PROMOTE CONFLICTS.

God warns us in Scriptures:

If you do what is right, you will not be accepted? But if you do not do what is right, sin is crouching at your door. It desires to have you, but you must master it. (Genesis 4:7).

We are further taught that "If your brother sins against you, go and show his fault, just between the two of you. If he listens to you, you have won your brother over. But if he will not listen, take one or two others along, so that every matter may be established by the testimony of two or three witnesses. If he refuses to listen to them, tell it to the church; and if he refuses to listen even to the church, treat him as you would a pagan or far collector" (Mathew 18:15-17).

1. POPULATION & LIFESTYLES – DIRE NEED FOR HEALING AND FORGIVENESS.
   a) Men/Elders - Preoccupied in governance and state affairs.
   b) Women - i) Homemakers, ii) WPOIR and FGM/Cutting are sources of much conflict.
   c) Youth - i) Unemployment ii) Neglect on the part of adults.
   d) Children - i) Vulnerability of Children ii) Orphaned, HIV/AIDS and Abused.
   e) Ethnical and Socio-political conflicts
   f) Social Justice and Welfare Services
   g) Gender Imbalance causes much socio- economic problems.
2. **SOCIAL INFRASTRUCTURES WHICH NEED IRREVOCABLE TRANSFORMATION**
   a) The Family - i) Monogamy, ii) Polygamy, iii) Single Parents
   b) The School - i) Modern Education System
      ii) Indigenous Education Systems

c) The Church/Religious Institutions, which many times generate conflicts.
d) The Indigenous Religions have been marginalized, but they exist deep in the hearts of people.
e) Dialogue should be encouraged, particularly because a major pillar in Ameru conflict resolution is consensus.

3. **CULTURE AND RELIGION HARBOR MANY AVENUES OF CONFLICTS, RECONCILIATION AND COHENSION.**

a) Attitudes and response to conflicts.

b) Conflicts in Religious Institutions and Working Places.

c) The Roman Catholics.

d) The Protestants.

i) Presbyterian Church of East Africa (PCEA).
ii) Anglican Church of Kenya (ACK).
iii) Methodist Church in Kenya (MCK).
iv) Seventh Day Adventist (SDA).
v) Evangelical Lutheran Church (ELK.
vi) Quakers Friends.
vii) Baptists.
viii) Legio Maria.
ix) Israel.
x) Jehovah Witnesses,etc.

e) Muslims - who are also divided.
f) Hindus.
g) Sikhs.
h) Buddhists.
i) Bahais.
j) Traditionists.
i) Dini Ya Msabwa.
ii) Tent of the Living God.
iii) Pure Traditionists.

4. **INSECURITY AND ANTI-SOCIAL BEHAVIOR PRESENT MANY THREATS.**

a) Personal Insecurity - Intra-personal conflicts.
b) Community Insecurity – Inter-personal conflicts.
c) Economic Insecurity.
d) Food Insecurity.
e) Health Insecurity.
f) Environmental Insecurity.
g) Political Insecurity.
h) International Insecurity.

5. **NATURAL RESOURCES -STIFF COMPETITION FOR LIMITED RESOURCES PRESENTS FORMIDABLE PROBLEMS.**

a) Pressures on Water Resources call for intensified development to satisfy the needs of population in this region to minimize generation of conflicts:

i) Streams / Rivers – under utilized.
vi) Wells – should be dug

ii) Springs - Unprotected.

iii) Ponds - Unprotected.

iv) Lakes - Unprotected.

v) Dams – should be constructed.

vii) Boreholes – should be drilled

viii) Piped Water-water tanks to be constructed.

ix) Jabias/Tanks.

x) Forests, Wildlife, Mountains, etc, must be protected by the community.

b) Climatic Conditions exert unpredictable conflicts with resultant famines which impoverish people physically, morally and spiritually.

c) Pressures on Land and problems related to Land Tenure.

i) Pressure on Pastures.

ii) Pressures on Arable Land.

iii) Pressures on Arid & Semi-Arid land

iv) Agriculture meaningful in arable areas.

v) Livestock-cattle rustling causes suffering.

vi) Boundary Issues cause much damage.

d) Infrastructures

i) Roads – many are impassable in rural areas.

ii) Electricity – has not reached many rural homes.

iii) Communication – should be made cheaper for rural people.

e) Urbanization – better facilities and amenities are required.

f) Rural Areas – poor facilities and amenities; and, many times they are non-existent.

g) Rural – Urban migration has created many problems including HIV/AIDS, Drug Abuse, Delinquency, and Anti-social behaviors and FGM/Cutting.

6. GOVERNANCE AND JUSTICE

a) Corruption and Political Interference are rampant; the daily order.

b) The Executive – Powers are slowly becoming weak.

c) The Judiciary- Unreliable due to high corruption.

d) The Parliament - Weakened by negative politics and intrigues.

e) Rebellious culture has been entrenched within every stratum of our society.

7. ECONOMY AND POVERTY

a) Equity - National cake poorly distributed.

e) International Pressures.

b) Individual – low income. for the

c) Institutional – lack capacity.

d) National poverty is pronounced.

f) Political and Economic Power Rich.

g) Social Services and Justice limited to the rich.

h) Social Welfare hardly exist.

8. CHALLENGES TO PEACE BUILDING

a) Implementation of Policies should favor rural areas.

b) Formulation of Policies is done by few politicians with little contribution by grassroots levels of the Kenya communities.

c) Resolution of conflicts has been many times approached negatively, which worsens the prevailing situation.

9. INCOME DISTRIBUTION AND POVERTY REDUCTION

a) Prolonged periods of drought are largely responsible for causing destitution among the people in the region, especially because the necessary appropriate preparations and measures have never been put in place to reduce challenges thereof. Besides creating food insecurity in the region, drought causes other negative impacts which include:

i) Concentration of animals at the few reliable watering points which are far apart from each other.

ii) Concentration of stock destroys much of the vegetation in these lands.

iii) Fall in the economic activities, milk production becomes drastically reduced and livestock prices fall to unacceptable levels.

b) Another major cause of poverty in the region is attributed to the fact that due to its expansive size, and unfavourable climatic conditions, the natural resources in the region have not been fully exploited. If these *resources were exploited* there would be funds to create facilities which would minimize harzards.

c) Most of the Districts in the region have been identified as deficient in basic foodstuffs with exception of milk and meat. The population density will be higher in urban centres in comparison to rural areas, by the turn of the century due to rural-urban migration, thus promoting urbanization process. Currently some towns in the region are experiencing problems in the provision of social amenities to the increased population. There is an observed element of people from high potential areas, migrating into the region due to population pressure in their areas, but due to lack of data, it is difficult to quantify the actual numbers of these immigrants, which makes the assessment of their impact on social and economic conditions in the region difficult.

d) There are no major manufacturing concerns in the region, but small-scale projects for bakery have been established in Meru, Isiolo and Garissa towns.

With undeveloped manufacturing sector it follows that there are high levels of unemployment and underemployment in the region particularly for the *ASAL Districts*. Livestock development sector is the major source of employment. It has also been identified as a precarious source of employment, particularly during the dry season when substantial numbers of livestock may be lost due to the conditions created by drought. When this is coupled with *cattle rustling*, the *situation of Insecurity worsens*.

e) One of the limiting factors of pastoralism in employment generation in that it is not labor intensive, since it is done communally which means that fewer herdsmen are required for this activity. It has been estimated that pastoralism generates employment opportunities for about 77% of the labour force in the five Districts within the region namely; Isiolo, Marsabit, Moyale and Meru. Other sources of employment in the region include; wholesale shops which employ an average of 5 people per unit, hotels which employ an average of 8 people per unit and retail shops employ an average of 2 persons per unit. Public sector has also been identified as a substantial source of employment in the region, but due to the retrenchment policy, which is being implemented in the sector, the employment opportunities in the sector may be reduced drastically with negative impact on the employment situation in the region. The majority of our *Youth are unemployed*, thus *idleness leads them to anti-social behavior*.

Non-Governmental organizations (NGOs) operating in the region are another source of employment opportunities. But, currently there is no reliable data in the Districts on the number of people employed in these organizations, which makes it difficult to assess their impact on the employment situation in the region.

10. LAND TENURE SYSTEM IN THE REGION

a) A large part of Meruland comprises *Arid and Semi-arid Lands.*

According to the land tenure system applicable in the *ASAL Districts* in the region, the land belongs to the State and it is held in trust by the respective local County Council s. There are no *Title Deeds* even where land demarcation has been done. Some of the major shortcomings have been identified arising from this form of legislation include:-

(i) It inhibits land development due to lack of owner's rights – *Title Deeds.*

(ii) Lack of individual land ownership rights suppresses the market for land and its use as collateral to secure loans.

(iii) People have no motivation to protect the land based resources which they perceive as not belonging to them, but causing *many social conflicts*.

(iv) Common perception among the people that because land belongs to the Government, nobody can deny them access and use of that land area at any time because this is what belongs, to all belongs and belongs to nobody; and, resources owned in such a context will be inevitably utilized in an manner which is disadvantageous to the people.

b) The current thinking regarding pastoralism in Africa encourages transferring the management of natural resources from the state to the local communities.

(c) It has been argued that pastoralists are well able to manage their natural resources if they are empowered to do so, and an essential pre-requisite for this is to secure access rights to range and water. For example, it has been established that in Niger, the Fulani herders have been able to effectively control and manage their natural resources through a traditional institution known as *Rugaku* which is made up of a number of pastoral managers, called *"Ruga"*.

(d) Land Tenure System in these areas requires a critical review in context of social and economic conditions prevailing in the region. Besides, appropriate infrastructures must be put in place to ensure productivity to alleviate poverty.

11. CONDITIONS PREVALENT IN THE BORDER AREAS WITHIN THE REGION

The region borders *Ethiopia* in the north and *Somalia* in the east and *Sudan* to the west.

The political and social turmoil which has been taking place in these countries has forced many people to flee to our border Districts as refugees. The influx of large numbers of refugees in these has worsened the social economic and environment conditions which were already in a bad state. *Meru Town and Maua Town* have become large pockets of these *"refugees"* who have *introduced many areas of conflicts.*

Some negative effects associated with this development include:-

a) Severe pressure and damages to water resources.

b) Damages to some *infrastructures* in the settlements.

c) Increase of security difficulties especially in terms of *cattle rustling.*

d) High levels of *juvenile delinquency* in Urban areas in particular.

Majority of the people are pastoralists who lead a subsistence lifestyle and their incomes are limited and this results in low levels of commercial activities in our border areas.

12. COMPLAINS OF THE AMERU TRADING COMMUNITY.

How good and pleasant it is when brothers live together in unity (Ps. 133:1)

It should be noted that since the *Kenyan's War of Independence* inter-communal relations in Kenya have been severely strained. This is because one community in Kenya – the *Agîkûyû* continue to falsely feel that they are superior to other communities and hence they demand to dominate others in total disregard for the other peoples' rights and freedoms. Because the *Ameru* people are accommodative to others, they have been pushed around to the benefit of *Agîkûyu*. Of late, and especially after the post election disaster, many *Agîkûyû* have sought refuge in Meru. Most of them have joined the informal business sector as petty traders. We should observe however that even before the last post election problems, many other people had been doing business in Meru uninterrupted. Today, the *Ameru* people should address a number of important issues arising from the existing strange circumstances, which call for new measures. Yet, the *Ameru* people should thank God because when *Njûrincheke* Elders called for calmness, post-election clashes did not occur within the Greater Meru Community.

a) More and more people are coming to Meru Town, Nkubu, Chuka, Maua and other towns complicating the situation of infrastructures, security and human relations. A control system should be put in place in order to *ensure peace and harmony* within the Greater Meru Community.

b) The incoming *Investors* do not have the courtesy and respect towards the local people. Their aim is to unscrupulously obtain space and do business using any means regardless of the damage they may cause to their *Ameru* counterparts.

c) Rents of housing and business premises have escalated such that the local people are being hounded out to give room to these *Investors* who are doubling the rental prices to ensure easy access and displacements of the local tenants. After acquiring working space, they conspire to control the businesses *in a mafia like style!* The secret is that they obtain goods from sources that do not remit taxes. Some Banks also favor them in loaning them unlike the local people. They offload these goods in the local market to undercut the prices so that the locals cannot make profits from their merchandize. Consequently, the locals cannot pay their rents. Through such malpractices the criminally minded *Investors* kill three birds with one stone: Firstly, they gain the control of business such as electronics, shoes, clothing, etc. Secondly, they make sure that they undermine the local competition. Finally, they continue to take over premises which originally had been occupied by the local traders. In the final analysis, they have gone to the next step of exercising multiple abuses and malpractices. They hike the prices. They provide sub-standard products; and ultimately, they exploit and abuse their local customers! This situation should be counteracted wisely and positively to safeguard our people from extreme poverty which may result from

this erosion of our resources. Carefully examined the Ameru are sinking into the deep of poverty.

d) Most of the *Investors* bring their own staff from far, even when the locals can be employed, e.g. Safaricom and Nakumatt. Others are Budget Stores, Uchumi, Equity Bank, etc. who initially had employed locals as casuals, but no sooner had their businesses stabilized than they discontinued the casual locals from employment and in turn brought in their tribesmen from far to replace those former local employees.

13. RESULTANT SCENARIO

a) Most of the *Contracts* which are given out by Government Departments and Institutions are awarded to people other than the locals. To safeguard our people, there should be a clause in *Contracts* to ensure that the locals benefit from such employment opportunities and the sourcing of usable materials. *Political will and influence* is required here to ensure that local people have a share in order to retain and sustain available resources.

b) When the local element is not considered there are several problems that arise:-

(i) The people are likely to receive substandard products and services from outsiders.

(ii) Some criminal elements may get loopholes to conduct antisocial activities within the Greater Meru Community.

(iii) The local economy will be hurt because all the generated and earned money will be going outside instead of circulating within the Greater Meru Community.

(iv) Our local youths will miss out employment and hence pose a security threat.

(v) Our facilities such as houses, roads, etc. will be exploited without earning returns that can be used to sustain and maintain them.

(vi) *Outsider business cartels* are likely to take root and become a major security threat to every local business initiative.

(vii) Best parts of *Meruland* will be occupied by outsiders, e.g. *Kîeni-gîa-Ntonyange*, *Nanyuki, Timau* and *Isiolo* areas.

14. POSSIBLE SOLUTIONS

The question is: Do *Ameru* people suffer from gross mental, intellectual and spiritual scarcity, dependency, and poverty? Shouldn't the *Ameru* people come together to think and plan their own survival?

a) There should be an *Investment Code*. Let us establish a *Think Tank* composed of *Njûrincheke* Elders, the Meru Professional Group, the Chamber of Commerce and Industry, Municipal Council , County Council and Maendeleo ya Wanawake. The proposed *Investment Code*

should be binding to all *Investors* who want to carry trade in Meru. The *Investment Code* should specify the *terms and conditions* to be followed and applied actively on business conduct to ensure that the past injustices are truly corrected and reparation made.

b) All the local landlords within the entire Meru region *must be sensitized and educated* in order to willingly give priority to the local people in respect of the rents for residential and business premises.

c) All outsiders who want to do business in this region *must* be encouraged to develop *ethically sound partnerships* with the local people, failure to which they would be asked to invest elsewhere.

d) Anybody who is not willing to respect this *Investment Code* should be asked to leave Meruland peacefully.

e) Unity of all *Ameru* leaders is a *sine qua non* prerequisite in order to exert our *Ameru identity.*

f) We have a *Meru Parliament Group. Ameru* people are disappointed that this *Group* has never convened *massive meetings* in the various strategic centres to spell out its *socio-economic and political agenda* which shall benefit the Greater Meru Community.

g) It is sad to note that unelected people, by the name of *GEMA leaders*, are purporting to *represent the interests of the Greater Meru Community* despite the fact that there are elected leaders and more so as the *Njûrincheke* Council of Elders, who are *the only legally mandated spokesman.*

15. SPECIAL APPEAL TO AMERU PARLIAMENTARY GROUP

It should be admitted that these are *very complex issues* which need to be carefully addressed if the Greater Meru Community *will liberate itself from this miserable state of affairs.*

a) The newly created *sub-provinces* place Meru community under Embu; while Isiolo, which is part of Meru, is placed under Marsabit. This is a crude *attempt by some enemies of the Ameru* people to divide them for the purpose of further exploitation and abuse. The *Ameru* people demand their own region with its headquarters at Meru Town. This *province* should cover all the area between Embu, NaruMoru, Nanyuki and Isiolo. Moreover, Meru-land which was taken away by Kenyatta regime and now is in both Nyeri/Laikipia areas and Isiolo Central Division should be reclaimed and returned. Failure to that there *should be legal measures to fight for the same*. Originally Meru covered from *Kîeni-gîa-Ntonyange, Archer'Post, Karîba, Kînna,* and from *Ntonyîrîî* to *Thûchi.* The *Ameru* boundary was passing through Mount Kenya to *Kîeni-gîa-Ntonyange (Mîthaateene).* Politicians should not fear to fight for the rights of the people they represent, and residents should remain occupying their property. Our concerns as of now are boundaries.

b) It is regrettable that many want to push others out of their jobs before the end of their lawful contractual period. This is unethical and unacceptable. When he retires another *Mmeru* son should be considered for that position. It would be act of betrayal if *Mûgîkûyû* would take powerful seats to serve their people's selfish interests. This would also be a security threat to Kenya due to its sensitivity in view of the present regime's transition come 2012 elections. As of now no tribe in Kenya trusts a *Mûgîkûyû*. It is believed that no one of their member can do a good thing to another person who is not a *Mûgîkûyû*. *Meru people are known to be truly nationalistic. They have courage, intelligence and integrity that are necessary qualities for such a post, whose roles should be used to unite Kenyans and resolve the many arising challenges of a fast growing Nation.*

c) It has been noted that the organization calling itself *GEMA Cultural Association* has been making press statements and advertisements concerning a number of issues including *the Internally Displaced People (IDP), the Mau Issue*, and *The Hague Issue*. These press releases usually provide subject matter which reflects contradictory comments that further complicate the issues at hand than the solutions *GEMA* seek. This body must be stopped from misrepresenting issues that can only be handled by competent authorities, such as the *State arms of Governemnt*. Many people in Kenya abhor *GEMA* because *it is retrogressive*. It does not serve any useful purpose. Its very mention is a source of outrage to many right thinking persons in Kenya. The *Ameru* people do *not recognize any cultural body that does not belong to a single tribe like the Njûrincheke*. And *Njûrincheke* neither want to endorse nor recognize *GEMA* because this organization is *an embarrassing expression* of tribal chauvinism, which is *an outdated mode of political manouvre* in our contemporary Kenya politics. It is an expression of a game which is politically limited especially because it is not a nationalistic movement.

d) Ultimately, the best way for Kenya is the formation of a *Federal Republic of Kenya,* which will *ensure freedom for all people* in order to govern themselves locally using their own knowledge and resources provided that National Resources are shared equally. It is not outrageous to propose that *anyone wishing to contest for the Office* of the Presidency and the Prime Minister must enter into a *Memorandum of Understanding* with the *Ameru* people before they vote for him/her.

e) Meru people are very disappointed because the *infrastructures of Meru Town* in particular are appalling. Recently, none of the *three Road Construction Campanies*, namely Victory, Tripple Eight and West Build, completed the road works. Other roads within the Greater Meru Community are also not only incomplete, but shoddy work has been done on them. e.g. patches of many of these roads have been covered with "*morrum*" e.g. the *Naaman Mwirichia Road in Bûûrî District*, only to be

declared a well done job. How much money has been paid to the contractor for this fraud?

f) Many *Faith Based Organizations* do not contribute positively to development activities of the Greater Meru Community. They *help to suck out money and other resources* out of Meruland. Something should be done to remedy this situation even though the issue is complex.

g) Environment *has been degraded to the extent of making Meruland an ASAL region.* We must restore our Environment to curb future adverse consequences.

h) The Greater Meru Community has *their own landless squarters* who should *be settled* on a land from which they will *earn their living.*

i) Our *Freedom Fighters* are languishing under severe problems. The *Ameru Parliamentary Group* should make plans to ensure *that these nationalists are rewarded along others.*

j) The *Ameru Indigenous Knowledge, Genetic Resources, Biodiversity* and *Cultural Expressions* should be preserved, conserved and perpetuated through the various methods available within modern developments.

k) *Njûrincheke* made its presentation to the *Committee of Experts on Constitution Review* on the contentious issues and *added that Njûrincheke should be recognized constitutionally* for its perpetuity.

l) *Ameru* people are accused of self-neglect since Independence simply because the past Governments have always allocated some of their sons high and influential positions in the Government. The question is: How free have those positions been for the holders to single out their own to benefit? But *Ameru* people by *nature are nationalist*; they have always stood for a united Kenya in discharge of their duties.

IV. TOWARDS A PEACEFUL AND COHESIVE KENYA

Kenya is an African country that has a lot of potential for viable development to become a centre for tourism and commerce given its strategic location, warm and conducive climate, natural resources and generally good people. But, since gaining Independence in 1963 our Country has had many problems, some of which have been of immense and serious nature. A number of interventions should be worked out with a view to *finding the right solutions* to those problems and/or conflicts. *Elders are best suited* to offering conflict resolutions in contrast with politicians who are out to safeguard their own interests.

1. EDUCATION

Education is a critical factor in the development of Kenya Nation. Therefore, Kenyans need the right education to understand issues and apply that knowledge to curb provocative factors inorder to seek conflict resolution when conflicts occur. Our education system should take into account of our development needs and aspirations. But education should not be limited only to the formal mechanical education system. Rather it should include civic education for all

the people to understand issues of culture, nationalism and global environment in which we live being mindful of one's neighbors. As of now many Kenyans suffer from intellectual, spiritual, physical and mental poverty characterized by dependency on foreign thoughts.

2. EQUITY

Kenya will only survive as a nation, only if it adopts a system of equitable distribution of resources. These must include: Employment opportunities, financial allocations, infrastructural developments, political and economic representations. Devolved funds must be used to directly benefit the target areas only. A situation where this money is misappropriated to benefit people through skewed employment and shoddy workmanship must be avoided to curb this source of conflict. *Affirmative action should be implemented* by all Kenya citizens in their attempts to equally share the national cake.

3. POLITICAL GOVERNANCE

The Kenya political governance has been a major issue since independence. Politics must be recognized as the core of any nation which determines the development agenda of the country either positively or negatively. Many Kenyans have been marginalized in terms of political representation resulting into skewed allocation of resources. An appropriate policy must be established to make constitutional framework devolving power from the upper stratum to the grassroots. A serious consideration must also be made for making this country a Federal Republic of Kenya to ensure that all citizens across the country, participate in their own local and national governance. Semi autonomous regions are likely to run their affairs without interference from central Government to ensure that, but the National Government will only be concerned with issues of Defense, Foreign Affairs, Finance and Justice among other issues. But Agriculture, Water, Environment, Roads, etc. should be handled by the regional Governments which must of necessity employ locally recruited workers who understand the sentiments, innuendos, aspirations, culture and needs of their localities and communities. Otherwise the current crisis of institutional malfunction and slow development has developed two dimensions: people being posted to areas where they don't share loyalties or relate well with the host community, but work to sabotage from every side. A system that values, respects and rewards the people in every locality should be established to create responsible citizens, who will respect authority because they have local amenities to protect and look up to. *Political Parties should be limited to two by Constitution;* and Ministers should be drawn from technocrats and who are not elected politicians to avoid the present scenario.

4. CULTURAL REVIVAL

When colonialism arrived there was an attempt to destroy the cultural practices of African communities. Whereas this destructive policy worked in some communities, some others managed to maintain their customs and cultural institutions thrive even today. And whereas culture is *basically a dynamic factor*, the attempt of deliberately supplanting indigenous cultures and replace them with the Western culture without any consideration of some positive aspects of the former, it is an issue that should be revisited. There is a need to study if some aspects can be used to address conflicts. *Njûrincheke of Ameru* is a case in point. The arrival of the British people did not stop the *Ameru entity* from exercising its mandate. Likewise independence did not stop it from doing the same functions which it did from time immemorial. The processes of *employing cultural structures* have continued even though under serious constraints.

However, crude attempts have been made to make it ridiculous and unworthy of existence, but its survival despite these challenges should be studied with a view of replication among the 42 Kenyan communities. Elders need to ensure that there is a *National Elders Forum Council* to address national issues that affect Kenyans today. This *Council* should be established through either a Constitutional or legal instruments in terms of an Act of Parliament to establish its mandate to advise the Government, President, Prime Minister and Parliament on specific issues of public interest. In the same vein the Government should abolish any tribal-political organizations that may want to intimidate or enforce its will on other communities. The *Council of Elders* should endeavor to encourage all Kenyan communities to develop and exercise their respective cultures. The National Council should always try to reach consensus on issues that cut across the communities.

5. SECURITY

Security of an individual and the society is a critical issue for development of any society. Security is basically an issue of a people in relation to their community and their Government. If the people are not well educated about security issues, the Government should be well endowed to support the people in this effort. Yet Government may either fail or refuse to cooperate. What is required is a partnership between the Government and the people to manage security issues because neither party may on its own be able to perform that critical role of providing security.

Moreover security matters are better handled when there is A PROPER SYSTEM OF INTELLIGENCE GATHERING AND DISSEMATION TO THE OPERATIONAL SECTORS. In this case the Government must, through the Ministry of Internal Security establish people based, not officer based intelligence system to ensure that intelligence personnel report directly to particular Government official(s) who should not necessarily be members of the regular security machinery. We propose the formation of another Government intelligence department to be called the *Department of National Assessments*

(DNA) composed only of highly trained multidisciplinary civilian staff whose job is to assess the situation of natural, social, economic or political factors which may have serious implications on the national security. International community and Civil Societies have become inciters to our youth and the entire Kenya nation creating insecurity.

6. YOUTH, WOMEN AND CHILDREN

The Kenyan youth, women and children are vulnerable groups who require special attention from the Government. The youth are challenged from a number of angles which include economic marginalization and lack of employment and a lack of resources for self development. They are also vulnerable from diseases such as HIV/Aids and drugs addiction; they are susptible to joining organized gangs and terror organization among other evils.

Women on the other hand are harmed by the lack of resources for investment and the challenges of accessing water, food and health facilities. The situation of the children is as bad as for their mothers and the youth. Access to food, water and security present challenges to children. But the over all general situation of the entire populace should addressed to ensure that conducive environment for appropriate relationship is available to enable the settlement of specific issues that affect them.

7. POPULATION/ ETHINIC GROUPS

In Kenya there over 42 different ethnic groups that have lived in a relative peace before and after independence. But of late, especially after the disputed 2007 general elections, inter-tribal relations across the Country have been severely affected. One way to ensure proper inter communal relationships is to take power back to the people through devolved governance system suggested as Federal Republic of Kenya, where people within their localities will be their own governors with power to have their own security services , bureaucracy and infrastructural management. This system will encourage competition for good governance; environmental protection; excellence and corruption will be minimized and finally eradicated; and there will be faster development of the people.

8. RELIGION

Kenya is a Country of different religions. *But religious leaders have let Kenyans down.* The Constitutional order allows for the freedom of conscience and expression of which religion is a major individual right. However, religion has been a major source of conflict because of what can be seen as a supremacy wars between the main global religions like Christianity and Islam or internal wars based on doctrinal interpretations in a number of religions. But generally all religions teach and preach peace among all humanity. Religious groups must go out of their way to understand each other for the purpose of enhancing respect and tolerance to avoid conflicts.

9. CONSTITUTIONAL RECOGNITION AND STRENGTHENING INSTITUTIONAL CAPACITY OF ELDERS COUNCIL TO RESOLVE CONFLICTS

a) To plan for the development of the Area and initiate project activities identified from such planning in the area through the Government generally;

b) To develop an up-to-date long-range development plan for the area;

c) To initiate such studies, and carry out such surveys, of the Area as may be considered necessary by the Government or the Elders and to assess alternative demands within the Area on the natural resources thereof, and to initiate, operate or implement such projects as may be necessary to exploit those natural resources including agriculture (both irrigated and rainfed), forestry, wildlife and tourism industries, electric power generated, mining and fishing, and to recommend economic priorities;

d) To co-ordinate the various studies of schemes within the area such that human, water, animal, land and other resources are utilized to the best advantage and to monitor the design and execution of planned projects within the Area;

e) To effect a programme of both monitoring and evaluating the performance of projects within the Area so as to improve such performance and establish responsibility thereof, and to improve future planning;

f) To co-ordinate the present abstraction and use of natural resources, especially water, within the Area and to set up an effective monitoring of abstraction and usage;

g) To cause and effect the construction of any works deemed necessary for the protection and utilization of the water and soils of the Area;

h) To ensure that landowners in the Area undertake all the measures specified by the Elders to protect the water and soils of the Area;

i) Identify, collect, collate and correlate all such data related to the use of the water and other resources and also economic and related activities within the Area as may be necessary for the efficient forward planning of the Area;

11. To maintain a liaison between the Government, the private sector and other interested agencies in the matter of the development of the Area with a view to limiting the duplication of effort and to ensuring the best use of the available technical resource;

12. To examine the hydrological and ecological effects of the development programmes and evaluate how affect the economic activities of the persons dependent on river environment; and

13. To consider al aspects of the development of the Area and its effects on the rivers inflow and outflow.

10. MAIN OBJECTIES OF THE ELDERS

The Elders will strive to achieve the following broad based objectives, in its efforts to develop the region under its jurisdiction viz:

a) Even development of all the areas in the region.

b) General improvement of the standards of living of the people in the region.

c) Creation of employment opportunities.

d) Improved food situation in the region.

e) Environmental conservation.

11. SRATEGIES

The Elders will pursue its objectives through the following generally accepted strategies viz:

a) Involvement of the local community and project beneficiaries in decision making in regard to the identification, initiation, implementation and operation of all the development projects undertaken by the Elders.

a) Consideration for the selection of the projects for implementation to be generally governed by those factors in a project proposal which would make a significant contribution towards people's economic and social welfare as opposed to purely profit motive.

b) Economic exploitation of the natural resources in all the sectors in the region.

c) Optimal exploitation, utilization and conservation of the critical and scarce natural resources such as water potential.

13. Adoption of a multi-sectoral planning approach which takes into account the activities of other development agencies operating in the project area.

14. Transferring the management of the development projects to the local people once they have built the necessary capacity to operate independently.

15. Initiation and implementation of labour-intensive development projects.

16. Establishment of collaboration and working relations with Government Ministries, Non-Governmental organizations and other development agencies operating in the region in the initiation of development activities in the region.

17. Encouragement of the widespread use of appropriate technology in the region.

12. RESOLUTIONS

In view of the above areas of conflicts the Ameru Elders resolve:

a) That the Meru people do not want Mungiki and any organizations that tend to promote ethnicity.

b) That investing in the family unit should be the starting point in resolving the various conflicts facing the region and the nation.

c) That resolve as was done in 1956 that there shall be no *Female Genital Mutilation (FGM)* stands. *Njûrincheke* fines anyone involved in *FGM. FGM* is only illegal for a child under the Children's Act. Older women have a choice for or against.

d) That *PEV main perpetrators* should be *tried in an ICC equivalent* in Kenya and international investigators and prosecutors should be engaged as this is a cheaper option. When it is done in Kenya, we will have an opportunity to monitor the proceedings and also the expertise of the Kenyans will be developed. Also let us establish a TJRC for we cannot jail everyone. The case may be done here in Kenya but sentences may be served elsewhere.

e) That Elders and community leaders institutions should be recognized and funded.

f) That a national Council of Elders that will advise the Government and representation be from across the country.

g) That civic education be conducted to enhance nationhood devoid of drugs, etc.

h) That Counseling in schools be enforced to *eradicate tribalism and cattle rustling.*

i) That elders to consult with other in resolving conflicts and let that be final. A community elder is one who has married, have children and have shown respect in community. One who if given responsibility will not use it to cause mayhem? An elder is one who has been chosen. One who is responsible and one who has high integrity. A leader has integrity. An elder is identified by the community.

j) That *National Heres and Heroines* should be *compensated and rewarded.*

k) *Arms should be taken away* from those have them because of their irresponsible use of those arms.

l) Political Parties should be reduced to two by constitution.

13. CONCLUSION

We need to realize that *from Him the whole is body joined and held together by every supporting ligament, grows and builds itself up in love, as each part does its work. (Ephesians 4:16)*

Finally, I wish to take this opportunity to humbly request you're the Government to consider providing a Grants for documenting and writing Indigenous Knowledge, Genetic Resources and cultural expressions of the *Ameru* people before all the "living libraries" are dead. We hope that by the end of this Seminar each Elder will return home to practice Conflict Resolution Techniques which we have learnt.

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ELDERS COMMITTEE
LARGER TURKANA
PRESENTATION TO
COHESION AND NATIONAL INTEGRATION
AT REGIONAL CONFERENCE
AT NANYUKI
ON 28TH – 29TH SEPT 2009

ISSUES TO BE ADDRESSED IN GREATER TURKANA

INTRODUCTION: Composed of 6 Districts, 77,000 sq kms.

- Borders Ethiopia, Uganda and Southern Sudan.
- Surrounded by 17 warring communities.

1. MARGINALIZATION

- Remained a closed District, those entering had to carry a pass. It was one of the Northern frontiers.
- Colonialist administration suppressed any form of development terming residents as fierce, savage, fearless, war like and had to be separated/restricted.
- By 1963 (independence) only one primary school at Lodwar and one health centre existed for the whole District at Lodwar.
- 1957: Turkana were moved from the current Isiolo and Marsabit by colonial administration by force.

ROADS

- Kitale - Lokichogio road was only meaningful road once tarmacked but now the section had eroded badly. No access roads to rural land and cross border roads neglected.

LAND OWNERSHIP

- Trust land under County Council. No title deeds and cannot be used for loans or any commercial use.
- Community have no attachment leading to the cutting of trees with impunity, unexploited minerals and other resources cannot benefit community.

BOUNDARIES

- Cross border beacons between Kenya-Uganda Ethiopia, Sudan destroyed, Government doing nothing.
- Inter-District boundaries not marked by Council s leading to intra conflict.

INSECURITY AND CATTLE RUSTLING

- Cross border conflicts- Government was not in touch with neighbors.
- Neighboring foreign armies attacking community even shelling bombs by rockets – while the Kenya Government cannot respond.
- Inter District conflicts encouraged by absence of Government protection or by insufficient, demoralized security personnel at the outpost.
- Lack of political will and provincial will to return stolen animals.

UNEMPLOYMENT

- According to the Turkana Professionals website more than 100 Turkana's graduates are jobless.
- 80 % are employed in Nairobi (Public service commission) where nepotism and bribery is the order of the day. Almost all employees in Turkana in Government offices and NGO's are non Turkana's.
- Even in the newly created Districts no DEO, DO, DC from the community was posted to the District.
- There is currently one head of department from the community.
- SALEH THEORY – Where one PC from community brought peace should be the good example to be followed.
- Major Government appointments: we have never been considered for PS, PC, MDS since independence

EDUCATION

- Only one medical training centre, no teacher training college, no institute of Technology, College of Technology nor university technical college. This means our young people do not have access to private technical enterprise.

ENERGY

- No electricity is in the District despite Turkwel gorge electric power originating from Turkana but was diverted to other Districts.

FARMING

- Food insecurity arose due to the collapse of irrigation schemes, after Norwegian Government and interference of Turkwell River.
- Today irrigation has collapsed as well.

NATURAL RESOURCES

- Turkana is rich in these, but they have not been extracted or tapped. Gold and oil in Loyapat and now Lake Turkana is threatened by Ethiopia by the construction of the dams diverting River Omo.

LIVESTOCK MARKETING:-

- No market for the livestock in the area. High costs of marketing animals upcountry.

REFUGEE:

- Their impact is felt and serious e.g.
- Child labour.
- Women abuse.
- Disease – HIV.
- Killings.
- Forest Tree cuttings.
- Theft.

RECOMMENDATIONS

On land ownership:

- We urgently require title deeds. "Ekwar" protected areas with trees along the rivers should be reinstated to enable the land to be protected. The elders knew the valuable trees.

On marginalization:

- Doubling of CDF allocation to the Districts with high potential.
- Employing of the Turkanas: Currently there are over 100 graduates without jobs. Our doctors and professors are in class due to lack of employment.
- Involve Turkana's in policy making and particularly the elders.
- Open the Districts.

On security:

- Borrow the Sales theory, employ the Turkanas as DC's, DO's and this will enable them contain insecurity because they know the areas better.
- Active involvement of elders in peace initiatives.
- Do not disarm Turkanas.
- Army to supplement police where necessary on the international boundaries.
- More police and APs to be employed.
- Curb poverty among youth.
- Recognition of Turkana Heroes

"Kokoi" hero disappeared mysteriously during the colonial era and he has not been recognized. The Turkana who protected and fought for independence should be included in the Hero's books – Construct memorials.

Education

- Erect more secondary and primary schools.
- Open Turkana teachers College (resource Center) in Lodwar.
- Allocate the Turkana children their portion not refugees.
- Re-consider university college entries for Turkana children.

- Peace initiative to be accompanied by clear penalties.
- Elders committees to be recognized by the constitution, community and Government.
- Constitution: elders and participants in the drafts and review of constitution.
  - On livestock marketing:- Lokichogio - Lomidat KMC to be open.
  - Access good markets for livestock.
- Reinstate traditional judicial systems(traditional courts).
- On health- increase health units and hospitals in other Districts.
- The DPC – to be posted immediately to Lodwar not Kitale. Kitale is only 40km to Eldoret.
- Farming:- open the collapse irrigation scheme and modernize it.
- Natural resources: Extraction of the newly found oil.
- Refugees issue:- Turkanas should be involved and consulted when bringing the refugees (they are more comfortable than them) them.
- The cattle rustling to be declared a disaster e.g Kenya Red Cross to intervene whenever there is rustling.
- Water: Ground water (boreholes) should be increased so that the community will access clean and reliable water.
- Strong mixed Committee of Elders between Pokots and Turkana which is gender balanced – Youth of the communities should also be actively involved.
- Wazee (elders) should be involved in employment and provincial administration – vetting the good people.
- Political will.

EMBU/MBEERE PRESENTATION

Embu and Mbeere Region

Embu and Mbeere Regional Minutes of Committee of National Conference on

National Cohesion and Integration Meeting at Canaan Hotel On 23rd September 2009.

Members present:

Mr. Patrick Nyagah Thagicu – Coordinator, Embu.

Mr. John Njiru Nguru – Coordinator, Mbeere.

Mr. Jackson Ireri Gakunga – Embu.

Mr. Johnson Nyagah Mbogoh – Embu.

Mr. Anselino Njeru Mbanda – Mbeere.

Mr. Gilbert Njeru Njue – Mbeere.

Mr. David Dedan Muriithi (Rev) – Mbeere.

Mrs. Rebecca Kamuru Njiru – Embu.

Issues Raised.

Land boundary disputes.

Resources.

Clanism and Tribalism.

Political Domination.

Insecurity.

Cultural Heritage.

Land Disputes

The elders noted that there is need for non-partisan arbitration of land disputes and that they should be involved in land arbitration and setting of land disputes.

That Embu and Mbeere land boundaries remain as they are.

The elders therefore resolved that administration and political boundaries of land in Mbeere and Embu should be based on traditional marks and not political manipulation and populist ideologies of the time. (Land control boards and tribunals should be far from political manipulations). This is to facilitate cohesion and integration.

Boundary disputes (Shamba Boundaries) be first dealt with by the elders before seeking the audience of the court of law.

The elders further resolved that when boundaries are reviewed by the boundary review commission, The elders in Mbeere community be given a hearing and the review be non-partisan.

And that land issues be resolved in consideration of cultural and traditional heritage.

2. Resources

Equitable distribution of natural resources which include:

- Water.

Water catchments areas and other sources of water be protected, this includes not farming along water catchments areas. And that by-law that protects these areas be enforced.

That water be made available to all equitably.

Hydro-development within Embu and Mbeere should benefit the local community by providing subsidized power, water for domestic consumption and employment opportunities.

- Land.

The elders resolved that land as a key resource should be taken seriously and that the Government should allow elders within these communities to resolve land disputes to enhance cohesion and integration. It should arbitrate to get the rightful owners without bias.

- Environmental Issues.

Those issues of conservation of the environment be taken to the elders in the local communities to enhance conservation efforts.

3. Clanism and Tribalism

Embu and Mbeere communities are hospitable and embrace other communities living harmoniously without discrimination.

The elders having appreciated that there are diversities in clan and tribes in these communities recommend that the Government should recognize the role of the elders in eradicating clan and tribal vices and the role of elders as an arm of the Government in enhancing social-economic and political goals of the community and the nation for cohesion and integration.

That Education be a tool of advocacy. In this, an introduction of national schools in every District would promote integration of communities.

4. Political Domination

The elders having carefully evaluated our political system do agree that political parties in our nation are tribal based and most often divide the communities through tribal affiliations and therefore suggest that:-

i. There should be a legislation to have a maximum of three political parties in Kenya which will capture the existing political ideologies of governance and the real face of Kenya.

ii. Political terms for all elected office bearers are limited to two consecutive terms to allow diversity in leadership and modeling of leaders in our communities.

iii. Elders to be involved in the constitutional making process.

iv. Cabinet Ministers be independently appointed and vetted for by an independent body to maintain professional and meritocracy in the leadership of ministers.

5. Insecurity

The elders noted that modernity and poverty have seen emergence of drug culture, capitalistic vices of haves and havenots that have made the gap between the rich and the poor increase.

Therefore there should be:

i. Involvement of elders on security issues and needs in the community.

ii. Elders to help in restoration of cultural values and ethos that have eroded over time.

iii. The Council of Elders be involved in security administration within the local communities.

RESOLUTIONS

i. Community Council of Elders be duly constituted by an act of parliament from the village to the national level.

ii. Natural resources like minerals and others be explored and exploited to support the nation and that the Council of Elders be involved to represent the interests of the local community.

iii. The Council of Elders be involved in the arbitration of land disputes and illegally acquired land.

iv. For national cohesion and integration the Councils of Elders must be involved in National Constitutional Review.

v. That the Councils of Elders be allowed to handle environmental issues affecting their communities as a way of meeting global climatic challenges.

vi. Issues of national cohesion and integration be integrated in all levels of schools curriculum.

vii. That cultural heritage be protected by law.

WATER AND PASTURE

The community usually clash over scarce resources such as water and pasture.

Some of the conflicts arise from different land uses though these conflicts may appear to be largely ethnical in character they are in fact dispute over scarce land resource and practice.

It is important that long term program of harnessing harmonious existence between neighboring communities be evolved and implemented on a sustainable basis.

The current system of administration and management of and based resources have deprived the management right from traditional institution thereby creating uncertainty on the access control and exploitation of land based resources including grazing land water and salt link among others.

Recommendation

- ❖ The Government will in consultation with the neighboring communities devise land use program that minimizes conflicts between them.
- ❖ Empowering Council of Elders to control land base resources.
- ❖ Control of the porous border along the Ethiopia and Somalia border.
- ❖ Conflict resolution committee and Council of Elders to oversee resource sharing, grazing right of the neighboring clans and put in place rapid response mechanism incase of conflict so that it does not escalate.

INSECURITY

The wholesale alienation of land and displacement of some communities in certain areas of the District has led to incessant conflict between neighboring communities.

Due to proliferation of small arms from neighboring countries, Ethiopia and Somalia, non existence of formal Government in Somalia contributes largely to the insecurity of the area.

Influx of refugees from the neighboring countries.

CATTLE RUSTLING

- ➢ Poverty among the youth.
- ➢ Cultural aspect encourages cattle rustling among the youth.
- ➢ Ethnical conflicts among the neighboring clans.

Recommendation

- ➢ Empowering youth by giving them loans.
- ➢ Other sustainable initiatives.
- ➢ Sensitizing the community through their traditional institutions.

A PAPER FOR GARISSA DISTRICT PEACE COMMITTEE PRESENTED TO THE REGIONAL CONSULTATIVE MEETING HELD AT NANYUKI ON 28TH-29TH SEPTEMBER 2009.

1). Historical Injustices

Historical injustices in this region can be categorized into three:-

1) Violation of human rights.
2) Economic crimes.
3) Social disintegration and apartheid.

The colonial Government (Britain) accepted a protest from the Northern Frontier District people who objected to be part of Kenya. A commonwealth team was dispatched to undertake a referendum where 89% of the population voted to join Somalia but that was turned down and NFD people were forced to join Kenya.

- The colonial Government set a three mile boundary from the Tana River so as to protect the river from the township by any chance they join Somalia.
- Infamous Indemnity Act gave powers to the provincial administration to confiscate people's property at will. This has led to massive loss of property to the people in this region.
- The land was put under trust land which denied people right to graze where they want amounting to economic crime.
- The colonial Government developed infrastructure for the rest of Kenya but did not undertake any single project thus denying the people of NFD a fundamental human right.
- In 1901, British forces killed more than 300 people from the Auliha clan and this caused the killing of three commanders e.g. Capt. Liboi where the current Liboi Division in Lagdera is named after.
- There was no freedom of movement and strict control of pasture and grazing fields caused thousands of people to lose their pastoralists lifestyle, livestock were robbed at will because they crossed District boundary.
- Left a legacy for the Kenya Government not to trust Somalis and institute a strict surveillance against their movement.

2). 1963-Post Independence

- The Kenyan Government instituted emergency laws to the people where there were mass killings of people, rampant rape of women and forceful collection of people's property. There was total destruction of community structures and infringement of their faith.
- Education was being denied and no schools were built.

- In 1967-Jaribu detention camp, more than 3000 people were kept for 5 days without water and forced to cut acacia trees with their hands.
- In 1980-Garissa burning (Massacre), 10,000 people were put in detention at Garissa Primary School grounds and kept for 3 days with no water and food. Children and mothers were not spared. Even elected leaders like MPs, Chairmen of County Councils were there.
- More than twelve people were drowned in the river while 2 were flown in a helicopter and dropped, Mr. Sirat Gedi and another, both are dead and their families rendered destitutes.
- The introduction of screening card for Somalis only was an act of apartheid and ethnicisation, thus put the people of NFD into untold psychological consequences de-linking them from their other Kenyan brothers.

3). Influx of refugees

There are more than 200,000 refugees in Garissa camps of Daadab. Their presence has caused heat rendering environmental disasters, has lowered the water table and caused the whole community to be displaced and rendered without pasture.

The host community has been entirely overpowered; the alien culture that came with the refugees has changed the lifestyle of the community. Proliferation of small arms continues to along the porous border.

The refugees came with lawlessness, infiltration of small arms through the porous border.

4). Marginalization

Economic crimes have been committed against a people who are innocent. Unlike other parts of Kenya NEP is under developed with no proper road network and infrastructure. There is only 1km of tarmacked road in NEP. After independence there was a single school in the entire province. There is lack of adequate water resources to match the pastoralist population, boreholes are non functional save for very few. There are no marketing outlet and no comprehensive livestock policy like in the Agricultural sector, while there is even cashew nuts board there is no livestock board.

Successive Governments of Kenyatta and Moi had denied this province basic and fundamental social amenity.

While there is abundant land in this area, the local authority is constantly denying people settlement right as a result of bureaucratic national policies that have been set.

5). Clanism

There is acute and intricate clan chauvinism among the Somali communities and generally Kenyan tribes which are there to stay. These results in:-

- Retarded development.
- It breeds hatred amongst communities.
- Communal matters get neglected.
- Promotes idleness and gossips.
- Causes conflicts leading to deaths and destruction.

6). Politics

Politics in Somali community and generally the pastoralist plays a major factor in political matters. Politicians are elected on clan affiliation and not on merit. Politics in this region promotes propaganda and hatred which leads to conflict among clans that also promotes corruption and other malpractices.

NATIONAL ELDERS CONFERENCE COHESION AND INTERGATION HELD 23RD SEPTEMBER 2009.

MOYALE

1. Mohamed Haji Wario -
2. Abdulahi Yussuf Sheikh - 0726532971
3. Ali sheriff - 0723-937345
4. Edin Gabado -
5. Guyo Karayu - 0720-847688
6. Abdi Hassan - 0728-073455
7. Abdi Ali - 0723-157566
8. Asna Hussein - 0724-681498
9. Amina Issack - 0725-949748
10. Mohamed Haile Woche
11. Hassan Duba

Meeting started 10:00am and was opened by prayer lead by Ali Shariff.

Agenda

Elaborating issues for the regional conference capturing as many views as possible to highlight cohesion integration

KEYS RAISED ISSUES:

Official naming for the Council e.g. Njuri Ncheke (of Moyale Council of Elders).

BACKGROUND

1. Land boundary disputes:

Issues raised-disputes on boundary among the members.

Moyale Districts is the Republic of Kenya that makes up Eastern Province with approximate population of over 64,000 people. The District borders Marsabit to the South West, Wajir to the South East and Ethiopia to the North

Historic injustices e.g. 1964-65 – Sakuye massacre

- Disputes on settlement at Dadach Milsaded and Basir from Wajir.
- Turbi problem submerged to North Horr District/Chalbi.
- Split of Moyale/Sololo District new formed.

Recommendation

- Provincial Administration and District boundaries should be respected, national boundary commission should not interfere with the former existing boundaries.
- Council of Elders should be included in exiting cross border committee and their boards.
- Council of Elders should be included in national boundary commission.

2. Issue (2) Resource: Water and pasture

Land trust formation.

Land value title deeds for shamba and plots.

Recommendation

a. That all an authorized grazing should peacefully return to their District.
b. That if they have to migrate into neighboring District. They should seek prior consent of elders and chief with approval of respective DSICS (District Intelligence Committee).
c. Leader report to the host chief and peace elder on the number of KPRS and their particulars. The host District-take responsibility to ensure the society of the incoming herders.
d. Equal distribution of resources.
e. Traditional pasture/water management rules should be respected by all parties and Council of Elders involved with the formation of water services committee at District /division/location.
f. Cross border issues should be the responsibility of the Government.

3. Cattle rustling (fueled by easy access to firearms)

Create poverty, drought and disease

Drought recovery on life and poverty it should be introduced to nomads to cater for their courses.

Recommendation

- Cattle rustling.
- There should be quarterly exchange visit and meetings between DISC and Peace committee between the District.
- Committee to be fully facilitated by the DISC (District Intelligence Committee) and given proper recognition.
- Communities should not engage in host pursuit with the view of revenge but the Government to establish rapid response anti-stock theft until to be stationed in hot spot areas.
- The tracking of foot marks should be synchronized between the affected communities District and should be handled as urgent matters.
- The accuracy of the right information is very crucial. The Government should invent in radio/telephone communication in hot spot areas for ease of pursuance of stolen stock.
- The communities and Government to invest in modern anti-cattle rustling equipment like the one being used in Botswana and being experimented in Marsabit/Moyale District by ITDG-EA (Intermediate technology development group-East Africa.)

Trafficking of fire arms

❖ That the problem of illegal trafficking be addressed with the entire northern region as opposed to two provinces as opposed in the Modogashe declaration.

- That illegal procession of fire arms is against the laws of this country and such no graze is expected to migrate to another District while armed.
- The chiefs in whose areas illegal firearms are found be investigated and appropriate action be taken in conformity with the existing law of this country.
- As long term measures, laws relating to illegal possession of firearms be reserved to initial areas to bail and provide stolen punishment.
- That Kenya should reach out to neighboring countries to address the issue of illegal trafficking of the firearms.
- International protocol on proliferation of small arms should be observed.
- Communities or institutions that deal with disbandment should be decentralized at village level to help sensitize the affected communities on the effect of illegal firearms.

Recommendations

Resources – Economic empowerment

- Improve livestock market.
- Educate communities on danger of overstocking.
- Create market information system.
- Establish a research institution for diseases control in regions.
- Construction of meat processing factories in the region vie (Isiolo).
- Develop a livestock marketing and management policy.
- Curriculum in schools should have animal husbandry as a topic.
- Provision of basic infrastructure (road, airstrip and telephone).
- Invest in basic and essential services that are appropriate to pastoralists e.g. mobile schools, boarding primary schools that are strategically placed.

3. Clanism and Tribalism

- Educate people on one Kenya one Nation (civic education)
- Political incitement should be addressed
- Broker peace among warring parties and encourage dialogue
- Holding regular peace among meeting with neighboring District
- Unite the communities in the region
- Understand and identify root causes of conflict and sustained peace in the region.

4. Political domination

- People should come together and bring unity, development
- Buying of votes should be stopped
- Educate communities on how to seed good leadership despite of his tribe

5. Insecurity

A prime factor in Kenya especially Northern Kenya in general has fallen into a victim of massacre insecurity border cross killings, tribal clashes, shiftas etc.

The ruling Government has not tackled this upto date since every Kenyan is entitled to security of his life and property.

Recommendation

TJRC-facts.finding commission to be formed involving all stakeholders.

- ❖ The community leaving in the area and the DISC must accept responsibility.
- ❖ For every crime, the insecurity agent must pursue the concerned criminal and apprehend them. There should be tracking of the footprints of bandits concerned and security agencies to take active role.
- ❖ Inter province – inter District regular updates and exchange of information in insecurity. These updates should include new solutions.
- ❖ There should be voluntary disarming of communities to curb insecurity e.g. highway robberies.
- ❖ In border areas, banditry should be aggressively pursued by the Government initiative. Local peace communities should be also engaged, encouraged to form partnerships with peace actors across the border

ISIOLO

REGIONAL ELDERS CONFERENCE NANYUKI

FROM 28TH – 29TH SEPTEMBER, 2009

ISIOLO DISTRICT PRESENTATION

1. INTRODUCTION

a. DISTRICT SIZE AND ADMINISTRATIVE UNITS

Isiolo District is a large arid District that covers an area of about 25,605 sq kms. The District is bordered by Marsabit and Wajir Districts to the North, Meru and Tana River Districts to the South, Samburu District to the west and Garissa District to the East. The District is administratively divided into two Districts: Isiolo North and Garbatula. There are several divisions, locations and sub-locations.

b. NATURAL RESOURCE BASE

The District could be classified into three climatic categories i.e. semi arid constituting (5%), Arid (30%) and very arid constituting (65%) with low rainfall regime of (200- 400mm/yr). This amount of rainfall is too low to support arable agriculture hence crop production is only practical on some patches around Isiolo town through irrigation. Other minor irrigation schemes are found along the Ewaso Nyiro river and the smaller rivers on the south western part of the District hence livestock rearing is the major economic activity.

Isiolo District has an estimated population of cattle heads: 219,000; sheep/goats: 514,000; and 32,000 camels. The predominant thorn bush and grassland in flood plain of Ewaso Nyiro river is the central resource of the majority of the Districts pastoral population making the District being viewed as "bread basket" of Northern Kenya (Jillo 1993).

Groundwater sources provide permanent water in certain areas with widespread surface water that is seasonal in nature. The District has developed several water facilities both for domestic herds and livestock. Water for livestock is obtained from boreholes and some dams or pan which are made to collect rain water. However, maintenance and siltation of these facilities are a major problem.

The District has a vast land area which could be brought under forest to make the District self sufficient in timber and firewood production. The District being an arid area enjoys 9-10 hrs of sunshine a day, hence solar, wind and biogas energy are potential natural resources that can be developed in future.

Wildlife is another resource that if utilized properly could enhance the economic development of the District through tourism industry. The Isiolo District population is estimated to be about 97,000 people by 1996 with average population density of 1.5 sq km. Human population is one natural resource that could be put into use for economic development of the District, but due to the nature of the pastoral life and illiteracy rate and general lack of awareness is

very high. This coupled with high school dropout rate at primary and secondary level and poor public educational administration which has not been focused on the social economic attitudes of the indigenous communities of Isiolo has held the District manpower development and education in a "vicious cycle". Land in Isiolo District is held under trust land act. This is by definition, land that belongs to tribes but held in trust by the county council on behalf of the community. Currently, despite the confusion that prevails in the District over the issues of land rights among the pastoral groups, no appropriate adjudication policy has been agreed upon.

However, among the traditional setup of the Borana who form the major ethnic group in the District, there exists spatial level of resource use organization through dheda system where natural resources rules, guides the use of resources. These include animal property rights, rules of water use and grazing areas, it is anticipated that this form of indigenous natural resource management systems can provide basis of future adjudication policy in the District.

2. PRIMARY PRODUCTION ACTIVITIES

AGROFORESTRY

Agroforestry in the District takes the form of Silvo-pastoralism whereby the natural woody vegetation is managed mainly for fodder production, fuel and shelter construction. There is great potential for economic exploitation of gum Arabic from acacia general and related products in the District. If a proper education and involvement are given to the pastoralists communities these activities can act as a way of diversifying economic activities in the District on sustainable basis.

TOURISM INDUSTRY

Wildlife is another potential natural resource that if utilized properly could enhance the economic development of the District through tourism. The District has three gazetted game reserves under Isiolo County Council namely: Buffalo Springs, Shaba and Bisanadi game reserves. In these game reserves, various species of indigenous wildlife live on natural grounds. If infrastructure such as good road network, water and accommodation facilities in the game reserve and the surrounding areas, insecurity is ensured, the tourism industry would be encouraged.

COMMERCE TRADE AND MANUFACTURING

The District has one major town – Isiolo Town and smaller market centers. Business in these market centres are mainly based on regulated trade activities mainly dealing with consumer items. Other trade activities are mainly in Isiolo town. These include: butcheries, catering, motor vehicle repair, miscellaneous occupation and wholesale business. Jua-kali enterprises are also found in these areas. Since in other centers in the District other than Isiolo town and Merti division, there is no electricity supply. However, these businesses are mainly occupied by people who are non-indigenous to Isiolo and employment that arises out of these are monopolies to outsiders.

COMMERCIAL MINERALS AND MATERIALS

The District is well endowed with building sand and building stones for decorations. Other minerals which need to be studied in the District and possibly exploited on commercial basic include: blue Sapphire in Garbatula District, Red and Green Garnet, Mica, Marble and limestone.

SOCIAL AND ECONOMIC INFRASTRUCTURE

HEALTH

The District has one hospital that is Isiolo District hospital and two health centers in the division. The two health centers are highly utilized due to the big area covered and distances to the District hospital. While the District referral hospital is also over utilized due two big attachment area which includes the neighbouring Meru and Laikipia District. They are also a member of dispensaries in the District but for most of the time of the year, some of the remain under utilized due to problem of banditry, inaccessibility and shortage of drug and personnel.

EDUCATION AND MANPOWER DEVELOPMENT

The future of any community depends on how well its people are and in certain communities, they are most no jobs for people who do not know simple arithmetic or how to read and write (Konso, DEO, Isiolo). Although this acknowledgement is good for modern leaving and appreciated in national development process, in Isiolo District only about 28.45% of children of school going age are attending school. This low level of education that is very contradictory to the Government policy of universal education for all could be attributed to the following factors. Pastoralism, harsh environment, drought, communication problems, the right Government educational policy for nomadic communities and lack of complementary activities through Harambee efforts by parents as a result of poverty.

Currently, the District has 54 primary schools, 6 secondary schools, 1 secretarial college and two village polytechnics. Out of the 54 primary schools, 21 of these are in Central Division around Isiolo Town while the remaining 33 are distributed to 5 remaining divisions. Manpower development in the District also follows the same trend. For instance out of 624 teachers in the District, more than half of this comes from outside the District. The problem of non-indigenous teaching staff is that many of them cannot be able to cope with the hardship conditions that prevail in the other 5 divisions in the District.

ROADS

The existing road network in the District which composes 958:1 km of seasonal roads mainly connects the District headquarters. Institutions which are in very remote areas have poor access due to the poor state of roads especially during the rainy seasons. However, the tarmacking of Isiolo/Moyale road which links to Ethiopia will open avenues for business which will improve the livelihood of the community in the region.

SUPPORTING DEVELOPMENT INSTITUTIONS

There are various institutions that are involved in development activities in the District. The District development Committee (DDC) is the supreme institution that coordinates all development activities.

Other agencies include local authority that is the Isiolo County Council, voluntary agencies that is NGO's and regional authorities and major parastatals. The Ewaso Nyiro North Development Authority has its headquarters in Isiolo Town. The centrality of this Authority is likely to have a major impact in development in the development of the region in general and Isiolo District in Particular.

GENDER EQUITY AND STATUS OF WOMEN

The Kenya's 7th development plan (1994 – 1998) is said to be the first development plan to address itself to women as important participants in development. The plan says policy issues will integrate gender perspectives in all national programs of the key sectors on the economy that women issues will be included at the basic levels of all development planning. The plan reflects a grim picture of the nation's women, with marginalization in the areas of politics and decision making positions, legal biases and discrimination, unequal access to good education and skills training, insensitive medical facilities and poor nutrition.

Nevertheless, among the pastoral societies of North East Kenya, women's low status in the society, more so, the economy seems to be very much a product of their low education status. This militates against their access to resources, good employment, legal awareness on equality, political involvement, quality health care, good nutrition and policy involvement in general.

Equitable access to resources is a key central element in the promotion of sustainable development. However, equity and access to resources and rights to remains a debatable factor in Isiolo family circles. However, there are various self-help group formed by women in the District undertaking a range of activities including livestock marketing, arts and crafts, rental buildings, farming and retail shops. Despite these activities, it is notable that the vulnerability of women and children, to problems caused by drought and insecurity in the District is significant. This can be proved through such activities as workers in food for work programs where the majority are women.

DEVELOPMENT HISTORY AND CONSRAINTS

Throughout the colonial period, the development of Isiolo District, just like any other ASAL areas, was given low priority, a situation which persisted into the first decade of independence. However, specific to Isiolo District in addition to colonial legacy of development was a menace of Shifta war in 1960s over the said period, which led to the tremendous loss of livestock by the pastoralists and massive dislocation of the indigenous Isiolo population and consequent impoverishment. Major development resources based projects intervention that followed over these periods were those of irrigation agriculture of early 1970s

and grazing blocks development. Both of these projects (particularly irrigation agriculture)are response to emergency situations of 1960s and droughts of early 1970s in which large number of indigenous Isiolo population are made destitute by the two consequent events.

In spite of this development process designed by the Government, a large number of Isiolo District's population continued to be marginalized in terms of income, employment and social provision (e.g. education, basic health and water)and the increased degradation of the natural resources. The major constrains to development cut across all the sectors due to sectoral linkages. The following are the major constraints to development in Isiolo District.

1. Inadequate water sources and maintenance problem of existing ones.
2. Land tenure system that poses problems of recognition of ownership rights even at the management level as the traditional institution are eroding fast.
3. Insecurity/Banditry/Cattle rustling. This inhibits concentration on development as time and resources are being diverted towards fighting insecurity menace.
4. Poor. road communication system: The problem of poor roads communication network is compounded during wet season when other divisions are cut-off from Isiolo town
5. Inadequate and high cost of farm inputs, livestock feeds and drugs and lack of proper marketing structure.
6. Low levels of literacy and general lack of awareness – due to the pastoral nature of the communities, special mode of extension, education such as mobile clinic services and mobile partial training units are more appropriate to create general awareness. Surprisingly enough even the only mobile pastoral mobile unit which is over ten years old in the District attached to MOALD & M do not have one single person who would speak a local vernacular as most staff are from outside the District.
7. Inadequate provision of health facilities:- this is highly hampered by shortage of drugs, lack of medical personnel, insecurity and migratory nature of the people.
8. Health and nutrition problem- is particularly wide spread during drought.
9. Loss of social-cultural institution: some of the existing indigenous institutions in the area have not been incorporated for development purposes. In the process most of these institutions were being eroded, without, the new institution providing better solutions. This is particularly so in the areas of natural resources management.
10. Inadequate provision of education facilities that suit the mode of living of the pastoral communities such as nomadic boarding schools.
11. Lack of credit facilities due to lack of collateral security.
12. In and out immigration of population: Isiolo suffers from high influx of population from both neighboring arid Districts and from high potential Districts, thereby causing big strains on the meagre social-economic resources in the District.

13. Drought and famine problems: the recurrence of drought in the District is a common event of late. This is particularly an important phenomenon in such District with weak pastoral based economy.

RECOMMENDATION ON ELDERS COUNCIL

1. Elders council which existed in every society, was the main structure in solving so many social issues, we therefore highly recommend for the revival of the elders council countrywide in order to tackle issues like insecurity and should be the peoples watchdogs. These have succeeded in other countries like Ghana, Rwanda, Somaliland and Saudi Arabia etc.
2. We should discard decisions and tribalism too so as to move together:
   - Equal distribution of resources by political leaders and communities managing one another.
   - Consultative and priority development to whom to target among the cosmopolitan communities.
   - The indigenous communities right on land and natural resource management should be respected.
   - The custodian of our land county council management should foresee to it that the laws governing trust land Act should be reviewed, regulated and enforced.
3. Provincial administration with the help of elders should tackle cattle rustling. The provincial administration and elders should see the root cause of poverty, lack of infrastructure and modern industries to empower youths who are out of school.
4. Form council of elders that will work with the Isiolo and handle social problems. The systems that has agreed upon is communal approach of elders comprising of major cosmopolitan tribes with arms of close working relation among themselves and provincial administration.
5. The people should come together to create unity and bring development. The council of elders should come together with purpose of meeting small scale industry for the youths and strengthen livestock products by putting an abattoir to mainstream pastoralist livelihood.
6. Work with Government to address water and drought. The council of elders will work regionally organization like the ENNCA, ENNDA and address water flow in middle and upper catchment and address issues of legal water encroachment and issuing of permits to large scale flower schemes. This is to bring the heritage of conservation and governance to the observed to protect community instead of conflicts.
7. The deteriorating security should be tackled with the help of the elders. The council of elders and the stakeholders should focus the copying mechanism and manage better ways of accommodating one another. The Chief Act should be replaced with Elders Act.
8. Work with the Provincial Administration to address the issue of relief food. Work with the Government to issues of relief food to flexible development through food security by equipping the council of elders with capacity building and training. The elders should undertake monitoring of revolved

funds, Government development trades and prioritize issues according to clusters along the need.

9. Disarmament: The Council of Elders should be consulted for the issues of fire arms. No arms should be given to individuals.
10. A group of elders. The Council of Elders from Isiolo should require one to look into regional approach Isiolo, Moyale, Garissa, Samburu, Laisamis, Wajir, Meru North and Laikipia to tackle conflict that has been occurring for long. Community facts like Modogashe declaration should be adopted by the Government for the purpose of bringing unity, planning and analyze its funding.
11. Bordering problems - with neighboring District need to be solved immediately -before things go out of control.
12. Historical injustices- to be solved through truth and reconciliation and national healing.

MANDERA

NORTH EASTERN PROVINCE

HIGH LIGHTS AND VIEWS–CONSULTATIVE ELDERS MANDERA DISTRICT

1. HISTORICAL INJUSTICE

- ❖ People and their animals killed alike by the Kenyan forces.
- ❖ The shiftas (bandits) were also killing the innocent and robbing their animals because they suspected them to be giving information to the Kenyan Government.
- ❖ The Kenyan Government forces were killing the public because they suspected them to be collaborators with the shiftas.
- ❖ People were put into concentration camps after their animal were killed.
- ❖ In the concentration camp, raping, killing, beating, burning of huts and looting were common in these camps.
- ❖ A lot of unwanted pregnancies occurred that's resulted into killing of the new born babies and suicide.
- ❖ People never had the opportunity to present their problems to justice for fear of their lives.
- ❖ There was constant curfew in North Eastern.
- ❖ No development whatsoever.

2. SCARCE WATER AND PASTURE RESOUCES

There was scarcity of water because the Kenyan Government forces were blocking all the water points and as a result people died due to lack of water.

No boreholes were available.

Grazing areas were far from the water points and also high death of livestock and people because of thirst due to the blockage of water points by Government forces.

People were forced to seek refuge in Somali and Ethiopia (neighboring countries)

3. INFLUX OF REFUGEES

The refugee's influx to our area brought a lot of problems and this includes the following:

a. Infiltration of small arms.
b. Banditry.
c. Raping.
d. Deforestation.
e. Diseases e.g. cholera and measles.
f. Cultural change and behavior.
g. Over population and resource exploitation.

4. DISMISSED VETERANS

- The dismissed of the regional assembly members who were to make the regional laws without any notices or reason.
- Dismissal of chiefs and security personnel from the provinces.
- Disbanding of headmen and traditional peace markers thus no link between the public and the Kenyan Government until 1988.
- Forgetting and not caring for the second world war veterans by the British/Kenyan Government.
- Fleeing of politician to the neighboring countries which resulted to the formation of NFD party that took fight against Kenyan Government worsened the situation (Wajir, Mandela, Marsabit, Isiolo, Moyale and Garissa).

5. MARGINALIZATION

- **Politically:** No representation in the National Assembly except for a few handpicked one's with no voice.
- **Economically:** There was none of the following facilities:
  a. Banking facilities e.g. loans.
  b. No industries to create employment.
  c. Since the main livelihood is livestock, there's no meat factories to date.
  d. Poor road network (No tarmac roads).
  e. No railways and airports.
  f. No farm inputs and materials were provided to the province unlike other parts.
- **Socially:**
  a. Poor institutions e.g. schools, health and agriculture.
  b. The province has been isolated and other Kenyans brainwashed and made to believe that people from North Eastern are wild and killers.
  c. Giving the Somalis Kenyan different identification cards known as the screening cards.
  d. When travelling to and from Nairobi unlike other Kenyans, the Somalis Kenyan will be asked to produce his/her identification cards.
  e. So many checks points hindering social, economic and other trade business
  f. Women options has not been respected.
  g. Not empowering youths to learn the traditional methods of solving conflicts and other related customary issues.

6. CLANISM

- Because of inheriting the colonial law, there was divide and rule method used by the Kenyan Government in creating boundaries/demarcation which caused clan conflicts.
- Because of this divide and rule methods the Garissa and Wagalla massacre was instigated by the Government.
- To date no perpetrators has been brought to book.

- People from eastern don't get employment in other parts of Kenya no matter what level of education one may have.
- The traditional peace elder should always be used for clan conflicts resolution using to traditional peace mechanism (heer).
- The ruling of traditional elders should be included in the Kenyan laws.
- The Government should set aside funds to facilitate traditional conflicts management.
- The Government should recognize and establish traditional peace building structures.
- Khadhis courts should be elevated to the highest level since it serves 30% of Kenyans.

7. POLITICS

- There is a need for constitution reforms before the next general elections.
- Establishment of independent electoral commission.
- Clan based politics should be stopped in Kenya.

RECOMMENDATIONS BY POKOT ELDERS AT THE REGIONAL CONSULTATIVE FORUM OF THE COMMITTEE OF ELDERS CONFERENCE ON COHESION AND INTEGRATION AT SPORTSMAN ARMS HOTEL, NANYUKI ON 28TH – 29TH SEPTEMBER, 2009

BY

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INTRODUCTION

We wish to thank the Ministry of Justice, National Cohesion and Constitutional Affairs for organizing this forum and inviting us to give our views. The adage that or Swahili saying that "panapo wazee neno haiharibiki" and by involving the council of elders in national cohesion and integration is a gigantic step towards equitable national development. It will also be a true medicine to our cancerous like problems.

From day one since the colonial Government to date the Pokot community has not been understood. We have been mistaken and branded aggressor and criminals yet we are not. No one has ever bothered to inquire from us what our problem is. That is why we are very happy that this forum has put premium effort for us to participate. Pokot are peace lovers.

The Pokot community is faced with many problems which are seeking solutions. They are enumerated as follows in order of priority:

i. Insecurity.
ii. Land and boundary disputes.
iii. Historical injustices.
iv. Proliferation of small arms and light weapons.
v. Lack of political good will.
vi. Unemployment.
vii. Biased media reporting among others.

I. INSECURITY

- **Cattle rustling**

This is a vice which needs to be eradicated and discarded by all the parties involved in conjunction with the elders and the Government. Many lives and property have been lost and it has made us poor. The Government in trying to resolve this problem has often left the elders out. We recommend that they be fully incorporated and their initiative be recognized.

- **Highway robbery and banditry**

This has been a problem between Pokot/South Turkana border, Rumuruti and Suguta area and at the Kapenguria - Kacheliba road. Many people have been killed and property lost. In Kacheliba and Chepareria areas traditional mechanism of conflict resolution was used and has since stopped, by the elders.

- **Resource based conflict**

This is about conflict over water and pasture. It has been an outstanding problem and we are sure elders will be able to solve the problem.

2. LAND BOUNDARY DISPUTES

This has been a long standing quarrel between the Pokot, Turkana and Samburu Districts. These demarcations were either done by colonial Government or current Government without due consultation of the due concerned community. These boundary disputes should be rectified and clearly identified.

3. HISTORICAL INJUSTICES

- Human rights violations which were meted against Pokot by colonialists includes the Koloa massacre of 1950 where over 3000 people were killed and made to pay for 3 white police officers who were killed. In the process 29 Pokot men also were hanged. We need restitution for their lives.
- Communal punishment act used against Pokot should be scrapped e.g. in 1984, in the process of operation exercise on cattle rustling in Kacheliba division, many innocent people were hurt.
- We need compensation for land taken away from us in Transzoia District.

4. PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS

The infiltration and influx of arms and weapons have exacerbated the cattle rustling. All these guns need to be surrendered to the Government.

We suggest that all the current Kenya Police Reserve (KPR) be withdrawn from within the country except along the international borders so that those who have illegal guns can be known. This is because the KPR are known to use the Government guns to cause insecurity. Furthermore some communities are given more guns than others which have always caused imbalance.

The Government should provide security to the community through the police of even structure proper KPR who get paid.

5. MARGINALIZATION

These areas have been left behind in terms of infrastructure development like schools, hospitals, roads and telephone communication. There is a poor standard of education that has led the youth to be involved in undesirable criminal activities. We suggest that an affirmative action be implemented or positive discrimination on development.

6. LACK OF POLITICAL WILL

The Government should drill boreholes to address the persistent drought and pasture problems as a way of showing political will.

7. UNEMPLOYMENT

We need a considerable degree of affirmative action to address the issue of unemployment. Some special preferential in getting employment in armed forces and in the lower cadre of Government service.

8. MEDIA BIASED REPORT

There has been persistent negative media report and publicity. We recommend that whenever cattle raids take place the name Pokot should not be used but first bandits because it is not the entire tribe which is involved in cattle rustling except a few who should be referred to as bandits.

RECOMMENDATIONS

1. Council of Elders be instituted, legalized and mandated to work closely with provincial administration.
2. Traditional courts and or traditional tribunals be enshrined in the constitution to offer justice to pastoralists.
3. Provincial administration especially DCs, DOs and chiefs be elected by communities they serve so that they will be accepted as people of integrity who can serve fairly and justly.
4. Funds from the Government to communities in all ministries should be discussed transparently so that officers do not swindle funds that Government gives for development. NGO's should be encouraged to be open and transparent with donor funds.
5. Community should be consulted and be actively involved in peace building and conflict resolution, natural resources conservancy and wildlife protection exploitation of minerals and other resources such as oil exploitation, gold, gemstones. Re-afforestation, tourism marketing, livestock marketing, irrigation intensified along rivers Kerio and Turkwell, dams, water catchments can be used for pasture and irrigation.
6. Employment be done at sub-locational, locational, divisional levels without involving provincial administration who are normally compromised, leaving out many poor unemployed people.
7. Affirmative action should be enshrined in the constitution to increase CDF funding twice that of high potential areas.

Recommendations by Ijara Elders at
The Regional Consultative Forum
Committee of National Elders Conference
on Cohesion and Integration
Sportsman Arms Hotel–Nanyuki
28th – 29th September, 2009

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IJARA PRESENTATION

1. INTRODUCTION

In the wake of conflict, nearly all transitional justice mechanisms are faced with the challenges of having to provide redress to the victims of growth and serious violations of human rights. While prosecution and vetting processes seek to sanction perpetrators of those violations and truth seeking an institutional reform have as their immediate constituency society as a whole, reparations are explicitly carried out on behalf of victims. Hence in terms of potential direct impact at least they occupy a special place among redress measures.

Addressing the past will help build a more just society in future e.g. justice sensitive institutional reform is not only intended to reform abusive institution making it a defender of the citizens rights and responsive to the citizens needs, but also to empower victims to become citizens and hold public institutions to account. The institution is not reformed in a vacuum; its relationship with the population and its place in society are also transformed as victims become citizens. Transforming abusive public institutions in this way is vital for building democracy, promoting good governance and the rule of law.

2. MARGINALIZATION

The UN 1986 Declaration on the right to development obliges states to place social justice at the core of all processes. Thus in achieving just processes, this vital aspect of human development should be factored.

Social justice encompasses economic justice and is the virtue which guides us in creating those organized human interactions we may call institutions. Social justice also imposes on us a personal responsibility to work with others to design and continually perfect our institutions as tools for personal and social development.

The UN 1986 Declaration on the right to development was a comprehensive economic, social, cultural and political process which aims at the constant improvement of the wellbeing of the entire population. Article 3 asserts that

States have the primary responsibility of creation of national and international conditions favorable to the realization of the right to development.

Northern Kenya suffers from malady of institutional marginalization. At the outset, one may be forgiven to assert that the region brought this state of affairs upon itself with the agitation by secessionist elements alienating the region on the onset of independence.

The above seemed to be a *carte blanche* for successive regimes to overlook the glaring development balance of the region viz-a-viz the rest of the country. The overriding albeit misplaced assertion was that "security is paramount" and development allocation for the region was expressly used for "operations". This took a heavy toll in infrastructural development in such sectors as education, health, transport and communication etc.

This state of affairs was exacerbated by the physiological stress meted out the regions residence that they are after all second class citizens" this came in the form of example, extra requirement in order to acquire a passport, the "screening card" etc.

3. HISTORICAL INJUSTICES

Residents of Northern Kenya have grim memories of injustices meted out to them by those whom they were made to believe would ensure their security. Suffices to say that discussing these heinous crimes could be seen as an exercise in trauma healing.

Further, reconciliation is a term that has a variety of different meanings and has a persuasive meaning. We however need to nurture a shared vision of an interdependent future and fair society.

We need to acknowledge and deal with the past. Acknowledging the hurt, losses, truths and sufferings of the past. We cannot just wish away the Wagalla and Garissa incarnation among other crimes against humanity providing the mechanism for just, stroke healing/ restitution/ reparation and restoration (including apologies where necessary) and steps aimed at redress are vital to Kenya.

We also need to nurture a significantly positive cultural and attitudinal change. This would start with substantial social, economic and political reforms. We need to butress this with religious ideologies, inter communal understanding and last but not least a human rights approach.

4. INFLUX OF REFUGEES

Effects of alien cultures and attitudes have affected residents of Northern Kenya more profoundly than other Kenyans. This coupled with competition over ever dwindling resources has caused deterioration of relations with the refugees. This is also underpinned by the "temporary status", attitudes of the refugees who often see their lot as leaving in a temporary land.

The refugees have also brought with them the political and ideological differences and have tended to influence attitudes and tolerance of their local Kenyan Host communities, there is the latent thinking by Kenyan clans to perceive themselves along the Somali model. This is a very dangerous precedent.

5. RESOURCE BASED CONFLICT

The single most pressing issue that needs to be resolved is the so called "*three mile trip*" that limits access by pastoralists access to the Tana River. The boundaries of Tana River stretches to three miles on the North eastern side of the Tana River. This however means that pastoralists cannot freely access the vital water needed more than ever before. The situation is exacerbated by politicians who raise the passions of voters for their own ends.

The surge in both human and livestock population levels over the past four years has stretched the land carrying capacity to sustainable natural resource utilization. Pastoralists have to trek ever longer distances for pasture and water. This often entitles crossing "borders" which is fertile grounds for conflicts.

THE CHAIRPERSON

THE COMMITTEE

NATIONAL ELDERS CONFERENCE ON COHESION AND INTEGRATION

REF: CONFERENCE ON REGIONAL CONSULTATIVE MEETING.

JOINT MEMORANDUM FOR WAJIR EAST, WAJIR WEST, WAJIR NORTH AND

WAJIR SOUTH DISTRICTS.

HISTORICAL INJUSTICES

This region suffered historical injustice before and after independence.

The injustice that occurred includes:

1. Discriminative and harsh laws e.g. indemnity act and emergency laws.
2. Massacres.
3. Mass killing of livestock.
4. Discriminative education system.
5. Unequal appointment of senior Government positions and political leadership.
6. Screening cards, issuance of ID's/Passport.

MASSACRES

E.g. Wagalla 1984, Malkamari 1980, Garissa Gubay 1980, Bagalla 1998, Uwa Isiolo 1966-67, Garka Hula/Merti.

MASS KILLING LIVESTOCK

Livestock in the region by security forces e.g. Buna, Mansa (Wajir), Isiolo (Garbatula).

DISCRIMINATIVE EDUCATION SYSTEM

No university and minimal Government colleges.

BIAS APPOINTMENT FOR GOVERNMENT SENIOR POSITIONS

Position e.g. Parastatal head statutory board and foreign mission specifically women.

SCARCE WATER/PASTURE

Resources

Currently the region is facing serious shortage of pasture/water.

This has been caused by the prevailing drought, increased marsh rooming of settlements e.g. locations, sub-locations and divisions, free movement in the pastoralist areas, elders to negotiate during drought.

The Government/NGO agents should focus on creating drought contingency boreholes in strategic areas with pasture to avoid expensive water tracking and purchase of hay.

Policies to protect wildlife in the region put in place and encourage communities/ local authorities to set up conservations and sanctuaries.

Livestock Marketing

Develop specific policy for livestock marketing and control of disease and move some camel.

Encourage proper rain waters harvesting management of pans, borehole for domestic and irrigation.

Develop participatory extension system responsive to the needs of pastoralist communities.

Create a participatory forum to chart way forward for the development of agriculture/livestock as a major player in the economic growth and wealth creation in the region.

Protection of forests

Boni forest near Lamu and high hills of Bute and Gurar should be protected. The few rivers we have in the region e.g. Tana River in Garissa and R. Tana in Mandera and Ewaso Nyiro in Isiolo should be protected from the unnecessary human damage.

Government encourages and influence in destroy and planting of indigenous trees. Government should encourage and enforce traditional coping mechanism through sensitization at public barazas by provincial administration, political leaders.

INFLUX OF REFUGEES

Influx of refugees has become a burden to the people of this region in terms of sharing resources, environmental degradation and public amenities. The refugees should not be concentrated and settle on this region alone and instead to be decentralized to other regions.

They should be toughly screened and vetted at the point of entry. Special entry points of the borders should be created to carry out the above. No more additional of refugees to be settled in the region.

LACK OF EMPLOYMENT FOR YOUTHS

Almost 60% of the population in the society are youth and suffer due to lack of employment. In order to avert problems, the Government should revive youth polytechnic and initiate new ones in the newly created Districts.

Create revolving funds for the youth to establish income generating activities. Developing funds should be elevations projects and emphasis put on at least two groups in each location.

BOUNDARIES

A lot of boundaries were interfered with when people were in concentration camps especially in Isiolo District. To avoid further hatred in the border Districts, the constituency boundaries remain District boundaries.

TRADITIONAL PEACE MECHANISM

Peace is a collective responsibility and should not be left to the Government only. Every citizen has a role to play in peace building e.g. Elders, Religious Leaders, Political Leaders, Youth and women. Peace should be included in school curriculum.

Integrate traditional peace method and modern way of peace building.

KADHI COURT

1. Should not be contiguous issue and be politicized since it has been in constitution of Kenya since time immemorial and does not interfere with any other religion. The Kadhi court only deals with marriages, divorce and inheritance for Muslims.
2. The Kenyan constitution allows freedom of worship.
3. Islam is a way of life and is incomplete without the Kadhi's court.

DISMISSED VETERANS

There are some men and women who contributed in one way or the other from this region who are not mentioned in the history of Kenya.

CLANISM

This is caused by unequal distribution of resources by the Government. Example, during census, Government included tribes in registers. We can't say we are building one Kenya when we are still talking of tribes. Major clans will always have the upper hand to frustrate.

We should preach Kenyanism and instill in our children at early stages of their lives like Tanzania.

Communities should deal direct with each other through elders to use resources on each side during drought.

Region Three

A PAPER PRESENTED TO THE COMMITTEE OF NATIONAL ELDERS CONFERENCE ON COHESION AND INTEGRATION

COAST REGION CONSULTATIVE AT SWAHILI CULTURE CENTER-OLD TOWN

5TH – 6TH OCTOBER 2009

NATIONAL LAND REFORM, EMPLOYMENT AND PUBLIC SECURITY

INTRODUCTION

Kenya is suffering a national governance crisis which calls on every Kenyan of good will to rise to the occasion. Our country suffers all manner of ills that could be found in a community which lacks leadership to pull itself out of the impasse.

The crisis of governance in Kenya can be traced back to colonialism, which over 70years divided our people and then built a most oppressive and unequal nation which we inherited at independence and stills holds sway.

During the colonial period between 1895 – 1963, the colonial regime was driven by acquisition of and other natural resources for their own benefit. The most important resources at the end of the 19th century was land and the colonial administration took away from the Africans over 10million acres of our best arable land. This land is marked by the railway line from Mombasa. This land also today is marked by land crisis, blood and violence.

Land grabbing by the colonialists was possible because the African population at the time was very low at 20million, and the land was taken away under false pretence that it was unoccupied by the Africans. Today our country still labours under this tenure systems which have been resisted by all our people through the 20th century.

THE FIRST GIRIAMA WAR & OTHERS

The Giriama war was waged between 1912 - 1918 to resist the confiscation of land by the colonial provincial commissioner by the name C.A. Hobley. The Giriam lost the war and the land and today remains a general homeless and landless people at the Coast.

The Land Titles Act 1908 was also implemented along the Coast from 1913 and soon after the abolition of the slavery in 1907. This led to land adjudication by committees which could only recognize land ownership under English and Muslim law. All African land claims were rejected as "tribal" and land bestowed of Eurpoeans and Arabs. This has since evolved into the absentee "landlords crisis".

The Mau Mau resisted the taking of Kenyan lands between 1952 and 1960. And we all know that, they too, lost the war and the lands.

The two Maasai agreements in 1904-1911 took away most of the land from the Maasai people North of the Kenya Uganda line. Each one of these "agreements"

led to new law being promulgated in Kenya to administer them. The crown land ordinance 1904 and 1915 soon followed and at independence, the 1915 ordinance was called the Governance Land Acts.

Land clashes today across our land follow the railway line and they are perpetuated along the Coast by the Land Title Act which is still law in Kenya. In land, we have seen in our time, land clashes in the Taita Hills, Ulu and Athi plains. And generally speaking, in the whole of Rift valley including Laikipia Plateau.

COLONIALISM DID NOT REVERSE OPPRESSIVE LAND POLICIES

Our national independence in 1963 did not reverse the colonial land policies which were in place, while our country's population has grown as follows:

- 1900 -- 2 million (estimate).
- 1930 – 3.2 million (estimate).
- 1948 – 4.8 million (this is the figure from the last National Census which has been done in the country).
- 1963 – 7.2 million (estimate).
- 1963 – 9.3 million.
- 1979 – 12 milllion.
- 1989 – 18 million.
- 1999 – 27 million.
- 2009 – 36 milllion.

Kenya's independence in 1963 did not resolve the land questions in an amicable way but preserved the status quo in that leadership and the remaining white settlers took control of the process to prevent the restoration of the lands to the common people.

At independence, there was well over 0.5million squatters and homeless people across Kenya mainly in the Coast, Central Province and the Rift Valley.

In many parts of the country where the country was in rebellion, land consolidation was done from 1957. In Central Province where the land which belonged to the Mau Mau and other nationalists was taken away, and confiscated between 1954-1956 from the Mau Mau fighters by Governor Evelyn Baring under the "Native Land Confiscation Orders" was never restored to the victims after independence.

Only 1million acres under the "1 Million Acres Scheme" were made available at independence for resettlement. The land was for sale and it mainly went to the well to do and the "homeguards who remained at work through the emergency periods. To shut out the genuine landless people, land transfer was being done now through purchase on the so called "willing buyer-willing seller" principle. This systematically denied genuine landless access to the land and many now including their children have remained landless upto today.

SECTION 75 OF THE CONSTITUTION PRESERVED COLONIAL TITLES

It is the new Africa Leadership elite which now accessed the land and became big land owners. The white settlers like Lord Delamere, Lord Cole, Group Captain Briggs, Grogan and Peter Derrick Marian remained put. The land in the so called " schedules Areas" could now be transferred to the African leaders and businessmen under private treaty.

This was done after United Kingdom sent a Mr.Stam a specialist on colonial agriculture to assess the situation. He sat in the City Hall, Nairobi with other officials, for days and eventually recommended that the land transfer program be brought to an end. The land for sale to only those who had money in the fullness of time has produced the land problem we are experiencing today.

While our country's population has grown from 2 million to 36million Kenyans in 100 years, we as a country are still using the colonial land tenure system. The structures, the laws, the regulations and land ownership patterns and index are still very colonial.

Our country has even done worse, in terms of bringing new land into production. We have not reclaimed a single acre from desert or semi-arid already and alot of our waters washes down the Nile through Lake Victoria to farms in Sudan and Egypt. We have not re-afforested as required by national and international law. Kenya today has only 3% forest cover while the recommended level by the United Nations is 10%. Am no any longer sure that we have not fallen below 2% cover after Mau burnings. You should not be surprised the rains are coming progressively late every year.

The new Africa leaders and business elite, which hold on to the land, are not seriously interested in agricultural production like the former white settlers who mainly lived on agriculture. They do not need to work the land for a livelihood because as leaders they make their bucks from "leadership" position and opportunities. Many are not in compliance with the requirement of law, especially the agriculture Act which will be undertaken on their land annually. Land which is not being worked on is supposed to be under a management order as national food production targets must be met regardless of the whim of those who are holding on to the public and leased to them.

Today, the failure of our land policies has produced most of the problems we are experiencing as a country. Agriculture should be one of the big employers in the country in terms of production, horticulture and livestock keeping. Food processing, exporting and marketing should be booming and thriving sectors of the economy and we would prohibit to farm here to export the food to their countries.

Instead we should be busy taking exports to supply countries in the Middle East, Japan and Europe. We should be proud to promote increased employment in agriculture as 80% of Kenyans live on it. Our country has had a long history of leasing out our lands, for example to Delmonte, Kakuzi, the absentee

landlords at the coast and even the former settlers and it surpasses all understanding why then we would want to recreate the same spectre on the Tana Delta, Tana River, Lamu, Yala Swamp etc.

Our previous vibrant agriculture especially in cash crop farming has been mismanaged. We cannot any longer run our once booming agriculture in coffee, tea, cotton, sugarcane, pyrethrum, etc farming. We have been struggling for a long time and the farmers are disillusioned and disaffected.

A COOPERATIVE MOVEMENT WHICH · IS RAMPANT WITH CORRUPTION

Our country over the last 45 years has not had a written national land policy which would attempt to shift the focus of our colonial land ownership and use on our country. We need to stabilize our food production and also ensure that every family which would like to be settled is supported to do so and land is made accessible to them. There should be a ceiling on land ownership by individuals and when land is leased out to companies, if at all, it should be leased at the current market rent. There should also be a new title deed which should be created, which is going to protect family land from sale or transactions. We freeze all land transactions for 5 years in order to do so.

The proposed national land policy has met fairly stiff resistance from the political class. It has been in the cabinet and it was not accepted or rejected which amounts to a preservation of the status quo. This is especially because, it is intended to redress the historical land injustices which follow the railway and ensure that public land in commercial transactions is leased at market rate. The policy would also control certain transactions which have been damaging the communities and the environment.

The policy needs to support so that we can resolve the land issue which has resulted in rampant insecurity, poor food production and management of hostile community relations and reclaiming standards of living. A more stable and healthy nation is the answer to the current insecurity impasse. The security role will be undertaken by the communities at their expenses and leave the police to do more formal work. People with certain family routines and chores to attend to do, not commit crimes as they could well be arrested and leave their animals starving as they go to court and maybe jail. Eventually, this is the best way of keeping the peace among a contented people who will also start building schools, hospitals, roads and other community facilities.

REPORTED BY A CONCERNED ELDER.

KILIFI / BAHARI COMMITTEE OF NATIONAL ELDERS CONFERENCE ON COHESION AND INTEGRATION

Historical Injustices

The death of Ronald Ngala was not caused by a road accident but the Government did not carry out thorough investigations and inform the people of kilifi the cause of his actual death. So this makes kilifi District politicians fear to speak and fight for their people.

Inter-ethnic, skirmishes and landlessness of the indigenous communities.

Landlessness there are still many squatters on land owned by absentee landlords some from Europe and the Middle East.

Prime land such as the beach plots and adjacent land and large tracts of fertile land has been all along been dished out to outsiders. This hurts the coastal person and that's the major reason of demanding either regionalism or curve the coast region from Kenya and form an independent Coastal state. There's also the issue of absent landlords. Again some of the Coastal leaders have grabbed or amassed a lot of land for themselves and abandoning their landless poor. This was so evident at the introduction of multi-party and in particular the first multi-party general elections in 1992, then 1997 and 2002.

Economic

The Kilifi economy has always been paralyzed. Despite the very national depended economic institutions such as the Kenya Ports Authority, the tourism industry and fisheries etc industries have all along been built upcountry leaving Kilifi people jobless and rated the poorest in the country which should not be the case.

The only industry that existed i.e. the Kenya Cashewnut Industry in Kilifi was deliberately looted and even its title deed smuggled leaving all the workers there go back home and nurse their unproductive land left to them. Cashews are bought from Kilifi and coast at large and sent to Thika where a cashwenut factory was built.

Social

When Saudi Arabia donated Ksh. 750 million for a Coast University to be built, the Government hurriedly went to an already existing Kilifi Institute of agriculture and named it "Pwani University College" which is a constituent College of Kenyatta University. We needed that money to build a university coast has a lot of land. The Kilifi Institute of Agriculture was catering for the many form four leavers and should have been left alone to continue serving that purpose. What did the Ksh. 750 million do? The road network has improved since 2003 to date that is a credit to the Government. Hospitals have been expanded and dispensaries built but of doctors and nurses to serve them is the undoing. Water has been improved but there are still areas of need. In education, the Kilifi person has not been fully given his share in the

scholarships hence leaving the District with just a handful professors and regarded as unlearned people and backward.

Due to these economic failures, many cannot take their children to school, many young girls have resorted to prostitution e.t.c.

Insecurity

The insecurity can be seen within the business community particularly both in the rural and urban areas. The shifta menace also had its tally in killing, raping and robbing the people of their property. The killing of people referred as wizards or performing witchcraft has continued to exist. While the shifta menace has almost come to an end that community has continued to graze its cattle in the farms destroying crops and which at times raises conflicts e.g. among the people.

Marginalization and discrimination

People have been continuously marginalized and discriminated. This can be seen in all spheres of life from employment, recruitments, in the forces scholarships, national appointments building of industries for her people to get employment, education e.t.c.

Poverty

This is a subject that has attracted both the national and international community. People have no money to send their children to school, continued failure of rainfall makes the people in the rural depend on Government and international support for foodstuff.

Unemployment

This is an issue that was worsened by the 2007 presidential results in the general elections. The Hotel industry which curved about 50% of the employed persons has virtually collapsed. Employing people from Nairobi in the Government advertised jobs also makes many applicants left out, for several reasons i.e. from tribalism, lack of transport to Nairobi e.t.c.

Corruption

Corruption is a cancer to all Kenyans. It is a two way traffic i.e. the receiver and the giver. People have resorted to enrich themselves without considering the Kenyan masses watching the suffering Kenyans mercilessly.

We have seen corruption in Kilifi right from tendering, misuse of office, scooping of public funds and land by the persons in high office both coastals and non coastals.

Potential conflicts

Potential conflicts are in land and the general Election of 2012 if the agenda 4 will not be completed.

On land, many in Coast are dissatisfied and always feel to take the law in their hands.

Land issues

Issues of title deeds

Over 70% has not been demarcated and even the titles issued, 30% are fake. People have applied loans can be accepted double allocation is also.

In kilifi plantation, vipingo etc the

There should be total overhaul of land distribution at the coast to avert a major conflict. Poor man's land was allocated from Nairobi and the owners removed by force through the DC's DO's and the police. This is unacceptable.

Inter-ethnic skirmishes and landlessness of the indigenous communities.

Drug abuse

Lack of social activities such as sports being emphasized, allowing school age youth drop out of school, lack of employment, rehabilitation centres have continued to ruin many youths and even aged persons fall into this tug. Once become a victim of drug abuse, the same is unproductive and always causes social evils e.g. rape of women. Lack of development initiatives to the already ailing economy e.t.c. Cure to drug trafficking is to stiffen the war on the drug dealers just like the US does.

Conclusion & Resolutions

1. The council of Elders to be formed from grassroot to the National level.
2. The cashwenut to be reviewed and Council of Elders to participate.
3. Several other industries to be built in the District to improve the employment and economy.
4. Council of Elders in conjunction with Government to introduce irrigation
5. Land demarcation to be done.
6. Land policies to be made clear to the people.
7. Elders to be powered through facilitations.

RELIGIOUS LEADERS REPRESENTING KWALE DISTRICT

REPORT FROM KWALE DISTRICT (ALHAJ KASSIM ZANI (N.S.G)

Land problem

It is well known that land problem is a chronic disease in Kwale District. There are thousands of acres which were leased by Europeans, Indians and Arabs during the colonial Government. Funny enough, those farms are still on lease even after independence. This has definitely become a reason as to why we have very many squatters in Kwale. Also when some farms are rescued by the Government for the community, the majority who are given land are from up country.

Settlement scheme

All the Government lands through the county and town council have been turned to scheme and are of little help to local mwananchi.

Education

For along time, Kwale has never made a good progress in education sector. This problem is caused by:

- Lack of enough teachers.
- Lack of education facilities.

There is no school at Kwale, no matter in primary or secondary schools where you can get enough teachers. Some have infact less than half of the required number. There is no way such schools can give good results. Through observation, you find that when teachers are being recruited, most of those untrained come from up country through their relatives and after training they choose schools from their home areas leaving Kwale with a very minimal figure, which turns to be a very big blow on Kwale side.

Employment

Kwale has a lot of resources such as beach hotels and fertile lands. It also has forest reserves with a lot of wild animals. If all these resources are well utilized in favour of the common mwananchi by considering there needs and interest, we are sure that no conflicts would be encountered unfortunately the common man is not considered. All beach hotels are filled with up country people just because their relatives are placed in higher positions in the Government. The common people are left out without employment for example the recruitment of police officers and other forces.

Farming

Since most Kwale people are squatters of their own lands, there is no freedom of farming. As nobody knows when the owner will or can crop in. It is not even possible to plant long time crops or permanent crops. Also, since we have no title deeds it is impossible and it can never be possible for Kwale people to get loans. And even those with title deeds can never be given loans because of tribalism and segregation.

Kayas (Misitu)

Most of Kwale people are muslims. They don't believe Kaya activities. But we have few who still believe on Kayas. I therefore feel that Kayas I should be respected. Something very bitter is that right now some Kwale Kayas are owned by individual people and funny enough they have even title deeds.

Drugs (Madawa ya Kulevya)

It is well known that drugs have made a wide home in Coast Province particularly in Kwale District in areas like Ngombeni, Maganyakulo, Kombani, Diani even though it is in Msambweni and up to Kwale town. The seriousness of these drugs is that it is spoiling the lives of our children to an extent that they become useless and hopeless. And most painful thing is that they loose their lives due to the dangers of drugs. This business is supported by powerful people in the Government.

Terrorists

This is a very serious issue that affects the muslims as they are the first suspects of terrorists in the world. It should not be believed that all muslims are terrorists because this affects so much on Islamic religion.

We request the Government to respect Islamic as a religion just like other religions in the country and the policemen should be warned about this unless one is proved guilty.

Poverty

Poverty in Kwale is caused by two things.

By Government: We have a lot of resources like wildlife, titanium, beach hotels which bring good money to the Government yet this money does not reach the local people. We propose that 25% should go to the central Government and 75% to be left to the District level to reach the poor.

Retirement

The colonial Government had a good idea of sending people on retirement at the age of 55 which was later inherited by our Government from independence. It was only last year that a bill was tabled in Parliament that people should retire at the age of 60 years and which is totally wrong.

Benefits

The benefits should not be delayed after one goes for retirement and if possible to be paid within 3 months.

Recommendations

Land Issue

The Government to recover all the leased land and give them back to the local people without any conditions.

All those who grabbed any piece of land in Kwale District should be forced to return it to the indigenous apart from those who bought them through willing seller and willing buyer.

Settlement Scheme

Which settlement scheme are divided local people should be given first priority before others are considered.

Education

Teachers to be recruited from the ground.

Government to improve the facilities.

Employment

Our local people should be given first priorities before outsiders are considered unless the type of job requires special qualifications.

Open corruption which has taken place at present to be stopped immediately so that our children whether rich or poor get employed. This will enable raise the economy of our District.

Farming

There should be no landless people in Kwale and the word squatter should come to an end. This will enable the local people to utilize their land properity and if possible plant even the long timing crops.

Kaya thee should be no intruders

No body should be allowed to posses a title deed from the Kaya plots.

Drugs

Government should not allow any kind of drug trafficking in this country as at present.

A Bill should be passed in Parliament that who ever is found with drugs in the country and the drug users should be hanged or jailed for life.

Terrorists

Muslims should not be held responsible by virtue of their dresses unless one is found guilty of the offence.

Poverty

Let the Government stop using all the resources obtained from our Districts and if possible take only 25% to the central Government.

Retirement and Benefits

Let it be at 55 years as it was before and not 60 years as proposed by the Government.

Benefits should not be delayed. It should take a maximum of 3 months.

Swahili culture.

LAMU DISTRICT

Elders Conference On Cohesion and Integration

4th and 5th Octeber, 2009

We are lucky the political violence during the 2007 election did not occur in the two constituencies namely Lamu East and Lamu West.

This should not be interpreted that the absence of war is the information of peace.

There are several issues that must be addressed to ensure that the apparent peace remains a reality.

Land in Lamu is Government Land. The community does not own land. There are some with free hold titles mainly in Lamu West constituency in Lamu Island.

Some of these have turned into settlement schemes without original appropriator compensated.

In Lamu East, the majority of the people are squatters in their own ancestral land.

The process of surveying the land, demarcation, adjudication and issuing of title is rather very slow.

Against this background, individual financial well to do people are mainly the ones who get:

- Residential plots.
- Farming lands.
- Ranches.
- Water catchment areas.
- Beach plots and even whole documents.

When it comes to settlement schemes, which began in 1970's, you find the outsiders are issued with title deeds at Lake Kenyatta Settlement at Muamarami.

There are also rumours that some of the IDP's are gradually percolating into Lamu Districts.

Infiltration

Infiltration of pastoralists from Tana River delta and from neighbouring Districts of Ijara into Witu Division of Lamu is another problem that needs to be addressed.

Thousands and thousands of cattle are entering Witu Division for pastures and sometime invade the farms of the residents destroying their crops. This is a serious problem.

Drug abuse

Is rampant among our youths in the District which leads to other evils and crimes and cause of health hazards.

NB: Lamu District is a brewing pot for conflicts and violence.

Solutions:

i) The landless be provided with land with title deeds as fast as possible to avert frustrations among the poor indigenous.

ii) Revocation of illegally acquired lands.

iii) The members of District peace committees must be protected by the Government. Things can be violent and go out of control. The solution must be just and fair to be acceptable.

iv) The land in the District must be a public trust land under the county council or turned into community land.

v) Agreement entered between the Government and Coast strips were ignored and overlooked. This is a very serious breach of agreement.

vi) Devolution to work and benefit the indigenous must be fully involved otherwise the outcome will always be negative e.g.

- Oil exploration.
- Drenching of Mkanda.
- Lamu as a second port.

vii) CDF: Better ways of controlling fund this must be devised to benefit the beneficiaries. Giving 8,000/= to poor students joining higher education or university is a useless assistance that cannot lead them anywhere.

Additional Information

1. Ignoring the majimboism as agreed at Lancaster House. This was on purpose.
2. Barring of the various political parties. Why?
3. The Government first as it recognizes the IDPs from of political violence of 2007. The IDP's from Kiunga division should also be settled and assisted morally and financially to go back to Kiunga. These people used to feed the entire Lamu District and leave surplus for export. The affected villages are:

    1. Ishakani.
    2. Kiunga.
    3. Mwambore.
    4. Rubu.
    5. Simambai.
    6. Mvundani.
    7. Ashuwa.
    8. Matiroki.
    9. Mkokoroni.
    10. Mwadhi.
    11. Kiduruni.
    12. Viumbe.
    13. Ndururi.
    14. Barigoni.

15.Milimani.
16.Budheu.
17.Mararani.
18.Basula.
19.Manga.
20.Saukuri.
21.Kiunga.

These villages had their people evicted by GSU. Their homestead destroyed so now they are refugées in their own country. They even burnt their plantations. This was from 1964-1966. Then the people had to move away.

In 1967 the former Mp. Abu Somo (Lamu West) had asked to have the bajunis land labled distinguished them from so called SHIFTA.

In 1974, the Kikuyu from Tanzania were settled at lake Kenyatta, GTZ fully assisted them.

The problem should be settled before the second port issue is started.

Hussein Soud Elamawy

Chairman Amu Council of Elders

Mohamed Mbwana vice- chairman shugwya association

NATIONAL THREE CONSULTATIVE MEETING – MOMBASA FOR ELDERS CONFERENCE ON COHESION AND INTEGRATION AT SWAHILI CULTURAL CENTRE, OLD TOWN

BY JOSEPH KIBIRU NJOROGE

Foremost is to thank the Government and the CICC for this opportunity to present our views to this forum on behalf of our community.

Lake Kenyatta Settlement Scheme phase one

This scheme was established in 1972 after being established as a cotton growing zone under the Ministry of Agriculture at an area of 1000 acres in 1971. The cotton yielded very well but missed enough harvesters. Then established as a settlement scheme and people of ethnic groups settled as settlers from other areas of our country most of them being Kikuyus were landless.

Lake Kenyatta Settlement Scheme phase two

In an area known as Muhamarani was established later meant for indigenous people who most of them sold their plots to other ethnic tribes most of them being Kikuyus who were needy and ready to develop plots.

Title deeds

The title deeds were issued to all who were in the settlement scheme and owned plots leaving behind un demarcated plots that which had and have no numbers so far, although plans to demarcate the same are on the way or in the process.

Consequently there is a need to demarcate the un demarcated plots for our brethren indigenous people in order to give them numbers for issuance of title

deeds to the owners. Most of the indigenous people have already sold most of the un demarcated plots to individuals.

Hongwe Settlement Scheme

It was established in the year 2005. Before its establishment, it was known as a witemere for both indigenous and other groups of people. Its establishment set a side 60% of the area for indigenous people while 40% goes to the needy people. The indigenous meant Pokomo and Bajunis. Issuance of the title deeds is in the process. These settlement schemes were procedurally gazetted by the Government.

Unity

Since the establishment of the schemes in Lamu the indigenous people and other tribes had been living in unity and harmony as brothers and sisters. They consequently have even intermarried not minding their ethnic groups and religion for over 38 years upto date.

Cohesion as Resolution

On 30/09/09, the District commissioners, Lamu and Tana delta held a joint meeting at Witu in Moa village between the indigenous people and other tribes and the meeting was very successful as the residents agreed to forgive each other and bury their differences for the betterment of their living and their properties as well.

Recommendations

Cohesion between Lamu leaders and provincial administration recommendable for reconciliation amongst them.

This forum should be fed with views from our areas but not accusations as some of us do or are doing. This is obvisious.

LEAGUE OF PERSONS WITH DISABILITIES

P.O. BOX 85869 MOMBASA

KENYA

Memorandum

The league of persons with disabilities do represents and acts on behalf of all persons with various disabilities including the physically challenged, blind, albino, paraplegic and the mentally challenged persons in our community.

Membership

We are currently 486,892 in the whole of Coast Province.

Preamble

Historical injustices, social discrimination, exclusion in matters of governance and inequalities in sharing of our natural resources has been the order of the day since Kenya gained independence in 1963. Therefore, this community has now coerced together as a formidable community in a bid to fight for their God given natural rights.

Land

Land that was allocated to persons with disabilities since the colonial time as Bombolulu Coast workshop for the Handicapped plot title No. MN/SECT.1/118 has now been grabbed and the disabled evicted out of the land.

Currently about 200 of them have no shelter therefore forced to retire to the streets as beggars.

Leadership

Exclusion of persons with disabilities in top Government leadership, National Assembly, Civic and Parastatals has resulted into poor leadership and hence infuriated emotional tension between us and the rest of the members of our society.

Accessibility

Buildings, hospitals, schools, banks and social halls are poorly built and inaccessible to persons with disabilities.

Public transport is not properly designed to allow persons with disabilities access.

Education

Persons with disabilities are yet to access free education offered to all Kenyans by the Government. Special schools are very few and inadequate to cater for the increasing number of children with various challenges.

Employment

Despite the 5% employment allocation by the Constitution, persons with disabilities continue to be denied their employment rights.

Currently, we are witnessing the Government Kazi Kwa Vijana programme which is in millions of shillings but KAZI KWA WALEMAVU is yet to see the light of the day.

WAY FORWARD

Land

Plot title No. MN/SECT.1/118 that has been grabbed by a foreigner must be returned to their rightful owners immediately.

We call upon the Commission and the Council of Elders to summon all the parties concerned with all their relevant document of ownership for verification and determination.

Leadership

We kindly call upon the Council of Elders and the Commission from the Ministry of Justice and Constitutional Affairs to immediately put a desk (department) for persons with disabilities as center of co-ordination to all other Ministries. This will address issues pertaining to Constitutional making and governors in a bid to include participation of persons with disabilities in national affairs.

Education

Special schools should be built as centers of excellence in every constituency in order to cater for persons with various disabilities.

Persons with disabilities should be given free education to university.

Summary

In order for communities to continue to live in peace and harmony, the above historical injustices must be given the priorities and urgency it deserves.

Persons with disabilities have full confidence in both the Commission and the Council of Elders as they have what it takes to address the above matters.

Mr. J.N. Kuria

National Chairman

0726-582387

Mwalim Salim Hafidhi

Chairman Blind Likoni Mombasa

Simon S. Mkallah

Chairman Bombolulu Mombasa

MALINDI DISTRICT

Report from Malindi District

Introduction

Democracy is not achieved by just pressing the button process, it is dynamic and has several overlapping processes.

Phase one could be described as the stage for fighting for democracy. Phase two is the experience of democratic life and the phase is the consideration of democracy. When Kenyans gained independence and thought they had achieved democracy certain events started unfolding which quickly dashed their hopes. The struggle for freedom and justice in Kenya started during the colonialist. After the struggle for independence there were great hopes and expectations from the new Government.

The people expected the Government to respect their rights and involve them in determining the future of their country POLITICALLY.

The people expected the Government to fight and eradicate poverty, disease and ignorance, ECONOMICALLY. The people expected the Government to promote social solidarity amongst the various groupings in the country, SOCIALLY.

The above was, however not to be the case as there were deliberate steps to deny the people their political and social-economic rights. The independence constitution was fairly democratic and was eroded of all democratic principles with successive amendments aimed at concentrating power into centrality. So many things took place in the political scene. Life was full of corruption, misallocation and misappropriation of funds, nepotism, tribalism, patronage and looting of public resources. The immediate response by citizens towards these deeds was in appropriate. They applauded the deeds of the leaders uncritically.

Conflict

The Republic of Kenya has experienced different types of conflicts in its past and present history. These conflicts range from internal disputes between groups in Kenya, to cross-border confrontations with groups from neighbouring countries and coupled with the spill-over effects from regional conflicts in the Horn of Africa. These conflicts manifest themselves violently and non violently. The causes of these conflicts are many and complex ranging from poor governance, poverty, competition for scare resources and identity based rivalries.

The conflict have caused extensive damage to life, property and adversely impacted economic development in the country. The impact of violence has manifested itself psychologically, physically and economically going beyond the material and affecting heavily the lives of hundreds of thousands of women, children and men. Conflicts have political, economic, social and cultural costs including the lowering of economic productivity and weakening of political

institutions. Incapacity to provide essential services, destruction and depletion of natural resources, loss of food production and capital flight.

It may be possible to measure the costs of conflicts in economic terms through the assessment of the loss of potential foreign and domestic investment due to fear of crime and insecurity. Violent conflicts in Kenya are further complicated by the prevalence of small arms and light weapons particularly in urban centres where crime is becoming a major impediment to human security.

It is desirable to establish a policy framework that articulates its vision and strategy for peace-building and conflict management in Kenya. Such a policy framework will have a national outlook, with a regional perspective.

Types of conflicts

In Kenya we have got so many conflicts:

- Government related conflicts.
- Pastoralists conflicts.
- Cross border conflicts.
- Boundary.
- Sectarian.
- Agro-pastoralist and land based conflicts.
- Agricultural.
- Urban.
- Gender based violence.
- Human-wildlife.
- Industrial.
- Institutional.
- Environmental and natural resources.
- Social and political.
- Economic disparities.
- Injustices.
- Illegal fire arms

Corruption and its effects

Corruption has been defined as an abuse of office for private gains, abuse of the rule of law and acting contrary to the legitimate and moral expectations of society. In other words corruption is defined as unfair means of process of accessing and controlling underserved goods, positions and services in the society.

The effects of social corruption are many:

- Social inequality.
- Widened gap between the rich and the poor.

- Nepotism and tribalism.
- Civil strive.
- Social disharmony.

Preventive strategies

This refers to major actions to be undertaken to prohibit and discourage the occurrence of corruption practices from taking place are:

- Effective delivery of public services and goods by cutting out unnecessary bureaucracies and procedures.
- Eliminating areas of unchecked discretion and opportunities.
- Depersonalizing administrative responsibilities and authorities in public and private sectors.
- Offering proper remuneration and allowances to public and private officers.
- Constantly checking and monitoring income of public officers and other key individuals in society.
- Stigmatizing ill gotten wealth and suspected resources.
- Developing appropriate codes of conduct for the public and private sectors.
- Setting up standards for formulating and implementing anti corruption strategies.

Land

The land question, its ownership, access and use has come to occupy a central place in public policy and political discourse in Kenya. This is because land has been the crux of cultural, economic and social-political change; infact Kenya's political scene has been largely dominated and influenced by question of access and control over land. Kenya's independence struggle was rooted in land. Furthermore the management, household, the community and national economies is closely tied to land.

Western land tenure

Following years of systematic imposition of western land tenure and management systems, a large segment of the population continues to have difficulties not only in adopting to the modern agrarian economy but also in coping with the increasingly fragile and marginal environment. This situation has generated an increasing interest in land tenure and land use issues by scholars, policy makers politicians and the international community at large.

Land clashes

The centrally of land has made electioneering periods high risk times for the occurrence of land related clashes. Aspirants to political office focus on the high value attached to land, to woo supporters. Land related conflicts have risen from the phenomenon of absentee landlordism.

Religious leaders

Religious leaders are regarded in high esteem in the society. They have a great responsibility in making sure those members of the society lead upright and harmonious lives. Further they are expected to:

- Preach and teach the society to lead righteous lives and avoid all those vices that may destroy the moral fabric of the society.
- Protest and rebuke all evils in the society including bad governance and corruption.
- Promote peace among the believers and other members of the society by encouraging them to live in unity and cordial relationship.
- Help in conflicts resolutions.
- Engage in civic education and sensitization.
- Be role model to their followers and other members of the society.

Elders

Elders are to play a very important role in a society. They are to provide guidance and arbitrate domestic disputes before they escalate. Elders have a responsibility to:

- Promote the traditional norms, values and virtues in the society.
- Bring together the society for development projects and other socio-economic activities that promote the welfare of the community.
- Promote peace between different groups or clans.
- Organize activities like cultural festivals that will provide avenue for advising the youths on issues like marriages.
- Preserve the positive traditions in the society.
- Lead the people.
- Be role model to the other members of the society.

Conclusion

After going through the views of the whole coast region thoroughly I have the honour to present for your consideration that:

1. The national Council of Elders to be formed from location to national level to address all the social issues in the societies.
2. The national Council of Elders should be institutionalized under an act of Parliament.
3. The Government to provide facilitation for those involved in peace initiation.
4. Government should ensure that the residents of Lamu have acquired title deeds.
5. Devolution of resources should be done as per BOMAS DRAFT for community empowerment.

Dated 3rd October, 2009

Abdulrahman Ahmed Badawy

Secretary

Council of Imams and Preacher, Malindi and Coast Interfaith Council of Clerics Malindi

0727-520230

MOMBASA DISTRICT

COAST REGIONAL CONSULTATIVE MEETING

SWAHILI CULTURAL CENTRE – MOMBASA, ON 5TH AND 6TH OCTOBER, 2009

In response to your invitation letters of Chairperson Hon. Lady Justice (Rtd.) Effie Owuor's dated the 26th September, 2009 and that of the Assistant Secretary, Mr. James Wambura, dated the 28th of September, 2009, hereinunder are some brief remarks on tropical issues.

Historical injustices

- The Swahili community of the "Thalatha twaifa"(the three tribes)of the Wakilindini, Watangana and Wachangamwe were robbed of all that tract of sea frontal land from rais serani , ras mzimile to ras kabras- part thereof is the Mama Ngina drive in Kizingo, the port area of kilindini and the tract parcels land housing the Government coastal CID Headquarters, the State House and the Coastal Provincial headquarters "Uhuru na Kazi". In this regard, reference is made to the Mombasa H.C 1915–Sheikh Yunus Abdallah.
- The historic high court case over the reclamation of then lands simply ignored in its verdict the ambivalence of legal evidence presented to the court without paying attention to the claims of the tribesmen.
- Deriding the historic Muslim values of the communities social, economic and religious norms with a discontinuation thereof as such amenities as afforded to all the citizens, as contained in the national constitution shall in all accounts prove a hostile act and discriminatory to and against the Muslims of the Kenyan nation.
- Kadhis courts are central to the role and the life of the all Muslims irrespective of their race or creed. Bias against Islam, as is uncalled for as Islam and Christianity are complementary in serving their followers. The animists also have their constitutional rights without infringing the laws of Kenya and without being forced to convert into either Christianity or Islam.
- The Judeo-mosaic Christian laws, which form the basis of the Kenyan constitution, are not being opposed by the Muslims in the running of state affairs in Kenya since Muslims also benefit from the constitutional courts where there is no harassment and conflicts with the Muslim faith.

- Kadhis courts have been there since time immemorial and certainly before the advent of the Portuguese and British in Eastern Africa, removing them is to ask for Majimbo.

Issues no 2/3; landlessness/ insecurity

- It is the concern and responsibility of then Government to prepare a cabinet paper on ways and means of settling its landless citizens who are keen on farming.
- Landlessness is due to many factors, some of which are land grabbing by then rich and land hoarding by land speculators and the otherwise professional squatters seeking to steal for personal gain other peoples lands.
- While grabbing land has been ongoing for over 40 years by then rich and the powerful people with Government connections, the peasants land grabbing threats have come about as a result of false electoral campaigns in multi parties and as a "political ploy" to win majority votes for political power.
- The sing song of the electoral campaigns by the high powered political leaders, some times using harsh language with makeshift and empty promises, heightened the hopes of the voters to acquire pieces of land from those considered as 2nd and 3rd Kenyan citizens and not genuine African citizens, namely the whites, the Asians and the Arabs including the Waswahili Muslims from the Coast.
- Lack of planning by the Government, and in this instance the then Lands Minister Prof. Kivutha Kibwana, badly goofed on the coastal land issues as of the so called 'the absentee landlords.'
- With regard to (E) above, there is already a pending case No. 10 of 2007 in Mombasa high court, pitting Abdulrehman Mohammed Basheikh and others v/s professor Kivutha Kibwana, the inter ministerial task force on the 10 mile coastal strip and the Commissioner of Lands.
- The land reforms agenda, though viable, was ill conceived and badly timed before the general elections in the land sensitive areas of the Coast Province, the central and the rift valley, where subsequent clashes ensued and many innocent people lost their lives and property.
- The administration, the police and other armed forces including the military worked overtime to arrest the political situations which was otherwise getting out of the country very fast indeed.
- Due thanks for quick intervention must go to the African Union (OAU), Kenya's neighbours in Uganda , Tanzania and Burundi not least the US , Britain the European Union and South Africa. The former UN Secretary-General, Dr Koffi Annan and his team worked tirelessly to bring about a viable political agreement to the two warring political factions in ODM and PNU.

Issues no: 4 to 10

- All of these are essentially economic and socially oriented and engagement activities without which people get mentally demented and feel deprived in life with loss of hope. The weak in character turn to drugs and alcoholism, ending in poverty and suicides. The jobless but strong and the mighty resort to force and robbery with violence "easy come easy go" with the lifestyle of hooliganism and corruption.
- The worst scenarios of the Mungiki murderous activities amongst the Kikuyu youths in the Central Province Districts will go in the annals of history as revolutionary and anti Kikuyus establishment in the independent Kenya where the very rich Kikuyus are repulsive against their own poor and the jobless youths who had been used and dumped after the subsequent election machination.

M.S.SHALOO

TRUSTEE FOR PEOPLES RIGHTS TRUST & WAMJI FOUNDATION AND EXECUTIVE MEMBER – WAJOMVU ASSOCIATION

KWAJOMVU

MSAMBWENI DISTRICT – COAST PROVINCE

Presented by Bishop Paul ole Selei

Issues to raise and recommendations to Committee of National Elders Conference on Cohesion and Integration:

- The tragic events hat followed the disputed 27th December 2007 election. There have been debates and agreements on the reforms agenda for Kenya; and I think it's out of this that the committee of national elders conference on cohesion and integration was born.
- The mediation agreements have been in great depth in all the necessary reforms towards a peaceful and stable future for Kenya. In this matter, we now wish to work together to bring comparative strengths and advantages much needed advantages and much needed synergy to the reforms agenda in Kenya. I hope this consultative forum or meeting will provide a plat form for such synergy and a chance for future framework of engagement.
- It is regrettable that the National Accord and Reconciliation Act, 2008 has assumed the sovereignty of the people of Kenya. It appears between the Grand Coalition partners that anything can be justified under the national accord. The voters do not appear to matter any more.....it saddens me if not all of us.
- Reforms must be broken to munch able pieces.

Issues to raise

- Threats.
- Constitutional making process is not incredible.
- Reduce the number of ministries and ministers to about 25.
- Negative impacts to the society in creating news Districts/ provinces.
- No peace meals are needed in our constitution: we need a comprehensive document.
- Land reforms.
- Inequality.
- Police and judicial reforms.
- Pending corruption cases.
- Historical injustices.
- Insecurity.

- Landlessness of the indigenous people mainly the Digo community.
- Discrimination and marginalization.
- Poverty.
- Issues of unemployment.
- Drug peddling and abuse.
- Inter-ethnic clashes that has now created suspicion, hostilities, mistrust and religious motivated conflicts and violence.

Recommendations

- That the committee of National Elders Conference on Cohesion and Integration –partners with CICC which has the relevant structures to promote enduring peace, do daily interfaith dialogue to end suspicion, hostilities, mistrust and if you like religious motivated conflicts & violence : and start restoration of the environment of all the people living in the larger Coastal region.
- Given the scenarios, of recent past, the national elders be formed from a sub-locational level to help the provincial administration address social issues such as peace building and conflict resolution and should be considered to be given incentives to motivate them for the purpose of collective responsibilities.
- That the Government should ensure equal distribution of the national cake to all regions even when the MP's sleep in Parliament.
- National Council of Elders should and must be institutionalized under an act of Parliament as a vehicle that deals with dispute mechanisms from the lowest to highest levels.
- That the Government through its arms of provincial administration should run civic education to its people for the purposes of minimizing ignorance such as showing them importance of acquiring a title deed.
- Risks of early marriages, encourages locals to take their children to school etc.

TAITA TAVETA

Peace and security

Taita District is found in western part of the Coast Province. It has five divisions namely: Wundanyi, Mwatate, Tausa, Voi, and Mwambirwa with 22 administratitive locations. Note: Wundanyi, Mwatate and Voi are now gazetted Districts.

The District has the following peace, security and law enforcement organs i.e.

- Provincial administration:-3 District commissioners, 5 District officers, 22 chiefs. Number of assistant chiefs and village elders.
- Two police stations (Voi and wundanyi).

- Two magistrate courts voi and Wundanyi, with prisons at Wundanyi, Voi and Manyani.
- Other support organs are civil society organizations like:-District peace committee, Taita/Taveta paralegal project, Taita Rights Forum, Ngua Mlambo Development Trust, Fida, community policing committees, religious institutions.

Reference to the 1999 statistics, taita District population was 193,633 people. This excludes taveta, the then, division which had 53,038 people.

The taita tribe first settled on the Taita Hills i.e. Wundanyi, Mwanda, Mbale, Sagalla and Mgange: their major economic activities being subsistence farming. The lowlands (semi arid) were meant for livestock rearing and hunting.

Before colonial era (1897) land belonged to every body (community land) thus nobody could miss land for farming or grazing.

Between 1897 and 1963 the good arable land was taken by the whites leaving locals with arid land. To make the matter worse the remaining rangeland was taken by the rich and elites as ranches.

With the arrival of the whites introduced private land ownership which was further divided as follows:

Tsavo National Park - 10539km2(62%).

Ranches & sisal farms - 4057(24%).

Arable land - 1936(11%).

Rocks and water - 449(3%).

This kind of distribution denied the locals the right of owning land, majority being squatters. This has resulted to chronic.

Generally the unfair distribution and ownership of land seem to be the major factor in conflicts. More so the influx of other tribes especially from up country i.e. Kikuyu, Kamba, Meru, Luo etc. has increases land pressure due to competition of the use of resource.

Other economic opportunities that have been taken over by outsiders are business, formal and non formal employment.

However, despite the above facts, the taita community has been living in peace with outsiders (other tribes), until December 2007 when there was breach of peace ignited by politicians during elections.

During that time there were incidences of.

- Non taitas being threatened to leave.
- Some property destroyed.
- Mistrust and misunderstandings.

To date, the environment is not that conducive since there are some underlying factors not addressed.

The most likely factors to breach peace are:

- Poor distribution of land resources i.e. 62% to national parks and 24% to ranchers and sisal farms has left locals as squatters.
- Lack of control, manage and benefit of resources like the gemstones, water benefits acquired from the national parks.
- Most business opportunities are owned and controlled by other tribes.
- High profile employment especially in the civil service taken by outsiders.
- Political leaders who incite communities instead of seeking lasting solutions.
- Escalating poverty and unemployment.
- Drug abuse mostly by men and the male youth.
- Family misunderstandings and domestic violence.
- Biasness by some civil servants who favor outsiders than locals. This is common at District level management.
- Poor governance.
- Human/wild life conflict.

If the above could be addressed, the taitas could live in peace and harmony with other tribes. Surely, the taita community love peace as this can be rooted back during colonial period when they welcomed missionaries making the majority be converted into Christianity.

Hostility between taita and outsiders is not really under tribal lines but it's the unfair distribution, ownership and benefit of resource.

Traditionally, there were some organs used to settle the disputes or build up peace incase of any breach i.e. council of elders, religious leaders, clans and overseers. Like wise during the post election violence in 2007 taita community used the following organs to maintain peace i.e. provincial administration religious leaders, women leaders, council of elders etc.

Having said the above, there are some measures being undertaken by Ngua Mlambo Development trust on peace and reconciliation and how to cultivate sustainable peace funded by united nations development programme(UNDP); July-December 2009.

- Held one District stake holders meetings.
- Planned for 22 locational meetings (22 locational meetings , 10 already done in taita District).
- Done 4 FM radio programmes.
- Development of branded posters and t-shirts with peace and reconciliation message.

Current situation

There is a lot of mistrust and suspicion amongst tribes.

The not addressed reforms on agenda 4 of the national accord are being looked by the public as major bottleneck towards peace building and national cohesion.

There is a feeling by the public that unless lawful action is taken against the perpetrators of post election violence, there might be a higher degree of the same in 2012.

The current drought situation is a thorn in the flesh since it can bring a major conflict between crop farmers and pastoralists i.e. if it rains today, a lot of cattle will trespass over planted farms since they are scattered all over the District in search of water and pasture.

Recommendations:

Support and strengthen functional institution to continually disseminate information on sustainable peace and respect rule of law. i.e. District peace committee, human rights, organizations, religious organizations etc.

- All civil servants and political leaders to spread the message of peace, security and cohesion amongst tribes.
- Religious leaders be brought on board as the main stake holders on peace missions.
- Educate the youths to refrain from unlawful actions.
- Bridge the gap between the Government and the members of then public.
- Public services and politicians to avoid any actions that show favoritism or biasness to certain groups of people.
- Ensure equal opportunities to all.
- Empower local communities to fully exploit natural resources.
- Encourage change in attitude towards blue collar jobs.
- Remit 25% of revenue from parks to facilitate the development of locals.
- Decentralize Government services.
- Sack or prosecute corrupt officers.
- Ensure free and fair elections.
- Manage Government funds in a transparent and accountable manner.
- Political leaders be vetted by the council of elders.
- Council of elders be constitutional.
- Empower women and youths (structure to support them).

TANA DISTRICTS – Tana Delta, Tana River, Bura

National Elders Conference on Cohesion and integration

Regional Conference Mombasa

Land

Land grabbing is by North Eastern people, Garissa and Fafi. Land along Tana Districts is all locally owned by clans.

Some people from Garissa and Fafi grabs land without consulting the owners this causes conflict.

Sewerage project that is supposed to let its product to the river is being made by force without consultation with elders. The case is in court.

Irrigation schemes

Cotton plant

When schemes collapsed –Bura and Hola irrigation schemes were planting the best cotton in the world, the money donated by Donors to develop cotton plant was directed to other areas like Kisumu and other Districts.

Lake Kenyatta Settlement Scheme

This scheme was established in 1972 after being established as a cotton growing zone under the Ministry of Agriculture at an area of 1000 acres in 1971. The cotton yielded very well but missed enough harvesters. Then established as a settlement scheme and people of ethnic groups settled as settlers from other areas of our country most of them being Kikuyus.

Hongwe Settlement Scheme

It was established in the year 2005. Before its establishment it was known as a Witemere for both indigenous and other groups of people. Its establishment set a side 60% of the area for indigenous people while 40% goes to the needy people.

Gypsum

Mining companies don't follow the right procedure in acquiring land to do mining that is meeting the local people and get letter of concert from the owners.

Tana Districts especially Bura at Nanighi location produces the best gypsum in the world that is mixed with other materials that makes inflammable materials that is used to build tall story buildings.

Conflict

Major causes of conflict in Tana and delta Bura is caused by land issues. Resulting from poor land policy.

The history of the said District regarding land tenure system is different from those in most parts of Kenya. Land in this District is either a trust or

Government land the local people do not own land. Again and like in most parts of this country the said Districts are inhabited by people with different ways of life, land tenure system and culture. These are the pastoralists and agrarian community. Since more than 90% of land in the said District is Government land, large parcels of land have been allocated to state Parastatals.

1.2m ha. of land. The largest ranch in Africa, National Parks and Game Reserves, TARDA and Private Developers e.t.c.

As a result, the communities in those Districts are left with no option but to compete for the land, creating bad blood between the communities. It is therefore imperative that the first attempt to bring peace should not start between the communities first, but should start between the Government and the communities. Most of the land allocated to grant Parastatals are now lying idle. This should be given back to the people first then the modalities of how to reconcile the communities come afterwards. The Government should empower the elders and religious leaders so that they could address these issues instead of individual NGOs from elsewhere to come and spearhead the crusade for peace. These NGOs are purely doing that for their commercial interest. The elders and religious leaders should be given a constitutional recognition.

Recommendation

Cohesion between Lamu leaders and provincial administration recommendable for reconciliation amongst them.

This forum should be fed with views from our areas but not accusations.

TANA DELTA, GALOLE AND BURA

Tribes

Most of the Kenyan tribes live in, Tana River, Tana Delta and Bura Districts but the inhabitants include the Pokomo, Orma, Wardei, Malakote, Munyoyaya and Watta.

Insecurity

Our region has become insecure as many firearms of all the types fall in the hands of wanainchi.

District boundaries

During the colonial time, the boundary between Tana River and Garissa District was 3km from River Tana towards Garissa. Unfortunately, now the border is the river. Residents of Tana River now demand the former boundary.

Poverty level

Since 1984, droughts which claimed the lives of many animals and also the collapse of the Bura and Tana Irrigation Scheme in 1989, has led to dependance on relief assistance.

Poor Communication System since Independence

Only recently about Ksh. 26 million shillings have been set for the tarmacking of Hola-Garsen-Malindi Road. The contracts have been awarded to the National Youth Service.

Free movement

The above Kenyan law has proved to create a problem in our region as:

i) The country of Somalia has collapsed since 1991. Refugees keep flocking N.E. Province from all corners, and Tana Delta Districts. The refugees then get the national identity card illegally.

Refugee camp

About 20,000 refugees are said to be brought in Tana River District and the identified site is Komorafila area in Galole Constituency.

Recommendations

- The boundary between Tana River and Garissa Districts be identified immediately.
- Employment of our youth to the top management of the Bura, Hola and Tarda schemes.
- Government help in building of mango crop industry and also assist in finding of market.
- Our people be given the opportunity and get recruited as PCs, DCs, PS, ambassadors, ministers and even force commanders.
- Roads to be tarmacked immediately and contracts be given to Chinese constructors.
- Our schools be furnished with enough facilities and at least one national school be built in any of the three Districts of our region, and one teachers training college in one of the three Districts.
- Madogo and Bangale police posts be returned to Coastal Administration immediately.
- Source of our river Tana starts from Mt. Kenya and Aberdares. KENGEN have built dams to produce electricity. This is actually very good though of very little benefit to us because KENGEN releases a lot of water for our crops which destroys them in turn. We therefore recommend compensation of the loss of crops destroyed due to the unusual flooding. There should be control of river low and elders of the three Districts included in their board and be issued with pumping machines.
- As per security, we recommend an elder to be appointed as a member of the District Security Committee.

- Ksh. 42m from the Government generally meant for construction of a modern secondary school be awarded to the local bidder during tendering process.
- The Community Elders be involved in the issuance of the national identity cards.
- We strongly recommend the restoration of mango juice factory and storage facilities constructed in Tana River District to fight poverty.

By Chairman Wailiwana Council of Elders

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Women

REGIONAL CONSULTATIVE MEETING WITH THE COMMITTEE OF NATIONAL ELDERS CONFERENCE ON COHESION AND INTEGRATION MOMBASA HELD ON 5TH OCTOBER 2009 AT THE SWAHILI CULTURAL CENTRE

PRESENTATION TO THE NATIONAL ELDERS CONFERENCE ON COHESION AND INTEGRATION

BY: SERAH NYAMVULA (HSC)-Community Leader.

The following are issues raised by leaders during the consultative meeting at District level in Mombasa, Malindi and Lamu on 27th to 30th July, 2009.

1. Historical injustices.
2. Inter- ethnic skirmishes and landless of the indigenous communities.
3. Insecurity.
4. Marginalization and discrimination.
5. Poverty.
6. Unemployment.
7. Corruption.
8. Land.
9. Potential conflicts.
10. Drug abuse.

"Religion: is by far and large an accident at birth. As in everything else: colour, race, gender and location. So all 'men' are equal"

Cohesion/ Kupatana, Kulingana

When people from other parts of the country move to the Coast and settle without taking time to know our culture, language, social welfare e.t.c. that is cohesion.

In cohesion, members of the community keep to themselves, practising their culture, beliefs, religion etc, without making efforts to understand one another.

In cohesion, community exists but never links.

Most of the communities from other parts of the country who have moved and settled in the Coast Province exist, hence the potential for conflict is real. For cohesion to be achieved, there is need for:

a) Mutual respect for the communities.

b) Understanding each others' cultures beliefs etc.

c) Sharing of resources.

d) Improving the wellbeing of the community through development.

e) Recognition of the host community.

Once the above and others, are achieved, there will be no opportunities for conflicts. A good example is the Kamba community in Mariakani and Shimba hills.

Integration / Kuunganisha Kuwa Kitu Kimoja

Integration is when different communities live as one. They achieve integration by accepting the place they have moved into and its people. Integration can be achieved by:

a) Mutual respect for the HOST communities.

b) Understanding and respecting each others cultures and beliefs.

c) Sharing of common interest, social, politically.

d) Getting involved in the communities' development.

e) Sharing available resources.

In communities where there is integration, chances of conflicts are less. Again a good example until recently is the Kamba community in Mariakani and Shimba hills.

As women of this province, may I take this opportunity to highlight issues which affect us (both young and old).

1. Historical injustices- Inheritance.
2. Education.
3. Poverty.
4. Unemployment.
5. Drug abuse.
6. Insecurity.

Inheritance

As much as we the people of Coast talk of the injustices in land ownership, as women, we have continued to be denied inheritance of land. Coast women who own land are less than 11% compared to men at 60%.

Another historical injustice is the dowry refund practiced by some of the mijikenda. When a mijikenda woman is married, and after several years of investing, having children, time and money, the marriage breaks down and ends in permanent separation, the women is expected to refund the dowry, though others may argue this as customary, I say that this is a historical injustice.

When a young woman is denied her education in class 8 and gets married off, then a couple after many years gets divorced(TALAKA), she returns to her parents home with children, no job, and as a result, impoverishment. That is a historical injustice.

Education

As it is in the rest of the country, the women from Coast have never been given an equal chance to education as the men. The boy, whether a performer or not, is always preferred to the girls and taken to school and to advance their education. The girl is often married off.

When important matters concerning their children are to be decided upon, women are never given a chance to give their opinions concerning the matter.

Marginalization and Discrimination

Discrimination: the population project of 2007(Gender data sheet index of 2008), puts the population of coast as (F-1.8M while male is 1.4M), but the women continue to be discriminated and marginal. Here, political patronage takes effect.

It is acceptable for a man not to have the qualifications but experience, while this does not apply to women. This unfortunately is concept up to the national level. Our own leaders elected leaders have perfected this system.

Marginalization. By religion: unfortunately some of our elected and non elected leaders now have taken to divide women in the province by using religion.

Poverty, Unemployment and Insecurity

These are due to the historical injustices. Women cannot obtain good jobs if they were denied good education, hence they will forever labour manually from an early age and even pass this to their children. Referring to gender sheet index 2008, house hold leadership 2005-06 female 26% male 74%, these are as a result of policies which have never favored women.

Drug Abuse

The Coast Province is known for rampant drug abuse. Women have become the target of the drug abusers both within the family and outside. Drug abuse causes

insecurity. Drug abusers impoverish their families in order to maintain their habits.

Corruption

As it is, in the rest of the country, corruption has affected the women of this province through unemployment, setting up businesses, landlessness. The police, NYS, KWS and Armed forces used to be jobs for the poor, today they are jobs for the rich. Positions are secured through elected leaders but not on merit.

Recommendations

- That a Council of Elders be formed to address social issues, peace building and conflict resolutions. It should have structures from there location to the national levels. The council should have a gender balance and members are selected or recommended by the community. Its mandate should be clear and not a duplication of other committees. The committee should have a monitoring and evaluation policy.
- Distribution/ access to resources should be fairly done. Land titles, allocation of settlement schemes etc, should be done according the land policy.
- Gender inequality should be addressed using the existing national policy.
- Political appointment should be based on merits and gender balance. Committee should have a database to monitor and evaluate. Currently, there is no gender balance in both political and public appointment, Coast women have been marginalized by their male counterparts. This is due to political interference by our elected leaders.
- Employment- there should be a concerted effort to recognize the ability of the local person when recruiting people in public places.
- The faith based organizations should take a lead in seeing that implementation of the existing acts such as the children's act, sexual offence act and education and gender policies. This will reduce the cases of early marriages.
- That the community should not be divided along religious lines.
- Elected leaders should be all inclusive when deliberating on the development issues. Currently, the woman is sidelined according to her political affiliation than her ability, qualification and experience more than her male counterpart.
- There should be a serious effort from the administration, CBOs, NGO's and elected leaders in dealing with drug abuse. A generation is being lost. NACADA in partnership with other stake holders should intensify these efforts to fight the drug barons.
- Civic education should be conducted using the FM stations with emphasis on human rights and the on going commissions.

- Due to drought, committees in rural Districts should be formed to deal with pastoralists. There is potential conflict due to grazing.

Conclusion

The historical injustices of this province have been documented, through different commissions like the Ndung'u land reforms and others. The injustices have never been stopped we see and hear them everyday.

Finally, I wish to express my sadness in one of the recommendations where a preference was made on the colonial way of doing things. This is an indication of citizens losing faith in their leaders.

Serah Nyamvual (Mrs) HSC

Community Leader

Businesswoman/ trainer

Project Director – Mariakani Girls Rescue Centre

Chairperson – Provincial Child Rights Network -Coast

YOUTH REPRESENTATIVE COAST PROVINCE

BY BARKE SALIM Youth Representative Coast Province

0721915468

Coast Province has a population of over 1.5 million people, more than 65% of whom are below 30 years old and over 32% or over 320,000 of who are between 15 to 30 years old (youth). The youth compose a very important part of the community, considering that they are in their prime ages and are capable of driving the economy of the province and even nationally. Looked at this way, they are a very important resource that if utilized well, would help us achieve middle income status as envisioned in Vision 2030.

Conversely, the youth are a time bomb that we need to diffuse urgently. This is due to the host challenges that face this important transitory age group.

These challenges range from lack of skills, unemployment, drug and substance abuse, lack of productive leisure activities, risk of contracting HIV/AIDS and other STIs, poverty and environmental threats. In addition to the negative impact unemployed youths have on the economy, this is also a serious security risk, with their engagement in illegal economic activities like violent robberies. Most important is that they are used by politicians to cause chaos, yet with the current political dispensation, they stand to gain very little or nothing in these contests. In Coast this was seen during the campaigns in 2007 general elections, and recently during the 2009 elections for the Lamu county council chairman. The issue of historical injustices also, concerning land, where the indigenous claim that the setting up of settlement schemes was a way of disenfranchising them off their land, and that the outsiders who were settled there benefited unfairly from national resources in terms of infrastructures that came with the schemes, yet as the as the original inhabitants of the District, they very little.

For the youths to be able to take up their responsibilities they must be empowered and opportunities availed. They need to know the implications and impact of their actions when they are used by the politicians on the community and to understand the power they hold on the leadership of their country, how they can harness this productively and for their own benefit and that of their communities. They need to be availed opportunities to acquire entrepreneurial technical and other skills that will enable them to participate in the economy. They need access, to cheap credit to start their own ventures and access information , which will be of help them, learn what opportunities exist and which ones they can make use of. The youth need to be empowered to determine their future. They need to be involved in decision making, for instances we are going into constitution making. They need to be able to effectively take part, knowing very well how the new constitution will affect them negatively and positively, be able to contribute and therefore determine how they are governed.

As the history and perceived historical injustices are addressed, the youth from both the host community and the settlers need to come together by participating in leisure and community service projects, apart from engaging each other in different forums. This will unite them in improving their common welfare and preventing animosity from developing between them there is also need to distribute public resources fairly as this is a potential threat to the existence of a peaceful society. Educational facilities need to be improved to enable the youth access civil service jobs in the management cadres for instance as this is also a national resource.

Conclusion

It is imperative that the youth are engaged effectively in nation building and dialogue. One who owns property cannot destroy other people's properties by empowering the youth, we will be strengthening the leadership of our country, and by addressing our past, we will be hastening the achievement of our dreams.

Region Four

CENTRAL PROVINCE

Background

From the ancient times, the central region community has had a political structural arrangement which catered for each and every member of the community. The top leadership which was seen as a peak of an individual's career was regarded as high priest hood. This was realized when a man had practically all his children circumcised and his wife had passed child bearing age which was regarded the last and most honored status.

A council of elders concerned with religion and sacrifices after paying an ewe which was slaughtered and offered in and as a sacrifice to ngai the man was invested with powers to lead a sacrificial ceremony at the sacred tree. It is essential that age factor was considered to be 70 years and above.

This was a promotion from lower cadre. This cadre was arrived at when a man had a son or a daughter old enough to be circumcised, he was elevated into another council called the council of peace from the warriors' council. On entering this council, the man was now a man of peace. He assumed duty of peace makers in the community. This age factor was between 50 and 70 years.

All these arrangements are seen to have taken a nose dive between the years 1898 and1925 at the introduction of the colonial system and first world war. Its crucial to note that there was no chieftain system in this community.

In the recent past, there have been more than 18 initiatives in our region with the same originality but different objectives. However, in the recent past, the elders from central Kenya after having some consultative series of meetings in which this committee is one, a new leaf of revival has been experienced.

Although we cannot go back 100% because of the current technological advancement, we are borrowing some useful tips.

We have hereby continued with our deliberations on the following points:

Land ownership

We have identified that majority of our community members that have disparities in the way land authentication was done e.g. some hold free hold lease, others 99 years title lease, other 999 when others hold no legal identity on land. The harmonization will serve the community equally.

The general elections of 2007 and its aftermath

This is seen to have a lot of irregularities, based on our formulae of campaign process, nomination and election process too. The proliferation of the community living outside the region forced back to central region brought a lot of disquietness among the young and old people.

Illegal gangs

There are various reasons for young people joining illegal gangs but the three major ones are:

- Cartels and gangs are many in order to raise money for sustainability. Many groups are coming up in slums to force control into the services so as to raise money for their upkeep. To tame and control this, there is a need to engage these young men and women with something constructive. while they are together, human systems always make kingdoms in these kingdoms organized systems corrupt.
- **Social identity**

Some in whatever they are doing, are always fighting for social acceptance and associations. In the search for identity, they end up joining criminal associations. Also, if the association formed is not able to bring in money, they look for alternatives.

- **Poor upbringing**

Parents are too busy for their children to the point that they do not understand who their children's friends are. Even where children are being used to traffic drugs and firearms. This is a sign of poor parenting.

- **Early and wrongful exposure**

School going children as early as 8 years of age are known to have experienced pornography, homosexuality and lesbianism, even rape.

- **School system implementation**

8-4-4 system was meant to be the best system but the level of implementation is poor. Elders are working on integral system.

Vernacular radio stations

This would work better if used to its fullest attention intention or positively. In short, these vernacular radio stations are supposed to be a blessing to our communities for information passing, civic education etc. but instead they have turned to be propaganda minus code of regulation in action. To avoid these conflicts it is important to use the station for the purpose they were authorized, tough measures should be put in place.

Constitutional and legal reforms

This is supposed to be our priority in order to reform, rectify, correct our past anomalies and oversight in civic education for us to realize the dispensation of the of the new constitution and change the attitude of our people.

Creation of a council of elders

The creation of a council of elders is the best new birth in our country. However, this may not be enough without putting down mechanism of vetting training of our people, constitutional recognition and budget allocation.

Historical injustices

There are many historical injustices committed to run community right away from land issues, colonial oppression, denial of some rights to the community like carrying a walking stick while other communities could even carry a sword and rungus. Giving other community the right to have armed home guard and denying the same to our community members.

Alcoholism and drug abuse

There seems to be several reasons why alcoholism has taken a center stage within our community and the NACADA as an institution will need to work with all the organs responsible in to be able to eliminate the vice.

Some causes of alcoholism:

- Poverty, due to this and lack of employment, many people finds themselves tied around by the cheap and illicit brewing. The brew is found to be very affordable and makes one drunk very fast hence becomes an admirable product for low income earners.
- As an alternative recreation centers (engaging in immoral social recreations.). This becomes the only social and business joints (places) for many people to meet and hence become part of their recreation center.
- Idleness- due to this, many people turn to the habit of drinking and brewing. This is for social association, social identity and source of reducing the boredom. There is no vacuum in human life.

Other issues we are tackling are:

Economic competition and inequitable distribution of national resources

There is no future in the past. If you look back too much you'll soon be heading that way, no one can go back and make a brand new start, but anyone can start from now and make a brand new ending. No man is rich enough to buy back his past. Events in the past may be roughly divided into those which probably never happened and those which do not matter. The more you look back, the less you will go ahead.

I like dreams of the future better than the history of the past.

Brethren Kenyans, ladies and gentlemen, man is the only creation that has refused to be what he is.

Let me mention the three major problems with our fellow Kenyans today neither being the politicians, elders, clergy, leaders of any level etc.

Commercializing everything.

Politicizing everything.

Procrastination.

Those are big enemies in our society today. Many great ideas have been lost because people who had them couldn't stand he criticism and gave up. Critics

only expect the worst but also make the worst of what happens. I think we have left everything to the politicians. People who think they are too big to do little things are perhaps too little to be asked to do big things.

Winning starts with beginning. The journey has just begun, the question we should ask ourselves is "what am I really aiming at?" delegate, simplify or eliminate low priorities as soon as possible , one thought driven home is better than three left on base. Stop the procrastination. Procrastination is the fertilizer that makes difficulties grow. Please go and read the book of lamentations 5:1 and ask yourself what will happen to you if you don't take action. When a procrastinator has finally made up his mind, the opportunity usually has passed.

Brethren, we have an opportunity to bring back the lost glory in our nation. When duty comes knocking at your gate, welcome him in for you bid him wait, he will depart only to come once more and bring seven other duties to your door. What you put off until tomorrow, you'll probably put off too. Success comes to the man who does today what others are thinking of doing tomorrow. Brethren, we have no excuse for being full of excuses. It seems to me these days that people who admit they are wrong get a lot further than people who prove they are right.

Some people have thousands of excuses for not doing what they want to do when all they need is one reason why they can. We all experience failure and make mistakes but failure does not mean that nothing has been accomplished. There is always the opportunity to learn something.

Brethren, let us walk together, let us work together and lets live together in our beloved nation Kenya like brothers.

One action is more valuable than a thousand good intentions.

NYANDARUA LARGER DISTRICT

Resolutions reached upon during the meeting

1. **Land issue**

Land is a very sensitive issue in our area and to minimize chances of conflict, we recommend that individual land be respected. Family should be consulted before any sale of land is made. Special land boards should be properly constituted as per the law so as to avoid irregular sale of family land. We support the national land policy.

2. **The 2007 general elections and its aftermath**

The 2007 general elections had the worst consequences in our community and country. Measures should be taken to avoid the events which led to the great loss of lives and property. The people who are living in the affected areas should be protected by the Government and the spirit of forgiveness cultivated.

3. Gangs

There should be dialogue between the members of those gangs and the council of elders from the grassroots. They should be identified and counseled accordingly. Use of force will not be a solution to this problem.

4. Vernacular radio stations

They should be regulated so that they are not used as tools to enhance animosity and hatred amongst the tribes.

5. Constitutional and legal reforms

The relevant committees should speed up the reform process.

6. Creation of council of elders

We support the creation of council of elder from the village to the national level. Members should be 55 years and above. They should be respected members o the community. The council should also be recognized by the law.

- The operations of the council
- To enhance peace and stability
- To counsel the community on matters relating to the coexistence with different communities.
- To promote and support the Government policies.
- The council will enhance discipline in the community.

7. Historical injustices

The council supports the Truth Justice and Reconciliation Commission.

8. Inadequate distribution of national resources

The council recommends that investors are encouraged to invest in the rural areas instead of the concentrating in big towns. Further the construction of dams, drilling of boreholes be enhanced so as to alleviate water problems in the rural areas. We note that the distribution of electricity has been slow due to the monopoly of KPLC yet other companies should be allowed to compete with it.

9. Alcoholism and drug abuse

We propose that the council of elders be in the liquor licensing board. The council proposes that age limit of those who will take alcohol be 30years. We recommend that some licensed brewers be examined so as to eliminate some of the deadly brews which are killing young people. In this regard the council should work hand in hand with NACADA.

10. Economic competition

We recommend healthy competition in all economic activities where the community will benefit.

GREATER MACHAKOS

The guest of honour, madam Retired Justice Effie Owuor, other invited guests, participants, ladies and gentlemen.

Good morning,

Let me take this opportunity on behalf of the entire Akamba community and on my on behalf to thank you for giving me this chance to articulate the need to form the Akamba Council of Elders.

The guest of honour madam, allow me to mention some of the Akamba elders whom we are working with in articulating these issues:

1. David Kiilu Mativo - Rep. Machakos District.
2. Bernard Mutinda Musembi - Rep. Mwala District.
3. Cecilia N. Mulinge - Rep. Kathiani District.
4. Mary Mueni Kiio - Rep. Kangundo District.
5. Lucy Ngele Nyalu - Rep. Yatta District.
6. Julius Kitavi Kioko - Rep. Athi River District.
7. Onesmus Kyengo Kiva - Rep. Matungulu District.
8. Dennis K. Katia - Re. Masinga District.

SPECIAL INTEREST REPRESENTATIVES

9. Bashir Juma - Rep. Muslims.
10. Daniella Ndanu Ndambuki - Rep. Youth.
11. Magdallen Mutunga - Maendeleo ya Wanawake.
12. Stephen Savano - Respected Kamba Leader.

BRIEF HISTORY OF THE AKAMBA COUNCIL OF ELDERS

The Akamba Council of Elders is not a new concept in the Akamba community. This is because it used to exist and its functioning was clearly outlined. The Akamba council of elders was formed from elders appointed from each clan. A clan in Akamba community is formed of people of the same family example the Atangwa, Aombe , Anziu, Ethanga, Amuuti and Amutei just to mention but a few. It is from each clan that an appointed elder was nominated to represent the clan in the council of elders. For a person to be nominated as an elder , he was expected to be entrusted, a family man, and a person who could settle disputes impartially. The Akamba council of elders was expected to enhance good governance and safe guard social checks and balances to reduce conflict arising from the community. It is for this reason that we have decided to moot the idea of forming this very important council of elders.

THE THEME OF FORMING THE AKAMBA COUNCIL OF ELDERS

The theme came up in consultative meeting held on 18/8/2009 in Machakos town where a number of vision were in attendance. It is in this consultative

meeting where I was nominated to be the interim chairman to spear head the process of forming the council of elders. The Akamba council of elders will articulate issues of the community just like the Njuri Ncheke of the Ameru and Kaya of the Mijikenda. Then proposed Akamba Council of Elders will be managed by exposed elders and other people of integrity.

MAIN OBJECTIVE

The main objective of forming the Akamba Council of Elders shall be to enhance good leadership at grass root level involving the Akamba community in order to better them socially and economically.

SPECIFIC OBJECTIVES

The Council, shall be giving guidance on matters touching the Akamba community on economy such as persistence of drought, lack of water and shortage of food after a good harvest.

Sensitize and educate the Akamba community on good leadership and governance thus enabling them to choose good leaders.

Provide checks and balances on social issues such as marriage, divorce, land disputes, community borders, drug abuse by youth etc.

ACTIVITIES PROPOSED BY THE COUNCIL

- Mobilize the Akamba community at grass root level in order to articulate issues of good governance and leadership.
- Sensitize and educate the Akamba community on issues touching themes a community such as:
    1. Land disputes which have escalated in the near past and have resulted into deaths.
    2. Destruction of water catchments areas resulting into severe lack of water and recurrent droughts.
    3. The issue of orphans and widows whose numbers have increased tremendously in the last few years throwing the community into dismay of poverty.
- Work hand in hand with other council if elders existing in other communities and the administrative arm of the Government of Kenya in dissemination of information.
- It will act as a vehicle to remind the Akamba community the relevant culture that used to bind them together and alleviate most social misconducts such as corruption, thuggery and social immorality.

EXPECTED OUTCOMES

- Some of the disputes which take a long time to be settled in courts will take a shorter time because the Akamba council of elders will be solving most of them and those which must be taken to court will be advised accordingly.

- As a result of giving the Akamba community advice on how to use their available resources there will be increased expenditure activities that enhance the community such as drilling boreholes, building earth dams and formation of community based groups aimed at enhancing education for the youth.
- The provision of checks and balances on social issues will lead into reduction of the work of provincial administration, crime, increase social responsibility leading to respect on community and public utilities.

RECOMMENDATION

We wish to recommend that due to the above issues, a Council of Elders should be formed in every Kenyan community and be entrenched in the Kenyan Constitution in order to assist in good governance being anticipated by all.

Ladies and gentlemen, let me thank you most sincerely for accepting to give me an audience as I delivered this very important speech touching the formation of the Akamba Council of Elders.

Thank you

David Kiilu Mativo

Retired Senior District Commissioner

Interim Chairman/Co-ordinator

of the 8 Districts curved from the

ORIGINAL MACHAKOS DISTRICT

LARGER MAKUENI DISTRICT

SPEECH FROM THE CHAIRMAN OF LARGER MAKUENI DISTRICT – NATIONAL COHESION AND INTEGRATION COUNCIL OF ELDERS

TO THE CHAIRMAN,

ALL THE PROTOCOLS OBSERVED HERE,

LADIES AND GENTLEMEN (WAZEE) IN ATTENDANCE,

I beg you to allow me present a brief observation from my large Makueni District.

As you are all aware that the larger Makueni was born by other eight Districts which are faced by their own different challenges. Many of them sharing the same climate. Like the dry- Makueni, Kathonzweni, Makindu, Kibwezi and Mbooni East. Others like Mbooni West, Mukaa and parts of Nzaui are hilly sometimes also cool like Kilungu. This needs to be approached with integrity.

Larger Makueni

For example:

Has an issue that hit many ears springing from the Taitas' boundary – with Kambas.

- There is a problem of wildlife neighbouring people.
- There is long term drought.
- Highway thuggery.
- Water shortages.
- Landless people.

MAKINDU DISTRICT

They have long dry periods of no rains thus famine has resulted

- They have wildlife problems with the neighbors.
- Highway robbery is also inevitable.
- Water shortages.
- Land issues.

KATHONZWENI DISTRICT

The major problems are water and food and this needs major development focus.

MAKUENI DISTRICT

- It is challenged by sphere shortages of water, like the dryness of the larger supply river Kaiti.
- Here needs much water from a big earth dam to cater for the big town and area schools needs and the Government and private workers who serve there.
- Food challenges are there.
- Landless people.

MBOONI DISTRICT

- This area needs a major rehabilitation of water sources.
- Food supply.
- Needs water supply seriously.
- Especially the large Kalawa division that faces early shortages of food due to the dry climate with few rains.

MBOONI WEST

- Is mostly hilly with a problem of transport especially during rains.
- No proper marketing other farm produce.
- Also needs to be assisted to standard irrigation that will enable her earth dam for water pumping to assist in irrigating their shambas.

- More forests need for more trees.

MUKAA DISTRICT

- This is a cosmopolitan area where people of different tribes live together e.g. Salma town, there are many travelers of all walks whom usually rest there overnight on transit to their respective places. So security here is very vital.
- The Masai are the immediate neighbors sometimes have their cattle crossing over during grazing

NZAUI DISTRICT

- Nzaui land has problem- popularly known as Nguu land owners, this needs urgent attention.
- There is sand transporting problem.
- Nzaui forests are in danger of fire breaks thus gutting down thousands of trees and affect the area people who get rain by assistance from these trees. These fires threaten security of the neighbors.
- Famine comes at a point of despair.

KILUNGU DISTRICT

- Transport- roads are out of mission.
- Land problem.
- Deforestation.
- Famine is high.
- Many schools need assistance. This District has some of the best schools in the country but many a time do not benefit the residents.

SUMMARY

- Generally the larger Makueni is faced by:
- Lack of youth employments.
- Lack of water.
- Lack of transport.
- Heavy famine tension that hits the District nearly every season.
- Land problems –landless people with no title deeds.
- Misuse of people by politicians.

My request and entire District is that the Government may step urgently for assistance to these peoples' needs.

LARGER MWINGI DISTRICT

Delegates Report from the Larger Mwingi District Comprising:

1. Migwani (Mwingi West).
2. Mwingi East.
3. Mwingi Central.
4. Kyuso.
5. Tseikuru.

6. Muumoni.

Delegates

1. Bishop Robert Mutemi - Co-ordinator.
2. Francis Mutiku Ngindi - Migwani.
3. Amb. Eliud Ikusa Maluki- Migwani.
4. Priscilla M. Mallu - Mwingi Central.
5. Stephen K. Kambuni - Mwingi Central.
6. Juliana M. Muthui - Kyuso.
7. John Mamami Musyoka - Kyuso.
8. Prof Kamuti Kiteme - Mwingi East.
9. Ruth Mulandi - Mwingi East.
10. David N. Musila - Tseikuru.
11. Beth M. Mwamuto - Tseikuru.
12. John Muisyo Mbiti - Mumoni.
13. John K. Musili - Mumoni.

PREAMBLE

Council of elders is not new to the akamba community as they used to deal with the community governance issues for example ndundu was a system of elders going to groups to discuss an issue at hand. King'ole was another arm of the council which used to deal with disciplinary cases and discharge judgment on serious issues that required punishment. To face king'ole was scary. A more humane group was the "atumia ma thome" who used to do reconciliation and mediation work. They were supposed to be sober, calm, and emotionally stable. It was believed that they had the capacity to put things right. Any one thing going astray could easily be corrected using this council of elders. To be referred as mutumia (elder), one had to the right age for the purposes of experience while wisdom and ability made the person stick out from the rest.

Thus, the mwingi council of elders resolved to adopt atumia ma thome as the name of their council of elders due to the nature of work they will be doing. Some of the objectives are:

- Uniting people
- Resolving land and border conflicts amicably.
- Offering wise counsel during times of difficulty.
- Negotiating peaceful coexistence with other tribes.
- Administering social justice at the community level.
- A forum to discuss ways of eradicating inequalities.
- Promoting education and discipline in learning institutions.
- Advocating for the use of decent language during political campaigns
- Advocating for the rights of orphans and widows in inheriting property.
- Arbitration of serious cases that can disrupt community peace.

- Prevention of violence on selfish ambitions at the expense of justice.

Introduction

We are coming from one of the most marginalized areas in this country, with natural hardships and poor Government targets of the region reinforcement thus keeping Mwingi at the bottom in all sectors development wise.

The region is characterized by harsh climatic conditions, food shortages leading to high dependency on relief food, low nutrition levels, poor infrastructure and low levels of education performance, general aparthy and lack of employment compounded by low civic awareness.

By all standards, the people of the larger Mwingi are poor and marginalized compared to many parts of Kenya. Inadequate supply of water and 100% reliance on rainfall for agriculture has worsened the situation in the region over the last five years.

Political Violence, 2008

The region was spared the bloodshed of the year 2008. We can classify the region as relatively peaceful since independence. The area is dominantly occupied by the Akamba people who cherish peaceful, coexistence and avoid physical confrontation even to their own disadvantage.

Why did the region escape physical violence?

- Not many people from the area own property in the high productive regions.
- The community is generally passive and not aggressive.
- Extreme poverty has pushed people to accept becoming victims of circumstances.
- The political leadership from the region did not use inflammatory statements during their campaigns.
- However, we were indirectly affected like many other Kenyans because many of our people lost jobs, returning home for safety. The lack of peace in the country affected everyone in the region.

Peace and development

It is generally agreed that peace is a prerequisite for any development to take place. If Mwingi District has been peaceful since independence, why has the region not posted the highest level of development? There must have been other serious forms of conflict that have not been addressed.

CONFLICTS IN MWINGI DISTRICT

Conflicts in Mwingi District can be addressed under:

- Hunger and famine.
- Infrastructure.
- Education.
- Boundary conflicts.
- Rights and entitlement.
- Culture and development.
- Increasing inequalities.

Hunger and famine

The region has continued to suffer food shortages as the Government watches politicians enjoy huge support from the poor and needy people of Mwingi while simply giving them handouts in increased food relief. Organizations created to handle food emergencies make fortunes because people live permanently under famine. It is amazing that the people of Mwingi District can afford to live under constant food shortages and still maintain peace.

We demand a deliberate investment by the Government to empower the people of Mwingi to grow their own food. Food relief does not develop people but increases dependency, apathy, dishonesty, and manipulation of the poor. The answer therefore lies in development of huge earth dams for irrigation, provision of funds to do green farming house farming, a policy on water harvesting specifically designed for the region. We cannot continue suffering when our seasonal rivers take a lot of water to the ocean. We need water not relief food.

Infrastructure

Kenyans know that the infrastructure in Mwingi is at its lowest. This clash directly with the ambitions and the investments of the people in the District. Currently, some parts are yet to enjoy network services, leave alone accessing different television channels. Roads in Mwingi are among the worst in the country. We feel left out. We therefore demand action to bring Mwingi District at par with the other parts of the country.

Education

The Mwingi District performance on national examinations is quite shameful. Of course, some of the factors addressed here have a negative impact on the students and their studies. We know that the low living conditions in Mwingi is largely to blame for the poor performance because those who go and study outside the District often do well.

Natural resources exploitation

This nasty area of concern. Sand harvesting and charcoal burning benefit people from outside the District more than the Mwingi community. The amount of sand has been harvested in Mwingi District could have created a positive impact

in the District if the planners assessed and passed policies geared to benefit the area. For example a lorry of sand is filled with as little as 800/= while in Nairobi it costs anything from 25000/= the same goes for any other resource from Mwingi District. We feel cheated, coned and exploited.

We therefore demand the assessment of all the natural resources in Mwingi District and proper planning for their effective exploitation in a manner that leaves Mwingi people empowered.

Total ban of sand harvesting from Mwingi until we have sufficient water flowing in all our seasonal rivers.

Provision of funds for massive a forestation activity in the entire District.

Disclosure of all in formation on any natural resources exploitation in the District – especially the coal mining. Fishy deals will trigger serious conflicts.

The issues of sustainable exploitation of resources in the region have been left unaddressed to date. Lack of environmental sanitation and waste management is a potential catastrophe in the District, in the near future. Surely a fast growing District like Mwingi cannot afford to do things without proper physical planning.

Boundary conflicts

The District experiences periodical conflicts along Garrisa and Tana River boundaries. Conflicts are usually based on animals rustling, pasture, water, ropes and cross border settlements. These issues need to be addressed at this stage because they are potently explosive.

We demand a permanent solution be found this problem by Government hosting full discussions by the groups until the issues are properly concluded.

Rights

People in Mwingi are assumed to be presumably because their level of civic awareness is low. Many things that hurt them go unreported and unaddressed. The region needs a massive civic education for the community to be able to express their needs to the planners. Special funds like the youth enterprise fund and women fund are yet to have a noticeable impact on Mwingi District.

Culture and development

Early marriages and gender based violence do exist in the District affecting girls and women in general. Gender mainstreaming within the devolved funds is yet to be achieved. Cases of FGM, forced marriages do exist in some parts of the District still affecting the girl child. The District is yet to appreciate the law regarding equality of children in property inheritance.

We want affirmative action to empower women and wipe out harmful cultural practices like FGM and violence against women.

Increasing inequality gaps

There exist serious inequality gaps within the District that need urgent attention. Comparing Mwingi District with other Districts, the inequality gap become very glaring. This is seen when comparing institutions, hotels, the rich and the poor. Even within the District itself, some parts enjoy more resources than others.

Deliberate efforts should be made to address all forms of inequalities within Mwingi District.

Conclusion

It is safe to say that people of Mwingi are living under continuous conflict situation that has led to huge inequalities in all sectors of the District and national development. The poverty gap between the rich and poor is rowing daily and needs to be addressed soon.

Ignorance, disease, dishonesty, poverty, dependency are common experiences within the District. People are ignorant of their rights to engage and demand services from Government officers. People still die of preventable diseases and treatable ones. Dishonesty and lack of transparency still exists. Poverty has created apathy and dependency among the majority of the people in Mwingi.

The only reason there is physical peace in Mwingi is that the majority of the people are not aware of their rights, entitlements and the high level of marginalization. They still look at the little drops of assistance trickling down to them as favors from the Government and the politicians.

General issues raised and discussed by the council of elders in Mwingi District:

Hunger and famine

1. Border and tribal conflicts –Akamba vs Somalis vs Oromas.
2. Early marriages- still common and affecting girl child education.
3. Sand harvesting –affecting seasonal rivers.
4. Charcoal burning –deforestation.
5. Resources allocation conflicts –low development impact.
6. Communications/ telecommunications –infrastructure is very backwards.
7. Exploitation of mineral resources- no good understanding by the communities on legal and rationale governing exploration and marketing.
8. Low performance in education- in KCPE and KCSE.
9. Poverty –has made people passive.
10. Periodical drought- over reliance on rainfall farming has led to over reliance on food relief. There is need to develop water sources for irrigation using a master plan for water harvesting.

Recommendations:

Hunger and famine action is needed from the Government on:

- Drought mitigation strategy for the Mwingi District.
- Irrigation strategy that can empower people to use green house technology.
- Seeds should be availed to all the farmers in the District.
- Farm inputs should be made available to all the people of Mwingi.
- Farmers should be supported to store food and only sell it when the prices are right.
- Only drought tolerant crops should be promoted in the region.
- Indigenous crops like pumpkins need to be brought back.

1. Education for development

- People who live near rivers should be trained on soil conservation and motivated to do sustainable irrigation farming.
- The District need to study Yatta furrow and explore the possibilities of doing similar projects.
- Loan facility is accessed to households to do green house farming.
- Community planning partnership forums are introduced for communities to review and reflect on the development projects on their areas.
- Formal education to be emphasized through support systems being discussed and implemented with the communities.
- Create enabling environment for students to compete nationally.

2. Massive water harvesting plan

- We need a committee of experts to plan on how water can be harvested for irrigation.
- Policy be done by the Government water harvesting in the regions that suffer water shortages.
- A massive master plan on water harvesting for Ukambani to enable individuals and groups to carry out irrigation schemes.

3. Devolution of power

- We join others in demanding for the speedy completion of the new constitution and devolution of power.
- Civic education be done in all the villages.
- Communities be involved in the priority setting.

4. Conflicts

- Inequality is the main source of conflict in Kenya.
- We need to address it on the basis of specific area.

- Border conflicts need urgent attention with proper administrative machinery being put u in the affected areas.
- Wildlife –human conflicts must be addressed immediately to reduce it.

5. Infrastructure development

- Roads.
- Communication.
- It and other requirements.

6. Physical planning

- The region needs comprehensive review of its physical plans and sanitation development.
- Misplaced structures need to be demolished urgently to avert future conflict of interest between the rich and the poor.

7. Natural resources exploitation

- The District is perceived to have natural minerals and other resources. Deliberate efforts need to be made to map them out and underline the plans for their exploitation I a sustainable manner.
- Forest cover must be brought back.

8. Political fear, resources allocation and utilization

- The communities seem to fear raising issues lest they are suspected to be against the Government.
- Majority of people in Mwingi District prefer to suffer in silence rather than raise their problems to be addressed.
- The division of the Districts is bound to generate a lot of political activism in the region. This will open up the area to air its needs and frustrations.

9. Culture and development

- Gender issues are still alive in the District with women controlling very little resources as well as being cut off from accessing commercial loans due to collateral security.
- The culture of being poor and contented is a major contributor towards the retention of the status quo.
- Mwingi people do not like investing in risky areas away from home. This has also limited their business area. The political violence of 2008 made this fear even worse.
- Any development initiative that does not aim at reducing dependency on food relief in the region is inadequate.
- The belief of external support for survival is very great in the region.
- People are exploited through this phenomenon.

- Culture of being poor and contented is a major contributor towards the retention of the status quo.
- Mwingi people do not like investing in risky areas away from home. This has also limited.

10. Dependency and apathy

- Any development initiative that does not aim at reducing dependency on food relief in the region is inadequate.
- The belief of external support for survival is very great in the region
- People are exploited through this phenomenon.

NETWORK FOR PHYSICALLY CHALLENGED

Aim

- We are requesting to be empowered and enhance the development of disabled people through capacity for the rights of disabled people.
- The following are our objectives.
- Lobbying and advocating for the rights of disabled people in Kenya.
- Presenting of disabled in various activities.
- Capacity building of disabled people.
- To involve the disabled in decision making.
- To facilitate information and services.
- Provision in health, mobility, legal and right issues for people with disability.
- To facilitate socio-economic empowerment of people with disabilities through self-sustainable projects e.g. small scale enterprises, micro credit e.t.c.
- To encourage and facilitate the integration of people with disability issues in mainstream development processes.
- Braille & sign language.

Motto: **Disability is not inability**

- People tend to look at disability than ability.
- Cultural stigma.
- Unemployment.
- Mobility problems.
- Empowerment.
- Opportunities not sympathy.
- Reproductive stop discrimination e.g. hospitals.
- Community to be informed.
- Braille.
- Sign language to be a national language.

Access to buildings, there must be a way of getting to all offices.

Paper presented on behalf of Rift Valley Central Region Leaders

Introduction

We represent elders from the Rift Valley region composed of Kalenjin, Kikuyu, Luhyia, Luo, Ogiek, Muslim, Christian and Hindu communities. This paper presents various issues which we have considered need to be evaluated as instruments of enhancing national cohesion and integration. They are:

- Traditional African elder's councils- courts. Tribunals, within communities and intra communities.
- Roles of elders within public administration, community leadership policies development and land use.
- Inter ethnic conflict management.
- Inter ethnic peace building.
- Community cohesion and community integration.
- Early warning and early response in conflict prone communities.

1. Early warning and early response in conflict communities.

Rift valley is known by Kenyans as a volcanic conflict zone during electioneering. This takes place every five elections calendar years. We believe that our leaders are aware of the reasons for these conflicts as documented in many commissions of enquiries established since independence that can summarized:

- Historical injustices on ownership and usage.
- Inter ethnic conflicts due to poor national cohesion and integration- national, local and community leadership.
- Failure by national leaders to act on intelligence as noted in waki commissions.
- Failure by authorities to bring about equitable wealth creation in all communities.
- Inadequate national planning to reduce poverty in all communities through guided entrepreneurship.
- Inability by national leaders to respond to youth needs which exacerbates crimes in our community.
- Needs of communities to be involved in conflict mapping with a view of reducing triggers- causes of conflict through leaders participation.

We know that early warning signs on conflicts are always known. Our intelligence system does not respond early to these warning resulted in death or material losses- Pokot, Samburu and Turkana communities as reflected in recent cattle rattling incidents.

We recommend that leaders councils of interethnic communities be given powers to resolve these conflicts- power means ability and resources to intervene prior to occurrence.

2. Cohesion and community integration

Communities have intermarried and settlements have taken place in Kenya. However, when one community moves to another, in search of land or business opportunities there are no elders councils empowered by law deal with community issues are relevant to reduction of tension. Elders' council can assist in bringing about integration – Americans society was not cohesive during the territorial conquest until the struggle for national integration through their civil war and later the civil rights movements of the sixties which has brought about elections of Barack Obama. In the same veined we should embrace the recent PEV as an eye opener leading us to what could happen once again if we ignore the telling of times. Elders should be encouraged and our cultures. But poor national leaders should recognize the values in our cultures and that the custodians of these values are elders.

3. Conflict management / peace building

Peace building is a process and not one shot activity. Conflict management requires skills on mediation, dialogue, healing and reconciliation. Leaders need training on modern skills on conflict management and peace building in their communities. Once equipped they will be agents of change in conflict zones which is needed before the general elections. In Rift Valley conflict comes about when two or more communities are in pursuit of incompatible goals-political, economic and social goals. We need to build in mechanisms that ensure equity in all social developments of communities. There are communities that have advanced that others but we need to assist those that are behind to catch up to avoid envy. The Government has set up peace committees DPC in our province but still violence continues. We also note that the guidelines for the formation of this committee require that elders be represented and we propose that councils of elders by right be represented in all communities set up by Government.

4. Youth needs

Kenya has been producing youth in tens of thousands with good education annually but jobs are not available to absorb them into productive livelihood. In early years, of independence, the number of youths getting into the society from our schools was commensurate with jobs markets. To date, youth are more than the jobs available. We appreciate the youth empowerment initiatives of the Government- youth fund, *Kazi kwa Vijana* – but their own shortcomings. Elders council's leaders if consulted can advice the Government on how to improve these innervations for better and effective results. Youths are our future and we require that our sports should be re-started at all locational level as a way of fostering faster national cohesion and integration.

5. National planning for wealth creation and equitable wealth creation

Leaders have many well written policy papers on wealth creation. The national economic and social council are alien to many communities. Many community

leaders may not even be aware of the council. It is important to link these instruments of social policy with national elders council for proliferation of the economical and social policies to the grassroots. Leaders are the backbone of wealth they own it families and wealth institutions.

We contest that equitable wealth creation in all communities is a human right for all Kenyans. Elders council should be empowered to evaluate effectiveness of national policies that interfere with equitable wealth creation and poverty reduction interventions. We have many leaders with massive expertise rotting as rural farms that are not remembered yet they may have solutions to local problems if consulted- this forum is a good example. It's a long journey which begins with one step in the right direction.

Many communities in our area have a perception that wealth is being created by societies in favor of particular communities. This is shown by the fight to have our man as president or it is our time to eat. We believe that elders council will assist in reducing tension between communities through involvement in social and economic policies

6. Acting on intelligence

We leaders request the leaders to use available intelligence on crime prevention, violation of human rights corruption and historical injustices committed throughout our country. As a country we are fond of appointing commissions to look into issues but not implementing the recommendations made by these commissions. We therefore propose that the elders council be formed as a statutory mandated instrument.

SAMBURU

GETTING IT RIGHT!!

CAUSES OF CONFLICTS IN PASTORAL AREAS

Introduction

Recent research shows that pastoral communities are well adapted to the harsh physical environments of the arid and semi arid regions they inhabit. Rainfall is erratic and the potential for cultivation is limited. Investing in pastoral systems could improve food security, boost economic development and reduce economic and social marginalization. In spite of this potential for sustainable and fruitful livelihoods, violence, raiding and clashes over land use continually undermine pastoral livelihoods and wealth creation.

Insecurity causes human suffering and death, provokes spirals of revenge attacks and turns large tracts of grazing land into no go zones. Conflict is always the best known but least understood feature of pastoral communities it is increasingly common for individuals from urban areas who are linked to the market system to steal from rural areas and sell to middlemen in towns.

Violent conflict and raiding hinder the delivery of vital services such as human and animal health care. Any developmental gains are soon undergone by new outbreaks of violence. Conflict has a particular impact on cattle health because raiding increases trans boundary epizootic diseases transmission and impedes the improvement of veterinary services. To enable much needed development in pastoral areas, policy makers and development agencies must look for ways of tackling conflicts that are based on understanding the root causes of conflicts in pastoral areas.

Causes of conflicts:

1. **Traditional**
    a) Bride price (social dimension) bride wealth (paid to families of the bride) amounting to 200 cattle among some groups, but more commonly 30-60, encourages raiding among youths to secure the necessary assets to marry.
2. **Political**

a) Suppression of other upcoming politicians.

b) Use of provincial administration by those seating to ensure they have no threats.

c) Kingship wanting to be seen as defenders of the people by causing conflicts in order to show might and win the hearts of the unsuspecting.

3. **Economic**
    a) Poverty
        i) Few economic alternatives to livestock keeping.

ii) Insufficient infrastructure such as roads or markets to enable interaction with other communities.

iii) Limited reach of judicial and law enforcement institutions in pastoral areas.

b) Worriorhood

i) Small arms enabling smaller groups of raiders to act regardless of community disapproval.

ii) Availability of automatic weaponry at the macro level.

iii) Sale of ammunition by police to locals.

4. Environmental

a) Unpredictable weather conditions leading to periods of hunger, necessitating migration for grazing.

b) Encroachment to other grazing lands.

c) Division of grazing lands between different people like Samburu and Laikipia.

RIGHT SOLUTIONS

1. Working with traditional institutions using traditional conflict resolution methods. Communities have their own traditional response mechanisms that development actors can draw on.
2. Socio cultural change will need to take place as well as changes in the economic and policy environment e.g. decreasing the bridal wealth price and developing appropriate mechanisms for development interventions such as Alternative basic education for Samburu, Pokots, Turkana and the Borana which delivers accessible education to pastoralists children.
3. Getting policies on pastoralist right means involve and giving pastoralists a greater voice in the development of policies that affect them, as in the development of arid and semi arid polices as well as policies on facts, not myths. Supporting the development of pastoral advocacy groups will assist in this.
4. Conflict as a cross cutting issue, affects all ministries and development agencies with an interest in pastoral areas. A narrow approach has been proven to fail time and again. Wide consultations and implementation to be carried out each time with the involvement of those to whom the projects are directed.
5. Social accountability to be carried out through the Council of Elders.

STATEMENT BY THE NAIROBI ELDERS ON NAIROBI PROVINCE ISSUES DELIVERED AT THE REGIONAL CONFERENCE OF ELDERS HELD ON 13TH AND 14TH OCTOBER, 2009 AT KICC

COHESION AND INTEGRATION IS POSSIBLE

We, the Nairobi elders drawn from NGO'S, peace building committees, religious sector, opinion leaders and the private sector from various communities in Nairobi, sincerely thank the Government of Kenya for availing this opportunity for serious engagement with leaders from other regions of Kenya to ostensibly discuss the much sought matters of cohesion and social integration. As we are all aware that our country has been praised internationally as a pinnacle and haven of peace, a reservoir of intellectualism and micro economic power base of the great lakes region , these beautiful mouth watering attributes almost completely went under during the skirmishes triggered by the disputed presidential elections results of the 2007 general elections in Kenya.

The might and strength of destruction in Kenya meted against the fellow citizens shook the universe, hence the rush for rescue by the auspices of then African Union, United Nations and the United States of America among many other good friends of Kenya. This culminated in the eventual signing of the National Peace and Reconciliation Accord, which then gave rise to the formation of the current Coalition Government.

Ladies and gentlemen, as elders and leaders in the most cosmopolitan region in Kenya, we consider this as an opportunity for serious engagement with other leaders so that we can all reflect, share and debate on issues that for a long time have been be-deviled as a great nation- Kenya, which despite several noble efforts to correct past wrongs, have failed to yield fruits.

As you may be aware, of the 1884 scramble for Africa, which gave rise to nations of Africa as currently constituted, where boundaries were drawn without considering the then African family ties, where individual ethnic communities or groupings who once shared things in common were divided and their structures interfere with. Such communities felt vulnerable under the mercy of those considered to be major tribes and political think tanks, in the new nations as they were emerging.

The emerging groupings or communities had smaller tribes who were never taught cohesion and social integration of one solid nation. This gave rise to each fighting for identity and recognition.

Such occurrences created situations where communities felt safe only when one of their own was at the helm of leadership, hence creating loopholes for corruption and unequal distribution of public resources like land, jobs etc, since the political ruling class would be the ones to enjoy most privileges i.e. the winner takes it all situation.

This also gave room for the said political class to be surrounded by protectors (sycophants) who would follow such leaders at whatever cost with expectations

to benefit from goodies by such leaders, while those left out of such leadership positions would organize themselves to hit back, hence the emergence of several illegal armed groupings (gangs for hire) which pose great threat to peace today in Kenya.

These illegal armed gangs have been known to wreck havoc every five years during the electioneering period. In the case of Nairobi, the illegal gangs have been the beneficiaries of large chunks of land among many other things that they have been rewarded with.

The high migration of people from rural areas to urban has been as a result of the scarcity of resources and unequal distribution of public resources. This has contributed to the rising of informal settlements, unemployment, poverty, prostitution, drug and substance abuse among others and all these have put pressure on our leaders who in turn have been trying to please their followers, without caring even if they are indulging in corruption as long as their followers are kept happy.

As a result of all the above, several organizations including commissions of inquiry, the civil society as well as the private sector, have come up with interventions strategies to help correct the emerging challenges including constitutional and legal reforms with minimal success.

Ladies and gentlemen, we are not trying to project an image of a defeated society, but these issues have challenged our socio economic fabric and service provision.

As Nairobi elders and opinion leaders, we are convinced that the intellectual capacity and skills which have come from all the aforementioned regions represented under this roof today, is more than able to give direction and way forward in making Nairobi and Kenya at large, a cohesive society, where whether one followers his/ her leader from the rural, area to the city, whether one came to the city in pursuit of gainful opportunity, we have the conviction that after this conference and the subsequent ones, we shall together stand tall to tell our people that cohesion and community integration is possible and once again our people can live together with dignity and acceptance, in one great nation Kenya.

MUNGIKI

Mungiki as an organization started as an alternate religion to the main religious organizations for the Kikuyu. The organisation's membership was dominated by young men with mentorship from a few elderly persons.

Mungiki as an organization has degenerated with time and also changed it's objectives from one of religious grouping into:

(i) a political organization with backing from a few politicians.

(ii) an economic process based organization with devised financial structures based both on genuine economic activities such as taxi operations,

farming and boda boda businesses but also on criminal activities such as forced collections, theft, gangsterism, extortion and kidnappings.

(iii) A mafia kind of society harbouring ambitions not well known by those not within the organization.

The main aim of the group is to take over leadership in the Province and also nationally through a revolution kind of operation. The society boasts of membership from other tribes in the political class, academia and the military.

RECOMMENDATIONS ON HOW TO HANDLE THE MENACE

(1) Dialogue with the group leadership.

(2) Police and even military action especially on disarmament.

(3) Religion action by the mainstream religious societies.

(4) Infiltration by the intelligentsia.

(5) Realization by other tribes that the menace is not just a kikuyu phenomenon but also a national threat.

(6) Political action.

OPERATIONS BY CO-OPERATIVE SOCIETIES

The co-operative movement has been infiltrated by people without proper leadership characteristics. These people have used the cooperatives as a springboard for either political leadership or self agrandisement.

These operatives though elected by the people, have utilized the existence of loose regulations to run down the cooperatives leading to the following problems:

- General poverty and suffering in Central Province.
- Insecurity due to poverty and also elimination of those who are against the operatives' activities.
- Elimination of rivals.
- Bitterness and quarrels among the people.

Action to be taken

(1) Follow-up on those that have misappropriated the cooperative societies' cash and subsequent prosecution.

(2) Proper management and supervision of co-operative societies by the relevant Ministry.

(3) Change of regulation so that management of cooperative societies is closely monitored by the Government.

(4) Setting of proper criteria for those aspiring to get leadership positions in the co-operatives.

REPUBLIC OF KENYA

MINISTRY OF JUSTICE, NATIONAL COHESION

AND

CONSTITUTIONAL AFFAIRS

COMMITTEE OF NATIONAL ELDERS CONFERENCE ON COHESION AND INTEGRATION

PROGRESS REPORT

ABBREVIATIONS AND ACRONYMS

PEV	--	Post Election Violence
KKV	--	Kazi Kwa Vijana
TJRC	--	Truth Justice and Reconciliation Commission
NECCI	--	National Elders Conference on Cohesion and Integration
CDF	--	Constituency Development Fund
CNECCI	--	Committee of National Elders Conference on Cohesion and Integration

EXECUTIVE SUMMARY

The Committee of National Elders Conference on Cohesion and Integration (CNECCI) was established with the express mandate of bringing community elders and leaders together for dialogue with the aim of instituting alternative means of resolving conflicts amicably and creating cohesion and integration in Kenya. Immediately after appointment, the Committee prepared a concept paper with the following objectives:

- To identify and document both the immediate and underlying causes of endemic inter and intra-community conflicts in Kenya ;
- To conduct consultations with elders and community leaders including faith-based, women and youth leaders with a view to having them propose solutions to enhance a sense of nationhood;
- To explore opportunities for community elders/leaders to contribute to national healing, reconciliation, cohesion and integration thereby helping maintain Kenya's sense of nationhood on an ongoing basis;
- To provide Kenyans with an opportunity to actively participate in designing, effecting and appreciating the value of peaceful coexistence within and between communities; and
- To institutionalize a national framework through which elders from different communities can, on a continuous basis, consult on and

- To provide Kenyans with an opportunity to actively participate in designing, effecting and appreciating the value of peaceful coexistence within and between communities; and
- To institutionalize a national framework through which elders from different communities can, on a continuous basis, consult on and contribute to the strengthening of nationhood in Kenya by learning from each other and from others beyond our borders.

To this end, the committee divided its work into three phases:-

Phase one

Analyzing its mandate and establishing itself, writing a concept paper, drawing up a work plan; meeting with provincial peace committee leaders, intelligence officers among others in order to determine the status quo in the country.

Phase two

- Holding forums in 33 towns to hear the views of elders and community leaders on the causes of conflict and how to resolve them; and
- Preparing for regional elders conferences to lay the foundation for a national conference.

These elders and community leaders were selected with the help of among others, the provincial administration in accordance with the committee's specifications. The interviews/hearings were open to the invited elders and leaders and were held in a very free atmosphere. The participants were encouraged to be as free and honest as possible in their presentation on causes of conflict.

Phase three

- Convening the National Conference and launching the proposed National Council of Elders.

This progress report covers the activities of the Committee from inception to date.

1. BACKGROUND

Following the National Dialogue and Reconciliation Accord brokered by the International Community under the chairmanship of the former UN Secretary-General, Kofi Annan, a Grand Coalition Government that brought together Kenya's major political protagonists as participants and partners was formed. Since then several peace initiatives have been undertaken by the Government, civil society and faith-based organizations.

Pursuant to the Accord, Parliament enacted the National Ethnic and Race Relations Act 2008 which paved the way for the establishment of a National Cohesion and Integration Commission (NCIC). The mandate of the

Commission is to facilitate and promote equal opportunities, good relations, harmony and peaceful coexistence between persons of different ethnic and racial communities resident in Kenya. The Commission will also advise the Government on all aspects thereof. Another Act of parliament established the Truth, Justice and Reconciliation Commission (TJRC) to deal with historical injustices and other issues that have detracted from the pursuit of truth and justice in Kenya since independence.

To date, attempts at reconciliation in Kenya have been driven by the assumption that conflict occurs only between different ethnic groups. The reality, however, is considerably more nuanced. Even the most preliminary analysis reveals shockingly high levels of intra-ethnic tension. Furthermore, Kenyan societies also cleave along social, economic and gender lines. It has become clear that current initiatives in peace-building (including the raft of efforts introduced in the wake of post-election violence) have not been very successful and that there is need to address this rather complex picture. So far, no attempts have been made to institutionalize a sustainable system capable of monitoring the extent to which peace is maintained and to provide warning signals that peace may be in jeopardy thus making timely and appropriate interventions impossible.

National peace initiatives taken so far have not fully utilized the role of elders and other community leaders in managing conflicts. In this regard it is noteworthy that there is no legal or national administrative framework that would facilitate efforts by elders to address conflicts.
The National Elders Conference on Cohesion and Integration (NECCI) was born out of the identification of yet another glaring gap in the current efforts at engendering peace in Kenya, namely, the omission of elders and other community leaders in conflict management. Extensive and detailed Government-level discussions concluded that it was vital to address this deficiency by involving elders in all post-election reconciliation efforts including constitutional and institutional reforms, national cohesion and integration to create a sense of ownership of the process of conflict prevention and sustainability of peace.

2. THE COMMITTEE

On the 19th of June 2009, Hon. Mutula Kilonzo, the Minister of Justice, National Cohesion and Constitutional Affairs appointed a committee consisting of the following persons:

a. Lady Justice (Rtd.) Effie Owuor
b. Prof. Abdulghafur El-Busaidy
c. Dr. George Wainaina
d. Prof. Peter Wanyande
e. Mr. Phares M. Rutere

f. Mr. Owino Magana

g. Mrs. Margaret Nteere

h. Amb. Benjamin Kipkulei

i. Mr. Hassan Hussein Mohamed

The Committee is one of the Government initiatives to implement:-

- Political Pillar of Vision 2030
- Agenda item IV of Kenya National Dialogue and Reconciliation and
- The recommendations of the Kenya We Want Conference

In that regard the Committee has been charged with the overall responsibility for organizing and preparing for NECCI.

2.1 Mandate and Terms of Reference

The Committee of National Elders' Conference on Cohesion and Integration mandate and terms of reference are to:

- Identify areas, nature/type and potential causes of conflicts;
- Identify, appreciate and document efforts of individuals, groups and organizations involved in conflict resolution and peace building;
- Identify ways and means in which elders should be involved in bringing about reconciliation, national healing, peace, cohesion and integration in the country;
- Devise a method in which elders can act as barometers to give early warning of likely conflict; and
- To make appropriate recommendations incidental to the foregoing.

3. ACTIVITIES

With such a broad mandate and terms of reference to fulfill, the Committee decided to engage in a wide-ranging program of activities which include but are by no means limited to:

- Identifying elders and community leaders;
- Sensitizing the identified elders on the objectives of the exercise with regard to reconciliation and peace building;
- Seeking their views on the causes of violence;
- Seeking their input with regard to steps they consider necessary to bring about national reconciliation and healing;
- Establishing their views on the roles they should play and those they think ought to be played by other stakeholders;
- Receiving from the elders suggestions on the most effective ways of conducting the proposed elders' conferences so that the objectives are achieved;
- Organizing regional conferences with a view to bringing together elders and community leaders from conflicting communities in order to discuss their differences in preparation for the national conference; and

- Holding a national elders and leader's conference with a view to deliberate on the way forward.

3.1 Schedule of activities

The committee held its first formal meeting on the 24th of June 2009. A tentative schedule was proposed and agreed upon.

Phase one

Phase one entailed:

- Analyzing and interpreting the mandate, reviewing documents made available by committee members, organizations and members of the public;
- Devising a work plan and a concept paper; identifying human and material resource requirements;
- Recruiting and briefing staff; and
- Meeting with the initial groups of people comprising provincial peace committee leaders and provincial heads of the National Intelligence & Security Service who gave insights into the conflicts and peace building efforts in the country.

Phase two

Phase two consisted of an intensive month long programme of public hearings. Thirty three meetings were held across the country. In all, the committee heard the opinions, experiences and proposals from more than five hundred elders, community and opinion leaders.

Contributors tackled local and national issues with dedication and energy. Committee members were extremely grateful for the lengths people went to ensure that their voices were heard and their opinions expressed.

4. PRELIMINARIES

As indicated earlier, the Committee embarked on a plan to ensure that the public hearings took place without a hitch. A work plan was outlined in the concept paper (Appendix 2). A desire to gather as many opinions as possible - competing, complementary and otherwise - underpinned the entire planning process.

4.1 METHODOLOGY

The Committee took a pragmatic approach. Meetings were scheduled throughout the country. Town halls and various other public arenas were reserved with the help of the provincial administration. Travel and other logistical arrangements were made from the Nairobi office. Once all preparations were ready, the committee divided itself into two teams so as to cover as much ground as possible in the shortest time.

Participants, were invited to speak freely at meetings and to express themselves in whatever languages they felt most comfortable - translators were made

available where necessary. *Rapporteurs* made every attempt to record public contributions both faithfully and accurately. Nevertheless, it has to be admitted from the outset that it proved difficult to capture the full energy, enthusiasm and passions that interlocutors brought to the exercise. At the end of every meeting, participants were thanked for their participation and assured that their contributions would be treated with the seriousness they deserved.

4.2 CONSTRAINTS

The main constraint to the work of the Committee was the limited amount of time allocated to cover the whole country considering the importance of the subject. The low turnout of women at the hearings was another area of concern. Members worried that, with so few women participating in the forums, the narratives would be one–sided and unrepresentative. The low turnout of women might have been due to the traditional view among some communities that women do not qualify to be elders.

5. ISSUES RAISED IN COUNTRY-WIDE MEETINGS

5.1 CENTRAL PROVINCE

Nyeri: 21st – 22nd July, 2009

The Committee found the people of Nyeri in particular and Central Province in general to be in a downbeat mood. Melancholy and general despair settled over the hearing as participants discussed the following issues:

Central Province

5.1.1 Inter-generational breakdown

An overwhelming majority of participants characterized the relationship between the youth and their elders in Central Province as dangerously

dysfunctional. Elders had come to the conclusion that they could no longer influence young people in matters of employment, *Mungiki* (more on this to follow), crime, sexual violence and substance abuse. Committee members were genuinely concerned that older generations felt so powerless in the face of their youth.

5.1.2 Mungiki

More often than not, participants blamed *Mungiki* for the sorry state of affairs outlined in the paragraph above. It is claimed that *Mungiki* is the natural consequence of the breakdown in societal systems that has left young men completely frustrated, without mentors, proper homes or jobs. This group - mainly concentrated in former freedom fighter strongholds - is mysterious, well organized, commands allegiance of its members mainly out of fear and because they have nothing else to hold on or fall back to. Mungiki has generated such great fear in the community that no one is willing to talk freely about it. For this reason, it appears to have eluded even Government law enforcement agencies some of whom are claimed to be members.

5.1.3 Alcoholism and drug abuse

Alcohol and in particular illicit liquor brewed by the community is believed to have destroyed lives of many men and contributed to insecurity in the province. Another concern is the consumption of bhang and addictive substances. Compounding all this, is the collusion of police, headmen and chiefs with the brewers and suppliers of the drugs so that no legal action is ever taken. It was stated that if the Provincial Administration diligently and faithfully worked with the elders, ways and means of solving these problems could be found, agreed on and instituted.

5.1.4 Historical Injustices in Land Allocation

People from Central Province lost land to the colonialists earlier. That notwithstanding, a culture of selfishness has developed in families where the firstborns refuse to share the small family land with their siblings which results in an increase in cases of disinheritance. Participants have pegged their hopes on the Land Policy Bill which, if passed by parliament, will help solve longstanding injustices.

5.1.4 Economic competition

Many people in the area are cash crop farmers but, unfortunately, they have not reaped maximum benefits from this activity because of the presence of middlemen in the marketing of tea and coffee. This has, however, reduced and it is hoped that there is going to be an improvement.

The *Kazi Kwa Vijana* initiative was applauded for the benefits it had given the youth and it was hoped that the initiative would be sustained. It was felt, however, that elders need to engage the youth to create employment rather than just wait for employment from the Government.

Many Kikuyu who had invested in the Rift Valley because of shortage of land in Central Province have lost property and other investments as a result of the post-election violence which, elders were convinced, would have been avoided if there were Councils to advise and guide the youth. A number of participants felt that the appreciation that we are, first, Kenyans need to be taken seriously (One Kenya One Nation).

5.1.6 Other concerns

There was an overwhelming feeling amongst the Kikuyu that the ruling elite had betrayed them. They cited presence of Internally Displaced Persons (IDPs), lack of compensation and difficulties in resettling of IDPs as indicators of this betrayal. Participants were very unhappy with the obvious inequitable distribution of national resources, the lack of concern for the plight of ethnic clash victims and the torture and killing of youth by law enforcement agents.

5.1.7 Council of Elders

The majority of participants were of the opinion that a council of elders established by an Act of Parliament would be more secure against political manipulation, whims of provincial Administration and in terms of its tenure than one appointed by the local community.

Some speakers argued that elders cannot work alone and they must partner with other stakeholders to maintain peace and order especially when engaging the perpetrators of crime.

A few were skeptical seeing the council structure as one that could interface with similar structures in the provincial administration. Support for a council of elders was unimpeded principally because participants desired to see it address insecurity, land issues, child labor, drug and alcohol abuse, poverty, corruption and domestic violence as well as act as an oversight authority.

Enthusiastic presenters submitted that a national forum would be the ideal place for elders to ventilate anger bottled up from years of suffering in silence. Speakers emphasized that there was need to speak the truth about what happened as a first step towards healing.

Others contended that the reason why violations against the Kikuyu occurred was because they have been accused of being domineering over other communities. The national council of elders would help establish the truth of this by retracing history. It was hoped that this would facilitate national healing. So keen were participants to see peace reestablished in the land that it was suggested that there be a peace slogan like "amani idumu" as a response to all greetings at public functions.. A national council of elders was seen by those pushing for reconciliation as an important vehicle for attaining this.

5.2 COAST PROVINCE

Mombasa, Malindi, Lamu: 27th – 30th July, 2009

The meetings at the Coast Province brought in people with very different ways of life. The issues raised were, therefore, diverse.

5.2.1 Political Marginalization

Time and again, speakers brought up the issue of marginalization. It was, without a doubt, the overriding theme. Residents of Mombasa, Lamu and Malindi felt that they had been sidelined. They attributed their marginalization to an array of long-standing historical, racial and religious factors. They felt left out of the ongoing reconciliation process and any optimism that they may be moving closer to the hub of reconciliation activities were at an all-time low.

5.2.2 Land

Many participants spoke at length about various problems that stemmed from land occupation and ownership. As in all other parts of Kenya, coastal residents made a direct link between the inability to own land on one hand and poverty, hunger and all manner of social and economic deprivation on the other. Those from Tana River had problems between the pastoralists and the agriculturalists. In and around Lamu, the issue of land is particularly volatile and threatens to explode with potentially disastrous consequences. The prospect of the new port has made land in Lamu very precious. There are large settlement schemes on the Lamu Mainland which the locals consider to be inhabited by the so-called "immigrants" people which are beginning to have political, demographic and social consequences that indigenous inhabitants find extremely uncomfortable and painful to deal with. Another very sensitive issue is the Mpeketoni Settlement Scheme in which Kikuyus were settled in 1970s, a fact about which the locals are bitter. A rather disturbing issue was the disclosure that some of the locals who claim to be landless are people who were allocated land which they sold only to claim they are landless thereafter.

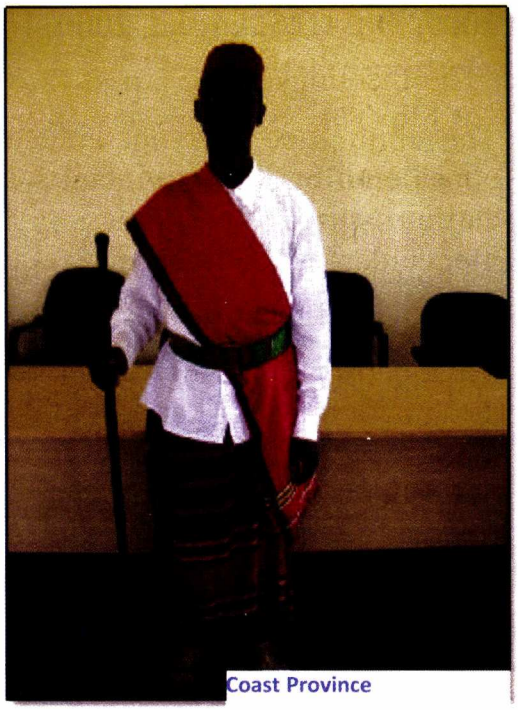
In other parts of the province, residents complained of large tracks of land owned by absentee landlords.

5.2.3 Criminality

Elders were very aggrieved by the prevalence of prostitution, drug abuse, gun violence, human trafficking and other forms of criminality directly related to tourism. While community elders are grateful for financial and economic advantages of tourism, they are very disturbed by the social and cultural burdens that coastal communities have had to bear as a result. They described themselves as locked in a 'no-win' situation.

5.2.4 Council of Elders

The positive trend seen in other meetings all over the country manifested itself in the province. Participants were confident that a National Council of Elders would not only add considerable value to Kenya's search for lasting peace and goodwill among hostile communities but would also help in reviving the cultural values of Kenyan peoples.


Coast Province

5.2.5 Local Precedents

Contributors pointed out that local Councils of Elders were already doing good work in some parts of Coast Province. For instance, the Pokomo people who live in the Tana Delta have long depended on a Council of Elders, that they refer to as the *Gasa,* to handle important welfare, social and development issues. Other delta communities such as the Orma, Wardhei, Munyoyayi, Wailawana and Wata are also guided by the wisdom and experience of their local councils of elders. The elders have been particularly influential in sorting out conflicts involving livestock theft, pasture, water, etc.

5.2.6 Best Practice

Some participants encouraged the Committee to apply best practices from councils of elders in the Province to other communities and regions of Kenya. The *Gasa*, it was observed, has been extremely successful in fostering productive working relations with the Ministry of Social Services and District Peace Committees. As such, the Gasa has found itself at the core of the Pokomo life.

5.2.7 Challenges

A number of participants expressed disappointment that the Government was not doing more to empower local councils of elders. It was observed that, these days, the provincial administration engages young chiefs with no experience in life and who know very little about culture and are quick to import western practices which misleads and confuses the people. They felt that Councils of Elders should be involved in appointments of chiefs. Participants observed that with financial and material support, councils such as the *Gasa* could do a lot more for their communities.

5.3 EASTERN PROVINCE

Isiolo, Meru, Embu, Mwingi, Kitui, Makueni and Machakos: 20th – 21st July, 2009, 3rd – 6th August, 2009, 10th -13th August, 2009

The committee was not able to visit Moyale and Marsabit, areas that were considered by the Provincial Administration to be insecure due to banditry and cattle-rustling. Nevertheless arrangements were made for the Committee to meet elders from those areas at Isiolo.

5.3.1 Land Issues

Most participants singled out land issues/disputes coupled with shortage of land as a major source of conflict that was exacerbated by the interference of politics. They attributed the conflict to undefined boundaries and over grazing. Informal marriages and lack of guidance in matters pertaining to inheritance intensified land problems. It was recommended that involvement of respected elde ould help in bringing the people together and resolve most of the land issues.

5.3.2 Insecurity

Participants were of the opinion that the greatest threat to security is cattle rustling. The level of insecurity was evident from the experience of the participants coming from Moyale. In order to get to Isiolo they had to travel from Moyale through Wajir, Garissa, Nairobi and then on to Isiolo. This journey took three days instead of the one day the direct route would have taken. The gravity of the problem underscored the urgent need for elders to engage in preaching peace right from the grassroots. It was felt that if the elders were seriously involved in looking for a solution, the insecurity would be eliminated as will be evident in the case of North Eastern Province.

5.3.3 Council of Elders

Virtually every speaker at Isiolo supported the establishment of Councils of

Eastern Province

Elders. It was hoped that these councils would address land boundary disputes, resources (water and pasture), cattle rustling, social justice, clanism, tribalism, political incitements and insecurity. Most participants from Machakos, Mwingi, Kitui and Makueni were of the opinion that the Councils of Elders should have a supervisory role in handling matters of social justice and plans for constituency economic development as well as overseeing the implementation of development projects, in particular, CDF. Contributors unanimously agreed that elders should be consulted for advice on matters of governance.

Most participants suggested that the Councils should be embodied into law within the Constitution or an Act of Parliament.

5.3.4 Local Precedents

Most of the participants in the region applauded Njuri Ncheke Supreme Council of Elders for their work in maintaining peace and order in Meru. The Committee was informed that Njuri Ncheke elders also play a key role in resolving boundary disputes between the Meru and neighbouring communities. The institution provides such valued guidance in all matters of community welfare that even the Provincial Administration refers some cases to the Council for guidance.

5.4 NAIROBI

Nairobi Province: 26th and 27th August, 2009

Nairobi Province

The meetings held in Nairobi raised the following issues:-

5.4.1 Tribalism/Ethnicity

Tribalism/ethnicity was identified as the principal cause of all the major problems in Kenya. Participants felt strongly that tribalism/ethnicity should be tackled before other problems can be resolved. Some participants felt that those tribes who consider themselves to be the majority tend to dominate others.

5.4.2 Corruption

Participants unanimously agreed that corruption in the country has contributed to poverty and unemployment. The participants said that corruption was rampant in CDF and LATF management committees there is neither transparency nor accountability in the management of the funds. Participants observed that CDF committees are not properly appointed thus leading to

mismanagement of funds. The CDF is perceived to be distributed on ethnic basis.

5.4.3 Education

A former education officer expressed concern over the state of affairs in the education sector stating that lack of proper parenting had made the youth disrespectful to their elders. He talked strongly about indecent dressing and the apparent abandoning of African culture in favour of western ways of life which has led to intergenerational conflict between the elders and the youth.

5.4.4 Youth Unemployment

Participants expressed concern over unemployment of the youth; the situation which has contributed to extreme poverty. This has forced the youth to move into slums like Pumwani and Kibera. In turn this has led to overcrowding, crime and other anti-social behavior in the city. It was reported that the situation has been improved by the *Kazi Kwa Vijana* initiative. The programme has faced numerous problems including poor management and politics. Some participants expressed concern that the initiative was only temporary and would leave the youth languishing in poverty if and when it comes to an end. Participants requested the Government to look into the management of the Youth Fund because money was not reaching the people on the ground.

5.4.5 Insecurity

Most of the participants identified politics and unemployment as the root cause of insecurity.

Majority of the participants linked insecurity to existence of militias and other criminal gangs such as Mungiki, Siafu, Taliban, and Chinkororo. These gangs have taken over the management of 'security'. Most expressed fear that the Police and the Provincial Administration were in collusion with the militias leading to a sense of helplessness and hopelessness.

It was also observed that insecurity was common during election campaigns. Participants were concerned that candidates incite their supporters by using hate speech targeting particular ethnic groups.

Participants requested the Government to address the issue of security using the police, headmen, assistant chiefs, chiefs and Council of Elders to solve this problem.

5.4.6 Food Insecurity

It was reported that food insecurity was a major problem in Nairobi. Participants suggested that the only way to resolve the problem was to have a food and water policy. Among other things, the policy would regulate the provision of food to the elderly and disabled and come up with water harvesting techniques like sinking of bore holes to avoid water shortages and hunger in the city.

5.4.7 Drug Abuse and Prostitution

The participants reported that drug abuse and prostitution is rampant in the city. They attribute this to increasing poverty and unemployment among the youth. This has resulted in high prevalence of sexual diseases. It was recommended that a Council of Elders is a credible vehicle that can be used to address the issue of drug abuse and prostitution.

5.4.8 Council of Elders

Participants suggested that the Government should institutionalize Councils of Elders from the location to the national level in an attempt to bring national healing and reconciliation, as practiced in China. It was proposed that the Council of Elders should engage with the country's leaders including the President. This would bring local needs of the communities to the leadership.

5.4.9 The Constitution

Participants felt strongly that the Government should ensure that adequate and effective civic education on the constitution be conducted. They further appealed to members of the parliament to develop a consensus on the constitution. It was suggested that religious leaders should come together and form forums in order to enhance national cohesion and integration.

5.5 NORTH EASTERN

Garissa: 3rd -5th August 2009

The Province has experienced widespread and continuous economic, political and social upheavals predating independence. Despite these problems, the cooperation between the elders, peace committees and the Provincial Administration has proved exemplary in the handling and resolution of these issues.

Speakers were aware of the post election violence that took place in many parts of the country but which did not directly affect them. They were quick to observe that the Government had put in a lot of effort to resolve post election violence (PEV) in a peaceful manner very much unlike the brutal and demeaning treatment routinely meted out to the people of North Eastern Province (NEP) under the pretext of containing security problems.

It was established from the submissions that there are four classes of conflicts in North Eastern:

- Resource-based conflicts: fights over land, boundaries, pasture and water;
- Political conflicts: expressed in fights along political lines and the Government acting as a catalyst;
- Gender-based conflicts: at the household or extended family levels; and
- Other conflicts: clansmen/people fighting for power and recognition.

5.5.1 Historical Injustices and Marginalization

An issue that the proposed council of elders must urgently address was:

The participants expressed concern over their perceived marginalization of inhabitants by successive Governments in North Eastern Province. The Government is seen to demean the people of North Eastern Province. Frequent curfews and mandatory production of identification cards (IDs) at every possible occasion were cited as examples. In other parts of Kenya where insecurity is an issue, like where the *Mungiki* is posing a major security threat, the Government has not taken the same measures it imposes in North Eastern.

The province has had limited infrastructure development. For instance, there is no tarmac road from Garissa the Provincial Headquarters, to the rest of the province.

The Government response to disasters such as the endemic drought in the province, the effect of the war in Somalia, inter-communal conflicts and the preferential treatment of refugees in the area are evidence of marginalization of the local people. Participants felt that development initiatives are not aimed at economically empowering the locals. The war in Somalia poses a huge security threat that is not addressed robustly enough for the citizens to feel sufficiently protected. The borders are very porous enabling arms and terrorists to easily find their way into and around the province. The effects of the newly created Ministry of Northern Kenya, Arid and Semi Arid Areas have not been felt.

5.5.3 Security

It was alleged that the fights between the Garre and Murule were led by dismissed armed forces lieutenants. In light of this, the participants recommended that the Government addresses the issue.

5.5.4 Scarcity of Resources: Water and Pasture

Although livestock is the mainstay of the region, there are frequent inter communal conflicts over water and pasture. The on going drought exacerbates the situation. The splitting of the original 3 Districts in the province to 12 has divided clans putting the people of one clan in different Districts thus increasing chances of conflict over water and pasture.

5.5.5 Refugees

Conflicts in the neighbouring countries have generated a big refugee problem for the area. There are about 300000 refugees against a population of 400000 locals in the province. The Government seems to give refugees preferential treatment to the extent that they encroach on land belonging to the locals by keeping livestock thereby directly competing for water and pasture with the host communities.

5.5.6 Council of Elders

It was submitted that the traditional governance system (referred to as Heer) has become less effective. Peace committees on the other hand, were applauded for their hard work (especially in Wajir District) of reconciling communities fighting over resources.

The participants suggested that the Government should institutionalize Councils of Elders from the location to the national level as a mechanism of bringing national healing and reconciliation. The proposed National Council of Elders ought to have a secretariat that would identify and exploit indigenous conflict resolution mechanisms.

It was observed that conflict management is a continuous intra or inter community process where elders and community leaders should play the main role. To help the country regain its original peaceful status, only those elders who have no interest in politics should be invited/recruited in the national elder's conference.

It was demonstrably clear that North Eastern Province did not experience PEV because of the cooperation between local administration, elders and women groups who worked together to encourage peace.

The idea of a Council of Elders as an instrument of solving the many faceted conflicts in the region was received with acclamation.

5.6 NYANZA PROVINCE

Kisumu and Kisii: 27th – 29th July 2009
In Kisii, the Government was urged to reinforce on-going conflict resolution initiatives in laying to rest border, inter-tribal conflicts and environmental degradation.
In Kisumu, a recurrent theme was the perceived animosity between Government and the community generated by political assassinations of prominent Luos'. Other concerns were the plunder of national resources, economic destruction, collapse of industries, and political repression by successive Governments.

5.6.1 Inter tribal conflicts.

The Abagusii stated that they were peace loving people and consequently have no conflicts with their neighbors.

Nyanza Province 1

The Luos in Nyanza regard their neighbours, the Luhya, as unreliable and they perceive that the Luhya look down on them. The same applies to the Abagusii. The Kikuyu, on the other hand, are said to despise and ridicule the Luo and use the community as a stepping stone to national political power. The Abagusii and Kikuyu dominate business in Luo Nyanza but the Luos complain that neither of these communities is willing to let the Luos do business in their 'home' regions.

Views were advanced that the Luo are not hardworking; that they do not take advantage of trade/development opportunities and that their resentment of other tribes, especially the Kikuyu, is an expression of jealousy. None of these views or perceptions contributes to peaceful co-existence.

Furthermore, conflicts were attributed to historical injustices and perceived indifference of the needs of the Luos by the Government. The two issues were said to have acted as the catalyst to the post election violence. The 2007 election results being the last straw that triggered the violence which was meant to avenge for the many underlying causes that remained unattended to for a long time.

5.6.2 Political Assassinations

Many speakers stated that the assassination of key Luo politicians was a major cause of tension between the Luo and Kikuyu. The Luo felt that, whereas they have supported the Kikuyu to ascend to national leadership, the latter have sidelined Luo political aspirations on tribal grounds.

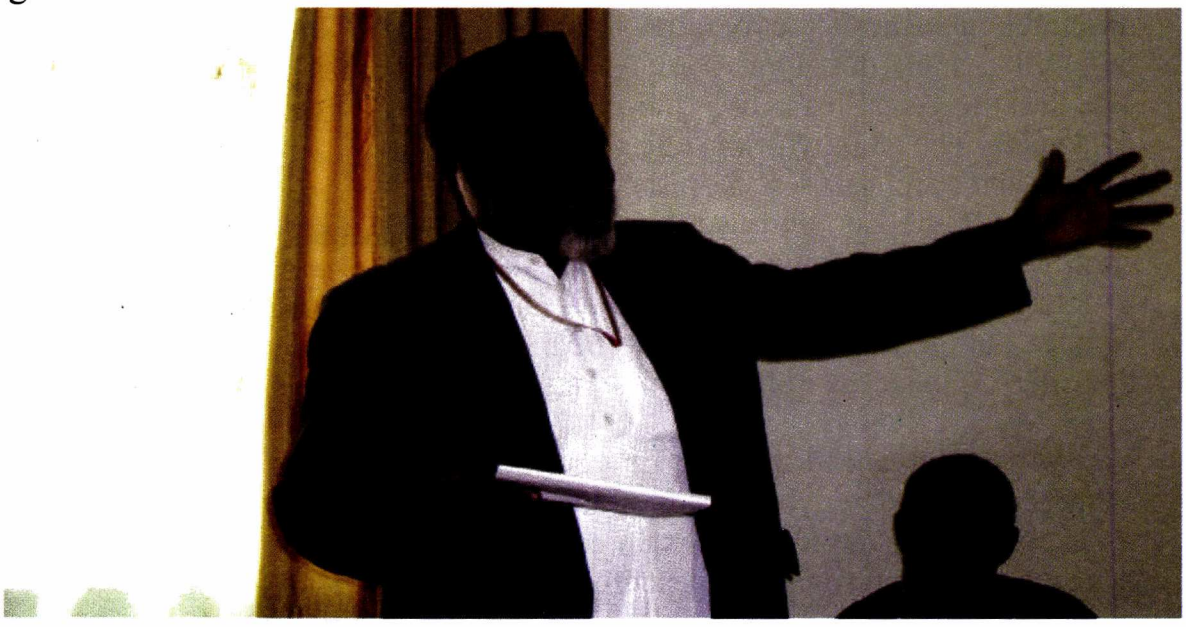
5.6.3 Collapse of Industries

When sugar and cotton industries collapsed, bitterness in the Luo community grew as they regarded this collapse as a deliberate attempt by the Government to deny them opportunities for economic development.

5.6.4 Plunder of National Resources and Environmental Degradation

Money from the Community Development Fund (CDF) has not been used transparently in the region and the proposed Council of Elders should scrutinize how this money is spent.

In some instances the Youth Development Fund initiative, meant to assist the youth engage in gainful self employment, is used by some councilors to advance their own agendas like making themselves politically significant and giving loans to their relatives.



Nyanza Province 2 1

Contributors were unanimous that land in the Mau Forest, given mostly to former ruling party, KANU, sympathizers, should be given back to the state. Those who were given land in the Mau but sold it should be traced and dealt with while those who genuinely bought land should be compensated.

5.6.5 Political Practices

Most contributors on the issue agreed that there was warped democracy in Luo Nyanza because of strong political alliances. In this regard, the Luo community

is viewed as intolerant. The Abagusii on the other hand, pursue independence in the choice of leaders and parties and, therefore, experience greater democratic space. These differing approaches to political choices caused conflict between the two communities in the 2007 elections.

5.6.6 Role of Women in Conflict Resolution

That there were some women in Luo land who came to give their views to this Committee is significant because it shows that they are recognized as contributors to resolution of conflict. Unfortunately this cannot be said of women from Kisii who were conspicuous by their absence from these meetings. Luo women speakers at the forum were very clear and original in their analysis of causes of conflict and the part elders should play in conflict resolution. They cited politicians inciting youths to commit acts of violence, lack of democracy, inheritance law not being known or enforced, attitude of the community towards work and the attendant idleness and drug abuse as causes of conflict.

5.6.7 Councils of Elders

The Committee was informed that the Abagusii had Abagusii Cultural and Development Council and the Luo had the Luo Council of Elders. Both of these councils were already handling conflicts at local levels.
In Kisii, conflicts were caused by incitements, hate speeches, cattle rustling, and land boundary disputes. The establishment of traditional systems through which conflicts are resolved was unanimously proposed. Such a traditional system is necessary because the existing mechanisms of dispute resolution have failed. Suggestions were made that Councils of Elders, dealing with all such matters from the location to national level, should be set up through an Act of Parliament to give them the legal strength needed to tackle these problems.

A view that forgiveness and reconciliation was the only way of bringing people together was also expressed.

In order to avoid the kind of violence experienced after the 2007 elections the proposed National Council of Elders would have the wherewithal to move quickly and decisively to diffuse conflict build-up in a sustainable manner. Its mandate should also include the overseeing recruitment of committees and the management of the allocated devolved funds. In addition, Councils of Elders should be involved
in budgetary allocation processes and have oversight powers over the welfare of their communities.

Rift Valley Province

5.7 RIFTVALLEY

Nakuru, Kericho, Kitale and Eldoret : 20th – 24th July, 2009

The Nakuru, Kericho, Kitale and Eldoret meetings generated heated yet thoughtful discussions about the following issues:

5.7.1 Land Ownership

Participants were categorical that ownership of fertile land by "non locals" lay at the core of most of the province's problems. Addressing the troublesome question of land ownership would, it was suggested, lay the groundwork for the resolution of associated problems such as poverty, unemployment, cattle rustling, ethnic violence and competition over water and pasture.

5.7.2. Marginalization of Pastoralist Communities

Although the marginalization of pastoralist communities was linked to the overall issue of land ownership, participants were particularly vociferous about what they described as the dire situation that the majority of pastoralists find themselves in. With gun runners and cattle rustlers operating more or less at will in some parts of the province, speakers warned that the fabric of pastoralist society was in very real danger of unraveling. As a matter of urgency, it was argued, the Government simply had to intervene. More specifically, Government had to recruit elders and traditional authorities to help bring warring communities to the peace table.

5.7.3 The General Election of 2007

While many participants said that the announcement of the elections was the cause of the problems, it was evident that such statements could not stand examination. A good number admitted that there were underlying issues which had plagued the people over a long time and the election results were but a trigger.

Judging from the participants' submissions, the passage of time has done very little to assuage feelings of hatred, insecurity, trauma and confusion in the Rift Valley.

5.7.4 Internally Displaced Persons

The province continues to play host to a sizeable population of Internally Displaced Persons (IDPs). Participants expressed complete dismay that little had been done to resettle and compensate these unfortunate citizens. They wondered why the Government had not made more sustained use of elders in the handling of IDPs.

5.7.5 Sentinel Systems

A number of contributors said that as trusted and senior members of their communities, they had received information in advance that alerted them to the possibility of civil unrest, strife and violence prior to the skirmishes. Their deepest regret was that no corridors existed for them to communicate with the relevant authorities; had there been, hundreds of lives might have been saved.

They requested that Government give serious thought to formalizing and/or recognizing the role that elders could play in matters of security, intelligence and surveillance.

5.7.6 Vernacular Radio Stations

While appreciating the proliferation of vernacular media outlets and the economic benefit they could bring, most participants were appalled by their output. Vernacular radio stations were accused of whipping up tribal sentiments throughout the Rift Valley thereby setting the stage for ethnic violence on an unprecedented level. Contributors were unable to understand how such radio stations were able to get away with such irresponsible broadcasting which amounted to incitement to violence. At the risk of alienating media moguls and other interested parties, participants called for the tighter regulation and/or deregistration of vernacular stations.

5.7.7 Constitutional and Legal Reform

Participants recognized the centrality of constitutional and legal reform to national reconciliation and cohesion. They requested that the Government remain vigilant in order that the efforts at reform do not degenerate into the ethnic and political jingoism witnessed during the Referendum of 2005.

A few speakers stated that, as elders, they had no idea how they were expected to participate in the current initiatives in constitutional and legal reforms. They wished to be updated through civic education.

5.7.8 Council of Elders

a). Creation of a Council of Elders

Like everywhere else that the Committee visited, the call for the formation of Councils of Elders, starting from the grassroots to the national level, was fervent; to give make the Councils effective, it was proposed that the councils be legally institutionalized through an Act of Parliament or the Constitution.

b. Role and Importance of the Council

Contributors proposed that the Council of Elders be integrated fully into the current attempts to cultivate peace, healing and reconciliation.

c. Schedule

Arguing that Kenya had already paid a very high price for the lack of a functional, independent and powerful Council of Elders, participants were adamant that the ball had to start rolling immediately. Nobody was prepared to contemplate what the impact of procrastination, delay and dilly-dallying would be come 2012.

d. Terms of Reference for the Council of Elders

The suggested terms of reference were:

- Code of conduct of the various communities;

- Oversight duties in community issues;
- Arbitration on intra and inter tribal social issues like land problems;
- Peace building and conflict resolution;
- Oversight body in the appointment of chiefs (in the case of grassroots Councils);
- Oversight body in District-level recruitment exercises; and
- Oversight body in issues of local and national development like CDF, LATIFF, etc.

e. Powers and Privileges

The suggested powers and privileges were:

- Access to information held by the Government;
- The power to compel persons to appear before it;
- The power to protect witnesses that appear before it and to name persons implicated in any wrongdoing;
- The power to recommend remedial actions relevant to the pursuit of reconciliation and national healing;
- The power to recommend compensation, restitution and reparations; and
- The power to prosecute and/or recommend prosecution to the judiciary.

f. Membership

Ideally, the members would be men and women of high moral integrity, mature, married, patriotic, and competent, people of good faith and representative of the community. It was further suggested that the Councils of Elders should also be balanced along regional and gender considerations.

WESTERN PROVINCE

Kakamega and Bungoma: 27th -28th July, 2009

The meetings in Western Province got on to a good start with high turnouts.

Western Province

5.8.1 Inter-generational breakdown

Most participants from the Luhya Community were of the opinion that the relationship between the elderly people in power and the youth was strained. They noted that there were attempts by the elderly to cling to power while the youth desire to take power thereby creating fierce leadership competition. Participants also raised concern in that there is no community leader with the stature to unify the entire Luhya Community.

5.8.2 Tribal Domination

Some participants were of the view that domination of the smaller tribes by the larger tribes was the cause of the conflicts in the region. The problem/rivalry between the Bukusu and the Sabaot over leadership positions was quoted as an example where the latter feel that former have marginalized them. It was felt that this was one of the issues that could be addressed by Sabaot and Bukusu Councils of Elders.

5.8.3 Land and Boundary Disputes

Most participants reported that intra community conflicts based on land ownership and boundaries were rampant. The translocation of the Koony, the Bok and the Teso, currently being addressed by the elders, should be supported by the Government to achieve positive change in the community. The participants stated that the creation and naming of some of the administrative units and boundaries have resulted in conflicts.

5.8.4 Social Problems

Participants stated that social problems arising from the failure of 'guest' communities' to integrate with 'host' communities have led to high levels of animosity. It was alleged that guest communities are corrupt and manipulate land surveyors, during subdivisions of land, to allocate them more land than they had actually paid for. These practices have angered the 'hosts' to such an extent that they yearn for an opportunity to revenge. The post election crisis was one such opportune moment. Many 'guest' communities were evicted and their properties burnt.

5.8.5 Local Precedents

In Kakamega, the Committee was informed that there is a Luhya Elders' Council and Luhya Elders Forum which jointly have representation from the 18 sub-tribes of the Luhya Community. It was resolved that Luhya Elders would merge the council and the forum to form an umbrella Luhya Council of Elders which would in turn be part of the Western Council of Elders. The Council would attend to issues like welfare, development, mentorship and maintenance of peace and order.

In Bungoma, the Committee was informed that there are Dorobo, Sabaot/Koony, Teso and Bukusu Councils of Elders. It was resolved that these and the Luhya Council of Elders should form an umbrella Western Council of Elders.

5.8.6 Council of elders

The establishment of a National Council of Elders, to address virtually all issues affecting the lives of people, was supported unanimously. It was resolved that the Government be requested to facilitate the establishment of Councils of Elders at the grassroots culminating in a National Council of Elders within the law.

It was strongly felt that a Council of Elders is a credible vehicle to lead Kenya to cohesion and integration in order to avoid a repeat of the violence witnessed after 2007 elections.

6. SUMMARY OF ISSUES RAISED NATIONALLY

During the hearings that the Committee held across the country, there were a number of concerns that were common to all areas although the gravity of the manifestations might vary. These were:

1. Historical Injustices which included land issues, discrimination in various forms and marginalization of certain parts of the country;
2. The introduction of new administrative boundaries;
3. Scarcity of resources – natural and man-made;

4. Insecurity;
5. Political and Government positions;
6. Poverty and unemployment; and
7. Tribalism.

6.1 Historical Injustices

Most participants pointed out that the major causes of Post-election Violence (PEV) were long-standing grievances, never addressed.

6.2 Land Allocation

In virtually all meetings, the most strongly felt ir justice was the issue of land and its allocation.

In Western Province, historical injustice featured prominently as causes of conflict among the Koony[10]. The Koony, who were originally pastoralists, say that the land the colonialists took from them was never given back to them at independence. Further, they complain that colonialists forced them into Mt. Elgon Forest where they had to become agriculturists. Nabongo Mumia, a Bukusu, was imposed on them as chief thus leading to social, economic, political and cultural conflict. [2]

The recent armed conflict was over perceived unfair allocation of land. Government security forces restored law and order reportedly at great cost in terms of human life. Elders are working with peace committees to find solutions and this should be encouraged and strengthened by institutionalizing the office of elders.

The Koony, it was stated, feel that the Bukusu marginalize them and this is a cause of constant tension that the Councils of Elders of the two groups should resolve. Tension exists between clans of the Koony Community over land allocation. It was felt that solutions to land allocation/resettlement in this region must be handled by elders and community leaders well versed in the causes of the conflict. It is feared that the young chiefs currently in office have neither the experience nor the wisdom in handling community issues. A council of elders would be well placed to provide guidance and oversight in handling sensitive community issues.

In the Rift Valley speakers complained that land, occupied by colonialists and bought by the Government at independence, was not given back to the communities originally displaced by the colonialists. Instead, communities from other regions of Kenya were preferred in the 'new' allocations thus forcing landlessness or migration on the 'real' owners of the land. It was felt that this is an issue that elders in cooperation with the Government should address urgently.

The Rift Valley is home to several pastoralist communities. Those who were displaced by the colonialists, feel that they have been neglected by successive

[10] Referred to as Sabaot or Elgon Maasai.

Governments in issues like land allocation. This has caused inter tribal conflicts because of scarcity of resources. Poverty, unemployment and marginalization (in education, job opportunities and creation of new administrative boundaries) were cited as examples of injustices.

Historical injustices among the Turkana, Pokot and Samburu are seen chiefly in the form of neglect of infrastructure. Roads, health care facilities, schools and employment opportunities are few if not lacking altogether.

It was reported that the Samburu provoke their neighbours by engaging in constant cattle rustling which creates a cycle of insecurity, poverty and underdevelopment.

In Central Province, it is claimed that the colonialists took land from the Kikuyu which forced many of them to settle elsewhere. This migration has proven hazardous as the settlers encounter hostility among the communities in which they have lived to the point of losing property and lives as happened in the post election violence.

In Machakos, a participant stated that the Kamba had a Council of Elders known as *Kingole.* He further stated that the Kamba had lost substantial land, claiming that historically Kamba land had extended to Hamza Road (Nairobi) and beyond Thika and Makuyu. He feared that with the extension of Nairobi the Kamba stood to lose more land.

Marginalization at the Coast has been due to race and religious discrimination.

Coast Province participants bitterly narrated how, during the Kenyatta regime, large tracts of land were allocated to more people from upcountry than from the Coast. This was in contravention of the agreements the Kenya Government had had with the Sultan of Zanzibar concerning the people and the ten-mile coastal strip formerly known as the 'Protectorate of Kenya'. Another complaint was that 'visitors' have been issued with title deeds while locals continue to wait indefinitely.

In Lamu, it was reported that local people on Manda Island were rendered landless when Government officials and other individuals were issued with title deeds thereby rendering the locals 'squatters'.

Participants further claimed that some 950 hectares of land registered as catchment area has mysteriously been reduced to 720 hectares and is steadily decreasing. The people of the area want to know who is getting this land.

6.3 New Administrative boundaries

Most participants were of the view that new administrative boundaries have the potential to cause serious conflict among the affected communities.

For instance, the Koony reside in Western Province with Luhya communities with whom they share no cultural ties. They complained bitterly about the loss of their communal land.

They complained that they are administered together with the relatively populous Bukusu making them feel marginalized. On the contrary, the Kalenjin with whom the Koony share a cultural and political heritage, form part of a neighbouring province. They demanded that their administrative District be transferred to Rift Valley Province.

Some participants were of the view that local communities see the creation of new administrative boundaries as an opportunity to free themselves from overbearing neighbours. The fighting in Kuria between the Nyabasi and Buirenga Clans of *Kuria* East District was given as an example. At issue, is the siting of the new District headquarters of Kuria East at Kegonga (Nyabasi). A similar problem was reported in Meru North/Tharaka after the creation of new administrative Districts and constituency boundaries.

The new boundaries are perceived to define ethnic groupings. In many cases, the new administrative boundaries result in minority population groups finding themselves in the 'wrong District'.

A number of participants felt that the Government should tread carefully when creating new administration boundaries to avert possible ethnic tensions similar, if not, worse than that witnessed during the post-election violence. They feared that some of the new administrative boundaries might lead to fresh conflict over access to natural and political resources.

It was reported that the Turkwel Gorge Electric Power Project is located in Turkana District, a contention that the Pokot strongly dispute. In the affected area, an artificial 'no-man's land' has come into existence as people from either District are pushed further away from the area along the disputed border for fear of attack by the other tribe.

6.4 Scarcity of Resources

Scarcity of resources was given as one of the main causes of conflict in practically all regions and especially among pastoralist communities. For these communities lack of water and pasture is a matter of life and death for livestock and people. In as far as North Eastern Province is concerned it was claimed that successive Governments have not bothered to improve pastureland or water availability. Scarcity of these resources leads to insecurity in the form of illegal acquisition of arms and cattle rustling which result in inter clan/tribal wars and general underdevelopment of the area.

In other parts of the country, the most frequently cited scarce resource was land. For example, the Kikuyu who live outside Central Province claimed that their land was taken by the colonialists which forced them to migrate to Rift Valley and elsewhere to start new lives. The people who claim the land on which the 'visitors' settled, complain that the Government is unfair to them because, more often than not, the visitors get title deeds for their parcels of land while the locals are forced to wait indefinitely for theirs. This has caused a lot of inter-community tension as was reported at the Coast, Mount Elgon and Rift Valley.

6.5 Political and Government Positions

With the importance attached to political positions, jostling for them was quoted as a major cause of tension in multi-ethnic regions with communities fighting during elections. Politicians lead communities to believe that the ethnic group whose candidate is elected will benefit from political patronage.

In addition to political positions, communities feel marginalized when, for instance, DC, DO, OCPD, DEO and lands officer are from the same community; they believe that all economic and social benefits like land allocations, places in good schools, jobs, roads etc will go to the tribe from which the officers emanate.

Most participants felt that development projects financed by devolved funds can be classified as a resource, the absence of which was considered a sensitive issue. It was reported that most members of parliament influence the choice of projects to be financed by CDF. Some have been known to withdraw funds from an ongoing project located in an area where the MP is not popular. This builds tension that could erupt with dangerous ramifications. It was felt that the management of CDF must have checks and balances that Councils of Elders could provide.

6.6 Insecurity

Most of the participants all over the country identified politics, unemployment, cattle rustling, resource based conflict and proliferation of small arms as the major cause of insecurity.

It was felt that the advent of multi-party politics affected the relations between ethnic communities. The fact that political parties are established and managed along tribal lines has created fierce competition with tribes jostling to retain or wrestle political power from others. It was claimed that this contributed to the post-election violence in 2007/2008.

Majority of the participants linked insecurity to criminal gangs used by politicians for personal gain. The police are perceived to lack not only financial and human resources necessary to counter insecurity but also the will to do so. Apparent lack of strategies by Government officers to address the violence and exploitation of unemployed youth by the politicians have aggravated the situation.

Most participants in Rift Valley, Eastern and North Eastern Provinces reported that insecurity in pastoral areas was as a result of the fight over scarce water and pasture as well as cattle rustling. This was compounded by poverty, poor development and minimal education. It was said that cattle rustling is a cultural and traditional practice. In the case of the Pokot, Samburu and Turkana, raiding cattle from rival tribes was a dangerous ritual through which boys became men. Males with a reputation for belligerence stole livestock for dowry or to boost community wealth, always after getting permission from elders.

Most participants, however, were of the opinion that cattle-rustling has transformed from being a customary means of livestock restocking, where traditional weapons such as bows, arrows and spears were used, to a commercial venture where sophisticated weaponry was the norm. It was stated that the proliferation of small arms and light weapons across the porous and unprotected international borders which the Government lacks the capacity and/or the will to monitor coupled with the apparently deliberate marginalization and under-development of the affected areas were catalysts to insecurity. In addition, it was suspected that some of the arms given to Kenya Police Reservists have been used by the raiders. Other than facilitating transportation of weapons, the porous borders have made it easy for cattle rustling to be carried out by raiders from neighbouring countries.

Many participants believe that arid and semi arid lands have been ignored in development planning and distribution of national resources. They said that the people living in these areas lack basic services such as personal security, education, health, shelter, water, and means of transport and communication. They felt that unless these areas are developed and opened up to the whole world through infrastructure development, they will continue lagging behind and posing a threat to national security.

6.7 Poverty and Unemployment

On unemployment most of the participants bemoaned the incidence of alienated, able-bodied but unskilled, jobless youth who are ready to embrace violence, drugs and other anti social habits in exchange for money. These vices fuel conflict and crime which adversely affects opportunities for economic, social, physical and institutional development thereby perpetuating unemployment and poverty.

The participants commended the Government for the introduction of the Kazi Kwa Vijana initiative and the establishment of the Youth Enterprise and the Women Development Fund. They recommended that the programmes be sustained as they impacted positively on national development and security.

In Central Province, poverty is linked to the sensitive issue of landlessness. It was claimed that land in the province is under pressure: it is constantly being subdivided into uneconomical pieces. Some of the arable land is under cash crops whose annual returns are small and not of immediate benefit to bread-and-butter issues. It was reported that most arable land in the area is owned by a few people which means that the majority have to look for waged labour or move to other areas where there is still enough land to sustain life. Since post-election violence, moving into other regions poses obvious risks. Waged labour is not available. Consequently many young people are idle and restless. The situation is further compounded by the 'return' of relatives from post-election violence hit regions who are now IDPs and who have to be catered for. Idleness and/or drunkenness of men in the province is a big concern especially among the women-folk who have had to watch as their men spend their idle time drinking large amounts of dangerous illicit liquor. This has brought other

problems, principally, the break-up of the families. There is no longer a father figure that the youth can look up to which has resulted in the youth becoming easy prey for recruitment into criminal gangs, in particular *Mungiki*.

6.8 Tribalism

Most of the participants all over the country observed that Kenyans first identify themselves by their tribes. This has led to the tribes becoming politically defined units having dimensions such as culture, language and territory. They believe that colonialists encouraged the tribal identification to create and exploit tribalism to enable them rule the country. Colonialists achieved this by establishing administrative units curved out in accordance with the areas the various tribes lived. The demarcation was meant and managed to foster greater tribal consciousness.

The majority of the participants agreed that the tribal differences in the country, normally accepted as part of life, are exploited by politicians who are often skilled at stirring up identity crises and identity politics among people who have lived peacefully side by side even to the extent of intermarriage to the detriment of the same people the politician claims to care for.

Participants felt that, to unite Kenyans, the country needed to explore the diversity without condemning the existence of tribes and provide civic education on nationalism, patriotism and citizen rights and responsibilities.

Field Visits Schedule

Week 1

July, 09	Sun, 19	Mon, 20	Tue, 21	Wed, 22	Thur, 23	Fri, 24	Sat, 25
Team One	Travel	Nakuru	Kericho	Kitale	Eldoret	Eldoret	Meeting

July, 09	Sun, 19	Mon, 20	Tue, 21	Wed, 22	Thur, 23	Fri, 24
Team Two	Travel	Meru	Isiolo	Nyeri	Nyeri	Embu

Week 2

July, 09	Sun, 26	Mon, 27	Tue, 28	Wed, 29	Thur 30	Fri, 31
Team Two	Travel	Kakamega	Bungoma3	Kisii	Kisumu	Kisumu

July, 09	Sun, 26	Mon, 27	Tue, 28	Wed, 29	Thur, 30	Fri, 31
Team One	Travel	Malindi	Malindi	Mombasa	Lamu	Travel

Week 3

August '09	Sun, 3	Mon, 3	Tue, 4	Wed, 5	Thur. 6	Fri, 7
Team Two	Travel	Garissa	Garissa	Garissa		

August '09	Sun, 3	Mon, 3	Tue, 4	Wed, 5	Thur,6	Fri, 7
Team	Travel	Mwingi	Kitui	Machakos	Makueni	

Week 4

August, 09	Mon, 10	Tue,11	Wed, 12	Thur,13	Fri, 14
All teams	Travel	Isiolo	Isiolo	Isiolo	Travel

August, 09	Wed, 19	Wed, 26	Thur. 27
All Teams	Machakos	Nairobi	Nairobi

Team One: Professor Abdulghafur El-Busaidy, Dr. George Wainaina, Professor Peter Wanyande, Ambassador Bethwel Kiplagat,

Team Two: Lady Justice (Rtd.) Effie Owour, Mr. Phares M. Rutere, Mr. Owino Magana, Mrs. Margaret Nteere

[3] The Mt. Elgon team to be hosted in Bungoma

Appendix II

REPUBLIC OF KENYA

MINISTRY OF JUSTICE, NATIONAL COHESION AND CONSTITUTIONAL AFFAIRS

COMMITTEE OF NATIONAL ELDERS CONFERENCE ON COHESION AND INTEGRATION

CONCEPT PAPER ON NATIONAL ELDERS CONFERENCE ON COHESION AND INTEGRATION

Kenyatta International Conference Centre

NAIROBI

1.1 Appointment and mandate of the Committee

On 19th June 2009, the Ministry of Justice National Cohesion and Constitutional Affairs (MoJNCCA) appointed a Committee to prepare and organize a National Elders Conference on Cohesion and Integration. The committee was launched by the Minister on the 24th June, 2009 and started work immediately. The Committee derives its mandate from:

- Political Pillar of Vision 2030.
- Agenda item IV of Kenya National Dialogue and Reconciliation.
- The recommendations of the Kenya We Want Conference.

The Political Pillar of Vision 2030

Vision 2030, Kenya's blue print for development, was developed in 2007 and launched in 2008. Under the political pillar, the document lays emphasis on security, peace-building and conflict management. It particularly aims at promoting processes for national and inter-community dialogue in order to:

- Build harmony among ethnic, racial and other interest groups;
- Promote peace building and reconciliation;
- Improve conflict management and ensure sustained peace within the country; and

- Inculcate a culture of respect for the sanctity of human life that restrains people from resorting to violence as a means to resolving disputes.

Agenda item IV of Kenya National Dialogue and Reconciliation

Agenda item IV focuses on consolidation of national cohesion and unity. The agenda appreciates that consolidating national cohesion and unity is a cross-cutting task that will require the efforts of all stakeholders including Government ministries, civil society and all Kenyans. It requires that Parliament and the Executive do the following:-

- Initiate and sustain advocacy role on ethnic and racial harmony;
- .Establish and operationalize a policy and institutional framework for a Peace-Building and Conflict Resolution Programme (PBCRP) and early warning mechanism on social conflict including a PBCRP monitoring and evaluation system and a restructured se :retariat;
- Enact the alternative dispute resolution Act;
- Extend District Peace Committees framework to entire country and link it to District security committee;
- Undertake civic education on ethnic relations;
- Inculcate a civic culture, which tolerates diversity; and
- Encourage inter-ethnic cooperation, through the school curriculum.

Recommendations of The Kenya We Want Conference of February, 2009

"The Kenya We Want Conference" made the following recommendations:

- Leaders of the Grand Coalition Government should work together and listen to the ordinary people more;
- "One Nation, One Dream" meetings should be held at District and community level;
- Resolutions of these meetings should be discussed at the national level;
- Divisions and negative ethnicity that arise from competing politicians must be brought to an end by laws; and
- Culprits of violence should be brought to book.

The proposed National Elders Conference builds on these recommendations and seeks to operationalize them.

Specifically the committee is tasked to facilitate and initiate regional and national consultation with elders, community leaders and other stakeholders with a view to:

- Identify areas, nature/type and potential causes of conflicts;
- Identify, appreciate and document efforts of individuals and organizations in conflict resolution and peace building;
- Identify ways and means in which elders should be involved in bringing about reconciliation, national healing, peace and cohesion in the country.

1.2. Background

At independence in 1963, Kenyans aspired to establish a country where justice would be our shield and defender, where we would all dwell in unity, peace and liberty.

Over time, however, we deviated from this noble vision. It suffices to note that the country has been divided on the basis of ethnic, socio-cultural, regional, political, economic and other factors.
Ethnic and political conflicts were evident during the 1992 and 1997 elections. The intensity of these conflicts following the 2007 General Election resulted in a shattered national fabric culminating in the loss of about 1300 lives and over 350,000 people internally displaced. Furthermore, the conflicts adversely affected not only Kenya's economy but also that of the surrounding region. (Uganda, Rwanda, Burundi, Sudan).

1.3 Context

The post election violence and the form it took revealed that when differences arise Kenyans were more inclined to retreat into their ethnic groupings rather than forge ahead as a nation with a common destiny. It further revealed that this situation if left unattended; the same could degenerate into complete national disintegration. Every effort must, therefore, be made to inculcate in Kenyans the values of national unity and cohesion. It is against this backdrop that the Government seeks to engage and harness the wisdom of the elders' and community leaders' tried and tested reconciliation mechanisms to bring about lasting peace and a strong sense of nationhood. We are aware that such conflict resolution mechanisms have been used successfully in other countries.

Following the National Dialogue and Reconciliation effort, brokered by the international community under the chairmanship of former UN Secretary-General, Kofi Annan, the Government responded to this unfortunate state of affairs by establishing a Grand Coalition Government in which all the major political protagonists would participate. The Government, led by His Excellency the President and the Right Honorable Prime Minister, visited the affected areas and Internally Displaced People in camps and preached peace.
Parliament enacted the National Ethnic and Race Relations Act 2008. The Act paved the way for the establishment of a National Cohesion and Integration Commission. The Commission's mandate is to facilitate and promote equality of opportunity, good relations, harmony and peaceful coexistence between persons of different ethnic and racial communities resident in Kenya and to advise the Government on all aspects thereof. Further, the Truth, Justice and Reconciliation Commission was established through an Act of Parliament to deal with the resolution of historical injustices amongst other things.

So far, most of the efforts undertaken to bring about reconciliation in Kenya have been driven by the assumption that conflict occurs only between different ethnic groups. The reality, however, is that most of the initiatives at peace building, including the post election initiatives, need to go the extra step of acknowledging, recognizing and addressing the high prevalence of conflicts which occur within communities. This usually occurs along social and economic lines. National peace initiatives have so far not fully utilized the role of elders and other community leaders in managing conflicts. Efforts have not been made to put in place an institutionalized system capable of monitoring the

extent to which peace is maintained and to provide early warning signals that peace may be in jeopardy thus enabling timely and appropriate intervention.

The decision to involve elders in the post election reconciliation effort was also informed by the need to fast-track constitutional and institutional reforms, national cohesion, integration and reconciliation. The Government through the Ministry of Justice National Cohesion and Constitutional Affairs decided that elders and community leaders steer the process and established a committee to prepare and organize a National Elders Conference on Cohesion and Integration. It is expected that the result of this initiative will help heal and unite Kenyans.

1.4 Current Scenario

The parties to the National Dialogue and Reconciliation, together with the Panel of Eminent African Personalities (The Panel), agreed to the establishment of a Commission of Inquiry into Post Election Violence (CIPEV). The Commission, chaired by Justice Phillip Waki (hence its name), was mandated to investigate the facts and surrounding circumstances related to acts of violence that followed the 2007 presidential elections; investigate the actions or omissions of State Security Agencies during the course of the violence and make recommendations necessary, to recommend measures of a legal, political or administrative nature as appropriate including measures with regard to bringing justice to those persons responsible for criminal acts.

The Waki Commission recommended the creation of a special tribunal to investigate, prosecute and adjudicate on particular crimes against humanity. The Commission produced a report which was handed over to the Government. The report did not contain names of those suspected to have masterminded the violence. The report provided for the establishment of a Special Tribunal to try the alleged suspects. This would require Parliament to enact a law to provide a legal framework for the Tribunal. In the event that this did not happen or if having commenced operating and its purpose is subverted the names would be forwarded to the Special Prosecutor of the International Criminal Court (ICC) at The Hague.

The handing over of the names to the ICC has changed the dynamics of the context in which efforts at national reconciliation, cohesion and integration will be played out. The recommendations of the Waki Report were intended to safeguard the public good. The Government is, therefore, committed to implementing the recommendations in order to root out impunity, restore and respect the rule of law. Indeed the discussion around the list of suspects, popularly known as the 'envelope' is likely to trigger new dimensions of inter-ethnic conflicts. This may adversely impact on current peace initiatives. Of special importance to this committee is the role that elders and community leaders should play in mitigating against any further conflict.

2.0. Objectives

The objectives of this initiative are to:

- Conduct consultations with community elders and other local leaders including faith-based, women and youth leaders with a view to having them propose solutions to enhance our sense of nationhood;
- Explore opportunities for community elders to contribute to national healing and reconciliation;
- Create a platform for elders and other community leaders to contribute to national reconciliation thus helping maintain Kenya's sense of nationhood on an ongoing basis;
- Identify and document both the immediate and underlying causes of endemic inter and intra-community conflicts in Kenya ;
- Provide Kenyans with an opportunity to actively participate in designing, bringing about and appreciating the value of peaceful coexistence within and between communities; and
- Institutionalize a national framework through which elders from different communities can, on a continuous basis consult and contribute to the strengthening of nationalism in Kenya, by learning from each other and from lessons beyond our borders.

3.0. Methodology

The activities will involve the following:

- Identify elders and community leaders;
- Sensitize the identified elders on the objectives of this exercise with regard to reconciliation and peace building;
- Seek their views on the causes of violence;
- Seek their input with regard to steps they consider necessary to bring about national reconciliation and healing;
- Establish their views on the roles they should play and those they think ought to be played by other stakeholders;
- Request the elders to suggest the most effective ways of conducting the proposed elders' conferences so that the objectives are achieved; and
- Organize regional conferences with a view to bringing together elders and community leaders from conflicting communities in order to discuss their differences in preparation for the national conference;
- Hold a national elders' and leaders' conference in Nairobi with a view to deliberate on the way forward.

The following criteria will be used to identify elders and other community leaders to be involved in the exercise:

- A list of ethnic groups who have recognized Councils of Elders will be drawn up;
- The list of ethnic groups who have been in conflict with neighboring communities over prolonged periods of time will be drawn up; and
- The third category would comprise communities who are prone to intra-ethnic conflicts and violence.

The committee will then organize regional visits and discussions with elders and leaders of communities that will have been identified. The purpose of the visits and discussions will be to:

- Identify elders and community leaders who will contribute to peace building;
- Sensitize the elders and other community leaders on the purpose of the exercise;
- Collect the elders' views about the immediate and underlying causes of both inter and intra community conflicts;
- Get their views on how sustainable peace can be instituted and managed;
- Find out from the elders how they perceive their role in resolving the inter and intra ethnic conflicts in Kenya; and
- Foster dialogue among different communities leading to regional cohesion.

The information collected from the entire exercise will be presented in a report.

4.0. Work plan

To achieve the objectives set herein, the following activities are designed to ensure that the elders and community leaders are involved in a participatory manner in reaching solutions to prevent conflicts and thereby achieve peace and cohesion.

Phase One

Consultations with the elders' representatives and intelligence/preparatory meetings. These are expected to yield planning information for the committee.

Phase Two

Regional consultative meetings with community elders and leaders to all the eight provinces.

Phase Three

Four Regional Conferences (to bring together specific conflicting ethnic groups - hotspots). Each conference will take 2 Days and will be held in the regions. The regional conferences are proposed in the following clusters:

i. Coast (Pokomo/Ormas, Locals/Upcountry);
ii. Rift Valley (Kikuyu, Kalenjin, Luo, Kisii, and Maasai);
iii. Upper Eastern (Samburu, Pokot, Turkana, and Boran). The specific output will be regional covenants; and
iv. Central and Nairobi.

Further consultations with various interest groups inter-alia:- Kenya National Human Rights Commission, Media, Civil Society Organizations among others.

Phase Four
The holding of the National Conference.

Date	Action	Output	Person Responsible
6-10 July	Consultations with select Elders and Intelligence team	Planning Information	Committee
13 -17 July	Planning for Field Visits and Conferences	Concise work plan and budget	Committee
19 July - 7 August	Regional Visits /Consultations	Recommendations leading to successful regional conferences	Committee
10 – 28 August	Consultations with Interest Groups/Planning for the conferences	Different perspectives on cohesion and integration	Committee
September	Regional Conferences (4 Conferences – 2 Days each)	Regional Covenants	Committee
End of October	National Conference (2 Days)	National Covenant	Committee

5.0. Expected Outputs

The expected outputs of the national conference will be the following:

- A national elder's covenant on cohesion and integration.
- Documentation of the causes of conflict, the nature/type of conflicts, the potential causes and areas of conflict.
- Recommendations of ways and means of bringing about national healing, peace and cohesion in the country.
- Recommendations on how the conflicts can be eliminated.
- Increased awareness by Kenyans of the value of peaceful co-existence among and different communities.
- Enhanced sense of nationalism and common belonging among different Kenyan communities.
- A culture in which Kenyans address issues objectively rather than on the basis of personalities.

List of Committee Members

Names	Signature
Lady Justice (Rtd.) Effie Owour	
Prof. Abdulghafur El-Busaidy	
Dr. George Wainaina	
Prof. Peter Wanyande	
Mr. Phares M. Ruteere	
Mr. Owino Magana	
Mrs. Margaret Nteere	
Amb. Bethwell Kiplagat	

Appendix III
Field Visits Schedule

Week 1

July, 09	Sun, 19	Mon, 20	Tue, 21	Wed, 22	Thur, 23	Fri, 24	Sat, 25
Team 1	Travel	Nakuru	Kericho	Kitale	Eldoret	Eldoret	Meeting in Nairobi
Hotels	Cathay	Cathay	Kericho Tea Hotel	Kitale Club	Eldoret Club	Eldoret Club	KICC

July, 09	Sun, 19	Mon, 20	Tue, 21	Wed, 22	Thur, 23	Fri, 24
Team 2	Travel	Meru	Isiolo	Nyeri	Nyeri	Embu
Hotels	3 Steers	3 Steers	Bomen	Outspan	Outspan	Isaac Walton

Week 2

July, 09	Sun, 26	Mon, 27	Tue, 28	Wed, 29	Thur, 30	Fri, 31
Team 2	Travel	Kakamega	Bungoma[4]	Kisii	Kisumu	Meeting in Nairobi
Hotels						

July, 09	Sun, 26	Mon, 27	Tue, 28	Wed, 29	Thur, 30	Fri, 31
Team 1	Travel	Mombasa	Mombasa	Malindi	Malindi	Meeting in Nairobi
Hotel						

Week 3

August '09	Sun, 3	Mon, 3	Tue, 4	Wed, 5	Thur, 6	Fri, 7
Team	Travel	Marsabit	Marsabit	Comm Meeting in Nairobi	Garissa	Garissa
Hotel						

August '09	Sun, 3	Mon, 3	Tue, 4	Wed, 5	Thur,6	Fri, 7
Team	Travel	Mwingi	Kitui	Committee Meeting in Nairobi	Nairobi	Nairobi
Hotel						

Team 1 – El-Busaidy, Bethwel, George, Wanyande, and Joseph
Team 2 – Effie, Rutere, Magana, Margaret, and Abraham

[4] The Mt. Elgon team to be hosted in Bungoma

Appendix IV
Day Programme for the Field Visits

TIME		ACTIVITY
8.00 - 8.30	÷	Registration
8.30 - 9.00	÷	Prayer and Introduction
9.00 - 10.30	÷	Morning session Peace building Initiatives • Conflicts • Causes • Initiative undertaken • Outcome of the initiatives • Reasons for Success/Failure
10.30 - 10.45	÷	Tea Break
10.45 - 1.00	÷	Peace building Initiatives • Conflicts • Causes • Initiative undertaken • Outcome of the initiatives • Reasons for Success/Failure
1.00 - 2.00	÷	Lunch
2.00 - 3.00	÷	Discussions
3.00 - 4.00	÷	Recommendations
4.00	÷	Close of day

Appendix V
Questionnaire
General

- What are the social and economic problems in your area?
- What do you think are the reasons for these problems?
- Have these caused any substantive conflicts?
- In what manner have these been addressed?
  - Community elders,
  - Government,
  - Religious elders,
  - Civil societies,
  - Any other.
- In what manner were they resolved?
- Were they successfully resolved?
- If not, why?
- Are the problems still persisting?
- Are there any initiatives currently being undertaken?

Inter-communities issues:

- Appreciating the fact that you are from different communities how do you relate amongst yourselves?
- Has the existence of different communities been a source of any conflict?
- For how long have the conflicts existed?
- What attempts have been made to resolve them?
- What was the status before the 2007 General Election?
- What was the status after the elections?
- Violence: if yes, discuss the resultant impact. (displaced people, destruction of property and separation of families)?
- Are there any displaced persons in your community?
- Where are they?
- Whom do you consider as elders and community leaders in your communities?
- Are there institutions of elders in your communities?
- Were they effective in dealing with the conflict?
- If not? What mechanisms exist that should have been used in resolving the conflicts?
- Have these mechanisms been used to resolve the conflicts you have described?
- What have been the results of these efforts?
- Why do the conflicts persist?
- If they can be resolved what are the possible ways of resolving these conflicts?
- Are you satisfied with the role you have played in national issues?
- What impact do you think the implementation of the Waki Report will have on the country?

- In your view, what should the Government do to maintain the cohesion and integration in the country in relation to the implementation of the Waki Report?
- In your opinion how should issues arising from the implementation of the Waki Report be addressed by the Government and the community?
- The Government plans to hold a National Elders' Conference to discuss ways of bringing about permanent peace, national cohesion and integration following the crisis experienced after the 2007 general election. How would you want this conference to be organized and what issues should be addressed and what would be your recommendations thereof?

Rules of procedure

1. The hearings will be in public.
2. Where need arises the committee will hear its matters in camera.

THE COMMITTEE OF NATIONAL ELDERS CONFERENCE ON COHESION AND INTEGRATION: VISIT TO RWANDA ON 16TH SEPTEMBER 09

The Committee's visit to Rwanda was informed by the need to draw from best practices on using traditional methods and structures to establish peace, reconciliation and unity, for which this central African nation was fast becoming renowned. Rwanda has gone through one of the worst cases of genocide in Africa in recent times. Rwandans are determined, however, that they must live in peace, as one nation: indeed this, they say, is not an option but a fundamental process, a non negotiable obligation for their development. Hearing and reading about all this, the Committee felt compelled to visit this sister state and learn from her experiences.

On Wednesday 16th September, 2009 the Committee started its 4-day official visit to the Republic of Rwanda, where it was met by Ms Harriet Nduma, the Deputy Chief of Mission at the Kenya Embassy. Ms Nduma briefed the Committee on the political and sociological background of Rwanda.

At its briefing meeting at the Kenya Embassy, the Committee through its Chair, Lady Justice (Rtd.) Effie Owuor, promptly acknowledged and appreciated the comprehensive programme that the Embassy had made, which no doubt, contributed to making this visit very worthwhile.

In Attendance at the briefing were:

- Lady Justice (Rtd) Effie Owuor (Chairperson)
- Professor Abdulghafour el Busaidy (Vice-Chairman)
- Ambassador (Rtd) Benjamin Kipkulei
- Professor Peter Wanyande
- Dr. George Wainaina
- Mr. Phares Ruteere
- Mr. Owino Magana
- Mrs. Margaret Nteere
- Mr. Francis Owino (Director, National Commission on Cohesion)
- Mr. Hassan Hussein Mohamed
- Mr. James Wambura
- Esther Womulabira K (researcher to the committee)
- From the Kenya Embassy:
- Ms Harriet Nduma
- Mr. Edward Eshikuta and two other Embassy staff.

Objective of the Committee's Mission to Rwanda

Lady Justice (Rtd.) Effie Owuor stated that the Kenya Government was working on many fronts towards the implementation of Agenda 4, Vision 2030

and recommendations from The Kenya we Want Conference. It had established several commissions to enhance the processes and policies on cohesion, unity and integration, law reforms, good governance etc. This Committee was part of these efforts and was specifically tasked with finding out how the institution of Elders could be harnessed in national conflict resolution and reconciliation. The Committee wanted to learn how Rwanda had used/was using this and other traditional African institutions to promote unity and cohesion in their national affairs. Since Rwanda's achievements of trying perpetrators of 1994 Genocide in Gacaca courts were well-known, could Kenya not adapt some of these initiatives?

Even before getting to Gacaca courts, the causes of Rwanda's conflict-ridden history were of great interest to the Committee who were then engaged in the exercise of establishing causes of conflict in Kenya. The Embassy's efforts to assist the Committee in this area were, therefore, highly appreciated.

Ms Nduma assured the delegation that the embassy was aware of Kenya Government's efforts in fostering unity and cohesion and the support the Private Sector in Kenya was giving the country on this. The fact that a Government Committee was visiting Rwanda, a country that had reached the point of near-disintegration in 1994, was a reflection of Kenya's seriousness. The Committee was told that Kenya-Rwanda bilateral relations were excellent; cooperation was good and endorsed at the highest executive level in both countries. Ms Nduma gave a brief and very incisive administrative and political background of Rwanda. The political and administrative structures in that country are meant for service delivery but, she stressed, just as importantly if not more so, for *countering attempts to reinstate or repeat the deadly genocide ideology.*

Political Structure

Rwanda has a Constitutional executive President elected by popular vote for a maximum of two seven- year terms; she also has a vice-President and a Prime minister. Presidential and parliamentary elections are held separately.

Rwanda has a bi-cameral parliament: Upper house (Senate) and Lower house. Members of Parliament are elected for 5 years and belong of any one of the many political parties which, constitutionally, cannot be based on religion or ethnicity. Political parties and Parliament have three main issues: Reconstruction, Reconciliation and Development. These are the three pillars upholding Rwanda's latter day agenda.

Ministers, the executors of national policies, are appointed for their technocratic skills and abilities. They are *not* politicians and they are supposed to deliver on implementation of policies that will reconstruct, reconcile and develop the country.

Leadership structures commence from the village and go up to the provincial level. Leaders at all these levels, i.e. cell, divisional, sectoral and provincial, are elected into councils, by electoral colleges. The Committee had its first inkling of councils 'roles when they were informed that councils take a lead in

reconciliation strategies by creatively using poverty reduction tactics to promote simple economic advancement for individuals. At District and divisional levels, devolved funds (DDF) are used for development projects. With this briefing the Committee was prepared and eager to start this important fact- finding mission. The Embassy had carefully secured appointments with relevant key officials and institutions as under.

1. The Gisozi Memorial Centre.
2. The President of IBUKA - the Umbrella Organization of Genocide Bodies.
3. Officials of the National Unity and Reconciliation Commission (NURC).
4. Executive Secretary of National Commission for the Fight against Genocide.
5. Executive Secretary of Genocide Widows and Survivors.
6. Director-General of the Diaspora Directorate, Ministry of Foreign Affairs.
7. Minister of Justice and Attorney General.
8. The Executive Secretary of Gacaca Jurisprudence services.
9. "Ingando" passing out parade of 934 pre-University students at Musanze in Northern Province.

The Gisozi Memorial Centre

This is the mass burial site of 285000 genocide victims and still counting with every perpetrator's confession. Most of what is buried is parts of human bodies. The number of "the buried" continues to rise as more body parts are located when confessions are made by killers or witnesses in Gacaca courts.

Rwanda's social history at a glance

The Memorial Centre houses all kinds of historical artefacts including photos of Rwandan social life at the beginning of colonialism and later ones. What is intriguing to many visitors are photos of white colonialists "measuring" the bridge of natives' noses to establish their "racial" origin. This was not a prank: the white man was saying that there were some natives he came to colonize who did not belong to Rwanda and their physical features, especially their noses, proved this. As far as Rwandans are concerned this was the beginning of deliberate actions that divided the population and promoted antagonism. The Committee was told that those with found to have sharp nose bridges were categorized as the nobility or Tutsi while ones with more flat noses were termed as inferior to the Tutsi. Rwandans state that this categorization was artificial, foreign and divisive. Perhaps that was why the white man had to go through the exercise because when asked, the natives did not know what their colonial master was talking about. The truth is that the Belgians wanted to understand and categorize Rwandan society along their own country's lines. This was the beginning of Rwanda's bloody conflicts. In the centre there were also copies of the infamous ID card that was the first written colonial tool for identifying and hence dividing the population along so-called racial lines.

Although Kenya had been through the hostilities of Post-Election Violence in 2008, nothing prepared Committee members for the naked hatred that caused the deaths of those whose skulls, limb bones, clothes and photos were on display in this part of the Centre. Visitors at the centre are stunned into speechlessness as they read The ten "Commandments for the Hutu, modelled after the biblical ones. Callous additions fashioned these fundamental parts of the Bible into the deadly intellectual weapons they became. One commandment reads "You shall not kill anybody but a Tutsi. (A tutsi is a cockroach)."

Apart from the mass graves of numerous, nameless victims entombed in huge slabs of concrete, there is a memorial garden at the Centre. It is artistically crafted in three parts which symbolize

1. Pre-colonial harmony in Rwanda.
2. Division (symbolized by broken pots).
3. Reconstruction (mending the broken pots/whole).

The Committee was told that this memorial garden is a meditation spot for the many relatives and survivors who come annually to the Centre to remember.

The modern history of the country is also retold/depicted at the Centre either by the guides or through audio-video means. Either way there is at once a clear repudiation of the divisive strategies of the colonialist and the two successive regimes as well as an imperative call to remember. With this backdrop of gruesome events, it is commendable that the official tone in the nation is one of Reconciliation and Reconstruction. These important pillars of the country's present and future development can be seen in all the presentations given at this centre.

After the sobering tour of the Gisozi memorial Centre the Committee was taken to meet with the president of IBUKA Mr. Theodore Simburundali at the organization's premises.

IBUKA is an umbrella organization for 13 genocide bodies which was created right after Genocide in 1994 to deal with a myriad of problems then facing the country. It was explained that BUKA is the Kinyarwanda word for "remember" and this body believes in keeping the national memory alive to the fact that genocide happened, why it happened, how it happened and it should never happen again.

The major challenges after July 1994 related to the immediate needs of orphans, widows and the wounded. A further challenge was the fervent need for justice both for the survivors (victims) and perpetrators.

IBUKA exists more now to assist Rwandans to coexist because this is their desire. Coexistence is very difficult for both perpetrators and survivors of genocide. On one hand, there is still propaganda to eliminate survivors fuelled by perpetrators living in exile in various parts of the world. For instance, FDL (Force for the Defence of the Liberation of Rwanda) combatants living in Congo DR and elsewhere are unwittingly supported by the international Media which gives them a platform to propagate their ideology. On the other hand are

the Rwandans from either side of the genocide divide living side by side in villages, without anything to separate them. They are trying to cope with the reality of life as it is and that sort of propaganda serves only to unsettle them. At the same time it fuels animosity thus making the work of IBUKA organizations unnecessarily more challenging.

IBUKA, by encouraging survivors to face up to the realities of life, including testifying in Gacaca courts or even at the ICTR (where people are made to go through various indignities for the sake of establishing the truth), is working from the premise that *the memory of genocide must be kept alive in order to avoid a repeat.* It is hoped that such testimonies will also have a cathartic effect on perpetrators and victims.

IBUKA has initiated a project on "rescuers". Within the precincts of IBUKA is a memorial area that commemorates the death and burial of 5000 people who were abandoned by United Nations Mission to Rwanda (UNMIR). Rwanda Patriotic Front (RPF) soldiers and some villagers risked their lives to protect some of the abandoned people. This project, mainly an information resource centre, is meant to demonstrate and encourage ordinary people to know that there are still human beings who refuse to be compromised or manipulated for evil purposes. The site itself symbolises the failure of the international community but the victory of those who were willing to protect their countrymen.

Apart from memory, Tolerance is the other pillar upheld by IBUKA. Victims and perpetrators are encouraged to participate in community work because people learn to tolerate each other during such activities. This makes coexistence possible.

IBUKA has had a programme for adoption of the many orphans of genocide and it coordinates the 5% of its annual budget that the Government gives towards the provision of health and education of survivors. IBUKA and the whole country realize that Rwanda will always have to depend on herself to solve her problems. This is because of the failure of the numerous UN General Assembly resolutions to provide assistance to Genocide survivors have remained on paper. Mr. Simburundali told the Committee that the International community has done relatively little to support these orphans. Furthermore, he expounded, culpable nations like France and Belgium were not ready to discuss compensation for survivors of genocide. This was very instructive for the Committee from Kenya which is grappling for solutions on national healing, cohesion and integration.

Traumatized survivors will have a chance of being counselled by professional psychologists and trained counsellors when IBUKA implements its Trauma programme fully. According to IBUKA officials there are many victims of the 1994 genocide who still need to be assisted to get back into the mainstream of society. These include children who killed members of their families. Many Counsellors, Psychologists etc are needed to bring psycho-social stability in the

lives of many categories of people, more so because genocide has a long (historical) cycle.

In order to prevent Genocide, the President emphasized the need and importance of understanding how genocide works. He took great pains to describe the "life cycle" of genocide to the Committee who wanted to know how this can be done. Stage one: is the preparation; stage two: is dehumanization i.e. publicly referring to a group as cockroaches. Stage three: is polarization or creating a "we" and "them" mental status. Stage four: is the training of armed gangs in methods of killing and using the media to propagate the ideology and strategy of genocide. The actual extermination is the peak of this cycle. Stage five: is denial especially in the perpetrators. This is a serious offence and an obstacle to the healing process. IBUKA is currently prosecuting those organizations/individuals who are denying genocide. Stage six: is bad leadership. Unfortunately this is the one connecting thread of this diabolical cycle. Mr. Simburundali was emphatic that genocide at any one of these stages must be nipped in the bud. This can be done by cultivating and promoting a culture of peace and eliminating impunity.

Mr. Simburundali lamented that Rwanda seems to have unwittingly spread genocide around Africa but he emphasized that the Government was doing all it could to promote peace and solidarity with other African nations. In his view Africa needed solidarity and to this end he appealed to the Committee to use its influence in Kenya to persuade the International Criminal Tribunal for Rwanda (ICTR) to Rwanda rather than Kenya.

The Committee, on its part, expressed appreciation for what the Government of Rwanda and IBUKA are doing for the promotion of peaceful coexistence. Seeing the reality on the ground, especially visiting the Gisozi Memorial and IBUKA Centres proved to be eye-opening experiences that will influence Kenya in building cohesion.

National Unity and Reconciliation Commission (NURC)

The Committee held a Meeting with the President of the Board, Mr.Jean-Baptiste Habyarimana, and the Executive Director, Mrs. Fatuma Ndangiza of this Commission.

As she had previously done, Lady Justice Effie Owuor introduced the Committee and stated the purpose of its visit as outlined in the objective at the beginning of this report.

Having understood the Committee's objective, Dr. Habyarimana explained the sociological make up of Rwanda. Rwandan society is made up of one Banyarwanda tribe unlike Kenya's 42 tribes. However, there are three, originally socio-economic groups that the colonialist termed as tribes and used them to polarize the population. This situation was used by politicians to incite one group, the Hutu, against the Tutsi.

Currently Rwanda's effort to rebuild the nation through NURC and other grassroots structures should be commended. The Executive Secretary, Mme

Fatuma Ndangiza was quick to point out that sharing experiences on tragedy always brings out a determination in a people to prevent the tragedy from re occurring. With this in mind she shared Rwanda's experience in a lucid lecture that satisfied and answered many of the Committee's questions.

Rwanda's pre colonial history (as told at the memorial centre and repeated everywhere else the Committee visited) shows that the country was divided along socio-economic, not ethnic, lines. It had its fair share of challenges. But it also had its own ways of arriving at solutions. Colonialism, with its divide and rule tendencies, created artificial differences based on appearance and occupations: Colonialists divided the population along race lines in 1930; and along ethnic/tribal in 1940. So ludicrous were these racial differences that the colonialist had to go to the ridiculous lengths of measuring the bridge of the native's nose in order to establish his 'racial' identity. Clearly the native himself did not know his own identity using such alien parameters. Identity cards with this information were issued to the Banyarwanda and these became tools of discrimination into every sphere of life. The Tutsi were discriminated against.

From 1962 to 1994 genocide was promoted as an ideology against the so-called Hamitic Tutsi who were referred to as aliens. During this period of what can only be described as bad governance, strategies of eliminating this section of Rwandan society were devised.

1994, the year that the biggest Genocide event in Rwanda took place. It left the land with almost 1million dead and 3million on the run as refugees. Many innocent Rwandans were forced to leave with the fleeing killers and soldiers as human shields or captives. The new Government had two mega challenges.

Challenge no. 1 for the in-coming Government was the repatriation of a huge number of refugees from neighbouring countries.

Challenge no.2 was how to start the reconciliation process between hostile and suspicious citizens in the same country.

As a first step towards reconciliation and cohesion the old ID cards were abolished.

Another step was the easing of access to opportunities. The entire system had to be de-ethnicized. e.g. Butare, the only university then, had only produced 3000 graduates since its inception at independence because of its ethnicized entry requirements! It became necessary to have a structure that would extend the banishment of discrimination to every area of society.

Thus the Commission came into being with a singular mandate to abolish discrimination. This mandate was based on many national pillars proposed by all sectors of society.

1998. The President of the Republic of Rwanda, Mr. Paul Kagame, organized a national dialogue on the theme of re uniting the nation. About 200 people representing all segments of society (politicians, civil society, professionals, businessmen, religious leaders etc) were invited to this dialogue basically on

"the Rwanda we want". It tackled such issues as How to reunite the country, How to share power, reconcile etc. NURC was born out of this in 1999.

The NURC Mission: To promote, coordinate unity and reconciliation for every Rwandan.

NURC was mandated to:

- emphasize education of Rwandans on this policy in every aspect of society;
- Put in place mechanisms that would monitor how Government, Civil Society, private sector, educational institutions were effecting this policy;
- Fight every kind of discrimination.

NURC structure:

- A Board of 10 members drawn from a cross-section of society;
- A Secretariat with a permanent staff of 33 divided into 3 departments:

1. Civic education.
2. Peace building &Support to community initiatives.
3. Administration & Finance.

At the grassroots: NURC encourages volunteerism. There are currently 3700 at community-level Volunteers who are identified through the trainings such as *Ingando* that NURC conducts and given bicycles, airtime etc to facilitate their activities.

NURC has drawn deeply from Rwandan culture in order to unify and reconcile people who have hurt and been hurt by imposed divisions that have their warped mindsets.

1. System of elders: Although these may not be elderly people but the idea is to promote the culture of integrity (inyangamugayo); Abunzi (literally, bone menders/ reconcilers). These elders are currently elected by the people and mandated to resolve day- to- day disputes including those pertaining to debts of not more than Rwandan Francs 3 million. This reduces back log in conventional legal system and promotes reconciliation. Judgement by the Abunzi is recognized by courts.
2. Itorero. This was the traditional Rwandan school for men on moral and civic values and societal expectations from them. (The graduate is known as Inttoe). Itorero meets once a month at the village level. It is a forum for open discussion on wide ranging matters including poverty eradication and development.
3. Ingando is another traditional Kinyarwanda structure used to instil civic obligations. In 2007 Ingando for ex army/rebel combatants was established as a way of reintegrating them into society but it is also used to train all pre university students on
4. Development and poverty eradication. Traditional values are emphasized and applied to enhance development at the grassroots. The point is to

involve all Rwandans as change agents. This is another way of promoting integrity and common values.

Challenge: Walking the talk. 1999-2000

NURC undertook its first grassroots survey and visited all 154 Districts. It sampled about 300 people in all and simply asked 3 questions:

1. Is reconciliation possible?
2. What are the underlying causes of conflict?
3. What should be done towards reconciliation?

Outcomes

Responses revealed how important conflict analysis was in understanding and resolving issues. The consensus was that bad governance was key factor behind conflict. This response covered all Leadership: civil society, the church, professions as well political. The next biggest cause of conflict was related to the first:

The Culture of impunity especially for crimes against humanity had been an accepted way of life. Justice was not done in cases such as a memorable incident when the President granted amnesty to all who had committed genocide in the 1970s. History: The way this was taught in school was completely warped. It accepted and emphasized the differences of the three groups that make up the Rwanda nation.

Poverty, illiteracy and inequality: these were actually intensifiers of conflict as well as being causes. The planners of genocide were intellectuals who paid (in different forms) ordinary poor and illiterate people to execute genocide.

Although emotions were still high at the time of this survey it was clear that in the absence of reconciliation there was no hope or future for the nation. It was therefore important for everybody to understand that they were stakeholders in the Rwanda nation.

After that research, a National Summit on reconciliation was organized in 2000. The findings of the grassroots survey were discussed and experiences shared. Three programme areas emerged from this Summit:

1. Support to community initiatives.
2. Peace building.
3. Civic education.

NURC put a lot of emphasis on this programme and its off-shoots. Home-grown civic education initiative (again going back to culture & tradition) - ingando- strategic retreat was developed. In the past the community would hold an Ingando to build cohesion, reflect on the past and build for the future (solidarity camps). NURC has now transformed this structure into a platform for rebuilding. Each ingando is different in that it is tailor-made to meet the needs of attendees.

This strategy has worked. In 2000 the President released all genocide perpetrators on condition that they confessed. They had to go through an Ingando as a re integration process. Transforming a killer into a peaceful person

who can apologize, live out their expectations etc is not easy but that was what NURC set out to do.

Students were another group that had to be mobilized. Statistics reveal that 67% of the population is below 25 years; 15% of those were born after the Genocide. The youth as a group are seen as the weakest line of resistance therefore the most vulnerable to manipulation. Positive results can be achieved by targeting them in the civic education programme.

Peace Building

Other peace education programmes have been enacted through the Peace Education syllabus in both primary and secondary schools. These have captured the imagination of students who have formed clubs, used debate and drama to facilitate them to talk about the impact of genocide on their lives.

Sports this is another platform which NURC uses to attract the youth into some of its programmes.

Programmes for early warning for conflict prevention

NURC is in partnership with several NGOs, the Church/Mosques; Media, Artists etc to encourage them to communicate peace messages fast. Usabane cultural festivals are fora that bring out intergenerational balance but also through which peace; reconciliation and unity messages can be communicated.

Other NURC activities and programmes:

- National reconciliation week for mobilization, sensitization and one in which all groups come up with something to build on mood of reconciliation.
- Research: This is an important evaluation tool for NURC programmes and initiatives.(a) Focused group discussion at grassroots (b) Classical topical research on given areas such as justice, democratization, land (25000: sq.kilometre). (c) Opinion poll surveys from 2003 to date on Justice and social cohesion. This is qualitative research but gives measurement (resilience, inclusion, reconciliation) of the variances from year to year.
- 2003 Politicians signed a Charter committing themselves to reconciliation and unity in Unity Club (meeting of old & new leaders to discuss issues of reconciliation).
- Retreat for the bicameral parliament to be held later 2009. This is an on going engagement.
- Constitution: Unity and reconciliation values to be enshrined in the constitution.

  [NURC is also enshrined in the Constitution].

17th September, 2009

National Commission for Fighting Against Genocide

This is a new commission, enshrined in 2003 Constitution, started its operations in 2008.

Structure: It has:

- Commissioners.
- Executive Secretary.
- Advisory council.

Advisory council: Comprises many people & meets every 3 years

Commissioners' Council: There are 7 commissioners (professors, civil society, lawyers, businessmen, religious leaders)

The Secretariat with an the Executive Secretary runs daily activities of the Commission. It has 4 departments:

- Department of Memory.
- Department of Advocacy and Assistance.
- Department of Research.
- Finance.

The Secretariat employs a total of 40 people. It intends to extend its activities to the grassroots.

The Commission's Mission is embodied in Article 4 of the Law: To put up a mechanism of prevention of genocide. It does this through:

i. Exchange of ideas on genocide and inform others about the fight against genocide. The ideology of genocide is targeted here. (Before genocide there is a preparation when the victim is reduced to nothing. This affects thinking of entire population and was rife at time of genocide. The Commission lays a lot of emphasis at removing this thinking).
ii. Set up a documentation centre. The Commission must research into and work with ICTR testimony of witnesses as an initial step in keeping the memory of genocide and also explaining it.
iii. Bring everybody together to remember so that it doesn't occur again. The commission contributes to the memorial week but wants to move into schools and the school curriculum.
iv. Advocacy for unemployed young people and the old who are victims of genocide.

The major war of the Commission is fought in the intellect to overthrow and eradicat false and dangerous ideology. It is crucial to rehabilitate those who, as children, were made to kill their own mothers because mothers were from another group. At this point the objective is to fight genocide and assist the survivors to teach and mobilize people work against genocide. The Executive Secretary warned the Committee that "it is always important to fight the ideology right from its inception. Don't allow preparation tendencies to grow!"

The Committee also met the Executive Secretary of the association of genocide widows and survivors who outlined the association's work among its 25000 plus members. Apart from the health and psychological support that is given to

survivors of genocide, this association also encourages and facilitates sustainable income generating activities among its members.

18th Septembe,r 2009

Ministry of Justice and Attorney- General

The Committee had a very fruitful meeting with the very amiable and experienced Rwanda Minister of Justice who is also the Attorney-General, Mr. Tharcisse Karugarama. The Committee was keen on getting the minister's views on:

- How to stop genocide from taking place at all?
- Justice: How should we deal with perpetrators of Post Election Violence?
- Gacaca courts as a means to reconciliation ?
- Cohesion and reconciliation: best practice?
- Does the minister have a word of caution for Kenya?
- Abunzi?
- Justice and reconciliation?
- Hate speech?

Mr. Karagurama briefly outlined the state in which Rwanda was in July 1994. The gruesome picture he drew for the Committee was, in short, one of death, emptiness, putrefaction, destruction, despair and hopelessness. There was a complete breakdown of law and order and everything else. Compounding it all was the massive fleeing of about 3 million people which in itself had a catastrophic effect on the economy. The perpetrators had taken off with a lot of unwitting victims as their human shields. They also wanted to impose on them the collective guilt of genocide. In Rwanda itself there was a massive shortage of police prosecutors and investigators, judges, court space, witnesses and jail space.

There was an equally big challenge in that one was dealing with 'three tribes': 1.perpetrators or tribe of killers and 2.Victims, or tribe of survivors. 3. Bystanders or tribe of products of intermarriages some of whom were killers of their own kin. All 3 were in the same country and all demanded justice. The jails, which had a capacity of just over 40000, were filled to overflowing with between120000 and 150000 genocidaires. As if that was not enough the country had no law punishing genocide in 1994. The challenge was handling justice and reconciliation in a scenario of competing priorities.

The Government undertook as a first step, a crash training programme of legal personnel to deal with prosecution, hearing and delivering judgments of the cases of those in jail. The minister commended Kenya's input in this exercise. The next step was passing a new law that made genocide a punishable crime. This was done in 1996.

But by 2001/2002 it was obvious that dealing with these cases by using the conventional justice system would take a very long time, more than 100years! Only about 6000 cases out of 150000 had been dealt with in a period of six years. An alternative system had to be devised.

Gacaca courts: These are courts in the Rwandan traditional justice system which the Banyarwanda themselves recommended during a ten-month consultative meeting organized by President Kagame. This judicial system uses local values: the complainant and the accused sit in an open court and allow witnesses to take them through events as they happened. The minister pointed out to the Committee that the risk of this direct evidence/reconstruction and reliving of events given by witnesses being wrong are minimal. As a matter of fact, many genocide perpetrators have pointed out places where they buried or threw their victims and remains have been recovered, taken and reburied at the Gisozi Memorial Centre.

Furthermore the system has proved therapeutic to both perpetrators and survivors as it provides opportunity for confession, apology, reception of apology and sentencing within the community. Mr. Karugarama pointed out that witnesses and perpetrators are encouraged to tell the truth because they are in a system whose 'rules of procedure' they understand. Some have been prompted to tell the truth 'by the holy Spirit' and all this has led to forgiveness and although cohesion has not been completely achieved people have forged ahead and mobilized themselves to live in the same community under laws and values that are comprehensible to them.

So far, 1-5 million cases have been tried and the following judgments delivered:

25%-30% have been acquitted; 20-25% has received life sentences; others have received jail terms of 10-15 years. The minister of Justice readily admitted that it had not been easy for Rwanda and the process of gaining cohesiveness is not yet complete and that the Gacaca courts are not perfect. But what has been achieved so far in terms of justice and reconciliation would not have been possible without the Gacaca system.

The Gacaca judges, chosen by their communities for their integrity, have acquired skills in listening and judging as in a tri-jurally system. These will still be needed when the Gacaca courts end in December 2009, at the Abunzi level. This is where land, debt and other social cases must be tried before they can be accepted in the classical justice system.

The Abunzi: the Minister and Attorney-General told the Committee, was made up of 12 people, selected by the community, because of their perceived quality of integrity. They may not necessarily be elderly members of the community but they have to be acceptable to all because of this essential ingredient, natural or learnt. The mediation process of the Abunzi provides justice and reconciliation which the classical justice system does not. The decision of this mediation is accepted in Rwandan law and has reduced the number of cases in the classical justice system by about 50%! Moreover it is popular with the people. This is a veritable example best practice of common/traditional law.

Hate speech: the minister observed, was perpetrated more by the media than anything else so laws that criminalize any media carrying hate speech will have to be enacted in Kenya. Kenyans, he further advised must choose to be on the side of what is right and not necessarily what is legal.

Mr.Karugarama pointed out if there was anything to be learnt from Rwanda's experience, it is that (a) there is no reconciliation without justice; (b) a nation cannot trust outsiders (e.g. the Hague) to deal with this issue for them, only natives can sort it out; (c) justice is not about eloquence of speech but about openness, transparency, fairness and a common sense of right and wrong; the only way people will know justice has been done is when all this achieved at home; (d) the truth will heal/set people free otherwise there is the terrible reality of individuals living with guilt/bitterness that will go on affecting them and their families for generations.

The Committee learnt that the appointment of judges of the supreme court, President of the High Court and President of the Commercial Court was done by the Judicial High Council which recommends and submits many names to the President who then selects and passes on his selection to the Senate for approval/disapproval. Judges of lower courts are appointed by the Judicial High Council.

Ministry of Foreign Affairs: Directorate of the Diaspora

The Committee met with Mr. Masozera, the director of the Diaspora. This department within the Ministry of Foreign Affairs is quite new and was established when it was realized that in order to achieve comprehensive national cohesion and reconciliation, tap funds for development and acquire high quality manpower, it was essential to target the very sizeable Rwandan Diaspora community.

An important tool in mobilizing Rwandans of the Diaspora is information. This community was very ill-informed about the state of affairs in Rwanda so a constantly updated website from the department of the Diaspora has been set up. It gives people information on every sector of Rwandan life, opportunities for investment and avenues through which they can channel humanitarian help for needy countrymen. It was through the website that the Rwandan Diaspora initiated the 'One dollar campaign'. This campaign gives the people in the Diaspora a chance to contribute a dollar or more towards hostels (a home) for genocide orphans, now young adults in university or at college. It is a campaign that intends to raise Rwf 1,436,031,254 or US$ 3,000,000. It is envisaged to help these students get a shelter during holidays. The project will protect genocide survivors from getting into prostitution, drugs and alcohol inorder to get a roof over their heads. The project will provide a support network among young people.

Mr. Masozera was very interested in the Kenya-grown M-pesa or Zap methods of quick money transfer. He expressed the desire to partner with companies that can provide this facility to the Rwandan Diaspora. Since the Diaspora website is interactive it allows those abroad to inform the department about their abilities,

qualifications and expected remunerations. Such data will enable the Government use these highly qualified individuals in some donor- aided projects

The department exists to aggressively promote cohesion among the Rwandan Diaspora. Unless this happens a lot of the work being done by various Commissions and departments of Government will be nullified by the negativism and propaganda coming from abroad. To this end Mr. Masozera's department encourages the formation and running of Rwandan associations abroad. One actually has to belong to this association in his city/country if they want to be considered/ recommendation for jobs etc. The associations are very useful sources of data and grounds of promoting cohesion and reconciliation in the Diaspora. The department admits that promoting cohesion is not an easy task but one which must be approached with a lot of sensitivity and creativity.

18th September 2009

GACACA Court Systems

Although the Gacaca court system is widely touted as one of the most bold steps the Rwandan Government has taken towards giving justice and bringing reconciliation to its citizens, there was unfortunately no time to actually attend a session. The Committee was however privileged to visit the Secretariat of the National Service of Gacaca Jurisdiction.

The Executive Secretary, Mrs Domitila Mukantaganzwa, explained the origins of the Gacaca system as having been the Rwandan way of settling disputes at the village level. Proceedings normally took place while the villagers were seated on the carpet-like grass called Gacaca and every aspect of the matter/dispute would be presented. A decision would be given by the court made of people universally known for their integrity and fairness.

In 2002 the Gacaca courts started their operations after people proposed their introduction during a National Consultative Meeting. Their first task was to collect detailed information on the whole process of genocide. The mission of the Gacaca was to get to the truth about genocide events; speed up genocide trials, demonstrate that the culture of impunity had ended; reconcile and strengthen Rwandan unity; demonstrate that Rwandan society had the capacity of solving its own problems.

Gacaca Courts Mandate

Gacaca courts have the responsibility of categorizing the suspects; hearing the confession of the guilt plea, repentance and the apologies procedure for genocide suspects; giving special consideration to minors suspected to have committed genocide crimes.

Pilot Phase of Gacaca court system was launched in 2002 and involved 12 sectors one from each province and the city of Kigali. In 2003 it was extended to 118 sectors and carried out its mandate for 18 months. The initial trials conducted in the Gacaca courts during this period were of self- confessed suspects.

The Gacaca system rests on 2 pillars: Categorization of crimes and suspects and Confession.

Categories of Criminals/Crimes:

A. Perpetrators

a) Among these are the planners at national and provincial levels; most of them are outside the country in self exile. Convicted suspects in this category are sentenced to life imprisonment unless they confess in which case they are given a 15- year jail term.

b) Rapists. Rape was used variously as a weapon of torture during the Genocide. These cases are tried en camera to avoid further trauma for the victims.

B. Ordinary people who killed without any political or administration prompting.

C. Looters and Arsonists (Crimes against property).

The second pillar of this system is Confession which helps to unearth the truth (the length and depth of genocide) and also give the perpetrators (ordinary persons) a reduced sentence. When somebody confesses his/her crime, 50% of the sentence is commuted and s/he does what is known as community service.

Structure: The Gacaca courts are found at the level of

Cells and Sectors: Appeals are permitted and are conducted at these same levels.

All three levels take place at the grass roots so as to enable the communities to participate fully without getting into logistical problems.

Procedure or Implementation

The Gacaca court has as its first stage, data collection where the crimes are fully investigated and records carefully kept. This takes place mostly at the Cell level. It is after this point that categorization takes place. The courts keep very meticulous lists of all the suspects and information. To ensure a transparent process, there is a General Assembly of not less than 100 people who listen to the proceedings. Each court has 7 'judges' and 2 reserves who are elected by the communities but are not paid any salary. The court has or should have one session a week. The National Service of Gacaca Jurisdiction coordinates the work of all 14000 Gacaca courts in the country and has trained 135,000 judges. National human Rights bodies and other Civil Society groups have partnered with the Service in training Gacaca court judges.

It is noteworthy that initially 24.7% of the judges were women but this figure has gone up to 47%.

Before 2008 these Gacaca courts could not try suspects in the first category. But with training the judges are now competent to deal with these weighty cases. Moreover the law has been amended to allow them conduct these cases. Cases in the 2nd and 3rd categories are almost over now.

The Gacaca system while achieving much has had its challenges. Mrs Mukantaganzwa pointed out that these included:

- **Corruption:** It is observed that the rich will (try to) corrupt the youth, judges, survivors and witnesses. This has been countered by importing courts from other Districts.
- Destruction of evidence. There were cases of suspects burning the records (books) that the courts had kept.
- Local leaders still attempt to intimidate the courts.

- Silence. Perpetrators' relatives sometimes use silence as a protective weapon; it takes time and other tactics to counter this weapon. It surely frustrates and slows down the process.

So far 1.5 million cases have been tried in these Gacaca courts. More importantly to the Executive Secretary, is the fact that reconciliation has also been achieved to a certain extent. She gave an example of a case where, in the beginning, the court sessions were characterized by a lot of tension caused by mutual animosity. By the end of the trial the survivor-widow and the perpetrator's wife were leaving the court talking like old friends. .Like the Attorney General and Minister of Justice had told the Committee, Mrs Mukantaganzwa pointed out that justice in the classical sense is about retribution whereas the Gacaca system has an inbuilt conflict resolution mechanism which is a firm basis of reconciliation. The system is by the Rwandans and for the Rwandans they therefore approach it with a confident assurance because they relate to it as one does to their own home.

By the end of this year 2009, December, Gacaca courts will have to complete all their business and close. They will leave in their wake a large number of judges with newly acquired skills used in modern jurisprudence. With care and innovation coupled with integrity and fairness, these Gacaca judges can contribute positively to governance structure in their respective areas.

Dinner

The Committee was hosted to dinner at the Kigali Laico Regency by NURC. The dinner was a memorable affair, accompanied as it was by the graceful Rwandan dancers.

19th September, 2009

Ingando pre university students passing out parade in Musanze District

Musanze is a two-hour drive from Kigali through very panoramic countryside and is the location of the training camp that NURC uses to inculcate core values into students. The camp's relative remoteness ensures that trainees bond, stick it out and acquire the discipline necessary for immediate and future survival.

Ingando is a traditional system of education used to develop social values which has been adapted to instil patriotism, nationalism, a sense of solidarity within particular groups and traditional values of integrity, responsibility, morality etc. All students hoping to join University must go through this training for three weeks. It can be compared with the National Service Kenyan students underwent in the '80s. The Committee was invited and escorted by NURC personnel to witness a passing-out parade of 934 pre university students. While the full curriculum of the training course was not divulged, the Committee soon discerned that military drills were very much part of it. The male and female uniformed group marched with military precision obeying orders given in a mixture of Kinyarwanda and Kiswahili. Nationalism, cohesion and reconciliation (in Kinyarwanda) are password responses chanted in unison by the 'kikosi'. Certificates of Merit were awarded to various ones whose

performance in given areas had impressed the trainers. Skits, singing, rap recitations and dance provided entertainment and needed comic relief for the kikosi and their audience.

Lady Justice (Rtd) Owuor was invited to award some certificates and speak at this function. It was an honour for the Committee and made them realize all the more in what great esteem Kenya is held by her sister, Rwanda.

The parade was a poignant reminder to the Committee that Kenya still had the National Youth Service facilities which could be used to train Kenyan youth in many things and instil in them cohesion and reconciliation as core national values.

Apart from the NURC officials, the police Commissioner, the minister for Internal Security as well as other Rwandan Government officials attended this ceremony. As always youthful vigour and enthusiasm did not fail to impress and neither did Rwanda's commitment to national unity and reconciliation as a key pillar to future development.

PROPOSED COMPOSITION OF COUNCIL OF ELDERS

NATIONAL COUNCIL OF ELDERS

PROPOSED COMPOSITION OF COUNCIL OF ELDERS

NATIONAL COUNCIL OF ELDERS

- Five (5) representatives from each Provincial Council of Elders (40);
- Allow for at least 12 nominations total 52 to bring out:-for gender balance Proportionate representation, Special interest;
- Elect National chair by consensus;
- Department to coordinate and form secretariat;
- Meet twice every year- Mar/June and Sep/Dec;
- Draw a sitting allowance.

PROVINCIAL COUNCIL OF ELDERS

- 10 representatives from each Regional Council of Elders Allow for at least 3 nominations to bring out:- for gender balance, Proportionate representation, Special interest groups Total;
- Elect Provincial chair by consensus;
- Dept to coordinate and form secretariat;
- Meet at least once quarterly (Draw sitting allowance).

REGIONAL COUNCIL OF ELDERS

- Three representatives from each District Council of Elders;
- Allow for at least 2 nominations to bring out;
- for gender balance, Proportionate representation, Special interest groups;
- Election of regional chair by consensus;
- Department to coordinate and form the secretariat;
- Meet once quarterly – draw sitting allowance;

DISTRICT COUNCIL OF ELDERS

- Three representatives each from each Community Council of Elders;
- Allow for at least 3 nominations to bring out;
- Gender balance, Proportionate representation, Special interest groups;
- Election of District chair by consensus;
- Dept to coordinate and form secretariat;
- To meet at least monthly (draw sitting allowance).

COMMUNITY COUNCIL OF ELDERS

- Constituted by Community wise men.
- Elder representatives from each village.
- Gender balance to be taken to account.
- Election of chair by consensus.
- Election of community coordinator by consensus working under oversight by the Department of National Cohesion.
- Meet monthly (Sitting allowance).

SPECIAL INTEREST GROUPS

- The youth.
- Persons with disabilities.
- Minority communities.
- Others – chamber of commerce, faith based organizations, advocacy groups and networks.

Adm.Unit	Unit	Nomination	Total Nom.	Grand Total
National Provincial	5* 8 = 40	12	52	52
Coast Prov.	10* 3 = 30	3 Per Region	9	39
Rvp	10* 6 = 60	3 Per Region	18	78
Nyanza	10* 3 = 30	3 Per Region	9	39
Western	10* 2 = 20	3 Per Person	6	26
Eastern	10* 3 = 30	3 Per Person	9	39
Central	10* 3 = 30	3 Per Person	9	3 9
Nep	10* 2 = 20	3 Per Person	6	26
Nairobi	10* 1 = 10	3 Persons	3	13
			Total =	299

Region Turkana	Unit 6 * 3 = 18	Nomination 2 Per District	Total Nom 12	Grand Total 30
North R.V.	3 * 6 = 18	2 Per District	12	30
South R.V.	3 * 7 = 21	2 Per District	14	35
Central R.V.	3 *22 = 66	2 Per District	44	100
West Rv	3 * 8 = 24	2 Per District	16	40
East Rv	3 * 12 = 36	2 Per District	24	60
Total Upper Cen	183 Elders 3 * 12 = 36	2 Per District	112 24	295 Elders 60
Lower Cen	3 * 17 = 51	2 Per District	34	85
Western Cen	3 * 7 = 21	2 Per District	14	35
Total	108 Elders		72	180

Upper N E	8 * 3 = 24	2 Per District	16	40
Lower N E Total	4 * 3 = 12 36 Elders	2 Per District	8 24 Elders	20 60
Eastern Prov Central E	3 * 16 = 48	2 Per District	32	80
Upper E	3 * 7 = 21	2 Per District	14	35
Lower E	3 * 29 = 87	2 Per District	58	145
Total	156 Elders		104	260
Nyanza				

Nyanza Cent	3 * 10 = 30	2 Per District	20	50
Nyanza Sout	3 * 12 = 36	2 Per District	24	60
Nyanza East	3 * 13 = 39	2 Per District	26	65
Total	105 Elders		70	175

Coast				
West Coast	3 * 4 = 12	2 Per District	8	20
South Coast	3 * 9 = 27	2 Per District	18	45
Northcoast	3 * 8 = 24	2 Per District	16	40
Total	63 Elders		42 Elders	105
Western				
Upper	3 * 14 = 42	2 Per District	28	70
Lower	3 * 14 = 42	2 Per District	28	70
Total	84 Elders	2 Per District	56 Elders	140
Nairobi	3 * 9 = 27	2 Per District	18	45
Grand Total	== 1260			

MANDATE OF COUNCIL OF ELDERS

NATIONAL COUNCIL OF ELDERS

- Advisory role over national matters to Government, NGO's, CBO's, media among others.
- Address Identified areas of conflict at National level.
- Mediate over National conflicts.
- Educate on matters of national culture, national Cohesion and Integration.
- Undertake consultations with other stakeholders to promote national reconciliation nationalism, and patriotism.
- Establish a national code of leadership.
- Coordinate holding of an annual elders conference.
- Promote coordination and collaboration of local council of elders from the grass root.

PROVINCIAL COUNCIL OF ELDERS

- Advisory role over provincial affairs.
- Identify and address areas of conflict at the Provincial level.
- Mediate over Intra and Inter Provincial conflicts.
- Educate on matters of Culture, Cohesion and Integration in the Province.

REGIONAL COUNCIL OF ELDERS

- Advisory role over regional affairs.
- Identify and address areas of conflict at the regional level.
- Mediate over Intra and Inter Regional conflicts.
- Educate on matters of Culture, Cohesion and Integration in the Region.
- Educate on matters of Culture, Cohesion and Integration in the Region.

DISTRICT COUNCIL OF ELDERS

- Advisory role over District affairs.
- Identify and address the areas of conflict at the District level.
- Mediate over Intra and Inter District conflicts.
- Educate on matters of Culture, Cohesion and Integration in the community.
- Educate on matters of Culture, Cohesion and Integration in the District.

COMMUNITY COUNCIL OF ELDERS

- Advisory role over community affairs to Government.
- Identify and address areas of conflict at the community level.
- Devise methods to signal early warnings to conflicts.
- Custodian of progressive culture for other members of society.
- Mediate and resolve both Inter and Intra community disputes.- other communities.

PROPOSED STRUCTURE

The team proposes the following five broad structures:-

NATIONAL COUNCIL OF ELDERS

PROVINCIAL COUNCIL OF ELDERS

REGIONAL COUNCIL OF ELDERS

AREA ELDERS CONSULTATIVE COMMITTEE

VILLAGE / COMMUNITY ELDERS

- **VILLAGE ELDERS / COMMUNITY LEADERS**
  - Election at this level is by consensus.
  - Hail from existing village geographical boundaries as defined by Chiefs Act.
  - 3 community elders from each ethnic communities residing in area.
  - Not actively involved in politics for the last five years. Not a threat/competitor to sitting councilor.
  - At least a third are women.
- **AREA ELDERS CONSULTATIVE COUNCIL**
  - Nomination is by consensus.
  - Nominees from village elders/ community leaders.
  - To reach proportional representation allowed to co-opt.
  - At this level also ensure gender balance.
  - Area would mean a District / constituency.
- **REGIONAL CONSULTATIVE COUNCIL**
  - Nomination to this level is by nomination by the Area Elders Consultative council.
  - Regions are a cluster of Districts/ constituencies – standing at 22 to date.
  - Nomination is by consensus.
  - One third reserved for women.
  - Accommodate special interest groups.
- **PROVINCIAL COUNCIL OF ELDERS**
  - Constituted by Nominees from the Regional Consultative Council.
  - Nomination is by consensus.
  - One third of seats reserved for women.
  - Special interest groups taken into consideration.
  - Take into consideration the 8 provinces.

- **NATIONAL ELDERS COUNCIL**
  - This is the apex council of elders.
  - Made up of representatives from the 8 provinces.
  - A third of members to be women.
  - Special consideration for special interest groups
- **LEGISLATION**
  - Chiefs Act.

  - Not a preferred option.

  - Elders envisaged in the Chiefs Act will be the 1st line officers of the Provincial Administration hence Civil Servants.

  - The elders in the Chiefs Act are well vast with local issues yet have low education.

  - They tackle intra – community dispute i.e. domestic issues.
- **ASSUMPTIONS**
  - The team assumed that Districts will constitute the same area as the electoral constituencies.
  - The villages will be defined by the existing administrative boundaries as used in recent census exercise.
- **ENVISAGED CRITERIA**
  1. Be a respected family person with family values.
  2. Literate, educated, economically able.
  3. Be of high integrity.
  4. No criminal record.
  5. Enlightened and informed.
  6. Selfless commitment to community.
  7. Must be residing within the geographical locality.
  8. Must not have been involved in active politics for the past immediate 5years.
- **OPERATIONS OF THE ELDERS**
  - Officers of the department will form the link between the elders and Government.
  - One of the institutions to foster cohesion and security at all levels to link with other Government structures.