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Country/ entity Kenya

Region Africa (excl MENA)

Agreement name Mabanga Peace Accord

Date 21 Oct 2011

Agreement status Multiparty signed/agreed

Interim arrangement Yes

Agreement/ conflict level Intrastate/local conflict (Kenyan Post-Electoral Violence (2007 - 2008))

Stage Framework/substantive - partial

Conflict nature Inter-group

Peace process Kenya Local Agreements

Parties Mr Henry Wanyonyi
Chairman,
Bukusu Supreme Council of Elders
Date:

Mr. Josecki Okisai
Chairman,
Supreme Council of Teso Elders
Date:

Mr Reuben C. Butaki
Chairman,
Sabaot Supreme Council of elders
Date:

Third parties Witnessed by: Ms. Leonie Abela Chief Facilitator Inter-Community Peace Conference Country Coordinator ACORD KENYA Mr. Festus Mukoya Coordinator, FPFK – Peace and Rights Programme Emmanuel Ole Sayiorry, PhD Co-Facilitator Inter-Community Peace Conference Snr Lecturer, Daystar University Ndolo Asasa Wycliffe Esq. Co-Facilitator, Inter-Community Peace Conference Chairperson, Pioneers for Change In the Presence of Hon. Kalonzo Musyoka, EGH Vice President of the Republic of Kenya MP Mwingi North and Minister for Home Affairs Dr. Ahmed Yassin Commissioner National Cohesion Integration Commission

Description Agreement between elders of three communities, Babukusu, Iteso and Sabaot, that makes provisions for the return of stolen land, tribal politics, and provisions for equity between tribes in terms of distribution of resources and political power.

Agreement document [KE_111021_Mabanga Peace Accord.pdf](#)  | [Download PDF](#)

Groups

Children/ youth	Groups→Children/youth→Rhetorical Page 5: Prejudice ... c) Children are taught to respect other people's culture Groups→Children/youth→Substantive Page 4, 12, Political Intimidation a) That the Council of Elders shall, among others, lead the disarmaments, demobilization and rehabilitation initiatives of the young men in militia groups occupied by the three communities.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.

Racial/
ethnic/
national
group

Groups→Racial/ethnic/national group→Anti-discrimination

Page 4, 11, Devolved Funds

...

d) The disbursement of these funds should be given to beneficiaries regardless of ethnicity, race, colour, sex, and religion.

Groups→Racial/ethnic/national group→Substantive

Page 2, 3. Political incitement

a). That the Council of Elders of three Communities work towards eliminating tribal based politics in their midst.

b). That politicians and all leaders should refrain from making hate speech that contribute to negatively inciting communities against each other.

b). That any politician or leader making hate speech should be appropriately reported to the state authorities concerned.

Page 2, 4. Tribalism, clannism, patronism and prejudice.

That for the purposes of equity and inclusiveness among the communities :-

a) The Composition of the Land Control Board and Land tribunal should have equitable representation of officers from the three communities.

b) The Council of Elders should encourage members of all communities to feel free and welcome to live anywhere in Kenya

Page 3, Discrimination on resource Sharing. Access to Employment, Promotions and Opportunities

...

b) That the Principle of Affirmative Action and Inclusion shall be adopted as a benchmark in Resource Distribution, Employment Opportunities and promotions.

Page 5, Prejudice

That the Council of Elders of the three communities shall ensure that:-

a) All parties respect each others' cultural practices and traditions at all time.

b) Use of derogatory names shall stop.

c) Children are taught to respect other people's culture

d) All parties embrace openness and honesty at all times.

e) All parties will work together and in partnership with the administration on matter on naming and renaming.

f) All parties will recognise and develop talents of all children and youths regardless of ethnicity.

g) Stock theft amongst us is stopped and that all communities to respect the economic practices of other communities.

Page 5, Inclusivity

That this agreement in no way excludes other communities resident in Bungoma nad Trans Nzoia Counties from subsequently and severally being enjoined and engaged for the ultimate realisation of the purpose of this process

Religious groups	<p>Groups→Religious groups→Anti-discrimination</p> <p>Page 4, 11, Devolved Funds</p> <p>...</p> <p>d) The disbursement of these funds should be given to beneficiaries regardless of ethnicity, race, colour, sex, and religion.</p>
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/ displaced persons	<p>Groups→Refugees/displaced persons→Substantive</p> <p>Page 1, A. LAND. 1. Land and Displacement</p> <p>That all persons who are the victims of displacement (currently in Bungoma, Trans-Nzoia counties and the diaspora) who hold legitimate title deeds or any other supporting evidence confirming ownership of land from which they were evicted should be assisted through:</p> <p>(I) Council of Elders (Sabaot, Bukusu and Teso)</p> <p>(II) Land Control Boards</p> <p>(III) Land Dispute Tribunal</p> <p>(IV) The Government of Kenya</p> <p>(V) Any other appropriate legal channels</p> <p>Page 2, 6, Squatters</p> <p>That Resulting from:-</p> <p>(i) Colonial displacement from transzoia</p> <p>(ii) forest evictees</p> <p>(III) IDPs</p> <p>(IV) Landless</p> <p>The Council of Elders (Bukusu, Teso and Sabaot) shall lobby the Government of Kenya to resettle all squatters and forest evictees.</p>
Social class	No specific mention.

Gender

Women, girls and gender	<p>Page 4, 11, Devolved Funds</p> <p>...</p> <p>d) The disbursement of these funds should be given to beneficiaries regardless of ethnicity, race, colour, sex, and religion.</p>
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Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/ secession No specific mention.

Accession/ unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission Page 2, 5, Political and administrative boundaries
a) That the Independent Election and Boundaries Commission (IEBC) and administration officials should take into account the interests of minorities and marginalized groups when creating boundaries
b) That the e process should be participatory and inclusive
c) That the independent Electoral and Boundary Commission should be urged to reconsider redrawing of boundaries where possible that gives all communities opportunities to elect leaders that can draw from all communities to avoid the dominance of one community from leadership

Political parties reform No specific mention.

Civil society No specific mention.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political
power
sharing

Power sharing→Political power sharing→Executive coalition
Sub-state level

Page 3, 9, Culture of Political Domination

...

b) That the County Government Positions shall be shared equitably and in an inclusive manner among Communities in Bungoma and Trans-Nzoia County.
c) That all nominated positions be done using affirmative action principle as embraced in the Constitution.

Page 3, 10, Discrimination on resource Sharing. Access to
Employment, Promotions and Opportunities

a) That the Council of Elders of the Three Communities shall work to promote equity, inclusion and fairness in distribution and sharing of resources, opportunities and other benefits among the inhabitants of the Two Counties.
b) That the Principle of Affirmative Action and Inclusion shall be adopted as a benchmark in Resource Distribution, Employment Opportunities and promotions.

Power sharing→Political power sharing→Other proportionality
Sub-state level

Page 3, 9, Culture of Political Domination

...

e) That appointments to the boards and committees shall be done in a manner that reflects fairness and diversity to all communities and geographic spread.

Territorial
power
sharing

No specific mention.

Economic power sharing	<p>Power sharing→Economic power sharing→Sharing of resources</p> <p>Page 3, 9, Culture of Political Domination</p> <p>...</p> <p>f) That the allocation of resources in respective counties shall not be pegged on political influence.</p> <p>g) That all leaders at all levels shall take the initiatives towards enhancing equitable distribution of resources as stipulated in the Kenyan constitution.</p> <p>Page 3, 10, Discrimination on resource Sharing. Access to Employment, Promotions and Opportunities</p> <p>a) That the Council of Elders of the Three Communities shall work to promote equity, inclusion and fairness in distribution and sharing of resources, opportunities and other benefits among the inhabitants of the Two Counties.</p> <p>Page 4, 11, Devolved Fund</p> <p>That:-</p> <p>a) Undue political leadership shall not be encouraged as the key determinant of management of the devolved funds</p> <p>b) Funds should be run professionally with a view to project identification, viability and costing.</p> <p>c) The management committees should represent the diversity of communities' in the area on a regional balance.</p> <p>d) The disbursement of these funds should be given to beneficiaries regardless of ethnicity, race, colour, sex, and religion.</p>
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.

Civil and political rights	No specific mention.
Socio-economic rights	Human rights and equality→Socio-economic rights→Education Page 4, 14, Education and Educational Institutions That :- a) Learning institutions shall be equitably distributed within the region b) The marginalised areas within the two counties shall given priority to redress the imbalance

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/ access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
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Regional or international human rights institutions	No specific mention.
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Justice sector reform

Criminal justice and emergency law	No specific mention.
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State of emergency provisions	No specific mention.
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Judiciary and courts	No specific mention.
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Prisons and detention	No specific mention.
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Traditional Laws	No specific mention.
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Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.
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National economic plan	No specific mention.
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Natural resources	No specific mention.
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International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/
rights

Land, property and environment→Land reform/rights→Land reform and management

Page 1, 1, LAND.

1. Land and Displacement

That all persons who are the victims of displacement (currently in Bungoma, Trans-Nzoia counties and the diaspora) who hold legitimate title deeds or any other supporting evidence confirming ownership of land from which they were evicted should be assisted through:

(I) Council of Elders (Sabaot, Bukusu and Teso)

(II) Land Control Boards

(III) Land Dispute Tribunal

(IV) The Government of Kenya

(V) Any other appropriate legal channels

a) To repossess their land.

b) To be issued with title deeds.

c) To be allowed to access and use their land freely.

d) To seek for legal redress for any other disputed land cases.

2. Loss and destruction of property

That all persons in Bungoma and Trans Nzoia counties whose properties were lost or destroyed or sold under duress during the clashes should be assisted through:

(I) Council of Elders (Panel of Sabaot, Bukusu and Teso)

(II) Land Control Boards

(III) Land Dispute Tribunal

(IV) The Government of Kenya

(V) Any other appropriate legal channels

To lobby to get compensation by the Government of Kenya for damages incurred as a result of the said land clashes

Land, property and environment→Land reform/rights→Property return and restitution

Page 1, 1, LAND.

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Pastoralist/
nomadism
rights No specific mention.

Cultural
heritage No specific mention.

Environment Page 4, 13, Natural Resources

That: -

a) Water catchment areas shall be managed, protected and preserved for future generations.

b) Forests shall be protected and their products harvested in a systematic and sustainable manner for the benefit of the communities.

c) Tourists' sites in these areas shall be developed to their full potential.

Water or
riparian
rights or
access No specific mention.

Security sector

Security
Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed
forces No specific mention.

DDR

Security sector→DDR→Demilitarisation provisions

Page 4, 12, Political Intimidation

- a) That the Council of Elders shall, among others, lead the disarmaments, demobilization and rehabilitation initiatives of the young men in militia groups occupied by the three communities.
- b) That the Government and other development agencies shall enhance security through cooperation and collaboration with the Council of Elders.

Page 4, 15, Proliferation of Small Arms Light Weapons

That:-

- a) The Council of Elders and all other leaders shall continuously engage with the Kenya Government to ensure review and implementation of relevant laws and policies on firearms control.
- b) The communities shall continue to support provision of focused and relevant training for Kenya reservists on the use and control and management of small arms and light weapons.
- c) We the Council of Elders of Sabaot, Bukusu and Iteso undertake to carry out intra and inter-community monitoring, disarmament and reduction of Small Arms and Light Weapons in close partnership with government.

Security sector→DDR→DDR programmes

Page 4, 12, Political Intimidation

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Intelligence services

No specific mention.

Parastatal/
rebel and
opposition
group
forces

No specific mention.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations Transitional justice→Reparations→Symbolic reparations
Page 3, 10, Discrimination on resource Sharing. Access to Employment,Promotions and Opportunities
...
c) That each community shall apologize to each other publicly on perceived injustices of the past.

Page 5, 16, Distorted History
That:-
a) That the three Communities affirm to respect the legitimacy of each other's history recognizing that they have valid but varied narratives concerning events and eras.
b) The three Communities affirm each other's legitimacy and rightful status as equal members of the Trans-Nzoia and Bungoma Counties.
c) The Three Communities Resolve to continue consulting and collaborating in recreating a shared positive narrative that will foster oneness among the all generations of the three communities.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source Accord International, (2011), Mabanga Peace Accord, <http://www.acordinternational.org/silo/files/mabanga-peace-accord.pdf>
