

August 2016

Name of process

Kenya National Dialogue and Reconciliation

Type of process

Mediated peace negotiations and implementation

Modality of women's inclusion

- Consultations (semiformal, formal and public)
- Inclusive Commissions
- Public Decision-Making

Women's influence

High influence, due to:

- A few Kenyan women who pushed for building a women's coalition and had previous experience in supporting peace processes;
- A mixed gender mediation team who helped women overcome their grievances, and pushed the parties to listen to the women's coalition;
- Handing over of a short women's memorandum with priority suggestions to the mediators and the parties;
- A gender quota for all implementation commissions;
- The ability of women to use their informal influence on negotiation delegations.

Kenya (2008-2013)

I. Background

Kenyan women's groups played an active role in resolving post-election violence and implementing the peace agreements. This was the result of the historical presence of strong female personalities in key peace and human rights organizations in Kenya, as well as their previous experiences in peace processes—not only in Kenya, but also around the region. These precedents prepared the ground for women's interventions in the process to resolve conflicts that erupted after contested presidential elections in 2007. The role of women's groups in this peace process was characterized by early action and the creation of a women's coalition across the conflict divide.

A British colony until 1963, Kenya is a multi-ethnic society of approximately 44 million inhabitants comprised of several ethnic groups, including Kikuyu (22 percent of the population), Luhya (14 percent), Luo (13 percent), and Kalenjin (12 percent). The majority religion is Christianity (82 percent), and Kenya's official languages are English and Kiswahili. Numerous local languages are also spoken. The Kenyan economy is heavily dependent on agriculture. With robust economic growth since the early 2000s,¹ the country has been classified as a lower middle-income country since 2014.² Nevertheless, poverty and unemployment remain widespread, particularly among youth. Geographically, impoverished areas tend to be located in the arid and semi-arid regions in Kenya's north and northeast.³

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Weak governance is another recurrent problem for Kenya, slowing its socio-economic development and preventing the country from effectively addressing poverty reduction, equity, job creation, and social inclusion.⁴ Listed at the low end of the Human Development Index, Kenya is also ranked 126 of the 155 countries included in the 2014 Gender Inequality Index.⁵ Poverty touches more women than men for a number of reasons—among them various socio-cultural barriers, patriarchal land inheritance systems, low female literacy levels,⁶ and persistent gender disparities in labor market access.⁷

Kenya's colonial governance model featured a strong centralized state led by a dominant executive. After gaining independence in 1964, Kenya remained a single party state until 1992, with short periods of multi-party revivals. An active and strong Kenyan civil society became synonymous with the democratization process in the 1990s. In 2002, Kenyans voted overwhelmingly for a multi-party coalition led by Mwai Kibaki, who pledged to create a new constitution and take action against corruption and lawlessness. However, this governing coalition and its associated political promises collapsed in 2005, resulting in intensified polarization of party politics, patronage, and corruption, often along ethnic lines.

The root causes of violence and conflict in Kenya emerged during the colonial period and have since been exacerbated by the politics of successive post-colonial governments.⁸ The outbreak of violence in 2007 was based on three main factors:

- 1) Historical grievances over land issues and other forms of discrimination;
- 2) The ethnicization of politics; and
- 3) Tactical use of violence as a political instrument.⁹

In 2007 and 2008, this renewed wave of violence resulted in more than 1,000 deaths and 350,000 displaced people in only a few weeks. Violence was triggered just after presidential elections when the incumbent President Kibaki, who chaired the coalition Party of National Unity (PNU), was declared the official winner. The 2007 election had many known irregularities,¹⁰ causing results to be contested and encouraging the widespread belief that opposition leader Raila Odinga from the Orange Democratic Movement (ODM) had won.

Violence manifested in different ways during the post-election crisis. First, protests demanding electoral justice spread across six of Kenya's eight regions—those most densely populated by ODM supporters. Violence was initially directed at government property and institutions, but it soon turned towards targeting President Kibaki's Kikuyu ethnic group. Many Kikuyus were evicted from their homes and farms; this, in turn, provoked retaliatory attacks against ODM supporters in 2008 (mainly Luo, Luhya, and Kalenjin).

Among the many allegations and accusations made by both sides, it appeared that politicians hired Kikuyu youth, most of them criminal groups, to lead the attacks. The same pattern occurred with Kalenjin youth.¹¹ Overall, attacks against the ODM and associated ethnic groups were characterized by excessive use of force by the police.¹² Sexual and gender-based violence, such as rape and forced circumcision of Luo people were also reported.¹³

International attention to the Kenyan crisis resulted in a series of prominent mediation visits to help solve the crisis—among them, various former or incumbent heads of African states, the African Union (AU), and the US government. These efforts facilitated an external mediated solution, and led to the establishment of a Panel of Eminent African Personalities under the chairmanship of former UN Secretary-General Kofi Annan. It also included former first lady of Mozambique and South Africa Graça Machel and former president Benjamin Mkapa of Tanzania. The official track one peace talks—named the Kenya National Dialogue and Reconciliation—were launched on 29 January 2008 with the objective of ending violence by reaching a political settlement between the two conflicting parties, but also addressing the longer-term structural problems that enabled the escalation of violence. The dialogue process contained four agenda items¹⁴ and, in only a few weeks, produced four peace agreements that were implemented and monitored by several post-agreement commissions. Overall, this process intended to combine short-term efforts to end the violence and confront its immediate consequences with longer-term political strategies to address the roots causes of the crisis, including constitution reform.¹⁵ In 2010, the Kenyan electorate overwhelmingly accepted a new constitution in a national referendum. The first presidential elections following the 2007-2008 crisis were held in March 2013.¹⁶ Uhuru Kenyatta won this election, which was largely peaceful. Elections for the newly-established counties also took place, resulting in the devolution of power as stated in the 2010 constitution. At the same time, Kenyatta's election meant that Kikuyu elites, who ruled the country in the early days after independence, regained power in the new system. This case study focuses on the role that women's groups played in the 2008 dialogue and in the creation of commissions to implement the peace agreements that resulted. In particular, it addresses the role of the prominent Kenya Women's Consultative Group, among other civil society groups active in the process.

Actors Involved in the Process

Immediately after violence broke out, Kenyan civil society organizations came together to discuss peace strategies

In addition to the external mediators noted above and the negotiating teams drawn from the government and opposition, several civil society organizations played a significant role in Kenya's National Dialogue and Reconciliation process. Some Kenyan civil society organizations, along with international NGOs and governments, were trying to prevent violence before the elections. Many organizations were active in monitoring human rights violations before, during, and after the elections and their aftermath. Immediately after violence broke out, Kenyan civil society organizations came together to discuss peace strategies. Among the groups particularly active from the start were Concerned Citizens for Peace (CCP) and Kenyans for Peace with Truth and Justice (KPTJ). These groups were essential in pushing for external mediation, involving the media and lobbying the international community.

However, peace and human rights activists were often divided on how to address the crisis. While peace groups were more focused on ending the violence and pushing for a government of national unity, human rights groups frequently sought to establish a peace deal that addressed the causes and consequences of the violence, including accountability.

With some exceptions, CCP members were Nairobi professionals who did not always have strong connections to the conflict-affected areas. Kenyan peace organizations nominated individuals to join CCP. A similar situation occurred for the KPTJ—a group created right after the violence started in 2007—although that process was driven by leading Kenyan human rights organizations.

Women Involved in the Process

Some women wanted to address the conflict from a women's perspective and founded a separate entity called the Kenya Women's Consultative Group

This case study focuses on the role of women's groups. However, the role of individual women, such as Martha Karua and Sally Kosgey who were appointed as negotiators of the main conflict parties (PNU and the ODM, respectively), cannot be disregarded. The role of Martha Karua will be further discussed in the process factors section. Women were also part of the CCP and KPTJ groups. However, some women—especially within CCP—wanted to address the conflict from a women's perspective and founded a separate entity called the Kenya Women's Consultative Group (KWCG). The KWCG consisted of women who shared similar professional backgrounds in peacebuilding, development, and humanitarian organizations and who were seeking to have a more active role in shaping events from a gender perspective. Like the CCP and KPTJ, the female professionals in the KWCG had few links to conflict affected areas and their participation in the KWCG was also defined by self-selection processes.

Before the peace process started, the women involved were known not only by their professional reputations, but also for their active role within civil society organizations, notably in the fields of peace and human rights. Well before the 2007–2008 violence, Kenyan women had been involved in peace processes in Kenya and around the region.¹⁷ They had also undergone numerous international trainings and other targeted capacity-building efforts to address the full spectrum of issues relating to women, peace, and security. Hence, there was a fertile ground to discuss the crisis from women's perspectives.

The CCP, KPTJ, and KWCG were already active when the peace negotiations began, which facilitated their engagement in the process. The groups directly contacted the mediators, who went on to establish close ties with them, gradually transforming them into semi-official consultative bodies. In addition, the mediators consulted a fourth body that represented the business community, the Kenyan Association of Manufacturers (KAM). Public consultation had a participatory nature; relevant community representatives from all over the country were included. All Kenyans 18 years or older were allowed to participate in the 2010 public referendum to approve the new constitution.

Modalities of Inclusion of Women's Groups ¹⁸

Kenyan women were prominently included in informal, and then semi-formal, consultations during the peace negotiations. They were also part of the post-agreement inclusive commissions, as stated in the commissions' founding charters. All inclusive commissions held public consultations throughout the country to understand people's grievances and concerns, which many hoped would be addressed later in the commissions' reporting. Women also participated in broad-based public consultations and the national referendum to approve the new constitution, but these are not explored in depth in this case study.

1 | Consultations

The KWCG sought to assess the national situation from women's perspectives and influence the negotiation agenda. It sent invitations to all women's organizations in the country and held several preliminary meetings and consultations ranging from 10 to 200 participants.

Graça Machel, a member of the panel, strongly supported a group of twenty women from the KWCG to overcome their grievances and differences, get ready for consultations, and issue a joint statement

As a result, the KWCG managed to gain influence on two levels. First, through a nationwide network, they coordinated and supported humanitarian activities of women's groups in the conflict-affected areas. Second, on the political level, they effectively linked up with the AU mediation panel. Graça Machel, a member of the panel, strongly supported a group of twenty women from the KWCG to overcome their grievances and differences, get ready for consultations, and issue a joint statement. The women from this group presented a joint Women's Memorandum to the mediation team, which, among other issues, addressed the gender dimension of the conflict, land distribution, constitutional reform, women's rights, and mainstreaming gender-sensitive language in the negotiation agenda and agreements. The memorandum was presented to the AU panel and the negotiating parties. The group also met several times with Kofi Annan and provided him with suggestions for the next round of negotiations and agreements. Overall, the KWCG managed to influence different agenda items, including pushing for investigation of gender-based violence, which was included in two of the follow-up investigation commissions (the Commission of Inquiry into Post-Election Violence and the Commission of Truth, Justice and Reconciliation). A number of their suggestions regarding the humanitarian and internal displaced persons' crisis were also incorporated into the agreement on agenda item two, addressing the humanitarian crisis and promoting reconciliation, healing and restoration.

Additionally, women took part in the process through the two other organized civil society groups: the CCP and the KPTJ. The CCP was conceived as an open forum organized in thematic working groups, with a High Level Dialogue Committee and overall gender balance. It was a place to transform ideas into strategies and to link groups and leaders to different networks. The core team was comprised of four men and one woman. The CCP was initiated by a woman, who later left the group and created the KWCG. The KPTJ, a group of human rights lawyers, had a balanced gender representation and its more than 30 organizations and individuals had informal interactions with the negotiating parties and the AU panel.

Kenya has a long tradition of public engagement, in which local women's organizations have historically played an important role

Finally, in addition to semi-formal and informal consultation, there were also public consultations. These were important spaces for participation since the public hearings formed the basis of the commissions' reports. There were many conditions favoring women's participation in public consultations—not only because public participation was explicitly stipulated in the founding charters of these Commissions, but also because Kenya has a long tradition of public engagement, in which local women's organizations have historically played an important role. Despite the positive conditions for women's inclusion, it is difficult to identify the specific contributions or impact of women during these consultations.

2 | Inclusive Commissions

Several commissions were set up as part of the first four agenda items in the final peace agreements. The majority were established to address long-standing issues, and the results were directly fed into the drafting of the new constitution. A few of the commissions also aimed to implement short-term measures to address various aspects of the peace agreements and to prevent future violence by creating a more just society. Among the most prominent commissions were the Constitutional Reform Commission, the Independent Review Commission (also known as the Kriegler Commission); the Commission of Inquiry into Post-Election Violence; the Truth, Justice and Reconciliation Commission; and the National Integration and Cohesion Commission.

Overall, the commissions included different social and political constituencies and mixed gender and geographic representation. Positions within the commissions were publically advertised, and human rights groups, in particular, actively lobbied for their respective candidates. Notably, these groups supported women to become prominent actors in the peace process. In some cases, their requests for gender balance in the commissions were then incorporated in the commissions' founding charters, guaranteeing women's representation. For instance, the founding charter of the Truth, Justice and Reconciliation Commission stated that the commission will consist of seven members, with a clause specifying gender balance. This gender parameter also applied for the National Integration and Cohesion Commission.

II. Analysis of Women's Influence: Enabling and Constraining Factors

A set of process and context factors enabled women groups to assert influence on the Kenya National Dialogue and Reconciliation. Ultimately, the influence of women's groups was strong and positive, mainly channeled through the KWCG. During the consultations, they managed to influence the agenda items and push for their interests—particularly through the joint Women's Memorandum—and were empowered by the mediation team.

Process Factors

1 | Coalition Building

Coalitions were a decisive and useful mechanism that helped several organizations cooperate under a unified representative umbrella

Coalitions were a decisive and useful mechanism that helped several organizations cooperate under a unified representative umbrella, and thus to influence the agreements. Among these were the Kenya Women's Consultative Group, which helped women to shape the National Dialogue process from a common platform. During the consultations with the AU, women's groups applied a variety of strategies to influence the negotiations. They provided concrete suggestions for the negotiation agenda, and many of these shaped the text of the final peace agreements. The groups also had informal contact with the negotiation teams and engaged in successful lobbying of the international community, which put additional pressure on the parties. In this way, the positions of the groups were strengthened and ultimately included in the agreement.

2 | Attitudes of Conflict Parties and Mediators

Besides the international mediator, the formal peace panel consisted of the members of the PNU (government) and the ODM. Each conflict party had only one woman among their four negotiators. Sally Kosgei was the female negotiator for the ODM while Martha Karua's was the female negotiator of the PNU. Even though Karua's political standing helped her to secure the position as chief negotiator, she felt discriminated against as a female negotiator. Possibly motivated by a desire not to be marginalized as only competent to represent women's issues, Karua was resistant to the advocacy of civil society. This provoked mixed feelings of betrayal and disappointment on the part of some female civil society representatives.¹⁹

Graça Machel's presence as part of the mediation panel was crucial for Kenyan women. She helped women's groups to overcome their grievances and differences, and advised them to unite on common grounds, put aside political differences, and support the development of the Women's Memorandum. The women's recommendations resonated with critical issues relevant to Kenyan civil society at large. As a result, Kofi Annan also invited the women to present the memorandum to the negotiation delegations and directly consulted them for suggestions in subsequent rounds of negotiations.

During this feedback session, the KWCG prepared a second memorandum. Informal exchanges between the women and the mediation team continued, but not as often as consultations with the CCP and KPTJ. Overall, the mediation team was extremely supportive of incorporating broader voices into the negotiations. In fact, increasing participation was an asset for the mediation strategy; it helped the mediators get a sense of people's opinions and suggestions, while also indirectly putting pressure on the parties.

3 | Transfer, Communication, and Advocacy Strategies

Women's groups relied on a number of strategies to influence, inform, or advocate for issues related to the negotiations. First, the core members of the KWCG developed the aforementioned Women's Memorandum that was presented to the mediation team before the official talks started. Drawing on UN Security Council Resolution 1325 and the AU Solemn Declaration on Gender Equality in Africa, the Memorandum called for addressing the violence from a gender-specific perspective. It recommended the use of specific women's rights language in the agenda and agreements, in addition to addressing the root causes of violence, such as constitutional reform, transitional justice mechanisms, and the strengthening of electoral bodies. In addition, the Women's Memorandum highlighted the gender dimensions of humanitarian relief for internally displaced persons and recommended that women be present at the official talks.

Other strategies used by the groups included daily informal conversations with the mediation team; pressure on the parties through international lobbying; and public awareness-raising. The latter involved media activities, documentation of human rights violations, analyses of the causes and consequences of the violence, and the launch of the Citizens' Agenda for Peace.²⁰ All these activities helped the mediators put pressure on the parties to accept the four agenda items, and some recommendations from women and civil society made it into the agreement text.

4 | Funding

The KWCG relied on voluntary work of its members and quick, flexible funding from two international NGOs: Urgent Action Fund and Action Aid. Similar to the KWCG, most of the CCP and the KPTJ activities relied on voluntary work, while others were funded by member organizations. Overall, flexibility of funding directed to the groups contributed positively to the participation of women in the process. Funding was mostly provided for supporting traveling expenses and meetings.

5 | Selection Criteria and Procedures

The establishment of socio-demographic selection criteria and procedures, including gender, enabled the participation of women in the commissions. In fact, the selection of participants was specified in the founding charters of some of the commissions, requiring balanced gender and geographic representation. The selection process was also transparent. For instance, all posts were publicly advertised in newspapers and the official government newsletter.

Context Factors

1 | Presence of Strong Women's Groups

The strong presence of active women's groups with an established tradition of engagement in society made it easier for them to participate in the process. Before the peace process started, Kenyan women leaders were known not only for their professional experience, but also for their active role within civil society both in Kenya and the region. Over the years, many participated in international training and workshops related to peace issues. Because of long-term engagement with peace and human rights issues, women were prepared for a quick and flexible reaction to the crisis, which enabled them to gain influence in the peace process.

2 | Public Buy-in

There was societal support for ending violence and addressing the causes of conflict. Indeed, broader participation in implementation mechanisms and the constitution process was politically supported from all sides. Additionally, the referendum over the constitution was an essential enabling factor to ensure public buy-in into an elite pact, as well as a central element in giving the Kenyan people a say in their future.

3 | Regional and International Actors' Influence

International and regional actors also played a role in fostering an atmosphere conducive to peace. Numerous governments put pressure on the relevant domestic parties and provided expert support, facilitation, and funding. For example, the US government reacted quickly to the crisis and sent the Undersecretary for African Affairs to Kenya.

At a later stage of the negotiations, the US Secretary of State visited Kenya to put additional pressure on the parties. The strong commitment of the US helped to create a climate suitable for mediation and for reaching a peace deal. Members of KPTJ also visited the US and lobbied for the US government to put pressure on the parties to end the violence, address its causes, and consider accountability issues. The AU also reacted quickly to the crisis. The AU chairman lobbied for activation of a high-level AU panel to address the crisis. Finally, the International Church Networks, upon request by the Kenyan churches, immediately made contact with Archbishop Desmond Tutu to bring him in as mediator early in the crisis.

III. Conclusion

Women's groups were prominent actors in the post-election violence resolution process and its implementation in Kenya. Immediately after the election violence began, women's peace, human rights, and humanitarian NGOs representing different sides of the conflict started working together. These existing relationships facilitated cooperation and helped women not only pressure the negotiating parties, but also shape the negotiating agenda and later play a role in implementation.

Kenyan women's groups were most influential through their active participation in consultations and the post-agreement commissions. In addition, it is worth mentioning that the three main networks that engaged in consultations (besides the business community) were largely representative in terms of gender, although they brought together mainly Nairobi-based professional groups with few grassroots linkages to the rest of the country.

Challenges to women's representation still remain; however, the results of the 2013 general elections show that the rate of women candidates who vied for elective offices was very close to that of men

The high impact of the women's group on the negotiations was possible due to several factors, including women's strong and persistent engagement, their previous experiences in peace processes in Kenya and the region, their early action, and the openness of the mediation team. Challenges to women's representation still remain; however, the results of the 2013 general elections show that the rate of women candidates who vied for elective offices in the National Assembly and the County Assemblies was very close to that of men.²¹ This offers hope for women's representation in politics and policymaking in the future. Finally, violence did not recur in the March 2013 elections, which can also be interpreted as a success.

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- ³ Among other indicators, life expectancy at birth was 61 years old according to the most current data available (2013), and the literacy rates for both sexes are higher in comparison to other Sub-Saharan African countries (all income levels included). Source: World Bank, "Data – Kenya," 2010. <http://data.worldbank.org/indicator/SE.ADT.LITR.ZS/countries/1W-C9-ZG?display=graph> (accessed January 2, 2016).
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¹³ Ibid.

¹⁴ Agenda 1 dealt with stopping violence; Agenda 2 addressed the humanitarian and internal displaced persons' crisis; Agenda 3 dealt with the settlement of the political crisis; Agenda 4 addressed long-term problems and grievances in the country.

¹⁵ Among the main commissions there were: Constitutional Reform Commission; Independent Review Commission, Truth, Justice and Reconciliation Commission (TJRC); Land Commission; Electoral Reform Commission; and National Integration and Cohesion Commission (NICH).

¹⁶ This marked the end of the interim coalition government established in 2008 under Agenda 3.

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²⁰ The Citizens' Agenda for Peace is the paper that resulted from the open forum organized by the CCP and was launched in early 2008. It was a space for people to share, analyze, connect strategies, and act jointly.

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Women in Peace and Transition Processes

Case studies in this series are based on findings of the “Broadening Participation in Political Negotiations and Implementation” research project (2011-ongoing), a multi-year comparative research project led by Dr. Thania Paffenholz at the Graduate Institute of International and Development Studies, Geneva. The Broadening Participation project examines how and under which conditions various actors participate in and influence peace and political transition processes. The project’s dataset so far comprises 40 mainly qualitative case studies of negotiation and implementation processes, covering 34 countries, and ranging from 1989 to 2014. These cases are categorized according to a range of groups of included actors and a framework of seven inclusion modalities developed by Thania Paffenholz. Among the case studies under review for this project, 28 included measurable involvement of women. In this context, women were defined as relatively organized groups, including delegations of women, women’s civil society organizations, coalitions or networks, which sought inclusion in peace negotiations and the implementation of agreements. The project did not investigate the role of women as mediators. For more information, see: www.inclusivepeace.org.

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The Inclusive Peace and Transition Initiative (IPTI) is dedicated to evidence-based research and its transfer to policy and practice. The objective of the initiative is to support sustainable peace by providing expertise and information on the inclusion of diverse actors in peace and transition processes. This expertise is drawn from a collection of research projects that have been conducted for nearly a decade at the Graduate Institute of International and Development Studies in Geneva under the lead of Dr. Thania Paffenholz.

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