



Saferworld submission on the EU Country Strategy Paper for Kenya

Prioritising safety, security and conflict prevention

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Summary and recommendations

The democratic provision of safety and security and the prevention of violent conflict are crucial to good governance and to long-term development and poverty reduction in Kenya. Widespread insecurity, high levels of crime, banditry and cattle rustling, inter-communal conflicts, small arms proliferation and terrorism are impacting on Kenya's development. The Government of Kenya (GoK) and Kenyan civil society have recognised this and have placed safety and security issues high on Kenya's development agenda, as is reflected in the Economic Recovery Strategy and a number of important recent GoK initiatives. In line with this, and with the EU's own policy commitments, the EC should ensure that safety, security and conflict prevention issues are a high priority in the new CSP. Saferworld recommends that the EC should:

- Explicitly recognise armed violence, insecurity and conflict as obstacles to development and poverty reduction in Kenya and consequently highlight the need to integrate actions to improve safety and security and prevent conflict (such as police reform and small arms control) into the CSP;
- Recognise the democratic provision of safety and security and conflict prevention as central to good governance in Kenya, and as priority areas for EC support under the governance sector of the CSP;
- Continue to prioritise good governance in co-operation with the GoK and increase support to the Governance, Justice, Law and Order Sector (GJLOS). Recognise the importance of police reform to the democratic provision of safety and security in the CSP and therefore provide substantial support to the implementation of Kenya's Community-based Policing Programme within the GJLOS;
- Recognise the specific role of small arms proliferation in undermining safety and security and hampering development in Kenya. Prioritise support to Kenya's recently launched National Action Plan on Arms Control and Management (NAP) and to Kenya's National Focal Point (NFP) on small arms;
- Include governance and conflict prevention as cross-cutting themes in the CSP, and explicitly refer to the need to adopt conflict-sensitive approaches to development in all focal and non focal sectors, including budgetary support. Allocate funds to integrate specific objectives and components related to conflict-sensitivity and conflict prevention into all sectors;
- Recognise the close relationship between rural development, conflict and security in Kenya in the CSP, and integrate specific conflict prevention, safety and security components into rural development programming (such as support for district peace committees);
- Support efforts to strengthen the capacity of non-state actors (NSAs) to engage in conflict prevention, small arms control and safety and security issues in Kenya, and to participate in programmes such as the GJLOS, NAP and NSC.
- Support the National Steering Committee on Conflict Management and Peace-building (NSC) and the implementation of Kenya's draft policy on Conflict Management and Peace-building.

The importance of armed violence, insecurity and conflict to EC development programming in Kenya

Although Kenya has been relatively peaceful, violent conflicts in Kenya's arid regions and border areas, often associated with cattle rustling and disputes over pasture and water involving pastoralist communities, have been a growing concern. These conflicts, and wider problems of organised crime, banditry, small arms proliferation and insecurity associated with them, disproportionately affect the poor and undermine longer-term prospects for development. Recent armed violence in Kenya's Rift Valley and North East provinces has worsened the situation of already vulnerable communities, causing displacement, contributing to food insecurity due to the loss of livestock and disruption of livelihoods, inhibiting social service provision, and deterring economic investment. For instance, in April 2006, over 10,000 people were displaced and several killed in Samburu and Marsabit districts following a spate of cattle raids. These raids appeared to escalate as rival ethnic groups attempted to restock cattle lost as result of the severe drought affecting the area. While Kenya has avoided large-scale conflict, structural conditions such as social and regional inequalities, weak and corrupt public institutions, unaccountable security provision, and land, resource and environmental pressures, aggravate social tensions that could lead to armed conflict.

Kenya also suffers from high levels of crime, in both urban and rural areas, which is often armed and violent in nature. Crime and insecurity are a part of daily life for many Kenyans, reducing their quality of life and freedom of movement. Crime is also damaging to private sector development, deterring investment, increasing the costs of doing business, and restricting business operations. Problems of crime and corruption are partly behind a recent investment risk rating for Kenya that is worse than for many other African countries.¹ The 1998 Nairobi embassy bombing and the continued threat of international terrorism has also affected Kenya, impacting on tourism and foreign investment. In light of these challenges, the GoK has identified conflict and security issues as important development priorities and has initiated a number of programmes, which are already achieving tangible results and should be supported.

Past EC assistance to good governance, conflict prevention, safety and security in Kenya has been relatively limited.² However, recent EU policy commitments and strategies place a stronger emphasis on issues of governance, conflict prevention, safety and security and this should be reflected in the new CSP for Kenya. The EC should make conflict prevention, good governance, safety and security a greater priority in the new CSP for Kenya, both by **supporting specific initiatives** aimed at addressing armed violence, insecurity and conflict within the governance sector, and by **integrating** conflict prevention and security components into other focal and non-focal sectors, including budgetary support.

Armed violence, insecurity and conflict – Priorities for the Government of Kenya

Kenya's Economic Recovery Strategy for Wealth and Employment Creation (ERS) for 2003-2007, identifies "better governance, improved security and the restoration of the rule of law" as the "starting point" for economic recovery and for improving the lives of Kenyans. It also recognises that "the contribution of the efficient enforcement of law, the maintenance of public safety, and the guaranteeing of law and order to economic growth, to the improvement of quality of life cannot be over-emphasised."³ Small arms proliferation, international terrorist networks, insecurity in neighbouring countries, and the weakening of traditional conflict resolution mechanisms are all identified as key challenges to public safety, law and order, and police reform is identified as a particular

¹ 'Kenyan crime puts off investment', BBC, 21 March 2006, citing Merchant International Group report.

² In the past, the EC has been one of the smaller donors to the governance sector in Kenya. It has provided some support to community-based policing under a democratic governance programme. However, under the previous EC CSP for Kenya, conflict, safety and security issues were not a significant priority for EC assistance, and conflict and security were not linked to interventions in other sectors (such as roads) by including them as cross-cutting themes.

³ ERS 2003-2007, p 8-9

priority in the Investment Programme for the ERS. The ERS also highlights the particular importance of addressing conflict, insecurity, and small arms proliferation to development in Kenya's arid and semi-arid regions.

The GoK has demonstrated a high-level of commitment to improving safety and security and preventing conflict through a number of important recent initiatives, which provide a promising basis for reform. These include:

- The establishment of the National Steering Committee for Peace-building and Conflict Management (NSC) in 2001, with a Secretariat housed within the Office of the President, which has developed a draft policy on Conflict Management and Peace-building;
- The development and implementation of a wide-ranging Community-based Policing Programme (an element of the GJLOS), which is now gaining momentum and showing promising results on the ground;
- The establishment of a National Focal Point (NFP) on small arms, an interdepartmental committee including civil society representatives and incorporated within the NSC, mandated to co-ordinate Kenya's actions to address small arms proliferation;
- The development and launch of a National Action Plan on Arms Control and Management (NAP), led by the NFP, which is now being implemented at national and provincial levels, with the active involvement of civil society; and
- The implementation of the Arid Lands Resource Management Project (ALRMP), housed within the Office of the President and jointly funded by the World Bank and GoK, which is supporting community-based approaches to conflict management, such as district peace and development committees, and the development of a national strategy and policy for the sustainable development of arid and semi-arid lands.

Armed violence, insecurity and conflict – Priorities for the European Union

At the same time, the EU is placing greater emphasis on governance, conflict and security issues in its development co-operation,⁴ and this should be reflected in the CSP for Kenya. The 'European Consensus' on development underlines the importance of conflict prevention in the fight against poverty and explicitly commits the EU to strengthen its efforts in conflict prevention, resolution and peace-building through addressing the root causes of conflict and by promoting dialogue and participation. This follows the 2005 Council Common Position on Conflict Prevention, Management and Resolution in Africa which states that the EU will "support the mainstreaming of conflict prevention perspectives within the framework of Community development and its associated country and regional strategies"⁵.

The EU Africa Strategy highlights peace and security as fundamental prerequisites for development, and calls for comprehensive and integrated approaches to conflict prevention and to the proliferation of small arms. The EU Small Arms Strategy⁶, adopted in December 2005, recognises that small arms proliferation is a key factor limiting development in Africa, and calls for 'appropriate measures to deal with the causes and consequences for human development of the illicit spread of SALW'⁷ and for member states to 'take account of security issues ... in drawing up development and assistance

⁴ Commission Working Paper; EC Draft Outline Programming Orientations National and Regional Programming; OJ L 97/57, "Africa Strategy"- The EU and Africa- Towards a strategic partnership Council 15961/05 (Press 367) of 19th Dec 2005; European Council Presidency Conclusions D/05/4 of 17.12. 2005; "European Consensus" COM (2005) 311 of 13.07.2005 SEC (2005) 292 Council Common Position 2005/304/CFSP of April 12 2005.

⁵ OJ L 97/57 Council Common Position 2005/304/CFSP of April 12 2005 (referred to below as "Council Common Position", Article 5; "Africa Strategy", Contribution by EU High Representative Javier Solana to the EU Strategy for Africa", 21 November 2005, Council Doc. S377/05.

⁶ EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition

⁷ Ibid., p. 14

programmes with ACP countries'⁸. The EC, through its support to the GJLOS in Kenya, has also directly supported Kenya's Community-based Policing Programme.

Priorities for the new CSP for Kenya

Mainstreaming conflict prevention and conflict-sensitive approaches to development

Recognise conflict as an obstacle to development and poverty reduction in Kenya, and include a discussion of conflict risks and insecurity challenges in the CSP. This should include a discussion of the nature and causes of existing conflicts involving pastoralist communities and their impact on development, as well as the factors (at regional, national, and local levels) which may increase the risk of conflict in the future. The EC should also consider conducting a country-wide analysis of conflict and insecurity in Kenya to show how the priorities in the CSP can contribute to conflict prevention and security.

Include conflict prevention as a cross-cutting theme in the CSP, and explicitly refer to the need to adopt conflict-sensitive approaches to programming in *all* focal and non-focal sectors, including budgetary support. The EC should not treat conflict prevention in isolation, but rather should allocate funds to integrate specific objectives and components related to conflict-sensitivity and conflict prevention into each sector it supports. Programming in all sectors has the potential to address the causes of conflict and to reinforce stability in Kenya, however, it can also aggravate tensions between communities or exacerbate the social problems that cause conflict. For instance, EC funding to the roads sector could help to address the underlying causes of conflict in northern Kenya, by alleviating poverty and marginalisation of pastoralist areas, enabling service and security provision, and building trust between the central government and local people. However, interventions in the roads sector could also aggravate social divisions and conflict. If, for instance, contracts are awarded on the basis of ethnic affiliation through corruption, or, as the recent controversy over the inequitable allocation of roads construction funds illustrated, if road-building is perceived to reinforce government neglect of certain areas or ethnic groups, then roads development risks inflaming conflict.

The EC should take steps to ensure that programming in sectors such as roads is conflict-sensitive. For instance, the EC could commission a conflict assessment aimed at making specific recommendations for how programming in the roads sector could be made more conflict-sensitive, and initiate dialogue with other donors, government officials, civil society, businesses and contractors on how to take forward these recommendations. The EC could also review its contracting procedures with a view to developing specific requirements relating to conflict-sensitivity, such as the use of conflict-impact assessments.

Recognise the linkages between conflict, security and development in Kenya's rural areas in the CSP, and integrate conflict prevention and security components into rural development programming. The links between rural development, conflict and security, particularly in Kenya's arid regions, are increasingly recognised, and to some extent reflected within the ALRMP. In areas such as the northern Rift Valley, a wide range of social and economic factors have contributed to the escalation of violent cattle rustling and inter-ethnic clashes, including pressure on resources such as water and pasture and the absence of livelihood options. Issues such as livelihood insecurity and environmental management are significant development concerns in their own right, but development interventions in these areas can also contribute to peace and stability if they are designed in a conflict-sensitive way. At the same time, specific measures to resolve conflict and improve safety and security (such as support for district peace and development committees or for developmental arms control measures) will help create conditions for social and economic development. The

⁸ Ibid, p. 15

EC should encourage a holistic approach to rural development that integrates conflict, security and development issues.

Provide support to build GoK capacity for conflict-sensitive planning and programming within the framework of support for good governance across. GoK capacity for conflict-sensitive planning and programming needs to be strengthened if the GoK is to be an effective partner in developing and implementing conflict-sensitive national and sector development strategies. The Conflict Prevention, Management and Resolution Unit within the Office of the President has already undertaken some work to sensitise government officials on the links between conflict and development (reaching the level of district commissioners). However, the capacity for conflict-sensitive planning currently rests with a small number of individuals within the GoK. The EC should provide support to develop the GoK's institutional capacity for conflict-sensitive planning, within the framework of mainstreaming governance and conflict prevention in all EC funded sectors.

Supporting safety and security within the governance sector

Police reform

Recognise the democratic provision of safety and security as a central component of good governance, and key to development in Kenya in the CSP.

Establishing a democratic and professional police force is key to improving the safety and security of Kenyan citizens, and to laying the foundations for development, as is recognised in the ERS. A significant police reform agenda is underway with the development and implementation of a Community-based Policing (CBP) programme – a key component of the GJLOS. The CBP programme is establishing a democratic model of policing, which entails ongoing community engagement and consultation, and which makes civil society an active partner in public safety and security.

Within the framework of support for good governance and the rule of law, continue to support police reform and the implementation of the Community-based Policing (CBP) programme. The CBP programme has made significant progress and is already demonstrating tangible improvements on the ground. A draft national policy on CBP has been developed, and CBP pilot sites have been successfully established in a number of areas. The pilot sites have achieved demonstrable reductions in crime, improvements in community perceptions of safety and security, and greater trust between police and communities. The foundations for successful reform have been laid, however questions have been raised about the genuine level of commitment of some within the GoK and issues of corruption. In recognition of the need to meet these challenges, it is now more important than ever to sustain support for the champions of reform within the government, police and justice system, to consolidate the considerable gains that have been made thus far, and to continue the process of institutionalising CBP.

Small arms control

Explicitly recognise the destabilising impact of small arms proliferation and its role in undermining safety and security and hampering development in Kenya in the CSP. As recognised in the ERS, one of the factors fuelling insecurity in Kenya is the widespread proliferation of small arms. Small arms are contributing to alarming levels of armed crime in both rural and urban areas, and are the main tool exacerbating armed cattle rustling and conflicts in pastoralist areas. Armed violence disproportionately affects the poor and is an important factor undermining development and poverty reduction efforts in Kenya. Chronic insecurity seriously impedes the provision of pro-poor services in the vast urban slum areas as well as in Kenya's severely under-developed peripheral regions. Much of this insecurity is fuelled by the widespread availability of small arms, which can turn domestic or property disputes into violent incidents and make crime much more lethal.

Support efforts to address the small arms issue in a comprehensive and integrated way through support to Kenya's National Action Plan on Arms Control and Management (NAP), and to Kenya's National Focal Point (NFP) on small arms, the interdepartmental committee co-ordinating its implementation.

The GoK has recognised small arms as a priority and is actively engaged at the national and regional levels in advancing effective responses. The NAP was developed following a national assessment of the small arms problem, mandated by the Office of the President. The NAP was officially launched on 17th July 2006 by the Minister of Provincial Administration and Internal Security, though progress has already been made in implementing it with a national small arms policy drafted and over 200 civil society organisations from every province in Kenya trained to take action on small arms issues. The NAP covers a wide range of security and safety issues, including building the capacity of law enforcement agencies, developing socio-economic alternatives to illegal firearm use, and promoting public awareness of the dangers of firearms and the need for peaceful conflict resolution. As such, it links closely with ongoing efforts to reform and professionalise the police and to prevent violent conflict. It provides a framework for a comprehensive approach to the small arms issue that addresses the underlying social, cultural and economic factors related to gun ownership and armed violence, and emphasises close collaboration and consultation with local communities and civil society in developing appropriate approaches to small arms control.

However, there remain challenges to ensuring that the progressive and holistic approach to small arms control contained within the NAP is effectively implemented and informs all government responses to small arms in Kenya. The challenges posed by the prevalence of small arms in North Eastern and Rift Valley provinces and recent GoK efforts to forcibly disarm communities in these areas reinforce the importance of supporting the approach to small arms control contained within the NAP and promoted by the NFP.

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