
CONCEPT FOR THE HUMAN SECURITY FORUM

IMPELEMENTING AGENDA 4 ITEMS: IMPLICATIONS FOR PEACE AND SECURITY IN KENYA

Introduction

The beginning of 2008 saw the country engulfed in 'unprecedented' violence that resulted in over a thousand deaths and nearly half a million people displaced. The post electoral violence brought to the surface deep-seated and long-standing divisions within Kenyan society and also highlighted the ineffectiveness of state authority as the security agencies were unable to bring the violence under control. In cases where they took charge, they were involved in incidents of gross human rights violations.

If left unaddressed, the divisions and grievances threaten the very existence of Kenya as a unified country. It has the danger of renewing the human security concerns that have so far plagued the majority of the population; political disenfranchisement, abject poverty, economic and social inequity.

Other than the political agreement which created the Grand Coalition government, other requirements were agreed upon by the Kenya National Dialogue and Reconciliation Committee. These included setting up committees to investigate the role of electoral commission in the ensuing violence (IREC), investigate the role of the security agencies in handling the violence (CIPEV) and the need for a truth, justice and reconciliation to examine historical injustices up to the end of 2007 (TJRC).

The final goal of the March 2008 agreement was to achieve sustainable peace, stability and justice in Kenya through rule of law and respect for human rights. These required addressing the above long standing issues. These called for the following reforms:

1. Constitutional, institutional and legal reforms - There was need to complete comprehensive constitutional review within 12 months from March 2008. These would address the political reforms such as more executive accountability, enhancing oversight role of Parliament and greater participation by the citizenry in the institutional reforms including making the judiciary more transparent; reforming the police and reviewing and defining the role of the Administration Police; and legislating bills incorporating civil service reform measures from past proposed draft constitutions as well as reviewing laws such as the Anti-Corruption and Economic Crimes Act 2003.
2. Land reforms – This is particularly essential because land has been a source of political, economic, social, and environmental insecurity in the country. The constitutional review and the finalisation of the draft National Land Use policy

and enactment of attendant legislations were to address fundamental issues of land tenure and land use.

The above reforms would work towards addressing the following human security concerns in the country.

- Poverty, inequality and regional imbalances
- Unemployment especially among the youth.
- Lack of transparency, accountability and impunity in the leadership and public sector which contributes to the populace being denied essential services.
- Need for national cohesion and unity.

The ultimate goal of agenda 4 is grounded on the achievement of sustainable peace (positive peace), stability and justice and is quite intricate on its own nature. However, the question beckons, Is the time ripe to be moving along the continuum of agenda 4? This could be justified by political risk analysis of the post conflict negotiation process. In post conflict negotiations there is a trade-off between short term and long term goals. In the Kenyan context it proved expedient to defer many divisive issues during the negotiations, at least in the immediate cessation of violence stages and the fundamental issues connected to constitutional reform, land reform and perceived inequalities between ethnic groups scaled up as the last agenda item. This step by step diplomacy is an effective tactic in peace agreements but it has to be connected to the structural woes that make positive peace to be a distant reality. The success of the long term vision of agenda 4 in whole depends on the honouring of other agenda items.

Objective

- It is with the above context in perspective that the Institute for Security Studies (ISS) and the Hanns Seidel Foundation are organising a high level closed door roundtable forum on governance and security in Kenya. The roundtable will aim at analysing the possible scenarios of non-implementation of the Agenda 4 requirements and generally on the political realities, context and opportunities of implementing the Kenya National Dialogue and Reconciliation framework.

The Forum Topic

The fact is that the current political scene indicates that the political elite are more pegged on consolidating political interests which are far from badly needed national political interest re-mapping in Kenya. The long standing structural issues demand for pragmatic statecraft by the political elite on issues cutting across the distribution of resources, consolidation of a nationalist feel in the civic and public sphere. They are also dragging their feet with the implementation of the IREC and CIPEV recommendations. This may be detrimental to the search for national peace and cohesion. The transition process also seems to be dogged by political jostling for supremacy among the grand coalition partners rather than governance.

The non-implementation of the agenda 4 items including the lack of a new constitution 12 months after the state duration raises the following key questions which the forum aims to answer:

1. Is it possible that the agreement was reached before the 2008 conflict had gone through its natural conflict cycle towards a stalemate and hence the lack of urgency and will for implementing the agreements by the contesting parties?
2. Does the current body politic have the legitimacy to oversee the transition process?
3. What are the potential human security threats for Kenya if the long standing issues are not urgently addressed? How detrimental is the present impasse to the country?
4. What are the probable scenarios the country faces in the event the above threats materialise? In this context, what is the way forward in addressing the structural conflict that is still underlying, and move towards positive peace?

Participants

The discussant to lead the roundtable will include a constitutional and or governance and transitional justice expert from outside Kenya to highlight the potential dangers and as well as share other countries' experiences; a non partisan Kenyan speaker and two partisan persons to give positions for the failure of implementation.

The target group to deliberate on the issues for this roundtable are high level officials in their personal capacity from all the implementing and relevant government departments. In order to encourage a candid and open discussion, the Chatham House rules will apply for the meeting.

The representation will include: Ministries of Justice, National Cohesion and Constitutional Affairs; Internal Security; Public Service; Lands; Planning, National Development and Vision 2030; and Finance, Others are the Attorney-General's Office, Public Service Commission, Interim ECK, KACC, Judiciary, certain Select Parliamentary Committees and Committees set up to address the Accord issues. Other experts will be drawn from the security sector, members of the diplomatic corps and civil society representation from humanitarian organisations, churches, academia, governance and, security and governance research institutions in Kenya. The variety of the target group will provide alternative views of the security and transitional debate in the country.

Output

The output is intended to feed into the process of articulating the best way to implement the identified resolutions to the long standing issues that are a source of conflict in the country. A written report of the roundtable proceedings shall be produced for limited circulation.