EARLY WARNING AND CONFLICT PREVENTION BY THE EU:

Learning lessons from the 2008 post-election violence in Kenya

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ABBREVIATIONS

ACP	African, Caribbean and Pacific
APSA	African Peace and Security Architecture
AU	African Union
CBSS	Country-based Support Schemes
CFSP	Common Foreign and Security Policy
CIPEV	Commission of Inquiry into the Post-election Violence
CSDP	Common Security and Defence Policy
CBOs	Community-based Organisations
CEWARN	Conflict Early Warning and Response Mechanism
CEWERU	National Conflict Early Warning and Response Unit
CSOs	Civil Society Organisations
CSP	Country Strategy Paper
DG Dev	Directorate General for Development Cooperation
DPC	District Peace Committee
EC	European Commission
ECHO	European Commission Humanitarian Office
EDF	European Development Fund
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
EU	European Union
EUD	European Union Delegation
EVRI	Electoral Violence Response Initiatives
FBOs	Faith-based Organisations
GDP	Gross Domestic Product
HR for CFSP	High Representative for CFSP
ICC	International Criminal Court
IDPs	Internally Displaced People
IEBC	Independent Electoral and Boundaries Commission
IfP-EW	Initiative for Peacebuilding – Early Warning
IfS	Instrument for Stability
KPfPS	Kenya Partnership for Peace & Security
MFF	Multiannual Financial Framework
NCEWERS	National Conflict Early Warning and Response System
NCIC	National Cohesion and Integration Commission
NGOs	Non-governmental Organisations
NRI	National Research Institutes
NSA LA	Non-state Actors – Local Authorities
NSC	National Steering Committee (on Peacebuilding and Conflict Management)
ODM	Orange Democratic Party
PNU	Party of National Unity
SITCEN	Situation Centre
UN	United Nations
UNDP	United Nations Development Programme

CONTENTS

SUMMARY

This report is one of eight case studies developed under the Initiative for Peacebuilding – Early Warning project, Improving Institutional Capacity for Early Warning cluster. It looks at the way conflict early warning, as well as other conflict-related information and analysis, was taken into account, processed and acted upon by EU actors in Kenya before, during and after the post-election violence at the end of 2007-beginning 2008. The report draws on research and interviews conducted throughout 2011 in Kenya and Brussels with EU staff, as well as with key informants from some Member States, the United Nations Development Programme (UNDP), various non-governmental organisations (NGOs) and local civil society organisations (CSOs). It also draws on two regional workshops organised within the framework of the project and the bringing together of in-country early warning practitioners. The second purpose of the report is to identify the other local and national capacities involved in conflict analysis, early warning and peacebuilding activities in Kenya, the challenges they face and the opportunities to overcome them. In that respect, the report highlights a people-centred early warning-early response model which empowers conflict-affected communities to identify their main security threats and to respond to them in a constructive and peaceful way.

Conclusion 1: This case study of the EU's approach towards the 2008 post-election violence and conflict dynamics in Kenya shows that **there is no shared understanding of, or sense of belonging to, an EU early warning system** and, beyond that, a strong commitment to a EU conflict-prevention agenda. EU actors are aware of the conflict dynamics with which they are confronted, but – apart from a couple of specific cases and purposes (such as SITCEN to a certain extent) – this knowledge is not captured in a systematic way (i.e. by applying a specific methodology, regularly updated and linked to a set of response options in order to create a shared understanding of conflict dynamics tracked across time).

> **Recommendation 1.1**: The EEAS should clarify its approach to early warning and related procedural implications, and communicate these among Brussels and Delegation staff.
> **Recommendation 1.2**: The EUD in Nairobi should consider engaging more systematically with local, national and international stakeholders on issues relating to conflict prevention and peacebuilding in Kenya.

Conclusion 2: Sharing a common understanding also implies the **need to manage expectations towards early warning: the purpose of early warning is not so much to forecast and predict but rather to anticipate conflicts.** Everyone acknowledges that it would have been almost impossible to predict the degree and extent of the post-election violence. The question is, therefore, how to anticipate these events. This means gaining an understanding of conflict drivers and dynamics, and then being prepared to act on this understanding to prevent violent outcomes and identify opportunities to settle differences.

> **Recommendation 2.1**: The EEAS, together with the EC, should develop guidance on conflict analysis, with the objective to raise awareness about the rationale, added value and practical implications of undertaking conflict analyses.
> **Recommendation 2.2**: Training on conflict prevention and peacebuilding should be expanded and available at Delegation level to ensure that all staff share a similar understanding of these issues and their practical implications at all levels.
> **Recommendation 2.3**: Clear management instructions need to be provided at all levels to ensure conflict-sensitive approaches are mainstreamed proactively and more systematically.
> **Recommendation 2.4**: The EEAS and the EC should take advantage of the next programming cycle to test and apply these approaches and methods.

Conclusion 3: **EU context analyses focus more on the broad level country situation rather than local level and conflict dynamics.** The EU is proficient in assessing broad level dynamics, such as the economic, social, political and security situation in a country. However, the Kenya case study shows that the EU has a less systematic way of dealing with weak signals and local level dynamics, which are both the consequences of and the drivers of tensions threatening state stability and social cohesion. While EU staff sometimes have a good understanding of these dynamics, this knowledge is not systematically captured to respond in a preventive way. There are different reasons for that, such as not only a lack of appropriate monitoring and analytical frameworks, but also a lack of a clear purpose: what kind of response, programming process or decision making would that type of exercise inform?

Recommendation 3.1: The EEAS and the EC should elaborate analytical frameworks to monitor conflict dynamics at all levels, taking into account, and with a view to inform, programming decisions and political dialogue as appropriate.

Recommendation 3.2: The EEAS should pilot these analytical frameworks in a few selected countries.

Conclusion 4: The challenge of analysing weak signal and local level conflict is also linked to **the difficulty of addressing local level conflicts, i.e. linking early warning with early response where responses need to be provided.** The Kenya case study shows that one way to address these conflict dynamics is by empowering people to identify their own security issues and to address them through track II mediation and community security types of projects. This is the kind of structure that has been set up following the post-election violence through the peace committee model. The Uwaino initiative, building on these national and local capacities, has been successful in contributing to violence prevention during the referendum process.

Recommendation 4.1: The EU should consider more systematic support for track II mediation and community security approaches to ensure early warning is linked with early action.

Conclusion 5: This analysis shows how instruments like **the EIDHR and NSA LA are useful to provide a complementary response to the crisis, and to anticipate forthcoming conflict risks** (2013 elections). Whereas EDF programming is often disconnected from conflict dynamics, it has still been **possible to address some sensitive issues through this long-term instrument**, such as the focus on governance as a priority in itself or as a cross-cutting issue in community development programmes.

Recommendation 5.1: The EU should consider using the EIDHR and NSA LA calls for proposals more systematically as complementary responses to crisis situations and in a preventive mode to support civil society activities which contribute to bringing about positive change.

Recommendation 5.2: The EEAS and the EC should develop guidance for conflict-sensitive programming of the EDF, as well as other short- or long-term instruments, so that programmes funded under these instruments can address conflict more proactively.

Conclusion 6: **The ongoing establishment of the EEAS, a revived mobilisation around conflict prevention**[1], **and the preparation for the next Multiannual Financial Framework (MFF) provide good opportunities to reconsider how the EU has approached and responded to conflict so far**, especially through early warning systems and programming processes.

Recommendation 6.1: EU institutions should take advantage of the new political responsibilities of the EUD, new political reporting instructions, and processes undertaken in Brussels to set up a conflict-prevention group to ensure services are in a better position to anticipate and then respond to conflict in a preventive manner.

Recommendation 6.2: EU institutions should take advantage of the next MFF to review the EDF programming process and explore how synergies between political, analytical and programming capacities, both in country and in Brussels, can be strengthened.

Recommendation 6.3: Similarly, any attempts to "further strengthen early warning", as expressed by the Council conclusions on conflict prevention, should also aim to strengthen these synergies to eventually design and implement short- and long-term preventive actions.

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1   3101st Foreign Affairs Council meeting: 'Council conclusions on conflict prevention, Luxembourg, 20th June 2011.

Conclusion 7: Despite several institutional, political and technical challenges, **an effective early warning model in Kenya should contribute to building long-term peace and reinforcing state-society relations**. For a state, responding to early signs of tensions or violence is also an opportunity to restore its legitimacy among its citizens. It is also an opportunity for citizens to build trust in structures at local and national levels.

Recommendation 7.1: The EU, along with other regional and international organisations, should encourage and support local and national capacities for peace and security to strive for more effectiveness in preventing tensions from slipping into violence, and in contributing to building inclusive and peaceful state-society relations.

INTRODUCTION

The European Union (EU) is the world's biggest aid donor, but has also gradually shown its willingness to become a global actor. The development of a Common Foreign and Security Policy (CFSP), the deployment of EU operations, the adoption of a EU Programme for the Prevention of Violent Conflicts (in 2001) and other external action-related policy frameworks are some of the milestones which have – theoretically, at least – given the EU a stronger role in preventing and responding to conflict. However, failures to prevent genocide, violent conflicts, and new countries from slipping into fragile situations have challenged the EU's – and, more generally, the international community's – ability to take into account and respond to early warnings of conflict.

Turning early warning into timely action is not straightforward. In addition to dealing with the political realities of sovereignty, security and physical access in country, adequate institutional structures and processes are critical for the EU to analyse and respond to early warning signals. Preventing violent conflict effectively requires a robust and mainstreamed capacity to monitor and analyse conflict trends and appropriate early warning signals; systems to communicate findings and recommendations to the relevant in-country and Brussels-based actors; a political decision to mobilise capacity and resources for a timely and effective response. Coordination between EU institutions, Member States and in-country actors is also crucial throughout these various stages of analysis, warning and response to ensure coherence and to maximise the efforts of each actor.

In the first phase of the Initiative for Peacebuilding Early Warning (IfP-EW) project, Saferworld and Clingendael mapped the EU's early warning systems, examining how the EU gathers and analyses conflict-related information, and how it anticipates, prevents and then responds to early signs of tensions or ongoing crisis. This report builds on the initial findings of those mapping exercises and looks at the way conflict early warning, as well as any conflict-related information and analysis, has been taken into account, processed and acted upon by EU actors in Kenya. In order to do this, the research timeframe starts with the crisis which broke out following the disputed results of Kenya's general elections in December 2007, and runs through to 2013 with the lead up to the anticipated general elections. The report draws on research and interviews conducted in Kenya and Brussels throughout 2011 with EU staff, as well as key informants from the United Nations (UN), early warning practitioners from different organisations, and civil society organisations (CSOs). It also draws on Saferworld's experience in working on peace and security issues in Kenya over many years.

The second purpose of this report is to identify the other local, national and international actors involved in conflict analysis, early warning and peacebuilding activities in Kenya, the kind of challenges they face and ways to overcome them. In that respect, the report highlights a people-centred early warning-early response model which empowers conflict-affected communities to identify their main peace and security threats, and to respond to them in a constructive and peaceful way.

The first section of the report provides some context to recent historical developments, i.e. the 2008 post-election violence and the issues which remain of concern in the lead up to the 2013 elections. The second section looks at the way the EU anticipated and responded to the 2008 conflict and how it is anticipating the forthcoming presidential elections. The third section focuses on local, national and international actors and systems to prevent conflict and build peace in Kenya. The final section sets out conclusions and recommendations to enhance the effectiveness of the EU's own conflict-prevention activities on Kenya, and also to support the capacity of other actors to contribute.

I. KENYA CONTEXT ANALYSIS

This section provides a brief overview of Kenya's recent history, focusing specifically on the tensions which threatened stability and social cohesion, and eventually led to the 2008 conflict. It also sets out the issues which still need to be considered and addressed in order to prevent a resurgence of conflict in the country, especially around the next presidential elections to be held in March 2013.

1. A REGIONAL POWER WITH INTERNAL WEAKNESSES

Kenya is a country of multiple contrasts. It is a regional trade hub and the transport link to the world for many of the countries in the Greater Horn of Africa and the Great Lakes, while also being a major destination for tourists from across the world. Before the post-election violence of 2007/2008, Kenya had often been hailed as an island of stability in a region engulfed in political turmoil and civil wars, and played a key role in hosting and facilitating peace processes in Somalia and Sudan.

However, over the years socio-economic realities have become challenges to stability and cohesion. Kenya has recently faced an economic crisis characterised by decreasing agricultural productivity, a reduction in arable land, an uncompetitive manufacturing sector, poor infrastructure and utilities, food insufficiency and global marginalisation. It has also faced a political dilemma characterised by a lack of legitimacy, widespread mistrust of the judiciary, weakness of oversight institutions such as parliament, widespread mistrust of partisan security forces, non-delivery of services despite heavy taxation, and increasing exploitation of ethnic and regional differences for political mileage. On top of this, there has been a social crisis characterised by increased criminal violence, a growing number of unemployed youth, the inability of the health and education systems to meet the needs of the population, the collapse of many rural communities, and an increase in familial violence.[2]

These dynamics have played a major role in shaping Kenya's socio-economic and political context and are well captured in Kenya's development blueprint, "Vision 2030", covering the period 2008 to 2030. This blueprint aims to transform the country into a newly industrialised, middle-income country providing a high quality of life to all its citizens by the year 2030. The vision is based on three pillars: the economic, the social and the political. The economic pillar aims to improve the prosperity of all Kenyans through an economic development programme covering all the regions of the country, and aims to achieve an average GDP growth rate of 10 percent per annum, beginning in 2012. The social pillar seeks to build a just and cohesive society with social equity in a clean and secure environment. The political pillar aims to realise a democratic system founded on issue-based politics which respects the rule of law, and protects the rights and freedoms of every individual in Kenyan society. Vision 2030 is to be implemented in successive five-year medium-term plans, with the first such plan covering the period 2008-2012. At an appropriate stage, another five-year plan will be produced covering the period 2013 to 2017, and so on until 2030.[3]

How successfully Kenya moves towards its development vision depends partly on how it addresses the root causes of the conflict which threatened to tear the country apart in 2008 following the disputed outcome of the presidential elections, and also wider, general conflict issues. There will only be a successful and prosperous outcome for Kenya if there are radical measures to revive the economy and if there is comprehensive

2   Institute of Economic Affairs and Society for International Development (2000). *Kenya at the Crossroads: Scenarios for Our Future.* Nairobi: IEA and SID, p.7.
3   Government of Kenya (GoK) (2007). *Kenya Vision 2030: A Globally Competitive and Prosperous Kenya.* Nairobi: Government Printers.

reorganisation of Kenya's primary institutions, models of governance and relationships between citizenry and government.[4]

2. PRESIDENTIAL ELECTIONS IN KENYA: A TRADITIONAL STRUGGLE BETWEEN ETHNIC GROUPS

Prior to the 2008 post-election violence, the popular (and indeed accurate) view of Kenya's presidency and other political offices was as positions for self-enrichment and the misappropriation of national resources to the advantage of one's group. By then, the politicisation of ethnicity had become a key determinant in shaping political dynamics in Kenya. Since independence in 1963, the institution of the presidency had been at the centre of Kenya's politics. As a result, presidential elections were a decisive moment in determining which groups would gain unchallenged access to public office and finances.[5] Kenya experienced many years of relative peace during the single party system and the idea of reintroducing multiparty politics kept on being discredited with the argument that it would bring turmoil. In an attempt to fulfil this prophecy, the state began to sponsor ethnic conflicts in opposition areas, particularly the Rift Valley. State-sponsored ethnic conflict became a characteristic of every election, as witnessed in 1992 and 1997. Crucially, however, the perpetrators and organisers of electoral violence were never brought to justice, thereby entrenching a culture of impunity. President Moi's eventual defeat in 2002 in largely free and fair elections saw the arrival of a broad-based coalition government with reformist credentials. A revised constitution and anti-corruption drive were promised and appear to have been pursued at least for a time. The promise of wide-ranging reform did not however materialise and the political campaigning around the promised 2005 constitutional referendum proved bitterly divisive. The emergence of the two personality-driven, ethnically polarised political factions which fought each other in 2008 can be traced back to this point.[6]

3. THE 2008 POST-ELECTION VIOLENCE: A PREDICTED SCENARIO OF UNFORESEEN MAGNITUDE

In light of the relative stability experienced over recent years, and compared to other neighbouring countries, the magnitude of the crisis following the 2007 presidential elections was largely unexpected. Analyses by intelligence agencies, as it emerged during public hearings conducted by the Commission of Inquiry into the Post Election Violence (CIPEV), indicated that the country was highly ethnically polarised in the period leading up to the general elections. This was manifested in speeches by politicians at political rallies and in local print and electronic media. Many other assessments by CSOs shared these observations and had indicated the potential for conflict, but not on the scale experienced after the elections. Nevertheless, observers agree that despite signals of potential violence, the emerging analyses were not integrated into any conflict-prevention planning by different actors, and were therefore left unaddressed.[7] When the violence broke out immediately after the announcement of the presidential election results on 27th December 2007, initially in the Rift Valley in the west which then spread to the central regions of the country and some parts of Nairobi, it caught the state and other actors off guard. Riots and inter-ethnic clashes lasted throughout January 2008 but subsided in February when a mediation process was initiated by Kofi Annan and a panel of eminent African personalities, which led towards the signing of the National Accord and Reconciliation Agreement on 28th February 2008.

The public's realisation of the manipulation of the election results triggered the 2007/8 violence on both sides. Inequalities and economic marginalisation, often viewed in ethno-geographic terms, were also very much at play in the post-election violence in places like the slum areas of Nairobi. Public anger developed quickly into waves of inter-ethnic violence affecting six out of the eight provinces in Kenya, in both urban and rural parts of the country. Previously, violence around election periods was concentrated in a smaller number of districts, mainly in the Rift Valley, Western, and Coast Provinces. This time it left about 1,500 dead, many more injured and over

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4   Institute for Economic Affairs and Society for International Development (2000). *Kenya at the Cross-roads: Scenarios for our Future.* Nairobi: The Creative Studio, p.1.

5   W. Nasong'o (2000). 'Resources Allocation and the Crisis of Political Conflicts in Africa: Beyond the Inter-ethnic Hatred Thesis,' in G. Okoth and B. Agot (eds) (2000). *Conflict in Contemporary Africa.* Nairobi: Jomo Kenyatta Foundation, p.50.

6   Orange Democratic Movement (ODM) and the Party of National Unity (PNU), led by Raila Odinga and President Mwai Kibaki respectively.

7   Interview with UNDP representative, Nairobi, May 2011.

600,000 people internally displaced and in need of humanitarian assistance. The crisis also hit Kenya's economy with its growth rate dipping from 7.1 percent in 2007 to 1.7 percent in 2008.[8] There was mass destruction of infrastructure like railway lines across slum areas in Kibera. The blockade of the main highways to neighbouring countries led to enormous losses of revenue. Agricultural productivity was adversely affected by the destruction of crops and low harvests at the end of 2008.[9] The violence reduced Kenyan flower exports by nearly a quarter on average, and by nearly 40 percent for firms located in conflict areas.[10]

The immediate state responses were largely limited to the use of law-enforcement agencies which, in most cases, employed excessive force. Security agencies failed institutionally to anticipate, prepare for, and contain the violence.[11] Similarly, non-state actors involved in peacebuilding in Kenya did not have any coherent strategy to address the violence and the tensions which were building up. Nonetheless, their responses were supported by an emergency donor basket of funding through Electoral Violence Response Initiatives (EVRI), implemented by a coalition of CSOs. This was limited to public reconciliation forums which, despite lowering tensions in many places, faced considerable challenges considering their timing at the height of the crisis. In most parts of the country affected by the violence, District Peace Committees played a major role in addressing communal tensions, but the magnitude of the crisis at the national level – fuelled by political statements by top leadership – limited the impact of their efforts.

4. RESOLVING THE CRISIS THROUGH STATE REFORMS

In the aftermath of the violence, the attention of Kenyans, their partners in Africa and the wider international community turned to instituting a programme of structural reforms to deliver sustainable peace, stability and justice. On 28th February 2008, the main parties in the dispute – the PNU, represented by incumbent President Mwai Kibaki, and the ODM by his opponent Raila Odinga – signed the Agreement on the Principles of Partnership of the Coalition Government. They committed to measures designed to address the agreed causes of social tension and state fragility which underlay the violence. These included corruption, unequal distribution of resources, impunity, politicisation of ethnicity, ineffective land administration systems, poor governance, ineffective electoral systems, a weak judiciary and an unaccountable police force. Measures agreed included legal and institutional reforms, steps to increase state transparency and accountability, as well as steps towards reducing poverty and inequality, promoting national cohesion and introducing long-awaited land reform.

A central element of the peace accord was the agreement on a new constitution to replace the post-independence laws, widely seen as outdated, overly centralised and containing too few accountability measures. In August 2010, 68.6 percent of voters approved the new constitution in a referendum, a key milestone ensuring nationwide support to pave the way for a wave of reforms to the country's key institutions to enhance service delivery and restore the rule of law. At the time of writing this report, Kenya has progressed some way in the implementation of its national peace accord, but delays have lead to a last-minute rush by parliament to pass key pieces of reform legislation, which in some instances has compromised the quality of these laws.[12]

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8   GoK (2009). *Quarterly Economic and Budgetary Review First Quarter 2009/2010*. Nairobi: Office of the Deputy Prime Minister and Ministry of Finance, pp.4&6.

9   For a detailed humanitarian and economic impact of the crisis, see International Crisis Group (2008). 'Kenya in Crisis', *Africa Report N°137*, pp.16-20.

10   IIPG Briefing Paper (2008) 'The Impact of the Kenyan Post-election Violence on the Kenyan Flower Export Industry', *Improving Institutions For Pro-Poor Growth*. Oxford: University of Oxford, Department of Economics.

11   GoK (2008). *Report of the Commission of Inquiry into the Post Election Violence (CIPEV)*. Nairobi: Government Printer, p.vii.

12   The Kenyan Parliament itself has complained about the frequency in which errors in bills which have already been passed are being noticed, as well as, by their own admission, the inadequacy of such laws compared to what existed previously, e.g. laws related to the fight against corruption.

5. TOWARDS THE 2013 ELECTIONS: THE ISSUES AT STAKE

The peace accord and the August 2010 constitution provide a framework through which at least some conflict causes can be addressed. Meanwhile, on the one hand, there are still several challenges resulting from the political sensitivity of ongoing processes, and the way these processes are managed on the other.

The introduction of new county level government structures and public finance management mechanisms, or the so-called "devolution process", will aim to establish county governments and transfer more responsibilities from the central to regional level. The multi-ethnic nature of many counties presents a risk of domination by the majority or a collection of minority ethnic groups, which could be a cause of tension. Similarly, **the redrawing of constituency boundaries** for electoral units is another politically-sensitive process as politicians seek to influence the creation of political units of representation through ethnic mobilisation in areas where they are popular.

The question of impunity of the people who participated in organising or perpetrating the 2008 violence is an overarching concern. The International Criminal Court (ICC) identified only six suspects bearing the greatest criminal responsibility. The ICC cases are viewed by some as politically motivated as they may effectively block some presidential aspirants from contesting. The ICC judges' decision on whether or not to confirm cases against the suspects is bound to significantly shape national politics and local security dynamics. Besides these ICC proceedings, national efforts to punish middle- and lower-level perpetrators of the post-election violence are yet to be undertaken. The failure to set up a local tribunal to bring more post-election violence suspects to account creates a situation in which future retaliation for the events of 2007/8 is a real possibility.

Police and judicial reforms remain important as these institutions will be critical in ensuring that the rule of law is respected. Thus, the creation of a National Police Service Commission to oversee the day-to-day management of the police service, the enactment of the Independent Police Oversight Authority to provide external oversight of police conduct, the appointment of a competent Inspector General of Police, the development of professional standards units within the police, and the vetting of police and judicial officers will all be important areas to address in order to restore public confidence in these institutions. Overall, sustaining the momentum for security-sector, judicial, legal, institutional, criminal and administrative justice reforms, buttressed with sustained political support and resource allocation, remains a priority for 2012 and beyond.

As past conflict analyses show, there are enduring and **unresolved community grievances over land ownership and distribution** in different parts of Kenya. Politicised land distribution schemes by post-independence governments have been a lasting source of inter-group resentment. The land question has become an attractive political campaign issue in Kenya and its politicisation will only worsen divisions. Compounding the situation, however, is the continued challenge of internal displacement, with the government perceived as having failed to resettle all internally displaced people (IDPs), particularly the victims of the 2008 violence and long-term squatters. Public discourse and disagreements on which categories of IDPs need to be resettled, ranging from those associated with Kenya's electoral and political processes to those evicted from forests and water catchments, are a common phenomenon.

The **Ministry of Land needs serious reform to restore public confidence, as corruption has caused many people to lose their property** through illegal dealings by ministry officials. Constitutional and policy frameworks of the National Land Policy have been violated on many occasions. Kenya will need to fast-track institutional reforms by operationalising the National Land Commission and starting work to review and restructure the institutional framework of the Ministry of Land and other agencies involved in land governance.[13]

Kenya Defence Forces' involvement in the war against the terrorist group Al Shabaab in Somalia poses new peace and security challenges for Kenya during an election year. Firstly, this is likely to overstretch security agencies as they focus on both the external and internal risk factors associated with terrorism. Secondly, it is likely to increase the economic burden on citizens as the government continues to allocate more resources to defence operations along the Kenyan border and inside Somalia.

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13   The Land Sector Non-State Actors group has provided a detailed analysis of land administration challenges and given recommendations to parliament on how to address these problems. See 'Kenya Land Alliance: Recommendations to addressing land problem in Kenya', *Sunday Nation*, 4th December 2011, p.24.

The mushrooming of criminal gangs and militias around electioneering is bound to resurge in 2012 and thereby shape the political and security dynamics even as politicians seek support and sympathy from a wide range of such groups. Kenya's political landscape since the 1990s has revealed that political parties and individual politicians manipulate both the young and the elderly to provide them with security. Criminal gangs and militias have also been used to fend off rivals through fierce fighting. Furthermore, these groups have continued to mutate and engage in other exploitative ventures. The proliferation of armed groups and militias (Kenya has outlawed 33 of such groups), therefore, continues to pose threats to the consolidation of peace and clearly demonstrates the fragility of the situation.

The handling of these key challenges will be critical in determining the course of national politics including the forthcoming 2013 presidential elections, which are a potential flashpoint for violence. Wide-ranging reforms have brought about new electoral laws, a newly constituted Independent Electoral and Boundaries Commission (IEBC) and major imminent changes to the police service, but it remains to be seen how well these key institutions will prepare to ensure that the events of 2008 are not repeated.

II. THE EU IN KENYA: ANTICIPATING, PREVENTING OR REACTING TO CRISES?

The EU is one of the largest donors in Kenya, providing €399 million in grants and budget support between 2008 and 2013 through the 10th European Development Fund (EDF). While the government of Kenya considers the country as not aid dependent,[14] from an EU perspective the partnership with Kenya has been strong since its beginning in 1976, reflecting the consideration that the country is strategic to enhance regional economic development and stability. This section will focus on EU engagement in Kenya, judging its conflict sensitivity, reviewing how it reacted to the 2007/8 crisis, and how it is preparing for the 2013 presidential elections.

1. EU ENGAGEMENT IN KENYA

BROADER FRAMEWORKS FOR EU RELATIONS WITH AFRICA

EU engagement in African countries is guided by two overarching frameworks: the Cotonou Agreement (2000) and the joint Africa-EU strategy (2007). **The Cotonou Agreement** is a partnership agreement between the EU and 79 African, Caribbean and Pacific (ACP) countries, which builds on the four Lomé Conventions which ruled EC-ACP cooperation between 1975 and 2000. It was also meant to introduce a more comprehensive framework of cooperation, encompassing not only development cooperation, but also trade and economic cooperation, as well as a stronger political dimension through deepened dialogue on a wider spectrum of issues, including peace and security. One of the major advances brought by the Cotonou agreement has certainly been the broadening of the understanding of partnership to include not only states as main partners, but also non-state actors such as the private sector, trade unions, and civil society organisations who should then be able to take part in the design, implementation and review of these partnerships. The Cotonou Agreement is revised every five years to take into account important changes and new challenges. The last review, which took place in 2010, strengthened the provisions of the agreement in the field of 'peacebuilding policies, conflict prevention and resolution, and response to situations of fragility', stressing, among others, that 'particular attention shall be given to developing early warning systems and peace building mechanisms that would contribute to the prevention of conflicts'.[15]

The 2010 revision also took stock of the adoption of **the joint Africa-EU strategy** in 2007 which aimed to reinforce specific Africa-EU political partnership to address issues of common concern, such as peace and security, migration, trade, and regional economic integration. In the area of peace and security, the strategy focuses on continental-level needs and aspects, such as supporting the African Peace and Security Architecture (APSA) agenda, and involves activities like EU support for peacekeeping operations and for early warning capacities at the continental (African Union) and regional level.

EU SUPPORT FOR KENYA'S DEVELOPMENT STRATEGY AND EFFORTS

EU-specific relations, cooperation strategy and priorities with Kenya are set out in the Country Strategy Paper (CSP) 2008-13, a document jointly agreed and endorsed by the European Commission and the Government of Kenya. It aims to support Kenya's own development strategy, Vision 2030, by focusing on two main priorities (transport infrastructure, and agriculture and rural development) and a few other areas (macroeconomic support, democratic governance and support for non-state actors and private-sector development). Close to one third of

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14   On the basis that aid corresponds to 14 percent of the 2010/11 budget. See GoK (2011). 'About Us', accessed 8th December 2011. Available at http://www.aideffectiveness.go.ke/index.php?option=com_content&view=article&id=64&Itemid=3
15   European Parliament (2010). *Second Revision of the Cotonou Agreement, Agreed Consolidated Text*. Brussels.

overall EC support – €126.8 million – is to be awarded through budget support for macroeconomic support. The rest is disbursed both through service contracts and grants to ministries or public agencies and non-state actors.

A CONFLICT-AWARE, BUT NOT NECESSARILY SENSITIVE, APPROACH

The CSP also sets out EU analysis of the Kenyan context and how it informs its engagement. The EU strategy towards Kenya is informed and driven by economic development and poverty reduction narratives and objectives. Elaborated between May 2006 and October 2007, and endorsed in early December 2007, the CSP could not take into account and address the post-election violence which broke out a few weeks afterwards. However, the document highlights a few elements relating to conflict: firstly, conflict risks are identified mostly in terms of access to natural resources, land ownership and management in rural areas (election-related violence is only mentioned briefly). Secondly, conflict prevention is also mentioned as a cross-cutting issue, among several others, although not as prominently as democracy, good governance and human rights; gender equality and equity; environmental sustainability; the fight against HIV. Thirdly, the focus on good governance (through measures like fighting corruption, improving access to justice for all, and promoting human rights) is directly addressing a critical underlying cause of conflict in Kenya, but is not framed and presented as such. Finally, Kenya is considered a trusted partner within a troubled region who supports peace processes and contributes to stability, and which does not seem to be affected by the same kind of divisions as its neighbours (Somalia, Sudan, and Uganda). The CSP is symptomatic of the EU approach to conflicts in Kenya: while a number of risks are acknowledged (natural resource-related conflicts, criminality, land management, terrorism threats), conflicts are not a major concern and, as a result, do not feature prominently in the overall EU strategy towards Kenya.

2. FROM THE 2008 CRISIS TO THE 2013 ELECTIONS

In order to assess the performance of EU early warning systems in Kenya, interviews and research for this case study focused on the way the EU anticipated and responded to this crisis and how it has prepared for the upcoming presidential elections in March 2013. This section looks at conflict monitoring and analysis capacities, methodologies and processes, and then at the different responses provided by the EU.

BEFORE THE CRISIS: SEVERAL MONITORING CAPACITIES BUT NO WARNING

Kenya had been under surveillance since the 1998 bombing of the US embassy in Nairobi and the 2002 attacks in Mombasa. SITCEN had carried out biannual monitoring on a wide range of issues – including the political, economic and social situation; internal security; terrorist threats – to inform the High Representative on CFSP, and to a certain extent the (Member State) Political and Security Committee, about evolving trends. Political reporting of the Delegation, along with regular exchanges between the Delegation and the Brussels-based Kenya desk (within DG DEV) also helped inform the European Commission about the situation in country, as well as any incidents. An election observation mission, led by Alexander Graf Lambsdorff (a Member of the European Parliament), was also deployed in Kenya on 14th November 2007 with a mandate to monitor the pre-election campaign and environment. Finally, 20 Member States had embassies in Nairobi with varying degrees of additional intelligence, political context and conflict-monitoring capacities for various purposes (such as consular, anti-terrorism, and programming). Apart from the Delegation's political reporting, which had raised the likelihood of ethnic conflicts, and election observation mission reporting on the risks of violence, interviewees could not point to any warning, or specific analysis exchanged or acted upon. The extent to which information and analysis was exchanged between these different capacities also appears to be limited. This was primarily as a result of the pre-Lisbon structure of the EU which was not always conducive to strong collaboration between institutions with different competences on a similar set of issues, especially in the field of external relations, peace and security.

A CRISIS-MANAGEMENT MOBILISATION

As mentioned previously, while violence around the election was predicted, its magnitude and its political, social, and economic consequences were not foreseen (by the EU and most international and domestic observers and players). When the violence broke out, a coordination mechanism was set up for rapid information exchange between the Delegation, Louis Michel's (then European Commissioner for Development and Humanitarian Aid) cabinet, DG DEV services in Brussels, and Alexander Graf Lambsdorff. The latest developments on the ground

were fed back directly to Louis Michel who was willing to maintain a quasi-constant line of communication to inform his dialogue with all parties and the EU response to the crisis. The Commissioner was at the forefront of EU mobilisation, travelling to Nairobi to meet the two election candidates, as well as other stakeholders such as Kofi Annan and the "panel of eminent personalities" mandated to facilitate negotiations between the two parties. The Head of the Delegation, with the Head of the political section within the Delegation, and the Head of the election observation mission, were also involved in representing the EU in front of Kenyans and other stakeholders. Throughout the crisis, information was gathered through meetings with all sides and through various sources including the media, NGOs, and on-site presence to provide regular updates on the changing context.

ACTIVE ENGAGEMENT IN PUBLIC DIPLOMACY AND DIALOGUE

Most of the EU's direct response to the post-election violence was political, especially through Commissioner Louis Michel who was at the forefront of EU engagement. The Commissioner travelled several times to Nairobi and was in regular contact with the two candidates, Raila Odinga and Mwai Kibaki, as well as Kofi Annan, to encourage dialogue and help find a political agreement. The election observation mission was another key EU stakeholder in the crisis. By raising doubts over the credibility of the election process and results in its preliminary statement at an early stage[16], the mission set a clear and neutral position which helped to rally the international community and give the EU a strong and respected image in the eyes of many Kenyans. The Council Conclusions on Kenya issued by the External Relations Council on 28th January affirmed the political stance of the EU on the crisis and set the tone as parties were negotiating: 'Until a legitimate solution is agreed, the EU and its Member States cannot conduct business as usual with Kenya. Failure to find a sustainable and consensual political solution would affect donors' engagement with Kenya and EU Kenya relations'.[17]

PROGRAMMING RESPONSES TO THE CRISIS AND IN ANTICIPATION OF FORTHCOMING RISKS

Apart from diplomatic engagement and political dialogue, the range of EU response options is limited to short-term programmes. Notwithstanding support for humanitarian assistance (€5.5 million), the EC provided a number of direct responses to the crisis using instruments like the Peacebuilding Partnership (Instrument for Stability - IfS) and the European Instrument for Democracy and Human Rights (EIDHR) Country-based Support Schemes (CBSS), as well as the Non-State Actors and Local Authorities (NSA LA) calls for proposals to support NGO-led projects which could address the societal consequences of the post-election violence. Some of these projects aim to support platforms for dialogue to encourage national integration and cohesion[18], or to strengthen non-state actors' capacities to prevent and resolve conflicts in areas affected by the violence.[19] Moreover, the EIDHR 2011 work programme looks forward and takes a preventive approach by referring to the need to minimise risks of violence around the 2013 elections.

OTHER PROGRAMMING RESPONSES

The programming process of the EDF, the priorities of which are set out in the country strategy paper, is more difficult to adapt to crisis situations and sometimes even appears to be disconnected from them. The disbursement of a €40.6 million budget support tranche on 28th December 2007, just as violence started to break out, and after months of tensions, is one example of this disconnection which raised a number of concerns on the side of the European parliament.[20] However, despite the lack of flexibility of EDF procedures, it has still been possible to address some of the sensitive issues which have fuelled post-election violence and tensions in Kenya more generally. The EU priority on and engagement in the area of governance is a good practice in that sense, given how crucial issues of good governance and corruption are in Kenya, as well as trust of citizens in state institutions and the authorities at the core of the social contract.[21] The programming process, based on "governance profile" methodology, links a systematic assessment methodology with a programming strategy on the one hand and

16   European Union Election Observation Mission. 'Preliminary statement', Nairobi, 1st January 2008.
17   2846th EXTERNAL RELATIONS Council Meeting. 'Council Conclusions on Kenya', Brussels, 28th January 2008.
18   "A Platform for Dialogue towards National integration and Cohesion", is a project undertaken by the ICCO, Media Focus on Africa Foundation and Film-Aid International organisations to facilitate inter-community dialogue.
19   For more information, see Konrad-Adenauer Stiftung (2010). 'Strengthening Non-State Actors Capacities to Prevent and Resolve Conflicts in Areas Affected by the Post Election Violence in Kenya', accessed 9th December 2011. Available at http://www.kas.de/wf/doc/kas_449-1442-2-30.pdf
20   European Parliament Plenary Session. 'Situation in Kenya', Strasbourg, 16th January 2008. Available at http://www.europarl.europa.eu/ep-live/en/plenary/search-by-date?date=20080116
21   The authors would like to stress that the research did not intend to look into the actual implementation and impact of EU programming relating to governance.

a joint work plan on the other (to allow the release of the "incentive tranche"). To a lesser extent, Community Development Programmes (projects implemented at the community level by Community-based Organisations and the community) funded under the EDF aim to address some governance challenges and local conflict issues.[22] However, whereas conflict is sometimes identified as an issue to address in programming documents,[23] conflict prevention or conflict sensitivity is not mentioned as a cross-cutting issue or a requirement to build into projects (unlike good governance, prevention of HIV/AIDS, gender equality and non-discrimination, considered as formal cross-cutting issues within the EU)[24]. Most EDF programmes are not actually framed and designed to proactively and prominently tackle conflict dynamics. For example, the programmes dealing with agriculture and rural development do not aim to address some of the critical causes of conflict in Kenya, such as land management or access to natural resources, even if they are identified as such in the CSP. One of the reasons is that neither conflict prevention nor conflict sensitivity is institutionalised as a formal cross-cutting issue, as set out in the European Consensus on Development.[25] As a result, these issues do not feature prominently in EU strategies and subsequent programming processes in Kenya.

EFFECTIVE PUBLIC DIPLOMACY ENGAGEMENT

Following the post-election violence, the EU maintained active monitoring of the political situation in Kenya – especially developments around the implementation of the National Accord and Reconciliation Act – including constitutional reform, electoral reform, police and judicial reform and measures to tackle impunity (especially the ICC process), as expressed in the Council Conclusions adopted in July 2009.[26] In addition to this Brussels-level monitoring, the EU Delegation in Nairobi has periodically been engaged in national level developments, issuing comments and sometimes raising concerns, thereby becoming a vocal and influential stakeholder. For example, the EU Head of Mission statements to the press on the slow pace at which electoral and police reform-related bills were being taken forward prompted swift reactions from politicians within days.[27] Weekly meetings and elaboration of joint positions, if required, among Delegation and Member State representatives in Nairobi, helped to strengthen an EU bloc voice which is stronger – and more influential – than the sum of its parts. Similarly, within the broader donor coordination groups (on different thematic areas including governance, justice, and conflict), the donor community (sometimes jointly with the Kenyan government) has exchanged analyses and information, which has contributed to building a shared understanding of the issues at stake and, to some extent, of the ways to address them.

THE NEW INSTITUTIONAL SETUP: OPPORTUNITIES AND CHALLENGES

The adoption of the Lisbon Treaty in December 2009 has brought about some significant institutional changes and opportunities to adopt a more proactive approach towards conflict prevention. The newly established (December 2010) European External Action Service (EEAS) plays a central role in shaping and coordinating EU external relations. In country, the EU Delegation, which is part of EEAS, is now chairing the Member State representative weekly meeting. The creation of a political section within the Delegation to enhance political and diplomatic activities now additionally provides the potential to explore synergies between analytical and programming capacities and processes. Moreover, the elaboration of new political reporting instructions should also contribute to systematising the flow of information and analysis between the field and Brussels. In Brussels, regional strategies, such as the *Strategic framework for the Horn of Africa*,[28] are being elaborated to guide overall EU security and development engagement at the regional level. Similarly, the establishment of a conflict-prevention group, bringing together different parts of the EU, should also foster a more proactive engagement

22 See for example Community Development Trust Fund (2011). 'Community Environmental Facility and the Community Development Initiatives 2011 Guidelines for applicants', accessed 9th December 2011. Available at http://www.cdtfkenya.org/

23 For example, the EU-funded grants of the Community Development Trust Fund's Biodiversity Programme, and Community Environment Facility and Environmental programme support were aimed, among other objectives, at reducing conflicts between communities, and at conflicts relating to natural resources and cattle rustling.

24 The European Consensus on Development, adopted in 2005, introduced a strengthened approach to mainstreaming cross-cutting issues, in which the following have featured most prominently: democracy, good governance, human rights, the rights of children and indigenous peoples, gender equality, environmental sustainability, and HIV/AIDS (whereas conflict prevention is merely referred to once).

25 Art. 101: 'In all activities, the Community will apply a strengthened approach to mainstreaming the following cross-cutting issues: the promotion of human rights, gender equality, democracy, good governance, children's rights and indigenous peoples, environmental sustainability and combating HIV/AIDS. These cross-cutting issues are at once objectives in themselves and vital factors in strengthening the impact and sustainability of cooperation'. European Commission (2005). *European Consensus on Development*. Brussels.

26 General Affairs Council. 'Council Conclusions on Kenya', Brussels, 27th July 2009.

27 The EU Delegation in Nairobi issued a joint statement with the Commission for the Implementation of the Constitution. See for instance 'EU urges more effort over Kenya reforms', *Daily Nation*, 1st July 2011.

28 Foreign Affairs Council. 'Council Conclusion on the Horn of Africa', Brussels, 14th November 2011.

to tackle conflict upstream. At the time of writing, these opportunities have yet to be fully implemented or maximised, and a number of challenges are still to be tackled in this transitional period to ensure a preventive approach is secured.

Lessons learned from the EU's engagement around the 2008 conflict and towards the 2013 elections:

Lack of a shared understanding and sense of belonging to an early warning system
Most of the interviewees did not consider themselves part of a clearly defined early warning system. There is not a clear and shared awareness of the procedures to implement, nor a shared understanding, of what early warning means and implies. However, EU staff acknowledged having a role in alerting their services, hierarchy and other actors to a deteriorating situation. In order to harness this potential, it was felt that clearer instructions and political steering should be provided to Delegations from Brussels-based services.

A broad awareness of conflict dynamics
The EU approach to the 2008 crisis and more generally to the context in Kenya shows that there is a broad awareness of and consideration for conflict dynamics as far as they relate to national level developments or specific issues, such as access to natural resources in rural areas. Otherwise, conflict-related issues are not central to the overall strategy, which is driven by a development rather than a proactive conflict-prevention narrative. As a result, different monitoring capacities were able to follow developments on the ground, but did not contribute to the anticipation of conflict dynamics or the formulation of a preventive response.

The challenge of taking into account and processing "weak signals"
Interviewees usually demonstrated an accurate understanding of the context and a good knowledge of events occurring within the country, often referred to as "weak signals" of ongoing tensions and sometimes upcoming conflicts. Taking these weak signals into account, raising awareness about their significance and potential consequences, and processing them so that they can be acted upon is critical in the field of early warning and conflict prevention. It is, usually, relatively easy to look back and identify all the weak (and even stronger) signals which paved the way towards the outbreak of a crisis, but much more difficult to draw the attention of decision makers to the risks which these events entail at the time. In Kenya this had been the case since the previous elections in 2002 and especially throughout the campaigning phase, when ethnic polarisation was at its height and violence was occurring in some locations. However, while several actors, including the EU observation mission, observed and reported these events and trends, they were not addressed before the violence broke out.

Using the potential of short- and long-term instruments to address conflict
The IfS is often considered as (and was designed to be) the most appropriate financial instrument to address conflicts. In Kenya, following the 2008 violence, it has supported one project under its long-term "crisis preparedness" component, while the short-term "crisis response" component of the instrument was not mobilised. The case study shows that instruments like the EIDHR and the NSA LA call for proposals have been used to support civil society-led initiatives to deal with the 2008 crisis causes and consequences, and in anticipation of 2013 election-related risks. Moreover, using a long-term instrument such as EDF in a conflict-sensitive way can also make a meaningful contribution to prevent conflict and build peace in the country by addressing some structural issues, such as governance. As the EU prepares for the next programming cycle, it should give more consideration to the opportunity for financial instruments to be more conflict sensitive.

The effective use of public diplomacy
During the crisis and its aftermath, the EU has proactively contributed to conflict resolution and the push for reforms by monitoring the implementation of the Peace Accord. To some extent, this demonstrates the EU's willingness and ability to show a more political profile after the 2008 crisis and, as such, to live up to the Cotonou Agreement commitments of deeper political dialogue and better governance. The changes brought about by the Lisbon treaty, aimed at integrating EU and Member States external policies more systematically, therefore strengthening the constitution of a unified European bloc, could enhance the impact of these initiatives. Internally, one critical challenge will be to explore what kind of synergies can be built between political, analytical and programming capacities both in Brussels and in country to enhance the consistency of EU external action.

The need for awareness raising and clearer instructions
A shift towards more preventive approaches or towards more systematic mainstreaming of conflict-related issues into programming processes should be encouraged through both awareness raising and management instructions. The research for this case study shows that acquaintance with issues including early warning, conflict analysis, and their purpose and added value, varies from one person to another, partly because of a lack of institutional knowledge and related guidance. The other key factor is the absence of formal instructions to address these issues more proactively and consistently within programming processes.

Defining an EU role and comparative advantage in conflict prevention
According to interviewees, the EU has often been considered as having the potential to prevent conflict and build peace, which could be maximised. On the one hand, the EU is not identified as a prominent actor in the field of early warning, conflict prevention and peacebuilding in Kenya, unlike other organisations, such as UNDP or AU. However, on the other hand, non-EU interviewees and Member State representatives supported more proactive and conflict-sensitive EU engagement to maximise the impact of its important financial support and political influence. In this respect, it will be critical for EU actors to also consider the other local and national capacities which can help to anticipate, prevent and respond to conflicts, thereby fulfilling the Cotonou Agreement commitments to peace and conflict prevention.

III. EARLY WARNING CAPACITIES IN KENYA: CHALLENGES AND OPPORTUNITIES

One of the measures taken following the 2007/8 crisis was to ensure that conflict risks were anticipated and addressed in a more efficient way. The subsequent peace accord included provisions for setting up a country-wide network of "peace committees" at the district (local) level, which would pave the way for national reconciliation and institute a peaceful conflict-management mechanism (see below). Other initiatives related to early warning and peacebuilding have been undertaken by different actors across the country, which represent a broad capacity to anticipate, prevent and respond to conflict in the run-up to the 2013 elections and beyond. This section focuses on these capacities, the challenges they face and the opportunities to make them more effective.

1. A POTENTIAL WEALTH OF CAPACITIES AND EXPERIENCE

There are several mechanisms aiming to bring together all the relevant actors involved in the early warning-early response chain. These mechanisms are placed under the authority of the National Steering Committee (NSC) on Peacebuilding and Conflict Management, an interagency committee sitting in the Office of the President, which is the body responsible for early warning and peacebuilding at the national level. As explained below, the NSC is a centrepiece of the different early warning and peacebuilding activities undertaken by different actors, in the sense that it is the main recipient of warnings, alerts and reports, as well as the responsible authority for the coordination of responses. The different mechanisms and initiatives set out below all fit under this institutional framework.

DISTRICT PEACE COMMITTEES: AN INSTITUTIONALISED NETWORK FOR EARLY WARNING AND EARLY RESPONSE

District Peace Committees (DPCs) are the widely accepted non-state peace structures in most parts of Kenya, established and coordinated by the NSC. The peace committee model was first established in northern Kenya in the early 1990s as a means of solving tensions, conflicts and violence among pastoralist communities. In addition to facilitating community dialogue and settling disputes at the local level, peace committees are part of a network which also acts as a preventive mechanism within communities. In this sense they form a wider institutionalised conflict early warning and early response system, together with civil society organisations, which monitors and reports so that preventive action can be taken. In the aftermath of the post-election violence, the National Accord and Reconciliation Agreement recommended the establishment of peace committees in all the districts of Kenya, with priority given to the Rift Valley province, where most of the violence had occurred. As of 30th June 2011, there were 130 active district peace committees in the country.[29]

While it is often admitted that there is a real diversity in performance from one DPC to the other, in some cases DPCs have proven to be valuable interface structures between the government, community leaders, and CSOs (including Faith-based Organisations - FBOs) when responding to conflict and security situations. Under NSC coordination, they have undertaken peacebuilding initiatives involving the community and integrated a broad range of local stakeholders relevant to conflict resolution. In addition, they have enhanced government responsiveness to communities through regular joint peace and security forums, which identify problems and

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29   According to the National Steering Committee on Peace Building and Conflict Management under the Office of the President.

devise strategies to address them. Security agencies have also engaged DPCs, especially when responding to matters related to insecurity, most notably during the constitutional referendum held in August 2010. In addition, their links to traditional community structures have made them more appealing to communities, as they have made use of existing conflict-resolution mechanisms to expediently solve disputes.[30] For example, DPCs in pastoralist communities use widely accepted and binding social contracts or declarations which define relations among them and provide a form of informal justice recognised by the state.

THE DEVELOPMENT OF A NATIONAL MECHANISM FOR EARLY WARNING: FROM CEWARN TO AMANI KENYA @ 108

The Conflict Early Warning and Response (CEWARN) Mechanism sits within the broader Intergovernmental Authority on Development (IGAD), a regional organisation which brings together Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda. This was established in 2002 and is located in Addis Ababa. CEWARN's mandate is to receive and share information concerning potentially violent conflicts, as well as their escalation and outbreak in the IGAD region, undertake analysis of the information, develop case scenarios and formulate options for response. CEWARN links up to the Continental Early Warning System of the African Union. The CEWARN system is based on a network of field monitors, country coordinators, National Research Institutes (NRI), and National Conflict Early Warning and Response Units (CEWERUs). In Kenya, the National Steering Committee on Peacebuilding and Conflict Management (NSC) within the Office of the President serves as Kenya's CEWERU.

The specificity of CEWARN's original mandate was to deal with pastoral types of conflicts which pose a critical threat to rural communities in northern and western Kenya.[31] The need to create a framework to specifically address these types of conflicts stemmed out of the realisation that these conflicts had significant spillover effects in the region, and that therefore a regional approach with national structures was needed to operationalise the CEWARN mechanism. Its coverage is focused on trans-boundary regions called "clusters", which are traditional pastoral regions. However, **in Kenya, CEWARN activities have further evolved to cover non-pastoralist areas**, especially those considered as conflict hotspots, for example in the Rift Valley, Nyanza and Coast provinces. This design has been shaped by NSC's efforts to "domesticate" the CEWARN mechanism, to make it relevant in the Kenyan context.

The mechanism comprises different types of actors and activities from information gathering and alert, to responses from the community to the national level. To operationalise this mechanism, peace and field monitors have been deployed to various parts of the country with a view to collecting information using a broad range of relevant state and non-state actors, such as councils of elders, local authorities, CSOs and local media. An online reporter tool is used to capture incidents and field analysis, and relays information gathered through alerts, incident reports, situation reports, monthly reports, quarterly reports and conflict updates.[32] The tool is based on 55 indicator questions clustered under five categories relating to: the social and economic situation; environmental factors; culture; peace and civil society activities; politics. Early warning reports from the field are processed by NRI, the role of which is to analyse longer-term conflict dynamics, as well as being sent to NSC. Further reports are then produced by experts based on data collected by field monitors, which are are then passed to relevant actors for response at different levels.

In 2010, the "UWIANO Platform for Peace" was established by NSC in partnership with the National Cohesion and Integration Commission (NCIC), PeaceNet Kenya, and UNDP with a view to deliver a peaceful national referendum. Working to complement the existing CEWARN mechanism, this National Conflict Early Warning and Response System (NCEWERS) involved recruiting and deploying peace monitors and security agents in hotspots; equipping peace monitors with proper data- and information-collection equipment; installation of SMS platforms for reporting tensions and incidents; direct phone contact with administrative and security officials in target areas perceived to be hotspots, according to the continuous community conflict scans and assessments which were conducted throughout 2010.

30 B. Ayuko (unpublished). *Towards a Coherent and Effective National Peace Infrastructure in Kenya*. Saferworld: Nairobi.

31 See K. Mkutu (2003). *Pastoral Conflict and Small Arms: The Kenya-Uganda Border Region*. Saferworld: London; J. Leff (2009). 'Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region', *International Journal of conflict and violence, Vol. 3 (2)*, pp.188-203.

32 The CEWARN Reporter – a network software programme specifically designed for early warning purposes – allows storage of standardised field reports, analysis of the reports, data management, graphic display of incident frequency over time, and qualitative and quantitative analysis of field data with a view to identifying emerging trends.

New Information Technologies have been an emerging aspect of early warning-early response mechanisms ever since, such as the *Ushahidi* and the *Amani Kenya @ 108* platforms.[33] Those systems are based on a crowdsourcing process: information relating to violent incidents is sent by the public through SMS, email and online reporting to a central server and then posted on an online map. Such mapping systems are free of charge to the public, available on a 24-hour basis and are meant to inform any interested stakeholders of incidents and developments on an almost real-time basis. According to one interviewee at NSC, in most of cases where the platform received information and mobilised action during the 2010 referendum, tensions were eased and disputes resolved which might otherwise have turned violent. As a result, such approaches are now being enhanced and promoted as a key component of the early warning and peacebuilding mechanism in Kenya, like the *Amani Kenya @ 108* platform, which will be used in the run-up to, during and after the 2013 elections. Consequently, a Situation Room has been installed at NSC with data clerks and analysts, where information received from the platform is analysed, verified and disseminated to relevant actors for response. Some of the information is also shared with the Kenya Police and Provincial Administrations. In cases requiring mediation, for example where the alerts indicate tensions, the information is sent to DPCs for targeted mediation and dialogue interventions. In parallel, **efforts are also being made to integrate various early warning systems**, which are being implemented by a broad range of other partners (see below) with a view to create synergies and enhance coordination and consistency.

THE NATIONAL CONFLICT EARLY WARNING AND EARLY RESPONSE SYSTEM (NCEWERS)
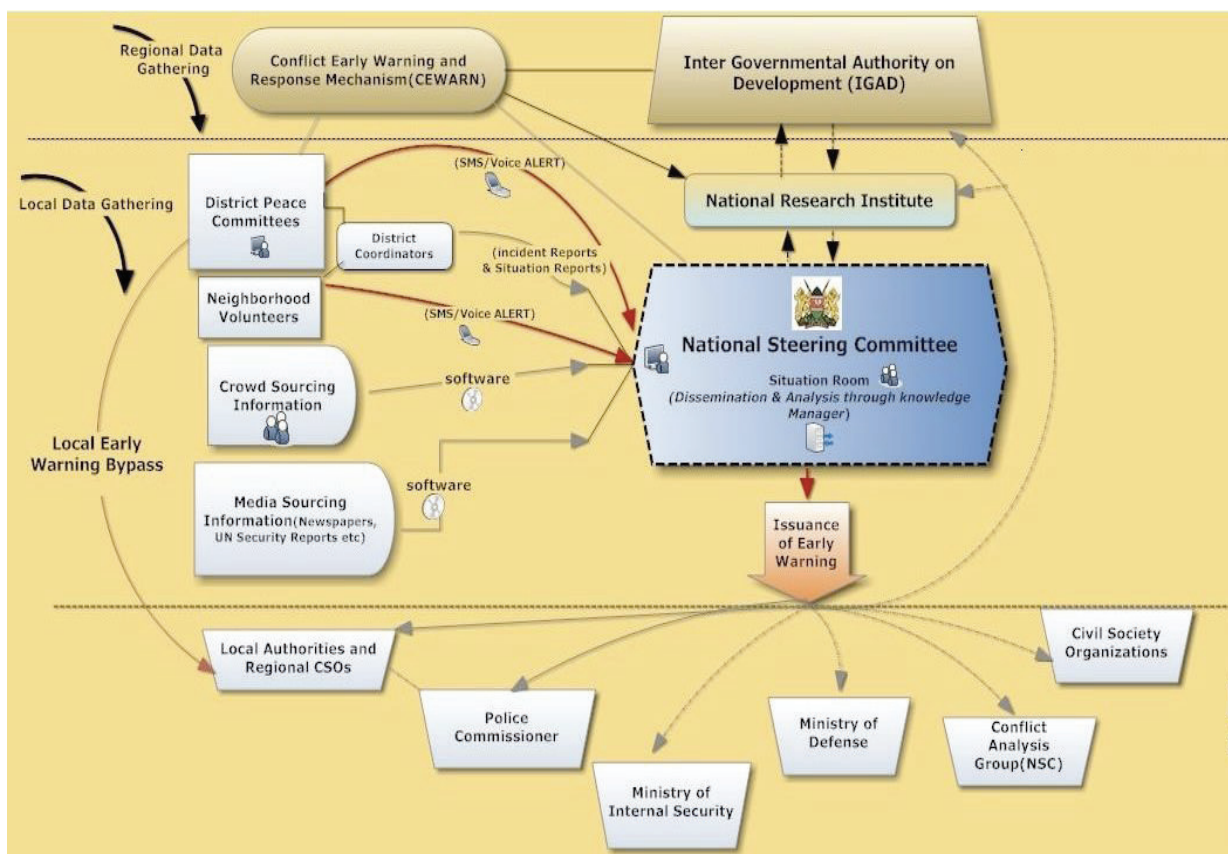
Source: National Steering Committee on Peacebuilding and Conflict Management (2011). *Report of the Technical Forum on Early Warning and Early Response Capacities in Kenya.* Nairobi, p. 14.

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33   For more information on Amani Kenya @ 108, see http://www.nscpeace.go.ke/108/ and on the Ushahidi platform, see http://www.ushahidi.com/

OTHER CSO-LED INITIATIVES

As previously mentioned, some CSOs have also developed early warning and peacebuilding programmes in Kenya with an aim to reinforce NSC initiatives. They work closely with DPCs and in many areas share the same field and peace monitors with NSC. One of them, PeaceNet Kenya, uses peace monitors based in partner organisations, especially in Rift Valley and other hotspot areas, to collect and relay information to processing centres at the PeaceNet secretariat, or directly to NSC and NRI. An EU-funded project, run by the Konrad-Adenauer Stiftung, supports CSO activities to monitor conflict trends through a set of indicators in Nyanza and parts of Rift Valley (largely affected by conflict) and report to coordination centres at Peacenet and NSC. These CSOs rely on Frontline SMS and Crowdmap Platforms, which use SMS, emails, websites, tweets and other social media to collect and relay information. Responses emanating from information shared by CSOs are coordinated by NSC through peace committees and provincial administration. To this extent, CSOs' conflict early warning information reinforces information collected by NSC field and peace monitors. It is important to note that, in some instances, based on the weight and urgency of alerts, action is taken at the district (local) level by the provincial administration without necessarily being prompted by NSC.

Effectiveness of the peacebuilding architecture in Kenya: the "UWIANO"[34] initiative during the August 2010 Referendum

The UWIANO initiative was launched in July 2010 by NSC, NCIC, PeaceNet Kenya, and UNDP. **Its objective was to contribute to a peaceful constitutional referendum** (held on 4th August 2010) by providing an overall strategy and framework for a wide range of actors to build synergies and leverage their respective efforts at the local level. DPCs and CSOs were mobilised and supported through small grants to better plan and coordinate their interventions, such as conflict reporting and rapid response mediation in hotspots.[35] Besides this, the Kenya Partnership for Peace & Security (KPfPS) was established by CSOs as a mechanism for improved coordination and engagement on national and local issues.

While it is generally admitted that the referendum did not divide the country as much as the presidential elections of 2007, and therefore the risks for violence were less apparent, the initiative was still welcomed as positive and successful in minimising the level of violence and conflict in various parts of the country before, during and after the referendum.[36] The effectiveness of this process in preventing violence from breaking out and providing rapid responses where needed was linked to the following elements:

- **Good complementarity among actors** in the coalition. The different actors involved complemented each other and contributed to the achievement of a peaceful referendum. NCIC acted as a deterrent to hate speech, while NSC mobilised DPCs and security agencies. PeaceNet Kenya brought on board its network of CSOs. UNDP provided resources.
- **Preparatory engagement and collective ownership**. Community scans and conflict mapping were conducted in different parts of the country. Participants were drawn from a broad range of actors who then developed and implemented their conflict-prevention, early earning and response strategies with support from the UWIANO Platform, which ran a rapid response facility.
- **Good knowledge of the local context**. A broad range of community level actors were involved in the UWIANO process. This contributed to ensuring that initiatives at the local level would be well informed about local dynamics and, therefore, more effective in their approach.
- **Adequate responses**. Subsequently, the involvement of local actors with good local knowledge enabled them to respond in a timely, sensitive and adequate way to incidents, thereby building trust and confidence among actors involved at different levels and proving that their involvement and engagement was not in vain.

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34 UWIANO is a Swahili word which means "cohesion".
35 Some of the areas which benefited from the UWIANO initiative included Rift Valley Province (Molo, Kuresoi, Nakuru, Wareng, Baringo, Marakwet and Rongai), Nyanza Province (Kisumu, Nyakach, Nyando and Ugenya), Western Province (Kwanza, Trans-Nzoia, Mt.Elgon), and Nairobi Province, among others.
36 In over 20 districts identified as hotspots in Nyanza, Rift Valley, Western, Coast and Nairobi provinces, where DPCs were supported through UWIANO, there were no conflicts encountered. Between July and August 2010, daily averages of 600 SMS were received at the NSC Situation Room. This reached 5,000 messages per day on the eve of the referendum. The messages which reported physical threats were transmitted to security agencies, while those requiring mediation and dialogue were reported to local DPCs and CSOs, working as joint committees.

▪ **Demonstrated goodwill** from both state and non-state actors. The Platform instilled a sense of togetherness, responsibility and coordination. It also developed a rallying call, urging Kenyans to promote peace during and after the referendum. There was a lot of goodwill even at the political leadership level, as actors were working towards a common cause. This can eventually contribute **to reinforce state-society relations** and enhance trust among actors.

Building on the success of the referendum mobilisation, the UWIANO initiative is now scaling up peacebuilding and conflict-management initiatives with regard to the 2013 general elections and beyond.[37] Similarly, the UNDP 2010-13 strategy[38] also prioritises strengthening national and district level capacity for conflict prevention as a key building block towards sustainable and long-term peace.

2. UNDERSTANDING CHALLENGES AND ACTING ON OPPORTUNITIES

Within the framework of the IfP-EW project, Saferworld organised a series of regional workshops bringing together the main early warning networks and capacities in Kenya to discuss challenges to respective and collective initiatives, as well as the opportunities to make the best of these capacities in order to better anticipate tensions and outbreaks of violence, and build long-term peace in Kenya. This section provides an overview of the challenges and gaps identified as well as recommendations on ways forward, particularly to ensure that early warning is linked to early response.[39]

CHALLENGES

1. **Lack of coordination on the ground**
   There is a multiplicity of early warning and response mechanisms which are not adequately coordinated. Despite the NSC mandate and framework, duplication of initiatives and failure by actors to effectively share information make coordination difficult. Different actors also use different monitoring and reporting tools and methods, making it difficult to share and process information. This in turn negatively affects analysis, communication, decision making and effective responses.

2. **Providing rapid and preventive responses**
   One key challenge in this architecture relates to the difficulty in providing preventive and rapid responses. Firstly, the Rapid Response Fund procedures (under NSC) are time consuming, leading to delayed responses. Secondly, perceived competition between DPCs and security agencies hinder rapid response as security agencies feel that the prominence given to DPCs by NSC and other peace actors interferes with their mandate. It remains to be seen whether trust- and confidence-building measures will enhance complementarity and good working relationships between these structures.

3. **The ethnicisation of the warning-response chain**
   Ethnic identity of the people involved in the warning-response chain sometimes prevails over the necessity to issue an alert on or respond to a specific situation. For example, a DPC may have verifiable early warning information but fail to share it, especially where their ethnic groups are involved, for fear of being reprimanded by their community members.

4. **Lack of capacities at the national level**
   At the national level, inadequate analytical capacities at NRI has led to a lack of longer-term analysis of conflict trends. As a result, this type of knowledge is not captured and processed systematically, which, in turn, does not aid the formulation of proactive and preventive planning or responses to conflict risks. Delayed action and lack of feedback from national to local level actors on information shared hampers the perception that early warnings are properly addressed at the central level.

37   National Steering Committee on Peacebuilding and Conflict Management (2011). *UWIANO Strategic Leadership Agenda for 2012 and Beyond*. Nairobi.
38   UNDP (2011). *Consolidating the Peace Process and Laying the Foundations for Successful Political Transition 2010 – 2013*. Nairobi.
39   This section also takes into account the findings of the "Consolidating early warning and early response capacity in Kenya towards 2012 and beyond" forum, organised by NSC on 22nd and 23rd September 2011 in Nairobi.

5. **Lack of political and institutional support**

Despite the potential to prevent conflict, the lack of top-level financial and institutional capacity development support by the government, as well as political interference both at national and local levels, affects the proactive approach which is needed to enhance their effectiveness.

6. **Performance measurement and coordination with other institutions**

The peace architecture in Kenya also lacks a performance measurement framework which would contribute to enhancing its effectiveness, not only in terms of impact, but also in streamlining and stimulating the respective analyses and activities of a range of actors. In that respect, coordination with other institutions (such as the police at the local and NCIC at the national level) is a critical issue to improve effectiveness in the face of future political violence.

OPPORTUNITIES: ENHANCING THE EFFECTIVENESS OF KENYA'S CAPACITIES FOR EARLY WARNING AND PEACEBUILDING

Despite the challenges highlighted above, and as the UWIANO experience has shown, early warning mechanisms in Kenya have the potential to be more effective at preventing conflict if their capacities are strengthened and a number of challenges tackled. Arising from the inadequacies of the early warning mechanisms in 2008, it is important to address the following issues in order to improve early warning mechanisms:

1. **Addressing national policy gaps**

Despite NSC's position under the Office of the President, the lack of a policy framework to guide its actions has hampered its ability to duly implement its mandate and coordinate various actors in particular. Nonetheless, the revised December 2011 national policy on peacebuilding and conflict management provides an opportunity to reinforce NSC's role in supporting and implementing more effective early warning and peacebuilding activities in Kenya. This, however, has yet to be adopted by the government.

2. **Strengthening stakeholders' capacities at all levels**

This would include support for capacity building of organisations and individuals at all levels. Both field and peace monitors need to be able to properly cover their regions, including remote areas. DPCs need to have the appropriate capacity to function as a key framework to anticipate and solve conflicts. At the national level, an assessment of NRI capacity needs should be undertaken. The move towards the county system of governance presents an opportunity for rationalisation and the optimal deployment of peace/field monitors. Currently, NSC disburses small grants to DPCs – sustaining this support will ensure that DPCs remain relevant and accepted in communities.

3. **Standardising data collection and information processes**

In order to harmonise early warning activities and enhance synergies among actors at all levels, key actions which need to be taken include developing a common set of indicators as well as a common tool for data collection and processing. The ongoing efforts to harmonise and integrate early warning and response systems present a good opportunity to advance this.

4. **Adapting CEWARN protocol to other types of context**

The CEWARN protocol provides an important regional framework to address trans-boundary pastoral conflicts. However, as exemplified by NSC's attempts to implement the CEWARN mechanisms in non-pastoral contexts in Kenya, progressive adaptation of its tools and practices in different contexts will ensure its broader implementation in many other areas which NSC has not been able to cover.

5. **Enhancing strategic mobilisation of resources**

Given the limitation of government budgetary allocation to conflict early warning initiatives, the Rapid Response Fund of CEWARN is an example of a well-intended mechanism which donors can support. However, its use should be more strategic, i.e. deployed for rapid and early responses, as opposed to short-term projects at the local level.

6. Strengthening collaborative efforts and coordination among actors

As shown by the UWIANO initiative, inter-agency collaboration and improved coordination between the state-mandated architecture and other institutions (such as the police, the judiciary, NCIC, the Land Commission) are crucial to achieve peaceful political transition in Kenya, and generally conduct more successful peacebuilding and conflict-prevention interventions. External support in this respect should encourage progress towards more effectiveness. Strengthening and scaling up the UWIANO Platform is one such opportunity, not only in preparation for the 2013 elections, but also for future peacebuilding efforts in Kenya.

7. Anticipating upcoming administrative, institutional and longer-term changes

As the administrative map of Kenya is being redrawn with the district level disappearing at the expense of a new county level, pre-existing district structures such as DPCs will also have to be revised to fit into the new county structures. Similarly, changes at the national level will have to be anticipated to ensure NSC has sufficient capacity within the revised institutional setup. In the long term, the question of the existence of a dedicated peace architecture in relation to a functioning security and justice system and other institutions will be worth discussing to ensure smooth transitions.

IV. CONCLUSION AND RECOMMENDATIONS

Conclusion 1: This case study of the EU's approach towards the 2008 post-election violence and conflict dynamics in Kenya shows that **there is no shared understanding of, or sense of belonging to, an EU early warning system** and, beyond that, a strong commitment to a EU conflict-prevention agenda. EU actors are aware of the conflict dynamics with which they are confronted, but – apart from a couple of specific cases and purposes (such as SITCEN to a certain extent) – this knowledge is not captured in a systematic way (i.e. by applying a specific methodology, regularly updated and linked to a set of response options in order to create a shared understanding of conflict dynamics tracked across time).

> **Recommendation 1.1**: The EEAS should clarify its approach to early warning and related procedural implications, and communicate these among Brussels and Delegation staff.
>
> **Recommendation 1.2**: The EUD in Nairobi should consider engaging more systematically with local, national and international stakeholders on issues relating to conflict prevention and peacebuilding in Kenya.

Conclusion 2: Sharing a common understanding also implies the **need to manage expectations towards early warning: the purpose of early warning is not so much to forecast and predict but rather to anticipate conflicts.** Everyone acknowledges that it would have been almost impossible to predict the degree and extent of the post-election violence. The question is, therefore, how to anticipate these events. This means gaining an understanding of conflict drivers and dynamics, and then being prepared to act on this understanding to prevent violent outcomes and identify opportunities to settle differences.

> **Recommendation 2.1**: The EEAS, together with the EC, should develop guidance on conflict analysis, with the objective to raise awareness about the rationale, added value and practical implications of undertaking conflict analyses.
>
> **Recommendation 2.2**: Training on conflict prevention and peacebuilding should be expanded and available at Delegation level to ensure that all staff share a similar understanding of these issues and their practical implications at all levels.
>
> **Recommendation 2.3**: Clear management instructions need to be provided at all levels to ensure conflict-sensitive approaches are mainstreamed proactively and more systematically.
>
> **Recommendation 2.4**: The EEAS and the EC should take advantage of the next programming cycle to test and apply these approaches and methods.

Conclusion 3: **EU context analyses focus more on the broad level country situation rather than local level and conflict dynamics.** The EU is proficient in assessing broad level dynamics, such as the economic, social, political and security situation in a country. However, the Kenya case study shows that the EU has a less systematic way of dealing with weak signals and local level dynamics, which are both the consequences of and the drivers of tensions threatening state stability and social cohesion. While EU staff sometimes have a good understanding of these dynamics, this knowledge is not systematically captured to respond in a preventive way. There are different reasons for that, such as not only a lack of appropriate monitoring and analytical frameworks, but also a lack of a clear purpose: what kind of response, programming process or decision making would that type of exercise inform?

> **Recommendation 3.1**: The EEAS and the EC should elaborate analytical frameworks to monitor conflict dynamics at all levels, taking into account, and with a view to inform, programming decisions and political dialogue as appropriate.

Recommendation 3.2: The EEAS should pilot these analytical frameworks in a few selected countries.

Conclusion 4: The challenge of analysing weak signal and local level conflict is also linked to **the difficulty of addressing local level conflicts, i.e. linking early warning with early response where responses need to be provided.** The Kenya case study shows that one way to address these conflict dynamics is by empowering people to identify their own security issues and to address them through track II mediation and community security types of projects. This is the kind of structure that has been set up following the post-election violence through the peace committee model. The Uwaino initiative, building on these national and local capacities, has been successful in contributing to violence prevention during the referendum process.

Recommendation 4.1: The EU should consider more systematic support for track II mediation and community security approaches to ensure early warning is linked with early action.

Conclusion 5: This analysis shows how instruments like **EIDHR and NSA LA are useful to provide a complementary response to the crisis, and to anticipate forthcoming conflict risks** (2012 elections). Whereas EDF programming is often disconnected from conflict dynamics, it has still been **possible to address some sensitive issues through this long-term instrument**, such as the focus on governance as a priority in itself or as a cross-cutting issue in community development programmes.

Recommendation 5.1: The EU should consider using EIDHR and NSA LA calls for proposals more systematically as complementary responses to crisis situations and in a preventive mode to support civil society activities which contribute to bringing about positive change.

Recommendation 5.2: The EEAS and the EC should develop guidance for conflict-sensitive programming of the EDF, as well as other short- or long-term instruments, so that programmes funded under these instruments can address conflict more proactively.

Conclusion 6: **The ongoing establishment of EEAS, a revived mobilisation around conflict prevention**[40]**, and the preparation for the next Multiannual Financial Framework (MFF) provide good opportunities to reconsider how the EU has approached and responded to conflict so far**, especially through early warning systems and programming processes.

Recommendation 6.1: EU institutions should take advantage of the new political responsibilities of the EUD, new political reporting instructions, and processes undertaken in Brussels to set up a conflict-prevention group to ensure services are in a better position to anticipate and then respond to conflict in a preventive manner.

Recommendation 6.2: EU institutions should take advantage of the next MFF to review the EDF programming process and explore how synergies between political, analytical and programming capacities, both in country and in Brussels, can be strengthened.

Recommendation 6.3: Similarly, any attempts to "further strengthen early warning", as expressed by the Council conclusions on conflict prevention, should also aim to strengthen these synergies to eventually design and implement short- and long-term preventive actions.

Conclusion 7: Despite several institutional, political and technical challenges, **an effective early warning model in Kenya should contribute to building long-term peace and reinforcing state-society relations**. For a state, responding to early signs of tensions or violence is also an opportunity to restore its legitimacy among its citizens. It is also an opportunity for citizens to build trust in structures at local and national levels.

Recommendation 7.1: The EU, along with other regional and international organisations, should encourage and support local and national capacities for peace and security to strive for more effectiveness in preventing tensions from slipping into violence, and in contributing to building inclusive and peaceful state-society relations.

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