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Silent peacemakers: grass-roots transitional justice and peacebuilding by women in Kenya's North Rift conflicts

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Abstract: African Union's Transitional Justice Policy (AUTJP) acknowledges that conflicts affect women and girls disproportionately. Implied in this is the need for transitional processes that take into account the gendered nature of conflicts as well as the role of women in contributing to peacebuilding processes and transitional mechanisms. The article contextualises transitional justice within the framework of gender and grass-roots peacebuilding. From both theoretical and empirical perspectives, the article discusses snippets that depict women as contributors to peacebuilding and transitional justice mechanisms in Kenya's North Rift conflicts. The study shows that women have used responsibility in burdens; advocacy; membership in village peace committees; negotiation with patriarchy; sensitisation and memorialisation; and socio-economic empowerment, as approaches to build peace and transition communities at the grass-roots level. These efforts feed into transitional justice's tenets of peace processes, reconciliation, social cohesion, memorialisation, and local ownership. The paper illustrates the need for peacebuilders to focus more on integrating women's voices in local and mainstream peacebuilding mechanisms.

Keywords: Women, transitional, justice, grass-roots, peacebuilding, North Rift, Kenya.

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Introduction

Various definitions of transitional justice seem to agree that it applies to the various formal and non-formal/traditional policy measures and institutional mechanisms that societies adopt in order to overcome past violations, divisions, and inequalities, with an aim of achieving secure and democratic transformation while responding to past human rights abuses (ICTJ 2009, UN 2014, AU 2019). Transitional justice processes aim for dialogue, memorialisation, reparation, reconciliation, accountability, and justice, among the affected. Peacebuilding efforts can therefore be contextualised within this big umbrella of transitioning from conflicts, and the search for positive peace. In fact, peacebuilding processes, and peace negotiations, as pursued by women and other community groups are all indicative elements of transitional justice (AU 2019). Galtung (1976) sees peace as the absence of widespread physical violence and distinguishes between positive and negative peace, with the former addressing root causes of violence and building relevant structures for healthy relationships. The aim of peacebuilding therefore, as Mung'ou (2018) argues, is to normalise relations and to build institutions that can manage conflicts without resorting to violence. Subsequently, in building peace, just as in transitional justice, there is a need to mainstream a set of activities and structures that promote long-term justice and the healing of relationships (SAIS 2006, Mung'ou 2018).

Kenya has experienced diverse periodic moments of injustice, during the colonial and post-independence period; most of which remain unaddressed. During the colonial period citizens suffered injustices such as loss of prime land to colonial government; violence against the population; torture and murder of freedom fighters; forced labour and little or no pay; among other vices. Systemic ethnicisation as a result of colonial rule and which in the run towards independence worsened with the formation of local/ethnic rather than national parties, to date, still haunt peacebuilding efforts and transitional justice processes. In the post-independence era most violence has been largely politically motivated, aimed at ensuring maximum control of power by the ruling government. A few landmark periods stand out: 1991/2; 1997; 2007/8; 2013. All these were election years, and the government used regional balkanisation and instrumentalisation of ethnic violence to evict minority communities in certain parts of the country, such as the Central, Western, and Rift Valley regions (Lonsdale 1994, Klopp 2002 Kagwanja 2005, Lynch 2006, 2008, Branch & Cheeseman 2009, Kambogah 2011).

The hotly contested election of 2007 is seen as the climax of ethnic violence. It resulted in mass deaths and displacements. The Kenya National Dialogue and Reconciliation (KNDR) enabled the settlement of election disputes through the creation of a coalition government (Hansen 2011). During this time, middle-class

women and women leaders rallied around to reach out for networks in the constituencies as a way of forming recognisable and formal alliances. The Women's Consultation Group (WCG), for instance, is said to have built both horizontal and vertical alliances through already-existing networks as a way of ensuring political and elite connections while maintaining local/grass-roots networks (Chang *et al*. 2015). Other efforts at the time were in the form of gender-responsive reparation as seen in the 'Nairobi Declaration on Women's and Girls' Rights'. This declaration was made from the observation that the frameworks available at the time did not quite address the needs of women and girls who had survived sexual violence during the conflicts (Moore *et al.* 2016). Other efforts were from women's collaborations with existing civil society organisations (CSOs) and non-governmental organisations (NGOs) to reach out to the displaced, physically and emotionally traumatised women, girls, children and the aged.

Among the eminent persons in the panel of Kenya National Dialogue and Reconciliation (KNDR) led by a UN mediator, Kofi Annan, and which was aimed at resolving the dispute over results of presidential elections, was Mrs Graça Machel (McGhie & Wamai 2011). On the side, she lobbied for women to join hands and speak in one voice so that their contribution to the peacebuilding processes could find a place at the table of decision-making. Other women took up advisory roles or were senior members of political delegations. While the formal process was taking place, women organised a range of forums at local and national levels (Chebet 2011).

The follow-up to the KNDR led to the enactment of Truth, Justice and Reconciliation Act on 23 October 2008 (Juma n.d., McGhie & Wamai 2011, Kariuki 2015), with commissioners appointed in July 2009. Although in previous conflicts there had been efforts by CSOs, NGOs, religious organisations, and in general efforts from various communities, an act for justice and reconciliation had not been enacted. The new Truth, Justice and reconciliation Commission (TJRC) was challenged from the start as the appointed chair received public opposition because of accusations of past violations of human rights. The vice chair, a woman, took over after almost a year of court battles. The commission's work led to a collection of 40,098 statements. The report was submitted on 21 May 2013 after a long delay. The recommendations of the report have to date hardly been implemented (Hansen 2011, Kariuki 2015). An earlier Commission of Inquiry into the Post-Election Violence (CIPEV), popularly known as the Waki Commission, did its work more quickly and recommended the formation of a local accountability process through a special tribunal to prosecute those who were responsible for organising the violence. It was out of this commission that a list was later to be released to the International Criminal Court (ICC) when the local tribunal failed in its mandate (Hansen 2011, Kariuki 2015). None of those alleged to be perpetrators were indicted at the ICC.

From this backdrop of transitional justice in Kenya, a top-down approach that is state-led with defined resources and time-frame is evidently slow and yields very little fruit. Seemingly, it is also marred by clientelism and patronage. The challenges faced by top-down government efforts to tackle the root causes of Kenya's conflicts have encouraged grass-roots-level organisations and individuals to pursue transitional justice at community level. This is largely preferred in encouraging dialogue, restitution, forgiveness, and reconciliation at community level (ACHPR 2019, AU 2019), where conflicts happen.

The role of non-state actors in transitional justice, especially at the grass-roots level, has been largely explored (Shitemi 2003, Mung'ou 2018). Furthermore, as Mueller-Hirth (2019) explains, there is a considerable amount of literature linking gender and peace. However, there are limited accounts of lived experiences of women peacebuilders, especially in the context of transitional justice, yet, as Porter (2008) shows, women are very active in informal activities at the grass-roots level but remain largely marginalised in formal peace processes. It remains important to show how women's activities at community level contribute to transitional justice and peacebuilding processes, because transitional justice processes seem to largely ignore women or include just a few women in the processes (Chebet 2011, McGhie & Wamai 2011). Furthermore, the literature depicts knowledge gaps in grass-roots transitional peacebuilding processes that enhance forgiveness, reconciliation, and healing within and among the affected communities (Abdalla 2001, Klopp *et al.* 2010). More specifically, the focus seems to be on gendered peacebuilding processes by both political and middle-class elites (Klopp *et al.* 2010, Arostegui 2013, 2015, Coomaraswamy 2015). Approaches applied by women at local levels to transitional justice efforts aimed at achieving peace and justice are to a large extent missing.

Literature and other knowledge systems represent women's participation in transitional justice and peacebuilding processes in two ways: women's active participation and subsequent agency in peace processes; and constant advocacy for the inclusion of women's issues of concern in the contents of peace talks (McGhie & Wamai 2011). This is because in situations of conflict, women, men, youths, and children are affected variously (AU 2019, Mueller-Hirth 2019). Men may suffer physical violence as they are perceived to be security providers and as a result are in the forefront of war. Their absence as a result of their direct involvement in the violence (Gichohi 2016), forces women to be head of households as breadwinners and taking the roles that traditionally are meant for men in the African context (Bouta & Frerks 2002, Kaol 2020). De Alwis (2002) calls it changing the nature of women's roles during or after the conflict, which he describes as shifting from 'traditional roles' to 'non-traditional roles'. It is referred to here as 'responsibility for burdens'. Among the Karamoja of Uganda, women have been taking up new roles to sustain their own and

their children's livelihoods, especially when their husbands are unable to participate in conflicts to raid cattle or provide for their families through livestock farming (Dolan 2002, Mkutu 2007). Mkutu (2008a) argues that, in the case of Northern Uganda, women have to make decisions about guns and ammunition, which gives them more power to determine their own welfare against aggressors. In the context of Rwanda, Adler *et al.* (2007) show that such decisions had a multiplicative effect on women, who felt increasingly threatened. All these are adaptive strategies by women to deal with conflicts. Shitemi (2003) shows that, after conflicts, women are overwhelmed by burdens that spill over from the clashes, poverty, and other sociocultural factors. She argues that their trauma is evidenced in their silence in peacebuilding convenings. This calls for support forums where women can speak up and share their stories, losses, hopes, and visions to transitions from the effects of conflicts.

Although in the past two or so decades there have been efforts to identify and address the differential effects of conflict and violence, women's voices and participation in post-conflict peacebuilding processes, especially at the local level, are still not as pronounced as they should be. This essay focuses on the place and role of women in the North Rift region, exemplifying how they have navigated the challenges posed by conflicts to them and how they continue to contribute to transformational and transitional conflict resolution agendas at the local level, within the grass-roots transitional justice framework.

Methodology

The article is based on both theoretical and empirical research. A literature review is corroborated and complemented with field data. For the field data, a broader study was carried out between July 2018 and May 2020, on the role of non-state actors in peacebuilding in the North Rift region. Although the study focused largely on the models applied by the Catholic Church in transitional justice in the region, a silent theme on gendered transitional justice emerged. The main methodological approach to the field study was in-depth interviews with church leaders, elders, coordinators of conflict resolution projects, women's and men's group leaders, youth leaders, and local government leaders in the study area to amplify Kenya's North Rift case. The key respondents were selected purposively, through visits to churches and development projects; and sometimes through snowballing. Most of the participants had either experienced ethnic violence or had been response persons or part of response teams. For this paper, a total of fourteen oral in-depth interviews and four focus group discussions (FGDs) have been used to form themes based on specific experiences in peacebuilding, such as: responsibility for burdens, advocacy, membership of village

peace committees, negotiators of culture and patriarchy, sensitisation processes, and socio-economic roles—as part of the constant struggle to transform situations of conflict. The thematic explanations are aligned to the AUTJP framework that defines transitional justice as 'the various (formal and traditional or non-formal) measures and institutional mechanisms that societies, through an inclusive consultative process, adopt in order to overcome past violations, divisions and inequalities and to create conditions for both security and democratic and socio-economic transformation' (AU 2019: 4). The analysis of the role played by women therefore depicts stories of determination, tactics in peacebuilding, and building a different future full of hope for positive change, especially for vulnerable women and their families and for the community at large.

Contextualising conflicts and the place of women in Kenya's North Rift

The North Rift region consists of Turkana, West Pokot, Trans Nzoia, Elgeyo Marakwet, Uasin Gishu, and Nandi counties. Ethnic conflicts characterise the region and result mainly from contentions over resources, such as land, pasture, and water (Mkutu 2006, 2008b, Bevan 2007, Eaton 2008, Greiner 2013, Bolton 2017). However, these seem to heighten during electioneering years, especially during disputed elections, which is a common occurrence in presidential elections. Trans Nzoia and Uasin Gishu Counties, for instance, are largely occupied by the Kalenjin, but with a good proportion of Kikuyu and other ethnic groups such as Luhya, Luo, and Kisii. Land conflicts have been evident in these counties during electioneering periods since 1992 (Lynch 2008, Branch & Cheeseman 2009, Rutten & Owuor 2009). The Kalenjin claim the region is their ancestral home, and that any other tribe is settled there illegally as beneficiaries of the 1963–78 ruling regime. The instrumentalisation of violence that had its roots in 1991 after the repeal of Section 2A of Kenya's Constitution to change Kenya into a multiparty democracy (Klopp 2002), spread to areas where Kikuyus had been settled by the first President (who was a Kikuyu). Subsequently, from 1992 to the present, in electioneering years, Kikuyus and other tribes living in predominantly Kalenjin regions are considered *madoadoa*, Swahili for 'aliens'. The natives therefore use election violence that happens across the country during the electioneering period, to evict Kikuyu and other communities, mostly perceived to be 'aliens', and opponents of their preferred aspirants, out of the regions.

Elgeyo Marakwet, West Pokot, and Turkana Counties experience conflicts related to land and cattle rustling. There are a number of associated factors, such as proliferation of small arms and light weapons, political incitement, competition over scarce and diminishing water and pastures, celebration of a culture of heroic raiders,

marginalisation by successive governments, and little presence of state security (Mkutu 2008b, Greiner 2013, Okumu 2013). These conflicts sometimes heighten during electioneering periods, with politicians said to be the beneficiaries of cattle theft (Mkutu 2008b, Greiner 2013).

The effects of these ethnic conflicts have been documented (e.g., Klopp 2002, Lynch 2008, Kambogah 2011). They include evictions/displacement, killings, physical injury, rape, destruction of property, and theft, which deepen the physical, emotional, and psychological trauma of communities. Men, women, youths, children, and the physically challenged experience these effects variously. The conflicts also redefine the socially ascribed duties and responsibilities of men and women variously (Gichohi 2016), with men, culturally perceived to be playing active roles of fighting and protecting the community, and women playing passive roles of care. This perception, as Gichohi argues, is likely to conceal the active and various important roles played by women, especially in communities transitioning from conflicts. Although they may not be in the forefront on battlefields, they suffer personal, social, and infrastructural loss from the above listed effects. Their roles in peacebuilding and transitional justice should therefore be evident.

The lived experiences of women in contexts of conflict have demonstrated women's agency in peacebuilding and social transformation. The burdens they bear only serve to contribute to their resilience as agents of peacebuilding as seen in studies from Kenya, Uganda, and Rwanda (Sharlack 1999, Shitemi 2003, Adler *et al*. 2007, Arostegui 2013, Mueller-Hirth 2019). The negative and positive experiences of women in the context of conflict prove that they are not naïve to the processes and intricacies of war, but are able to use these experiences as springboards for transitional justice. Women have had to apply different roles and diverse strategies in grass-roots peacebuilding within the framework of transitional justice, as will be discussed below. Such roles and strategies have included advocacy, membership of village peace committees, negotiators of culture and patriarchy, sensitisation processes, silent protectors, socio-economic roles, and silent peacemaking gestures. The discussion below is built around these roles and strategies.

Women's role in transitional justice at the grass roots in Kenya's North Rift

Although most accounts on women's participation in transitional justice and peacebuilding processes through CSOs, political representation, negotiation, and mediation teams, among other platforms, imply that women have to hold elite positions, there are grass-roots initiatives by women at community level that contribute

to transitional justice and peacebuilding. How these women take individual and collective responsibility to transition from situations of conflict, bring back normalcy, and hold their families together, are concerns that require scholarly attention. Given the lack of political will and accountability on the part of the government, women's own efforts in transitioning communities from conflicts remain key.

In the section that follows, the article provides a discussion on the place of women in grass-roots transitional justice, which is a coinage that means a framework without formal time and activity, and which serves well to tackle the present effects of conflicts during a transitioning period, while at the same time addressing historical injustices, in ways that women understand better, and in line with their (and community's) immediate and future needs. This model therefore serves a more long-term objective of not just stopping the conflicts, but reconciling communities and building more sustainable peace by strengthening relations between and among them. The snippets presented are lived experiences and roles of women in situations of conflict in the Kenya's North Rift. Although these roles by women at community's grass roots hardly find a place in the policy agenda, they are evident from the grass-roots voices. Subsequently, in this section, women are portrayed as 'silent peacemakers' at grass-roots levels.

Taking up responsibility of burdens during conflicts

When conflicts erupt, women seem to be more burdened than men in regards to the care and responsibility required of them towards children, the sick, the elderly, and their property. Their husbands, male relatives, and sons, who are mainly the warriors during conflicts, leave them behind. While in other instances, some of their spouses and sons are may be away at work, others are widowed. This further exposes their vulnerabilities during conflicts. There is hardly anyone to protect them and take care of their vulnerabilities, as a Kikuyu woman at Kiambaa in Eldoret, whose house had been torched during the 2007 post-election violence, noted, '*property is destroyed, houses burnt down, girls and women are raped, children traumatised, hospitals and schools are closed and some women give birth in the fields without help*'. These are just a few of the challenges that women and children suffer as men fight, work, or flee. This was corroborated by an account of a Kikuyu man who worked in a gas station at the height of 2007/8 violence in Uasin Gishu. He narrated:

> *when the youth from the other community decided to attack us around this area, we were caught unaware. At the time I worked at a gas station. When I saw the marauding crowd I had to scamper for safety and I ran towards the valley and hid under the cover of the forest the whole night, taking short walks towards a police station where I thought I would be safe. I was so scared for my family especially because we have a physically*

> *challenged daughter, and I knew my wife couldn't leave any of our children behind. However, I also thought it was safe for them because I was not there since I know mostly the fighters target to kill men and not women and children.*

This narrative points to the notions of insecurity that men have in situations of conflicts. Their absence also exposes women's vulnerability, and without a helping hand, this complicates the women's security. As bearers of the burden for their children, the sick, the elderly, the physically challenged, and extended communities when they are not the targeted victims, such determination becomes useful in building the agency required for transitional justice processes.

Furthermore, during conflicts, when men are on battlefields and others are guarding their communities, women become the decision-makers in the homes at that point in time. Loss of their husbands to the war implies that they become the heads of their homes. Whether experienced or not, they are in control of their households. Feeding and protecting the family becomes their primary concern. It is for this reason that the women develop survival mechanisms to provide for their families during and after conflicts. As seen in the case of the women above, the changing roles of women as necessitated by conflicts demands a change in culturally held notions of men as financial and economic providers (Adler *et al.* 2007).

The AUTJP as an African model and mechanism for dealing with conflicts, violations, and governance deficit encourages African traditional justice processes that embrace the taking up of responsibility and local ownership of processes that ensure local needs and aspirations that contribute to a shared vision. A female voice of reason and respect among the Turkana, Pokot, and the Marakwet is Tegla Loroupe, a renowned world marathon champion, who founded The Tegla Loroupe Peace Foundation in 2003. The aim of the foundation was to use sports as one of the avenues for achieving social interaction that would then translate into social cohesion through healing of past differences, and building trust and amicable solutions to conflicts in the North Rift and Horn of Africa. The foundation established mitigation programmes that included education for peace, enterprises for improving livelihoods and the environment; and conflict management projects (Mganda 2013). Through this initiative, voices like those of Naisula Lesuuda, a former journalist and now a senator, calling on communities to unite and live in peace, have been heard nationally (Okumu 2013). A similar approach was adopted by the late Bishop Cornelius Korir in the Catholic Church's peacebuilding activities in various places in the North Rift region (Mutua & Kilonzo 2016).

Advocacy on forgiveness, reconciliation, and empowerment

Women's roles in advocacy are seen in their interventions during and after conflicts. The Coalition for Peace in Africa (COPA 2014) documents a few cases of women's narratives on peacebuilding in the North Rift region. For instance, Mary Chepkwony, a Kalenjin woman affected by ethnic clashes between the Kalenjin and Kikuyu in the 1992 and 2007 elections, was evicted with her three children from her home in Burnt Forest, only to return later in the year to mobilise Kalenjin and Kikuyu women to form the Toror Chepsiria Group, named after a wild tree that grows in Uasin Gishu and towers above all the other trees, bearing fruit throughout the seasons, dry or wet. The vision was for women to give hope to all at all times. Together with Rose Barmasai and Selline Korir, they formed 'The Dream Team' and with training and the help of the National Christian Council of Churches of Kenya (NCCK), worked in different pockets of Uasin Gishu and Trans Nzoia Counties to build peace, especially during the 2007 post-election violence. With the help of USAID, in April 2008, they organised a total of eighteen dialogue forums with elders, men, women, and youth to chart the way forward for coexistence (COPA 2014).

These women illustrate a journey of determination to build and transition communities, but also to provide a model for other women to work for the same course. For instance, Beatrice Kimani, a Kikuyu woman married to a Kalenjin man, and a primary school teacher by profession, lost all the possessions she had in the 1992 Burnt Forest ethnic clashes and had to leave for her parents' home in Nyeri, even though she considered herself to be a member of the Kalenjin community, by virtue of her marriage. She later returned to help students go back to school and through the area chief, she returned to work. Although the teachers and pupils were not ready and feared for their lives, she walked door to door, taking personal responsibility for their safety, and convinced parents that their children would be safe in school. Beatrice would later in 1999 join Mary Chepkwony and Selline Korir, who at the time had started the Rural Women Peace Link (RWPL) movement, to pursue her passion for peacebuilding (COPA 2014). Shitemi (2003), while studying the RWPL, argues that such organisations are aimed at helping women cope with economic pressure and changes resulting from conflicts. They are platforms for encouragement, inspiration, and practical ideas to solutions for basic survival, bettering the individual, family, and community as a whole. These platforms deconstruct cultural notions and narratives, such as the passive roles of women in public participation for peacebuilding and transitioning communities.

In the 2007/8 conflicts, a Kikuyu woman, who was a renowned local liquor brewer, and whose community seemed to be the target for ethnic cleansing, approached a priest and asked if with the help of others they could try organise and convene a

meeting with ten elders from the two ethnic groups to initiate the peacebuilding process. This initiative is a sign of commitment and resilience of women, whose interests are in transitioning warring communities towards peace. Although this woman did not have any form of political power, or power at the community level, she knew the men (and elders) who came for the local brew in her den. Through her efforts, the church leadership was able to convene the first meeting in the local market, and later on in the church compound for peace talks to start. Although she was not part of the meeting since elders are mainly men in the two communities, she was a true silent advocate for brokering the dialogue process and reconciliation that happened in the end.

In the FGDs held with both men and women as a way of determining gender relations in peacebuilding processes, it seemed that men held the leadership roles and determined most of the discussion agenda. Women were 'silent listeners.' Although, as observed during the FGDs, women were keen to follow the proceedings of the peace meetings their 'silent advocacy' manifested in the sense that the work that went into the processes was much more important for them than the taking of leadership roles in peace meetings. They did not want to conflict with the broader agenda set out by the peace caucuses that were mainly led by men. Their role was to internalise the general peace agenda, and implement the activities, share peace messages, and encourage those suffering and affected. All these actions, by these various women, are indicative elements of transitional justice. As AU (2019) explains, these are peace processes and negotiations that lead communities to agree on issues that in the first place antagonise them. The formation of movements like the RWPL is a basis for functional local advocacy, dialogue, and reconciliation platforms that women can use, and by extension, involve men and youth to speak to broader transitional mechanisms.

Membership of village peace committees

One of the post-conflict transitional agendas is to encourage dialogue, retribution, forgiveness, and reconciliation. For this to happen, the transitional process may require more than the perpetrators and victims. Subsequently, the involvement of different stakeholders is necessary. Village peace committees result from a collaboration between the government, religious bodies, community based organisations (CBOs), and community members. The aim is to build communities of practice within villages and strengthen activities aimed at dialogue, reconciliation, and accountability. The village peace committees, therefore, may take traditional or legal forms. The former can be done through the use of clan or customary convening, mainly through

the use of elders. The latter can be through community–local governance relations. The clan peace committees were common among the Pokots and Turkanas, where peace and conflict deliberations are made at kraal or clan level, involving different stakeholders. The community–local government peace committees were witnessed in Burnt Forest. Each village has five peace committees depending on the number of sub-villages. Each of these committees is attached to a constituent peace committee (constituting a government jurisdiction made up of several wards). The peace agenda from the different villages is channeled to the constituent peace committee for government action and/or monitoring and evaluation. This way, there is synergy towards community and statebuilding. Bringing together the five villages ensures that there is a good mix from the different ethnic groups. This mix is relevant for cohesion and coexistence.

At the time of data collection, only one committee, the Olare Peace Committee, had a female organising secretary, whose role is to coordinate all the peace activities of the five villages. She mobilises both men and women and coordinates the meetings between the committee and local government. She not only manages the agenda of the peace committee but also ensures follow-up for all the activities. In the first interview, she made an FGD meeting with members possible and it seemed they were keen to get directions from her. In an oral interview she explained:

> *Facilitation and coordination of the groups' meetings and activities is often emotional demanding, particularly when the community members have suffered the effects of the conflict. It is traumatising and hard when a facilitator of such a group identifies with the stories of the group members, stirring up their unresolved trauma. Constant training and therapy sessions are needed to help organisers deal with their experiences before addressing others.*

This particular instance implies that women have the ability to take up leadership roles in the peace processes at the community's grass roots. Although the numbers of such women leaders are not many, these few instances are indications that given a chance, or if they seek earnestly for these positions, they are able to provide the needed community-level leadership for transitional justice.

COPA (2014) documents the story of Florence Njeri Gathungu, who was touched by the incidence of women giving birth prematurely from the stress of conflicts during the 2007 conflicts. As a secretary to a local Catholic Church where she lived, she was able to reach out to the then Bishop, who with the help of Catholic Relief Services (CRS) provided humanitarian support to these women, and the elderly who were at the time sheltering in the church and school premises. Njeri and other women, as COPA (2014) shows, have worked with church leaders, CRS and other NGOs and CBOs to facilitate peacebuilding activities and transitioning from conflicts. AU (2019: 21)

encourages that transitional justice should take into account the situation of women, children, and other vulnerable groups and ensure the representation of women in the decision-making processes.

Negotiating patriarchy for conflict-prevention, reconciliation, and accountability

How is indigenous culture understood in the context of transitional justice and how would women negotiate with the patriarchy to institute their agency in conflict resolution efforts? Although in almost all the communities represented in the Kenya's North Rift, the custodians of culture are men, there are instances where women's voices are necessary. Gichohi (2016) explains that, in Turkana, women are involved in peace meetings at the kraal level where women are invited to give information during mapping hotspots of conflicts. They are also called to give information on impending raids and early warnings of attacks such as seeing footprints. During data collection at Kainuk, the border between West Pokot and Turkana Counties, a woman who had suffered the loss of her two sons from ethnic conflicts explained:

> *We hear when our spouses and warriors plan not to go to market to buy or sell their animals and we know there is impending danger. When the warriors disappear for a number of nights, we understand that they are deep in the forest planning for war. Although some women would be allies and side with men, in a number of instances we sympathise with our fellow women from the targeted community and issue warnings to them for their husbands to prepare for the attacks.*

Although sometimes this information cannot be useful for averting the violence given its spontaneity, it gets the target community ready to avoid ambushes. They are able to run away, hide, or fight back.

Data showed that women have influenced the process of war, dialogue, and reconciliation silently, either through their spouses or through negotiations that influence the decisions of the elders. Among the Kikuyu, Pokot, and Marakwet, it emerges that there are instances where respectable elderly women who hold the status of female elders are allowed to sit in the council of elders' meetings. In this position, they are able to negotiate when need be. When and where their opinions are not considered, since this is the prerogative of the male elders, having followed the proceeding of the meetings, the women can silently and secretly influence their spouses to make decisions that favour peace in place of conflict. The power dynamics at play seem not to deter their willingness to have communities reconcile and transition them into peaceful coexistence.

Oaths have been culturally used to start or prevent wars. Once an oath is taken with the aim of stopping conflict, if there is a need for men to go back to war, only another oath can be used to neutralise the first one. If they go against the cease-war oath, calamities befall them and the community at large. Women are at times said to influence or support the men to take oaths. In one of the FGDs in Uasin Gishu County, women were in support of an oath-taking activity that was to hold men responsible and accountable for ethnic conflicts. *Muma* and *kwanyan* for the Kikuyu and Kalenjin communities, respectively, was to be taken by men, who are mainly the perpetrators of violence, and also the custodians of culture. The shedding of the bull's blood, which is slaughtered during the ceremony, and the sharing of the blood and meat, is a symbol of unity for elders and warriors from both communities. Once this is done, both men and women are assured of safety. This ceremony holds them accountable for future actions, and, as AU (2019: 12) shows, the participation of victims, perpetrators, and community members in such traditional resolution mechanisms is a benchmark for a successful African traditional justice mechanism.

The Pokot and Turkana used a similar oathing process in Kainuk in the Turkwel conflict corridor in early 2015 during a time when cattle rustling had claimed the lives of several people in the region. However, the Pokots had already taken an oath called *mis*, which binds them together for war. For the *mis* to be broken, a *kwanyan* ceremony was needed, and as such they had to assemble the twelve elders (mainly men) from the different Pokot clans. The mediator of the peace talks at the time was a church leader, the Bishop of a Catholic Church, who, given his age and position, was considered an elder. The negotiation meeting took only ten minutes and a deal was brokered for transitional justice processes to begin. Afterwards, the Bishop had to convince the elders from both communities, who are very protective of their women, to allow him to engage women and youth in the peacebuilding process. They immediately agreed to dialogue, to suspend daily killings, and for the youth and women to be engaged in the transitioning processes.

In high-level cultural meetings, women are not allowed to take part in the conflict resolution conversations. However, women may invoke certain cultural practices to either stop war or allow it to happen. The Turkana women, for instance, use a *rokatio*, a belt that is used to tie the waist of a woman who has recently given birth. Once the stipulated period for the use of the belt is over, the belt is removed through a traditional ceremony. It is a taboo for the men in the family of this woman who is using a *rokatio* to fight. The belief is that, if they do, they will lose the fight to their opponents and many of them would be killed. In some instances, women are known to prolong the period of the use of the belt just to hold back their men from going into war.

This picture may be contrasted with that of the Acholi of Northern Uganda. As Langole (2014) shows, women are seen to occupy and make decisions at certain

levels of peacebuilding meetings—*ekoi*, *etem*, and *akiriket*. Langole explains that *ekoi* and *etem* are more inclusive while the *akiriket* is the preserve of elders. Both female and male elders play a role in the *ekoi*. *Akiriket* is the preserve of male elders and handles issues related to more complex conflicts. It is an expensive ritualised affair and the deliberations take more time that *etem*. Similar accounts of women's involvement, although with limited power, have been described for the Pokot women. This participation in the peace committees and cultural meetings provides latitude for women to follow the proceedings of the meeting and be better placed to make certain decisions about conflict transformation.

Youth too are able to use the same culture to influence the decisions of elders. A male coordinator of a peace programme, and who in 2008 was 25 years old, seemed to sympathise with the position of women and children in conflict situations. He rescued a group of defenceless women, children, and youth, who had been surrounded by warriors from a different ethnic group in the 2007/8 elections, using the very culture that the elders had taught him as a youth. He, together with other warriors had been invited by the elders to strategise on how they would evict members of the other different ethnic group but, in his mind, he knew the victims who were defenceless women and children (since most men had already escaped and others had been killed), needed help. The community to which the young man belonged, Kalenjin, view bloodshed as a curse on mother earth. A common saying among the Kalenjin states: 'you cannot shed blood on the soil that feeds you and your children'. This is a curse and contamination for present and future generations. This man, who was aged 37 at the time of the interview, during the planning meeting, repeated the same words to the elders and this was a 'silent bargain' to have the victims escorted away without bloodshed to a police station. This would then allow the perpetrators to possess the land of the victims. This may be juxtaposed with the practices of the Acholi of Northern Uganda. In their conflict resolution meetings, particularly *etem*, the youth, who are perceived as implementers of certain key decisions are invited and given more latitude for their opinion and are listened to by the male and female elders so that sound resolutions about conflicts and punishments, including corporal punishment, are made (Langole, 2014: 94).

Sensitisation and memorialisation for transitional justice

Sensitisation and memorialisation remains an important indicative measure of transitional justice, as AU (2019: 14) shows. Dialogue across generations and public acknowledgement mark commemorative activities that keep the communities aware of the past and how it is likely to influence the present and the future. Long-term activities and monuments, such as peace roads, bridges, monuments, and burial

sites, are all part of sensitisation and memorialisation processes as seen from the study area.

In all the counties, the powerful role of histories and how men and women pass them down to younger generations is crucial. Both educate the young men and women on the histories and genesis of violence in ways that can be harmful or beneficial. One of the distorted narratives told by men and women in the region is that one ethnic community does not belong and is seen as 'the other'. The narrative goes that this 'other' community acquired land illegally because they found favour from the then president, who belonged to their own ethnic group. Follow-up discussions with some of the community elders and members of the 'other' community revealed that the information was distorted in order to justify the perennial evictions of the 'other'. They had documents to prove that they bought land legally and were constitutionally justified to live in their homes. This is an indication of the roles that older generations, both men and women, can play to avert conflicts. The youth, who are mainly the perpetrators of violence, respect the voices of elders. They only need to be provoked to start the conflicts, or warned to end the violence. The way in which information is shared is what Rehn and Johnson (2002) refer to as one way of making future generations aware of their past. However, if the information is distorted and lacks credibility, especially among communities where conflicts are rife, the consequences can only be projected. Enshrined in this approach, where information about land and resources seems to be relevant to the male child, is a gender issue that needs to be checked and deconstructed. Wright (2014) suggests the promotion of notions of masculinities which favour nonviolence and gender equality. This, as Wright suggests, can be done in a number of ways, including developing approaches for engaging men and boys to promote gender equality and non-violence; and encouraging a culture where both male and female children are prioritised and given equal opportunities. This is likely to have valuable impacts on the lives of men and women.

Other memorialisation activities in the region include projects such as peace roads and bridges to join two villages of different ethnic communities, as seen in Yamumbi and Kapteldon, villages occupied by Kikuyu and Kalenjin ethnic groups, respectively. The youth from both villages built an eight-kilometre road, broadening what initially was a footpath to a good murram road that connects the villages at the river Lemook. At the connecting point they also built a bridge. The Catholic Relief Services and Caritas Australia supported these activities (Korir 2009: 36). While the youth worked, the women looked for food and cooked for them under the *tree of peace* next to the river. The tree would later become very significant to the two communities. In site visits in 2018 and 2019 during data collection, the community meetings were still held under the same tree, the tree of peace next to the river, as a sign of memorialisation. In Burnt Forest, the Olare and Olenguse bridges were also built to link different ethnic groups.

Another memorialisation activity was witnessed at Kapsait, the border of the Pokots and Marakwets, where members of both communities constructed a huge cross and put it on top of a hill at Kapsait border. They named the place Kapsait Lady Queen of Peace. The name in itself reflects the peace roles that women play in communities. Every 1 January they join in a procession to the cross and later gather at Kapsait Catholic Church to celebrate the peace success stories of the past year. Women prepare meals for the congregation to celebrate. These accounts support the argument that women have played varied roles in times of conflicts and transitioning (Rehn & Johnson 2002).

Compensation and empowerment through socio-economic engagements

In the 1991/2 conflicts, individual efforts are exemplified through the efforts of women like Mary Chepkwony, who, as already discussed earlier, organised a Kikuyu and Kalenjin women's group to empower themselves, and reach out to other affected members of the community. Through the contributions of group members, they built new homes for victims whose houses had been torched, demolished, or vandalised; bought sheep for each member of the group and engaged in other economic activities to enhance the empowerment of members (COPA 2014).

In the aftermath of violence in 2007/8, in West Pokot and Uasin Gishu counties, women participated in NGO, church, and community initiatives that aimed at distributing planting materials—seeds and fertiliser—to communities to start settling back into their homes. The initiators of development activities encouraged youth and men to join in the farming as a way of distracting them from relapsing into war. The leaders encouraged the conflicting communities to share seeds from the same bag, a subtle sign that the communities were in silent communication and were transitioning from conflicts.

During and immediately after the conflicts, the communities were very suspicious of each other and no one wanted to converse with anyone from ethnic groups deemed rivals. Through the humanitarian organisations and churches, a few homes benefited from a goat project. Since goats are reared mainly within the confines of the homestead under women's jurisdiction, women were to take care of these goats. Once the goat bore the first kid, the kid would be given to a neighbour, who was of a different ethnic group. If the beneficiary had been a Kikuyu, she would then donate the first kid to a Kalenjin woman. Again, this was translated as cultural gesture of reconciliation and empowerment. The families were encouraged to share in the farm produce from the seeds they had benefited from. In this kind of interaction, women would start dialogue and relieve the pain of the conflict as a way of healing.

In the sites visited, various development activities formed in the aftermath of the conflicts in 2008, with the aim of bringing women and men from the different ethnic groups together, were still in existence. A recurrent example was table-banking, an initiative that began in one of the areas in Uasin Gishu, and quickly spread to other areas that had suffered the same effects of conflicts. The table-banking concept is a simple way of loaning money to people who want to invest it in business. About fifteen to twenty members come together once a week, contribute an agreed amount of money into a pool, and then loan to two or three individuals who return the money at an agreed time with a small percentage of interest. Every week different people benefit from the pool. These meetings, besides helping in personal development, are meant to encourage dialogue amongst warring ethnic groups and encourage transitioning towards peaceful coexistence. The table-banking idea was born out of the merry-go-round concept that is largely associated with women. In some of the sites, some women would meet to contribute money on a rotational basis, others kitchenware, and others labour on their farm. The spirit is that if they are many, they would do more; but if one is working on their own, the benefits would be less. All these efforts, as AU (2019) explains, are traditional and complementary justice mechanisms that allow for local processes for communities to address disputes and restore the loss caused by violent conflicts. Community-based dialogues, and customary and clan courts are used alongside other formal mechanisms to address the justice, healing, and reconciliation needs of the affected communities (AU 2019: 12).

Way forward and conclusion

The need to understand women's experiences and contributions in conflicts and post-conflict transformation in transitional justice processes, is fundamentally important. Linking these grass-roots efforts to the larger transitional justice framework means that women's efforts in peacebuilding have become the holding filament that transforms into stronger roots enhancing social cohesion in the community. At the grass-roots level, their contribution may go unnoticed and unaccounted for. The women at the grass roots need to make efforts to make their contribution known to CSOs, NGOs, and the government. These organs should deliberately target women, and mainstream gender in formal peacebuilding and transitional justice processes. Secondly, women, on their own and together with their networks, should take stock of their contribution towards peacebuilding and transitional justice. There is a gap in this evidence, and the assumption then becomes that women are not quite involved in the processes. Evidence of their involvement is important to prove their credibility. Thirdly, the persistent inequalities in access to decision-making, political power,

influence and resources should be addressed if the efforts of women are to multiply and contribute to statebuilding. There should be deliberate support for their efforts and implementation of affirmative action should be taken seriously. It might be worth noting that the progress of women's community-based peacebuilding and transitional justice processes may be hindered by lack of expertise. Women should therefore work with groups of experts to help shape their understanding of peacebuilding processes and sharpen their agenda for greater gains. The current research findings show that, where women and communities at large partnered with churches and other organisations, the benefits were greater. As all these things happen, it is also important not to remain blind to the efforts of men. Wright (2014) shows that men's attitudes, values, and behaviours are rarely considered from a gender perspective.

Hence, the critical roles played by all the stakeholders in conflicts and conflict transformation should be building blocks in learning towards more integrated peacebuilding processes. The idea is to take a more nuanced and all-encompassing perspective in addressing conflicts and conflict transformation. As the literature has shown, men dominate the field of peace and security. Implementation of United Nations Security Council Resolution 1325 (United Nations 2000) and other related resolutions should not just target the formal mechanisms of transitional justice as platforms to include women. Greater political will and resources, as Wright (2014) explains, are urgently needed to advance the women's peace and security agenda; at the same time, the socially constructed gender roles and identities of men and boys must not be neglected.

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