

Kisumu County conflict analysis

Introduction

Kisumu is mostly an ethnically homogenous county that is for the most part calm with flares of politically motivated violence especially during periods leading up to and after elections. The large numbers of unemployed youth, especially in the city, are often used by politicians, who through these youth use violence to instil fear in their rivals. The County has also experienced an increase in tensions and consequently violent conflict along the Nyakach/Nandi border and Muhoroni due to cattle rustling and boundary-related disputes, and a mixture of inter-community rivalry between the Nandi and Luo as well as land issues.¹ 2007 witnessed a cessation of violence between the two communities, which were perceived to have a common political interest in the Orange Democratic Movement (ODM) winning the elections. This changed with the subsequent fallout between Raila Odinga and William Ruto.

Clan-based allegiances are a predominant factor in the politics of Kisumu County, with minority groups being unable to participate fully in the social and political spheres. It was hoped that devolution would play a big role in solving political, inter-ethnic and inter-clan tensions and animosities. It had been hoped that as the residents of Kisumu felt that they have been 'denied' national political leadership, sharing of opportunities at the county level would be prioritised, in order to reduce tensions resulting from the perception that they had been left out of political leadership. However, wrangles between the County Governor's office and County Assembly have led to projects stalling, impacting negatively on development in the county.

This briefing is based on a conflict assessment of Kisumu County. It analyses the general conflict context in Kisumu, particularly the leadership and power dynamics in the new county structure and county resources allocation. It also examines existing peacebuilding and conflict management structures and assesses the extent to which these can be strengthened. The report highlights some of the

complex political and social dynamics that are affecting the lives of the people in Kisumu County.

The assessment found that devolution has had some positive impacts, particularly in relation to infrastructure projects, improvements to health services, and agricultural support. The county's commitment to increased representation and participation in governance by traditionally marginalised groups, including women and people living with disabilities, was also positively received by those interviewed during the assessment, with several County Assembly Committees headed by women and representation by people living with disabilities serving on the Public Service Board.

Despite these positive steps, there remain fundamental challenges in the management of county business. The majority of those consulted felt their expectations had not been met by the County's administration. They attribute the derailment of county development progress to internal politicking, nepotism, and corruption.

Drivers of Accountability

This briefing is based on a conflict assessment of Kisumu County undertaken by the National Council of Churches with support from Saferworld

This analysis is produced under Saferworld's Drivers of Accountability programme, currently being implemented in three counties in Kenya. This programme supports conflict-sensitive approaches to devolved governance by supporting national level and county institutions to develop the knowledge, expertise, and resources to adopt conflict-sensitive approaches to public participation and service delivery. The programme also supports communities to hold their county administrations to account and to act as a check on any potential abuse of power.

¹ Kisumu County Peace and Conflict Profile, National Steering Committee on Peacebuilding and Conflict Management (NSC), 2013.

Methodology

This briefing is based on field and desk research carried out in July 2014 with a review of the data in October 2014. The research employed qualitative data collection methods. Through structured focus group discussions, the informants participated in a joint analysis of their county to generate conflict dynamics current in their localities. Nine focus group discussions (FGDs) were carried out in nine wards in the county: Nyalenda A, Nyalenda B, Kondele, Kisumu North, Railways, Migosi, Muhoroni- Koru, Chemelil, and Market Milimani. The FGDs were conducted with representation from women, youth, minority groups and people with disabilities. They were supplemented with sixteen key informant interviews (KII) with community representatives, including women, youth, people with disabilities, and people from other minority groups. Eight key informant interviews were also carried out with county government officials, local leaders, opinion leaders and representatives of local civil society organisations. The informants were selected on the basis of their knowledge of the context and conflict dynamics in Kisumu County.

Context

Kisumu County is located in the Nyanza area of Western Kenya. It borders Vihiga and Nandi Counties to the north, Kericho County to the East, Homa Bay County to the south and Siaya County to the west. The total population, according to the 2009 national census, is 968,909 people of which 51.1 per cent are male and 48.9 per cent female. The County is predominantly inhabited by Luo, Luhya and Gusii communities, but there are also minority groups including the Kikuyu, Somali, and Indian communities. The County is divided into seven sub-counties; Kisumu West, Kisumu East, Kisumu Central, Muhoroni, Nyakach, Nyando, and Seme.

The city of Kisumu is the third largest in Kenya and is the capital of Kisumu County. It has developed progressively from a railway terminus and internal port in 1901, to become the leading commercial/trading, industrial, communication and administrative centre in the Lake Victoria basin. In addition, Kisumu serves as the communication and trading confluence for the Great Lakes region – Tanzania, Uganda, Rwanda, and Burundi.

The perceived lack of access to resources, opportunities for livelihoods, as well as opportunities to participate fully in dialogue on issues affecting local people has often resulted in conflict in Kisumu. Conflict issues have also been linked to the question of community identities – whereby community groups identify with particular areas, claiming to have originated from those areas and arguing that they have been denied access by opposing communities. In Kisumu this has occurred in relation to

administrative and political constituency borders along the Kericho-Kisumu border. In this case, conflict has been around access to land for livelihoods and community identity.

Perceptions of political marginalisation in the past have often driven conflicts in Kisumu County. Interviewees viewed the 2007-2008 post-election violence as a culmination of anger towards the perception of being politically marginalised as their preferred presidential candidate, Raila Odinga, was allegedly denied the presidency. The violence that followed involved local communities evicting those they considered non-locals who had been in Kisumu on account of business or employment opportunities. Properties, especially business premises and homes, were looted and burnt, mainly by youth though women and elderly men were also involved in perpetrating these crimes.

Because of the presence of other issues that have caused violent confrontations in the past – for example, cattle rustling at the Nyakach/Nandi border and boundary disputes in Muhoroni – political risks in Kisumu remain high, especially during elections, and are likely to fuel the ongoing conflicts mentioned above.

The general public and the national government believe that devolution can be a successful instrument of promoting participation, representation, inclusion and accountability. Through close proximity to communities, subnational governments can effectively respond to the needs of the people and consequently salvage legitimacy. However, in Kisumu County, as in other conflict-vulnerable counties, devolution has proven to be a double-edged sword. The manner in which devolution is implemented has great implications for whether or not contesting or conflicting groups are actually represented in the public arena, and whether the arrangement contributes to peacebuilding efforts. In Kisumu, the wrangles within the governor's office and between the governor's office and the county assembly members over myriad issues² have only served to disenfranchise the people and heighten tensions.

The County has a number of civil society organisations working on peacebuilding initiatives that target the communities and specifically youth and women. These organisations have partnered with government institutions such as the National Steering Committee on Peacebuilding and Conflict Management (NSC) and the National Cohesion and Integration Commission (NCIC) to conduct peace meetings and create awareness on peaceful coexistence. These efforts were seen to be successful, especially during the election period in 2013. These initiatives are not as active as they were

² Participants during the FGD in Kisumu highlighted issues such as allocation of allowances for travel and identification of ward administrators, amid calls for the resignation of the Governor.

previously but it is clear that violent conflicts will recur if peace efforts do not continue.

Drivers of conflict

Political marginalisation

Communities in Kisumu County, particularly the Luo, feel marginalised by past national governments. In their view, the current government has also largely ignored them. A perception of the overt political isolation of the region feeds a deep sense of marginalisation. Kisumu region has often been marked by the opposition of its political leaders to the central government. Most of the political leaders from the region have been on the periphery of national politics and government despite having played a central role in the clamour for greater democratic space. This is believed to have led to relatively little development activity in the region.

Given the historically ethnicised politics of the Kenyan state, 'opposition' to the government has often meant rejection of the government and its entire work. This is because the national government has often been equated with the president and by extension his ethnic group: so if a politician from a particular ethnic group is seen as an opponent, then members of that ethnic group are viewed with suspicion and in turn have often been suspicious of the government's intentions toward them.

Members of non-Luo communities consulted during the interviews attributed politically motivated violence in Kisumu to the Luo community, with other smaller communities claiming to bear the consequences when a Luo candidate does not win an elective seat.³ Disputes over the results of the 2007 elections, which saw local political leader Raila Odinga officially defeated, led to waves of violence across the country, including in Kisumu, where violence was most often at the hands of the police, reinforcing a sense of mistrust towards the national authorities and the police which remains strong to date. Businesses also saw economic losses because of the violence as well as looting, creating tense relationships between communities in Kisumu.

Observers say the situation is further complicated by a deep-rooted problem of political patronage that has stifled the development of local political leaders. One participant claimed that potential political leaders can only progress in the region with the endorsement of Raila Odinga, who remains the key political leader in the region, despite losing the 2013 presidential elections. Participants in the research claimed that this has resulted in politicians owing loyalty to an individual, rather than the community that elected them, and hence see no need for competitive development. One actor said: "The results of following

one path of politics have undermined the development of this region."⁴

Inter-ethnic tensions

The mobilisation of negative ethnic attitudes by political leaders during election campaigns contribute to ethnic polarisation, particularly during election campaigns. Politicians often exploit perceived differences between communities so as to be seen to be championing the rights of the locals, for their own political interests. Many people interviewed felt that communities in Kisumu continued to consciously rely on ethnicity to perpetuate their dominance and hegemony in an atmosphere characterised by scarce resources, fear, and prejudice.

For example, Kano is a fairly cosmopolitan constituency with a sizable rural Kano population. As such, the inhabitants of the Kano plains area have always seen themselves as the legitimate owners of the land and aspired to produce its leadership. Conflicts have often occurred when perceived 'non-native' communities such as the Luhya, Kisii, Kikuyu, and Asian communities elect politicians who are not from the Kano community. Yet, the 'outsider' population in the constituency is sizable and have often voted for a non-Kano candidate, often with success. The current MP for the constituency is of Asian origin.⁵ These realities have often led to political violence in the past and have more broadly contributed to increased tensions between communities

Devolution, corruption, and nepotism

Nepotism and corruption were identified as factors driving conflicts in Kisumu County. There were perceptions amongst some Luos and members of minority communities interviewed during the research that devolution has brought and is bringing new forms of marginalisation, because they believe that more powers are concentrated in the hands of the major Luo clans who hold most of the political positions in the county.

Many from minority communities, including leaders, complain of a lack of inclusion in decision making processes as well as lack of equity in the allocation of county jobs and contracts. Many of those consulted stated that county contracts and jobs are allocated to individuals from some specific Luo clans (those which key leaders belong to) and that most tenders were not openly competitive. However, the assessment could not further substantiate these allegations.

The lack of clarity on the different roles of the Governor and the County Commissioner in the County and the division of responsibility between the

⁴ Respondent during a KII in Kisumu town.

⁵ National Steering Committee on Peacebuilding and Conflict Management, Kisumu County profile report, 2013

³ Participant in an FGD undertaken in Kisumu town.

two sparked tensions as devolution was initially implemented. However, these tensions have begun to reduce as both levels of governments have clarified their understanding of their respective roles and mandate within the county structure. Civil society organisations interviewed also reported that there were tensions between the County officials and the Transitional Authority, responsible for overseeing devolution nationally. County officials were said to have been initially suspicious of the role of the Transitional Authority and hesitant to work with its officials – each institution persistently policing the other – but the relationship appears to have improved through dialogue.

Poverty and unemployment

Diminishing resources, particularly within the fishing sector, have accelerated levels of poverty amongst the urban poor in Kisumu. There are few industries in Kisumu and many communities do not practice commercial farming but rely heavily on fishing from Lake Victoria. The number of fish in the lake has significantly reduced over the years because of over exploitation, diminishing fishing-based livelihoods. The respondents alleged that past governments failed to promote the region's tourism potential, further limiting the economic growth and development of the region.

The closure of several factories has also contributed to the enormous economic challenges faced by the local communities. Sugar factories including Miwani, Chemelil and Muhoroni have all closed operations in the county. The cotton industry is also on the brink of collapse. Youth groups consulted indicated high rates of poverty and unemployment. This has led to continuing insecurity as many unemployed young people are joining armed gangs to supplement their livelihood.

The closure of the Oile market in Kisumu town in September 2014 by the County authorities further exacerbated the economic situation. Hundreds of local traders were displaced, further increasing the number of unemployed. The County administration evicted traders from the market, which was located on the grounds of a gazetted recreational park, on sanitation grounds and because it lies in the path of a bypass currently being constructed as part of the Northern Corridor Transport Improvement Project to improve roads to east and central Africa.

Many interviewees linked these challenges to rising urban crime and broader insecurity in the county. Armed robberies from shops, banks, and homes as well as carjacking incidents are all reported to be on the increase.

Police harassment and growing mistrust

Police harassment and public mistrust of the police authorities was identified as a key driver of violence in the county. The recent rise in armed crime has increased hostilities between the police and public. Youth consulted in Kisumu gave the example of mass arrests of youth and harassment of suspects, alleging that many innocent youth are arrested without following due process, often involving police violence which include beatings. Many also felt that the national government has in the past used state machinery, particularly the police, to control the local population during elections, resulting in long-standing mistrust exacerbated by police killings during the 2007-2008 post-election violence.

Gender-based violence

Gender-based violence is rampant in Kisumu, particularly in the informal settlements of Kondele and Nyamira. Cases of new HIV infections, wife inheritance (a cultural practice whereby a woman whose husband dies is 'inherited' by another man, where he will usually take on the duties of the deceased husband), and assault are increasing, according to one member of a women's group in Kondele. She attributed the rise of HIV cases to an increase in the sex trade amongst teenage school dropouts. The threats of widows being disinherited by in-laws if they refuse to be inherited as wives have made many women succumb to sexual demands.

HIV/AIDS remains a major social challenge. Inadequate care and support for the sick in the community results in high mortality rates among the victims. Orphans and widows are often marginalised in the community because of a lack of kinship networks to act as support structures. Substance abuse amongst teenage boys and girls have also been cited as factors contributing to gender-based violence and social problems in the community.

Boundary disputes

The Kibos, Miwani, Muhoroni, and Nandi communities have been particularly affected by boundary disputes, resulting in conflict between the Luo and Nandi communities. The Luo and Nandi communities dispute the exact boundaries of the Rift Valley and Nyanza areas around the Muhoroni area. The Luo claim their boundary stretches up to the escarpment while the Nandi insist it is only up to the railway line. Each community claims the disputed land belonged to their ancestors and therefore still belongs to them. Tension and intermittent clashes have adversely affected the growth of centers such as Kibigori, Chepsueta, and Chemase and slowed farming activities. For example, the Potopoto farm in Kibigori area, one of the most contentious areas, has previously deployed armed youths to guard the land.

These boundary conflicts are exacerbated by national politics and voting patterns. Politicians have been accused of using the conflicts to create ethnic tensions ahead of elections. The political relationship between former Prime Minister, Raila Odinga, from the Luo community, and the current Deputy President, William Ruto, from the Nandi community, informs local dynamics along the border. Individuals consulted on the Kisumu side of the border said that they felt the situation was better when the two leaders were in the same political alliance, but hostilities rose as soon as they were in opposing groups.

NCIC has, in the recent past, moved to end the land disputes between the two communities living along the Muhoroni border. The inter-community dialogue meetings facilitated by the NCIC agreed to establish Anti-Stock Theft Police Units to deal with cattle rustling as well as establish police posts along the border. This initiative has been relatively successful although there are some cases that are still reported.

Sporadic cattle rustling on the Nyakach–Nandi border

There are sporadic cases of cattle rustling along the Nyakach–Nandi border. An area chief within Nyakach stated that the theft is predominantly perpetrated by the neighbouring Kalenjin community in collusion with some Luo youth. The Luo youth provide information on the availability and location of the target cattle and the Kalenjins execute the actual theft. According to the area chief, these two groups share the profits once the cattle are sold on the market. The Kalenjin community mainly lives on the eastern side of Upper Nyakach, while the Luo community mainly resides in the western side. These incidents have led to violent clashes and counter raids which have led to over 20 deaths and the displacement of 500 people in the past two years, from both communities. Recent raids, between February and April 2014, were attributed to cattle rustling, but the issue of the disputed boundary also crept in. The discovery of potential oil deposits in Nyakach and Kericho, along the contested border, has contributed to increasing tensions, as have political tensions between the two communities due to their opposing political affiliations, political incitement by local leaders as well as a lack of resources including water.

However, according to one local official, an uneasy calm has slowly returned to the area following the deployment of contingents of police from the Anti-Stock Theft and General Service Units in 2014.

Existing peace and security architecture

District Peace Committees

The District Peace Committees (DPCs) from both Nyakach and Nandi were involved in facilitating peace

dialogue forums to bring together Luo and Kalenjin community representatives and leaders following revenge killings as a result of cattle theft from Nyakach constituency. The DPCs coordinated these meetings with the County Security Committee, chaired by the County Commissioner, and brought together communities and peace actors in the region. The County Commissioner's office provided transport and other facilitation costs for members of the DPCs, who are now provided for under the National Peacebuilding and Conflict Management Policy.

The County Commissioner's office in Kisumu has supported peace efforts through facilitating the logistics of elders and peace committees from Nyakach and Kericho. The elders from both communities were urged to monitor and report the activities of suspected cattle rustlers. The County Commissioner has also participated in joint peace barazas/meetings organised by local NGOs and Community-based organisations. The Kenya Police have also increased police patrols along the Sondu border. Participants said these joint efforts have significantly reduced cattle theft and insecurity in the area.

The County Peace Forum (CPF) for Kisumu County has been established but has not yet begun its operations. The CPF will be expected to work with CSOs, peace committees, the county government, security agencies and other stakeholders to ensure that peace initiatives are undertaken in a coordinated and efficient manner.

Reformed gangs

Kisumu is home to a number of armed gangs. Some gang members who were previously responsible for violence in their communities, and who were alleged to have been hired by politicians to cause violence and instability around elections, have publicly renounced violence and become peace advocates in their communities. Most notable of these are the Baghdad Boys. The group emerged in 1990 and were said to have been responsible for deaths and looting during the 2007 elections. Since 2012 they have renounced violence and are now involved in peace work and youth micro-credit initiatives.

The National Cohesion and Integration Commission

The NCIC has moved in to end the land disputes between the two communities living along the Muhoroni border. The peace meeting organised by NCIC brought together county security chiefs, elders, and residents. The meeting also resolved to embrace the 'Nyumba Kumi' initiative, cultivate sports and cultural activities as well as encourage intermarriage between the two communities to reduce the long-standing conflicts between these two communities. Nyumba Kumi is a controversial security initiative, which requires groups of ten households to provide information on each other to the Kenya Police. Inter-

community meetings held in Kisumu County to address the boundary dispute resolved to establish Anti-Stock Theft Police Units to deal with cattle rustling as well as put up police posts along the border.

Civil society organisations

Several organisations have been involved in peacebuilding and reconciliation initiatives. These also include the media, faith-based organisations, women and youth groups. Political parties have also played a positive role in peacebuilding. All these organisations have been involved in holding peace and security meetings in collaboration with the security agencies and County administration. In addition, the various groups mentioned have also made attempts at linking early warning to response through working closely with security agencies or formulating appropriate responses to correspond to issues that arise. These range from community dialogue and elders' interventions to police interventions to secure areas where violent conflict has erupted or where tensions are high. Coordination of the various peacebuilding actors in the county has however been one of the greatest challenges. This has been attributed to the high number of organisations that are engaged in peace and reconciliation activities within the county. Efforts to coordinate these CSOs activities are underway, through the county governor's office and the NSC.

The impact of devolution: threats and opportunities

There have been a number of positive impacts from devolution, particularly the County's development initiatives. The County government has provided subsidised tractors for hire for farmers. They have also been involved in the removal of water hyacinth from Lake Victoria and have begun implementation of a youth enterprise fund. They have also distributed solar fridges to the fish industry, seeds to farmers, and drugs to health centres. However, compared to the expectations of the public and their reports of rising poverty and unemployment in Kisumu, these interventions are perceived as minimal.

Significant challenges to the County administration have been caused by internal wrangles between the Speaker and Members of the County Assembly (MCAs), with the Speaker accused of misappropriating county resources. The Assembly has not been able to transact business because of these wrangles. These wrangles culminated in the impeachment of the Speaker on 21 October 2014, but she was reinstated by the Industrial Court, which ruled the impeachment null and void. The reinstatement of the Speaker might now allow the County government to expedite stalled government business.

There also reports of strained relations between MCAs and the County Executive Committee (CEC). According to interviews with county officials, the MCAs believe they were directly elected by the public and therefore have more powers to decide on the allocation of county resources, viewing the CEC as appointees of the Governor and lacking a public mandate. This stance has made the County Executive officials fearful of the MCAs with frequent threats to impeach members of the CEC.

Citizen participation was also highlighted as one of the aspects that is yet to be appropriately implemented in the county. The rationale behind devolution was to transfer the power and responsibility from central to local governments in the spirit of empowering citizens by empowering their local leaders with the responsibility, resources, and capacity to advance political democratisation and promote economic and political growth. However, there have been challenges in realising citizen participation, one of the important pillars in empowerment. Interviewees viewed the devolution process as a prime opportunity to achieve better service delivery and to participate in the governance process and enhance accountability. The County has however been slow in operationalising the guidelines that would support the participation of its residence, including engaging in awareness creation.

Conclusion

Kisumu is prone to politically motivated conflicts but has recently been largely peaceful despite incidences of sporadic cattle theft and urban crime. Since the region and its dominant community – the Luo community – have been on opposition politics for nearly the last 50 years, most of the conflicts experienced here are politically motivated. The closure of key factories in the county coupled with depleting number of fish in Lake Victoria has significantly impacted on the local economy. Improved County government management of local resources and enhancing local productivity is necessary to tackle conflict and to reduce potential shocks linked to diminishing livelihoods.

It only takes the right trigger to set violence in motion again. The groups consulted reported that formal early warning mechanisms are weak within the County, an aspect that has been a problem even before devolution. Capacity to prevent conflict, especially if politically driven, is low. There is need to build the capacity of the local peace actors on conflict early warning and early response. Active peacebuilding initiatives should not wait until there is a conflict to respond to. There is need for renewed and continuous peacebuilding and reconciliation efforts among communities in conflict.

Recommendations

Recommendations to the Kisumu County authorities

- Initiate a programme that seeks to sensitise and mainstream conflict sensitivity across County programmes.
- The recruitment of County employees or officials should be transparent, including the wide circulation of e-advertisements.
- Initiate dialogue between the County Executive and Members of the County Assembly to improve the relationship between them.
- The Governor's office should give regular briefings on the status of County development initiatives, including through a monthly report on progress and challenges. These briefings will help build community ownership of County projects and remove negative perceptions around marginalisation.
- The County government should establish a communications office to coordinate communications to the public. Such an office will help dispel rumours that often lead to mistrust and conflicts within the communities.

Recommendations to the national authorities

- Strengthen the existing peace committees. These committees will help facilitate intercommunity dialogue and strengthen local responses to conflict. All key partners should be part of the process to ensure local support.
- Strengthen the strategies and approaches peace leaders may adopt. For example, any rules and regulations agreed to must be strictly adhered to, monitored and enforced.
- Design and promote an appropriate civic education campaign to improve the governance environment, challenge attitudes, increase awareness, improve the conduct of politicians, and maximise the positive opportunities around elections.
- Increase the number of police posts to enhance police patrols along the Nandi–Nyakach border.

Recommendations to NGOs/CSOs

- Coordinate with the national and County authorities to support the strengthening of peace structures including the County Peace Committees through training and facilitation of their work.
- Develop mechanisms to support citizens monitoring of progress of County development programmes. These will enable the citizens to actively seek quality service from their government.

- Undertake broader livelihood programming to improve community resilience and welfare. Such programmes have the potential to positively change lives of at-risk youth and help them engage in productive activities.

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About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with local people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe that everyone should be able to lead peaceful, fulfilling lives, free from insecurity and violent conflict.

We are a not-for-profit organisation with programmes in nearly 20 countries and territories across Africa, the Middle East, Asia and Europe.

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About LCPI

The Local Capacities for Peace International (LCPI) is a registered non-governmental organisation that offers advisory services for international and local government affiliates and faith-based organisations in the areas of conflict sensitive development, humanitarianism, and peacebuilding, as well as conflict transformation.



NATIONAL COUNCIL OF
CHURCHES OF KENYA

About NCCK

The National Council of Churches of Kenya (NCCK) established in June 1913 is an umbrella body of 27 protestant churches and 18 Christian organizations with a vision of 'One Church; United in Faith and Mission Witnessing to Jesus Christ and Transforming Lives'. Its mission is "to transform lives through ecumenism, capacity building, advocacy and service delivery". The council's programmes are structured into four thematic focus areas: Capacity Building for Membership; Governance, Economic Empowerment and Environment; Education and Health; and Emergency Response and Refugees Services.

Kisumu county



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