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BASELINE STUDY

Tradition- & Faith-Oriented Insider Mediators (TFIMs)
as Crucial Actors in Conflict Transformation

Case Study: **Kenya**



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Background of this case study

In mediation processes, usually an *outsider* and *impartial* third party mediator is sought. In certain contexts, especially in traditional and high-context societies, an insider mediator who is intrinsic (geographically, culturally and normatively) to the conflict context, and thereby *partial*, often gets more legitimacy to mediate than an outsider. Tradition- & faith-oriented insider mediator (TFIMs) are those who take an assortment of concepts, values and practices from culture, tradition and faith (among other sources) as inspiration, motivation, guidance and as methodological support towards mediation. TFIMs may include traditional and religious leaders/ authorities, but also other actors who may, on principle and/ or strategically, draw tools and inspiration from (multiple) faiths, cultures and traditions, as well as from non-religious (secular) and non-traditional concepts/ values. This case study is part of the empirical research that was carried out to understand the mediation roles, potential and constraints of TFIMs.

About the author

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Availability

All case studies, the main study, and a synopsis are available at www.peacemakersnetwork.org/tfims.

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1. Introduction

1.1 Conflict contexts

Since gaining independence in 1964, Kenya has had its share of conflicts, like many other post-colonial nations – the ‘divided and conquered’ having continued the ‘legacy’ of their former rulers, locked in an endless power struggle.¹ Many of these conflicts are still ongoing, in varied forms and intensity.² They include:

- *Pastoral conflicts.* Access to scarce resources (land and water for human beings and livestock), land-grabbing and cattle rustling, compounded by natural calamities (drought).³
- *Ethnic prejudice among tribes/clans.* The feeling of superiority over other clans, the resident/indigenous vs. (internal) migrant divide, grievances against Muslims, especially those of Somali descent (more so in recent years as a result of increasing Islamophobia due to Al Shabaab’s violence).
- *Politicisation of the above two.* Politicians instigating social divisions along ethnic and religious lines, e.g. by misusing impoverished young people, particularly those from IDP slums, as instruments of violence, seducing them with money and drugs.
- *Structural violence.* Indiscriminate and aggressive military strategies, poverty, unemployment, underdevelopment, social inequalities and marginalisation, unjust land legislation, corruption, lack of proper service delivery in the provision of security and alternative sources of livelihood for pastoral communities and IDPs.
- *Complex regional dynamics.* Conflicts in the neighbouring countries spilling over into Kenya and vice versa.⁴

In terms of ethnic marginalisation and its relation to Al Shabaab, successive regimes in Kenya have continued their policy of marginalising people of Somalian descent and extrajudicially killing alleged suspects of terrorism, which only contributed to the vicious cycle of terrorism.⁵ The 1998 Al-Qaeda bombing of the US embassy in Nairobi saw an ensuing rise in Islamophobic sentiments among Kenya’s Christian majority and reinforced the state’s indiscriminate measures against Kenyan Somalis – contributing to the gradual rise of Al Shabaab. The latter, having

conducted much underground recruitment and training in Kenya (capitalising on the grievances of marginalised Somalis), subsequently orchestrated a series of terrorist attacks including the 2013 Westgate Mall siege and the very recent 2015 Garissa University College attack. These attacks were in part a retaliation against Kenya on Al Shabaab’s part, in response to Operation Linda Nchi in 2011, in which Kenya aided the Somalian military in combatting Al Shabaab insurgents in southern Somalia. The Kenyan regime used this as an additional justification for the continued repression of Somali Muslims, occasionally raiding their communities in so-called countering violent extremism (CVE) operations.

Intermittent ‘ethnic-communal’ clan/tribal wars, exacerbated by political rivalry, often feed into pastoral violence.⁶ After the multiparty system was introduced in 1991, politics became entangled with clannism, leading to a decade-long series of clan wars, which claimed thousands of lives and displaced millions. The then ruling KANU party played a major role in igniting violence between different ethnic groups. A large number of leaders being tribalist, they favoured members of their own tribes and exploited ethnic, religious and regional differences and rivalries in their quest to gain power and maintain the status quo. The ills of this decade erupted into the unprecedented 2007–8 Kenyan crisis, when a series of inter-ethnic clashes took place, sparked off by the disputed 2007 elections.

More optimistically, the crisis necessitated initiation of dialogue and political settlement in the form of the Kenya National Dialogue and Reconciliation (KNDR) process. One concrete result of this process was a national accord on fundamental political, legal and economic changes, which was subsequently translated into a reformed constitution that provided for a decentralised system of governance.⁷ This led to a significant transformation of the way conflict is managed and resolved locally, (arguably) through enhanced cooperation with civil society and traditional and religious actors. In 2013, attempts were made to further devolve the security services to a grassroots level through the Nyumba Kumi initiative, which nonetheless falls short of being a realistic alternative.⁸

1. Or as Paulo Freire states, “The oppressed, instead of striving for liberation, tend themselves to become oppressors [...] The behavior of the oppressed is a prescribed behavior, following as it does the guidelines of the oppressor” (Freire 1968, chap. 1).

2. For a comprehensive look at the pastoral conflicts, see Ndiku (2012).

3. Drought decimates livestock, increasing the possibility of violence among pastoralists who then raid cattle from one another to replenish their livestock. Such raids are invariably followed by a retaliatory armed raid to recover the stolen cattle.

4. Ethiopia (north), Sudan (northwest) and Uganda (east) with regard to pastoral violence, the small arms trade, border/land issues, and the influx of refugees; Kenya’s local clan leaders and elders mobilising militias and mercenaries from across the borders; Somalia’s grievances over Kenya’s treatment of residents of Somali descent and the related response to Al Shabaab’s violence.

5. E.g. the Shifita War (1963 – 1967), the Garissa Massacre (1980), and the Wagalla Massacre (1984), along with the severe neglect and marginalisation of people of Somali and/or Muslim descent in the North, North-East, Garissa and Mombasa.

6. Turkana vs. Pokot vs. Ilchamus vs. Tugen; Uasin Gishu vs. Siria; Degodia vs. Garre; Auliyahan vs. Abdiwak; Borana vs. Gabra; Masaai vs. Somali, etc.

7. The Legislature and the Executive wings of government were devolved to 47 political and administrative counties. The primary objective was to devolve power, resources and representation to the local level.

8. The aim of the Nyumba Kumi (ten households) initiative was to strengthen community policing by restructuring the current village system into ten units with a clear leadership structure, thus ensuring devolved security. Unfortunately, the initiative did not fare well – it proved unrealistic in counties where nomadic pastoralists are often on the move, gradually got politicised in some counties, while in others people started claiming remuneration for this voluntary service. See www.nyumbakumisecurity.com, www.awcfs.org/kw/article/nyumba-kumi-initiative-faced-with-collapse.

1.2 Traditional and religious dimensions

Tradition and religion go hand in hand in Kenya, as in many other African countries. Before the advent of Christianity and Islam in Kenya, a prominent place was occupied by a diverse array of traditional tribal religions/faiths. Many of these are no longer widely practiced and have been highly hybridised with the two main organised religions. Some of the denominations considered as indigenous religions combine aspects of Christianity with traditional religious beliefs. Many Kenyans who identify as Christians continue to hold beliefs based on their traditional spirituality, and even mainstream churches sometimes follow a sensitively blended form of religion. Some tribes continue to live in their traditional ways, and organised religion has not made much headway among them, e.g. the Samburu, Turkana and Masai tribes. Geographically, religious divides can be observed, with Muslims being concentrated in the northeastern, eastern and coastal provinces and Christians inhabiting the inland areas.

As mentioned above, the traditional dimension of inter-ethnic and pastoral violence has been highly politicised. Nevertheless, there are traditional and cultural practices that also serve to fuel conflict by themselves, primarily:

- *Glorification of warrior identity.* Secret, month-long initiation rites aim to reinforce a masculine warrior identity among young men by training them to be real warriors who will annihilate other 'inferior' clans, and to be prepared for retaliation if necessary. Particularly 'brave' and renowned current and past warriors are presented as role models to be followed (cf. Glowacki and Gönc 2013).⁹
- *Dowry.* The tradition of accumulating cattle in order to pay dowries makes cattle raids inevitable. There appear to be relatively few creative approaches to formulating alternatives.

Religion or faith per se has seldom been identified as a significant dimension in Kenya's conflicts. As noted above, religion is often infused with tradition and traditional religion, which is not necessarily manifested in the different conflict contexts. Where the main organised religions are concerned, the recent tensions between Christians and Muslims have primarily arisen from the above-mentioned so-called violent extremism of Al Shabaab and the ensuing rise in Islamophobia. There is also evidence that religion as an identity marker in pluralised Kenyan society and the Muslim grievances associated with it are increasingly aggravating social fault-lines (cf. Zirulnick 2015; Jackson 2014; Thomas III 2014).

1.3 Traditional and religious actors

As in many other African countries, traditional actors like elders, clan chiefs and spiritual leaders have from time immemorial performed a mediating and arbitrating role in intra- and inter-clan conflicts. Customary and informal, traditional authority structures and conflict management systems have long existed to deal with land disputes, clan wars and pastoral violence. These systems, however, are often highly politicised, ineffective or not influential enough. In the Somali-majority communities, the long history of clan wars and the state's neglect thereof have stimulated the evolution of innovative (and in most cases effective) hybrid mechanisms based on Somali and Islamic community-based traditions. Unfortunately, given that the violence is often politically and economically motivated, sustained peace appears unlikely.¹⁰

Faith-based actors, especially Christian faith-based organisations (FBOs) have historically been integral to Kenya's development landscape since colonial times. In the years that immediately followed independence, the church took on a crucial development role since government capacity was limited. This continues to a lesser extent today: though state capacity has improved, the extensive network that faith-based organisations have established at the grassroots level makes them more approachable and efficient actors in conflict situations than the state. There are numerous religious and faith-based institutions and organisations that are increasingly incorporating peacebuilding approaches within their development framework. There are also national intra- and inter-faith platforms/networks that attempt to bring together some of these institutions and organisations under one roof, e.g. the National Council of Churches of Kenya (NCCK), the Supreme Council of Kenya Muslims (SUPKEM) and the Inter-Religious Council of Kenya (IRCK). The representatives of these different bodies are essentially tradition- and faith-oriented insider mediators (TFIMs) who are involved in almost all of the different conflict contexts in Kenya, with varying degrees of engagement and influence, as the rest of this paper will elaborate.

This paper is primarily based on a seven-day field trip to Kenya, during which interviews and focus group discussions were conducted in Nairobi, Garissa, Eldoret and Lodwar with Christian and Muslim religious leaders, interfaith groups, and representatives from NGOs, CSOs, CBOs, and government bodies. Due to the stringent time limit and unfavourable travel conditions, actors in remote areas in the North and Northeast, who would have been very relevant for this study, could not be taken into account. A modest review of the relevant literature and news sources was done to partially fill this gap. Unless otherwise cited, the material presented in this paper is a synthesis of the field-trip conversations.

9. These aspects are not adequately dealt with in peacebuilding initiatives in Kenya (cf. Klopp, Githinji, and Karuoya 2010).

10. Politicians exploit cattle rustling and inter-ethnic violence to influence the outcome of political contests, particularly during elections. The related political economy exhibits a manufactured 'need' to hoard livestock, which politicians sell to fund campaigns. They distribute small arms and light weapons to be used in political violence to evict communities from shared resources and to alter the political arithmetic. Furthermore, illegal businesses from within and outside pastoral communities recruit and arm warriors to raid rival communities solely in order to resell the raided livestock in urban markets with a high demand for beef. Some businesses also control the arms trade, which encourages armed violence during commercialised cattle rustling. All these phenomena are very well-documented in northwest Kenya. (cf. Okumu 2013).

2. Roles and engagements

The role of TFIMs in Kenya can be conceptualised within the broad framework of community mediation. TFIMs resolve clan disputes, conciliate, heal, educate and lobby. They also design and implement small but significant community-based initiatives and processes in line with a long-term vision of peace. The following sections elaborate on these roles.

2.1 Mediation in clan-based and pastoral violence

Religious and traditional leaders and community elders are usually entrusted with mediating between warring clans. They employ hybrid mechanisms based on tradition and religion to settle land and pastoral resource disputes. The standard operating procedure looks more or less like this:

1. Security forces first attempt to defuse the violence.
2. Depending on the 'seriousness' of the incident, and in the absence of a strong local TFIM, more prominent TFIMs from other regions either volunteer or are requested by the district/county government to travel to the violence hotspot (sometimes accompanied by government officials).
3. TFIMs engage in intra- and inter-clan dialogue in a very informal setting until a satisfactory ceasefire agreement with compensation provisions is reached.
4. TFIMs depart, leaving the clan elders to continue the dialogue bilaterally.
5. In certain cases, TFIMs make a follow-up visit after some time has passed. This is often combined with creative engagement, e.g. a football match between the members of the different clans.

Largely due to the recent devolution, the county governments have the freedom (and actually find it advantageous) to appoint TFIMs in such mediation processes, although on a very unofficial basis, which does not sufficiently acknowledge the (voluntary) contribution made by TFIMs. In fact, because of their wide network at the grassroots level, TFIMs are the first to be informed about violent incidents; they then urge the county or district government to immediately send security forces.¹¹ Some district and county commissioners are very supportive of TFIMs, and work hand in hand with them to mediate pastoral and clan-based conflicts. Turkana's deputy governor, Peter Ekai Lokoel, for example, actively seeks out agents of change in communities to develop synergistic potential.

The intensely politicised national divide and violence of the early 1990s, however, prompted a remarkable transformation in the way such conflicts came to be mediated. The seeds of this transformation were planted in the Wajir district in the northeast of Kenya. In 1993, the women of Wajir (led by the late Dekha Ibrahim Abdi), who were tired of recurrent clan wars and the state's failure to address them, worked diligently and persistently to establish processes and structures conducive to a much more sustainable process of mediation. They established the Wajir

Women for Peace initiative, through which they helped to curb violence by playing a unique mediating role – despite strong initial resistance from an otherwise patriarchal society – between elders, warlords, and religious and traditional leaders. The constructive and resolute approach taken by the women leaders gradually changed perceptions among many conservative authorities, leading the latter to respect and celebrate the role of women in keeping society together, and succeeded in transforming the patriarchal model so that women could be seen as leaders (and co-leaders) in mediation processes (cf. Ndegwa 2001; Adan and Pkalya 2006; CPCS 2014; Maletta 2002; Lederach 2005). These women, deeply religious themselves, are motivated to undertake peace work partly because of their faith, and are therefore a fine example of TFIMs who are not religious leaders in the usual sense.

The state's involvement/intervention

Wajir Women for Peace subsequently evolved through various phases and ultimately came to operate at a nationwide level in the years that followed. Other groups in Wajir were brought on board by the women, including Elders for Peace, Youth for Peace, business people and religious leaders. The various peace groups in Wajir were integrated into a larger coalition called the Wajir Peace and Development Committee (WPDC). This caught the attention of (I)NGOs and the state, who, on the basis of a perceived need to enhance these committees' authority in mediation, proposed to incorporate such peace initiatives into formalised and institutionalised local peace committees (LPCs) and district peace committees (DPCs) across the nation. In the Rift Valley and Western Provinces, similar developments took place through the efforts of the NCCCK, in the form of village peace and development committees (VPDCs). To coordinate the activities of all these promising institutions, a national steering committee (NSC) on peacebuilding and conflict management was formed in 2001, through which the state initiated a process to develop a national policy on peacebuilding and conflict management, which materialised in 2004. After the post-election violence of 2007-8, the government felt the need for yet more structures to enhance national cohesion. Two major bodies were swiftly formed in 2008: the Truth, Justice and Reconciliation Commission (TJRC) and the National Cohesion and Integration Commission (NCIC). The TJRC was to focus on human rights violations during violent incidents, addressing the impunity of those who incited violence, and promoting reconciliation. Religious institutions were supposed to steer the activities of the TJRC, yet the process became highly politicised. The NCIC appeared more promising, not only in effecting changes in policy and legislation, but also in supporting non-state efforts, including those of traditional and religious actors, to formulate comprehensive strategies on national healing and reconciliation (Menkhaus 2008; Jenner and Abdi 2000; Adan and Pkalya 2006).

11. Incidentally, this was witnessed by the author in person in Garissa, during a meeting with SUPKEM leaders and the county commissioner. On 13th March, 2015, Al Shabaab militants attacked Mandera Governor Ali Roba's convoy, killing four people, injuring at least six and hijacking a vehicle (see: www.allafrica.com/stories/201503140180.html). One senior SUPKEM leader received the news instantly and informed the commissioner; in the hours that followed, the two were constantly on the phone attempting to coordinate efforts to urgently address the issue.

In the Rift Valley and Western Provinces, the Catholic Diocese of Eldoret (Uasin Gishu County) has played a major role in mediating the inter-clan and pastoral conflicts. Bishop Korir of the Diocese has long been an active mediator, travelling most of the time to remote areas to engage in dialogue between warring clans and their elders.

2.2 Violence prevention through alternative livelihoods

Alongside almost routine ad-hoc mediation during and after incidents of violence, TFIMs strongly emphasised the need to prevent violence by entering into dialogue with communities on alternative livelihoods. This is a delicate form of mediation, which encourages discussion on the needs of the community and the collaborative development of strategies to meet those needs. Bishop Korir explained how he has facilitated many such dialogues, which led to suggestions for alternative livelihood projects and the consequent question of finances. The state ostensibly not being especially benevolent or sympathetic, Bishop Korir has had to knock on many doors, particularly of donors operating in Kenya and church networks, in order to convince them of the merits of these projects so as to acquire seeds, fertilisers, land for cultivation, and facilities for milk production and distribution.

A number of other TFIMs in Turkana, Nairobi and Garissa mediate in a similar way, setting up community projects where young people in particular can escape from their misuse by politicians, from poverty and unemployment, from the lure of Al Shabaab, and from drugs. Some others have established trusts to gather money designed to be used to microfinance young people's small business initiatives.

2.3 Community mediation on reconciliation, social cohesion and coexistence

During the 2007–08 post-election crisis, a group of eminent Kenyans created a Concerned Citizens for Peace (CPC) initiative in response to the unprecedented division the crisis created among Kenyans. The late Dekha was one of the TFIMs who established this initiative, which brought

together Kenyan peace mediators and civil society activists to initiate and complement the formal mediation process led by Kofi Annan. CPC coordinated the collaborative efforts of the different actors at the national and sub-national levels, including other TFIMs, to reconcile communities in conflict.

Most TFIMs in Kenya proactively engage in long-term activities to create spaces for conflict transformation. Some young and vibrant TFIMs perform community mediation with a long-term vision in mind – educating and sensitising the community to strive for coexistence. Muslim and Christian TFIMs are active in educating communities about their rights and empowering them to demand that the district and country governments introduce policies to address marginalisation. Creative forums like the 'coffee club' established by a pastor in Nairobi encourage young people from different ethnic backgrounds to come together, get to know each other, and become more politically aware.

In order to foster tolerance between communities, FBOs have established forums for dialogue where members of different ethnic groups who live in the same community, but who have different historical experiences, are brought together. These forums are often mobile, with members visiting areas that have suffered violence, to help communities share their views and gain a better understanding of each other, and thus eliminate ethnic stereotypes. Furthermore, FBOs have established early warning systems that monitor tensions between communities so as to be able to promptly address them. In Muslim communities, Kadi courts also play an important role in intra-community mediation. Interfaith mediation is increasingly becoming a part of the TFIM repertoire. Under the auspices of the NCKK, SUPKEM and IRCK, TFIMs educate and empower elders and religious leaders to effectively deal with interfaith tensions. On a related note regarding what has been termed countering violent extremism (CVE), in the last decade a very small number of faith-based CBOs and some religious leaders have increasingly engaged in community sensitisation on the root causes of so-called violent extremism.

3. Assets and approaches

Given the fusion of tradition and religion in Kenya's social fabric, TFIMs employ both traditional and religious mechanisms to mediate in conflicts, as per need. In certain cases where religious texts are of no use, e.g. where warring clans are not followers of Islam or Christianity, traditional forms of mediation are utilised. Many TFIMs who have been exposed to other cultures are also innovative in formulating hybrid methods that fuse religious, traditional and secular approaches. Some TFIMs, particularly religious leaders, stated that they were genuine agents of change since their work is not at all based on vested interests, but on compassion and passion. They cite this as their most valuable asset, since it earns them respect and makes them trusted mediators. Legitimacy and influence of TFIMs

is also directly attributable to culture and religion, for example in Somali culture, elders and religious leaders are highly respected, and Kenya's generally highly religious Christians place a great deal of trust in the church – as moral guardians of and guidance towards peace.

Most TFIMs (especially those rooted in Islam and Christianity, who draw on the Quran and the Bible, respectively), asserted that they do community/social work with a 'hearts and minds' approach, placing emphasis on both love and giving, since love without giving does not work. They emphasise the need for inner peace and speak with communities about how to achieve this, using inspiration from the holy books. Three prominent mediation approaches, processes and methods that TFIMs employ are detailed in the

following. Apart from these, it was an interesting observation that, most TFIMs seemed more interested and excited to talk about the practical aspects and necessary preconditions of mediation, including resource management, livelihood development, education and awareness-raising.

3.1 Healing and reconciliation

Traditional cleansing and healing processes are widely used by TFIMs in ethnic communities following violent incidents. These require guilt to be admitted, sincere apologies to be offered, forgiveness to be sought, and compensation paid. Eventually, the relationships between communities in conflict are normalised. Muslim and Christian religious leaders also use religious healing processes or combine these with traditional approaches. One key asset of a TFIM here is to be a good and active listener while conflicting parties mutually acknowledge their emotions, viewpoints and needs.

In Muslim communities, the Arabic tradition of *Sulha* is widely used as an approach to conflict.¹² It is a ritualised process of restorative justice and peacemaking, which seeks to re-embed dignity into the social relationship web, and embodies the ideals of cooperation, negotiation, honour and compromise. Recognising that conflict escalates if it is not acknowledged, forgiven and transcended, the *Sulha* process reconciles violence-affected individuals and communities by emphasising the relation between the psychological and political dimensions of community life. Religious leaders and the Kadi courts in Kenya guide this process, in which, for example, belligerents are referred to the Koran and asked to read it together first to see if they can find a solution by themselves. *Sulha* has a conflict prevention aspect, wherein the religious moral of “what we do not wish others to do to us, we should not do to others” comes into play.

3.2 Coexistence: the need for peace

One very meaningful approach taken by some TFIMs is to sensitise communities to reconciliation and coexistence by empowering them ‘to make their own peace’. Pastor Elvis Maitiia explained that this means that rather than a prescription, there is a facilitation of a process that develops or rekindles, from the inside, the community’s innate need to coexist in peace and harmony, by acknowledging that prejudice and hatred lead to violence, which does not make anybody happy. Other more doctrinal TFIMs appeal very directly to religious communities on the basis that that striving for peaceful coexistence is a human duty because God commands us to be in peace with each other. Other TFIMs take a more pragmatic approach, which acknowledges that although the root causes of conflict are difficult to fully eradicate, one can still live with them (“one can have a gun, for example, without using it”). In this regard, the TFIMs attempt to identify socio-economic issues common across communal, ethnic and religious divides. By unifying people along these issues, the TFIMs attempt to devise collaborative problem-solving initiatives. Such positive forging of coexistence has seen much success.

Given Kenya’s disturbed post-2007 social fabric, the dynamic and active young pastors in urban settings like Nairobi (inhabited by a diverse array of ethnic groups) acknowledged the challenges involved in approaching communities belonging to another tribe and doing long-term reconciliation work with them. Perseverance becomes a key asset in gaining the acceptance of the community. In certain ways, their religious orientation already ensures some initial community acceptance, but the TFIMs still have to embark on a long and persistent process in order to transform the remaining community resistance to engagement, so as to become ‘one of them’, to communicate their peacebuilding intentions and to find entry points for collaborative endeavours. This is fundamentally different from the approach taken by many (I)NGOs, who offer very technical solutions along the lines of the (metaphorical) dictum, ‘teach them how to fish and they will provide for themselves’. One TFIM made an interesting point in this regard, namely that, knowing the community first needs to appreciate the fish as a viable alternative to violence, one needs to take the approach of first offering the fish, enjoying it together, and acquiring a taste (or rekindling a lost taste) for it and then learning together how to catch and cook the fish.

3.3 Compensation

Using compensation schemes as part of binding agreements to prevent conflict is a common custom in many pastoral conflicts. If a clan has stolen a cattle from another clan, for example, the first clan would need to pay the second five cattle as compensation. This serves to temper revenge attitudes, since a satisfactory alternative is in place which also discourages cattle rustling in the first place due to the fear of having to pay compensation. Collective punishment is also common, e.g. the confiscation of a clan’s whole herd of cattle until the culprit is brought to justice and the stolen animals or goods are returned. Similar cattle-based compensation schemes also exist to compensate for the lives lost in clan wars, e.g. the *Lapay* (fine, compensation) scheme among pastoralists in West Kenya. In the majority Somali areas in northeastern Kenya, violent clan disputes that have resulted in deaths are often mediated in the traditional ‘Somali way’, using the customary law of *Xeer* (a derivative of *Diyaa* in Islamic Sharia law), where blood compensation is to be paid in cases of cattle rustling and loss of life. Elders sometimes divide up the procedure by letting the formal courts deal with the initial act of violence under Kenyan law, in combination with ritualistic procedures, while dealing with successive retaliatory incidents through the customary mechanisms. Such compensation schemes do not address the root causes of conflict, but do control the main triggers of communal violence. Religious leaders, who are often also traditional leaders in certain clans, are well-suited to implement such traditional methods, while also drawing on morals and myths from religious traditions (cf. Rabar and Karimi 2004).

12. The term *Sulha* is derived from the Arabic word *Sulh*. While the abstract concept of peace is *Salaam*, *Sulh* refers to the action-oriented prevention of violent conflict and embracing of peace. *Sulha* can also mean reconciliation, cooperation or forgiveness. In Islamic law, it refers to amicable settlement.

4. Challenges and limitations

The introductory paragraph in section 1.1 hinted at some of the root causes of the conflicts in Kenya, e.g. a deep-seated antagonism between clans and the politicisation thereof. Despite the substantial and unique roles that TFIMs play in ameliorating some of these root causes, there are some that they cannot directly influence, such as structural conflict. Additionally, TFIMs themselves face certain challenges in performing their mediation work. Furthermore, there are also limitations that other non-TFIM peacebuilding actors noted during interviews. These are discussed in the following.

4.1 Weak state support for peacebuilding

Almost all of the TFIMs referred to the lack of political will to address the root causes of the different conflicts on the part of the state and politicians, who were described as ostriches hiding their head in the sand. This impairs the otherwise sustainable approach to reconciliation taken by TFIMs, which slowly but surely develops, but then falls short due to a lack of state support. When violent incidents occur, the state is usually very slow to respond, so that retaliatory actions become unavoidable, thus causing TFIMs to miss the window of opportunity in which they can effectively mediate.

The institutionalisation and formalisation of peace committees in the 1990s had a negative outcome, namely competition to control key positions in these committees by the various civil society members, religious and traditional leaders and state officials involved in them. In order to secure and maintain power, some of these actors even expressed partisan support for local political parties, which hampered their legitimacy and their overall mediation efforts. The devolved governance structure introduced in 2010 further added to this problem, and led to the committees becoming subject to the interests of their clans and political elites.¹³ At present, other than in the birthplace of the peace committees, Wajir, and neighbouring counties in the North, most of the committees are ineffective structures that have been further marred by corruption and power politics.

The state's peacebuilding apparatuses have also been scaled back a great deal since their inception.¹⁴ The scope of the NCIC's work is largely restricted to Nairobi, and the commission therefore cannot reach out to the vast remainder of Kenya; it is in the latter that support for local actors and TFIMs could make a huge difference. The NSC, originally established to oversee the peace committees, is handicapped due to a lack of resources as a result of UNDP funding cuts. It is overwhelmed and stretched be-

yond its capacity, and in any case have little influence in the political process.

4.2 Difficulty with international actors

When the peace committees were performing most successfully in the mid-1990s, the gold rush of international donors and INGOs and the resulting competition largely debilitated an otherwise admirable process.¹⁵ Funding from international donors for peacebuilding programmes is usually for short term projects, with no provision for continuity. This negatively impacts the sustainability of those efforts. For many TFIMs, this is a particular problem, since their proposed projects are not prioritised as highly as those of INGOs or non-faith-based NGOs. Furthermore, funding providers, INGOs and donors often impose their own (Western) ideologies and clauses, which are frequently at odds with local traditions and religions, and in some cases even undermine existing successful TFIM efforts.

There is strong competition for donor funding among INGOs, which lack sustainable strategies. One INGO establishes a short term project, which is soon replaced by the next project created by another INGO. Often there are a number of INGOs in the same place at the same time, working on more or less the same issues. The coordination is poor and lacks an integrated approach between the various INGO projects and between these projects and existing state and non-state initiatives. All of the above serve to confuse the local actors and beneficiaries, and do more harm than good. During a focus group discussion with TFIMs in Lodwar, Turkana County, two deputy county commissioners happened to be having lunch in the same compound; they expressed deep concern and dissatisfaction that such a meeting was being held without them.

Though the UNDP has long been operating in Kenya, many TFIMs have harshly criticised its approach. In 1994, for example, the UNDP poured a lot of money into a programme serving 'relief and rehabilitation needs in the Rift Valley and Western Kenya', in order to help coordinate and support local peacebuilding projects. Nevertheless, many INGOs rushed to compete for the funding, resulting in local organisations being completely sidelined and disempowered. Furthermore, the UNDP and the INGOs had no real relationship with local people and were pursuing their own agenda. For the TFIMs it was particularly frustrating because the UNDP machinery actually barred TFIMs from mediating in certain areas. In less than a year, the UNDP, which was very much tied to the government, suddenly cancelled its programme, further confounding the overall peacebuilding initiatives. Just before the elec-

12. The term *Sulha* is derived from the Arabic word *Sulh*. While the abstract concept of peace is *Salaam*, *Sulh* refers to the action-oriented prevention of violent conflict and embracing of peace. *Sulha* can also mean reconciliation, cooperation or forgiveness. In Islamic law, it refers to amicable settlement.

13. See Adan and Pkalya (2006) and Abdi (2014) for a nuanced look at the difficult metamorphosis of peace committees.

14. This pertains only to the reflections gathered on the NCIC and the NSC.

15. See also Odendaal (2010) for factual verification of this phenomenon.

tions in 2007, anticipating that violence might erupt, the UNDP again supported initiatives involving a network of civil society, media, private sector, and religious organisations called 'Partnership for Peace'. This initiative, however, appealed more to middle-class and urban Kenyans than to rural and slum youth who were being politically manipulated. Furthermore, it did not respond to the various local political discourses fuelling animosity on the basis of historical grievances (cf. Klopp, Githinji and Karuoya 2010).

Another specific difficulty for Muslim TFIMs is that, while the NCKK and other Christian institutions and organisations are able to obtain donor funding relatively easily, Muslim organisations find it extremely difficult to approach (Western) donors, mainly due to donors' fears of these organisations being somehow linked to Al Shabaab. Even if they do manage to convince donors that the funds would not be used for activities that directly or indirectly support terrorism, a large number of clauses and strict qualifications, along with close monitoring, render the work of Muslim TFIMs inefficient. As a result, they are largely reliant on community-sourced funding, e.g. through mosques, which is rather negligible.

4.3 Coordination gaps

Coordination issues are found not just among internationals, but to some extent also among local TFIMs and other non-state actors. While the WPDC and CCP initiatives saw enthusiastic involvement and the cooperation of TFIMs and a range of civil society and state actors, such coordination is rare in other cases, where it is much needed and hoped for. Furthermore, the efforts of different religious leaders within the same denominations are not always highly coordinated. The Inter-Religious Council of Kenya (IRCK) is considered by some critics to be an empty shell, capable only of delivering words and not actions.

4.4 Politicised religious institutions

The unprecedented violence around the 2007 elections caught even religious institutions off-guard. Several religious groups were seen as being openly partisan along ethnic lines: churches favoured presidential candidates according to geographical and ethnic boundaries, and some church leaders publicly prophesied that their favourite candidate would win the election. In Mombasa, Muslim leaders campaigned for the Muslim candidates. Even during of the post-election violence, some religious groups were so engrossed in their political partisanship that they remained silent and let the violence continue. The adverse effect of this was their loss of legitimacy among Kenyans, who, not receiving the condemnation of politicians, spiritual healing, and security net that they expected from their religious leaders, burnt down hundreds of churches in protest.

Those TFIMs who did attempt to play a constructive role in these times were also looked upon with scepticism and suspicion. Insiders became outsiders. The religious leaders ultimately redeemed themselves to some extent in the eyes of the people after more than a year by publicly condemning politicians and demanding that justice be served to those who had suffered. In an effort to regain their legitimacy

and reiterate their moral commitment to peace, the NCKK made a formal apology to the nation for their partisanship (cf. Kilonzo 2009). The damage done will nonetheless take some time to heal, as some TFIMs speculated, given that their reconciliation work is still impeded by the traces of public grievances. Politicisation of traditional institutions is also not too uncommon, and there have been instances where they became dominated or manipulated by family or clan interests.

4.5 Lack of transformative approaches

A religious leader in Kenya was asked about his reactive role in mediating recurrent clan wars and pastoral violence, insofar as he travels to different hotspots only when there is an outbreak of violence. His response was: pastoral conflicts have existed for centuries and will continue to exist; they are a natural phenomenon and there is not much one can do other than play a placatory role when lives are lost. Later, he did acknowledge that the conflict is far more complex than a mere natural phenomenon, that much has been politicised, and that the vested interests of certain actors are also in play. Yet he still made it clear that it is his job as a religious leader to mediate whenever there is a need to mediate, but that changing the game is not in his hands.

While indigenous/traditional rituals are legitimate processes for healing, cleansing and achieving reintegration in certain cultures, one might question how transformative and sustainable they really are, particularly when the person in question recurrently commits the same crime. The same is true of settlement mechanisms in traditional arbitration methods, where, for example, material punishment is calculated proportionate to number of victims. A typical religious determination to 'forgive and forget' may also not be very helpful, since reconciliation may be more meaningful if carried out in line with an injunction to 'remember and change' (Lederach 2005), thus addressing social justice, the recognition of wrongdoing and reparation.

4.6 Disempowered women TFIMs

Mediation by TFIMs in Kenya is predominantly a male function, particularly in non-urban contexts. At the insistence of their donors, some NGOs working in partnership with local peace committees began to prescribe that women and young people be included in the relevant initiatives. Nevertheless, this weakened the committees' ability to resolve conflicts because it created confusion over traditional roles, rendering them ineffective (Odendaal 2010, 21). This indicates an important lesson, namely that prescriptions, however noble and 'right' they may be, often backfire. Even the most pressing interventions need to be carefully thought-out by adequately understanding and sensitively addressing the social fabric.

A Muslim leader in Garissa County explained the dismissal of women TFIMs in his own firm logic: "women have their distinct role in preserving the family sphere; we cannot endanger them, nor do they have the capability and experience to go to the centre of violence and mediate

between angry violent men” [reformulation by author]. Responding to a question on what he thinks of women TFIMs like the late Dekha Ibrahim Abdi, he shrugged them off as being mere networkers among different people rather than real mediators.

4.7 Others

- **Internal displacements** shatter cultural cohesion and **undermine traditional practices used to mediate disputes**, which often depend on the aggrieved parties meeting face-to-face at the place where the wrongdoing occurred. When legal violations are left unaddressed locally while victims flee, impunity at the local level becomes entrenched.
- Young TFIMs, particularly in religious institutions and faith-based organisations, face a **generational challenge**, insofar as they consider themselves more motivated, open-minded and dynamic than their elder colleagues, who tend to be less creative and proactive, more prescriptive and overly doctrine-based. In some cases, the former also find the latter highly corrupt and politicised.
- In predominantly Muslim areas such as the Garissa County, Christian pastors are usually well respected, but would be **considered outsiders** and not be welcome to mediate an intra-faith (Muslim) conflict.
- **Language** is often a barrier in TFIM engagement, insofar as mediators cannot reach out to some other ethnic communities. Religious texts have not been translated into all ethnic languages, which deprives religious leaders who do not speak Arabic of the true essence of the texts.
- In more recent times, as well as experiencing Al Shabaab violence, Kenya is seeing massive ongoing recruitment for the organisation. Religious leaders are seen to have played a **limited role in so-called countering violent extremism (CVE)**.
- Another limitation mentioned by non-TFIM interviewees was a **lack of emphasis on intra-clan and intra-faith sensitisation** among TFIMs, which eventually weakens inter-clan and inter-faith peacebuilding efforts. Even if someone in a clan wants peace and wants out of war, he may refrain from telling this to his own people for fear of being ousted from the clan as an enemy sympathiser. TFIMs have yet to offer a genuine safe space where this fear can be addressed. A very interesting phenomenon in this regard is the not so uncommon practice of inter-clan marriage, which in certain cases in the past has initially served to reduce violence between the clans. Nevertheless, within a few years the children from these marriages began to be used as informers to facilitate cattle rustling.¹⁶
- A **lack of effective peacemakers** was mentioned by TFIMs in Turkana. A huge number of actors are involved in one way or the other in making peace, but whether due to a lack of support or the inability to deal holistically with conflicts, most actors do not succeed in effecting sustainable change.

16. Cited by John Bongei, FCA-Kenya.

5. Support needs

Many of the challenges/limitations discussed above also have corresponding support needs that should be addressed, as stated by both the TFIMs themselves and other interviewees who commented on TFIMs.

Note: for the sake of simplicity, 'state' is used to refer to both national and county governments

Support need	Provider
Goodwill from national and county governments in addressing the challenges mentioned above	State
Strengthening of premises for effective mediation: revival and reinforcement of national dialogue and reconciliation initiatives, addressing inequality and marginalisation, ensuring security, and not arbitrarily intervening into existing mediation processes	State, INGOs
State recognition and mandate of TFIMs to act as semi-official mediators	State
Official access to state security logistics instead of having to make own, inefficient arrangements	State
Financial and organisational support for community projects and processes - Logistics for mobility (e.g. vehicles, fuel), and teaching materials (e.g. laptops) - Infrastructure (e.g. neutral spaces such as mobile offices)	State, donors, private actors, philanthropists
Basic remuneration for mediation service	State
Volunteering to assist in community mediation processes	Communities
Empowerment of religious institutions like the church	Other TFIMs
Cascading capacity development and multiplication processes - Training on mediation, conflict analysis and resolution, needs analysis - Seminars and workshops on deradicalisation to share strategies, experience from other cases	Regional and international mediators, specialists, educators
Peace education institutes, peace curriculum in schools and universities	INGOs, with academia and regional experts
Technical support for resource (e.g. land, water) management and livelihood development	INGOs, economists, regional experts
Peer learning and exchange of experience and best practices among TFIMs and other community and civil society actors within the country and regionally	TFIMs, CSOs, CBOs
Cooperation by policymakers with TFIMs on formulating and implementing strategies to address drug addiction among young people: counselling centres, incorporation of drug abuse awareness in schools, incentives to stop mira/khat (a chewable drug) business combined with heavy taxation and stronger community involvement	State, TFIMs and communities
Inclusion of TFIMs in violence response mechanisms and chains of responsibility, mediation, early warning systems, and information dissemination Strengthening of Nyumba Kumi; provision of patrol car for community policing	State, security apparatus, TFIMs, communities
Tackling of corruption; addressing communities' grievances	State
Better coordination and commitment among peacemakers – meeting regularly to strengthen unity	All actors
Extensive ethnographic research on the multi-ethnic demographics of urban and suburban Nairobi to better inform peacebuilding initiatives	Local and regional researchers
Revival of the connection to nature in order to acquire a purer motivation for coexistence	TFIMs, elders

6. Concluding reflections

Given that tradition and religion are heavily interwoven into Kenya's socio-political fabric, tradition- and faith-oriented insider mediators (TFIMs) in various conflict contexts have a central role to play in mediating peace. They enjoy a high level of legitimacy and therefore have a comparative advantage over many other peacebuilding actors as agents of transformation. Manifold contextual and structural challenges, however, impede the work of TFIMs (e.g. the traditional roots of pastoral conflict are further entrenched by politicians in their drive for power). These challenges are primarily rooted in the state's lack of capacity and willingness to address the root causes of conflicts. This essentially calls for a comprehensive package of long-term political, social and economic measures to deal with corruption, unemployment, marginalisation, etc. The state is also lacking in its recognition of and provision of financial and logistical support for the mediation efforts of TFIMs. On the other hand, some TFIMs are seen as not transformative enough of their contexts or not creative enough to come up with a sustainable approach. A further lack is manifested in the very fragmented and uncoordinated nature of international support projects.

Addressing the support needs formulated in the previous section would affect to a great extent how conflicts are dealt with by TFIMs and other peacebuilding actors. Furthermore, there is a need to continue the Kenya National Dialogue and Reconciliation (KNDR) process, while also bringing on board TFIMs at different levels to reflect on long-term strategies for peacebuilding.

A roomful of religious leaders in Garissa. Everyone loudly and passionately throwing in ideas on 'what can be done better to achieve peace'. An impeccably sharp-witted elderly leader cracks jokes between putting forth serious ideas, making everyone burst into laughter. A jolly atmosphere prevails.

One very senior leader rises up to speak: "Fellow leaders, it's great that we are coming up with so many ideas... but let's base these ideas on a vision... a vision that looks beyond the horizon – where do we and our communities want to see Garissa... see Kenya... in three years... in five years... in ten years? Let's think about that first, and then let's discuss what we need to do to fulfil that vision."

There is silence, murmurs, staring at the ceiling.

The witty elder finds the perfect punchline to suit the occasion. Everyone cracks up.

And then, a vision-oriented brainstorming session resumes.

This collaborative process of 'imagining the future' needs to take place on a larger scale in Kenya, in order to create a common language that gives a sense of a national identity beyond ethnic and religious differences and to design a sustainable conflict transformation process that deals adequately with the root causes of conflict. Otherwise, current patterns of violence will continue to repeat themselves indefinitely.

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The Network for
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Traditional
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The Network for Religious and Traditional Peacemakers brings together actors to provide global support for grassroots to international peace and peacebuilding efforts. The aim of the Network is to improve the effectiveness and sustainability of peace focused efforts through collaboratively supporting and strengthening the positive role of religious and traditional actors in peace and peacebuilding processes.

www.peacemakersnetwork.org



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