



POLICY BRIEF

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Towards National Dialogue, Healing and Reconciliation in Kenya

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INTRODUCTION AND BACKGROUND

The signing of the Kenya National Dialogue and Reconciliation (KNDR) Agreement following the post-election violence of 2007–2008 marked the beginning of the first national political dialogue² on issues affecting national cohesion in Kenya. The agreement, which was designed to promote and facilitate an environment conducive to building mutual trust and confidence, involved representatives of the two competing political formations (the Orange Democratic Movement, or ODM, and the Party of National Unity, or PNU), together with the African Union Panel of Eminent African Personalities. The parties to the KNDR unanimously agreed on the need to ensure its effective implementation at various levels in reference to a range of targeted and agreed-upon timeframes. This was in order to consolidate the peace process by identifying Kenya's long-standing challenges and underlying causes of the violence that was witnessed in the country following the disputed results of the 2007 elections. The KNDR Agreement also proposed the establishment of institutions, the adoption of policy frameworks and the enactment of legislation to address the underlying causes of the post-election violence.

Despite the evident polarisation of the country along ethnic lines that had been witnessed in election-related violence of 1992, in 1997 and during the Constitutional referendum of October 2005, and despite historical ethnic animosities, a conscious effort at national dialogue aimed at reconciliation had not hitherto been undertaken. Thus, the signing of the KNDR Agreement in February 2008 meant that 'Kenya as a nation entered another challenging process: the creation of a new era of democratic and transparent leadership, anchored in transitional justice with national healing and reconciliation as prerequisites for sustainable peace and nation building'.³ The KNDR Agreement outlined key issues and included provisions for procedures and institutions to monitor the implementation and facilitation of dialogue, national healing and reconciliation. »

To address the divisions within society, national dialogue and reconciliation efforts in Kenya have sought to anchor the idea of peaceful co-existence on bonds of citizenship, seeking to find a *modus operandi* within which to speak and be heard when managing and finding solutions to problems encountered. Of importance to a growing democracy is the acceptance that democracy involves dialogue. This means adopting a relationship-centric approach to addressing concerns, and especially to dealing with the kinds of taxing problems associated with the transitional phase of Kenya's national development. It entails recognising the importance of revisiting the roles and functions of social institutions that form the basis of any stable society, and that are key to the way in which a nation addresses its problems, which is as important as the solutions it produces.⁴

Promoting constructive change requires purposely instituting a process of reconciliation or social repair. It calls for a multifaceted approach, involving public forums and processes in which parties can speak openly about past discrimination and atrocities, and propose solutions for achieving social healing in the wake of past abuses. Mechanisms for public recognition of, and apology for harm caused, compensatory measures, and a firm commitment to addressing ongoing discrimination and promoting equality can all help accelerate reconciliation and guide national dialogue processes.⁵

This Policy Brief proposes sector- and actor-specific recommendations for dialogue, national healing and reconciliation.

RECOMMENDATIONS

To the Government of Kenya

1. Initiate a structured Framework for National Healing and Reconciliation.
2. Support – through law, policies and budget allocation – psycho-social and psychotherapy programmes to deal with social and individual trauma.
3. Review reports of former national commissions of enquiry and implement recommendations that will contribute to the achievement of national cohesion and reconciliation.
4. Promote institutional reforms and continue to support the reform process, to boost confidence and trust in institutions' capacity to deliver and to promote political dialogue, national healing and reconciliation.

To County Governments

1. Establish public programmes and formulate policies and laws that promote and sustain cooperation, intimate social interactions, information sharing and coordination across ethnic groups.
2. Promote effective service delivery to all, and equity and equality in the sharing and distribution of resources across ethnic groups within the county. In such a system, diverse ethnicities are accorded equal opportunity in positions of representation and thus equal influence over policies and legislation that directly affect their lives.
3. Initiate a structured dialogue process that targets support to the implementation of outcomes from community-led dialogue processes, to be used as a tool for policy-making at county and national levels. This would also entail setting up and leading a structured process for monitoring the follow-up on the recommendations resulting from the structured dialogue.

To Community-based Institutions and Organisations

1. Promote community dialogue initiatives to enhance interaction among the leaders of diverse ethnic communities, who are better able to coordinate *within-group policing*.
2. Organise inter-religious forums and prayer events that are geared towards contributing to national healing and reconciliation.
3. Provide capacity building for local leaders and other stakeholders to promote good practices and to review the actions and functions that affect harmonious coexistence.

To Communities

1. Initiate and sustain community events that enhance shared experiences. These help to form a sense of collective consciousness, strengthen social cohesion, enable creation of healthy networks, improve communication and interactions, and provide a learning ground that will promote civic-mindedness in the community.
2. Actualise the constitutional provision of ‘people participation’ by actively seeking engagement with and participation in institutions and programmes that affect people’s lives and the welfare of communities, to safeguard community efforts in healing and reconciliation.

To the Education System

1. Conduct an ongoing review of the education system, its curriculum and its practices, to mainstream national healing and reconciliation principles and programmes.
2. Reform the education sector and syllabus to inculcate young citizens with ‘desirable’ political ideals, including a strong attachment to the nation over ethnic and regional identities.

To the National Cohesion and Integration Commission (NCIC)

1. Engage with national government and with the county governments in a structured process, to support social repair and offer technical support in the development of programmes and policies that promote national cohesion and reconciliation.
2. Support the rewriting of the Kenyan national narrative, with a focus on supporting the healing and reconciliation processes.
3. Promote cohesion principles through monitoring the formulation of laws and policies, and influencing practices and the implementation of programmes.
4. Enable the actualisation of the Reconciliation Policy and other critical national healing initiatives recommended in the Truth, Justice and Reconciliation Commission (TJRC) Report of 2013.

Kenya’s past in terms of national healing and reconciliation

One of the objectives of the KNDR process was to maintain political dialogue between political actors. While the framework identified four main agenda items for the purpose of ending the crisis (as discussed in *Policy Brief 1*⁶ of the current series), the political dialogue was aimed at providing practical and peaceful solutions to the deep-seated issues and divisions that threatened the stability of the country. At a deeper level, political dialogue sought to address conflict drivers, foster reconciliation, build a greater national consensus and social cohesion, and define a shared vision for the future.⁷

The process of developing a policy framework and legislation for national healing and reconciliation in Kenya is ongoing. Achievements are progressive in certain areas such as judicial reforms, while progress on other key issues such as reparations and individual accountability has yet to be realised. Among the contributors to national healing and reconciliation are the following: the establishment

of institutions that could steer social repair; reforms of existing institutions and their culture of operation; and a wide range of reconciliation-related activities, from high-level negotiations and mediation to community attempts at social healing.

While laws in and of themselves do not achieve national healing and reconciliation, they can establish and protect measures that facilitate the process. In this regard, government needs to take actions that will contribute to the creation of positive perceptions on the part of citizens about government's commitment to national healing and reconciliation.⁸ Such actions include measures that promote justice, fairness and equal access to opportunities. These must receive protection through legislation. While widespread and robust public debate about the key issues regarding national healing and reconciliation have been generated by a number of local, regional and international actors, there has been little progress in engaging key institutions such as the National and Senate Assemblies to enact legislation relating to reconciliation and national healing.

The KNDR Agreement required the then president, Mwai Kibaki, and the prime minister at the time, Raila Odinga, as well as other political leaders, to promote healing and reconciliation. It was proposed that this could be done by, among other means, holding joint rallies, developing a national resettlement programme, de-emphasising ethnicity in official documents, establishing all-inclusive peace and reconciliation committees, and establishing a truth and reconciliation commission for Kenya.⁹ While the politicians shared power, however, they did not appear keen to fast-track reforms: initial efforts were hindered by political interference, and lack of sufficient political commitment and the level of political will critical for the success of reconciliation processes. There were varying degrees of political will in the five years of the coalition government's leadership in relation to spearheading national reconciliation efforts.

For the most part, the leaders failed to recognise that people's – a nation's – coming to terms with a traumatic past is a *process*. It comprises 'stepping stones' that lead to the rebuilding of a viable and legitimate democracy. These stepping stones include acknowledgement, forgiveness, reconciliation and healing – linked to one another by means of transitional justice elements.¹⁰ Unfortunately, leaders continued to allocate large amounts of resources to the development and advancement of physical infrastructure in its many forms, with minimal attention given to social healing requirements.

Over the years, the development of physical infrastructure, which can be quantified, has been given priority over issues of justice and national healing, which are intangible. This is despite the fact that an important foundation for sustainable peace, stability, and economic, social and cultural development is people coming to terms with past injustices and developing coping strategies. That is to say, when dealing with a community (whether local or national) that is in the process of coming to terms with the reality of past atrocities, planning on developmental priorities should be sensitive to social healing; planning cannot be conducted purely as a series of bureaucratic procedures aimed at achieving consensus at various levels of society and outpacing political consensus. Rather, it should be aligned to political reality and conducted as political dialogue.¹¹

In the current government, the first pillar of the Jubilee Manifesto¹² – 'Unity' (*Umoja*) – highlights issues of national cohesion: an effort to direct government towards social repair. It lays emphasis on the need to address ethnic divisions and urges Kenyans to be proud of their ethnic heritage while shunning discrimination and hatred. The pledges made by the country's president and deputy president since their inauguration on 9 April 2013 indicate that reconciliation and national healing is a top priority. The current optimism on the devolved system of governance, coupled with renewed hope for economic growth at both county and national levels, is impetus for Kenyans to reflect on where the country has come from, where the country is headed and what would constitute national values that promote reconciliation.

As Kenya prepares to celebrate its golden jubilee on 12 December 2013, marking 50 years since the attainment of independence, there cannot be a more opportune moment for the country to engage on matters concerning national cohesion and reconciliation. The half-centennial celebration provides an opportunity for Kenya to confront the dark past that has often divided its citizenry and

to embrace a future marked by inclusivity, national cohesion and reconciliation. In addition to its previous pledges, government should use the occasion to reaffirm its commitment to political dialogue that promotes national healing and reconciliation processes.

In terms of dialogue, it is important to understand that complex socio-political conflicts are not 'solved' through a once-off dialogue event. Rather, ongoing, multifaceted and multi-level dialogue processes and approaches are required if complex conflicts are to be addressed. The nature of multi-level dialogue processes is such that they address both horizontal and vertical legitimacy. It is nevertheless the case that the strongest contribution of a multi-level dialogue process is in the area of vertical legitimacy – the area concerning the confidence of citizens in state institutions.¹³ Government of the country plays a critical role in convening such dialogues. Functions of government-as-convener include ensuring that the dialogue processes are sustained through structures and institutions, are coordinated, and complement and build on one another.

Building national cohesion and functional democratic institutions is a progressive process that takes decades rather than years. Thus, political dialogue has to be a structured process, to be sustainable across all levels of society for a prolonged period of time. It is therefore necessary for the country's leadership and the stakeholders involved to invest in society's capacity to conduct structured dialogue processes for the long term. The short-term perspective, that tends to see the country's first post-crisis democratic elections of 2013 as the end of the crisis, has to change.¹⁴

In developing processes and capacity for structured dialogue, a range of strategies should be considered. These include improvement of the knowledge, attitudes and skills of the collective leadership within society, in order to strengthen its capabilities for devising productive strategies and engagements geared at enhancing national healing and reconciliation.

Support for and engagement with existing structures for peace – such as the District Peace Committees (DPCs), Traditional/Alternative Dispute Resolution (ADR) mechanisms, and Councils of Elders – are critically important, because these structures are largely responsible for implementing dialogue as a first response to escalating tensions. Engaging these structures entails helping to foster effective linkages and coordination between them. It also entails capacity-building of the structures and offering external expert facilitation where appropriate. These selected structures should be the means whereby serious attention to supporting the dialogue process is spearheaded and actualised.

The implementation of dialogue agreements is critical to safeguarding the legitimacy of reconciliation efforts. Dialogue support should be institutionalised, with the aim of supporting sustainability, implementation and accountability.¹⁵ Institutionalisation of dialogue support ensures that decisions made with regard to community healing and reconciliation feed into a structure capable of implementing and referencing the same for policy formulation and programme design at both county and national levels. The institutions involved, which could include civil society institutions, community-based organisations, faith-based organisations/institutions, NGOs, the health sector, the security sector, the business community and the judicial system, should be tasked with implementing the following kinds of supporting activities: validating dialogue results through an inclusive public process; monitoring agreements made by parties; holding parties to account; and providing continued support to the facilitation of ongoing political dialogue processes. The institutions concerned should also focus on deepening knowledge through research, improving dialogue and reconciliation practitioners' facilitation skills through training, and offering technical support to dialogue processes.¹⁶

Institutions and reconciliation

In a society wracked by conflict, state institutions are fashioned to meet the needs of the ruling elite and not the people. Citizens lose trust in institutions that should guarantee their rights and resort instead to self-help and self-defence. This in turn encourages a group-think mentality (emphasis on ethnicity, class, faith and familial relations) as people retreat to their cocoons for self-preservation.

Levels of social trust, reconciliation and collective national healing are greatly increased when accountability by political systems, institutionally independent judicial systems and strong networks of civic engagement is evident.¹⁷ However, many state institutions in Kenya are not functioning effectively and efficiently because they have been compromised by political bias, corruption and incompetence. Thus, the role of political dialogue within Kenya's institutional reform framework is to strengthen the legitimacy of these institutions through building consensus on, and trust in, their proper functioning.¹⁸ As a result, political dialogue in all its forms will play an indispensable role in the efforts to achieve a unified and stable nation. This will eventually foster national cohesion through the elimination of practices of exclusion and marginalisation, especially those perpetrated, direct or indirectly, by state or official operating procedures, policies and laws.

State institutions have a key role to play in initiating and spearheading sustainable national dialogue and reconciliation processes. In South Africa, the Truth and Reconciliation Commission (TRC) sought to tackle the broader structures of apartheid by taking into account key institutions in society in terms of their role in supporting the apartheid regime. These institutions included the media, the legal system, the business community, faith communities, the health sector and the prison system. Institutional hearings, though affected by low participation rates and minimal contributions, exposed the roles of such institutions in creating and supporting an environment in which human rights abuses flourished. In formulating recommendations for future reforms, the TRC ensured that a powerful impetus for transformation was provided. This impetus would not only address structures and root causes of conflict, but would also serve as a form of reparations in that it was a reassurance of non-repetition to victims of past violations.¹⁹

The Kenya TJRC process did not specifically have hearing sessions that addressed institutions as actors. Nevertheless, the magnitude of the work involved brought to the fore the fact that dialogue, a deeply complex political and psychological process, has to deal with the structural causes of conflict and the aftermath of strife and trauma witnessed over the decades.²⁰ The Kenya TJRC process highlighted the fact that, in reconciliation processes, dialogue needs to be carried out *in tandem with* a wider process and wider framework that address structural issues, otherwise it could serve to legitimise existing conditions in which strife can continue.²¹

The TJRC dialogues were thus aimed at creating an environment that would catalyse economic, institutional, constitutional and social change through providing a space where power and leadership could be reconceptualised. The dialogues brought to the fore the fact that a functional relationship between people and their governance structures and institutions is a complex and delicate interplay of factors such as responsibility, resources and authority – an equation made possible by political dialogue efforts. The capacity of the relevant institutions and their leadership to hear and respond ought to be facilitated within the context of belonging and civic trust, on the basis of establishing processes and goals that society judges to be authentic and worth pursuing.²²

Institution-building should therefore be addressed with an emphasis on leadership and not as an alternative to it. It should be viewed with the understanding that during transitional periods, quality leadership values and networks are needed to build and sustain political dialogue and accountable state institutions.²³ In the context of democratic peace and justice, robust, democratic institutions and civil society organisations have a critical role to play in guiding, monitoring and evaluating the national healing and reconciliation process to ensure local ownership, participation and sustainability. Constructive national dialogue aimed at progressively actualising the Constitution of Kenya (2010) that paves the way for inclusivity and equity should be initiated with leaders and other stakeholders at all levels.²⁴

Envisioning a framework for a national healing and reconciliation agenda in Kenya

The nature of national healing and reconciliation

National healing and reconciliation processes have, since the inception of the TJRC and the NCIC, generated more questions than the answers that society expected them to provide. These institutions and their programmes, which are largely oriented towards the creation of new national selves no longer pathologically attached to former, circumscribed forms of identification, have faced daunting challenges, to say the least. Challenges of a political, social and economic nature have often hindered the achievement of their objectives. As they tread new terrain, they have grappled with the question of how Kenyan society would gain closure over a past that has bifurcated society, with at least two national histories: one history as told and seen by the victims, and another as told and seen by the perpetrators. The TJRC, the NCIC and their programmes have sought to enable society to review these historical narratives and not only see them as bare facts but, crucially, start to judge and shape their historical narratives according to norms of universal human rights.²⁵

Since its inception, the permanent NCIC has actively engaged in policy advice, legislative formulations and community efforts towards the development of comprehensive strategies on national healing and reconciliation. It, together with the TJRC, was mandated with the task of promoting and facilitating healing and reconciliation as well as promoting peaceful coexistence among various ethnic groups in the country. The establishment of the two commissions by the KNDR team acknowledged that not only is reconciliation a process, but that it is an ongoing one. The team ensured that, after the TJRC had concluded its work, the process of reconciliation was entrusted to a permanent commission dedicated to the advancement of national healing and reconciliation. The institutions have furthered reconciliation by paving the way for national and community dialogue processes, and by beginning to tackle complex and volatile topics that were previously closed for discussion.²⁶

For any reconciliation and healing to take place, the process needs to occur in different phases. Firstly, past crimes have to be identified and confronted, and perpetrators identified where possible.²⁷ State-perpetrated violations have been identified and documented in the Kenya TJRC Report of 2013²⁸ and in other, previous reports of national commissions of enquiry. The reluctance of the government to acknowledge the violations, or to offer public apologies for its actions and guarantee non-recurrence, impedes the process of national healing and reconciliation. The outright denial by some individuals adversely named in past abuses and who were summoned and heard by the TJRC is a fact that makes it difficult for victims to simply forgive the perpetrators for the crimes that were committed against them.

Secondly, the victims of past injustices have the choice of either accepting the apology as given, or seeking justice as established within the law to redress the wrongs and violations committed. The outcome of this process (in terms of reconciliation being achieved or not) cannot be foreordained, and neither can the according of forgiveness on one side nor apology on the other be effected independent of an 'agonistic process'. Such a process would ensure that words and deeds both of forgiveness and apology can at the end be meaningfully uttered and enacted.²⁹ In the absence of remorse or apology from those who caused harm, victims may still choose to forgive. Finally, the parties involved open a 'new page' in their lives and a 'journey of healing' begins.³⁰ Forgiveness in this context is understood then not as a *fait accompli* but as a negotiated process – one in which, over time, those who have been harmed develop a voluntary psychological orientation in which forgiveness becomes possible.³¹ Forgiveness is performed in real time and not taken for granted, meaning that victims are internally prepared, in the light of the reality, to choose to forgive.

The TJRC Report analyses the process thus: for an honest attempt at reconciliation to be achieved, atrocities committed against persons and communities must be addressed accordingly to pave the way for national healing. To heal the nation requires the curing of the self.³² In order to be reconciled, warring parties have to be identified from the outset. While in many cases challenges have emerged over *who* is being reconciled, owing to the complexity of atrocities that have perpetual cycles, the

uniqueness of each conflict and the parties involved means that the social repair process has to be contextualised to maintain its vitality.³³ The culmination of reconciliation at the national level means that communities and persons involved have to be reconciled on a case-by-case basis through inclusive local and other relevant approaches.

The aspect of *inclusion* both at the physical and ideological levels is of critical importance. It promotes an internal political culture where political and social tensions and contradictions are managed constructively. This is done through processes of inclusive political and social dialogue, which ensures that the legitimacy of decisions is safeguarded. Sufficient political commitment or political will and a structured process are important for a dialogue to reach inclusive agreements and for the effective implementation of the outcomes.

The rule of law, national healing and reconciliation

The consolidation of national healing and reconciliation, and the maintenance of peace in the long term, cannot be achieved unless the affected population is confident that, through accessing legitimate structures, it can obtain redress for grievances. This refers to trust in institutions, the rule of law and a principle of good and legitimate governance. The trust principle prescribes that persons and institutions, whether public or private, and including the state itself, are accountable to laws that are publicly promulgated, equitably enforced, independently adjudicated, and consistent with international human rights norms and standards.^{34,35}

The Constitution (2010), a product of highly consultative processes that captures Kenyans' aspirations, went through one of the world's longest review processes (more than 20 years). Believed to be a unifying tool that is supportive of building national cohesion, the Constitution seeks to correct an unjust past (by overtaking its grim consequences) and anticipates the advent of an optimally just society. In so doing, the Constitution simultaneously narrates and authors the story of a just country, and promises to imbue society with the values it enshrines in the efforts to restore citizens' confidence.³⁶

In the preamble, the Constitution first recognises that all sovereign power belongs to the people and can only be exercised in accordance with the Constitution. It begins with 'We, the people of Kenya', which in itself connotes a connective outlook. It honours those who heroically struggled to bring freedom and justice to the land and stipulates pride in the ethnic, cultural and religious diversity of the country's people. Recognising the role of reconciliation, it highlights the determination to live in peace and unity as one indivisible sovereign nation, and the commitment to nurturing and protecting the well-being of the individual, the family, communities and the nation.

Through a progressive and far-reaching Bill of Rights, the Constitution further enjoins the state to respect and protect human rights – fundamental prerequisites for a functional society: 'Rights cannot be safe guarded if these rudiments of human existence are left unattended.'³⁷ In other words, it is the state's constitutional responsibility to ward off all threats to the citizenry's survival as humans. The full and unconditional actualisation of the rights entrenched in the Bill of Rights augurs the advent of an optimally inclusive society.³⁸

Nevertheless, the fact that one can glean attributes of a just and inclusive society from the text of a Constitution does not in and of itself guarantee a just and inclusive dispensation in its implementation. While the text is an eloquently formulated catalogue of values that offers a meaningful starting point, it is the people who have to realise its provisions. Together with the organs of the state, the people must add to the brickwork and eventually add the finishing touches to the building of a functional and cohesive society.³⁹ To enable actualisation, the Constitution provides opportunities for people's participation under three broad principles, namely: people's participation, public engagement and public consultation.

Under Article 159, the Constitution stipulates that ADR mechanisms, including reconciliation, mediation, arbitration and traditional dispute resolution, shall all be promoted as long as they do not contravene the Bill of Rights and are not repugnant to justice or inconsistent with the Constitution

or any written law.⁴⁰ The importance of recognising and elevating the status of ADR mechanisms in ensuring access to justice especially for the poor, marginalised and vulnerable cannot be gainsaid. While ADR mechanisms are established to complement the formal justice system, restore the conflicting parties to a pre-dispute *status quo*, and bring together disputing parties to restore damaged relationships between them, the approach adopted by ADR mechanisms should be comprehensive and geared towards promoting cohesive and harmonious communities.

Community healing and reconciliation

Currently, communities in Kenya are at different levels and stages in resolving conflicts and embarking on reconciliation processes from within and without. Some of them have second generations struggling to invest in the work of repairing a tear in the social fabric, with the hope of transforming long-term adversarial relationships characterised by enmity into relationships of reconciliation.

It is not an easy task for deeply divided communities to learn or re-learn to engage one another in restorative approaches and dialogue after generations of stereotyping, castigation and confrontation. It is a situation that calls for a new level of encounter and new or renewed words. It calls for the creation of new 'mental maps', the projection of new possibilities, and the fine re-stitching required to restore the exquisitely delicate fabric of trust. This level of restorative dialogue holds the potential for achieving an important transition in terms of how society seeks to address issues that threaten and have the capacity to destroy the gains already achieved when agreeing to talk.⁴¹

A precondition for creating an environment in which redress can be realised and optimised is the existence of a safe space, where people can speak and listen. This scenario calls for a community constituted not of victim and perpetrator *per se* but rather of those willing, for the time being, to free themselves of their particular pre-existing positions. This enables preparedness for forgiveness and apology, in the hope that participants can reconstitute themselves and the social world into a common future-in-the-making, to a life in common vision. Redress requires a time and a space in which individuals are no longer firmly attached to the self-designations with which they had come to identify – are no longer armed with traumatic and harmful memory as a reference point for future orientation and action; rather, they present themselves as members of a new world-in-the-making.⁴²

A wide range of processes and mechanisms that underpin a society's attempts to come to terms with a legacy of violent past abuses are associated with transitional justice, though the concept has remained largely contested in meaning and form.⁴³ Restorative efforts, including restorative dialogue, move beyond the confines of traditional justice systems to embrace social justice principles. Social justice acknowledges the damaged relationships, as well as the injuries sustained by victims, that result from any wrongdoing, and focuses on healing for communities, victims and offenders alike. The pursuit of restorative justice and reconciliation, however, does not preclude retributive and reparation mechanisms. Peace and reconciliation do not serve as a substitute for, nor interfere with any future endeavours to establish, mechanisms for legal redress where necessary.⁴⁴

Institutions working within and with communities should actively engage with them towards making reconciliation efforts sustainable. The formal and informal legitimacy of formal and informal institutions is a resource that should be leveraged.

Actors such as civil society institutions, community-based organisations, faith-based organisations/institutions, NGOs, the health sector, the security sector, the business community and the judicial system should undertake their activities in ways that respect diversity and promote the harmonious co-existence of the people of Kenya.

Relationships and attitudes

The process of constructing or structuring relationships and attitudes finds expression through key elements such as people's socio-psychological engagement, expressed in how people relate to, and their attitudes towards, one another. In a reconciliation context, such engagement aims at breaking down the culture of prejudice, intolerance, mistrust and violence. It seeks to open up opportunities and space for people to dialogue, accept commonalities and differences, and engage with and

embrace those who are 'different' to 'us'. It envisages ultimately fostering positive relationships and progressive attitudes on the part of the common citizenry, in the efforts to engender inclusivity and national integration.⁴⁵

Gender, an influencing factor in how communities structure their social relations, is key in setting out roles, policies, legislation and practices aimed at achieving national healing and reconciliation. As discussed in *Policy Brief 3*⁴⁶ of the current series, mainstreaming a focus on gender roles is a powerful positive force for long-term national healing and reconciliation. Strengthening the position of women in society is crucial to the promotion and implementation of participatory, community-based nurturing and caring processes that have the potential to strengthen social cohesion through family and other social networks.⁴⁷

Where programmes are determined to contribute towards social repair, promoting an understanding of the different gender roles and experiences in conflict is integral to all decision-making processes. Whether reconciling relationships between individuals and groups or the state and society, the inclusion of a 'gender lens' throughout the process⁴⁸ ensures that the particular ways in which the genders identify and perceive healing and reconciliation are captured, thus increasing the likelihood of success and sustainability. More gender-sensitive proactive engagement during political dialogue processes necessitates the full inclusion of women in political, social and judicial structures.

Challenges to national healing and reconciliation

The nature of trauma

There is no dispute that Kenya's history of socio-political oppression, repression and ongoing trauma at the community and national levels has had a profound effect on its people. Political violence and the nature of violations enacted against individuals and communities have contributed to deep and widespread psychological trauma across all communities, disenfranchising people and militating against meaningful political dialogue processes. Trauma consists not only of external events that overwhelm the community or individual; it also generates an internal attack, on the core of society or self. This assault more often than not results in the deployment of defensive manoeuvres intended to minimise the negative effect, allowing people to cope. Unfortunately, though, such coping mechanisms tend to preserve traumatic memory, in the process actively undermining self-esteem and closing off the option of dialogue. Trauma is not only an experience of the past carried forward to the present, but manifests itself also as a community or an individual living in the present as if it were the past. As a lived reality, trauma is a memory illness.⁴⁹

Many are the individuals and communities that are stuck in the past and desperate to find closure to begin their healing and repair process. To heal the nation *ipso facto* requires the curing of the self. Community and individual healing processes take time, especially for deeply traumatised societies that have to enable their communication to promote constructive dialogue and a sense of common purpose. While

*full healing is not a precondition for reconciliation, it recognises that without some measures of psychosocial healing, individuals and their communities will find it difficult to move on and to establish civic and social trust, which are critical for recovery.*⁵⁰

Since the beginning of the TJRC process, legacies of political violence have often been challenged. Contested viewpoints at the local, national, regional and international levels have emerged over the construction and ownership of the national healing, social cohesion and unity projects. A simplistic understanding of reconciliation as a linear process that automatically moves from individual trauma to national healing does not take into consideration the complexity of reality. It is imperative that social repair initiatives highlight and take seriously the interplay between state-orchestrated initiatives of national healing and reconciliation, individual-oriented programmes, and community-based and community-focused programmes.⁵¹

Social repair or reconciliation, understood as a process of social healing, implies that societies have the capacity to repair themselves. They can overcome traumatic pasts just as individuals have the potential to overcome their own trauma and fragmentation of the psyche.⁵² This process of societal healing, however – as with addressing a pathological situation affecting the self – means that in the face of traumatic ruptures in the body politic, government and civil and social institutions alike must *consciously* seek to aid the repair of past wrongs and to heal an emotionally infirmed community.

Lack of a consistent national narrative

Conflict and a failure of constructive dialogue in society is often a product of dysfunctional communal narratives that magnify the role of ‘others’ in causing trauma or ‘marginalisation’ of the community in question. In the absence of a national narrative, community narratives take precedence and become beliefs, which are held and expressed in confidence and tenacity. A common feature in each of the ethnic communities that make up the country is the presence of its narrative. Such narratives have in common the fact they they magnify the good things about the ethnic community in question and focus on the negative with regard to all neighbouring and some distant communities.⁵³

Unfortunately, these narratives are often the driving force behind the deep mistrust that fuels conflicts in Kenya. They are equally the source of the ethnic stereotypes the people carry around, which most members of a community never question. Communities accept the narrative and use it to make important decisions about their own lives, and to decide whom to interact with in important areas of their lives, thus negatively affecting prospects for dialogue, community healing and reconciliation. While it is in the nature of communities to create narratives based on real events, exaggerations of actual events, or even mythical events,⁵⁴ the lack of a comprehensive, common national narrative has left a void. A national narrative is a key prerequisite for the maintenance of a cohesive nation and for understanding the history of Kenyan society. To fill this void ‘sometimes people experience and internalise wounds not because they represent a point of personal offense, but because they arise out of their identification with a particular ethnic, social or religious group’.⁵⁵

The aim of creating a national narrative is to ensure grounded long-term political stability and viability of the state based on a shared and coherent national identity and orientation, that is, on unification among the people. It is about building a common identity out of many, and deliberately creating a shared and broad-based sense of belonging to a social group that is greater than the sum of its parts: the nation.⁵⁶ The TJRC processes coupled with the Constitution (2010) are powerful examples of how to construct a new national narrative, one that acknowledges that Kenya and its peoples have to take responsibility for the past and promote a ‘one-people’ narrative.

Socio-economic challenges

Socio-economic development can contribute to the elimination of intolerance and ethnic prejudice. This is especially the case when its processes plunge strangers, from different socio-economic groups, into unavoidable cooperation or collaboration. Platforms such as school-based formal education, the workplace, and sports teams, among other social interaction arenas, are critical catalysts in this regard. For instance, the introduction of diverse selection in the secondary boarding school system serves as a training ground in inter-group tolerance, peaceful co-existence and social harmony.⁵⁷

Unfortunately, since 1985 and until recently, Kenya’s education system has adopted a quota system in admitting students into secondary schools. In terms of this policy, the government committed secondary schools in each district to reserving 85 percent of places in their schools for pupils from within the district and provincial primary schools, and 15 percent for pupils from the rest of the country.⁵⁸ This approach in education helped balkanise the Kenyan population along ethnic lines, an effect felt to this day; it worked directly against the spirit of inclusivity, cohesion and integration, and posed a challenge to the progress achieved by development initiatives in the nation as citizens frequently experience conflict and social disharmony.

Many fear that the system of devolved government will repeat the mistakes of the education system and create county governments based on the ethnic majority at the expense of the minorities. In

the employment sector, the trend being witnessed is that for the most part those from the largest (i.e. dominant) or the local ethnic community do not generate opportunities for inter-ethnic interactions through an inclusive policy promoting diversity. This challenges inter-ethnic cooperation, the promotion of intergroup tolerance and the understanding of ethnicities and their diversities. It complicates the situation for political dialogue in the efforts to enhance national cohesion and integration amidst the country's diversity.

Conclusion

The efforts towards national healing and reconciliation and the promotion of political dialogue initiatives is a task to be approached through multifaceted strategies. The role of government, as coordinator of these efforts, in engaging a multi-level approach is critical. A range of actors, including institutions, state agencies, development partners, faith-based organisations and civil society at large, have a key role to play in the reconciliation and national healing process. Communities, for their part, should resist adopting only a victim identity and approach in the healing process. They should be proactive in designing and implementing home-grown initiatives that enrich and support the social repair processes, and should seek to partner with the existing efforts on a wider scale to promote healing.

Notes

1. This Policy Brief is authored by Munini Mutuku, Senior Programme Officer at the National Cohesion and Integration Commission (NCIC). It is the fifth in a series of five policy briefs produced as part of the project 'Promoting National Cohesion and Reconciliation in Kenya', a tripartite collaboration between Folke Bernadotte Academy (FBA – Sweden), the Institute for Justice and Reconciliation (IJR – South Africa) and the NCIC (Kenya). The policy briefs are available for download on the respective institutions' websites. The author would like to thank the following individuals for their comments and suggestions in the writing of this Policy Brief: Allan Ngari, Project Leader Kenya and International Justice Desk, IJR, for managing the editing of the brief; Dr Julius Jwan, Director of Programs and Technical Services, NCIC; and Dr Benjamin Kituku, Assistant Director Finance and Administration, NCIC; Guyo Liban, Assistant Director, Reconciliation and Integration Department, NCIC; Elvi Agunda, Project Officer, Reconciliation and Integration Department, NCIC; Peter Nordström, former Programme Officer, Conflict Prevention in Practice, FBA; Therese Jönsson, Training and Project Leader, Conflict Prevention in Practice, FBA.
2. Political dialogue refers to a wide range of activities, from high-level negotiations, to mediation, to community attempts at reconciliation. Political dialogue can be classified into four types, as follows: high-level or summit dialogues that involve the top leadership of contending sections of the population; track two (i.e. non-official) interventions by civil society organisations that build trust and skill in dialogue and explore options; political dialogue that takes place as an indispensable aspect of planning for peacebuilding, statebuilding and development; and multi-level dialogue that, in an effort to engage citizens in building sufficient national consensus on critical challenges, takes place at various levels of society.
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