

# Empowering the youth to tackle negative ethnicity

By MARGARET NJOGU and ANNE GITHINJI

**K**enya's politics has hinged on negative ethnicity since the early years of independence. It is clear that ethnic blocks have been mobilized very effectively for political expediency over the years, and with negative ethnicity being a reality in Kenya, tribalism continues to play a crucial role in socio-political decision-making processes in the country.

This is further enforced by the perception that exists — whether valid or not — that there has been unequal access to development opportunities based on political positions, which perception has been manipulated by the political elite during political campaigns and has developed into strong sentiments over the years that some communities are where they are, whether advanced or retarded as regards development, because of their lack of, or access to, political positions of influence.

Due to this political manipulation Kenya is gradually evolving (or is it devolving) into a country where political and administrative regions are perceived as owned by, and representing the socio-political and economic aspirations of only a particular community, or group of communities. This in reverse means that any other community group living there, often in a minority capacity, are viewed as interlopers.


There is a belief that certain constituencies and even certain wards within those constituencies belong to certain communities and must be led by the representatives of those communities. This means that the elected political leadership at each point must be people who will fight for the interests of the dominant community often at the expense of national cohesion.



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The foregoing explains why today, the dominant tribes in a particular area work hard to create exclusive enclaves where they rule, and whenever they can, will push “outsiders” out of the ward, then out of the constituency, then out of the district, then the province . . .

It does not matter what the peculiarities of a region, constituency or ward are; the formulation process for socio-political, economic and/or even cultural policies will be on what the dominant tribe wants, despite the fact that there could be people from a different tribe or community who live there.



**Consequences of Negative Ethnicity**

Negative ethnicity leads to the following socio-political processes

- ◆ The voter is psychologically tuned to voting against others who do not share their ethnic identity, because they believe that the leader they elect will work more for the interests of their tribe, rather than for the region.
- ◆ The elected leaders then coalesce into political groupings based on their ethnic identities, despite the fact that they might come from completely different backgrounds before elections.
- ◆ The ethnic coalitions then mean that each political and/or administrative region only pushes those policies that represent the desires of the dominant community, because the leaders come from these communities. (Although there is an argument here on whether this is actually the case or if it is just a perception created by the elites in each region as they force their ideas under the guise that their needs are the needs of the community).
- ◆ At national level, issues of the economy, healthcare, security, education, infrastructure, etc, are debated and resources allocated not on the basis of regional needs, but based on ethnic negotiation.

This then means that it does not matter that more than 70 percent of the members of each Kenyan Parliament are new after every General Election; the system means they will always operate the same way as they represent the same ideology.

And since the push for exclusive ethnic political units is gradually becoming accepted, any reforms issue will be dictated by it. It also means that the reform agenda will keep stalling and will most likely not work in reality even were the policies to be set up, because the whole debate has become about ethnic communities upstaging each other, rather than real discussion on national progress and development across the board. Discussions on inequitable access to resources are seen as attacks to certain communities, as are misuse of power, impunity, etc.

In 2002 ethnic blocks came together and determined that only by supporting one “strong” Kikuyu would they defeat outgoing President Daniel arap Moi, who had cobbled up a Kikuyu/Kalenjin team to succeed him.

In 2007 a political strategy was laid out and executed quite effectively where Kikuyus were marginalized and portrayed as the obstacles to national progression, and nearly all the other ethnic communities were mobilized to ensure that a “Kikuyu government” did not come back to power.

Simultaneously, the Kikuyu political elite mobilized their community with fears of what would happen to the community if political power at the national level was taken by someone from another community.

The post-election violence in 2008 was the natural progression of this strategy. Today, ethnicity has been elevated above all other identities and interests. Political and ethnic loyalties have made it impossible to overcome obstacles that threaten the very essence of our nation. Ethnic tension has heightened and become more entrenched following every political crisis.

## The Youth and Ethnicity

Most of Kenya's youth today, i.e. young adults between 25 and 40 years of age, are educated. They have grown up in an environment where they have studied, worshipped, done business, worked and socialized to the extent of marrying across tribal lines. For a while they even believed that they were Kenyans first, before their tribes, but 2008 destroyed that illusion, because above all else, they played the most active role whether directly in physical confrontations, or through propaganda and strategic isolation/exclusivity, towards the violence.

Although the older generation across the board is pushing for a regrouping of each community, the younger people are more willing to self-analyze and discuss candidly why they did what they did, and why it was so easy to ignite such aggression and violence, to the extent of murder based on tribe.

As much as there is a strong desire for change, the opportunity to realize the change keeps evading this new generation. The national identity crisis that has caused disillusionment and hopelessness across Kenya is more pronounced among the younger Kenyans. This is worsened by the continuance of tribal agendas by the political leadership.

It is especially so because, despite efforts and government policies meant to reconcile and heal the nation from the ravages of this vice, there is no evidence that the youth, who are an integral plank in this process, are involved. This has affected the youth and resulted in the build up of negative feelings that have bred a sense of hopelessness and despondency. It has also brought about a lack of patriotism and nationalism within the youth



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constituency and it is nearly guaranteed that in the present circumstances, any cohesion processes by any organization or agency, will not succeed as planned.

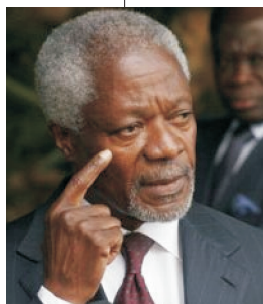
## Proposed Way Forward

The key is dialogue, within (intra) and between (inter) ethnic community youths. The first step would be intra-ethnic discussions, enabling issues to be dealt with internally in each community. Once this is done, and solutions start being discussed, then the discussions would be expanded to inter-ethnic dialogues, to deal with why these communities react to the actions of other communities the way they do.

Against a concerted effort by the older generation from across the various tribes to regroup their respective communities into their ethnic enclaves and establish ethnic protection mechanisms, most of the younger Kenyans feel that there is need to first analyze why it had been so easy to propagate negative ethnicity in our communities, to the extent that was witnessed in the post-election violence.

It has also been realized that it is impossible to deal with the negative aspects of ethnicity on a national platform, due to reasons explained above, and the only option for young people who wish to fight tribalism is for them to do it by first taking up tribal identities for their initiatives, from which they would develop their messages through holding intra-ethnic discussions, and through which they could build credibility.

This would enable like-minded young people from various communities to get together and build a socio-political movement with the critical mass to lobby for effective and permanent change from the current situation where



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decisions on policies on local and national issues, and the choice of local and national leaders, are based on ethnic considerations, to one where such decisions are based on issues relevant to the constituents of a region, no matter their tribe.

This has led to the idea of engaging in inter-ethnic discussions with youth-led initiatives from across the country, and gradually mapping them out to develop an inter-ethnic network of like-minded initiatives, interested in effecting the desired change. This inter-ethnic network would be called Regional Dialogue Forums.

The expectation of the Regional Dialogue Forums is that each organization within this network would have its own distinct identity; grassroots based legitimacy, and

would be already engaged in tackling intra-ethnic local issues.

#### **Agenda 4**

The international community stepped in after the violence of 2008 and through Mr Kofi Annan, a cessation of hostilities was arrived at. This was represented through the signing of a National Accord. A decision was also made to develop a comprehensive, conclusive and permanent solution to the issues that had cultivated the environment that led to the violence in the first place. It was represented in what has become known as Agenda 4 of the National Accord. The agreement that was signed on February 28, 2008 was meant address several long-standing issues through a raft of reforms. The proposed reforms are:

- ◆ Constitutional, institutional and legal reforms: There is need to finalize on comprehensive constitutional review. These processes would address the political reforms such as more executive accountability, enhancing the oversight role of Parliament and greater participation by the citizenry in the institutional reforms including making the Judiciary more transparent; reforming the police and

reviewing and defining the role of the Administration Police; and legislating bills incorporating civil service reform measures from past proposed draft constitutions, as well as reviewing laws such as the Anti-Corruption and Economic Crimes Act 2003.

- ◆ Land reforms, which is particularly essential because land has been a source of political, economic, social, and environmental insecurity in the country. The constitutional review and the finalization of the draft National Land Use Policy and enactment of attendant laws were to address fundamental issues of land tenure and land use.

The above reforms were to address several issues that had created a fertile ground for ethnic animosity and directly resulted in the post-election violence. These are:

- ◆ Poverty, inequality and regional imbalances,
- ◆ Unemployment especially among the youth,
- ◆ Lack of transparency, accountability and impunity in the leadership and public sector, leading to the ordinary Kenyan being denied essential services,
- ◆ Lack of national cohesion and unity.

The ultimate goal of Agenda 4 is to achieve sustainable peace, stability and justice in Kenya through rule of law and respect for human rights.

The current political scenario indicates that the political elite are more interested in consolidating political gains made since the signing of the accord, and positioning themselves for the next General Election, than in mapping out any permanent solutions to the circumstances that led to the violence of 2008.

What was meant to be a transition process has become bogged down by political jostling for supremacy among the grand coalition partners, rather than the pursuit of an environment that will enable effective determination of a democratically elected government.

The country therefore needs a people-driven initiative that will force the leaders to focus on

## Sensitizing grassroots communities on agenda 4

By ELIAS WAKHISI



**T**he Kenyans for Peace, with Truth and Justice (KPTJ), and the Kenya Human Rights Commission (KHRC) recently hosted a two-day training workshop in Nairobi where Agenda IV of the National Peace Accord featured prominently.

The training workshop entitled Use of Radio in Human Rights Education and Advocacy, was held at Harlequins Hotel from May 28 to 29.

The workshop was a follow-up on another one held at Olive Gardens, Nairobi, in March. The overall objective of this second workshop was for the organizers to receive feedback from opinion leaders on the activities undertaken — in terms of radio talk shows attended, the successes and challenges recorded — and to map a way forward on the media strategy.

The participants at the follow-up workshop comprised community mobilizers and opinion leaders at the grassroots level drawn from all over the country. They had all taken part in the first training phase held in March.

The training sessions are part of initiatives by KPTJ and KHRC to empower communities on issues of Agenda IV, which emphasizes on the country's social and political reform processes.

Resolutions of the last training session with a special emphasis on successes and challenges

were one of the major topics of this second workshop. Ms Mildred Ngesa set the tone by running the participants through the topics discussed during Phase One of this strategy in March.

The participants agreed that there is need to redouble efforts in the area of Gender Based Violence (GBV), which was prevalent during the post-election violence in Kenya. They also agreed on the need for more resource materials — journals, books, pamphlets, handouts — on the National Accord since the Kenyan public is

### Objectives of the workshop

The specific objectives of the workshop were:

- ◆ To assess the successes and challenges of the media strategy; the training aimed at building up on the successes achieved so far after the initial training phase.
- ◆ Improve on the media strategy and map a way forward; basing on the practicability of the activities, forms of engagement and responsiveness of the program in the entire reform agenda in the country.
- ◆ Address emerging topical issues and developments on the implementation of the National Accord as greater emphasis is needed concerning the long-term Agenda IV items.

still not conversant with most aspects of Agenda IV of the Accord.

The workshop participants also observed that the public is not well enlightened on the Kriegler Report and the electoral reforms currently being undertaken.

Making a presentation on the topic of "Human Rights, Human Security and Human Development", Mr Ignatius Yambasa explained the interrelationship of the three concepts.

Malfunctioning of one, he said, affects the realization of the other two. He cited the vacuum caused by the Kenyan state's inadequacy to guarantee its citizens security, which has led to the emergence and resurgence of militia groups, including Mungiki, Sungu Sungu and Baghdad Boys.

On the topic "Special Tribunal, ICC: Developments", Mr Anthony Kuria outlined the

options for according justice to the victims of the 2007/08 post-election violence. The debate on which is the best option between the ICC and the Special Tribunal was discussed intensively. The participants were exposed to the pros and cons of the two systems of justice preparing them to explain the same to their communities with proposals on the way forward.

On the topic "Security of Human Rights", the murder of two human rights activists in April 2009 put into sharp focus the need to interrogate the security of human rights defenders.

Mr Yambasa took the participants through vital steps in ensuring personal and organizational security. These ranged from the mode of operation at the place of work or within the community, to watching groups and individuals that interact with us.

And on the topic of "Community and Media", Ms Ngesa stressed on the need to maximize on the media. Understanding core media values and media intrigues is pivotal to effective partnership with the media, she said.

The participants were advised to explore available options in case they are far from Nairobi; particularly local media bureaus and radio stations.

Yet another topic of discussion was "Effecting Community Participation in the APRM Processes" where Ms Lillian Kantai noted that although the African Peer Review Mechanism (APRM) is viewed as an exclusive club of heads of state and government, its principles of conflict resolution and good governance are appreciated by many.

These principles are applicable to the Kenyan state especially in regard to the contents and implementation of the National Reconciliation Accord.

Ms Kantai outlined the role of the community in effecting and tracking the APRM processes. The community members should actively participate in following up on the developments, mechanisms and achievements of the NEPAD initiated scheme.

It is through these community interventions that the impact of APRM will be felt up to the grassroots level.



### Special Tribunal to try post election violence suspects

Regarding the establishment of a special tribunal, the following standpoints were agreed upon:

- ◆ If a Special Tribunal is set up, it is essential that local realities be taken into consideration, as certain communities may feel victimized if only a certain group is targeted. The process must be conducted very carefully in order to ensure that new waves of violence do not erupt.
- ◆ It is essential for opinion leaders to advocate justice, and the message that needs to be sent out is that there should be no communal guilt, as crimes are committed by individuals.
- ◆ The international criminal law doctrine of command responsibility will ensure that responsibility for crimes will be shifted to where it actually belongs.
- ◆ Both the ICC and a local tribunal have their own advantages and disadvantages; the key is that Kenyans get some accountability for the post-election violence.

At the end of the training, the participants were expected to understand the real/core components of the National Accord, review and redesign modes of engaging the media, and finally share the slots on various community radio stations.

The participants were able to internalize and better understand the agenda items in the National Accord. This was evidenced from the

quality of discussion and debate during the workshop.

The participants successfully shared radio slots as part of the media engagement strategy.

All in all, despite some minor challenges, the training lived up to its expectations and achieved its desired objectives.

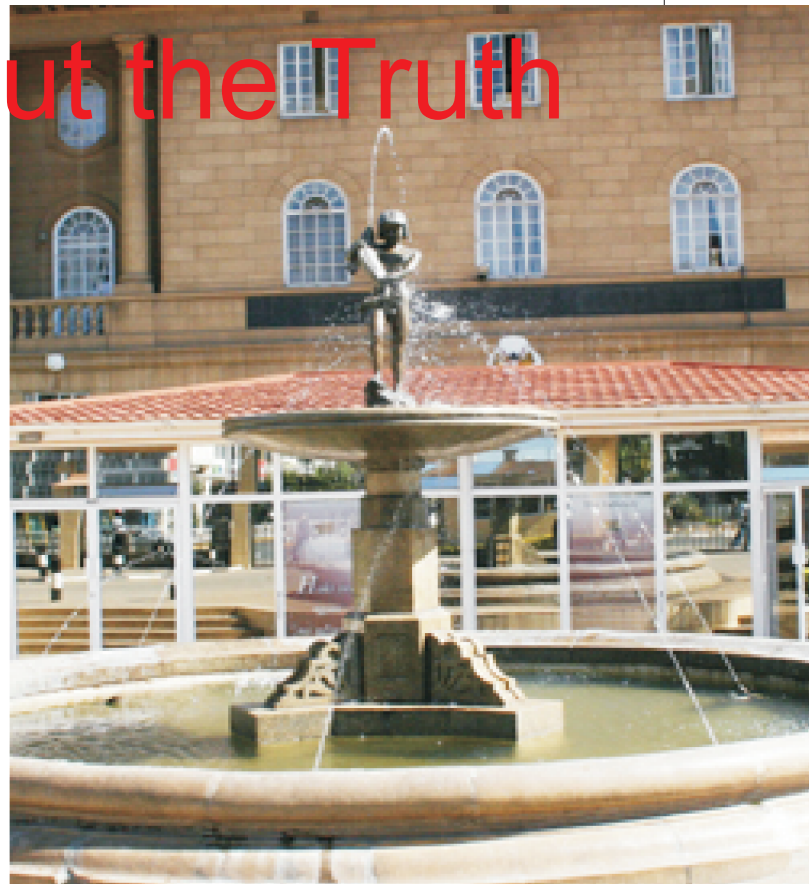
# The truth about the Truth Commission

## Report of Transitional Justice Workshop held in the North Rift

**F**ollowing the passing into law in November 2008 of the TJRC Act that provides for the establishment of the Truth, Justice and Reconciliation Commission (TJRC), the nature of the mechanism has been a subject of debate and discussions, especially in regard to the opportunities and challenges it could provide towards dealing with impunity in Kenya.

When established, the Commission is expected to probe into a wide variety of human rights violations including those committed by individuals and groups, corruption, economic crimes, illegal or irregular allocation of land, and other historical injustices, and pave the way for truth, justice and reconciliation for Kenyans.

If nothing else, many believe that the setting up of the TJRC will represent a historic opportunity to address the crisis of impunity, and to increase political accountability. However, there are key challenges in terms of implementation and sustaining the process going forward. The participation of all Kenyans in the process, thereby creating a sense of real national ownership is crucial to overcoming many of these challenges.



Creating national awareness, especially among local communities outside Nairobi on the TJRC, its scope, mandate, functioning and methods of engagement, before and during the life of the Commission are key.

The majority of Kenyans do not know about the process, do not understand the potential value of a mechanism of this nature, nor how to use it to resolve their problems.

The process of implementing the Act provides room for civil society actors, development practitioners, and international partners to engage and seek to influence the process to

ensure that it draws on international best practices, and is as independent as possible. This will require creating the necessary strategic partnerships and networks to create massive sensitization and awareness campaigns using both media and non-media strategies.

The convening of the North Rift “Training of Trainers on Transitional Justice Mechanisms” workshop by the International Center for Policy and Conflict (ICPC), the Kenya Human Rights Commission (KHRC) and Kenyans for Peace, Truth & Justice (KPTJ) in Eldoret Town in June this year, was necessitated by the need to capacity build and consolidate CSO (...) and media networks.

The workshop coincided with the ongoing process of establishment of the TJRC thus presenting a timely opportunity for enhancing local interest in the subject and the impending mechanisms.

The introduction of the Office of the High Commission on Human Rights (OHCHR) rule of

law policy tools, in particular those on truth commissions, reparation programs, and amnesty were useful to the participants in understanding the TJRC Act. The workshop provided a forum for developing strategic partnerships and initiatives for creating local level awareness on the TJRC and other transition justice mechanisms.

The workshop was part of a series of capacity building and dialogue sessions on transitional justice mechanisms in Kenya being conducted by ICPC in collaboration with the civil society's Transitional Justice Working Group for Kenya (TJWGK).

The theme of the capacity building and dialogue sessions was “Understanding Transitional Justice: Challenges and Opportunities for Kenya”.

The sessions focused on:

- ◆ Transitional justice and the fight against impunity: This looked at the general principles of transition justice (TJ) as they have evolved over the years. It helped participants clarify their understanding of key TJ concepts.
- ◆ Transitional justice tools: This addressed the transitional justice tools developed by the OHCHR in particular those on truth commissions, reparation programs as well as the draft tool on amnesties. Strategies for the effective use of the rule of law tools were also covered.
- ◆ The TJRC Act and what it offers: This provided an opportunity to do a comprehensive analysis of the Act in order to assist the participants, most of them non-legal practitioners, to get an understanding of the Act and how the Commission will function as well as their participation.
- ◆ Women, other vulnerable groups and transitional justice: This was intended to address the importance of engagement of women, children and other vulnerable groups in the transitional justice processes in the country. Particularly the reality of the TJRC and its ability to address concerns of these different groups including reparation in

## Objectives of the workshop

The objectives of the workshop were:

- ◆ To enhance the knowledge of civil society actors on transitional justice and in particular on the TJRC Act and transitional justice tools on truth commissions.
- ◆ To develop a crop of trainers with knowledge and skills on disseminating essential messages on the TJRC and other transition justice mechanisms within communities.
- ◆ To foster partnerships and advocacy initiatives that will encourage different stakeholders' (CSOs, policy makers, community leadership, organized sectors and Media) engagement with the TJRC, prosecutorial mechanisms and institutional reforms.



addressing crimes committed against them.

- ◆ Creating awareness about TJRC processes with lessons from other lands: This gave practical insight into the workings of a TJRC and how to sensitize populations before, during and after its lifetime, based on experiences from other countries. This helped participants in defining of their homegrown strategies.

The participants were introduced to ICPC and KPTJ and the structure of the working group on transition justice for Kenya. Emphasis was put for CSOs to ensure training on TJ mechanisms for the local communities. The existence of collaborative initiatives that look at the Truth and Justice bills and that led to the formation of the Kenya for Peace Truth and Justice was discussed.

The road to positive peace was outlined, which was stated as; dealing with the underlying issues that generate conflict, as opposed to negative peace, that deals with issues on the surface, and can easily lead to the recurrence of conflict.

The mediation agreements were discussed in detail; the Kenya National Dialogue and Reconciliation framework is based on the principles of the partnership on the Coalition Government and National Accord and Reconciliation Act. The objectives of the National Accord and Reconciliation Act are to address causes of the 2007/2008 crisis, to engage in genuine communities and national reconciliation and to prevent future recurrence of violence and other conflicts.

The workshop participants were taken through the steps to sustainable peace from a transitional justice issues broad spectrum, to deal with the

underlying issues that lead to conflict for instance historical — land issues, assassinations, economic injustices, disappearances, discrimination, poor infrastructure, and insecurity in some areas.

The participants were taken through the definition and dynamics of transitional justice; this was done with reference to the transitional justice tools. Transitional justice was defined as response to systematic or widespread violations of human rights; it seeks recognition for victims and the promotion of possibilities for peace, reconciliation and democracy.

Transitional justice is not a special form of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuses. In some cases, these transformations happen suddenly; in others, they may take place over many decades.



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Transitional Justice focuses on the following:

- ◆ Criminal prosecutions
- ◆ Truth commissions
- ◆ Reparations programs
- ◆ Gender justice
- ◆ Institutional reforms and
- ◆ Memorialization.

The workshop included a session in which a group of journalists were trained on transitional justice reporting.

The journalists were first introduced to the definitions of TJ and the workings of the TJRC and the proposed Special Tribunal for Kenya.

The media personnel were enlightened on why they should report transition justice mechanisms. This has a tremendous potential to impact individual regional communities and societies in light of the upcoming and ongoing transition justice mechanisms for Kenya.

They were reminded of their vital

role in helping the public understand and engage in TJ processes. Through balanced and informed reporting, the media can also help to ensure fair trials and hearings for alleged perpetrators of human rights abuses, institutional reforms, TJRC and other related processes.

In the end, the organizers and participants agreed that the workshop was a good effort to engage the North Rift regional CSOs and local media in the broader transition justice issues. The CSOs expressed willingness to learn and

engage in the TJ discourse.

For the media workers, it was an eye opener into TJ issues, and the role they can play to project the regional issues to the national realm.

» *Article contributed by the International Center for Policy and Conflict.*

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