Full Length Research Paper

Is forgiveness and amnesty a panacea to Kenya's post-conflict crisis?

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For a long period, Kenya was rightfully branded "Island of Peace" in the tumultant Eastern Africa Region. After the December, 2007 General Elections, the country plunged into civil war and rebellion especially in the region west of the great rift valley. Provinces located in the region: Rift Valley, Nyanza and Western witnessed: murder, looting, eviction, rape, arson, burning of food and food stores, destruction of homes, animals and crops, emotional harassment and other kinds of human abuse. Most survivors ended up in concentration camps for Internally Displaced Persons (IDPs). Effects of what happened between December 2007 and February 2008 were felt not only in the whole of Kenya but the entire Eastern Africa Region and beyond. At the intervention of the United Nations Organization through their previous and current secretaries, Dr. Kofi Anan and Dr. Ban Ki Moon respectively, a peace accord between the warring camps: Party of National Unity (PNU) and Orange Democratic Movement (ODM) was signed. Although many IDPs have been resettled, the talk of the day in Kenya is Forgiveness for peace building to enhance acceptance. Forgiveness is most associated with religious faiths. Within the secular realm, the term amnesty obtains. Regardless of whether we opt for forgiveness or amnesty, various challenges are anticipated. This paper attempts to provide an understanding of the post-election violence in Kenya with a view to find ways to contribute to the peace building challenge. The paper is divided into seven parts. The first part deals with the concept of peace followed in the second part by an elucidation of some peace theories. Importantly, each theory provides a basis upon which critical reflection and observation regarding the post-election violence in Kenya are made. The third portion of the paper deals with some vivid causes of the violence. This diagnosis is logically followed by the fourth part which addresses the role of the church in enhancing forgiveness and neighbourly love as a panacea for peace. In the fifth section, a discussion on the amnesty dilemma is undertaken followed by the sixth section containing conclusions to the discussions. The seventh section contains suggestions on the way forward. It is recommended that the grand-coalition government should encourage forgiveness and reconciliation among all Kenyans in order to attain lasting peace.

Key words: Conflict, peace building, forgiveness, amnesty.

INTRODUCTION

Peace and conflict are terms that evoke opposite feelings. Essentially, they are two sides of a coin. Whereas peace is viewed in normative terms as being desirable and worthwhile, conflict (particularly the violent type) elicits negative interpretations. It is important to note from the onset that conflict, as long as it does not take violent forms, may contribute to a dynamic and innovative society (Achoka, 1990).

In order to enhance peace, it is imperative to possess a precise understanding of peace and conflict so as to

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recommend peace building actions that address the root causes of conflict.

It is an indisputable fact that for a long time, Kenya has been regarded as a citadel of peace in the region and a preferred refuge for the many who escaped conflicts in their countries. This phenomenon was rudely disrupted following the disputed presidential election results of December, 2007. The entire country plunged into violent conflicts with the main theaters (of the absurd) concentrated in the western region, including Rift Valley, Nyanza and Western provinces. These areas witnessed: murder, wanton looting, eviction, rape, arson, burning of food and food stores, destruction of homes, animals and crops, emotional harassment and other kinds of human abuse.

Effects of what happened between December 2007 and April 2008 were felt not only in the whole country but the entire Eastern African region and beyond. The intervention of the United Nations Organization through the previous and current secretary generals, Doctors Kofi Anan and Ban Ki Moon respectively, resulted into a peace deal between the warring camps: Party of National Unity (PNU) and Orange Democratic Movement (ODM).

In spite of the on-going efforts by the government to resettle the Internally Displaced Persons (IDPs) and close down the camps, there is need to explore ways of realizing lasting peace. It is in this vein that forgiveness as a mechanism for peace building may play a significant role.

This paper provides an understanding of the prevailing state-of-the art of the post-election violence in Kenya with a view to find ways to contribute to the peace building challenge. Concisely, the paper is divided into seven parts. The first part deals with the concept of peace followed in the second part by an elucidation of some peace theories. Importantly, each theory provides a basis upon which critical reflection and observation regarding the post-election violence in Kenya are made. The third portion of the paper deals with some vivid causes of the violence. This diagnosis is logically followed by the fourth part which addresses the role of the church in enhancing forgiveness and neighbourly love as a panacea for peace. In the fifth section, a discussion on the amnesty option is undertaken followed by the sixth section containing conclusions to the discussions. The seventh section contains suggestions on the way forward.

THE CONCEPT OF PEACE

Peace is a concept with different meanings. At one end, it is almost a synonym for death that is, rest in peace, or total inactivity. On the other end, the concept may mean inner peace or peace of mind relating to the absence of internal conflict within the individual. Even inner peace may have different qualities. It may just be the peace of resignation, obedience, and/or defeat actualized as response to an overwhelming form of power. There is another kind of peace which rests more on the sense of companionship that is, being at per with the universe. This sense of peace tends to be more attractive due to the degree of freedom involved. The rationale for defining peace is based on the understanding that a clear view of peace is best placed to direct efforts in pursuit of the same. The on-going efforts to overcome the effects of conflict in Kenya is a case in point that requires the search for peace to be founded on a clear grasp of the meaning of peace. Several scholars (Reardon, 1988; Hall, 1984; and Darnton, 1973) posit a relationship between peace definitions and peace action. Implied here is the view that a given understanding of peace determines the predominant actions put in place to realize it.

Sometimes, peace is understood to mean absence of war. This is perhaps the most popular conceptualization of peace. In Kenya for instance, the country has experienced relative stability and absence of large scale conflict since independence to an extent that it was christened the "Island of Peace." According to O'kane (1992) the definition of peace in this manner is vacuous, passive, simplistic and unresponsive escape mechanism too often resorted to. The definition also ignores the residual feeling of mistrust, suspicion and the under current of conflict that may prevail. For instance, the former president of Kenya, Mr. Daniel Moi often alerted Kenyans concerning the serious consequences that armed conflict had visited on neighboring states. The constant reminder was used as a method of suppressing dissent. The truth of the matter is that the fear of consequences of war only suppressed the latent hostilities and violent tendencies that later erupted as witnessed in the post 2007 election chaos.

Viewing peace as the absence of conflict or war confines conflict to the overt, active and observable actions and ignores the latent aspect. This type of peace is similar to cold war (Sandy and Ray, 2008). In Kenya however, one cannot tell with certainty how long the cold war lasted till end of December 2007. Unfortunately, this understanding of peace is the prevalent one in the world today. Some scholars refer to it as negative peace or false peace (Woolman, 1985). It is usually maintained by the sheer force or strength of organs of government or powerful individuals. Similarly, Macharia (2006) refers to this perspective of peace as "The peace" meaning, the form of peace that is a construct of the ruling class utilizing state apparatus to maintain and preserve the status quo.

This understanding of peace is also reflected on the international scene where the United Nations organization and the mighty nations such as the USA strive to enforce international order through agreements and protocols. Failure to operate within and observe these conventions attract penalties including sanctions and or use of military might to overthrow deviant regimes. Examples of this approach include the overthrow of the Taliban regime in Afghanistan and Sadam Hussein's Iraqi government.

This kind of peace is as temporary as it works. The tendency to suppress weaker nations and/or individuals by a world order that is skewed in favour of the mighty often than not leads to the phenomenon of terrorism/ guerrilla warfare; a violent expression of anger and hatred against the mighty by striking at their most vulnerable targets. This approach is considered safer than engaging in an all out military confrontation whose out come would be catastrophic for the relatively weak armed groups. Thus, "the peace" as "negative peace" or "cold peace" which involves lack of mutually beneficial interactions and trust, interdependence and collaborations. Its existence as earlier noted is short lived.

O'kane (1991) suggests another kind of peace, "positive peace" which involves a pattern of cooperation and integration between major groups. Interactions are based on mutual understanding for the benefit of all human kind. In this scenario there are no winners and losers, all are winners. Also, it involves the search for positive conditions which can resolve the underlying causes of conflict that produce violence (Woolman, 1985). In addition, 'positive peace involves social reorganization where power and authority are developed so as to encourage micro autonomy, participation and high level of inter group interaction'. This notion of peace considers big countries, corporations, and institutions as negative structures because they tend to depersonalize and exercise excessive centralization of decision-making leading to center -periphery exploitation. It is argued that 'positive peace embraces a condition where micro level involvement and participation in decision-making reduces feelings of anonymity and powerlessness'.

In line with this view, Reardon (1988) introduces the question of global justice as the central concept of positive peace. Here, justice provides for the full enjoy-ment of the entire range of human rights of all people. Consistent with this view of peace, Trostle (1992) asserts that 'peace is a state of well being that is characterized by trust, compassion and justice'. In such condition, peo-ple are likely to explore and celebrate diversity. This definition of peace seems to contrast significantly with realities in independent Kenya. Here, successive regimes appeared to excel in systematic social, economic and political exploitation and suppression of vulnerable groups. Not surprisingly, attempts to rectify the constitutional order have constantly been frustrated by the ruling elite. Could this scenario be partly responsible for the current political crisis? If so, then, justice and a new constitutional order are requisite for meaningful peace.

From the religious perspective, most world religions give peace significant value. This fact is demonstrated in Christianity, Buddhism, Islam, and African Traditional Religion. In Christianity, the Bible presents peace as the outcome of the right relationship with God. On the contrary, sin or rebellion from God's commands renders one to encounter conflict, violence and suffering (Isaiah59 vs. 8). In addition, the command to love one's enemies and

to bless those who curse you (Mathew 5 vs. 38-45), stand out as a road map to peace. In essence Christianity under scores two aspects of peace. Inner peace or rest in the human heart acquired through obedience to God's commandments and the peace that is external to the individual emanating from right relationships that are governed by love.

The Christian perspective of peace can therefore play a central role in conflict resolution. It motivates Christian leaders to engage in preaching peace, involvement in negotiations and praying for peace. It is important to point out that the central Christian symbol, the cross, has been adapted by the international humanitarian and philanthropic organization. The Red Cross in all its endeavours eases human suffering resultant of conflict, violence, and war.

Buddhism perceives all existence as being permeated with misery and suffering. The cause of suffering is thirst, desire, or craving for pleasure, existence, and prosperity (Kibicho, 1990). In order to avoid this state of affair, Buddhism recommends the rooting out or the destruction of all desire. This can be done by embracing the noble truth that encompasses right: belief (or view), aspiration (or resolve), speech, conduct, means of livelihood, endeavour, mindfulness, and meditation. Peace is taken to be the outcome of following the path of the noble truth, and culminates into enlightenment and the attainment of the Nirvana. In this concept of peace, the idea of intentional and deliberate effort towards virtue is evident. This implies that peace is related to being moral. In addition, peace is achieved through meditation including transcendental meditation.

According to Islamic teaching, peace comes through submission to Muhammad and his concept of Allah (http//www.answering-Islam org/terrorism/peaceconcept.html). In this case, peace is conceptualized as a preserve of those who have embraced the worship of Allah. Peace with non Moslems therefore, is impossible. Instead they are given a chance to accept Islam or be killed. This view however, does not negate Islam's promotion of peace. Majority of Moslems aspire to live in harmony with other people. An exception involves an insignificant number of extremists who invoke the name Allah to commit terrorist acts.

The African view of peace involves order, harmony, and equilibrium. In this sense, peace is not limited to absence of conflict and war. In many African languages, greetings constitute an inquiry into the other's wellbeing in regard to peace as well as a wish for the other to experience and enjoy peace. The order, harmony, and equilibrium are believed to emanate from the meta-physical realm where the deity and ancestors are responsible for it. It is the duty of the living to maintain and preserve it (Onah, 2008). As such, one's well being consists in keeping in harmony with the cosmic totality.

Based on the foregoing discussion, the religious perspective of peace involves the role of supernatural agents

This is to say that, keeping peace is the ultimate purpose of life as ordained by God.

In the secular world however, some scholars view peace and conflict as the two sides of the same coin. Implicitly, peace is the absence of conflict. In this sense, conflict is understood to mean a state of discord caused by the actual or perceived opposition of needs, values and interests. It can be experienced within one self or between two or more people. Following below are synopses of some theories of peace for our in-depth understanding of the concept.

SYNOPSES OF IDEOLOGIES AND THEIR IMPLICATION TO PEACE

Liberalism can be distinguished into two, classical liberalism and modern or neo liberalism. Classical liberalism also known as traditional liberalism, laissez-faire liberalism, and market liberalism is a doctrine stressing individual freedom, free markets, and limited government. This includes the importance of human rationality, individual property rights, natural rights, the protection of civil liberties, individual freedom from restraint, equality under the law, constitutional limitation of government, free markets, and a gold standard to place fiscal constraints on government-as exemplified in the writings of John Locke, Adam Smith, David Hume, David Ricardo, Voltaire, Montesquieu and others. As such, it is the fusion of economic liberalism with political liberalism of the late 18th and 19th centuries (Adams, 2001). Accordingly, it is incumbent upon government to safeguard these freedoms in order to guarantee stability and peace.

In addition, liberalism tends to encourage representative democratic governance. Here, the elected representatives are guided by the rule of law under the overall guidance of the constitution. Enshrined in the constitution are the rights and freedoms of the individual which must be safeguarded by the government. In this regard, conflicts are supposed to be resolved using peaceful and lawful processes.

Within the liberal milieu, it is evident that the enjoyment of individual freedoms and right often infringe on other people's freedoms leading to tensions and conflicts. For instance the right to self expression and assembly at times lead to incitement to civil disobedience and riots that may cause destruction of property and loss of lives. Could this mean peace is relative among liberal theorists? To what extent was the post-election violence related to liberalism?

Neo-liberalism on the other hand articulates peace in various forms. The main points include: one, liberating "free" enterprise or private enterprise from any bonds imposed by the government (the state) no matter how much social damage this causes. Ensure greater openness to international trade and investment, as is the case in the North Atlantic Free Trade Agreement (NAFTA). Re-duce wages by de-unionizing workers and eliminating workers' rights that had been won over many years of struggle. No more price controls. Total freedom of movement for capital, goods, and services. According to this theory, an unregulated market is the best way to increase economic growth, which will ultimately benefit everyone. But, usually these measures do not guarantee benefits to the majority and tends to breed social tensions. The current situation of rising prices of all basic commodities in Kenya is sufficient proof of the suffering associated with liberalism. We all understand that much suffering culminates in conflict, violence and/or war.

Two, cutting public expenditure for social services like education and health care is part and parcel of neoliberalism. Of course, they don't oppose government subsidies and tax benefits for business. These measures usually result into suffering by the vulnerable groups.

Three, reduce government regulation of everything that could diminish profits, including protecting the environment and safety on the job. Again, these measures tend to comparatively benefit the big business firms at the expense of the masses. In the long run, wealth tends to be confined to a few individuals causing social tensions and increase of insecurity.

Four, sell of state-owned enterprises, goods and services to private investors. These include: banks, key industries, railroads, toll highways, electricity, schools, hospitals and even fresh water. Although usually done in the name of greater efficiency, which is often needed, privatization has mainly had the effect of concentrating wealth in a few hands, making the public to pay even more for its needs.

Five, eliminating the concept of "The Public Good" or "Community" and replacing it with "Individual responsibility". Pressurizing the poorest people in a society to find solutions to their lack of health care, education and social security all by themselves - then blaming them, if they fail, as "lazy" (Martinez and Garcia, 2008.

In the United States neo- liberalism is destroying welfare programs; attacking the rights of labour (including all immigrant workers); and, cutting back on social programs. A similar scenario was obtained in Kenya in the 1990s as a result of retrenchment programmes that resulted into joblessness and extreme suffering among the retrenched. This phenomenon has resulted into an ever increasing army of jobless, helpless and angry individuals that are a potential risk to security and peace. For such individuals, any avenue to vent their disaffection against society is instantly utilized. The charged emotions exhibited in the post election violence in Kenya may have been precedent upon high rates of unemployment since the 1990s due to neo-liberalists ideals.

Conservatism theory describes political philosophies that favour tradition and gradual change, where tradition refers to religious, cultural, or nationally defined beliefs and customs. The term is derived from the Latin word, *con servare*, to preserve; "to protect from loss or harm".

Since different cultures have different established values, conservatives in different cultures have differing goals. Some conservatives seek to preserve the *status quo* or to reform society slowly, while others seek to return to the values of an earlier time (Wikipedia, http://en.eikipedia.org/wiki/conservatism).

However, a closer examination of conservatism reveals two perspectives. Classical conservatism and liberal conservatism. Classical conservatism focus on preservation of the *status quo*. Within the *status quo*, a given order is supposed to be tirelessly conserved. In this worldview, society is considered to be an organic unit that is hierarchical in nature. Social classes are therefore complementary and ought to be preserved. Liberal conservatism on the other hand refers to a combination of classical social attitudes and free-market economic ideas (in this context, "conservative") economics allied with socially liberal views. The dominant political economy in Kenya is a combination of both classical and liberal conservatism. Here, the political elites employ state machinery to protect and preserve the *status quo* in society whereas portraying benevolent political party manifestos. In most cases the type of peace enforced in this manner is the negative or false kind (http://dic.acamic.ru/dic.nsf/enwiki/421627). Conservatism has been the basis of Kenya's political power games since independence. At independence, the founding president exploited all avenues to ensure that the presidency wields absolute power. Constitutional amendments were systematically undertaken to realize this goal. Conservatism can best function in an autocratic environment to the detriment of positive peace.

The Marxist theory considers competition for material resources and wealth as the main cause of conflict. The social classes emanating from possession of property creates antagonism between them, one of which becomes the dominant or ruling class. The ruling class controls not only the means of material production but also the ideas of the epoch. In essence state machinery, state ideology and even religion are used to maintain the *status quo*. Soon the contradiction between the forces of production and social relations become apparent leading to a class struggle that result into the overthrow of the dominant class. Here, the victors become the ruling class (Harrison-Barbet, 2001).

The Marxist vision of the ideal society is one that involves true community in which the individual will be able to cultivate his gifts and achieve personal freedom. The 2007 post- election violence in Kenya can be interpreted to some extent as the outcome of the persistent unequal distribution of state resources since independence. The antagonists represent those on the one hand, who prefer the *status quo* (Party of National Unity), thus the ruling elite to dominate the affairs of state. On the other hand, are those who premised their Orange Democratic Movement on the theme of change. The movement envisaged a state where public resources would be devolved to ensure equity. The masses who hoped for

change through the general election "felt" cheated and rose up in arms against the state. Similarly, communities associated with the ruling class were also targeted. By the time the Kofi Annan mediation efforts brokered an accord, the conflict had caused loss of lives, displacement of people and immense destruction of property across the nation. Lasting mutual co-existence of ethnic communities in Kenya will depend on several approaches, including the successful operationalization of the recently formed coalition government. In addition, genuine constitutional review must be undertaken to address the underlying causes of conflict.

In Democratic Peace Theory, it is argued that increase of democracy worldwide is likely to end conflict (Rummel, 1997). This phenomenon is premised on certain considerations. One, democratic norms and culture make the leaders accustomed to negotiation and compromise (Weart, 1998; Muller and Wolff, 2004). Two, belief in human rights may make people in democracies reluctant to engage in overt conflict. In most cases, leaders in democracies encounter institutionalized constraints that impede their capacity to mobilize the state's resources for war without the consent of a broad spectrum of interests (Gelpi and Griesdorf, 2001).

However, democratization is a process and not an event, each country espousing democracy is at a given stage of development. This is to say, some countries especially in Africa are at a nascent stage of democratization. This process is largely bedeviled by deep rooted ethnicity. In Kenya for instance, the re-introduction of multi party system in 1992 witnessed formation of political parties based on ethnic considerations. Parties were and still are considered as vehicles for the ethnic group to access power via preferred ethnic chiefs. Even where a party may portray a national outlook, it is easy to discern a marriage of convenience among dominant ethnic groups, each seeking its own interests. A case in point is the Forum for Restoration of Democracy (FORD) formed in the early 1990s to champion for change in Kenya. Ethnic rivalry led to splinter groups leading to the creation of FORD Asili led by Kenneth Matiba (Kikuyu), FORD Kenya led by the late Jaramogi Oginga Odinga (Luo), and later, FORD People led by Simeon Nyachae (Kisii) . A similar trend is discernible to date where coalitions of parties are meant to advance and safeguard the interests of communities. In such scenarios, peace and conflict cannot be interpreted simply in terms of democracy, instead one may justifiably argue for ethnocracy. In this case, ethnocracy may refer to political arrangement that involve delicate balancing and fulfillment of ethnic interests in governance. Indeed, the post- election conflict in Kenya could be attributed to ethnicity. The communities that supported the Orange Democratic Movement (ODM) felt deprived of power with all the resources associated with it. This partly explains why those associated with Party of National Unity (PNU) were targets of violence. In fact, supporters of ODM pressurized its leadership to

consider secession as an alternative (Daily Nation, 12, May 2008). Several causes led to the post-election violence. An examination of the root causes follows below.

SOME VIVID CAUSES OF THE POST-ELECTION VIOLENCE IN KENYA

In this diction, an examination of the causes of the post-election violence is undertaken. The task involves periodizing the causes in terms of their historicity.

The colonial legacy

During colonialism, the colonial state perfected the vocation of domination that involved the presence of an occupying power, monopoly of economic and political power by the occupying power, an occupying ideology that represented the Africans as less than human to legitimize their brutalization, subordination, and exclusion from economic and political power. As observed by Matanga (2007), the colonial state was an enterprise of domination in the service of settler and metropolitan interests. In essence, it was parasitic and predatory leading to contradictions that heralded its eventual collapse.

The Kenyatta regime and the land question in Kenya

At independence, the legacy of continuity in terms of the colonial state's structure and functions was bestowed on the emerging African petty bourgeoisie. The Kenyatta regime entrenched conservatism, pushing to the periphery the poor peasants. Particularly, the ex Mau Mau freedom fighters and their families whose land had been grabbed, first, by colonialists and later by African elites. Some of the Africans who were landless were resettled in parts of the expansive Rift Valley province. As such, the seeds of bad blood between the indigenous peoples of the province (Kalenjin) and the Kikuyu ensued. The Kenyatta regime until 1978 was marked by the concentration of power in the executive arms of government using constitutional amendments such as Act No. 28 of 1964, to grant more power to the head of state.

According to the Ecumenical Centre for Justice and Peace (2003), President Kenyatta preoccupied himself with constitutional amendments directed at consolidation of absolute powers. To illustrate this point, the following are some of the amendments undertaken.

1. Act No. 28 of 1964 among other things:

i.) Established the Republic of Kenya.
ii.) Made the president the head of state and government and commander in chief of the armed forces.
iii.) Gave the president the sole power to appoint and dismiss ministers and the vice president without consultation.

iv.) Take away the power of the police service commission and the central land control board among other constitutional offices.

2. Constitutional amendments Act. No. 38 of 1964 gave the president the power to appoint judges including the chief justice.

3. Act No. 16 of 1966:

i.) Provided that a member of parliament could loose his/her seat upon imprisonment for a tem exceeding six months.
ii.) Gave the president power of constituting and abolishing offices for the Republic of Kenya of making appointment to any such offices and terminating any such appointments.

4. Act No. 18 of 1966:

i.) Did away with entrenched constitution provision by providing that the constitutional amendments would be passed if both houses voted by a majority of 65%.

5. Act No. 45 of 1966:

i.) Provide for the printing of and issue of the constitution in one document.
ii.) Election of the president by popular vote and linked presidential and parliamentary elections.
iii.) Substituted the election of twelve members by parliament with the nomination of twelve members by the president.

6. Act No. 5 of 1969

i.) Gave the president power to appoint the electoral commission.

7. Act No. 1 of 1975

i.) Gave the president power to pardon persons found guilty of election offences.

The ultimate effect of these amendments was to dilute the process and practice of democracy. They destroyed the checks and balances that had been erected in the independence constitution, where no one organ of government could override the others. The presidency thus acquired imperial powers. In this capacity, the president tended to wield power and prerogative to allocate national resources as it pleased him. For this reason, the rest of the Kenya communities viewed the Kikuyu ethnic community with envy. It may therefore be right to argue that Mzee Jomo Kenyatta laid the foundation of tribalism in Kenya. The Moi regime is examined next.

The Moi regime and Kenya's political economy

Enter president Moi in 1978 after the demise of Mzee Jomo Kenyatta and he pledged to walk in the footsteps of

the Kenyatta policies (Nyayo) . This philosophy is problematic due to the fact that it is inclusive of faulty Kenyatta policies!

Thus, His Excellency, Daniel Arap Moi engaged in constitutional amendments such as:

1. Act No. 7 of 1982
Made KANU the only legal political party in Kenya.
2. Act No. 14 of 1986
Removed the protection (security of tenure) given to the attorney general and controller and auditor general that had previously been in the constitution.
3. Act No. 4 of 1988
Removed the protection of security of tenure of high court and the court of appeal judges and the members of public service commission that had previously been in the constitution (The Ecumenical Center for Justice and Peace, 2003).

President Moi perfected the art of autocratic rule in Kenya. He systematically destroyed the kikuyu domination of government in his 24 years of rule. Instead, he elevated the Kalenjins to positions of authority. Under his watch, corruption sky rocketed while the economy sunk to the lowest level, recording 0.3 growth rate in the year 2000. Besides Moi's autocratic rule, other factors emanating from international economic policies further exacerbated the agitation for change. A brief explication of these policies is next.

The International Financial Institutions and Economic conditionalities (SAPs)

The international donor conditionalities imposed on Kenya in the 1990s regarding structural adjustments; cost sharing; retrenchments; liberalization of pricing policy and employment freeze as measures to grow the economy ushered great suffering to the vulnerable groups, exacerbated unemployment, and raised poverty to acute levels (Somerville, 2002). In spite of the efforts undertaken by the NARC government to reverse the trend by recording steady economic growth, the impact is yet to positively turn around the livelihoods of the majority of citizens. This is one of the causes of the violence experienced recently. Thus, the poor, unemployed and desperate Kenyans who invested their hope in change of regime through the ballot box were acutely frustrated. A brief discussion of some failures of the NARC government is necessary.

The NARC Government and its failed policies

By the time of the 2002 general elections, the country was ripe for leadership change. Voters overwhelmingly voted for the National Rainbow Coalition (NARC) with Mwai Kibaki becoming the third president of Kenya. NARC promised to rectify all the historical anomalies and

injustices visited on the nation by the previous regimes. As such, Kenyans looked forward to a kind of second liberation. However, this was not forthcoming in the aftermaths of 2002 elections. The promised constitutional review was held captive by conservative power players, leading to a constitutional draft document that was rejected at the 2005 referendum.

In addition, the Anglo leasing scandal (economic crime) was committed by high ranking key players in government, further dashing the hopes of ensuring zero tolerance to corruption (Matanga, 2007).

Also, ethnicity reared its head with the entrenchment of the interests of ethnic communities associated with Mount Kenya. The rest of the communities felt excluded from the center of government including core resources for development.

In addition, the pre 2002 general election MoU between president Kibaki and Hon. Raila Odinga was ignored leading to a schism within Narc where the Liberal Democratic Party (LDP) teamed up with KANU to frustrate the government. In addition, there was perception that the draft constitution was meant to enhance the imperial powers of the presidency. As a result, the two political parties were able to rally the country to vote against the government supported draft constitution during 2005 referendum (Standard, November 19, 2005). Having lost the referendum, the president reacted by dissolving and reconstituting the cabinet in exclusion of the Orange Democratic Movement politicians (http://www.voanews.com/english/archive/2005-11/2005-11-25-voa26.cfm.).

Events leading to the 2007 general election therefore witnessed high voltage campaigns by the ODM to remove president Kibaki from power. Focus on the 2007 general elections and how it triggered violence is the next task.

The bungled December 2007 elections and anger of "stolen results"

Opinion polls prior to elections indicated a stiff competition with no clear winner envisaged, between Mwai Kibaki and Raila Odinga (Nyanchama: 2008).

The charged campaigns tended to heighten ethnic tensions on both sides. Delays in the tallying and announcement of the presidential election results further aggravated ethnic animosity. Eventually, disputes surrounding the results and the swearing in of president Mwai Kibaki on 30th December 2007 after 5:00 p.m., ignited violent conflicts, resulting to over 1200 people killed, 350, 000 Internally Displaced Persons (IDPs) and property of enormous value destroyed (http://www.irinnews.org/IndepthMain.aspx?IndepthId=68&ReportId=76116).

The Kofi Annan mediated peace deal signed on 28th February 2008 resulted into uneasy peace. Through the Kenya National Dialogue and Reconciliation committee chaired by former United Nations Secretary General Hon. Kofi Annan, the committee was able to chart the way forward by making several recommendations on the four

broad agenda.

First, immediate action was to be undertaken to stop the violence and restore fundamental human rights and liberties. Second, measures were to be undertaken to address the humanitarian crisis and promote reconciliation, healing and restoration. Third it was necessary to overcome the political crisis at the core of the dispute. Finally, the forth agenda was to address long-term issues and solutions (http:www.irinnews.org/pdf/annotated%20 Agenda, 3rd March 2009). Whereas relative normalcy was achieved as a result of the formation of the grand coali-tion government, issue touching on the forth agenda appear elusive to attain. First, the Kriegler commission that investigated the circumstances surrounding the 2007 elections made key recommendations including the disbanding of the Electoral Commission of Kenya (ECK) and the formation of an Independent Interim Electoral Commission (IIEC). However, despite the fact that the ECK has been disbanded, the constitution of members of the interim commission is yet to be finalized due political duels in regard to 2012 succession politics. It is assumed that whichever political party that controls the electoral system will be the front runner to state house at the completion of President Kibaki's two terms in office.

Secondly, the Justice Waki commission that investigated the violent conflict recommended the formation of a Special Tribunal to investigate the perpetrators of post-election violence. In order to ensure that the tribunal is to properly do its job and deliver justice: it was recommended that the local tribunal must be rooted in the constitution and have a balance of international and Kenyan judges safeguard its independence from the High Court. Failure to establish the tribunal would result into the list of suspected perpetrators of the violence being handed over to the International Court of Justice (ICJ) at The Hague (the standard, November 28, 2008). Subsequent events in regard to these recommendations have demonstrated the high stakes political power games that characterize Kenya's political economy. Political engineering has seen the bill to establish the tribunal being rejected by parliament. This scenario implies that justice for the victims of violence is far from being realized (Daily Nation, Thursday March 5th, 2009).

The greatest task that ought to be undertaken is realizing positive peace in the nation. Similarly, all IDPs should be resettled to live harmoniously with their neighbours and at the same time, ensure that never again shall Kenya experience similar conflicts. At this point, forgiveness and neighbourly love seem to offer the right approach to peace endeavours.

FORGIVENESS OPTION: ROLE OF THE CHURCH IN PEACE BUILDING

The concept of peace building has two backgrounds. One, it emanates from the United Nations' Agenda for Peace which states that peace building consists of sustained, cooperation work to deal with underlying economic, social, cultural, and humanitarian problems (Secretary-General, UNO, 17th June, 1992). Two, peace building concept has a religious background. In this section, a religious view of forgiveness in relation to realization of peace is examined followed by an examination of the amnesty concept.

In religious parlance, peace is as old as humanity (Genesis, 1 v. 26). No doubt, every religious faith, for instance, Christianity embraces peace concept (Matthew 5 v. 9). Peace is expected to liberate one from anxiety and fear (John 14 v. 26).

On the contrary, the post-election violence in Kenya denied affected people peace. The mayhem experienced in Kenya especially in Rift Valley, Nyanza, and Western Provinces destabilized many people through robbery, eviction, and/or death. On 28th February, 2008, a Peace Accord was signed to provide for amicable co-existence among warring parties. To-date, the challenge is TRUST between the IDPs and their local neighbours who participated immensely to their intense suffering.

The Koffi Annan team negotiated for peace in Kenya up to and including the signing of the peace Accord. Politicians then took over and have put a grand-coalition government in place. However, the parties to the grand coalition government have tended to operate with significant degree of suspicion and divergent views on key agenda for peace.

Until now, the role of the church in peace building has remained peripheral. But not any more is such disposition advisable. Various religious faiths underlie the need for peaceful co-existence. Central in this perspective is the principle of forgiveness which is expected to be exercised by all. However, what is forgiveness?

There is no one definition of forgiveness. This concept may be defined as the peace and understanding that come from blaming less that which hurt you; taking life experience less personally; and, changing one's grievance story (Luskin, 2008). According to Piderman (2008), forgiveness is the act of untying yourself from thoughts and feelings that bind you to the offence committed against you and left lasting feelings of anger, bitterness, and even vengeance. Forgiveness is endeavouring to practice love for God and brotherly love for one another. This point of view is useful in acting as a spring board for the church to penetrate affected communities and encourage them to forgive as a means to re-establish peaceful co-existence.

Surprisingly however, people tend to hold grudges and become resentful and unforgiving because in most cases people who hurt them were close friends, neighbours, or relatives. For that matter, forgiveness can be an overwhelmingly challenging task. Moreover, it may be particularly difficult to forgive someone who does not admit wrong or does not speak of their sorrow. Could this be the snag in the Kenyan situation?

Importantly, forgiveness does not guarantee reconciliation. In some cases, reconciliation may not be appropriate, especially if you were attacked or assaulted. Any attempt to impose forgiveness in such cases should be resisted because it would culminate into more tension, mistrust, and eventual conflict. The bloody history of post-election violence in Kenya seems to be supportive of forgiveness eventually and reconciliation remotely. This situation is challenging.

Our IDPs were evicted by their neighbours, friends and to some extend "relatives". Could this be one of the reasons why the church has not been actively involved in talking about forgiveness? Or did the church take sides in the mayhem and this disqualifies her from speaking clearly and loudly?

What choice does the church have not to encourage forgiveness when the Holy Bible in Colossians 3 v. 13, advices Christians not to hold any grudge against anybody but freely forgive as Christ forgave? Gallagher (http://www.explorefaith.org/forgive/gallagher.html, 2008), notes that forgiveness is only meaningful when we forgive what is unforgivable like when Jews have to forgive Nazis for annihilation atrocities committed against them during the 1900s.

Coupled with the fact that forgiveness reduces stress, hostility, depression, chronic pain among others the church must not only advocate but fully and actively make way for forgiveness among Kenyans. The church ought to make it clear to ensure that forgiveness takes away the power the other person continues to wield in your life. It is done primarily for oneself and less for the one who wronged http://www.coping.org// innerhealing/forgive.html, 2008). The church should therefore encourage forgiveness for the betterment of affected communities, inherent dilemmas notwithstanding.

Unfortunately, the church position in Kenya seems to be shaky. Much as Christ expects us to forgive all people who are on the wrong (Luke 23 v. 34), it is noted in Luke 17 v. 4 that one forgives a repentant brother/sister. So far, although some individuals are held by police awaiting trial for participating in evicting the IDPs, no one has come out clearly to claim responsibility and ask for forgiveness. This leaves one wondering who should be forgiven. In Genesis 50 vs. 15-21, Joseph forgave his brothers for treating him cruelly. Instead he treated them kindly. Is it because they asked for forgiveness?

In Numbers chapter 14, rebellious Hebrews were punished for their sins. Verse 34 states that they had to stay in the wilderness for 40 years. This did not mean that God did not love them, see verse 18. In other words, 'forgiveness does not negate responsibility for mistakes committed'. In law this is called 'retributive justice'; much as one recognizes the ultimate impossibility of putting the past fully right, someone should be held responsible for it.

Sometimes, we have heard it argued that ethnic vio-lence is enhanced by general elections in Kenya since 1992. Therefore, perpetrators of the last violence in 2007 should not be forgiven but prosecuted. Christian faith should be made clear on this issue. Jesus observed that a wrong doer should be forgiven seventy-seven times (Matt 18: 22). Moreover forgiveness should be from the heart, that is, genuine (v. 35). It is time the healing process whose cornerstone is forgiveness began in Kenya. No individual politician, clan, or party can move this mountain of unforgiveness except the church. We say the church, because it has the moral authority authenticated by faith in the creator of the universe. It speaks for the weak and the mighty alike; it has no borderlines. Wake up church. There is hope.

THE AMNESTY DILEMMA

The term 'Amnesty' emanates from the Greek word *amnestia.* It is a legislative or executive act by which a state restores those who may have been guilty of an offense against it to the position of innocent persons. It includes more than pardon, in as much as it obliterates all legal remembrance of the offense. The word has the same root as amnesia (Wikipedia).

Arguments advancing amnesty as an option in peace building efforts have focused on whether or not to grant amnesty to those arrested on suspicion of involvement in the post election violence.

A general amnesty for those involved in the atrocities and blunder would lead to their release from custody and allow them to go on "as if nothing had happened," imposing silence about the memory of the unforgettable (http:www.germanlawjournal.com). Here, it is necessary to establish a distinction between amnesty and forgiveness. Forgiveness or Pardon is a modification of forgetting that does not affect the irrevocable, nor repress its memory. In fact, forgiveness requires the exact recall of the injury to be forgiven, and rein scribed as modified memory. It must be unconditional, without exception or restriction.

Amnesty, understood as a politics of forgetting, is a product of negotiation; unlike forgiveness, amnesty does not invoke the religious, monotheistic perspective. Although both forgiveness and amnesty may denote an ethics of forgetting, forgiveness is neither 'prescription' nor amnesty proper. Amnesty seeks to efface psycho-social traces "as if nothing had happened," while prescription, in the French legal sense, is only the suspension of any legal or penal consequences of the act committed.

Both forgiveness and amnesty are modifications of collective memory and forgetting. Forgiveness conjures up the past to the extent of making it present again, repeating the injury, opening the wound, so that its full extent may indeed be forgiven. In essence the guilty must admit the offences committed by recounting them before he/she is forgiven.

If amnesty may be understood as mutual forgetting, it remains diametrically opposed to the asymmetry of forgiveness, which throughout its long monotheistic tradition is inseparable from investing someone with the power to

forgive. Selective or collective amnesty, by contrast, whether in the context of the South African "Truth and Reconciliation Commission," or in Chile, or after the Vietnam War, invokes no higher power than the law. If forgiveness goes to the limits of memory, amnesty tests the limits of forgetting. While forgiveness is most necessary in situations that are as exceptional, traumatic, or catastrophic as to fall out of history, amnesty remains firmly within the political necessities of normalization and continuity (http:www.germanlawjournal.com).

In the light of Kenya's post election violence, a divide has emerged on the question of amnesty. Political leaders mainly from the Orange democratic Movement have argued that in order to realize normalcy and effectively resettle the IDPS, all those arrested during the mayhem should be unconditionally released. This implies that regardless of the magnitude of their crimes against humanity, the state should overlook them and declare them innocent.

On the other hand, Politicians affiliated to the Party of National Unity and The Kenya National Commission on Human Rights have argued that all those arrested should be accorded due legal process and if there be any need for pardon, then it should come thereafter.

Conclusion

The post-election violence in Kenya is deep-rooted. Seemingly, its causes can be traced as far back as during the colonial and independent Kenya history before December 2007.

The violence that occurred in Kenya between December 2007 and February 2008 cannot simply be wished away. Concerted effort in 'cleaning' the political, economic, and social domains of the Kenyan society should seriously be undertaken for the benefit of all concerned.

Politicizing the post-election violence in Kenya shall only worsen the plight of the already wounded persons. It will heighten ethnicity segregation and vulnerability of all the affected.

The role of the church in the post-election violence era is unfortunately overshadowed by silence. This stance nurtures dilemma in the minds and lives of many. At the same time, it provides opportunity for the already powerful elite to entrench their personal, protective, and divisive principles of divide and rule for purposes of status quo maintenance.

It is time the church spoke loud enough to be heard by all. Time is now for the church to set pace in the direction of 'Forgiveness' and 'Reconciliation'.

No delay or derailed effort by the church toward peacebuilding in Kenya can sooth the decaying wound of pain and hatred evidenced by reluctance of many towards the imposed, "Operation-Rudi-Nyumbani" politicized approach by present day coalition government by PNU and ODM. The wound can only get more SEPTIC. In the same vein, amnesty should be explored in dealing with those suspected to have been involved in the mayhem.

Perhaps, this may accelerate the process of national healing.

Recommendations

It is recommended, that all IDPs be resettled urgently in order to accord them opportunity to participate in national development.

That the IDPs and all concerned be given time to reconsider forgiveness, brotherly/neighbourly love, and reconciliation. Time heals. Force reinforces vengeance.

That the churches, together with other faiths, undertake well researched, evidenced, clear, and action oriented messages of forgiveness, reconciliation, and healing.

That the issue of amnesty should be deliberated exhaustively in regard to its pros and cons in order to determine the best way forward in the process of peace building in post conflict Kenya.

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