



POLICY BRIEF

Number 2 | January 2013

The Kenyan Elections within a Reconciliation Framework

Guyo Liban¹

The level of institutional preparedness for the 2013 elections and the ability to coordinate the work of all relevant actors will be crucial in transforming violent and uncertain electoral contest into peaceful, fair and just outcomes that respect democratic norms.

Introduction

Elections that are characterised as free, fair and peaceful are essential societal building blocks. In post-conflict societies, however, free, fair and peaceful elections are mandatory for preventing a resurgence of violence and for safeguarding the democratic process. The democratic practices that ensure free, fair and peaceful elections have the added benefit of promoting reconciliation in a post-conflict society. Reconciliation is a long-term process, in which individuals, after violent conflict, rebuild their relationships with one another and with the state, as well as between groups, through mechanisms such as truth telling and acknowledgement of harm, criminal prosecutions, reparations and guarantees of non-recurrence, memorialisation, and institutional reform. In order to promote reconciliation and sustainable democracy in a post-conflict society, it is crucial not only that agreements be reached at the political level, but that relationships be recreated at the levels where violence was perpetrated. If not, the risk of a resurgence of conflict is high.

PROMOTING COHESION AND RECONCILIATION IN KENYA



Following the post-election violence (PEV) in Kenya in 2007–2008, reconciliation remains a key priority at both national and community levels. Institutions with the mandate to investigate the past, such as the Commission for the Investigation of the Post-Election Violence (CIPEV) and the Truth, Justice and Reconciliation Commission (TJRC) were set up, as well as institutions with the mandate to promote reconciliation, such as the National Cohesion and Integration Commission (NCIC). While many of these bodies have involved the reconciliation of local actors in Kenyan conflicts, several initiatives to promote reconciliation at the community level have also been taken by other organisations.²

Elections are the hallmark of representative democracy. They are also competitive processes that, if not constructively managed, can heighten societal tensions with the potential for violent outbreaks.³ The challenges of election-related conflicts and political violence experienced in Kenya in past elections, and particularly in late 2007 and early 2008, underscore the importance of building institutions that balance competition with order, participation with stability, and contestation with consensus.

Within the framework of the ongoing reconciliation process in Kenya, it is important that the potential negative effects of elections be prevented and that the elections be, instead, a well-managed political process contributing to the unity and reconciliation of the Kenyan people.

The next general election, slated for 4 March 2013, will mark yet another turning point in the history of Kenya. The current Policy Brief provides an analysis of the electoral process in Kenya, identifying it as an important and contributing factor to reconciliation in the country.

Elections as a tool for reconciliation

The relationship between democracy and reconciliation is one of reciprocity. Studies have shown that peaceful resolution of conflict in itself does not guarantee lasting peaceful relations. Rather, reconciliation is necessary to promote peaceful relations, dialogue and the sharing of power in a democratic system between traditionally rival groups in previously intractable conflict. Democracy is pivotal in establishing a system in which differences are managed without recourse to violence.⁴ The general election of March 2013 constitutes an opportunity to strongly promote reconciliation in Kenya while at the same time breaking with a tradition of election-related violence. It is the first national election under the Constitution of Kenya (2010) and its conduct will be critical in restoring the public's confidence in the political system and laying the foundation for a peaceful future.

A holistic approach is required for the realisation of peaceful elections and reconciliation among Kenyans. It is imperative that key stakeholders – such as political candidates and their parties, the Independent Electoral and Boundary Commission, the Office of the Registrar of Political Parties, security services, civil society (including the private sector), religious leaders and the media – work closely together to contribute to a harmonious political transition and a peaceful and prosperous future.

The process of a peaceful election based on a spirit of reconciliation begins during the nominations and campaigns. Political parties have a responsibility to put reconciliation on the political agenda and to mainstream a reconciliation perspective in their policies and platforms of engagement. Political candidates must be consistently monitored to ensure that they are not engaging in hate speech or other forms of ethnically polarising campaign tactics. The nomination process has been a spark for violent conflict in the past. Parties should demonstrate a commitment to ensuring a fair and transparent nomination process that contributes to a process that contributes to peaceful and conciliatory campaigning.

Public debates play a very important role in setting the stage for a peaceful campaign that contributes to reconciliation. Issue-based debates between candidates of various political



parties should be encouraged. When candidates can discuss the issues in a civil, fair manner and show respect for one another during the process, it demonstrates a commitment to free, fair and peaceful elections and to reconciliation among Kenyans. Candidates might be asked to sign a pledge to campaign in a peaceful, non-polarising way as a prerequisite for participation in national media debates. The pledges that candidates have made can then be highlighted as part of the debates, reinforcing the message that elections must be peaceful if they are to be fair. To this end, the National Cohesion and Integration Commission has launched a national campaign dubbed the 'Kenya Kwanza', whose objective is to bridge ethnic, racial, religious, and class divides and inculcate values of tolerance, foster national unity, and promote responsible citizenship by placing service before self. The Kenya Kwanza Charter has been signed by senior political leaders and candidates. Similar initiatives by the media aim to support a public debate emphasising issues (rather than individuals or ethnicity) and discouraging negative ethnicity and inflammatory language.

Well-organised electoral processes and proper management of electoral appeals will leave less space for controversies and disarm those who seek justifications to resort to violence. It should be recalled that during the 2007/08 PEV, some supporters of political parties resorted to mass violence and street protests to express dissatisfaction with the outcome of the election because they did not have confidence in the Judiciary to adjudicate the election disputes. Since then, the Judiciary has undergone significant reform and, to a large extent, has regained the confidence of the public in its capacity to adjudicate. The trust that electoral disputes can be settled by an impartial judicial system is pivotal in mitigating the risk of resorting to election-related violence and vigilante justice. This is especially important considering the likelihood of a run-off for the presidential election. In addition to the suffering on the part of those affected, renewed election-related violence would nullify the advancements already made in the reconciliation process.

Institutions involved in preparations for free, fair and peaceful elections in order to contribute to reconciliation

Kenya has undergone significant positive change since the 2007/08 PEV. The Constitution (2010) is a major achievement for the country and is considered among the most progressive in Africa and indeed in the world. Reforms have created a positive framework in which elections can take place, and a number of independent institutions responsible for upholding the constitutional framework have been created. Institutions that will play a pivotal role in election preparedness include the Independent Electoral and Boundary Commission, the National Cohesion and Integration Commission, the Kenya National Police and the Judiciary. Equally important is the role of civil society organisations at all levels. Kenya should also engage with international partners in order to learn from their experiences.

National Cohesion and Integration Commission

The National Cohesion and Integration Commission (NCIC) is one of the Agenda Four Commissions created after the disputed 2007 general election.⁵ The NCIC has the mandate to contribute towards a peaceful, cohesive and integrated Kenya. In partnership with other relevant stakeholders, the NCIC has launched a number of initiatives aimed at promoting free, fair and peaceful elections. These include peace and reconciliation dialogues, police training on hate speech monitoring, training of journalists on conflict-sensitive journalism, civic education on elections and the new Constitution, and capacity building on a wide range of issues targeting key groups and institutions. The NCIC is building on and partnering with other independent commissions including the Kenya National Commission on Human Rights and the Truth, Justice and Reconciliation Commission. The NCIC has also partnered with a wide range of civil society actors in launching the Kenya Kwanza campaign.

The Truth, Justice and Reconciliation Commission

Despite much controversy surrounding the establishment and work of the Truth, Justice and Reconciliation Commission (TJRC), the TJRC's public hearings throughout Kenya have provided

an unprecedented opportunity for all people in Kenya to air their grievances and speak openly about the past abuses to which they had been subjected. This work must be built upon as it is invaluable for the reconciliation process in Kenya.⁶

Independent Electoral and Boundary Commission

The Independent Electoral and Boundary Commission (IEBC) is a constitutional commission responsible for conducting and supervising elections and referenda, and any other election as prescribed by an Act of Parliament. Expectations of the body are high. The success of the IEBC's efforts depends in large part on a successful civic education and voter registration campaign prior to the election. Both of these activities provide an opportunity to reinforce messages of non-violence and reconciliation as important components of elections. Allegations of corruption and election fraud would undermine the credibility of the IEBC – and thus the election results – and would need to be acted upon swiftly and with firmness by the IEBC and other responsible authorities.

The Kenya National Police

The Kenya National Police have a crucial role to play in the electoral process, and their behaviour can act as a catalyst for reconciliation or as an impetus for renewed violence. The Police force in Kenya has been described as corrupt, partisan and ill-equipped to provide safety and security to Kenyans. During the 2007/08 election process, the police were accused of excessive use of force and engaging in criminal behaviour such as murder, rape and looting.⁷ Those responsible for these crimes still enjoy impunity and remain in their positions. It has been widely recognised that comprehensive police reform is essential to fight the prevailing impunity of the Police force and to restore the public's confidence. This is necessary for the Kenya Police service to bear its responsibility of supporting the democratic process in Kenya.

The election period will prove to be a major test of the police reforms so far. The Government has established the National Police Service Commission and the Independent Policing Oversight Authority. Interviews for the Inspector General of Police and of deputies have been concluded, and the Inspector General of Police has already taken office. However, there has been resistance to reform from the Police force itself. The Kenya Police have an important opportunity to demonstrate their commitment to a peaceful and reconciled Kenya by fully supporting the initiated police reforms and by guaranteeing security for all during the election.

The Judiciary

As an independent arbiter of electoral disputes, the Judiciary also plays a pivotal role in making elections an opportunity for reconciliation as opposed to a generator of conflict. From 2010 onwards, the Judiciary has undergone substantial reform since being described by Chief Justice (CJ) Willy Mutunga as follows:

When we entered [the] Judiciary we found an institution designed to fail. We found an institution so frail in its infrastructure, so thin in its resources, so low on confidence, so deficient in integrity and with little public support to help deliver justice.⁸

Confidence in judicial reform is much higher than in other sectors. The recruitment and appointment process for judges since the promulgation of the Constitution in August 2010 has been an important model of a transparent and fair selection process of senior public officials. In addition, the process currently underway to vet all judges and magistrates has begun to rebuild confidence in a body whose credibility had been severely undermined. Despite recent setbacks in the vetting process, judicial reform remains an important bright spot in Kenya's transitioning landscape.

The Judiciary's work to prepare for adjudicating electoral disputes, such as alternative dispute resolution and the Judiciary Working Committee on Election Preparedness, should be applauded and supported by candidates and parties in the interests of reconciliation. Peaceful and transparent dispute resolution will provide one more important link in building confidence that elections in Kenya can peacefully bring citizens together instead of violently polarising them.



Civil society

Civil society, including NGOs, CBOs, faith-based groups, professional societies and the private sector, is the watchdog of Kenya. Kenyan civil society is strong, outspoken and diverse. Its role as a watchdog over the state serves to uphold fundamental democratic principles. It amplifies the voices of the people and has proven to be both influential and resilient.

Since the PEV, civil society has worked to fight impunity and promote democratic reform and dialogue on the past. Continued coordination of these efforts, as well as ensuring that they reach the most marginalised and vulnerable members of society, is an important component of civil society's role in the promotion of elections and reconciliation.

Development partners

International development actors constitute a vital part of electoral management and reconciliation processes in developing countries. They are critical in mobilising funds and providing administrative and technical expertise as needed, as well as the sharing of experiences of democracy-building efforts.⁹ International partners can also assist with election monitoring efforts, to improve confidence in the outcome or to highlight important concerns.

Challenges to a fair, free and peaceful general election promoting reconciliation

Despite reforms and strong efforts in many sectors to ensure that elections contribute to reconciling Kenya, several factors continue to sow division and potential violence across the country. The factors identified here are only a sample of key issues, and what follows is not intended as a comprehensive listing of all election-related challenges.

Behaviour of political parties and candidates

Political parties provide candidates with the platform for voicing their aspirations to various elective offices. The proliferation of parties in the current election period, however, demonstrates the personality-based nature of Kenyan political parties as opposed to an issue-based focus. Moreover, political parties in Kenya largely remain ethnic outfits despite the constitutional requirement that political party membership reflect the diversity of Kenya. The National Cohesion and Integration (NCI) Act (2008) and the Political Parties Act (2011) outlaw ethnic alliances that exclude others on a national scale. Nevertheless, political party processes have been characterised by cut-throat competition for nominations, outright bias, absence of a level playing field, and mischief. The competitions within and across parties have often been marred by use of foul language, hate speech and violence.

The presidential aspirants and other candidates have unfortunately demonstrated a disregard for their role as leaders who can positively impact peace building and reconciliation, sometimes operating their campaigns in contravention of the law. The Kenya National Dialogue and Reconciliation Monitoring Project Review Report of May 2012 noted:

Lack of effective enforcement of the law is leading to perceptions of 'business as usual' in political practice. Politicians appear not to recognise the need to change in line with the new electoral laws. Unless the law is effectively enforced, Political Parties will not grow as institutions to contribute to the democratic governance of the country. They will remain weak, personalised, and ineffective agents of political change and social transformation.¹⁰

Until political parties ensure that democratic principles prevail and election laws are observed in the nomination and elections of office bearers at national and county levels, as well as in the conduct of campaigns, parties remain a threat to reconciliation through the electoral process. The NCIC, in partnership with the Office of the Registrar of Political Parties, organised a workshop for political party leaders in July 2012, which brought together about 50 key representatives from political parties. The political party leaders were sensitised on the NCI Act (2008), and agreed



to embrace peaceful campaigns and infuse cohesion and integration principles in their party policies and manifestos.¹¹

Resurgence of illegal groups and the mobilisation of youth for political intimidation

The use of organised criminal groups, based on ethnic and/or political affiliation, to intimidate voters and political opponents and thereby secure victory is a common feature of Kenyan elections. Criminal groups and militias are being transformed or rebranded and new ones formed ahead of the polls by mobilising unemployed, disempowered youth who have few options for civic participation in Kenya. A side effect of the high unemployment rate among the youth is an idle and disillusioned group who have become vulnerable to manipulation by politicians and their allies.

It is of the utmost importance that the government and the political candidates take steps to address the concerns of the youth and to include them in the democratic process. Ensuring that all eligible voters are issued with national identity cards necessary to cast their ballots is a necessary first step. The government and political candidates also need to discuss publicly how to empower the youth, and present credible measures to this effect.

Devolution

Constitutional provisions devolving power to local structures, such as counties, are a departure from the system of powerful centralised government that has characterised Kenya's post-colonial political system. Devolution will, if fully implemented, bring about a fundamental change in how the country is governed.¹² Under the Constitution, there will be a two-tier government: county and national. The county governments enjoy constitutional status that confers upon them legislative, executive, administrative and fiscal powers over all 'domestic' matters within their jurisdiction.

Kenyans have welcomed the devolution structure since it will bring services closer to the people, as well as ensuring that national resources are shared equitably. However, devolution continues to face challenges including, but not limited to, political will and support from the national Government, practical and logistical challenges related to creating devolved structures, and implementing the constitutional provisions on devolved government.

Despite the positive promise of devolution, possibilities of ethnic conflagration are high in some counties, as rival ethnic- or clan-based groups prepare to compete for power. In multi-ethnic counties, tensions are already high. Sentiments of political and economic marginalisation among certain communities are publicly expressed in Isiolo, Wajir, Migori, Mombasa, Nakuru and Trans Nzoia counties.

There is a growing fear among civil servants that many of them may be laid off when the devolved government comes into place in 2013, and that this may provide an opportunity for ethnicity to drive the manner in which the civil service is restructured at the devolved level. The NCIC has proposed the concept of 'negotiated democracy' or 'shared democracy' to the communities in cosmopolitan counties where new political offices created by the new constitutional dispensation are shared among the communities inhabiting the counties, as a way of preventing marginalisation and power struggles that could lead to inter-ethnic tensions and violence. The use of devolved structures to bring conflicting groups together will promote cooperation, mutual understanding and reconciliation.

The International Criminal Court and the electoral environment

The confirmation by the International Criminal Court (ICC) of charges and upcoming trials of four Kenyans alleged to bear the greatest responsibility for crimes committed during the PEV has in some respects contributed to increasing the divide between ethnic groups. It has evoked mixed reactions and vigorous public debates on issues of complementarity, peace, justice, victims and affected communities in the country.





While the majority of Kenyans support the ICC process and believe that the suspects will be given a fair trial,¹³ the accused persons have been portraying the ICC action as a politically motivated attempt to undermine their candidatures. Attempts have been made to use the ICC process as a means of polarising communities along ethnic lines through hate speech. Such attempts by political leaders and their allies are irresponsible and reproachable by law.

Resettlement of Internally Displaced Persons

Violence related to multi-party elections in Kenya has, since 1992, led to recurrent displacement. Internally displaced persons (IDPs) from the PEV of 2007/08 are not yet fully resettled and the government is accused of not addressing the need for reconciliation and healing between communities. Many of those who have been resettled were placed into hostile host communities with neither prior consultation nor long-term strategy. In some instances host communities themselves have been displaced in order to resettle IDPs from elsewhere.

Because of the violence and betrayal the IDPs have experienced, many fear returning to their homes – even in areas where they are now welcomed by their erstwhile assailants. The government is swiftly running out of time to address these concerns in a meaningful way before the election ignites simmering grievances. Full implementation of the Internally Displaced Persons Act (2012) and the new national policy relating to IDPs, to facilitate full resettlement of genuine IDPs and structured community peace and reconciliation dialogues between IDPs and host communities, would be an important step towards achieving sustainable peace and development.

The role of the Diaspora

The Constitution of Kenya (2010) has given the Diaspora increased opportunities for participation in Kenyan affairs. Provisions that allow for Diaspora voting and dual citizenship have reinvigorated the interest of Kenyans who had acquired citizenship in other countries in the affairs of their home country. An estimated three million Kenyans abroad are eligible to vote.

Kenyans abroad engage in political lobbying, fund-raising and other activities to influence domestic politics; they have become significant, and increasingly influential, in Kenya's electoral process. The manner in which the Diaspora may influence the electoral process is largely unknown, but it has become clear that monitoring and investigating Diaspora-based utterances and actions that may incite or provoke mistrust or violence between different communities will be a crucial task. Reaching out to those in the Diaspora to ensure that they are educated about the impact of their actions in either supporting reconciliation or fuelling the fires of ethnic polarisation should be a priority. Efforts should be made to engage the Diaspora in meaningful ways as the country embarks on a reconciliation agenda.¹⁴

Conclusion

Kenya has put in place the necessary constitutional, institutional, legal and policy framework to ensure a free, fair and peaceful election on 4 March 2013 and to allow for stability and reconciliation into the future. The level of institutional preparedness and the ability to coordinate the work of all relevant actors will be crucial in transforming violent and uncertain electoral contests into peaceful, fair and just outcomes that respect democratic norms. Parliament has passed the necessary laws; the main challenge now is the enforcement and implementation of these laws. Kenyans are concerned that laws, rules and regulations are being flouted with impunity, particularly by politicians.

It is the responsibility of all Kenyans to contribute towards a free, fair and peaceful general election. The government and other institutions need to provide the necessary oversight and leadership. For its part the NCIC shall:

- Strengthen the conflict early warning and early response system through the UWIANO Platform for Peace;



- Deepen intra- and inter-communal dialogues, especially in areas identified as conflict flashpoints;
- Strengthen existing institutions for peace building and community reconciliation, such as the District Peace Committees and Councils of Elders, through training and technical support;
- Ensure that politicians accused of engaging in hate speech are investigated thoroughly and that cases are referred to the relevant government agencies for action; and
- Accelerate activities at both the community and national levels to promote peace, including dialogue forums, peace marches and calls for non-violence and peaceful coexistence.

Recommendations

Every Kenyan individual, organisation and institution has a role to play in ensuring that the 2013 election becomes a catalyst for reconciliation, not a precursor to violence. The following recommendations identify key actors and make clear how they can enhance reconciliation through the election process.

To the Independent Electoral and Boundary Commission and the Office of the Registrar of Political Parties:

1. Establish efficient and comprehensive coordination between the two organisations, also including all other relevant stakeholders, in order to ensure that the election is conducted in an open and transparent manner.
2. Strengthen relationships with the media, recognising that the media has a critical role to play during elections in facilitating participation in the political process and in enabling voters to make informed choices.
3. Promote an issue-based political debate and zero tolerance of inflammatory language.
4. Conduct voter education all the way to the grassroots level in close cooperation and coordination with all relevant stakeholders.
5. Enforce all relevant legislation (especially the Election Act 2011 and the Political Parties Act 2011) without fear or favour.

To political parties:

1. Embrace peaceful campaigns and mainstream cohesion, integration and reconciliation principles in party policies and manifestos.
2. Engage in issue-based debates and move away from politics of ethnicity.
3. Carry out a free, fair and transparent party nomination exercise (past political violence started at the time of party nominations due to lack of internal party democracy, corruption and lack of clear nomination rules).
4. Fulfil the benchmarks for peaceful participation of all candidates and stakeholders regardless of their ethnicity and other social divides.
5. Abide by Chapter 6 of the Constitution, which sets integrity benchmarks for all public leaders and institutions of democratic governance.
6. Reform party policies and structures to reflect the affirmative action and gender parity principles of governance.
7. Ensure that all aspirants are not only aware of their responsibility to apply democratic techniques of persuasion, but also do so peacefully and without incitement through hate speech.

To politicians:

1. Behave in a manner that is consistent with the letter and spirit of the Constitution (2010).
2. Respect the Constitution (2010), particularly Chapter 6 of the Constitution on leadership and integrity, as well as the Election Act (2011) and the Political Parties Act (2011).
3. Demonstrate respect for the rule of law and the people of Kenya by strictly refraining from hate speech, inflammatory language and other activities that contributes to polarisation of communities.



4. Focus, in the conducting of campaigns, on long-term peace and development. Engage each other in issue-based debates and show each other respect and willingness to find solutions to the challenges facing Kenya. Mainstream a reconciliation perspective in campaigns.
5. Take responsibility for serving – rather than taking the power for ruling – party members and the general public.

To the Judiciary:

1. Remain impartial and further demonstrate its independence.
2. Resolve all election-related disputes within the timeframe stipulated by law.
3. Encourage the electoral management body to amicably solve election-related problems.

To the Kenya National Police:

1. Improve the relationship with the public through community policing.
2. Demonstrate universal respect for the rule of law and human rights of all Kenyans.
3. Enforce the law without fear or favour, particularly remaining impartial as far as political processes are concerned.
4. Promptly arrest offenders and arraign them in court for justice to take its course.
5. Deploy sufficient security personnel, particularly in areas designated as potential hotspots, after investing in intelligence gathering.

To the media in Kenya – print, broadcast and online:

1. Report election matters responsibly, in an unbiased fashion and with the utmost accuracy. Focus on issues rather than on individuals or ethnicity.
2. Observe fairness in coverage of election campaigns by giving equal coverage to all political parties and their candidates, as well as disclosing all relevant information when reporting on opinion polls.
3. Enforce policies that journalists shall not accept any inducement from politicians, and preserve editorial independence.
4. Use social media such as Facebook and Twitter to promote messages of peaceful coexistence and national reconciliation and to engage with public debate.

To religious leaders and faith-based institutions:

1. Remain non-partisan, firm and proactive in advocating for peaceful and credible elections.
2. Provide a neutral, de-politicised and secure space for conflict resolution and peace building.
3. Play an active role in bridging ethnic and religious divides, by encouraging forgiveness and in order to inspire communities to change negative attitudes, transform their world views and understand 'others' in the conflict.
4. Act as a much-needed voice for the voiceless, and provide checks on 'myopic' politicians.

Notes

- 1 This Policy Brief is authored by Guyo Liban, Assistant Director, Reconciliation and Integration Department, National Cohesion and Integration (NCIC), Kenya, and is part of a series of policy briefs in the tripartite project between the NCIC, Folke Bernadotte Academy (FBA) and Institute for Justice and Reconciliation (IJR) on 'Promoting National Reconciliation in Kenya'. The author would like to thank the following individuals for their comments and suggestions in the writing of this Policy Brief: Milly O. Lwanga, Vice Chairperson, NCIC; Munini Mutuku, Senior Programme Officer, Reconciliation and Integration Department, NCIC; Elvi Agunda, Project Officer, Reconciliation and Integration Department, NCIC; Peter Nordström, Programme Officer, Conflict Prevention in Practice, FBA; Therese Jönsson, Training and Project Leader, Conflict Prevention in Practice, FBA; Allan Ngari, Project Leader for Kenya and International Justice Desk, Justice and Reconciliation in Africa, IJR; Laura Young, Partner, Research & Training, ProRights Consulting.
- 2 See FBA/IJR/NCIC *Policy Brief 1*, July 2012: Ngari, A. 2012. Reconciling Kenya: Opportunities for constructing a peaceful and socially cohesive nation.
- 3 INTERNATIONAL PEACE INSTITUTE. 2010. *Election-related disputes and political violence: strengthening the role of the African Union in preventing, managing, and resolving conflict*. New York: International Peace Institute.
- 4 Bloomfield, D. 2005. Reconciliation: an introduction. In: D. Bloomfield, T. Barnes & L. Huysse (eds), *Reconciliation after violent conflict: a handbook*. Stockholm: International Institute for Democracy and Electoral Assistance.
- 5 See note 6, IJR *Policy Brief 4*, 2011, and p. 2 FBA/IJR/NCIC *Policy Brief 1*, July 2012, on the institutions created by Agenda Four of the Kenya National Dialogue and Reconciliation of 2008.
- 6 Despite much controversy about the TJRC and its failure to release a final report to date, the TJRC's public hearings throughout Kenya have provided an important starting point for airing of grievances and beginning the reconciliation dialogue.
- 7 CIPEV (Commission of Inquiry into Post-Election Violence). 2008. Report of the Commission of Enquiry into the Post Election Violence in Kenya. Nairobi: Government of Kenya.
- 8 Wahome, T. 2011. CJ announces a raft of reforms in Judiciary. *Daily Nation* [online], October, p.8. Available from: http://www.standardmedia.co.ke/?articleID=2000045393&story_title=CJ-announces-a-raft-of-reforms-in-Judiciary [accessed 20 November 2012].
- 9 IDEA (Institute for Democracy and Electoral Assistance). 2008. Electoral system design: the new international IDEA handbook. Stockholm: IDEA.
- 10 Kenya National Dialogue and Reconciliation (KNDR) *Monitoring Project. 2012. Reforms and preparedness for election* [online]. Nairobi. Review Report May 2012. Available from: <http://www.dialoguekenya.org/> [accessed 24 September 2012].
- 11 See NCIC report on the Political Parties Liaison Committee (PPLC) workshop held at The Great Rift Valley Lodge, Naivasha, 2–3 July 2012.
- 12 Dadacha, G.L. 2010. The politics of decentralisation in Kenya: a critical review of the provisions for devolution in the 2010 Kenya new Constitution. Thesis (Masters). University of Sussex.
- 13 GALLUP. 2012. *Kenya votes 2013: attitudes toward the election, judicial system, and security* [online]. Available from: <http://www.gallup.com/poll/157898/kenya-votes-2013-attitudes-toward-election-judicial-system-security.aspx> [accessed 22 October 2012].
- 14 On ways to engage the Kenyan Diaspora in the reconciliation agenda, see FBA/IJR/NCIC *Policy Brief 1*, July 2012, p. 7.





This document has been produced with financial assistance from the Swedish International Development Cooperation Agency, Sida. The views herein shall not necessarily be taken to reflect the official opinion of Sida.

© FBA, NCIC & IJR 2013

Designed and typeset by COMPRESS.dsl

