

## **Reconciliation and Healing in a Post-Accord Nation: Exploring Popular Perceptions of Responsiveness of Truth Justice and Reconciliation Commission in Kenya**

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### **Abstract**

*Countries going through democratic transition have to address how they will deal with the human rights crimes committed during the authoritarian era. Truth commissions have emerged as standard institutions to document the violent past. Increasingly, claims are made that truth commission has beneficial psychological consequences in that it facilitates healing the nation by creating a context for working through the violent past. Notably, a nation is not like an individual in that it does not have a 'collective psyche'. Questions have been raised about the responsiveness of Truth Justice and Reconciliation Commission (TJRC) model to the wider context of historical injustices and massive human rights violations and deprivations in Kenya. While the TJRC may succeed in creating space for public hearings of victims' stories, acknowledgement, apology, and reparation, it may not address the deep seated issues of injustices, reconciliation, and healing. Are reconciliation and healing assumed to be addressed by a three-year TJRC? Is TJRC used as a convenient tool through which the new regime evades responsibility or politically painful decisions? This article draws upon popular perceptions of the victims to challenge the claim TJRC can bring about nation healing. The mythology of nation healing of TJRC, which tends to 'psychologize and medicalize' the nation, can have damaging consequences for individual victims who may not rhyme with the political expediency of national unity, reconciliation and healing.*

**Key Words:** Kenya, Truth, Justice and Reconciliation Commission, Reconciliation, Healing,

### **1. Introduction**

Countries going through democratic transition have to address how they will deal with the human rights crimes committed during the authoritarian era. Truth and reconciliation commissions have **emerged as** paradigmatic models of how to work through a violent past and in so doing, to heal the nation (Kritz, 1995; Hayner, 2001; Hamber & Wilson, 2002; Roht-Arriaza, 2005). However, in transitional justice, the meaning of reconciliation and healing are as problematic as the highly contested yet fundamental concepts such as truth and justice. There is relative lack of metaphors, analogies and idioms for concrete descriptions of what reconciliation and healing mean in practice and within a given socio-cultural specificity.

In light of this, it appears that reconciliation and healing may be under-theorized and assumed components by the Truth Justice and Reconciliation Commission (TJRC) in Kenya. The idea of dealing with the violent past through TJRC ascribes a collective identity to the nation, and assumes that the nation has a psyche or conscience that experiences trauma or suffering in a similar way to individuals. This not only "psychologizes" and "medicalizes" the nation but incorrectly implies that the pursuit of national reconciliation and healing is a unitary and coherent process. It also assumes that individual's coping mechanism and nation's healing process are concurrent and equivalent (Cobban, 2007; Daly & Sarkin, 2007). Yet the biggest challenge is that the concept of "healing" itself seems so difficult to

describe. Much as Wittgenstein (1973) observed about the impossibility of describing the smell of coffee, healing is something we all know and yet somehow struggle to convey in words. Ignatieff (1998:169) warns against “psychologizing” and “medicalizing” a nation by noting:

*We tend to vest our nations with conscience, identities and memories as if they were individuals. It is problematic enough to vest an individual with a single identity: our inner lives are like battlegrounds over which uneasy truces reign; the identity of a nation is additionally fissured by region, ethnicity, class and education.*

This paper articulates that the calls for collective reconciliation and healing in Kenya from leaders may demand too much psychologically from the victims and survivors. It underlines that public hearing or testimony, acknowledgement, apology and reparation through TJRC may be just ineffective in bringing about reconciliation and healing in Kenya. The paper poses the question: to what degree does the nation undergo a uniform and collective reconciliation and healing? How are the diverse individual expectations and needs going to be addressed? What are the implications of subordinating diverse individual needs to political expediency of national reconciliation and healing? The paper argues that the claim to reconcile and heal the nation through TJRC tends to homogenize victim's memories, expectations and needs to create an official version, and in so doing represses other forms of memories and psychological closure.

## **2. Methodology**

The article is based on the solicited views from variety of respondents regarding their views, perceptions, expectations and experiences of TJRC's responsiveness to the challenges of dealing with past atrocities, injustices, individual and

communal traumas, its contribution to nation reconciliation and healing, and its interactions with the local contexts in which it is applied, particularly local notions and practices of justice, reconciliation and healing. Field research was carried out between August and December, 2008 in the regions that had been theatres of violence, namely, Rift Valley, Coast, North Eastern, and Nairobi (see Kenya National Commission on Human Rights (KNHCR) Report, 2008: 7). Purposive sampling and snowballing were used to identify the respondents. Ideally, these sampling methodologies were found appropriate given that the study was basically perceptual. Three types of research design, namely, explorative, survey and descriptive were used. Explorative design was utilized in the identifying the problem and review of related literature. Survey design was used in the formulation of research instruments and determining the sample size and categories for interviews. Descriptive design was used in the interpretative qualitative methods that were used to provide a rich and textured view of the issues as they were experienced by different respondents.

Respondents included those who regarded themselves as victims, community leaders, human rights activists, and experts of transitional justice. The first phase of the study consisted of semi-structured interviews with 50 victims, 25 community leaders, 15 human rights activists, and 10 experts of transitional justice. The interviews provided the broad picture of the popular views, perceptions, expectations and experiences of TJRC's responsiveness to reconciliation and healing. Interviews were recorded and fully transcribed. Discourse analysis was employed to map the emphasis, silences, and any other contradictions that stood out during the interviews.

Ethical considerations that were relevant to this study revolved around two distinct, yet related, sets of concerns. The first concern

revolved around rules of fair play and acceptable conduct of the research vis-à-vis the rights, autonomy and dignity subjects of study. The second concern regarded the integrity, validity and reliability of the research process and its findings. The two concerns were found to be interrelated since “sound ethics and sound methodology go hand in hand” (Sieber, 1992: 4). The study was sensitive since it dealt with issues of painful and contentious issues. This could have easily led to the possible polarization of the study subjects. Moreover, some informants mistook researchers for International Criminal Court (ICC) investigators, and as such declined participation for fear of reprimand.

In order to safeguard privacy and confidentiality of respondent's views, research team assumed a low-key presence and assured respondents that their identity would remain anonymous by use of aliases or codes in place of their names in the report. When dealing with issues of body violations, researcher assistants of the same gender were assigned. For each respondent, informed consent was obtained by explaining the purpose of the research, seeking voluntary participation, and telling them that they could withdraw interview, or withhold answers if they felt uncomfortable. In addition, the research team encountered the risk of psychological consequences of studying the traumatized victims. Volkan (1999) notes that such consequences usually manifest in two ways: burn-out syndrome, counter-transference reaction. The former manifests through depression and low motivation in work, while the latter manifest through re-emergence of emotional reactions. All in all, the research team was well debriefed.

### **3. Key Findings**

There is no doubt that Kenya is laden with bulk cases of past human rights violations. Though the violations have been witnessed for many years, the peak of these violations came just hours after Mr. Kibaki was declared the winner of the 2007 general elections and hastily sworn in. In the following days, massive violence was witnessed in Nairobi, Rift Valley, Coast and Western regions. The violence eventually impacted up to 136 constituencies in 6 of Kenya's 8 provinces. The magnitude of the violence brought the country to the brink of the precipice (KNCHR, 2008). The severity of these violations unfolded in a span of 57 days, i.e. between swearing day on 30<sup>th</sup> December 2007, and when a political compromise was reached in 28<sup>th</sup> February 2008.

The existence of torture chambers, internally displaced persons, mass graves, physical and psychic injuries evoke memories of extreme pain, loss and suffering to the victims and a level of guilt to the survivors and perpetrators. It is a fact that after violations, there are different perceptions about what needs to be done to deal with past atrocities. In April 2003, the Government of Kenya (GoK) appointed a Task Force to establish the viability of a truth commission. Its final report indicated that over 90 per cent of Kenyans who presented their views before the Task Force wanted the Government to immediately establish a truth commission, in the name of Truth, Justice and Reconciliation Commission (Makau Report, 2003). In July 2009, the TJRC that was established by the Act of Parliament (Act No. 6, 2008) began its work to investigate the gross human rights violations and other historical injustices that happened between 12<sup>th</sup> December 1963 and 28<sup>th</sup> February 2008. The basis of the formation of TJRC was that learning the truth about past human rights violations, reparations and punishment of perpetrators would bring about reconciliation, healing and closure. However, a number of emerging issues tend to work against the initiative. Below is discussion of the issues.

### **3.1 Presumptions and Competing Expectations**

The idea of setting up TJRC was envisaged to offer solution to many of the key transitional justice dilemmas. Interviews with some experts on transitional justice revealed that it was assumed that by setting up the truth commission, the Government would avoid the responsibility of compensation and restitution by requiring that the perpetrators be accountable for crimes. This was the idea behind inclusion of justice component in the truth commission. The experts noted that the TJRC would create a forum for eliciting much information about the past abuses, establish accountability, avoid recurrence, and forge a vibrant civil society. In addition, the TJRC would create room for public hearings, clarifications of unanswered issues, acknowledgement and apology, and therefore bring about a complete rupture with the bitter past.

Interviews with victims revealed some competing expectations about the TJRC. Many expected that the Commission would embark on a retroactive justice process, whereby historical crimes going as far back to colonial era would be redressed. Others expected a process that would name and shame the perpetrators, and then subject them to criminal trials and punishment. Yet others looked forward to a process that would lead to acknowledgement, apology and reparation of the victims. Many questions remain: Who is going to pay for compensation in cases where the perpetrators are not known? How will compensation be calculated? Will compensation and restitution be collective on a communal or individual basis? How would the compensation and restitution processes be managed so that they do not create a fertile ground for more violence? How is the Government going deal with the large numbers of prosecutions that may result from a comprehensive retributive approach to periods characterized by extensive human rights violations? How is the process going to be conducted so that it may bring about reconciliation and healing?

### **3.2 Degree of Victim-hood and Perpetration**

The single-most task of any truth commission is to define the parameters of who is classified as 'victim' and 'perpetrator' (Mamdani, 2002: 33; Bosire, 2006: 20). While the TJRC expected that perpetrators would come forward and reveal the truth of their complicity to their victims, the reality was quite different in the sense that most perpetrators seemed to stay away. The end result was a victim-dominated process that nevertheless does not appear to be victim-responsive, particularly in the context of victim's perception and expectations of justice and reconciliation.

The study noted that there existed a very deep-seated sense of victimhood among those affected by past human rights violations in the Rift Valley and Coast Provinces of Kenya. It was also observed that whenever they met as group, the common salutation at the beginning of meetings was, *Hamjambo Waathiriwa* (Greetings to you, victims). Interviews with leaders of lobby groups for the post-election violence victims in Rift Valley and Coast Provinces revealed that contrary to the commonly held perception that immigrant tribes rose up against the local ones, the common perpetrators were the local leaders or politicians, and the Government through its action or inaction.

A thin line existed between perpetrators and victims among those interviewed in parts of the Rift Valley, Western, and Coast Provinces. In spite of the fact that that most of those interviewed belonged to an organized internally displaced persons (IDPs) network whose common denominator was victim-hood, one was left to wonder whether the affiliation to the network represented a case of strategically constructed narrative of victimhood that placed them in good stead to demand compensation and/ or material gains. This further casted misgiving as to whether TJRC would enhance a true process of reconciliation and healing.

Mamdani (2002) notes that definition of perpetrator is not entirely straightforward since there are individuals who may be in morally and legally ambiguous status. Such ambiguity was noted whereby those accused of perpetration said they did so either to protect the rights of their community. For example, the conflicts in the Rift Valley and Coast Provinces which pitted the immigrants against the local ethnic groups owed much origin to the feeling that the former were unjustly marginalizing the latter in their very own territory. Consequently, the expulsion process was perceived as a protection of rights by the indigenous communities.

### **3.3 Trauma Healing, Coping Mechanism and Resilience**

Trauma often results in confusion, bafflement and an inability to fully understand the causes of one's suffering. Traumatized victims grapple with basic questions that remain unanswered, such as, how and why the event happened and what is going to happen next (Neal, 1998: 6). Does TJRC create a context for trauma healing? Scholars who are familiar with the term "healing" are aware that even though "wounds" can mend and become "scars", the body will never be the same as it was before. Interviews with experts on transitional justice revealed that there has been far too little genuine debate about what "healing" entails and what actually brings it. They noted that though truth is one essential component that could heal the nation of past human rights violations, it has not been well examined, considered, thought about, debated and accepted by the victims. Failure to heal the wounds of past violations is too often the seed of future conflicts.

Galtung (2001: 4) has given the equation: *Reconciliation = Closure + Healing* - closure in the sense of not re-opening hostilities, healing in the sense of being rehabilitated. Nevertheless, closure connotes a certain finality that may be dangerously misleading, particularly given

the tendency for violence to erupt again years later as has been the case in Kenya. Barsalou (2005: 4-5) points out the problems associated with the concepts of closure and healing:

*The processes of closure and healing — psychological and medical concepts that are used most often in reference to individuals [and] communities — are poorly understood when they are used to describe social dynamics in societies emerging from violent conflict. It is difficult to define these processes in practical or quantifiable terms and problematic to apply them to widely different cultures. The term "reconciliation" is often used to describe processes through which societies recover from trauma, mete out justice, and engage in social reconstruction, but defining what exactly reconciliation means and how it is achieved remains a challenge.*

Another misunderstood concept is that of "catharsis" or "talking cure." While most associated with Sigmund Freud (1856–1939), the term "catharsis" actually was mentioned first by Aristotle (384–322 B.C.) and comes from a Greek word for purification. Linked to issues of trauma healing, catharsis is perceived to lead to "emotional purification" or "venting of noxious emotions" and thereby allow victims to "come to terms with the past". The TJRC approach emphasizes the cathartic effects of truth-telling as prelude to reconciliation (closure + healing). Notably, this has been the case with other truth commissions in post-accord African countries, such as South Africa, Sierra Leone, and Ghana. While this thinking may be appealing and quite elegant, it is not clear whether it resonates with the various notions and practices of reconciliation and healing among individuals affected by the violence. Some scholars have decried this "talking cure" approach, arguing that it borrows heavily from Judeo-Christian and Western psychological and biomedical notions of trauma. For example,

Summerfield (1997: 1568) argues:

*The reframing of the understandable distress and suffering ...as a pathological disorder is a serious distortion and does not serve the interests of the vast majority of [victims]... Every culture has its own frameworks for mental health, and norms for help-seeking at times of crisis. There is no such thing as a universal trauma response.*

While talk cure has its advocates, it is generally not much favoured nowadays. As noted by Bushman, Baumeister, and Stack (1999: 368), the “scientific community has largely disconfirmed and abandoned the Catharsis theory and, if anything, is looking to understand why the opposite effect occurs (i.e., venting anger leads to higher subsequent aggression).” This was confirmed in the field research, where many victims expressed the view that talking about traumatic past is very harmful as it would open up the old social and psychic wounds of the past and perhaps reignite violence.

From the observation and interviews conducted in all the areas visited, it was clear that not all victims of human rights violations have been able to resume their normal lives. While there are those whose resilience and coping mechanisms could be judged to be higher, and have thus resumed normal lives, a majority of them said they have been able to cope through support of some close friends and relatives. Such victims were not enthusiastic about TJRC. Most of them revealed that more is needed than mere public testimonies, recognition, acknowledgement, and apology. For example, in the case of unexplained disappearances, the getting back of an individual (dead or alive), and rituals that accompany thereafter, are of great significance to most victims. It is common for the families of the deceased to accord proper, decent, and cultural burial ritual. The focal point of the ritual is the individual (dead), without which reconciliation and healing are unlikely. If this is not possible

because the body cannot be traced, the only other strategy that is likely to bring some healing for the relatives is the revealing of the facts about the disappearance and why the person was taken away in the first place.

Other said that talking or recalling about the traumatic experiences through TJRC would not necessarily help them come to terms with their distress. For example, victims in the Rift valley and coast provinces indicated that TJRC should assist victims to internalize their loss and suffering through providing developments such as land reforms, medical and educational systems, security, roads, electricity and water. There were mixed feeling among the victims of Nyayo Torture Chambers and Wagalla Massacre. Some noted that TJRC should facilitate reparation, reburials, and honoring of the dead by building tombstones, monuments, museums, plaques and physical markers. Others revealed that accepting reparations would be tantamount to concretizing violations, betrayal of justice, and (in the case of Wagalla victims) buying of silence through “blood money”. Seemingly, they wanted others to experience same frustrations they have felt, and bring them to realization that there is nothing that can replace their missing loved ones. In addition, others rejected reparations on the grounds that government wants the victims to engage in a premature reconciliation and healing before all the psychological processes around truth and justice are fully internalized.

### **3.4 Public Testimony and Acknowledgement**

Truth-telling is a key factor in transitional justice process. One of the most problematic aspects in the aftermath of violations is that the injustices committed are more often than not ignored, denied and even celebrated. Crocker (2000: 101) notes that one of the most powerful tools of a truth commission is to investigate and document of abuses in order to establish an official record that can receive public

acknowledgement. Victims need to come to terms with their suffering and losses as they resume their normal life. Their minds are preoccupied with images of traumatic past experiences, and many may exhibit survivors' guilt by condemning themselves for having lived while others perished (Volkan, 1999). In the long run, the victims may come to find comfort in ascribing a myth to whatever happened, or simply declaring it fate.

There seemed to be a strong desire for TJRC if it would unearth the truth and confirm legal pursuit of compensation and restitution. For example, the victims of post-election violence, Nyayo Torture Chambers and Wagalla Massacre had formed some lobby groups to seek for justice with possibility of compensation. For example, the Mau Forest evictees belonged to Internally Displaced People's Network (IDPN) lobby group, victims of Kipkurere Forest evictions formed the Ogiek Welfare Committee (OWC), victims Nyayo torture chambers formed Citizens for Justice (CFJ) lobby group, and victims of Wagalla massacre formed Truth-to-Be-Told (TBT) network. However, their attempts to seek legal redress through courts has been thwarted by high legal costs involved and the general feeling among leaders that talking about past violations and reparations could open old wounds and lead to fresh bitterness and conflicts.

Other victims revealed that truth-telling, acknowledgement, apology and compensation would not automatically lead to reconciliation and healing. Rather, reconciliation and healing would be gradual processes accompanied by actions such as compensation, restitution, provision of security, initiation of development projects and income generating activities in the area, provision of infrastructure and other basic needs. However, among some people who were perceived as perpetrators, there seemed to be no interest in TJRC. They claimed that TJRC would create more chaos by reopening wounds and, therefore re-igniting anger and hatred. They noted that

we should let by-gone be by-gone, and let reconciliation and healing come slowly with time. The question remains: will TJRC enhance to reconciliation and healing among the conflicting parties?

### **3.5 Religio-Cultural Ideology**

The feeling of oppression by those who regarded themselves as victims was variously justified on religio-cultural grounds. Interviews revealed that the people who staged the attacks in parts of the Rift Valley and Coast Provinces had been ritually initiated and mobilized. For example, in Mount *Elgon the Laibon*, who were viewed as religio-political leaders, presided over the rituals for initiation and mobilization of Sabaot Land Defense Force (SLDF) militia. One ex-militia member revealed:

*Even after demobilization by the government forces, we are still bound by rituals...some of us cannot testify in TJRC since that would be going against the ritual obligations... if Laibon okays it, we will go ahead and testify....(Interview, 21/11/2008).*

The question remains: will other ex-fighters who are still bound by rituals be willing to testify in TJRC? Further interviews with some victims also revealed how some Biblical ideals were used to fuel and justify the violence. While the immigrants in the parts of the Rift Valley viewed violence as persecution of *God's chosen people*, the indigenous communities perceived violence as a struggle for land that God had rightly given to them, as well as a means to safe-guard their survival. Similar findings were reported in a research carried out on ethnic conflicts that occurred among the Abagusii and Maasai following the 2002 general elections (Kamwaria, 2003). This implies that there is need to engage with religio-cultural traditions of various communities in pursuit for justice, reconciliation and healing. TJRC should neither ignore nor contradict the religio-cultural notions of justice, reconciliation and healing.

#### **4. Discussion and Conclusion**

Clearly, how to address the history of gross human rights violations in Kenya is not an issue that will simply be resolved by a three-year TJRC. Reconciliation and healing depend on individual's coping mechanisms, resilience and recovery process. Moreover, for victims to react in an overly forgiving way toward perpetrators, or to simply let bygones be bygones, is highly improbable in the short-term, and even over decades, in some cases. It is evident that by the time reparations will be granted under the TJRC, most victims will not have healed their traumas and be willing to adhere to nationally defined prerogatives of reconciliation and healing.

It is critical that victims are not expected to let the bygones be bygones and forgive the perpetrators simply because a recognition, an acknowledgement, some form of reparations, or a comprehensive report on the nature and extent of past violations, have been made. An action that is informed by such expectation is bound to leave the victims feeling dissatisfied. We have seen that many victims of Wagalla Massacre and their relatives disparagingly described reparations "blood money". This elicits that the national process of reconciliation and healing through TJRC does not coincide with their own process. It further indicates that reparations and the truth about what happened must be linked, without which any process of reconciliation and healing runs the danger of being seen as a government ploy to close the chapter on the past prematurely and conceal the secrets of the past. The victims may feel that reparations are being systematically used to buy their silence and put a stop to their continuing a quest for truth and justice.

To effectively deal with the impact of large-scale violence, we need to fully comprehend its variegated impact on individuals. The government cannot expect the victims to accept their agenda and time schedule for dealing with the past. At the same time, any provision for amnesty may be rejected by the victims as an affront

against their rights to criminal or civil action against the perpetrators.

The loss for the victims has been immense and has taken long time for redress. Some of the victims may have entered into some form of pacts within themselves. This could be a vow to avenge the death of a loved one, either through formal punishment or personal vengeance. This vow may have been made, not due to sadistic pleasure, but rather as a way of respecting the person who has died, to make their death and memory meaningful. Individuals also often vow that nothing will ever replace what has been lost. Ignatieff (1998: 188) notes that revenge is a profound moral desire to keep faith with the dead, to honour their memory by taking up their cause where they left off. To this end, revenge keeps faith between generations and the violence that follows is a ritual form of respect for the community's dead. Therein lies the legitimacy of revenge.

The TJRC has, in the interests of national reconciliation and healing, muted feelings of revenge and replaced them with what it calls a more restorative model. As a result of national imperatives, victims have generally felt subdued in expressing their legitimate rage and anger, and demanding just retribution. The psychologist Erich Fromm (1984: 364) notes that revenge is in some senses a magical act that serves like as not only the punishment for a crime, but also a means of magically expunging the perpetrator's action. He further notes that revenge is closely linked to reparation; a magical reparation. Therefore, revenge and punishment are the surest ways of exorcising and resting the ghosts of the violently killed, and ending the liminal status of the victims and/ survivors.

If the desire for revenge grips the victims, then accepting paltry reparations can be viewed as a disrespectful act that betrays the loss they have endured or the memory of those killed. The difficulties of coming to terms with the aftermath of traumatic experience for the individual have to be



acknowledged. Coming to terms with the past can only be eased by recognizing as legitimate the multiple and contradictory agendas which exist among a heterogeneous community of survivors. Public and private space needs to be made to enable them to rework their diverse memories of trauma and feelings of anger.

TJRC cannot singly deal with the traumas caused by past human right violations, and thus restore the “national psyche” to good health through reconciliation and healing. A multifaceted state-led process of substantial, personalized, symbolic, material and collective reparations needs to be set in motion. This could be done after the TJRC ends its work. Are there indications that such reparations are high on the list of priorities of the government? Has the TJRC recommended and proposed such a reparation scheme for the victims?

## **5. Recommendations**

Kenya has experienced an atrocious past and many victims are still looking forward to a process that would bring closure to the bitter past. Based on the main findings of the study, a number of recommendations are made to amicably and effectively bring a closure to the atrocious past. Some of the recommendations include:

### ***5.1 Implementation of the Recommendations of the Previous Commissions of Inquiry or Task Forces***

Under the previous regimes, there has been lackadaisical attitude towards human rights violations. The feeling expressed by many victims of violations suggested that while all the previous commissions of inquiry and task forces have provided official reports and recommendations, the Government has done very little or nothing to act on them. Some respondents said that those implicated to have been responsible for the violations should be brought to book. In fact, many respondents felt that if the Government fully implemented the recommendations of all the previous commissions of inquiry and task forces, the setting up TJRC would have been obviated.

### ***5.2 Strengthening of Existing Peace and Reconciliation Initiatives***

The study recommends the strengthening of some of the existing indigenous mechanisms for dealing with past violations in respective communities. Where such initiatives are non-existent, there should be some encouragement to establish some. The existing or established peace and reconciliation initiatives should be mandated to identify underlying causes of violence. In order to effectively do this, local peace structures should be established and equipped with suitable personnel (peace animators or facilitators). Such personnel should be trained in conflict transformation and management, and taught skills to lobby and advocate for communities interests both at the district and national forums. Such initiatives should focus on increased consultations between local peace and reconciliation structures (e.g. village elders), provincial administration, law enforcement officers, and local political leaders.

### ***5.3 Mediation and Dialogue***

Local conflict mediators typically possess moral and ethical status, seniority, neutrality and esteem of the community. They are acceptable to all conflicting parties since they demonstrate capable leadership capacity. Intercommunity dialogue should be facilitated as a way of reconciling the conflicting parties. The dialogue will increase interactions among communities as a first step towards discarding stereotypes and prejudices that have been known to fuel conflicts in Kenya. Volatile issues that normally lead to conflicts should be addressed in such dialogues.

### ***5.4 Sensitization and Awareness Creation on Peace and Reconciliation***

Since conflicts begin in the minds of people, it is in the minds of such people that notions of reconciliation and peace should be constructed. Awareness and sensitivity

are key elements in the construction of a culture of peace and reconciliation. Warring parties should be made aware of the severity of the conflict, emergent consequences of the conflict, and the need to uphold and embrace peace in society. Some of the methods that are best suited for sensitization and awareness creation are inter-community meetings, radio or print media, songs, poems, drama and exhibitions. The expected impact is change of attitudes, stereotypes, prejudice and deeper understanding of conflict dynamics.

### **5.5 Provision of Security by the State**

Virtually, all the respondents interviewed categorically indicated that lapse in security was the main cause of the violations. The Government's inability to provide security is demonstrated by the cases of ethnic conflicts that have been persistent in many parts of Kenya. At the time of writing this paper, there are ethnic clashes between the Orma and Pokomo communities in Tana Delta district in Kenya, and most victims are unequivocal that the Government as a matter of duty has not effectively provided security. The Government can use various methods to beef up security in the conflicts prone areas. It can use a combination of methods such as deployment of more security personnel in conflict prone areas, arm them with appropriate facilities and instructions to apprehend perpetrators, and encourage legislators, local leaders, and elders to direct or persuade the militia to disarm and/ or surrender their weapons.

### **5.6 Disarmament and Control of Arms**

Many respondents cited the infiltration of firearms into some communities as the major cause of conflicts. Those interviewed in parts of the Rift Valley and Coast Provinces noted that the militia that terrorized people during the post-election conflicts had some guns, arrows and machetes that appeared not to be locally made. Some respondents suggested that before any disarmament should start, the Government should strive to understand and unravel the myth behind arms culture. It

should establish where the militias acquire such sophisticated weapons. Others respondents indicated that one of the reasons why those who possess such weapons might not be willing to surrender them is that the communities they protect would be vulnerable. For that matter, the respondents suggested, the Government should first assure by action the security of all, and then proceed to convince the militia that they no longer need the guns for their communities are safe. A cattle rustler in Kolongolo location, Trans-Nzoia District (Interview, 12/10/2008) noted:

*How can cattle-rustlers surrender their guns when they bought them for over Ksh. 65,000 and yet they have not recovered that money? How can they surrender the guns when they use them to acquire livestock and protect themselves? And if they return them, what would be the source of their livelihood?*

### **5.7 Ownership of Justice and Reconciliation Initiatives**

Any justice and reconciliation initiative that lacks the support of the community involved is bound to fail. In other words, the success of community based reconciliation and healing mechanisms stem from a community's ownership of, and satisfaction with, the entire process. A high level of sustainability of peace would be therefore be attained if the locally formulated notions of reconciliation and healing are applied in addressing a conflict. The study therefore recommends that the affected communities should formulate frameworks for comprehensive and efficient conflicts resolution mechanisms, which should then be reinforced by the Government.

### **5.8 Introduction of Peace Education in the School Curriculum**

In our field research in Wajir district, we were challenged by the initiative of including peace education in the primary schools education curriculum. The idea was the brainchild of the Wajir Peace and Development Agency (WPDA), which

found it necessary to introduce peace education as a way of inculcating culture of peace among the young children. Interviews with official of WPDA revealed that peace education was offered through multimedia techniques such as drama, songs, poetry, puppetry, drawings for peace competitions, etc. The study therefore recommends that the Ministry of Education introduces peace education curriculum in Kenyan schools.

### **5.9 Facilitation of Trauma Healing Sessions**

From the researchers' interviews with various victims of human rights violation, it was clearly evident that many were still traumatized. When the researchers sought to know how they had tried to cope with the situation, very few cited counseling as one of the methods. In fact, many said they had not fully recovered from the traumatic experiences they underwent during the violations. Some said they their lives had been shattered and were relying on some help from friends and well-wishers without which they would break down. Yet others said they their faith in religion at least kept

them going on. The study therefore recommends that there should be facilitation of sessions for trauma healing for victims of violations through counseling. This should be undertaken in the places where these victims are currently living. Such a move will go a long way to forestall any possibilities of revenge or retaliation as well as giving the victims an opportunity to come to terms with what befell them during the violence.

### **5.10 Rehabilitation and Resettlement**

Interviews with some members of IDPs network in the Rift Valley and Coast Provinces pointed out conflict victims and/or families should be provided with materials to rebuild their shattered lives, livelihoods and houses. Such assistance could include construction of houses for the displaced, provision of seed money or revolving funds to enable them start small scale businesses, reconstruction of schools, hospitals and sanitary facilities, provision of security for those who have not returned to their farms and are willing to. Others said they should be assisted with farm inputs so that they can engage in farming activities.

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