



# HORN OF AFRICA BULLETIN

## ANALYSES • CONTEXT • CONNECTIONS

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### Analyses

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### News and Resources

#### **Somalia: Let us get it right this time**

After more than two decades of civil strife and anarchy, Somalia is once again haltingly trying to re-establish itself and move into a full-fledged government; with its parliament and its indirectly-elected speaker and government. Despite the importance of such an engagement, it seems that we are getting it wrong again. The same mistakes committed during the past peace processes – including the Eldoret/Mbagathi process – are being repeated again and again, sometimes unknowingly, most often intentionally.

First of all, the whole thesis that the transition must and will end by August 2012 is more of a myth than a reality. In fact, it will be transition phase III of the same Transitional Federal Government (TFG). One other major and historical problem is the skewed of traditional elders yet they are to select members of the Constituent Assembly with the responsibility to endorse the draft UN-led ‘Somali’ constitution and picking of the new parliament. Other than the so-called six (6) ‘signatories’ or ‘principals’ access to these elders has also become a problem which perhaps raises the issue of representation that has also been an issue in past peace processes. The use and abuse of state machinery and resources by the ‘signatories’ is but another problem; hence the denial of other aspirants the right to pass along their messages and other electoral promises.

This article aims to revisit some of the problems associated with the past peace processes for Somalia; it will also contextualize the current problems that are repeatedly being made in Mogadishu, Somalia. The article will finally put Somali stakeholders – and other friends of Somalia – to check on the importance of Somali ownership and leadership including transparency and accountability of all actors in the ongoing state-formation processes in Somalia.

#### **Context analysis**

From a closer look at developments in Mogadishu emanating from the UN-led roadmap and other subsequent agreements, a number of issues, or more so mistakes, come into mind: the role of the traditional elders and the issues at hand; the role of the Somali people, in terms of leadership as well as ownership of the processes, the

general agreement on the expected – post-August 2012 – outcome, and equally important, the role of the IGAD sub-region in the final decision-making of what passes for as Somali politics.

*First come first: End of the transition*

First and foremost, and based on the current situation in today's Somalia, the whole thesis lobbying for an end to the transition in Somalia by August 2012 is more of a myth than a reality unless remedial measures are taken. Practically speaking, what we should be talking about is no major change but transition phase III of the same TFG. In other words, there may not be any major changes but one of personalities.

The tasks ahead are more than expected. And it will be – most probably – business as usual. Not only the Somalis, but the outside world, will have time to engage in politics and re-start better ideas for the state-formation and peace-building project in a post-August 2012 Somalia. And, maybe and God forbid, possibly renewed armed hostilities between the new TFG and the first armed non-*Al Shabaab* group and change of the political landscape in Somalia. This is the talk of the day in and around various political hubs including activity centres in Nairobi where not only most aspirants but members of the defunct Somali parliament and the general public are convinced that there is a possibility for renewed hostility if the process does not provide the necessary space and therefore ends up with a winner-takes-it all scenario.<sup>1</sup>

*Somalia a post-conflict country?*

Another equally important argument is the question whether Somalia is in a post-conflict environment as many have been clearly spelling; most often loudly. Of all the past processes that were mainly power-sharing talks, there has always been too much focus on the institutional and constitutional aspects of the Somali conflict as opposed to the psycho-social and perceptual aspects of the same conflict; hence ignoring not only the local dynamics and realities but also the real issue which is the detailed mechanics of reconciliation instead of focusing on post-conflict relations primarily at the national level.

Somali citizens are yet to talk about the conflict and why they fought in the first place. It is counterproductive to ignore the reality on the ground and the fact that the Somali people have a stake to resolve the conflict. With a visionary, nationalistic government, there is the possibility of working this out. The new government can devise appropriate policies and programmes in-built into its work and political programme and have the nation reconcile and heal throughout the next four-year term. It will be just another transition but one that is loaded with a national agenda; a good level of awareness among government officials to link to the future through a number of mechanisms including a carefully-crafted transitional justice mechanism which is part and parcel of a national healing and reconciliation and a Somali-owned *Sharia*-based Somali constitution as well as post-conflict reconstruction and development package. But, it is only a visionary and nationalistic team that can face such huge tasks ahead of the new Somalia beyond August 2012.

*Role of the traditional elders and other issues at hand*

The 2002-2004 Somali peace process in Eldoret/Mbagathi held by Kenya – under the auspices of the sub-regional Inter-Governmental Authority on Development IGAD – was not a peace process but a power-sharing conference, and a power-sharing agreement struck, between and among the Somali warlords at the time. It came after the IGAD sub-region felt that the Transitional National Government (TNG) could not exert itself in Somalia and that there was need to bring the opposition on-board. Some of the lessons learnt from Djibouti's Arta peace process were the issue of inclusivity, particularly the importance of the traditional leadership in Somalia. This, however, was done properly only during the Arta peace process.

Instead, at the Eldoret/Mbagathi process, the list of traditional elders was faked after new leaders were made by the warlords in Mbagathi at the time and the Kenyan – and IGAD – leadership was left with no other option but to endorse. This can be better explained by the fact that the Eldoret/Mbagathi process led to the creation of the TFG which was a warlord-coalition government. This is a very important lesson to learn and not to repeat.

Close to eight (8) years after, the same mistake is being committed and similar processes are ongoing in Mogadishu, where the ‘signatories’ are manipulating the making up of new traditional elders to help with the selection of a new Constituent Assembly purely for political reasons: a come-back into office in August 2012. Worst of all, it is only the ‘signatories’ and their associates who have access to these elders in their camp in Mogadishu, the capital. This will not only corrupt and therefore delegitimize the current electoral process but it will also negatively affect the legitimacy of Somalia’s traditional leadership for ages to come and it is a historic mistake Somalis cannot afford.

### **Map without a road**

Other issues at hand include the famous roadmap. This is a map without a road to take. Also, there is neither a clearer roadmap developed nor any visionary or nationalistic plan by the current TFG leadership. Instead, it is the UN Political Office for Somalia (UNPOS) and other friendly countries and individuals who helped draft these key documents for the TFG’s engagements in the roadmap and all other subsequent agreement documents.

This roadmap suffers from the very first fact that it does not recognize the Somali parliament which also in return does not recognize nor subscribe itself to the roadmap at all. The one million Somali shilling question is what assurances do the people of Somalia have that the new Somali parliament will not be bypassed by the new government through, for example, a presidential decree and some support from UNPOS and the outside world? These and other similar worries aside, it is not too late to correct such a mistake.

In this case, it would be more prudent to ask the assembled traditional elders in Mogadishu – particularly the genuine traditional and historical ones – using the powers vested in them as the traditional leadership of Somalia and acting in line with the national interest to disband the parliament and its speaker with the TFG president following suit with a presidential decree. As part of a deal with the lawmakers, they can also be allowed to have access to the elders and lobby for their repositioning and possible come-back into the new parliament if they decide so.

The constitutional process is another rushed product and not a process. There is no consensus on the issue of federalism nor any equality or politico-economies of scale among the federal entities-to-be. There is more support – and from a majority of Somalis – for an amended version of the 1960 constitution.<sup>2</sup> There is even support for an amended version of the current Transitional Federal Charter (TFC) or modifications on any of the ‘regional’ constitutions. With the current disputes over the UN ‘Somali’ draft, it is highly likely some of the signatories will use it as a scapegoat to derail the process. If such happens, it is best to let those disputes be handled by the new parliament and/or have the 1960 constitution as a fall-back strategy.<sup>3</sup>

Another issue is the use and abuse of state machinery and resources which is available only to the ‘signatories.’ Two or so months to the indirect elections in Mogadishu, it is not yet known whether and how other presidential aspirants will get security and protection during their pre-election campaigns and other strategy meetings in and around Mogadishu, the capital. As of now, there are complaints all over and more so among presidential aspirants. There is even talk of possibly renewed armed hostilities between the new post-August 2012 TFG and the first armed non-*Al Shabaab* group and change of the political landscape in Somalia.

The role of the Somali people is also important. From leadership to ownership to full participation by the Somalis, this is an area many Somalis feel marginalized. It is not the various non-TFG and allied actors that are crying foul but it is an issue that even other nationalist elements and members of the wider Somali political elite have raised concern. Of all the complaints raised, the main problem is that the destiny of Somalia has been put into the hands of six (6) leaders. This means that the Eldoret/Mbagathi process was much better in terms of participation and decision-making. This only calls for caution on current developments and the courtship of the ‘signatories’ in various capitals. There is also a need to redefine the term ‘spoilers’ since it has been introduced as a blanket stick regardless of the rights of the majority of the Somali people vs. the six ‘principals.’<sup>74</sup>

### **Somalia deserves better**

Although the role of IGAD sub-region and other friends from the outside world is important, it is also sad to note that they are working on the legitimization of what is going on in Mogadishu, with an expected result of flawed elections and a cooked and recycled TFG transition phase III. From the London and Istanbul conferences, the outside world seems to have decided to speak with one voice. But, this should not be subverting the Somali state. Like any other people worldwide, Somalis also deserve better.

Instead, this level of international attention should be capitalized and the Somalis assisted with the formation of a government of, by and for the Somalis NOT one through anybody’s influence or liking whether Somali or non-Somali. Member states in the sub-region and other friendly countries can also agree on one presidential candidate and support but that should be the Somalis’ candidate since it is Somali recognition that comes first and before international respect, particularly in the Somali context.

### **Conclusions and recommendations**

From Kampala Accord to the roadmap to the various principles, it is the recognition of the Somali people that matters the most. One main reason why all past peace processes failed is the fact that there was too much focus on post-conflict relations rather than on the detailed mechanics of Somali reconciliation. Somalia is not in a post-conflict situation and so are its leaders. It is still in a crisis situation and is therefore a fragile state.

While the more genuine traditional leaders of Somalia hold the key to lifting Somalia out of the current quagmire, they alone cannot act and work it out. They need help but not only from the TFG, UNPOS, UNDP, and other political actors but from all other Somali actors and the Somali people at large including members of the civil society. Also, there is no end of the transition in Somalia and the ongoing state-formation processes in Mogadishu are but the beginning of a long process to end the transition.

But, the difficulty to get the voice of the Somali people within the current situation aside, the important question is what are they saying? By trying to answer this question, many gave their views on what is going on in Somalia and majority of them agreed that Somalis – and their friends and allies – should get it right this time. There is a call for the traditional elders to be vetted by possibly a panel of eminent Somali personalities so as to get the true picture and have the genuine ones remain engaged and move the process forward.

In order to legitimise the ongoing process, the genuine traditional leaders – acting on the powers vested in them as the Somali traditional leadership and in line with the national interest – should also disband the parliament and its speaker; then only can the TFG president agree with a presidential decree and there can be assurances for a smooth transition phase III.

A similar call is made for the need to give various presidential aspirants the same treatment and resources the so-called ‘signatories’ enjoy including AMISOM security/protection, state media etc. Also, the term ‘spoilers’ should be redefined. In other words, it should exclude genuine Somalis struggling to get their rights. In addition to the recent World Bank report on corruption in Somalia, a new name & shame list of all tainted personalities should also be drawn and released as soon as possible and action must be taken to deny them to stand up for public office including the upcoming indirect ‘elections.’

The draft UN ‘Somali’ constitution should be endorsed and any disputed areas should be left for the new parliament to work on it soon after it is formed and in case there is a major problem the 1960 constitution – with amendments as/where necessary – should be used as a fall-back strategy. Finally, the IGAD sub-region and other interested parties should be encouraged to agree on and support one candidate and that candidate should be the Somalis’ candidate and not a weak proxy personality that cannot deliver the much needed services in today’s Somalia including visionary and nationalistic leadership.

As it stands, there are three scenarios expected out of the goings in Mogadishu: a status quo but in a post-August 2012 Somalia; a seizure by foreign powers of Somalia’s hard-fought sovereignty; and a possible real change of government in a post-August Somalia. The first two are unacceptable to the Somali people and, if the past is of any guide, “Somalia and its people will not accept neo-colonialism in all its forms.”<sup>5</sup> The third and last scenario is, therefore, highly likely but only if the Somali people are fully prepared for what it takes to make real change and not a recycled TFG in terms of thinking and practice. This also calls for support from the sub-region and from the outside world. With Somalia and its people placed between hope and fear, the key question at this junction, however, is how prepared are the Somali people to take full ownership and leadership of the ongoing state-formation processes in today’s Somalia?

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- 1 Interview with a Somali parliamentarian, Nairobi, June 9, 2012.
  - 2 See the “COMMUNIQUE: The Istanbul Gathering of the Somali Civil Society,” Thursday, May 31, 2012.
  - 3 See for example Afyare Abdi Elmi, “Somalia: Rescuing the process of transition,” *Aljazeera Opinion*, 11 May, 2012.
  - 4 So far Prof. Abdi Samatar and Prof. Afyare wrote two appealing articles rejecting the term ‘spoilers’ and its use to suppress the whims of the majority Somalis vs. the support for the roadmap. See for example Prof. Abdi I. Samatar: “UN threatens the Somali democratic movement,” *buhodlepost.com*, 13 May, 2012.
  - 5 Interview with a Somali parliamentarian, Nairobi, June 9, 2012.

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## Transitional justice mechanism: A model for Somalia

Somalia, categorized as a failed – or collapsed – state, is experiencing a two-decade long civil strife, lawlessness and anarchy. There has also been no effective central government in Mogadishu. Numerous peace attempts aside, the country is also still grappling with problems of insecurity, bad governance, and a complete absence of the rule of law; hence the need for some form of transitional justice.

This article aims to look at the issue of transitional justice mechanisms, types and importance; it will examine the most recent Somali peace processes and find out what aspects of transitional justice were provided for, if at all. The paper will finally propose a Sharia-based transitional justice model for Somalia.

### **Mechanisms, types and importance of transitional justice**

Transitional justice can be conceptualized as a set of eclectic approaches that are used to systematic or widespread violations of human rights that often occur during authoritarian rule and/or war times.<sup>1</sup> It is a process that allows the society to collectively address injustices from the past and move forward towards a just and peaceful future through reconciliation. War-torn countries like Somalia can use this in order to be able to transcend from a violent to a peaceful regime. In other words, it is the process of dealing with past human rights violations or war crimes, i.e. civil war, genocide, military dictatorship-related abuses etc. It involves both judicial and non-judicial structures, initiatives and processes that include truth-seeking, prosecutions, reparations to victims and institutional reforms.

Transitional justice mechanisms are important as they provide some form of accountability. They also restore justice and dignity to the victims of abuse. These mechanisms also establish a clear break with past regimes as they also ensure that similar atrocities will never happen again. One equally important element about transitional justice mechanism is that they demonstrate respect for institutions; the independence and importance of the judiciary, for example.

There are a number of types of transitional justice mechanisms in the aftermath of atrocities: these include trials, truth commissions, reparation and amnesty. *Trials* are the criminal prosecution for gross human rights violations. Prosecution includes the process of arrests, detentions, extraditions of perpetrators through formal institutions whose responsibility is to enforce the law. The institutions involved in the process include the government court and judicial structures at the national level and – in the absence of credible national structures – international *ad hoc* tribunals, mixed courts (also known as hybrid courts), and the Hague-based International Criminal Court (ICC) which step in to help with prosecution process.<sup>2</sup> The involvement of the outside world in the process is, however, dependent on a country's membership in the international system to warrant action. For instance for the ICC to take over prosecution, a country must have ratified the Rome statute to enable the international body intervene on behalf of the victims.

*Truth commissions* are a common type of transitional justice mechanism. They are temporary, non-judicial bodies established by governments for the purposes of unearthing past violations. It involves revelation of atrocities committed and all other hidden aspects of the atrocities publicly acknowledged. The process is usually carried out in public and conducted in an inclusive and participatory manner. If carried out properly, it encourages individual and collective social healing and reconciliation. It also promotes justice and help with participatory governance; the process also aids institutional reform and allows for the establishment of official historical records. In addition to investigating and reporting on the principal cases of violence, commissions also make recommendations for their redress as well as recommending future preventive measures. Truth commissions are significant in that they provide accountability; serve as a form of apology and repentance, and as a healing and reconciliation process. If agreed, truth commissions also provide amnesty after public confessions.

*Reparation* is an aspect of restorative justice. It is a process carried out in societies that have experienced violations and/or are undergoing political reforms. Particularly countries that have either emerged from conflict or are undergoing transition to democracy but which seek to make up for the harms endured by some members of society. Reparation may include monetary compensation, pension,

healthy benefits, as well as land redistribution. *Amnesty*, on the other hand, is conditional pardon for perpetrators to enable the community overcome political hurdles in post conflict contexts.

### **Somali peace processes: Any provision for transitional justice?**

- *The Arta peace process*

The Arta peace process was a series of meetings held in Arta, Djibouti, from 20 April – 5 May 2000. In contrast to previous reconciliation meetings, the Arta conference included extensive participation by unarmed civic leaders: from intellectuals, clan and religious leaders as well as members of the Somali business community.

The Arta peace process culminated with the Arta Declaration and the formation of a Transitional National Government (TNG). The TNG was the first Somali government formed since 1991 to secure a measure of international recognition, enabling Somalia to reoccupy its seats at the United Nations and in regional and sub-regional bodies: the African Union (AU) and the Inter-Governmental Authority on Development (IGAD).

A rival warlord-coalition group supported by Ethiopia opposed the TNG. This group known as the Somali Reconciliation and Restoration Council (SRRC) was made up of warlords from different regions of the country. Despite the massive human rights violations in Somalia at the time, however, neither the Arta process nor the TNG provided for any form of transitional justice for the country.

- *The Eldoret/Mbagathi peace process*

With Kenya's efforts, and under the IGAD auspices, to reconcile the TNG and other Somali factions, this process started with talks between the TNG and the warlords in late 2002 and ended in late 2004 with the formation of a Transitional Federal Government (TFG).

With pressure from the Somali civil society supported by the outside world, the process led to the formation of six working committees, which dealt with some of the most important issues facing Somalia: reconciliation, external relations, federal constitution, economic issues, and land and property rights.

Other than a ceasefire agreement and the need to put up together a federal structure, however, neither the process nor the TFG provided for any form of transitional justice for the country.

- *The Djibouti framework*

The backbone of the 2008/2009 Djibouti framework – peace accord – was signed between the TFG and the Alliance for the Re-liberation of Somalia (ARS) and it was meant to pave the way for the cessation of all armed hostilities across the country. The 11-point agreement – known as the Djibouti Framework – expanded the parliament to include representatives of the ARS and the Somali civil society.

In addition to the expansion of the parliament and the call for the formation of a government of national unity, the Djibouti Framework requested the UN to deploy an international stabilization force from 'countries that are friends of Somalia' excluding the neighboring countries, as well as for the withdrawal of Ethiopian troops from Somalia.

The Djibouti Framework was the only process that provided for some elements of transitional justice but mainly targeted at regime change in Mogadishu's politics. There was a clause talking about how the outside world would be dealing with the would-be spoilers in order to ensure the smooth implementation of the agreement.<sup>3</sup> On elements dealing with transitional justice, however, the agreement has remained on paper and nothing has been implemented to-date.

### **Proposed model of transitional justice for Somalia**

There are a number of challenges facing transitional justice mechanisms worldwide and the Somali case should be no different. These include financial and human resources. In Somalia, this is because of the prolonged instability in the country

forcing many judges and other related professionals to flee from the country. There is also a general lack of trust in the ability of national courts to ensure a fair and transparent trial. In addition, there is lack of reference as many legal codes were also literally burnt. Nonetheless, with more than two decades of lawlessness and anarchy in Somalia, various authorities have been using a hybrid system of justice that is based on a combination of *Sharia*, Somali customary law, and the pre-1991 penal code. The customary/local justice system can provide reprieve by dealing with past injustices as reestablishment of public service institutions in the country begin. This should, however, be structured to also deal with past human rights violations and stop current and future abuses.

This only adds more weight to the call for the need of a *Sharia*-based model of transitional justice contextualized for Somalia. On this premise, the proposed model which may be appropriate for the country is a Truth & Reconciliation Commission (TRC); Somali customary law or *Xeer*; a hybrid court (or mixed court system); and a Social Justice Commission (SJC) as proposed by Somali academics.<sup>4</sup>

A *Truth & Reconciliation Commission (TRC)*, borrowed as a concept from countries like post-apartheid South Africa, is a non-judiciary body whose responsibility is to investigate and expose all past human rights violations committed, have them filed and reported. These confessions will lead to forgiveness and possibly promote national healing and reconciliation. If agreed, various Somali actors can decide to give amnesty. It is upon the various political actors together with the government to put together a team of experts with the relevant qualifications and experience and with no political interests to engage and conduct such public forums.

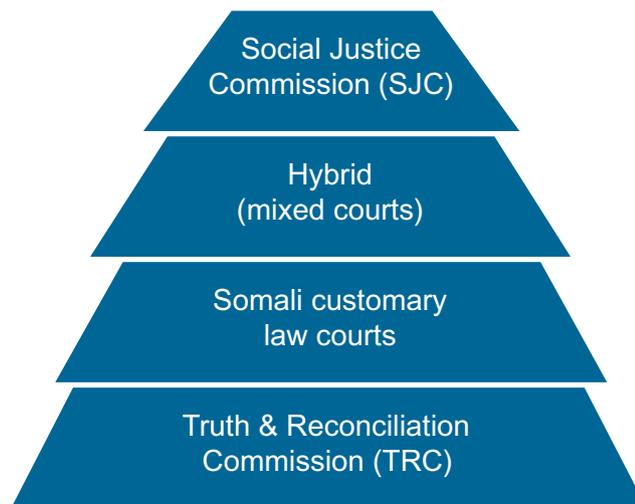
The authors recommend that the TRC reports can – and should – be used to help with the investigation and possibly the further prosecution of cases where those concerned refuse to forgive. This leads to the next level of redress: Somali customary law or *Xeer*.

Traditionally, *Somali customary law* or *Xeer*, is still used to resolve conflict and/or settle other related disputes.<sup>5</sup> This was – and is still – done by various community elders and clan leaders across the country. The role of the Somali leadership is recognized as being central to the delivery of justice in this way.<sup>6</sup> It is therefore important that clan elders take up all those cases that the TRC is not able to deal with and help resolve them through the Somali *Xeer* system; which should handle cases like compensation, looting, rape etc. But, if this does not work, then another model could be applied: a hybrid court (or mixed court).

A *hybrid court* (or mixed court system) is mixture of internal and external judiciary elements drawn from Somalia and beyond. These people should be experts in judicial issues. This court system will try cases on massive killings (i.e. summary executions), crimes against humanity and issues like genocide.

Finally, the authors propose the formation of a *Social Justice Commission (SJC)*. This is going to be the highest judicial body at the national level and which would deal with issues like long-term anti-corruption cases, victim compensation programmes, institutional reforms like that of the judiciary and the security sector including how the new Somali police service should be working in future, just to give an example. In all the various components of the proposed model, *Sharia* becomes the basis. The following structure shows the hierarchy of the proposed transitional justice model for Somalia.

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- 1 See Fowsia Abdulkadir and Rahma Abdulkadir, “Transitional Justice & Limited or Failed Statehood: A Case Study of Somalia,”
  - 2 Although the Rome Statute of the ICC recognizes war crimes as grave breaches of the Geneva Conventions of 12 August 1949, there is a debate as to why Somalia is not the focus of the ICC and that instead ICC is interested in dealing with other cases like Sudan and Kenya when the Somali crisis is worth dealing with than the two cases mentioned. The authors argue that it is more of the iron law of international politics that dictates the terms at the ICC rather than by issues of morality.
  - 3 Members of the outside world are issuing the same threats in order to push for an end to the transition by August 2012. Like before, it is only meant to facilitate the ongoing political processes in Mogadishu, the capital.
  - 4 Other scholars dealt with the issue but from a non-Somali perspective. These include Andre Le Sage. See Andre Le Sage, (Jan. 2005) *Stateless Justice in Somalia: Formal & Informal Rule of Law Initiatives*, A Report for the Centre for Humanitarian Dialogue (CHD), Geneva.
  - 5 Please note that the terms customary law and Xeer are but one and the same and that they are interchangeably used throughout the paper.
  - 6 See more about the role of the traditional elders in today’s Somalia in Joakim Gundel, (Nov. 2006) *The predicament of the ‘Oday:’ The role of traditional structures in security, rights, law and development in Somalia* FINAL REPORT for the Danish Refugee Council (DRC).

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## Peace and nation building in Kenya – seizing the opportunities offered by the reform processes

The reform process instigated after the political violence in 2007/8 offers an unprecedented opportunity for Kenya to lay down a strong and solid foundation for peace and democracy. Popularly known as agenda 4<sup>1</sup> items, the country agreed to instate a wide range of reforms including Constitutional, institutional and legal reform; Land reform; Poverty, inequity and regional imbalances; Unemployment, particularly among the youth; Consolidation of national cohesion and unity and lastly Increase transparency, accountability and end impunity<sup>2</sup>. These were agreed upon cognisant of the causes of conflict in Kenya.

Some progress has been achieved. A new constitution was promulgated on the 10<sup>th</sup> of August 2010; judicial reforms are underway after public and competitive recruitment of the Chief Justice (CJ), the Deputy CJ and Court of appeal judges. High court judges are undergoing vetting. Also, commissions such as the National Cohesion and Integration Commission (NCIC), the Truth, Justice and Reconciliation Commission are operational while the Independent Policing Oversight Authority (IPOA) has been sworn in.

A plethora of other reform initiatives are undergoing. Kenyans should grasp and make best out of the opportunities for peace and nation building presented by the reform processes. This is a window of opportunity that Kenyans at all levels should utilize to ensure issues that have the potential to generate violent conflict are addressed.

## **The opportunities**

### *Devolution*

The clamour for devolution started with demands for a new constitution over twenty years ago with calls for *Majimboism* (federalism). While not as radical, the new constitution has ushered in devolved governance system by the creation of 47 county governments. This means that Kenyans will have governments closer to the people thus making services among others hospitals, schools and government offices more accessible. It also means that the skewed development patterns that favoured some regions as opposed to others as initiated by the various governments since independence will cease and thereby people will be able to chart the path for their own development. This will deal with most of the structural causes of conflict that were outlined in Agenda 4.

It also means that each region will concentrate at exploiting its comparative advantages and thus unexploited potentials will be unearthed. This will make them competitive and create employment and business opportunities for thousands of residents of such regions. A culture of interdependence will emerge between communities dealing with the relational aspect of conflict. A culture of interdependence encourages communication/interaction and exchange of resources across communities which if well managed has the capacity to transform social relations. Thus, if implemented successfully, the country local government structures have the potential for increased stability in the country since no region will feel left out of development. In effect, this will give power back to the people.

### *Social Inclusion*

Socio-economic exclusion among minorities particularly in underdeveloped regions has been a key factor of conflict in Kenya. These minorities may include women, youth, religious groups, indigenous communities, pastoralist communities and the disabled. The constitution now has provisions to deal with social exclusion as provided for on citizenship, national values, bill of rights, affirmative action, representation and participation, land and property; education language and culture, devolution and access to justice.

This means that unlike in the old constitutional dispensation, minority groups have now been recognised and their rights entrenched in the constitution<sup>3</sup>. According to Musila, Godfrey (2012):<sup>4</sup> “Unlike the previous Constitution, the entire constitutional framework is today underpinned by certain fundamental principles, which are provided for under Article 10(2). Those that are relevant to issues of marginalization are: human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized” He adds, “These principles guarantee the inherent dignity of all. While principles and values stand as a pursuit of their own, their main function is to guide the interpretation of specific provisions of the Constitution and legislation (Acts of Parliament, country legislation and by laws)”

Musila notes that “What is crucial for previously marginalized groups is that Article 10(1) provides that the values bind all state organs, state officers, public officers and any person who applies or interprets the Constitution as well as any of these actors when they enact, apply or interpret any law. He concludes by saying “these constitutional values must inform the making and implementation of public policy decisions by organs of state as well as national and county governments. Article 10 can thus be used to invalidate on constitutional grounds any legislation, policy, regulations, administrative directions or other measures that do not accord with these values that should inform how to deal with the previously marginalized”

*Women:* Women are now able to pass citizenship to their children and foreign spouses and have equal rights to political, economic, cultural and social spheres. To increase their access to political representation, no gender will be able to hold more than two thirds majority in parliament and this is expected to be mirrored in other public appointments. In terms of land management, gender discrimination in law, customs and practices related to land and property have now been eliminated. This contributes to stability because women can now inherit and own land thus limiting the exposure to women led households from landlessness and poverty. Single women are also able to pass land to their children. This is important because the issue of landlessness can also be linked to squatters and internally displaced people.

*Minority groups:* The new Constitution provides a legal framework for the recognition and protection of the rights of the minorities and the marginalized communities and groups. It opens up avenues through which the past injustices suffered by such communities can be addressed such as affirmative action<sup>5</sup>. This is to ensure that marginalised people participate and are represented in governance and other spheres of life; are provided special opportunities in economic and educational fields; are provided special opportunities for access to employment and have reasonable access to water, health services and infrastructure.

Also, the Constitution introduces a rights-based approach<sup>6</sup> to development i.e. an approach where everyone is entitled to development as a right. The most important gain for minorities/marginalized communities in Kenya as provided under the new Constitution is the recognition of their existence as peoples who have endured exclusion, marginalization and landlessness. The advancement of development as a right as well as the recognition of minority rights is quite progressive in the Kenyan history. If these provisions are implemented, development gaps will be narrowed while at the same time responding to historical injustices. This will go a long way in ensuring peace and stability in the country.

#### *Accountability*

Since independence, Kenya had an extremely powerful presidential system. This system concentrated powers on the president and as such, decision making was solely the reserve of the executive. As a result, distribution of national resources favoured regions that the president came from, or regions that supported the incumbent’s political party. Regions that seemingly supported the opposition were left out of national development. This also affected democratic development of political parties because people could defect from one party to the other especially with promises of ministerial or other lucrative positions in the incumbent’s government.

The new governance system has reduced those presidential powers and has vested them to the county governors. Similarly, parliamentary power was concentrated in Nairobi. These powers have now been devolved to county assemblies and the creation of a senate at the national level. The Constituency Development Funds (CDF) illustrates an example of the potential of the devolved governance system. Though some of these funds have been mismanaged, constituencies that have managed their funds well are making tremendous progress in realising their development

needs at the local level. Also to a large extent devolution of power from the centre to the periphery will ensure increased independence among government institutions as well as transparency and accountability on the part of the executive and will lead to stability in Kenya.

#### *Land reforms*

Competition over resources particularly land has been a key cause of conflict in Kenya. Since the colonial period up to post independence Kenya, various communities were dispossessed of their land. This has created squatters, internally displaced people, interfered with the lifestyles of pastoralist communities and increased frequent clashes among the same communities. Cases of corruption in the lands office are rampant and as a result, Kenyans have for a long time clamoured for land reform. The new law is very explicit on how land will be managed. Already three Acts<sup>7</sup> have been enacted i.e. the Land registrations act, the National Land Commission act and finally the land act.

Once the National Land Commission is instituted, it is expected that the process of implementing the land policy and other related laws will take effect. Of importance to note is the classification of land into public, communal and private. This will ensure communal land, which for most part brought a lot of conflict is well managed. Other important aspects of land management are limitations on land leases to foreigners, proposals to limit the amount of land any single individual can own and settlement of historical injustices in regards to land ownership. If the process of land reforms is successfully implemented, it will bring forth transparency, accountability and reduce cases of conflict over land.

#### *Reconciliation*

The government set up two institutions to oversee reconciliation namely the Truth, Justice and Reconciliation Commission (TJRC) and the National Cohesion and Integration Commission (NCIC). The TJRC looks into our past injustices meted on Kenyans and will come up with specific recommendations. The NCIC is forward looking and aims to increase unity among Kenyans. While this is the case, talking to ordinary Kenyans reveals that the country is still divided, there is still a lot of anger and communities have not healed from the effects of the post election violence of 2007/8. This should be seen as an opportunity for peace building and the government, civil society and faith-based organizations should take advantage of this.

Although the work of the TJRC has been marred by controversy emanating from questions of integrity on the part of its chair, the commission has been able to hold public hearings and record statements from thousands of Kenyans across the country. Regardless of the disagreements among the commissioners at TJRC, the issues that Kenyans brought out, for example the Wagalla Massacre, are real.

When TJRC finally produces its report, the government should be able to implement its recommendations. It is only when a country confronts its past that it can move forward. As it regards the NCIC, its work is hardly felt in the country. The commission should go beyond hate speech monitoring and organizing high level conferences and start initiating dialogues and other reconciliation strategies at the grassroots levels.

### **The challenges**

#### *Resistance to change*

Reform processes usually include shift of power: Power usually shifts from the “powerful”, to the “powerless”. For the 49 years that Kenya has been independence, power had rested in the elite who control all aspects of the Kenyan people’s life. This group of people won’t give up power easily and will resist change. This has the potential of holding the reform process hostage.

*Impunity and corruption*

For 49 years, the political class and the business elite practised impunity with little regard to the rule of law. Coupled with corruption, Kenya has sunk to the lowest levels in terms of governance and ranks as one of the most corrupt countries according to Transparency International's corruption index. Even with ongoing reforms, impunity and corruption continues relentlessly. Unless there is a strong will to fight the twin vices, the reform process will remain a mirage.

*Resources*

The new governance system consisting of 47 county governments and a bicameral parliament at the national level is very expensive. Resources that could have gone to development projects will definitely be diverted into rolling out the new structures. This will affect both long and short term development and increase external debt as the government borrows to cover deficiencies on its budgets. Similarly, the government will need to retrain its human resources to fit into the new structures. This is both expensive and time consuming.

*Poverty*

The economic growth witnessed in the last ten years has not been able to lift Kenyans living in poverty from their status. Skewed distribution of wealth is partially to blame for this. A lot of youth lay in this category; they are unemployed and are easily manipulated by politicians to engage in violence. Unless the government implements serious programmes for employment among the youth in particular, it will be difficult to sustain long term peace and stability in the country.

*Internally Displaced People (IDPs)*

Five years since thousands of Kenyans were displaced from their homes due to post election violence in 2007/8; many of them are yet to be settled to date. As Kenya approaches another general election, it is important that these homeless people are settled. Going through a general election with some citizens in IDP camps is precarious because they are vulnerable to manipulation and incitement to violence by politicians.

*General elections*

The forth-coming general elections are being seen as a precursor to the future of the country. While this is the case, little civic education has been done to educate Kenyans on the new governance system and how different the forth coming elections will be from earlier ones. Similarly, political realignments are more based on ethnicity than on policy debate and this has the potential of stirring conflict. How successful or unsuccessful the coming elections will be will shape the future of this country for very many years to come.

*The International Criminal Court's (ICC) process*

The ICC process is a double-edged sword. On one hand, it is expected to deliver justice to victims of the 2007/8-post election violence while on the other it is seen as divisive with sections of the country supporting the process with others against. The politicians implicated in this issue are drumming up for support from their communities portraying themselves as innocent victims, and accusing other politicians for their predicament. This situation affects stability in the country as we approach general elections because it is likely to stir ethnic tensions. Kenya has to navigate through this process carefully to ensure the gains being realised by the reform process are consolidated and stability in the country enhanced.

**Recommendations**

1. The government should ensure devolution is implemented on schedule. Key pieces of legislations required to affect this should be completed before the life of the current parliament expires. Enough systems of accountability and transpar-

ency should be put in place so that Kenyans do not lose their resources through devolved corruption. Kenyans should be involved in this process

2. Marginalized communities cannot claim for their rights when they are not aware and empowered to do so. There is need for concerted civic education to inform, educate and empower communities to demand for their rights as enshrined in the new constitution. There is also need for civic education to inform all Kenyans about the new constitution, the requirements of the forthcoming general elections and the changed governance system.
3. The government, civil society, faith based organizations, inter alia, should roll out peace building and reconciliation programmes on the short term focusing on the general elections on one hand and focus on national cohesion and integration in the long run on the other hand. Faith based organizations have a major challenge to regain the trust of Kenyans because they were not seen as a neutral voice during the post election period as well as during the constitutional referendum. They can reclaim their positions by talking to Kenyans about their failures and what they have learned over time, and promise neutrality and compassion during the coming elections.
4. The government should move with speed and ensure that all internally displaced people and other genuine squatters are settled before the next general elections.
5. Efforts should be stepped up to provide the youth with employment and income generating opportunities. Access of resources to enable them in self-help projects. Lessons should be drawn from the not so successful “Kazi Kwa Vijana” initiative so that efforts to improve the youth’s livelihood do not turn into cash cows for politicians and civil servants such that only those with close connections to the political elite benefit.
6. The NCIC and the Independent Electoral and Boundary Commission should be vigilant and monitor the conduct of politicians during the campaign period. Those breaking electoral law including incitement hate speech and using ethnicity for political mileage should be prosecuted mercilessly. The Chief Justice has already set up a special team of judges that have been entrusted with the responsibility of overseeing elections dispute.
7. The government should be neutral in regards to the ICC process. It is a professional international court and will deliver justice to both sides of the case. Public resources should not be used in favour of the accused.

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- 1 <http://kenyapolitical.blogspot.co.uk/2008/09/kenya-national-dialogue-and.html>
  - 2 Kenya National Dialogue and Reconciliation mediated by H.E Kofi Annan, Chair of the Panel of Eminent African Personalities
  - 3 Constitution of Kenya, Laws of Kenya 2010
  - 4 Oxfam’s Policy Briefing Paper on empowering the disenfranchised: Ethnic minorities and pastoralist communities under the new constitution
  - 5 Constitution of Kenya, Laws of Kenya
  - 6 Oxfam’s policy brief on empowering the disenfranchised 2012
  - 7 <http://www.kenyalaw.org/klr/index.php?id=641>

## Proactive conflict mitigation – a case study of conflict rapid response funds in Kenya

Kenya continues to face the prospect of violent conflict across local and national levels as evidenced by the myriad of issues that threaten its stability. A national study on the structural causes of conflict in Kenya reveals that the inter-play between politics and legal, security, economic and environmental factors serves as the fulcrum around which conflicts are anchored.<sup>1</sup> These are aggravated by a growing politicization and proliferation of violence in Kenya over the years, specifically the institutionalization of violence following the legalization of multi-party democracy in 1991.<sup>2</sup>

The scale of post-election violence in 2007 left government, organizations and communities alike shocked. As the country heads to the next general elections, questions remain about what went wrong and what can be done to prevent a repeat of such events. The carry forward of unresolved questions is growing, necessitating the need for a comprehensive conflict early warning mechanism and early response structure. The national peacemaking structure introduced a conflict rapid response fund (RRF) as a short-term intervention.

This analysis focuses on current conflict response mechanisms in Kenya with a view towards exploring the challenges experienced in implementing a conflict RRF mechanism and suggests how this process can be strengthened for effective conflict prevention. The operations of the RRF raise questions 1) Exactly how operational is a conflict RRF, 2) What factors impede effective conflict prevention activities; and 3) How can the shift from reactive to proactive prevention of conflicts be strengthened?

### What is a conflict rapid response fund

The concept of a conflict rapid response fund is still evolving and little research has gone into exploring the practice. Related concepts like conflict research came of age in the 1990s while peace research entered the arena a little later. There being no consensus, conflict RRF can be explored within the confines of a number of peace and conflict frameworks. Conflict RRF within the framework of conflict prevention is defined as “initiatives, movers, and actions undertaken with the express purpose of averting the outbreak of violent confrontations between parties in a conflict”.<sup>3</sup>

Here, conflict RRF is part of preventive action(s) to stop disputes from breaking out to into violence, prevent existing conflicts from spreading and to prevent old conflicts from relapsing. According to Michael Lund, this involves any interventions to prevent the escalation of violent conflict. This may include display of force as an immediate intervention before the commencement of mid and long-term interventions to address underlying causes of conflict. To prevent violent conflicts, grass-root organizations need material and financial resources to enable them organize community processes such as negotiations, social contract signing, setting up local peace structures etc. Rapid response need not necessarily be financial, in a number of cases, in-kind support is as important as the funded response.<sup>4</sup>

The genesis of RRF in Kenya can be traced to the development of Early Warning and Early Response (EWER) mechanisms; a sub-theme of conflict prevention that helps defines RRF. Thus, this paper defines conflict RRF as *a strategic financing mechanism set aside to specifically respond to budding conflict situations and is flexible enough to meet a variety of contingencies that arise during violent conflict*. Although the term ‘emerging conflict situations’ may mean the start of conflict, it should be noted that the conflict RRF is applicable at the beginning, during and in the aftermath of conflict. Much like a standby humanitarian fund which responds to natural disasters such as floods and drought, the establishment of conflict RRF is premised on the need to have a flexible funding mechanism available for fast response to prevent and mitigate conflict.

*Types of RRF*

The United Nations (UN) has the Central Emergency Response Fund (CERF); a humanitarian fund established to enable timely and reliable humanitarian assistance to those affected by natural disasters and armed conflicts. The CERF was available to Kenya during the 2008 post-election violence and the country is one of the highest recipients of CERF funding.

At the regional level, the Inter-governmental Authority on Development (IGAD) under the Conflict Early Warning and Response Unit (CEWARN) has an RRF mechanism that supports short-term interventions targeted at preventing, de-escalating or resolving pastoral and related conflicts in the region.<sup>5</sup>

Nationally, the government replicated the CEWARN RRF under its peace coordination agency – National Steering Committee on Peace Building and Conflict Management (NSC).<sup>6</sup> This RRF is a sub-component of the National Conflict Early Warning and Response System (NCEWERS) and provides funds to mitigate conflict.

**Challenges and dilemmas impeding effective implementation of RRF Funds**

Effective early warning systems are necessary efforts and combined with early response and better preparedness can prevent violence and help in increase stability.<sup>7</sup> So what hampers their effectiveness, and what factors are responsible for breaking the link between early warning and early response?

*Policy*

For effective conflict prevention, three essential conditions have to be met. First, is the knowledge of the fragility of the situation and the risks associated with it, second, is comprehensive information of the policy measures available that are capable of making a difference and third, is the “political will” to apply those measures. The greatest gap is in the third condition, due to the lack of commitment to implement developed policies. Another challenge is the failure by international agencies, government and civil society organizations to translate policy into action.

Conflict RRFs entail numerous rules and regulations that are designed to guide the implementation of the funds, however, bureaucracy across different levels of administration delay responses to emergency requests. These procedures act to impede rapid implementation, and in some cases they have contributed to the complete failure of conflict response initiatives.

International communities are key in implementing country plans and in most cases, favorable projects (those passed that correspond with agenda) get quick support while others languish because they have not received ‘higher backing’. The flipside of this is that stiff competition among donors (especially International Organizations level) lead to huge duplication of conflict rapid response activities; the need to have their organizational visibility supersedes to noble idea of collaboration and coordination.

*Capacity challenges*

The capacity challenges are multiple. First is the role of the agencies holding RRFs to verify and authenticate the validity of such requests, second is the limited capacity of applicants, especially the ability of small organizations or groups to quickly generate proposals that need to pass the tight vetting processes of funding organizations. To date the OCHA Emergency Response fund (ERF) has not funded Kenyan NGOs with the exception of the Kenya Red Cross Society (KRCS), yet the ERF has set a limit of \$150,000 on applications to encourage proposals from small organizations.<sup>8</sup>

RRFs commit to disbursing funds within a few days or a few weeks for the larger donors, but such rapid responses have yet to occur in practice funds. Under the CEWARN RRF, the main office is in Addis Ababa in Ethiopia working the Karamoja

and Somali clusters on the Kenyan side coordinated from Nairobi. This widens the relay of information hence slowing down response timelines. In November 2011, there was a politically instigated crisis in Kisumu, the western region of Kenya. Local CSOs requested for assistance to mitigate the rising tensions in the region. Although the request was made in time, the approval process was delayed until the issue was no longer relevant.

There is limited coordination between local, national and regional organizations that delays response systems. Information plays a central role in conflict prevention and if accessed on time, verified, analyzed and shared to the right stakeholders, it has the potential to shape preventive actions while also guiding the interventions of those seeking to contribute to positive change in conflict and conflict prone contexts.<sup>9</sup> The amount of communication and collaboration between the various organizations during an emergency is low and in some cases non-existent.

In November 2011, conflict broke out between pastoralist communities along the Turkana and Pokot borders over a government hydro-electric power project. Four local organizations operating in the area independently requested for funds from the NSC, the National Research Institute (NRI)<sup>10</sup> as well as other CSOs with conflict RRFs looking for support to intervene in the situation.

Ordinarily, Funding rules do not allow recipients to shift more than 10% between the budget lines, making it difficult for a number of organizations to adapt rapid response project to changing needs. In so far as conflict environments are dynamic, flexibility is crucial but rigidity of the RRFs makes this impossible. The funds are designed to work alongside other conventional funding and are supposed to serve as gap-fill resources. This requires that the allocated funds be focused on response activities only and limits their potential for greater impact.

Assessment challenges have continued to plague RRFs work especially the thin line between communal conflict and crime incidence. In March 2011, a series of incidences involving burning of houses in Eldoret was reported as sign of communal conflict between the Kikuyu and Kalenjin communities, although it was later ascertained as criminal incidences. Another assessment challenge is the limited ability of CSOs to ascertain the magnitude of the problem and whether it needed a much higher level of intervention. In Tana River, rapid response intervention was developed and rolled out. However it was later realized that the communities in dispute had a lot of political influence and as such high level discussion with former and present members of parliament (MP) were needed which were beyond the funding limits of the different RRF mechanisms.

### **Towards an effective rapid response structure – recommendations**

Despite the outlined RRF challenges, the capacity of peace actors in dealing with prevention, management and transformation of conflict has improved tremendously. Capabilities to respond to violent conflict have evolved – institutional mandates have been strengthened, funding has increased, there is greater range of operational tools and mechanism have been refined on the basis of applied experience.<sup>11</sup> However, peace actors need to move beyond reaction to proactive response. The shift from reaction to prevention can be strengthened through the following recommendations grouped in three categories.

#### *Civil Society Organizations*

A stakeholder forum held in September 2011 in Nairobi described a proactive EWER infrastructure as that which involves assessment and mapping of conflict, generation of multi-stakeholder action plans, mobilization of multi-sectoral actions, continuous monitoring of the situation, as well as periodic reflections and evaluation.<sup>12</sup> CSOs should therefore embed RRF mechanism within the framework of programme cycle management to ensure effective planning, implementation and monitoring of rapid response activities.

Capacity challenges should be addressed by simplifying fund processes. Such include, making RRFs information easily available, developing simple application and reporting formats, as well as giving ample technical support to nascent organizations and groups in securing the funds. Simplicity yet workable guidelines that do not impede but support implementation of the fund will go a long way in improving the management of RRFs.

CSOs should increase research to improve the workability of RRF and sharing of learning's acquired from practice. Alongside this, should be the urge to devise practical performance indicators against which outcomes and results can be best measured. All these are possible by increasing research on RRF interventions.

#### *Funding Partners*

Despite the intense interest that the field of peace building and conflict management has been receiving, a number of donors have shied away from putting money into RRFs. Like humanitarian organizations that benefit from swift donor response to emergencies and disasters, funding partners in the conflict and peace cohort should scale-up increased and targeted support that has less stringent regulations for greater results.

Donors should also understand that RRFs are a stop-gap mechanism and do not in any way override normal support to conflict mitigation, management and transformation activities. Donor support should also anchor rapid response work into mainstream peace work to ensure sustainability and provide a link to early recovery initiatives. This is crucial where the cost of conflict or violence exacerbates aggravates humanitarian situations. Lastly, donor collaboration is an absolute necessity to mitigate duplication and ultimately wastage of limited resources.

#### *Government*

Adopt the draft national policy on peace building and conflict management as it provides the framework and guidelines for the implementation of RRF.

Coordinate conflict funds in existence or are coming up to ensure coherence. Already, a mapping of RRFs has been conducted by the NSC Enhance coordination and collaboration of all initiatives geared towards conflict prevention as the country prepares for the next general elections.

There should be stronger linkage with CSOs and communities and inclusion of other key stakeholders, such as the private sector, in the joint initiatives to facilitate faster response. More importantly, such partnerships should be sustained and committed to steering the peace agenda in the long-term rather than only forging partnerships that work during "times of need" and remain complacent or even disband soon thereafter.

#### **Conclusion**

This analysis provides a framework to facilitate practical implementation by identifying central challenges and dilemmas, and in turn showing how practice is improving. The existence of RRF as a system of early response is not questionable. However, the carrying out of timely interventions has been a challenge. RRFs exists, but it is not enough to devote adequate resources to response initiatives. The gap in translating conceptual advances into guidance for action in practice should be bridged to ensure that such conflict rapid response initiatives address real-time peace and conflict issues. On that note, CSOs, government and donors alike have to adopt a comprehensive and integrated approach to conflict rapid response initiatives.

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- 6 The NSC is a multi-agency body comprising of government, international and national organizations mandate with coordination of peace efforts nationally. It has an implementation arm – the NSC Secretariat – that oversee day-to-day coordination, capacity building, and early warning and early response programs. It is also the
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## NEWS

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### **Prevention of gun-trafficking**

The Legislative Assembly of the East African Community (EAC) have passed an amendment to the East African Community Customs Management Act that highlights the need for more cooperation and information sharing between authorities in the region to help prevent gun trafficking. The Assembly’s Committee on Regional Affairs and Conflict Resolution said this could help East African economies as, “Indirectly, a lot of economic losses we make annually due to insecurity will be curtailed”. According to the authors, “Gun violence and SALW trafficking in Eastern Africa have had profound impacts on national development prospects”.

*Source: International Action Network on Small Arms (INSA)*

### **No way forward for the world’s biggest refugee camp**

Key stakeholders meeting on 14 June to discuss the future of Dadaab refugee camp in eastern Kenya acknowledge that there are tough choices ahead, but no agreed way forward. The panel discussion, entitled “Dadaab 20 years on: what next?”, was organized by the NGO Médecins Sans Frontières (MSF) in Nairobi, and included government officials, UN agencies, NGOs and representatives from Dadaab’s refugee community.

Dadaab, originally built to house 90,000 refugees, currently hosts close to 500,000. The management of the camp was handed over to the UN Refugee Agency

(UNHCR) in the early 1990s. Stakeholders say with more refugees arriving daily, it is becoming increasingly difficult to run. It now has a bigger population than Nakuru, Kenya's fourth largest city, and is the biggest refugee camp in the world. The panel discussed possible alternatives to Dadaab, including persuading the international community to allow more refugees to resettle abroad, relocating refugees to safer areas in smaller camps, and creating ways for the refugees to become more self-reliant. *Source: NGO Consortium*

### **Warning to “spoilers” in Somalia**

The United Nations, the African Union (AU) and the Inter-governmental Agency on Development (IGAD), stated in a joint statement that Somalia's peace process had entered a critical juncture. However, the signatories expressed worries that some individuals and groups, in and outside Somalia, were bent on undermining the progress being made.

The Somalia stabilisation roadmap, agreed on last September 2011, aims at securing the transitional status to a permanent government by August 20. However, the international agencies were concerned that spoilers could jeopardise the progress towards such benchmarks as the convening of a constituent assembly, adoption of the federal provisional constitution and selection of a new parliament.

### **Donor support to Kenya election**

Even as the date of the Kenyan general remains unconfirmed, the donor community have confirmed financial support to the Independent Electoral and Boundaries Commission. The commission will receive 13% donor support of the total budget. All these efforts are being put in place to ensure that the elections will be free, fair and peaceful. The additional resources will help the commission increase its voter education budget.

*Source: East African June 25, 2012*

### **2012 Global Peace Index**

The world has become more peaceful for the first time since 2009, according to the 2012 Global Peace Index. All regions excluding the Middle East and North Africa have an improved level of overall peacefulness.

The GPI is produced by the Institute for Economics and Peace and ranks 158 nations, using 23 qualitative and quantitative indicators which gauge ongoing domestic and international conflict, safety and security in society and militarization. Countries in the Horn of Africa are among those that are in the low ranks. Somalia remains the world's least peaceful nation for the second year running; Sudan is number 156, Ethiopia 137, Eritrea 122, Kenya 120, Uganda 98 and Djibouti 56. There is no data for South Sudan.

*Source: <http://www.visionofhumanity.org/globalpeaceindex/2012-gpi-findings>*

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## **RESOURCES**

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### **New release: Beyond Kony2012 Atrocity, Awareness, & Activism in the Internet Age**

This book is both a collection of that criticism, and a constructive response to Invisible Children's Kony 2012 which has been viewed more than 87 million times. Concerned citizens around the world watched the film and shared it with their friends. That success was soon met by a critical backlash. Critics nearly as varied as the campaign's supporters pointed out that Invisible Children was offering an oversimplified, even misleading narrative. They faulted the campaign for failing to provide

a context for the LRA conflict, and pointed out that the video portrayed Africans as either helpless victims, or heartless killers.

The authors each wrote a short essay offering information that they felt was missing from the video, or explaining how they thought the campaign could be improved.

For more info see <http://leanpub.com/beyondkony2012>

### **New book: antimilitarism – political and gender dynamics of peace movements**

This book presents case studies of anti-war, anti-militarist and peace movements in Japan, South Korea, Spain, Uganda and the UK, of international networks against military conscription and the proliferation of guns, and of singular campaigns addressing aggression against Palestinians. Writing between the nihilistic view that violence is inevitable and the utopian belief in the possibility of a violence-free world, the author carefully uncovers the movements' many tensions and antagonisms through a gendered lens.

The book is the outcome of a two-year project of research involving a sequence of studies of disparate elements of the anti-war, anti-militarist and peace movement viewed as a worldwide phenomenon. For more information and to read a sample chapter, please go to: <http://www.palgrave.com/products/title.aspx?pid=536615>

### **Dynamics of Conflict – draws on 30 years of experience**

*The Dynamics of Conflict* is the second edition of Bernard Mayer's classic book. While building on the strengths of the first edition, this thoroughly revised and updated book keeps pace with the most current trends and research in the field and explores four key concepts: interactional dynamics, system dynamics, culture and conflict, and conflict engagement.

Like the first edition, the focus of the new edition is on the ways we can productively think about conflict and conflict intervention, rather than on specific techniques and processes. Filled with illustrative examples, the book draws from the author's 30 years of experience with interpersonal, family, community, organizational, labour management, environmental, public policy, and international disputes and includes instances of conflicts that have been in the news. The book is published by Jossey Bass Publications:

<http://www.josseybass.com/WileyCDA/WileyTitle/productCd-047061353X.html>

### **Security and firearms proliferation in Kenya: progress and challenges**

Small arms availability and misuse have been a problem in Kenya for many years, but the post-2007 election violence increased the urgency of small arms reduction efforts. While significant progress has been made, law enforcement efforts to control the proliferation of small arms still face considerable challenges, according to a new study.

The study conducted jointly by the Government of Kenya and the Geneva-based Small Arms Survey assesses small arms proliferation in Kenya, and considers the capacity of those involved in small arms control and peace-building efforts.

The report "Availability of Small Arms and Perceptions of Security in Kenya: An Assessment" study among other things that revealed that respondents indicated that civilians may hold between 530,000 and 680,000 firearms and that despite disarmament efforts gun possession in certain areas has increased.

Download the publication: [www.smallarmssurvey.org/?special-reports](http://www.smallarmssurvey.org/?special-reports)

### **People's peacemaking perspectives on Kenya's post-2008 political crisis**

Following revelations of voting irregularities during presidential elections in December 2007, Kenya experienced waves of inter-ethnic violence that left 1,300 dead and half a million people displaced. In retrospect the 2007/8 post election

violence was a result of social tensions that had build up over many years. A key factor was the skewed allocation of state positions and resources by successive political leaders.

A participatory conflict analysis was conducted to better understand the factors driving political conflict related to elections in the country. The research methods included interviews, desk review and focus group discussions in past and potential hot spots. The report summarises the research findings, presents four future scenarios and weighs their implications and any risk mitigation strategies available. The full report can be accessed from:

<http://www.saferworld.org.uk/downloads/pubdocs/Kenya%20PPP%20report%20reduced.pdf>

### **Early warning and conflict prevention by the EU – learning lessons from the 2008 post-election violence in Kenya**

The report looks at the way conflict early warning as well as other conflict-related information and analysis was taken into account, processed and acted upon by the EU actors in Kenya before, during and after the post-election violence. The report draws on research and interviews conducted throughout 2011 in Kenya and Brussels with EU staff, various non-government organizations (NGOs) and local civil society organizations (CSOs).

It also draws on two regional workshops organized within the framework of the project and the bringing together of in-country early warning practitioners. The report also sought to identify other local and national capacities involved in conflict analysis, early warning and peacebuilding activities in Kenya, the challenges they face and the opportunities to overcome them. Link to the full report:

[http://www.saferworld.org.uk/downloads/pubdocs/IfPEW\\_Kenya.pdf](http://www.saferworld.org.uk/downloads/pubdocs/IfPEW_Kenya.pdf)

## **Horn of Africa Bulletin, Volume 24, No. 3, May-June 2012**

### **Editorial information**

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### **Editorial principles**

The Horn of Africa Bulletin (HAB) is an international newsletter, compiling analyses, news and resources primarily in the Horn of Africa region. The material published in HAB represents a variety of sources and does not necessarily represent the views of the Life & Peace Institute (LPI) or the cooperating partners, the All Africa Conference of Churches (AACC) and the Fellowship of Christian Councils and Churches in the Great Lakes and the Horn of Africa (FECCLAHA). Writers and sources are normally referred to, although in exceptional cases, the editors of the HAB may choose not to reveal the real identity of a writer or publish the source.

