

**TRANSITIONAL JUSTICE PROGRAMMES AND POST CONFLICT COMMUNITY  
COEXISTENCE IN ISIOLO CENTRAL SUB-COUNTY, KENYA**

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## DECLARATION AND APPROVAL

### Student Declaration

I declare that this research project is my own work and has not been presented in any other institution for any award.

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### Supervisor's Approval

This research project has been submitted with my approval as the university supervisor.

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## DEDICATION

To my parents John and Mary Njeru, thank you for your tireless hard-work, care and support. To my lovely wife Mirriam, my daughters Megan & Milan, am deeply honoured to have you, for your great love, sacrifice, support and encouragement. My late dad Joseph Ndukanio, you inspired me to keep studying, may God rest your soul in eternal peace. Dr. Tom WanyamaOundo, you opened the way to GTI and affirmed my capability to excel academically. My mentor you remain, together with my Bishop Stephen Njoroge. All my friends and relatives who gave me support directly or indirectly, Asantesana.



## ABSTRACT

Transitional justice is expected to bring about peaceful coexistence between and among communities in conflict. In spite of its application in communities' post-conflict situations, conflicts have persisted and worse conflicts emerge, thus questioning the effectiveness of transitional justice. The study sought to uncover the influence of transitional justice programmes on post conflict community coexistence in Isiolo Central Sub-County, Kenya. The objectives of the study were; to analyze the effect of truth seeking initiatives on peaceful coexistence of communities in Isiolo Central Sub-County, Kenya; to identify the relationship between reparation programs and peaceful community coexistence in Isiolo Central Sub-County Kenya; to evaluate the effect of criminal prosecution tools on peaceful community coexistence in Isiolo Central Sub-County, Kenya and to identify the relationship between institutional reforms and peaceful community coexistence in Isiolo Central Sub-County. The study was guided by positive and negative peace theory. A mixed methods research methodology was adopted for the study. The study adopted a concurrent research design. The target population of the study was 121, 066 people from Isiolo Central Sub-County. The sample size comprised of 399 civilians, 4 chiefs and the Sub-County commissioner and the deputy Sub-County Commissioners from Isiolo Central Sub-County. The civilians were selected through convenient sampling while the key informants through purposive sampling. Data was collected using a questionnaire for civilians and an interview schedule for key informants. The study generated quantitative and qualitative data. Quantitative data was analyzed by use of the Statistical Package for Social Sciences program version 26.0. Quantitative data was analyzed using descriptive statistics where frequencies, percentages, measures of central tendency and variance were discussed. Inferential statistics comprising of chi-square were used in determining the association between the dependent and independent variables. The findings of the study revealed that truth seeking practices had a significant effect on peaceful coexistence of communities in Isiolo Central Sub-County ( $p\text{-value}=0.0004$ ). The study further found that reparation programmes had a statistically significant effect on peaceful coexistence of the community in Isiolo Central Sub-County ( $p\text{-value}<0.00001$ ). The study also found that criminal prosecution tools had a statistically significant effect on peaceful coexistence of the community in Isiolo Central Sub-County ( $p\text{-value}<0.00001$ ). From the findings of the study, institutional reforms had a statistically significant effect on peaceful coexistence of the community in Isiolo Central Sub-County ( $p\text{-value}=0.008$ ). The study recommends that measures be put in place to ensure that witnesses, victims and perpetrators are protected from any form of harm and discrimination. The study also recommended that more resources should be allocated towards reparation programmes, institutional reforms, witness protection and justice reforms to further enhance their effectiveness. The study suggests that future research should focus on other factors that affect positive coexistence in the community such as political and governance factors. Future studies should also focus on factors associated with the low utilization of reparation programmes. The findings will be useful to the government, non-governmental organizations, civil society groups, stakeholders and the general public as well as future scholars.

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## LIST OF ABBREVIATIONS AND ACRONYMS

<b>ACJ</b>	:	African Court of Justice
<b>EACJ</b>	:	East African Court of Justice
<b>ICC</b>	:	International Court of Justice
<b>ICC</b>	:	International Criminal Court
<b>JSC</b>	:	Judicial Service Commission
<b>NACOSTI</b>	:	National Commission for Science, Technology and Innovation
<b>PCC</b>	:	Post Conflict Community
<b>SPSS</b>	:	Statistical Package for Social Sciences
<b>TJ</b>	:	Truth and Justice
<b>TJRC</b>	:	Truth Justice and Reconciliation Commission
<b>TV</b>	:	Television
<b>UNESCO</b>	:	United Nations Economic and Social Council
<b>UNGA</b>	:	United Nations General Assembly

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background to the Study

Transitional justice (TJ) is the term used to describe how societies address the aftermath of widespread and severe violations of human rights by means of institutional and judicial reforms within a nation or area, criminal prosecutions, truth commissions, reparations plans, and other mechanisms (Werle&Vormbaum, 2022).But without special consideration to how well they work to foster peaceful coexistence, transitional justice procedures and mechanisms are unlikely to mend intergroup relations, change communities, or ease tensions (Yuvraj, 2021).

Moreover, TJ approaches are increasingly important in a world bedeviled with civil wars and transnational conflicts. Instead of focusing on the surge of violence and conflict transformation alone, initiatives like modeling peace to be experimented to volatile regions and countries in the world, through using best practices and success stories for possible adaptation in other regions and countries, is imperative to promoting global peace. It is estimated that 253 million people worldwide lack any significant legal protection and endure severe injustices: 200 million people live in nations or communities where there is such a high degree of insecurity that they are unable to pursue justice, and 40 million people are modern-day slaves. Twelve million people are stateless (Hodal, 2019).

Ife, Soldatić, and Briskman (2022) assert that crises pertaining to human rights do not appear out of nowhere. Thus, governments that disobey their legal duties to safeguard human rights produce the seeds of unrest, instability, and eventually catastrophes. Unchecked, abusive governments' heinous deeds intensify and solidify the notion that the best means of achieving

their goals are violence, censorship, corruption, and impunity. There are now new alliances and leadership voices in the mix that have the power to influence and advance this trend. Governments have the duty and the opportunity to act to defend human rights both inside and outside of their borders.

Initiatives by the state, such as a policy for resolving previous crimes that is only based on criminal charges, are likely to ignore the needs of the community and leave many of the offenders and victims ignored (Evans, 2019). Furthermore, nations are unable to pursue hundreds of defendants. Approaches to transitional justice have a higher chance of meeting the many needs and demands that surface when a community tries to reconcile with a violent past.

Shultz *et al.*, (2014) cited the National Center for Historical Memory's 2012 report, which stated that following the conflict in Colombia, there were 220,000 fatalities, almost 6 million displaced people, over 60,600 cases of forced disappearances, sexual offenses and gender-based violence, and nearly 6,500 cases of forced recruitment of children and youth. The longest-running conflict in the Western Hemisphere came to an end when the Colombian government and the Revolutionary Armed Forces of Colombia signed a peace pact after 50 years of violence and more than 220,000 deaths. With the execution of the comprehensive 2016 peace pact between the government and the FARC-EP insurgents, Colombia has set out on an ambitious route toward peace, reconciliation, and justice for the victims of the internal armed conflict. According to Levsen and Patel (2023), the peace talks. According to Levsen and Patel (2023), the peace talks put victims' rights to truth, accountability, and restitution front and center in the nation's political life. The all-encompassing peace agreement is the

result of Colombia's most thorough and extensive attempt to address the underlying causes of conflict and uphold the rights of victims.

Mailhes (2015) claims that attempts at political normalization, harsh permanent emergency laws, military and security policies, or decades of armed internal strife in Northern Ireland have not succeeded in resolving the issue. However, the Good Friday Agreement, which began a period of change in 1998, made political normalization feasible. In order to address its past, Northern Ireland has been going through a dynamic process ever since. The agreement has initiated a number of reforms in the most delicate sectors of criminal justice and policing. Nonetheless, there are still a number of conflict-related issues with significant legal implications that need to be resolved following decades of bloody, entrenched fighting and thousands of casualties.

Since the end of the great world wars, African countries embarked on building of democratic nations. These measures culminated in concepts such as social justice and later came to adopt transitional justice, a transformative approach to redress human rights violations. For instance, addressing the violent and traumatic past and transforming the nation into a stable and peaceful state required a number of national procedures during South Africa's transition from an apartheid regime to a democracy. Disarmament, demobilization, and reintegration of former fighters as well as the establishment of a new defensive force that combined the armed forces of the opposing parties into a single military organization were crucial components of these projects. The Truth and Reconciliation Commission (TRC) of South Africa was also significant (Matebesi, 2021).

Lesan (2023) claims that wars between South Sudan and Sudan over resources, power, and identity have lasted for decades. Warlords from South Sudan have also fueled internal ethnic

and political conflicts in the nation. In a referendum held on July 9, 2011, 98% of South Sudanese voters approved the country's independence. A political spat between First Vice President Riek Machar and President Salva Kiir in 2013 gave rise to fresh hostilities. The Agreement on the Resolution of Conflict in South Sudan (ARCSS), which was reached in 2015, was the result of protracted negotiations and UN threats of international sanctions. In order to address the legacy of conflicts and advance peace, national reconciliation, and healing, Chapter V of the agreement called for the establishment of the Commission for Truth, Reconciliation, and Healing. The Independent Hybrid Court for South Sudan will try cases including war crimes and crimes against humanity perpetrated since the country's independence. The Compensation and Reparations Authority will give material and financial support to residents damaged by violence and assist them in rebuilding their livelihoods.

As to the TJRC report (2013), Kenya's Truth Justice and Reconciliation Commission (TJRC) was founded in 2008 to tackle several injustices that occurred between 1963 and 2008. These injustices included ethnic conflicts, marginalization, political violence, and the violence that followed the 2007 election. The commission's results and impacts included the creation of several public memorials honoring conflict victims; one such memorial is Nyayo House, which was originally a torture cell. Additionally, the president, state security services, the British government, and the judiciary all publicly and unconditionally apologized to the country's citizens for their involvement in causing or failing to prevent any injustices and flagrant violations of human rights. To further encourage respect for human rights in Kenya, the Kenyan government also established a National Human Rights Day on December 10 and made restitution payments to victims and survivors. In order to encourage individual victims who have exhausted local remedies to directly seek the African Court, the National Legal Aid Scheme was expanded to cover the entire country and the International Crimes Division of the

High Court was expedited in its construction. Additionally, institutional reforms have been implemented in Kenya, for example, police reforms, judicial reforms, public service reforms etc., reparation programs established such as rehabilitation, compensations, employment for youth, women empowerment and gender mainstreaming and prosecutions executed e.g. jail terms for perpetrators and amnesty (Wambua, 2019).

Isiolo Central Sub-County being the central town in Kenyan map continues to experience insecurity, rampant conflicts, and instability. Land disputes over demarcation, corrupt land officials, double allocations and corrupt local leaders serve as causes of conflict (Hadi, 2022). Livestock theft, looting of shops and killings have led to a joint deployment of state security agencies, police reservists and community security representatives in order to quell the conflicts. Mkutu(2019) posit that the current violence, extremism and radicalization are significant aspects of conflicts in Isiolo Central Sub-County which need urgent solutions. Kovras (2020) asserts that transitional justice is instrumental in transiting from massive violation of rights to a scenario where rights are respected; the crimes of the past are addressed.

Nevertheless, the contributions and benefits of transitional justice remain underdeveloped and undervalued. However, post-conflict community coexistence has been hampered by unaddressed grievances based on economic underdevelopment, ethnic and religious differences, and constraints in state capacity and lack of political will among other factors in Isiolo Central Sub-County. Thus, the idea of TJ is an essential step toward transitioning from a traumatic and divided past to a developed and widely shared future. This study therefore sought to find out the influence of transitional justice programmes on post conflict community coexistence in Isiolo Central Sub-County, Kenya. The independent variables were; Truth seeking, Criminal prosecution, Reparations programs and Institutional reforms. The

dependent variable was post-conflict community coexistence. The intervening variables were political status, economic aspects and social cultural practices.

## **1.2 Statement of the Problem**

Transitional justice is expected to bring about peaceful coexistence between and among communities in conflict. However, in spite of its application in communities' post-conflict situations, conflicts have persisted, even more and worse conflicts emerge, thus rendering transitional justice efforts less effective. This is especially true in Isiolo Central Sub-County, where peace has not been fully realized, as evidenced by the recurring inter-communal conflicts relating to ethnic and religious differences, sexual and gender based violence, land disputes, grazing lands and water for livestock, proliferation of small arms and light weapons, domestic violence, unemployment and economic under-development, gender imbalance and illiteracy among others. Left unaddressed, more loss of lives and livelihoods will upsurge. This has devastating impact on the social, economic, political well-being of the community as well as the state.

At the national and regional levels, various programmes and approaches have been initiated with an aim at addressing recurring conflicts in Isiolo County. Notable ones include Boma Peace Agreement implementation and engaging elders and women in negotiating for peace at the local community levels. Despite these approaches being undertaken, conflicts still persist and in some cases occur at an alarming level which poses a threat to post-community coexistence in Isiolo Central Sub-County. This calls for a different approach to enhancing peaceful co-existence as the existent approaches have been criticized for not addressing the needs of the victims and in most cases are not participatory in nature. As a result, this study sought to assess the influence of transitional justice programmes on post conflict community coexistence in Isiolo Central Sub-County, Kenya, which constitute extremely

essential elements for promoting recognition of victims and survivors, enhance individual's and community's trust in state institutions, uphold respect for human rights and promote rule of law, thus fostering reconciliation, peaceful coexistence and the prevention of new violations.

### **1.3 Purpose of the Study**

The purpose of the study was to assess the influence of transitional justice programmes on post conflict community coexistence in Isiolo Central Sub County, Kenya.

### **1.4 Specific Objectives of the Study**

- i) To analyze the effect of truth seeking initiatives on post conflict community coexistence in Isiolo Central Sub-County, Kenya.
- ii) To explore the relationship between reparation programs and post conflict community coexistence in Isiolo Central Sub-County Kenya.
- iii) To evaluate the effect of criminal prosecution tools on post conflict community coexistence in Isiolo Central Sub-County, Kenya.
- iv) To assess the relationship between institutional reforms and post conflict community coexistence in Isiolo Central Sub-County, Kenya.

### **1.5 Research Questions**

- i) What is the effect of truth seeking initiatives on post conflict community coexistence in Isiolo Central Sub-County, Kenya?
- ii) What is the influence of reparation programs on post conflict community coexistence in Isiolo Central Sub-County Kenya?
- iii) What is the effect of criminal prosecution tools on post conflict community coexistence in Isiolo Central Sub-County, Kenya?
- iv) What is the influence of institutional reforms on post conflict community coexistence in Isiolo Central Sub-County, Kenya?

## **1.6 Significance of the Study**

The outcome of the study will provide critical knowledge that would outline transitional justice programmes and their relationship with post conflict community coexistence. It will provide information that would outline the intrinsic value and guidelines for the research. Additionally, it will share information and provide guidelines on effective transitional justice fundamental to post conflict community coexistence. Also, the findings of this research would generate important information for reference to posterity researchers in governance and ethics, and gender and security studies. Finally, the government and other state actors and non-state actors will be guided on best practices in handling post conflicts situations in Kenya, regional and also at global levels.

## **1.7 Scope of the Study**

The research was centered around assessing the influence of transitional justice programmes on post conflict community coexistence in Isiolo Central Sub-County, Kenya. The theoretical scope for the study was Galtung's theory of negative and positive peace. The study utilized a mixed-method research design. The geographical scope for the study was Isiolo Central Sub-County. It was carried out between the month of July and October, 2023 in Isiolo Central Sub-County. The target population of the study was 121,066 people from the Isiolo Central Sub-County. The sample size for the study was 399 civilians, 4 chiefs, 1 Deputy Sub-County Commission and 1 Sub-County Commissioner.

## **1.8 Justification of the Study**

The motivation the study was prompted by the need to promote peaceful coexistence in Isiolo Central Sub-County. Isiolo Central Sub-County is a multi-cultural, multi-religious and multi-ethnic community, at the centre of Kenyan map, a desired capital would be. The LAPSSET corridor is set to traverse the sub county. It's an economic hub for the Northern and Eastern

Kenya; agriculture, pastoralism and tourism. There is need to address conflict recurrence which have negative consequences, insecurity, deaths, loss of livelihoods and underdevelopment. Transitional justice approaches have been applied globally, regionally and locally, and little is known about their effectiveness in promoting peaceful coexistence. There is need to establish the knowledge gap between TJ and peaceful coexistence. Additionally, it is unclear how effective TJ is. The findings will provide critical information on the influence of TJ on peaceful coexistence of communities in Isiolo Central Sub-County, Kenya.

### **1.9 Limitations of the Study**

Study limitations refer to shortfalls which are likely to influence the end result and conclusions of a study. In most cases, a researcher may have no or minimal control over study limitation but can take precautions in the process of the study so as to minimize risk of the influence of the limitation as much as humanly possible (Ross&BiblerZaidi, 2019). Data collection was challenged by inaccessibility of respondents. The researcher utilized a research assistant to link with respondents, cognizant of the fact that the research assistant was a local person who helped to create rapport for ease of data collection process. Data analysis was challenged by inappropriate skills on the part of the researcher. However, the challenge was handled by the engagement of an expert in data analysis at a budgeted cost proposed. The study was limited by the following aspects: The possibility of respondents' unwillingness to respond to the questionnaires; influenced the validity and reliability of the findings. In order to overcome this limitation, the researcher encouraged respondents by involving one local person who played the role of research assistant. Questionnaire return rate was another limitation that was anticipated. In order to respond to it, the researcher administered the instruments on the same day and encouraged all respondents to fill the questionnaires on the same day so that none was left behind, and were collected.

### **1.10 Delimitations of the Study**

The study was delimited to 399 civilians selected by convenient sampling, 4 chiefs and 1 Sub-County commissioner and 1 deputy Sub-County Commissioner all selected using purposive sampling. The study used both research questionnaires with close ended questionnaire items to elicit information addressing the four objectives of the study and open-ended interviews. The researcher had inclusion criteria whereby respondents were both male and female above 18 years and had attained minimum basic education level and were therefore literate.

### **1.11 Assumptions of the Study**

It was assumed in this research that the respondents would cooperate fully and give accurate information. The return rate of the questionnaires would be adequate to make good judgment in the study requirements and that respondents would understand that the purpose of the study was for academic purpose only. It was also assumed that the respondents would understand the determinants of effective transitional justice in post conflict community coexistence in Isiolo Central Sub-County.

## 1.12 Operational Definition of Terms

- Coexistence** : The act of people living together peacefully amid having come from different socio-political and economic backgrounds.
- Communities** : People who live in a given locality or environment
- Criminal prosecution tools** : Legally availed information that is expected to prosecute people who violate the law in relationship to post conflict violence in Kenya; employ judicial or extra-judicial mechanisms.
- Institutional reforms** : Revised laws and guidelines that are incorporated in the management of post conflict violence in Kenya
- Isiolo Central Sub-County** : A sub-county territory which is found in Isiolo County in the Republic of Kenya.
- Levels of preparedness** : The extent to which people are prepared to deal with post conflict challenges.
- Post conflict community** : A group of people who live on after going through a conflict period.
- Peaceful coexistence** : Living together in peace and harmony and assisting each other when need arises, indication of reconciliation.
- Reparation programs** : Numerous programs designed to identify, address, and mitigate the root causes of human rights abuses and disparities in communities resulting from several forms of conflict.
- Service delivery** : Provision of goods and services by the government as determined by citizens' needs.

**Transitional justice**

:Strategies that seek to honor victims, boost public confidence in state institutions, uphold the rule of law, uphold respect for human rights, and identify and address the root causes and effects of inequality and abuses of human rights.



## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter will present a review of related literature. The section has empirical literature review, theoretical framework, conceptual framework, recap of the entire literature review section and identification of research gaps.

#### **2.2 Empirical Literature Review**

This section provides a compilation of previous related studies that have been done by other scholars and identifies gaps in the area that needs to be filled by engagement in the current study on exploring the determinants of effective transitional justice in post conflict community coexistence: a case for Isiolo Central Sub-County, Kenya.

##### **2.2.1 Truth Seeking Initiatives and Post Conflict Community Coexistence**

Truth-seeking in post-conflict situations enable investigation of past violation of human rights (Owiso, 2021). It is undertaken by truth commissions, inquiry commissions and other missions involved in fact finding. While undertaking truth seeking, core activities include collection of victims' and witnesses' statements, conduction of thematic research such as analysis of violations involving gender and children rights, organization of public hearings and other programmes in awareness creation and publishing of final reports on findings and recommendations (Bisset, 2022). Therefore, truth-seeking aims to unravel the truth under past abuse of human rights while operating under mandates that are narrowly defined.

The search for the truth in post-conflict is critical to facilitating the recognition of victims as well as creating a platform for reconciliation between the victims, witnesses, survivors and the perpetrators. Forgiveness at its minimum can only base at confessions on the part of the perpetrator. Truth promotes respect for individuals and supports their autonomy (Mwonzora,

2021). Mihr (2020) stipulated that the four pillars of transitional justice revolve around knowledge of the truth; in absence of the truth, criminal procedures cannot be initiated or completed. He further noted that only the knowledge of the truth can trigger the reconciliation process but presenting the idea of reconciliation without the truth can be a source of provocation to the protesters. “The truth must first be attained and reconciliation second, because denial and silence increase the community’s distrust”

Truth commissions are constituted, according to Kochanski (2020), to look into grave injustices, war crimes, and other significant transgressions that have occurred over time. Their goal is to pinpoint the origins and effects of mistreatment. They offer a platform where all victims and offenders can share their narratives and have them acknowledged in public. In communities that have experienced conflict, this is thought to have a cathartic effect. A crucial step in the healing process through social reflection is revealing the truth (Niyindora, 2019). Truth commissions contribute to restorative justice in this way. Truth commissions, in this sense, are also crucial for allowing a society to examine its larger disease by drawing attention to the roles that the state and social institutions played in historical abuses as well as the ways in which political, economic, and social systems enabled abuses. In order to improve the rule of law and restructure these institutions, truth-seeking frequently plays a crucial role. The commissions record crimes while gathering and preserving evidence that, in some situations, might be utilized to bring criminal charges against the offenders (Davis, 2022).

According to Zvobgo (2020), the Apartheid-era history of racial exclusion in South Africa resulted in the creation of a truth commission in the early 1990s to address longer-term histories of marginalization and exclusion created along racial, social, ethnic, religious, and gender fault lines. Public testimonies from both victims and amnesty applicants were delivered, forgiveness and reconciliation was facilitated. The testimony of the black South

Africans, which was broadcast on radio and television, upended their preconceived notions of them as only servants of the state and possible challenges to privilege.

Magara (2021) evaluated the peace process in South Sudan and how the timing of truth seeking has been critical towards reconciliation and peace creation in the country. Through qualitative data acquired from interviews, reviews of documents and archival research in the period 2019-2020 the study found a need for truth seeking in South Sudan. The study established truth seeking to acknowledge wrongs done to victims and a form of recognizing and restoring the victims' dignity. Further, truth seeking in South Sudan has enabled injuries' recognition thus acknowledging direct victims' dignity.

In another study, Willems and Deng (2016) studied transitional justice mechanisms in South Sudan. The study demonstrated that close to three quarters of the citizens in South Sudan supported truth seeking. Majority of those in support of truth seeking emphasized that it should happen at the grassroots level. The study further found truth seeking as a channel through which South Sudanese would unearth the truth. Further truth seeking was found to guide other initiatives such as prosecutions, accountability and reparations.

Deng (2017) evaluated truth seeking process in South Sudan under the Commission for Truth, Reconciliation and Healing and the South Sudan National Dialogue and found the truth seeking processes to address past conflicts, promote peace and ensure national healing and reconciliation for peaceful coexistence among communities in South Sudan. Specifically, the study found truth seeking process under the South Sudan National Dialogue to focus more on views collection from the citizens on conflict resolution and one that fostered reconciliation and healing more than the Commission for Truth Reconciliation and healing. Truth seeking process was further found by Deng (2017) to involve conducting of hearings, gathering and analyzing of information from citizens of South Sudan. In addition, the truth seeking

processes in South Sudan have culminated into national peace conferences with publication of findings and well documented reports.

Solvin (2021) utilized quantitative data from Post Conflict Justice and Uppsala Conflict Data Program to analyze the impact of truth and reconciliation commissions on recurrence of conflicts. Through secondary data a logistic regression model was fitted with establishment of truth and reconciliation commissions as the independent variable and conflict recurrence as the dependent variable. A negative relationship was found between establishment of truth and reconciliation commissions with conflict recurrence.

In view of this, therefore a gap exists as to whether truth seeking as an approach to TJ has been effective in fostering community coexistence in Isiolo Central Sub-County. One, security and safety of the victims from perpetrators and vice versa, discrimination, and stigmatization and witness protection pose serious threats to truth telling. Reforming institutions, gender equality and witness protection programs are key initiatives which can be strengthened to make effective this approach. The researcher sought to demystify truth telling in relation to TJ.

### **2.2.2 Reparation Programmes and Post Conflict Community Coexistence**

The aim for reparation programmes is to redress human rights violations that are systemic through provision of a range of benefits, symbolic or material, to the victims (Gready, 2022). Reparations may involve monetary compensations, services such as psychological and medical services, support in education, property return or compensation for losses, official apologies in public, construction of museums and memorials and commemoration days establishment (Park & Santos, 2022). This is further re-affirmed in Gallen&Moffet (2022) who noted that redress may come in forms such as compensation, restitution, rehabilitation, and guaranteeing the community that acts of violation will not be repeated.

According to Gilmore and Moffett (2021), majority of reparation programmes become successful if their design is done while consulting the community especially affected victims. Further, reparation programmes are effective and prompt complements to processes of truth-seeking and initiatives in prosecution. Victims are provided with concrete remedies, reconciliation is promoted and public trust is restored to state organs (Gesase, 2019).

Reparation is a crucial tool for the state to accept accountability for the transgressions that it either caused or neglected to stop during or after a time of conflict. In order to meet TJ's objectives of promoting peaceful community coexisting after war, individual or group actions like as restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition have been proposed by the UNGA in resolution 60/147. Bell (2017) states that TJ in peace building expects that the conflict will be prevented and "transformed" into less violent forms rather than "resolved," and that new opportunities to transcend conflict and achieve permanent peace may be developed and cultivated in the future.

Firchow (2017) evaluated whether reparations are effective in reconciliation and peace building in El Salado, Colombia. The study was a comparative case study between the perceptions of two communities in El Salado. Through interviews, surveys and focus group discussions, the study found that the communities had two different reparations' levels. Further, the study found that the communities depicted low reconciliation levels despite there being existence of reparation programs. This was due to the fact that the communities had different reparation expectations and defined reconciliation and peace differently owing to the fact that there was no participation by one community in determining the reparation programs. A discussion by Anderliniet *al.*, (2004) describe that reparations in Rwanda have involved perpetrators rebuilding the homes of survivors of genocide. Further, the discussion noted that

reparations in Guatemala are state proposed programs mainly involving monetary compensations, for instance, to rape victims. A study in Zimbabwe by Murambadoro (2017) explored traditional reparation programs and their effectiveness in promoting peace among communities. The study found that the reparation programs employed involved damages repair for victims so as to take them back to their original situation before the conflict. The study further found that the traditional reparation programs functioned well which helped bring together victims, perpetrators and members of the community to discuss repayment schedules and forgiveness. In cases where perpetrators were unable to compensate the victims, other forms of compensation such as through community service in farms and the community were adopted.

Gallen and Moffet (2022) conducted a fieldwork in multiple countries comprising of Colombia, Guatemala, Nepal, Northern Ireland and Uganda so as to assess reparations' role in reconciling communities with the past. The study found reparations to contribute to reconciliation and as tools utilized in repairing relations between communities or individuals. The study further viewed reparations as a function of healing and guarantees of non-recurrence.

Nhlapo (2019) conducted a study in South Africa to evaluate reparation programs and their effects on reconciliation in Post-Apartheid era. Reparations programs found in existent included monetary reparations through individual reparation grants by the government, symbolic reparations, community rehabilitation and institutional reforms. However, the reparation programs were found not to yield the required results since it failed to deal with interconnectedness of violations in the apartheid era. Further, there has been government failure in provision of adequate reparations towards restoring the self-worth and moral value of the apartheid victims.

The Kenyan Truth, Justice and Reconciliation Commission (TJRC) recommended for compensation of victims of post-election violence of 2006-2007 for loss of lives, destruction of private property, and other crimes perpetrated against them. Compensation has also been made to victims of evictions from public land, forest land and water catchment reservoirs by resettling them in alternative arable lands initiated through judicial and extra-judicial processes. Monetary reimbursement has been made through special programs ministry in Kenya (Murang'ai, 2022).

However, a gap exists whereby these reparation processes have been flooded with conflicts of interest, corruption, nepotism, inadequacy of resources, lack of political will and weak laws and policies among others hence posing significant threat to peace. For example, majority of evictees of post-election violence remain in make shift camps to date. Justice has been delayed or denied to victims of rape, murder and other forms of crimes. Casualties of wild life invasions remain uncompensated. It is upon this background that the researcher intended to establish reparation strategy in order to improve its effectiveness in enhancing post conflict community integration in Isiolo Central Sub-County.

### **2.2.3 Criminal Prosecution Tools and Post Conflict Community Coexistence**

The aim for prosecution initiatives is to ensure those who committed crimes face trial in accordance with standards set internationally of fair trial and where applicable, punished (Maculan & Gil Gil, 2020). Prosecution initiatives gain credibility and legitimacy if they are conducted in a way that non-discriminatory and in a manner that is objective, regardless of who the perpetrators are. Jurisdiction exercise over any crime is the responsibility of the state (Kilcomminset *al.*, 2020). Therefore, with regard to the crimes committed in any conflict situation, TJ programmes should seek to reinforce and develop capacities in investigation,

judiciary that is independent and effective, legal defense, protection and support of witnesses and victims and correctional facilities that are humane in nature (Bisset, 2022).

To ensure that prosecutorial initiatives are successful, there may be a need for assistance from external experts for activities such as exhumations, mass crimes investigations, forensic analysis and evidence preservation (Van Schaack, 2019). Further, the proceedings should be impartially undertaken in a manner that is objective and timely based on international standards. In cases where the state is a player or is under dictatorial and repressive administration, there may be incapacity to conduct fair prosecutions. Such situations call for international in addition to tribunals of hybrid nature in jurisdiction exercising (Ghosn&Jandali, 2020).

One of the main components of an integrated transitional justice strategy is prosecutions, which are meant to break the cycle of impunity and human rights violations. There are established local, national, regional and international courts and tribunals mandated to handle criminal and civil suits presented before them in order to facilitate delivery of justice for victims and survivors of conflict such as the International Court of Justice, International Criminal Court (ICC), African Court of Justice (ACJ), East African Court of Justice (EACJ), and local Kenyan courts (Murithi, 2022).

Luhe (2021) illustrated how various political upheavals, liberation movements, and socioeconomic shifts have marked African history. The fight against military authoritarian regimes, the struggle against colonialism and apartheid, the defense of human rights, constitutionalism, democratic and participatory government, and the rule of law are a few examples of these political fights and revolutions. Prosecution is one of the many transitional justice (TJ) measures that have surely come about as a result of these experiences.

According to Werle and Vormabum (2022), the goal of criminal prosecutions is to make guilty parties accountable for their acts by imposing criminal penalties like fines or jail sentences. Some see this as a means of discouraging such acts in the future. Among other terrible crimes, crimes against humanity, war crimes, and genocide are notable for their size and breadth, the long-lasting psychological damage they inflict on survivors, and the long-term trauma they produce in the countries in which they occur.

In the view of Bengesai and Makonye (2020), the goal of conflict transformation is to see social conflict's ups and downs as opportunities to bring about positive change that will lessen violence, promote justice in various contexts and social structures, and address genuine issues in interpersonal relationships. Zyberi and LetnarČerňič (2015) investigated the process of transitional justice in former Yugoslavia by focusing on countries that were most affected by armed conflicts such as Bosnia and Herzegovina, Croatia, Macedonia, Kosovo and Serbia. Their study analyzed how the International Criminal Tribunal for the Former Yugoslavia (ICTY) towards enhancing inter-ethnic reconciliation. The study established that ICTY has enhanced reconciliation through achievements such as holding leaders accountable, ensuring victims get justice, giving a voice to the victims, facts establishment, international law development and rule of law strengthening. However, within ethnic groups in Bosnia, Meernik (2005) found that arrests and prosecutions of war criminals had a limited influence on improving their coexistence.

A study by Leyh (2016) reviewed the Nuremberg legacy in enhancing transitional justice. The argument in the review is that transitional justice approaches should be holistic. However, adoption of some criminal prosecutions has been a lifelong legacy of Nuremberg. The prosecutions should be both at international level for the most culpable and at the

communities' level so as to prosecute those culpable at the community level. Akech (2020) examined how the hybrid court of South Sudan can help in achieving justice, healing, reconciliation and peace in South Sudan. The assessment discloses that justice, peace, healing and reconciliation are highly likely to be achieved when the hybrid court collaborates with local mechanisms of justices. Further, prosecutions are highly likely to be successful through best practices sharing between the two levels of prosecution.

Despite past efforts to address legacies of injustices and legal bodies being formed to prevent and punish perpetrators, such crimes persist. Some of the glaring pitfalls identified with legal redress are the lack of political will to expedite justice especially at top leadership. Secondly, the incapacity of justice systems orchestrated by under-funding, under-staffing, control by state or its agencies, corruption, nepotism, deliberate delay of cases and delivery of ruling, unjust ruling and unequal access due to geographical location or even gender inequality. Frustration of the judiciary officers by the office of the prosecutor, conduct of shallow investigation by the police are additional bottlenecks (Sharp, 2019). The government of Kenya has initiated institutional reforms to tackle most of these challenges such as judicial reforms, police reforms, prisons reforms and public service reforms. However, little progress has been realized (Koome, 2020). It is upon this back ground that the researcher sought to investigate the effectiveness of prosecutions in as far as promoting peace for sustainable post conflict community coexistence is concerned. Additionally, the study sought to determine if the legal outcomes have contributed to a peaceful coexistence in Isiolo Central Sub-County.

#### **2.2.4 Institutional Reforms and Post Conflict Community Coexistence**

In cultures that are suffering conflict or authoritarianism, public institutions like the police, military, and judiciary are frequently used as tools of repression and systematic breaches of human rights (Trejo *et al.*, 2018). Reforming these institutions is essential and is typically

seen as the cornerstone of transitional justice when there is a shift towards peace and democratic governance. The 2010 Kenyan Constitution recognizes that an effective public sector is essential to the nation's socioeconomic development as outlined in Kenya Vision 2030 (Republic of Kenya, 2007; 2008).

In cases where public institutions aided in conflict perpetuation, they should be transformed into peace institutions in addition to institutions that protect rights of humans and those that nurture a culture of respecting the rule of law. When the public institutions are reformed, recurrence of violation of human rights and conflicts in the future is prevented (Mihir, 2020).

According to Reiter (2020), institutional reforms can also be enhanced through vetting of public service members especially in the security and justice departments. Those responsible for conflict and violation of human rights are restricted from holding any public office. Through vetting, decisions on who to disband from organizations such as the military, police and other units in security is made with evidence. Institutional reforms may also entail training programmes that are comprehensive for officials in public service especially on human rights and international laws on humanitarian standards (Gready & Robins, 2020).

A study in East Timor by McAuliffe (2011) revealed continuous challenges in transformation of institutions of justice. The study revealed continuous government interference which has restrained prosecutions that are politically sensitive and consistent pardoning of persons convicted of political violence crimes. As a result of this interference, peace has not been fully achieved in this region. Lambourne & Rodriguez Carreon (2016) utilized the four transitional justice pillars as approaches towards peace building and human rights achievement in Rwanda, Sierra Leone, Uganda, Peru, Timor Leste and Burundi. Among the pillars, institutional reforms were found to have a significant effect towards

building sustainable peace. Skaar (2018) noted that sustainable peace after periods of conflict is highly achievable when there are institutional changes, for example, reforms in the military, judiciary and political institutions.

In Peru, Laplante and Phenicie (2010) focused on institutional reforms in enhancing reconciliation. The study established the need for media reforms due to its vulnerability to political manipulations which may lead to future political violence cycles. Similarly, in Liberia, media reforms have been attributed to healing after conflicts that hit the country. The reforms involved training journalists on professional media coverage which led to development of an independent media that enhanced the peace building process (Randall & Pulano, 2008).

Teksen (2019) evaluated transitional justice mechanisms in Bosnia and Herzegovina. The study found that partial application of institutional reforms to lead to successful reconciliation. However, the study found a need for inclusive implementation of transitional justice mechanisms for improved reconciliation. Benyera (2014) noted that institutional reforms are necessary since prolonged conflicts destroy a country's institutions such as the judiciary and the police making them corrupt, dysfunctional and illegitimate.

This insight led to the implementation of numerous policies aimed at modernizing the public sector and guaranteeing public service delivery that is both efficient and accountable to the people. Incorporating public needs and satisfaction into governance structures to enable their active participation in policy and guideline formulation is one technique to guarantee the aforementioned. Because it fosters a sense of ownership among citizens, active participation in development planning and related decision-making hence serves as a crucial component of

accountability and transparency. This is what institutional reforms are ultimately intended to achieve.

Experience, however, has demonstrated over time that concentrating only on the organizations directly responsible for physical abuse is insufficient and ineffective. As a result, it is usually necessary to restructure entire government agencies and put in place suitable oversight procedures to guarantee independence. For example, this happens when establishing new constitutions, issuing of identity cards in order to access public services, independence and autonomy of state institutions, vetting of personnel before hiring, disarming, demobilization and reintegrating armed actors, educating public official and employees for efficient service delivery (Dancy&Thoms, 2022). While reforms remain critical to the pursuit of redress, accountability and prevention, the strategy has not been significantly effective towards improving their legitimacy and integrity as centrally as is needed. Politicization of reforms has been witnessed. Further still, the cost is enormous. Resistance to change and reluctance by public servants is evident. Citizens have not fully participated in the reform agenda and subsequently in decision making. An example is gender inequality and under-representation.

Mansour (2020) explained that women's issues have gained global attention through the establishment of the Commission on the Status of Women in 1946/47 which is a division of the United Nations Economic and Social Council (UNESCO), to improve women's status in the political, economic, social and educational fields. The Commission focused on formulating international conventions to change discriminatory legislation related to race, faith, gender and age and to raise global awareness. In the 1960s the approach of women in development emerged concentrating on women's issues and participation in development projects.

To effectively address the enduring effects of widespread abuses of human rights that lead to conflicts, a multimodal approach incorporating actions at the institutional, governmental, civil society, local, and personal levels is necessary. A gap exists relating to under-performance of state institutions, lack of public participation, and lack of political will and politicization of reforms, budgetary constraints, conflict of interest, and gender inequality, and equally important, the individual lack of trust in state institutions, among other factors. This study determines how post conflict community coexistence can be achieved through reforming of institutions so as to improve their effectiveness in Isiolo Central Sub-County.

### **2.3 Theoretical Framework**

The study adopted 'positive and negative peace theory' developed by Johan Galtung (1969). According to Johan Galtung (1969), 'positive and negative peace theory' makes distinction of the peace theory; between "negative peace" and "positive peace", characterizing the former by the absence of direct violence and the latter by the elimination of structural violence and cultural violence. Borrowing from Galtung (2018) view of positive peace, the effectiveness of transitional justice would be determined by the integration of human society. The state and non-state actors and all peace-making, peace keeping and peace building stakeholders must in cooperation and collaboration with the community, not only seek to end direct violence (negative peace), but most importantly aim towards promoting ending indirect violence (positive peace), which is attained through ensuring justice for all. Examples include equity, gender mainstreaming, respect for human rights, rule of law and good governance.

Galtung (1969) also developed a "conflict triangle" with structures, attitudes and behaviours at the points, a model he proposed for understanding conflict. Under the "conflict triangle", conflict is perceived as a process that is dynamic with constantly evolving attitudes and

structure. Galtung (1969) defined "structures" as the political institutions, procedures, and mechanisms that affect how well security, welfare, recognition, and identity demands are met.

Galtung (1969) further notes that 'Attitudes' are the party's perceptions and misperceptions of each other and of themselves. Negative perceptions breed violent conflicts among parties, who in turn develop increasingly negative stereo-types of each other, while positive perceptions develop increasingly positive self and or group identity. 'Behaviours' are actions undertaken by one party in conflict aimed at the opposing party, with the aim to cause them to abandon or change its goal(s).

Galtung (1969) opined that cooperation and coercion, for example, and gestures signifying conciliation or hostility, threats, coercion and destructive attacks, all characterize violent conflict behavior. Skinner's (1969) "Nature vs. Nurture" perceives human beings' behavior as that which is molded by their environment. Galtung developed the distinction between direct violence, structural violence and cultural violence. He submits that direct violence is ended when behaviours related to conflict are changed while structural violence is ended by removing structural injustices. On the other hand cultural violence is ended by changing attitudes.

When conflicts arise, states have not only the opportunity but also the responsibility to protect the community. This is not always the case. Even when conflicts de-escalate, there is an increasingly high likelihood to recur, mainly due to unresolved grievances, quick fixes and a lack of community participation in negotiations and decision making on matters affecting them (Author, 2023).

According to the author, civilizations transitioning from negative peace-the cessation of hostilities-to positive peace-where trust and collaboration have been established between former enemies-manifest peaceful coexistence. It is without a doubt the most challenging

aspect of conflict resolution and is not achievable in the near future. However, they depend on deliberate structural changes and change in attitudes, which translate to behavioral change.

Lederach (1997) utilized conflict transformation theory in explaining peace building process. Based on Lederach (1997), peace building process is multifaceted and changes that envision transitioning from war to peace are guided by values based on peace, mercy, truth and justice. Therefore, for peace to exist, transitional justice systems should adopt varying mechanisms with the aim of promoting peace such as truth sourcing, justice application, amnesty and reparations. According to Miall (2004), conflict transformation theory provides for structures establishment, participation by civilians, changes in the security sector, embracement of human rights, infrastructure reconstruction and handling of IDPs and refugees. Therefore, conflict transformation theory under Miall (2004) directly explains mechanisms of peace building in a post conflict society by emphasizing that transitional justice institutions should be put in place with the objective of addressing functionalist and structural failures in a society that has experienced conflict.

The theory broadly supports the study, linking with transitional justice approaches adopted, such as truth telling, reparations, criminal prosecutions and institutional reforms. These mechanisms, when effectively used aim to rapidly influence satisfaction of community needs and largely to promote peaceful coexistence of Isiolo Central Sub-County.

#### **2.4 Conceptual Framework**

The conceptual framework comprises of independent variables, dependent variable and intervening variables. Independent variables under consideration will be truth seeking, reparations on communities, criminal prosecution tools and institutional reforms. These variables influence the statuses of post conflict coexistence of members of the community in that if truth seeking commissions are established as a preparation for post

conflict periods, then those who are found liable of causing chaos will be prosecuted according to the law. Additionally, when communities are prepared adequately to cope with post conflict times, through reparations, they can be psychologically assisted to go over the challenges that come with it.

Both criminal prosecution tools and institutional reforms will largely promote post conflict coexistence among post conflict communities. The study has intervening variables that interfere with the relationships between independent and dependent variables. These intervening variables are political status, state of the economy and sociocultural practices among communities. All these variables influence the state of post conflict community coexistence. For example, misrepresentation by elected leaders, some communities have a history of cattle rustling, unemployment compel criminals to attack others and demand to be given their herds because they have nothing else to lean on. Hence such variables influence post conflict community coexistence. Figure 1 shows the relationships among independent, dependent and intervening variables.

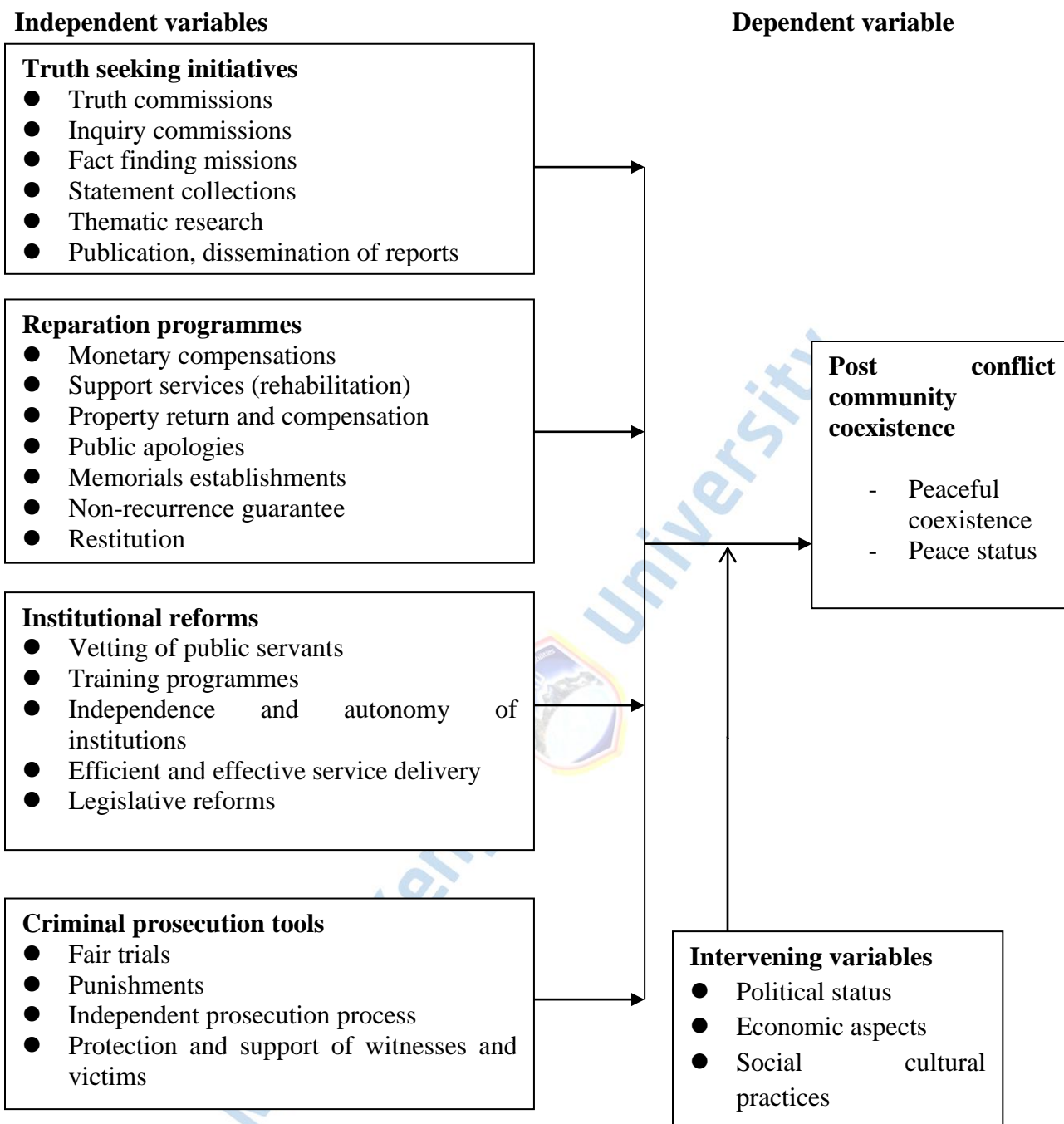


Figure 1: Conceptual Framework

Source: Researcher (2023)

## 2.5 Summary of Literature Review

The literature review evaluated truth seeking initiatives and its relationship with post-conflict community co-existence. Based on the associated empirical literature, truth seeking initiatives as undertaken by truth commissions, inquiry commissions and other missions involved in fact

finding enable investigation of past human rights violations. The literature review also found that core activities in truth seeking involve collection of statements from victims and witnesses, thematic research, public hearings and publication of final reports on findings and recommendations (Bisset, 2022). The reviewed literature in different countries revealed that truth seeking initiatives through bodies such as truth commissions in South Africa (Zvobgo, 2020) and South Sudan National Dialogue (Deng, 2017) aim to unravel the truth under past human rights abuse which is a key process of healing. According to Magara (2021), Willems and Deng (2016) and Solvin (2021) truth seeking initiatives have been critical towards reconciliation and peace creation in countries such as South Sudan by enabling recognition of injuries and acknowledging the dignity of the victims which culminates into peace.

On reparation programmes and community coexistence, the literature reviewed established that systemic human rights violations are redressed with victims being provided with various benefits which may be symbolic or material (Gready, 2022). Gesase (2019), Park & Santos (2022) and Gallen&Moffet (2022) asserted that reparation programs provide victims with remedies and compensations which may be monetary or involve services such as medical and education support, return of property, losses compensation, public apologies, construction of memorials such as museums and commemoration days. The community is also guaranteed that violent acts will not be repeated thus promoting reconciliation and public trust in institutions of the state. Firchow (2017) in a Colombian study, Anderliniet *al.*, (2004) in Rwanda, Murambadoro (2017) in Zimbabwe, Nhlapo (2017) in South Africa and Gallen&Moffet (2022) in multiple countries such as Colombia, Uganda, Guatemala, Nepal and Northern Ireland, established that reparations are effective in reconciliation and peace building.

The role of criminal prosecution tools as established in Maculan & Gil Gil (2020), Werle & Vormabum (2022), Zyberi & Letnar Čerňič (2015), Leyh (2016) and Akech (2020) is to ensure that perpetrators face trial in accordance with internationally set standards of fair trial and when found guilty punished. Prosecutions ensure peaceful community coexistence since they aim at moving away from an impunity culture and a legacy of abuse of human rights. This is achieved through local, national, regional and international courts and tribunals where criminal and civil suits are presented before to facilitate justice delivery for victims and survivors of conflict (Muriithi, 2022).

Public institutions such as the police, military and judiciary have often been utilized as repression instruments in addition to instruments of human rights violations especially in conflict exposed societies and in authoritarianism governments (Trejo *et al.*, 2018). When such public institutions are reformed, violation of human rights and conflicts recurrence in the future is prevented (Mihir, 2020). Institutional reforms through initiatives such as vetting of public officers (Reiter, 2020), transformation of institutions of justice (McAuliffe, 2011; Skaar, 2018; Laplante & Phenicie, 2010; Teksen, 2019 and Benyera, 2014) enhances reconciliation and healing and thus promoting coexistence of community members post-conflict situations.

## **2.6 Identification of Research Gap**

It is evident from the literature review that studies on transitional justice programmes and post-conflict community coexistence have been conducted in countries experiencing (or which have experienced) countrywide violent conflicts such as Rwanda, South Sudan, Zimbabwe and Yugoslavia among others. Limited research on the link of relationship between transitional justice programmes on post-conflict community coexistence in countries experiencing regional-based conflicts such as Kenya. It is therefore essential to conduct a

research in the context of a country experiencing regional-based conflict and specifically evaluate if transitional justice programmes can enhance post-conflict community coexistence in the affected regions rather than the entire country. Further, most of the TJ programmes are initiated at the national level and may thus lack applicability at the local level due to lack of participation by the local communities directly affected by conflicts. It would therefore be necessary to establish the TJ programmes that exist at the local level and their influence on post-conflict community coexistence. In cases where studies on transitional justice programmes have been conducted such as Murang'ai (2022) and Koome (2020), the focus has been on a limited set of trending TJ programmes such as truth seeking and institutional reforms without assessing their effect on community coexistence after conflict situations. Further, the focus of such studies has been on a national level rather than regions affected by conflicts. Thus, the purpose of this work is to close this gap by assessing the influence of TJ programmes on post-conflict community coexistence in Isiolo central Sub-County.

## CHAPTER THREE

### RESEARCH METHODOLOGY

#### 3.1 Introduction

The section will deal with description of the research methodology that will be adopted in the study. This section is categorized into subsections as follows; research design, location of the study, target population, sample size and sampling techniques, research instruments, validity and reliability of research instruments, data collection methods and techniques of data analysis.

#### 3.2 Research Methodology

The study adopted a mixed methods methodology of research. A mixed research methodology combines both quantitative and qualitative methods of data collection (Clark *et al.*, 2008). In this study, questionnaires for community members were utilized to gather quantitative data while interview schedules for sub-county and deputy sub-county commissioners and chiefs were utilized to gather qualitative data.

#### 3.3 Research Design

The study utilized a concurrent research design as outlined in Bradt, Burns and Creswell (2013). According to Bradt *et al.*, (2013), a concurrent research design converges different approaches used if a researcher needs to frankly link and differentiate outcomes that are qualitative and quantitative in nature. The research design was considered appropriate since it enabled validation of quantitative results with the qualitative ones. Further, its significance to the current research is also informed by this study being a single-phased approach with the researcher simultaneously executing qualitative and quantitative methods. Through this research design, the researcher concurrently but in a distinct manner collected and analyzed quantitative and qualitative data to comprehend the study's purpose fully.

### **3.4 Location of the Study**

The study was undertaken in Isiolo Central Sub-County, Eastern region of Kenya. Isiolo Central Sub County is one of the sub counties of Isiolo County. To the South of Isiolo County is Meru County and Wajir County to the North. The main economic activity in Isiolo Central Sub-county is pastoralism partial tourism, with tourist attractions categorized as nature and wildlife, culture, heritage and community based tourism, adventure and Eco-tourism. It is also a transport hub to the Northern border town of Moyale. Isiolo County has a population of 268,002 people, 139,510 males and 128,483 females, as per the 2019 demographic survey, and covers an area of approximately 25,351 Km<sup>2</sup>. The latitude and longitude for Isiolo County are 0<sup>0</sup>21'16.63N and 37<sup>0</sup> 34'55.85'E. Residents of the county are largely pastoralists.

Isiolo Central Sub-County was considered for this study since it has been peace fragile and has witnessed conflict of unprecedented levels that have been regarded as deadly. For instance, fierce disputes have been witnessed in 2017 (10 deaths), 2018 (7 deaths) and 2019 (21 lives) with almost all deaths recorded every year occurring in a span of one week. Conflicts in Isiolo Central Sub-County have remained violent, dynamic and executed by trained militia and manifest in different forms such as livestock raids, banditry and sporadic killings. Some of the recorded conflicts are often planned with some precision level and in some cases with support from local leaders (Isiolo Gender Watch, 2021). A study on transitional justice programmes and their influence on post-conflict community existence will inform on measures that should be put in place to ensure lasting peace among communities residing in Isiolo Central Sub-County.

### **3.5 Target Population**

Target population is the entire collection of all items/subjects that are targeted in a given study (Taherdoost, 2016). It comprises of all individuals/subjects from which suitable sample is drawn in order to constitute respondents. Isiolo County has 3 sub-counties, namely Isiolo Central, Merti and Galbatulla. The target population of the study was 121,066 people from Isiolo Central Sub-County. This population was informed by the 2019 census report in Kenya. Isiolo Central Sub-County has four administrative locations; Burat, Bulla Pesa, Wabera and Ngare Mara, hence the four chiefs selected for the study. The researcher selected Isiolo Central Sub-County owing to its strategic geographical location, accessibility, literacy levels of its population and security.

### **3.6 Sampling Procedures and Techniques**

Sampling is the process of selecting some members of the universe using some scientifically conventional method and subjecting selected individuals to a study. Respondents were drawn from each zone which was randomly sampled from the four zones in Isiolo Central Sub-County. Respondents were civilians, chiefs and sub-county heads from the selected zone. Isiolo Central Sub-County Commissioner and Isiolo Central Deputy Sub-County Commissioner were selected by purposive sampling, 4 chiefs were selected by purposive sampling and 399 civilians were selected by convenient sampling. Convenient sampling comes with several advantages such as quick data collection in cases where time is a limitation. It is also cost effective in samples' creation and involves fewer rules. Further, convenient sampling leads to validity improvement since researchers can often give an explanation on how their methods of data gathering differ from samples that are ideal and random (Jager, Putnick & Bornstein, 2017). Though convenient sampling was adopted for the study it comes with several limitations such as bias in sampling since respondents are not randomly selected from the

population. It may also lead to lack of variety in respondents since the researcher may select respondents whose access is easy and with features that are comparable. Convenient sampling is also subject to researcher bias since researchers may be subjected to selecting respondents who they perceive that they will offer data in support of their objectives and theory (Murray *et al.*, 2013).The researcher had inclusion criteria whereby participants will be both male and females who are above 18 years and have attained minimum basic education.

### 3.7 Sample Population

The study adopted Yamane (1967) sample size computation formula in determining the sample size for the civilians. According to Yamane (1967),  $n = \frac{N}{1+Ne^2}$ . Using the formula,  $n = \frac{121066}{1+121066(0.05)^2} = 398.7$ , approximately 399 respondents. The sample constituted 399 civilians, 4 chiefs and 2 sub county heads from Isiolo Central Sub County. Table 1 provides detailed information about the sample and sampling procedures which will be used to obtain the said sample population.

Table 1: Sample Size and Sampling Procedures

Category	Sample size	Sampling procedure
Civilians	399	Convenient
Chiefs	4	Purposive
Sub-County Commissioner	1	Purposive
Deputy Sub-County Commissioner	1	Purposive
<b>Total</b>	<b>405</b>	

### 3.8 Construction of Research Instruments

#### 3.8.1 Questionnaire

A questionnaire was employed to amass data from the civilians. The study used a questionnaire that had four sections. Section A dealt with demographic information of respondents. Section B, C, D and E comprised of items on truth seeking practices, reparation

programmes, criminal prosecution tools, and institutional reforms and their effect on coexistence of the community. Section F comprised of items on the status of peaceful coexistence in the community. The questionnaires had closed-ended questionnaire items to elicit information.

### **3.8.2 Interview Schedule**

An interview schedule was used to conduct interviews from the 4 chiefs, the sub-county commissioner and the deputy sub-county commissioner. The interview schedule comprised of open ended questions centered on the study's research objectives.

### **3.9 Piloting of the Research Instruments**

A pilot study was conducted in Merti Sub-County located in Isiolo County. The choice for Merti Sub-County was based on the fact that it has similar settings as those of Isiolo Central Sub-County. Further, the sub-county has also experienced conflicts similar to those experienced in Isiolo Central Sub-County. During the pilot study, a sample size of 40 respondents was chosen reflecting 10% of the desired study's sample size as outlined in Mugenda and Mugenda (2003). Piloting was necessary so as to establish validity and reliability of the research instruments.

### **3.10 Validity and Reliability of Research Instruments**

#### **3.10.1 Validity of Research Instruments**

The capacity of a research tool to measure what it was designed to measure is known as validity. It also refers to a measurement of how well data analysis findings capture the phenomenon under study (Orodho, 2009). The instruments were validated by research supervisors from Institute of Security Studies, Justice and Ethics (ISSJE) of Mount Kenya University. The comments and remarks by experts were used to revise the items in the instruments in readiness for data collection.

### 3.10.2 Reliability of the Research Instrument

Reliability of 0.7 and above would be accepted for the questionnaire items to be reliable and ready for data collection. The degree to which a research instrument produces consistent results after multiple trials is known as its reliability (Mugenda & Mugenda, 1999). In order to develop a research instrument, reliability finds discrepancies in the research items and ambiguous inquiries (Zohrabi, 2013). From the pilot study results in Table 2, all the variable categories had Cronbach Alpha reliability coefficients above 0.7. This deems the research questionnaire as reliable for the study.

Table 2: Cronbach Alpha Test Results

Category of Variable	Cronbach Alpha Coefficient	N of Items
Truth Seeking Initiatives	.757	12
Reparation Programmes	.779	14
Criminal Prosecution Tools	.805	9
Institutional Reforms	.871	11

Source: Pilot Study Data (2023)

### 3.11 Data Collection Methods and Procedures

The researcher acquired a research permit from the National Commission for Science, Technology and Innovation (NACOSTI). Permission was sought from the County Commissioner, Isiolo County and sub-county Commissioner, Isiolo Central Sub-County. Based on the participants' inclusion criteria, the researcher accessed civilians at a large open market day and used a convenient sampling procedure to administer questionnaire to relevant respondents. Since chiefs and security officers were identified, questionnaires were administered to them at their place of work.

### 3.12 Data Analysis Techniques and Procedures

Data was analyzed by use of the Statistical Package for Social Sciences (SPSS) program version 26.0. The study was anticipated to generate quantitative data which was analyzed

using descriptive statistics where frequencies, percentages, measures of central tendency (mean and median) and measures of variance (standard deviation) were discussed. Inferential statistics comprising of t-test and chi-square statistics were utilized in testing the association of the dependent and independent variables. Results were presented in form of frequency tables, percentages, charts and figures.

### **3.13 Ethical Considerations**

The research sought ethical clearance from the university prior to engagement in data collection. The researchers assured respondents of confidentiality and confirmed that their participation would be treated with privacy and results used for intended purposes only. Additionally, the researcher explained to the respondents and informants the requirements to participate in the study and also assure them that their information will be used for academic purpose only. The researcher solicited informed consent from respondents by asking them to fill in consent forms. Research participants were informed that their participation was voluntary and anonymity upheld in the process, they will suffer no harm and that they would pull out of the study at any point during the study if they wished.

## **CHAPTER FOUR**

### **RESEARCH FINDINGS AND DISCUSSION**

#### **4.1 Introduction**

This chapter presents the findings of the study as per the specific objectives of the study. The findings involve the descriptive statistics such as frequencies, percentages, measures of central tendency and variance. The findings also involve inferential statistics such as t-tests and Chi-square tests. The chapter also outlines the discussion of the findings as per the objectives of the study.

#### **4.2 Response Rate**

During data collection, a total of 399 questionnaires were issued. Out of these questionnaires, 362 were returned out of which 357 were adequately filled for final analysis. This represented a response rate 89.5%. This response rate was acceptable since according to Fincham (2008), responses exceeding 60% are acceptable.

#### **4.3 Demographic Characteristics of the Respondents**

##### **4.3.1 Gender of the Respondents**

The study evaluated the gender of the respondents. Based on the pie chart in Figure 2, 61.1% (218) of the respondents were male while 38.9% (139) of the respondents were female. This shows that there were differences in respondents by gender. However, it can be said that both genders were well represented in the study and therefore the opinions represented herein reflect those of male and female participants.

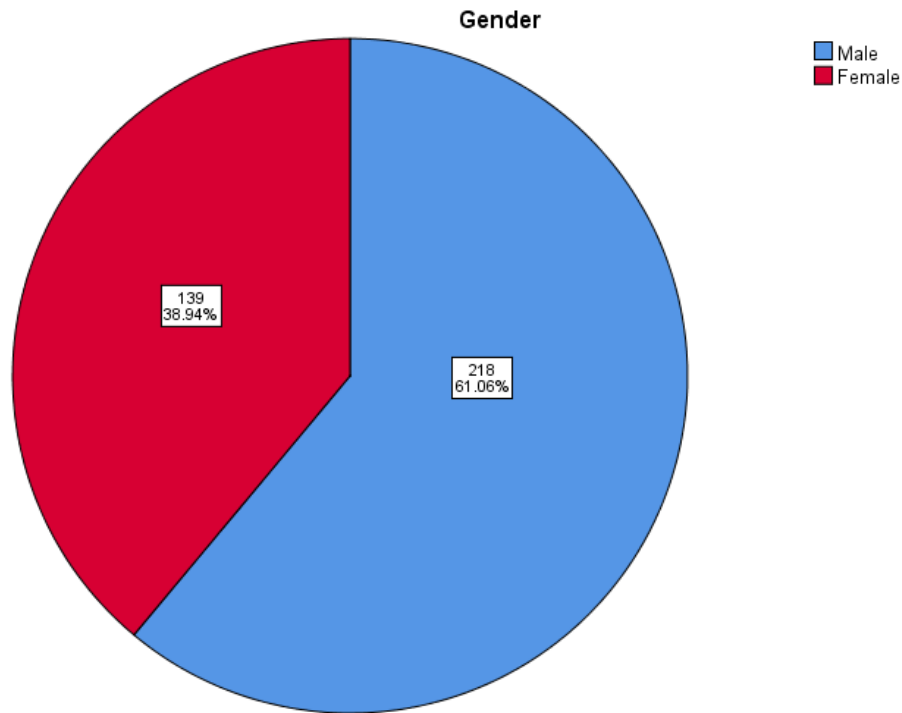


Figure 2: Respondents' Distribution by Gender

Source: Research Data (2023)

#### 4.3.2 Duration Stayed in Isiolo Central Sub-County

The respondents indicated the duration they had stayed in Isiolo Central Sub-County by the time of the study. It is evident from Figure 3 that 47.3% (169) had stayed in the study area for more than 15 years; 23.3% (83) had stayed for a duration between 11-15 years; 21.3% (76) had stayed for a duration between 6-10 years; 4.8% (17) had stayed for a duration between 1-5 years and 3.4% (12) had stayed for less than 1 year in Isiolo Central Sub-County. Therefore, the respondents can be said to have stayed in the study area for duration long enough to be conversant on issues affecting the study area and therefore appropriate for this study.

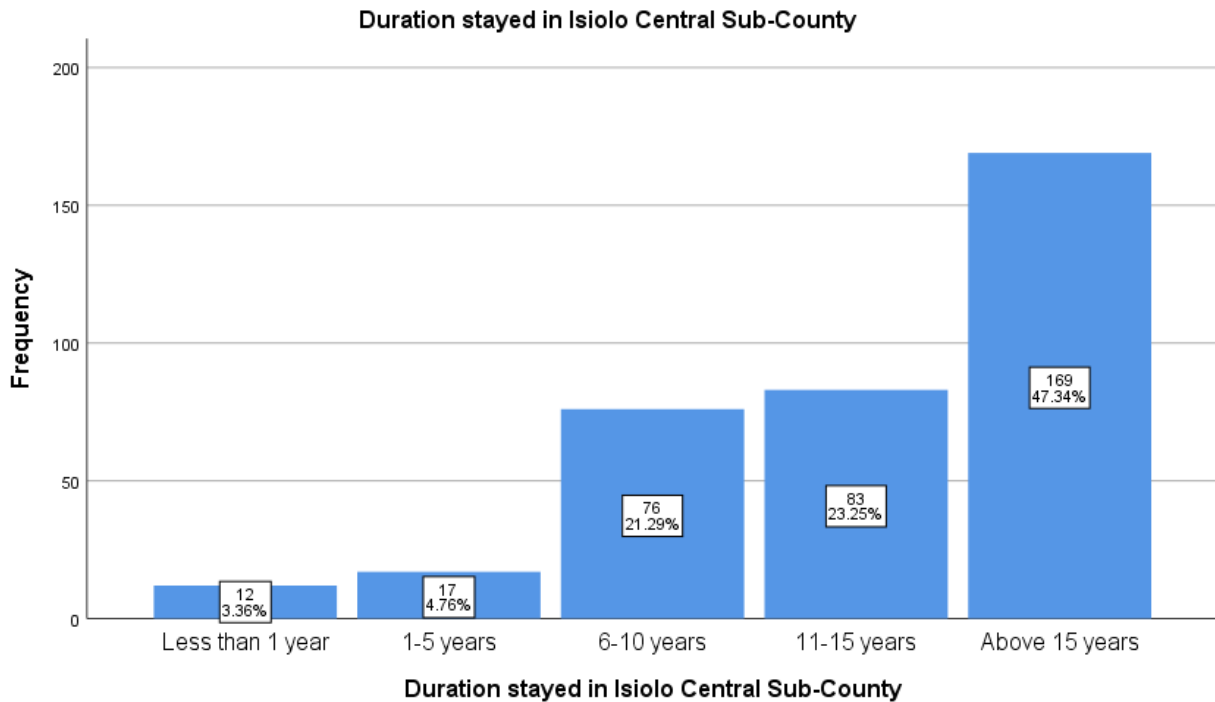


Figure 3: Duration Stayed in the Study Area

Source: Research Data (2023)

#### 4.4 The Effect of Truth Seeking Initiatives on Post Conflict Community Coexistence in Isiolo Central Sub-County, Kenya

The first objective in the study evaluated the effect of truth seeking initiatives on peaceful co-existence of communities in Isiolo Central Sub-County, Kenya. Respondents were first presented with truth seeking practices and were required to indicate their extent of application in the context of Isiolo Central Sub-County. The findings are as demonstrated in Table 3.

Table 3: Level of Application of Truth Seeking Practices

	To no extent	To a less extent	To a great extent	To a very great extent
Statements' collection from victims and witnesses	11 (3.1%)	20 (5.6%)	193 (54.1%)	133 (37.3%)
Thematic analysis on gender violations	26 (7.3%)	39 (10.9%)	180 (50.4%)	112 (31.4%)
Thematic analysis on abuse of children rights	27 (7.6%)	48 (13.4%)	170 (47.6%)	112 (31.4%)
Public hearings on conflicts and violation of human rights	4 (1.1%)	13 (3.6%)	188 (52.7%)	152 (42.6%)
Publishing of findings and recommendations	14 (3.9%)	110 (30.8%)	97 (27.2%)	136 (38.1%)

Source: Research Data (2023)

Based on the findings, it can be seen that 54.1% (193) of the respondents opined that there was statements' collection from victims and witnesses to a great extent; 37.3% (133) indicated that collection of statements was to a very great extent; 5.6% (20) to a less extent and 3.1% (11) to no extent. Also clear from the results is that 50.4% (180) of the respondents indicating that there was thematic analysis on gender violations to a great extent; 31.4% (112) indicated that thematic analysis on gender violations was to a very great extent; 10.9% (39) indicated it was to a less extent and 7.3% (26) indicated that it was to no extent. According to 47.6% (170), 31.4% (112), 13.4% (48) and 7.6% (27) of the respondents, thematic analysis on abuse of children rights was to a great extent, a very great extent, a less extent and no extent respectively. Further, 52.7% (188) of the respondents indicated that public hearings on conflicts and violations of human rights were conducted to a great extent, 42.6% (152) indicated that public hearings were conducted to a very great extent, 3.6% (13) indicated to a less extent and 1.1% (4) indicated to no extent. On publishing of findings and recommendations, 38.1% (136) indicated it was to a very great extent, 30.8% (110) indicated

it was to a less extent, 27.2% (97) indicated it was to a great extent and 3.9% (14) indicated it was to no extent.

From the interviews, it was evident that the truth seeking practices that were adopted included collection of statements from victims, witnesses and perpetrators/suspects, analyzing of violations of rights of special groups and minorities such as children and women, conducting public hearings on conflicts and violations of human rights and publishing of the findings on truth seeking. Statements' collection from victims was evident from all the six key informants. For instance, Key Informant 1 was of the opinion that:

“Truth seeking in this area has involved recording statements from victims of conflicts. This has included even summoning them to the investigative authorities and tribunals so that they respond to issues under concern related to the conflict”

Key Informant 4 while supporting statements collection reiterated the following:

“In search for truth, investigative tribunals and bodies collect views of the victims of conflict. In some cases, perpetrators or suspects are also summoned to give their opinions”

The following response on statements' collection was also evident from Key Informant 6:

“Truth seeking in case of conflicts in this area has involved recording of statements not just from victims but also from witnesses and suspects”

Further, the responses from the interviews were in agreement with truth seeking involving analysis of violation of rights of special groups such as women and children and minorities in the affected area. This is clear from the following statement by Key Informant 2:

“When there are cases of conflict, opinions are sought from women and children especially girls on possible cases of gender based violence”

Key Informant 6 added the following on truth seeking in form of gathering evidence from special groups:

“Truth seeking has not just involved getting opinions from women only. In some cases, minority communities have also been asked to give their views on possible abuse of their rights and oppression”

From the interview responses, there is also evidence of truth seeking through public hearings on conflicts and human rights violations occurrence. For example, the following remark by Key Informant 3 noted that:

“In case of violent conflicts among the communities, we normally bring the elders together for public hearings that involve disclosing of what happened”

Key Informant 1 noted the following on public hearings:

“In case there are violent conflicts, multi-sectorial conferences are held to conduct hearings in public on what really transpired before, during and immediately after the conflicts. This ensure the whole truth involving planning and carrying out the conflicts is unearthed”

Overall application of truth seeking practices was determined through the use of mean of the responses on extent of application of truth seeking practices. Further, the mean was then recoded into four categories: less than 1.5 indicated application of truth seeking practices to no extent, 1.5 to less than 2.5 indicated application of truth seeking practices to a less extent, 2.5 to less than 3.5 indicated application of truth seeking practices to a great extent and 3.5 and above indicated application of truth seeking practices to a very great extent. The findings on overall application of truth seeking practices are as tabulated in Table 4.

Table 4: Overall Extent of Application of Truth Seeking Practices

	Frequency	Percent	Measures of central tendency and variance
To no extent	2	.6	. Mean=3.1406;
To a less extent	27	7.6	Median=3.2000; Std.
To a great extent	253	70.9	Deviation=.46815;
To a very great extent	75	21.0	Minimum=1.00;
Total	357	100.0	Maximum=4.00

Source: Research Data (2023)

From the results in Table 4, it is evident that on overall 70.9% (253) were of the opinion that truth seeking practices were applied to a great extent in Isiolo Central Sub-County; 21.0% (75) were of the opinion that truth seeking practices were applied to a very great extent, 7.6%

(27) were of the opinion that truth seeking practices were applied to a less extent and 0.6% (2) were of the opinion that truth seeking practices were applicable to no extent. On overall, the mean application of truth seeking practices was 3.14 (standard deviation=0.47) and the median was 3.2. This further confirms that truth seeking practices were applied to a great extent on overall.

Respondents were further presented with Likert scale statements on influence of truth seeking practices on peaceful coexistence of the community in Isiolo Central Sub-County. The results are tabulated in Table 5.

Table 5: Likert Scale Responses on Truth Seeking Practices Effect on Peaceful Coexistence

	Strongly Disagree	Disagree	Don't Know	Agree	Strongly Agree
The search for the truth in post-conflict has been critical to facilitating the recognition of victims towards peaceful coexistence	15 (4.2%)	37 (10.4%)	89 (24.9%)	129 (36.1%)	87 (24.4%)
The search for the truth in post-conflict is critical to creating a platform for reconciliation between the victims, witnesses, survivors and the perpetrators for peaceful coexistence	21 (5.9%)	33 (9.2%)	78 (21.8%)	142 (39.8%)	83 (23.2%)
Truth telling is a key process of healing through social reflection	34 (9.5%)	64 (17.9%)	82 (23.0%)	96 (26.9%)	81 (22.7%)
Truth seeking often proves instrumental in restructuring justice institutions thus strengthening the rule of law	37 (10.4%)	51 (14.3%)	83 (23.2%)	105 (29.4%)	81 (22.7%)
Truth seeking contributes to peaceful coexistence of communities	38 (10.6%)	56 (15.7%)	69 (19.3%)	107 (30.0%)	87 (24.4%)
There can be peace without truth seeking commissions	87 (24.4%)	123 (34.5%)	55 (15.4%)	50 (14.0%)	42 (11.8%)
I trust truth seeking commissions in mitigation of post conflict violence	54 (15.1%)	28 (7.8%)	66 (18.5%)	80 (22.4%)	129 (36.1%)

Source: Research Data (2023)

The results clearly demonstrate that a total of 60.5% (216) of the respondents were in agreement that the search for the truth in post-conflict has been critical to facilitating the recognition of victims towards peaceful co-existence; 24.9% (89) did not know and 14.6% (52) were in disagreement. Further, 63.0% (225) of the respondents were in agreement that the search the truth in post-conflict is critical to creating a platform for reconciliation between the victims, witnesses, survivors and the perpetrators for peaceful coexistence; 21.8% (78) did not know while 15.1% (54) were in disagreement. According to 49.6% (177) of the respondents who were in agreement, truth telling is a key process of healing through social reflection; however 27.4% (98) of the respondents were in disagreement that truth telling is a key process of healing through social reflection and 23.0% (82) did not know. In total, 52.1% (186) of the respondents were in agreement that truth seeking often proves instrumental in restructuring justice institutions thus strengthening the rule of law; 24.7% (88) were in disagreement while 23.2% (83) did not know. Additionally, 54.4% (194) of the respondents strongly agreed and agreed that truth seeking contributes to peaceful coexistence of communities; 26.3% (94) were in disagreement and 19.3% (69) did not know. It is clear from the results that 58.9% (210) of the respondents were in disagreement that there can be peace without truth seeking commissions; 25.8% (92) were in agreement and 15.4% (55) did not know. According to 58.5% (209) of the respondents who agreed and strongly agreed, the community had trust in truth seeking commissions in mitigation of post conflict violence; 22.9% (82) were in disagreement while 18.5% (66) did not know.

The Key Informants were in agreement that truth seeking had a significant effect on promoting peaceful coexistence of communities. Among the major effects noted that truth seeking practices had towards promoting peaceful coexistence of communities included recognizing those who were most affected by the conflict, identifying perpetrators, provision

of a platform for reconciliation among all parties of conflict and understanding what went wrong and the institutions that failed. Key Informant 1 opined the following:

“When statements are recorded from victims and witnesses, it is easier to recognize the most affected persons by the conflict. This creates a platform for other steps in peacemaking such as compensations and other forms of support”

According to Key Informant 6:

“Truth seeking helps identify victims and perpetrators and brings them together for forgiveness seeking. A platform for reconciliation is therefore created”

Based on the following response by Key Informant 3, it is evident that truth seeking enables reconciliation among communities hence enhancing peace among communities:

“Through public hearings, elders from different communities are brought together for reconciling the communities”

Key Informant 1 adds the following on the contribution of public hearings towards peaceful coexistence of the communities in Isiolo Central Sub-County:

“During public hearings, possible plans for retaliatory attacks are disclosed and thwarted which ensures there is no recurrence of violence among communities in this area”

#### **4.5 Relationship Between Reparation Programs and Post Conflict Community Coexistence in Isiolo Central Sub-County Kenya**

The second objective of the study evaluated the relationship between reparation programs and post conflict community coexistence in Isiolo Central Sub-County Kenya. Respondents were requested to indicate the extent to which different reparation programs were applicable in the context of promoting peaceful co-existence of communities in Isiolo Central Sub-County. The findings are as illustrated in Table 6.

Table 6: Extent of Application of Reparation Programmes

	To no extent	To a less extent	To a great extent	To a very great extent
Monetary compensations for losses	38 (10.6%)	159 (44.5%)	133 (37.3%)	27 (7.6%)
Rehabilitation programmes such as medical services, psychological and counseling services	91 (25.5%)	114 (31.9%)	62 (17.4%)	90 (25.2%)
Educational support	87 (24.4%)	134 (37.5%)	61 (17.1%)	75 (21.0%)
Return of stolen property	55 (15.4%)	139 (38.9%)	70 (19.6%)	93 (26.1%)
Official public apology by perpetrators and government officials	41 (11.5%)	121 (33.9%)	117 (32.8%)	78 (21.8%)
Compensation for special groups such as women, children and victims of sexual abuse and violence	36 (10.1%)	171 (47.9%)	71 (19.9%)	79 (22.1%)
Cultural, institutional and legal measures to prevent recurrence of violence and human rights violations	65 (18.2%)	146 (40.9%)	77 (21.6%)	69 (19.3%)

Source: Research Data (2023)

From the findings in Table 6, 44.5% (159) of the respondents indicated that there are monetary compensations for losses to a less extent; 37.3% (133) indicated that monetary compensations are there to a great extent, 10.6% (38) indicated to no extent while 7.6% (27) indicated to a very large extent. According to 31.9% (114), 25.5% (91), 25.2% (90) and 17.4% (62) rehabilitation programmes such as medical services, psychological and counseling services are there to a less extent, to no extent, to a very great extent and to a great extent respectively. In terms of application of educational support, 37.5% (134) indicated it was to a less extent, 24.4% (87) indicated to no extent, 21.0% (75) to a very great extent and 17.1% (61) to a great extent. According to 38.9% (139) of the respondents, there was return of stolen property to a less extent; 26.1% (93) indicated that return of stolen property was to a very great extent; 19.6% (70) indicated to a great extent while 15.4% (55) indicated to no extent.

The findings further indicate that 33.9% (121) indicated that official public apology by perpetrators and government officials was applied to a less extent; 32.8% (117) indicated apologies were applied to a great extent; 21.8% (78) indicated to a very great extent while 11.5% (41) indicated it was applied to no extent. Based on 47.9% (171) of the respondents, compensation of special groups such as women, children and victims of sexual abuse and violence was to a less extent; 22.1% (79) indicated special victims' compensation existed to a very great extent while 19.9% (71) indicated to a great extent; 10.1% (36) indicated existence of special victims' compensation to no extent. Lastly, the findings further illustrated that 40.9% (146) of the respondents indicated that there were cultural, institutional and legal measures to prevent recurrence of violence and human rights violations to a less extent; 21.6% (77) indicated to a great extent, 19.3% (69) to a very great extent and 18.2% (65) to no extent.

From the interviews, compensations of different kind, for example monetary compensations and rebuilding of destroyed property were the most notable reparation programs in Isiolo Central Sub-County. Other notable reparation programs comprised of medical services and rehabilitation programs, returning of stolen property, public apologies by elders and government officials and assurance by elders and public officials that conflict will not occur again. Key Informants 1, 2, 3, 5 and 6 were in support of compensations of different forms.

For example, Key Informant stated the following:

“In the aftermath of violent conflicts, affected parties are compensated of the items and property they have lost. In most cases, the compensation is in monetary form”

The following opinion was noted from Key Informant 5:

“There are different forms of compensations ranging from monetary to non-monetary compensations. The most common form of non-monetary compensations is construction of houses that have been torched down and replenishing of livestock that has been killed”

Key Informant 3 asserts the following on compensation programs:

“Compensations are common whenever conflicts take place. In most cases, the property lost is converted into monetary form and the affected persons compensated using money rather the original property”

According to Key Informants 1, 3, 4 and 6, rehabilitation programs and medical services are common so as to treat the affected persons either physically or psychologically. For instance,

Key Informant 4 asserted that:

“There are medical camps that are organized for victims of gender violence during the conflicts. Children are also not left behind in the medical camps”

Key Informant 4 further adds that:

“The medical camps are comprehensive and include other forms of treatment such as guidance and counseling for rape victims”

According to Key Informant 6, the following comment is notable:

“There are counseling sessions for victims who have lost their loved ones during conflicts so as to aid them in healing”

For Key Informant 3, the following assertion is made:

“...when there are serious injuries, there are free airlift services for those injured to seek free specialized treatment in advanced hospitals in Nairobi”

Another notable reparation program is return of stolen property as noted by Key Informants 2, 4 and 5. For example, Key Informant 5 is of the opinion:

“Reparation programs also involve return of stolen livestock to the respective communities”

Key Informant 2 adds the following on return of stolen property:

“Not only is livestock returned. Other types of property stolen during conflicts are also returned. This involves valuable house commodities and business stock from shops that are broken into during violent conflicts”

The interviews also show that public apologies are issued by the elders and government officials. This was notable from responses by Key Informants 1, 3 and 6. For example, Key Informant 1 indicated the following:

“During public hearings, elders from warring communities issue public apologies to affected persons of the other community”

Key Informant 1 further added that:

“In case the government has failed during the conflict, government officials especially the minister in charge of security issue an apology on behalf of the government”

Key Informant 5 specified the following:

“Not just an apology is issued; elders assure the affected communities that there will be no recurrence of conflicts. Public officials also assure the members of the community that failures by the government will not take place again”

On guaranteeing non-recurrence, Key Informant 4 depicted that:

“There even ceremonies such as slaughtering of goats and cattle as a covenant that conflict will not occur again between the communities”

Through the use of the mean, average responses on the responses regarding applications of different reparations practices in promoting peaceful co-existence of the community were computed and then recoded into: less than 1.5 to represent no application, between 1.5 to less than 2.5 to illustrate application to a less extent, between 2.5 to less than 3.5 to illustrate application to a great extent and 3.5 and above to illustrate application to a very great extent. This helped determined the overall extent of application of reparation programmes in promoting peaceful co-existence of the community in Isiolo Central Sub-County. The findings are as illustrated in Table 7.

Table 7: Overall Extent of Application of Reparation Programmes

	Frequency	Percent	Cumulative Percent
To no extent	13	3.6	Mean=2.4802;
To a less extent	176	49.3	Median=2.4286; Std.
To a great extent	155	43.4	Deviation=.56112;
To a very great extent	13	3.6	Minimum=1.00;
Total	357	100.0	Maximum=3.86

Source: Research Data (2023)

It can be deduced from Table 7 that 49.3% (176) of the respondents were of the opinion that reparation practices were applied to a less extent; 43.4% (155) were of the opinion that reparation practices were applied to a great extent; 3.6% (13) indicated to a very great extent and another 3.6% (13) indicated to no extent. The mean response for overall extent of application of reparation practices was 2.48 (standard deviation=0.56) which further confirms that reparation programs were on overall applied to a less extent in promoting co-existence of the community in Isiolo Central Sub-County.

Through Likert scale items, respondents indicated their level of agreement on the effect of reparation programmes in promoting peaceful co-existence of the community in Isiolo central Sub-County. The results are tabulated in Table 8:



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Table 8: Likert Scale Responses on Effect of Reparation Programmes on Peaceful Coexistence of Community

	Strongly Disagree	Disagree	Don't Know	Agree	Strongly Agree
Comprehensive compensation for losses by the state or perpetrators avoids repetition of acts of violence and violation of human rights	100 (28.0%)	44 (12.3%)	31 (8.7%)	52 (14.6%)	130 (36.4%)
Special programmes such as those for women, children, victims of sexual abuse and persons with disabilities guarantees that their rights are protected in addition to remedy for abuses incurred	87 (24.4%)	36 (10.1%)	36 (10.1%)	57 (16.0%)	141 (39.5%)
Compensation for losses incurred and return of stolen property ensure that retaliatory attacks do not occur in the future	89 (24.9%)	37 (10.4%)	50 (14.0%)	65 (18.2%)	116 (32.5%)
Educational support brings together different tribes in the area thus enhancing peaceful co-existence	109 (30.5%)	46 (12.9%)	44 (12.3%)	64 (17.9%)	94 (26.3%)
Non-recurrence guarantees ensure there is complete overhaul of different state departments to ensure that the government fulfills its mandate of citizens' protection	95 (26.6%)	40 (11.2%)	45 (12.6%)	57 (16.0%)	120 (33.6%)
Non-recurrence guarantees ensure there is complete overhaul of community affiliated gangs thus ensuring peaceful co-existence	62 (17.4%)	34 (9.5%)	41 (11.5%)	41 (11.5%)	179 (50.1%)
Post conflict community coexistence is largely dependent on timely reparations	68 (19.0%)	48 (13.4%)	69 (19.3%)	64 (17.9%)	108 (30.3%)

Source: Research Data (2023)

From the Likert scale findings, 51.0% (182) were in agreement that comprehensive compensation for losses by the state or perpetrators avoids repetition of acts of violence and violation of human rights; 40.3% (144) were in disagreement while 8.7% (31) indicated that they did not know. The responses also showed that 55.5% (198) of the respondents to be in

agreement that special programmes such as those for women, children, victims of sexual abuse and persons with disabilities guarantees that their rights are protected in addition to remedy for abuses incurred; 34.5% (123) disagreed and 10.1% (36) did not know.

Cumulatively, 50.7% (181) of the respondents were in agreement that compensation for losses incurred and return of stolen property ensure that retaliatory attacks do not occur in the future; 35.3% (126) were in disagreement and 14.0% (50) indicated they did not know. Further, 44.2% (158) of the respondents were in agreement that educational support brings together different tribes in the area thus enhancing peaceful co-existence; 43.4% (155) were in disagreement and 12.3% (44) indicated they did not know. It can also be seen from the Likert scale responses that 49.6% (177) of the respondents cumulatively agreed that non-recurrence guarantees ensure there is complete overhaul of different state departments to ensure that the government fulfills its mandate of citizens' protection; 37.8% (135) cumulatively disagreed and 12.6% (45) indicated they did not know. Also evident from the findings is that 61.6% (220) were in agreement that non-recurrence guarantees ensure there is complete overhaul of community affiliated gangs thus ensuring peaceful co-existence; 26.9% (96) were in disagreement and 11.5% (41) indicated they did not know. Lastly, it is evident that 48.2% (172) of the respondents cumulatively agreed that post conflict community coexistence is largely dependent on timely reparations; 32.4% (116) were in disagreement and 19.3% (69) did not know.

Since the responses between those who were in agreement and disagreement were very close to each other, one-sample t-test was utilized to help make a decision on the overall impression of each statement, that is, whether the respondents agreed or disagreed on overall. The means were computed and one-sample t-test adopted to evaluate whether they were statistically different from "Don't Know" (Test value=3). If significantly different, responses whose

means were lower than 3 were deduced to imply disagreement on overall; responses with means exceeding 3 were deduced to imply an overall agreement level. The t-test results are as indicated in Table 9:

Table 9: T-Test Results on Likert Scale responses on Reparation Programmes

	Mean		Test Value = 3				
	t	df	Sig. (2-tailed)	Mean Difference	95% Confidence Interval of the Difference		
					Lo	Upper	
Comprehensive compensation for losses by the state or perpetrators avoids repetition of acts of violence and violation of human rights	3.1905	2.144	.033	.19048	.0158	.3652	
Special programmes such as those for women, children, victims of sexual abuse and persons with disabilities guarantees that their rights are protected in addition to remedy for abuses incurred	3.3613	4.161	.000	.36134	.1906	.5321	
Compensation for losses incurred and return of stolen property ensure that retaliatory attacks do not occur in the future	3.2297	2.725	.007	.22969	.0639	.3955	
Educational support brings together different tribes in the area thus enhancing peaceful co-existence	2.9664	-.395	.693	-.03361	-.2011	.1339	
Non-recurrence guarantees ensure there is complete overhaul of different state departments to ensure that the government fulfills its mandate of citizens' protection	3.1877	2.177	.030	.18768	.0181	.3572	
Non-recurrence guarantees ensure there is complete overhaul of community affiliated gangs thus ensuring peaceful co-existence	3.6751	8.130	.000	.67507	.5118	.8384	
Post conflict community coexistence is largely dependent on timely reparations	3.2689	3.410	.001	.26891	.1138	.4240	

Source: Research Data (2023)

From the t-test results in Table 9, the statements “Comprehensive compensation for losses by the state or perpetrators avoids repetition of acts of violence and violation of human rights” (mean=3.19; p-value=0.033), “Special programmes such as those for women, children, victims of sexual abuse and persons with disabilities guarantees that their rights are protected in addition to remedy for abuses incurred” (mean=3.36; p-value<0.0001), “Compensation for losses incurred and return of stolen property ensure that retaliatory attacks do not occur in the future” (mean =3.23; p-value=0.007), “Non-recurrence guarantees ensure there is complete overhaul of different state departments to ensure that the government fulfills its mandate of citizens’ protection” (mean=3.19; p-value=0.030), “Non-recurrence guarantees ensure there is complete overhaul of community affiliated gangs thus ensuring peaceful co-existence” (mean=3.68; p-value<0.0001), “Post conflict community coexistence is largely dependent on timely reparations” (mean=3.27; p-value=0.001) had all their means being significantly higher than 3 (Don’t Know). This implied that respondents were in agreement that reparation practices associated with the statement had an effect on peaceful co-existence. The statement “Educational support brings together different tribes in the area thus enhancing peaceful co-existence” (mean=2.97; p-value=0.693) had its mean being not different from 3 (Don’t Know) thus deducing that respondents were on overall undecided regarding this statement.

The interviews agree with the Likert scale responses; while key informants agree that reparation programs prevent retaliatory attacks, protect future violent conflicts, ensure there is forgiveness and togetherness of communities, brings about reorganization of government institutions and community groups. The following assertion by Key Informant 5 demonstrates the role of compensations and return of stolen property in ensuring peaceful co-existence of communities:

“Compensations and returning of property that is stolen during conflicts ensures that affected communities do not organize retaliatory attacks to go and recover their property”

According to Key Informant 3:

“Compensations have ensured that there are remedies provided to the victims. This has promoted reconciliation among the communities. In cases where the government has provided compensation, public trust in its organs has been enhanced”

Peaceful co-existence has also been enhanced by rehabilitation programs as shown by the following comment from Key Informant 1:

“Rehabilitation programs in the communities have facilitated protection of human rights such as those of women and children going forward. This is because the rehabilitation programs do not just focus on treatment but also enlightening the communities against possible violations in the future”

According to Key Informant 6, issuing of public apologies enhances peaceful co-existence by communities and government taking responsibility for their failures. This is notable from the following remark:

“The government, through public apologies, has always taken responsibility for its failure to prevent conflict. This has enabled preventive measures to be put up by the government to avoid future conflicts”

According to Key Informants 4 and 5, assurance of non-recurrence also promotes peaceful co-existence. Key Informant 4 noted the following:

“Assurances by the government that there will be non-recurrence of conflicts has enabled reorganization of government institutions such as the police, judiciary and public administration. The institutions have become more effective in preventing conflict and promoting peace among communities in this area”

On the other hand, Key Informant 5 noted that:

“When elders assure each other that there will be non-recurrence, they follow-up the assurance by restructuring different community groups with leaders that promote peace among the communities”

#### 4.6 The Effect of Criminal Prosecution Tools on Post Conflict Community Coexistence in Isiolo Central Sub-County, Kenya

The third objective assessed the effect criminal prosecution tools on peaceful community coexistence in Isiolo Central Sub-County, Kenya. Towards the achievement of this objective, the study first required the participants to indicate the extent to which different criminal prosecution tools have been applied in Isiolo Central Sub-County. The results are as outlined in Table 10:

Table 10: Extent of Application of Criminal Prosecution Tools

	To no extent	To a less extent	To a great extent	To a very great extent
Fair prosecution and trials of perpetrators in domestic systems of justice	65 (18.2%)	143 (40.1%)	72 (20.2%)	77 (21.6%)
Justice tribunals	74 (20.7%)	132 (37.0%)	70 (19.6%)	81 (22.7%)
Timely convictions of perpetrators	113 (31.7%)	108 (30.3%)	73 (20.4%)	63 (17.6%)
Legal punishments for convicted perpetrators	77 (21.6%)	92 (25.8%)	102 (28.6%)	86 (24.1%)

Source: Research Data (2023)

According to 40.1% (143) of the respondents, fair prosecution and trials of perpetrators in domestic systems of justice has been applied to a less extent; 21.6% (77) indicated that fair prosecution and trials have been applied to a very large extent, 20.2% (72) indicated they have been applied to a large extent; 18.2% (65) indicated that they have been applied to no extent. Based on 37.0% (132) of the respondents, justice tribunals have been applied to a less extent; 22.7% (81), 20.7% (74) and 19.6% (70) indicated that justice tribunals have been applied to a very great extent, to no extent and to a great extent respectively. According to 31.7% (113), 30.3% (108), 20.4% (73) and 17.6% (63) of the respondents, timely convictions of perpetrators have been applied to no extent, to a less extent, to a great extent and to a very

great extent respectively. Also shown by the findings is that 28.6% (102), 25.8% (92), 24.1% (86) and 21.6% (77) of the respondents indicated that legal punishments for convicted perpetrators have been applied to a great extent, to a less extent, to a very great extent and to no extent respectively.

All the key informants were in support that there are prosecutions in local courts for perpetrators of violent conflicts. Further, the interview responses disclosed existence of community driven prosecutions headed by elders, legal punishments in courts and community driven punishments. In terms of prosecutions in local courts, Key Informant 1 indicated the following:

“Perpetrators of conflict are in most cases prosecuted in local courts”

Key Informant 4 added that:

“For the most responsible perpetrators, the government initiates fair public prosecutions in local courts to ensure that the face trial for their actions”

Community based tribunals were also evident as noted from the following comment by Key Informant 6:

“In cases of violation of women and children’s rights, elders from different communities sit down and prosecute the perpetrators”

Key Informant 6 adds the following on community driven prosecutions/tribunals:

“...in situations where perpetrators of human rights violations are found guilty community driven punishments and fines are instigated on them. This include paying in monetary forms, livestock or in some cases being disowned by the communities”

Legal punishments are also present as noted from the following comment by Key Informant 2:

“After fair prosecutions, legal punishments follow such as jailing of perpetrators”

Key Informant 3 remarked the following on legal punishments:

“After a fair trial in courts, jail terms and appropriate fines are prescribed to those found guilty”

Overall level of criminal prosecution was determined through the mean and recoding and the findings illustrated in Table 11:

Table 11: Overall Level of Application of Criminal Prosecution Tools

	Frequency	Percent	Measures of central tendency and variance
To no extent	17	4.8	Mean=2.4216;
To a less extent	151	42.3	Median=2.5000; Std.
To a great extent	159	44.5	Deviation=.67234;
To a very great extent	30	8.4	Minimum=1.00;
Total	357	100.0	Maximum=4.00

Source: Research Data (2023)

From the summary in Table 11, it can be deduced that 42.3% (151) of the respondents indicated that criminal prosecution tools have been applied to a less extent; 44.5% (159) have the opinion that criminal prosecution tools have been applied to a great extent, 8.4% (30) were of the opinion that criminal prosecution tools have been applied to a very great extent while 4.8% (17) were of the opinion that criminal prosecution tools have been applied to no extent.

Through Likert scale items, respondents were required to indicate their level of agreement on the effect of criminal prosecution tools on peaceful co-existence of the community in Isiolo Central Sub-County. The results are as tabulated in Table 12:

Table 12: Likert Scale Responses on Effect of Criminal Prosecution Tools on Peaceful Coexistence of Community

	Strongly Disagree	Disagree	Don't Know	Agree	Strongly Agree
Prosecutions form one of the central elements of an integrated transitional justice strategy aimed at moving away from a culture of impunity and a legacy of human rights abuse	66 (18.5%)	54 (15.1%)	44 (12.3%)	112 (31.4%)	81 (22.7%)
Prosecution contributes to individualization of guilt thus not ascribing conflict to the entire community/group	50 (14.0%)	66 (18.5%)	30 (8.4%)	130 (36.4%)	81 (22.7%)
Prosecutions institutionalizes legal and just responses thus discouraging individuals from conducting revenge acts	51 (14.3%)	52 (14.6%)	19 (5.3%)	104 (29.1%)	131 (36.7%)
Successful prosecutions deters occurrence of similar crimes in the future	40 (11.2%)	70 (19.6%)	40 (11.2%)	100 (28.0%)	107 (30.0%)
Fair convictions removes criminal elements from the society thus ensuring peace in the community	50 (14.0%)	55 (15.4%)	38 (10.6%)	90 (25.2%)	124 (34.7%)

Source: Research Data (2023)

The responses on Likert scale items related to effect of prosecutions on peaceful co-existence in the community showed that 54.1% (193) of the respondents were in agreement that prosecutions form one of the central elements of an integrated transitional justice strategy aimed at moving away from a culture of impunity and a legacy of human rights abuse; 33.6% (120) of the respondents disagreed and 12.3% (44) did not know. Also clear from the results is that 36.4% (130) and 22.7% (81) of the respondents agreed and strongly agreed respectively that prosecution contributes to individualization of guilt thus not ascribing conflict to the entire community/group; 32.5% (116) were in disagreement and 8.4% (30) did not know. In total, 65.8% (235) of the respondents were in agreement that prosecutions institutionalizes

legal and just responses thus discouraging individuals from conducting revenge acts; 28.9% (103) were in disagreement and 5.3% (19) did not know. The statement “Successful prosecutions deters occurrence of similar crimes in the future” had 58.0% (207) of the respondents in agreement, 30.8% (110) in disagreement while 11.2% (40) did not know. On the other hand, “Fair convictions removes criminal elements from the society thus ensuring peace in the community” had 59.9% (214) in agreement, 29.4% (105) in disagreement and 10.6% (38) did not know.

Notable from the key informants is that criminal prosecutions contribute to peaceful co-existence of communities by ensuring other persons with similar thoughts of organizing conflicts are warned, criminals are extracted from the community and prevents criminalization of an entire community thus prevent revenge attacks on the community. For instance, the following comment by Key Informant 2 supports that criminal prosecutions act as a warning sign:

“When perpetrators are jailed and fined, these acts as a warning sign to other members left behind to reform and avoid conflict or else they follow the same path”

According to Key Informant 5, the following comment shows that criminal prosecutions help remove criminal elements from the communities, thus promoting peace:

“Jailing of perpetrators is essential as criminals are removed from the communities. Leaders of gangs are also jailed which neutralizes the effectiveness of the gangs which ensures there is sustainable peace”

The response by Key Informant 3 demonstrated the importance of criminal prosecutions in ensuring that the whole community is not criminalized but only those responsible for conflict. This according to Key Informant 3 prevents revenge attacks on innocent members of the community thus ensuring there is peace:

“Through prosecutions in court, communities get to know those who were responsible for conflicts. This avoids organization of revenge attacks on the entire community. The knowledge that who organized attacks have been jailed prevents

criminalization of all community members which ensures there is peace among communities”

#### 4.7 The Relationship Between Institutional Reforms and Post Conflict Community Coexistence in Isiolo Central Sub-County

The fourth objective of the study evaluated the institutional reforms used for effective service reforms in Isiolo Central Sub-County. Respondents first indicated the extent of applications of institutional reforms in Isiolo Central Sub-County and the results are tabulated in Table 13:

Table 13: Extent of Application of Institutional Reforms

	To no extent	To a less extent	To a great extent	To a very great extent
Security institutions reforms	89 (24.9%)	71 (19.9%)	108 (30.3%)	89 (24.9%)
Judiciary reforms	60 (16.8%)	74 (20.7%)	120 (33.6%)	103 (28.9%)
Regional administration reforms	96 (26.9%)	70 (19.6%)	109 (30.5%)	82 (23.0%)
Constitutional reforms	36 (10.1%)	45 (12.6%)	124 (34.7%)	152 (42.6%)
Civil service reforms	67 (18.8%)	79 (22.1%)	115 (32.2%)	96 (26.9%)

Source: Research Data (2023)

The findings on institutional reforms as shown in Table 13 reveal that 30.3% (108) indicated that security institutions reforms have been to a great extent, 24.9% (89) indicated to a very great extent, another 24.9% (89) to no extent and 19.9% (71) to a less extent. Based on 33.6% (120) of the respondents, judiciary reforms have been to a great extent; 28.9% (103) indicated that judiciary reforms have been to a very great extent, 20.7% (74) to a less extent and 16.8% (60) to no extent. Regional administration reforms according to 30.5% (109) have been utilized to a great extent; 26.9% (96) to no extent, 23.0% (82) to a very great extent and 19.6% (70) to a less extent. According to 42.6% (152) of the respondents indicated that constitutional reforms have been applied to a very great extent, 34.7% (124) to a great extent,

12.6% (45) to a less extent and 10.1% (36) to no extent. Lastly, according to 32.2% (115) civil service reforms have been applied towards peaceful co-existence to a great extent; 26.9% (96) indicated they have been applied to a very great extent, 22.1% (79) to a less extent and 18.8% (67) to no extent.

From the interviews conducted, reforms in security institutions, regional administration and constitution were notable from all the interviewees. Further, judicial reforms and civil service reforms also came out during the interviews. According to Key Informant 1, security reforms are notable based on the following comment:

“There have been rampant security reforms which have ensured an impartial police force in this area. The police officers posted in this area are in most cases from non-local tribes”

According to Key Informant 4:

“Police reforms have also ensured that the police reservists are empowered so that they are active in ensuring that there are no conflicts”

Key Informant 3 noted the following on police reforms:

“Police reforms have ensured that the heads of security team are not from this area. Such reforms have ensured neutrality by the police when dealing with conflict related issues”

The interviews further noted that there have been regional administration reforms. This is noted by Key Informant 5 who reiterated that:

“Regional administration in this area has been reformed. The county commissioner and sub-county commissioners are not locals. This has ensured non-partisan by the regional commissioners when handling issues affecting the communities”

According to Key Informant 6, there have been reforms in regional administration as depicted in the following comment:

“Regional administration has been empowered to deal with violent conflicts. For example, there are sufficient resources such as the police and vehicles to patrol the areas”

According to Key Informant 4, judicial reforms have also been evident in this area:

“The judiciary has been reformed to tackle conflict related issues. Hearings are done in good time and convictions made timely”

According to Key Informant 1, the judicial reforms have accommodated alternative conflict resolution measures as shown by the following remark:

“Judiciary reforms have enabled the judiciary to recommend and accommodate alternative conflict resolution techniques such as those spearheaded by elders and through arbitration”

Moreover, constitutional reforms were also evident from the interviews. For example, Key Informant 3 indicated that:

“There have been constitutional reforms such as emphasis on devolution, security reforms, judiciary reforms, reconciliation among communities and civil service reforms through public vetting”

Key Informant 2 noted the following when indicating that there have been civil service reforms:

“The civil service in this area has been reformed and government services can now reach the villages”

Overall application of institutional reforms in ensuring peaceful co-existence was determined by computing the mean of the responses on the extent of application of different institutional reforms. The means were then recoded into a categorical variable, extent of institutional reforms, which indicated to what extent institutional reforms have been applicable in the context of Isiolo Central Sub-County. The findings on the overall application of institutional reforms are as reported in Table 14:

Table 14: Overall Extent of Application of Institutional Reforms

	Frequency	Percent	Measures of central tendency and variance
To no extent	14	3.9	Mean=2.7126;
To a less extent	101	28.3	Median=2.8000; Std.
To a great extent	204	57.1	Deviation=.61038;
To a very great extent	38	10.6	Minimum=1.00;
Total	357	100.0	Maximum=4.00

Source: Research Data (2023)

It can be deduced from Table 14 that 57.1% (204) of the respondents were of the opinion that institutional reforms have been applied to a great extent towards peaceful co-existence of communities in Isiolo Central Sub-County; 28.3% (101) indicated application of institutional reforms to a less extent, 10.6% (38) indicated to a very great extent and 3.9% (14) indicated to no extent.

Through Likert scale responses, the effect of institutional reforms on peaceful co-existence was evaluated. The level of agreement was as indicated in Table 15:

Table 15: Likert Scale Responses on the Effect of Institutional Reforms on Peaceful Coexistence of Community

	Strongly Disagree	Disagree	Don't Know	Agree	Strongly Agree
There are adequate institutional reforms to mitigate post conflict issues among communities	35 (9.8%)	52 (14.6%)	37 (10.4%)	136 (38.1%)	97 (27.2%)
Institutional reforms are important in handling post conflict matters	32 (9.0%)	37 (10.4%)	35 (9.8%)	114 (31.9%)	139 (38.9%)
Institutional reforms such as police and civil service reforms deter recurrence of violation of human rights and conflicts in the future	38 (10.6%)	53 (14.8%)	56 (15.7%)	102 (28.6%)	108 (30.3%)
Institutional reforms in form of training programmes for officials in public service have reduced human rights violations and conflicts in this area	45 (12.6%)	51 (14.3%)	52 (14.6%)	91 (25.5%)	118 (33.1%)
Through institutional reforms, there is effective service delivery towards the prosecution of post conflict criminals	31 (8.7%)	52 (14.6%)	33 (9.2%)	140 (39.2%)	101 (28.3%)
Institutional reforms enhance fairness and equity in public service delivery thus ensuring peaceful coexistence in the community	69 (19.3%)	59 (16.5%)	36 (10.1%)	90 (25.2%)	103 (28.9%)

Source: Research Data (2023)

It can be seen from Table 15 that 65.3% (233) of the respondents being in agreement that there are adequate institutional reforms to mitigate post conflict issues among communities; 24.4% (87) were in disagreement and 10.4% (37) did not know. A total of 70.8% (253) of the participants agreed that institutional reforms are important in handling post conflict matters, 19.4% (69) disagreed and 9.8% (35) did not know. Further, 58.9% (210) were in agreement that institutional reforms such as police and civil service reforms deter recurrence of violation of human rights and conflicts in the future; 25.4% (91) were in disagreement and 15.7% (56) did not know. Also evident is that the statement “Institutional reforms in form of training

programmes for officials in public service have reduced human rights violations and conflicts in this area” had 33.1% (118), 25.5% (91), 14.6% (52), 14.3% (51) and 12.6% (45) of the respondents strongly agreeing, agreeing, not knowing, disagreeing and strongly disagreeing respectively. It is also notable that 67.5% (241) of the respondents cumulatively agreed that through institutional reforms, there is effective service delivery towards the prosecution of post conflict criminals; 23.3% (83) disagreed and 9.2% (33) did not know. Lastly, 54.1% (193) of the respondents cumulatively agreed that institutional reforms enhance fairness and equity in public service delivery thus ensuring peaceful coexistence in the community, 35.8% (128) cumulatively disagreed and 10.1% (36) did not know.

The interviews also noted the importance of institutional reforms in ensuring peaceful coexistence. Specifically, the interviews noted that institutional reforms have minimized marginalization, are instruments of peace, non-partisan and are no longer instruments of oppression by the state and powerful individuals in the community. For instance, the following comment was given by Key Informant 5:

“Institutional reforms have ensured that the police service is no longer an institution of oppression in the community. The police service has been a promoter of peace among communities”

Key Informant 4 noted the following on empowered institutions:

“The police and regional administration reforms have ensured that these institutions are empowered to promote peace among communities. Rather than being peace keepers, the institutions have been crucial in preaching peace”

Key Informant 4 added the following:

“The empowerment of the police and regional administration have enhanced their capacity to organize peace conferences where peace is promoted”

Institutional reforms have also reduced marginalization as noted by the following comment from Key Informant 2:

“Through civil service reforms, government services are now accessible and communities are less marginalized”

Key Informant 2 further added that:

“The civil service reforms have also ensured equality and equity among communities. When no community is superior, then peaceful co-existence is promoted”

On judiciary reforms in promoting peace among communities, Key Informant 3 indicated that:

“Adoption of alternative dispute resolution has ensured there are fair hearings. No party feels aggrieved by the hearing process which ensures there is peace in the long-run”

Key Informant 6 was of the following opinion on the role of judiciary reforms in promoting peaceful co-existence of communities:

“Judiciary reforms have ensured there are timely convictions of perpetrators. This promotes justice and ensures that there are legal guidelines for future convictions. This has ensured that other possible conflicts are averted in the future”

#### **4.8 Post Conflict Community Coexistenceamong Community Members in Isiolo Central**

##### **Sub-County**

The study also evaluated the status of peaceful co-existence among communities in Isiolo Central Sub-County. Respondents indicated the status of peaceful co-existence among communities residing in Isiolo Central Sub-County and the results are as illustrated in Table 16.

Table 16: Status of Peaceful Coexistence of Community in Isiolo Central Sub-County

	Frequency	Percent
There is no peaceful coexistence	111	31.1
There is relative peaceful coexistence	154	43.1
There is very peaceful coexistence	92	25.8
Total	357	100.0

Source: Research Data (2023)

From the results in Table 16, 43.1% (154) of the respondents indicated that there is relative peaceful coexistence among communities in Isiolo central Sub-County; 31.1% (111) indicated that there is no peaceful coexistence and 25.8% (92) indicated that there is very peaceful coexistence among communities.

#### **4.9 Inferential Statistics on the Association between Determinants of Transitional Justice and Peaceful Coexistence**

The association between truth seeking practices, reparation programmes, criminal prosecution tools and institutional reforms with peaceful co-existence was evaluated. All the independent variables were categorical with the categories being: to no extent, to a less extent, to a great extent and to a very great extent. The dependent variable, peaceful co-existence was also categorical with categories: no peaceful co-existence, relative peaceful co-existence and very peaceful co-existence. Therefore, Chi-Square test of association was utilized in determining whether there is any significant association between each of the independent variables and the dependent variable. The results of the Chi-square test are as shown in Table 17:

Table 17: Chi-Square Test Results on the Association of Dependent and Independent Variables

		Status of peaceful co-existence among communities residing in Isiolo Central Sub-County			df	Pearson Chi-Square (P-value)
		There is no peaceful coexistence	There is relative peaceful coexistence	There is very peaceful coexistence		
Overall application of truth seeking practices	To no extent	0	1	1	6	18.810 (p-value=0.0004)
	To a less extent	7	17	3		
	To a great extent	78	102	73		
	To a very great extent	26	34	15		
Overall extent of utilization of reparation practices	To no extent	2	8	3	6	34.725 (p-value<0.00001)
	To a less extent	80	58	38		
	To a great extent	27	82	46		
	To a very great extent	2	6	5		
Overall criminal prosecution tools	To no extent	16	1	0	6	107.217 (p-value<0.00001)
	To a less extent	74	61	16		
	To a great extent	21	79	59		
	To a very great extent	0	13	17		
Overall extent of institutional reforms	To no extent	0	13	1	6	17.354 (p-value=0.008)
	To a less extent	34	43	24		
	To a great extent	68	79	57		
	To a very great extent	9	19	10		

Source: Research Data (2023)

All the p-values in Table 17 were less than 0.05. This means that each of the independent variables had a significant association with peaceful co-existence of communities in

Isiolo Central Sub-County. Therefore, it can be concluded from the Chi-square results that truth seeking practices, reparation practices, criminal prosecution practices and institutional reforms had a statistically significant association with peaceful co-existence of communities in Isiolo Central Sub-County.

#### **4.10 Discussion of Findings**

##### **Discussion of Findings on Truth Seeking and Post Conflict Community Co-Existence**

The first objective evaluated how truth seeking contributes to peaceful co-existence of communities in Isiolo Central Sub-County, Kenya. Among the truth seeking practices applied included collection of statements from victims and witnesses, analysis of gender violence and abuse of children rights, public hearings on conflicts and human rights violations and publishing of findings and recommendations. Further, the study found majority of the respondents being in agreement that truth seeking facilitated victims recognition, created a platform for reconciliation, enabled social reflection and is instrumental in restructuring of institutions of justice. Further, the study found that truth seeking contributed to peaceful co-existence of communities.

These findings align with Owiso (2021) who found that truth seeking in situations of post-conflict enhance investigation of past human rights violations. Through truth commissions, inquiry commissions and other commissions truth seeking involves core activities such as collecting evidence from victims and witnesses, thematic research analysis on violation of human rights for special groups such as women, children, victims of sexual abuse and persons with disabilities. Truth seeking also involves public hearings and publishing of findings and recommendations (Bisset, 2022).

The findings further agree with Mwonzora (2021) who noted that searching for truth after conflict is critical towards enhancing recognition of victims in addition to creating a platform

for reconciliation among victims, witnesses, survivors and perpetrators. Further, truth seeking promotes individuals' respect and supports their autonomy. A study by Mihr (2020) is supported by the findings in the current study where truth seeking triggers the reconciliation process. Mihr (2020) noted that reconciliation idea cannot be presented without knowing the truth as victims would perceive this as provocation. Truth must first be known after which reconciliation process begins since denial would increase distrust in the community.

The findings of the study further agree with Niyindora (2019) who stated that the aim of truth seeking is to identify causes and consequences of conflict by providing a platform where victims and perpetrators can share their experience and have it acknowledged in the public. This is believed to have a significant effect on post-conflict societies. Therefore, truth seeking is a key process of healing since it enhances social reflection. Further, the results of the study agree with Davis (2022) who noted that truth seeking is instrumental in restructuring of institutions responsible for strengthening the rule of law. This is achieved through documentation of atrocities, collection and preservation of evidence which at the right time could be used in prosecution of perpetrators.

Truth seeking has a significant effect on the process of reconciliation as noted in this study. These are also the findings in Zvobgo (2020) who examined the process of truth seeking in South Africa's Apartheid rule. The study established that through truth commissions in the 1990s, longer histories of exclusion and marginalization were addressed. Further, public testimonies from victims and perpetrators applying for amnesty were obtained which facilitated forgiveness and the process of reconciliation.

The findings also concur with Magara (2021) who demonstrated that truth seeking has been critical towards reconciliation and peace creation in South Sudan. Magara (2021) further established that truth seeking acknowledges wrongs done to victims and ensured that the

dignity of the victims is restored. Willems and Deng (2016) further established that truth seeking promoted reconciliation in South Sudan by guiding other initiatives such as prosecutions, accountability and reparations. Truth seeking was also found by Deng (2017) to address past conflicts, promote peace and ensure national healing and reconciliation for peaceful co-existence among communities in South Sudan. Truth seeking process was further found by Deng (2017) to involve conducting of hearings, gathering and analyzing of information from citizens of South Sudan. In addition, the truth seeking processes in South Sudan have culminated into national peace conferences with publication of findings and well documented reports (Deng, 2017). The findings of the study however contradict those of Solvin (2021) who established that a negative relationship existed between establishment of truth and reconciliation commissions and recurrence of conflicts in multiple jurisdictions.

#### **Discussion of Findings on Reparation Programmes and Post Conflict Community Coexistence**

The second objective of the study was on reparation programmes that were effected on communities and how they affected peaceful co-existence of communities in Isiolo Central Sub-County. Based on the findings of the study, there were traces of monetary compensations, rehabilitation programmes, educational support, return of stolen property, official public apologies from state officials and perpetrators. Further, there were traces of compensation for special groups such as women, children and victims of sexual abuse and violence. The study also found traces of cultural, institutional and legal measures to prevent violence recurrence. Respondents were found to be in agreement that compensation for losses, special programmes such as those for women and children, return of stolen property and non-recurrence guarantee were instrumental in ensuring peaceful co-existence of communities. A statistically significant association was also found between reparation programmes with peaceful co-existence.

The findings concur with Park and Santos (2022) who found that reparations may entail provision of support services such as healthcare and psychological services, return of stolen property, compensation for loss and public official apologies. Gallen and Moffet (2022) noted that reparation programmes may be in form of compensations, restitution, rehabilitation programmes and guaranteeing the community that violation acts will not be repeated. In Kenya, Murang'ai (2022) noted that there was compensation for victims of post-election violence of 2006-2007 for loss of lives, property destruction and other crimes perpetrated against them.

The findings that reparation programmes have a significant effect on peaceful co-existence aligns with Gesase (2019) who found that when victims are provided with concrete remedies, reconciliation is promoted and public trust to state organs is restored thus enhancing peace in the society. Gilmore and Moffet (2021) noted that, reparation programmes when done in consultation with the victims become successful in promoting reconciliation in the community. When the state is involved in reparation programmes, it takes some form of responsibility for abuse and violation of human rights thus committing to prevent repeat of conflicts in the future. Guarantees of non-repetition satisfy the goals of transitional justice towards fostering peaceful co-existence of the community in the aftermath of conflict. According to Bell (2017), reparation programmes are instrumental in transitional justice and peace building since they ensure that rather than resolving conflicts steps are taken to prevent recurrence and ensure that sustainable peace is created and cultivated.

The findings are in disagreement with Firchow (2017) who found that despite there being reparations in El Salado, Colombia, low levels of reconciliation existed among the communities. This was because the communities had varying reparation expectations and defined peace and reconciliation differently. In Rwanda, Anderliniet *al.*, (2004) defined

reparations in non-monetary compensation forms where perpetrators rebuilt homes of genocide survivors. However, in Guatemala, reparations involved monetary compensations, for instance to rape victims.

The study's results concur with Murambadoro (2017) who conducted a study in Zimbabwe and found that traditional reparation programs had a significant effect in promoting peace among communities. He further established that reparation programs in Zimbabwe include damages repair so as to bring back victims to their original position. Further, Gallen and Moffer (2022) found that reparations contributed to reconciliation and repaired relations among communities in Colombia, Guatemala, Nepal, Northern Ireland and Uganda.

In another study conducted in South Africa, Nhlapo (2019), reparation programs that were found to be in existent in post-apartheid era included monetary compensations through individual reparation grants by the government, symbolic reparations, community rehabilitation and institutional reforms. However, Nhlapo (2019) found that the reparation programs did not to yield the required results since it failed to deal with interconnectedness of violations in the apartheid era. Further, there was government failure in provision of adequate reparations towards restoring the self-worth and moral value of the apartheid victims.

### **Discussion of Findings on Criminal Prosecution Tools and Post Conflict Community Co-Existence**

The findings on prosecution tools found that there were traces of fair prosecution and trials, justice tribunals, timely convictions and legal punishments. Further, the findings reveal respondents being in agreement that prosecutions are central to TJ strategy and aims to move away from impunity culture and human rights abuse legacy. Further, there was an overall agreement that prosecution leads to guilt individualization thus not blaming the entire community/group. Prosecution was further found to institutionalize legal and just responses

thus discouraging revenge and occurrence of similar crimes in the future. Also evident from the findings was that fair convictions help remove criminals from the society which ensures there is peace in the community. Overall, criminal prosecution was found to have a statistically significant effect on peaceful co-existence of communities in Isiolo Central Sub-County.

These findings are in agreement with Maculan and Gil Gil (2020) who demonstrated that prosecution initiatives ensure perpetrators face trial and where applicable are punished so that they do not engage in crimes in the future. Further, the results of the study concur with Werle and Vormabum (2022) who was of the opinion that prosecution tools are central in integrated transitional justice and ensures that a society moves away from impunity culture and human rights abuse legacy. Through local, national, regional and international courts and tribunals, criminal and civil suits are handled so as to deliver justice for victims and survivors of conflict. Through criminal prosecutions, individuals who were directly responsible for conflict and crimes are held responsible through criminal sanctions such as fines or imprisonment. This deters future perpetrators from organizing conflicts. According to Bengesai and Makonye (2020), criminal prosecutions ensure that justice is served to victims and enhances reconciliation and peace building process.

The results of the study are in concurrence with Zyberian and Letnar Čerňič (2015) who found that prosecutions through ICTY enhanced inter-ethnic reconciliation through achievements such as holding leaders accountable, ensuring victims get justice, giving a voice to the victims, facts establishment, international law development and rule of law strengthening. However, the findings are contrary to those in Meernik (2005) who noted that arrests and prosecutions of war criminals had little influence on improving co-existence within ethnic groups.

## **Discussion of Findings on Institutional Reforms and Post Conflict Community Coexistence**

The fourth objective evaluated institutional reforms and their influence on peaceful co-existence of communities in Isiolo Central Sub-County. The findings noted that institutional reforms such as security institutions reforms, judiciary reforms, regional administration reforms, constitutional reforms and civil service reforms existed to a great extent. Further, respondents were in agreement that institutional reforms were adequate, helped deter recurrence of violence and human rights violations. Further, institutional reforms were instrumental in service delivery towards prosecution of post-conflict criminals. Institutional reforms also enhanced fairness and equity in public service delivery which ensured peaceful co-existence in the community. On overall, the study found a significant association between institutional reforms and peaceful co-existence of the community in Isiolo Central Sub-County.

These findings align with a report by the Republic of Kenya (2008) which found public institutions such as the police, military and judiciary as being instrumental in repression and systemic human rights violations in situations of conflict or authoritarianism. Transition towards peace therefore demands such institutions to be reformed. According to Mihr (2020), institutional reforms ensure that public institutions are transformed into institutions that protect human rights and those that nurture a culture of respect of rule of law. Thus, they are transformed into peace institutions. Transformation of public institutions therefore reforms the institutions and prevents recurrence of human rights violations and conflicts in the future (Mihr, 2020).

The findings of the study also agree with Reiter (2020) who noted that institutional reforms ensure that those responsible for conflict and violation of human rights are restricted from

holding public offices. Public service is therefore reformed and perpetrators are disbanded from institutions such as the military and police and other security organs. Gready and Robins (2020) noted that institutional reforms involve training programmes for officials in public service especially on human rights and respect of law. This ensures that they do not break the law or violate human rights in their service delivery.

The findings are further in agreement with Lambourne & Rodriguez Carreon (2016) who found that institutional reforms had a significant effect towards building sustainable peace in Rwanda, Sierra Leone, Uganda, Peru, Timor Leste and Burundi. Additionally, Skaar (2018) noted that sustainable peace after periods of conflict is highly achievable when there are institutional changes, for example, reforms in the military, judiciary and political institutions. A study by Randall and Pulano (2008) though different in the aspect of reforms demonstrated that institutional reforms, specifically media reforms lead to healing after periods of conflict. Moreover, Teksen (2019) evaluated transitional justice mechanisms in Bosnia and Herzegovina and found that partial application of institutional reforms led to successful reconciliation. Benyera (2014) also noted that institutional reforms are necessary since prolonged conflicts destroy a country's institutions such as the judiciary and the police making them corrupt, dysfunctional and illegitimate.

## CHAPTER FIVE

### SUMMARY OF MAJOR FINDINGS, CONCLUSION AND RECOMMENDATIONS

#### 5.1 Introduction

This chapter presents the summary of major findings, conclusions drawn from the findings, recommendations for policy and suggestions for further studies.

#### 5.2 Summary of Findings

The first objective in the study evaluated the effect of truth seeking on peaceful co-existence of communities in Isiolo Central Sub-County, Kenya. The findings on the level of application of truth seeking practices revealed that more than half of the respondents indicating that statements' collection from victims and witnesses, thematic analysis on gender violations and abuse of children rights, public hearings and publishing of findings and recommendations was to a great and very great extent. On overall, truth seeking practices were applied to a great extent in Isiolo central Sub-County. The Likert scale responses revealed that respondents were in agreement that search for truth in post-conflict situations has been critical to facilitating recognition of victims towards peaceful coexistence. Further, majority of the respondents were in agreement that search for the truth in post-conflict is critical in creating a platform for reconciliation between victims, survivors, witnesses and perpetrators. Respondents also generally agreed that truth telling enhances healing through social reflection. Further, majority of the respondents revealed that truth seeking proves instrumental in restructuring justice institutions which help strengthen rule of law. Moreover, most of the respondents were in agreement that truth seeking contributes to peaceful coexistence of communities. The chi-square test results revealed that truth seeking had a statistically significant effect on peaceful coexistence of community in Isiolo Central Sub-County.

The second objective of the study evaluated the relationship between reparation programs and peaceful community coexistence in Isiolo Central Sub-County Kenya. On the extent of application of reparation programmes, the study revealed traces of monetary compensation for losses, rehabilitation programmes such as medical services, psychological and counseling services, education support, return of stolen property, official public apology, compensation for special groups, cultural, institutional and legal measures to prevent recurrence of violence and human rights violations. However, these programmes were not applied to a great extent. On overall, close to half (but slightly less) of the respondents were of the opinion that reparation programmes were applied to a less extent in Isiolo central Sub-County. The Likert scale responses revealed that respondents were in agreement that comprehensive compensation for losses by the state or perpetrators avoids repetition of acts of violence and violation of human rights. Further, respondents were in agreement that special programmes such as those for women, children, victims of sexual abuse and persons with disabilities guarantee that their rights are protected in addition to remedy for abuses incurred. Respondents were also in agreement that compensation for losses incurred and return of stolen property ensure that retaliatory attacks do not occur in the future. It was also evident from the results that non-recurrence guarantees ensure there is complete overhaul of different state departments to ensure that the government fulfills its mandate of citizens' protection. Also evident from the findings was that non-recurrence guarantees ensure there is complete overhaul of community affiliated gangs thus ensuring peaceful coexistence. The results further demonstrated that respondents were in agreement that post-conflict community coexistence is largely dependent on timely reparations. From the Chi-Square results, reparation was found to have a statistically significant effect on peaceful coexistence with  $p\text{-value} < 0.05$ .

The third objective assessed the effect of criminal prosecution tools on peaceful community coexistence in Isiolo Central Sub-County, Kenya. In terms of extent of application of criminal prosecution tools, the findings revealed existence of fair prosecution and trials, justice tribunals, timely convictions of perpetrators though not to a great extent. Legal punishments for convicted perpetrators were applied to a great extent. Overall, criminal prosecution tools were applied to a great extent. The Likert scale responses revealed that majority of the respondents were in agreement that prosecutions form one of the central elements of an integrated TJ strategy aimed at moving away from a culture of impunity and a legacy of human rights abuse. Majority of the respondents also agreed that prosecution contributes to individualization of guilt thus not ascribing conflict to the entire community/group. Respondents exceeding three fifths were in agreement that prosecution institutionalizes legal and just responses which discourage individuals from conducting acts of revenge. Slightly more than half of the respondents were in agreement that successful prosecutions deter occurrence of similar crimes in the future. Also evident from the respondents was that majority of them were in agreement that fair convictions remove criminal elements from the society thus ensuring peace in the community. The Chi-Square test results demonstrated a p-value that was less than 0.05 thus indicating that criminal prosecutions tools application had a statistically significant effect on peaceful coexistence of the community.

The fourth objective of the study evaluated the relationship between institutional reforms and peaceful community coexistence in Isiolo Central Sub-County. The findings on the extent of application of institutional reforms revealed that security reforms, judiciary reforms, regional administration reforms, constitutional reforms and civil service reforms have been applied to a great extent. On overall, institutional reforms have been applied to a great extent in Isiolo Central Sub-County. The findings on Likert scale responses on the effect of institutional

reforms on peaceful coexistence revealed that more than three fifths of the respondents were in agreement that there were adequate institutional reforms to mitigate post-conflict issues among communities. Further, majority of the respondents were in agreement that institutional reforms are important in handling post-conflict matters. More than half of the respondents agreed that institutional reforms such as police and civil service reforms deter recurrence of violation of human rights and conflicts. Majority of the respondents were in agreement that institutional reforms have reduced violation of human rights and conflicts in Isiolo Central Sub-County. More than three fifth of the respondents were in agreement that institutional reforms enhance service delivery towards prosecution of post-conflict criminals. Lastly, Likert scale responses revealed slightly more than half of the respondents being in agreement that institutional reforms enhance fairness and equity in public service delivery thus ensuring peaceful coexistence in the community. The Chi-Square test results demonstrated a significant relationship between institutional reforms and peaceful coexistence of communities in Isiolo Central Sub-County.

### **5.3 Conclusion of the Study**

Based on the findings of the study, the following conclusions can be made:

- i) That Truth seeking practices have been applied in TJ to a great extent. Application of these truth seeking practices have a statistically significant effect on peaceful coexistence of the community.
- ii) That there have been traces of application of reparation programmes on ensuring TJ which have a statistically significant effect on peaceful coexistence of the community.

- iii) That Criminal prosecution tools have been applied in enhancing TJ. The application of criminal prosecution tools has a significant effect on peaceful coexistence of the community.
- iv) That there is application of institutional reforms to a great extent which has a significant effect on peaceful coexistence of the community.

#### **5.4 Recommendations for Policy**

The study found that truth seeking practices have a significant effect on peaceful coexistence of the community. The study therefore recommends that measures should be put in place to ensure the security and safety of victims from perpetrators and vice versa. Measures should also be put in place to protect victims from discrimination and stigmatization. To enhance truth telling, there should also be measures for witness protection. For instance, through reforming witness protection institutions to enhance their effectiveness in protecting those who come out to tell the truth. For instance, the Witness Protection Agency should be empowered so as to improve its effectiveness and efficiency in the protection of witnesses.

The study also found that reparation programmes had a significant effect on peaceful coexistence of communities. However, the findings suggested that these programmes were not applied to a great extent. Measures should be put in place to ensure that the reparation processes are transparent, lack nepotism and corruption. Further, adequate resources should be committed to hasten compensations to victims of conflict so as to avoid delaying justice to them. Laws should also be put in place to ensure that there are budgetary allocations to reparation programmes so as to have provisions anchored in law for reparations.

Criminal prosecution tools were found to have a significant effect on peaceful coexistence of communities. To ensure the effectiveness of these criminal prosecution tools, political goodwill should be enhanced. Further, the capacity of the justice system should be enhanced

through adequate funding and staffing. Existing laws on independence of the institutions such as the judiciary should be strengthened further so as to empower these institutions so that they work independently free from external influence from politicians and powerful people in the society.

Institutional reforms were found to have a significant effect on peaceful coexistence of communities. Institutions such as the police, military, judiciary and other public institutions especially those associated with peace building should be reformed so that they impartially execute their mandates. More laws should be put in place to ensure that these institutions are further strengthened to expedite service delivery. Service delivery will ensure equity and fairness thus minimizing the aspect of marginalization thus enhancing peaceful coexistence in the community.

### **5.5 Suggestion for Further Studies**

The focus of the study was on determinants of TJ towards peaceful coexistence of the community. Future research should focus on other factors such as political, governance, climate change and information technology factors and their influence on peaceful coexistence in the community. The study found that there were traces of reparation programmes. Future studies should focus on evaluating why reparation programmes have been applied to a less extent. Unearthing factors associated to low utilization of reparation programmes will enhance their effectiveness in ensuring peaceful coexistence in the community.

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## **APPENDIX I: LETTER OF INTRODUCTION**

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Mount Kenya University,

P O Box 342-01000,

Thika.

Dear Respondent,

### **REF: DATA COLLECTION**

I am a student of Mount Kenya University pursuing a Master of Arts in Governance and Ethics. Currently, I am conducting a research on the topic:

*Transitional justice Programmes and post conflict community coexistence in Isiolo Central Sub-County, Kenya*

This is part of my requirement for my degree. You've been chosen to take part in the research as a respondent. Presented before you is a questionnaire for you to fill. For the study to be successful, you are requested to respond to all the questionnaire items. Your provided information will be handled in the strictest confidentiality and will be utilized for academic purposes. Participation in this study has no financial compensation. Your participation will be of great value.

Yours faithfully,

Charles Mugendi Njeru

**APPENDIX II: CONSENT FORM**

I am a student at the Mount Kenya University, pursuing Master of Arts Degree in Governance and Ethics. I am undertaking a research study on *Transitional justice Programmes and post conflict community coexistence in Isiolo Central Sub-County, Kenya*. The purpose of the study is to gather information for research use. You have been identified as one of the estimated 405 participants with an ‘O’-level education for this study. You are invited to complete the questionnaire administered to you. I request 10 minutes of your time. Please note that the information that you share is confidential and shall not be disclosed to any other person, and that it shall be used purposely for this study. Your name will not be required. The information you provide will be kept safely.

By signing this form, you authorize the use and disclosure of the information you have provided for this research. Your decision to participate is voluntary. Should you choose to withdraw your participation, no penalty is applied. There is no cost to participate in this research.

I voluntarily agree to participate in this research study.

YES  NO

I understand that i will be issued with a copy of this signed consent form.

Name of participant: .....

Signature..... Date.....

Name of interviewer: .....

Signature..... Date.....

### APPENDIX III: QUESTIONNAIRE FOR COMMUNITY MEMBERS

Title: Transitional justice Programmes and post conflict community coexistence in Isiolo Central Sub-County, Kenya. Kindly respond to the parts below appropriately.

#### SECTION A: DEMOGRAPHIC INFORMATION

1. Gender

Male

Female

2. Duration stayed in Isiolo Central Sub-County in years

Less than 1  1-5  6-10  10-15  Exceeding 15

#### Section B: Effect of truth seeking on Post Conflict Community Coexistence in Isiolo Central Sub-County, Kenya

3. Indicate the extent of application of the following truth seeking practices in Isiolo Central Sub-County towards peaceful co-existence amongst community members.

Practice	To no extent	To a less extent	To a great extent	To a very great extent
Statements' collection from victims and witnesses				
Thematic analysis on gender violations				
Thematic analysis on abuse of children rights				
Public hearings on conflicts and violation of human rights				
Publishing of findings and				

recommendations				
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4. Kindly tick one section below according to your level of agreement on contribution of truth seeking to peaceful coexistence of communities using the key provided. KEY: SA=Strongly Agree. A=Agree. DK=Don't Know. D=Disagree. SD=Strongly Disagree

Statement	SA	A	DK	D	SD
The search for the truth in post-conflict is critical to facilitating the recognition of victims.					
The search for the truth in post-conflict is critical to creating a platform for reconciliation between the victims, witnesses, survivors and the perpetrators for peaceful coexistence					
Truth telling is a key process of healing through social reflection.					
Truth seeking often proves instrumental in restructuring justice institutions thus strengthening the rule of law.					
Truth seeking contributes to peaceful coexistence of communities					
There can be peace without truth seeking commissions					
I trust truth seeking commissions in mitigation of post conflict violence					

**Section C: Influence of Reparation programs on Post Conflict Community Coexistence in Isiolo Central Sub-County Kenya**

5. To what extent are the following practices adopted towards peaceful co-existence in Isiolo Central Sub-County?

Practice	To no extent	To a less	To a great	To a very great
----------	--------------	-----------	------------	-----------------

		extent	extent	extent
Monetary compensations for losses				
Rehabilitation programmes such as medical services, psychological and counseling services				
Educational support				
Return of stolen property				
Official public apology by perpetrators and government officials				
Compensation for special groups such as women, children and victims of sexual abuse and violence				
Cultural, institutional and legal measures to prevent				

recurrence of violence and human rights violations				
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6. Kindly tick one section below according to your level of agreement on influence of reparation programs effected on communities in post conflict to promote community coexistence using the key provided. KEY: SA=Strongly Agree. A=Agree. DK=Don't Know. D=Disagree. SD=Strongly Disagree

Statement	SA	A	DK	D	SD
Comprehensive compensation for losses by the state or perpetrators avoids repetition of acts of violence and violation of human rights					
Special programmes such as those for women, children, victims of sexual abuse and persons with disabilities guarantees that their rights are protected in addition to remedy for abuses incurred					
Compensation for losses incurred and return of stolen property ensure that retaliatory attacks do not occur in the future					
Educational support brings together different tribes in the area thus enhancing peaceful co-existence					
Non-recurrence guarantees ensure there is complete overhaul of different state departments to ensure that the government fulfills its mandate of citizens' protection					

Non-recurrence guarantees ensure there is complete overhaul of community affiliated gangs thus ensuring peaceful co-existence.					
Post conflict community coexistence is largely dependent on timely reparations					

**Section D: Criminal prosecution tools on Post Conflict Community Coexistence in Isiolo Central Sub-County**

7. Indicate the extent of application of criminal prosecution tools in transition justice for peaceful co-existence among community members in Isiolo Central Sub-County

Practice	To no extent	To a less extent	To a great extent	To a very great extent
Fair prosecution and trials of perpetrators in domestic systems of justice				
Justice tribunals				
Timely convictions of perpetrators				
Legal punishments for convicted perpetrators				

8. Kindly tick one section below according to your level of agreement on prosecution tools in transitional justice for peaceful co-existence among community using the key

provided. KEY: SA=Strongly Agree. A=Agree. DK=Don't Know. D=Disagree. SD=Strongly Disagree

Statement	SA	A	DK	D	SD
Prosecutions form one of the central elements of an integrated transitional justice strategy aimed at moving away from a culture of impunity and a legacy of human rights abuse.					
Prosecution contributes to individualization of guilt thus not ascribing conflict to the entire community/group					
Prosecutions institutionalizes legal and just responses thus discouraging individuals from conducting revenge acts					
Successful prosecutions deters occurrence of similar crimes in the future					
Fair convictions removes criminal elements from the society thus ensuring peace in the community					

#### SECTION E: Effect of Institutional reforms Post Conflict Community Coexistence

9. To what extent have the following institutional reforms been applied towards enhancing peaceful co-existence in the community in Isiolo Central Sub-County?

Practice	To no extent	To a less extent	To a great extent	To a very great extent
Security institutions reforms				
Judiciary reforms				

Regional administration reforms				
Constitutional reforms				
Civil service reforms				

10. Kindly tick one section below according to your level of agreement on institutional reforms towards peaceful coexistence using the key provided. KEY: SA=Strongly Agree. A=Agree. DK=Don't Know. D=Disagree. SD=Strongly Disagree

Determinant	SA	A	DK	D	SD
There are adequate institutional reforms to mitigate post conflict issues among communities					
Institutional reforms are important in handling post conflict matters					
Institutional reforms such as police and civil service reforms deter recurrence of violation of human rights and conflicts in the future					
Institutional reforms in form of training programmes for officials in public service have reduced human rights violations and conflicts in this area					
Through institutional reforms, there is effective service delivery towards the prosecution of post conflict criminals					
Institutional reforms enhance fairness and equity in public service delivery thus ensuring					

peaceful coexistence in the community					
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**Section F: Post Conflict Community Coexistence among Community Members in Isiolo**

**Central Sub-County**

11. What would you say about the status of peaceful co-existence among communities residing in Isiolo Central Sub-County?

There is no peaceful co-existence

There is relative peaceful co-existence

There is very peaceful co-existence

12. What would you say about the peace situation in Isiolo Central Sub-County in the last 10 years?

Greatly improved

Improved

Not improved

Worsened

*Thank you for your participation*

**APPENDIX IV: INTERVIEW SCHEDULE FOR SUB-COUNTY, DEPUTY SUB-COUNTY COMMISSIONERS AND CHIEFS**

1. According to your own opinion, what would you say is the truth seeking practices adopted in Isiolo Central Sub-County towards peaceful co-existence amongst community members?

.....  
.....  
.....  
.....

What is the extent of application of the truth seeking practices that you stated?.....

.....

2. In your own opinion, how do truth seeking practices that you stated contribute to peaceful coexistence of communities in Isiolo Central Sub-County?

.....  
.....  
.....  
.....

3. In your own opinion, what are some of the reparation programs adopted in Isiolo Central Sub-County towards enhancing peaceful co-existence of the communities?

.....  
.....  
.....  
.....

To what extent have these reparation programs been adopted in Isiolo Central Sub-County?.....

.....

4. What would you say on the effect of reparation programs on promoting community co-existence in Isiolo Central Sub-County?

.....  
.....

5. What are the institutional reforms that have been adopted towards enhancing peaceful co-existence of communities in Isiolo Central Sub-County?

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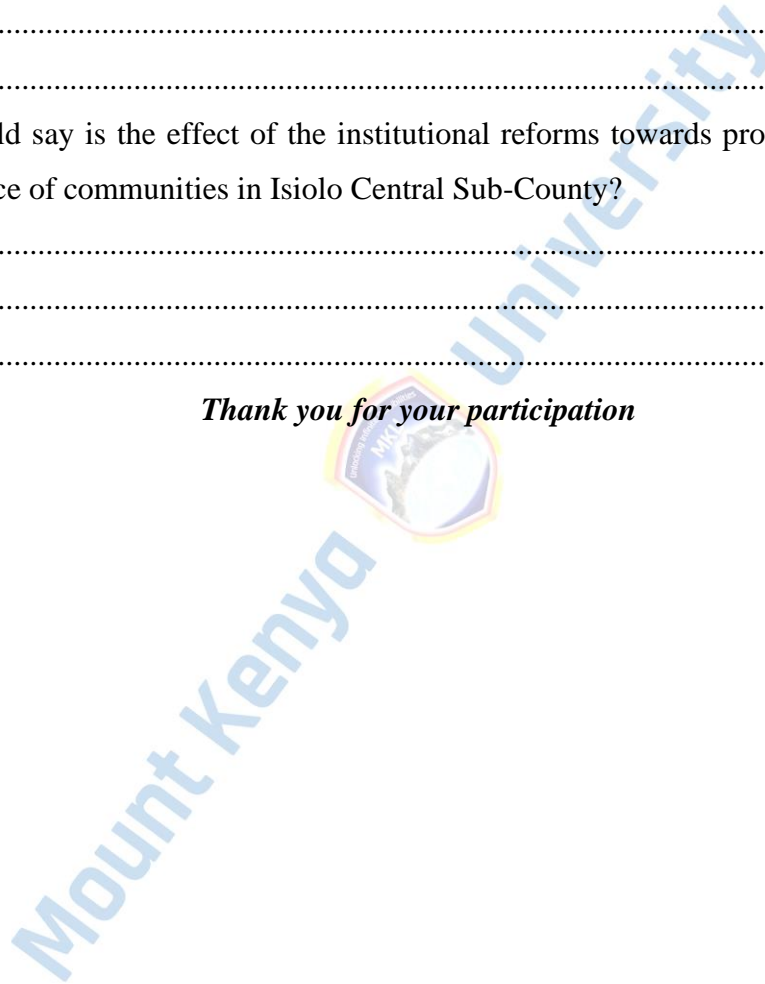
To what extent have these reforms been adopted in Isiolo Central Sub-County?

.....  
.....

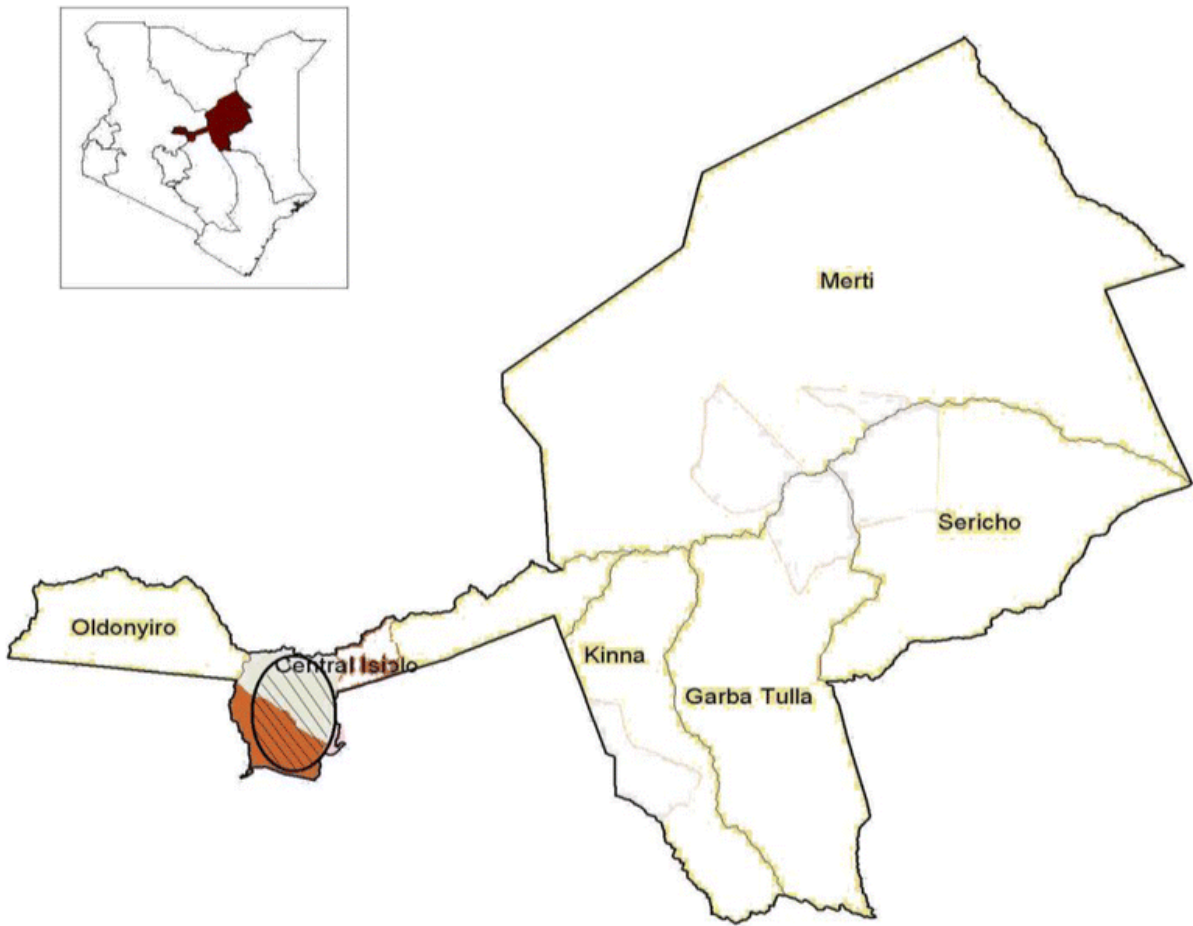
6. What would say is the effect of the institutional reforms towards promoting peaceful co-existence of communities in Isiolo Central Sub-County?

.....  
.....  
.....

*Thank you for your participation*



**APPENDIX V: MAP SHOWING ISILOLO CENTRAL SUB-COUNTY**



Mount K.

## APPENDIX VI: MOUNT KENYA UNIVERSITY INTRODUCTION LETTER



### DIRECTORATE OF GRADUATE STUDIES

MGE/2010/61227

11<sup>th</sup> September, 2023

*National Commission for Science Technology & Innovation (NACOSTI)  
Off Waiyaki Way, Upper Kabete,  
P.O Box 30623- 00100  
NAIROBI, KENYA*

Dear Sir/Madam,


**RE: NJERU CHARLES MUGENDI- REGISTRATION NO. MGE/2020/61227**

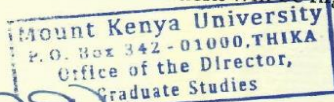
The purpose of this letter is to introduce the above named student who is pursuing Master of Arts in **Geography** in the department of **Institute of Security Studies, Justice and Ethics** in the school of **Social Sciences**

The title of the thesis is "**Determinants of Effective Transitional Justice in Post Conflict Community Coexistence: A Case of Isiolo Central Sub County - Kenya.**" It has been cleared by the University's Ethics Review Committee (Certificate attached) and now has to proceed to the field to collect data between **September, 2023 and November, 2023.**

Any assistance accorded to the student will be highly appreciated.

Thank you.

  
**Dr. Samuel M. Karenga, Ph.D**  
**Director, Graduate Studies**  
Enc.



**APPENDIX VII: MOUNT KENYA UNIVERSITY ETHICAL REVIEW COMMITTEE  
LETTER**



REF: MKU/ISERC/3120  
TO: NJERU CHARLES MUGENDI

Date: 06 September 2023

REG: MGE/2020/61227

Dear Sir/Madam,

**RE: DETERMINANTS OF EFFECTIVE TRANSITIONAL JUSTICE IN POST CONFLICT  
COMMUNITY COEXISTENCE: A CASE OF ISIOLO CENTRAL SUB COUNTY -KENYA**

This is to inform you that **Mount Kenya University** has reviewed and approved your above research proposal. Your application approval number is **2164**. The approval period is **06/09/2023 - 05/09/2024**.

This approval is subject to compliance with the following requirements:

- i. Only approved documents including informed consents, study instruments, MTA will be used
- ii. All changes including amendments, deviations and violations are submitted for review and approval by **Mount Kenya University**
- iii. Death and life-threatening problems and serious adverse events or unexpected adverse events whether related or unrelated to the study must be reported to **Mount Kenya University** within 72 hours of notification
- iv. Any changes, anticipated or otherwise that may increase the risks or affect the safety or welfare of study participants and others or affect the integrity of the research must be reported to **Mount Kenya University** within 72 hours
- v. Clearance for export of biological specimens must be obtained from relevant institutions
- vi. Submission of a request for renewal of approval at least 60 days prior to expiry of the approval period. Attach a comprehensive progress report to support the renewal
- vii. Submission of an executive summary report within 90 days upon completion of the study to **Mount Kenya University**

Prior to commencing your study, you will be expected to obtain a research license from National Commission for Science, Technology and Innovation (NACOSTI) <https://research-portal.nacosti.go.ke> and also obtain other clearances needed.


Yours sincerely,




**Dr. Alfred Owino, PhD**  
Chairman, Mount Kenya University ISERC

The Chairman  
Mount Kenya University  
Ethics Review Committee  
P. O. Box 342 - 0100, Thika


**APPENDIX VIII: RESEARCH PERMIT FROM NACOSTI**

  
REPUBLIC OF KENYA

  
NATIONAL COMMISSION FOR  
SCIENCE, TECHNOLOGY & INNOVATION

RefNo: **321396** Date of Issue: **26/September/2023**


**RESEARCH LICENSE**




**This is to Certify that Mr. Charles Mugendi Njeru of , has been licensed to conduct research as per the provision of the Science, Technology and Innovation Act, 2013 (Rev.2014) in Isiolo on the topic: DETERMINANTS OF EFFECTIVE TRANSITIONAL JUSTICE IN POST-CONFLICT COMMUNITY COEXISTENCE: A CASE OF ISIOLO CENTRAL SUB-COUNTY KENYA for the period ending : 26/September/2024.**

License No: **NACOSTI/P/23/29676**

Applicant Identification Number: **321396**

  
Director General  
NATIONAL COMMISSION FOR  
SCIENCE, TECHNOLOGY & INNOVATION

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TRANSITIONAL JUSTICE  
PROGRAMMES AND POST  
CONFLICT COMMUNITY  
COEXISTENCE IN ISIOLO  
CENTRAL SUB-COUNTY, KENYA

*by* Njeru Charles Mugendi

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**Submission date:** 08-May-2024 11:02AM (UTC+0300)

**Submission ID:** 2374069929

**File name:** mugendi\_newest\_document.docx (4M)

**Word count:** 27500

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# TRANSITIONAL JUSTICE PROGRAMMES AND POST CONFLICT COMMUNITY COEXISTENCE IN ISIOLO CENTRAL SUB-COUNTY, KENYA

## ORIGINALITY REPORT



## PRIMARY SOURCES

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