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# COMMUNITY-BASED LOCAL CAPACITIES FOR PEACE IN PASTORALIST AREAS: The Case of Isiolo District-Kenya

**Kimani** M. J.

**Thesis submission for the degree of Doctor of Philosophy in International Peace studies:**
**Trinity College, University of Dublin**

Irish School of Ecumenics

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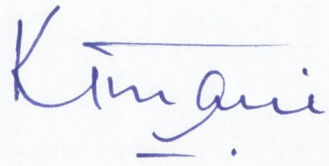
Signed: 

Name: Kimani M. J.

Date: Feb. 5, 2007

**Summary**

There exists a conventional contention, albeit largely anecdotal, that pastoralist areas, for all intents and purposes, are "a lost cause". There is a relentless media bombardment portraying communities forever embroiled in violent and deadly conflict, inaccessible, ravaged by drought and famine and shadowed by hunger and death of people and their livestock. TV footage portrays nothing but heavily armed marauding gangs of raiders wreaking havoc sometimes on their own people, but mostly on neighboring communities in violent livestock raids. The colonial governments started painting a picture that the post-colonial governments have all been too eager to embrace thus, giving credence to a myth of a community in perpetual war with itself. However, this research study hypothesized that this myth has no foundation.

The basis of the hypothesis was simple – why, given the extreme difficulties in which pastoralists find themselves, including ravages from natural and man-made catastrophes are these communities, by and large, still intact? The hypothesis was that, in light of the absent and/or incompetent conventional governance, there exist other fallback tools and instruments which the communities use. We referred to such tools and instruments as traditional structures but borrowed from Mary Anderson's "Do No Harm" work and called them the pastoralist traditional local capacities for peace.

Conventional myth contends that such instruments do not and/or would not exist in such a violent environment and if they did that, they would only be some scattered, ad hoc, case-specific rules used by a few privileged traditional leaders to perpetrate and perpetuate hegemony over a hapless community. Even supposing that this was not the case and such structures did really exist, they would still be some archaic contraption of governance of little significance and inapplicable in today's globalizing world with fast changing lifestyles. Faced with this conventional disposition, the researcher embarked on extensive desk study; analyzed lessons learned from case-studies of actual projects; carried out field research in typical pastoralist areas, and used statistical data analysis methods, held numerous meetings with practitioners –government, civil society and pastoralist communities, attended workshops and seminars and finally drew deeply from personal experiences to validate the hypotheses.

The conclusion was as it had been hypothesized. Local capacities for peace exist among the pastoralists. These traditional structures are not only extensively used but have carved themselves an undeniable niche in the pastoralist areas as far as conflict resolution and peacebuilding initiatives following violent and non-violent conflict over water and pasture are concerned. They are also closely similar, indeed mostly the same as the existing traditional structures of governance. For example, the institution of elders is a critical element of authority in both cases. The structures also employ similar

tools and instruments including song and dance, informal education and socialization, rituals, poetry etc. They also entail traditional forms of enforcement for wrong doing that is biased towards reparative rather than punitive justice.

Further evidence from the study illustrates that although they exist, local capacities for peace cannot "replace the government". Indeed, vis-à-vis conventional structures, it is not a case of either/or, but rather an issue of rational and judicious complementarity. This is because the traditional structures have inherent weaknesses – either internal and/or external. They tend not to be adequately gender sensitive, exhibit trends of unequal representation and participation and appear to be overwhelmed by the fluid transformation of emerging conflicts. For example, those involving indiscriminate use of firearms or those that are politically instigated and/or involve state functionaries. External factors include lack of formal state recognition, assault from forces of modernization, challenge from new religious inclinations, lack of sustainable and well targeted advocacy and, especially the historical and widespread marginalization of pastoralist areas.

It is true that there are specific subtle differences in the traditional structures among the different ethnic pastoralist groups but it would appear that these differences are more to do with the form and not the substance. This means that, at least in conflict resolution and peacebuilding interventions, the approaches used are largely similar throughout the pastoralist areas. It is also evident that the weaknesses affecting their wide-scale application are, with some insignificant differences, similar to those affecting the conventional approaches whether they be in development, security, representation, acceptance etc. For these reasons amongst others, many practitioners in the pastoralist areas have in the recent past started to revive and adapt traditional structures in their conflict resolution and peacebuilding work. It is abundantly clear, from the finding of this study, that the traditional local capacities for peace are making a significant and positive contribution to conflict resolution and peacebuilding activities in the pastoralist areas.

**Acknowledgements**

To come this far in a task like this, one needs and relies on a large pool of close family, relatives, friends and colleagues to constantly draw the much needed assistance and support both in goodwill and material form. In addition, personal networks of former workmates and acquaintances, and sometimes complete strangers, are valuable sources of information. It is not possible, and probably not also fair, to list every one of these sources for, in most of the cases, it might not necessarily be the amount of data or information one gets but a small gesture like a pat-on-the-shoulder is just as valuable on such a long journey.

Having stated the above, it is also undeniable that there are exceptional cases; for example, when I arrived in Ireland, I was privileged to meet and be accepted in two families. The entire fraternity of the Irish School of Ecumenics (ISE) was one such family. It is not enough to say that the research was done in the school, but there were countless occasions that the staff went out of their way, way beyond their call of duty, to ensure that one not only got the assistance and support asked for but was made to feel and know that it was done with absolute pleasure. I could not have asked or wanted to spend such valuable research time anywhere else and look forward to the delight of remaining a member of this precious family.

The Society of Friends in Ireland and in particular the Churchtown Meeting was the other invaluable family. Once again, it is not enough to say the Quaker ethos and guiding principles entail this or that regarding acceptance, friendship, giving, worship etc. Rather, it comes down to people; individual Friends and friends who, on their own accord invite one into the Society and even more importantly into their personal homes and, once again, go out of their way to treat you as one of their own, even occasionally with a little more privilege. In truth, it must be stated here that within this family, I personally never lacked, either, materially and/or spiritually.

For all the friends and colleagues and in particular the Society of Friends fraternity, I cannot, ever, attempt or pretend to pay back, and I know that your generosity was never made with the intention of repayment which is clearly demonstrated by your desire to remain anonymous. What I can give you however, is my solemn promise that I will endeavor to do everything that is humanly possible to ensure that I also make a meaningful contribution to those in need. This is my humble tribute towards your selfless sharing for which I will forever be eternally thankful – Ahsante Sana!

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## Introduction

### Pastoralism and pastoralist conflicts

Pastoralism´s main ideology and production strategy is the herding of livestock on an extensive base or in combination with some other forms of agricultural activity.[1] Pastoralist communities are divided into two main groups – the agro-pastoralists who live a settled existence in fertile areas capable of supporting agriculture and who are integrated into the socio-economic sector, and nomadic pastoralists, whose lives are governed by the harsh environment and revolve around their livestock and its needs.[2]

Pastoralist areas are characterized by endemic insecurity. Conflicts and risk are caused by recurrent natural disasters, particularly long drought periods: they also arise from conflict between different migrating groups, who are competing for the use of key resources, mainly water and pasture. The close relationship between these key resources and the survival of the communities means that the pastoralists will usually employ any means available to them, including violence, to seek and/or claim control of the resources.

Pastoralist communities have a long history of both violent and non-violent resource-based conflicts. These 'traditional' conflicts have, in recent years, escalated and become violent, indiscriminate and destructive. This escalation is attributed to, among other factors, inadequate policing and state presence, disputed land ownership, political incitement, proliferation of illicit small arms and light weapons, commercialization of 'traditional cattle rustling', lack of alternative livelihoods, increasing levels of poverty, retrogressive cultural practices and an increasing breakdown of traditional governance systems.[3]

Violence in the pastoralist areas has had a severe negative socio-cultural, -political and -economic impact on the pastoralist communities including loss of human lifes and property, displacement of communities, breakdown of economic activity and infrastructure (roads, health, markets, schools etc), environmental degradation, inter-ethnic hatred and mistrust etc. All of these have contributed to the gradual erosion of their traditional coping mechanisms and hence increased vulnerability.[4]

### Research hypothesis

As a result of historical marginalization, there is little or no government presence in the pastoralist areas and to date, the little development occurring there is mainly due to Non-governmental Organizations (both local and international) and religious-based organizations. These agencies have been largely involved in humanitarian work but have, in recent times, increasingly

embraced medium and long-term development interventions. As security matters were traditionally considered a preserve of the state, it meant that civil society practitioners considered conflict issues as being outside their mandate. Consequently, these practitioners did not get actively involved in conflict resolution and peacebuilding issues.[5]

Besides a lack of active involvement in security related matters, knowledge and understanding of the pastoralist way of life among many of the practitioners was fairly limited. This led to standardized applications of wholesale 'external' development approaches – including conflict resolution and peacebuilding which were neither tailored to nor suitable for pastoralist needs. As a result, many of these approaches met very limited success and have, in some cases, ignited and/or exacerbated conflicts.

The consequence of the ending of the covert and overt bi-polar politics of confrontation was the metamorphosis of conflicts e.g. the phenomenon shift from inter- to intra-state conflicts[6] that began in the early 1990s. This necessitated a whole new different approach to analyzing, acknowledging and dealing with conflicts particularly in countries going through political reformulations.[7] The 'Do No Harm' hypothesis put forward by Mary B. Anderson in the early 1990s through her Local Capacities for Peace Project, has been credited as the primary catalyst for incorporating peace and conflict management aspects in relief and development project activities. In the pastoralist areas, the new drive hinged on the realization and acknowledgement that, pastoralist communities had indeed their own inherent and time-tested micro-level conflict resolution and peacebuilding approaches that constituted their 'local capacities for peace'.

To date, an increasing number of practitioners have borrowed and adapted an appreciable number of traditional approaches from the pastoralists' pool of local capacities for peace in their conflict resolution and peacebuilding interventions. This impetus has contributed to a change in attitude and the emergence of more effective approaches of responding to conflict in the pastoralist areas. These include a change in the mindsets and approaches of both administrators and traditional elders; a more rapid response by these actors to conflict and security incidents; greater awareness of the extent and impact of pastoralist conflicts on civilian populations; and facilitation of peaceful solutions to violent conflicts etc. Indeed, now many of the practitioners are faced with the dilemma of deciding on the next steps to take in their development work in order to ensure that the communities who have been able to address their conflicts do not slide back into violence.[8]

Although they are being increasingly used, the experience so far with the traditional local capacities for peace has indicated that they have fallen victim to internal and external interference and influence, which has emanated from changing globalization trends and changing community and

societal structures and demands. Also quite significant, is the acknowledgement of a huge gap in knowledge and experience with the application of these approaches in multi-ethnic environments. Thus, when conflicts break out in multi-ethnic situations, the natural tendency is for each individual community to apply its own indigenous approaches, which in most cases are or might be in conflict with those of the other communities with whom they are in conflict.[9]

The hypotheses of this research study are:

1) Indigenous community-based micro approaches (local capacities for peace) to conflict resolution and peacebuilding exist among pastoralist communities;
2) These local capacities for peace are still relevant and are in use in the pastoralist areas; and,
3) Local capacities for peace have the potential to contribute to effective conflict resolution and peacebuilding in the pastoralist areas.

At the outset, these hypotheses take cognizance of the fact that not all local capacities for peace are necessarily appropriate, hence, the challenge is to identify, (re-)test, document and promote those that are acceptable and adaptable. This is particularly important in multi-ethnic situations where the contradicting and/or complementing aspects of the approaches require (re-)framing and "scaling-up" within the context of existing judicial, executive and legislative frameworks and existing government structures.

**Approach and outline of the research study**

While the thesis is, in principle, an academic undertaking, its genesis is not. It was inspired and shaped throughout its course by simple frustration such as is experienced and/or encountered in everyday project implementation by practitioners and communities involved in conflict resolution and peacebuilding activities. Considerable efforts, in time and resources, are expended in the quest for lasting peaceful coexistence among communities in pastoralist areas: yet, even where relative peace has been painstakingly restored, the communities have to contend with the fact that the threat of flare-ups of violent conflict is immensely imminent.

With the constant imminent threat of flare up of violent conflict is the lack of confidence, suspicion and underlying scepticism among communities ability to make any meaningful investment in the conflict resolution and peacebuilding effort which in turn impedes their outcome. Indeed, what is frustrating is the fact that the build-up to these flare-ups of violent conflict is usually common knowledge to those who would care to look, yet neither the governments nor anyone else does anything to avert the threat. Immediately during and/or after the breakout of the inevitable violent conflicts, a plethora of practitioners initiate frantic efforts to scramble together some semblance of

security measures and provide relief supplies but, it is always a case of too little too late and the loss of life and materials and the destruction of the social fabric cannot be stopped.

The simple question by many of the practitioners in the field has, over time, transformed from "why does nobody do anything to stop the breakout of violence despite the evidence available from early warning signs and indicators" to a more fundamental question of how, given that there is no preventive external intervention – even including from government, "the inherent community-based local capacities for peace amongst the communities can be effectively used to mitigate violent conflicts" and, specifically, "how the local capacities for peace can be linked to the existing conventional approaches to conflict resolution and peacebuilding"?.

This dilemma and frustration was always the central issue in meetings with practitioners in the field, where they felt that they had a fairly good idea of what interventions were needed but they lacked the necessary tools and instruments to implement them. It is for this reason that this thesis draws very heavily on actual practical case-studies as illustrated in journal articles, unpublished practitioners' field reports, community opinions and first-hand field experiences of project implementation by different practitioners. To a large extent, academic theories and hypotheses are used only to illustrate the basis and/or origins of the principles that shape the actual implementation of interventions in the field. The need for a thorough understanding and appreciation of the theoretical and academic underpinning of these hypotheses is incontestable, however, even where such references are made, deliberate efforts are made to translate or understand the principles from the point of view of a "lay-man' practitioner, that is, to understand not primarily the scientific theory behind the principle but rather how best to use such principles successfully in conflict resolution and peacebuilding.

The research study has adopted a 3-pronged strategy:

a) Theoretical/scientific desk-study analysis

Various tools and instruments have been developed, mainly by the academia, to address conflict resolution and peacebuilding issues. A cross-section of these tools and instruments were thoroughly studied and analyzed through desk study. A synthesis of the various components of these tools and instruments is presented under literature review.

b) Field research study in the Horn of Africa

Field study in collaboration with a relief and development practitioner was carried out in two phases – an initial phase of 10-weeks to lay out the ground work for another phase of 16-weeks for data collection and analysis. The work of this practitioner was used as the basis of a wider

examination of the contribution and efficacy of local capacities for peace in conflict resolution and peacebuilding in a typical pastoralist area.

c) Write-up and dissemination of Findings

The desk study and the field research findings was synthesized and presented in accordance with the requirements for partial fulfilment of research work as stipulated by the University of Dublin-Trinity College. While the final work is entitled to the University, excerpts and abridged versions of various sections, especially those focusing on potential tools and instruments have been shared with the practitioners in the field. This was done in the spirit of bridging academic research and everyday fieldwork experiences.

**Chapter outline**

It is generally premised that, in everyday life, nearly 80% of the all human activity is about conflicts, dilemma and about negotiating our way through problems. This means that conflicts *per se* are not a problem but it is rather the way we deal with them that determines what form and nature they take.[10] While this may be the case, the Horn of Africa (HOA) has for along time been host to some of the deadliest cluster of conflicts on the globe giving rise to increasing incidences of starvation, slavery, child abduction, child soldiers, ethnic cleansing and high rates of population displacement.[11] Chapter 1 posits that although the genesis of these conflicts is varied, it has nevertheless made them chronic because the communities experience recurrent shocks or emergencies, either natural or man-made, such as droughts, floods, epidemics and politically instigated upheavals that expose them to risk and stress, and the lack of ability to cope with the consequences of such risks.[12] This phenomenon is played out with deadly consequences in the pastoralists areas of the HOA.

It has been pointed out that pastoralism is a mode of production where livelihood is derived mainly from livestock foraging on natural vegetation in areas where other opportunities for alternative livelihoods, including agriculture, are limited due to severe climatic conditions and in particular lack of adequate water. The AU/IBAR project states that 'the pastoralist population of sub-Saharan Africa is estimated at more than 50 million people while Ethiopia, Eritrea, Sudan, Djibouti, Somalia, Kenya and Uganda support around 20 million pastoralists'.[13] Chapter 1 points out that since the colonial days there was always skepticism regarding the pastoralist's ability to manage their natural resources. This was because of the mistaken belief that the prevailing pastoralist production modes were responsible for the wide-scale degradation and desertification in the pastoralist areas as a result of the pastoralists' cultural attitudes which were not conducive towards common resource management.[14]

As a consequence, the colonial and post-colonial governments have continuously imposed 'development' paradigms and restrictions in the pastoralist areas that have gradually resulted in the decline of pastoralism. One of the most severe has been the curtailing of migration by the imposition of fixed ethnic and national borders that disregard the seasonal variations and the needs of the people for pasture.[15] The implementation of these paradigms and restrictions has meant that when animals of one group died, the only way to replenish stocks has been cattle raiding.[16] Fortunately, practitioners are increasingly enlightened about the multi-factorial interconnectedness of pastoralist conflicts e.g. protracted conflicts with its resultant insecurity and the widening of the gap between the pastoralist communities and the rest of the population.

The social transformation taking place in many pastoralist areas especially the intense competition of different interests has resulted in the escalation of disputes. Traditionally, the pastoralist communities had in place systems that were sufficient to settle their everyday disputes. For example, among the Borana pastoralists, murder was punished with a fine referred to as *"Qaak'e"* (thirty cattle for each man or woman) that is paid by the murderer's clan members to the victim's family/clan. This fine was negotiable between elders from both sides but the important thing was that it was the 'crime, elder discussion and negotiation, restitution and finally restoration of community life' that were prioritized in order to maintain and build a strong fabric in the society.[17] Two components can be discerned from this example, the elders (institution) and discussion, negotiation, restitution and restoration (tools and instruments or processes). These two components are what chapter 2 refers to as community-based traditional structures of "local capacities for peace". Given the dismal success with the conventional structures, in the recent past, practitioners in the pastoralist areas have increasingly turned to the traditional structures in their conflict resolution and peacebuilding work. These structures face various challenges, the main ones of which are lack of official state recognition and an emphasis on conventional judicial administrative systems which are known to be susceptible to potential manipulation and abuse by those in authority. The conventional systems are considered to be adversarial in style and because, they are based on punitive measures for the culprits rather than redress for the victims, they more often than not create fertile ground for escalating either the existing and/or future conflict.[18]

Chapters 2 also discusses in detail what many practitioners in the pastoralist areas recognize - that there is negative potential emanating from the application of conventional approaches, which it is hoped can be overcome by complementing them with the traditional structures, paying exceptional attention to aspects that would limit their wide-scale adaptation. For example, they have endeavoured to improve the structures and make them more representative and participatory, more gender sensitive, just, fair and sustainable etc. Their efforts have borne fruit and the traditional structures are increasingly proving their efficacy and effectiveness. In the continuing search for answers to this

dilemma, Chapter 3 begins by reiterating Galtung's (1990) contention that what is required is not peace which is casually interpreted as the absence of war – "negative peace" but, "positive peace" which addresses the existing structural inequity and unequal distribution of power - factors that constitute what is referred to as "structural violence". What this means is that only when both physical and structural violence are reduced can "positive peace" be achieved. Thus, 'peace is not purely about an absence of physical violence but is intimately connected to the analysis and practice of social and economic development'.[19]

Amalgamating the different blocks that create positive peace complemented by rational social and economic development constitutes what is popularly referred to as peacebuilding. Activities carried out under peacebuilding are not any different from activities carried out, for example, in community development projects. Like them, they face setbacks: for example, conflict transformation in the pastoralist areas has 'generated unprecedented problems, such as violence by and against women and children, for which there is no precedent among the pastoral communities and which will take the communities time to come to terms with' and even more to develop coping interventions.[20]. They also face setbacks from natural calamities like drought and a diminishing natural resource base, which is usually a trigger for violent conflicts, but, despite these setbacks, the last 15 years have witnessed concerted efforts in (conflict resolution and) peacebuilding by different practitioners in the pastoralist areas. Some of the interventions have involved very ambitious projects covering a multiple of districts and some have gone even further to embrace international cross-border elements. This latter factor is influenced by the fact that pastoralist conflicts are as much intra- as they are inter-community infractions that extend beyond district, national and even international borders.

A caveat was sounded at the conceptualization of the hypotheses that not all local capacities for peace might necessarily be appropriate for conflict resolution and peacebuilding in view of the transformation of the pastoralist conflicts; this argument was further discussed in the preceding chapters. The caveat was quite specific that this anticipated inconsistency would be significant in situations where there would be more than one ethnic pastoralist community with each of them applying their own "case-specific local traditional structures" to both intra- and inter-community conflict over resources commonly shared by others. In an attempt to fathom this contention, Chapter 4 details the characteristics of a typical pastoralist environment. Isiolo district in Kenya was chosen as a case study partly because it is one of the most cosmopolitan and multi-ethnically inhabited districts to have experienced very violent inter-community conflict but also because it has, at the same time and primarily through grassroots peace efforts, seen the restoration of peace. Four communities – Turkana, Samburu, Boran and Somali - are discussed first by treating them as singular entities and then in the context of their place in a pluralist existence with each other. For simplicity purposes, any asymmetries between the communities in terms of power, wealth, numbers, education levels etc are

disregarded and the communities are treated as equals. Thus, when the different representatives sit down at the negotiation tables, they carry the same level of mandate, bestowed on them by their respective communities to act on their behalf and secure what is in the best interest not only of the individual communities but of the larger pastoralist population in the district. This is because, as chapters 2 & 3 has illustrated, pastoralist communities still 'view conflict as a communal concern and the society [is] seen as having the ownership of both the conflict and its context'.[21]

This is further illustrated in Chapter 5 where the analyzed data from Isiolo seems to suggest that pastoralist communities understand their problems quite well and are better placed to resolve them if only they can be facilitated to use their traditional mechanisms and institutions to complement the existing conventional approaches.[22] Indeed, Chapter 5 confirms most of what has been discussed in the literature review in chapters 1-4 but goes further to elicit pertinent information, for example, that there are certain conflicts, like those involving issues of marriages, inheritances, death etc that the pastoralist communities would prefer to use their traditional local capacities for peace to solve instead of resorting to the modern systems of justice. This chapter also demonstrates the close similarities, as pointed out in the literature review, between communities' approaches (traditional and conventional) and drawbacks faced in conflict resolution and peacebuilding. This is further testimony that interventions applicable to one community are equally suitable, with minor refinements, to all the others. Ruth-Heffelbower, for example, points out that this is possible by 'identifying and strengthening natural reconciliation methods as connectors and clearly identifying those methods that contributed to the conflict [thus dividers]; the connectors can play a crucial role in re-establishing or establishing community capacities for peace'.[23] She differentiates between the terms "establishing" and "re-establishing" where 're-establishing happens when a mono-cultural group has been disrupted and needs assistance or [the] removal of impediments using the existing traditional methods, [while] establishing happens when heterogeneous groups are thrust together by conflict and have no traditional methods for handling reconciliation across cultural barriers'.[24]

Chapter 6 concludes that although this "establishing" and "re-establishing" of elements of the local capacities for peace is, undoubtedly, necessary and feasible, it faces enormous challenges both within and outside the pastoralist areas. Within, the challenges are compounded mainly by the impact of neglect and relative deprivation perpetuated by governments over the years. Outside the pastoralist areas, the outstanding challenge remains the lack of governmental recognition and legal backing of traditional approaches to conflict resolution and peacebuilding which has meant that there continues to be 'a marked absence or inadequacy of enforcement mechanisms/framework to effect [for example,] what the elders and other traditional courts have ruled'.[25] This lack of governmental recognition is part of a broader disconnect between pastoralist areas and the rest of the country. This disconnect, both incidental and sometimes deliberate has meant that economically, investment is

prevented and development programmes are hindered in the pastoralist areas while politically, this disconnect contributes, through media representation, to public images of pastoralists as backward, irrational and violent.[26] Fortunately, tools and instruments exist and, were they to be adapted appropriately, would contribute significantly to effective conflict resolution and peacebuilding in the pastoralist areas.

**Expectations from the thesis**

The emotions around pastoralist issues could seriously tempt a research study like this to focus on cataloguing the many shortcomings and/or historical wrongs and crimes committed by different parties and practitioners on one another. Doing this would mean embarking on an evaluation exercise aimed at comparing and apportioning blame to the different groups, who would in turn fight back trying to justify their position however untenable it might be. For this reason, the thesis primarily endeavored only to use accepted scientific tools and instruments to evaluate the proposed hypotheses for their validity or otherwise. To do this, a concerted effort was made to contextualize these community-based initiatives within the prevailing and/or conventional socio-political, -economic, -cultural attributes in order to establish their relevance, weaknesses and potential in conflict resolution and peacebuilding. At the same time, the thesis also tries to identify knowledge gaps that hinder better academic understanding and/or practice in the field.

Are pastoralists' local capacities for peace outdated, case- and time-specific, self-serving instruments of local governance and/or are they another politically-correct development fad embraced by practitioners for selfish interests? Are the traditional local capacities for peace meant to replace the functions of government? If the status quo in the pastoralist areas were to change as a result of their adoption how the would-be potential losers or winners be dealt with and by whom? In addition, are the structures sufficiently flexible and innovative enough to cope with the fast transforming conflicts? These are some of the highlight-issues to look out for in the thesis.

Finally, as much as some lessons can be drawn from this thesis for application in real-life situations, it is important to note that a research study like this cannot constitute a "how-to manual"; neither can it be comprehensive enough to cover the very complex nature of pastoralist issues and/or their local capacities of peace. To illustrate just how complex the issues are, the following example looks at what would, at first sight, be regarded as a straight forward case, that is the increasing assault on women and girls, hitherto foreign among pastoralists, but now an endemic problem. While discounting the occasional incidences accompanying large scale violent raids, it is reported that migrating herders, who are usually away from their homes for extended periods of time engage in the vice, thus triggering conflict with their host communities. In attempting to develop strategies to tackle the root cause of this phenomenon one is faced with the following scenario: the drought that

necessitated the migration, lack of alternative livelihoods necessitating their keeping of livestock in fragile environments, encroachment of pastoralist areas that makes migration a must, neglect by the state and the consequent disregard and a sense of impunity for wrong doing, proliferation of small arms and taking the law into ones hands, traditions of individuals etc.

A "how-to manual" that takes all these factors, amongst others, into consideration would amount to hundreds of pages and would be difficult to read. This thesis is only a very modest representation of a small number of the myriad issues that come into play in the application of local capacities for peace in conflict resolution and peacebuilding in pastoralist areas. The realization of the thesis has been an educative and academically stimulating exercise and it is hoped that it has made a useful contribution to existing knowledge in the academia and most importantly to the work of practitioners in the field.

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# SECTION 1:

# Literature Review

# 1.0 Conflicts in Pastoralist Areas

## Preamble

The complexity of pastoralist conflicts is introduced in the preceding introduction section and continued in this chapter which attempts to detail the diversity of the interrelationships of factors contributing to the conflicts and, in particular, why they are usually violent. The chapter begins with an overview of what pastoralism is and what it means to pastoralist communities. It does not treat pastoralism as a subject matter but only focuses on a cross-section of pastoralist conflicts; and, here again, it does not concern itself with the academic theory of conflicts as such but only attempts to contextualize and understand the socio-political, -cultural and –economic manifestation of and on pastoralist conflicts.

## 1.1 Pastoralism: 'A form of livelihood (production)' and 'a way of life'

'Pastoralism' denotes a practice whose main ideology and production strategy is the herding of livestock on an extensive base or in combination with some form of agricultural activities.[1] However, 'pastoralism is more than a mode of production [as] it is [also a] highly imaginative and original system of intricate modes of social organization and patterns of culture; [in other words] ... a way of life'.[2] In an effort to capture the twin functions of production and way of life, pastoralism can be construed as being 'a mode of perception as well as a mode of production'.[3]

Pastoralist communities are divided into two main groups – the agro-pastoralists who live a settled existence in fertile areas capable of supporting agriculture, who are integrated into the socio-economic sector, and nomadic pastoralists, whose lives are governed by the harsh environment and revolve around their livestock and its needs, influencing their lifestyles and their land tenure systems.[4] In other words, from a livelihood perspective, 'a household that gains more than 50% of its income from livestock using unimproved pastures is classified as pastoral, while one that gains more than 50% from cultivation is classified agro-pastoral[5]'.[6]

Pastoralists raise different types of livestock with different levels of drought and feed shortage sensitivity. The characteristics of the animals and the environmental conditions faced by the pastoralists determine the number and composition of the herds; thus, pastoralist production systems are by and large a product of climatic and environmental factors.[7] To the pastoralists the importance of livestock should not be underestimated. It has been pointed out that, 'a person stripped of stock is stripped of the most active social relationship and thereby of selfhood and self-respect; so it is no wonder that almost every one strives to keep some livestock and those few who have incomes from trade and regular employment continue to invest in stock'.[8] The role of livestock in the life of pastoralists can be summarized as follows:

> Livestock ownership has major cultural significance in many societies, whether rural or urban, and features strongly in local perceptions of wealth and poverty. In areas with low rainfall, livestock are particularly important for human survival. When lack of water prevents crop production, livestock continue to convert natural vegetation into nutritious foods for people.[9]

> But, as Goldschidt observes, one must remember that livestock, particularly cattle, are not merely a food resource; they are also capital, which is essential to all kinds of negotiations involving influence and alliance; they are not merely savings, they are '...a redeemer from damage, a sacrificial gift and a means of marriage and other ceremonial payments'.[10] Indeed, 'the only form of investment available to pastoralists'.[11]

Pastoralism in the HOA has faced many multifaceted problems that are increasingly changing its context and value. In Kenya for example, the material bases of the pastoralists' economy have been disrupted and they can no longer subsist from their herds, and social relationships can no longer be maintained through the traditional systems.[12] It is noted that as a result of their direct 'dependence on a sparse natural resource base' for their survival, the pastoralists have had to develop innovative coping strategies to meet the '... frequent crises caused by the vagaries of nature – animal and plant diseases, drought [and] human epidemic ...'[13] Some of the coping strategies the pastoralists have had to adopt are migration where households with large herds of livestock roam from place to place in search of water and pasture, the demarcation of wet and dry grazing areas and the reliance on the 'segmented character of pastoralist social organization ... [that strongly bind a dense] woven fabric of reciprocal rights and obligations [e.g. livestock herding partnerships, sharing of bride-price payments and reciprocal gifts] that serve to enhance survival, maintain solidarity and redistribute wealth'.[14]

Despite these coping mechanisms, pastoralism in the HOA continues to persistently face an irreversible erosion of its material base as can be illustrated by this example from Kenya.

> The Ilchamus pastoralists suffered devastating losses and impoverishment following a severe drought in 1984. A new phrase 'new pastoralists' was coined to describe the growing number of stockless or near-stockless pastoralists clustered in and around prominent trading centres subsisting on famine relief.[15]

The swelling majority of impoverished Ilchamus "new pastoralists" together with a small minority of wealthy herders, typifies the developing phenomenon where herders are edged out either by commercial settlers, market quarantines, farmer encroachment, use of communal grazing by absentee owners or the expansion of cultivation by the herders themselves.[16] The changes taking place among the pastoralists are well captured in the following statement:

> In sum, what we clearly see is the gradual truncation of pastoralist relations and narrowing of their access to resources, in land use, labor and livestock networks. Such circumscription undermines the strength of a more collective specialized pastoralism - e.g. access to a range of pasture and an extensive shared labor pool - to the benefit of a privileged minority'.[17]

Indeed, the traditional pastoralist morality has collapsed following ruptures in the structure of social relationship on which people's lives were hinged.[18] This collapse aggravated by sustained crisis has orchestrated a phenomenon of endemic conflict 'pitting herder communities against each other, against sendentary neighbors and against the states that claim pastoralists as subjects'.[19] The next section looks at some of these conflicts.

## 1.2 Pastoralist Conflicts

### 1.2.1 Conflict in general

Simply defined, a conflict can be termed as 'a struggle between individuals or collectives, over values or claims to status, power and scarce resources in which the aims of the conflicting parties are to assert their values or claims over those of others'.[20] This struggle over entitlements or assertions of ones' value over others is so deeply embedded in our every day interactions that, it is premised that nearly 80% of all human activity is about conflicts, dilemma and about negotiating our way through problems; hence, conflicts are inevitable.[21] Unfortunately, the term 'conflict' is largely used negatively and synonymously with physical violence i.e. 'any physical assault on human beings carried out with the intention of causing them harm, pain or suffering';[22] but conflict may have its positive elements where it is a normal form of social interaction that contributes to the maintenance, development, change and overall stability of social entities.[23] It has been observed that it is through conflicts that we sharpen our attention and our sense of being alive and that this self realization increases our human interaction and our problems and in the process we learn to deal better not only with the conflicts but also with other people and the society in general.[24]

Like elsewhere in the world, complex conflicts and emergencies in the Horn of Africa (HOA)[25] are characterized by the breakdown or 'failure' of state structures (Somalia, Northern Kenya and Uganda); inter-communal violence (Kenya in '92 & '97, Somalia); disputed legitimacy of authority (state or rebel-Uganda, Somalia, Sudan and Ethiopia); theft and misuse of aid to prolong or exacerbate the conflict and the abuse of human rights with the deliberate targeting of civilian populations (Somalia, Sudan and Uganda).[26] The conflicts in the HOA are also chronic in that they primarily experience recurrent shocks or emergencies, either natural or man-made, such as droughts, floods, epidemics and politically instigated upheavals that expose the community to risk and stress, and the lack of ability to cope with the consequences of such risks.[27]

In many conflicts, bad or non-existing governance has often been presented as the core root cause - be it poverty, scarcity of resources, (national) inequality, chaotic and insecure living conditions, human rights violations, discrimination or violent conflict and even natural disasters which often stem from exploitative and damaging environmental policies.[28] This is largely true as many of these conflicts 'are mainly caused by injustice: social, economic and political structures perpetuated by a small elite group at the expense of the larger community that is denied the most basic economic and political rights...'[29]

However, the emphasis on the internal aspects of root causes, which neglects the external influences such as colonialism, unfair trade regulations, global inequality, the impact of transnational

corporations on the local economy and the environment, arms trade and development aid and particularly the role of the International Financial Institutions and their structural adjustment programs, has been criticized.[30] Indeed, it has been pointed out that protracted conflicts[31] entail political, social and transnational issues. These are all products of interlinked and mutually determined factors that include long-term processes which produce patterns of vulnerability that frustrate the community's entitlement, control and access to resources.[32] This is true in the case of pastoralist conflicts as illustrated in the following discussion.

### 1.2.2 Social-political factors

#### i) Colonialism and colonial boundaries

It has been variously argued that the arrival of the colonialists is probably the single most disastrous thing to have happened to pastoralists in the Horn of Africa (HOA).[33] This is despite the fact that 'colonialism, [*per se*], was least concerned with pastoralists among its subjects [but,] its rule had fateful consequences for them'.[34] To start with, irrepressible colonial boundaries were drawn without consultation with the locals or without regard to the indigenous mode of production or communal relationship and inter-relationships. In the pastoralist domain, the land was considered empty because it was largely without settlement, albeit used for migratory grazing, and therefore prime for 'grabbing'. Charles Elliot, the then governor of the East Africa Protectorate, clearly espoused this 'when he expropriated Masai land … for European settlement' stating:

> I cannot admit that wandering tribes have a right to keep other and superior races [sic] out of large tracts [of land] merely because they have acquired the habit of straggling over far more land than they can utilize.[35]

This disregard of the local status quo by the colonialists resulted in the 'partition of many pastoralist communities among two or more states [and,] in the worst case, the Somali were apportioned among five states; the Afar among three; the Beja, Borana, Karamojong, Masai, Nuer and others between two states'.[36] Effectively, this partition meant that the pastoralists found themselves '… on the margins of every state … cut off from their kin, traditional leaders, markets and places of worship [which effectively meant that the] economic viability, political integrity and social solidarity of pastoralist society were gravely and permanently impaired'[37]. Inadvertently this partitioning worked to the advantage of the colonialists who specialized in the art of divide-and-rule.

Pastoralism in the HOA is dependent on a sparse natural resource base whose ecological marginalization is manifested by relentless harsh weather, scarce rainfall and poor soils; one of the coping strategies for survival is mobility of both people and their livestock. '… Movement is essential for pastoralists because low and erratic rainfall in dryland areas causes marked spatial and temporal variations in the grazing resource on which livestock depend'.[38] Indeed, it is rightly observed that 'the

twin imperatives of extensive use of land and freedom of movement over it' are the hallmark of pastoralist survival.[39] However, free 'migration was severely curtailed by the drawing of ethnic and national boundaries and the restriction of cattle movements'.[40] The pastoralists were constrained within provincial boundaries or designated tribal grazing areas and those who grazed outside this constraint faced the 'pain of heavy fines and confiscation of livestock' as a punishment for trespassing.[41] The colonial boundaries cut through communities and dispersed them in such a way that they 'disrupted the natural process of adjustment that maintained a balance between people, land and livestock'.[42] It was therefore inevitable that, in order to survive, pastoralists largely contested and ignored these colonial boundaries interpreting them according to their traditional ecology; however, by doing so, intra- and intercommunity tensions over competition for scarce resources are exacerbated.[43]

### ii) Geo-politics, inter- and intra-state rivalry

The majority of the conflicts in the HOA have always had political roots with many communities struggling to protect their security, assert sovereignty, and fight the imposition of religion, equal rights and self-determination.[44] During the Cold War, brutal governments in the region - not averse to instigating and/or condoning violent conflicts - were supported with "military aid" by the superpowers and their proxies for ideological and economic reasons.[45] A good example of implicit involvement of external hegemony was witnessed between Kenya and Somalia in the mid-1960s.

> Despite a peace treaty singed in Arusha-Tanzania in 1967 between the two States over the former Northern Frontier District following an unsuccessful cessation war by Kenyan Somali who wanted to join a greater Somalia, a strident military regime ruling Somalia with support by the former Soviet Union tacitly revived the struggle for Greater Somalia. This regime, led by the later ousted Siad Barre, armed and trained its populace in anticipation of the liberation war to consolidate the entire Somali speaking territory. Although this venture was never realized, it did raise tension and uncertainty in Kenya.[46]

Since the 1990s, after the cold war, the many arms in the region found their way into civilian hands. The removal of patronage by the superpowers largely weakened most of the governments and the hitherto suppressed ethnic tensions, economic disparities, resource competition, religious differences etc began to emerge in earnest.[47] Heavily armed communities turned against one another and the HOA witnessed the resurgence of some of the most intractable bloody civil conflicts.

Pastoralist areas in the region fared worse than the rest of the citizenry particularly with regard to the inter- and intra-state conflicts. Interestingly, many of the 'conflicts have origins, leadership and goals that are not always related to the immediate concerns of the pastoralists'.[48] In many of these conflicts the 'common denominator' is the struggle for power albeit waged 'under ethnic, nationalist, regional or religious banners' yet, pastoralists have proved enthusiastic recruits in the militias that sprouted throughout the Horn [of Africa]'.[49] It should be noted however that some of

the pastoralists join the conflicts 'opportunistically to get weapons for use in their parochial confrontations [and/or] ... as a response to the call of ethnic kinship, as in the Somali region of Ethiopia...'[50]

In intra-state conflicts, the "battle-weathered" pastoralists are recruited by embattled regimes and front-lined to tackle those considered as "enemies of the state". A good example is the administration of Obote II in the mid-1980s that 'recruited Karamajog warriors to fight against the National Resistance Army [(NRA)]'.[51] The NRA had vowed, and finally succeeded, to oust the Obote regime. This trend has continued into later years, for example, the government of Sudan is accused of recruiting and clandestinely arming the Arab pastoralist "Janjaweed" militias to prosecute a bloody and violent conflict in the Darfur region to the west of the country.[52]

**iii) Marginalization and absence of government and state governance**

It has already been pointed out that the arrival of colonialism was a significant factor that set in motion the demise of pastoralism in the HOA. Not only were pastoralist lands partitioned and expropriated and the movement of pastoralists restricted, but the entire pastoralist 'zone saw nothing of the social and cultural advances of the colonial period'.[53] The pastoralist areas did not benefit from elementary education and health services and any semblance of efficient transportation and communication infrastructures were not addressed. In addition, the colonial administration attempted to rein in the pastoralists not only by confining them within set boundaries, but also by imposing taxes and penalties on them. [54] These were alien concepts to the pastoralists and their lack of adherence to them put them in perennial conflict with the administrations. These conflicts led the administrations to classify the pastoralists as headstrong, wild and uncontrollable. Pastoralist areas were declared "restricted" and 'travel to and from these districts required prior permission, and livestock movement was prohibited'.[55] Special emergency laws were enacted specifically to deal with these areas, for example, the north eastern province of Kenya was under a state of emergency from 1966-1991 with similar emergency laws applied in the Somali region of Ethiopia and in the Karamoja area of Uganda. It is noted that to date, 'Kenya's Northern Frontier District [NFD] and some parts of Masailand, the Ogaden in Ethiopia, the Karamoja district in Uganda, and southern Sudan' still experience some form of restriction which continues to aggravate their remoteness and isolation. [56]

The coming of independence did little to alleviate the marginalization of pastoralist areas and until the twilight of the twentieth century, many of the states in the HOA did not consider pastoralism an economically viable mode of production. Consequently they tended to ignore and neglect the welfare of the pastoralists in terms of development and the distribution of political and economic resources. This was despite the fact that pastoralism was the only environmentally and economically viable livelihood[57] and that the pastoralists had a fairly good grasp of their situation and adopted

remedial coping mechanisms. In most cases, the pastoralists were not considered when formulating macroeconomic policies, or discussing aspects of good governance[58] such as state-society relationships, the questions of democracy and the role of the state in development.[59] The degree of this marginalization is illustrated by the observation of one of the leaders in Karamoja 'our people do not feel like part and parcel of the Ugandan nation. We are not treated as such by the rest of Uganda, and in turn the Karamojong do not know that other Ugandans are part of us'.[60]

The consequences of the marginalization and lack of recognition has been not only the lack of capital investment in the pastoralist areas but also the fact that governance has mostly been by "remote control" from far away central governments that appoints and posts the administrators. Most of these administrators, including pastoralist development planners, do not have sufficient training and/or understanding of the pastoralist way of life. Indeed, many of them come with biases and subscribe to the rhetoric that pastoralists are primitive, irrational and ignorant of their ecology and resource management.[61] The feeling of pastoralists towards such officers is captured in the following observation by a community development worker in Karamoja:

> These people have absolutely no idea or even interest in the development of Karamoja. They do not understand our culture, nor do they care to learn anything about us even when they come here. In fact, they look down on us. They generalize about illiteracy and backwardness as the causes of the problems of Karamoja. All that most of them are interested in, whether they be civil servants or development agents, is to build their careers on our problems. The Karimojong have never been understood by the players here.[62]

For many of the administrators and government functionaries e.g. extension officers, their sojourn in the pastoralist areas is only temporary - either to gain experience for future lucrative employment elsewhere, or simply to fulfill government employment criteria; in fact these officers have been known to spend more time out of than in their stations. It is also a known fact that the central government used posting to pastoralist areas as a disciplinary measure for errant employees accused of crimes such as theft, corruption etc and who, instead of being sacked, were banished to the 'far-away' pastoralist areas. As could be expected, once these officers arrived at their new stations they continued with their criminal activities and got involved in corruption - facilitating and abetting illegal trade and smuggling; cattle theft; or mis-appropriation, extortion and expropriation of public resources etc. The pastoralists who were already suffering from discrimination could not understand how the "government" through its officers could be the proponents of their mis-fortune. 'Not surprisingly, disaffection and dissidence were [and have been] the prevailing pastoralist attitudes towards ... the state'.[63]

Accompanying the dismal performance of the administration structure in the pastoralist areas is the lack of physical facilities. The police stations, courts, social services etc. that exist are so

meager that their presence is inconsequential. Indeed, it is common for officers in far flung posts to go for upwards of 3-months without salaries and even worse they have to travel for upwards of two weeks to get to the paying stations. It is not surprising that such officers engage in corruption and have been accused of selling justice to the highest bidders. All this makes it difficult to maintain any law and order in the vast pastoralist areas. This observation by a peace activist from Karamoja illustrates this dilemma:

> There is no law in Karamoja. How can there be any law in the absence of law enforcement? In this area, when a crime is committed and the criminals are identified and even arrested and handed to the authorities, They are kept in the cells for a short period, and then they are released [through corrupt means]. When they return to the communities, they seek revenge against those who reported them to the authorities. So, in the end, we all know that it serves no useful purpose to report a crime or a criminal. ...we solve the problems ourselves; and that only leads to more killing.[64]

It is common to have only 2-10 police officers in an outpost station with a limited number of rounds of ammunition and with either broken down communication equipment or none at all. These few officers are expected to keep law and order in vast and volatile conflict-prone[65] areas and have at times to contend with marauding armed gangs of 300 or more men. Since the central government apparently maintains that "law and order" must be kept, it has, since the colonial days, adopted and relied on draconian laws and methods to maintain control over the pastoralist areas. Extreme force has been the norm; for example, livestock confiscation, sealing of water wells, indiscriminate torture, humiliation and jailing of pastoralists and their leaders have been some of the methods applied to deal with pastoralists.[66] One of the disconcerting aspects of the strong-arm tactic employed by the governments in pastoralist areas is the "victimization" and "stigmatization" of entire communities. As illustrated by the following example drawn from Kenya, this "blanket condemnation" has led to the application of communal punishment on whole communities for crimes committed by individuals.

> A poacher named Abdi Madobe had attacked Garissa town, and killed some civil servants. The Provincial Commissioner ordered the Somali (local community) to produce Abdi Madobe or else. An intimidating paramilitary operation was then launched against inhabitants of Garissa town. The local population was rounded up by the security forces, herded into Garissa county grounds, and were made to squat in the sun for three days surrounded by armed forces. Those detained included members of Parliament, councilors, civil servants of Somali origin and wealthy traders. The attack on the populace was truly indiscriminate as all Somali were targeted as enemies of the state. [67]

Communal punishment has been counter productive and governments and their security forces have not endeared themselves to the pastoralist communities; consequently the police cannot obtain information on criminal activities from the communities due to the poor relationships between them. In response, the police engage in brutal harassment and collective punishment which leads to general bitterness and further estrangement of the people from the governments.[68]

### iv) Political (dis-)engagement and control

In disfranchised and largely illiterate communities, ascendance to any position of authority guarantees one the instruments of-near absolute power; control of the populace; and not least, opportunities to amass illicit wealth and influence. Communities, long denied opportunities to participate in governance issues, hold their political leaders in very high esteem and look up to them not only as advocates of their cause but as the avenue to the state and its resources. Indeed, 'control of state office and resources at the local level has sparked inter- and intra-group conflict. [For example, the] Anuak and Nuer contention for [political] dominance in the Gambela regional state in Ethiopia climaxed in massive violence in 2003'.[69] In addition, the local politicians 'are opportunistic in nature... [and] can be chauvinistic defenders of the clan [and for fear of challenge] ...prefer to work only with sycophants [and] ... tend to have a phobia – seeing enemies where there are none'.[70] The following example demonstrates how politicians have exacerbated conflict in the pastoralist areas for their own benefits:

> ...sitting Members of Parliaments are known to invite rival communities into the district ostensibly for temporary shelter from drought but in actual fact for the purposes of polarizing the ethnic mix in the district in order to influence the civic (county council, School, Teacher's union, development committee etc) and parliamentary elections. The invited communities are issued with illegal documents which they use to lay claim to land (water and pasture), political rights etc. – a sure recipe for conflict in the district.[71]

At the national level there is an enduring apathy of pastoralist communities apparently because their 'geographical position...; their disregard for state borders and law; their avoidance of taxation; their evasion of livestock health regulations; their participation in smuggling and raiding and their methods for settling disputes combined create a "pastoralist problem" that officialdom would rather not deal with'.[72] This then leaves the local elite to create political fiefdoms, but, in order to enhance their stature they seek to integrate and mainstream themselves into the national centralist political structure which gradually distances them from their communities.[73] The distance between the politicians and their communities not only disconnects them from an appreciation of the real conflicts affecting their people, but means that they have to increasingly rely on cohorts and political busy-bodies who thrive in the ensuing and inevitable conflicts.

### v) Proliferation of small arms and light weapons

The proliferation and use of illegal small arms and light weapons (SALW)[74] has increased the severity and frequency of violent confrontations in the HOA. The many civil conflicts in the HOA have been a major source of illegal small arms but, in addition, some of the governments have provided training for, armed and created armed militias among the pastoralists e.g. Kenya Police Reservists in Kenya, vigilantes in Karamoja, where local warriors engage in the recovery of stolen livestock etc.[75] Although the pastoralists have always had and used some type of weapon, these were

crude weapons and were used in a one to one and face-to-face combat. The arrival in the pastoralist areas of large quantities of modern weaponry changed the landscape of violent conflict.[76] The new weapons were more efficient and did not require one to face the enemy. The magnitude of illegal weaponry in the hands of pastoralists is illustrated by the following example from Karamoja:

> For decades, the Karamojong were brutalized by the state. They always longed for modern guns to defend their cattle better; to acquire more; and to defend themselves better against the state [and their armed neighbors]. Their chance of a lifetime came with the defeat of Iddi Amin's army in 1979. The army fled, leaving unattended an armoury of sophisticated weapons .... It took weeks before [the Uganda National Liberation Army] UNLA and [Tanzania Peoples Defense Force] TPDF reached Moroto; by which time the armoury had been emptied. All together 12.000 guns (mainly G3s) are estimated to have been looted. Then in 1985 after the overthrow of Obote II, thousands of Karimojong are reported to have joined the UNLA. When the [National Resistance Movement/National Resistance Army] NRM/NRA took over, the Karimojong withdrew, this time with yet more modern weapons, particularly AK 47s. In the meantime, yet other opportunities provided more small arms supplies: the Lord's Resistance Army [LRA], the [Sudanese People's Liberation Army] SPLA, the insurgency in Teso, etc. By 1998 ...an estimate of 15.000-35.000 guns in civilian hands in Karamoja [was reported].[77]

Possession of military-style weapons like the AK47[78] as a status symbol, a source of personal security, a means of subsistence, a sign of manliness and, in some cases, a symbol of ethnic and cultural identity is glorified among the pastoralist communities.[79] Although weapons themselves do not cause conflicts, their proliferation and easy availability exacerbate the degree of violence by increasing the lethality and duration of hostilities, and encouraging violent rather than peaceful resolutions of differences.[80] For example, it has been pointed out that when the Sudanese government armed the Baggara to prosecute the civil war, they immediately used the new advantage to settle local conflicts over land use.[81]

Availability and use of illicit SALW have also been blamed for the erosion of traditional authority customary held and exercised by the elders. In the case of the Karomoja society, Curtis Abraham observes that this is especially the case with the youth who, backed by the gun, no longer respect the traditional institutions of power and authority.

> The gun has caused a dramatic shift in the political and economic authority of Karamoja's elders, the decision makers, and their sons - the warriors who traditionally executed the decisions made by their fathers. For example, in not so distant past, custom dictated that when planning a cattle raid, warriors had first to consult with a diviner or receive blessings of some of the very important elders. In contemporary Karimojong society however, the gun has made the warriors both the decision makers and the executors.[82]

The availability of SALW also masks the commercialization of cattle raids in the region. Unlike in the past and especially following periods of severe drought and animal diseases, pastoralists are no longer raiding to replenish their stocks but are increasingly raiding to enrich themselves by engaging in trade of stolen livestock.[83]

### 1.2.3 Socio-cultural factors

Every so often, the common explanation given for pastoralist conflicts by both the governments and the non-pastoralists is that violence is not only an inherent culture amongst pastoralists but they continue to embrace outdated and retrogressive cultural attitudes e.g. their "irrational attachment to livestock". Before discussing some of the socio-cultural factors that contribute to conflcits, it is important to start by understanding the interationship between culture and conflicts.

Culture is defined as the 'collective programming of the mind' or as an expression of all the experiences of a particular people or group over time, which help shape their personality and manner of perceiving.[84] Culture can also be defined as 'the particular practices and values common to a population living in a given setting'. In other words, 'culture has both normative (value) and behavioral components'. Besides, 'and in addition to values and practices, culture also includes systems of meaning (including symbols, myths and language)'.[85] Thus, 'culture ...[is] rooted in the shared knowledge and schemes created and used by a set of people for perceiving, interpreting, expressing, and responding to social realities around them'.[86]

Culture varies from one individual or group to the other. This is because, as stated above, culture constitutes both normative and behavioral components that define the identities, roles and conceptions of the self. It is noted that 'a person's identity and existence is partially or wholly bound up with commitments to one or more of the following: family and kin, ethnic ties, clientelist associations, and/or a religion'.[87] The determinant of this commitment usually revolves around the answer to the question, 'am I an individual unit, autonomous...agent, ultimately responsible for myself? Or am I first and foremost a member of a group, weighing choices and actions by how the group will perceive them and be affected by them?'[88] These are the questions behind the individualism-collectivism concept regarded by Anthropologists as the most important dimension underlying cultural differences.[89] Briefly,[90]

- 'Collectivist settings privilege values like: cooperation, filial piety (respect for and deference toward elders), participation in shared progress, reputation of the group and interdependence. Identity is based more on the social network to which one belongs, people being integrated from birth in strong groups which provide protection in return for loyalty'.

- 'Individualist settings privilege values such as: competition, independence, individual achievement, personal growth and fulfillment and self-reliance. Identity is based on the individual, ties are loose and individuals are expected to look after themselves and immediate family'.

In an article, "Culture and Conflict", it has been stated that 'cultures are like underground rivers that run through our lives and relationships, giving us messages that shape our perceptions, attributions, judgements, and ideas of self and other'.[91] In other words, culture gives us meaning, that is, from the various groups we belong to, we garner information on what is important and/or meaningful in our lives and of who we are in relation to others in the world; thus, our identities. This information is based on the cultural messages of our groups. It is through cultural messages that we fashion our values as they offer the lenses through which we shape our perception and interpretation of things around us. Since we are constantly faced with different situations that require different interpretations, it means that cultures are not static but are always changing depending on the existing environments. Indeed, given the fact that the environments we find ourselves in are in constant flux and since it is our cultural messages that shape our understanding and interpretation of the prevailing conflict situations, then it is imperative on us to understand the different attributes of culture if successful conflict resolution[92] is to be achieved. Some of these attributes and their consequent implications include:[93]

- *Multi-layered* - Culture is multi-layered and what we see on the surface may mask differences below the surface. Therefore, cultural generalizations do not constitute the whole story and there is no substitute to building relationships and sharing experiences with others as we try to understand and know them.

- *Fluid* - Culture is constantly in flux and as conditions change, cultural groups are obliged to change and adapt dynamic and sometimes unpredictable ways. Hence, there is no comprehensive description that can ever be formulated about a particular group of people and any attempt to understand a group must take into consideration the dimensions of time, context, and individual differences.

- *Elastic* - Culture is elastic and knowing the cultural norms of a given group does not automatically lead to a correct prediction of the behavior of a member of that group. Individuals may not conform to the prevailing norms depending on personal or contextual reasons. This means that stereo-typing of people or groups e.g. "Somalis are like that" or "that's the behavior of pastoralists" are not necessarily true and may lead to misunderstandings and misinterpretation if not cross-checked against experience.

- *Hidden* - Culture is largely below the surface where it is constantly influencing identities and meaning-making, that is, who we believe ourselves to be and what we care about. It is difficult to access the symbolic levels of cultural influence given that they are largely outside our immediate awareness. It is for this reason that different strategies must be adopted in learning the cultural

dimensions of those involved in conflict. Such strategies, which are, in most cases, indirect include stories, metaphors, and rituals of the people in question.

- *Context* - Cultural influences and identities become important depending on the context. In most cases, it is when an aspect of cultural identity is threatened or misunderstood that it usually becomes relatively more important than other cultural identities. The threatened component of our cultural identity may then become the focus of stereotyping, negative projection, and conflict. For this reason, it is necessary that people in conflict have broader interactive experiences of each other in order to foster the recognition and appreciation of their divergent and/or shared identities.

We have seen that culture and cultural messages form the basis on which we name and frame relationships, shape our identities and make meaning of things which effectively determines our interactions with those around us. Since conflict is an aspect of human relationship it means that culture is therefore embedded in and is an integral component of conflict. This is especially the case since conflicts are not necessarily over territory or sovereignty issues but are usually about acknowledgement, representation and the legitimization of identities. Indeed, it has been observed that the fundamental idea is that social conflicts emerge and develop on the basis of the meaning and interpretation that people involved attach to action and events.[94]

It is further contended that conflicts are a socially constructed social event and they do not '"just happen" to people' but 'people are active participants in creating situations and interactions they experience as conflict'.[95] While culture in itself does not cause conflicts, it is however inextricable from it in shaping our perceptions, attitudes and the outcome and intensity of the conflict. This is given credence in the observation that 'the greater the competition and inequalities between groups in heterogeneous societies, the greater are both the salience of ethnic identities and the prospect of overt violence'; thus, 'cultural distinctions add an extra sharper dimension that increases divisiveness and the intensity of conflict'.[96]

The intertwined nature of culture and conflict dictates the need to include culture as an integral component of conflict analysis and intervention. This calls for cultural fluency – familiarity with cultures and how they work, their nature and influence on our relationship with whom we are in conflict or in peaceful coexistence. Cultural fluency entails the recognition, respect and appreciation of the fact that the naming, framing, meaning-making and shaping of identities and roles of people in every community varies across different cultures depending on perspective and situational context.[97]

With this brief understanding of the intricacies between culture and conflicts in general, the next discussion highlights some of the socio-cultural factors attributed to pastoralist conflicts.

**i) Male rites of passage (Warriorhood)**

Among the pastoralists, initiation into manhood entails a demonstration of being a fearless warrior who is capable not only of protecting the community but also of acquiring wealth to enhance one's standing in the community. Indeed, for the pastoralists, a military career is closely associated with the economics of cattle production as is illustrated in the case of the Boran where it is observed that 'to be a stock herder and to be a warrior then are not separable occupations, because being the former involves being the latter. A herder must not only guide the stock in his charge to good and safe pastures but he must also protect them from predators and raiders...'[98] For male pastoralists following an ordinary course of life, to be a warrior is simply a routine feature of late youth and early manhood. It is not a specialized occupation because it is one which every male follows for the specially marked period of his life when he is an active herder.[99] Indeed, the rigorous life that herders are forced to lead, particularly in the distant camps with dry stock, is an ideal training ground for warriorhood in that it develops stamina, self-reliance, self-knowledge, and bush skills, such as an eye for ground and for cover.[100]

In terms of social gratification, the rewards of warriorhood are usually explicit, as the following example illustrates:

> During warriorhood a man should acquire at least one trophy and, in the past, a man who did not do so was not welcomed as a son-in-law. A man who did kill was given gifts of stock, *sarma*, lavished with sexual favors by the wives of elders (whose attitude to him was therefore ambiguous), and allowed to wear ear rings, special necklaces and heavy iron armlets *arbora* and, crucially, a successful warrior was allowed to grow a male hair tuft, *guutu, diira*, from the top of his head. This tuft was quite explicitly associated symbolically with an erect penis.... Successful warriors were acclaimed wherever they went and their exploits everywhere praised. A young man who had earned the right to 'make his head' by erecting the *guutu* was everyone's darling.... Men who had killed were honored at the ceremonies, which marked the entry of their generation-set into political adulthood, at their retirement into ritual elderhood, and at their mortuary ceremonies. At each, their exploits were loudly proclaimed and honored. Military glory was never extinguished.[101]

Although warriorhood and subsequent warfare has been practiced among the pastoralist communities for a long time, it was not necessarily an indiscriminate affair and had its limits. It has been pointed out that '... armed conflicts generally followed predictable patterns and were soon followed by pressures for a truce or reconciliation. Killing was relatively limited because of the weapons used and partly because payment of compensation to aggrieved relatives could be expensive in terms of livestock'.[102] The Boran of Kenya, for example, were aware that although militarism was a necessity, it also constituted an inherent danger where its culturally inspired aggressive and virile warriors threatened what they called the "Peace of Boran" and for this reason the community held that:

> Boran needs peace not only between themselves but also at large, to be able to graze their flocks and herds.... Warriorhood and aggressive virility ...are restricted to prescribed stages of a man's life after which they become increasingly inappropriate.... The opposition of youth and age is clearly signified in a number of ways....When a generation set becomes responsible for the nation, each of its members puts up a phallic *kalaacha*, which is a symbol of firm but responsible manliness, but when they retire each removes his and puts it to rest dangling in a milk pot. An elder... should be cool and not even speak or look in anger, let alone strike out in the heat of passion. One sign of the cool passivity of such elders is that they should not carry spears.[103]

**ii) Marriage and dowry**

The ability to "acquire wives" and establish a sizeable household was a compliment to ones standing in the community[104]. The payment of dowry mainly in the form of cattle and other types of livestock is widely practiced among the pastoralists. These dowries can be extremely high; upwards of 100 cows in addition to other gifts amongst many of the pastoralist communities.[105] Since the number of livestock owned by individual families has continued to dwindle, it has meant that the livestock has to be obtained through raids from other pastoralists.

Besides the payment of this high bridewealth, the married wives will continue to pester their husbands to acquire more cattle both for wealth and prestige. Brave warriors who are able to raid and bring home large herds of cattle are not only feted with songs and praise but, as seen above; enjoy other social gratifications from the community. Dowries have put extreme pressure on the young men (and married men as well) and has exacerbated violence in an effort to maximize the returns on cattle raids.

### 1.2.4 Social-economic development and environmental factors

'Development is a normative process of becoming: a series of interconnecting movements leading from poverty- and vulnerability to security and well-being'[106]. 'The certainty that shared progress is the normal- and long-term direction *of* all social change' is a myth of modernity.[107] The development field, (that includes activities under different terms e.g. economic management, economic growth, socioeconomic growth, sustainable development, political democracy etc.)[108] has always been highly influenced by economic thought, as exemplified by the fact that development has been primarily measured by increases in gross national product (GNP).[109] 'This modernist paradigm had long dominated development approaches but became increasingly powerless and uncomprehending in the face of growing systemic crisis and political fragmentation'.[110]

It is now clearly recognized that development is an interdisciplinary field with a wider perspective beyond economic indicators and entails innumerable variables - questions of social relations, production relations, gender, and the management of human capacity and natural resources. The development field is further complicated by the fact that these innumerable variables are highly intertwined;[111] for example, 'it has been long acknowledged that development creates tensions,

produces relative gainers and losers, and changes roles and relationships'.[112] This is particularly the case in situations where years of prolonged economic decline have undermined the capacity of the state to provide basic social services to the people who consequently have to look elsewhere to satisfy their needs. Unfortunately, in this quest to satisfy needs, the resultant competition for access to the available resources has tended to turn people against one another.[113]

'In many instances, development interventions underestimate local politics, social realities, and belief systems that are strong factors in conflicts'.[114] For example, neo-liberal structural adjustment programmes designed to stem economic and social decline have not only failed to satisfy the initial expectation that accompanied their introduction, but have contributed to denting state legitimacy – already fragile and badly battered by economic decline – because the diminished reach of the social institutions of the state increased the disconnection between the state and its citizens.[115] This disconnection is clearly evidenced by the type of development agendas pursued in pastoralist areas.

**i) Mis-conceived pastoralist development planning**

For nearly 20 years beginning in the early 1970s, livestock development projects in most of dryland Africa, which includes the HOA, stressed conventional range management practices adopted from North America and Australia. '*The East African Livestock Survey* made the expansion of beef and dairy production for domestic consumption and export a priority, and recommended Western-style capital intensive ranching as the appropriate method'.[116] Other manifestations of the new livestock management practice included: sedentarised ranching; communal land ownership with title deeds as collateral for loan acquisition; permanent livestock water development; rest rotation grazing system; maintenance of proper stocking rate; livestock management structures (ranch boundary and paddock fences, cattle dips, corrals etc); herd structures that encompassed a breeding programme and an established off take; institutionalized livestock marketing systems and formalized loan acquisition and repayment procedures.[117]

Traditional livestock herding practices on the other hand entailed: maintaining maximum herd sizes both as a representation of wealth and a protection against risk e.g. drought; migration in search of water and pasture; herd loaning among relatives and friends both as security or to help poor people; communal ownership of grazing land; customary laws to regulate grazing conflicts and a marketing system based on need. These traditional management techniques are largely in conflict with the conventional range management approaches promoted by various practitioners.[118] Unfortunately, the fortunes of the pastoralist communities did not improve after the countries gained independence and self-rule, if anything, they consistently declined. The major reason for this has been attributed to the fact that for most of the newly independent states, their 'economic development strategies ... closely followed the colonial blueprint [for example,] the expansion of export-crop production was

considered the shortest route to economic development'.[119] Expanding commercial agriculture, in particular irrigated agriculture, encroached deep into pastoralist land taking in inordinately large areas. Neither did independence result in a review of the hitherto disproportionate colonial boundaries that had discriminated against the pastoralists. Indeed, the elite few who came to power and who bought out large portions of the departing colonial farmers greedily embarked on enlarging their holdings and pushing the pastoralists further to the margins which inevitably lead to conflicts.

**ii) Discriminatory land tenure and use**

Traditionally, the majority of pastoralist land resources were held under a controlled access system, which was communal in form meaning that the tribe or clan or a group (that is linked by descent or cultural affiliation) had access to the land. Tenure was thus a social institution: a relationship between individuals and groups or tribes consisting of a series of rights and duties with respect to the use of land and its resources.[120]

It has been asserted that these multiple resource use rules were based on a priority of user groups that consisted of "primary users" who had the highest priority within their home territory, "secondary users" who had seasonal access and "tertiary users" who were granted infrequent access in times of need like during the drought periods. As regards ownership and user-rights for natural resources in pastoralist areas, five territorial units within a hierarchy of tenure regimes are distinguished, thus,

> the customary territory belonging to the "tribe"; flexibly defined annual grazing areas within the territory, with priority use by several clans, sections or sub-clans; dry season bases where a specific group such as a sub-clan was the primary users and other groups were secondary or tertiary users; key sites within the dry season base; and group or individual resources/areas, such as trees in Turkana, where household or group of households were primary users. [121]

These tenure and user-right regimes were meant to ensure the survival of the pastoralist communities and although widely used and highly relevant to the pastoralists they were clearly not understood nor recognized by conventional researchers and other agents involved in the pastoralist development planning. To start with, there was skepticism about the ability of the pastoralists to manage their natural resources. This skepticism was based on the mistaken belief that the prevailing pastoralist production modes were responsible for the wide-scale degradation and desertification in the pastoralist areas because the pastoralists' cultural attitudes were not conducive towards common resource management. This led to conservationists advocating the combined approach of 'destocking with the partial removal of human populations from semiarid areas to ease population pressure and with change in the diets of those who remain behind'.[122]

Based on this skepticism, the colonial and post-colonial governments in the HOA constituted and implemented various land acts on top of surviving customary tenure, which created great confusion in land tenancy. Some of the land tenure systems practiced in the region include customary, communal, private, collective etc.[123] In Ethiopia and Uganda, for example, the land tenure is collective; that is, it belongs to the state, while in Kenya it is either held by the state or in trust by the various local district councils. The Kenya system of tenure 'is based on the English property law, which does not recognize the communal system as understood and practiced by the pastoralists'.[124]

Since their traditional tenure system is not recognized and because of the confusion with the application of conflicting tenure systems, the pastoralists have continued to loose their grazing land either to the ever expanding sedentary agriculturists or to state backed ventures like national parks and reserves, commercial ranching, mining, training grounds for the armed forces etc. This has violated the social and political integrity of the pastoralists resulting in conflict between them, their neighbors and the state authorities;[125] and because land matters in the HOA are so emotive, states have failed to enact any clear-cut land legislation. The existing legislation is 'vague and subject to interpretation and adjudication; tasks that are assigned to the state executive, not to elected bodies or the courts'.[126] The apathy and desperation among pastoralists in regard to land related cases is captured by the following observation by pastoralists in Kenya:

> Pastoralists know from long and bitter experience that neither the law of the state nor those who interpret it are on their side. In the words of one herder, 'the law does not speak the Samburu language or the Borana, or the Somali, or the Turkana, or the Maasai'.[127]

**iii) Competition and politicization of natural resources**

It is now generally accepted from the point of view of political economy that chaos and insecurity open new opportunities and for the protagonists enable new, otherwise impossible, access to resources and power. This is one of the reasons why those in power fight to keep it while those not in power fight to attain it.[128] Indeed, 'insecurity itself may be understood as an additional resource which, as with any other resource, some individuals are in a better position than others to exploit'.[129]

One of the stark developments related to political economy has been the increasing commercialization of livestock raids in pastoralist areas. In the past, raiding or rustling of livestock revolved around survival and socio-cultural attributes but they have since transformed into an organized violent commercial enterprise – meat supply to urban areas and for export – which depletes the economic mainstay of the pastoralists. These entrepreneurs do not hesitate to use religion, ethnicity, clan and fear to mobilize people into conflict in order to create conducive environments for perpetuating their selfish exploitation of pastoralist resources.[130]

The politics of patronage has led to disproportionate and indiscriminate exploitation of natural resources in large areas of the HOA. For example, large tracts of lands have been turned into national parks or nature reserves or acquired through extortion by rich and politically well connected individuals for ranching or horticultural purposes. This not only denies the pastoralists grazing pastures and migratory routes but also disproportionately uses and diverts scarce resources like water away from the pastoralists to the ranches and horticulture farms. The insensitivity and consequence of a typical political system can be illustrated by this example from Samburu in Kenya.

> The Samburu National Reserve on the banks of the Ewaso Nyiro River forced many Samburu herders to move out of the area by blocking their access to the river. Soon, tourists came to outnumber the indigenous peoples within the reserve. The sharp contrast between the affluence of the tourists and the poverty of the local people led to attacks on tourists, making police protection a necessity for visitors to the area.[131]

This example is repeated throughout the pastoralist region and despite the fact that the local population is directed, to protect the national parks and wildlife, ostensibly because they are a national heritage, but in reality because of the income they bring to the central governments; the locals do not enjoy any significant benefits from these ventures. Indeed, '...only a tiny fraction of the tourism turnover remains in the local area and only a small proportion of the local population benefit direction (*sic*) from tourism'.[132] This inequity is a major source of conflict and there is little doubt of a direct correlation 'between insecurity and the struggle for access to and control over resources'.[133] This correlation is more evident in areas where the natural conditions of water and pasture are favorable and which were traditionally designated dry-season grazing reserves, but has been politically expropriated for other uses. One such reserve is the mountain area around Marsabit whose change in land use has been a serious bone of contention as described below.

> The central division of Marsabit is a highland oasis of high agricultural potential in the midst of the driest parts of Kenya. Agricultural schemes began on the Marsabit Mountain in the 1970's with the goal of arresting the cyclic famine syndrome that affects the area. Gradually, the population around the mountain rose and is estimated at 10 percent of entire population in the district. Marsabit is a designated national Game Reserve and Forest Reserve; however, the mountain area was also the dry season grazing areas for the neighboring pastoralists. At the beginning, the major conflicts were centered on the boundaries of the Game Reserve and the Forest Reserve with the pastoralists complaining that they were being kept away from their former grazing areas, while wildlife was left free to use the land. Later, the land around the mountain was adjudicated and used exclusively for farming and urban interests. Inevitably, in 1994, violence broke out between the cultivating communities - the Boran and the pastoralist community - the Rendille, over access and use of the mountain reserve. The cultivating Borana enlisted fellow agro-culturists - the Burji and by 1996 the violence escalated with the burning of huts, granaries and farms. [134]

### iv) Cattle rustling

To most people, raiding of livestock, or as it is popularly known, "cattle rustling" or "cattle raids" and its attendant violent conflict in the pastoralist areas is synonymous with pastoralism in the HOA. '... [Livestock] or (cattle) 'rustling' and 'raiding' refer, interchangeably, to armed attacks by

one [pastoralist] group on another with the purpose of stealing livestock and not necessarily for territorial expansion...'[135] For pastoralist communities, cattle rustling is both a natural response to disasters such as drought, as well as an attempt to increase the yields of their livestock by increasing their numbers in good season as an insurance against bad seasons, and/or simply wealth acquisition to enhance one's status in the community or to meet cultural obligations like payment of bride price.[136] Traditional cattle raids among the pastoralist communities have been summarized into three main objectives, thus,

> A social and economic base in which an individual without livestock could not actively participate in the socio-political affairs of the society; competition for grazing land and water resulting from the scarcity or dwindling resources as a result of population growth or adverse climatical changes forcing certain groups to move their livestock to other peoples territories or clans thereby sparking resource-based conflicts; as survival strategies where loss of cattle led to raids to replenish depleted herds and/or raiding to increase one's stocks as an insurance against unforeseen calamities thus cattle [rustling] constituting a communal response to natural calamities.[137]

Various authors on pastoralist issues have highlighted the transformation of pastoralist conflicts across the HOA; for example, it has been observed that 'to a large extent it is the general view that the cattle rustling phenomenon has undergone fundamental transformation from a cultural practice of testing a person's personal bravery and prowess to bloody warfare between various groups. All these pose serious challenges to societal structures, survival and to moral foundations'.[138] The transformation of cattle rustling has been attributed to "the adoption of transhumance"[139] by pastoralist societies; and it is asserted that the development of serious hostilities over grazing land as manifested in "aggressive confrontation" was 'an essential component of pastoralists' strategy' [for survival].[140]

Governments in the HOA view cattle rustling as a primitive act unique to nomadic life. They fail to recognize that it is in part an outcome of the modern economic intrusion on the socio-cultural setting of the pastoralists.[141] Relying on their interpretation, the governments have criminalized cattle rustling among the pastoralist communities. However, they have been unable to eradicate it and have, out of frustration and an inability to control what they consider acts of lawlessness, adopted draconian methods that are executed by indifferent security forces – 'which mostly unleash terror on the civilian populations through the use of extra-judicial methods of torture, rape and confiscation of livestock, instead of facing the enemy [raiders]'.[142] As it has already been stated, these extra-judicial methods have not endeared the governments to pastoralists and have led to indiscriminate and unprecedented violent rustling especially upon communities deemed to be favored by the governments.

## 1.3 Manifestations of pastoralist conflicts

Increased violent conflicts have had severe negative socio-political, -economic and –cultural impacts on the pastoralist communities as briefly highlighted below.

### 1.3.1 Social-political factors

#### (i) Disputed State Authority and unprecedented insecurity

In many pastoralist areas the state is 'technically' represented either through the police and other security machinery or by a local administration system, but at the same time it is ineffective e.g. the security machinery lacks basic resources like fuel, ammunition or simply motivation for its staff.[143] As far as the local populations are concerned, the state is present and its inaction, when it comes to combating crime, is usually perceived as an intentional and deliberate discriminatory lapse rather than the objective weakness of the state - which it might be. The perceived inaction by the state can and does contribute directly to the escalation of conflict.[144]

In theory, violence is a monopoly of the state and any kind of violence, even when not directed at the state, is by definition a challenge to the state's authority as it is an expression and an affirmation of political autonomy from the government.[145] It is on this basis that violent and sometimes indiscriminate interventions by the security forces seem to be primarily directed towards re-establishing the state's unique right to violence rather than an effort towards conflict resolution.[146] This is particularly the case when the state uses excessive force which results in summary and communal punishment of entire communities.

Another problem with a present but inactive state is that it destroys local initiatives by monopolizing the role of arbiter and administrator of justice.[147] In cases of violent conflict the state's ineffective functionaries take up the space that could have been more appropriately used by local initiatives. Unfortunately, when the promises of security made by these functionaries are not fulfilled, or when they appear to support one side of the conflict to the disadvantage of the other, the community not only loses its trust in the state but also is left with no other option but to seek alternative forms of mediation. These might not be inclusive and peaceful and thereby escalate the violence.[148]

Endemic insecurity characterized by incessant intra- and inter-community conflicts is the hallmark of the pastoralist areas. These conflicts are increasingly deadly following the availability of large numbers of small arms and light weapons. The insecurity in pastoralist areas has spilled over to engulf other adjacent communities. For example, 'on November 12, 1996, eight armed gangsters invaded the North east Laikipia town of Doldol and for twenty minutes they looted the shops at will having chased away residents with gunfire'.[149] This violence is not confined to pastoralist and

adjacent areas but has spread to the urban areas where the illegal arms are sold and used for murder and robbery.

Insecurity in the pastoralist areas results in massive displacement of people and an exodus of essential manpower e.g. teachers, doctors, traders etc. In Kenya, for example, on October 19, 1996, a national paper, *The Daily Nation,* in an editorial titled "End the insecurity in frontier areas" raised alarm over the exodus of essential staff, among them teachers and doctors from Malindi, thus,

> '... School children in this part of the country will not go through the syllabi and yet they have to compete with their counterparts elsewhere. How about the sick? They will continue to suffer. We are confident that it is not only us that feel that security in Kenya must be paramount and that the Government must invest a lot more in it'.[150]

### 1.3.2 Social cultural factors

#### i) Demographic changes and erosion of societal-values

The escalation of protracted conflicts in the pastoralist areas of the HOA has not only resulted in the breakdown of contacts between neighboring or adjacent communities but, age-old social networks are also broken. Such relationships may be constructed through inter-clan social institutions like marriage and they have always been crucial as a coping mechanism in times of uncertainty;[151] for example, women married into different ethnic groups are sometimes sent to their "people" (their own ethnic groups) as emissaries in conflict times. The death of large numbers of people, and in particular men involved in cattle rustling activities, has meant that family roles had to change with women assuming the male's responsibilities on top of their own. In the paternalistic pastoralist society, this change of roles and the assumption of male tasks by women is a daunting undertaking as women are still largely excluded from the socio-political and –economic spheres.

Insecurity coupled with the collapse of the pastoralist economy has led to large out-migration and displacement of communities who migrate to the few trading centers with relatively good security.[152] The rapid growth of these 'refuge' centers with large migrant populations has seriously constrained basic amenities like health services, raised the levels of petty criminality and contributed further to the breakdown of society and 'intensification of urban conflicts'.[153] Destitution among these migrant communities has led to people scavenging for food in garbage dumps and to women, uncharacteristic of pastoralists, resorting to prostitution.[154]

Idleness and alcoholism, particularly among the youth, has become more prevalent in the conflict-prone pastoralist areas and it is undermining the stature and traditional authority of parents and elders.[155] As a group, the youth are often excluded from the social, economic and political order in the society; these marginalized, unemployed and unruly young men no longer recognize the

traditional authority of elders and are easily recruited into banditry and cattle rustling.[156] It is noted that the 'appropriation of violence by the youth has had a serious effect on the traditional hierarchy in the society, where the elders were expected to have some modeling influence' over their activities.[157]

### 1.3.3 Socio-economic and environmental factors

#### i) Pressure on coping mechnisms, poverty[158], and economic decline

Pastoralists in the HOA have to contend with adverse climatic and ecological conditions that include among others factors drought, famine, and human and livestock diseases. In order to cope and minimize the risk to both capital and productive assets, pastoralists have developed time-tested strategies including herd demographics – 'maintaining a sizable proportion of females for milk production that is a key factor coupled with mobility of stock, species diversification, herd dispersion and herd maximization'.[159] Adverse climatic and ecological calamities cause pastoralists to draw on and dispose reserves. For example, there may be a sale of assets - agricultural tools, bicycles, draft-animals and/or there may be destruction and vandalizing of the little infrastructure that exists such as access roads, water structures, and schools or there may be out-migration of able bodied and qualified people in the community etc. All these factors contribute significantly to poverty in many pastoralist areas.[160]

There is a clear link between poverty among pastoralist communities and conflict. Pastoralist security of livelihood is affected by their dependence on markets and exchange mechanisms, which are highly susceptible to conflicts.[161] Insecurity in the pastoralist areas has contributed to a breakdown of trade and commerce where 'commodity supply is interrupted and essential items such as maize salt or sugar' is exorbitantly priced.[162] The lack of access to markets; essential commodities: the exorbitant and unaffordable prices charged for the little that is available causes the majority of the pastoralist communities sink deeper into deprivation. There is real fear among many authorities in and outside the region that this inordinate deprivation and its attendant poverty could result in the isolated pastoralist communities readily responding to calls to violence against whatever authority or other group they believe to be responsible for their plight. This fear of potential engagement in violent conflict is espoused in the observation that:

> Existing in a secure environment is only the beginning ...people may feel relatively free from fear of attack, but unless they also have the opportunity to maintain decent living standards, discontent and resentment can generate unrest. Too many of the world's people still cannot take for granted food, water, shelter, and other necessities. The slippery slope of degradation – so vividly exemplified in Somalia in the early 1990s -leads to growing risks of civil war, terrorism, and humanitarian catastrophe.[163]

Insecurity in the pastoralist areas has also paralyzed economic and socio-development activities. Development agencies spend huge sums of money on security for their staff whose

movements is limited to the relatively safe areas. Often, there are casualties when staff of development agencies is attacked or high-jacked by armed gangs. For example, in early 1999, the programme Manager of Oxfam's Karamoja project was shot within a few meters of his house and the project offices in Kaabong. Though he survived with severe injuries, Oxfam withdrew its staff from the region as it could not guarantee their security.[164] The same story is repeated throughout other pastoralist areas.

Unscrupulous individuals seize the opportunity offered by insecurity in the pastoralist areas to carry out illegal trade; for example, 'a huge trade in smuggled manufactured goods crosses Ethiopia's border from Djibouti, Kenya, Somalia and Somaliland, with pastoralist involvement in every phase of it'.[165] Fighting over the control of routes through which this trade takes place is common. Even where legal trade is carried out one of the clans or ethnic groups may use road side banditry to disrupt and loot travelers both to terrorize their opponents and to generally disrupt travel on a given road. For example, following violent conflicts between the Turkana and Samburu, it was suspected that the November 1996 attack on a lorry on the way to Isiolo from Maralal at Ngaremara and home to ethnic Turkana was a revenge attack. Prior to the conflict between the two communities, the Isiolo-Maralal road was safe and did not require the armed escorts which became mandatory after this attack.[166]

**ii) Food insecurity and disrupted social amenities**

Conflicts in the pastoralist areas have increasingly constrained food production resulting in high malnutrition rates. People desert areas of conflict or areas believed to be too dangerous and 'this has a number of effects on short and long term production which usually lead to food shortage' as crops are destroyed or abandoned.[167] It has been stated that 'conflict depopulates land when people flee for fear of violence, and elsewhere limits the land available for grazing, due to the use of buffer zones separating the territories of rival groups'.[168]

The demographic change induced by conflicts in the pastoralist areas and the resulting sedentalization of the pastoralist communities, mainly consisting of women, children and old people, has meant that these communities no longer have access to milk or blood from their livestock either because rival groups have stolen their livestock or because the livestock has been hidden in distant and secret grazing areas away from potential raiders.[169] Scarcity of these vital dietary ingredients has serious affected the health of these communities particularly the children. For example, 'the under five years mortality [rate] in Addis Ababa is 113.5 per 1000 live births; in the [pastoralist] Afar region it is 229.3; in other words, nearly one quarter of Afar children die before they reach their fifth year'.[170]

Violent conflict based on cattle rustling in particular, has a diverse negative impact on food production and availability and are a major contributing factor to food insecurity among pastoralists.

This is illustrated by the example of Karamoja where a major famine was experienced in the early 1980s. Even though several reasons were advanced for its occurrence, un-questionably, one of the reasons was the effects of spiraling cattle rustling.[171]

**Violent conflict induced food insecurity**

Beginning in the 1970s [the Karamojog] warriors who always fought with spears began to acquire modern firearms and consequently cattle rustling between groups, thefts and killings by armed bandits escalated. Alnwick (1985) captures some of the dynamics of cattle rustling that contributed to the catastrophic famine.

- The widespread insecurity resulted in many families planting less than in a normal year because people feared to cultivate far from the safety of their relatively well-protected dwellings. Many families had seeds from the previous harvests stolen or destroyed.
- General insecurity and the rapidly changing power balance between rival groups resulted in some families transferring their herds to far off places to avoid theft while many more families had their livestock and other wealth stolen through raids.
- Insecurity within the area and within the country as a whole resulted in a more or less complete breakdown of trade and commerce. Families who received a poor harvest, either due to climatic conditions or because of the small area planted, could not trade cattle for grain.
- Even families with cattle to sell could not find traders willing to take the risk of transporting cattle out of Karamoja because of the high risk that they would be attacked and lose not only the cattle they were transporting but their lives as well.
- For similar reasons, virtually no grain from outside was brought in and families who still had money could not find grain to buy at any price.[172]

The new development of commercialized cattle rustling has aggravated the problem of rustling-based food insecurity. For example, it is asserted that:

> Large-scale cattle rustling currently prevalent in the pastoralist areas are a major cause of destitution among pastoralists as they cause much more rapid and focused damage than drought. Unlike drought, large-scale raiding jeopardizes customary strategies for risk distribution, animal-loss management and restocking and when directed at numerous homesteads simultaneously may decimate an individual's livestock in a few hours and leave destitute the whole network of dependents, friends and relatives, who might have represented a source of help in mitigating food insecurity.[173]

Traditionally, customary dispositions inherent in the nomadic lifestyle as well as insufficient attention by governments to alternative models of schooling severely limited access to education[174] among the pastoralists;[175] but now, with the advent of numerous civil society organizations in recent times, it is the endemic conflicts that are largely to blame for the low literacy levels, particularly among women and girls. Lack of adequate education has adversely affected development as it exacerbates the limited access to and analysis of information, and reduces opportunities for influencing political decision-making processes at all levels.[176] Sporadic outbreaks of violence and general insecurity mean that there are no qualified teachers in pastoralist schools. Schools and other facilities are also specifically targeted for destruction and looting by combatants.

New to the pastoralist areas is an increased prevalence of the HIV/Aids epidemic, with an increasing number of pastoralists succumbing to the scourge previously viewed as a 'pandemic of the urban people'.[177] It is estimated that the pastoralist areas in Kenya have a HIV/Aids prevalence[178] of 40 per cent of the urban rate.[179] Security personnel deployed to contain raging cattle raids or marauding warriors engage in rape orgies greatly contributing to the continued spread of HIV/Aids. The desperation inflicted on the pastoralist community by the HIV/Aids is clearly captured by sentiments from a conflict resolution-training workshop in Turkana district in Kenya.

> ... HIV/Aids is perhaps the single most deadly and feared enemy [in the pastoralist areas and] unlike the Pokot and Merille warriors whom you can confront, HIV/Aids will wipe the whole "*adakar*" [(village)] and yet the AK 47 won't stop it. You can dialogue and broker peace pact with any of the dissenting tribes [but] ... you cannot talk to HIV/Aids'.[180]

### iii) Effect on the Flora and Fauna

Elementary veterinary services were introduced in the pastoralist areas in the 1930s and livestock numbers have grown steadily since then. However, at the same time, and ever since, land available for grazing started to 'shrink due to the encroachment of cultivation [whose] ...inevitable result was overstocking, overgrazing and [subsequent] ecological degradation'.[181] As violent conflict results in pastoralists abandoning traditional grazing areas and fleeing to areas of relative safety, the abandonment of grazing areas has a negative ecological impact because 'leaving lands ungrazed not only causes an immediate loss of production but also its degradation in the long term, as decreased grazing pressures result in bushy, ungrazable vegetation gradually taking the place of grass'.[182]

Pastoralist communities who have lost their livestock through conflicts turn to other income generating ventures like producing charcoal and small-scale farming, but this has a negative environmental and ecological impact as is illustrated by the following example from Karamoja.

**Conflict-induced transformation of society and ecology**

- With their cattle herds depleted or gone, and many of their traditional agricultural areas abandoned because of fear of armed raiders, poverty-stricken people turned to producing charcoal to sell to townspeople in the administrative centres and military posts. As a result, many of the trees and large bushes disappeared from the plains and the lower slopes of the mountains.

- Clearing the brush opened up land to be potentially reclaimed by savannah grasses (Wilson, 1985), but the broader impact of deforestation might have been a further decrease in rainfall. Also, concentrating cultivation in a smaller number of more secure areas close to towns and military posts has caused soil depletion and lower crop yields.

- In the past, the pastoralists had never relied on game animals for their subsistence, and thus had never developed a hunting culture with ritual and practical constraints on harvesting wildlife. However, with modern rifles in their hands and hunger in their homesteads, the pastoralists have literally decimated the large populations of zebra, antelope, giraffe, ostrich, and other fauna that were abundant in Karamoja twenty years ago.[183]

## 1.4 Summary

Conflict can be defined as "a struggle between individuals or collectives, over values or claims to status, power and scarce resources in which the aims of the conflicting parties are to assert their values or claims over those of others". The term "conflict" is largely used negatively and synonymously with physical violence i.e. any physical assault on human beings carried out with the intention of causing them harm, pain or suffering; but, conflict may have its positive elements where it is a normal form of social interaction that contributes to the maintenance, development, change and overall stability of social entities. Bad or non-existing governance has often been presented as the core of all root causes - be it poverty, scarcity of resources, (national) inequality, chaotic and insecure living conditions, human rights violations, discrimination or violent conflict and even natural disasters which often stem from exploitative and damaging environmental policies.

Pastoralism denotes a practice whose main ideology and production strategy is the herding of livestock on an extensive base or in combination with some form of agricultural and trade activities; it is a highly imaginative and original system of intricate modes of social organization and patterns of culture hence it is also 'a way of life'. To a pastoralist, livestock, particularly cattle, are not merely a food resource; they are also capital, which is essential to all kinds of negotiations involving influence and alliance. Livestock are not merely savings but also a redeemer from damage, a sacrificial gift and a means to marriage and other ceremonial payments. Pastoralism faces many challenges that are increasingly changing its context and value. The decline of pastoralism can be traced to both the colonial and post-colonial periods where unfavorable and incoherent policies were consistently adopted in favor of those in government and the non-pastoralist communities. Partitioning of the pastoralist areas was probably the single most significant body-blow to pastoralism consigning pastoralists to the margins of every state and cutting them off from their kin, traditional leaders, markets and places of worship and disrupting the natural process of adjustment that maintained a balance between people, land and livestock. Pastoralists were also subjected to whimsical fines and confiscation of livestock which negatively affected their economic viability, political integrity and social solidarity.

The marginalization of the pastoralist areas has resulted in unprecedented insecurity and lawlessness where the possession of military-style weapons, like the AK47, as a status symbol, a source of personal security, a means of subsistence, a sign of manliness and, in some cases, a symbol of ethnic and cultural identity, is glorified among the pastoralist communities. The availability and use of arms has caused a dramatic shift in the political and economic authority in the pastoralist areas, for example, the commercialization of cattle raids with pastoralists no longer raiding to replenish their stocks after periods of severe drought and animal diseases, but increasingly raiding to enrich

themselves by engaging in trade of stolen livestock. Possession of guns has also eroded the traditional authority of the elders with the armed youth now asserting their own power – backed by the gun.

Insecurity in the pastoralist areas has paralyzed economic and socio-development activities with development agencies spending huge sums of money on security for their staff whose movement is limited to relatively safe areas. Criminals use the cover of insecurity to carry on illegal trade like smuggling across borders and armed skirmishes to control the trade routes. The protracted conflicts have resulted in the breakdown of contact between neighboring or adjacent communities, destroyed age-old social networks constructed through inter-clan social institutions like marriages and constrained food production as crops are destroyed or abandoned. Women, children and old people no longer have access to milk or blood from their livestock, either because rival groups have stolen their livestock or because the livestock has been hidden in distant and secret grazing areas away from potential raiders hence, there are high rates of malnutrition.

Insecurity has displaced many pastoralists and the consequent rapid growth of 'refuge' centers with large migrant populations has seriously constrained basic amenities like health services, raised the levels of petty criminality and contributed to the intensification of "urban" conflicts. Destitution among these migrant communities has led to people scavenging for food in garbage dumps and women resorting to prostitution. Idleness and alcoholism, has become more prevalent, particularly among the youth, and is further undermining the stature and traditional authority of parents and elders. The concentration of large numbers of pastoralists in relatively "safe havens" has resulted in the shrinking of land available for grazing and agriculture and in overstocking and overgrazing. Lack of alternative sources of livelihood has led to pastoralists cutting down trees to make charcoal for sale in urban areas but with a resultant increase in ecological degradation. Wildlife numbers have similarly been decimated either through poaching or killing for meat as the availability and affordability of food sources decline.

## 1.5 Conclusion

The preceding discussion has clearly shown that pastoralism is both a "way of life" and "mode of production" largely dictated by ecological factors. The majority of pastoralists live in marginal areas that have suffered considerable historical socio-political, -social and –economic neglect by successive governments. This neglect has been the foundation of irrepressible and endemic violent conflicts which pit different pastoralist and non-pastoralist communities against each other over a limited and dwindling natural resource base. The conflicts have been, in the recent past, exacerbated by various factors - political incitement and the misuse of small arms easily available from the many on-going and latent civil conflicts and uncontrolled government sources. The negative manifestations of these conflicts are felt in every aspect of the pastoralist's life. They have unequivocably created an environment that festers further violence, that inadvertently portray a picture of lawlessness and that contributes to further alienation of pastoralist communities from mainstream political, social and economic activities.

There is a need to enact and adopt strategic policy measures in pastoralist areas. Given the long years of neglect and discrimination of these areas, such policies must contain aspects of "positive-discrimination" with specifically identifiable resources and implementation strategies otherwise, potential initiatives will be lost within amorphous government bureaucracies. The formulation of such policies should involve the pastoralists in an equitable and participatory manner; indeed, it has been noted that pastoralists should be given the opportunity of determining their future. Probably the greatest challenge but the most powerful one to address pastoralist conflicts is "mind-change". There is need for a mind and attitude change in government, development practitioners, the pastoralists themselves and the rest of the communities if the existing 'dis-connect' between pastoralism and pastoralist conflicts is to be bridged. As it has been pointed out 'the common impression outsiders have of pastoralism as an anarchic world where a permanent state of warfare reigns over land and animals, while neighboring cultivators live in terror of nomad raids [have to change. After all,] had it prevailed, such a state of affairs could not have endured for long, nor would it have allowed any group to prosper'.[184] Despite the violence and against conventional expectations, pastoralist communities have retained and continue to exhibit a rich culture and unassailable social cohesion built upon traditions and governance systems that draw heavily from the communities' local capacities for peace which are the next topic of discussion.

## Endnotes

[1] Joshia O. Osamba (2000, p. 13), 'The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya', *Africa Journal in Conflict Resolution*, No. 2/2000, ACCORD, South Africa (http://www.accord.org.za/ajcr/2000-1/accordr_v1_n2_a2.pdf) (Accessed March 2005).

[2] John Markakis (2004, p. 4), *Pastoralism on the Margin*, Minority Rights Group, UK. (http://www.minorityrights.org/admin/Download/Pdf/MRG-PastorialistsRpt.pdf#search='Pastoralism%20on%20the%20Margin') (Accessed November 2005)

[3] Baxter (1990) cited in Markakis (2004, p. 14), *op. cit.*

[4] Khan (1994, p. 198) cited in Osamba (2000, p. 13), *op. cit.*

[5] UNDP's classification of pastoral systems include: nomadic, transhumant, agro-pastoral transhumant and sendentary while 'a more refined formulation includes land use and market involvement as relevant variables' (UNDP (2004) and Muhereza *et al.* (2003) cite in Markakis (2004, p. 14)).

[6] Markakis (2004, p. 14), OAU/IBAR CAPE Brochure (n.d.) cited in Larry, Minear (2001, p. 7), 'Pastoralist Community Harmonization in the Karamoja Cluster: Taking it to the next Level, Community-based Animal Health and Participatory Epidemiology Unit (CAPE)', Feinstein International Famine Center, Friedman School of Nutrition Science and Policy, Tufts University, Medford, Mass. USA. (http://hwproject.tufts.edu/publications/electronic/pchkc.pdf#search='Pastoralist%20Community%20Harmonization%20in%20the%20Karamoja%20Cluster') (Accessed May 2005).

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[8] Markakis (1993, p. 148) cited in Osamba (2000, p. 14), *op. cit.*

[9] OAU/IBAR CAPE Brochure (n.d.) cited in Minear (2001, p. 5), *op. cit.*

[10] Salih (1992, p. 27) cited in Osamba (2000, p. 15), *op. cit.*

[11] Galaty *et al.*, (1980, p. 55) cited in Osamba (2000, p. 20), Markakis (2004, p. 8), *op. cit.*

[12] Osamba (2000, p. 14), *op. cit.*

[13] Markakis (2004, p. 4), *op. cit.*

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[15] Hogg (1988) cited in Saverio, Krätli and Jeremy Swift (2001), 'Understanding and managing pastoral conflict in Kenya: How contemporary understandings and knowledge of pastoral conflict can guide practical work', Environment Team, IDS Sussex, UK (http://www.eldis.org/static/DOC8749.htm) (Accessed March 2005).

[16] Little (1987) cited in Krätli & Swift (2001), *op. cit.*

[17] Sperling & Galaty (1990) cited in Hadley H. Jenner (1997), 'Pastoralist Cosmology: The Organizing Framework for Indigenous Conflict Resolution in the Horn of Africa', Eastern Mennonite University, Virginia USA (http://www.mcc.org/respub/occasional/26cosmology.html) (Accessed October 2005).

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[20] Jonathan, Goodhand & David Hulme (1999, p. 14), 'From Wars to Complex Political Emergencies: Understanding Conflict and Peace-building in the New world Disorder', *Third World Quarterly*, Vol. 20, No 1, pp 13-26.

[21] Oberg, Jan, 'Conflict Mitigation in Reconstruction and Development', http://www.gmu.edu/academic/pcs/oberg.htm (Accessed March 2005)

[22] Arblaster (1993) cited in Goodhand & Hulme (1999, p. 14), *op. cit.*

[23] Coser (1993) cited in Goodhand & Hulme (1999, p. 14), *op. cit.*

[24] Oberg (n.d.), *op. cit.*

[25] The Horn of Africa (HOA) region in this context refers to countries including: Eritrea, Ethiopia, Djibouti, Kenya, Somalia, Sudan and Uganda.

[26] J. Borton (1998), 'The state of the international humanitarian system', *Briefing Paper*, ODI, London (http://www.odi.org.uk/publications/briefing/1_98.html) (Accessed November 2005).

[27] CARE East Africa (1999), 'Program considerations for Rehabilitation', based on definition by P. Harvey, W. Campbell & S. Maxwell. 1997, *Rehabilitation in the Greater Horn of Africa*, November. Sussex, IDS.

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[29] Johan, Galtung cited in Linda Agerbak (1999, p. 27), 'Breaking the cycle of violence: doing development in situations of conflict', pp. 26-32 in Oxfam (1999), 'Development in States of War' introduced by Stephen Commins, *Development in Practice Readers*-Oxfam Publications, Oxfam UK and Ireland.

[30] Middleton & O'Keefe (1998), *op. cit.*

[31] The phenomena of complex conflicts and emergencies began to emerge in the late 1980s but gained currency in the early 1990s with the Gulf War when the principle of using military personnel to protect UN mandated relief and humanitarian operations was established (Roberts (1993) cited in Duffield (1994, p. 45); Borton (1998)). It was also at this time, beginning of the 1990s, that conflicts started being understood and analyzed from a political economy perspective and particularly the effects of global processes that contribute to

systemic conflicts with the argument that protracted conflict was symptomatic of new and expanding forms of a political economy (Duffield (1998) cited in Goodhand & Hulme (1999, p. 19)). By taking into account the internal socio-economic and political processes underpinning complex conflicts and emergences, it was shown that conflicts are not irrational breaking down of societies and economies but rather, 'it is the re-ordering of society in particular ways that create new types of political economy and not simply disrupting the old one' (Keen (1997) cited in Goodhand & Hulme (1999, p. 19)).

[32] Chris, Roche (1999, p. 16), 'Operationality in turbulence: The need for change' in 'Development in States of War' introduced by Stephen Commins, *Development in Practice Readers*-Oxfam Publications, Oxfam UK and Ireland, pp. 15-25, *op. cit.*

[33] Umar, Abdi (1997), 'Resource Utilization, Conflict and Insecurity in Pastoral Areas of Kenya', USAID organized seminar on Conflict Resolution in the Horn of Africa, Methodist Guest House, Nairobi, 27 - 29 March 1997 (Http://Payson.Tulane.Edu/Conflict/Cs%20st/Umarfin2.Dot) (Accessed October 2005).

[34] Markakis (2004, p. 7), *op. cit.*

[35] Kenya Land Commission Report (1933, p. 642) cited in Markakis (2004, p. 7), *op. cit.*

[36] Markakis (2004, p. 7), *op. cit.*

[37] *Ibid.*, p. 7.

[38] OAU/IBAR CAPE Brochure (n.d.) cited in Minear (2001, p. 5), *op. cit.*

[39] Markakis (2004, p. 5), *op. cit.*

[40] Odegi-Awuondo (1992, ch 1) cited in Osamba (2000, p. 19), *op. cit.*

[41] Markakis (2004, p. 7), *op. cit.*

[42] *Ibid.*, p. 7.

[43] Salih (1992, p. 34) cited in Osamba (2000, p. 20), *op. cit.*

[44] John, Prendergast (1999), *Building for Peace in the Horn of Africa: Diplomacy and Beyond*, United States Institute of Peace, Special Report 50 (http://www.usip.org/pubs/specialreports/sr990628.html) (Accessed March 2005).

[45] *Ibid.*

[46] Umar (1997), *op. cit.*

[47] Prendergast (1999), *op. cit.*

[48] Markakis (2004, p. 27), *op. cit.*

[49] *Ibid.*

[50] Markakis (1987) cited in Markakis (2004, p. 27), *op. cit.*

[51] Abraham C. (1997) cited in Markakis (2004, p. 27), *op. cit.*

[52] Markakis (2004, p. 27), *op. cit.*

[53] *Ibid.*, p. 8.

[54] *Ibid.*, p. 9.

[55] *Ibid.*, p.8.

[56] *Ibid.*, p.27.

[57] Pastoralists also engage in other economic activities, such as trade in animals and animal products, rare species of flora and fauna, the collection and sale of honey [or as hired labor] as guards and guides (Markakis 2004, p. 5). They are also employed in the army and police forces and more recently in regular jobs in various offices in their home districts as well as elsewhere in the country.

[58] Governance here refers to the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. Good governance is, among other things, participatory, transparent and accountable. It is also effective and equitable. And it promotes the rule of law (UN General Assembly. *Support by the United Nations System of the efforts of Governments to promote and consolidate new or restored democracies.* Report by the Secretary- General. A/53/554. 29 October 1998: New York).

[59] MRG (1998), *Pastoralists in the Horn of Africa*, Report of a Social and Economic Marginalization, 8–10 December 1998, Nairobi, Kenya (http://www.minorityrights.org/Admin/Download/pdf/pastoralistsWR.pdf) (Accessed March 2005).

[60] Oxfam (2000, p. 20), 'Karamoja Conflict Study: A Report' (http://www.oxfam.org.uk/what_we_do/issues/pastoralism/downloads/karamoja_conflict.pdf#search='Karamoja%20Conflict%20Study%3A%20A%20Report') (Accessed June 2006).

[61] Ronald Owuor Athoo (n.d.), 'Sustainable Pastoral Development: Potentials and Conflicts in the Management of Pastoral Resources in East Africa', Resources Conflict Institute (Reconcile), Nakuru, Kenya [unpublished report].

[62] Oxfam (2000, p. 24), *op. cit.*

[63] Markakis (2004, p. 8), *op. cit.*

[64] Oxfam (2000, p. 22), *op. cit.*

[65] In this context, conflict-prone areas are defined as areas with a history of high incidences of unresolved and recurrent violent conflicts characterized by the extensive use of small arms and light weapons as the standard tools of fighting. In these conflicts, people are injured, displaced or killed and their property and assets are looted and/or destroyed. Conflict-prone areas also host a high density of organized armed groups e.g. militias; experience large influxes and/or presence of SALW (legal/illegal) and security is in the hands of different shades of armed security forces including the police, special forces, regular armies etc. (Adapted from: M.J. Kimani (2002), "Project Profile & Implementation Strategy for the Assessing Small Arms Issues and Developing Capacity for Peace in the Horn of Africa (SALIGAD) project: The proposed implementation strategy- Project Planning Matrix (PPM)", Bonn-February 2002, Nairobi, Kenya).

[66] Markakis (2004, p. 9), *op. cit.*

[67] Hussein Sora (1994) cited in Umar (1997), *op. cit.*

[68] Oxfam (2000, p. 25), Umar (1997), *op. cit.*

[69] Markakis (2004, p. 26), *op. cit.*

[70] Umar (1997), *op. cit.*

[71] M. J. Kimani (2005), 'Summary of Preliminary Field Research Study Trip to Kenya: July 24-October 02, 2005', Irish School of Ecumenics (ISE), Dublin, Ireland [unpublished report].

[72] Markakis (2004, p. 23), *op. cit.*

[73] *Ibid.*, p. 24.

[74] The Group of Governmental Experts Reports (A/52/298 and A/54/258) focus on Small Arms and Light Weapons designed for military purposes and define them as follows (Note #5 of A/54/258): "Broadly speaking, small arms are those weapons designed for personal use, and light weapons are those designed for use by several persons serving as a crew. The category of small arms includes revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine-guns. Light weapons include heavy machine-guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of calibers of less than 100 mm. Ammunition and explosives form an integral part of small arms and light weapons used in conflicts, and include cartridges (rounds) for small arms, shells and missiles for light weapons, anti-personnel and anti-tank hand grenades, landmines, explosives, and mo0bile containers with missiles or shells or single-action anti-aircraft and anti-tank systems" (United Nations (2003, p. 14), General Assembly Report of 11 July 2003: A/58/138, The illicit trade in small arms and light weapons in all its aspects (http://www.iansa.org/issues/documents/2003_gge_marking_tracing_en.pdf) (Accessed October 2005).

[75] Michael D. Quam (1996), 'Creating Peace in an Armed Society: Karamoja, Uganda', *African Studies Quarterly*, University of Illinois at Springfield (http://web.africa.ufl.edu/asq/v1/1/3.htm) (Accessed October 2005).

[76] Osamba (2000, pp. 17-18), *op. cit.*

[77] Wangoola (1999) cited in Oxfam (2000, p. 27).

[78] The AK47 is the most popular weapon in use in many pastoralist areas because it is, relatively cheap, easy to use, is widely available from the many ongoing civil wars, is light weight and foldable, has a long shelf-life and the ammunition is cheap and readily available.

[79] Taya, Weiss (2004, p. 24), *Guns in the Borderlands, Reducing the Demand for Small Arms*, ISS Monograph Series, No 95, January 2004, Institute for Security Studies, South Africa.

[80] UNDP – 'Crisis Prevention & Recovery', *UNDP & Small Arms Control and Reduction: A Primer* (http://www.undp.org/bcpr/smallarms/undp3_prim.htm) (Accessed October 2005).

[81] Bol Aken (1991) cited in Krätli & Swift (n.d.), *op. cit.*

[82] Curtis Abraham (1997) in *The East African* (1997: Pt 2 page II) cited in Oxfam (2000, p. 17), *op. cit.*

[83] Fred, Goericke and M.J., Kimani (2002), 'Crisis Prevention and Conflict Management in District Development Programmes: The case of Marsabit District Development Programme (MDP)', GTZ-Kenya [unpublished project report].

[84] Hofstede (1991, p. 5) cited in Christopher A. Leeds (1997), 'Managing Conflicts across Cultures: Challenges to Practitioners', *The International Journal of Peace* Studies, July 1997, Vol. 2, No. 2 (http://www.gmu.edu/academic/ijps/vol2_2/leeds.htm) (Accessed January 2006].

[85] Fisher *et al.*, p. 41) cited in Kevin, Avruch (1998, p. 10), *Culture & Conflict Resolution*, United States Institute of Peace, Washington D.C., Iain, Atack (2005), Lecture Notes on Conflict and Culture: Conflict Resolution and NonViolence, ISE, November 30, 2005.

[86] John Paul, Lederach (1995, p 9), *Preparing for Peace: Conflict Transformation across Cultures*, Syracuse University Press.

[87] Christopher, Leeds (1997), *op. cit.*

[88] Michelle, LeBaron, (2003a), 'Culture and Conflict' (http://www.beyondintractability.org/m/culture_conflict.jsp) (Accessed December 2005).
[89] Leeds (1997), *op. cit.*
[90] LeBaron (2003a), Leeds (1997), *op. cit.*
[91] LeBaron (2003a), *op. cit.*
[92] Conflict resolution here refers to 'voluntarily enter into an arrangement that identifies and treats the root causes of a dispute and distributes the disputed values or interests in such a manner that the conflict will not re-appear, not even in disguise' (Jan Øberg (n.d.), Conflict Mitigation in Reconstruction and Development (http://www.gmu.edu/academic/pcs/oberg.htm) (Accessed November 2005).
[93] LeBaron (2003a), *op. cit.*
[94] Lederach (1995, p. 8), *op. cit.*
[95] *Ibid.*, p. 9.
[96] Gurr, 1994:348, 350, 355) cited in Leeds (1997), *op. cit.*
[97] LeBaron (2003a), *op. cit.*
[98] P.T.W. Baxter, (1977, pp. 77-78), 'Boran Age-sets and Warfare', in *Warfare amongst African Herders*, edited by Katsuyoshi Fukui and David Turton, pp. 69-95, Kyoto National Museum of Ethnology, Osaka.
[99] Frederick C. Gamst (1986), 'Conflict in the Horn of Africa' in *Peace and War: Cross-Cultural Perspectives*, edited by Mary LeCron Foster and Robert A. Rubinstein, pp.133-151, The State University, New Brunswick, New Jersey.
[100] *Ibid.*
[101] Baxter (1977, pp. 82-83) *op. cit.*
[102] Salih (1992, p. 24) cited in Osamba (2000, p. 24) *op. cit.*
[103] Baxter (1977, pp. 83-84), *op. cit.*
[104] In the context of this chapter, the general operational definition of a community is a particular type of social system distinguished by the following characteristics:
- People involved in the system have a sense and recognition of the relationships and areas of common concerns with other members
- The system has longevity, continuity and is expected to persist
- Its operations depend considerably on voluntary cooperation, with a minimal use (threat) of sanctions or coercion
- It is multi-functional. The system is expected to produce many things and to be attuned to many dimensions of interactions
- The system is complex, dynamic and sufficiently large that instrumental relationships predominate.

Usually, there is a geographical element associated with its definitions and basic boundaries; note, careful attention must be paid to geographic characteristics. Everything and every person within the geographic area is not associated with the community system (Cook, James B. (1994), 'Community Development Theory', Community Development publication MP568, Department of Community Development, University of Missouri-Columbia, Reviewed October 1994).
[105] Oxfam (2000, p. 17), *op. cit.*
[106] There is a set of ideas used to differentiate development from other forms of positive change in the community. These include:
- A system subject to change exists
- Change will take place incrementally, within a process, over a rather extended time
- Once this process has begun, it is very unlikely that the system will be able to return to the original state
- The process is stimulated and given direction by conscious effort
- During the conscious effort to provide direction, a theory/model of development provides reference points and expectations
- At each stage, the system is in a configuration it has not experienced before
- It operates as a learning process
- Accomplishments in the process can be evaluated only in terms of judgments of people in the system
- The systems are judged to be more positive than negative and worth the costs (Cook, 1994).

[107] Mark, Duffield (1994, p. 44), 'Complex Emergencies and the Crisis of Developmentalism', *IDS Bulletin: Linking Relief and Development*, Vol. 25, No 3, pp 43-48, October 1994, UK.
[108] Robert J. Muscat (2002, p. 103), I*nvesting in Peace: How Development Aid can Prevent or Promote Conflict*, M. E. Sharpe, Inc., USA.
[109] Olympio, Barbanti, Jr. (2003), 'Intractable Conflict Knowledge Base Project', Conflict Research Consortium, University of Colorado (http://www.beyondintractability.org/m/development_conflict_introduction.jsp) (Accessed October 2005).

[110] Duffield (1994, p. 44), *op. cit.*
[111] Barbanti, Jr. (2003), Stephen, Commins (1999, p. 8) (ed.), 'Development in States of War introduced by', *Development in Practice Readers*, Oxfam Publications, Oxfam UK and Ireland, *op. cit.*
[112] Muscat (2002, pp. 103-4), *op. cit.*
[113] Adebayo, Olokoshi (1995), 'Challenges to the Nation State in Africa', *Life & Peace Review*, Vol. 3, pp. 15-18.
[114] Barbanti, Jr. (2003), *op. cit.*
[115] *Ibid.*
[116] FAO (1967) cited in Markakis (2004, p. 16), *op. cit.*
[117] Jenner (1997), Athoo (n.d.), *op. cit.*
[118] J.T. McCabe (1990) cited in Jenner (1997), *op. cit.*
[119] Markakis (2004, p. 9), *op. cit.*
[120] Birgegard L.E. (1993), *Natural Resource Tenure: A Review of Issues, experiences with emphasis on Sub-Saharan Africa, Rural Development Studies,* Swedish University of Agriculture Science/International Rural Development Center: Uppsala, Sweden.
[121] Niamir-Fuller (1994) cited in Ben, Cousins (1996), 'Conflict Management for Multiple Resource Users in Pastoralist and Agro-pastoralist Contexts' (http://66.249.93.104/u/undpsearch?q=cache:7rxVg4bcuwgJ:www.undp.org/seed/unso/text/pub-htm/pastoral-eng-cousins.htm+ben+cousins&hl=en&ie=UTF-8) (Accessed January 2006).
[122] Brown (1971) cited in John, G. Mcpeak; Guyo O. Haro; Godana J. Doyo (2004:287), 'Linkages between Community, Environmental and Conflict Management: Experiences from Northern Kenya', *World Development,* Vol. 33, No. 2, Pp. 285–299, 2005 (http://www.iucn.org/themes/ceesp/WAMIP/Guyo%20et%20al%20article.pdf) (Accessed January 2006).
[123] Markakis (2004, p. 22), *op. cit.*
[124] *Ibid.*
[125] Jenner (1997), *op. cit.*
[126] Markakis (2004, p. 22), *op. cit.*
[127] Mwangi (1994) cited in Markakis (2004, p. 22), *op. cit.*
[128] Prendergast (1999), *op. cit.*
[129] Krätli & Swift (2001), *op. cit.*
[130] Prendergast (1999), *op. cit.*
[131] Markakis (2004, p. 11), *op. cit.*
[132] *Ibid.*
[133] Umar (1997), *op. cit.*
[134] *Ibid.*
[135] Markakis (1993, p. 124) cited in Osamba (2000, p. 13), *op. cit.*
[136] Quam (1996), Krätli & Swift (2001), *op. cit.*
[137] Ocan (1995) cited in Osamba (2001), *op. cit.*
[138] Salih (1992, p. 29) cited in Osamba (2001), *op. cit.*
[139] Transhumance - a settled form of pastoralism through which only animals are moved in search of pasture and water while the families settle 'permanently' in given locations (Ocan n.d., p. 4).
[140] Dyson-Hudson quoted in Markakis (1993, p. 1) cited in Osamba (2000, p. 16), *op. cit.*
[141] Ocan (n.d.) cited in Osamba (2000, p. 16), *op. cit.*
[142] Osamba (2000, pp. 17, 29, 30 & 36), *op. cit.*
[143] Krätli and Swift (2001), *op. cit.*
[144] *Ibid.*
[145] Kurimoto (1994) cited in Krätli and Swift (2001).
[146] Krätli and Swift (2001), *op. cit.*
[147] *Ibid.*
[148] *Ibid.*
[149] Umar (997), *op. cit.*
[150] *Ibid.*
[151] Hassan (1997) cited in Krätli &Swift (2001), *op. cit.*
[152] Quam (1996), *op. cit.*
[153] Malombe (1997) cited in Krätli & Swift (2001), *op. cit.*
[154] Okudi (1992) cited in Quam (1996), *op. cit.*
[155] Omwony-Ojok, 'Interview in Kampala-Uganda, January 13 1996' cited in Quam (1996), *op. cit.*
[156] Quam (1996), *op. cit.*
[157] Osamba (2000, pp. 25-26), *op. cit.*

[158] Poverty: The Oxford English Dictionary defines poverty as: 'The condition of having little or no wealth or material possessions; indigence, destitution, want', and suggests its first use was in AD 1075. In recent years, research tapping the perspectives of poor people has recognized that poverty involves a wider set of deprivations, including vulnerability and exclusion from society, in addition to material destitution and a lack of basic human needs, such as adequate and nutritious food, clothing, housing, clean water, and health services (www2.ucsc.edu/atlas/glossary.html>; <highered.mcgraw-hill.com/sites/0809222299/student_view0/glossary.html) (Accessed October 2005).

[159] Dahl (1981) cited in Jenner (1997), *op. cit.*

[160] Goericke & Kimani (2002), *op. cit.*

[161] Isobel Birch and Shuria, Halima A.O. (2002), 'Taking charge of the future: Pastoral institution building in Northern Kenya', *Issue paper No. 114*, International Institute for Environment and Development (IIED), London (http://www.iied.org/pubs/pdf/full/9221IIED.pdf) (Accessed October 2005).

[162] Krätli & Swift (2001), *op. cit.*

[163] Carnegie Commission (1997: xxxi-xxxii) cited in Muscat (2002, p. 157), *op. cit.*

[164] Oxfam (2000, p. 1), *op. cit.*

[165] Markakis (2004, p. 26), *op. cit.*

[166] Umar (1997), *op. cit.*

[167] Nyukuri (1997) cite in Krätli & Swift (2001).

[168] Markakis (2004, p. 27), *op. cit.*

[169] Alnwick (1985, pp. 132-133) cited in Quam (1996), Markakis (2004, p. 12), *op. cit.*

[170] Central Statistics Agency (2000) cited in Markakis (2004, p. 19), *op. cit.*

[171] Quam (1996), *op. cit.*

[172] Alnwick (1985, pp. 132-133) cited in Quam (1996), *op. cit.*

[173] Krätli and Swift (2001), *op. cit.*

[174] Enrollment in primary schools in the high potential central province of Kenya is 91.2 per cent but by contrast in pastoralist Northern Eastern province enrollment is 20.5 per cent. North Eastern province has the highest percentage of young people (aged 6-24) who have never attended school – 72 per cent for males and 85 per cent for females (Government Printer (2002) cited in Markakis (2004, p. 19). In Ethiopia the national average gross enrollment rate for the primary level is 64.4 per cent but in the Afar and Somali regional states it is 13.8 and 15.1 per cent respectively (Markakis, 2004:19 citing Ministry of Education, 2003). Uganda does not fare any better; while the national primary enrolment rate is 64.6 per cent, the pastoralist districts of Kotindo is 12 per cent while Moroto and Nakapipirit is 9 per cent each, (UNDP, 2002) cited in Markakis (2004, p. 19).

[175] Markakis (2004, p. 19), *op. cit.*

[176] Kennedy, Mkutu (2001), 'Pastoralism and Conflict in the Horn of Africa', Report, Africa Peace Forum/Saferworld/University of Bradford, UK (http://www.saferworld.org.uk/publications/WebLaikipia.htm) (Accessed March 2005).

[177] ITDG, *Peace Bulletin*: A Newsletter of Intermediate Technology Development Group - Eastern Africa Issue No.3 December 2003, p. 6, ITDG Kenya (http://www.itdg.org/docs/region_east_africa/peace_bulletin_3.pdf ) (Accessed March 2005).

[178] HIV/Aids prevalence is higher in urban than in rural areas; the rates in Kenya being 17.5 per cent in urban centers and 12.2 per cent in the countryside (Markakis 2004, p. 19). It has been noted that certain cultural practices amongst the pastoralists are also conducive to the transmission of the HIV virus. These include body tattooing, genital female mutilation, polygamy, wife inheritance and sharing, underage marriage of young girls etc (ITDG, 2003, p. 6, Markakis 2004, p. 20).

[179] Koech (2001) cited in Markakis (2004, p. 19), *op. cit.*

[180] Anonymous trainer cited in ITDG, Peace Bulletin No. 3, December 2003, p.6, *op. cit.*

[181] Markakis (2004, p. 8); Hassan (1997) cited in Krätli & Swift (2001), *op. cit.*

[182] Bolling (1990) cited in Krätli & Swift (2001), *op. cit.*

[183] Quam (1996), *op. cit.*

[184] Markakis (2004, p. 5), *op. cit.*

## 2.0 Local Capacities for Peace in Pastoralist Areas

### Preamble

The preceding chapter detailed the diverse conflicts and their manifestation within pastoralist communities. While their lives may appear, at best, bleak, pastoralist communities remain resilient and have an exceptional ability to survive largely because they have continued to rely on their inherent indigenous local capacities for peace which they employ in everyday conflict resolution and peacebuilding. This chapter does not particularly concern itself with the theory of conflict resolution *per se* but does briefly highlight it in the context of pastoralist vis-à-vis conventional conflicts.

The chapter gives a snap-shot of the interface between culture and conflict as culture is always thought to bedevil pastoralist conflicts. It describes the genesis and realization of the important connection between local capacities of peace and conflict resolution. It divides the local capacities for peace into two main categories - community-based institutions and traditional tools and instruments used for conflict resolution and peacebuilding. It ends with a brief overview of the challenges facing the application of local capacities for peace in pastoralist areas.

### 2.1 Local capacities for peace and conflicts resolution

#### 2.1.1 Similarities between contemporary and pastoralist conflicts

Chapter 1 discussed in detail different aspects of pastoralist conflicts and while these conflicts have their own specific characteristics, they are, in general, similar to other contemporary conflicts. There are already various approaches to conflict resolution in existence and while they were developed to address contemporary conflicts, the similarities between such conflicts and pastoralist conflicts means that the same approaches can be adapted for the latter. As a prelude to reviewing conflict prevention and resolution approaches, it might be informative to first explore the close similarities between contemporary and pastoralists conflicts. A brief look at a typology of characteristics of complex (political) emergencies[1] is a good basis for a comparison between them and pastoralist conflicts:[2]

(i) *Conflict within and across state boundaries: they are a hybrid form of conflicts that are 'neither purely inter-state conflict nor confined within the normal institutionalized rules and procedures of domestic conflict management' (Ramsbotham and Woodhead, 1996).*

Chapter 1 pointed out that many pastoralist conflicts take place within and without specific intra- and inter-state boundaries mainly because of the migratory nature of pastoralists combined with the fact that the drawing of nearly all inter- and intra-borders was irrational and insensitive to pastoralist needs and hence disputed and ignored. It was also pointed out that pastoralist conflicts are influenced by factors like geo-politics, colonialism, trade etc and as a result of this complex mix they cannot be resolved through the normal institutionalized rules and procedures of domestic conflict management alone.

(ii) *Political origins: they have political causality with competition for power and scarce resources centrally dynamic in the social conflicts (Lewer and Ramsbotham, 1993). Politics refers to processes or activities that aim to upset the existing status quo in power relations.*

Pastoralist conflicts entail significant elements of politics and competition for power and control over natural resources. Many of the conflicts are rooted in historical social, economic and political injustices perpetuated by the structures of the state – colonial and post-independence - to the detriment of the pastoralist communities. Expropriation of pastoralist lands for agriculture, national parks, and army training grounds etc has both robbed them of their livelihood and disempowered them from active participation in regional, national and international processes.

(iii) *Protracted duration: the conflicts have an enduring nature and are seldom temporary crises after which society returns to normality.*

Pastoralist conflicts have a cyclic characteristic. This is so because they are closely related to variable weather, resource availability and because they are protracted in nature. This protracted nature arises, for example, from the livestock raiding and counter-raids which are a product of the deep rooted attitudes of ethnicity, clanism etc.

(iv) *Social cleavages: the conflicts are embedded in, and are expressions of existing social, political, economic and cultural structures; they are all-encompassing and involve every dimension of society and the lives of the people who are part of them (Eade and Williams, 1995). Ramsbotham and Woodhead characterize many modern internal conflicts as a prolonged and often violent struggle by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions and economic participation (Ramsbotham and Woodhead, 1996).*

Pastoralist areas suffer from extreme relative deprivation and neglect by the central governments and besides fighting for their everyday survival, pastoralists also endeavor for recognition, fairness and involvement in the affairs of their countries. Indeed, many pastoralist communities agitate for federal forms of governance[3] where they can exercise regional autonomies and where these calls are ignored there are often threats to secede.

(v) *Predatory social formations: the conflicts are often ethno-nationalist in nature, characterized by 'a virulent loyalty to one particular social group, accompanied by equally strong feelings of antipathy towards other social groups living within the same state (Crisp, 1995) where such groups are mobilized and manipulated by selfish opportunists. The conflicts are fought by militia and other*

*armed groups with little sense of discipline, poor chains of command and no discernable political agenda (Crisp, 1995).*

Although pastoralist communities are similar in many ways, they are composed of many different groups or clans, some of which are not averse to clan and/or ethnic hegemony. The vulnerability of the majority of pastoralist communities, the patriarchal social structure, the reliance and trust in key opinion leaders also means that the communities are potentially susceptible to external and internal manipulation and influence. While there are no militias, in the common sense of the word, in the pastoralist areas, there are numerous armed gangs and bandits in operation. Their main objective is theft without any political connotations, but they are also 'guns-for-hire' used to fight other peoples' political battles: this was the case of Isiolo district in the run-up to the 1992 parliamentary elections.

### 2.1.2 Practitioners in conflict resolution

The complexity, magnitude and impact of violent and non-violent conflict in the pastoralist areas present a picture of a "lost cause" where the "rule of the jungle" and "survival for the fittest" seems to reign. Indeed, this has hitherto been the view of many government planners and decision makers in the region who unfortunately have unwittingly contributed to the escalation of the conflicts based on this presumption. Political expediency resulting from the increasing pressure from internal and external advocates especially in the fields of human rights abuses and child rights, marginalization and human security, has in the recent past caused the regional governments to focus more critically on pastoralist conflicts. The impetus can also be attributed to an acknowledgement of the undeniable link between insecurity, poverty, neglect and the potential of the marginalized communities, particularly their youth to engage in and/or be easily recruited into violence related activities. The HOA is particularly fingered as a potential 'terrorist bastion'.[4]

Conflicts *per se* are not a problem in themselves, but the way we deal with them determines what nature they take and the kind of impact they have on society. Dealt with constructively, i.e. in a humane and civilized manner, conflicts improve cooperation and deepen relationships. However, conflicts turn violent when 'society cannot represent, manage or resolve its different interests in a productive manner, thus initiating a degenerative or destructive cycle of violence'.[5] Probably the key to mutual relationships and coexistence among people is the knowledge of what to do and what not to do in conflict situations. The problem is that in many cases we either do not know what to do and/or we know or think we know what to do but there are impediments that prevent us from doing it.

In many conflict situations the impulsive response by practitioners is to deliver physical items like food, water, shelter etc. While this is important especially, following violent conflicts, it may not be enough. Also the adoption of inappropriate conflict prevention approaches runs the risk of

'weakening and undermining the local production systems, local organizations and local self-esteem which in turn might lead to a weakened civil society and reinforcement of the unpopular and undemocratic systems responsible for the conflict'.[6] There is a need to start understanding and analyzing the root causes of the conflict and to attempt to understand the existing political, social and economic factors in the community as they are usually closely associated with the conflicts.[7] It is also important for the practitioners to engage in capacity building and the strengthening of local coping mechanisms; to seek political protection and to lobby for effective conflict prevention methods. Such engagements should then lead to the effective development of 'long-term interventions that may include securing food supply, enabling economic, social and environmental recovery, resettlement of displaced persons, opposing human rights abuses, empowering communities against repression, affirming peoples cultural identity, healing social fragmentation and advocating for peace'.[8]

To date, although the devastating effects of violence in many pastoralist conflicts are well known, effective mechanisms to address them are still lacking. Practitioners involved in pastoralist areas, like their contemporaries in other conflict situations, tend to engage in the conflicts from three broad interpretations:[9]

a) Working around conflict: treating conflict as an impediment or negative externality that is to be avoided. The assumption is that conflict is a 'disruptive factor' over which little influence can be exercised and that development programs can continue without being negatively affected by conflict. Hence, the strategy is to withdraw from or keep out of conflict affected areas and continue to work in low risk areas on mainstream development activities.

b) Working in conflict: recognizing the links between programming and conflict and making attempts to minimize conflict-related risks, so that aid 'does not harm'. Here, the assumption is that development programmes can be negatively affected by, and have a negative impact on the dynamics of the conflict. So the strategy should be to make reactive adjustments to programmes in medium and high risk areas; improve security management; place a greater focus on 'positioning' i.e. neutrality and impartiality; and cut back on high input programmes.

c) Working on conflict: conscious attempts to design programmes so that they have explicit conflict prevention and peace building objectives. The assumption here is that development programmes can exploit opportunities to positively affect the dynamics of conflict. The strategy should be to refocus programmes onto the root causes of the conflict e.g. governance, poverty, social exclusion; to attempt to incentivise for peace and disincentivese for violence; to support mediation efforts; and to focus on the protection of human rights.

Effective conflict resolution activities, which are the mainstay of those working on conflict, offer an inclusive approach that attempts to broadly address conflicts based on their own unique characteristics as embedded in economic, political and social cultural backgrounds. However, within these unique characteristics, the relative inequality in power among the protagonists is a hindrance to effective conflict resolution. It is pointed out that this 'inequality limits the usefulness of negotiation, mediation and other joint problem-solving processes' where the 'weaker parties may, for example, withdraw from negotiations but without ultimate benefit; or distrust based on inequality of power may pre-empt constructive discussions even beginning'. In such situations, it is necessary to attempt to equalize power which 'can take place both outside of arenas of direct interaction between parties (e.g. during a pre-negotiations phase) or within the processes themselves'.[10] It is further proposed that a number of approaches can be adopted to facilitate an acceptable degree of power equalization including: [11]

- *'modifying the procedures used to manage or resolve the conflict* – for instance ensuring that what is at stake for the weaker party is better heard by others; a willingness to meet in settings with which the weaker party feels comfortable; an adoption of the discussion styles of the weaker party (Helen Ross 1995); and adoption of aspects of customary procedures which are familiar to the weaker party (Moore and Santosa 1995)'.

- *'legal advocacy or action, or political action to change the legal framework of rights to resources'* – for instance in November 2005 the President of Kenya granted the Maasai community the right to take over the ownership of the Amboseli National Park which effectively converted it to a National Reserve, whose statutes allowed the local adjacent community the right to determine its use and management.

- *'Mobilizing and organizing strategies* - through forming associations or other local organizations to press claims and defend interests'. This has usually led to the adoption of confrontational tactics, such as land invasions to promote community mobilization and empowerment as witnessed in Kenya between the pastoralist Maasai community and the agriculturalist Kikuyu community in the Mai Mahiu region of the Rift Valley.

- *'Forming alliances with external organizations that provide support and resources* - this can take various forms, including legal advice (Villareal 1993), technical assistance (Anaya & Macdonald 1995), and training (Bradbury et al. 1995; Pendzich 1994)'.

### 2.1.3 Cultural frameworks for conflict resolution

One of the challenges to conflict resolution in the pastoralist areas has been how to deal with the existing complex social organization and traditional governance structures. It is always pointed out that these communities are deeply steeped in their cultures and traditions and that these cultures and traditions are a hindrance to conflict resolution. The next section re-visits the discussion started in chapter 1 on the interface between culture[12] and conflicts.

It was pointed out in chapter 1 that individuals are affiliated to each other and to those from other groups either through shared national and geographic region, race, generation, gender, sexual orientation, occupation or other specific activities. These attributes constitute the individual's culture: that is more than traditions and values. Rather, it is a fluid and changing aspect influenced by experience and context. It was further pointed out that since culture is the foundation upon which meaning and identity is constructed it is therefore an integral component of conflict between people and given that conflict is a natural phenomenon of everyday personal inter-relationship, then culture, should, necessarily be a consideration in conflict mediation and resolution.

There are several frameworks used by Anthropologists in their attempt to distinguish cultural differences one of which is the concept of collectivist vs. individualist societies. Again re-capping from chapter 1, "collectivist cultures" are observed to embrace values that 'tend towards harmony, face-saving, filial piety [respect for and deference toward elders], modesty, moderation, thrift, equality of rewards, and the fulfillment of others' needs'. "Individualist cultures" on the other hand embrace values of 'freedom, honest, social recognition, achievement, self-reliance, comfort, hedonism and equity'. Face-saving in individualist cultures is 'conceived and refracted differently' to that of collectivist cultures.[13]

Another framework, although largely in disuse nowadays, has been 'the distinction between traditional and modern societies'. In conflict resolution, this manifests itself in 'task-orientation versus emphasis on process and the development of relationships'. Modern societies focus more on '"getting the job done" and may be perceived by a more traditionally-focused person as impersonal and overly concerned with achievement and accomplishment'. In traditional societies the concern is more on "relational priorities" and informality.[14]

The third framework introduced the concepts of "low context" and "high context" cultures as epistemological tools for conflict analysis and resolution. [15]

- High-context cultures embody a collective identity where communication between people is largely 'conveyed by the context surrounding it, rather than being named explicitly in words'. In high-

context cultures, 'the physical setting, the way things are said, and shared understanding are relied upon to give communication meaning. Interactions feature formalized and stylized rituals, telegraphing ideas without spelling them out. The context is trusted to communicate in the absence of verbal expressions, or sometimes in addition to them. High-context communication may help save face because it is less direct than low-context communication, but it may increase the possibilities of miscommunication because much of the intended message is unstated'.

- In contrast, communication in low-context cultures 'emphasizes directness rather than relying on the context to communicate. From the starting point, verbal communication is specific and literal, and less is conveyed in implied, indirect signals. Low-context communication may help prevent misunderstanding, but it can also escalate conflict because it is more confrontational than high-context communication'.

In addition to understanding the type of framework best suited in the attempt to distinguish the cultural differences of parties in a conflict, it is also equally important to identify the appropriate type of intervention to adopt in mediation and conflict resolution processes. This is particularly important with regard to the choice of third party interveners or mediators. The difficult choice is usually between the Outsider-Neutral and the Insider-Partial mediator models. It has been stated that the Outsider-Neutral mediator model (someone unknown to the parties and who has no stake in the outcome or continuing relationship with the parties) is more popular with Western practices and traditions. The model conjures the image of a detached rational mediator, usually coming from a democratic individualist tradition, who adopts 'participative egalitarian methods whereby disputants are encouraged to solve their own conflicts, with mediators and "conflict moderators" acting as facilitators'.[16]

The Insider-Partial model (someone known to the parties who are familiar with the history of the situation and the webs of relationships) is usually preferred in collectivist societies which emphasize 'preserving hierarchy, harmony and trust, based on personal relations within an in-group, and dependency – the tendency to refer to others for advice and instruction'. In many of these societies, particularly in rural Africa, 'traditional elders are revered for their local knowledge and relationships, and are relied upon for direction and advice, as well as for their skills in helping parties communicate with each other'.[17] Mediators involved in handling 'disputes in such environments might be involved in a wider role than a facilitator, acting assertively as a mediator-negotiator'.[18]

The preceding discussion has shown that conflict is a socially constructed cultural event and that it is people who are actively involved in creating situations and interactions that they experience as conflict. The situations and interactions are based on peoples' accumulated cultural knowledge,

which is grounded in meanings that they attach to situations and events - past and present. This interpretation and meaning making can lead to outbreaks of violence especially in situations where cross-ethnic conflict is volatile and divisive forcing people to act in a defensive way for self-preservation. In such situations, it is observed that 'each group experiences a deep-rooted and deep-felt threat to its identity and well-being, often creating a sense of prevailing insecurity that we are not safe'; and that 'paradoxically, insecurity protects itself by lashing out at others who are the perceived threat but who, more often than not, are equally insecure, thus creating a mutually reinforcing and destructive cycle'.[19]

In order to avert outbreaks of violence, such communities need to be weaned-of their pathological fear of perceived threats from others. It has been observed that this is best done when community is invited to reflect within itself on the 'strengths and weaknesses of its own heritage, knowledge, and modalities related to conflict – in contrast to reflecting on the threat or modalities of others or adopting a posture that members must initially learn from others'. This way, the communities 'become their own best critics, moving toward a proactive rather than a reactive posture and simultaneously strengthening the respect for their own identity, a key component in breaking out of the vicious cycle'.[20]

While effective conflict resolution makes significant contributions in breaking cycles of violence, it has also been observed that the idea should be to go beyond conflict resolution and, instead, embrace conflict transformation. Conflict transformation provides a more holistic understanding that does not aim at simply eliminating or controlling conflict, but rather 'points descriptively toward its inherent dialectic nature'. Conflict transforms relationships and the people involved in them and it is therefore necessary to transform the 'human construction and reconstruction of social organization and realities' constituting the conflict in order 'to maximize the achievement of constructive mutually beneficial processes and outcomes'.[21]

While there is no one single approach to conflict transformation, in order to be effective, the approaches and methodologies adopted should endeavor to be:

- Meaningful to the people or communities involved in and affected by the conflict;
- Practical and providing effective tools and resources for people to be directly and actively engaged in working to address the conflicts constructively;
- Participatory and involving people as the participants, actors and decision-makers and implementers in the actual process of transforming their conflicts;
- Rooted in traditions and culture of the community and addressing the real needs of the people as identified by themselves;

- Integrated, comprehensive and holistic, effectively addressing all of the issues and aspects of the conflict;
- Sustainable and not relying or overly dependent upon external processes and interference;
- Inspiring, providing people with confidence and hope in the ability of the process to overcome and transforming the conflict constructively and create new opportunities and possibilities out of the conflict situation.

In attempting to transform people's attitude and perceptions of conflict and thus the "meaning" they attach to it, we operate within the realm of an aspect of their cultural knowledge – that is commonsense knowledge of the nature of the conflict based on everyday understanding accumulated through natural experience. Consequently, conflict transformation uses the everyday channels of communication by communities including proverbs, metaphors, stories, songs, dances, rituals, peace conferences etc. through existing community institutions of governance e.g. elders, religious leaders, women, youth, interest groups etc.

## 2.2 Community-based conflict resolution

In 1995, Hizkias Assefa developed a spectrum of conflict handling mechanisms that portrays a 'degree of mutual participation by the conflict parties in the search for solutions to the problems underlying their conflict', thus, conflict resolution.[22] On the upper end of the spectrum, and the mechanisms that have the best potential for conflict resolution and peacebuilding, are mediation and reconciliation. Mediation is defined as 'a special type of negotiation where the parties' in conflict search for mutually satisfactory solutions with the assistance of a third party – mediator'.[23] Reconciliation refers to an 'approach [that] not only tries to find solutions to the issues underlying the conflict but also works to alter the adversaries' relationships from that of resentment and hostility to friendship and harmony'.[24]

Conflict resolution processes emphasize reconciling the protagonists with each other rather than establishing right and wrong. The aim of punishment is not retaliation but the restoration of equilibrium. This is usually achieved through the mechanisms of restitution, apology and reconciliation with an emphasis on justice and fairness, forgiveness, tolerance and peaceful coexistence not only between the protagonists but of the community as a whole.[25] These aspects are important elements in indigenous conflict resolution. Indeed, the hallmarks of indigenous conflict resolution are joint problem-solving techniques incorporating dialogue, reconciliation, mediation and accommodation, which lead to the working out of a consensus.[26]

The conflict fatigued pastoralist communities realize only too well the value of mediation and reconciliation which they have religiously upheld in their endeavour to achieve sustainable peace. The

enormity of the reconciliation process among pastoralist communities is well appreciated as it has been noted that '... reconciliation in the traditional setting was seen as a re-establishment of relationships between people and also with their God and Spirits – who were regarded as witnesses and active participants'.[27] It is further noted that 'there is a holistic approach to the process, working with the community as a whole, invoking spiritual forces to be present and accompany the community towards peace'.[28] Indigenous mediation and reconciliation can be used in interpersonal or inter-community conflicts: it is used at any stage of the conflict from conflict prevention which mitigates violent outbreaks to post- (violent) conflict stages at which root causes of the conflict are addressed to prevent any regress to violence. Indigenous mediation can be effectively used at the 'grassroots level to settle disputes over land, water, grazing-land rights, fishing rights, marital problems, inheritance, ownership rights, murder, brideprice, cattle raiding, theft, rape, banditry, and inter-ethnic and religious conflicts'.[29]

Credible local people in the community, usually the elders, undertake the role of traditional mediators, their primary responsibility being to guide the negotiations towards an agreement that largely reflects the consensus of all the parties involved in the conflict. However, an important observation in regard to mediation and reconciliation of conflicting parties is that 'in the traditional set-up, reconciliation was formally and informally characterized by the implicit involvement of the whole society with the peace message then conveyed and becoming incorporated in the peoples' oral tradition where the community served as the repository within which conflict resolution was performed'.[30]

That the community endeavor to ensure that as large a cross-section of the community as possible is involved in the decision making processes can be clearly illustrated by an example of the decision-making stages on issues regarding natural resource management in the pastoralist areas:[31]

- The smallest decision-making unit among pastoralist communities is the household which makes decisions 'over managing their labor force, specific grazing route, and house and livestock enclosure maintenance'.

- The next level is the camp-level which comprises 'a collection of households settled in the same immediate area [making decisions on issues like] ...managing local drinking water sources, the watering order at water points, maintenance of water points, the direction in which animals will be taken to graze, and defense against human and wildlife predation'

- The next level of decision-making involves representatives from different camps, which can be equated to neighborhood associations, within a given area and who dwell on the same issues as at

the camp level albeit paying more attention to 'coordinating and managing the efforts of multiple camps using many of the same resources'.

- The final level of decision-making is at community meetings involving representatives drawn from different neighborhood associations to discuss 'issues such as long-range migration strategies, the management of dry season reserve areas, and issues of conflict with herders from other grazing areas, of the same tribe or other tribes'. Clan elders are the central pillars in all the levels of the decision-making processes.

The African philosophy based on 'I am because we are ... because we are therefore I am'[32] emphasizes the depth and acknowledgement of interrelationships among the communities and thus their involvement in the conflict resolution processes. Indeed, there is a common belief that 'in the African setting there is no "private dispute" of any seriousness as disputes affects everyone in one way or other'.[33] Among the pastoralist communities, this philosophy is best typified by the communal shared responsibility and joint commitment, for example, when paying compensation for wrong doing which is not the sole responsibility of the "guilty" individual but of the clan.[34] Communal assumption of responsibility is based on the notion that 'emotional wounds and injured relationships are healed within the context of the emotional unity of the community [and] opposed interests are resolved within the context of community interest in peace. Quarrels over rights are sorted out within the context of overall community norms [that ensure] power struggles are contained within the context of overall community power'.[35]

### 2.2.1 Local capacities for peace

From a humanitarian and development perspective, the increasing interest in the volatile pastoralist conflicts can also be traced to the acclaimed work of Mary Anderson, who through the "Do No Harm" debate, observed that there is always some degree of community-based social interaction and communal cohesion prevailing among communities even in the midst of conflict. In other words, Anderson observes that in any conflict situation, there are "social dividers" which can be termed the local capacities for conflict but at the same time there are "social connectors" which form the local capacities for peace. It is the local capacities of peace that should be strengthened while at the same time weakening or at least not strengthening the dividers.[36] This insight appears to have been lost to many governments in their past dealings with pastoralist issues in the HOA. An acceptance of this defining work by Anderson leads to the inference that in every community, there potentially exist some measures of "local capacities for peace". Similarly, within these local capacities of peace, there are many community-based micro elements and approaches that not only could be tapped and applied in conflict resolution and peacebuilding interventions but, also probably have the potential to contribute to sustainable peace in the pastoralist areas in the HOA.

A substantial amount of analytical work on local capacities for peace has so far been dedicated to defining and/or understanding how best external development aid can be extended or applied in active, and lately in non-active, conflict situations. Mary Anderson's "Do No Harm" approach, has pointed out that the notion of using or taking cognizance of social "connectors" and "dividers" even in what might, at first hand, appear to be mundane engagements, is an important aspect of conflict prevention. The example below from Anderson's work, illustrates how such mundane or subtle action can reinforce the dividers and thus create or escalate violence.

> If, for example, a development or aid agency decided to hire armed guards to escort or protect its relief goods and supplies, it might, invariably, be injecting financial resources into the conflict economy through salary payments and 'at the same time tacitly conveying the message to the general public that those who are armed should be obeyed'. A better and 'different approach would be to invite the local elders' council to develop and implement a plan for securing the goods. This would strengthen the natural connections of people in the community and those involved in armed conflict would loose support, tangible or intangible'.[37]

An additional and important aspect of the use of "connectors" and "dividers" cautions against the dogmatic implementation of the principle with the express intention of completely alienating the "dividers" from the matrix of conflict mitigating interventions as doing so could also be a source of conflict. The goal of identifying "connectors" and "dividers" should be for the purposes of encouraging cooperation rather than competition between parties, thus:

> The overriding question should always be how relief and development work can be done in a way that raises the cost of being uncooperative and lowers the cost of being cooperative yet at the same time always leaving the door open to those groups that wish to cooperate rather than deliberately alienating them.[38]

Although Mary Anderson's work largely focused on relief operation interventions, there are many lessons to be learned, which are adaptable to pastoralist areas. This is especially because, pastoralist areas are faced with numerous man-made and natural disasters and the mitigating interventions oscillate between humanitarian and development interventions. In any case, there are numerous "connectors", as well as "dividers", among pastoralist groups that can be successfully exploited to enhance the community local capacities for peace. For example, 'Among the pastoralists, ties of kinship, marriage and friendship as well as cattle loans often bind neighbors with many individuals having divided loyalties and interests in any conflict situation and would therefore apply pressure for a quick settlement of disputes'.[39] In addition, 'when people of different descent groups must marry, live among and cooperate with one another, their cross cutting ties together with the pervasive fear of feud constitute an important mechanism for the maintenance of social order'.[40]

Since the beginning of the 1990s there has been a deliberate impetus in the pastoralist areas to rely increasingly on community-based local capacities for peace in conflict resolution activities. The

development agency, Practical Action (formerly Intermediate Technology Development Group (ITDG)) observes that:

> In the face of increasing scale and type of conflicts resulting, mainly from the failure of the 'conventional' governing and development approaches, there has been an increasingly deliberate commitment, mainly pioneered by the civil society and some governments to revive and use indigenous community-based structures [for conflict prevention and peacebuilding] in the region.[41]

This shift has been fairly significant to the extent that the dilemma now is how - among communities whose capacities to address their conflicts has been revitalized - the impetus already created can be sustained so that they do not slide back into violence - given that the root causes of the conflicts are still largely present.

## 2.3 Community-based institutions of conflict resolution processes

Drawing from its work in the Horn of Africa, the Creative Associates International, Inc in its manual '*Preventing and Mitigating Violent Conflicts: A Revised Guide for Practitioners*' observes that:

> [Indigenous community-based structures and institutions for conflict prevention and peacebuilding generally] ...use local actors and traditional community-based judicial and legal decision-making mechanisms to manage and resolve conflicts within or between communities. [These community based mechanisms can effectively be used to] ...intervene to resolve community disputes before they escalate to large-scale violence or to prevent a resumption of violence after a period of calm.[42]

As pointed out earlier, community-based structures and institutions comprise many components including actors, tools and processes. At the root of all these components however is the notion of involving the communities in the conflict to participate both in its resolution and later in the ensuing peacebuilding processes. Community participation is ensured through representatives identified by the community and who usually include 'traditional authorities - elders, chiefs - women's organizations, local institutions and professional associations'.[43]

### 2.3.1 Elders, Chiefs and other Community leaders

Among the pastoralist communities there exists profound respect and recognition of traditional authority and, since the social structure among pastoralist communities is based largely on generational lines and age-sets, the elders who comprise the senior generation set are charged with the role of political and spiritual leadership. It has been noted that the elders 'laid down the rules and procedures to initiate warriors, settle disputes, sanction raiding expeditions and determine grazing areas in their transhumant pattern [and], [t]he society relied on their wise guidance, prayers and blessings especially because their advanced age and experience was seen as indicating their close relationship with the spiritual world ...'[44] Thus, the 'elders were seen to possess moral status, seniority, neutrality and respect of the community [and] they [were] acceptable to all parties ... [and] resolutions [facilitated by them] were generally accepted and respected by all concerned parties'.[45]

Whenever one party raised an issue or if a conflict erupted in the community, an elder's meeting was convened with the elders functioning as a 'court with broad and flexible powers to interpret evidence, impose judgments, and manage the process of reconciliation'.[46] As pointed out above, the 'elders were recognized as having authority to act as arbiters and give judgment on the rights and wrongs of a dispute submitted to them and suggest a settlement [al]though they may have had no power of physical coercion by which to enforce them'.[47] During the meetings, the elders led the discussions and in most cases the parties in conflict were not allowed to address each other as a way of avoiding potential direct confrontation. Just like in other ordinary conversations among many

pastoralist groups, verbal interruptions by one party while the other was presenting its case was rare. Judgments were reached after exhaustive shifting through evidence.

> Statements were followed by open deliberation [which often integrated] listening to and cross-examining witnesses, the free expression of grievances, caucusing with both groups, reliance on circumstantial evidence, visiting dispute scenes, seeking opinions and views of neighbors, reviewing past cases, holding private consultations, and considering solutions.[48]

It has been pointed out that this comprehensive approach to conflict resolution was seen as a necessary process because 'a typical immediate goal is to reach an agreement which includes more than merely solving the problem or rectifying the injustice [thus], [w]hat is specifically aimed at in the search for peace is genuine reconciliation and where necessary restitution and rehabilitation'.[49] This is illustrated by the following example:

> **Facilitation by Community Elders**
> Following any bloody conflict between the Luo (agriculturalists and fishermen) and Maasai (pastoralists) of Kenya, negotiations and reconciliation would be arranged by the elders with rituals to solemnize the occasion. The elders and the 'whole community' – women, children and the youth would assemble at one point along their common border and a makeshift obstacle consisting of tree branches would be created along the border and the warriors would place their spears over it. A dog would then be slain and cut in half and its blood sprinkled along the border – signifying a blood brotherhood. The mothers would exchange babies with their 'enemy' group and suckle them. The warriors would also exchange spears. Prayers would then be offered by the elders and a profound curse pronounced on any one who attempted to cross the border and create havoc to either side. After such an agreement it would be almost impossible for the two sides to fight again.[50]

While the moral and ethical use of "dogs" or other animals (usually goats and oxen) as sacrificial tokens may be widely debated and possibly disputed, the point here is to illustrate the important role of not only the elders in facilitating the resolution of the conflict but also of the entire community in the process.

### 2.3.2 Women

It is observed in a report titled, *Peace building in Africa: Case Studies from Africa,* that among the Somali community, women form vital links between clans because even after they are married outside their clan they continue to retain their kinship ties and property rights within their father's clan, forming tangible links between the marrying clans even though they might be in opposition to one another.[51] In the event of a conflict, these women play the role of goodwill ambassadors and facilitate reconciliation between the clans because, while they have family in opposing clans, they can move safely between the two, initiating discussion and fostering peace. Indeed, it had been pointed out that following the civil war in Somalia in the early 1990s the role of women was very important since, 'because of their dual kinship role, they [women] were the only means of communication between belligerent clans at the height of the civil war. Material assistance

and information between belligerent groups were carried out by women who were allowed to cross clan borders'.[52]

The above account clearly illustrates the central role of women as an institution. Interestingly, in many pastoralist communities, while women were not accorded any significant roles in conflict resolution and peacebuilding, it has been noted that the community did acknowledge their contributions and structures.

> Traditionally women were excluded from political decision making among the pastoralist communities ostensibly because of women's perceived inability to keep secrets, [they were however] allowed to attend general community meetings. [Even though they] were not eligible to membership to the Council of Elders, [there were] parallel authority structure[s] that necessitated men and women to exercise authority over their own gender and its activities [and indeed], women had their own courts, market authorities and age grade institutions that exercised power across the gender line albeit indirectly or informally.[53]

These women's structures had an implicit role not only in conflict issues, but also in the way life in general was organized, as well as in decision making processes amongst their communities. In matters of conflict resolution and peacebuilding, these women's structures were emphatic on the need for unconditional recognition of their potential and involvement. This desire for recognition was driven by the fact that in the pastoralist areas, violent conflicts, especially those related to cattle rustling, had more negative impact on them, the children and the elderly. Women, for example, 'are raped and maimed; they lose sons, husband[s] and animals'.[54] This recognition of the negative impacts of conflict led enlightened women in the community to apply pressure on their colleagues to shun conflict and instead become peace advocates. This transformation is captured in the following example drawn from the contribution of a Turkana woman to a peace crusade:

> When our sons bring stolen livestock, don't you rejoice, bless your sons, and milk the stolen cows as though they were one of your own? Have anyone of you ever disowned stolen livestock or ordered them to be returned to the owners? The answer is 'NO'; instead you brand the cattle and praise the son for the successful raid! ...What if he got killed during the raid? Would you pretend to be yelling? We are the people who send our children to die! ...Or what if the government tracked him, would you swear against heaven and earth that your son does not go for raids? ...We are tired of mourning. From now on let us bury the 'blade and the spear'[55] and give up our raiding sons. Let us withdraw the traditional protection[56] we used to give them so that they will become cowardly and vulnerable and this will make them escape from the raiding expeditions.[57] [To the warriors], I am still mourning your brother, yet you claim that you'd like to marry, whose daughter do you want to subject to early widowhood? ...From now henceforth, I shall be sprinkling hot water on you, instead of the traditional cold one, to show that I have left you to your own fate.[58]

### 2.3.3 Faith-based Institutions (religious leaders, seers, healers etc)

Although clan elders usually take the lead roles in community-based conflict resolution and peacebuilding interventions, other traditional leaders including local politicians, respected women, religious or spiritual figures also play key roles. For example, in Somalia:

> Religious figures including Sheikhs and Wadaads (Islamic scholars) have peacemaking responsibilities, with authority based on the esteem with which they are held as spiritual leaders. [The] spiritual leaders are seen as ideal, neutral arbiters who have allegiance to universal Islamic values that transcend clan loyalties. They do not settle disputes themselves, or sit in judgment [this is done by] councils of elders ... The responsibility of religious figures is to encourage rivals to make peace.[59]

The role of faith-based facilitation is illustrated further with the following example drawn from southern Sudan:

> **Faith-based intervention: The Ikotos conference in Sudan**
> The Eastern Equatorial province of southern Sudan is a melting pot of ethnicity, including the Lotuko, Didinga, Boya and Toposa. Historically, cattle rustling is endemic in the region and goes beyond Sudan's borders into Kenya and Ethiopia. Inter-communal conflict had increased in the Lotuko areas following the SPLA split in 1991 because of constant clashes for control of certain areas and the rise of banditry and large-scale cattle raiding. In response, the two major Christian churches of the region, the Catholic and African Inland Church, joined together to write a Pastoral Letter which was read during Christmas ceremonies in 1994. The Letter emphasized the local Lotuko concept of *emwara* (reconciliation). Leaders of the Catholic Diocese of Torit began visiting villages to discuss the *emwara* concept. In January 1995 the Diocese hosted a peace conference in Ikotos, involving roughly 7,000 participants, including chiefs, teachers, youths, and SPLA leaders and members.
>
> The conference resolved many issues; for instance, escalating dowry prices were identified as a reason for increased cattle rustling, so the conferees agreed to reduce the dowry from thirty to ten cows. Those caught raiding would be fined double their take. Compensation for wrongful death was set at 22 cows. Traveling outside one's home village with guns was disallowed and those doing so were penalized by the confiscation of the weapons. Soldiers were not allowed to visit villages without specific orders from their commanding officers.[60]

### 2.3.4 Peace Committees and User Associations

The increasing acknowledgement of the relevance of traditional conflict resolution mechanisms and structures in the pastoralist areas has seen many practitioners, especially those engaged in development work, incorporating the structures into their activities. So far, they have had to grapple with the problem of the organization and operation of these traditional mechanisms. In order to conform with, for example, funding requirements that can only be made to '(formally) organized groups', there has been deliberate moves to institutionalize these indigenous community-based structures e.g. with councils of elders being transformed into peace committees.[61]

A description of the origin and nature of community-based peace committees is given in a report titled, *The Concept of Peace Committees: A Snapshot Analysis of the Concept of Peace Committee in Relation to Peacebuilding in Kenya*, thus,

> Peace committees are largely a hybrid structure, borrowing heavily from traditional conflict resolution mechanisms and the modern formal dispute arbitration processes. Although there is no unanimous definition of the concept [of] peace committee as it relates to local level peace building activities, it can be defined and or described as a conflict intervention structure that integrates both traditional and modern conflict intervention mechanisms to prevent, manage or

> transform intra-ethnic or inter-ethnic conflicts. [Peace committees emerged following the realization by pastoralist communities that they] ...are better placed to manage their own conflicts... [as a result of] the inaccessibility of the formal judicial system and lack of trust in government led conflict prevention interventions... Peace committees are largely modeled and or anchored on the respective communities' traditional conflict resolution mechanisms and approaches. A larger proportion of the memberships of the respective peace committees are drawn from the council of elders. Similarly, peace committees' approaches and methodology of managing conflicts are modeled on the customary institutions of conflict management of the communities in question. It has been argued by a number of peace actors that the philosophy behind the establishment of peace committees was derived from the need to institutionalize and legitimize traditional conflict resolution mechanisms as well [as] to widen the constituency of traditional institutions that were construed as insensitive to gender age relations in modern conflict management systems. [62]

There are many advantages if practitioners implemented their interventions through the peace committees. For example, conflict resolution through community-based peace committees is relatively cheap and a substantial part of it can be financed through community sources, with the participating parties contributing food (goat or ox) to feed the elders and people facilitating the processes.[63] Peace committees can also be used to vet practitioners wishing to engage in conflict related work; something that is very important given the fact that there has been a history in the pastoralist areas where external interventions have either exacerbated or even instigated violent conflicts. More importantly, because community-based peace committees are modeled on traditional conflict resolution mechanisms, command support and socio-cultural legitimacy, and understand better the local problems and power structures, they can be used to address deeply entrenched conflicts that have hitherto eluded conventional approaches.[64] This is illustrated in the following example taken from Wajir district.

> **Wajir Peace and Development Programme**
> An important component of the Wajir programme was the Wajir Peace and Development Programme (WPDC) tracing its origins to the collapse of Somalia at the beginning of the 1990s that led Wajir to become increasingly vulnerable to the impact of banditry and the influx of small arms. Horrified by a particularly brutal period of inter-clan conflict in 1993, several groups in the district took spontaneous steps to promote peace. These received formal recognition in 1995 with the creation of the Wajir Peace and Development Committee (WPDC).
>
> The WPDC brought together the district administration, the security forces, and a wide cross-section of people, including women, elders, businessmen, and young people. It showed how traditional approaches to conflict resolution, through the participation of the elders, could be combined with the more formal authority of the State, i.e. customary practices and contemporary institutions of governance, could find common ground, and thus reinforce and enrich each other.
>
> What started as a community- led response to crisis developed into a systematic and institutionalized mechanism for managing conflict, encompassing all those with an interest in peace and security, including the army, under the leadership of the District Commissioner. Its strength was in recognizing that everyone in a broad coalition, even apparently disparate groups, had a legitimate stake in building a peaceful future.[65]

In order to address very pertinent and specific aspects of a conflict, pastoralist communities usually constitute issue-based fora e.g. resource user-groups or associations that focus on specific issues like water or pasture. This is illustrated by two examples from Marsabit and Wajir in Kenya.

**Environmental Management Committees (EMCs)**
The GTZ Marsabit Development Programme (MDP) was faced with the question of ownership and sustainability for its environmental programme activities. After many years of discussions and consultations with the community the idea of Environmental Management Committees (EMCs) was born. In due course the EMCs became the preferred vehicle for dealing with all the environmental issues in the community and the EMCs went further to develop by-laws on the use of natural resources. In addition, these by-laws not only covered natural resource issues but also other issues affecting the community like indiscriminate murders, theft of property etc.

Out of the EMCs specialized technical committees and associations were born to deal with and address specific technical matters concerning livestock, health and environmental sanitation etc. Of these offshoots the Water Users Association (WUAs) became such a success that the community, which did not have a strong money culture, was able to effectively manage its water resources and to accumulate significant funds. As a result, the WUAs were able to lend to other community development initiatives in the area especially during emergencies. [66]

**Community-based resource user-associations**
The pastoralist community in Wajir wanted to address a wide range of issues affecting them including – water, education, livestock marketing, income and drought. They proposed that the best way to co-operate was by forming pastoral associations – *shirkada holadaqatadha,* in Somali. Each pastoral association had its base in one of the small trading centers that provided essential services for the pastoralist population, such as water and health care.

The members of the association were drawn from the trading centers (*bullas* - the villages around the edge of towns populated by those who had lost their livestock) and from the herding groups (*baadia* - the rangelands) in its vicinity. Membership was defined in different ways with the most common being all adults over 18 years being eligible to join. Another definition of membership stated that a 'member' meant both a man and his wife, while in some cases the *rer* (a group of 5-20 nomadic households; the smallest unit of the clan structure) was regarded as the basic unit of membership.

The pastoral associations managed basic services – livestock drugs, education, traditional birth attendants, women's income generation, borehole management and well protection – through an elected committee of up to 12 officials. At one level, the associations were seen as mechanisms through which pastoralists could better manage resources which were commonly owned, or which collective access was required in order to benefit the group as a whole. More strategically, the associations were seen as channels through which the pastoralists could represent their interests to government and other practitioners involved in development activities in the district.[67]

## 2.4 Tools and Instruments

There are many tools and instruments used for conflict resolution and peacebuilding. Many of the tools and instruments are very specific and only apply to individual communities amongst different pastoralist communities. For example, the Turkana maintain that 'deterrent methods of conflict prevention are only applicable to the Turkana community and are inefficient in other communities. ...you cannot curse people from other communities'.[68] However, in the recent past, efforts have been made to harmonize many of these tools and instruments especially in pastoralist areas hosting different ethnic communities. A few of the commonly used tools and instruments are presented in the next section.

### 2.4.1 Community folk songs, dances and poetry

Pastoralist communities are largely an oral society and put a high premium on expressing their cultures, beliefs, traditions etc in folk songs, dances, poetry and other celebrated rituals. To be a respected elder and a good orator is a highly valued asset when negotiating on behalf of one's community. Poets are also highly respected in the community as poetry is easily understood, enjoyed and when well composed can be used to influence public opinion and thus policy just as much as today's media does – the so called "CNN effect". In its manual of peacebuilding in the HOA, CII-A notes that, 'in inter-clan peace conferences, distinguished poets recite poems advocating peace. Poetry in places like Somalia can help move people toward either war or reconciliation. Poetry can help identify grievances, argue for causes, rights and responsibilities, and justify the views and demands of different groups'.[69]

In the pastoralist areas, conflict resolution dialogues and negotiations can take a long time and requires sitting for very long hours. In addition, because of the violent nature of the conflicts and their subsequent toll of loss of human life and property, the negotiations are usually very emotive and are laced with suspicion, anger and grief. At such times, songs are a great relief and can convey the enormity of the grief and loss in a cushioned non-confrontational manner yet still make the desired impact. For example, in one peace making dialogue on December 21, 2001 following a major outbreak of violence that claimed the lives of 130 Toposa (Sudan) and 30 Turkana (Kenya), 'women from each community sang emotional peace songs that greatly moved the crowds through lamentations like 'these raids are worthless, costing us livestock, husbands, and children'.[70] Similar lamentations through songs are common in pastoralist areas as illustrated by these words from a song, by women from the Turkana and Karamojog communities who sang 'let's embrace peace, brotherhood and unity, lets destroy all the instruments of war that have killed our husbands, sons and relatives, lets spread the blanket of peace in our land'.[71]

Experiences of many agencies working with pastoralist communities have consistently indicated that traditional dances, songs, poetry and stories can be used to communicate complicated or potentially contentious issues that can divide the communities and/or ones that the community would be reluctant to adopt. In one example drawn from the Southern Sudan, a change of approach in the implementation of a rinderpest eradication project led the lead practitioner, VSF-Belgium, to 'anticipate that people would not be happy with the changes, would not understand the reasons for change, and might lose confidence and reduce their involvement in the programme' as the community had been used to an earlier approach which they considered effective.[72] The challenge was how to explain the need to change the approach in line with scientific and programmatic requirements. To overcome this communication gap between the practitioner and the community, the project adopted the use of songs, drama, poetry and story-telling with great success. This is well illustrated in the following case, reported in a WFP project report.

> **Songs and dances in conflict resolution**
> Livestock keepers in southern Sudan possess considerable indigenous knowledge on livestock diseases. This knowledge formed the basis for the community-based programme and contributed towards programme design, implementation, and impact assessment. Furthermore, it was known that verbal communication and songs were central to the culture of cattle-keeping communities in southern Sudan.
>
> VSF-Belgium decided to 'use community members to assist them to develop appropriate messages for communicating the new rinderpest control strategy. [It] choose to explain the new strategy to field-level workers, artists, songwriters and story tellers and request them to develop stories, songs, poems, and illustrations for transferring the messages to their communities'.
>
> The singing and dancing group attracted the most interest from the participants and from the local community. This is because the songs were very entertaining and were therefore a powerful way of passing messages. In addition, the use of dramas and stories also captured interest and appeared to increase understanding of the points being made regarding the changes in the programme implementation. The incorporation of songs, drama, pictures, and so on made communication with the community more fun, and easier to get and hold people's attention. In any case, serious formal speech-type meetings mainly attract mature men, but when a song or drama is performed all members of the community are attracted to find out what is going on and the reduced formality allows them to stay and participate in the proceedings. Through these verbal media, the animal health workers reached a wide audience that included women, children, and youth.[73]

Singing is an important aspect of pastoralist lives. It sooths and rationalizes emotions while negations help reach important decisions. For example, during one of the meetings at Koyesa, called to discuss the December 21, 2001 bloody incident, it is noted that 'one of the Toposa confessed to having been involved in the raids, apologizing for having broken his own people's traditions. A young Turkana who had lost his parents in earlier raids said he was willing to leave his gun and graze his livestock peacefully on the mountainside in the distance if his adversaries would do the same. Another participant stated, 'something that was burning is cooling down and the "connectors" between the

tribes won over the "dividers"' for example, one Toposa elder poised "Turkana and Toposa, why are we fighting? We are one people sharing [the same] grassland and water".[74]

### 2.4.2 Rituals and Symbols

The use of songs, poetry, dances, pictures and stories among the pastoralist communities is greatly complemented by the use of symbolic rituals and peace symbols that depict the everyday lives of the communities. For example, grass (pasture) or water which is not only regarded as the lifeline but is also at the root of many violent conflicts among pastoralist communities, are commonly used as symbols of peace. Another important symbolic representation among pastoralist communities is motherhood and childbirth. Symbols based on motherhood are particularly potent given the respect that women and children are accorded in many communities. The following case illustrates the importance of these symbols and rituals among the pastoralist Maasai, Pokot and the larger Kalenjin communities of Kenya.

**Rituals and Symbols in conflict resolution**

The Maasai word for Peace *Osotua* means a gift out of relationship. The Maasai refer to the umbilical cord as *Osotua* for it symbolizes the first relationship between the mother and her child. At birth the umbilical cord is cut reluctantly by taking the knife three times in a mock cutting motion and then stopped because all relationships are sacred and they may not be severed. Then finally grass is tied on either side of umbilical cord so that the mother and child may separate and continue to have a good relationship and hence separate in peace.

Today grass is a symbol of peace among the Maasai and several other groups, and is carried to demonstrate peace during war and times of ethnic tensions. Grass mediates a relationship when individuals or groups live separately but in respect of each other's separateness as everyone else does after separating from the womb. This is a symbol of humanity that all people share irrespective of their ethnic loyalty. Grass, therefore, is a symbol used by the Maasai and other groups like the Kalenjin to demonstrate peace in war times and ethnic tensions. Whenever there is a fight and a Maasai picks up grass, the fighting stops because they believe they all come from one womb, one mother and the one relationship. To the Kalenjin grass is pasture and pasture is milk for cows. So grass is a life-sustaining element.

The Maasai word for *Osotua* is also the word for beauty. They believe that where there is no beauty there is no peace. For the Pokot the word is "*Pichio*" which also means beauty. Beauty follows peace. Where there is peace, there is beauty. In addition, among the Pokot is a pregnancy belt called *Leketio*, which supports pregnancy hence life. This belt is studded with cowrie shells. When the Pokot are fighting and a mother removes her pregnancy belt and puts it between the men, the fighting must be stopped. She does not have to be the biological mother for in this community, a mother is a mother of the community. It is the same among the 18 Kalenjin groups.[75]

The most significant thing about the use of rituals among the pastoralist communities is the sacrifice of animals and the sharing of meat among parties in conflict as symbols of reconciliation. It was previously mentioned that dogs were sacrificed as a reconciliation gesture between the Luo and the Maasai communities but, as pointed out then, the use of animals like dogs is rare and many communities choose to use goats and oxen; for example, the Acholi community in Gulu and Kitgum districts in northern Uganda, use livestock (oxen) in rituals for resolving conflicts.

> *Mato-Oput* - means reconciliation among the Acholi. It is a detailed ceremony mediated by elders and involves acknowledgement of responsibility for wrongdoing, repentance and the payment of compensation. Persons in conflict appear before the council of elders who patiently listen to each party and cross-examine them in order to establish the root causes of the conflict and the guilty party. After a time consuming scrutiny and the guilty party is found, the prescribed therapy must lead to harmony and peace. The process ends with the symbolic shared 'drinking of a bitter juice' (*Mato oput*), and the bending of spears. An animal is sacrificed and the blood sprinkled on the shrine of the God of truth and the reconciler. This is done by an officiating priestly order. These two parties are then required to share their meat and millet bread and eat from the same dish and drink some beer, a symbol of total reconciliation. *Mato-Oput* is performed in an isolated place or at the bank of the river to chase away hatred and revenge.[76]

### 2.4.3 Community-based peace conferences

In an article in the *African Studies Quarterly* titled, "Creating Peace in an Armed Society: Karamoja, Uganda", an illuminating phrase, "keeping the peace through talking" is used and it is observed that 'within traditional Karimojong society, important decisions for the group (one might call them policy decisions) are made through a process of discussion and debate by the adult (initiated) men of the community or area'.[77] Indeed, talking, as a medium of communication, among the oral pastoralist communities is an important component. As mentioned earlier, good orators are well respected in the community and are charged with the responsibilities of articulating the community's needs and positions. Community-based peace conferences are one of the forums where this art – talking - is put into use to resolve conflicts and propagate peaceful coexistence by reaching agreements to end fighting, negotiate access to resources and make reparations for deaths arising from violent conflicts.

Local peace conferences are facilitated by respected personalities particularly 'elders, who have a reputation for good judgment, who are wealthy in cattle (usually seen as an indication of good judgment), who have special powers of prediction or prophecy, or, in circumstances of conflict with an enemy, are known to be especially brave and militarily astute'.[78] To be effective, inter-clan peace conferences - usually large public meetings comprising lengthy speeches, songs, dances and poetry – should, for example, be preceded by many other smaller community deliberations over grievances as well as the question of representation and legitimacy. During the peace conferences, the elders, 'prepare, moderate, listen, and often arbitrate procedural problems [and] help formulate an eventual consensus ...'[79]

An important aspect of peace conferences, as with most other community activities, is "labeling" i.e. the choice of name to give to the process. The label is as important as the choice of participants or the choice of the meeting venue. This is because the name or label symbolizes the idea or concept of the conference in terms of inclusiveness, relevance, goals etc. *Bedo Piny* (sitting down)

was the label given to a conference titled "Active Community Participation in Healing, Restoration and Development". The conference was held following violent conflicts among the Acholi community of northern Uganda '[the conference] sought to identify causes of insurgency, its impact, persistence and ways to end it'.[80] A similar peace conference in April 1997 addressing the same problem, but held by the Acholi diaspora living in Britain who 'sought to raise international awareness of the conflict in northern Uganda, and generate a consensus for peace and reconciliation among the Acholi' was called *Kacoke Madit* (big gathering).[81] The meeting brought together over 300 Acholi from Uganda and the Diaspora along with government ministers, church leaders and the LRA representatives.

The processes involved and the typical output of a community-based peace conference is illustrated in the following case drawn from south Sudan:

**Community-based peace conferences**
The Akobo Peace Conference was called to address serious intra-tribal fighting between the Jikany and Lau sections of the Nuer in Eastern Upper Nile, southern Sudan. The Akobo Conference followed a tradition of conferences which from the 1940s codified and subsequently modified Nuer traditional law. The conferences served to maintain Nuer culture and steer the community's response to new challenges. No similar conference had been held since 1973.

The Conference lasted from mid-August through late September 1994 and included eighteen delegations of mediators, 500 official delegates, and about 1500 observers from the Jikany and Lau. The Conference included ad hoc committees, traditional courts, an open floor for input, a technical committee to recommend ways forward, and a secretariat. Malual Wun Kuoth, a chief for 44 years from Western Upper Nile, presided over the Conference.

The Conference sought agreement over the use of resources which had been the cause of violence. Pasture land, water, and fishing areas all had been subjects of conflict because the civil war had cut off traditional grazing and fishing areas for many Nuer. Squeezed onto shrinking lands, access to resources had become an increasingly troublesome process as more communities fought over a steadily reduced pool of resources.

The agreement was signed by ten Luo and twelve Jikany chiefs. It set forth provisions regarding sharing water, grazing lands and fishing points and the maintenance of peace and security. Any violator of the agreement was to be apprehended. The covenant was sealed by the sacrifice of two bulls, rituals conducted to demonstrate divine support, and violators were cursed. Women played a particularly effective witnessing role at the Conference, acting as an informal 'truth commission'. As *maan naath*s (mothers of the nation) the Nuer women would shout down any man whose testimony contained falsehoods. The shame of the women's hoots drove a number of men to revise their testimony to avoid the embarrassment of being tainted as liars.[82]

### 2.4.4 Peace declarations

Closely related to the community-based peace conferences is a recent initiative developed in the pastoralist areas primarily meant to address inter-community conflict resolution and peacebuilding across district boundaries. Oxfam-GB observes that beginning in 1999, there was a deliberate 'focus on improving relations and building trust between neighboring groups across district borders'.[83] To do

this, the practitioners needed a tool, which they developed after high-level deliberations between government functionaries and civil society representatives. The tool was referred to as a peace declaration and was simply a binding agreement on how future inter-community conflicts between districts would be addressed.[84] Several of these peace declarations that include penalties for non-compliance have been formulated to cover different ethnic pastoralist communities in Kenya including.

**Inter-district peace agreements and approaches**

**Laikipia Declaration**, 1999 (Laikipia, Samburu, Isiolo, and Baringo districts). Three cows to be paid for one cow stolen and not returned. This resolution covers communities from four districts that host a large cross-section of tribes, clans and sub-clans.

**Maddo Gashe Declaration**, August 2001(districts in North Eastern Province and neighboring Moyale, Marsabit, and Isiolo districts in Eastern Province). 100 camels to be paid as compensation for murder; unreturned stolen stock to be fined by five stocks; collective responsibility for acts of banditry.

**Wamba meeting**, August 2002 (Meru North, Isiolo, Samburu, Marsabit, and Laikipia districts). Stolen livestock to be returned threefold; the chief to be sacked if stolen livestock traverse his location three times without action; 100 head of cattle as compensation for death irrespective of whether the deceased is a man or a woman; communal punishment against the entire location where stolen cattle footprints are identified and information on the culprits is not volunteered; peace committees to follow the footprints of stolen stock and hand over the culprits to the District Security Committees.

**Koloa Declaration**, October 2002 (Samburu, Turkana, West Pokot, Marakwet, and Baringo Districts). Convened in Koloa, Baringo, and attended by the Provincial Security Committee Rift Valley Province, District Security Committees, peace elders, and MPs from the five districts. 40 head of cattle to be paid for loss of life, regardless of age or sex, and 20 for injury; repayment of five times for stock stolen, with the culprits to be apprehended and charged; alternatively the locations/sub-locations within which the footprints of stolen stock end to pay back five times the number stolen.[85]

**Garissa Declaration**, May 2005. This was as a result of a meeting called to review the Modogashe declaration of 2001 and was attended by leaders from Eastern Province (Moyale, Marsabit, Isiolo, and Meru North Districts), Rift Valley Province (Samburu, Wajir, Mandera and Ijara Districts), their respective Provincial and District Security and Intelligence Committees. The declaration tried to incorporate the lessons learned with the implementation of the 2001 initiative and among the things agreed upon was, double penalty instead of five for un-recovered livestock. The amount to be compensated should be in the range of 100 (men) 50 (women) giving consideration to customary practice and religious beliefs of the Muslims. On top of this compensation, the culprit, if found, must be arrested to face the law. Where within a unique situation, there is a misunderstanding over the matter; the local leaders in consultation with other stakeholders can modify the same in the form of an agreement. Suspects must be arrested to face the law. Cross-border Joint Commissions to be translated into actual contacts between grassroots locations and communities who should be facilitated to talk to each other across the border instead of involving only the top brass from the countries. In case of cross-border areas like Somalia where there is no stable government, the militia should be regarded as stakeholders to discuss with.[86]

## 2.5 Challenges to community-based local capacities for peace

The challenges and weaknesses that limit the efficacy of indigenous community-based approaches and structures in conflict resolution and peacebuilding are discussed in greater detail in chapter 3. A few aspects of these that are pertinent to local capacities of peace are briefly highlighted below.

### 2.5.1 Relevance and adaptability

Despite the drastic transformation of pastoralist conflicts in the HOA, most indigenous approaches and institutions for conflict resolution and peacebuilding have resolutely survived. For example, the institution of elders among the Karamoja pastoralists suffered inordinate pressure because 'the British colonial administration was convinced that the elders were an impediment to progress and civilization and so it appointed chiefs;[87] but when the chiefs were ineffectual, the colonial administration blamed the elders and attempted to destroy their political power by outlawing the initiation ceremonies, hoping to undermine the continuity of the age grade system'.[88] Fortunately, among the Karamojog, just as with many other pastoralist communities, the practice of initiation and age-grade system continued to prevail, and does so to date, albeit with limitations.

> The system of social control ... [where] the cultural principle and practice of respecting those who are older has deep roots and a strong rationale in this pastoralist political economy. Some of the elders have managed to maintain their status, although they have adapted to the new reality of modern firearms being widely distributed. They also are armed, have maintained their herds, often through some raiding, and have networks of younger men they can call upon for support. ...they (elders) are still committed to the traditional forms of decision-making ... and it is to these elders that the modern governmental leaders are now turning to create peace through the restoration of traditional forms of culturally legitimate social and political authority.[89]

### 2.5.2 Representation and participation

In this context, representation refers to both the extent to which the membership of the peace committees reflects the make-up of the community as a whole, as well as the extent to which the diversity of those members' interests and concerns is reflected in its actions. The extent to which each structure is genuinely representative of its members is important both for sustainability and for institutional credibility.[90] The membership of many peace committees is not comprehensive enough, which means that the committees do not have clear mandates to carry out their 'representative' functions. More significantly is the potential dissatisfaction with the notion that, since the views and resolutions are reached by acknowledged opinion leaders in the community, they (the leaders) can become an 'exclusive club' that can ignore the views of the ordinary people, meaning that such resolutions will lack the necessary consensus and support among the community.[91]

Fortunately, processes of democratic representation are gradually being acknowledged and institutionalized in the indigenous community-based approaches e.g. peace committees. Indeed, incorporating the community in conflict resolution and peacebuilding has been traditionally practiced among certain pastoralist communities as the following example from Turkana illustrates.

**Community participation in conflict resolution**
Among the Turkana, a pastoralist community in Northwestern Kenya, when there is any serious conflict, the elders call a traditional peace conference where the whole community gathers with one common objective, i.e. to restore the broken relationship and invigorate the process of healing. The meeting is open-ended so that all the participants have time and opportunity to air their views. The meeting is held in a "carnival" atmosphere, punctuated with stories, songs, dance, proverbs, etc. The name of God and the spirits is invoked during the meeting. A bull is slaughtered and its blood collected and sprinkled into the air as a way of binding the community to the peace covenant. As a gesture of reconciliation the whole group eat the meat together. Thereafter, feasting, singing, dancing and celebration continue for several days. The whole society is thus part of the agreement and anybody who violates it suffers some calamity. Thus, in the traditional set up, reconciliation is formally and informally characterized by the implicit involvement of the whole society.[92]

Despite the fact that women are important players in the peace process, the inclusion of women and youth in traditional structures and approaches like the peace committees has been increasingly questioned by the elders, who regard them as 'foreign' groups that have invaded the traditional governance settings disguised as peace committees. These elders argue that the inclusion of women and the youth has greatly watered down the integrity of local elders' courts. Hitherto, the automatic membership of elders, ex- warlords, soothsayers, and traditional chiefs - all men - ensured that the governance structures derived their legitimacy and enforcement from social norms and pressures anchored in the culture of the community.[93] Fortunately, continuous lobbying by different actors has resulted in increased inclusion of women and youth which has resulted in their representation 'in meaningful roles such as, decision-makers, beneficiaries and as points of accountability'.[94]

### 2.5.3 Recognition, legal backing and scaling-up of local capacities for peace

It is a fact that 'despite the sustained [government based] local, state and regional efforts to resolve inter-community conflicts in... [the pastoralist areas,] there has been no success in reducing the tally of these conflicts in successive years'.[95] However, indigenous community-based interventions have increasingly demonstrated their potential to complement the government initiatives. Despite the promise offered by the indigenous community-based initiatives, they are still largely shunned by the governments. Lack of recognition and legal backing by the government has meant that there is 'a marked absence or inadequacy of enforcement mechanisms/framework to effect [for example,] what the elders and other traditional courts have ruled'.[96]

In addition, this lack of recognition has meant that the elders are free to choose and enforce their decisions with little regard and/or in contradiction to the ethics embodied in various human rights statutes. For example, the Turkana 'Tree of Men' is empowered to enter the home of a murderer and confiscate all his property and use it to compensate the family of the dead;[97] or for their part, the Samburu empower a select group of morans to punish troublemakers through beating or by slaughtering the culprit's favorite bull. The Samburu also sanction mob-justice (*ibubu*) and the death of a person (*lbubu*) through mob justice is not considered a crime but rather as the outcome of an "efficient" process for curbing conflicts.[98] For indigenous community-based interventions to work, governments need to recognize them and provide them with the necessary legal framework in order to enhance their legitimacy as complementary alternatives to the conventional governing tools and instruments.

With regards to potential strategies for scaling-up and mainstreaming local initiatives into the conventional structures, the following example demonstrates how one such successful intervention was scaled-up and mainstreamed. The example is unique in that the scaling-up and mainstreaming not only transversed district boundaries but also had an inter-state mandate.

**The POKATUSA Peace and Reconciliation Committee**
The World Vision managed peace project implemented with four pastoralist groups Pokot, Karamajong, Turkana and Sabei (POKATUSA) living along the Kenya/Uganda border was implemented through a Peace and Reconciliation structure known as the POKATUSA. Because POKATUSA was a broad membership that included, civil society, government agents and legislators it was identified as a likely vehicle to promote wide-scale conflict resolution and peacebuilding activities. This was done through a representative community-based structure that covered four administrative levels of governance i.e. location, division, district and at the sub-regional level.

**Locational Level** - The membership of the Location Peace and Reconciliation Committee (LPRC) included the location chief, councilors, church leaders, elders, teachers, women, seers etc. While the membership was unlimited, the committees required that at least one third of the members be women. The 117 location committees in both Kenya and Uganda met once a month to discuss peace related issues and report conflict incidents e.g. cattle rustling, disputes etc from their localities. Every dialog forum had a trained location facilitator who took minutes and who was responsible for reporting to the division and district levels. There was a Trainer of Trainers (TOT) who was a teacher by training and who had been trained in conflict management to monitor the project activities.

**Divisional Level** - The Divisional Peace and Reconciliation Committee was created to bridge the gap between the district committee and the far removed locational level committees. The location level chairman, local facilitator and TOT reported to the division level committee which met monthly primarily to share reports from different locations and secondly to plan division monthly activities such as peace rallies, peace choirs' competition etc.

**District Level** - The District Peace and Reconciliation Committee (DPRC) was a wider group comprising of the District Commissioner, Members of Parliament, senior religious people, elders, women, university students' representatives, District Education Officer, ritual experts and opinion leaders. The forum met bi-monthly to identify areas of engagement and carry out general monitoring of peace activities in the district. It worked through sub-committees such as the religious sub-committee, education sub-committee, elder's sub-committee and the University education sub-committee.

**Sub-regional Level** - At the sub-regional level was a Joint Venture Committee with membership drawn from Members of Parliament, Permanent Secretaries of Internal Security and religious leaders drawn from both Kenya and Uganda meeting twice a year to discuss bilateral peace and reconciliation issues. A technical arm of this committee made up of one Member of Parliament from each country, senior religious leaders from each country and the District Commissioners was designated as the implementation monitoring team that met quarterly to plan and approve activities.[99]

### 2.5.4 Financing harmonization initiatives

Although many pastoralist communities contribute their own resources e.g. cows, to facilitate the implementation of indigenous interventions, there are certain components of the processes that require resources – human and material - well beyond the communities' ability. For example, it would be difficult for a community to raise enough resources to pay for the services of highly qualified lawyers needed to work out strategies for harmonizing the indigenous and the existing conventional interventions. The need for such harmonization is illustrated by the following detailed example from Marsabit in reference to the community-based Environment Management Committees (EMCs) (see detailed case-study in chapter 6).

The EMCs elaborated extensive by-laws to govern the various aspects of the pastoralist lives e.g. sustainable use of resources, environmental protection, mitigation of violent conflicts etc. The EMCs recognized the fact that although they were quite effective in their work, the issues of peace and reconciliation had a different dimension and required special emphasis and approaches especially as they also touched on such sensitive issues like 'blood-money' paid to families of murder victims. Through the EMCs, peace committees emerged and these were successful in stemming the cyclic violent revenge and counter-revenge attacks between different ethnic pastoralist communities by resolving their conflicts more amicably.

Although some of the by-laws addressed these sensitive issues, they were thought not to be comprehensive enough and nor sufficiently inclusive. Consequently, the MDP (Marsabit Development Programme) brought in a qualified conflict management personality who took the committees through the stages of formation and the development of goals and objectives. The project also hired a lawyer to look through the by-laws developed by the EMCs and to advice on their legality and how they fitted in the various acts and laws and in the constitution of the country as a whole. These activities supported by the project ensured that the community-based tools and instruments – the by-laws - were both efficient and effective. These two interventions – the conflict expert and the lawyer - were expensive; however the initial costs cannot be compared to the losses the community would have incurred if violent conflicts were to erupt.[100]

## 2.6 Summary

Conflicts *per se* are not a problem in themselves but, it is the way we deal with them that determines what nature they take and the kind of impact they have on the society. Dealt with constructively, i.e. in a humane and civilized manner, conflicts improve cooperation and deepen relationships. Proactive policies and wise leadership are lacking and everyday contemporary conflicts are not resolved constructively leading to violence. Conflicts turn violent when "society cannot represent, manage or resolve its different interests in a productive manner", thus initiating a degenerative or destructive cycle of violence. In conflict situations the impulsive response by practitioners is to deliver physical items like food, water, shelter etc. and while this is important, there is also a need to start understanding and analyzing the root causes of the conflict as well as the existing political, social and economic factors in the community as they are usually closely associated with the conflicts.

Adoption of inappropriate conflict prevention approaches can "weaken and undermine the local production systems, local organizations and local self-esteem which in turn might lead to a weakened civil society and reinforcement of unpopular and undemocratic systems responsible for the conflict". Effective conflict prevention activities offer a more inclusive approach that attempts to broadly address conflicts based on their own unique characteristics embedded in economic, political and social cultural backgrounds. There are already various approaches to conflict resolution in existence and while they were developed to address contemporary conflicts, the similarities between such conflicts and pastoralist conflicts means that the same approaches can be adapted for the latter as what is important is to ensure that the conflicting parties have a forum to present and address each other's deep-rooted human needs and questions of identity.

A problem associated with the elaboration of comprehensive conflict resolution approaches in pastoralist areas is how to deal with the complex social organization and governance structures of parties in the conflict. Another challenge is how to harmonize both the traditional and the conventional approaches of conflict resolution, while at the same time ensuring that such harmonization is inclusive and participatory. Since conflict is an aspect of human relationship it means that culture is embedded in and is an integral component of conflict. Culture in itself does not cause conflicts however, it is inextricable from it and it shapes our perceptions, attitudes and the outcome and intensity of the conflict; therefore culture must be an integral component of conflict analysis and intervention. Taking culture as a core component in mediation and conflict resolution ensures that we focus on the cultural values of those in conflict and not on the values of the system or approach applied and/or from which it is conceived. In order to avert outbreaks of violence, such communities need to be weaned-from their pathological fear of perceived threats from others and this is best done when such communities are invited to reflect within themselves on the "strengths and

weaknesses of their own heritage, knowledge, and modalities related to conflict – in contrast to reflecting on the threat or modalities of others or adopting a posture that members must initially learn from others".

In 1999, Mary Anderson through the 'Do No Harm debate, observed that there is always some degree of community-based socio interaction and communal cohesion prevailing among communities even in the midst of conflict. Among pastoralist communities, these social interactions include ties of kinship, marriage and friendship as well as cattle loans. These interactions can be successfully exploited to enhance the communities' local capacities for peace. As conventional governance in the pastoralist areas is largely inadequate, the local communities have gradually revived the use of indigenous community-based structures for conflict resolution and peacebuilding. Indigenous conflict resolution entails joint problem-solving techniques and processes that emphasize reconciling the protagonists with each other rather than establishing right and wrong. The punishment is not aimed at retaliation, but at restoring equilibrium, usually through the mechanisms of restitution, apology and reconciliation with an emphasis on justice and fairness, forgiveness, tolerance and peaceful coexistence. Indigenous mediation and reconciliation is used in interpersonal or inter-community conflicts to settle disputes over land, water, grazing-land rights, fishing rights, marital problems, inheritance, ownership rights, murder, brideprice, cattle raiding, theft, rape, banditry, and inter-ethnic and religious conflicts.

Pastoralist communities have profound respect for and recognition of traditional authority and since the social structure among pastoralist communities is based largely on generational lines and age-sets, the elders who comprise the senior generation set are charged with the role of political and spiritual leadership. Elders laid down the rules and procedures to initiate warriors, settle disputes, sanction raiding expeditions and determine grazing areas in their transhumant pattern and the society relies on their wise guidance, prayers and blessings especially because their advanced age and experience is seen as indicating their close relationship with the spiritual world. The elders are also charged with the responsibility of guiding negotiations towards peace agreements that largely reflects the consensus of all the parties involved in the conflict. In addition, religious and other spiritual figures have peacemaking responsibilities and are seen as ideal, neutral arbiters who have allegiance to universal religious values that transcend individual community loyalties. The responsibility of religious figures is not to judge cases but to encourage rivals to make peace.

The indigenous community-based structures are increasingly being institutionalized. For example, councils of elders are being transformed into peace committees and because they are modeled on traditional conflict resolution mechanisms, they command support and social-cultural legitimacy and understand better the local problems and power structures. Peace committees have

been used to address deeply entrenched conflicts that have hitherto eluded conventional approaches. In addition, pastoralist communities constitute issue-based fora e.g. resource user-groups or associations that focus on specific issues like water or pasture.

Pastoralist communities are largely an oral society and put a high premium in expressing their cultures, beliefs, traditions etc in folk songs, dances, poetry and other celebrated rituals. Poets are highly respected in the community as poetry is easily understood, enjoyed and, when well composed, can be used to influence public opinion and thus policy. Singing is an important aspect of pastoralist lives. It sooths and rationalizes emotions while negations help reach important decisions. The use of songs, poetry, dances, pictures and stories among the pastoralist communities is greatly complemented by the use of symbolic rituals and peace symbols that depict the everyday lives of the communities. Grass (pasture) or water are not only regarded as the lifeline but are also at the root of many violent conflicts among pastoralist communities and are commonly used as symbols of peace. Symbols based on motherhood are particularly potent given the respect that women and children are accorded in the community. The most significant thing about the use of rituals among the pastoralist communities is the sacrifice of animals and the sharing of meat among parties in conflict as symbols of reconciliation.

Talking, as a medium of communication, among the oral pastoralist communities is an equally important component. Community-based peace conferences employ the art of talking to resolve conflicts and propagate peaceful coexistence by reaching agreements to end fighting, to negotiate access to resources and to make reparations for deaths arising from violent conflicts. An important aspect of peace conferences, as with most other community activities, is to do with 'labeling' i.e. the choice of names to give to the process. The label is as important as the choice of participants or the choice of the meeting venue. This is because the name or label symbolizes the idea or concept of the conference in terms of inclusiveness, relevance, goals etc.

## 2.7 Conclusion

This chapter makes it patently clear that pastoralist conflicts are not any different from conventional conflicts and while they have their own characteristic peculiarities, they are largely influenced by the same factors. There are many existing theories on conflict resolution interventions but it would appear that, in pastoralist areas, those that entail strong aspects of the communities' local capacities for peace have greater chances of success. Indeed, there is a considerably rich bank of local capacities for peace constituted in traditional institutions e.g. elders and tools and instruments e.g. cleansing rituals, traditional mediation etc.

Although these local capacities for peace are "alive and well", they are increasingly facing inordinate challenges as a result of changing global trends including 'modernization' of pastoralist lifestyles but, the local capacities for peace continue to struggle to remain relevant and representative of the pastoralist endeavours. To a large extent, and despite many odds, they are winning this struggle, albeit in limited ways. The next topic of discussion - their roles in peacebuilding activities in the pastoralist areas – clearly illustrates this.

**Endnotes**

[1] The phenomena of complex conflicts and emergencies began to emerge in the late 1980s but gained currency in the early 1990s with the Gulf War when the principle of using military personnel to protect UN mandated relief and humanitarian operations was established. It was also at this time, the beginning of the 1990s, that conflicts started being understood and analyzed from a perspective of political economy and particularly the effects of global processes that contribute to systemic conflicts with the argument that protracted conflict was symptomatic of new and expanding forms of a political economy (Duffield, 1998).

[2] Jonathan, Goodhand & David, Hulme (1999:16) cited in Mark, Duffield, (1994, p. 44), 'Complex Emergencies and the Crisis of Developmentalism' in *IDS Bulletin: Linking Relief and* Development, Vol. 25, No 3, pp 43-48, October 1994, UK.

[3] Governance here refers to the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. Good governance is, among other things, participatory, transparent and accountable. It is also effective and equitable and it promotes the rule of law (UN: A/53/554 of 20 October 1998). <http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/a9f53001db541d61802567c500324e16?Opendocument> [Nov. 2005]).

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[10] Marc Ross (1995) cited in Ben, Cousins (1996), 'Conflict Management for Multiple Resource Users in Pastoralist and Agro-pastoralist Contexts' (http://66.249.93.104/u/undpsearch?q=cache:7rxVg4bcuwgJ:www.undp.org/seed/unso/text/pub-htm/pastoral-eng-cousins.htm+ben+cousins&hl=en&ie=UTF-8) (Accessed January 2006).

[11] Cousins (1996), *op. cit.*

[12] Culture in this context refers to the sum total of the ways of life of a people, including norms; learned behavior patterns; attitudes and artefacts; also their traditions, habits or customs; values controlling how people behave, feel and interact; the means by which they order and interpret the world; ways of perceiving, relating and interpreting events based on established social norms; a system of standards for perceiving, believing, evaluating, and acting for the purposes of survival and existence as a continuing group. (<www.finchpark.com/courses/glossary.htm>; <www.iteawww.org/TAA/Glossary.htm).

[13] Michelle, Lebaron (n.d.), 'Mediation and Multicultural Reality' (http://www.gmu.edu/academic/pcs/lebaron.htm) (Accessed December 2005).

[14] *Ibid.*

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[16] Avruch (1991, p. 7) cited in Christopher, Leeds (1997), 'Managing Conflicts across Cultures: Challenges to Practitioners', *The International Journal of Peace* Studies, July 1997, Vol. 2, No. 2 (http://www.gmu.edu/academic/ijps/vol2_2/leeds.htm) (Accessed January 2006].

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[47] Fortes & Evans-Pritchard (1940, p. xviii) cited in Osamba (2001), *op.cit.*
[48] CII-A guide (n.d.), *op. cit.*
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[94] Minear (2001, p. 36), *op. cit.*
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## 3.0 Peacebuilding in Pastoralist Areas

### Preamble

The debate on the theory of peacebuilding is as healthy, varied and open-ended as it can be in academic circles. The theory itself is not new but has been "re-packaged" from existing theories and established interventions albeit with a new dedication and insights based on real-life conflict situations. Fortunately, this chapter is not about the theory of peacebuilding but it attempts to highlight experiences with some of its principles as encountered in field situations in the pastoralist areas. More specifically, the chapter limits itself to only those principles of peacebuilding that are grounded on community-based local capacities for peace.

The chapter begins with an attempt to contextualize peacebuilding within the broader field of conflict resolution and tries to identify the gaps in theory and practice as occasioned by circumstances in the pastoralist areas. This is done through a brief review of how peacebuilding interventions engage the different attributes of pastoralist conflicts and continues to list some of the setbacks that have been encountered in the process.

### 3.1 Peacebuilding in general

#### 3.1.1 Contextualizing Peacebuilding

To many people, "peace" is understood to be the absence of violence or the physical harm to human life or property caused by wars, murders, riots, raids etc. Johan Galtung calls this "negative peace": it is asserted that such a concept of peace can lead to a preoccupation with the controlling of overt violence and largely ignore, condone or perpetrate other kinds of covert violence or what is referred to as "structural violence".[1] Structural violence has been defined as social, personal or cultural violence emanating from unjust, repressive and oppressive national, regional or international political and social structures. It has been pointed out that, '...a system that generates repression, abject poverty, malnutrition, and starvation for some members of a society while other members enjoy opulence and unbridled power inflicts covert violence with the ability to destroy life as much as overt violence, except that it does it in more subtle ways'.[2] Galtung observes that it is only when overt and covert aspects of violence are addressed that "positive peace"[3] can be obtained. Indeed, positive peace is the premise on which peacebuilding is built.

Mr. Federico Mayor, UNESCO Director-General 1987-1999, asserts that 'peace is always possible and it can always prevail. But it has to be wanted, encouraged, nurtured and cultivated on a daily basis':

> Without peace, there is no development, no justice, and no democracy. To go from a culture of war and violence to a culture of peace and dialogue, we have to change the values, attitudes and behaviors of the past. Instead of the cynical proverb "If you want peace, prepare for war", we must say "If you want peace, prepare for peace and try to build it in your daily life".[4]

The peace referred to is "positive peace" and, indeed, to achieve it, communities need to move away from a culture of violence to one of peace. One of the strategies that can facilitate this transformation is peacebuilding[5] which is the discussion that follows.

To rebuild post-conflict communities is not simple because besides re-building physical structures such as buildings, it also involves the rebuilding of social, psychological and mental structures. Rebuilding is difficult because memories of what the violence brought cannot be easily eradicated and the pre-violence social environment cannot be easily re-created where people have died, split or displaced. Reconstructing violence-torn communities means reconstructing human beings, soul and bodies, social structure, culture, environment. It means developing a peace culture of reconciliation, repentance, forgiveness, respect, of collective and individual healing and learning in order to live peacefully again.

The first attempt to present an inclusive concept of peacebuilding was put forward in 1992 by the then UN Secretary-General, Boutros, Boutros Ghali in his *An Agenda for Peace*[6] that was based on four pillars, thus:[7]

- *Preventive diplomacy*: action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur;

- *Peacemaking*: action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations;

- *Peace-keeping*: the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well; and,

- *Post-conflict peacebuilding:* action to identify and support structures that strengthen and solidify peace in order to avoid a relapse into conflict.

From the beginning, the 1992 concept of peacebuilding did not clearly define what it was 'but rather presented a set of measures including disarming, restoring order, destroying weapons, repatriating refugees, training security forces, monitoring elections, advancing the protection of human rights, reforming institutions and promoting political participation which are mostly associated with short to medium term international interventions but do not carry the notion of being sustained efforts that address the underlying causes of conflicts'.[8] Although the 1992 *An Agenda for Peace* concept defined peacebuilding largely to address "post-conflict" peace consolidation and reconstruction, the term has ever since, within the United Nations, emerged to embrace the

overlapping agendas for peace and development.[9] This is typified by its evolvement in various UN declarations including the:[10]

- 1994 *An Agenda for Development* (UN, 1994) that defined development as one of the prerequisites for peace;

- 1995 *Supplement to An Agenda for Peace* (UN, 1995: para 47) citing social and economic development, together with demilitarization, control of small arms, institution reform, improved police and judicial systems, and the monitoring of human rights and electoral reform, as peacebuilding measures;

- UN Millennium Development Report (UN, 2000: para 207) which expounds on a more integrated approach to conflict prevention and development.

This evolvement has resulted in a clear shift from the earlier focus on antagonists in a conflict and is now mainly concerned with the attitudes and socio-economic circumstances of people in general.[11] Although many organizations continue to define peacebuilding differently, there is a growing convergence of opinion among policy makers and practitioners alike that peacebuilding needs to be defined by its objectives and not by its instrumentalities.[12] Indeed, attempts to define the terms peacebuilding and conflict resolution are fraught with difficulty as they mean different things to different people and are bound up with distinct moral discourses and political positions.[13] Peacebuilding, 'is often used broadly to mean any activity undertaken with the purpose of preventing, alleviating, or resolving violent or potentially violent conflict and endeavors to reverse the destructive processes that accompany violence and at the same time shifting attention from the warring factions (dealt with by the peace-keepers) to the attitudes and socio-economic circumstances of ordinary people thus, concentrating more on the context of the conflict rather than the issues which divide the parties'.[14]

In other words, peacebuilding processes seek to address the underlying causes of violent conflicts and crises through reconciliation, institution building and political as well as economic transformation either to prevent the causes, or if they have occurred, to ensure that they will not recur. They have a strong preventive character and are aimed at meeting basic needs for security and order, shelter, food and clothing, and for recognition of identity and worth. Peacebuilding should target all levels of society as well as all aspects of the state structure and must be geared towards the restoration of open and free communications, rebuilding trust, helping parties to understand how to overcome their differences, enabling accurate diagnosis of problems and generating new kinds of interactive community frameworks. To eliminate violence and to facilitate long-term conflict transformation, it is

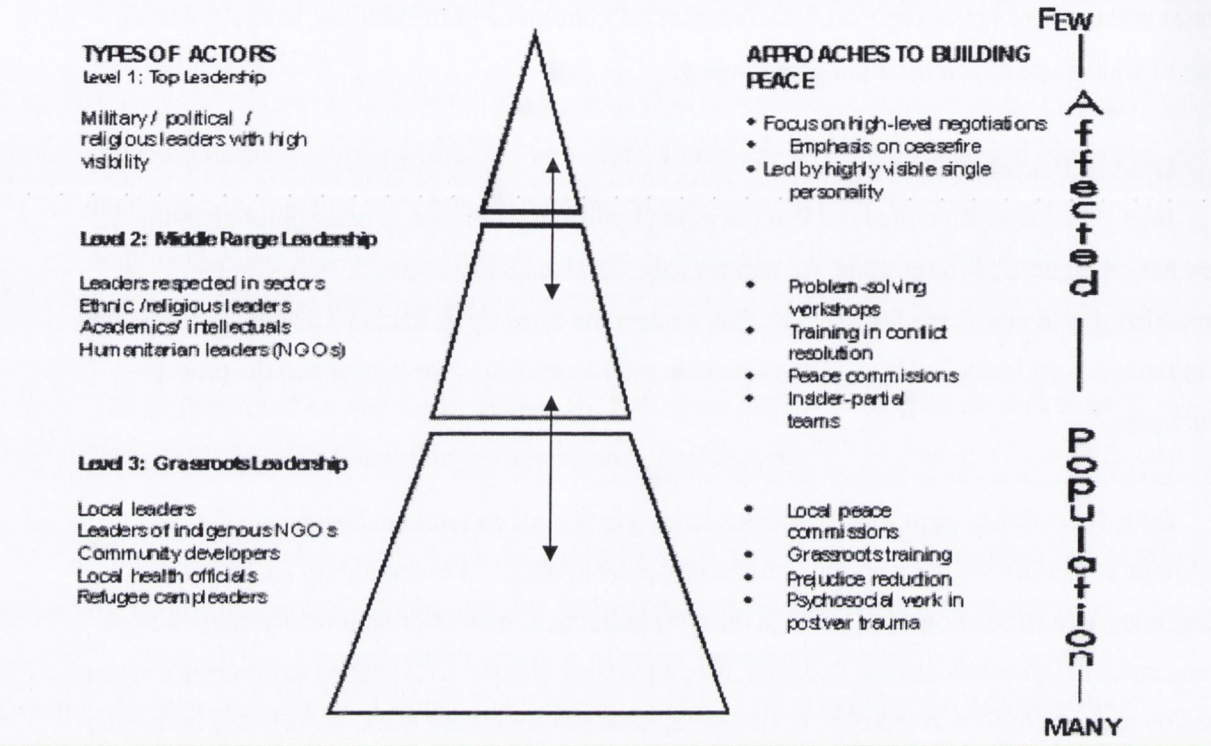
important that the conflicting parties identify a wide variety of post-conflict economic and social opportunities towards which they might aim in order to generate reassurance and confidence and a willingness to accommodate the interests of each other. These are complex demands on peacebuilding processes and they are not improved by the fact that the concept of peacebuilding, in itself, faces a number of challenges as briefly highlighted below.

### 3.1.2 Gaps in Peacebuilding

John Paul Lederach points out that the most significant challenge to peacebuilding in the 21st century has emerged from three gaps. He defines gaps, as an inability or insufficiency in the conceptualizing and practicing frameworks that weaken the capacity to sustain a desired process. The three important gaps identified by Lederach include interdependence, the justice and the process-structure gaps.[15]

**Interdependence gap:** The interdependence gap is built on relationships where the relationships constitute the heart and bloodlines of peacebuilding.[16] Peacebuilding has many forms of interdependence mostly recognized through the (re-) building of new or broken relationships across divisions emanating from conflicts. Lederach uses a pyramid (figure 3.1.2 below) to describe a setting affected by violent conflict. According to Lederach, most peacebuilding work, particularly in the sub-field of conflict resolution, has focused on improving aspects of relationships through negotiation, dialogue and mediation by getting counterparts to meet with each other. This is referred to as 'horizontal capacity' and involves working with counterparts, and enemies, across the lines of division.

Figure 3.1.2: Actors and Peacebuilding Foci




Adapted from John Paul Lederach (1999, p. 29), 'Justpeace' in European Center for Conflict Prevention (ed.), *People Building Peace, 35 Inspiring Stories from Around the World.*

In a society affected by protracted violent conflict, a significant gap in interdependence is rooted in the lack of responsive and coordinated relationships up and down the levels of leadership – "vertical capacity". That is, the ability to develop relationships of respect and understanding between higher levels of leadership and community and grassroots levels of leadership, and vice versa. Sustainable vertical and horizontal integration are necessary for the implementation of any long-term peacebuilding efforts. Lederach points out that the challenge for horizontal capacity is how to foster constructive understanding and dialogue across the lines of division in a society while the challenge of vertical capacity is how to develop genuine recognition that peacebuilding involves multiple activities at different levels of leadership which take place simultaneously and with distinct needs at each level.[17] To date, vertical capacity has been weak with each level of peacebuilding being undertaken in isolation of other levels of the affected society: this is despite the fact that all the levels are affected by the conflict and need to coordinate their activities. The pastoralist areas are a case in point as described in the preceding chapters that enumerated the difficult relationship they have had with the state.

**Justice Gap:** Communities involved in protracted conflicts expect that peace processes will both stop the direct violence and at the same time address the structural issues that gave rise to the conflict in the first place. The latter aspect usually requires a systemic transformation of relationships in the affected community's political, economic and social policies. According to Lederach, if people feel that an issue of justice and human or group rights need to change but channels for effecting such change are not adequate, it has been observed that there is a progression within conflict from a latent stage to open conflict and direct violence.

People therefore engage in direct violence to try and address the perceived injustice or what is now referred to as "structural violence" that is, the underlying economic, cultural, social, and political structures detrimental to the community. Peace negotiations usually result in peace accords that reduce the direct violence but the accords rarely address the fundamental issues that gave rise to the violence i.e. the structural violence. This is what Lederach refers to as the justice gap or the unmet expectation for social, economic, religious, and cultural change which creates a gap between the expectation of peace and what the accords delivered. Once again, this is the status quo in the pastoralist areas where the wounds of historical neglect and marginalization are treated with a "band-aid" approach of intermittent relief aid and strong-arm tactics to enforce law and order (see chapter 6).

**The process-structure gap:** The metaphor 'reconciliation' in conflict situations suggests that the goal is to end something that is not desired. 'Transformation' on the other hand, insinuates that something not desired is changing or taking a new form. Putting the two metaphors together, embraces the challenge of changing that which tore people apart and building something that they desire hence, essentially introducing the idea of a 'peace process' that entails dynamism and progression.[18]

Lederach observes that if peace is thought of as a process, the critique arises that it is an endless dynamic that leads to no substantive outcome. If it is envisioned as a result, it is presumed as an end-state but, in reality, peace is neither an 'end' nor a 'state' and if treated as such, the desire to preserve or control destroys its very essence. Peace is neither a process nor a structure but both, with peacebuilding requiring work at constructing infrastructures that support permanent processes of the desired change. By conceptualizing peace as a process-structure, one moves the focus from agreements and events towards a commitment that embraces the building of permanent relationships that are both dynamic and adaptive to social and political changes.[19] This dilemma is captured in chapter 2 where most of the current local capacities for peace described have, by necessity, up to now focused on stemming the volatile conflicts in pastoralist areas but now have to scale-up to encourage wide-scale adaptation by the communities.

### 3.1.3 Approaches and the underlying premise in peacebuilding

The lack of an explicit definition of peacebuilding has led to a debate on the most important measures to take in peacebuilding. On one hand, there is a school of thought that presents a very broad proposal stating that 'peace is built...on social, political, economic and ecological foundations that serve the welfare of the people'.[20] This approach is usually referred to as the "inclusivist approach" and is similar to the one advanced by Boutros-Ghali in *Supplement to An Agenda for Peace*. He contends 'that development underlies the philosophy of peacebuilding, which, ultimately, cannot succeed unless integrated with a development initiative (UN, 1995), thus, peacebuilding and development are mutually reinforcing procedures, capable of operating simultaneously and working towards a common goal'.[21]

The other contrasting school of thought, defined to as the "exclusivist approach", is attributed to Winrich Kuhne at the Berlin Research Institute for International Affairs and presents a much narrower reference by observing that, 'firstly, peace-building is...in the first place a political undertaking, and not a developmental or humanitarian one; secondly, its priority is not the ending of conflict as such, but to prevent the resumption of violence; thirdly, the time dimension of post-conflict peace-building is short and medium term, whereas development and nation-building is long-term'.[22] This school of thought contends that peacebuilding is a political endeavor entered into in response to security problems for a limited period of time, whereas development is a long-term strategy carried out under generally peaceful conditions.[23]

Practice to-date has tended to favor the inclusivist approach, particularly as it epitomizes the underlying concept in the *An Agenda for Peace* of 'sustained, co-operative work to deal with underlying economic, social, cultural and humanitarian problems'. The second definition, the exclusivist approach, is too narrow and is susceptible to the danger of excluding a number of aspects relevant to the achievement of lasting peace.[24] The broad definition in the inclusivist approach, although lauded as the better one, could entail such 'a broad concept that may render it superfluous, imprecise and useless for academic purposes or to guide political decision making'.[25] What is important however is for the 'peacebuilding concept to recognize that contemporary conflicts represent serious threats to peace and to development and do not lend themselves to traditional security instruments or conventional development approaches'. The concept should emphasize '...integrated, multi-faceted and multi-level strategies that can help address the multiple causes of conflict from a long term development perspective'.[26]

ActionAid illustrates such a strategy in the following example of a peacebuilding intervention in Somalia:

> ActionAid Somalia understood peacebuilding activities as taking place even before a conflict has occurred ... 'a set of strategies which aim to ensure that disputes, armed conflicts and other major crises do not arise in the first place'. Peacebuilding is not only applicable in situations where conflict is occurring or has occurred but rather, peacebuilding is also about removing potential sources of conflict. ActionAid Somaliland support for the rehabilitation of a community water system which was destroyed in fighting provided an opportunity to deliberately develop the peacebuilding potential of the community by involving the previously conflicting sides jointly in the planning, physical implementation and future maintenance and management of the project. This was intended to help rebuild trust, co-operation and mutually benefit the relationship between the conflicting sides, provide space and opportunities for dialogue over their common future and to help in the identification of other peace constituencies. Through "education for peace", the project was able to transform the attitudes and behavior of the conflicting parties and in the process enhanced their cooperation and capacity for peaceful problem solving. [27]

It has already been pointed out that 'peace is not purely about an absence of physical violence but is intimately connected to the analysis and practice of social and economic development'.[28] This understanding has led to the introduction of the structural violence concept into the issue of peace and peacebuilding with the realization that 'the common dynamics leading up to conflict – inter-group resentment, social polarization, rising intolerance and extremism, militarization of society, human rights violations, and widespread impunity' etc are a central component of conflict prevention and peacebuilding interventions.[29] But to many practitioners, especially those involved in development activities, the structural conflict understanding of peace has always been a problem. Indeed, it is noted that not a long time ago, when violence occurred, it was regarded as an unfortunate occurrence that required a set of approaches very different from those applied in or related to development interventions (chapter 2).[30] Fortunately, there is an increasing understanding of the interconnectedness between conflict dynamics, development intervention and peace.

Many of the activities carried out under development programmes are either similar to or make significant contributions to conflict prevention, just like those carried out under peacebuilding. When considering the question of peace, it is not so much a question of the kind of activities that are carried out rather, it is the paradigm of conceptual frameworks under which the activities are carried out that is important. This is because the conceptual framework and/or the paradigm determine the kind of activities to be carried out and who to work with. Necla Tschirgi notes that although many of the activities carried out under the realm of development, are similar to those of peacebuilding, the conceptual framework of peacebuilding activities is more broad based and focuses directly on the immediate, proximate as well as the root causes of conflicts.[31] In the past however, development paradigms focused on economic, social and/or sustainable development or entailed strong and very specific central themes like gender, environment etc. Peacebuilding paradigms are therefore quite specific and endeavor to comprehensively address the structural, political, socio-cultural, economic

and environmental factors in potential conflict situations. Tschirgi further observes that a peacebuilding framework is 'different from that of conventional development to the extent that it is explicitly guided and motivated by a primary commitment to the prevention, avoidance and resolution of violent conflicts'.[32] Indeed, it has been stated that there is a premise that underlies the concept of peacebuilding:[33]

- There is an assumption that peace requires social transformation and must be built over time.
- Peace encompasses economic, social, cultural, political and humanitarian issues, it is something more than a sense of violence, and includes ideas about sustainable development and social justice (McDonald, 1997).
- Peacebuilding is not an event with precise beginning and end; rather it refers to processes which occur before, during and after violent conflict.
- Peacebuilding is not a specific activity but a consequence of an activity (defined as the outcome of the activity).
- Societies affected by violent conflict still contain individuals, groups, attitudes and processes that promote peace (Anderson, 1996). Conflicts also generate a 'moral' economy, not just a 'predatory' one. There are instances of civil groups or 'constituencies of peace', e.g. in Somaliland who helps to support and develop peace processes (Bradbury, 1994) and which require nurturing, supporting and building-on.

The components of this premise for peacebuilding are clearly captured in the central theme of the preceding discussion. It has argued for the need to have an inclusive peacebuilding agenda that links everyday activities - be they in the socio-economic, -political, -cultural, or –environmental development - to positive peace and conflict prevention[34]; and while definitions are important, the 'boundaries of peacebuilding... [should continue to be] ... defined in the process of its application'.[35]

### 3.1.4 Peacebuilding approaches in contemporary and pastoralist conflicts

Jelena Smoljan points out that there are some distinctions between civil wars and natural disasters[36], but, based on the 'degree of complementarity existing in the theory and practice of complex emergency responses and peacebuilding',[37] contemporary peacebuilding approaches can be successfully applied to pastoralist conflicts. The discussion in chapter 2 detailing the close similarities between conventional and pastoralist conflicts is re-visited but with particular reference to peacebuilding concerns.

(i) *In natural disaster situations, there are identifiable communities to rebuild, recognized political authorities in the areas receiving aid, a legal system in place, usually a benign*

*attitude on the part of the central government towards aid givers but the same factors might not be present among communities in war-torn situations.*

While this is largely true, it must be noted that conflicts in pastoralist areas greatly destabilize the existing social structures especially where the male population, usually the bread winners and decision makers, either perish in the conflicts or migrate out of the conflict areas. This leaves a tangible vacuum in the community which inhibits the ability and effectiveness of its decision making. As for the political leadership in the country as whole, although it may still be intact at the national level, its recognition and effectiveness at the pastoralist community level is usually contested. Even the local community leaders might not necessarily have the necessary legitimacy in the communities' eyes especially where they are involved as agitators, are selfish beneficiaries of the conflict or have been imposed by the state.

(ii) *Natural disasters, even if they occur frequently, tend to be of limited duration. Civil conflicts, in contrast, can last over along period and post-conflict transition can be highly unstable. Besides the rebuilding of destroyed infrastructure, it may be necessary to create alternative structures to replace the destroyed or discredited ones.*

Natural disasters leading to or contributing to pastoralist conflicts, e.g. drought are so pervasive and recurrent that they have become the norm rather than the exception in the pastoralist areas. On their part pastoralist conflicts can be violent and destructive and have the capacity to displace and disenfranchise as many people as a civil war does. Due to the transient nature of governance in pastoralist areas, post-conflict situations are equally unstable and the restoration of communities not only takes a long time but may as well, like in civil conflict situations, require the (re-)building of new structures, both physical and social. This is particularly the case where empowerment and gender issues require re-defining and mainstreaming in order to reduce the impact of recurrent conflicts.

(iii) *As opposed to natural disaster situations, violent conflict creates tensions that make rebuilding more difficult, the principle of non-intervention and sovereignty is more prominent, there is a greater degree of danger for the people involved in the interventions and there is need for more political and military cooperation and coordination of logistics (Pugh, 1995a:332-333).*

Besides the close similarities between the conventional and pastoralist conflicts most of the pastoralist areas are so prone to violence that they qualify for a permanent police and/or military presence. Besides, pastoralist communities are so heavily armed with illegal

weapons, that in some instances their owners are indeed the "defacto law". Consequently, the governments in the HOA usually use strong arm techniques when dealing with pastoralist related conflicts. Indeed, some of the governments are backed by international resources for example, the tacit (military and material) support of the US government for border control between Kenya and Somalia. For this reason, the question of political and military sovereignty in pastoralist conflicts is much discussed just as it is in civil war situations albeit in different dimensions.

Having explored the interconnectedness between conventional and pastoralist conflicts and having established that peacebuilding interventions developed for the former are applicable to the latter, the next section highlights experiences with their actual application in pastoralist conflicts.

## 3.2 Peacebuilding initiatives in pastoralist areas

### 3.2.1 Peacebuilding in violent and fluid conflict situations

In chapter 1 it was shown how conflict in the pastoralist areas has undergone drastic transformation. An outstanding example is cattle raiding or cattle rustling which, traditionally, had a specific socio-economic and -cultural purpose and was sanctioned and regulated by the elders in the community. As already observed, 'traditionally, the elders were actively involved in the planning process and the performing of traditional ceremonies before and after raids that were geared to community survival and reproduction. Presently, raids are mainly geared to individual accumulation of wealth an aspect that has led to a profound disregard for traditional values among pastoral communities'.[38] Still on cattle rustling, traditionally, there were clear guidelines on the rules of engagement laid down, for example, no killing of children, women and the elderly. Rape was taboo in many communities. Furthermore, the instruments of war - spears, clubs, bows and arrows - also limited the amount and extent of violence in any encounter.[39] In fact, while the killing of "enemy" combatants was admired as a sign of bravely and rewarded accordingly, there was however elaborate rituals performed on the warriors to cleanse them of the blood of those they killed.

Volatile and fluid conflict situations are a major challenge to conflict resolution and peacebuilding initiatives in the pastoralist areas. The transformation of conflicts in pastoralist areas is not necessarily a unique phenomenon and should be viewed in light of the "global" social transformation in the pastoralist host countries. It has been noted that 'African societies are undergoing socio-political transformation which involves changes in values that often lead to loss of traditional reference points and adoption of modern values which tend to create psychological stress within individuals and societies'.[40] Bearing this in mind, if they are to succeed, indigenous community-based approaches to conflict resolution and peacebuilding must have an inbuilt flexibility that can accommodate both the subtle differences in the detail of approach and practices among the pastoralists and also be able to accommodate new challenges and dimensions of conflicts.

**Conflict resolution and peacebuilding in conflict situations**

Between 1999 and 2001, life in Baragoi was reminiscent of the Hobbesian state of nature where life is nasty, short and brutish, thus, the law of the jungle where only the fittest survives. Civil administration by the government in the area was acutely missing or rather lacked the capacity to intervene resulting in indiscriminate violence and loss of lives. The violence destabilized all the socio-economic activities and livelihoods in Baragoi division with trade between the communities (Samburu and Turkana) disrupted as people fled from the raging conflicts. Social infrastructure and services like schools and health centers were left to disrepair as teachers and health workers relocated to safer places (Maralal town), thus, paralyzing the education system with the closure of approximately 15 schools. Mortality rates soared as children died from largely curable and preventable diseases.

In response to this appalling situation, considerable efforts and resources were channeled to conflict resolution and peacebuilding initiatives in Baragoi and adjacent divisions by a number of

> stakeholders including the civil society, central government, faith-based groups and the communities. These concerted efforts culminated in the formation of the Samburu district peace committee that had a membership up to the sub-locational level.
>
> Painstakingly, the peacebuilding efforts paid off and life gradually returned to normality with the two communities grazing and watering their livestock together. Elders, in conjunction with the peace committee members determined and sanctioned livestock grazing and watering activities and also advocated the rehabilitation of water points by the Arid Lands Resource Management Project and other development partners. Displaced people returned to their former manyattas[41] including the heavily ravaged Kawap and Parkatit with the only major setback being lack of meaningful socio-economic activities to sustain returning communities who had lost all their property in the conflict. Shops and business premises opened and inter-community trade slowly resumed with cattle traders coming from Baragoi to purchase livestock. Schools, like the heavily conflict affected Kawap Primary School, opened and enrolment rates were impressive given the state of the schools during the conflict. More importantly, for the first time, Samburu cattle raided by the Turkana from Lokori were recovered and returned to their owners through a joint effort by the government, peace committee, civil society and faith-based agencies.[42]

As illustrated in chapter 1, the other factor that has contributed to the transformation of conflcits in the pastoralist areas is the illegal possession and use of small arms. The availability of weapons intensifies the violence of conflicts which results in poverty, food insecurity and a general threat to livelihoods, environmental degradation, resource competition, intercommunal hostility, and social and political breakdown. The starting point in addressing the question of illegal armaments and their use is to understand why the communities seek to arm themselves. The neglect and marginalization of pastoralist areas, the lack of effective policing and judiciary, the erosion of customary systems, the lack of alternative livelihoods besides livestock, general insecurity etc are some of the reasons advanced for self-armament, where communities decide to adapt self-help measures in the face of the state's failure to provide security. These primary factors that lead people to arm themselves should be central in the design of peacebuilding activities in the pastoralist areas.[43]

A standard activity popular in many peacebuilding interventions has been disarmament of pastoralist groups. Several approaches have been tried including state sponsored voluntary and/or forceful disarmament. None of these state-based efforts has been successful primarily because the root causes of the community's self-armament are not addressed. State-based disarmament is usually heavy handed, imposed without proper consultation with the communities and fraught with threats and unrealistic deadlines. In addition, in many pastoralist areas state-based disarmament is not a well formulated and consistent programme: in most cases it is a sporadic "gut-reaction" to incidences of extreme violence and lawlessness and is only carried out for reasons of political expediency. Some measure of success has however, been achieved with small scale community-based and led disarmament activities. The disarmament activities are carried out within a framework of larger and more comprehensive peacebuilding projects that address other socio-political, -economic and social problems affecting the pastoralist communities.[44]

Although somewhat different to demobilization activities in post-war situations, to be successful, pastoralist disarmament entails similar prerequisites. Jelena Smoljan observes that 'if demobilization is conducted poorly and is not accompanied by viable reintegration programmes, unemployed, unpaid or undisciplined troops may turn to banditry, preying on villagers, and road banditry, or even re-mobilizing against the established regime'.[45] In addition, citing the case of Mozambique in early 1995, Smoljan further notes that 'the urban areas have seen a steady stream of demobilized soldiers moving in from the rural communities, where they had been transported in 1994 as part of the demobilization programme, in search of employment. At the same time, urban centers witnessed a marked increase in social unrest and criminal activity'.[46] This could well apply to pastoralist situations where the warriors and idle youths could easily, and actually do, resort to criminal activities if they are not productively engaged after they disarm. This is further evidence of the need for comprehensive community-based programme approach to disarmament.

### 3.2.2 The 'culture of Impunity'

The prevalent lawlessness, insecurity, lack of effective policing and judicial systems, heavy self armament and the erosion of traditional systems of governance within communities in the pastoralist areas has meant that many crimes and acts of violence are committed without any fear of retribution. In organized and community sanctioned violence e.g. in raids, the only fear a community might have is the reciprocal raid by its adversaries. But, with individual crimes it is sometimes a question of who is stronger and not necessarily who is right – might is right. This state of affairs has bred a feeling of impunity where wrong doing is not punished.

Similar to situations in contemporary conflicts, it is necessary 'to establish and maintain the rule of law, and to implement rules and procedures that constrain the powers of all parties and hold them accountable for their actions'.[47] By establishing and enforcing the law, it is possible to 'ease tension, create stability, and lessen the likelihood of further conflict. The rule of law should be part and parcel of a comprehensive criminal justice system that deters and punishes banditry and acts of violence'.[48] More importantly, in the pastoralist areas, fair policing mechanisms must be established and government officials and members of the security teams must be trained to observe basic human rights in the execution of their duties.[49] Additionally, the rights of minorities and those of other disadvantaged groups should be protected. Regulatory systems to curb corruption and discrimination among the police and the courts must be instituted and rigorously applied.[50]

Practitioners involved in peacebuilding activities usually find it difficult to deal with past wrong-doing while at the same time promoting healing and the rule of law.[51] This difficulty arises from the fact that 'dealing with past wrongs and maintaining the rule of law' usually involves 'dealing with complex legal and emotional issues associated with human rights abuses and the assurance of

justice'.[52] The conventional legal approach of retributive justice often ignores the needs of victims and exacerbates wounds.[53] Reparative justice system holds more promise in ensuring the necessary healing process between the conflicting parties because its central emphasis is on future relationship between them. Restorative justice seeks 'to engage both victims and offenders in dialogue and make things right by identifying their needs and obligations' [54] which is a necessary ingredient for building sustainable peace[55] (chapter 2). Although fortunately, systems for advocating and implementing restorative justice are extensively available in the pastoralist areas, they are increasingly crumbling in face of the fluid and increasingly indiscriminate violent conflicts. However, peacebuilding can be used to re-establish and strengthen these institutions.

Peacebuilding efforts are derailed by certain people who sabotage the implementation of activities because they fear that their security or personal interests are threatened by the emerging peace related institutional arrangements. In contemporary conflicts, 'if these people see that they can benefit from the noncompliance they will frustrate the peace process in the belief that the emerging peace threaten[s] their power, worldview and interests and they are willing to use violence to maintain the status quo'.[56] This is also the case in pastoralist conflict situations where powerful personalities – traders, politicians, arms dealers etc - are beneficiaries of the violent conflicts. It has been suggested that 'the most effective way to incorporate [these] "spoilers" as well as all other stakeholders is to cultivate those political processes and institutions that can manage group conflict without violence but with authority and eventually legitimacy'.[57] The underlying concern when dealing with "spoilers" is for the peacebuilding interventions 'to ensure that they do not re-establish socio-economic, political and military structures that contributed to the volatile situation in the first place'.[58]

### 3.2.3 Local and regional aspects of peacebuilding

Although there is recognition of the need to prioritize local needs and actively engage the local community and its structures in peacebuilding activities, in many cases peacebuilding interventions tend to establish parallel structures to the existing community ones and in the process interfere with the relative autonomy of the local political processes.[59] So far, 'peacebuilding in many instances remains largely externally driven and often results in an experiment of social engineering controlled by actors outside the societies that they are trying to rebuild'.[60] Protagonists of this social engineering approach in emerging war-torn societies, have often accused the "external" peacebuilding practitioners as being on a mission - 'transplanting Western models of social, political and economic organization into war-shattered states in order to control civil conflict: in other words, pacification through political and economic liberation'.[61] Similar accusations have been leveled at peacebuilding practitioners in pastoralist areas. Such accusations not only affect the potential sustainability of peacebuilding interventions, but can also cause the situation to deteriorate and can exacerbate the violence inflicted on the practitioners and/or those seen as their collaborators in the community.

Experiences from the many intra-state conflicts emerging since the early 1990s have consistently indicated that 'despite the fact that many contemporary conflicts are described as "internal conflicts", the reality is that most of these conflicts are not confined to a single country but are transnational in nature'.[62] The replication of problems within these neighboring countries exacerbates this. For example, nearly all the countries in the HOA experience the same factors that influence conflict in the region such as the legacy of superpower rivalry and weakening of the state, proliferation of small arms and light weapons, involuntary human migration etc. This means that '[a]ny interplay of these factors generates a wider range of consequences, including population displacement within and beyond borders [of any one country], fragmentation of societal structures, militarization of the civilian population and generalized insecurity'.[63] In addition, the counties share similar vulnerabilities arising from such structural factors as ethnicity, history, climatical conditions, economic underdevelopment political stagnation etc. It is quite common to have contemporary conflicts engulf entire regions or sub-regions thereby changing their characteristics to assume trans-border dimensions.[64]

Pastoralist conflicts entail a complex interplay of interlocking factors e.g. seasonal migration patterns; cross-border trade; social interaction and cultural similarities; porous, artificial and arbitrary borders and the proliferation of small arms etc. Under these circumstances, peacebuilding activities must contain a cross-border element. It has been observed that peacebuilding interventions 'require broadening the scope of conflict analysis and response both geographically and conceptually thus, regions [should be] defined as the arena for networked interactions [rather] than as geographic entities'.[65]

There are some successful case-studies of cross-border peacebuilding interventions in pastoralist areas of the HOA. The African Union/Inter-African Bureau for Animal Resources (AU/IBAR) is a livestock improvement programme implemented among the Karamoja Cluster[66] - the pastoralist and agro-pastoralist ethnic groups, most of whom share a common language, culture, and land area encompassing northeastern Uganda, northwestern Kenya, southeastern Sudan and southwestern Ethiopia. The project used its animal health project activities to broker peace between conflicting communities there. The project stated that although it was able to offer a cure for the livestock it lacked the "cure for the conflicts": however, they knew that the cure, which was peace, was available and the best doctors to administer it were the communities themselves.[67]

**Cross-border peacebuilding initiative**
On 14th November 2003, elders from Turkana of Kenya and Matheniko (a Karamojang sub-tribe) of Uganda, with facilitation from civil society organizations, religious groups and government renewed their peace vows by revisiting a peace monument, and burying a

> consignment of weapons reminiscent of the 1973 peace pact. The commemoration was preceded by four days intense consultations between elders of the two communities, neighboring communities and newly initiated elders. Their consultations centered on how the peace pact, known as *'akisil'* by the local people could be expanded to include other neighboring communities in the whole of Karamojong cluster. The peace pact had enabled cross-border interactions between the Matheniko and Turkana who were able to access pasture, water resources and to carry on trading activities amongst themselves.
>
> The commemoration was used as a platform for passing on the peacemaking mantle and knowledge to the younger generation. During the thirty years, the founders of the peace pact had passed on with age and the pact had lost prominence thus calling for renewal and revitalization. Prior to and on the material day, surviving elders shared their peace pact experiences with the leaders, youth and other participants. The significance of the younger generation assuming leadership and responsibility for conflict prevention was ably captured by a statement from the Kenyan government representative who said, 'as our elders who initiated this particular peace accord pass away with their noble virtues of peaceful co-existence, we need to inculcate among our youth the same virtues by revitalizing the commitment to harmony, peace, dignity and sanctity of human life'.
>
> During the deliberations, the Turkana District Commissioner, reminded the commemorators not to generalize the whole community as belligerent bandits just because one individual from that community committed a robbery or theft. The commemoration was attended by the Turkana, Karamojong, Toposa (Southern Sudan) and Dongiro (Southern Ethiopia) communities. Conspicuously absent were the Pokot (Kenya and Uganda) and Merille of Ethiopia who were accused of perennially skipping important peace meetings and accords in the cluster and also for their perpetual instigation of violent conflicts.[68]

Another successful peacebuilding intervention has been *The POKATUSA Peace and Reconciliation project*. This was a World Vision managed peace project implemented with four pastoralist groups Pokot, Karamajong, Turkana and Sabei (POKATUSA) living along the Kenya/Uganda border. POKATUSA had a broad membership that included civil society, government agents and legislators and it was an accepted community-based vehicle for peacebuilding activities - mainly peace and reconciliation - at location, division, district and at the sub-regional level.[69] Oxfam GB and the Intermediate Technology Development Group (ITDG) (now renamed Practical Action) have likewise included deliberate cross-border measures into their peace and development programmes[70].

### 3.2.4 Political engagement and legal recognition in peacebuilding

Given that peacebuilding is such a broad endeavor, it is inevitably entangled in everyday political activities where it is applied and, this is especially so in the pastoralist areas. Because they are marginalized and because the main occupation of the ordinary people is the struggle for everyday survival, there is ample room for political opportunism and psychological manipulation. For this reason, it is necessary for peacebuilding to creatively engage in constructive development and power politics. Moreover, 'the primary objective of peacebuilding requires a focused and proactive strategy that addresses the power distribution and prevailing interests, fears and demands of contending parties and populations taking into account their respective socio-economic and psychological attributes'.[71] It is important to ensure that the engagement in politics does not translate into the prescription or

promotion of selective political institutions which might, in any case, have been the beneficiaries or cause of the conflicts. Constructive engagement in politics instead means identifying 'those relationships, processes, mechanisms and institutions that hold the greatest promise for ongoing conflict resolution...'[72]

It is evident that there are strong links between effective governance, good socio-economic policies and violent conflicts, In situations where governance is in dispute and/or where the socio-economic policies are asymmetrical, chances are that the ground is fertile for the emergence of unemployed, deeply disgruntled, and humiliated individuals who might resort to political and criminal violence.[73] Such violence causes civil strife and social unrest as well as environmental problems. As already pointed out, in the volatile pastoralist areas of the HOA, due to the migratory patterns of communities, cross-border family ties, porous borders, self armament etc., these negative effects easily mutate into complex regional conflicts. The net effect of this spill-over is further alienation and marginalization of pastoralist communities who are consequently cut-off from the rest of the country politically and socio-economically.

Although the goal of peacebuilding is ultimately the achievement of "positive peace", the pursuit of this goal should not diminish human rights considerations because protecting human rights is key to the process of creating conditions for peace.[74] In every violent pastoralist conflict, there are people who commit serious abuses of human rights – death, torture, rape, destruction of livelihood etc. While most of these culprits are the warriors or raiders, there are also others involved - elders who for example, bless the raids or benefit from the property that is rooted; and amongst government functionaries sent to restore law and order in the conflict areas;[75] all of whom must be held accountable for their actions.

It is necessary in peacebuilding to start transforming the society and wean them from their traditional attitudes for example, heroism attributed to "outstanding" raiders. There have been occasions where a blanket amnesty has been offered particularly to raiders.[76] This could apply in situations where raids and counter raids have equally affected the conflicting parties. However, even then, it might be a good idea to institute 'some form of inquiry so that at least a public record can be created of crimes against humanity and ensure that the fundamental human rights causes and historical roots of the crises at hand are confronted'.[77] Peacebuilding activities can support efforts to reduce delays of court hearings where they occur and also advocate for more transparency and consistency in the prosecution procedures or support alternative community-based approaches to human rights protection.[78]

Over time, many practitioners in the pastoralist areas have come to appreciate the fact that pastoralists possess a wealth of precedents on the process for handling conflicts and have strong social networks that maintain the right relationships among the communities. For example, 'when one family's herds are eliminated or severely reduced due to raids, disease or drought, other clan families provide gift animals to help in restocking'.[79] This simple intervention not only restores the dignity of the affected family but it also eliminates, or at least minimizes, the chances of such a family engaging in anti-social activities like cattle rustling for restocking purposes. This realization has led many of the practitioners to localize their conflict resolution and peacebuilding initiatives by adapting and incorporating various community-based aspects that are specific to the pastoralist disposition. However, community-based approaches face a very fundamental constraint in many pastoralist areas; they are not recognized by the conventional legal system in the various countries and their formation, activities and existence are not expressly secured in the respective constitutions. Many governments largely consider them as informal ad-hoc local-level conflict resolution systems outside the modern judicial system. These governments blatantly refuse to appreciate, collaborate and complement community structures like the peace committees in their governance systems. This lack of constitutional legal backing means that it is sometimes difficult to enforce rulings, resolutions and by-laws arrived at or made by community structures and institutions like the elders, peace committees etc.[80] The following example drawn from Marsabit district illustrates this conflict between the two different approaches.

**Conflict between indigenous and conventional approaches to peacebuilding**
In Marsabit district-Kenya, the Environmental Management Committees (EMCs) elaborated various by-laws governing the proper use and conservation of resources. For example, if someone carelessly left their livestock to enter the watering pans thereby destroying the banks a penalty of two goats was levied. Once paid, the penalty went to the committees who used it as payment for the repairs or donated it to poor members in the community. This was accepted by everybody in the community and worked very well as an effective deterrent to the misuse of water resources. The problem was that the by-laws did not exist either in the water act or in the penal code of the country and those who defaulted on the penalties, for example, could get off scot-free for lack of enforcement mechanisms.[81]

It is necessary to harmonize community-based peacebuilding initiatives and the existing conventional approaches in order to bridge the tension ridden conflict between traditional or indigenous mechanisms of resolving conflicts and the modern formal systems of litigation and administration.[82] There have been successful cases of such harmonization as demonstrated by this example from Wajir district.

**Successful harmonization of indigenous and 'modern' or conventional approaches to peacebuilding**
Two young men of different clans were fighting over a gun, and one killed the other. The murdered man's clan took revenge by killing some people of the murderer's clan, and the cycle of revenge continued. Seventeen people from both clans were killed and the situation was set to escalate. A series of meetings with elders and others led to the conclusion that the

> first death was a murder to be dealt with using the existing Kenyan laws. However, the other deaths were attributable to traditional Somali practices, and were dealt with by traditional Somali justice, which involved the payments of large fines of camels. The District Administration agreed to this; the first murderer was arrested and charged accordingly while the other deaths were dealt with by traditional methods and this stopped the cycle of violence.[83]

When indigenous, community-based approaches are not recognized in a country's constitution, they lack the necessary laws and legal back-up if and when an attempt is made to enforce penalties or sanctions for wrong doing. Indeed, it has been pointed out that such sanctions and penalties are only carried out and/or respected out of deference to the institutions that make them. They are also respected due to the social pressure brought upon by the wider community on the culprits.[84] Lack of official legal backing is a serious setback to the efficacy of indigenous community-based approaches to conflict prevention and peacebuilding particularly when culprits are dissatisfied with the traditional penalties or sanctions: they find a haven in the existing law where they abuse facilities like court injunctions with impunity.

One of the reasons advanced for the lack of recognition of community-based approaches is the fact that in most countries in the HOA, state agencies are hampered by their heavily centralized, hierarchical structure. This requires them to extend regulations from above all the way down to the village levels. As a result, although people have a legal right to be informed ahead of time about decisions that affect them, in reality the formulation of regulations often does not involve the communities. This makes it difficult for people to play any significant part in nearly all policy matters.[85] Another reason is the general neglect and marginalization of pastoralist areas and pastoralist modes of production. For example, in Kenya this general apathy to pastoralism means that the 'political climate has not been responsive to conflict resolution policy formulation and legislation [on pastoralist issues] and what exists is fragmented and uncoordinated policy statements embedded in various thematic policy issues like the ASAL draft policy, Environmental Management and Coordination Act 1999, Poverty Reduction Strategy Paper, NEPAD, and Police Act etc'.[86]

Practitioners in the pastoralist areas appreciate the negative impacts of the lack of recognition and legal backing of community-based approaches. Consequently, various concerted efforts are dedicated to finding potential avenues for the harmonization of indigenous and the "modern" or conventional approaches so that they can complement each other in conflict resolution and peacebuilding interventions. In Kenya, for example, since 2001, the government has taken positive steps towards the recognition and harmonization of traditional systems of governance and has expressed its desire to have them streamlined alongside the current conventional approaches. Although this was done alongside a general review of the country's constitution, the credit goes to the National Steering Committee/Focal Point for peacebuilding and conflict management (NSC) which

drafted a framework for national policy on conflict resolution and community safety.[87] Although the draft was a giant positive step towards the harmonization process of the two systems of governance, it was not considered comprehensive enough and practitioners engaged with pastoralist conflicts noted that the draft needed to be 'improved in order to secure the role of African customary courts and governance institutions ...and the relevant legislation [and to] establish, strengthen and link grassroots conflict resolution structures with district peace and security structures, national steering committee and regional initiatives to resolve conflicts ....[thus], putting functional structures in place to implement the policy'.[88]

One of the unique aspects of the new legislation developed in Kenya relates to the context in which it was made. In the preceding discussions, it has been pointed out that pastoralist communities transverse many boundaries in the region either because they live astride international borders or they migrate in search of water and pasture. Thus, the question of geo-politics is an important aspect to consider when designing conflict resolution and peacebuilding strategies in the pastoralist areas. A simple case can illustrate this need. For many years, the governments of Kenya and Uganda have attempted to disarm pastoralist communities holding illegal weapons in the Karamonja cluster. Although these disarmament campaigns have been on-going since colonial days nothing significant has ever been achieved[89]; if anything, the communities are even more heavily armed and with the latest models of sophisticated small arms and light weapons. One of the reasons for this failure in disarmament is the fact that the two governments have never carried out the exercise concurrently. When either of the governments is disarming, pastoralists in their hundreds simply cross the border with their weapons, stay put until the exercise is finished and then return home with the same arms or newer models exchanged during their sojourn "abroad" with their cousins across the borders.

The new legislation in Kenya was developed within the context of the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons (SALW) in the Great Lakes Region and the Horn of Africa. The Nairobi Declaration was signed in March 15th 2000 by various African governments based on the premise that the 'easy availability of illicit small arms and light weapons escalates conflicts and undermines political stability and has devastating impacts on human and state security'.[90] The Declaration encourages a 'concrete and Coordinated Agenda for Action for the sub-region to promote human security[91] and ensure that all states have in place adequate laws, regulations and administrative procedures to exercise effective control over the possession and transfer of small arms and light weapons'.[92] The Nairobi Declaration was signed by ten Ministers for Foreign Affairs from countries in the Horn of Africa and the Great Lakes region namely, Burundi, Democratic Republic of Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and Tanzania. The elaboration of a conflict prevention policy under the auspices of the Nairobi Declaration meant that the regional geo-political aspects of pastoralist conflicts could effectively be

captured and harmonized across countries. While not casting aspersions beforehand, it remains to be seen how effectively this harmonization and collaboration between countries will work, given the diverse political differences and expediencies in each of the countries. Having said this, there have been some successful cross-border community-based initiatives for conflict prevention from which the process can borrow from as illustrated by this example from Wajir district.

> **Cross-border conflict resolution and peacebuilding**
> In December 1999 a gun and ammunition was stolen from police at Diff, on the Wajir-Somalia border, by bandits from Somalia. A full District Security Committee (DSC) meeting was called and the matter reported to Nairobi. A military response was decided upon, including dispatching a helicopter [gunship] for an assault on the community perceived to be responsible. However, elders counselled against this, and promised that if the government postponed its security operation they could return the gun. The DSC agreed to give them a chance and a team of elders was dispatched to Diff.
>
> By the time the elders arrived, people had already started to shift in fear of government military action. The elders talked with the officer in charge of the army to ensure that innocent people would not be victimized, and a joint meeting was held to discuss how the lost gun could be recovered through peaceful means. A meeting with elders from Somalia was agreed for the next day. In this meeting, the elders acknowledged that they had broken the terms of a 1997 peace agreement reached between communities on the Wajir and Somali sides of the border, and pledged to take all measures to return the gun. Four days later the elders from Somalia arrived in Diff and participated in a ceremonial handover of the gun to the Kenyan government. The peace agreement of 1997 was re-visited and re-endorsed.[93]

### 3.2.5 Participation, representation and identity in peacebuilding

To ensure successful adoption of community-based conflict resolution and peacebuilding initiatives, important ingredients are wide-scale support, participation[94] and ownership of the process, common goals and legitimate representation. An Oxfam Project Co-ordinator in Turkana district-Kenya clearly points this out:

> ...By giving communities a chance to take an active role in [conflict resolution and] peacebuilding, community ownership and sustainability of the structures will be enhanced. This is pertinent because inculcating a culture of peace and positive attitudes that contribute to harmonious co-existence between communities is entrenched more in the communities' psyche if they are the direct owners and beneficiaries of the peacebuilding processes.[95]

The volatility and extent of violent conflicts in many pastoralist areas seems to present a unique problem to the promotion and adoption of the notion of equitable representation and participation. While many practitioners agree that participation is an important prerequisite to ensuring sustainable peace, by and large, they remain challenged by how to interpret and mainstream the concepts of participation in everyday project work. This is particularly so when they are faced with such difficulties as - inhibiting cultures, low levels of education, ecological and environmental problems, poverty and impoverishment, gender discrimination etc. Indeed, this could probably explain why many of the practitioners are often keener on delivering services, which show tangible and quantifiable results in the short run, than promoting participation, which is much slower and cannot be

easily quantified.[96] A start could be made to overcome this difficulty by reviewing the bench-marks used to evaluate the success of interventions. For example, in order for indigenous approaches to conflict resolution and peacebuilding to succeed, they often entail lengthy processes of consultations and elaborate rituals. It must be recognized that these may not be easily quantifiable or programmable yet they are of enormous value.[97]

Another potential strategy for enhancing participation and representation would be to deliberately include strong capacity-building measures in all projects aimed at supporting and/or (re-)introducing or promoting local capacities for peace. A good example for this is offered by the Canadian Physicians for Aid and Relief (CPAR), which is a development agency working in northern Uganda that combines conflict resolution and disaster response, relief and reintegration in its portfolio of activities. The organization attempts to implement an integrated approach that combines traditional and western approaches to conflict resolution and peacebuilding: one of its objectives is, 'to strengthen the capacity of traditional institutions and community-based organizations for peace and conflict resolution activities in selected sub-counties [by] ... reactivating and supporting traditional conflict resolution and reconciliation processes in communities caught up in the conflict'.[98] On its part, the Associazione Volontari per il Servizio Internazionale (AVSI), working in health in the same region has a psycho-social support programme that explicitly links psycho-social support to peacebuilding and community development by '... [focusing] on the weakening networks that are responsible in keeping society together so that adverse effects of the conflict are contained'[99].

A disadvantage of the tools and instruments currently in use for conflict resolution and peacebuilding is that most of them have been 'predominantly developed by Western researchers'.[100] This is not always a problem, but their wholesale application with little regard for the sensitivity of the communities and their conflicts is a major problem with their acceptance and ownership by the communities. It is noted that the utility of these 'analytical tools such as conflict analysis, conflict assessment, and peace and conflict impact assessment can be significantly improved if their scope were expanded to regional conflicts and incorporated input from the regions'.[101] Incorporating inputs from the local communities, thus, using the community's indigenous knowledge;[102] is particularly important in the pastoralist context as they not only have very rich traditions but, also adhere to strict, established cultural approach to conflict resolution and peaceful coexistence. Issues of ethnicity and clanism are still prevalent and are important elements of the community's social capital[103] and how the community participation is harnessed can determine the success or failure of the peacebuilding initiatives.

Ethnicity[104] and identity among the pastoralist communities has been hyped and consistently identified as the backbone of the prevailing violent conflicts (see chapter 1 & 2 for a discussion on

culture & conflict). It is true that cattle rustling, for example is carried out, to a large extent, along clan or ethnic lines but, too much emphasis is sometimes put on this to the exclusion of other important elements in the conflicts. Indeed, it has been asserted that 'often, [it is] the failure of governing structures to address fundamental needs, provide space for participation in decisions, and ensure an equitable distribution of resources and benefits that makes identification with a group [e.g. by ethnicity] so attractive and salient in a given setting'.[105] What might be important is to note Adebayo Adedeji's contention that, in regard to pastoralist conflicts, 'there is need to move away from the assumption, prevalent in policy and academic circles inside and outside Africa, that ethnic or religious identities are inherently negative or subversive of national unity. On the contrary, depending on how they are managed and the context, ethnic identities could, in fact, be useful in promoting national cohesion and a civic identity'.[106] Adedeji goes further to point out that 'ethnicity has been a problem in Africa not only because of the vigorous attempts at suppressing it but also because in many cases, patterns on injustice, repression and/or deprivation have often corresponded with particular ethnic identities'.[107]

Using Adedeji's argument, it is admissible that rather than condemning ethnicity as a problem in pastoralist areas, it can instead be effectively harnessed for peacebuilding activities. In any case, identification by ethnicity might be in 'response to the hunger for a social identity and maintaining social order in a disintegrating world'.[108] Indeed, it is claimed that 'the *meanings* that people attribute to events, institutions, politics, motives and appeals for political support are as important as the phenomena themselves.[109] That is why when discussing the question of ethnicity in pastoralist conflicts, it is 'important to understand the sources of individual identity and how these relate to collective identities – ethnicity, religion, kinship, age and gender… [and] how important they are to the analysis of [the] complex [pastoralist] conflicts'[110].

The potential for use of ethnicity to positively influence pastoralist conflicts can be inferred from the observations made by Anderson and Woodhead, who explored the capacities and vulnerabilities of communities affected by protracted conflicts, and illustrated that, 'even during the most direly violent situations, "social assets" – the mutual trust and cooperation within and between families, kin and neighbors – are a crucial resource for survival and offer opportunities for building peace in the future'[111] (chapter 2). Ethnicity only becomes a problem when 'the individual behavior and actions of parties seek to reinforce ethnic identities so that ethnic structures become the defining feature for individuals and society and in this way use ethnicity as a rallying point to propagate violent conflict'.[112] Among pastoralists for example, this is illustrated by the fact that the community or clan is usually held responsible for violent acts committed by individuals among them. Penalties and sanctions for individual acts of violence e.g. murder are also leveled at and are met by an entire community who on their own will decide the best method to deal with the individual culprits.

### 3.2.6 Justice and equality

Although the pastoralist areas in the HOA, to a large extent, share the same characteristics and certain generalizations can be made about them, it is still a fact that there are numerous subtle differences in the details of their indigenous practices and approaches to conflict resolution and peacebuilding. In addition, the pastoralist communities are also in contact and conflict with non-pastoralist communities whose practices and approaches are very different. The question then is how to apply traditional or indigenous approaches to conflict resolution and peacebuilding amongst the widest cross-section of pastoralist communities as well as their non-pastoralist counterparts. For example, this difficulty is highlighted in the case of the Acholi of northern Uganda. Mark Bradbury observes that because traditional conflict resolution emphasis more on the therapeutic, it is unclear whether the acknowledgment of crimes is sufficient to reveal the truth and to account for what happens during violent conflicts - a critical element in reconciliation processes.[113] This being the case, how then, can one treat violent conflicts that involve the pastoralist and non-pastoralist communities in conjunction with government functionaries who have different values and/or where the government operatives intimidate local people who are unable to freely express their grievances.[114]

As the number of practitioners increases the number of different approaches employed in conflict resolution and peacebuilding in the pastoralist areas has also increased. Some of the practitioners have, for example, been providing resources to pay for penalties levied on parties found to be in breach of communally agreed social norms in conflict situations e.g. fines or 'blood money' in cases of murder. The reason for this has been justified by the fact that many of the victims and perpetrators are extremely poor and cannot afford to meet the fines - failure of which is always a reason for retaliation. However, it has been observed that this well-meant gesture of facilitation is in contravention to traditional approaches amongst pastoralist communities:

> Reconciliation of conflicts takes place over a long period of time.... and at an appropriate time an agreement is reached by all parties on compensation and the restoration of relations [and] compensation is not the sole responsibility of the guilty individual but of the clan. [In such a case, if compensation were to be paid, for example, from external resources], it would absolve the clan members from their shared responsibility and the joint commitment it symbolizes.[115]

These concerns raised by Bradbury and referred to in Lederach's "Actors and Peacebuilding Foci", revolve around the question of justice between the parties in conflict, where each of them expects justice and fairness in accordance with its value systems. The challenge is how to formulate resolutions or to adapt specific conflict resolution and peacebuilding approaches so that they are acceptable to all the conflicting parties irrespective of their different approaches and practices.

### 3.2.7 Aspects of socio-economic development in peacebuilding

Writing on peace and development, it has been posited by Björn Hettne that 'it has become politically correct to say that development and peace are two sides of the same coin, although the problem today more often is formulated in the negative terms of poverty and conflict'. Hettne adds that 'it is a generally accepted fact today that economic development is integral to preventing future conflict and avoiding relapse into violence'.[116] This presumption is not new as 'the emphasis of the link between development and peace could [already] be traced to the statement by Willy Brand that, "development policy, then primarily focusing on international redistribution in a context of common security", was bound to become the peace policy of the future (Brandt Commission, 1980) thus, without peace there could be no development and without development, peace was not sustainable'.[117] This is argued further by Tschirgi that 'in our globalized international system, there are vast pockets of extreme poverty, famine, pandemics such as HIV/Aids, social marginalization, widespread unemployment and social dislocation, grave human rights abuses and mass crimes, increasing environmental pressures, and perennial human insecurity and vulnerability. It is both morally wrong and practically unrealistic to achieve sustainable peace, security or stability without addressing these problems which fall in the realm of development'.[118]

Robert Muscat asserts that 'it is now a long acknowledged fact that development creates tensions, produces relative gainers and losers, and changes roles and relationships in the community'.[119] Where the tensions and perceived injustices arising from development processes are not properly addressed, those who are left out might easily be drawn into violent conflict to protest the real and/or perceived discrimination and marginalization. However, where the tensions are constructively handled in 'a context of inclusive politics and policy adjustments, to ensure that the relative losers can have credible expectations of better future outcomes then conflict can remain nonviolent'.[120] In economic development terms, peacebuilding should aim at creating equitable economic opportunities within the community and ensure that basic needs are met. On the microeconomic or community level, peacebuilding activities could include the resolution of land-tenure disputes and the provision of seeds and agricultural tools, enabling farmers to begin the process of recovery by planting and harvesting their own crops; promote inter-communal trade; and expand school enrolment and job training to ensure employment in the labor market. In addition, peacebuilding can support the establishment of micro-credit institutions to increase economic activity and investment at the local level and allow entrepreneurs to start-up small businesses.[121] This is especially important because lack of productive economic development has greatly increased the pastoralist's vulnerability, especially where other calamities, like drought and famine, have eroded and disrupted the material bases of the pastoralists' economy. The results of this vulnerability including out-migration, banditry, criminality etc have meant that 'the pastoral social relationships and structure on which people's lives are hinged can no longer be maintained'.[122]

Like in many other areas, peacebuilding and development interventions in the pastoralist areas have tended to underestimate local politics, social realities and belief systems despite the fact that these are strong factors affecting the opportunities for conflict resolution that should not be overlooked by practitioners.[123] Peacebuilding activities that aim to reduce the likelihood of conflict must carefully analyze the characteristics of individual conflicts and endeavor to understand 'its unique configuration of ethnicities, institutions, history and economy'[124]. This is particularly the case in pastoralist areas where the development initiatives continuously encounter rapid, discontinuous, turbulent changes and it is necessary to clearly understand the factors that constitute these fluid changes if effective conflict resolution and peacebuilding measures are to be realized.[125]

## 3.3 Challenges and potentials for peacebuilding initiatives in pastoralist areas

Peacebuilding initiatives in the pastoralist areas face many setbacks as illustrated in the next section.

### 3.3.1 Identifying the appropriate entry points

The identification of appropriate entry points for introducing, reviving or revamping community-based conflict resolution and peacebuilding structures like, peace committees, greatly determines their success. However, the identification of the most appropriate entry points can be hindered by many factors including limiting agency mandates, lack of adequate capacity, donor dictates, financial limitations, violence and prevailing local, regional or international politics etc. Practitioners working in the pastoralist areas require some flexibility in their programming and need to be broad minded in their interpretation of the conflicts and their potential solutions. The importance of agency flexibility is illustrated by an example of a livestock improvement project implemented in the Karamoja cluster by the AU/IBAR:

> The OAU/IBAR was initially reluctant to engage in conflict-related activities, viewing its mandate as strictly animal health but as the linkages between the conflicts in the region and the ability to deliver veterinary services became apparent the programme started to address the conflict connection in a low profile. The term 'harmonization' was chosen in part to avoid the more political associations of the term 'conflict resolution' while 'border harmonization gave way to "pastoral communities" harmonization.[126]

An important factor to consider when deciding on the appropriate entry point is to identify common aspects with which the majority of the people can associate – "connectors". In the pastoralist areas the most obvious aspect is livestock. As Crafter of VHF-Belgium notes, 'Livestock is the perfect vehicle to hang peacebuilding on .... some agencies have chosen other points of entry such as human health services, small arms, or HIV/Aids awareness and while these are clearly also local priorities, the process of making an impact tends to be more complex and time-consuming than with the approach to animal health'.[127] This might seem obvious to most people but as previously pointed out, practitioners are faced with their own internal and/or external limitations that dictate their choice of entry points. It is important to point out that even when an entry point like livestock has been identified, there may be too many aspects of livestock to address and one might be faced with a situation where a decision on "an entry point into an entry point" is required.

Once identified, good entry points offer numerous opportunities for introducing and/or incorporating fundamental concerns/needs of communities and, for practitioners, a platform to lobby/advocate on what might ordinarily be regarded as contentious issues. For example, in a project in Wajir, 'at a practical level, Oxfam chose to addresses a wide range of issues affecting pastoral livelihoods, such as animal and human health care, water supply, conflict and drought management,

education, restocking, and credit. [But at the heart of the project] was a concern to strengthen institutional capacity and leadership i.e. working with a wider cross-section of community organizations'; thus, at one level, the strategy was 'a mechanism through which pastoralists could better manage resources which were commonly owned, or to which collective access was required, as well as services, which benefit the group as a whole', while at another more strategic level, the 'pastoralists could [successfully] represent their interests to government and other actors'.[128]

The Wajir project used a broad range of relief and development activities onto which were hinged specific and pertinent issues like safe access to resources and lobbying. It is also possible to introduce project components directly related to conflict resolution and peacebuilding. For example, in a case of a livestock project by the AU/IBAR 'other issues well beyond the livestock sector and animal disease control including natural resources management, progressive environmental degradation, land ownership and tenure, need for livestock markets, political marginalization etc [were identified,] thus, framing the livestock focus within the broader economic and socio-political context'.[129]

**AU/IBAR livestock health improvement project as an entry-point**

Although the majority of the different ethnic groups that constitute the Karamoja cluster speak the same language and have many common socio-cultural attributes, they are engaged in persistent conflict over the use of natural resources mainly water and pasture. Cattle rustling is endemic in the Karamoja cluster and is carried out either for restocking purposes, for the payment of dowry, to demonstrate bravery or simply for commercial reasons.

The AU/IBAR project was involved in animal health project interventions within the Karamoja cluster. Over time, the various ethnic groups came to rely and trust the AU/IBAR project. It is for this reason that the Turkana of Kenya requested the project to facilitate a meeting with the Toposa of Sudan whom they were in conflict with. Indeed, in a meeting held in 1998, the elders told the AU/IBAR project, 'you're wasting your time with rinderpest work [for] as long as the guns are still roaring you can't do much without peace especially in harsh remote areas which are conflict-prone and where few government services are available'.[130] Following this advice by the elders, the project facilitated the elders from each of the two communities to identify the elders to represent them in the meeting. The meeting, initially scheduled for 2-days but lasting 4-days, resulted in an agreement between the two communities after they realized that they, Toposa and Turkana, were essentially the same people only that they lived in different countries.

Encouraged by the success of the first meeting, AU/IBAR decided to organize and hold regular meetings to address conflicts within the Karamoja cluster. In due course the youth and the women were included in the meetings as the elders and the project realized the important roles the youth and women played in the conflicts. The AU/IBAR project used its animal health project activities to broker peace between conflicting communities in the Karamoja cluster.[131]

This successful case study demonstrates that it is possible to resolve conflicts and secure peace in a conflict situation if the conflicting parties can identify a suitable mechanism that is impartial to the conflict. In this case it was the livestock vaccination interventions implemented by the AU/IBAR among all the communities. The case study also demonstrate the importance of flexibility

within the development interventions that allows them to respond to emerging community needs e.g. responding to the request by the Turkana to organize a joint meeting with the Toposa.

### 3.3.2 Engendering peacebuilding

There exists a general contention amongst development practitioners that men and women are engaged in different ways over the struggles of power and resources - a factor which alters the gender relations in complex conflicts. The changes have economic, social and cultural dimensions. In many pastoralist communities, women, while not fighters, often contribute a great deal to warfare through mocking songs of shame and derision goading men to fight.[132] Women therefore contribute significantly to the construction and reproduction of the identity of "warriors". In fact, women are not 'simply victims, as has commonly been assumed, but are also active agents either as effective perpetrators of violence, fearless combatants or [they] can provide strong motivation for peace with songs creating the images and metaphors of a better life than the death and destruction of war'.[133]

Following violent conflicts where men lose their lives, women assume their duties. Likewise, as the traditional social structures erode, the youth who, in the past, fell under the authority of elders are becoming more independent and assertive. In addition, the transformation of pastoralist communities where more of them adopt sedentary lifestyles has meant that the entire production system of pastoralists has changed and the domination of men is greatly diluted. For this reason, it is important that peacebuilding practitioners recognize the more extensive emerging gender dynamics and formulate peacebuilding interventions appropriately.

**The need for engendering conflict resolution and peacebuilding approaches**
Cattle rustling is an endemic problem in many pastoralist areas. There are many reasons why this vice continues to plague these areas ranging from socio-cultural and economic reasons to simple criminality. A development agency decided to address the problem of cattle rustling and in its wisdom decided to use the elders as its entry point since they were the decision makers in the community.

Many meetings, consultations and capacity building workshops were held and various strategies were developed on how to address the problem. In fact, the elders were extensively made aware of the dangers and setbacks of cattle rusting and it was assumed that the problem would be a foregone conclusion in the community; it was not.

It transpired that the youth or warriors had not been included in the meetings chiefly because it was assumed all along that since they took orders from the elders, the elders would pass on what they had decided regarding cattle rustling to them. Unfortunately, due to the migratory nature of the community the youth or warriors were usually away from home with the livestock for extended periods of time lasting up to six months. They therefore had little interaction with the elders and were making decisions on their own without consulting the elders. Such decisions included the planning of fresh or retaliatory raids on other communities.

Another group that had not been included in the service delivery process by the project had been the seers or fortune-tellers who were blessing the warriors before they went on the rustling raids. So, even where the elders talked the warriors out of planned raids, the warriors

> simply went to the fortune-tellers who blessed them and sent them on their way to carry out the next raid.
>
> The starkest omission was that of the women. For some reason the project could not associate the cattle rustling with the women. Belatedly, and to their great surprise, they learned that women did play a major role in the motivation of the cattle raiders. The women nagged their male folk accusing them of cowardice, sang praise songs for the bravest warrior surviving rustling raids and the best maidens were reserved for the most outstanding warriors. More importantly was the realization that even after the seers had blessed the warriors, the women could use certain traditional methods to stop the warriors from proceeding with the intended raids. The project managers had not been aware of this fact.[134]

This demonstrates the need for projects to thoroughly familiarize themselves with the roles played by everybody in the community and to include them in the development of potential interventions. In the case of pastoralist communities, this is even more important given desegregation of responsibilities by gender is traditionally well delineated:[135]

> The pastoralist production unit is the household. The division of labor in this unit is based on gender and age. Male adults manage the herd and the household, and make decisions in council for the community. The harder tasks involving long distance herding fall on the young men, who are also responsible for the defense of the family and its herd from wild animals and raiders. Men also take care of water sources and water the animals. Women are in charge of tasks such as building and transporting the family shelter, fetching firewood and water, milking the animals and watering the small stocks, preparing food for the family and sterilizing and storing the milking implements. They also take care of young animals kept around the homestead.

### 3.3.3 Scaling-up peacebuilding initiatives

In general, it is correct to state that no matter how well informed and organized any single community structure, institution or intervention maybe, it will always encounter limitations trying to address the myriad conflicts in an area. Conflicts afflict a diverse range of activities be they in the fields of economic development, human rights protection, good governance, fair trade etc. - which are themselves interconnected through a complex web of political, cultural and economic attributes. It is difficult to develop appropriate tools and instruments capable of addressing such complex conflicts. This is not made any easier by the fact that in any one conflict situation, the practitioners involved might be employing different approaches, or lacks the mandate to represent all the conflicting parties. In addition, the interventions adopted might lack the legal right and authority to enforce rules and resolve conflicts with other communities that share the same resource. These limitations are very pronounced in the pastoralist areas of the HOA given the weakness of state social delivery systems, lack of infrastructure and governance; limited resources and marginalization and impoverishment of the communities. Despite these limitations, scaling-up of specific traditional or community-based approaches in the pastoralist areas is still a vital component if the benefits of micro-level activities are to be 'more widely shared and their lessons more widely applied'.[136] Scaling-up would also ensure

that local level experiences, shaped by grassroots needs, are able to inform meso- and –macro-level policies.

There are several approaches suitable for scaling-up community-based conflict resolution and peacebuilding approaches. For example, in the case of Wajir:

> The community-based pastoralist associations realized quite early that their representative role would be stronger if they acted together and in November 1995, 11 of the associations established a district-wide association, which became to be known as the *"Kulmiye"* (Somali word for "coming together") Pastoral Association, or District Pastoral Association (DPA) that represented pastoralists' interests to government and other actors and helped its member associations take collective action when it made sense to do so e.g. purchasing livestock drugs or borehole spares in Nairobi.[137]

> At the same time, realizing the need to be at the centre of decision making in the district, a Pastoral Steering Committee (PSC) – drawing membership from government departments and NGOs interested in pastoralist issues - was set-up in 1995 as a sub-committee of the District Development Committee (DDC) which is the highest decision-making body at the district level on development matters. The PSC, responsible for coordinating all practitioners in the pastoralist activities and to voice pastoralist concerns at the DDC, supported the DPA in training and curriculum development for extension workers and facilitated research and advocacy on issues affecting the pastoralist community.[138]

Another strategy for scaling-up is to develop networks of communities so that through their cooperative action community-based structures can gain enough collective strength to deal with conflicts. Networked community structures can effectively engage with the hierarchical structures of the government.[139] The networking should not however be confined to community-based structures but should be broad based so that it can benefit from a wider and diverse knowledge base and increase its capability for lobbying. For this reason, it is necessary to elaborate the mechanisms that can be used to link the community-based structures to other public institutions, academics and government representatives involved in pastoralist issues.

Scaling-up can also benefit from the selective and proper use of the mass media. Access to public opinion through the media is a crucial strategic factor for the community-based structures and approaches because public opinion and outcry can influence key policy decisions at the national levels. The mass media play an important part in spreading and creating awareness of what is at stake.[140] Publicizing the conflicts creates solidarity and sufficient muscle to propel governments into effectively dealing with conflicts. The positive role of the media is demonstrated by the following case-study taken from the Wajir Peace Group (WPG).

> A number of extremely innovative methods were used to cement steps taken to ensure peace. For example, in October 1993, the Degodia and the Ogaden reached an important agreement over the return of stolen livestock. This agreement was one of the first activities of the Elders for Peace Group. A ceremony was held in which stolen camels were returned to the Ogaden and stolen cattle to the Degodia. An attempt to get this agreement reported in the Kenyan

> media was unsuccessful. The WPG called the BBC Somali Service in London. The BBC interviewed the chairman and secretary of the Elders for Peace Group who had negotiated the agreement. This interview was broadcast by the Somali Service. The BBC Somali Service is very widely listened to all over Northeastern Kenya, and hearing their own elders talk of the peace agreement was very important in convincing the people to respect the agreement.[141]

Proper scaling-up of community-based approaches can greatly enhance their sustainability. This is because more people will know of their existence and efficacy and will be willing to support them especially if they are able to contribute effectively in mitigating the endemic violent conflicts among pastoralists.

### 3.3.4 Ensuring sustainability

Sustainability of peacebuilding initiatives, particularly when faced with fluid conflicts, is a constant challenge. Successful peacebuilding is a long-term endeavor that involves a myriad of issues and a multitude of actors. It is pointed out that peacebuilding entails, among other things, the promotion of political and economic development, and a sustainable solution to the root causes of conflict which requires comprehensive 'action in the political, economic, humanitarian and social spheres'.[142] It is also noted that 'the greatest resource for sustaining peace in the long term is always rooted in the local community and their culture'.[143] This being the case, and considering the local community as key to sustainability, then peacebuilding practitioners should strive to understand the cultural dimension of conflict, and identify the mechanisms for handling conflict that exist within the various cultural settings. As seen in chapter 2, experience to date indicates that building on cultural resources and utilizing local mechanisms for handling disputes contributes significantly to conflict prevention, resolution and can effectively transform relationships between conflicting parties.[144]

The involvement of the local community is important to ensure the sustainability of the peacebuilding interventions. But involvement should go beyond the mere participation in peacebuilding activities either as recipients or observers and should entail actual national ownership of the peacebuilding process. In any case, it is noted that given the complexity of conflicts it is actually 'doubtful whether external and short-term involvement can do anything but provide an enabling environment or an initial impetus towards finding solution for the root causes of conflict'.[145] This is further reiterated in the observation that 'sustainability is linked to community participation; when local people have a say in the design and implementation of services, such services are more likely to be used and supported';[146] and hence, 'peacebuilding activities should attach special attention to the roles and obligations of the parties to a conflict, as well as to the local population'.[147] When conflicting parties give their consent and actively support peacebuilding activities i.e. solve their "own" conflicts, they gain confidence in themselves, cultivate mutual trust, feel responsible for the success of the activities and hence assure their sustainability.

Local community participation goes hand in hand with the deliberate incorporation of the existing local structures in all the aspects of peacebuilding. Given the complexities of conflicts it is also very important to carefully scrutinize the existing local structures and establish their roles in the conflict, which will determine the level and nature of their engagement in the peacebuilding activities. Goodhand & Hulme have stated that 'every conflict is unique, with its own configuration of power, structures, actors and beliefs or grievances';[148] hence, it is important for peacebuilding practitioners to closely involve the existing – legitimate and capable- local structures in the interventions. Local people and their structures 'understand better the geographical spread and impact of the conflict as well as its historical time-frame and can identify the necessary "stabilizing points" that do not revolve around the conflicts'.[149]

It is however often the case that community-based local structures are plagued with competition among themselves, duplication of activities, poor planning and lack of coordination, accountability and appropriate capacity etc. These are some of the factors that must be considered when elaborating peacebuilding interventions and they must be addressed accordingly. Indeed, Cousens & Kumar observe that peacebuilding should endeavor to 'facilitate the conditions that constitute an appropriate context for these [local] structures to emerge with the involvement of different people in different levels of the society to ensure sustainable transformation [of peacebuilding] processes'.[150] With reference to the complexities of conflict and the need for community involvement in peacebuilding, Goodhand & Hulme advise the '... need when analyzing conflicts to explore processes at the community level' in order to:[151]

- Counterbalance the prevalence of international relations-type approaches to conflict analysis and their emphasis on global and macro-level factors, which ignore the interconnectedness of community experience with process and events at the national and regional levels.

- Accommodate the changing nature of conflicts which have become more varied and locally specific and even warfare becoming more decentralized with locally-specific organization, creation of proxy forces and the local innovation of military techniques (Goodhand and Hulme, 1999 citing Swift, 1996; de Waal, 1996).

- Recognize the fact that "the community" represents the nexus of conflict action as it is at the community level where most of the physical violence and suffering occurs and it is where the community dynamics and institutions can/are exploited to instigate violence.

Localizing peacebuilding interventions is an important ingredient for sustainability of the process. In situations of extreme violence and deprivation, as is the case in many pastoralist areas, new comers to the areas are moved to pity the apparent helplessness of those affected by the violence. This is well and good and indeed, many people and livelihoods are usually devastated by the senseless and in most cases indiscriminate violence. However, the peacebuilding practitioners 'need to realize that local communities have their own resources and priorities and are not helpless victims even in their most dire situations'.[152] It is therefore important that the peacebuilding practitioners '...understand the structure of the community and to strengthen its capacity ...'[153] as a way of contributing to the sustainability of the peacebuilding process.

### 3.3.5 Capacity and resource management

As a complement to community involvement in peacebuilding activities, there is need for effective communication between peacebuilding practitioners. Unfortunately, poor communication and lack of collaboration has been a major setback to successful peacebuilding efforts. Robert Ricigliano points out that lack of effective collaboration is brought about by, among other things, a characteristic of development organizations popularly referred to as the "theory of action"[154] or 'knowledge and a set of causal connections about how to be effective in the world' and ...'if collaboration can help [the organization] to achieve [its] goals and strategies, the organization will pursue one or more collaborations with others'.[155] However, Ricigliano also points out that 'for there to be an integrated approach, the perceived need for collaboration with diverse actors – from within and across the social, structural and political sectors – must be integral to, not ancillary to, an organization's theory of action. Put another way, collaborations need to be partnerships of necessity not marriages of convenience'.[156]

The preceding discussion has various pointed out that peacebuilding is not an activity with a "distinct beginning and end" to it but is rather a long "process" of everyday interactions and relationships in the different spheres of life – social, political and economic, cultural etc. Since peacebuilding, primarily, involves the transformation of people and relationships with the ultimate goal of justice and equity, it is a long-term and expensive engagement.[157] In civil war situations, particularly in post-conflict situations, or following natural disasters, there is usually an outpouring of goodwill and resources made available in both kind and cash. Although it is arguable whether this "sympathetic" form of assistance is always the best, the goodwill from which it springs is usually genuine. As has been previously illustrated, the nature of pastoralist conflicts is however largely different. These conflicts are complex and cyclical alternating, for example, between extreme needs for humanitarian and development interventions. This means that besides any "immediate goodwill" there is an additional need for innovative and flexible mechanisms for the support and application of resources on a long-term basis. For example, there is need to address the pre-conflict situations as

'experience to date has asserted that the longer one waits to do something about the dynamics of conflicts, the more difficult and costly it becomes to succeed and it therefore makes sense to act well before the conflicts occur and violence becomes widespread'.[158] Finding adequate resources for pre-conflict situations is precisely the problem.

De Zeeuw makes an interesting observation with reference to external donor funding for peacebuilding interventions. He notes that 'countries [where conflicts are prevalent] often lack the human, administrative and political resources to "absorb", transparently and efficiently, substantial sums of money and aid...[159]'. This brings to the fore the 'problem with the financial side of peacebuilding [as regards] ...the role of the state in receiving assistance [given the fact that] the disbursement of large sums of money through bilateral and multilateral channels requires the consent and cooperation of the national government of a particular state'.[160] The 'strategic role of the state as the chief agent of aid and development[161] [means that] ...states are often the biggest recipient of donor assistance and this might frustrate peacebuilding policies in which the state itself requires structural reform and or where providing resources to such a state further legitimizes the traditional power structures which may have been one of the causes of the conflict'.[162]

The problem of external donor funding is further captured in writings on post-conflict situations where it is noted that:

> The breadth of the post-conflict mandate and the absence of prioritization mechanisms, together with the paucity of resources, result in donors supporting a bit of everything with the result of small, scattered, under-funded, short-term and un-coordinated projects that do not make any fundamental differences on anything particular irrespective of any positive impact they might individually make.[163]

Additionally, it has been noted that 'funding a plethora of small-scale projects across different sectors often results in a fragmented approach of supporting only a marginal element in a chain of processes; an approach that does not build sustainable institutions capable of addressing violent conflict and nor is it possible to evaluate the effectiveness of the activities'; hence, it is recommended that 'what is required is [to] develop a framework that fosters local ownership that build on the local capacity through a process approach that [also] creates endogenous political capacity to cope with violent conflicts'.[164]

### 3.4 Summary

Peacebuilding in post-conflict situations is not simple. Besides re-building physical structures e.g. bridges, schools etc, it also involves the rebuilding of social, psychological and mental structures of the communities itself difficult because memories of what the violence brought cannot be easily eradicated and the pre-violence social environment cannot be easily re-created. The 1992 UN concept of peacebuilding did not have a clear definition of what it was but rather presented a set of measures including disarming, restoring order, destroying weapons, repatriating refugees, training security forces, monitoring elections, advancing the protection of human rights, reforming institutions and promoting political participation. Today, peacebuilding interventions embrace a wide range of interventions, specifically socio-economic and political development ones meant to prevent violent conflicts, to bring peace where conflict has broken, and to assist in post-conflict reconstruction to avoid a relapse into violence. It also endeavors to reverse the destructive processes that accompany violence and at the same time to shift attention from the warring factions (dealt with by the peace-keepers) to the attitudes and socio-economic circumstances of ordinary people thus concentrating more on the context of the conflict rather than the issues which divide the parties.

There exists a close relationship between civil war-torn societies and those recovering from natural disasters which themselves share similarities with pastoralist conflicts; therefore, peacebuilding activities applicable to post-conflict and complex emergency situations qualify for use in peacebuilding in pastoralist areas. Many of the activities carried out under development programmes are similar to or make significant contributions in conflict prevention like those carried out under peacebuilding. When considering the question of peace, the issue is not usually the kind of activities carried out rather, it is the paradigm of conceptual frameworks under which they are carried out. In the past development paradigms focused on the question of economic development, social development, sustainable development or entailed strong and very specific central themes like gender, the environment etc. but peacebuilding paradigms are more specific and endeavor to comprehensively address the structural, political, socio-cultural, economic and environmental factors in potential conflict situations. Peacebuilding frameworks are different from those of conventional development to the extent that they are explicitly guided and motivated by a primary commitment to the prevention, avoidance and resolution of violent conflicts.

Practitioners in the pastoralist areas recognize the need to prioritize local needs and actively engage the local community and its structures in peacebuilding activities but, there are still cases where peacebuilding interventions establish parallel structures to the existing community ones and in the process interfere with the relative autonomy of the local political processes. Peacebuilding initiatives also face the challenge of how to interpret and mainstream the concepts of participation in everyday project work in the face of, presumed, setbacks such as - inhibiting cultures, low levels of

education, ecological and environmental problems, poverty and impoverishment, gender discrimination, endemic violence etc. Peacebuilding interventions can enhance participation and representation of the local communities if they deliberately included strong capacity-building measures in all projects aimed at supporting and/or (re-)introducing or promoting local capacities for peace.

Peacebuilding interventions are inevitably entangled in the prevailing everyday political activities where they are implemented, which mean that peacebuilding needs to creatively engage in constructive development and power politics. However, it is important to ensure that the engagement in politics does not translate into the prescription or promotion of selective political institutions which might, in fact, have been the beneficiaries or cause of the conflicts. Constructive engagement should entail the identification of those relationships, processes, mechanisms and institutions that hold the greatest promise for conflict resolution and peacebuilding. Peacebuilding should endeavor to promote the notion of effective governance with the ultimate goal of achieving "positive peace" and at the same time uphold and protect human rights – which are key issues to the process of creating conditions for peace. For example, peacebuilding activities can support efforts to reduce delays of court hearings, where they occur, and also advocate for more transparency and consistency in the prosecution procedures or support alternative community-based approaches to governance and human rights protection. Indeed, peacebuilding interventions can support the harmonization of indigenous and the "modern" or conventional approaches so that they can complement each other. This support should be extended to include advocacy and lobbying for policy changes at the national, regional and international levels. To do this, it is necessary to identify appropriate entry points for introducing, reviving or revamping community-based conflict resolution and peacebuilding interventions. Good entry points are important because they can also be used as "launch pads" for other issues affecting the community such as animal disease control, natural resources management, progressive environmental degradation, land ownership and tenure, better livestock markets, political marginalization etc.

The scaling-up and sustainability of peacebuilding interventions in the pastoralist areas encounter limitations emanating from the weakness of state social delivery systems, poor infrastructure and governance; limited resources; marginalization; and impoverishment of the pastoralist communities. Funding for peacebuilding interventions is a problem as many practitioners usually fund a plethora of small-scale projects across different sectors that often result in fragmented approaches that support only marginal elements in a chain of processes - an approach that negates sustainability. Lobbying, advocacy, networking, exchange visits to successful projects, selective and proper use of the mass media etc are some of the strategies that can be used for scaling-up purposes. Scaling-up of community-based approaches is a vital component if the benefits and lessons learned

from micro-level activities are to be more widely shared and used to inform the meso- and macro-level policies and to create an endogenous political capacity to cope with violent conflicts and entrench a culture of mutual engagement and cooperation within communities.

### 3.5 Conclusion

Although it only started to gain prominence, in theory and practice, in the early 1990s, and, despite the fact that there is no agreed definition, peacebuilding, as a concept in humanitarian and development circles has been and still is a "versatile growing industry". Defined in its broadest terms - embracing a wide range of interventions meant to prevent conflict, restore broken peace, facilitate post-conflict peaceful coexistence and avoid a relapse into violence - peacebuilding is not very different to community development interventions that have been well thought out and executed. However, the key difference between the two is their conceptual frameworks; peacebuilding initiatives are primarily and explicitly committed to positive conflict resolution and transformation.

In addition to the lack of an agreed definition, peacebuilding, depending on how it is interpreted in practical terms, faces a number of setbacks both in theory and practice. These setbacks are clear in the pastoralist areas chiefly because they are determined by the nature and structure of livelihoods of the communities. However, the setbacks faced by peacebuilding initiatives in the pastoralist areas mimic those facing development interventions. The only difference is that they are more pronounced because peacebuilding interventions directly touch on sensitive aspects of communities. Despite this fact, the chapter has highlighted some exceptional cases of successes that have made considerable impact on pastoralist communities as illustrated in the next two chapters.

### Endnotes

[1] Johan, Galtung (1996), *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*, International Peace Research Institute Oslo (PRIO), Norway.

[2] Assefa, Hizkias (1993), *Peace and Reconciliation as a Paradigm: A Philosophy of Peace and Its Implications on Conflict, Governance, and Economic Growth in Africa*, Nairobi, Kenya: Nairobi Peace Initiative Monograph Series, No. 1.

[3] Positive peace is more than the absence of violence (Negative peace); it is the presence of social justice through equal opportunity, a fair distribution of power and resources, equal protection and impartial enforcement of law. Poverty, hunger, oppression, and other inequities are forms of violence caused by the structure of social relations rather than by direct actions. The concept of positive peace involves the elimination of the root causes of war, violence, and injustice, the preservation and defense of human rights, the elimination of structural discrimination, the development of more just and equitable systems, the encouragement and appreciation of diversity through community dialogue and cultural exchange and the conscious effort to build a society which reflects these commitments. Positive peace assumes an interconnectedness of all life. On the other hand, Negative peace is the absence of direct violence (physical, verbal, and psychological) between individuals, groups, and governments. The concept of negative peace addresses immediate symptoms, the conditions of war, and the use and effects of force and weapons (http://www.esrnational.org/sp/we/uw/peacewhatis.htm), American Friends Service Committee (http://www.afsc.org/miami/positive-peace.htm) (Accessed November 2005).

[4] UNESCO (September, 1999), 'A New Beginning for a New Millennium: The Declaration and Programme of Action on a Culture of Peace', Launching of the International Year of the Culture of Peace, Paris-France (http://www.unesco.org/bpi/paix2000/begin.htm) (Accessed October 2005).

[5] The term *peacebuilding* is usually used as a catch-all term to refer to a wide variety on interventions designed to build or maintain sustainable peace and development. It is meant to encompass post-conflict peacebuilding as well as conflict prevention. However, peacebuilding has commonly been defined in much more specific

ways. *An Agenda for Peace* defines post-conflict peacebuilding as 'action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict' (United Nations, 1992: para. 21) In the relief and development field, *peacebuilding* has come to refer to a specialized area of practice as distinct from governance, human rights, conservation, agricultural development, health etc. However, the UN Security Council has expanded this definition to ' encompass a wide range of political, developmental, humanitarian and human rights programmes and mechanisms', which 'focus on fostering sustainable institutions and processes in areas such as sustainable development, the eradication of poverty and inequalities, transparent and accountable governance, the promotion of democracy, respect for human rights and the rule of law and the promotion of a culture of peace and non-violence' (United Nations Security Council (2001, pp. 1-2) cited in Robert Ricigliano (2003, p. 445), "Networks of Effective Action: Implementing an Integrated Approach to Peacebuilding" in *Security Dialogue*, Vol.34, no. 4, pp. 445-462, International Peace Research Institute, Oslo).

[6] Henning, Haugerudbraaten (1998), 'Peacebuilding: Six Dimensions and Two Concepts', Institute for Security Studies (http://www.iss.co.za/Pubs/ASR/7No6/Peacebuilding.html) (Accessed October 2005).

[7] UN (1992, p. 11) cited in Jeroen, de Zeeuw (2001:13), 'Building Peace in War-Torn Societies: From Concept to Strategy', Netherlands Institute of International Relations 'Clingendael', Conflict Research Unit, The Hague-Netherlands) (http://www.clingendael.nl/publications/2001/20010800_cru_paper_dezeeuw.pdf) (Accessed October, 2005).

[8] UN (1992) cited in Haugerudbraaten (1998), *op. cit.*

[9] Tschirgi, Necla, (n.d.), 'Root Causes of Peace and Challenges to Peacebuilding' (www.un-globalsecurity.org/pdf/Tschirgi_paper_devlpmt_security.pdf) (Accessed March 2005).

[10] Jelena, Smoljan (2003, p. 241), 'The Relationship between Peace Building and Development', *Conflict, Security & Development*, Vol. 3, no. 2, August 2003, pp 233-250.

[11] Ryan (1995, p. 129) cited in Smoljan (2003, p. 241), *op. cit.*

[12] Tschirgi (2002, p. 26), *op. cit.*

[13] S. Baranyi, S. Kibble, A. Kohen & K. O'Neill (1997) cited in Jonathan, Goodhand & David Hulme (1999, p. 14), 'From Wars to Complex Political Emergencies: Understanding Conflict and Peace-building in the New world Disorder', *Third World Quarterly*, Vol. 20, No 1, pp 13-26.

[14] Ryan (1995) cited in Goodhand & Hulme (1999. p. 15), *op. cit.*

[15] Lederach, John Paul (1999), 'Justpeace: The Challenge of the 21st Century', in *People building Peace: 35 Inspiring Stories from Around the World*, European Platform for Conflict Prevention and Transformation (http://www.gppac.net/documents/pbp_f/part1/1_justpe.htm) (Accessed October 2005).

[16] Lederach (1999), *op. cit.*; Assefa (1993), *op. cit.*

[17] Lederach (1999), *op. cit.*

[18] John Paul, Lederach (1997), 'An Integrated Framework for Peacebuilding', *Building Peace: Sustainable Reconciliation in Divided Societies*, United States Institute of Peace Press, Washington, D.C., Lederach (1999), op. cit.

[19] Lederach (1999), *op. cit.*

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[22] Kuhne (1995, p. 5) cited in Haugerudbraaten (1998), *op. cit.*

[23] Smoljan (2003, pp. 234-5), *op. cit.*

[24] Haugerudbraaten (1998), *op. cit.*

[25] *Ibid.*

[26] Necla, Tschirgi (2002, p. 27), 'Making the Case for a Regional Approach to Peacebuilding', *Journal of Peacebuilding & Development*, Vol. 1, No. 1, 2002, pp 25-38.

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[30] *Ibid.*

[31] Tschirgi (2002, p. 26), *op. cit.*

[32] *Ibid.*

[33] Goodhand & Hulme (1999, p. 16), *op. cit.*

[34] Tschirgi (n.d.), *op. cit.*

[35] Mehler & Ribaux (2000) cited in Tschirgi (2002, p. 27), *op. cit.*

[36] Pugh (1995a, pp. 332-333) cited in Smoljan (2003, p. 244), *op. cit.*

[37] Pugh (1995a, p. 332) cited in Smoljan (2003, p. 243), *op. cit.*
[38] Josiah O., Osamba (2001), 'Peace Building and Transformation from below: Indigenous Approaches to Conflict Resolution and Reconciliation among Pastoral Societies in the Borderlands of Eastern Africa', *Africa Journal in Conflict Resolution* – No. 1/2001, ACCORD, South Africa (http://www.accord.org.za/ajcr/2001-1/accordr_v2_n1_a6.html) (Accessed October 2005).
[39] *Ibid.*
[40] *Ibid.*
[41] Manyatta – pastoralist homestead; usually a group of huts and livestock enclosure all fenced-in together.
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[47] Kritz (1996, p. 588) cited in Michelle, Maiese (2003), Peacebuilding, Intractable Conflict Knowledge Base Project Conflict Research Consortium, University of Colorado (http://www.beyondintractability.org/m/peacebuilding.jsp) (Accessed March 2005).
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[49] SAIS Toolkit cited in Maiese (2003), *op.cit.*
[50] Maiese (2003), *op.cit.*
[51] Zehr (2001, p. 330) cited in Maiese (2003), *op.cit.*
[52] Maiese (2003), *op.cit.*
[53] Zehr (2001, p. 330) cited in Maiese (2003), *op.cit.*
[54] Zehr (2001, p. 331) cited in Maiese (2003), *op.cit.*
[55] Maiese (2003), *op.cit.*
[56] Stedman (1996, pp. 369-371) cited in De Zeeuw (2001, p. 16), *op.cit*
[57] Cousens & Kumar (2001) cited in De Zeeuw (2001, p. 17), *op.cit*
[58] De Zeeuw (2001, p. 17), *op. cit.*
[59] Pugh (2000, p. 9) cited in De Zeeuw (2001, p. 27), *op. cit.*
[60] *Ibid.* p. 3.
[61] Paris (1997, p 56) cited in De Zeeuw (2001, p. 27), *op. cit.*
[62] Wallensteen & Sollenberg (1998, p. 621) cited in Tschirgi (2002, p. 29), *op. cit.*
[63] Juma & Mengistu (2002) cited in Tschirgi (2002, p. 31), *op. cit.*
[64] Tschirgi (2002, p. 30), *op cit.*
[65] *Ibid.*, p. 32.
[66] The Karamoja Cluster is commonly used to describe the pastoral and agro-pastoral ethnic groups, most of whom share a common language, culture, and land area encompassing northeastern Uganda, northwestern Kenya, southeastern Sudan and southwestern Ethiopia. The cluster is home to the closely related Teso, Dodoso, Nyakwai, Toposa, Turkana, Karamojong, and Nyang'atom ethnic groups. The current definition of the cluster is more geographical rather than ethnic and so also includes the Merille of Ethiopia, the Pokot of Kenya, and the Didinga of Sudan. It also breaks up the Karamojong into sub-groups composed of the Jie, Upe, Pian, Dodoth, and the Matheniko (Darlington Akabwai (2002), The Turkana-Toposa-Nyang'atom-Didinga Alokita: The July Women's Peace Crusade, CAPE/PACE/OAU/IBAR (http://www.eldis.org/pastoralism/cape/pastoral_visions/documents/peace_crusade.pdf) (Accessed November 2005).
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[76] Prendergast (1999), Bradbury (1999, p. 16) *op. cit.*

[77] Prendergast (1999), *op. cit.*

[78] *Ibid.*

[79] Hadley H. Jenner (1997), 'Pastoralist Cosmology: The Organizing Framework for Indigenous Conflict Resolution in the Horn of Africa', Eastern Mennonite University, Virginia USA (http://www.mcc.org/respub/occasional/26cosmology.html) (Accessed October 2005).

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[86] ITDG *Peace Bulletin*, Issue No. 4, May 2004, pp. 8, *op. cit.*

[87] Oxfam GB (2003, pp. 112-119), *Oxfam GB Funded Peacebuilding Initiatives in Arid Districts of Kenya: Lessons and Challenges*, Nairobi, Kenya.

[88] *Ibid.* p. 9.

[89] John, Markakis (2004:27), *Pastoralism on the Margin*, Minority Rights Group, UK.

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[91] Human security is defined as a "condition or state of being characterized by freedom from pervasive threats to people's rights, their safety, or even their lives. From a foreign policy perspective, human security is perhaps best understood as a shift in perspective or orientation. It is an alternative way of seeing the world, taking people as its point of reference, rather than focusing exclusively on the security of territory or governments" ('Human Security: Safety for People in a Changing World', DFAIT (1999) (http://intranet.lbp/department/agp/english/e-main.htm), (www.dfait-maeci.gc.ca/sustain/agenda2003/glossary-en.asp) (Accessed October 2005).

[92] Project Ploughshares (n.d.).

[93] Oxfam GB (2003, p. 55), *op. cit.*

[94] Participation is defined in Webster's dictionary as 'to take or have a part'. The synonym is 'to share' (Webster's Dictionary, 1996). DFID defines participation as 'participatory approaches take into account the views and needs of the poor, and tackle disparities between men and women throughout society' (Feeney, 1998). Participation can be understood as a socio-political process concerning the relationships between different stakeholders in a society, such as social groups, community, policy level and service delivering institutions. Participation, therefore, aims at an increase in self-determination and a self-readjustment of control over development initiatives and resources (Forster (1998) cited in Carolyn M. Long (2001, pp. 14-15), *Participation of the Poor in Development Initiatives: Taking Their Rightful Place*, Institute for Development Research (IDR), Earthscan Publication, UK).

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[98] Bradbury (1999, p. 22), *op. cit.*

[99] Olaa (1998) cited in Bradbury (1999, p. 24), *op. cit.*

[100] Tschirgi (2002, p .36), *op. cit.*

[101] *Ibid.*

[102] Indigenous knowledge (IK) is local knowledge – knowledge that is unique to a given culture or society. IK contrasts with international knowledge – a system generated by universities, research institutions and private firms. It is the basis for local-level decision making in agriculture, health care, food preparation, education, natural resource management, and a host of other activities in rural communities. Such knowledge is passed down from generation to generation, in many societies by word of mouth. Indigenous knowledge has value not only for the culture in which it evolves, but also for scientists and planners striving to improve conditions in rural localities (Warren (1991, p. 1) cited in Agrawal Arun (1995, p. 416).

[103] Social capital is defined as the set of norms, values, and relationships shared among individuals and groups that permits and facilitates cooperation among them (Robert, Ricigliano (2003, p. 448), "Networks of Effective Action: Implementing an Integrated Approach to Peacebuilding", *Security Dialogue*, Vol. 34, no. 4, December 2003, pp. 445-462, International Peace Research Institute, Oslo).

[104] Ethnicity refers to the ethnic group or groups that people identify with or feel they belong to. An ethnic group is defined as a social group whose members have the following four characteristics: share a sense of common origins; claim a common and distinctive history and destiny; possess one or more dimensions of collective cultural individuality; feel a sense of unique collective solidarity as a subgroup within the larger society. Membership is largely a matter of self-identification (www.bigcities.govt.nz/definitions.htm), McNergney & Herbert (1998, p. 549) (www.bgsu.edu/colleges/edhd/LPS/EDFI/408/glossary.htm) (Accessed November 2005).

[105] John Paul Lederach (1997, p. 8), *Building Peace: Sustainable Reconciliation in Divided Societies,* United States Institute of Peace, Washington. D.C.

[106] Adedeji (1995), *op. cit.*

[107] *Ibid*

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[109] Uphoff, 1992) cited in Goodhand & Hulme (1999, p. 20), *op. cit.*

[110] Goodhand & Hulme (1999, p. 20), *op. cit.*

[111] *Ibid.* p. 21, *op. cit.*

[112] *Ibid.* p. 23, *op. cit.*

[113] Bradbury (1999:18-19), *op. cit.*

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[118] Tschirgi (n.d.)

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[126] Minear (2001:21), *op.cit.*
[127] Sally Crafter of VHF-Belgium cited in Minear (2001:14), *op.cit.*
[128] Isobel Birch and Shuria, Halima A.O. (2002, p. 1), 'Taking charge of the future: Pastoral institution building in Northern Kenya', *Issue paper No. 114*, International Institute for Environment and Development (IIED), London (http://www.iied.org/pubs/pdf/full/9221IIED.pdf) (Accessed October 2005).
[129] Minear (2001, p. 14), *op. cit.*
[130] J.T. Musiimi cited in Minear (2001, p. 8), *op. cit.*
[131] Kimani (2003), *op.cit.*
[132] Jenner (1997), Smillie (1996) cited in Goodhand & Hulme (1999, p. 20), *op. cit.*
[133] Goodhand & Hulme (1999, p. 21), *op. cit.*
[134] Kimani (2003), *op. cit.*
[135] Markakis (2004, p. 6), *op. cit.*
[136] Minear (2001, p. 32), *op. cit.*
[137] Birch & Shuria (2002, p. 18), *op.cit.*
[138] *Ibid.* p. 19
[139] Kaiyourawong & Brodt (2000), *op. cit.*
[140] *Ibid.*
[141] Dekha & Jenner (1996), *op. cit.*
[142] Haugerudbraaten (1998), *op. cit.*
[143] Lederach (1997, p. 94) cited in Maiese (2003), *op. cit.*
[144] Maiese (2003), *op. cit.*
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[146] Catley, Leyland & Kaberia (pp. 273-309) cited in Minear (2001, 35), *op.cit*
[147] Kuhne (1995) cited in Haugerudbraaten (1998), op.cit
[148] Goodhand & Hulme (1999, p. 17), *op. cit.*
[149] Stephen, Commins (1999, p. 11) (ed.), 'Development in States of War introduced by', *Development in Practice Readers*, Oxfam Publications, Oxfam UK and Ireland.
[149] Muscat (2002, pp. 103-4), *op. cit.*, Commins (1999, p. 11), *op. cit.*
[150] Cousens & Kumar (2001, p. 184) cited in De Zeeuw (2001, p. 18), *op. cit.*
[151] Goodhand & Hulme (1999, pp. 17-18), *op. cit.*
[152] Commins (1999, p. 11) *op. cit.*
[153] *Ibid.* p. 8.
[154] Without a theory of action, organizations cannot function or be effective. Case studies of peacebuilding interventions by various organizations have found clear evidence of organizational "theory of action" and their impact. According to Anderson (2001, p. 7), 'studies showed that characteristics of the agencies themselves (including their experience and their skills/special abilities), on the one hand, and their agency "theory" of how peace comes about, on the other, were the two factors that most often shaped the activities that agency undertook' (Robert, Ricigliano (2003, p. 449), "Networks of Effective Action: Implementing an Integrated Approach to Peacebuilding", *Security Dialogue*, Vol. 34, no. 4, December 2003, pp. 445-462, International Peace Research Institute, Oslo).
[155] Robert, Ricigliano (2003, p. 450), 'Networks of Effective Action: Implementing an Integrated Approach to Peacebuilding', *Security Dialogue*, Vol.34, No. 4, pp. 445-462, International Peace Research Institute, Oslo.
[156] *Ibid.*
[157] Johan, Galtung (2004), Notes from a Lecture on Peacebuilding by Peaceful Means delivered at the European University for Peace and Conflict Transformation (EPU), Stadt Sclaining, Austria.
[158] Uvin (2002, p. 14), *op. cit.*
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[160] De Zeeuw (2001, p. 28), *op. cit.*
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[162] De Zeeuw (2001, p. 28), *op. cit.*
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# SECTION 2:

# Field Study: Isiolo District

# Chapter 4.0 Isiolo District: The Research Study Area

**Preamble**

Chapters 1-3 highlighted some of the key aspects related to the theory and practice of conflict resolution and local capacities for peace and peacebuilding in pastoralist areas as documented in literature on various case-studies. Based on this literature review, the next two chapters attempt to investigate how the various principles espoused in these concepts are perceived and/or implemented in real life through a case-study drawn from Isiolo district in Kenya. These 2-chapters are not, in the strict sense of the term, a case-study on Isiolo district but only use the district to illustrate aspects and experiences with conflict resolution and peacebuilding in a typical pastoralist area. This chapter begins with a brief background of the district and its conflict scenario before proceeding to profile the study communities – Turkana, Samburu, Boran and the Somali. The chapter is not in any way an anthropological study of the four communities but strictly limits itself to the communities' approaches to conflict resolution, specifically of conflicts on water and pasture which use the communities' local capacities for peace for conflict resolution and peacebuilding.

## 4.1 Profile of the Study Area

### 4.1.1 Location, size and administrative units

Isiolo is one of the thirteen districts of Eastern Province. It borders Marsabit to the north, Garissa and Wajir to the south east and east respectively. It also borders Tana River and Meru districts to the south and Laikipia and Samburu districts to the West. The district covers an area of 25,605 sq. km, and is third in size after Marsabit and Kitui in Eastern Province. The district is divided into six administrative divisions namely Central, Garbatulla, Sericho, Merti, Oldonyiro and Kinna. These are sub-divided into 22 Locations which are further sub-divided into 44 sub-locations. The district boasts two constituencies; Isiolo North and Isiolo South with the river Ewaso Nyiro as a natural boundary.[1]

Table 4.1.1: Area and Administrative Units by Divisions

| Division | Area ($Km^2$) | Locations | Sub-Locations |
|---|---|---|---|
| Kinna | 2.516 | 3 | 6 |
| Oldonyiro | 1.161 | 2 | 4 |
| Merti | 12.377 | 6 | 13 |
| Garbatulla | 3.759 | 3 | 5 |
| Central | 1.411 | 4 | 8 |
| Sericho | 4.381 | 4 | 8 |
| **Total** | **25.605** | **22** | **44** |

Source: District Commissioner's Office-Isiolo, 2001

Like in the rest of the country, the District Development Committee (DDC) has overall responsibility for the co-ordination of all development activities in the district. The DDC meets four times a year but its respective sub-committees including the Divisional Development Committees and the District Executive Committee (DEC), the executive arm of the DDC, meets once a month. The DDC is responsible for ensuring the efficient and effective implementation, operation and maintenance of development projects. The DDC is further responsible for prioritizing proposed

government and non-government projects in the three year development plans and must approve them through its technical arm, the DEC, before implementation.

One of the major drawbacks to the effective operation of the development committees at the divisional level is the frequency of the change-over of the Chairmen - the District Officers (DOs). In addition, the district is vast and the various divisional headquarters are far from the district headquarters, the seat of departmental heads who are unable to attend the scheduled Divisional Development Committee meetings. Lack of adequate personnel, poor communication and the general insecurity in the district are some of the other factors that hamper the efficiency and effectiveness of project implementation.[2]

Isiolo County Council, the only local authority in the district, is charged with the provision of infrastructure within the district although its presence is most felt in Isiolo town. There it maintains roads within the town and in the three game reserves and provides and maintains public health facilities and pre-primary schools in the district. The Local Authority is also responsible for licensing businesses, collecting levies and allocating land to businesses amongst other responsibilities.[3]

### 4.1.2 Topography, Geology and Climate

Topographically, Isiolo district is generally flat with low lying, featureless plains rising gradually from an altitude of about 200m above sea level at Lorian Swamp (Habaswein) in the northern part of the district to about 300m above sea level at Merti Plateau. The Uaso Nyiro River dissects the district into two parts, North and South. To the North of the river, is the Merti Plateau which is a low but clear escarpment above the plains. To the south of the river, the plain rises to an altitude of 1000m above sea level with some inselbergs towards Nyambene Hills. To the north towards Laikipia are volcanic hills which are as a result of volcanic activities of the dormant Mt Kenya.[4]

There are four big perennial rivers in the district; Uaso Nyiro, Isiolo, Kinna and Bisanadi. River Uaso Nyiro with its catchment on the Aberdares Mountains ends at the Lorian Swamp. During the dry season it dries up at the lower part of the district while during the wet season it floods the plains with a lot of meandering. Isiolo River originates from Mt Kenya and drains into the Ewaso Nyiro. Rivers Kinna and Bisanadi drain into River Tana. These rivers provide water to the urban population in Isiolo town as well as to the irrigation schemes in the district.[5]

Isiolo district is classified into three climatic categories: semi-arid, arid and very arid. The semi-arid *(Semi Arid- Zone IV)* is found around Isiolo town and surrounding areas and Kinna sub-location of Garbatulla division. These are areas which are relatively high and experience influence

from Nyambene Hills and Mt Kenya. The zone covers about 5% of the total area of the district with an annual rainfall ranging between 400-650mm. The vegetation is mainly dry thorn bush land dominated by Acacia and Commiphora. The grass cover depends on the density of the wood vegetation. The Arid *(Arid- Zone V)* covers parts of Isiolo Central division and Garbatulla division which is 30% of the total area of the District. Rainfall in this zone ranges between 300-350mm annually and can only support annual grasslands and a few shrubs; dense stands of larger wood species develop in depressions which collect soil and retain some water. The very arid *(Very Arid- Zone VI)* covers mainly Merti and Sericho divisions that comprises 65% of the total area of the district with rainfall ranging between 150-250mm annually. These areas are barren and very hot for most of the year.[6]

The district is hot and dry for most of the year. There are two distinct rainfall seasons - the short rains, October to November, and the long rains between March and May. The wettest months are November with an average of 143mm and April with an average of 149mm. With an average annual rainfall of 580.2mm, the district is basically arid and the erratic and unreliable pattern of rainfall is not suitable for agriculture; indeed, even the 'mwezi moja' beans and 'Katumani maize', which require 60-70mm of rainfall, are difficult to grow which leads to high food poverty in the district.[7]

High temperatures are recorded in the district throughout the year but there are slight variations from different places due to differences in altitude. The main annual temperature for Isiolo station, at an altitude of 1104m above sea level is 26.6 degrees Centigrade, while in Merti, which is 300m, the temperature is 27 degrees Centigrade. Most of the district records about nine hours of sunshine per day; on one hand, this results in high rates of evaporation but on the other hand, the continuous sunshine means that the potential for harvesting solar energy is high. Monsoon winds blow in the district throughout the year but attain their peak during the months of July to August. From this resource, water pumping by use of wind mills is potentially viable.[8]

### 4.1.3 Demographic, settlement and livelihood patterns

Isiolo is one of the least populated districts in Kenya with an estimated population of approximately 112.364 in 2002.[9] As at 2002, the population growth rate was estimated at 3.6%. There were approximately 57.055 and 55.309 male and females respectively in the district with a young population (15-25years) of 75.888 and despite the hardships in the district, the average life expectancy at 57.6 years (male: 57 yrs and Females: 58 yrs) was paradoxically relatively high compared to the national average of 48 years. The average household population was 4.5 persons and of the total number of households, 25.159, 14.9% were headed by females. There were approximately

36.000 people working in the agriculture sector and approximately 62.924 pastoralists keeping cattle, goats, camels and donkeys.[10]

Water availability and security influence the district's population and density patterns. The rural population in 2002 was estimated at 60.682 while the urban population was approximately 51.682. The Central division is the most densely populated due to its well-developed infrastructure and because it is a commercial centre. In the rest of the divisions, people tend to congregate around watering points e.g. boreholes or in townships/market centers, where they can find relative security e.g. in Kinna, Merti, Sericho, Oldonyiro and Kulamawe. Large congregations are also found along rivers in areas such as Gafarsa along the Ewaso Nyiro River and the Rapsu area along the Kinna and Bisanadi Rivers where they practice limited irrigation. Merti and Garbatulla, though fairly large, are prone to drought and have poor soils hence their low population densities.[11]

As the district is a corridor for human and animal movement from the neighboring districts of Wajir, Garissa and Marsabit, there is a significant internal and external migration of people and livestock in search of water and pasture. This migration trend has been associated with insecurity problems such as cattle rustling and banditry as well as overgrazing and soil erosion, particularly, around water points. There is a growing tendency for some of the migrant communities from other districts to settle permanently especially within the Central division of the district.[12]

Table 4.1.3: District population distribution and density by division

| Division | Area (Km2) | 1999 | | 2002 | |
|---|---|---|---|---|---|
| | | Pop | Density | Population | Density |
| Kinna | 2.516 | 7.133 | 3.3 | 7.947 | 3.7 |
| Oldonyiro | 1.161 | 9.669 | 8.2 | 10.772 | 9.1 |
| Merti | 12.377 | 15.771 | 1.3 | 17.570 | 1.4 |
| Garbatulla | 3.759 | 7.010 | 1.8 | 7.809 | 2.0 |
| Central | 1.411 | 52.280 | 25.0 | 58.242 | 27.9 |
| Sericho | 4.381 | 8.998 | 2.4 | 10.024 | 2.6 |
| Total | 25.605 | 100.861 | 3.9 | 112.364 | 4.4 |

Source: District Statistics Office-Isiolo, 2001

The main economic activity in the district is nomadic pastoralism which mainly specializes in the traditional versatile Boran cattle because of the harsh climatic conditions. Other animals kept are sheep, goats, camels and donkeys. Camels, in this harsh climate, have proved extremely useful for transport, meat and milk. Merti, Garba Tulla and Sericho are the three main livestock-keeping divisions. Only small proportions of the livestock in the district are sold which is probably a reflection of the cultural value attached to livestock but it is also an indication of the vulnerability of the households when the livestock herds are decimated by the frequent drought. The hides and skins

business is an important by-product of livestock production although the income earned from these products is not significant due to a decline in the quality of the products, itself attributed to poor health of the animals as a result of the drought.[13]

Crop production in Isiolo district is limited due to the poor rainfall received. It is confined to the wetter areas in Central division and Kinna location of Garba Tulla division and the irrigation clusters along the Uaso Nyiro River. During the dry season, the river dries up and people have to scoop sand from the river bed to get drinking water. Rainfed crops can only be grown in the southern part of the district around Kinna and a section of Isiolo Central division where black cotton soils retain some moisture. For the rest of the district where the soils are sandy and water retention is poor, rain-fed crops produce poor yields. For this reason, the amount of food produced is not adequate for subsistence and the district is a net food importer from Meru and Laikipia districts.[14]

According to a 1994 Welfare Monitoring Survey, 73.4% of the population, particularly the landless and the pastoralists, lived below the poverty[15] line. [16] As the land falls under the trusteeship of the County Council, individuals cannot use it to access credit facilities even when the pastoralists loose nearly all their herds to the cyclic droughts. There are a number of factors that contribute to poverty in the district; as noted in studies done for the Poverty Reduction Strategy Paper (PRSP) in 2001, these include:[17]

- A land tenure system that does not encourage productive use of resources thus precipitating misuse and abuse which is exacerbated by the concentration of Army Barracks and Game Reserves that has robbed the community of the valuable natural resources and consigning them to unproductive barren land;
- A breakdown of traditional governance in natural resource management and maintenance of social order coupled with a gradual change in pastoralist diet to grains spurred by dependency on food relief which in turn causes destitution through unfair terms of trade between grains and livestock; and,
- Drought, insecurity and diseases that kill both human and livestock in a vast but sparsely populated district suffering from historical official neglect that not only hampers integration with the rest of the country but also raise the cost of external intervention.

### 4.1.4 Intra- and inter-community conflicts

The genesis of conflicts in Isiolo district can be traced to the colonial administration, who in response to the traditional enmity between the Somali and Boran communities decided in 1936 to establish a boundary between the two communities. This meant moving the Boran community from Wajir and giving them Isiolo district in exchange. As a result of this division the perception was created that the Isiolo-Marsabit-Moyale corridor was a Borana zone comparable to the Somali block of Northeastern Province.[18]

Isiolo is a cosmopolitan district hosting significant numbers of Turkana, Samburu, Borana, Somali, Meru and smaller numbers of Kikuyu, Sakuye and the Ndorobo who have made Isiolo either their home and/or trading bases.[19] Although serious inter-ethnic tensions, especially between the Borana and the Somali, escalated following the 1960s Shifta secession-based conflict, they escalated at the beginning of the 1990s following the adoption of multi-party politics in Kenya. The opening of political space in the country polarized and ethnicized politics in the district. Sitting politicians in the district deliberately encouraged the migration and settlement of people from other districts in order to boost their political clout through increased numbers of voters. Indeed, it has been pointed out that during the 1997 parliament elections the sitting Member of Parliament only succeeded by virtue of a "guest-vote" of 600 from the migrant community. Besides the "guest-vote", on the eve of Election Day, politicians instigated a serious brutal attack on one of the communities suspected of supporting the opposition candidate thus ensuring that they did not vote.[20]

Similar to many pastoralist areas in the country, factors contributing to conflicts in the district include, among others, endemic drought and poor resource base; historical marginalization, neglect and poor governance by the central government; influx and settlement of migrant pastoralists; disputed land tenure; easy availability and misuse of firearms; polarization and ethnicization of local politics; breakdown of traditional governance systems etc.[21] However, the major source of conflict stems from competition over the access, use and ownership of natural resources by the different communities. The frequent droughts that decimate livestock numbers always leads to cattle rustling with communities raiding each other for re-stocking purposes. In the recent past, the livestock raids have acquired a different dimension, where they are no longer being carried out for restocking purposes, but for commercial reasons with stolen livestock finding their way to markets in the major urban markets (Chapter 1).

Conflicts and the resultant insecurity in the district have, in the past, isolated large grazing areas resulting in large concentrations of livestock in the relatively secure areas. This gives rise to overgrazing and general environmental degradation. Insecurity has also paralyzed communication within the district disrupting many socio-economic services including trade, education, health etc. For

political competition and influence, the communities also jostle for economic dominance which results in discriminatory distribution and awarding of resources like commercial plots, tenders, education bursaries etc. In particular, the resultant inequity in the distribution and allocation of these resources breeds animosity.

The ethnic composition in the district means that alliances are usually sought and obtained from fellow kinsmen outside the district hence; conflicts in the district are usually fluid and violent. In the conflicts of 1990s it was reported that alliances of convenience were formed between the Turkana, Samburu, Ajuran and the Meru on one side against the Borans who sort assistance from their kinsmen in Marsabit and Moyale districts. In conflicts involving the Somali Degodia their own from Wajir and Garissa districts will always be at hand to offer help. The complexity of these alliances of convenience also means that conflicts occurring in theaters outside the district impact on conflicts occurring in the district. For example, in the period 1991-4, Borans were in conflict with the Ogaden while the Degodia were in conflict with the Ajuran. In 1994 Ajuran went into conflict with the Degodia in Wajir district ostensibly to control the Degodia expansion into Garissa and Tana River districts. When the Degodias learnt that the Boran were in conflict with the Ogaden they were happy to offer assistance to the Borans.[22]

Religion is a lesser perceptible factor and although it does not make an overt contribution to the conflicts, it contributes to the lack of trust among the communities. The Turkana, Samburu, Meru and some Borans are Christians while the majority of Somali and a significant number of Borans profess the Muslim faith. Up and until 2000/1 when an Inter-Faith Peace and Reconciliation Committee was formed, mediation between communities of different faiths was always riddled with suspicion between the two faiths.[23]

Until 2000/1 most of the intense conflicts in Isiolo took place in the North and Northeast where there are border disputes with other districts. However, the architects and perpetrators of these conflicts are based in Isiolo town and in far off Nairobi where they incite their communities through press conferences and raise money to bail out their criminal kinsmen once they are arrested.[24]

## 4.2 Profile of the Turkana community

### 4.2.1 The Turkana

The Turkana community is generally considered to be a courageous and fierce pastoralist group whose home district is the west of Lake Turkana. The district, part of the arid and semi arid region, is situated along Kenya's northwestern border with Uganda and Sudan, and Ethiopia to the north. The district borders West Pokot and Baringo to the southeast and Marsabit to the east. Besides their home district, the Turkana people are also found in southern Ethiopia, eastern Uganda and in Trans Nzoia, Marsabit, Samburu, Isiolo and in almost every corner of Kenya. The Turkana are polygamous and when a wife marries into a household (usually consisting of the man, his wives and their children, and often the man's mother), the head of the family, her husband, gives her a portion of his livestock. Her sons will later inherit these herds. Bride price among the Turkana is unusually high and it is difficult for young men to marry until they have acquired sufficient livestock.[25]

Young Turkana men undergo initiation rites between ages of 16 to 20 years. The initiation ceremony involves animal sacrifice but it is, as well, prestigious for the young man to kill an enemy warrior. This killing of an enemy enhances the status of the warrior who is recognized with a mark made by notching a scar on his right shoulder or chest. The number of marks on a warrior indicates the number of victims he has injured. In addition, white ostrich feathers are also worn on the heads of the warriors who have killed at least one person. Once initiated, the warrior can carry a weapon, a spear or other weapon sponsored by his clan that also gives him a stool that serves as a headrest, and a pair of sandals.[26]

Livestock among the Turkana comprise camels, cattle, sheep, and goats that provide most of their dietary needs while donkeys are mainly used for transport, especially during migrations. The average Turkana diet consists of goat milk, goat meat, grains, and wild fruit although some of those living along the shores of Lake Turkana engage in fishing and farming. The district is isolated and there is very little trading with other tribes except in livestock which the Turkana do in order to buy grains and other household goods. The Turkana entry into Isiolo district dates back to the colonial times. Since then, there have been several attempts to repatriate them back to Turkana district, the last time in 1958, but these efforts have been useless as they have not always returned but could, by law, lay a legitimate claim for recognition in the district.[27]

### 4.2.2 Social organization

The socio-political organization of the Turkana community and customary institutions of conflict management include the extended family, neighborhood (clan) and tribe. The extended family includes relatives living in a group of huts - a homestead - whose head is the recognized authority. The homestead usually comprise of the head with his wife or wives and children, his ageing parents

and a few in-laws who are dependants. The extended family is the first institution of conflict management. The second level of socio-political arrangement among the Turkana is the clan which is made up of a number of closely-knit families that are collectively grouped under one name - *enachar*. The *enachar* is an exogenous group of people with their own customs but who are usually associated with a certain riverbed. The Turkana community is made up of fifteen clans and while members of the same clan do not inter-marry, marriage occurs across the clans. The fifteen Turkana clans are divided into territorial sub-sections along clan divisions with each sub-section (clan) having a different territorial grazing zone. The highest socio-political organization and hierarchy among the Turkana community is the tribe. As the highest organ in the community, the tribe is mandated to broker inter-community peace pacts, negotiate for peace, grazing land, water resources and compensation arrangements. Thus, the tribe is the custodian of the community land, resources and customary law.[28]

### 4.2.3 Intra- and inter-community natural resource management

The Turkana have a unique resource management system known as the *ekawar* (plural-*Ngikwari*) that revolves around ownership rights to key resources. During the dry season individual families dig up individual wells which are jealously protected against intrusion from other families; but the Turkana recognize the necessity to have wells and water reservoirs that are universally accessible to all members of the community. The common water resources are managed by a council of elders who ensure access by all according to the established rules and regulations. Grazing patterns are dictated by the wet, dry and drought cycles that are organized such that grass matures in order to seed.[29]

Each Turkana, family (*Awi*) takes their own resource management decisions but within the requirements of rules and regulations stipulated by a council of elders and as dictated by the availability of water and pasture. The rules and regulations are geared towards ensuring conservation and fair distribution of resources in order to control destructive internal and external competition. There are nineteen (19) territorial sub-sections (between the 15-clans) among the Turkana each of which has access to wet, dry season and drought season grazing areas. Communities from different territorial groups do not cross grazing borders of other groups before engaging in thorough negotiations. However, the presence and availability of firearms has militarized pasture and communities with fewer arms continuously loose their grazing areas.[30]

To counter external invasions, the Turkana form congregations of grazing associations or clusters referred to as the *kraal* or *adakar*. *Adakars* are headed by prominent personalities – an elder - assisted by a council of elders that include administrators, healers, sooth seers, warriors, grazing experts, astrologers, midwives, and leather workers etc who form indigenous administrative grazing units. To minimize conflict over resources the Turkana negotiate peace with neighboring communities

to share grazing areas. Conflict resolutions are elaborate and partly involve elders exchanging symbols of peace and burying items that symbolize war. For example, they exchange white bulls and white ostrich feathers to symbolize peace, and break and bury spears and knives (*Ebangent*), which symbolize war.[31]

### 4.2.4 Intra- and inter-community conflict prevention and resolution

In a report titled *Indigenous Democracy*, it was noted that the Turkana community do not '... have a single word that defines conflict [rather], [t]he word *arem,* which means confrontation, violence or absence of peace, is widely used to define conflicts among the Turkana. *Aremusio* refers to insecurity; *ejie* is the actual fight or combat whereas *egurgur* refers to quarrels and or disagreements...'[32] Natural resource-based conflicts among the Turkana and/or with their neighbouring communities generally revolves around access to grazing pastures and water resources, land ownership and livestock rustling. It has been observed that although these conflicts are endemic and usually violent in nature, the community norms among the Turkana attempt to avoid conflicts and confrontations and continuously seek non-violent ways of resolving conflicts:

> [t]he art of conflict prevention is superimposed within the processes of education and socialisation...' [and], '...[a]s the child grows up in the family, moral virtues such as justice, fairness and mutual interdependence are inculcated in him or her. The child is socialised not to provoke dispute, to avert conflict and to shun confrontation. The adverse consequences of conflicts in society are brought to their attention through proverbs, epics, legends, song *(Etum)* and through narration of real cases that produced prolonged suffering. In later years, the learning process continues through the peer group, age sets and relations acquired through initiation and marriage or friendship.[33]

Given this kind of socialization in the community, intra-community conflicts, although they occur, are rare. For example, thefts of property or intra-community raids of livestock are not tolerated and it is a curse *(Ngilam)* for Turkana to raid fellow Turkana. There are, however, a few cases of intra-community theft of livestock either due to poverty, criminality or as a result of disputes arising from disagreements over the sharing of livestock paid as bride-price *(Ekimar)* or those raided from other communities (*Lung'atara).*[34]

### 4.2.5 Community-based tools and instruments for conflict prevention and resolution

To deal with the few isolated cases of intra-community conflicts, the Turkana have developed their own indigenous mechanisms for conflict prevention and resolution. For example, in conflicts within the extended family, it is the responsibility of the head of the homestead to intervene and after establishing guilt, decide, on the penalty by the offender. In cases where the problem cannot be solved at the homestead level, a Council of Elders' meeting (*Ekitoe Angikiliok)* is asked to deliberate and give their opinion. The guilty party are required to sacrifice a bull for cleansing *(Amurere)* conducted by the chief of the council of Elders.[35]

Inter-community conflicts between Turkana community and their neighbors are resolved through dialogue and negotiations. The conflicting parties are accorded the opportunity and given sufficient time to present and plead their case and it is common that during the negotiations, reference is made of similar cases of conflicts in the past that were resolved peacefully. It is the role of the elders facilitating the negotiations, to use their experience and wisdom to decipher the hidden meaning behind every statement, gesture and posture from the explanation given by the conflicting parties. In order to ensure amicable deliberations especially following violent conflicts, emotional or temperamental members of the conflicting parties are not allowed to speak during the negotiations rather preference is given to mild tempered and eloquent personalities capable of brokering peace through speech. At the end of the negotiations, decisions are made based on what the community perceives to be true, honest, just and fair and are always guided by the need to ensure and maintain harmony in the community.[36]

Inter-community peace negotiations are intense during the dry seasons when the Turkana need to migrate in search of water and pasture. Emissaries are appointed and sent to sound and inform the neighbour communities of the intended immigration. This leads to joint meetings between elders from the two communities who negotiate for the temporary access and use of resources. Emissaries are also used to forestall potential conflicts between the Turkana and other communities. For example, should a Turkana commit a crime against someone else, emissaries are dispatched to assure the affected communities that the Turkana will compensate for the criminal act. This is done in order to pre-empt potential retaliation attacks. These conflict prevention processes constitute a framework, facilitated by the emissaries, within which peace pacts *(Ekisil)* are brokered and sealed with prescribed traditional rituals between the communities.[37]

Indigenous knowledge and early warning signs to predict and prevent conflicts are other tools used by the Turkana. Traditional early warning techniques include the 'casting of sandals' and 'reading of intestines'. In addition, animals are also thought to be capable of sending signals and warnings of impending danger; for example, certain birds make unusual noises, donkeys shake their ears simultaneously or cows drink water while kneeling, face upwards and push their tongues outwards. Scouts *(Ng'ikarebok* and *Ng'irototin)* are used to gather intelligence on potential conflicts so that the community can take pre-emptive and/or preventive measures. Such intelligence includes information on suspicious foreign footprints, movement of neighboring communities or the location of their livestock. Whenever either of these signs is ascertained, the information is relayed back to the community for it to adopt conflict prevention measures such as moving livestock away from areas considered as being vulnerable to attacks to initiating inter-community dialogue with the potential conflict parties.[38]

Although the Turkana have elaborate conflict prevention approaches, conflict with other communities is still there and the community largely resorts to its traditional indigenous conflict resolution approaches to broker and maintain peace. Upon successful peace negotiations, the weapons used in the conflict are collected, broken and/or bent and buried with honey, traditional beer, milk and other charms. Elders from both the conflicting parties are asked to curse those who might flout what was negotiated and agreed upon.[39] As the Turkana, like other pastoralists, are largely an oral society, decisions arrived at during the peace negotiations are communicated to the community at large by word of mouth. The effectiveness and significance of words to memory-rich pastoralists is captured in the observation that 'not only do they memorise the message but they too remember, by heart, every word uttered and the accent and tone with which the word was spoken'.[40]

As public opinion among the Turkana is highly respected, anyone in the community is free to attend and participate in certain stages of the conflict resolution deliberations. Decisions, particularly regarding settlements arrived at during the deliberations, are assumed to be provisional until all the possible consultations and discussions are exhausted. This is done in order to ensure that there is a consensus on the final decision and the settlement is acceptable to both parties. Indeed, the Turkana community regards the conflict to be at the containment phase until the guilty party pays the requisite compensation as agreed during the negotiations. At the end of a successful conflict resolution process, the decisions arrived at are final and in due course, become the inter-cultural yardstick, tools and codes by which possible actions and reactions of individuals from the communities are measured.[41]

The *'Tree-of-Men'* is a recognized and authoritative institution for conflict resolution among the Turkana. Respect for the institution stems from the acknowledgement that the institution is incorruptible, is accessible and is based on customary law, norms and culture. However, in recent times, the efficacy of the 'Tree-of-men' has been gradually eroded and marginalized by modern thinking that not only regard it as archaic but incompatible with present day demands. For example, the 'Tree-of-men' does not include women in its membership and nor does it allow women, especially if their in-laws are present, to talk during its deliberations. This lack of involvement of women renders the customary mechanisms gender insensitive. With regard to inter-community conflict resolution, the Turkana are noted for flouting peace pacts earnestly negotiated with other communities in times of drought but quickly discarded upon the onset of rains when water and pasture resources are plentiful. It has also been observed that some of the tools and instruments used in the traditional conflict resolution mechanisms are only applicable to the Turkana and have no impact on other communities. For example, the Turkana believe that you cannot curse people from other communities; this for example, invalidates the curse as a tool or instrument for conflict resolution.[42]

## 4.3 Profile of the Samburu community

### 4.3.1 The Samburu

The Samburu are semi-nomadic pastoralists whose home district, Samburu, shares district boundaries to the northwest with Turkana, Baringo to the southwest, Marsabit to the northeast, Isiolo to the east and Laikipia to the south. The community speaks Samburu, a Maa language very close to the Maasai dialects. The Samburu tongue is also related to Turkana and Karamojong, and more distantly to Pokot and the Kalenjin languages. Samburu district is semi arid but support crop farming in the highlands, whereas in the lowlands, 90% of the district is pastoral where cattle, sheep, and goats are kept.[43]

As the main occupation, pastoralism dictates the division of labor between the sexes and the ages among the Samburu. Uncircumcised boys and girls graze the animals but when the boys get circumcised they are admitted to the age set and are charged with the responsibilities of maintaining security. Once married, the men are considered old enough to assume control of the family and animals. After the age of 12 years, the girls are circumcised and married off and assume female responsibilities of maintaining households and checking and milking the animals every morning and evening. The staple food for the Samburu includes milk and its derivates like yoghurt and butter. Cattle blood mixed with milk or meat is also eaten. The animal skins make clothes, footwear, ropes, and bed sheets. Livestock among the Samburu is important not only as a means of subsistence but also as a means of social communication. For example, if a person gives a castrated sheep to another person, they call each other '*paker*' which means 'a castrated sheep' without referring to their actual names.[44] Livestock is also a medium of social ties like the paying of dowry or in initiation ceremonies where one is mandated to perform rites of passage that involves livestock and/or livestock's products. For example, when sons and daughters are getting circumcised, a village elder has to smear butter on the head of the boy/girl's father.

The Samburu acknowledge the existence of a Creator – God referred to as *Nkai*, thought to reside in the mountains. In addition, they also believe in charms and have traditional rituals for all their needs. Although the Samburu believe in God, they rely on diviners (*Laibon/Laibonok*) for their everyday guidance and for predicting the future. Exposure has gradually changed the lifestyle of the Samburu community; for example, eating of livestock products is now complemented with agricultural products bought in the market. Likewise, goatskin skirts have been replaced with ready-made dresses and plastic beads have replaced the necklace made from the doom palm plants.[45]

### 4.3.2 Social organization

In a typical Samburu family, the old man (the husband) is in control of his family and animals. He is the unchallenged head of the family institution and all family issues and disputes are under his jurisdiction. The family can also be extended to include the man's in-laws, unmarried siblings and his aging parents. The family institution, nuclear and extended family, is the basic institution of governance and conflict management. A neighborhood or *manyatta* comprising between five and ten families makes a transition settlement that lasts as long as pasture is available before families move on to new pastures. The *manyatta* is under the leadership and jurisdiction of a senior elder. Neighborhood courts *(Nabo)*, managed by senior elders, exercise authority over the *manyattas.*[46]

The highest socio-political organization and institution for managing conflicts among the Samburu is a council of elders which is equivalent to the *Tree of men* and the *Kokwo* among the Turkana and Pokot respectively. The council of elders is composed of respected elders in the community, respective heads of the *nabos* and representatives from age sets and to a lesser extent, elderly women. It is this council, of men (excluding the *Il-moranis (young warriors)*), sitting under a designated tree, that makes decisions in the community. Though sitting in the outer circle women can contribute to the deliberations but must speak only while seated and grasping green grass and/or alternatively convey a comment or concern through a male relative. The women can also have their own 'council' discussions whose results are relayed to the men for consideration. As for the youth, the rites of passage doubles as a form of socio-political organization with each age set regarding themselves as brothers and sisters respectively and fulfilling certain expectation within the community. The age set is supposed to regulate its members and where necessary punish troublemakers.[47]

### 4.3.3 Intra- and inter-community natural resource management

The Samburu like other pastoralists have a well structured natural resource management system which is commonly known as *'Ramat e Nkop'* covering resources ranging from water sources, pasture, trees and livestock. Pasture, water and livestock (cattle, shoats and more recently camels) are considered crucial resources for survival. All natural resources - pasture, land, water, trees and livestock - are under the control and access of men - elders (*Lpayiani*). They are the ones who decide how the resources are shared and used among themselves and their neighbors from other ethnic communities.[48]

During the wet season, water and pasture resources are protected so that they can be available during the dry season. For example, the elders designate reserve areas (*Enata en Nkop*) where grazing is prohibited for between 3-9 months depending on the amount of rain received. There are strict rules

and regulations on the use of reserve areas and scouts are employed as monitors to ensure the rules are observed. Those violating these rules are heavily punished with fines ranging from a heifer, goats or the elders might visit the home of the violating person and slaughter a bull and/or goats. The reserve areas are away from the immediate habitated areas (*Manyattas*); however, next to the manyattas, family members fence a small area '*Lokere*' for use during the dry season for sick calves, kids and animals with broken limps. Although the primary responsibility for the *Lokeres* rests with the men, the fact that they are next to the homesteads results in women playing important management roles as well.[49]

Among the Samburu water wells (*Lariak*) are owned by individual families who dig them and brand them with their names. Although other members of the community and/or other ethnic groups are allowed to use these wells, the owners are accorded the first priority. At the request of visiting communities and depending on the number of wells and/or amount of water available, the elders either decide to designate and assign certain wells to the 'visitors' or elaborate watering rota or schedules e.g. a certain number of herds watered at particular times of the day or different herds assigned particular watering days/intervals (*Nkweshi*). Pasture use and grazing patterns are very elaborate among the Samburu and the elders are responsible for ensuring that the visiting herders observe the existing rules and regulations.[50]

### 4.3.4 Intra- and inter-community conflict prevention and resolution

To the Samburu, conflict situations are those that are experiencing insecurity and lack of peace. Such situations would be referred to with words like *nkisima* - that simply means or describes the term force, confrontation or physical fights. Other situations that are considered to be devoid of peace and thus in conflict include those that entail disagreements, quarrels, confrontation or physical violence between people. Although the Samburu community has elaborate traditional conflict resolution methods, its default strategy is to avoid and prevent their occurrence. Socialization and education starts when one is young with the necessary societal norms, taboos and the community's lifestyle inculcated from an early age.[51]

Social education and ethics are intensified during the initiation period that both sexes undergo. Gender responsibilities are part of the social education. The boys are taught how to be good fighters but only to protect the community. Indeed, the need to live harmoniously is strongly emphasized - *meatae ngang nashan larabal* – which means that no family needs war.[52] Irrespective of this socialization, intra-community conflicts are common and range from simple domestic disagreements to the more serious ones involving land ownership disputes, murder and theft particularly of livestock. Inter-community conflicts between the Samburu and other communities usually revolve around encroachment of grazing pastures, exploitation of water resources and livestock rustling. To ensure

peaceful coexistence and sharing of resources, peace negotiations are carried out between the Samburu and their immediate neighbors. An example of such a ceremony/treaty is one made between the Samburu and the Pokot communities in the early 19th Century, which was only broken in March/April 2006.[53]

### 4.3.5 Community-based tools and instruments for conflict prevention and resolution

The head of the household - the man of the house - is responsible for ensuring and maintaining peace at the domestic level and will summon conflicting parties to present their cases before making a decision. In cases where the man is party to the conflict, he invites the *nabo* or his age set to arbitrate. Intra-community conflicts involving serious cases like murder are addressed by the council of elders who allow parties to the conflict to cross-examine each other and/or call witnesses. Dialogue among the Samburu community has always been an important tool and instrument for conflict resolution. The elders, after careful consideration of all the mitigating factors decide on the cases and determine the penalties or sanctions to be imposed on the guilty party.[54]

With regard to inter-community conflicts, the Samburu rely on indigenous knowledge and intelligence to prevent and manage conflicts. For example, similar to the Turkana, the Samburu have experts specialized in the art of 'reading intestines' of slaughtered goats to decipher information which is used to foretell the future. The Samburu also believe that the *Lesepe* family is endowed with the unique skills of studying stars in the sky and from them tell of impending calamities, both natural and man-made, including inter-ethnic conflicts. The Samburu also retain the services of soothsayers *(Laibons)* who prophesy on the fortunes of the community and advice them accordingly. In response to early warning signs or intelligence gathered by the community, soothsayers (*Laibons*) and respected elders are mobilized to initiate inter-ethnic negotiations with their contemporaries to pre-empt conflicts.[55]

Additional intelligence especially on suspicious movements of both human and livestock is gathered by designated warriors *(Laikijalak)* who pass the information to the elders for analysis, decision making and, if need be, for dissemination to the wider community. Specific screams and horns are sounded to relay potential danger. There is belief among the Samburu that the use of charms, sorcery and witchcraft *(Laisu)* is effective and that certain individuals *(Laisi)* are endowed with supernatural powers and are capable of cursing aggressors and other enemies. Other inter-community conflict prevention strategies include the entering into binding peace arrangements *(Lmumai)* and military alliances with their neighbors for example the Pokot community. These traditional alliances entail the collection and destruction of weapons of war such as spears, arrows, and swords etc.; that are buried in a similar way to the Turkana. This ritual is complemented with the slaughter of a white bull whose blood is mixed with milk and honey and shared by the warriors and

elders present. Those present also smear their bodies with milk and fat from the slaughtered animal. Once entered into, these alliances have hitherto been respected and the communities enjoined thus have maintained close military alliances and generally lived in peace.[56]

Traditional institutions of conflict prevention and resolution are based on customary law and order, aspects that ensure that the truth always prevails. Hence, the rulings arrived at are considered to be objective, just and culturally acceptable. The Samburu consider their traditional community-based conflict resolution mechanisms to be part of their cultural heritage that uniquely identifies them within the modern cosmopolitan society. However, the traditional conflict resolution mechanisms lack an appropriate framework for their enforcement as they rely on goodwill and on social and cultural pressures to ensure people abide by the decisions reached. For example, the institutionalized fear of superstitions, curses and taboos by the Samburu community is thought to have a positive impact in the prevention and resolution of both intra- and inter-community conflicts.

It has been noted that the traditional mechanisms are, unfortunately, prone to bias and favoritism. For example, brave and proven warriors involved in conflict are accorded undue consideration during the proceedings in the belief that the society needs them to protect the community. Similarly, families thought to posses supernatural powers are feared and whenever they are involved in conflicts, their adversaries do not get a fair judgment. This is the same in conflicts involving the soothsayers or members of the *Lesepe* family. The traditional mechanisms are also not comprehensive enough and/or are slow or out of tune with an ever changing and volatile conflict scenario. For example, since the Samburu community did not traditionally acknowledge and/or experience rape cases, they did not develop any strategies to address it and are now faced with difficult situations with increased cases of rape in recent times. Likewise, the ownership and misuse of illicit small arms, which is a recent phenomenon in the community, has meant that those possessing arms are immensely powerful. They have supplanted the authority of the elders presiding over the traditional conflict resolution processes because, if tried and proved guilty in absentia, they simply threaten to kill those who participated in the deliberations thus negating the whole process. Finally, use of curses and *laisi* (witchcraft) as tools for conflict prevention is continuously challenged by modern thinking and is frowned upon by those professing the Christian and Muslim faiths.[57]

## 4.4 Profile of the Boran community

### 4.4.1 The Boran

The majority of the Boran community reside in the Merti, Sericho, Garba Tulla and Kinna divisions of Isiolo district with a few also found in Oldonyiro division alongside the Samburu and the Degodia emigrants from Wajir district. Other variants of the Boran community are found in Marsabit and Moyale districts and extend into southern-Ethiopia. Historically, the Boran moved into Isiolo district from north-eastern Kenya from where they had been pushed by force of the superior Somali weapons. As the Somalis pushed the Borans southwards into the interior, they in turn pushed the Samburu further down into what is now Samburu district. Although the Boran have lived and occupied a large part of Isiolo district, their presence in the central division of the district, where Isiolo town is situated, began in the 1960s. Their kinsmen in Marsabit, Moyale and southern Ethiopia refer to Boran living in Isiolo district as Waso Boran.[58]

The attempt, in the 1960s, by Somalis who lived in the north frontier districts of Garissa, Wajir and Mandera to secede from Kenya and become part of the Republic of Somali had a long-term effect on the welfare of Isiolo Borans. The Isiolo Boran, some of whom profess the Islamic Faith, supported the secession movement which did not succeed. Consequently, as punishment, the then government sidelined the Waso Boran from mainstream development agendas, and unlike their cousins in Marsabit and Moyale, who managed to benefit from well-equipped Catholic mission schools spread across the two districts, they also missed out on education. The Waso Borans never recovered from the *Shifta* war and particularly the inhuman treatment meted out by the Kenyan military. In addition, the Waso Borans have, ever since, suffered further trauma resulting from the intense cattle rustling, highway banditry, and killings of civilians and annexations of pasture lands carried out by the Somalis against them.[59]

### 4.4.2 Social organization

The Boran are divided into two major groups - the *Saabo* and *Goona* even though one is either a brother (*Obolesa*) or an in-law (*Sodda*) not necessarily through marriage but through *'sunsuma'* - a belief that is imparted from one generation to another through socialisation processes. At a very early age the children are taught the requisite customs and traditions of the Boran community as well as how to live with the rest of their community. Elders constitute a dominant component of the customary institution among the Boran through a socio-political system referred to as the *Gadaa*. The *Gadaa* is a system of age-grade classes that succeed each other every eight years in assuming economic, political and social responsibilities in the community. A complete *Gadaa* cycle consists of five age-grades. The authority held by the elders is derived from their position in the *Gadaa* system. Men in the age-range of 40-48 enter the *Luba* grade and are considered to be elders who are charged with settling disputes in the communities. Following *Luba*, men automatically retire from *Gadaa* and move into an advisory role

known as *Yuba* where they are accorded a great deal of respect - as wise experienced authorities and repositories of law - but their decisions are no longer final.[60]

The Council of Elders (*Jaarsa Dedha*) is responsible for decision making on political and resource management issues including the proper use of water; negotiating marriages, providing assistance to the most senior elders (*Abbaqae*); assisting with restocking through the social security network and for conflict resolution. Although the Borana strive to prevent disputes from occurring when they do they are handled by the institution of elders (*Jarsa Oola*) at the village level. If a dispute is not resolved at this level, it is referred to the Boran parliament - *'Gumi Gaayo* – where the regional elders and the two Boran Kings meet. Among the Borana, there are clan assemblies called *Koora dhebaanu* (the gathering of the multitudes). Every elder is supposed to attend these assemblies where all matters that concern the community are discussed.[61]

### 4.4.3 Intra- and inter-community natural resource management

Among the Borana, land is communally owned and the community controls land resources through a council of elders (*Jaarsa dedha*) which ensures equal rights and access to the resources by every member of the Borana community. Water sources for the Borana include dug-out wells (which are privately owned), dams, boreholes and streams (flowing *lagas*). Water management mechanisms are well organized and elaborate. Each well or dam has its own *Abba heeraga* (father of the well) who is in charge of water rota. Herds can be watered every day (*takha*) or watered in two-day intervals (*dhabsu*). During the dry season, the herds are watered in three day-intervals called *limaalima*. It is the responsibility of the *Abba heeraga* to regulate the number of herds being watered each day such that herd populations are balanced and evenly spread over the watering periods.[62] The management of traditional wells is not necessarily in the hands of the initiator of the well - *Abba konfi*; however, he has the right to oversee proper management of his well. The daily smooth running of the well can be left in the hands of *Abba heeraga* if the *Abba konfi* is not available or is not a resident of that area and therefore not in a position to supervise the daily activities of the well. *Abba konfi* is given preference over other users of the well. For the wells, dams and boreholes, troughs are used to water the herds. If disputes arise at the watering points the matter is referred to the council of elders to settle it. The *Abba heeraga* is highly respected and obeyed; anybody who offends is fined.

Access to different types of grazing lands depends on access to water and security of the rangelands. Grazing management entails dividing herds into "foora" (mobile) herds and milk herds (*Hawicha*). Foora herds continually move in the grazing rangeland utilizing the pasture and water. Prior to any movement of livestock, intense negotiations over access to water and pasture are held between the respective elders. If successfully concluded, migrant herders are assigned a *dedha* and watering points but are subjected to very specific rules and regulations known as the *Aada Ara-eela*.

For example, the migrants are required to move back to their original homes after the rains. Despite these rules and regulations, the trend in livestock movements has changed due to the weakening of traditional authorities and controls by the provincial administration through Chiefs and other state functionaries. This change has culminated in frequent conflicts whose escalation is fueled by easy access to efficient modern arms and the collusion that exists between political strategists and the business men involved in commercial raiding of livestock. In addition, the rough terrain, poor communication systems and limited resources for tracking the criminals has compounded the conflicts.[63]

### 4.4.4 Intra- and inter-community conflict prevention and resolution

As pointed out earlier, relationships between and among the Boran community is built around either the notion of a 'brother' (*Obolesa*) or an 'in-law' (*Soda*). This notion is further strengthened by a strong socialization (*Guddissa*) and education (*Barsisa*) process that starts at an early age where the children are taught the norms and traditions of the Boran culture including personal inter-relationships, taboos, etc that are necessary for conflict prevention and peaceful coexistence.[64]

Based on the perception of relationships as well as the socialization process, intra-community conflicts are rare; but they do occur, and besides the normal domestic related conflicts involving family, relatives and clan members, the Boran experience conflicts over access to resources, theft of livestock and, sometimes, the more serious cases of murder. In addition, the custom of '*Busa Gonofa*' where clan members are required to contribute part of their livestock to deprived members of their clan gives rise to intra-community conflict over who should contribute livestock and how many.[65] Inter-community conflicts between the Boran and their neighbouring communities – Turkana, Samburu and the Somali - revolve around access, use and ownership of water and pasture resources and livestock rustling.

### 4.4.5 Community-based tools and instruments for conflict prevention and resolution

Minor intra-community conflicts, for example, of a domestic nature, are first dealt with by the head of the household and, if they are not successfully resolved, are then referred to the elders. There are elders within the family, lineage and clan. There is a progressive degree of seniority and thus power in each of these units to whom the cases are referred. The more complicated the case is, the more senior and powerful are the elders charged with its resolution. After deliberations, the elders decide on the type of sanction to be imposed on the offending parties. For example, mismanaging water resources or failure to follow watering rota involves fines ranging from one animal (usually a bull) to several of them depending on the seriousness of the crime committed. *Meedhicha* (a small piece of skin/hide) sliced from the skin/hide of the slaughtered animals is fastened to a plant (tree) found around the well/dam to symbolize peace and harmony around the watering point. The meat is shared out between the members of the community.[66]

Age-sets are responsible for ensuring that their members observe the codes of behaviour as set out for the age-set. Those found to be contravening the codes of conduct are severely sanctioned by their own age-sets with punishments ranging from fines in the form of livestock or refusal of access to water wells, or a summary banishment from the age-set which is the ultimate social disgrace. In such an extreme case the elders may be called upon to intervene and will usually resolve the conflict amicably. In disagreements over water resources – access or ownership – a meeting of elders is convened where the most respected is asked to re-count the history of the water source and, based on this history, an acceptable solution is arrived at. In the more serious cases of murder of one Boran by another, a fine (*Qaake'e*) of 30-heads of cattle is imposed on the clan of the perpetrator. These cases are rare and for the purposes of maintaining good relationships in the community, the fine is negotiable and could be as little as 20-heads of cattle.[67]

Traditional conflict resolution deliberations among the Boran seek to establish the truth, endeavor to refrain from annoying references and, although they are required to put the interests of the community above those of individuals, they make every effort to ensure that the aggrieved parties are satisfied with the final outcome. Before a decision is made by the elders, a wide search for background material related to a conflict is carried out. This is done through informal contact and debates that involves all the members of the community without any gender discrimination. Although the women are excluded from the later stages of the conflict resolution process, this initial "wide-shopping" for ideas and opinion accords the community an opportunity to air their views. The exclusion of women from the detailed deliberations is a serious drawback particularly given their roles in the conflicts – as active participants as well as victims.

Inter-ethnic conflicts often occur between Borana and the Turkana, Samburu and Somali communities. Conflicts are resolved and managed through the institution of elders consisting of two bodies, the *Jarsa Dedha* and *Jaalab. Jarsa Dedha* is the Council of Elders that makes resource management decisions. *Jaalab* is the Council of Elders which administers clan political offices at local constituent level; it has responsibilities like overseeing the proper use of water, negotiating marriages, resolving conflicts and assisting with restocking through the social security network.[68]

## 4.5 Profile of the Somali community

### 4.5.1 The Somali

The Somali are found everywhere throughout Kenya but approximately 90% of the population live in the four districts - Garissa, Wajir, Mandera and Ijara - that make up the north-eastern province of Kenya. This community forms a monolithic group with its own culture and religion. Despite sharing common cultural ties, they are however, divided further by family and kinship ties. At the widest point of agnatic affiliation, the Somalis are divided into six clan-families, thus, the *Ogaden*, *Abdwaq*, *Garre*, *Degodia*, *Ajuran* and *Murule*.[69]

The *Isaack* and *Harti* sub-clans, occupying the central divisions of Isiolo, claim ownership of the district, especially the Central division, on the basis that it was given to them by the colonial power for their support and participation in fighting alongside the British government in the Second World War. The other groups of Somalis, from the *Ajuran* and *Garri* clans, have lived in the district since 1952 when they came in as herders of livestock purchased at auctions at the Livestock Marketing Division (LMD). Their occupation compares to that of the Meru who first came into Isiolo in 1959 as traders selling maize and other commodities to the pastoralists.[70]

### 4.5.2 Social organization

It has been observed that:

> for classificatory conveniences, the Somali have been defined along with the Barabaing, the Boran, the Samburu, the Rendille, the Maasai, the pastoral Suk (Pokot) and the Turkana as pure pastoralists. As pure pastoralists, the above-mentioned group is believed to have the ability to exclusively subsist quite entirely on the products of their livestock.[71]

However, Somali groups practice different forms of pastoralism depending on their ecological environments; for example, those living in relatively drier areas e.g. in northern Somalia are categorized as pure pastoralists while their southern contemporaries are more closely associated with agro-pastoralism. Indeed,

> it is these varied forms of resource management strategies - in direct response to the prevailing ecological conditions - that are today responsible for the existing different forms of social and political organizations between the two groups. Hence, whereas authority among the northern Somali groups is quite diffuse, it is nonetheless so among the agro-pastoralists Somali who instead are hierarchically organized.[72]

The differences among Somali groups in Kenya are less evident; the difference is more in the types of livestock they keep, with cattle being quite common in the Garissa and camel prevailing in Wajir among the Ogaden and the Degodia groups respectively. Irrespective of their occupational differences, the Somali maintain similar social and political organizations. [73] In its 2001 report titled

"Peacebuilding in Africa: Case studies from ActionAid", ActionAid-UK attempted to illustrate how the Somali are socially organized[74].

> Somali society is divided by a clan lineage system recognizing six major clans. Further divisions are called sub-clans and communities of around 60–70 families are known as 'dia-paying' groups. Within these groups mutual agreements are made known through *xeer* contracts over a range of issues, including user rights for pastures and wells, as well as a mutual undertaking to protect one another. Clan elders reside over such groups and represent their interests in the Council of Elders, where they meet to settle disputes and negotiate contracts between groups to avoid conflict over resources, such as land or water. The elders' councils are crucial to systems of local governance in an environment where groups and clans can come together or break apart suddenly, depending on the situation that faces them. "One literally does not have a permanent enemy or a permanent friend, only a permanent context. Depending upon a given context, a man – or group of men, or a state for that matter – may be your friend or foe. Everything is fluid and changing".[75]

### 4.5.3 Intra- and inter-community natural resource management

Since water and pasture resources vary widely during wet and dry seasons, the survival of Somali pastoralists depends on the mobility of people and livestock. Mobility is further dictated by pasture requirements of the different stock. In prolonged dry periods and drought, the herds are split into milk and non-milk herds - with the milk herds remaining at home to provide milk to the women and children while the rest of the herd is taken further away in search of pasture.

Historically, pastoralism among the Somali does not have a fixed system that regulated the ownership of pasture, because they believed that pasture is a gift from God.[76] There were no rules governing ownership of the pasture either by lineage groups (*Diya*) or clans, a factor that led to endemic conflicts over the unregulated water and pasture. Despite the belief that pasture is God-given to the whole community, grazing grounds is associated with ownership by a clan. The Somali community holds the belief that large natural wells should not be formally owned by any group. However, smaller wells are the property of individuals who dig them and who also maintain them.[77]

Although the Somali pastoralists are aware of the need to preserve natural resources for their own survival, the corporate nature of clan organizations, which exist as autonomous units with no overarching authority, often leads to competitive exploitation of the resources with no regard for environmental preservation. In severe drought conditions, household migrations (*Aymis*) take place, with entire households moving to areas where they can access water and pasture. In such cases, the communities evokes symbolic relationships with their neighbors (*Daqsin*) - a traditional practice in which different clans negotiate with each other and make temporarily agreements to share water and pasture. Among the Somali pastoralists, livestock is the object of corporate ownership among individual membership in the *diya* lineage group. However, corporate ownership is limited to the

larger stock such as cattle and camels because of the significance of the stocks. The smaller stock such as sheep and goats are owned individually.[78]

### 4.5.4 Intra- and inter-community conflict prevention and resolution

The Somali are unique in that, unlike many other pastoralist communities, they do not recognize a central authority and the community is territorially segmented along a clan system. Within the Somali community, internal conflicts are conceptualised as conflicts within clans, while external conflicts are considered as those between clans and/or with other ethnic communities. The Somali community explicitly acknowledges the presence of conflict among them; as one elder state, 'conflict is part and parcel of us. It is a daily occurrence [which] [w]e have learnt to live with...'[79]

Despite this acknowledgement, the Somali, like other pastoralist communities, endeavour to prevent the occurrence of conflicts through a process of socialization, education, providing counselling services where family disputes are involved, and the administration of heavy punishment for crimes that are likely to threaten the foundation of the clan system. At an early age, children are introduced, through riddles, poems and songs, to the norms and proper conduct of their community. Additional socialisation is done through the Quranic Schools (*Duksis*) where the teachers (*Maalim*) are responsible for instilling religious values to children and ensuring that the children listen to elders and respect societal norms.[80]

Domestic related issues form the bulk of intra-clan conflicts among the Somali community although they do also experience resource-based conflicts like access, use and ownership of water and pasture resources; theft of small stock, mainly goats; and the occasional murder of a fellow clan members. The first point of reference is the male head of the household. Difficult cases or where a family is unable to cope with rebellious grown male children are referred upwards to the clan elders. Access, use and ownership of water and pasture resources, theft of livestock through raids and more recently banditry are the main causes of inter-clan and inter-community conflicts.

A unique feature of conflicts among the Somali stems from their dual nature as semi pastoralists - some of the clan members live in urban areas while the others move with the livestock in the rangelands. This dual habitation translates into two theatres of conflict where conflicts breaking out in any one of the habitations (urban or rangeland) spontaneously triggers conflict in the other. The urban dwellers consisting of businessmen, government employees, politicians, teachers etc, fuel the conflicts out of proportion by offering their opinions (usually flawed), advice (usually out of context) and by moral and material support (usually disproportionate).

### 4.5.5 Community tools and instruments for conflict prevention and resolution

The central roles in conflict resolution are played by clan elders, who are identified not by hereditary dispositions but by earning their reputation, and notable religious leaders known for their wisdom, oratory, negotiation skills and trustworthiness. As stated earlier, the Somali do not recognize any formal hierarchical authority and live in situations where formal state authority can be regarded as minimal and/or is considered absent all together. The other established traditional structures of conflict management among the Somali include the *diya*-payments, *xeer* and *shir*.

*Diya*-payment or 'blood-compensation' refers to a process whereby one group or clan either pays or receives a negotiated collective payment or blood compensation for a crime committed by or upon one of their own. This method of conflict management applies to conflicts ranging from livestock theft to more serious crimes like murder. The costs of compensation are deliberately set relatively high to deter individuals from committing crimes especially because the payments are the responsibility of the whole clan. For example, it is pointed out that for the murder of a man, compensation is set at 100 camels (or 50 camels for a woman) and although the amounts of compensation are negotiable between the elders of the two '*diya*'-paying groups, they are still highly punitive. Where the negotiation for the amount of compensation is deadlocked, the higher amount has to be paid for fear of revenge and the inevitable cycle of consequent revenge killings. Indeed, there is enormous peer pressure to observe social contracts between and within '*diya*'-paying groups. The Somali community is heavily disposed towards reparations or compensations to prevent and resolve conflicts. This disposition is clearly illustrated by a Somali saying: "*mel hoo ubahau, hathal kumaboksato*" which literally translates to "*where there is need for material compensation, words will not help*".[81]

*'Xeer'* has been defined as a customary law that draws from but is not strictly identical to the Islamic Sharia law, thus:

> *'Xeer'* embodies norms and obligations that have to be observed as a convention without the backing of political force, [thus], *'Xeer'* is analogous to customary international law'. '*Xeer'* defines the nature and type of compensation for crimes committed among the Somali. There are no punitive measures nor is there a political force responsible for enforcing the 'Xeer' but it is religiously observed as the costs of not obeying this agreed code of conduct are unbearable. It has been variously observed that the "*'Xeer'* serves to provide certain level of predictability, confidence building, and co-operation in what would otherwise be an unruly environment.[82]

Maintaining peaceful coexistence among the Somali community is done through traditional clan assemblies that ensure democratic practices and openness. These are referred to as the '*Shir*'. In has been noted that the "'*Shir*' have the prerogative to call adult males of a lineage at any level of clan segmentation to discuss and ratify a position, or convene a meeting between lineages as deemed necessary'. '*Shir'* deliberations are lengthy processes held in the open where participants have the right to express their

views without censure thus ensuring consensus among the elders and other groups that may be called to the '*Shir*'. This way, the '*Shir*' are respected and their outcome is binding.[83]

To prevent resource-based conflicts in times of scarcity, the Somali community will usually evoke symbolic relationships with their neighbors. These symbolic relationships are referred to as *daqsin* and are simply traditional practices which different clans negotiate with each other in order to reach temporarily agreements on how to share water and pasture.

## 4.6 Summary

Pastoralist communities endeavour to prevent conflicts and, when they occur, to resolve them amicably. Minor conflicts, particularly of a domestic nature, are usually resolved by the head of the household – a man; but ultimately, the highest referral unit for conflicts that either cannot be resolved at the domestic level, or are considered too complex and/or those that involve more than one household or are inter-community in nature, is the institution of the elders - *Ngisokou* (Turkana), *Lpayani* (Samburu), *Jarsa* (Borana) and *Dukhochin* (Somali). The institution of elders cuts across all levels of social organisation including the family, neighbourhood, lineage, clan, inter-clan and inter-community relations and draws its legitimacy from traditional norms and customs. It is therefore recognized by the community and thus its rulings are binding not only to the conflicting parties but to the larger community as well.

The genesis of conflicts in Isiolo district can be traced to the colonial administration and although serious inter-ethnic tensions especially between the Borana and the Somali, gained prominence following the 1960s Shifta secession-based conflict, they escalated at the beginning of the 1990s following the adoption of multi-party politics in Kenya which polarized and ethnicized politics in the district. Some factors contributing to conflicts in the district include, endemic drought and a poor resource base (water and pasture); historical marginalization, neglect and poor governance by the central government; the influx and settlement of migrant pastoralists; disputed land tenure; the easy availability and misuse of firearms; the polarization and ethnization of local politics; and the breakdown of traditional governance systems etc.

The Turkana entry into Isiolo district dates back to colonial times. The socio-political organization of the community and customary institutions of conflict management include the extended family, neighborhood (clan), and tribe living in a group of huts or homestead. The homestead, when joined with other closely-knit households, forms a *kraal* or *adakar* which is always under the leadership of one of the elders. The extended family is the first institution of conflict management. The second level of socio-political arrangement is the clan which is made up of a number of closely-knit families that are collectively grouped under one name - *enachar*. The Turkana resource management system known as the *ekawar* (plural-*Ngikwari*) revolves around ownership rights to key resources. Each Turkana, family (*Awi*) takes their own resource management decisions guided by rules and regulations stipulated by a council of elders and the availability of water and pasture. To counter external invasions, the Turkana form congregations of grazing associations or clusters referred to as the *adakars* which are headed by prominent personalities who are assisted by a council of elders that include administrators, healers, soothseers, warriors, grazing experts, astrologers, midwives, leather workers etc.

The man, among the Samburu, is the unchallenged head of the family institution and all family issues and disputes are under his jurisdiction. The Samburu, like other pastoralists, have a well structured natural resource management system which is known as *'Ramat e Nkop'* which covers resources ranging from water sources, pasture, trees and livestock. During the wet season, water and pasture resources are protected so that they can be available during the dry season. The Samburu default strategy for conflict resolution is to avoid and prevent its occurrence. This is effected through socialization and education where the necessary societal norms, taboos and the community's lifestyle are inculcated from an early age. In inter-community conflicts, the Samburu rely on indigenous knowledge and intelligence to prevent and manage conflicts. Traditional institutions of conflict prevention and resolution are based on customary law and order, forces that ensure that the truth always prevails, thus ensuring rulings are objective, just and culturally acceptable. It has been noted, however, that the traditional mechanisms are, unfortunately, susceptible to bias and favoritism.

Historically, the Boran moved into Isiolo district from north-eastern Kenya from where they had been pushed by force of the superior Somali weapons. The Boran are divided into two major groups - the *Saabo* and *Goona.* They also consider each other as a brother (*Obolesa*) or an in-law (*Sodda*) not necessarily through marriage but through *'sunsuma'* - a belief that is imparted from one generation to another. The Council of Elders (*Jaarsa Dedha*) is responsible for decision making on political and resource management issues including the proper use of water; negotiating marriages; providing assistance to the most senior elders (*Abbaqae*); assisting with restocking through the social security network and in resolving conflicts. Access to different types of grazing lands depends on availability of water and security of the rangelands. Grazing management entails dividing herds into "foora" (mobile) herds and milk herds (*Hawicha*). Minor intra-community conflicts e.g. domestic ones are first dealt with by the head of the household and where they are not successfully resolved are referred to the elders. Inter-ethnic conflicts are resolved and managed through the institution of elders consisting of two bodies, the *Jarsa Dedha* (responsible for resource management decisions) and *Jaalab (*responsible for local-level clan administration).

The Somali community forms a monolithic group with its own culture and religion. Despite sharing common cultural ties; they are divided further by family and kinship ties into six clan-families, thus, the *Ogaden*, *Abdwaq*, *Garre*, *Degodia*, *Ajuran* and *Murule*. Pastoralism among the Somali does not have fixed systems that regulate the ownership of pasture because they believe that pasture is a gift from God. Although the Somali pastoralists are aware of the need to preserve natural resources for their own survival, the corporate nature of clan organizations, existing as autonomous units with no overarching authority, often leads to competitive exploitation of the resources in disregard of environmental preservation. Unlike many other pastoralist communities the Somali do not recognize a central authority and the community are territorially segmented along clan lines.

Internal conflicts are conceptualized as conflicts within clans, while external conflicts are considered to be between clans and/or with other ethnic communities. Clan elders, composed of notable religious leaders known for their wisdom, oratory, negotiation skills and trustworthiness play central roles in conflict resolution among the Somali community using three approaches. The first is *diya*-payment or 'blood-compensation' - a process whereby one group or clan pays a negotiated collective payment or blood compensation for a crime by one of their own. The second is '*xeer'* - a customary law that draws from but is not strictly identical to the Islamic Sharia law which embodies norms and obligations that have to be observed as a convention without the backing of political force. The third is '*Shir*' - a democratic and open traditional clan assembly.

## 4.7 Conclusion

The brief summary on Isiolo district - a cosmopolitan melting-point of different cultures and ethnic dispositions - has demonstrated two important factors. One is the imminent threat of a descent into violent conflict and, two, that even where such violence breaks out, it is still possible to restore peace amongst the communities. Furthermore, the chapter has demonstrated that each of the four communities studied has its own rich traditional governance system that is based on time-tested traditional structures, tools and instruments.

These traditional structures are effective in resolving both intra- and inter-community conflicts and continue to command respect among the communities. It is evident from the chapter that although there are nuances in the differences between the traditional structures of individual communities, by and large, they are similar. It is with this premise that the next chapter attempts to review the perceptions of the four communities on issues related to conflict resolution and peacebuilding in pastoralist areas afflicted with water- and pasture-based conflicts.

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[77] Mburugu *et al.* (2001b), *op. cit.*
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# Chapter 5.0 Field Data Analysis

**Preamble**

This chapter presents the actual data on several characteristics of interventions on conflict resolution and peacebuilding in Isiolo district. The chapter is a highly summarized synthesis of data obtained from a 12-week field study. The data analysis was done using a standard statistical package but it should be noted that although such a package was used, the chapter is not an exercise in statistics and does not dwell on the intricacies with the theory of statistical data analysis. The primary concern was to obtain basic data organized in a coherent format, based on a scientific approach, which would illustrate the situation with conflict resolution and peacebuilding in the district.

In a narrative form, the chapter attempts to interpret the data by cross-referencing across the data itself, information from the literature review, and from practitioners' personal experiences in conflict resolution and peacebuilding work both in Isiolo and other adjacent pastoralist districts.

## 5.1 Research approach and components

The field research study focused on a comparative analysis of the indigenous community-based approaches for conflict resolution and peacebuilding among four main pastoralist communities in Isiolo district – Turkana, Samburu, Boran and the Somali. The study limited itself to two primary sources of conflict - water and pasture, and endeavored to: -

(a) Investigate the significance of existing indigenous micro-level intra- and inter-community-based institutions or structures (Elders, Women, Youth (Morans) and Faith institutions); and, the tools and instruments (songs, poems, curses, rituals, oaths, sacrifices, peace meetings etc) used in conflict resolution and peacebuilding initiatives in the district.

(b) Explore potential strategies and approaches for improving these institutions or structures and instruments to enhance their contribution to inter-community-based local capacities for peace among the pastoral communities in the district and possibly other pastoralist areas in the country and in the larger HOA region.

**Research content**: The aim of the field research study was to gather first-hand comprehensive documentation of the genesis and manifestation, prevention and resolution of conflicts involving water and pasture resources. To do this, it endeavored to detail the specific roles and attributes of the key actors and to document the significance and roles played by the various traditional tools and instruments in both intra- and inter-community conflicts by each of the four communities. Once documented, the field study hoped to identify and analyze cross-cutting complementary and divergent community-based indigenous practices and approaches among the four communities. It was anticipated that the lessons drawn would eventually be used to elaborate potential conflict resolution and peacebuilding interventions applicable in pastoralist conflict-prone environments. The field study comprised the following components:

i) Identification of study sample areas/respondents and training of research monitors; pre-testing and refining the questionnaire(s) and collection, decoding, processing and collating the raw data.

ii) Validation of data and information through meetings with the communities and other stakeholders (development partners, government, businesses etc).

iii) Documentation of selected case-studies and the drafting of the field report and preliminary dissemination of the study results.

A unique aspect of Isiolo district is the availability of pockets of resources - water and pasture - that to a large extent determine the type of land-use in practice including game reserves, wildlife conservancies, tourist hotels, army barracks and training grounds, irrigation purposes etc. These land apportionments are distributed across the district and not only have they had an impact on the conflicts in the district but also, to some extent, dictated the settlement patterns. Based on this fact, four research study areas were identified. These included: Gabella and/or Kula Mawe areas hosting mainly Boran; Daaba and/or Arimiet areas mainly Turkana; Kipsing and/or Ngare Ndare areas consisting mainly of Samburu and Chumvi Dagale largely home mainly to the Somali. In order to contextualize the conflicts in each of the study areas, the field study commenced by describing the area (location, resources available, demography etc); then profiled the respondents including their social organizations, kinships, age sets, genealogy, history in the area including their origin etc and, finally, described the conflicts in each specific area, but concentrated only on those aspects that are either a result of, and/or are a spin-off of, water and pasture issues. Although there are many actors involved in the conflicts both within and outside the district, the study focused only on those thought to play significant and decisive roles. The business community plays significant roles in the conflicts in the district. They were, however, not included in the study mainly due to time constraints.

**Empirical qualitative research approach** - The field research study was of an empirical qualitative nature, thus, what is referred to as '...the systematic application of theory to enquiry' involving the '...actual observation or study of real events and processes'.[1] Research assistants from the respective communities, preferably those who had been engaged in conflict resolution processes before, interviewed and closely interacted with the various respondents. Inevitably, one of the challenges that faced the study was balance between objectivity and the biases of the research assistants who were themselves members of the conflicting communities. These biases were cancelled out by wide consultations and cross-checking of data as well as through cross-referencing with documented literature. The interview employed an unstructured method that did not follow any prescribed schedule but rather focused on detailed probing of the respondent depending on the answers they gave. The interviews were detailed and in-depth employing two types of semi-structured questionnaires: -

i) A simplified one-page questionnaire aimed at the four key focus groups - elders, youth, women and opinion (Faith) leaders. By involving a small select group of respondents at a time, it was possible to focus in detail on the context of the conflicts without being influenced and pressurized by the dictates of large groups. As the respondents consisted of real-life actors in the conflicts, they provided an opportunity to gain deep insights into the conflict issues as perceived by their communities. It was intended that at least five questionnaires would be administered to a minimum of five respondents from each category of respondents (elders, youth, women, opinion leaders) in each of the study communities - Turkana, Samburu, Boran and Somali.

   The same simplified one-page Focus Group questionnaire was also used on selected respondents drawn from the Provincial Administration (Chiefs, DOs); Security (Police); Isiolo County Council; Development Partners (ALRMP and Uwaso Nyiro Development Authority); Community-based agencies (Isiolo Inter-Faith Council and the District Peace Committee); and Ranch and Wildlife conservation interest (Lewa Conservatory, Game Reserve and tourist hotels).

ii) One other very detailed questionnaire referred to as the household questionnaire was administered in each of the four communities on groups of a minimum of five (5) respondents from each category (elders, women, youth & opinion (Faith) leaders).

In order to illustrate a living conflict scenario, four specific case-studies were reconstructed/documented covering the conflict period 1990-2005. As pointed out earlier the conflict processes in the district changed dramatically over this period of time from high intensity conflict (early 1990s-end of 2002) to relative peace (since early 2003 to 2005). It is a well known fact that case-studies are very useful instruments in providing insights into specific conflict situations as they provide opportunities to examine particular cases in some depth in order to establish their internal dynamics as well as discover their links with other conflicts. The case-studies detailed how the indigenous community approaches, if they did, contributed to and/or exacerbated the conflicts; and, their contribution, if any, to their eventual and/or future prevention and resolution. The case-studies were documented in: Ngare Mara area - Boran/Turkana and Samburu Communities; Gabella – Turkana/Somali and Meru Communities; Kipsing - Samburu and Somali Communities; and, Archer's Post – Cosmopolitan population (Samburu, Turkana & Meru). Although Archers' Post is not, strictly speaking, in Isiolo but on the border between Isiolo and Samburu districts, it was identified as a unique case to illustrate the impact of cosmopolitan urbanization, availability of alternative livelihoods, access to services and the effect of a dynamic trade route (Isiolo-Marsabit) on the conflict

processes. While recognizing the attendant limitations a decision was made to use the same standard questionnaires and approaches on all the communities for the purposes of cross-comparative analysis.

**Identification of collaborating partner and ethical issues of the study** - One of the dilemmas of the field research study was the identification and selection of collaborating partners and research assistants. The field study revolved around extremely sensitive issues some touching on cultural aspects of the communities as well as their personal security. It was therefore necessary to involve practitioners who had long first-hand experience and who had the communities' confidence. Although this was an important prerequisite, the study was aware that it faced the dilemma as to 'what degree can an inside researcher study his/her own conflict without taking sides, without compromising his/her professional ethics, or without being perceived as biased, despite one's best intentions and precautions?'.[2] The nature of the study, particularly in regard to the documentation of cultural aspects of the communities, weighed more in favor of using local researchers; more so because it has been shown that local researchers or insiders are in a position to gain '...access to information that often remains off limits for an outside researcher'.[3]

Based on this understanding a decision was made to use a local community-based organization (CBO) to conduct the primary data collection. This was necessary as the answers were expected to be replete with metaphors and symbolic references whose meaning can only be understood by their own. To add legitimacy to the research study it was also necessary to work closely with a recognized and respected government agency. The Arid Lands Resource Management Project (ALRMP) which had the necessary track-record as well as having both human and material capacities on the ground was identified as the leading research collaborating partner. The communities' recognition and acceptance of ALRMP and its activities also meant that the personal security of individual research assistants, their families and communities was assured.

Another reason for selecting the ALRMP was based on the fact that the researcher did not hail from the district or come from a pastoralist background and/or speak any of the four languages of the research communities (Turkana, Samburu, Boran and Somali). Although the researcher had extensive work experience among pastoralist groups in the fields of development, conflict and management of the proliferation of illicit small arms and light weapons, it was still necessary to work with and through an established agency like the ALRMP whose staff were largely local. The researcher was responsible for training and mentoring the research assistants while data correlation, verification and validation were done together with the ALRMP.

Although it is usually recommended that the potential respondent communities should be involved in order to better inform the direction and methodology of a research study, this was difficult given the diversity of communities involved in the study. Hence, it was to a large extent, the

researcher's and collaborating agency's political and ideological perception that influenced and shaped the research agenda, the process of the data collection and interpretation as well as the selection of the respondents. One of the advantages of the researcher being 'an outsider' was the ability to reflect a "relative impartiality". That is, having no direct stake, other than academic, in the conflicts, the researcher was able to effectively moderate the competing interests of all those involved - research assistants; collaborating communities and practitioners.

From the start of the research study deep concern was expressed by the government and development practitioners on whether the research was being conducted for the sake of the research alone and/or would it make useful contribution in the search for effective conflict resolution and peace in the district. Apparently, there had been previous research studies whose conclusions had led to the victimization of entire communities after being portrayed as hostile, aggressive and perpetrators of violence. In addition, at the time of the research study, the district was experiencing serious drought and famine. Subjecting and using such communities - traumatized both by conflicts and famine – in a demanding research study was a difficult ethical and moral question to contend with. This was because the respondents were desperately expecting and looking forward to get relief assistance, yet, and on purpose, the study although involving long sitting sessions, did not offer any type of incentives to the respondents to avoid creating an unsustainable precedence.

**Data analysis and dissemination** - The data analysis was done in collaboration with the Range department of Egerton University-Njoro. The department has adequate experience from its extensive research studies on natural resource based conflicts in the pastoralist areas of Kenya. One of the activities of the department and which had a direct significance to the research study was an ongoing study on the 'Degree of Sedentarization Affects Risks and Conflicts for the Waso Boran in Northern Kenya' carried out in Isiolo district.[4] Although the questionnaires had been developed at the ISE with inputs from the collaborating partners in Kenya, before the data collection exercise started, the department was provided with the two questionnaires for verification and to suggest improvements which were subsequently incorporated. The pilot-test questionnaires were also given to the department and together with the researcher developed the data decoding outlines which were useful in determining the format and content of the final questionnaires. Based on its experience working in the district, the department was asked to assist with the (random) sampling of the study areas. GIS data on natural resource management in the district was used in the sampling process. The final sample areas were however informed by such factors as accessibility and security as advised by the ALRMP. The actual data analysis ('number crunching') was done solely by the Range department while the interpretation and presentation (write-up) was done by the researcher.

It is desirable that findings of any research work are taken back to the various communities where data was collected both for the purposes of enhancing dialogue among the respondent

communities about their perceptions and understandings and the researcher's interpretation of the conflict dynamics and its potential resolution.[5] The preliminary results emanating from the study was availed to Mandate the Future (MTF) – a local CBO, Arid Lands Resource Management Project (ALRMP) and their collaborating development partners who were encouraged to use the insights gleaned from the study in their elaboration of interventions for their various field activities. It was also anticipated that the results would be made available to the National Steering Committee on Peace Building and Conflict Management who could use its good offices to share them with a large constituency of practitioners involved in conflict resolution and peacebuilding activities in Kenya and the rest of the pastoralist region in the HOA.

### 5.1.1 Constraints to the study

Throughout the field research study several setbacks both from natural causes and/or logistical were encountered including:

**Natural calamities** - At the time of the field research work, Isiolo district was experiencing a devastating drought and famine which was ravaging the entire pastoralist region in Kenya. The famine had led to the migration of many communities, mostly women, children and older men, to areas near trading centers looking for famine-relief assistance. Others, especially men, had migrated to town centers like Isiolo town and beyond in search of employment. The youth had similarly migrated with the little surviving livestock in search of water and pasture. It was therefore very difficult to find sufficient respondents especially because a decision had been made to carry out the research study in the communities' natural environment. It was also very difficult to hold the attention of the few respondents found as the little time they had was spent looking for and/or waiting for relief assistance. The rains came in the middle of the field research but with little relief. As the drought had gone on for a long time and there was no ground vegetation, the rains resulted in serious flooding. The flooding not only displaced the few communities that had remained behind but as well destroyed the few passable roads in the district which effectively cut-off many places. In addition, the district experienced an outbreak of measles that not only complicated the recovery capacity of the communities but also took-up all their spare time.

**Infrastructure and security** - Isiolo district is a huge district and suffers from historical under-development. Due to the lack of and/or non-existent roads, movement and communication in the district was difficult. In many places the only transport available was by trucks transporting relief foods. This form of transport was irregular, unreliable and unavailable especially when it rained. Telephone facilities both landline and/or cellular were, likewise, limited. One of the devastating consequences of the drought was the death of the economic mainstay - livestock - of the communities in the district. The resultant idleness of "illegally armed" herders was thought to be the cause of increased armed thuggery and road banditry. In one of the incidences, raw data from one of the

research areas, Kipsing, was lost to armed bandits necessitating a repeat of the entire exercise. Interestingly, a unique aspect of many pastoralist areas whenever it rains following long droughts is an increased intensity in livestock raids among communities for restocking purposes. This was the case in Isiolo where increased incidences of cattle rustling, thuggery and banditry increased insecurity and limited movement in the district.

**Local capacity and accountability** - There are many advantages as well setbacks in using local community-based organizations (CBOs) to conduct field studies. One of the setbacks is that many of the local CBOs lack the necessary human and logistical capacity. Indeed, the researcher spent a lot of time training the collaborating CBO and research assistants in research methodologies and approaches. Even though this was done, the time available was not sufficient to fully impart the necessary skills. Consequently, there were many repeats of data collection and decoding exercises which was both time consuming, expensive and not least terribly inconveniencing to the respondents.

Lack of adequate financial resources among the local CBOs usually means that the majority of them embrace a transient nature of engagement. Thus, they might be "seriously" engaged in conflict resolution activities today but will equally be "heavily" involved in emergency relief food distribution tomorrow. This is usually further complicated if the collaborating CBO is assumed to have the requisite local knowledge and regarded as a critical entry point into the district by many external practitioners. Unfortunately, since these external practitioners, especially during emergencies, need quick results they have no time to encourage and/or insist on strict professionalism. As a result there is a tangible transparency/accountability-gap with many of these CBOs.

**Structure of the study** - The subject of the research study touches on very deep social-cultural and political attributes of communities. Some of these attributes are closely related to the security of the communities. In addition, the study sought to compare these attributes across different communities. In a district like Isiolo with endemic conflicts and insecurity, the levels of suspicion, rumor mongering and animosity between communities is clearly palpable. This is one reason why the study had to be conducted not only with local research assistants but only with those who had had a long engagement with the community. Despite this precaution, considerable time was spent answering questions and explaining the relevance of the study to the communities. The communities wondered how the information would be used and shared not only with their rival communities but also with the government which they equally did not necessarily trust.

In order to sufficiently capture the different dimensions of pertinent issues to the conflicts, the questionnaire was long and very tedious to apply. Moreover, the questionnaire even though administered in the local languages, had been conceived in English with the training of research assistants largely done in Kiswahili. The translation from English to Kiswahili to the local languages

and vice-versa resulted in the loss and/or misinterpretation of information. In addition, many of the respondents particularly the older folk answered the questions in parables and idioms. In such cases, one has to be of a certain age and/or have the capacity to understand and correctly interpret the meanings of most of the answers. To complicate things many of these parables lose their impact when translated to other languages and/or make no sense at all if they are literally translated. What this means is that one requires a considerably long time not only to gain the trust of the communities but also to be able to glean and fathom the nuances of their everyday actions and responses.

**Interpretation and expectations** - It is true that research findings are in most cases someone's – researcher's - construction of reality despite the fact that the raw data emanates from different respondents. It is a challenge to effectively balance a researcher's individual interpretations with those of the participating communities. It is observed that this difficulty is based on the premise that 'all meaning making is embedded in our cultural history and most of who we are is tacitly absorbed both from our immediate community as well as the wider community'.[6] Embracing an open and objective mindset on pastoralist conflicts is a serious challenge particularly for non-pastoralists who are subjected to everyday bombardment of negative images of the communities who are portrayed as backward, warlike and generally retrogressive (see chapters 1-3). The researcher's long experience with pastoralist issues ensured that the research study retained an objective and impartial analytical approach informed by historical and current factual data as observed on the ground. Probably the biggest challenge for the field study was attempting to live-up to the expectations of different stakeholders. In conflict-prone situations like Isiolo district, everybody is looking and expecting answers to their historical hardships and insecurity issues. In every meeting attended, every stakeholder had a set of their own expectations and sought to influence the direction of the study either overtly and/or covertly through their answers and advice. Staying the course of the research subject and objective was a constant challenge throughout the field study where extreme caution, sensitivity and deference were mandatory.

## 5.2 Data analysis

### 5.2.1 Methodology and approach

The data collected in the study was processed and analyzed using the Statistical Package for Social Science (SPSS Version 12.0). The following procedural steps were followed in the analysis of the data.

**Step one:** The responses to the study questions by the heads of the households were numerically coded for entry into the computer.

**Step two:** The numerically coded qualitative data was then rated using a Lickert - type of scale to score the responses to numerically express the magnitude of the variables for summary and analysis.

**Step three:** The Operationalization of the variables forming the indices[7] used in the study model was then done. Each of the indices (Index of the total number of traditional structures and the index of success of the traditional structures) were described and their indicator variables selected.

**Step four:** Inter-item correlation matrix was run for all the indicator variables forming the indices to check for multicollinearity. The indicator items with a correlation coefficient of above 0.8 were omitted in forming the indices to avoid using similar indicators to describe the same index.

**Step five:** A factor analysis was then done on the indicator items forming the indices. Factor analysis was used to reduce the number of items to be used to construct the indices. Items with higher communality and factor loading of above 0.3 were chosen for a given index.

**Step six:** Indices were then created and their internal reliability assessed using Cronbach's alpha[8] to make sure they were reliable in their measurements.

**Step seven:** Descriptive analyses were then performed on the variables contained in the model and on the characteristics of the households sampled. The analysis included a description of the variables using frequencies, relative frequencies, frequency distributions, proportions, percentages, the mean and the mode as a measure of the central tendency, while the standard deviations and the variance were used to measure dispersion.

**Step eight:** Analytical type of analysis which involved the use of inferential statistics: a) the use of contingency tables and cross tabulations to analyze bivariate relationships of the data, b) Correlation coefficients (r), chi-square and ANOVA (Kruskal-Wallis *H* test for ordinal data) were run to

determine the responses of the dependent variable with changes in the independent variables, and to test the hypotheses formulated in this study. All the statistical tests were done at 95 % level of significance ($p < .05$), to test the level of significance in relationships among the variables.

**Step nine:** The final step involved the step by step translation of the statistical data into descriptive parameters and relating them to one another as well as referring back to similar data and information obtained from the literature review or garnered from the author's personal interactions in the field working in conflict resolution and peacebuilding activities with different practitioners.

## 5.3 Intra- and inter conflicts

### 5.3.1 Analysis of inter-ethnic conflicts and its geneses

All the respondents had witnessed at least one violent conflict. The conflicts reported were mainly inter-ethnic with only a few within the communities themselves (intra-ethnic).

Table 5.3.1 (a): Inter-ethnic conflicts and geneses of conflicts

| **Type of inter-community conflict** | **Respondents reporting** | **Percent** |
|---|---|---|
| Samburu and Pokot | 1 | 1 |
| Somali and Somali | 10 | 7 |
| Samburu and Samburu | 14 | 10 |
| Borana and Meru | 20 | 14 |
| Samburu and Meru | 21 | 15 |
| Somali and Meru | 21 | 15 |
| Turkana and Meru | 21 | 15 |
| Somali and Ndorobo | 28 | 19 |
| Turkana and Somali | 47 | 33 |
| Somali and Borana | 53 | 37 |
| Somali and Samburu | 64 | 44 |
| Turkana and Borana | 72 | 50 |
| Samburu and Borana | 84 | 58 |
| Turkana and Samburu | 84 | 58 |
| **Genesis of conflicts** | **Frequency** | **Percent** |
| Cultural practices | 5 | 4 |
| Hunger | 5 | 4 |
| Personal indifferences | 5 | 4 |
| Trespassing | 5 | 4 |
| Unemployment | 5 | 4 |
| Agro-pastoralism | 7 | 5 |
| Lack of proper infrastructure | 10 | 7 |
| Poor leadership | 19 | 13 |
| Corruption | 21 | 15 |
| Influx of other tribes | 24 | 17 |
| Limited resources | 24 | 17 |
| Poverty | 24 | 17 |
| Community warriors | 36 | 25 |
| Drought | 38 | 26 |
| Land ownership | 43 | 30 |
| Tribalism | 43 | 30 |
| Inter-marriages | 48 | 33 |
| Religion | 49 | 34 |
| Conservation areas | 54 | 38 |
| Political differences | 64 | 44 |
| Stealing of animals | 100 | 69 |
| Settling within the grazing areas | 120 | 83 |
| Inadequate watering points | 129 | 90 |

**n=144** (total number of respondents)

As noted before, Isiolo district experiences both intra- and inter-ethnic conflicts among the communities. Interestingly, the survey indicated that intra-community conflict was reported only amongst the Samburu and the Somali. However, all the study communities had had some inter-community conflicts amongst themselves with the Turkana and Samburu (58%) as well as Samburu

and Boran (58%) reporting most conflicts followed by the Turkana who were in conflict with Boran (50%) and to a lesser amount the Somali with the Samburu (44%). There were also conflicts between the study communities and others like the Ndorobo and the Meru.

The geneses of conflicts, both intra- and inter-communities was widely varied but included, in order of frequency, inadequate watering points (90%); settlement within the grazing areas (83%); livestock thefts (69%); and, political differences/related (44%) among others. There were conflicts related to the conservation areas (38%) particularly over the question of employment in the tourist industry where some of the communities maintain that the majority of employees should be from communities immediately adjacent to the tourist resorts and not drawn from communities further a field. Although there were two mainstream religions in the district, thus Islam and Christianity, faith related and/or based conflicts were relatively few (34%). Likewise, the influx of other tribes (17%) was not seen as a major source of conflict probably because all the communities had a historical immigration background

Although overall cultural differences as a source of conflict was very low (4%) albeit closely related to its direct additives of tribalism (30%) and intermarriages (33%); the specific differences in individual cultural practices that contributed to the conflicts were many and diverse as shown below.

Table 5.3.1 (b): Cultural practices and beliefs causing conflicts

| Cultural practices and beliefs causing conflicts | Frequency | Percent |
|---|---|---|
| Raiding | 5 | 4 |
| Disregard to sacred places | 10 | 7 |
| Grazing systems | 10 | 7 |
| Land policy | 14 | 10 |
| Pastoral activities | 14 | 10 |
| Inter-marriages | 16 | 11 |
| Tribal clashes | 16 | 11 |
| Moranism practices | 19 | 13 |
| Youth not being allowed to express themselves | 19 | 13 |
| Food chain and taboos | 26 | 18 |
| Cultural differences | 27 | 19 |
| Girls/boys circumcision | 38 | 26 |
| Religion | 41 | 29 |
| Divorce | 49 | 34 |
| Inheritance | 67 | 47 |
| Land ownership | 80 | 56 |

Land ownership (56%), inheritance (47%), divorce (34%) and religion (29%) were identified as the major causes of conflicts. There was little conflict over traditional practices like circumcision of both sexes (26%). It was also interesting to note how little the communities differed in their opinion towards livestock raids (4%), attitudes towards places of worship (sacred areas (7%)) and their

grazing systems (7%). Such commonalities in attitude and practices are strong connectors for conflict resolution and peacebuilding.

### 5.3.2 Cross-border conflicts

Although the majority of inter-community conflicts among the study communities occurred within Isiolo district, it is a known fact that when in conflict, the individual communities do seek assistance from their kin and kith in the adjacent neighboring districts. On the other hand, there are also tensions between the same ethnic groups living in different districts, For example, it has been noted elsewhere that the Boran of Marsabit district regard the Boran in Isiolo as slightly different from them and call them the Waso Boran. Likewise, some Samburu in Samburu district consider the Samburu of Isiolo as different from them. Irrespective of these perceptions each of the groups will come to the aid of the other if called upon in times of conflict. There were also pockets of cross-border conflict between Isiolo and other districts/communities that were not the subject of the study as illustrated below.

Table 5.3.2: Perceptions and types cross-border conflicts

| **Ethnic community** | **Number exposed experiencing cross-border conflicts** | **Percent of the community experiencing cross-border conflicts** | **Percent of the total population experiencing cross-border conflicts** |
|---|---|---|---|
| Samburu | 32 | 57 | 22 |
| Somali | 20 | 89 | 14 |
| Turkana | 36 | 100 | 25 |
| Borana | 36 | 100 | 25 |
| Total | 124 | - | 86 |
| **Border conflicts between** | | **Number of population reporting the conflict** | **Percent of people reporting the conflict** |
| Pokot / Isiolo | | 1 | 1 |
| Meru / Isiolo | | 23 | 16 |
| Nyambene / Isiolo | | 28 | 19 |
| Marsabit / Isiolo | | 61 | 42 |
| Wajir / Isiolo | | 90 | 63 |
| Samburu / Isiolo | | 105 | 73 |
| **Type of cross border conflict** | | **Frequency** | **Percent** |
| Socio-economics | | 10 | 7 |
| Poaching | | 11 | 8 |
| Politics | | 14 | 10 |
| Settlement area conflict | | 24 | 17 |
| Trespassing | | 26 | 18 |
| Highway robbery of tourists | | 30 | 21 |
| Tribal fights | | 44 | 31 |
| Watering zone conflicts | | 52 | 36 |
| Animal raids conflicts | | 71 | 49 |
| Grazing areas conflicts | | 72 | 50 |

The perceptions of the different communities on cross-border conflicts vary within each community. Among the Borana community, (100%) of them felt that they were aggrieved at their

boundaries (border); this is due to the fact that the Borana community considers Isiolo to be their home district and the other communities as foreigners. Similarly the Turkana (100%), the Somali (89%) and the Samburu (57%) reported experiencing some form of cross-border conflict. What was very instructive was however, the similarity in the actual numbers of people from each individual community who experience cross-border conflicts as a percentage of the entire population sampled. Thus, although the respondents from the Boran community (100%) reported experiencing cross-border conflicts they were only (25%) of the total respondents. It is the same percentage of the Turkana (25%), Samburu (22%) and the Somali (14%) having the least number of people affected. This means that closely similar strategies could be applied for the resolution of cross-border conflicts across the district.

The Samburu and Isiolo district sharing a common border, Samburu-Isiolo (73%), to the north get into conflict when the Samburu move southwards in search of water and pasture in areas occupied by the Boran. There was conflict involving the Somali as they move westwards to cross the Wajir-Isiolo district border (63%). There was conflict involving Boran from Marsabit when they cross the Marsabit-Isiolo border (42%) to escape drought in Marsabit. Minor conflicts were also experienced between Isiolo and other neighboring districts of Nyambene (19%) and Meru districts (16%). These lower percentages were probably due to the fact that the Meru from both Nyambene and Meru districts were more of agro-pastoralists and were less dependent on their livestock. Indeed, conflicts across these borders mainly involve the pastoralists from Isiolo invading agricultural land in the other districts.

Overall the cross-border conflicts were identified by 86% of the total population surveyed, meaning that they were important to the communities. The most common types of cross-border conflicts were those related to the use of the natural resources such as grazing (50%), raids on animals (49%), use of watering resources (36%) and fighting (31%) between different ethnic groups. During extreme stress periods, highway robbery of tourists (21%) was reported but this was rare because the repercussions of doing so were profoundly severe with the Kenya Wildlife Service and regular police pursuing the culprits relentlessly probably for the purposes of protecting the high income-generating tourist industry.

### 5.3.3 Conflict manifestations within the communities

Conflict in pastoralist areas, especially because they are usually violent, have devastating cross-cutting manifestations on the communities affecting their socio-political, -cultural and – economic wellbeing. The negative effects of the manifestation are perceived differently across the communities; the study sought the views of the elders, women and the youth as illustrated below.

Table 5.3.3: Manifestations of the conflicts on the communities

| **Conflict manifestations in men** | **Frequency** | **Percent** |
|---|---|---|
| Poverty | 10 | 7 |
| War | 16 | 11 |
| Lack of development initiatives | 18 | 13 |
| Social interaction | 20 | 14 |
| Inheritance of poverty | 21 | 15 |
| Lack of formal education | 22 | 15 |
| Trauma | 22 | 15 |
| Pull out of NGOs and international communities providing projects | 24 | 17 |
| Lack of capital | 24 | 17 |
| Closure of schools | 51 | 35 |
| Food shortage | 92 | 64 |
| Loss of lives | 101 | 70 |
| Displacement | 111 | 77 |
| Loss of livestock | 118 | 82 |
| **Conflict manifestation in women** | **Frequency** | **Percent** |
| Lack of capital | 10 | 7 |
| Insecurity | 10 | 7 |
| Hunger/ poverty/ HIV/AIDS | 10 | 7 |
| Prostitution and street children | 14 | 10 |
| Breakdown in communication | 15 | 10 |
| Lack of education | 17 | 12 |
| Inter-marriages | 17 | 12 |
| Loss of social amenities | 25 | 17 |
| Rape of children and women | 68 | 47 |
| Lack of shelter after burning of houses | 93 | 65 |
| Displacement (move away from homes) | 102 | 71 |
| Trauma in children and women | 116 | 81 |
| Loss of human lives | 137 | 95 |
| Loss of property | 144 | 100 |
| **Conflict manifestations in youths** | **Frequency** | **Percent** |
| Imprisonment | 10 | 7 |
| Permanent disability | 10 | 7 |
| Loss of social amenities | 14 | 10 |
| Hunger | 24 | 17 |
| Lack of health facilities | 25 | 17 |
| Inherit poverty from parents | 25 | 17 |
| Lack of formal education | 27 | 19 |
| Migration | 27 | 19 |
| Loss of the joy of living and confidence | 58 | 40 |
| Trauma | 88 | 61 |
| Injuries | 98 | 68 |
| Death | 133 | 93 |

It is instructive that the different categories in the community perceived the manifestations of the same conflicts quite differently. It would appear that the men were more concerned about the socio-economic implications of the conflicts while the women though worried about the loss of property would otherwise appear to be more worried about the impact conflicts had on the community's social fabric. The youth on the other hand were more worried about themselves than anything else.

Loss of livestock (82%), internal displacement of the communities (77%), loss of lives (70%) and shortage of food (64%) as a result of the conflicts were the key issues that concern the elders. It was surprising that they were not necessarily worried of the potential of intensification of the conflict (war (11%)) and neither did they necessarily see a direct connection between their poverty (7%) and the endemic conflicts. The elders were worried about the closure of schools (35%) and the lack of formal education (15%) - which was as a result of the former – which would mean that the communities, or at least the elders, were concerned and valued formal education which offers a potential entry point to advocate for conflict resolution.

All the women respondents pointed out the loss of property (100%) as one of the repercussions of the conflicts. They also saw the conflicts as being manifested in loss of human lives (95%), trauma to themselves and their children (81%), internal displacement (71%) and loss of homes that were burnt (65%) in the conflicts. Rape of children (usually girls) and women (47%) was another manifestation of the conflicts but it was, once again, instructive that the women, just like the men, did not see the direct connection, for example, of the increased risk of exposure to diseases like the HIV/Aids (7%) that would result from incidences of rape. The effects of insecurity (7%) as a manifestation was again not significant which raises the question whether these communities are so deeply mired in conflicts that they have largely accepted insecurity as a way of life.

As the youth were the actual perpetrators of violence, they saw death (93%) as the most serious manifestation of the conflicts. Injuries (68%), trauma (61%) and loss of enjoyment of life (40%) were the other manifestations identified by the youth. Loss of education (19%) scored fairly low possibly because the youth consider other cultural attributes like Moranism as equally important to formal education. What was very outstanding was the lack of fear for imprisonment (7%) as a potential repercussion of the violent conflicts. This was worrying but it goes to affirm what the literature review insinuated as a prevailing culture of impunity and/or lack of respect for established forms and modes of punishment particularly as espoused by the conventional systems.

The men and women appear to hold greater potential in tackling conflicts as the stakes appear to be higher for them. The youth, despite being the chief executors of conflict, would appear to have the least potential. This would mean that there is need to continue relying on parents to influence the youth to act responsibly especially because informal education which is done by parents and through age-groups appears to command more respect with the youth than formal education which they rate lowly.

### 5.3.4 Conflict resolution

It has been pointed out that Isiolo district experienced an escalation of violent conflict from the beginning of the 1990s until late 2002. However, even though peace had been restored, the previous section has shown that low-level conflicts were still being experienced in the district. Just as there were as many stakeholders or actors as there were sources of and manifestation of the conflicts, so were the tools and instruments used for conflict resolution. The roles of the different principal actors are documented below.

Table 5.3.4: Roles and instruments used in conflict resolution

| **Elder's role in conflict resolution** | **Frequency** | **Percent** |
|---|---|---|
| Reconciliation | 14 | 10 |
| Train on foreseeing techniques | 19 | 13 |
| Cleansing ceremonies | 19 | 13 |
| Gate keepers | 22 | 15 |
| Organize warriors | 25 | 17 |
| Tours | 32 | 22 |
| Community entry points and key persons | 63 | 44 |
| Sign peace declarations | 63 | 44 |
| Peace advisors | 65 | 45 |
| Making laws and decisions | 76 | 53 |
| Settling disputes | 101 | 70 |
| Barazas and meetings | 108 | 75 |
| **Role of women in conflict resolution** | | |
| Supply food | 10 | 7 |
| Design peace strategies | 16 | 11 |
| Act as elements of peace | 17 | 12 |
| Maintain discipline | 19 | 13 |
| Blessings | 20 | 14 |
| Meetings and seminars | 38 | 26 |
| Care and support | 48 | 33 |
| Sing peace songs | 56 | 39 |
| Counseling youth and men | 62 | 43 |
| **Youth's role in conflict resolution** | | |
| Messengers | 16 | 11 |
| Call meeting at their age-mate level | 67 | 47 |
| Dramas | 67 | 47 |
| Sing peace songs | 72 | 50 |
| Offer security | 75 | 52 |
| Games | 81 | 56 |
| **Government role in conflict resolution** | | |
| Organize peace prayers | 0 | 0 |
| Act as mediators | 5 | 6 |
| Employment | 12 | 8 |
| Develop peace committees | 12 | 8 |
| Recover stolen livestock | 20 | 14 |
| Settling disputes | 30 | 21 |
| Law enforcement | 30 | 21 |
| Policy making | 30 | 21 |

| **Government role in conflict resolution (...cont'd)** | | |
|---|---|---|
| Build security camps | 34 | 24 |
| Use of mass media | 37 | 26 |
| Facilitate exchange tours | 43 | 30 |
| Distribute food | 44 | 31 |
| Call for disarmament | 50 | 35 |
| Facilitation of development projects | 59 | 41 |
| Sign peace agreements | 71 | 49 |
| Organizing Barazas and seminars | 78 | 54 |
| Fund for projects | 87 | 60 |
| **Other agencies role in conflict resolution** | | |
| Coordinating and monitoring peace building process | 5 | 4 |
| Lobbying for peace resolutions | 10 | 7 |
| Disarmament | 15 | 10 |
| Build schools | 16 | 11 |
| Offer employment opportunities | 22 | 15 |
| Conduct civic education | 24 | 17 |
| Formation of peace committees | 25 | 17 |
| Reconciliation | 24 | 17 |
| Facilitation of exchange tours | 39 | 27 |
| Build security camps | 43 | 30 |
| Provide care and support | 72 | 50 |
| Distribute relief food | 76 | 53 |
| Fund for development projects | 91 | 63 |
| Organizing seminars | 98 | 68 |
| Preaching peace | 99 | 69 |

The data confirmed the important role played by the elders in conflict resolution in the district. The elders were charged with the most crucial components of the process thus, calling and facilitating the sessions (75%), actual settling of the disputes (70%) and quite importantly the making of the actual laws and taking decisions (53%). The elders also had the crucial responsibility as peace advisors (45%), making and ascertaining peace declarations (44%) and were the key entry points into the community (44%) which ties closely to their other roles as community gate keepers (15%).

Women largely played supporting and facilitating roles of counseling (43%), advocacy through song and dance (39%) and care of the family (33%) before, during and after the conflicts and calling for their own meetings and organizing seminars (26%). Like in the literature review, the women were identified as key players in the stopping of violent conflict through traditional blessings (14%) and acting as elements of peace (12%) where they used the respect accorded to them as mothers to influence the warriors.

The youth played equally important roles in conflict resolution; in particular they were charged with the responsibility of protecting the community (52%) and they were responsible for calling meeting among themselves (47%). Of the various instruments used, song and dance (50%)

was fairly popular with the women and the youth. Interestingly, games (56%) were an important component of diverting the energies of the youth away from conflict.

The popular contention that the role of state was not considered as significant in the pastoralist areas was clearly borne by the data where the community saw the role of the state as that of providing funds (60%), organizing meeting (54%) by the local administration and facilitating development projects (41%). It was clearly an indictment to the state that only a small population in the community considered the state as responsible for the basic but important roles of security (21%), policy making (21%), settling disputes (21%) and recovering stolen livestock (14%). The distrust of the state is historical and it is not surprising that even fewer in the communities would trust the state to act as mediators (6%) in the conflicts. However, the state was still considered relevant enough to co-sign peace agreements (49%) usually as guarantors.

The roles of the civil society groups, development agencies and faith organizations in conflict resolution was closely similar to their everyday activities in relief and development work thus, organize seminars (68%), funding of activities (63%), provision of relief food (53%), emergency care (50%) and provision of temporary accommodation (30%) for internally displaced people. What was significant was the civil society's involvement in peace activities (69%) which was as a result of the acknowledgement that none of their other activities had any chance of success in an environment of violent conflict. However, their continued engagement in direct peace related activities including, reconciliation (17%), formation of peace committees (17%), and facilitation of civic education (17%) got a low score as did their involvement in disarmament (10%), lobbying of peace (7%) and administration of peacebuilding activities (4%). This could probably be attributed to historical reasons where the civil society organizations were associated more with the delivery of actual material needs and support than with the "softer" attributes of conflict resolution and peacebuilding.

### 5.3.5 Enforcement and sanctions

It has been pointed out that pastoralist communities have traditionally had rules, procedures, tools and instruments for enforcing sanctions for wrong doing; some of these are captured below.

Table 5.3.5: Typical attributes of conflict resolution

| **Type of ice breaking activities** | Frequency | Percent |
|---|---|---|
| Voluntary surrender of illegal arms | 5 | 3 |
| Use of an arbitrator | 10 | 7 |
| Fines | 13 | 9 |
| Gifts | 16 | 11 |
| Meeting in agreed neutral venue | 22 | 15 |
| Elders make observations | 38 | 26 |
| Rituals done by soothsayers | 37 | 26 |
| Exchange of livestock | 58 | 40 |
| **Typical tools and instruments** | | |
| Kangaroo courts | 5 | 4 |
| Breaking the stick | 10 | 7 |
| Story telling | 10 | 7 |
| Spear throwing | 11 | 8 |
| Fire jumping | 23 | 16 |
| Rituals performed by soothsayers | 45 | 31 |
| Cleansing ceremonies | 48 | 33 |
| Songs and dances | 101 | 70 |
| **Selection of tools or processes** | | |
| **Who chooses the ritual?** | Frequency | Percent |
| Women | 16 | 12 |
| All | 9 | 7 |
| Faith leaders | 9 | 7 |
| Elders | 104 | 75 |
| According to conflict | 140 | 97 |
| **Who conducts the ceremony?** | | |
| Faith leaders | 9 | 8 |
| All | 11 | 9 |
| Women | 11 | 9 |
| Elders | 88 | 74 |
| **Ceremonies differ due to** | | |
| Culture | 59 | 41 |
| Composition of conflicting parties | 73 | 51 |
| Extent of conflict | 103 | 72 |
| Type of conflict | 133 | 92 |
| **Harmonization of the ceremonies** | | |
| Inter-faith approach | 10 | 7 |
| Exchange of gifts | 25 | 17 |
| Shaking of hands | 30 | 21 |
| Elders meet and agree on what to use | 42 | 29 |
| **Enforcement and sanctions** | | |
| **Sanctions to offenders of agreements** | Frequency | Percent |
| Exiled | 39 | 27 |
| Killed | 52 | 36 |
| Taken to police | 77 | 54 |
| Fined | 94 | 65 |
| Cursed | 117 | 81 |
| **What is done with pockets of resistance to traditional systems of conflict resolution?** | Frequency | Percent |
| Cursed | 43 | 30 |
| Warnings | 45 | 31 |
| Fines | 59 | 41 |
| Exiled | 65 | 45 |
| Killings | 67 | 47 |

| **How one accepts wrongdoing** | Frequency | Percent |
|---|---|---|
| Accept to graze together | 15 | 10 |
| Exchanging of gifts | 42 | 29 |
| Performing a ceremony | 72 | 50 |
| Paying back | 74 | 51 |
| **How psychological and emotional trauma is dealt with** | **Frequency** | **Percent** |
| Communal prayers | 17 | 12 |
| Adapting | 20 | 14 |
| Allowing inter-marriages | 20 | 14 |
| Age mates | 28 | 19 |
| Reconciliation | 30 | 21 |
| Acceptance | 35 | 24 |
| Donating of livestock | 42 | 29 |
| Faith leaders | 43 | 30 |
| Community counselors | 50 | 35 |
| Psychiatric | 53 | 37 |
| Women | 55 | 38 |
| Elders | 66 | 46 |

Conflict resolution particularly of violent conflicts is quite difficult given the loss of lives and property that accompany such conflict. Over the years, the communities have developed mechanisms that facilitate their choice of how, who, where and when to initiate conflict resolution processes. In most cases the conflicting parties will exchange symbolic livestock (40%) as a way of initiating dialogue after a conflict. Others will engage traditional soothsayers (26%) to conduct ice-breaking rituals or entrust the elders (26%) from both sides to use their wisdom and agree on a neutral venue (15%) to conduct the necessary ceremonies.

As part of the ice-breaking process, the community conducted some ceremonies or rituals including songs and dances (70%), cleansing ceremonies (33%), asked soothsayers to perform rituals (31%) or engaged in some physical exercises like fire jumping (16%) or throwing spears (8%) over obstacles. The choice of the ceremony or ritual would usually depend on the type of conflict (97%) or might be chosen by the presiding elders (75%) who were also responsible for administering or conducting the ceremony (74%). The type of ceremony or ritual to be conducted would usually differ across the different communities as dictated by the type of conflict (92%), the intensity and/or the preceding extent of the conflict (72%) or simply as a result of the differences in the composition of the conflicting groups (51%). Where such differences occurred, the community sort harmonization and various tools were usually at hand ranging from elder negotiations to agree on what to use (29%), handshakes (21%) or exchanges of gifts (17%).

Traditionally, the communities had several ways of ensuring that agreements were respected. Those deviating from agreements were faced with various sanctions depending on the level of defiance. The majority was simply cursed (81%) and then additional fines (65%) were added as

penalties for further defiance before reporting the culprits to the police (54%). As the level of defiance increased so did the severity of the sanctions and those with a history of consistent defiance to the commonly accepted community norms were put to death (36%) or exiled (27%) from the community.

Certain individuals were simply incorrigible and did not identify with the community processes for conflict resolution approaches and/or accede to agreements or penalties imposed on them for wrongdoing. The punishment for such persons was extremely severe and the first option was to put them to death (47%). Those who escaped the death penalty were exiled (45%) or were made to pay very heavy fines (41%). Mild deviants were given strict warning (31%) or were simply cursed (30%).

These sanctions and punishments had profound psychological effects on the community in general and on their immediate families in particular. Fortunately, the community had several tools and instruments for treating trauma cases. The elders (46%) and women (38%) were always at hand to talk to people in trauma. Serious cases were referred, where possible, to conventional institutions offering psychiatric treatment (37%), to professional community counselors (35%) or referred to faith leaders (30%) for either conventional prayers or traditional rituals. The communities also recognized the value of material assistance to people suffering traumatic experiences and, for example, donated livestock (29%) to those affected by livestock raids. It was unfortunate however that a big majority of people experiencing trauma did not get assistance of any kind and were left to cope as best as they could, which was little, and thus exacerbating their suffering.

### 5.3.6 Community interventions in preventing cross-border conflicts

It has been pointed out earlier that cross-border conflicts are prevalent in Isiolo district with migrating communities from other districts in search of water and pasture for their livestock. It has also been pointed out in the literature review, that emissaries and elders from the migrating and host communities were responsible for negotiating temporary access and user rights of water and pasture. Various tools and instruments are employed in these negotiations as well as in the enforcement of what is agreed upon as illustrated below.

Table5.3.6: Interventions and instruments used in cross-border conflict resolution

| Type of Intervention | Ethnic communities | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Turkana | | Samburu | | Somali | | Borana | | Total | |
| | No | % | No | % | No | % | No | % | No | % |
| Use soothsayers | 5 | 4 | - | - | - | - | - | - | 5 | 4 |
| Dialogue | - | - | - | - | 10 | 7 | - | - | 10 | 7 |
| Sharing of resources | - | - | - | - | 10 | 7 | - | - | 10 | 7 |
| Stories poems and songs | - | - | - | - | 10 | 7 | - | - | 10 | 7 |
| Respect for properties of others | - | - | - | - | 11 | 8 | 3 | 2 | 14 | 10 |
| Punishment | - | - | 11 | 8 | 3 | 2 | - | - | 14 | 10 |
| Respect for other people's wives | - | - | 11 | 8 | 8 | 6 | - | - | 19 | 14 |
| Reading of intestines and clouds | 3 | 2 | 1 | 1 | 3 | 2 | 15 | 10 | 22 | 15 |
| Representation and participation | 7 | 5 | 0 | 0 | 7 | 5 | 9 | 6 | 23 | 15 |
| Signing of peace declaration | 9 | 6 | 4 | 3 | 15 | 10 | - | - | 28 | 19 |
| Imposing fine to offenders | 0 | 0 | 18 | 13 | 21 | 15 | 12 | 8 | 51 | 35 |
| Planning watering regime with other communities | 13 | 9 | 8 | 6 | 14 | 10 | 19 | 13 | 54 | 38 |
| Border patrols | 16 | 11 | 8 | 6 | 10 | 7 | 36 | 25 | 70 | 49 |
| Use of government authorities | 7 | 5 | 21 | 15 | 29 | 20 | 21 | 15 | 78 | 54 |
| Laying out policies and laws | 27 | 19 | 25 | 17 | 20 | 14 | 7 | 5 | 79 | 55 |
| Meetings with other communities to plan for pasture and water use | 36 | 25 | 15 | 10 | 28 | 19 | 21 | 15 | 100 | 69 |

The close similarity of activities involved in cross-border and inter-community conflict resolution would strongly suggest that it was mostly the elders who were involved in these negotiations and enforcement. In both cases, the elders were responsible for the important roles of calling and organizing for meetings (69%) and the laying out of rules and regulations (55%) and organizing for border patrols (49%). What was distinctly different was that in cross-border conflicts the communities actively sought the intervention of the state (54%). This was as would be expected especially in situations where what was agreed upon is easily flouted and where the enforcement mechanism was weak.

The low score on the sharing of resources (7%) does not mean that the communities do not share resources rather it reflects the fact that once negotiations were successfully concluded and the incoming migrants granted or apportioned grazing and watering facilities, such facilities were considered to be temporarily theirs and any additional sharing of what was not allocated to them was limited. The notion of strict punishment (10%) was given little emphasis by the communities probably because of the potential complications of enforcement but more importantly because the communities prefer reparations or disciplinary actions like imposing fines on the offenders (35%) as opposed to

coercive direct punishment. What was illuminating was how little dialogue (7%) was carried out after successful negotiations but probably sufficient discussions were already carried out at the planning meetings between the elders.

## 5.4 Local capacities for peace

It has been detailed at length in the literature review as well as in chapter 4 that pastoralist communities like those found in Isiolo district have traditional or indigenous time-tested structures that they have depended on and relied upon to ensure the society functioned normally. In addition, there are different traditional structures to tackle different problems or issues within the community and/or those emanating from involvement with outsiders.

### 5.4.1 Traditional structures used in resolving conflict

In this context, the traditional structures as identified by the households included: traditional institutions - elders, council of elders, soothsayers, sheikhs & church leaders; tools and instruments - prayers, traditional oaths, traditional laws, songs and dances, forgiveness, community cleansing, unity within age sets and groups and teaching (socialization).

Table 5.4.1: Attributes of traditional structures

| **Significant attributes of traditional structures** | **Frequency** | **Percent** |
|---|---|---|
| Adoption of inter-intra conflict prevention | 10 | 7 |
| Traditions preserved to date | 15 | 10 |
| Elders are involved in peace resolution management | 44 | 31 |
| Morans are not involved | 44 | 31 |
| End conflict | 72 | 50 |
| **Types of traditional structures and instruments** | | |
| NGOs | 5 | 4 |
| Sheikhs | 7 | 5 |
| Forgiveness | 9 | 6 |
| Council of elders | 10 | 7 |
| Community cleansing | 16 | 11 |
| Personal rights | 19 | 13 |
| Chiefs | 23 | 16 |
| Age set and age groups | 28 | 19 |
| Soothsayers | 27 | 19 |
| Church leaders | 32 | 22 |
| From one generation to another | 33 | 22 |
| Traditional laws | 33 | 22 |
| Songs and dances | 47 | 33 |
| Traditional oaths | 58 | 40 |
| Elders | 83 | 58 |
| **Membership and constitution of traditional structures** | | |
| Membership constituted by laws | 10 | 7 |
| Membership constituted by soothsayers | 12 | 8 |
| Membership constituted by chiefs | 18 | 13 |
| Membership constituted by youth representatives | 32 | 22 |
| Membership constituted by faith leaders | 36 | 25 |
| Membership constituted by women leaders | 38 | 26 |
| Membership constituted by prominent persons | 43 | 30 |
| Membership constituted by headmen | 77 | 54 |

| Representation | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Membership | Turkana | | Samburu | | Somali | | Borana | | Total | |
| | No | % | No | % | No | % | No | % | No | % |
| Elders | - | - | 10 | 10 | 13 | 14 | 5 | 5 | 28 | 29 |
| All | 16 | 17 | 11 | 12 | 19 | 20 | 22 | 23 | 68 | 71 |
| **Decision making (and enforcement)** | | | | | | | | | | |
| Elders | - | - | 20 | 24 | 22 | 26 | 12 | 14 | 54 | 64 |
| All | 16 | 19 | - | - | 5 | 6 | 10 | 12 | 31 | 37 |

The traditional structures used in conflict resolution constitute the same deep rooted attributes and significance that was consistent with the pastoralist community's form of governance. The community heavily relied on the structures to end the conflict (50%) but it was unique in that those usually involved heavily in the conflicts that was, the youth or Morans (31%), were exempted from many of the community traditional structures. The elders (31%) constituted the backbone of traditional structures and through them; community traditions (10%) were preserved and propagated.

It was evident from the study communities that the elders (58%) were, indeed, the backbone of community traditional structures and their role in conflict resolution was regarded as crucial. After the elders, the community depended on traditional oaths (40%), song and dances (33%) as the tools and instruments for conflict resolution. The community turned to the local administration or government, represented by the chiefs almost as a last resort (16%) after exhausting a host of other options.

There were strict traditional norms of constituting traditional structures for conflict resolution, In any case, the structures were not specifically constituted only to resolve conflicts but were the same traditional structures used in the administration and ordering of community life. Headmen (54%) or elders in the community made the bulk of the membership of the structures followed by prominent persons in the community (30%) with the membership of women (26%) and faith leaders (25%) being accorded almost the same importance. Once again, the importance of the government through its chiefs (13%) was of paltry importance well below that of the youth (22%) and faith leaders (25%). There is a skewed relationship between the elders and the rest of the community where the elders whose membership (29%) was much lower than that of others (71%) yet they (elders (64%) made most of the decisions. This was however, a reflection of how much power and authority the elders exercised in the community based, not on numbers but on their respected status.

### 5.4.2 Roles of stakeholders

There were various stakeholders playing different roles in the functioning of community traditional structures. Traditionally, individual roles by the different stakeholders were clearly stipulated but this increasingly changed over time and the levels of influence were dictated by such

parameters like one's material wealth, political connection, (violent) coercion etc. Although traditionally material wealth was also regarded as a measure of prudent decision making and hence accorded respect the difference between then and recent times has been the misuse of such wealth to buy influence or sponsor violence in order to influence the functioning of the traditional structures.

Table 5.4.2: Role of stakeholders

| **Role of elders in traditional structures** | Frequency | Percentage |
|---|---|---|
| Arbitrate and mediate | 5 | 4 |
| Bless peace ceremonies | 21 | 15 |
| Role models | 32 | 22 |
| Plan and develop peace structures | 52 | 36 |
| Tours | 58 | 40 |
| Enact laws | 59 | 41 |
| Give advice | 59 | 41 |
| Sign peace agreements | 64 | 44 |
| Enforce the law | 90 | 63 |
| Barazas and meetings | 94 | 65 |
| Decision makers | 106 | 74 |
| **Role of women in traditional structures** | | |
| Small scale business | 1 | |
| Counseling | 10 | 7 |
| Compose songs and poems | 28 | 19 |
| Socially farming together | 32 | 22 |
| Create stories | 33 | 23 |
| Tours | 43 | 30 |
| Participate in dialogue | 47 | 33 |
| Meetings | 62 | 43 |
| Advising young people | 68 | 47 |
| **Role of youths in traditional structures** | | |
| Carry out activities for tourist attraction | 25 | 17 |
| Security | 34 | 24 |
| Songs and praise | 39 | 27 |
| Tours | 39 | 27 |
| Follow rules and regulations | 40 | 28 |
| Drama | 48 | 33 |
| Act as warriors | 61 | 42 |
| Sign peace treaties | 61 | 42 |
| Attend dialogue meetings | 66 | 46 |
| **Role of government agencies in traditional structures** | | |
| Act as mediators | 5 | 4 |
| Provision of food and medicine | 28 | 19 |
| Handle disputes | 30 | 21 |
| Disarm the people | 42 | 29 |
| Sign and maintain peace protocols | 63 | 44 |
| Organize conferences and training on peace | 69 | 49 |
| Security | 76 | 53 |
| Funding peace meetings | 86 | 60 |
| Law enforcement | 89 | 62 |
| Moderate peace meetings | 98 | 68 |

| **Role of other agencies in traditional structures** | | |
|---|---|---|
| Offer employment | 15 | 10 |
| Disarm | 19 | 13 |
| Peace dialogue | 25 | 17 |
| Tours | 29 | 20 |
| Build learning institutions | 31 | 22 |
| Funding | 58 | 40 |
| Provide food and medicine | 58 | 40 |
| Development projects | 60 | 42 |
| Provide support to displaced communities | 67 | 47 |
| Prayers for peace | 71 | 49 |
| Seminars | 94 | 65 |

The roles of the different stakeholders in the traditional structures were closely similar to their roles in conflict resolution (section 5.3.5). This was because the study was only interested in establishing the relevance and the role played by the traditional structures in conflict resolution and peacebuilding. Decision making (74%), convening of meetings (65%) and the enforcement of laws (63%) were the key roles played by elders who also played crucial roles in the signing or affirmation of peace agreements, enacting rules and regulations (41%) and giving advice (41%) to parties whose conflicts had been resolved through the traditional structures. Although arbitration and mediation (4%) by the elders appeared to be minimal, it should be noted that the same function of mediation and arbitration was part and parcel of what the elders did in the barazas and meetings (65%) amongst other functions.

The role of the women in traditional structures was mainly in advising the youth (47%), holding their own meetings (43%) and participating in the larger community dialogues (33%). The traditional structures accorded the youth the opportunity to attend dialogue meetings (46%) and to be party to the signing or peace agreements (42%) which were accorded equal importance to their role of protecting the community (42%). The youth were also involved in subsequent conflict prevention and resolution interventions e.g. drama (33%).

The community relies on the government to moderate peace meetings (68%) particularly those involving different ethnic communities. The government was further expected to ensure the enforcement of the rule of law (62%) and quite importantly to fund peace meetings (60%) facilitated by the traditional structures. Besides law enforcement, the government was also expected to assure the security (53%) of the community. One of the components of funding that was expected from the government was the facilitation of capacity building through training in peace and organization of conferences (49%). The government was also invited as a co-signatory to peace protocols (44%).

The other important stakeholders were the civil society organizations, mainly development agencies and faith-based institutions. As a standard practice, these agencies were involved in funding peace seminars (65%) that were facilitated by or based on traditional structures. Faith-based institutions offered prayers (49%) as well as collaborated with other counterpart development agencies to support displaced communities (47%) and carried out development projects (42%) amongst other interventions.

### 5.4.3 Application of traditional structures

In previous discussions it was observed that community traditional structures of governance and conflict resolution have been constantly under assault from conventional structures particularly since the advent of modern religion and colonialism. Most of the traditional structures have weathered this assault partly because they are part of the peoples' culture but also because communities like the pastoralists lack adequate access to the conventional structures and where they have access, the structures are unjustly biased to their disadvantage.

Table 5.4.3: Application of traditional structures

| **Situations when traditional systems are used and the reasons why?** | | | |
|---|---|---|---|
| **When** | **Why** | **Frequency** | **Percent** |
| Hospital circumcision | It is safe | 16 | 11 |
| Oath taking and cursing | Believed to take cause immediately | 21 | 15 |
| Mono or multi ethnic conflicts | No grudge is left after | 26 | 18 |
| No proved affidavit | Investigate and get proof | 27 | 19 |
| Animal theft | Free and fair system | 29 | 20 |
| Marriage, divorce, inheritance and murder | It involves the community | 62 | 43 |
| **Linkage to conventional systems** | | **Frequency** | **Percent** |
| Linked to modern formal judicial system | | 73 | 50 |
| **Ways of linkage** | | **Frequency** | **Percent** |
| Conform to existing laws and constitution | | 6 | 4 |
| Use of modern medicine | | 35 | 24 |
| Arbitration | | 53 | 37 |
| Allow (recognize) traditional marriages | | 83 | 58 |
| Use the opinion of local elders | | 91 | 63 |
| **Success of traditional systems in combating conflicts** | | | |
| **Reason for success** | | **Frequency** | **Percent** |
| Health facilities | | 6 | 4 |
| No need for transport | | 11 | 8 |
| Sharing of schools | | 16 | 11 |
| Not biased | | 18 | 13 |
| Fair in judgment | | 25 | 17 |
| Formation of district peace committee | | 24 | 17 |
| Sharing of the natural resources | | 30 | 21 |
| Social development | | 30 | 21 |
| Sharing resources across boundaries | | 54 | 24 |
| Discourages the repeating of the same mistake | | 49 | 34 |

| Reason for success | Frequency | Percent |
|---|---|---|
| No corruption | 54 | 38 |
| Communities respond when called to a meeting | 56 | 39 |
| Conflicts are usually resolved | 123 | 85 |
| **How discrepancies are dealt with between locally generated interventions and existing conventional systems** | | |
| **Methods of dealing with discrepancies** | **Frequency** | **Percent** |
| Administrative representation | 12 | 14 |
| Interpretation and documentation | 12 | 14 |
| Peace committee | 24 | 17 |
| Mediation | 33 | 23 |
| No further appeal | 33 | 23 |
| Consultation | 34 | 24 |
| Conformity | 36 | 25 |
| Administration (government) | 37 | 26 |
| Signing of agreements | 48 | 33 |
| Negotiation | 56 | 39 |

There were very specific cases and reasons why communities would choose to use traditional structures, for example, in matters of marriage, divorce, inheritance and to solve murder cases (43%) mainly because in these situations, the entire community was involved in one way or other. Likewise, in cases involving the theft of livestock (20%) the community contended that traditional structures were more free and fair and nor did one necessarily have to swear an affidavit (19%) for the purposes of ascertaining that they were telling the truth but rather the community relied on its own investigative and cultural obligations to get to the truth. When traditional structures were used, the resolution of conflicts was considered fair by all the parties involved to an extent that there was no lingering grudge (18%) afterwards.

Although the common anecdotal contention regarding traditional structures has been their apparent de-linking from the conventional structures, a substantial number of people saw a close link between the structures and the modern judicial system (50%). The more visible linkage was seen to be the use of opinions from local elders (63%) on issues affecting the community. The fact that traditional marriages were recognized by the state (58%) and cases of arbitration (37%) still relied on traditional structures while modern medicine (24%) was used by the communities were further indicators of the existence of linkages between the two structures.

The use of traditional structures was considered successful because conflicts had usually been resolved (85%), communities still turned up for meetings (39%) and the fact that there was no adverse corruption (38%) in their administration. The processes and penalties leveled through the traditional structures discouraged a repeat of the same offenses (34%) and different communities were able to share resources across their common borders (24%).

As would be expected, there were discrepancies arising from the existence and application of both the traditional and conventional structures alongside one another. Such discrepancies when they occurred were resolved through negotiation (39%) or some accommodation was reached and an agreement signed (33%) before resorting to the government administration (26%) for direction. The choice to resort to government direction was accorded nearly the same importance as simple conformity (25%) to the superiority of the conventional structure and consultation (24%) with the same government to find some acceptable accommodation for the discrepancies.

## 5.5 Community-based peacebuilding interventions

In the literature review, it was pointed out that many practitioners involved in conflict resolution activities in the pastoralist areas were in a dilemma of how to ensure that the initial gains they had secured in mitigating violent conflict were sustained to prevent the communities from sliding back into conflict. This has been particularly challenging given that the pastoralist areas are beset with various setbacks including adverse weather conditions, limited natural resources and problems with fair and equitable governance. These practitioners have identified various interventions either as added components to their ongoing development activities and/or as parallel interventions to enhance their established programmes. These interventions fall in the realm of peacebuilding as elaborated in chapter 3. In Isiolo district, these interventions entail some of the following attributes.

### 5.5.1 Identification of peacebuilding activities

Table 5.5.1: Peacebuilding activities

| **Methods of identifying peacebuilding activities** | **Ethnic communities** | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Turkana | | Samburu | | Somali | | Borana | | Total | |
| | No | % | No | % | No | % | No | % | No | % |
| Community development | 3 | 2 | 1 | 1 | 3 | 2 | 5 | 4 | 12 | 8 |
| Through farming | 3 | 2 | - | - | 3 | 2 | 10 | 7 | 16 | 11 |
| Selection and planning | - | - | 7 | 5 | - | - | 12 | 8 | 19 | 13 |
| Identification and presentation | - | - | - | - | 21 | 15 | - | - | 21 | 15 |
| Research data collection | 9 | 6 | 3 | 2 | 15 | 10 | - | - | 27 | 19 |
| Dialogue | 3 | 2 | 11 | 8 | 6 | 4 | 10 | 7 | 30 | 21 |
| Participation | 3 | 2 | 11 | 8 | 16 | 11 | - | - | 30 | 21 |
| Basic services | 9 | 6 | 1 | 1 | 13 | 9 | 15 | 10 | 38 | 26 |
| Sharing experiences | 20 | 14 | 11 | 8 | 8 | 6 | 16 | 11 | 55 | 38 |
| Exchange tours | 27 | 19 | 17 | 12 | 9 | 6 | 9 | 6 | 62 | 43 |
| Meetings (Barazas) | 16 | 11 | 26 | 18 | 20 | 14 | 36 | 25 | 98 | 68 |
| **Peacebuilding activities** | | | | | | | | | | |
| Food security | - | - | 10 | 7 | - | - | - | - | 10 | 7 |
| Community development | - | - | 1 | 1 | - | - | 15 | 10 | 16 | 11 |
| Employment | - | - | - | - | 11 | 8 | 5 | 4 | 16 | 11 |
| Seminars | - | - | - | - | 11 | 8 | 5 | 4 | 16 | 11 |
| Micro-finance assistance | 3 | 2 | 1 | 1 | 8 | 6 | 10 | 7 | 22 | 15 |
| Project launching | 7 | 5 | - | - | - | - | 19 | 13 | 26 | 18 |
| Formation of inter-faith groups | - | - | 24 | 17 | 4 | 3 | - | - | 28 | 19 |
| Good and just Governance | - | - | 10 | 7 | 12 | 8 | 7 | 4 | 29 | 20 |
| Farming activities | - | - | 12 | 8 | 13 | 9 | 10 | 7 | 35 | 24 |
| Cosmopolitan peace building initiatives | 7 | 5 | 3 | 2 | 11 | 8 | 14 | 10 | 35 | 25 |
| Surrender of small arms | 6 | 4 | 7 | 5 | 2 | 1 | 22 | 15 | 37 | 26 |
| Peace committees | - | - | 7 | 5 | 11 | 8 | 22 | 15 | 40 | 28 |
| Inter-community marriages | 7 | 5 | 21 | 15 | 4 | 3 | 16 | 11 | 48 | 33 |
| Sign agreements | 3 | 2 | 21 | 15 | 9 | 6 | 16 | 11 | 49 | 34 |
| Provision of water | 10 | 7 | 21 | 15 | 8 | 6 | 14 | 10 | 53 | 37 |

The first challenge with identification of peacebuilding activities was with the selection process to be adopted to ensure that the identified activities were what was needed and that they would be supported by the majority in the community. Several methods of identification were adopted including community meetings or barazas (68%) which were the standard fora through which most of the community administration took place. Exchange tours (43%) of key people from the community to other pastoralist areas where peacebuilding activities had been carried out was another identification method that was closely related to the sharing of experiences (38%) between people invited from outside or practitioners who brought experiences from other areas to the district. In addition, certain components of peacebuilding activities were identified during the process of implementation of other on-going interventions (basic services (26%) especially development activities. It was significant that, to date, research data collection (19%) did not play a major role in the identification of peacebuilding activities nor was deliberate selection and planning (13%) at the project elaboration stages.

The next challenge was to do with the actual identification and prioritization of the peacebuilding activities to be undertaken. Part of the difficult with this process stems from the overwhelming needs for various interventions in the areas and the very limited resources available. The provision of water sources (37%) and the ratification of the agreements (34%) reached on how to share such resources were considered as important peacebuilding activities. As a sign of lasting friendship and building of bridges between communities, inter-community marriages (33%) were encouraged. Peace committees (28%) which were a recent phenomenon in the pastoralist areas had increasingly gained importance alongside standardized cosmopolitan peacebuilding initiatives (25%) such as training in conflict issues. The communities also realized the danger posed by the ease availability and misuse of illicit small arms and identified disarmament (26%) as an important peacebuilding activity. What was surprising was the low score given to good governance (20%) given the apparent "absence" of government in these areas. Even more significant was the very low score given to food security (7%) given that conflicts, which resulted in death, theft, and displacement of both human and their livestock, had considerable impact on the ability of the communities to meet and assure their food security.

### 5.5.2 Implementation and funding

Table 5.5.2: Implementation and funding of peacebuilding activities

| **Organizations carrying out peace building activities within the different communities** | **Ethnic communities** | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Turkana | | Samburu | | Somali | | Borana | | Total | |
| | No | % | No | % | No | % | No | % | No | % |
| Donors | 3 | 2 | 3 | 2 | - | - | - | - | 6 | 4 |
| Peace initiatives | 13 | 9 | 11 | 8 | 3 | 2 | 15 | 10 | 42 | 29 |
| Women | 27 | 19 | 13 | 9 | 1 | 1 | 24 | 17 | 65 | 45 |
| NGOs | 16 | 11 | 18 | 13 | 15 | 10 | 24 | 17 | 73 | 51 |
| Government | 27 | 19 | 18 | 13 | 10 | 7 | 24 | 17 | 79 | 55 |
| Youth | 27 | 19 | 24 | 17 | 9 | 6 | 21 | 15 | 81 | 56 |
| Faith based leaders | 33 | 23 | 24 | 17 | 7 | 5 | 21 | 15 | 85 | 59 |
| Elders | 27 | 19 | 24 | 17 | 20 | 14 | 31 | 22 | 102 | 71 |
| **How peace building activities are carried out** | | | | | | | | | | |
| Community members | - | - | 1 | 1 | - | - | - | - | 1 | 1 |
| Consultation and mediation | - | - | 3 | 2 | 1 | 1 | - | - | 4 | 3 |
| Local organization | - | - | 1 | 1 | - | - | 5 | 4 | 6 | 4 |
| Selling livestock | - | - | 1 | 1 | - | - | 5 | 4 | 6 | 4 |
| Funding agencies | - | - | | | 10 | 7 | 5 | 4 | 15 | 10 |
| Handicraft | - | - | - | - | - | - | 15 | 10 | 15 | 10 |
| Through farming | - | - | 1 | 1 | - | - | 15 | 10 | 16 | 11 |
| Multi-sector approach and main streaming | 6 | 4 | 3 | 2 | 11 | 8 | - | - | 20 | 14 |
| Barazas | - | - | 1 | 1 | 10 | 7 | 10 | 7 | 21 | 15 |
| Dialogue | - | - | 1 | 1 | - | - | 20 | 14 | 21 | 15 |
| Taskforce | 6 | 4 | 10 | 7 | - | - | 14 | 10 | 30 | 21 |
| During ceremonies | - | - | 18 | 13 | 3 | 2 | 12 | 8 | 33 | 23 |
| Making rules | - | - | 7 | 5 | 16 | 11 | 12 | 8 | 35 | 24 |
| Through partnerships | 13 | 9 | 20 | 14 | 11 | 8 | 16 | 11 | 60 | 42 |
| **Source of funds for peace building activities by the communities** | **Ethnic communities** | | | | | | | | | |
| | Turkana | | Samburu | | Somali | | Borana | | Total | |
| | No | % | No | % | No | % | No | % | No | % |
| Human resource | - | - | - | - | - | - | 5 | 4 | 5 | 4 |
| Voluntary labor | - | - | - | - | - | - | 5 | 4 | 5 | 4 |
| Proposed developments | 3 | 2 | - | - | 8 | 6 | - | - | 11 | 8 |
| Cost sharing | 3 | 2 | 13 | 9 | 4 | 3 | - | - | 20 | 14 |
| Community centre | 7 | 5 | 7 | 5 | 9 | 6 | - | - | 23 | 16 |
| Fund raising | 9 | 6 | 1 | 1 | 3 | 2 | 15 | 10 | 28 | 19 |
| Well-wishers | - | - | 20 | 14 | 12 | 8 | 7 | 5 | 39 | 27 |
| Faith-based institutions | 27 | 19 | 4 | 3 | 6 | 4 | 9 | 6 | 46 | 32 |
| Donors | 3 | 2 | 10 | 7 | 25 | 17 | 22 | 15 | 60 | 42 |
| Community contributions | 36 | 25 | 21 | 15 | 17 | 12 | 27 | 19 | 101 | 70 |
| NGOs | 27 | 19 | 23 | 16 | 32 | 22 | 31 | 22 | 113 | 79 |

Following closely to the challenge of identification of the required peacebuilding activities was the decision on who took lead in the implementation of the activities. Once again the significant role played by elders (71%) in the communities was witnessed from their identification as the best placed to lead the implementation of the activities. Leaders from faith based institutions (59%) commanded considerable influence on the implementation of peacebuilding activities not least because a fair number of the activities were funded through them. Deliberate efforts had been made to

closely involve the youth (56%) in peacebuilding activities chiefly because of their roles in the execution of the conflicts. The government (55%) and civil society organizations particularly the NGOs (51%) were key participants in the implementation of peacebuilding activities, once again, because they provide the bulk of the required funding. Women (45%) were considered to play equally significant roles in the implementation of the activities.

Several strategies were adopted for the implementation of the peacebuilding activities by the leaders identified above. Partnerships (42%) between different groups was regarded as an important strategy followed by mutual elaboration of rules (24%) that governed whatever was agreed in the communities. Peacebuilding activities were also carried out through various ceremonies (23%) involving one or more communities from different ethnic groups. As pointed out in the literature review in chapter 2, various task forces (21%) were constituted to address very specific issues e.g. the administration of watering procedures. Meetings (15%) or dialogue sessions (15%) were other important fora for implementing activities. The importance of social cohesion amongst pastoralist communities was once again illustrated by the fact that the communities did not highly regard the individual implementation (1%) of peacebuilding activities. In addition, the transient nature of community-based organizations (CBOs) discussed at the beginning of the chapter was illustrated by the little regard local organizations (4%) were accorded in the implementation of peacebuilding activities.

The data on the funding of peacebuilding activities was both revealing and offered a good opportunity for reflection on peacebuilding efforts in the pastoralist areas. The civil society represented by NGOs (79%) assumed the lead role in funding activities followed by, very surprisingly, community contributions (70%). While community contribution, as discussed in chapter 3 might be mainly in kind and/or as a standard requirement in the form of "matching-community-contribution" or cost-sharing (14%) as stipulated by several development agencies, it was nevertheless seen as very significant by the community. It should be pointed out again that in the literature review it was noted that communities also made material contributions that facilitated peacebuilding activities e.g. the contribution of livestock to feed the negotiating teams. External donors (42%), through NGOs or CBOs, together with other well wishers (27%), both from the community and/or outside, were also involved in funding peacebuilding activities. Faith-based institutions (32%) did, likewise, fund peacebuilding activities.

It was not quite clear why the communities did not mention the government as one of the sources of funding considering that they had pointed out its important roles in the identification and implementation of peacebuilding activities. It was possible that some of the government agencies like the Arid Lands Resource Management Project (ALRMP) were regarded as NGOs and/or donors

considering the fact, for example, that the ALRMP was primarily funded by the World Bank. Whatever the case, this was a significant observation particularly as it played directly into the hands of accusations of government indifference, neglect and absence from the pastoralist areas.

### 5.5.3 Monitoring and evaluation

Like in any other community development related activity, it was necessary to constantly monitor conflict resolution and peacebuilding interventions. This was important to assure their efficacy and effectiveness as well as to ensure that the activities did not themselves become a source of conflict as was the inadvertent case with some development interventions as pointed out in chapter 3. Various methods were used to monitor and evaluate peacebuilding activities as illustrated below.

Table 5.5.3: Attributes of monitoring and evaluation of peacebuilding activities

| **Methods used in monitoring peace building activities by the communities** | **Ethnic communities** | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Turkana | | Samburu | | Somali | | Borana | | Total | |
| | No | % | No | % | No | % | No | % | No | % |
| Recommendations | - | - | 3 | 2 | 3 | 2 | - | - | 6 | 4 |
| Funding agencies | - | - | - | - | - | - | 10 | 7 | 10 | 7 |
| Government | - | - | - | - | - | - | 10 | 7 | 10 | 7 |
| Annually and periodically | - | - | 18 | 13 | 3 | 2 | 7 | 5 | 28 | 19 |
| Meetings | 6 | 4 | 13 | 9 | 3 | 2 | 5 | 4 | 27 | 19 |
| Reports | 6 | 4 | 10 | 7 | 1 | 1 | 12 | 8 | 29 | 20 |
| Observations | 6 | 4 | 20 | 14 | 3 | 2 | 7 | 5 | 36 | 25 |
| Field visits | 9 | 6 | 14 | 10 | 10 | - | 7 | 5 | 40 | 28 |
| Participatory exercises | 23 | 16 | 22 | 15 | 11 | 7 | 21 | 14 | 77 | 54 |
| **Methods used in evaluating peace building activities by the communities** | | | | | | | | | | |
| Through letters and visits | - | - | - | - | - | - | 5 | 4 | 5 | 4 |
| Project sites | - | - | - | - | - | - | 5 | 4 | 5 | 4 |
| Prominent persons | 7 | 5 | - | - | - | - | - | - | 7 | 5 |
| Youth representatives | 7 | 5 | - | - | - | - | - | - | 7 | 5 |
| Individual groups | - | - | 1 | 1 | - | - | 5 | 4 | 6 | 5 |
| Headmen (assistant chief) | 7 | 5 | - | - | - | - | 5 | 4 | 12 | 8 |
| Recommendations | - | - | 10 | 7 | - | - | 5 | 4 | 15 | 10 |
| Observations | - | - | 17 | 12 | - | - | 7 | 5 | 24 | 17 |
| Meetings | 7 | 5 | 17 | 12 | - | - | 12 | 8 | 36 | 25 |
| Annually and periodically | - | - | 21 | 15 | 9 | 6 | 7 | 5 | 37 | 26 |
| **People involved in monitoring and evaluation of the peace building activities within the communities** | | | | | | | | | | |
| Churches | - | - | 8 | 5 | 4 | 3 | - | - | 12 | 8 |
| Sheikhs | - | - | - | - | 10 | 7 | 3 | 2 | 13 | 9 |
| Community groups | 3 | 2 | 12 | 8 | 6 | 4 | 10 | 7 | 31 | 22 |
| NGOs | 6 | 4 | 7 | 5 | 19 | 13 | 10 | 7 | 42 | 29 |
| Donors | - | - | 14 | 10 | 14 | 10 | 15 | 10 | 43 | 30 |
| Women | 27 | 19 | 14 | 10 | 9 | 6 | - | - | 50 | 35 |
| Chief | 20 | 14 | 14 | 10 | 7 | 5 | 12 | 8 | 53 | 37 |
| Youth representatives | 27 | 19 | 18 | 13 | 10 | 7 | - | - | 55 | 38 |
| Government | 6 | 4 | 18 | 13 | 13 | 9 | 22 | 15 | 59 | 41 |
| Elders | 36 | 25 | 7 | 5 | 15 | 12 | 17 | 12 | 75 | 52 |

| Ways of disseminating results of the peace building monitoring activities | Ethnic communities | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Turkana | | Samburu | | Somali | | Borana | | Total | |
| | No | % | No | % | No | % | No | % | No | % |
| Word of mouth | 3 | 2 | - | - | 3 | 2 | - | - | 6 | 4 |
| Implementing agencies | - | - | - | - | 10 | 7 | - | - | 10 | 7 |
| Forums | - | - | - | - | 11 | 8 | - | - | 11 | 8 |
| Enacted as new rules | - | - | 7 | 5 | | | 7 | 5 | 14 | 10 |
| Interviews | - | - | - | - | 10 | 7 | 5 | 4 | 15 | 10 |
| Funding agencies | - | - | - | - | 10 | 7 | 5 | 4 | 15 | 11 |
| Government | - | - | - | - | 10 | 7 | 5 | 4 | 15 | 11 |
| Learning institutions | - | - | 10 | 7 | 1 | 1 | 7 | 5 | 18 | 13 |
| Ceremonies | - | - | - | - | 7 | 5 | 12 | 8 | 19 | 13 |
| Letters and visits | 3 | 2 | 1 | 1 | 3 | 2 | 15 | 10 | 22 | 15 |
| Messengers | 27 | 19 | - | - | - | - | - | - | 27 | 19 |
| Coined into stories, songs or poems | - | - | 18 | - | 3 | 2 | 7 | 5 | 28 | 19 |
| Faith-based channels | 20 | 14 | 10 | 7 | - | - | - | - | 30 | 21 |
| Mass media | 3 | 2 | 3 | 2 | 14 | 8 | 10 | 7 | 30 | 21 |
| Public meetings | 27 | 19 | 10 | 7 | 1 | 1 | 7 | 5 | 45 | 31 |
| **People receiving reports of the peace building activities** | | | | | | | | | | |
| Sheikhs | - | - | - | - | 9 | 6 | - | - | 9 | 6 |
| Policy makers | - | - | 10 | 7 | 10 | 7 | - | - | 20 | 14 |
| Women groups | 20 | 14 | 3 | 2 | 1 | 1 | - | - | 24 | 17 |
| Church leaders | 20 | 14 | 13 | 9 | 1 | 1 | - | - | 34 | 24 |
| Chiefs | 20 | 14 | 7 | 5 | 12 | 8 | - | - | 39 | 27 |
| Youth groups | 27 | 19 | 14 | 10 | 7 | 5 | 7 | 5 | 55 | 38 |
| Community members | 10 | 7 | 20 | 14 | 14 | 10 | 17 | 12 | 61 | 42 |
| Elders | 30 | 21 | 14 | 10 | 12 | 8 | 17 | 12 | 73 | 51 |
| NGOs | 20 | 14 | 17 | 12 | 28 | 19 | 10 | 7 | 75 | 52 |

| **Type of influence at the micro-(village) level** | Frequency | Percent |
|---|---|---|
| Behavior change | 4 | 3 |
| Decision making | 9 | 6 |
| Economic growth | 11 | 8 |
| Faith relations | 29 | 19 |
| Family relations | 37 | 26 |
| Cultural relations | 49 | 34 |
| **Type of influence at the meso-(district) level** | Frequency | Percent |
| Attitude change | 22 | 15 |
| Social and economic boost | 31 | 22 |
| Good governance | 36 | 25 |
| Decision making | 42 | 29 |
| **Type of Influence at the macro (region and national) level** | Frequency | Percent |
| Give room for participation of local communities | 27 | 19 |

The most popular method of monitoring peacebuilding activities was through participatory exercises (54%) by the different stakeholders involved in their implementation including practitioners, the community and government representatives. Field visits (28%) again involving select members drawn from all the different stakeholders and observation (25%) by people identified to oversee the implementation were also used as monitoring tools. Project progress reports (20%) and meetings (19%) called either purposely to review the project progress and/or called for other reasons but had the peacebuilding activities as points in the agendas were other options used for monitoring purposes.

It was significant that despite their role in funding the government (7%) and donors (7%) were not intensely involved in the monitoring of the activities.

Tools and instruments closely similar to those used for monitoring peacebuilding activities were used for the evaluation. Evaluation was usually conducted annually as well as periodically (26%) and was carried out through meetings (25%) between the relevant stakeholders, observations (17%) or recommendations (10%) by select members from the stakeholders and/or by external consultants. The local Chief (8%) who is a government representative was only marginally involved in the evaluation exercises just as was the case with their limited role in the monitoring functions (7%).

The elders (52%) constituted the bulk of the people involved in the monitoring and evaluation of activities. Representatives from the government (41%) who may include the government extension officers from different line ministries complemented by government representatives on the ground, that is, chiefs (37%) were key members in the monitoring and evaluation teams. It would appear from the data that the participation of the government representatives was seen more in their individual capacities and not necessarily as institutions of the government especially as their roles in the actual monitoring and evaluation exercises was rated as insignificant. It must be remembered for example, that the first call done by anybody doing something in the pastoralist areas is always at the offices of the provincial administration (government) because of the presumed security status accorded these areas. A substantial number of participants in the monitoring and evaluation exercises were also drawn from the youth representatives (38%) as well as from the donors (30%) and community groups (29%). Interestingly, not a significant number of representatives were drawn from the two mainstream faith-based institutions of Islam (9%) and Christianity (8%).

Once the monitoring and evaluation exercises were completed, the results were disseminated to the various stakeholders through a variety of methods. Most of the dissemination was done at or through public meetings (31%) or through the mass media (21%) particularly the radio or through faith-based channels (21%). The results were also coined into stories, songs or poems (19%) and recited to different audiences particularly those with limited access to the three other channels mentioned. Disseminations of the results were also done through messengers (19%), letters and visits (15%) or during community ceremonies (13%). The government (11%) and the funding agencies (11%) were not popular channels of dissemination.

Interestingly, the major recipients of the monitoring and evaluation reports were the NGOs (52%) and, naturally, the elders (51%), the larger community fraternity (42%) and the youth groups

(38%). The government through the chiefs (27%) and leaders from the faith organizations (Christians: 24% and Muslims: 6%) and women groups (17%) also received the reports.

It was noted from the evaluation exercises that peacebuilding activities had variously influenced different aspects of the communities' life. For example, at the micro or village level, the activities had positively influenced the cultural (34%) and faith relations (19%) between different groups. Family relations (26%) of the different communities had likewise been positively influenced. Unfortunately, these activities had had little impact in spurring economic growth (8%) or changing the way decisions were made (6%) in the communities. At the meso or district level, peacebuilding activities had led to better and conscious decision making (29%) which had resulted in better governance (25%); given a boost to social and economic wellbeing (22%) and contributed positively to changes in attitudes (15%). The activities had however, not had a major impact at the macro or regional/national level and only very little participation (19%) of the communities was felt at these high policy and decision making levels.

## 5.6 Challenges and potential

### 5.6.1 Setbacks with modern and traditional methods in combating conflicts

The literature review in chapters 2 and 3 detailed the various challenges that dog the effective use and application of traditional approaches to conflict resolution and peacebuilding interventions both in conventional and in pastoralist areas. In the case of Isiolo district, the following aspects were noted as key setbacks to both the conventional and traditional structures.

Table 5.6.1: Challenges faced by the traditional structures

| **Reasons for setbacks of modern methods of conflict resolution** | **Frequency** | **Percent** |
|---|---|---|
| *Capacities:* Lack of finances | 10 | 7 |
| *Traditions and beliefs:* No human rights | 10 | 7 |
| *Representation and membership*: Tribalism | 15 | 10 |
| *Capacities:* Does not conform to traditions | 17 | 12 |
| *Capacities:* Involves modern international laws | 17 | 12 |
| *Traditions and beliefs:* Offering bribes | 17 | 12 |
| *Capacities:* Initiated by colonial government | 22 | 15 |
| *Representation and membership:* Biased | 32 | 22 |
| *Traditions and beliefs*: Injustice | 33 | 23 |
| *Representation and membership*: Corrupt | 44 | 31 |
| *Traditions and beliefs*: Communities don't accept modern way of handling disputes | 49 | 34 |
| *Capacities*: Bias | 54 | 38 |
| *Representation and membership:* Does not include members of local community | 77 | 54 |
| *Capacities:* Corruption | 81 | 56 |
| *Representation and membership:* Policies made without involving the local communities | 88 | 61 |
| **Reasons for setbacks of traditional systems of conflict resolution** | **Frequency** | **Percent** |
| *Traditions and beliefs*: Cultural beliefs not shared outside the community | 7 | 5 |
| *Traditions and beliefs*: Contradictions of cultures | 10 | 7 |
| *Traditions and beliefs:* Killing of enemies | 16 | 11 |
| *Traditions and beliefs:* No respect to traditional structures | 19 | 13 |
| *Capacity:* Lack of capacity to monitor and evaluate programmes | 21 | 15 |
| *Representation and membership:* Members have to pay a fee | 25 | 17 |
| *Representation and membership:* Youths are not well represented | 24 | 17 |
| *Representation and membership:* Inequality | 27 | 19 |
| *Traditions and beliefs:* No written by-laws or constitution | 31 | 22 |
| *Representation and membership:* No written by-laws and constitution | 33 | 23 |
| *Capacity:* Duties not performed well | 35 | 24 |
| *Traditions and beliefs:* Only men are allowed to participate | 34 | 24 |
| *Traditions and beliefs:* Penalties are fixed | 34 | 24 |
| *Traditions and beliefs:* Cannot be amended | 39 | 27 |
| *Representation and membership:* Poorly represented | 41 | 29 |
| *Representation and membership:* Biased | 49 | 34 |
| *Capacity:* Inadequate resources | 57 | 40 |
| *Capacity*: Lack of employment | 57 | 40 |
| *Capacity:* Lack of formal education | 57 | 40 |
| *Representation and membership:* Some communities are enemies, regardless | 57 | 40 |
| *Capacity:* Lack of conflict management skills in elders | 65 | 45 |

| Reasons for setbacks of traditional systems of conflict resolution | Frequency | Percent |
|---|---|---|
| *Capacity:* No defined agreed source of funding | 70 | 49 |
| *Capacity:* Poor communication networks | 71 | 49 |
| *Traditions and beliefs:* Refusing to change from outdated traditions | 77 | 54 |
| *Representation and membership:* No staff | 81 | 56 |
| *Representation and membership:* Lack of leadership qualities | 94 | 65 |
| *Capacity:* Lack of finances | 116 | 81 |

The setbacks experienced with the conventional or modern approaches to conflict resolution and peacebuilding fell into three major categories thus, representation and membership where policies (61%) and major decisions (54%) were made and taken without due regard and involvement of the local communities. There was also a perceived problem with government capacity with accusations of corruption (56%) leveled at those involved in the processes. Representation and membership (31%) in the various institutions engaged in conflict resolution and peacebuilding was also regarded as corrupt due to manipulation by influential parties. In regard to traditions and beliefs held by the communities, the big setback appeared to be with their resistance to accept modern ways (34%) of conflict resolution. A number of people were also of the view that some of the processes were riddled with injustice (23%), probably as a result of their inherent corruption.

The major setback affecting the effective adoption and adaptation of traditional systems of conflict resolution and peacebuilding were related to capacity where sufficient finances (81%) were lacking. In most of the community there was an apparent lack of leadership skills (65%) not necessarily in the general community affairs but more specifically, in conflict resolution and peacebuilding processes where sufficient staff was lacking (56%) and where there was no sufficient training in conflict management (45%) procedures. As regards traditions and beliefs, a substantial number of people were of the opinion that the communities were resistant to change from what could be regarded as outdated traditions (54%) such as cattle rustling. The questions of poor communication networks (49%) in the district and the lack of a guaranteed source of funding (49%) and resources (40%) for conflict resolution and peacebuilding were considered as serious setbacks. It was important to note that some community members were of the opinion that irrespective of whatever interventions were adopted or put in place, some communities would forever remain as enemies (40%). This was a worrying contention especially when it was seen in the light of lack of formal education (40%) in the communities.

Only a small group of people considered the fact that only men were allowed to participate (24%) in most of the deliberations or the fact that there were no written by-laws and constitutions (24%) as a constraint. It was also significant that only a minority of people saw contradictions of cultures (7%) or the lack of shared cultures (5%) as a setback. In addition, contrary to what was

loudly proclaimed in the literature review, only a small population saw the lack of respect for traditional processes (13%) as a problem which meant that such processes still commanded respect in the community although bias (34%) and inequality (19%) in representation were seen as setbacks. In sum, however, these last observations are very important when elaborating conflict resolution and peacebuilding tools and instruments in a cosmopolitan district like Isiolo.

### 5.6.2 Enhancing traditional methods of conflict resolutions and peacebuilding

In chapter 3 of the literature review, several strategies on how to improve traditional approaches to conflict resolution and peacebuilding in pastoralist areas were discussed. The communities in Isiolo district were asked to highlight some of the strategies they would consider as appropriate for enhancing the traditional approaches and their observations are illustrated in the next section.

Table 5.6.2 (a): Methods of improving the traditional systems

| Methods of improving the traditional systems | Frequency | Percent |
|---|---|---|
| *In policy making process:* Mobilization of the community | | |
| *Feed back for lobbying and advocacy:* Traditional rituals | 4 | 3 |
| *Packaged for lobbying and advocacy:* Use of media | 5 | 4 |
| *Targeted for lobbying and advocacy:* Human rights organizations | 5 | 4 |
| *Targeted for lobbying and advocacy:* Unions | 5 | 4 |
| *Packaged for lobbying and advocacy:* Civic education | 11 | 8 |
| *Targeted for lobbying and advocacy:* Cooperative institution | 12 | 8 |
| *Targeted for lobbying and advocacy:* Donors | 22 | 15 |
| *Targeted for lobbying and advocacy:* Funding agencies | 26 | 18 |
| *Feed back for lobbying and advocacy:* Women meetings | 28 | 19 |
| *Packaged for lobbying and advocacy:* Peace making committees | 29 | 20 |
| *Feed back for lobbying and advocacy:* Community development | 31 | 22 |
| *Targeted for lobbying and advocacy:* Government | 32 | 22 |
| *Packaged for lobbying and advocacy:* Training materials in different languages | 33 | 23 |
| *Targeted for lobbying and advocacy:* NGOs | 33 | 23 |
| *Packaged for lobbying and advocacy:* Barazas | 35 | 24 |
| *Feed back for lobbying and advocacy:* Dissemination | 37 | 26 |
| *Packaged for lobbying and advocacy:* Workshops and seminars | 38 | 26 |
| *Feed back for lobbying and advocacy:* Youth groups forums | 39 | 27 |
| *Packaged for lobbying and advocacy:* Documentation of the laws | 44 | 31 |
| *In policy making process:* Include them in modern constitution | 51 | 35 |
| *Feed back for lobbying and advocacy:* Workshops | 52 | 36 |
| *Feed back for lobbying and advocacy*: Use of media | 63 | 44 |
| *In policy making process:* Improve on communication | 67 | 47 |
| *In policy making process:* Financing | 75 | 52 |
| *In policy making process:* Training | 82 | 57 |
| *Feed back for lobbying and advocacy:* Religious services | 94 | 65 |
| *Feed back for lobbying and advocacy:* Barazas | 102 | 71 |
| *Targeted for lobbying and advocacy:* Elders | 106 | 74 |
| *Targeted for lobbying and advocacy:* Church leaders | 109 | 76 |
| *Targeted for lobbying and advocacy:* Women group | 110 | 76 |
| *Targeted for lobbying and advocacy:* Youth groups | 112 | 78 |

The four major strategies identified by the community for improving the efficacy and effectiveness of traditional approaches for conflict resolution and peacebuilding were, not surprisingly, to do with the targeting of lobbying and advocacy initiatives. It was strongly felt that strong advocacy and lobbying should be directed at the youth (78%) which was consistent with the majority opinion that the youth were the key players in the execution of conflict and especially violent conflicts. Closely related to this was also the strong recommendation for similar lobbying and advocacy to and by the women groups (76%) and faith-based institutions (76%). The case of the latter was easily understood, because as seen in the preceding sections, the faith-based institutions were key players in nearly all the conflict resolution and peacebuilding processes including funding and implementation. What was interesting was the case with the former given that the role of women had hitherto been very minimal and there was still some resistance in admitting women to several of the institutions responsible for conflict resolution and peacebuilding. The growing importance of the role of women in the processes could mainly be attributed to the work of development agencies and advocacy groups who had constantly emphasized the significant role of women in the conflicts both as victims and as peace advocates. The importance of lobbying and advocacy among the elders (74%) was also recognized especially given their roles in other community affairs.

The next sets of recommendations were related to feedback issues related to conflict resolution and peacebuilding. The communities reckoned that such feedback was best done through and in community barazas (71%) and through functions organized by or related to faith-based matters (65%).

The third large set of recommendations were to do with the policy making processes with a strong emphasis on the need for training (57%), adequate financing (52%), improved communication (47%) across the board and inclusion of the traditional approaches into the country's constitution (35%). The effective use of the mass media (44%) and community-based workshops (36%) were seen as important components in facilitating feedback for lobbying and advocacy.

Also considered as significant was the documentation (31%) of traditional approaches and particularly the by-laws as a way of packaging them to enhance lobbying and advocacy among different stakeholders. Packaging of the peace committees (20%) or making training materials in different languages (23%), targeting the government (22%) and NGOs (23%) or using community development (22%) as avenues for lobbying and advocacy were however not rated highly by the community. Quite interesting was also the little regard accorded to the need for packaging civic education (8%) in a manner that was suitable for enhancing lobbying and advocacy of traditional conflict resolution and peacebuilding approaches. The question of education in general is the subject discussed below.

Table 5.6.2 (b): Levels of formal and civic education among the different ethnic communities

| Level Formal education | Ethnic community | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Turkana | | Samburu | | Somali | | Borana | | Total | |
| | *No* | *%* | *No* | *%* | *No* | *%* | *No* | *%* | *No* | *%* |
| Tertiary level | - | - | - | - | - | - | - | - | - | - |
| Primary school level | - | - | - | - | - | - | 9 | 6 | 9 | 6 |
| University level | - | - | 7 | 5 | - | - | 7 | 5 | 14 | 10 |
| Secondary school level | 20 | 14 | 11 | 8 | 3 | 2 | - | - | 34 | 24 |
| No formal education | 16 | 11 | 18 | 13 | 33 | 23 | 20 | 14 | 87 | 60 |
| Total | | | | | | | | | 144 | 100 |

| Ethnic community | Exposure to civic education | | |
|---|---|---|---|
| | Number exposed | Percent of the community exposed | Percent of the total population exposed |
| Turkana | 0 | 0 | 0 |
| Somali | 25 | 69 | 17 |
| Borana | 31 | 86 | 22 |
| Samburu | 32 | 89 | 22 |
| Total (n=144) | 88 | - | 61 |

| Type of capacity building education undertaken by the respondents | Frequency | Percent |
|---|---|---|
| Proposed referendum (held in 2005 on a new constitutional dispensation) | 4 | 3 |
| Gum Arabic production and marketing | 5 | 4 |
| Resource mapping | 20 | 14 |
| Community development | 20 | 14 |
| Food security | 23 | 16 |
| Civic education | 24 | 17 |
| Mobilization of natural resource | 25 | 18 |
| Trainings | 64 | 44 |

The majority of the respondents (60%) had not acquired any type of formal education, while 30% of them had gone up to the secondary level. The Somali community had the highest percentage (23%) with no formal education followed by the Borana with 14%, Samburu at 13%, and the Turkana with 11%. Between the four communities, a total of 61 % had been exposed to civic education but, there were substantial disparities between the individual communities whereby, the Turkana had no exposure at all (0%); the Samburu were the best exposed with (89%) followed by the Boran at (86%) and the Somali with (69%).

The levels of formal education and/or exposure to other forms of education had several implications on conflict resolution and peacebuilding initiatives. For example, the traditional types of conflict resolution strategies would appeal more to the group without any formal education while the group that had reached the secondary level of formal training would be more receptive to training in conventional methods of conflict resolution and peacebuilding. People with formal education also tended to be accorded respect and the community was very proud of them which was an added advantage if they were trained as trainers in conflict resolution and peacebuilding issues.

A large percentage of the population had received some form of training (44%) in many different aspects ranging from voter education, health and nutrition to conflict resolution. More specifically the communities had received specific training in the mobilization of natural resources (18%), civic education (17%), food security (16%) and community development (14%) etc. These training and capacity building initiatives offered to the community were excellent entry points to introduce components of conflict resolution and peacebuilding either as complementary subjects and/or as specialized topics in their own right.

## 5.7 Summary

The geneses of conflicts, both intra- and inter-community was widely varied and included inadequate watering points (90%); settlement within the grazing areas (83%); livestock thefts (69%); and, political differences/related (44%) among others. Cross-border conflicts were identified by 86 % of the total population surveyed and included the use of the natural resources such as grazing (50%), raids on animals (49%), use of watering resources (36%) and fighting (31%) between different ethnic groups. Manifestations of the same conflict were viewed differently with the men appearing more concerned with the socio-economic implications of the conflicts while the women though worried about the loss of property appeared to be more worried about the impact conflicts had on the community's social fabric. The youth on the other hand had personal and selfish viewpoints. The men and women appeared to hold greater potential in tackling conflicts as the stakes appeared to be higher for them while the youth, despite being the chief executors of conflict, had the least potential. It was therefore prudent to continue relying on parents to use the accepted informal education channels to influence the youth to act responsibly.

The traditional structures used in conflict resolution constituted the same deep rooted attributes and significance that was consistent with the pastoralist community's form of governance. The elders (58%) were the backbone of community traditional structures and their role in conflict resolution was regarded as crucial. After the elders, the community depended on traditional oaths (40%), songs and dances (33%) as the tools and instruments for conflict resolution. The community turned to the local administration or government, represented by the chiefs almost as a last resort (16%) after exhausting a host of other options. There were strict norms of constituting traditional structures for conflict resolution although the structures were not specifically constituted only to resolve conflicts but were the same traditional structures used in the administration and ordering of community life. Headmen (54%) or elders in the community made the bulk of the membership of the structures followed by prominent persons in the community (30%) with the membership of women (26%) and faith leaders (25%) being accorded almost the same importance.

There were very specific cases and reasons why communities choose to use traditional structures, for example, in matters of marriage, divorce, inheritance and to solve murder cases (43%) mainly because in these situations, the entire community was involved. In cases involving the theft of livestock (20%) the community contended that traditional structures are more free and fair. Contrary to popular belief, a substantial number of people saw a close link between the structures and the modern judicial system (50%). The more visible linkage was seen to be the use of opinions from local elders (63%) on issues affecting the community. Discrepancies arising from the existence and application of both the traditional and conventional structures alongside one another were resolved

through negotiation (39%) or some accommodation was reached and an agreement signed (33%) before resorting to the government administration (26%) for direction.

It was a challenge identifying and prioritizing peacebuilding activities chiefly because of the overwhelming need for various interventions in the pastoralist areas where resources are limited. The provision of water sources (37%) and the ratification of the agreements (34%) reached on how to share such resources were considered as important peacebuilding activities. As a sign of lasting friendship and building of bridges between communities, inter-community marriages (33%) were encouraged. The civil society represented by NGOs (79%) followed by the community contributions (70%) provided the bulk of funds for peacebuilding activities. Community contribution was mainly in kind and/or as a standard requirement in the form of "matching-community-contribution".

The peacebuilding activities had variously influenced different aspects of the communities' life, for example, at the micro or village level, the activities had positively influenced the cultural (34%) and faith relations (19%) between different groups. Family relations (26%) of the different communities had likewise been positively influenced but the activities had had little impact in spurring economic growth (8%) or changing the way decisions were made (6%) in the communities. At the meso or district level, peacebuilding activities had led to better and conscious decision-making (29%) that had resulted in better governance (25%); given a boost to social and economic wellbeing (22%) and contributed positively to changes in attitudes (15%). The peacebuilding initiatives had had very little impact at the macro or national level where participation (19%) of the local communities in policy formulation and decision-making processes on pastoralist issues was limited.

The setbacks experienced with the conventional or modern approaches to conflict resolution and peacebuilding include inadequate representation and membership where policies (61%) and major decisions (54%) were made and taken without due regard and involvement of the local communities. There was also a perceived problem with government capacity with accusations of corruption (56%) leveled at those involved in the processes. The major setbacks affecting the effective adoption and adaptation of traditional systems of conflict resolution and peacebuilding included insufficient funding (81%), lack of leadership skills (65%), inadequate staffing (56%) and lack of training in conflict management (45%) procedures. A substantial number of people were of the opinion that the communities were resistant to change from what can be regarded as outdated traditions (54%) such as cattle rustling. The questions of poor communication networks (49%) in the district and the lack of a guaranteed source of funding (49%) and resources (40%) for conflict resolution and peacebuilding were also considered as serious setbacks. The major strategies identified by the community for improving the efficacy and effectiveness of traditional approaches for conflict resolution and peacebuilding included strong advocacy and lobbying directed at the youth (78%). The communities

reckoned that feedback on the processes were best done through and in community barazas (71%) and through functions organized by or related to faith-based matters (65%). Another recommendation was a strong emphasis on the need for training (57%), adequate financing (52%), and improved communication (47%) and inclusion of the traditional structures and approaches into the country's constitution (35%).

## 5.8 Conclusion

The data from the field revealed what the literature review had contended as the genesis of violent conflicts in the pastoralist areas. Natural resource-based issues were most contentious but what was instructive was the increasing negative impact of politicization of the issues and the resulting politically incited conflicts between the communities. There were different perspectives regarding the negative manifestations of the conflicts but the differences in perception appear to be closely related to the different roles played by the members of the community. The men or elders were more concerned with socio-economic related manifestations, the women with socio-cultural related issues while the youth were more concerned with the personal impacts e.g. death and injury to self.

As the youth were key players in violent conflict yet, are least concerned with the manifestation the conflicts had on the larger society, there is need to continue relying and emphasizing the importance of informal education to enlighten the youth and wean them off violent conflicts. There is also need to educate the community to enable them make direct connections and see the different aspects of the conflicts in their totality and not individually, for example, the potential for increased impoverishment as a direct consequent of heightened insecurity or the increased incidences and prevalence of diseases like the HIV/Aids as a direct result of increased incidences of rape of women and children itself a manifestation of insecurity etc.

As part of the education process, there is also need to expose the communities to situations where conflicts have been successfully resolved and peace restored so that they can realize that "conflicts are not a way-of-life" and that there are enormous benefits to be reaped from peaceful coexistence. This exposure should be complemented with a reasonable presence of government and the establishment, advocacy and observation of the "rule of law" built on both traditional and conventional value systems. A rational interface between the traditional and conventional value systems and structures would, for example, encourage the need for tolerance and moderation of penalties for wrong doing which are sometimes extremely severe including death sentences or ostracizing serial offenders; and/or humanize the complicated, and apparently not so transparent, conventional judicial systems of conflict resolution.

Traditional structures of conflict resolution and peacebuilding are not necessarily different from those used in everyday traditional governance with elders, for example, still being the most visible institution in both structures. Based on this similarity and the fact the communities identified a critical niche for the traditional structures in conflict resolution and peacebuilding, improving them would translate into better overall governance. Discounting a few specific nuances, the challenges facing the effective adaptation of traditional structures of conflict resolution and peacebuilding are

closely similar to those affecting other development initiatives in the pastoralist areas. The question of insecurity, for example, is a fundamental and cross-cutting challenge and by simply improving the security, the direct and spin-off benefits would have tremendous positive impact on the socio-political, -cultural and –economic wellbeing of the communities who in turn would channel their energies to the cultivation of peaceful coexistence. Community-based traditional structures have a key role to play in this transformation as illustrated in the next chapter.

**Endnotes**

[1] Baregu, Mwesiga (2003), 'Research, Documentation and Dissemination', A Paper presented at the *Institutional Strengthening & Grant Management (ISGM) CPMR Workshop 7-11th April, 2003, Pact-Mwengo*, Impala Hotel, Arusha, Tanzania.

[2] Gillian, Robinson, Albrecht, Schnabel and Marie, Smyth (1999), 'Researching Violent Societies: Methodological and Ethical Challenges', in *Work in Progress*, United Nations University, Tokyo Vol 15, No.3, Summer 1999, pp. 24-27 (http://www.incore.ulst.ac.uk/research/projects/rvs/rvs-methods.html) (Jan 19, 2006).

[3] *Ibid.*

[4] Abdullahi D. Jillo, Mark N. Mutinda, Abdillahi A. Aboud & D. Layne Coppock (2005), 'Degree of Sedentarization Affects Risks and Conflicts for the Waso Boran in Northern Kenya', Egerton University &Utah State University, Pastoral Risk Management Project (http://glcrsp.ucdavis.edu/publications/parima/05-08-PARIMA.pdf#search='crsp%20research%20brief%200508parima%20december%202005') (Accessed June 2005.

[5] Chris, Dolan (2000), 'Peace Research and the Reconciliation Agenda - A Case study from Northern Uganda', COPE Methodology Paper, COPE Working Paper No. 34, ACORD-UK (http://www.acord.org.uk/r-pubs-Cope%20Working%20Paper%2034.PDF) (Accessed January 2006).

[6] Judith M. Newman (2000), 'Action research: A brief overview', *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research,* [On-line Journal], 1(1) (http://qualitative-research.net/fqs) (Accessed January 2006).

[7] **Creation of indices:** The index that was used to describe the total number of traditional structures used by the community was constructed from 15 indicator items categorized into 3 main indicator variables obtained in this study. The 3 main indicator variables forming this index were namely:

a) Institutions - elders, council of elders, soothsayers, sheikhs & church leaders;
b) Tools and Instruments - prayers, traditional oaths, traditional laws, songs and dances (socialization); and,
c) Processes - forgiveness, community cleansing, unity within age sets and groups, teaching (socialization) and rights of a person.

The variables responses were changed into a scale with each positive response being scaled as one and every negative response on an item being given a zero score, these points were then added for the three main variables to form the index of the total number of traditional structures used by the community. The distribution of the index ranged from 1, indicating a low number of traditional structures, to 13, indicating high number of traditional structures. The Cronbach's alpha for this index was 0.596, which was regarded as adequate due to the many indicator variables involved. Other indexes indicated in the analysis can be described in the same manner.

[8] ***Cronbach's alpha:*** a measure of internal reliability for a multi-indicator (item) summed index was used to test the reliability of the indices used in this study. The Cronbach's alpha is a statistic that summarizes the reliability of an index. It judges the consistency of an index based on the average inter correlation among the indicators and the number of indicators that comprise it. The alpha is a measure of internal consistency of a set of items, and it ranges from 0 (no internal consistency) to unity or 1 (perfect internal consistency). The formula for calculating alpha has been summarized (Bohrnstedt & Knoke, 1982) as follows:

$$\hat{\alpha} = \frac{k\ \bar{r}}{1 + (k - 1)\ \bar{r}}$$

Where:

$k$ = the number of indicators in the index

$\bar{r}$ = the average inter correlation among the $k$ items comprising the index

$\hat{\alpha}$ = carat indicates an estimate of the underlying population parameter

# SECTION 3:

# Lessons Learned & Conclusion

# Chapter 6.0 Analyses of Lessons Learned and Conclusion

**Preamble**

The previous chapter attempted to answer a few anecdotal contentions that dog local capacities for peace. Among them is the question whether these traditional structures are a conspiracy of out-dated, self-serving instruments of governance at the disposal of a select few – mostly elders – to "lord-it-over" disenfranchised communities and/or are genuine, objective and viable tools with which the conflict - volatile pastoralist areas have been held together. The latter case seems to apply and it would appear that local capacities for peace have carved themselves a "special-niche" in pastoralist area governance. This chapter continues with this premise and specifically attempts to explore the potential limitations associated with wide-scale application – scaling-up – of local capacities for peace. In particular, the chapter will use lessons learned with an actual field case-study, Marsabit district, in an attempt to link the existing theory and practice. In the process it will try and answer the question as to whether local capacities for peace can replace government. In other words, is it a case of "either-or" or is it about "complementarity" between them and their conventional contemporaries.

## 6.1 Contextualizing the hypotheses: A case-study of the Marsabit Development Programme (MDP)[1]

The introduction of this thesis started with the anecdotal, but largely accepted, contention that community based traditional local capacities for peace do exist, and increasingly are being used; however experience, thus far, has indicated that they have fallen victim to internal and external interference and influence as a result of changing globalization trends and changing community societal structures and demands. It was further asserted that there is acknowledgement of a huge gap in knowledge and experience with the application of the local capacities for peace in multi-ethnic environments, where, when conflicts break out in multi-ethnic situations, the natural tendency is for each individual community to apply its own indigenous approaches which are or might be, in often cases, in conflict with the opposing side.[2]

It was on the basis of this acknowledgement that three hypotheses were enumerated:

1) Indigenous community-based micro approaches – local capacities for peace - to conflict resolution and peacebuilding exist among pastoralist communities;

2) These local capacities for peace are still relevant and are in use in the pastoralist areas; and,

3) Local capacities for peace have the potential to contribute to effective conflict resolution and peacebuilding in the pastoralist areas.

A caveat was sounded at the onset that these hypotheses took cognizance of the fact that not all local capacities for peace were necessarily appropriate, hence, the challenge was to identify, re-

test, document and promote those that are acceptable and adaptable. It was further pointed out that this was particularly important in multi-ethnic situations where the contradictory and/or complementary aspects of the approaches require re-framing and "scaling-up" within the context of existing judicial, executive and legislative frameworks and existing government structures. Having established the framework for the analysis, the research study employed several tools and instruments to investigate the current status quo with the local capacities for peace, including, extensive literature review, a field study and statistical data analysis, the outcome of which is presented in the preceding chapters 1-5.

Before embarking on the task of testing the hypotheses, and for the purposes of clarifying the underlying concepts and principles under discussion, it is a good idea to begin by attempting to collate and consolidate most of the lessons learned in the application of conflict resolution and peacebuilding, which are scattered in the various chapters, into one concise case-study of an actual field project implemented in a typical pastoralist area. Chapters 1-3 made several references to Marsabit district and in particular to a project implemented with support from the German Technical Cooperation agency (GTZ) – the Marsabit Development Programme, which deliberately set out to include traditional community-based local capacities for peace in its natural resource management programme. The summarized details of how this was accomplished are re-capped here.

**Re-framing of project planning in the context of the Marsabit Development Programme (MDP)**[3]

The Marsabit district, in the Eastern Province of northern Kenya borders Ethiopia and Moyale district to the north, Turkana district to the west, Samburu district to the south and Wajir and Isiolo districts to the east. The district is located in one of the driest regions in the country. Low rainfall amounts combined with high temperatures result in evapo-transpiration rates that exceed annual precipitation leading to marked moisture deficiency. Approximately 75% of the district is classified as rangeland and nomadic pastoralism is the main source of livelihood. As a result of inter-ethnic conflict over resources between the Rendille, Gabra, Samburu, Boran, Ariaal, Turkana and Dasanetch in the early 1990s, about 60% of the range areas were un-utilized and most of the traditionally nomadic communities were forced to settle near areas with relative security e.g. trading centers.

It was on the basis of these conditions that from 1991-2000, the Gesellschaft für Technische Zusammenarbeit (German Technical Cooperation (GTZ)) supported a district-wide programme, Marsabit Development Programme (MDP), one of the activities of which was to facilitate the development of strategies for promoting sustainable utilization of natural resources. MDP formulated a Natural Resources Management (NRM) sector that was responsible for ensuring the adaptation and promotion of useful traditional resource management strategies; environmental rehabilitation of degraded range areas; development and improvement of water sources in under-utilized range areas;

capacity improvement among the communities to manage water sources, and, promotion of appropriate energy saving cooking methods and devices. To achieve these tasks, the MDP paid considerable attention to participatory community training workshops on sustainable utilization of natural resources. Environmental Management Committees (EMCs) were established in all locations and sub-locations in partnership with the Ministry of Agriculture and Rural Development and the Forest Department. The MDP found it difficult to successfully implement its tasks for several reasons, chief among them being the prevailing general insecurity in the district, and together with the community had to find more innovative ways not only to promote sustainable management of natural resources but also to address the prevailing insecurity.

In 1995, the MDP facilitated a divisional workshop for the EMCs, local, civic, administrative and traditional leaders to brainstorm and come up with practical community-based environmental management plans. The deliberations at the workshop underlined several concerns that hampered the successful implementation of the programme including; over-grazing in the secure areas due to insecurity; rampant livestock thefts and rustling; banditry attacks leading to loss of human lives; and, inter and intra community conflicts over range resources, mainly water and pastures. The most crucial resolution reached by the participants was that for them to successfully implement environmental management activities in their areas, both intra and inter-community conflicts had to be addressed. The elders, local leaders and the EMC members were convinced that provided they were facilitated to meet with their counterparts from the neighbouring communities or divisions, they could, on their own, resolve most of the problems that affected them through dialogue. This was especially because they realized that the remote areas in the district were left out of mainstream development and the Central Government was not addressing insecurity issues adequately because of various constraints like poor infrastructure, remoteness and the vastness of the district.

This resolution by the workshop participants caught the MDP off-guard primarily because issues concerning security, even though apparent, had not been programmatically envisioned and planned for and could therefore not be implemented within the regular programme. Indeed, the MDP could not risk addressing issues that the regular programme progress evaluation missions could consider as being activities carried outside the planned project interventions. This problem was exacerbated by the rigidity of the MDP management team who were of the opinion that security issues were, and rightly so, the preserve of the Government Security machinery. Although the MDP was faced with this programmatic dilemma, its options were limited thus, either it continued with what it was doing and face imminent failure or listen to the community and let the programme evolve naturally based on felt needs. It chose the latter and fashioned a concept based on its recognition and acceptance that the main cause of land degradation in the range areas was insecurity resulting from banditry and violent cattle rustling, and that because of intercommunity hostility about two thirds of

prime grazing lands in the district, especially those areas bordering other districts and international borders, were under-utilized. For this reason, the majority of the traditional nomadic groups were settling permanently in secure areas like the administrative centres which was against their wishes and normal lifestyles. The MDP also recognized that degradation of the natural resource base could be used as an entry point for the implementation of conflict resolution activities. Such a neutral entry point was necessary to avoid friction and suspicion by the provincial administration and the security organs in the district,

Fortunately for the MDP, the majority of the fighting communities were getting fatigued with violent conflicts that destroyed human lives and caused destitution among them. Hence, the communities were willing to discuss their problems face to face and were confident that they could devise common solutions that would be acceptable to the majority in the communities. The MDP acknowledged the fact that against the backdrop of diminishing natural resources and competition, intra- and inter-tribal conflicts over resources were bound to escalate if remedies were not found to minimize the prevailing conflicts using the existing traditional mechanisms as opposed to the hitherto use of force by government; but, it was agreed that the strategies developed with the communities should primarily complement the efforts of the government and not attempt to replace the role of the government.

With these guiding principles in mind, the MDP formulated three broad areas of intervention which included the facilitation of intra and inter-community dialogue on good neighbourliness and peaceful co-existence; strengthening of traditional community-based mechanisms for rational resource use conservation and protection; and, development and dissemination of community based crisis prevention and conflict management strategies that promoted continued peace and harmony in the district. The MDP identified the need to develop the capacities of the user communities through structures like the EMCs as one of the viable approaches to mitigating the existing resource use conflicts, since these structures relied on "home-grown" solutions, thus, community-based local capacities for peace. The MDP organized several intra-community workshops on resource management related problems with clusters of communities who lived and shared specific resources within a given territory (home range). This was necessary in order for the communities to easily identify themselves with problems that were not only familiar to them but also those that they could easily elaborate relevant interventions to solve. The workshops brought together members of the EMCs, traditional and administrative leaders, councillors and District Officers and in all the sessions, the phrase "dialogue with our neighbours" was repeated by the participants. As it facilitated the regional workshops with the different communities, the MDP built-up sufficient self-confidence and familiarity with the conflict issues and at the same time built the necessary trust with the various communities.

**Institutionalization of community-based traditional structures**

As a result of the regular droughts and famine in the district, there were a large number of development agencies operating in Marsabit district in many fields including the natural resource management sector. It was evident from the beginning that participation at the community level could never be achieved if there was no parallel collaboration and participation at the programme planning level between the various development partners operating in the district. The government department responsible for coordinating development activities in the district - District Development Office (DDO) was undermanned and under-funded and hence ineffective. Lack of an effective central coordinating office resulted in competition among the development agencies with each adopting different strategies and approaches for the same target community. The competition resulted in suspicions among the agencies and participating communities as well as duplication of activities and subsequent waste of resources. The MDP supported the formation of an inter-sectoral planning forum at the district level that brought together the government departments, NGOs, CBOs and other development partners. Support was made available for the District Development Office to chair the inter-sectoral planning forum. All the development proposals and programmes carried out in the district were discussed at the forum. Since conflict was a cross-cutting issue the forum was necessary and the inter-sectoral planning minimized duplication of activities thereby rationalizing resource allocation in all sectors e.g. water, livestock, health, education, NRM etc. Given that the inter-sectoral planning forum encompassed a wide range of development activities it could not go into specific details on any one of the programme activities, hence, to encourage closer participation in the planning process, a sectoral forum, the Natural Resources Management Forum was formed. This forum brought together all the actors involved in the field of environmental conservation and protection activities in the district.

At the project implementation level, the MDP conflict management approach took into consideration the traditional neighborhood resource management concept and the various communities were zoned or clustered around common resources and/or common interests. It had been established, for example, that the movement across boundaries was often abused and used to cover-up attacks by aggressive communities living outside the neighborhoods. Such communities took advantage of the movements between boundaries to attack other communities but once caught they faked innocence and blamed the transit communities for the attacks on their host communities. It was therefore necessary to bring on board all the neighboring communities and involve them in the process. Fortunately, the community clusters within a neighborhood shared common characteristics including using the same water points and pastures for their lactating animals; moving their fora herds within the same general areas of relative security; meeting to discuss common problems and reach

consensus (*Korra dedha* among the Boran); and had empowered their council of elders to use customary laws to handle both internal and external conflicts over resources.

The management approaches of natural resources among the pastoralist communities in the district were largely similar and the foundation of the range resource management conflicts among the Gabra, Boran, Rendille, Ariaal and Samburu communities was water and pasture. The water points were surrounded by extensive grazing areas or neighbourhoods also known as *Dedha* (Boran/Gabra), *Losho* (Samburu/Ariaal) and *Sonooh* (Rendille). Among these communities the neighbourhoods constituted the largest delineable unit of resource management. A *dedha* or neighbourhood was further sub-divided into smaller management units called *ardha* (Boran/Gabra), *olloh* (Rendille) and *latia* (Samburu/Ariaal). A neighbourhood council of elders consisting of *abba olla* (Boran/Gabra), *makhabale-gob-iwen* (Rendille) and *nkang'ite* (Samburu) together with other prominent leaders who included the EMCs were responsible for the administration of the communal resources within their localities under their individual customary laws. A neighbourhood (*Dedha/Sonooh/Losho*) was therefore an appropriate entry point for community based crisis prevention and conflict management initiatives both within and between communities. Neighbourhood representatives (EMCs, traditional council of elders, local leaders (administrative/civic leaders)) were mandated by the communities to discuss and elaborate neighbourhood resource use and management strategies and enact by-laws to oversee their enforcement.

As pointed out above the EMCs were the MDP's chosen vehicle to transform environmental management from the "classical extension approach based on multiplier effects" to a "community-based approach". A criterion for the identification of the representatives to the Environmental Management Committees (EMCs) was elaborated by the community representatives and it stipulated that for one to be a member, they had to be leaders in the villages or Manyattas; be prominent and respected informal leaders (men and women); and, had to be resident and members of the traditional local council of elders. Local administrative leaders, political leaders, representatives of development agents (Government departments and NGOs) were to be ex-officials of the established committees. It was clear from the beginning that the traditional structures had to be linked and advocated at the higher district planning level and the MDP supported the facilitation of the formal recognition of the respective EMCs within the development and administrative structures in the district including the confirmation of the appointed EMCs in relevant development fora like Sub-DDC (Sub-District Development Committee), District Agricultural Committee (DAC) and District Environmental Management Committee (DEMC) etc.; confirmation of the Chiefs, Councilors and development agents working in the particular areas as ex-official members to the EMCs; securing blessings of the District Fora like Natural Resources Management Forum for the EMCs to implement environmental conservation measures in their localities; confirming the chair of the Divisional EMC as a

representative in the DEMC; and, linking the EMCs to several development organizations both based within and outside the district to enhance technical backstopping from different service providers both private and government.

**Dividends and sustainability of traditional community-based structures**

Probably one of the outstanding achievements of the MDP's NRM sector was the transition and evolvement of the EMCs from an initial environmental issue-biased initiative to encompass the delicate and innovative conflict resolution fora responsible for the promotion of intra- and inter-ethnic community dialogue. At the intra-territorial level, the community was able by itself to elaborate area specific natural resources management by-laws with respect to the development and management of improved natural resource management and the harmonization and ratification of area specific natural resources management by-laws; management of wet and dry season pasture (drought) reserves through co-coordinated movements of livestock and controlled movement of livestock with diseases; sustainable utilization and conservation of important tree species; protection of wildlife from poaching and reduction in environmental degradation and increased environmental awareness among the communities; improved dialogue and cooperation between EMCs and local leaders and increased community awareness on the work of EMCs with regard to implementation of environmental management measures; and improved dialogue with neighboring ethnic groups who shared common border pastures. Most importantly, the intra- and inter-territorial resource dispute management fora greatly contributed to the reduction of hostilities and apparently rekindled the sense of trust among the communities and increased understanding of the work of EMCs. This was achieved by enumerating and implementing simple resolutions reached at the intra- and inter-ethnic meetings such as ending livestock raids, banditry and attendant murders; sharing resources along common borders; joint enforcement of by-laws and apprehending and punishing home guards, Morans and herdsmen causing disharmony within the communities; facilitating access to neighboring water and pasture resources, and, propagating dialogue between the different ethnic groups.

The practitioners involved in the implementation of the EMCs recognized the fact that sustainability of community-based initiatives was seriously compromised by the everyday hardships faced by the pastoralists whose main occupation was basic survival. Therefore, the formation of various community based management fora and their recognition as the undisputed platforms for successful rationalization and management of the natural resources in the district was an indication of the value the community attached to the fora. The community acceptance of the fora was a positive indication of the potential sustainability of interventions carried out within their mandate. For example, in a community where financial management was not a common norm, many of the Water Users' Associations formed under the EMCs were able to collect water user fees and use the funds not only to procure spare parts and to service and maintain the water services without any external

assistance but accumulated sufficient funds to support other community emergency needs e.g. medicines during disease outbreaks.

**Challenges with the traditional community-based structures**

The effectiveness of the traditional community-based structures in the intra-territorial dialogue included, among others, the following broad setbacks:

a) Isolated planning and poor co-ordination between committees in the same general geographical areas or around the same resources resulting in low dissemination of the workshop proceedings by the EMCs amongst themselves and to the community and resource users at large. Poor infrastructure and the difficult terrain resulted in some areas being left out during the awareness campaigns on environmental conservation and protection. Poverty in the district limited the participation of the majority in community as they did not see the environmental conservation and protection activities as having any immediate economic gains to them. This was further complicated by the high levels of illiteracy among the majority of the EMC members who did not know how to read and/or write. This greatly affected the groups' organization in that no proper records were kept. In addition, illiteracy complicated community mobilization of sedentarized pastoralists resulting in difficulties in controlling the utilization of resources in areas set aside as pasture reserves.

b) Drought in the district scuttled most of the planned activities by the EMCs and the communities e.g. due to the prolonged drought excess flexibility was exercised in the enforcement of the by-laws. Natural resource-based conflicts especially over water and pasture during the dry periods easily got out of hand and became violent which meant that all the available resources had to be directed towards the management of the violent conflict in order to save lives. Insecurity also meant that the available resources (pasture & water) located in hostile areas were underutilized while resources in friendlier areas were over-utilized.

c) Disputes over common border resources on who should control what, e.g. control of the Karawe duom palm forest and control of water sources along borderlines with different communities claiming privileged user rights. Low participation of primary users or managers of the environment like Morans and herdsmen, as most of the important resource-use workshops were attended by elders and leaders who were mainly decision makers and not involved in the day-to-day management of the resources. Reduced livestock movement within traditional home ranges because of increasing establishment of new settlements.

d) Culture hampered the enforcement of some of the by-laws as there were conflicts with traditional laws e.g. if culprits sought clemency from some of the elders they could not be penalized by the EMCs. Similarly some of the sub-clans did not pay any form of fines and it was generally feared that if fines were leveled on them untold consequences could result to the enforcing agents. There was gender inequality where women were not traditionally actively involved in the decision-making processes. Some of the by-laws enacted by the EMCs to govern environmental conservation and protection conflicted with the existing traditional practices, for example, there was laxity among the EMCs membership to fully implement the agreed by-laws for fear of curses, or offending close friends and in-laws.

e) The roles of the Chiefs, tree nursery attendants and the EMCs were not always clear and generated friction among the parties. There was also division and in-fighting among the EMCs memberships along political lines. There was no legal recognition of the EMCs, which meant that they lacked adequate representation at the LDC, Sub-DDC and DDC. The low levels of motivation and incentives for government extension staff and EMCs members were also a drawback.

## 6.2 Testing the hypothetical questions

The study adopted three strategies – literature review, field study and statistical analyses - to test the research hypotheses.

### 6.2.1 Literature review

An extensive literature review was undertaken firstly on the "state-of-the-art" of the theoretical and academic principles that fashion approaches to issues on pastoralism, pastoralist conflicts, conflict resolution, local capacities for peace and peacebuilding. Secondly, on the experiences and lessons learned thus far with the practice of these principles in the field and thirdly, specifically what niche, if any, did local capacities occupy in conflict resolution and peacebuilding initiatives in the pastoralist areas. Some of the insights garnered from the literature review in regard to the hypotheses are briefly presented below.

1) **Indigenous community-based micro approaches – local capacities for peace - to conflict resolution and peacebuilding exist among pastoralist communities.**

The literature on pastoralist communities and especially on pastoralist conflict resolution and peacebuilding clearly indicated the existence of community based traditional structures amongst pastoralist communities that have been used to govern the communities and order their lives, that is, ensure both intra- and inter-community peaceful coexistence. Based on the information from the literature review, these traditional structures were divided into two broad categories: institutions - elders, council of elders, soothsayers, religious leaders etc.; and tools & instruments - traditional prayers, oaths, laws, songs and dances, forgiveness, community cleansing, age sets and group socialization etc. (chapter 2 & 3). Put together these two categories of structures and processes constitute what are termed the traditional local capacities for peace and because they exist, the hypothesis was proven to be valid.

2) **Local capacities for peace are still relevant and are in use in the pastoralist areas.**

The literature review confirmed, the already general knowledge, that pastoralism and pastoralist communities were faced with numerous setbacks emanating from a variety of both natural and man-made problems. For example the endemic and violent conflicts between pastoralists as well as between them and their non-pastoralist neighbors. One of the stark problems and one which was generally thought to be at the core of the apparent lawlessness in the pastoralist areas was the lack of any meaningful presence of government and where it was "technically" represented, it was accused of high-handedness and lack of transparency (chapter 1 & 3). The simple fact was that the pastoralist communities had to survive the hardship and its consequences, and given the inevitability of the

occurrence of conflict, they had had to rely on their own institutions of governance to maintain some semblance of peace. Hence, one of the most important functions of these traditional structures has always been to facilitate conflict resolution and peacebuilding.

It should be pointed out that although the traditional structures and processes are the ones that are used to instigate and fuel conflicts in the pastoralist areas, they were inevitably the same ones that are readily available to the pastoralist communities and operate in parallel with the conventional approaches in governance, conflict resolution and peacebuilding. Indeed, the literature review indicated that many of the practitioners involved in conflict resolution and peacebuilding activities in the pastoralist areas were increasingly turning to the community based traditional structures in the face of failure of the conventional processes and approaches. It was pointed out that these practitioners had facilitated the revival and revamping of some of the local capacities of peace and that they were now faced with the dilemma of sustaining their wide-scale adaptation; which meant that the hypothesis was valid.

**3) Local capacities for peace have the potential to contribute to effective conflict resolution and peacebuilding in the pastoralist areas.**

Chapters 2 and 3 of the literature review have given extensive examples of many pastoralist conflict situations which had degenerated into abhorrent levels but had been painstakingly reversed with the restoration of peace through a combination of conventional and traditional approaches and structures for conflict resolution and peacebuilding. Chapter 3 in particular detailed the many setbacks and challenges facing the effective and wide-scale application of local capacities for peace as well as some of the steps taken in specific cases to try and overcome the setbacks.

It has also been clearly illustrated that the setbacks and challenges facing the application of the local capacities for peace, although entailing individual specificities, are not very different from those affecting all other sectors of development and governance in the pastoralist areas. This means that as results are obtained from the indeterminate search for the best interventions to addresses pastoralist issues, the same results could be borrowed to improve and strengthen the traditional local capacities for peace whose potential for effective conflict resolution and peacebuilding has been demonstrated, hence the validity of the hypothesis.

### 6.2.2 Field Research Study

Two field visits were made to Kenya during the course of the study. The first visit was a 10-week assessment visit where extensive meetings were held with practitioners involved in conflict resolution and peacebuilding. Field visits were made to two typical pastoralist areas, Samburu and

Isiolo districts, and meetings held with practitioners at the community level. The primary objective of these meetings was simply to observe and listen to various experiences and opinions of people who had first-hand practical experience with conflict resolution and peacebuilding in typical pastoralist settings. The meetings and discussions were used to formulate the hypotheses. The second 16-week field visit included a 12-week long data collection exercise in Isiolo district as has been detailed in chapter 5. These two visits were complemented with past experiences of work both in humanitarian, conventional development and conflict management in other pastoralist areas in Kenya, Uganda and Ethiopia. Briefly, experiences and lessons learned from involvement in the pastoralist areas offer the following insights in regard to the hypotheses.

1) **Indigenous community-based micro approaches – local capacities for peace - to conflict resolution and peacebuilding exist among pastoralist communities.**

Traditional elders' courts, peoples' parliaments under trees, initiation ceremonies, marriages, song and dance, and traditional rituals to appease God and/or for cleansing purposes etc. are the everyday tools and instruments used at the community level to ensure and assure the proper functioning of everyday pastoralist lives. Undoubtedly, both violent and non-violent conflicts are a central ingredient of pastoralist lives and in order to ensure the proper functioning of pastoralist communities, these conflicts have to be resolved. Although conventional approaches and structures for conflict resolution and peacebuilding exist, the communities have only one reliable, and easily accessible means, that is, their inherent traditional structures or what is referred here as local capacities for peace. Some of these structures are presented below (see also chapter 5).

Table 6.2.2 (a): Types of traditional structures

| Types of traditional structures | Frequency | Percent |
|---|---|---|
| NGOs | 5 | 4 |
| Sheikhs | 7 | 5 |
| Forgiveness | 9 | 6 |
| Council of elders | 10 | 7 |
| Community cleansing | 16 | 11 |
| Personal rights | 19 | 13 |
| Chiefs | 23 | 16 |
| Age set and age groups | 28 | 19 |
| Soothsayers | 27 | 19 |
| Church leaders | 32 | 22 |
| From one generation to another | 33 | 22 |
| Traditional laws | 33 | 22 |
| Songs and dances | 47 | 33 |
| Traditional oaths | 58 | 40 |
| Elders | 83 | 58 |

The data from the field study illustrates what these traditional structures are and how they work at the community level thus indicating that the hypothesis was valid.

**2) Local capacities for peace are still relevant and are in use in the pastoralist areas.**

Pastoralist communities, faced with recurrent droughts and a greatly reduced water and pasture resource base in certain areas are forced to migrate and seek temporary refuge from their neighboring pastoralist communities who also seek reciprocal refuge when faced with similar calamities. Negotiations for temporary access and use of water and pasture are held and agreements made. Water and pasture management committees are either set up and/or the migrating communities might be required to comply with the existing rules and regulations of their host communities. What this means is that the communities did, indeed, use their existing traditional structures. The data from Isiolo district also indicated that there are cases or situations in everyday life when pastoralists prefer to use the traditional structures as opposed to the conventional ones; such situations include:

Table 6.2.2 (b): Preference for traditional structures

| **Situations when traditional systems are used and the reasons why** | | | |
|---|---|---|---|
| **When** | **Why** | **Frequency** | **Percent** |
| Hospital circumcision* | It is safe | 16 | 11 |
| Oath taking and cursing | Believed to take cause immediately | 21 | 15 |
| Mono or multi ethnic conflicts | No grudge is left after | 26 | 18 |
| No proved affidavit | Investigate and get proof | 27 | 19 |
| Animal theft | Free and fair system | 29 | 20 |
| Marriage, divorce, inheritance and murder | It Involves the community | 62 | 43 |

*Hospital circumcision is not a traditional aspect amongst pastoralists

Naturally, conflicts are inevitable and will range from minor disagreements, for example, over watering schedules to more serious issues like rape or murder, all of which have to be and are, in most cases, successfully resolved between the contending parties. Various institutions and approaches, both conventional and traditional, e.g. local administration (government), faith leaders, elders etc. are employed to address the conflicts. In recent times, structures like the elder institutions have been transformed and formalized into peace committees whose key function was conflict resolution and peacebuilding in the pastoralist areas which is an indication that the hypothesis holds.

**3) Local capacities for peace have the potential to contribute to effective conflict resolution and peacebuilding in the pastoralist areas.**

It is a fact that, a variety of interventions and approaches are used whenever conflicts and especially violent ones break out in the pastoralist areas. These include what is popularly referred to as "operations" in Kenya which basically means and translates into "a demonstration of might" by the state through the mobilization of its different security arms, who for a few days or weeks literally play havoc on those they suspect either to be involved and/or associated with others responsible for the violent conflicts. In limited cases and depending on political expediency considerations, some permanent base or camp with armed personnel will be set up in areas prone to conflict. Unfortunately, neither this disproportionate show of strength nor the setting up of bases and camps can or have successfully resolved conflicts in the pastoralist areas. Physical presence, however, has its own advantages and the problem seems to be the level of staffing, mobility and resources at the disposal of the people manning these security outposts.

New and more innovative strategies like community-policing have been proposed and are being tried in the pastoralist areas. It is still early days to tell what impact these new initiatives will have in situations where, for historical reasons, the relationship between the local communities and those in/with power and/or with authority is highly polarized. In addition to the polarization of relationship, the majority of the pastoralist communities do not have the means to access simple conventional systems of conflict resolution e.g. courts of law, either because such facilities are simply not available and/or where they are available entail complex procedures and requirements largely foreign to the communities.

However, what is not foreign; what the communities know; what they can relate to as well as participate in and, in most cases, respect, are the community based traditional structures and approaches or local capacities for peace. Indeed, communities in Isiolo district see several reasons why the traditional structures are more viable in conflict resolution and peacebuilding than their conventional contemporaries.

Table 6.2.2 (c): Reasons for success of traditional structures

| Reason for success | Frequency | Percent |
|---|---|---|
| Health facilities | 6 | 4 |
| No need for transport | 11 | 8 |
| Sharing of schools | 16 | 11 |
| Not biased | 18 | 13 |
| Fair in judgment | 25 | 17 |
| Formation of district peace committee | 24 | 17 |
| Sharing of the natural resources | 30 | 21 |
| Social development | 30 | 21 |
| Sharing boundaries | 54 | 24 |
| Discourages the repeating of the same mistake | 49 | 34 |
| No corruption | 54 | 38 |
| Communities respond when called to a meeting | 56 | 39 |
| Conflict usually resolved | 123 | 85 |

Although these local capacities for peace have their own short-comings, they are still recognized and command respect among the pastoralist communities who are, in any case, their constituting authority; once again indicating that the hypothesis was valid.

One of the interesting findings from the field study concerned the contention that because of the differences between the different ethnic pastoralist groups and the fact that they each employ their own version of local capacities for peace, the differences would be a significant hindrance to conflict resolution and peacebuilding in multi-ethnic conflict situation. Isiolo District, one of the most cosmopolitan pastoralist districts with both pastoralist and non-pastoralist communities proved otherwise. True, there are specific nuances between the ethnic groups, but, among the pastoralist communities in particular, these differences were insignificant when it came to inter-community conflict resolution and peacebuilding.

What was however, proved beyond doubt, was the need to rationalize most of the traditional local capacities for peace in order to harmonize them with the existing conventional approaches as well as to accommodate the gradual changes in pastoralist lifestyles and more specifically the fluid transformation of pastoralist conflicts. These issues are discussed later in the chapter.

### 6.2.3 Statistical analysis

The third method used to test the hypotheses was to take a cross-section of the data collected during the field study and apply statistical methods for the test. The Statistical Package for Social Science (SPSS Version 12.0) was used and the results are illustrated below.

**1) That traditional structure for conflict resolution and peacebuilding do exist in different communities sampled**

i) **Index**: Adding together all the traditional structures identified by the households created an index of their total number.

ii) **Structures**: The traditional structures identified by the households included: Institutions - elders, council of elders, soothsayers, religious leaders; Tools & Instruments - traditional prayers, oaths, laws, songs and dances, forgiveness, community cleansing, unity within age sets and groups, teaching (socialization) and rights of a person.

iii) **Collation**: For each of the items identified by the household, a point was awarded; all the points were then added together to form an index named "total number of traditional structures".

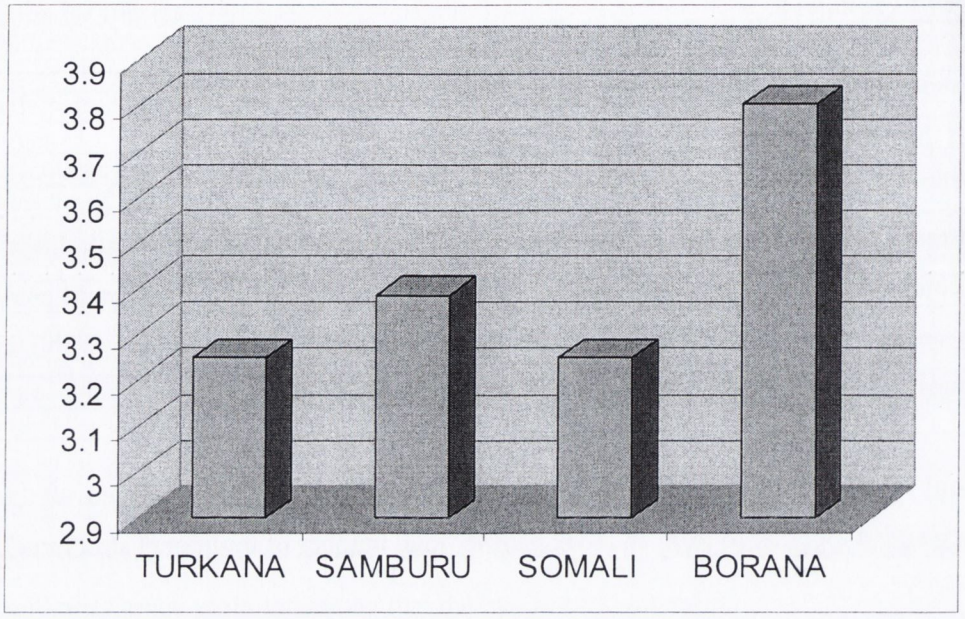
iv) **Ranking**: The index had a minimum value of 1 and a maximum value of 13. The mean of the index was 7.2, median 7, mode 6 and standard deviation of 2.47.

v) **Statistics** : The mean, standard deviation, for the index for each of the communities (Turkana, Samburu, Somali, and Borana) were as follows:

Table 6.2.3 (a): Mean & standard deviation

| Ethnic community | Mean | Std. dev |
|---|---|---|
| Turkana | 3.250 | 0.769 |
| Samburu | 3.388 | 1.076 |
| Somali | 3.250 | 0.8409 |
| Borana | 3.805 | 0.4014 |

Figure 6.2.3 (a): Mean & standard deviation




vi) Taking the difference between the four ethnic communities sampled, the hypothesis was tested using the **Kruskal-Wallis *H* test**. This is a nonparametric test for ordinal data (ordinal data is like the one we have; it has order but fails to be true interval). The nonparametric tests haven't much restriction in terms of the data collected, unlike the parametric. The Kruskal-Wallis *H* test is a one way ANOVA (analysis of variance) for independently selected sample groups using ordinal data. It uses the H statistics.

Table 6.2.3 (b): Kruskal-Wallis *H* test

| Ethnic community | N | Mean rank | Statistics |
|---|---|---|---|
| Turkana | 36 | 55.53 | Chi-square 24.455 |
| Samburu | 36 | 72.03 | df 3 |
| Somali | 36 | 62.18 | p <.001 |
| Borana | 36 | 100.26 | |
| | 144 | | |

These results, thus, reject the null hypothesis (Ho) at p<.001, which states that all the mean ranks of the four ethnic communities are the same (mean of Turkana=mean of Samburu=mean of Somali =mean of the Borana) and conclude that the four ethic communities (or sample groups) are significantly different in terms of the number of traditional structures they posses and these differences are not by chance only. It appears that the Borana had the highest number of traditional structures, followed by Samburu and finally the Turkana. (Ho; R1=R2=R3=R4); reject Ho; and accept the Ha (alternate hypothesis) that the means are not the same, significant at p<.001.

vii) The frequency distribution of the index was as follows:

Table 6.2.3 (c): Frequency distribution

| Scale of the index | Frequency | Percent |
|---|---|---|
| 1 | 1 | 1 |
| 2 | 4 | 3 |
| 3 | 6 | 4 |
| 4 | 11 | 8 |
| 5 | 13 | 9 |
| 6 | 21 | 15 |
| 7 | 19 | 13 |
| 8 | 21 | 15 |
| 9 | 20 | 14 |
| 10 | 15 | 10. |
| 11 | 10 | 7 |
| 12 | 2 | 1 |
| 13 | 1 | 1 |
| Total | 144 | 100 |

viii) Reliability for the index was cronbachs alpha 0.596. Majority of the households (76 %) identified 6 and above traditional structures (these included elders: 100%, unity within age sets and age groups: 69%, prayer: 67%, God: 63%, compensation: 59%, traditional laws: 59%, traditional oaths: 58%, teaching (socialization): 58%, song and dance (socialization): 49%, and church leaders: 49%). Other included soothsayers: 35%, sheikhs: 27%, forgiveness: 33%, community cleansing: 11%, council of elders: 25%, rights of person: 13% used by the community for conflict resolution.

Using the majority number of items identified and the mean for each ethnic community, it can be safely concluded that there are traditional structures for conflict resolution and peacebuilding within the different communities sampled.

2) **That the traditional structures for conflict resolution and peacebuilding are in use by the communities sampled**

To test the above hypothesis an index was developed based on the score given to the different reasons and frequency of the sampled households that used traditional structures for conflict resolution and peacebuilding. The index was termed as "index of frequency/preference for traditional structures in conflict resolution and peacebuilding". A number of parameters drawn from the field data were used as examples to illustrate the extent of usage of traditional structures by the study communities.

**i) Evidence of the intervention by communities using traditional structures to prevent conflicts**

Indices based on the 15 items identified by the communities as the various interventions they participate in to prevent conflicts within their localities the items are listed in the table below.

Table 6.2.3 (d): Community interventions used in preventing conflicts

| Type of Intervention | Frequency | % |
|---|---|---|
| Border patrols | 70 | 49 |
| Meetings with other communities to plan for pasture and water use | 100 | 69 |
| Signing of peace declaration | 28 | 19 |
| Planning watering regime with other communities | 54 | 38 |
| Laying out policies and laws | 79 | 55 |
| Representation and participation | 23 | 15 |
| Imposing fine to offenders | 51 | 35 |
| Use of existing authorities | 78 | 54 |
| Use soothsayers | 5 | 4 |
| Reading of intestines and clouds | 22 | 15 |
| Dialogue | 10 | 7 |
| Sharing of resources | 10 | 7 |
| Stories poems and songs | 10 | 7 |
| Respect of others property | 14 | 10 |
| Respect of other people's wives | 19 | 14 |
| Punishment | 14 | 10 |

For each of the identified intervention a score of 1 was given and for each one the respondent did not identify a score of zero was given. The total scores were then added to compute an index of the community's intervention in preventing conflicts. The computed index ranged from a minimum of 2 and a maximum of 8, with a mean of 4, mode of 4 and median of 4. The cronbachs alpha for the index was 0.632. The frequency distribution of the index "index of interventions by communities in preventing conflicts" is shown below.

Table 6.2.3 (e): Frequency distribution

| Scale | Frequency | Percent |
|---|---|---|
| 2 | 35 | 24 |
| 3 | 10 | 7 |
| 4 | 40 | 28 |
| 5 | 39 | 27 |
| 6 | 13 | 9 |
| 7 | 2 | 1 |
| 8 | 5 | 4 |
| Total | 144 | 100 |

The majority of the respondents (69%) identified more than 4 items of conflict prevention a clear indication that they were common and in use. At least each respondent identified two items they did participate in. The number of items identified by the different ethnic communities is given in the

table below. The community with the highest number of items was the Somali community as it identified above 4 items (25%).

Table 6.2.3 (f): Number of items communities where communities participate

| Number of items | Ethnic communities | | | | | | | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Turkana | | Samburu | | Somali | | Borana | | | |
| | No | % | No | % | No | % | No | % | No | % |
| Between 1 and 3 items | 20 | 14 | 10 | 7 | - | - | 15 | 10 | 45 | 31 |
| Between 4 and 8 items | 16 | 11 | 26 | 18 | 36 | 25 | 21 | 15 | 99 | 69 |

Testing the significance of the above results using the chi-square test, it was found that the frequency of the values between four and eight items were significantly higher (p= <.01) than the 1 to 3 items.

Table 6.2.3 (g): Significance

| Number of items | Observed frequencies | Expected frequencies | Residual | Chi-square statistics |
|---|---|---|---|---|
| Between 1 and 3 items | 45 | 72 | -27 | Chi-square 20.250<br>df 1<br>p=.01 |
| Between 4 and 8 items | 99 | 72 | 27 | |

The interpretation here is that there were no true differences (or the differences were by chance only) then the frequencies would be as per the expected frequency 72 (i.e. a 50:50 chance); but, the differences are not due to chance and that was shown by the residuals that the 4 to 8 had a higher positive figure of 27. The p < 01 meant that 90 percent of the time the results would be the same as above.

Of the 17 items identified, the following items were found to have a higher contribution to the index and hence to the level of intervention and could therefore be used in developing intervention policies; (i) representation and participation; (ii) use of existing authorities; (iii) dialogue; (iv) sharing of resources; (v) stories, poems and songs; (vi) meeting with other communities to plan for pasture and water use; and, (vii) border patrols. Punishment and respect of other properties contributed the least to the index.

Table 6.2.3 (h): Potential interventions

| Type of Intervention | Contribution to the index (r) | P: value |
|---|---|---|
| Border patrols | .314 | .01* |
| Meetings with other communities to plan for pasture and water use | .328 | .01* |
| Signing of peace declaration | .124 | |
| Planning watering regime with other communities | .439 | .01* |
| Laying out policies and laws | -.173 | .05* |
| Representation and participation | .584 | .01* |
| Imposing fine to offenders | .494 | .01* |
| Use of existing authorities | .573 | .01* |
| Use soothsayers | -.133 | |
| Reading of intestines and clouds | -.248 | .01* |
| Dialogue | .521 | .01* |
| Sharing of resources | .521 | .01* |
| Stories poems and songs | .521 | .01* |
| Respect of others property | -.016 | |
| Respect of other people's wives | .114 | |
| Punishment | -.016 | |

**ii) Evidence of communities participation in peace building activities**

There was evidence to show that communities participated in peace building activities in their localities in the following manner:

a) Participate in peace building activities,
b) Participate in identifying peace building initiatives,
c) Carrying out peace building activities,
d) Communities funding peace building initiatives,
e) Community monitoring peace building process,
f) Community evaluation of peace building initiatives,
g) Community involvement in disseminating peace building monitoring activity results; and,
h) Receiving monitoring reports on peace building activities.

The above 8 items were used to develop 8 indices each combining indicator variables related to the individual index. The selected items were the ones that indicated the different ways in which the communities participated in peace building activities in their localities. A combined index was then developed from the eight indices earlier formed. The resulting index, termed as ***combined community's participation in peace building initiatives*** had a scale ranging between 9 and 31: the minimum was 9 and the maximum was 31. The index had a mean of 16.40, median of 13.5, mode of 13 and a standard deviation of 6.34. The reliability for the index using the cronbachs alpha was 0.6948.

The frequency distribution of the combined index was as shown below.

Table 6.2.3 (i): The frequency distribution of the scale for the combined community's participation in peace building initiatives index

| Scale | Frequency | Percent |
|---|---|---|
| 9 | 11 | 8 |
| 10 | 10 | 7 |
| 12 | 23 | 16 |
| 13 | 28 | 19 |
| 14 | 5 | 4 |
| 15 | 5 | 4 |
| 16 | 6 | 4 |
| 17 | 15 | 10 |
| 20 | 18 | 13 |
| 28 | 14 | 10 |
| 30 | 4 | 3 |
| 31 | 5 | 4 |
| Total | 144 | 100 |

Minimum 9; Maximum 31; Mean 16.40; Median 13.5; Mode 13 and Standard deviation 6.34

Testing the significance of the above results using the chi-square test found out that the frequency of the values between 9 and 13 were significantly higher ($p = <.01$) than the other two, indicating the differences were not by chance only.

Table 6.2.3 (j): Significance of results using the chi-square test

| Scale | Observed frequencies | Expected frequencies | Residual | Chi-square statistics |
|---|---|---|---|---|
| Between 9 to 13 | 72 | 48 | 24 | Chi-square 19.042<br>df= 2<br>p = .01 |
| Between 14 and 17 | 31 | 48 | -17 | |
| Between 18 and 31 | 41 | 48 | -7 | |
| Total | 144 | 144 | | |

Of the 8 indices that formed the combined index (***combined community's participation in peace building initiatives***) the following indices were found to have a higher contribution to the combined index; (i) communities involvement in disseminating results of peace monitoring activities; (ii) communities evaluation of peace building activities; (iii) carrying out peace building activities; (vi) participation in peace building activities. The indices with a higher contribution to the combined index can be given first (or higher) priority in developing intervention programmes for peace initiatives.

Table 6.2.3 (k): Participation in peacebuilding

| Indices | Contribution to the combined index (r) | P: value |
|---|---|---|
| a) Participate in peace building activities | .520 | .01 |
| b) Participate in identifying peace building initiatives | .345 | .01 |
| c) Carrying out peace building activities | .565 | .01 |
| d) Communities funding peace building initiatives | .343 | .01 |
| e) Community monitoring peace building process | .452 | .01 |
| f) Community evaluation of peace building initiatives | .716 | .01 |
| g) Community involvement in disseminating peace building monitoring activities results | .778 | .01 |
| h) Receiving monitoring reports on peace building activities | .349 | .01 |

**iii) Indices forming the combined index**

***a) Participation in peace building activities***

The communities identified the following peace building activities in which they participated.

Table 6.2.3 (l): Peacebuilding activities

| Peace building activity | Frequency | Percent |
|---|---|---|
| Surrender of small arms | 37 | 26 |
| Cosmopolitan peace building initiative | 35 | 25 |
| Provision of a watering system | 53 | 37 |
| Sign agreements | 49 | 34 |
| Inter-community marriages | 48 | 33 |
| Project launching | 26 | 18 |
| Food security | 10 | 7 |
| Formation of inter-faith groups | 28 | 19 |
| Good and just governance | 29 | 20 |
| Peace committees | 40 | 28 |
| Seminars | 16 | 11 |
| Employment | 16 | 11 |
| Community development | 16 | 11 |
| Farming activities | 35 | 24 |
| Micro-finance assistance | 22 | 15 |

The index developed for peace building activities ranged between 0 and 7 with a mean of 3, standard deviation of 2.01, median 4, mode 5.

The frequency distribution of the index was follows:

Table 6.2.3 (m): Frequency distribution of index

| Index range | Frequency | Percent |
|---|---|---|
| 0 | 30 | 21 |
| 1 | 6 | 4 |
| 2 | 5 | 4 |
| 3 | 29 | 20 |
| 4 | 23 | 16 |
| 5 | 46 | 32 |
| 7 | 5 | 4 |
| Total | 144 | 100 |

The majority of the communities (51%) identified between 4 and 8 activities that they had participated in for peace building within their localities. Only 21 % of the respondents had not participated in any activity, this could either women or youth who don't participate much in peace initiatives.

Table 6.2.3 (n): Participation in peacebuilding

| Number of items | Ethnic communities | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Turkana | | Samburu | | Somali | | Borana | | Total | |
| 0 items | 20 | 14 | 4 | 3 | 6 | 4 | - | - | 30 | 21 |
| Between 1 and 3 items | 9 | 6 | 11 | 8 | 15 | 10 | 5 | 4 | 40 | 28 |
| Between 4 and 8 items | 7 | 5 | 21 | 15 | 15 | 10 | 31 | 22 | 74 | 51 |

Testing the significance of the above results using the chi-square test found out that the frequency of the values between 4 and 9 were significantly higher (p= <.01) than the other two. Indicating the differences was not by chance only.

Table 6.2.3 (o): Significance of differences

| Scale | Observed frequencies | Expected frequencies | Residual | Chi-square statistics |
|---|---|---|---|---|
| 0 | 30 | 48 | -18 | Chi-square 26.167<br>df= 2<br>p = .01 |
| Between 1 and 3 | 40 | 48 | -8 | |
| Between 4 and 9 | 74 | 48 | 26 | |
| Total | 144 | 144 | | |

By applying these rigorous analyses of each of the components identified in the field study it was possible to make a reasonable conclusion that traditional structures for conflict resolution and peacebuilding were in use by the communities sampled and hence, the hypothesis was valid.

**3) That the traditional structures for conflict resolution can be successfully used in conflict resolutions and peacebuilding within the communities sampled.**

To test the above hypothesis another index was developed based on the score given to the different reasons the households perceived that the traditional methods were successful in mitigating conflict within the communities sampled. The index was termed "index of success by traditional structures in conflict resolution".

i) The index of success by traditional structures in conflict resolution was created by first asking the respondents to give the different reasons why they considered the traditional structures were successful in mitigating conflict within their communities. The households identified 12 reasons which included; (1) responding when called, (2) lack of corruption, (3) lack of bias, (4) fair judgment, (5) discourage repeating of a mistake, (6) transparency, (7) using health facilities together, (8) using schools together, (9) sharing natural resources together, (10) social development, (11) use other resources together (roads etc), (12) normally resolve the conflicts (the parties respect them).

ii) A score was given to each of the households that identified one of the 12 items listed above as the success to traditional conflict resolution structures.

iii) The scores were then added to form the index of success of traditional structures in resolving conflicts, which was found to range between 0 and 6, with a mean of 3.1, median of 3, mode of 4 and a standard deviation of 1.562. The frequency distribution was as follows:

Table 6.2.3 (p): Index of success

| Scale | Frequency | Percent |
|---|---|---|
| 0 | 1 | 1 |
| 1 | 30 | 21 |
| 2 | 17 | 12 |
| 3 | 35 | 24 |
| 4 | 36 | 25 |
| 5 | 11 | 8 |
| 6 | 14 | 10 |
| Total | 114 | 100 |

iv) The reliability of the index using cronbachs alpha was 0.6122.

v) Most of the households (above 50%) ranked the traditional structures highly with a score of 3 and above. This is an indication that the people perceive the traditional structures as very effective in conflict resolution.

vi) The more the number of traditional structures identified by the community (or used by the community) in conflict resolution the higher was the success of the traditional methods as perceived by the households. (Note: this does not refer to the number of options applicable to one single specific problem but to all the traditional structures).

Table 6.2.3 (q): Success of identified structures

| Bivariate Correlation | R | P |
|---|---|---|
| Index of the total number of traditional structures and the index of success of the traditional structures | 0.371 | .0001 |

vii) A significant correlation was found between the number of items and the success of the method (correlation coefficient of r=0.371, p< .01). (Note: r= has a range of .000 to .100, thus a .371 shows that there is a reasonable amount of correlation between the two. In a study like this, any r figure above .099 is of notable value). The p of above .01 means that the r cannot be by chance only (at least it can be repeated 99% so times or the result are not by chance only)).

It can be safely concluded that the traditional methods of conflict resolution can be used with success in resolving conflicts within the communities sampled; hence, the hypothesis was valid.

## 6.3 Challenges to Traditional Approaches of Conflict Resolution and Peacebuilding

The discussion on the challenges that face the application of local capacities for peace is divided between two broad categories - the internal and/or inherent challenges and those that can be regarded as largely external. The basis of the discussion is centred on the lessons learned with the Marsabit field experience, complemented by detailed cross-referencing with the data and information from the rest of the thesis. As pointed out in the hypotheses, the discussion is limited to only one aspect amongst many, which is, enhancing the harmonization of the traditional and conventional structures or put simply, the scaling-up of the traditional structures used in conflict resolution and peacebuilding in the pastoralist areas.[4] Before looking at the challenges facing the traditional approaches, it might be good to get a feeling of just how complex they are through their manifestation in the pastoralist areas. Chapter 2 detailed one of the apparently successful tools, built on traditional approaches, used in conflict resolution and peacebuilding – peace declarations. However, writing in one of the daily newspaper's column 'Letters to the Editor', a reader who is also a lecturer and researcher in Marsabit district had this to say about one of the peace declarations.

> **Modogashe peace initiative is not binding**
> The Modogashe Declaration which was signed by leaders in Modogashe in Isiolo District is not binding and honored as it was envisaged. The aim of the declaration was to restore peace and order and also to control/minimize banditry and cattle rustling acts which were rampant in Northern Kenya. However, this initiative by the local communities is not forthcoming and the main reasons attributed to its failure are as follow[s]:
>
> a) The declaration was not constitutional—how can one be held responsible for the crimes which he/she has not committed? Paying fines (100 cows for a life lost) on behalf of the culprits is not a just law.
> b) If the Government failed to trace or apprehend the culprits, why transfer their roles to common wananchi [people] who are already stricken by devastating hunger and poverty?
> c) Suppose the culprits commit crimes and escaped to other district where Modogashe declaration is not enforced, who should be held responsible in paying -off the fine as agreed upon in the declaration? Therefore, [there] is a discrepancy in the declaration.
> d) Failure of the government to follow up the declaration strictly has also [led] some communities not to honor the agreement. Why then pressurize others to abide by the covenant when it's not honoured by all? Just to benefit others?
> e) Lack of proper sensitization and inadequate representation on the peace agreement has made to question the legality of the declaration. Therefore, unless majority of the people are involved in the decision making process, this peace deal is bound to fail because they don't own the process.
>
> The Government must protect its citizens and their properties as enshrined in the constitution of Kenya and not to abdicate its role as they are doing now [by ceding responsibilities to the ill-prepared communities].[5]

This is only a snap-shot of the exceptional challenges that continue to face the successful wide-scale application of local capacities for peace. Several of these drawbacks have already been highlighted in chapters 2 and 3 and for this reason; the following discussion will focus on the links between these drawbacks and the theory and practice of commonly practiced principles in conflict resolution and peacebuilding in the pastoralist areas.

### 6.3.1 Internal challenges

Throughout the chapters, two major issues seem to emerge; these are (1) the question of representation and participation and (2) the applicability and/or adaptation of the local capacities for peace.

**a) Representation and participation**

Chapter 2 and 3 has dealt in detail with this aspect and rightly pointed out that, for example, representation is not merely a question of numbers, although this is also important, but in relation to traditional structures, representation refers both to the make up of the community as a whole as well as the extent to which their diversity of interests and concerns is reflected in the everyday operation of the structures. Throughout the thesis, it has been pointed out that, to date, not all the sectors of the community, in particular the women and youth, fully participate in the community-based traditional structures of conflict resolution and peacebuilding even though these sectors play crucial roles in the conflicts either as perpetrators and/or victims. The question however, concerns the extent of representation or involvement of these sectors, for as it has been pointed out in the various chapters, traditional conflict resolution is a social affair that involves the use of tools and instruments like song and dance, poems and rituals etc in which the entire community is invited to take part.

The question then, is - what constitutes adequate and equitable representation and participation? Women, for example, take part in the conflict resolution deliberations albeit while sitting at the periphery of the circle of elders or they may air their views through a male representative, or sing mocking songs and shout down men who lie at the deliberations or they may use traditional instruments like the *Leketio* (birth-belt) of the Pokot community to forbid their sons from engaging in conflict. More importantly, women married across warring factions play crucial roles as goodwill ambassadors during and after violent conflicts. Although all these roles are well recognized in the society the question is whether they constitute what can be regarded as adequate and equitable representation and participation in the conflict resolution and peacebuilding processes or whether their role is simply to affirm decisions which have been reached by a smaller group – elders, mostly men - and who use cultural reasons to bar them from participating in certain aspects of the decision making processes? This remains an open question in the field but as a result of external pressure, particularly advocacy by practitioners, the degree and extent of participation by the different sectors in the community is continuously being rationalized with structures like the peace committees clearly stipulating the composition of membership based on gender and interest considerations. This is part of the social transformation taking place in the pastoralist areas and while the goodwill exists, albeit grudgingly, it is going to take time to be fully realized.

In nearly all the literature reviews and documented field experiences with projects implemented in the pastoralist areas, the communities have persistently recounted their frustrations with the processes of representation and participation in the policy formulation, project planning, and largely also, in the implementation processes. For reasons of conformity but as well as conviction, most of the practitioners engage in the prevailing project planning and formulation principles including participatory project planning and appraisals, community action planning, local partnerships, peace and conflict impact assessments etc. but, as was pointed out earlier, they face serious setbacks, for example, with illiteracy amongst the communities where everything written has to be translated into at least three different languages and even then has to be converted into media like songs, drama etc. that are more familiar and understandable to the majority of the people (see chapter 5). These processes take time, money and require a frame of mind not necessarily natural to the majority of field officers. Moreover, the dilemma still exists that, on one hand, the need and urgency to do something is so overwhelming that the meticulous processes of ensuring equitable representation and participation pales and is usually considered a nuisance yet on the other, it is common knowledge that failure to adequately involve the community in the processes always results in project failure.

Under such circumstances, the challenge usually lies in the task of finding or identifying the appropriate entry points, be they project activities, traditional governing structures etc. In addition, the question of timing, that is, at what stage to introduce which interventions, is also important. The question of finding the appropriate entry points is quite pertinent, especially when considered in light of chapter 1. It pointed out how either because of wrong timing or targeting, well-intentioned development interventions could potentially and inadvertently cause conflict, at most, or at least, exacerbates existing ones. The most fundamental challenge however, is the fact that decisions of this nature also entail ethical considerations such as - can one sit back and watch as people die just because some project detail has not been agreed upon; or, for example, can one condone a little corruption for the sake of the greater good? This thesis is not qualified to offer any opinion on this issue except to state that every effort should be made to ensure that rationality in decision making should always prevail.

Closely related to the question of finding the right entry points that would facilitate equitable representation and participation in the traditional local capacities for peace is the question of leadership, which has already been alluded to in this section. Throughout the literature review and in the field data from Isiolo district, it was reiterated that the institution of elders is the foundation of traditional governance in the pastoralist areas. Elders are venerated in the society and command respect which is earned through age, graduation through initiation ranks, prosperity, oratory skills, bravery etc (chapter 2 and 3). The institution of elders has, however, faced innumerable challenges

starting with the colonial authorities who saw it as a threat and vowed to destroy it (chapter 3); the introduction of small arms which meant that it was the amount of firepower that one commanded that determined one's authority; state interference where the governments of the day imposed leaders; and, politicization and corruption where status in the community was bought through bribery and coercion.

The net effect of all this has been a dilution of and dissolution with the traditional structures and the birth of "self-styled community-gatekeepers" in the form of selfish leaders or transient community-based organizations (CBOS) (chapter 5).These are the leaders who attend all the meetings and workshops purporting to represent the communities, but in most cases are only interested in promoting their private agendas, and, sadly, usually succeed in duping practitioners who are themselves under extreme external pressure to show results for their work. If they do not, funding is lost and/or staff is demoted. Fortunately, the case-study of the Marsabit Development Programme has illustrated how these drawbacks can be overcome through innovative leadership, programme flexibility and sheer determination and commitment on the part of those involved in the projects. They may sometimes be called upon to take risks and maybe unpopular in doing what is right in order to accommodate alternative views dictated by the community traditional structures.

**b) Application of traditional structures**

The research hypotheses raised the question of whether community-based local capacities for peace were so case-specific that they were only relevant to individual groups and/or situations. It is true that there exist a few ethnic specificities, attachments to cultural interpretations of certain aspects/components of conflict resolution and peacebuilding processes that differ between the communities. For example, in the violent confrontation of October 2002 between the Pokot and Marakwet communities in Kenya where livestock was stolen and a person was killed, the elders from both the communities together with the local Provincial Administration decided to apply by-laws enumerated at the Koloa Declaration of June 2002 but, the elders differed on the interpretation. The by-law stipulated that 40 heads of cattle had to be paid to compensate a murdered man and:

> [the] ...Pokot elders noted that the payment of compensation among the Pokot – termed *labia* – is a more complex social process than merely the payment of cattle. For example, it includes prohibitions on marriage until the matter is settled. Some Pokot elders felt that *labia* should be applicable only among Pokot, not between Pokot and others, and that the compensation referred to in the Koloa Declaration should not be equated with *labai*[6]

Irrespective of this difference of opinion, this example confirms what has already been pointed out in chapters 2- 5 that although there are variations in perception and interpretation amongst the different pastoralist groups, the differences are, by and large, not significant and the traditional structures across the pastoralist communities are closely similar. The Pokot in this case were not opposed to the fundamental idea of compensation, they merely differed on the interpretation of the

tool used and, even this difference could be negotiated and a satisfactory compromise found. This was observed in the case of the Marsabit project which successfully bridged ethnic dispositions and elaborated by-laws applicable and acceptable to different communities sharing common natural resources. Indeed, the problem of perception and interpretation is more significant in conflicts involving pastoralist and non-pastoralist communities where, in many cases, the differences are unbridgeable, and the easiest way out is to resort to the existing conventional structures of conflict resolution.

It should be noted that there are a few exceptions to the rule presented above where pastoralist communities might fundamentally disagree with some component of the traditional structures as illustrated by the following case with the Samburu community where the:

> Samburu district peace committee for instance faulted the [Koloa] declaration on the grounds that it provides for compensation for women killed in conflict. According to Samburu customs, compensation for women and children killed during raids does not exist in their vocabulary for their customs and practices does not allow killing of women, children and the elderly during inter-community raids. [7]

The problem in this case is that although the Samburu community stipulates that these special groups in the community are not harmed during conflicts, they are increasingly being targeted in the current violet conflicts especially where firearms are used indiscriminately to prosecute traditional conflicts like cattle raiding. The Samburu have no option but to reformulate their traditional interventions to cope with this transformation of conflicts.

The last major challenge regarding representation and participation concerns the question of adaptability. Chapter 3 pointed out that some of the community-based traditional structures are considered, particularly in today's world, archaic, oppressive and discriminatory. Chapter 5 documented examples of extremely severe penalties including death penalties, expulsions and curses. Unfortunately, similarly severe penalties are contained in the conventional penal codes while tools like curses are vigorously opposed on religious grounds. There is however a little consolation in the knowledge that before the traditional structures imposed any severe penalties diligent processes, as stipulated by traditions, are meticulously followed (chapter 5). It is true that if traditional structures are to remain relevant and representative, they have to, as a matter of necessity, inevitably evolve to reflect changes occasioned by the globalizing world and its demanding lifestyles. Such change is also important as the pastoralist communities need to be integrated and mainstreamed into the prevailing socio-political, -cultural and –economic spheres. It has been pointed out that any transformation, especially one that concerns values and people's identity, is slow, and, at times, requires compromises that are expensive in material and non-material terms. Fortunately, the thesis suggests that there are more positive than negative aspects contained in the traditional community-based local capacities for

peace and the challenge is to build on the positive aspects while, as proposed in chapter 2, continuing to engage the negative aspects to ensure positive change. This is indeed possible, as demonstrated in the discussion on the role of culture in pastoralist conflicts (chapter 1 & 2 and the Marsabit case-study) where it was clearly illustrated that people will always try change if such change is considered advantageous to their well-being and prosperity.

### 6.3.2 External challenges

Suppose a near perfect peace committee that has proved its efficacy in conflict resolution and peacebuilding exists – The Samburu Peace and Development Committee in Kenya fits this description – then a violent conflict in a remote part of the district breaks out but before the committee can be mobilized, it rains heavily and the conflict areas are cut-off from all reasonable communication. Further suppose that the conflict had been as a result of a long drought that had decimated the aggressor community's livestock and that the intention was to raid their neighbors to acquire livestock for re-stocking purposes. Now, suppose that this community had sought armed help from its kin across an international boundary who had acquired arms from an on-going civil conflict in their own country. Finally suppose that the top government appointed administrator in the district is originally from the aggressor community and/or is related to them by way of marriage or through other loyalties and that the administrator has also misappropriated money allocated for security purposes by the central government and therefore cannot mobilize and mount a quick-response security team to the conflict area. These are only a few of the myriad of both natural and human-made, factors that face the implementation of traditional local capacities for peace. They are external challenges because they are beyond the control of the traditional structures yet have direct negative impacts on their ability to function as effective conflict resolution and peacebuilding institutions as briefly discussed below.

#### a) Theory and practice

In a series of meetings with government representatives, civil society practitioners and communities involved in conflict resolution and peacebuilding in the pastoralist areas, there was one recurring complaint. This was, "We know and/or have a very good idea of what the problem is, after all, we have lived with it for years; we know what ought to be done and we even know who ought to do it, but, what can we do in light of the following circumstances (i), (ii), (iii) etc that we are faced with?". What this contention illustrates is one of the gaps between theory and practice. For example, taking the example above, it is obvious that, amongst other things, there is need to (i) replace the administrator, (ii) allocate sufficient resources for security purposes and ensure transparency in its use, (iii) control arms flow across the border, (iv) offer alternative livelihoods to those affected by drought, (v) build good infrastructure in the district etc. etc. The answers are there but what is lacking is the means and probably the goodwill to implement them.

The literature review (chapters 2-4) has presented another gap between theory and practice. It was pointed out that the local capacities for peace comprised of institutions, tools and instruments that are rooted in the communities' socio-political, -cultural and –economic attributes i.e. people who speak the same language, share the same culture and have similar values etc. It was also pointed out that at the micro community-level, local capacities for peace are still effective because the differences across the ethnic pastoralist groups are minimal; thus, a group of elders from the same or different communities are able to easily relate to each other. It was however pointed out that this type of relation, which is referred to here as "horizontal communication", is not always effective between the elders and, women or the youth especially because these groups are already disadvantaged and lack equitable representation and participation in the community's traditional governance structures.

In addition, it has been pointed out that the local capacities for peace do not always enjoy a cordial relationship with the existing conventional or government appointed/led administration structures, which are usually accused of lack of transparency and accountability, heavy handedness, subjective leadership etc. This means that communication between the traditional and these conventional structures, which is referred to here as "vertical communication", is usually strained, to an extent, as the data from Isiolo district indicates, that the communities will only turn to the conventional structures as a last resort. These aspects in relationship and communication are what Lederach in chapter 3 in his "Actors and Peacebuilding Foci" calls the interdependence gaps. He points out that the challenge for horizontal capacity is how to foster constructive understanding and dialogue across the lines of division in a society, while the challenge of vertical capacity is how to develop genuine recognition and that peacebuilding involves multiple activities at different levels of leadership, which take place simultaneously and with distinct needs at each level. This aspect is now well recognized in the field as reflected in two examples of structures that endeavored to be inclusive and at the same time enhance both horizontal and vertical relationship and communication. The first example represents an attempt made to mainstream Small Arms and Light Weapons (SALW) as a component of the activities undertaken by community-based committees at the district level.

**Mainstreaming the SALW component in the peace committees**[8]

Stage1: Identification of appropriate dialog forum – The first step was to have consultations with informed people in the district and to sit in the ongoing peace and development committee meetings in order to have a feel of the workings of the peace and development committees.

Stage 2: District Level Consultative meeting - District level consultation meetings were held to introduce the SALW issues and to propose approaches of mainstreaming them into the peace committees and to develop a training guide. The participation of Trainers of Trainers (ToTs) from different areas in the consultation meeting was ensured in order to benefit from a 'rippling effect' given that they were better placed to implement recommendations in their various localities. It was important at this stage to have a dialog forum that was all-inclusive and not have any one party seen to own the dialog forum.

Stage 3: Pilot-testing a horizontal and vertical consultative framework - Together with identified partners a horizontal and vertical consultative framework was pilot-tested. The primary aim of this framework was to ensure the dissemination of information as widely as possible and to the lowest possible level given that the existing government administrative structure faced difficulties having a sustained flow of information from the local to the district level.

Stage 4: Backstopping the consultative process- Advantage was taken of every partner agency planned meetings in the conflict area to disseminate information on the issue of SALW. Implementing partner calendars of meetings were jointly discussed to identify the required inputs and strategies for mainstreaming the SALW issues in their work.

Stage 5: Follow up meeting- There was need to ensure that the fora were sustained for SALW issues to remain actively on the agenda, maintain a local reference point for the communities and for the purposes of inculcating an element of community ownership. Follow up meetings were organized to elicit feed back from participants on achievements, lessons learned, challenges faced etc. From the follow-up meetings, the small arms component was refined based on the feedback information and finally an extension 'Tool' illustrating the steps of mainstreaming SALW issues into community-based structures in conflict prone areas was elaborated.

The second example has already been presented in chapter 2 where it was illustrated how the POKATUSA initiative involved practitioners from the micro-level (village) to the macro-level (inter-government). The two examples illustrate the fact that the interdependence gap can, in a limited way, be bridged.

In chapter 4, it was pointed out that the Samburu community believes that the *Lesepe* family possess unique skills that enable them foresee and predict intra- and inter-community conflicts and this ability had earned them respect in the community. The Samburu also believed that certain individuals in the community – *Laisi* – were endowed with supernatural powers and were capable of bestowing curses and bad omens on their adversaries. It was further pointed out that those people who acquired and owned firearms were "a law-unto-themselves" and bullied and threatened anybody who they deemed to be opposed to them even where such opposition was legitimate. What these examples illustrated was that in conflicts involving either a member of the *Lesepe* family, a *Laisi* or an armed person, decisions would always be skewed in their favor for fear of repercussions to those who ruled against them (see the example from Marsabit). Brandbury, quoted on the Acholi of Uganda in chapter 3 encountered the difficulties the community experienced as a result of power inequality, especially when they had to deal with conflict involving and/or perpetrated by government functionaries.

At another level, the literature review (chapters 1 & 3) indicated that one of the sources of conflict in the pastoralist areas was the systematic marginalization of the pastoralist communities. This is manifested by an apparent absence of government, little or no tangible investment, dismal infrastructure, only basic social amenities and rampant land annexation and political exploitation. The ensuing disaffection meant that conflicts in the pastoralist areas easily descended into violence and, as

already pointed out, entailed latent agitation to secede. Lederach in chapter 3 observes that it is under these circumstances that people are aware that certain issues of justice and human rights need to change for them to fully participate and control their lives but the channels for effecting the required change are not adequately provided for. This then leads to violence aimed at bridging what the communities consider to be a justice gap between what they expect from the solutions offered to them and what they actually get.

In chapter 2, Goodhand and Atkinson describe three broad categories of practitioners working in the field of conflict resolution and peacebuilding, that is, those working around conflict, those working in conflict and those working on conflict. Their field activities are dictated by the interpretation of what they see or view as conflict which fits one of the three classifications. In chapter 3 under the discussion on finding appropriate entry points for project interventions, the dilemma of whether peacebuilding activities should be "piggy-backed" on existing projects and/or should be stand-alone interventions was highlighted. This dilemma is part of a bigger question of the difference between peacebuilding and conventional development activities - where does peacebuilding end and development begin or vice versa. This dilemma is further captured in the discussion on the current question faced by many practitioners who have supported the resurrection of traditional structures. It is how to move the process on now that the structures are up and running while the danger of sliding back into oblivion still exists? In Lederach's triangle in chapter 3, this dilemma is referred to as the process-structure gap where it is observed that if peace is considered a process, the critique arises that it is an endless dynamic that leads to no substantive outcome, while if it is envisioned as a result, it is presumed as an end-state. In reality, peace is neither an "end" nor a "state" and if treated as such, the desire to preserve or control destroys its very essence. Peace is neither a process nor a structure but both, with peacebuilding requiring work at constructing infrastructures that support permanent processes of the desired change.

**b) Implementation Environment**

Like any other intervention, local capacities for peace require a set of minimum conditions to enable them to grow and take root properly. For example, it has already been pointed out that good infrastructure in the form of roads and communication could readily facilitate the work of traditional structures like peace committees. These minimum conditions are no different from those necessary for the proper operation of conventional structures, where even the regular police require motorable roads and communication equipment to facilitate their work. Another requirement that could facilitate the application of local capacities for peace is trust and confidence, where communities can live in peace and not in fear of attack from their neighbors. The communities also want to be confident that, should an attack occur, the responsible authorities would respond in time and that such response would be objective and impartial. The communities must also have confidence in the structures of justice and

know that there are no "sacred-cows" amongst them who can harass them with impunity, and that, if such people existed, they would face the law and would not be able to bribe their way out of justice. Where traditional structures succeed, for example, disarmament, where firearms are handed to the rightful authorities, communities should be confident that the same arms would not find their way back into circulation through illegal release from government armories. In addition, communities want to know that their government is responsive to their needs and that, for example, they would not die of hunger during long droughts while food rotted in government stores in other districts experiencing bumper harvests. Furthermore, communities want an assurance that they would not be subject to draconian regulations like having their livestock quarantined for long periods, ostensibly, to control livestock disease but in reality a testimony of an inept livestock marketing strategy by the government.

The list of the minimum requirements is long but it forms part of the prerequisite conditions that determine whether the application of local capacities for peace succeeds or fails. Unfortunately, throughout the thesis it has been demonstrated that most of these conditions are lacking in the pastoralist areas where poor infrastructure, irresponsible governance, a diminishing natural resource base, poverty etc contribute to a state of insecurity and consequently violent conflicts and vice versa. Chapter 3 quotes Goodhand and Hulme presenting the premise underlying the concept of peacebuilding which suggests that it is only when the conditions premised exist, that local capacities for peace could make any reasonable contribution and impact in conflict resolution and peacebuilding.

**c) Acknowledgement and recognition**

Chapters 2 and 3 went to great lengths to highlight one of the fundamental challenges facing the application and wide-scale adaptation of local capacities for peace, that is, their lack of adequate acknowledgement and recognition by the state (and to a lesser extent by faith led institutions). Lack of acknowledgement of the traditional structures has usually meant that they are not recognized in conventional law and, as already pointed out, those dissatisfied with decisions reached through traditional approaches of conflict resolution can easily obtain court injunctions and thus frustrate and negate the entire traditional process. Lack of recognition also means that the traditional structures are not involved in important decision making processes, for example, in issues concerning security where they are considered to have no mandate. Lack of proper recognition can also mean that politicians and government functionaries can abuse the traditional structures as they hold the goodwill under which they operate. There have been cases in the pastoralist areas where the government administrators, usually at the instigation of politicians, disagree in principle with certain decisions made through the traditional systems and they simply disband and dismantle the structures and/or frustrate their operations to an extent that they become dormant and ultimately irrelevant. Finally, lack

of recognition also means that the funding for traditional structures is weak as they cannot be included in the government fiscal budgetary allocations.

Fortunately, these drawbacks, acknowledgement and recognition, are gradually and systematically being addressed chiefly because the traditional local capacities for peace have proved themselves and have carved their niche in conflict resolution and peacebuilding. As pointed out in the literature, many practitioners, including government ones, are turning to traditional local capacities for peace to facilitate their work. In some cases, like in Garissa district, they have used the traditional structures to solve cases which had defied the conventional approaches for many years. Chapter 3 presented an innovative initiative by the Kenyan government to establish a national framework for peacebuilding and conflict management 'on the principle that security is a domain that needs inputs from all stake holders through harmonized and coordinated peacebuilding and conflict management'.[9] This initiative, once fully realized, will mainstream and harmonize the local capacities for peace in the existing conventional approaches. In addition, the case-study from Marsabit also demonstrated that traditional structures or local capacities for peace could indeed be transformed into moderately self-sustaining, representative and reasonable democratic initiatives for conflict resolution and peacebuilding in the pastoralist areas.

## 6.4 Conclusion

### 6.4.1 Relevance and adaptability

It is evident from the discussion throughout the thesis that pastoralist areas have been, to date, historically marginalized by their own governments dating back to the colonial times. There have been limited capital investments in the areas and governance is mostly done by "remote control" from far away central governments. The marginalization in the pastoralist areas has resulted in unprecedented insecurity and lawlessness where, in recent times, the possession of military-style weapons like the AK47 - as a status symbol, a source of personal security, a means of subsistence, a sign of manliness and, in some cases, a symbol of ethnic and cultural identity - is glorified among the pastoralist communities.

One of the manifestations of insecurity in the pastoralist areas has been paralyzed socio-economic development. This is primarily because, for fear of attack or car-jacking by armed-gangs, development activities are severely curtailed with inordinately large sums of money being spent on security for the extension staff who mostly limits their activity to relatively safe areas. In addition, levels of criminality have risen, with unscrupulous people seizing the opportunity offered by insecurity in the areas to carry out illegal trade across borders and more recently to transform traditional pastoralist cattle rustling into a devastating and brutal commercialized venture.

Other manifestations of the protracted conflicts are the breakdown of contact between neighboring or adjacent communities where age-old social networks constructed by inter-clan social institutions like marriages have been broken. In addition, food insecurity and malnutrition is prevalent in these areas because food production is constrained by the destruction and abandonment of crops and access to milk or blood by women, children and old people is limited because their livestock has either been stolen by rival groups or is hidden in distant and secret grazing areas away from potential raiders.

For many years now, there have been various approaches to conflict resolution and peacebuilding and while they were developed to address contemporary conflicts, the similarities between such conflicts and pastoralist conflicts, means that the same approaches can be adapted for the latter. Experience has continuously indicated that conventional governance in the pastoralist areas was largely inadequate; hence, the local communities have gradually revived the use of indigenous community-based structures for conflict resolution and peacebuilding. Traditional conflict resolution entails joint problem-solving techniques and processes that put emphasis on reconciling the protagonists with each other rather than on establishing right and wrong. The aim of the punishment is not retaliation, but the restoring of equilibrium, usually through the mechanisms of restitution, apology and reconciliation with an emphasis on justice and fairness, forgiveness, tolerance and

peaceful coexistence. Indeed, traditional conflict prevention and resolution through customary institutions was based on the principles of reciprocity where cultural beliefs and values were considered fundamental to the conflicting parties and dictated the extent of the reciprocity. The efficacy of the traditional institutions depended, first, on the degree to which these institutions were seen to be important in the cultural setting of the parties in conflict and, second, on the extent of influence of external factors that supplemented or even supplanted their role. As for peacebuilding, it is important that parties in conflict are encouraged to identify a wide variety of post-conflict economic and social opportunities in order to generate reassurance and confidence and a willingness to accommodate the interests of each other to encourage peaceful co-existence.

Intra- and inter-community conflicts in the pastoralist areas include, among others, disputes over land, water, pasture, fishing rights, murder, cattle raiding, theft, rape, banditry, disagreements over bride-price, marital problems, inheritance and inter-ethnic and religious conflicts, albeit only in a limited way. Traditionally, whenever conflicts arose, they were hastily brought to the attention of the elders who tried to resolve them immediately and/or assure the parties in conflict that their cases were receiving due attention. During the resolution negotiations the conflicting parties were required to appoint representatives who were knowledgeable, of moderate temperament and articulate in order to ensure that the deliberations did not deteriorate or exacerbate the conflict since, as pointed out above, the primary goal in the conflict resolution process was the retaining of harmony in the community.

In the traditional setting, the elders laid down the rules and procedures that governed the community; these included processes of initiating warriors, settling disputes, sanctioning raiding expeditions and determining grazing areas. The community relied on the wise guidance, prayers and blessings of the elders especially because their advanced age and experience was seen as indicating their close relationship with the spiritual world. Besides the elders, religious and other spiritual figures also had peacemaking responsibilities, with authority based on the esteem with which they were held as spiritual leaders. The spiritual leaders were seen as ideal, neutral arbiters who had allegiance to universal religious values that transcend individual community loyalties and the responsibility of religious figures was not to judge cases but to encourage rivals to make peace.

Traditionally, pastoralists had rules and regulations that governed them in times of violent confrontations e.g. children, women, the old and the sick were spared and the fighting was contained among the men. Theft of livestock was the primary goal of raids between the communities and irrespective of the level of violence involved, the communities always came together to stop and negotiate their amicable resolution. Before such inter-community negotiations took place, exhaustive intra-community discussions were first held to define and agree on a common strategy and stand in order to avoid contradictions during the negotiations with the rivals.

Pastoralist communities embrace a spiritual and religious disposition and prayers always precede their meetings and while the prayers are not necessarily ritualistic *per se,* they invoke the name of God or other spirits to guide them in their deliberations and to help them to arrive at mutually acceptable conclusions. Meetings among pastoralists are usually held under oath where individuals promise to uphold the truth, impartially and sincerely and dedicate themselves to finding solutions to their conflicts.

### 6.4.2 Representation and participation

It has been pointed out that pastoralist communities have profound respect and recognition for traditional authority and that as the social structure among pastoralist communities is based largely on generational lines and age-sets, the elders, who comprise the senior generation set, are largely responsible for governance issues. Minor conflicts, among pastoralists, particularly of a domestic nature, are usually resolved by the head of the household but, the highest referral unit for conflicts that either cannot be resolved at the domestic level, are considered too complex and/or those that involve more than one household or are inter-community in nature is the institution of the elders - *Ngisokou* (Turkana), *Lpayani* (Samburu), *Jarsa* (Borana) and *Dukhochin* (Somali). Traditionally, elders were venerated and commanded respect which was earned through age, graduation through initiation ranks, prosperity, and oratory skills, bravery etc.

The institution of elders cuts across all levels of social organization including the family, neighborhood, lineage, clan, inter-clan and inter-community relations and draws its legitimacy from traditional norms and customs. It is therefore recognized by the community and thus its rulings are binding not only on the parties concerned but also on the larger community. It is clear from this context that the role of the institution of elders in governance in the pastoralist areas is significantly dominant and while this was widely accepted in the past, the institution has faced challenges that has led to the questioning of its legitimacy. Several factors have contributed to this including, the colonial authorities who saw the institution of elders as a threat and embarked on diluting its influence, the introduction of small arms that meant that one commanded authority through the gun, state interference with governments imposing leaders, politicization and corruption where status is bought by coercion and/or through bribery.

The transformation of authority in the pastoralist areas has diluted the traditional structures and has given the birth to "self-styled community-gatekeepers" who attend all the meetings and workshops purporting to represent the communities but in truth only interested in promoting private agendas. These "leaders" have at times succeeded in duping practitioners to trust and work through them and this has given rise to disillusionment by most of the communities with the institution. Given

these developments, the challenge facing traditional structures is how to interpret and mainstream the concepts of representation and participation in the face of, challenges such as inhibiting cultures; low levels of education; ecological and environmental problems; poverty and impoverishment; gender discrimination; endemic violence etc.

It has been pointed out that, representation is not merely a question of numbers, although this is important, but refers both to the make up of the community as a whole and to the extent to which their diversity of interests and concerns is reflected in the everyday operation of the structures. It has also been pointed out that, to date, not all sectors of the community, in particular the women and youth fully participate in the traditional structures even though they play crucial roles in the conflicts either as perpetrators and/or victims.

It has been difficult advocating for equitable representation and participation especially among entrenched institutions like that of the elders. They are usually of the opinion that the existing status quo is fine especially, because traditional conflict resolution is a social affair that involves the use of other tools and instruments like song and dance, poems and rituals etc in which the entire community is invited to take part. More specifically, it is argued that women are sufficiently represented in conflict resolution deliberations even though they might be required to sit at the periphery of the circle of elders or air their views through a male representative. The elders further contend that women are given the opportunity to sing mocking songs and shout down men who lie at the deliberations and in addition, they have the ability to use traditional instruments like the *Leketio* (birth-belt) of the Pokot community to forbid their sons from engaging in conflict.

It has been shown in the thesis that peacebuilding interventions can enhance participation and representation of the local communities if they deliberately include strong capacity-building measures in all projects promoting local capacities for peace. The peace committees for example have stipulations on membership based on gender as well as interest although it will take time before the communities can fully overcome inherent traditional inhibitions that hinder wide-scale representation and participation in traditional structures.

### 6.4.3 Formulating traditional structures

Like with any other community, pastoralists understand and interpret conflicts, whether real and/or anticipated, within a social context that encompass their values and beliefs, fears and suspicions, interests, needs and attitudes. As the primary aim is to avoid conflict, pastoralist communities adopt socialization and education processes aimed at inculcating moral responsibilities both to the children and the larger community. Education and socialization is done through oral tales, poems, riddles, myth and recounting of examples from various past events involving the community.

Some of the values inculcated through the education and socialization process amongst pastoralists is the notion that community interests override those of individuals which, although acknowledged, are expected to be forfeited in the interest of the community. Reparation through compensation is accorded high priority among pastoralists and while the compensation is usually meaningful in material terms, it is also largely symbolic and acts as an acknowledgement both for the wrongdoing and the subsequent successful resolution.

The thesis has variously illustrated that traditional structures of conflict resolution and peacebuilding are not necessarily different from those used in everyday traditional governance with both sharing the same deep rooted attributes and significance that is considered valuable amongst the pastoralists. For example, the institution of elders commands considerable influence in both structures. Because of this similarity, the communities have identified a critical niche for the traditional structures in conflict resolution and peacebuilding and will usually opt to use them in specific cases especially in matters of marriage, divorce, inheritance and murders arising from traditional conflicts like cattle rustling. The preference for the traditional structures is based on the contention that the entire community is involved in the search for the resolution and therefore owns the process and its outcome. Invariably, this would then mean that any improvement on the traditional structures for conflict resolution and peacebuilding would then directly translate to better overall governance in the pastoralist areas.

It has been shown that there are different perspectives regarding the negative manifestations of the conflicts in the community. The differences in perception appear to be closely related to the different roles played by the members of the community. The men or elders appear to be more concerned with socio-economic related manifestations, the women with socio-cultural related issues while the youth are more concerned with effects on themselves like injury and death probably because the youth are key players in violent conflict.

Such differences in perception and disposition - for example of the youth being least concerned with the manifestation the conflicts have on the larger society even though they are significant perpetrators of the conflicts - underscores the need to continue relying and emphasizing the importance of informal education to enlighten the youth and wean them off violent conflicts. In addition, there is also a need to educate the community on the direct connection between different aspects of the conflicts and its totality and encourage them not to look at such aspects individually. For example, as a direct consequence of abuses attributable to the heightened insecurity, there exists a direct link between the potential for increased impoverishment and increased incidences and prevalence of diseases like HIV/Aids.

As part of the education process, there is also a need to expose the communities to situations where conflicts have been successfully resolved and peace restored so that they can realize that "conflicts are not a way-of-life" and that there are enormous benefits to be reaped from peaceful coexistence. This exposure should be complemented with a reasonable presence of government and the establishment, advocacy and observation of the "rule of law" built both on traditional and conventional value systems.

What these aspects indicate is that the formulation of traditional structures for conflict resolution and peacebuilding has to be done carefully and has to be consistent with the existing traditional community governance. Consistency however, does not directly translate into compliance for there are many aspects of traditional governance that needs to be revisited not least the question of gender inequality, and as seen elsewhere, the question of representation, participation etc. In a nutshell, in the formulation of traditional structures, there is a need to ensure that such structures are sensitive to community needs, are simple, realistic and can be implemented by the community in question, and, that they are comprehensive and take all the different interests of the various stakeholders into account.

Once the structures are developed, the next challenge is to identifying the appropriate entry points for introducing them into the community. For example, with regard to traditional approaches to conflict resolution and peacebuilding, the question is whether sometimes such interventions should be stand-alone activities and/or they should complement already existing and ongoing activities particularly those dealing with community development. Experience has indicated that due to the cross-cutting nature of conflict, the latter approach yields more dividends. This approach however makes the question of finding the appropriate entry points even more pertinent especially considering the fact that there are usually inadvertent consequences of well-intentioned development interventions that, either because of wrong timing and/or targeting, can potentially cause conflict or in the very least exacerbate existing ones. Even more challenging is the fact that the decision on the entry point might entail ethical considerations such as, whether one can sit back and watch as people die just because agreement has not been reached over some project detail stipulated in an implementation manual or directive.

The thesis has illustrated that the choice of good entry points is also important because they can be used to launch other interventions and/or highlight issues affecting the community such as animal disease control, natural resources management, progressive environmental degradation, land ownership and tenure, better livestock markets, political marginalization etc. This was demonstrated in the case of AU/IBAR and its choice of livestock diseases as an entry point to initiate conflict

resolution, in the case of Wajir where Oxfam used its development projects to demystify what was hitherto considered extremely sensitive issues like according women prominence in governance matters and in Marsabit where the concept of Environmental Management Committees (EMCs) transformed both traditional governance as well as the government administrative and service delivery approaches.

### 6.4.4 Recognition and legality

It has been pointed out that the local capacities for peace do not always enjoy a cordial relationship with the existing conventional or government appointed/led administration structures, which are usually accused of lack of transparency and accountability, heavy handedness, subjective leadership etc. In addition, governments have to date, considered community-based approaches as largely informal, ad-hoc, local-level conflict resolution systems outside the modern judicial system. On their part, some of the younger generation and the "modern" thinkers in the pastoralist areas regard the traditional approaches as archaic and barbaric and lacking a place in these modern times. For example, they question the legitimacy of what they refer to as "illegitimate age-old practices" like the collective customary punishment and they would rather face the conventional court system where guilt and penalties are individualized.

Lack of acknowledgement of the traditional structures has usually meant that they are not recognized in conventional law and the communities find it extremely difficult to enforce by-laws. As already pointed out, those dissatisfied with decisions reached through traditional approaches of conflict resolution can easily obtain court injunctions, thus frustrating and negating the entire traditional process. Lack of recognition also means that the traditional structures are not involved in important decision making processes, for example, in issues concerning security ostensibly for lack of mandate.

Lack of recognition in law also means that the traditional structures do not enjoy the necessary statutory protection and their operations are at the mercy and goodwill of those in power. Under these circumstances politicians and government functionaries can easily abuse the traditional structures and as already indicated, there have been cases where the government administrators, at the instigation of politicians unhappy with decisions made through the traditional systems, have simply disbanded and dismantled them and/or frustrated their operations and made them irrelevant.

It has been further pointed out that lack of recognition has also meant that the funding for traditional structures is weak as they cannot be included in the government fiscal budgetary allocations. This is the reason why the traditional structures have to be simple and realistic and within the ability of the local communities, who, as was shown in the case of Wajir and Marsabit, are willing

to commit both material and non-material resources to sustain what they consider as useful to their wellbeing. In the case of Marsabit, not only did the community finance some of the operations but in the process gained useful experience with community-based financial management techniques and extended the knowledge to include other aspects of project implementation.

Although some types of external interference and influence has been detrimental to the traditional structures, it has also been pointed out that not all the external influence was bad and in some cases externalities have inspired and rejuvenated them. For example, in an effort to remain relevant and retain legitimacy, traditional institutions and processes have embraced degrees of innovation and flexibility in addressing sensitive issues like gender inequality and are now more sympathetic and acknowledge the important roles played by the different genders which, from a pastoralist point of view, is no mean achievement.

Peacebuilding interventions can support the rationalization and harmonization of indigenous and the conventional approaches so that they can complement each. This rationalization in particular should be based and should draw from both the traditional and conventional value systems. A rational interface between the traditional and conventional value systems and structures would, for example, not only encourage the need for tolerance and moderation but would also humanize the complicated, and apparently not so transparent, conventional judicial systems of conflict resolution. The support should be extended to include advocacy and lobbying for policy changes at the national, regional and international levels.

### 6.4.5 Operating environment

Similar to any other intervention, local capacities for peace requires an environment with some minimum conditions otherwise they will not grow or develop proper roots. It has been pointed out for example, that trust, confidence and good communication readily facilitates the work of traditional structures like peace committees and that such a requirement is not different from what is needed by conventional structures like the regular police who also require the same conditions for them to succeed in the pastoralist areas. Indeed, discounting a few specific nuances, the challenges facing the effective adaptation of traditional structures of conflict resolution and peacebuilding are closely similar to those affecting other development initiatives in the pastoralist areas. The question of insecurity remains the most fundamental and cross-cutting challenge and by simply improving the security, the direct and spin-off benefits would have tremendous positive impact on the socio-political, -cultural and –economic wellbeing of the communities who would then positively engage their energies in the cultivation of peaceful coexistence.

It has already been shown that practitioners in the pastoralist areas recognize the need to prioritize local needs and actively engage the local community and its structures in conflict resolution and peacebuilding activities but, there are still cases where these practitioners establish parallel structures to the existing community ones thereby interfering with the relative autonomy of the local governing processes. It has been indicated that the lack of involvement of the local elders in the new and emerging conflict management systems has meant that the systems have largely remained outside the communities' social structures and are regarded as foreign. This leads to opposition, derailment and, in some cases, subtle sabotage of well meaning and necessary interventions.

The traditional conflict resolution and peacebuilding processes, increasingly, face challenges emanating from fluid changes in socio-cultural, -political and –economic attributes that are themselves influenced by modern thinking and, not least, by the authority of the state machinery. In addition, the gap between theory and practice of the principles and pillars of conflict resolution and peacebuilding practices is a continuing challenge for practitioners in the field. Likewise, the fluidity and transformation of conflicts in the pastoralist areas pose an equally serious challenge to traditional structures as the communities are increasingly faced with unprecedented problems, such as violence by and against women, children and the elderly that they not only need to resolve but for which they lack the relevant traditional coping tools and instruments.

In the case of Marsabit, it was evident that there was need for collaboration between different practitioners at the programme planning levels. Where such collaboration did not exist, there was competition and suspicions among the practitioners and the participating communities as well duplication of activities and subsequent waste of resources. Lack of cooperation also meant poor co-ordination of the work of both traditional and conventional structures even when they had similar interventions and served the same community in the same general geographical locations with the result that the overall impact of their work was insignificant and did not promote an environment where transparency and accountability could be entrenched. The MDP's answer to this problem was the facilitation of an inter-sectoral planning forum at the district level that brought together the government departments, NGOs, CBOs and other development partners.

While the above challenges are largely human, it has also been pointed out that natural disasters and catastrophes pose equal challenges to the successful application of local capacities for peace. This is because; on one hand the conflicts and risks in pastoral areas are caused by recurrent natural disasters, particularly long drought periods. On the other hand, they arise from conflicts between different migrating groups, who are competing for the use of key resources, mainly water and pasture. Natural and human causes for such risks are closely inter-linked, thus, the more adverse the natural conditions, the more frequent and the more intensive the conflicts arising out of competing

demands on the available limited resources. This level of interrelations between factors leading to conflicts further reinforces what has already been stated as the need for harmonization and rationalization of, not only the traditional and conventional structures, but also of activities whether implemented in the guise of development and/or conflict resolution and peacebuilding.

Finally, it can be stated that the thesis has demonstrated that indeed, local capacities for peace have their own special niche in conflict resolution and peacebuilding and although they have proved themselves, they are faced with innumerable setbacks both inherent in their internal structures as well as others encountered in their operating environments. It is therefore not a case of either and or between the choice of local capacities for peace and the conventional approaches to conflict resolution and peacebuilding. It is a case of identifying, selecting and building upon those components of the two structures that have the greatest potential for complementing one another.

The fear that local capacities for peace or the traditional structures are outdated and irrelevant in conflict resolution and peacebuilding in the pastoralist areas is largely unfounded. True, traditional structures and approaches require concerted re-engineering in order for them to continue being representative, relevant, fair and just but, to a large cross-section of the pastoralist communities; they are still the only readily accessible and affordable means of conflict resolution and peacebuilding especially because they are contextualized within the familiar and still respected traditional community governance.

Lobbying, advocacy, networking, exchange visits to successful projects, selective and proper use of the mass media etc are some of the strategies that can be used for scaling-up the local capacities for peace. Scaling-up of community-based local capacities for peace is a vital component if the benefits and lessons learned from micro-level interventions are to be more widely shared and used to inform the meso- and –macro-level policies as well as to create endogenous capacity capable of coping with violent conflicts and at the same time entrench a culture of mutual engagement and cooperation within pastoralist communities.

**Endnotes**

[1] Although the field study was undertaken in Isiolo district, the Marsabit case-study was selected because of its uniqueness as an initiative that started out as a regular community development programme employing conventional delivery systems. Faced with what appeared to be insurmountable setbacks the programme gradually transformed the extension approaches in its natural resource management project and embraced an innovative community-driven system founded on traditional local capacities for peace. As pointed out elsewhere, the lessons learned in Marsabit are the same with what could be expected from similar pastoralist areas e.g. Isiolo district.

[2] M.J. Kimani (2005), 'Summary of Preliminary Field Research Study Trip to Kenya: July 24-October 02, 2005', Irish School of Ecumenics (ISE), Dublin, Ireland [unpublished report].

[3] Fred, Goericke and M.J., Kimani (2002), 'Crisis Prevention and Conflict Management in District Development Programmes: The case of Marsabit District Development Programme (MDP)', GTZ-Kenya [unpublished project report].

[This is one of a nine reports by the authors who undertook the task of documenting the Lessons Learned over a period of 11-years implementing various projects under the Marsabit District Development Programme (MDP). The other reports cover: Natural Resource Management (NRM), Crop Production, Livestock Development, Food-for-Work (Ffw), Human Resource Development (HRD), Small Arms and Light Weapons (SALW), Opportunities Lost and a final Summary Report. The case-study draws variously from these reports].

[4] Scaling-up has been chosen as the thematic link for all the aspects for example, representation, recognition, sustainability etc that are pertinent to the successful wide-scale adaption of local capacities for peace in conflict resolution and peacebuilding in pastoralist areas.

[5] Chris Talgallo Ali, Lecturer and Researcher (2005), Marsabit in the Standard Newspaper–Online edition of Friday April 15, 2005 (http://www.eastandard.net/archives/cl/hm_news/news_s.php?articleid=18010&15/04/2005) (Accessed August 2006).

[6] OXFAM GB (2003, p. 77), *Oxfam GB Funded Peacebuilding Initiatives in Arid Districts of Kenya: Lessons and Challenges*, Nairobi, Kenya.

[7] Mohamud Adan and Ruto Pkalya (2006), 'The Concept of Peace Committees: A Snapshot Analysis of the Concept of Peace Committee in Relation to Peacebuilding in Kenya', Practical Action, Nairobi, Kenya [Report un-published as of July 2006].

[8] M. J., Kimani (2002), 'Capacity Building for Tackling the Misuses of Small Arms and Light Weapons in the IGAD Countries (SALIGAD): Summary of Project Activities-2002', Final Report based on Project Planning Matrix (PPM) of February 2002, Nairobi [unpublished Report].

[9] National Steering Committee on Peace Building and Conflict Management (2006), *The Modogashe – Garissa Declarations*, Office of the President, Provincial Administration and Internal Security, Nairobi, Kenya.

# SECTION 3:

# Annexes

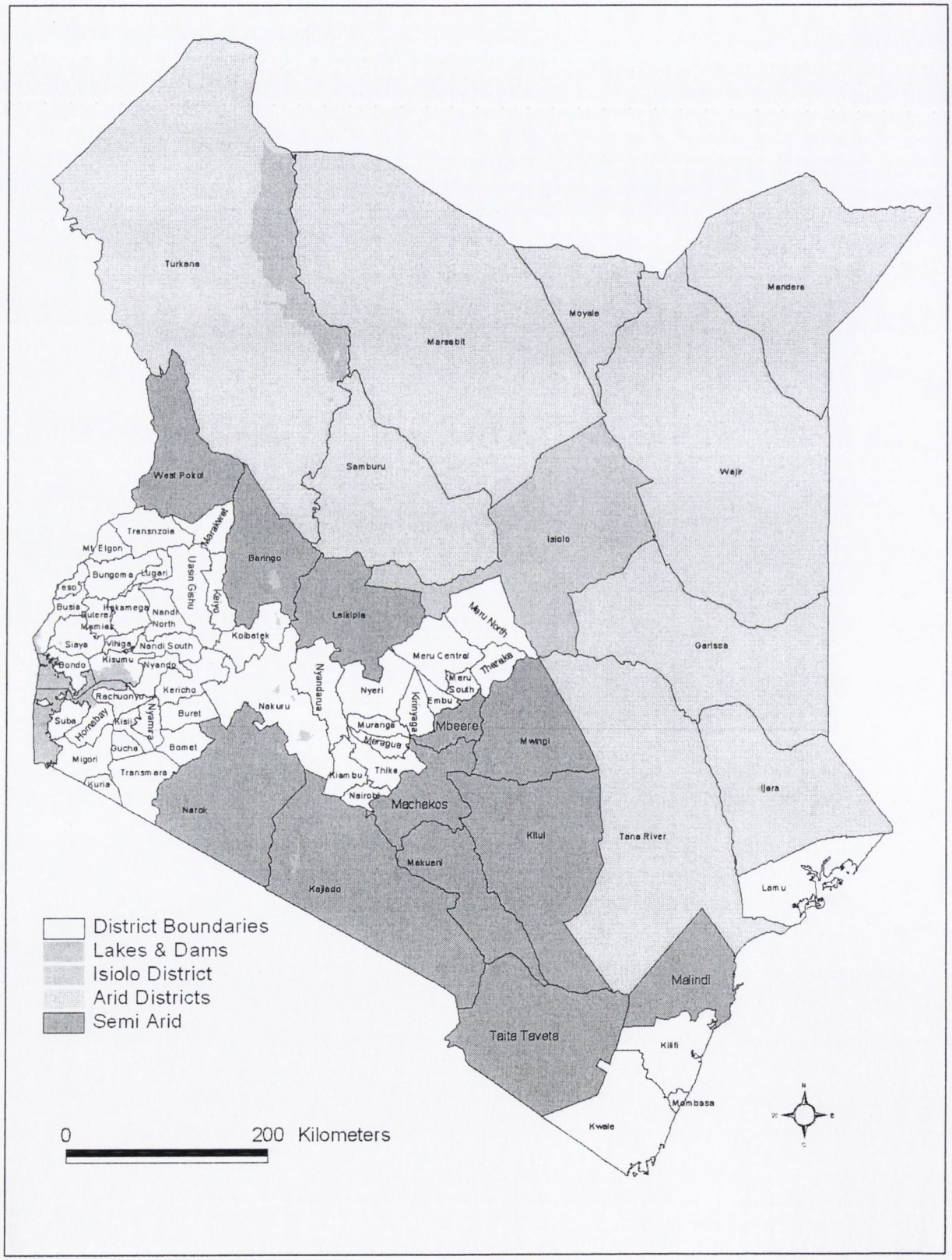
# Chapter 7.0 Annexes

## 7.1 Acronyms, abbreviations and definitions of terms

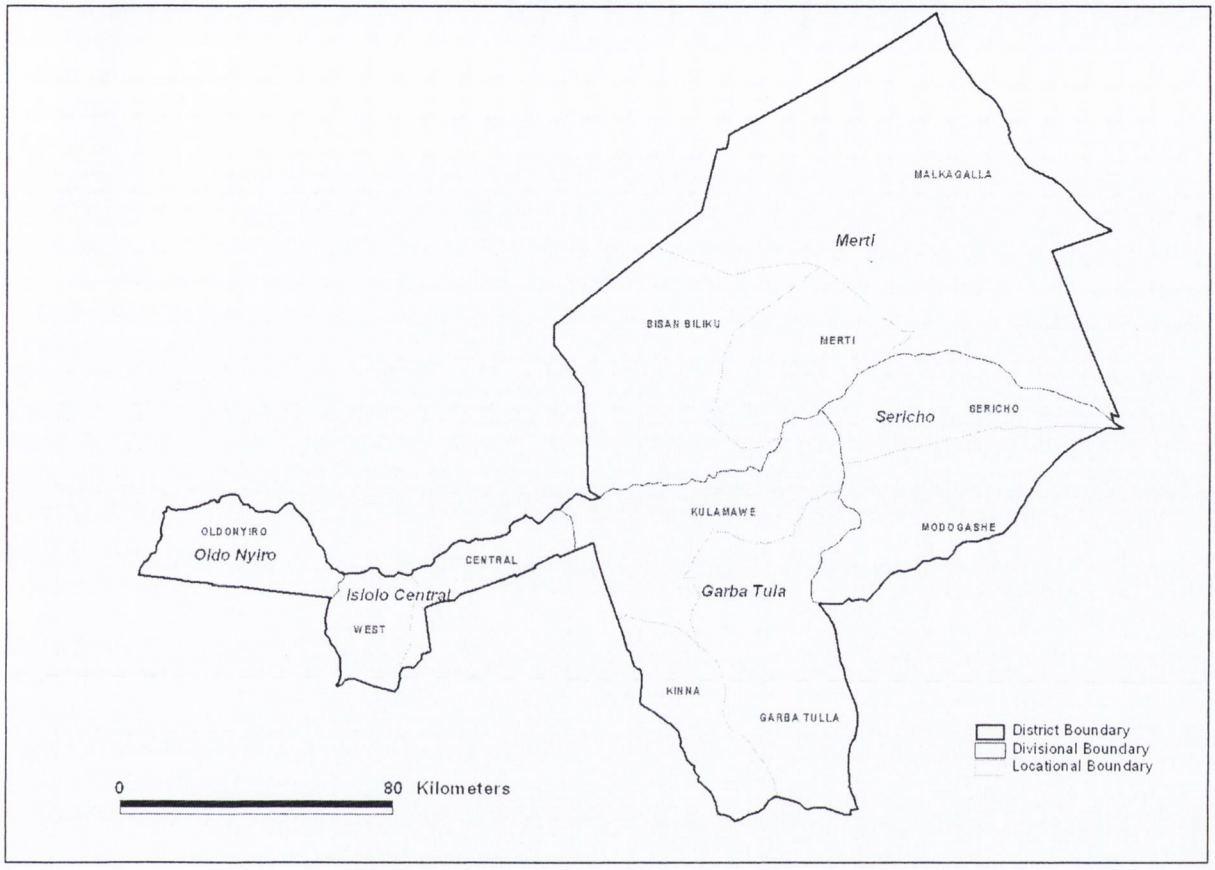
| | |
|---|---|
| ACCORD | African Center for the Constructive Resolution of Disputes |
| ALRMP | Arid Lands Resource Management Project |
| ASAL | Arid and Semi Arid land |
| AU IBAR | African Union International Bureau for Animal Resources |
| BBC | British Broadcasting Corporation |
| CAII | Creative Associates International ING |
| CBOs | Community-based organizations |
| CPMR | Conflict Prevention, Mitigation and Response |
| DAC | District Agricultural Committee |
| DC | District Commissioner |
| DDC | District Development Committee |
| DDO | District Development Office |
| DDP | District Development Plan |
| DEC | District Executive Committee |
| DEMC | District Environmental Management Committee |
| DPRC | District Peace and Reconciliation Committee |
| DSC | District Security Committee |
| DSG | District Steering Group |
| EASSR | Eastern Africa Social science Review |
| EMCs | Environmental Management Committees |
| FEWSNET | Famine Early Warning System Network |
| GDP | Gross Domestic Product |
| GTZ | Gesellschaft für Technische Zusammenarbeit (German Technical Cooperation) |
| HIV/Aids | Human-Immuno-Deficiency Virus/Acquired Immuno-Deficiency Syndrome |
| HOA | Horn of Africa |
| IDRC | International Development Research Institute (Canada) |
| IGAD | Intergovernmental Authority on Development |
| IIED | International Institute for Environment and Development |
| IPA | International Peace Academy |
| ISGM | Institutional Strengthening & Grant Management |
| ITDG | Intermediate Technology Development Group |
| LDC | Locational Development Committee |
| LMD | Livestock Marketing Division |
| LPRC | Location Peace and Reconciliation Committee |
| LRA | Lord's Resistance Army |
| MDP | Marsabit Development Programme |
| MRG | Minority Rights Group International (UK) |
| MTF | Mandate the Future |
| NCCK | National Council of Churches of Kenya |
| NEPAD | New Partnership for Africa's Development |
| NGOs | Non-governmental organizations |
| NRM | Natural Resources Management |
| NRM/NRA | National Resistance Movement/National Resistance Army |
| NSC | National Steering Committee on Peacebuilding and Conflict Management |
| POKATUSA | Pokot, Karimojong, Turkana and Sabiny communities |
| PPM | Project Planning Matrix |
| PRIO | International Peace Research Institute (Norway) |
| PRSP | Poverty Reduction Strategy Paper |
| SALIGAD | Small Arms and Light Weapons in the IGAD Countries |
| SALW | Small Arms and Light Weapons |
| SDPDC | Samburu District Peace and Development Committee |
| SPLA/SPLM | Sudanese Peoples' Liberation Army/Sudanese Peoples' Liberation Movement |
| Sub-DDC | Sub-District Development Committee |
| ToR | Terms of Reference |
| TOTs | Trainer of Trainers |
| TRPRDC | Tana River Peace Reconciliation and Development Committee |
| UN | United Nations |
| UNESCO | United Nations Scientific and Cultural Organization |
| WPDA/ WPDC | Wajir Peace and Development Agency/Wajir Peace and Development Committee |
| WPG | Wajir Peace group |

## 7.2 Map of study area

### 7.2.1 Arid and Semi-Arid Districts



### 7.2.2 Isiolo district (Administrative Locations)




## 7.3 People

| a) | People met (Kenya) | | |
|---|---|---|---|
| | **Person** | **Position** | **Agency** |
| 1 | Bika, Adan | Manager | Arid Lands Resource Management Project (ALRMP |
| 2 | Amb. Adala, Ochieng | Senior Programme Officer | Africa Peace Forum |
| 3 | Ruto. D. Pklaya | Project Officer, Disaster and Conflict Management | Practical Action-Kenya |
| 4 | Ekai, P. Loktari | Project Officer | Mandate the Future (MTF) |
| 5 | Waqo, Halakhe | Emergencies & Human Security Advisor | ActionAid |
| 6 | Yusuf, H. Ahmed | Coordinator | Isiolo Peace Committee |
| 7 | Kalapata, J. Epuyo | Project Office | Mandate the Future (MTF) |
| 8 | Onyonyi, L.M. | Secretariat Coordinator | National Steering Committee on Peace-building and Conflict Management/Head CEWARU |
| 9 | Lekalkuli, Lordman | Community Development Programme Officer | Arid Lands Resource Management Project (ALRMP) |
| 10 | Mutinda, Mark | Lecturer | Egerton University: Range Department |
| 11 | Mohamud, Adan | Project Manager, Disaster and Conflict Management | Practical Action-Kenya |
| 12 | Ngichili A. Joseph | Coordinator | Mandate the Future (MTF) |
| 13 | Karuru, L. Njeri | Senior Progamme Officer, Peace, Conflict & Development program | International Development Research Centre (IDRC) |

| | People met (Kenya) ...cont'd | | |
|---|---|---|---|
| | **Person** | **Position** | **Agency** |
| 14 | Ochieng, Philip O. | Programme Assistant | Peace and Development Network (PeaceNet-Kenya) |
| 15 | Mungai, W. Roselyn | Programme Officer, Peacebuilding & Conflict Management, | OXFAM GB-Kenya Programme |
| 16 | Simonese, Simon | Coordinator | PaxChristi |
| | | | |
| b) | **Research Assistants** | | |
| | **Name** | **Research Study Area** | **Community** |
| 1 | Moika, Peter | Kipsing | Samburu |
| 2 | Ekiru, John | Daaba | Turkana |
| 3 | Lodea, Lawrence | Chumvi/Dagale | Somali |
| 4 | Ited, Roselyn | Gabella | Boran |
| 5 | Tari, Halima | Gabella | Boran |
| 6 | Epur, Lawrence | Ngare Ndare; Lebarua | Turkana |
| 7 | Boru, Lukia | Kinna; LMD | Borana |
| 8 | Enanikor, Slyvester | Ariniet; Chumvi; Kiwanja; Mugur Nanyore | Turkana, Somali, Samburu |
| | | | |
| c) | **Case-study Authors** | | |
| | **Name** | **Research Study Area** | **Community** |
| | Kalapata, Joseph; Ekiru, John | Ngare Mara | Turkana |
| | Ekai, Peter; Moika, Pater | Kipsing | Samburu |
| | Karapata, Joseph; Ited, Roselyn; Ekiru, John | Gabella | Borana |
| | Ngichili, Joseph; Kalapata, Joseph | Archer's Post | Mixed communities; Urbanized business centre |
| | | | |

## 7.4 Profile of collaborating partner(s)

### MANDATE THE FUTURE (MTF)

Mandate the Future [MTF] came into being after a number of youth from the community attended a symposium organized and facilitated by an Inter National NGO - Environmental Liaison Center International [ELCI] in Nairobi in the year 2000. The youth and women of Ngaremara and West location of Isiolo district subsequently registered MTF as a CBO under the Ministry of Culture and Social Services Gender and Sports in 2001 with a membership of 24. The CBO endeavors to facilitate the alleviation of ignorance, illiteracy, oppression, poverty and HIV/AIDS among the less privileged members of the community. MTF facilitates culturally adoptive, participatory, grass roots symposium/meetings that are geared towards building and strengthening the capacities of indigenous women and youth through a process of information exchange/sharing and use of local knowledge to improve their social economic status.

After a year in operation, MTF was consulted by members of the community especially the indigenous women to consider gender issues in its activities and possibly to extend its services to the wider pastoralist community. Indeed, a subsequent study revealed that women and youth are the most vulnerable and marginalized groups as regard to access to information on empowerment and community development opportunities. This is despite their pivotal role in the society. Consequently, MTF has ever since expanded its portfolio of services with special focus on enterprise development. The core values of MTF include the principle of gender equity and social balance; transparency and accountability; honesty and integrity.

## ARID LANDS RESOURCE MANAGEMENT PROJECT (ALRMP)

Over 80% of the landmass of Kenya is arid and semi-arid and receives low and highly variable rainfall. Droughts and floods are common. The vicious cycle of drought and impoverishment and vulnerability shatters livelihoods leading to destitution of communities particularly, pastoralists living in these areas. In the period 1992/93, for example, approximately 2.7 million people in Kenya were affected by a devastating severe drought that necessitated emergency drought recovery measures in at least five arid districts from 1993-1996. This intervention led to the realization that arid and semi-arid districts in Kenya needed sustained long-term support to assist the local communities to cope with the effects of such calamities.

While droughts are inevitable, food insecurity is not but, to break the link between the two it is necessary for preparedness, mitigation and post-drought rehabilitation measures to be undertaken to compliment the emergency relief efforts. Based on this understanding, in 1996, the Arid Lands Resource Management Project (ALRMP), a community-based initiative managed by the Office of the President, Department of Provincial Administration and National Security with credit from the World Bank, was initiated. The ALRMP aims to enhancing food security and reducing livelihood vulnerability in drought-prone and marginalized communities in Kenya's arid and semi-arid districts. The ALRMP does this through a participatory 'bottom-up' approach that is responsive to existing institutional structures and helps local people determine their own development.

In the 2003-2009 phase, the ALRMP focuses on interventions in environmental disaster management, contingency planning, gender mainstreaming, income generation and capacity building. ALRMP carries out these interventions under three broad themes - natural resources and drought management; community-driven development and support to local development. Under the 'support to local development' theme, the ALRMP endeavors to support interventions in policy and advocacy and research in arid lands development, amongst others. It is under this broad theme that the research study was undertaken.

## THE NATIONAL STEERING COMMITTEE ON PEACEBUILDING AND CONFLICT MANAGEMENT (NSC)

Like in other countries in the region, until recently, security in Kenya was the preserve of the government and had literally excluded other stakeholders. In recent years however, a broader and more holistic approach to security concerns has gradually developed. This involvement evolved from small-scale peacebuilding initiatives at the district levels to spontaneous advocacy by civil society organizations and community groups. In order to coordinate and harmonize the many individual but ad hoc efforts by different stakeholders, it was necessary to establish a national framework for peacebuilding and conflict management.

The National Steering Committee on Peacebuilding and Conflict Management (NSC) was envisaged in 2001 and was fully operational by 2003 with the vision 'to achieve sustainable peace in Kenya'. The NSC's mission is 'to establish coordination, collaboration and networking between the Government, Civil Society and development partners with a view to harmonizing, strengthening and institutionalizing effective national peace building and conflict management strategies and structures including enhancing regional linkages'.

The NSC draws its membership from government departments, civil society organizations, UN bodies, regional organizations and the donor community. The NSC secretariat is mandated to oversee coordination in peacebuilding and conflict management; operationalization of conflict early warning and response activities; community policing initiatives and the reduction of illicit small arms and light weapons.

NSC carries out these interventions under four broad terms of reference:

- to facilitate networking among key actors at all levels;
- to enhance coordination between government, donors and implementing agencies in peacebuilding, conflict management and illicit small arms initiatives;
- to promote the harmonization of approaches to peacebuilding, conflict management and illicit small arms and light weapons; and,
- to act as a point of reference for information on peacebuilding, conflict management and illicit small arms activities and organizations.

## 7.5 Questionnaires

### 7.5.1 Focus Group Questionnaire

**Note:**

a) For each of the study areas, please give a brief account of:
   - Brief description of the area (location, resources available, demography etc)
   - Brief profile of respondents including their social organizations, kinships, age sets, genealogy, history in the area including their origin etc
   - Brief general description of conflicts in the study area especially those that spin-off from water and pasture issues. Highlight the genesis, manifestations, impact of the conflicts.

1. **Understanding intra-community approaches to conflict resolution & peacebuilding in a mono-ethnic situation**
   a) What is the nature of or reasons for water and pasture conflicts within the community (frequency and intensity)?
   b) What is the role of Elders, Women, Youth and Faith Leaders in propagation and execution of these conflicts (benefit and/or loses to the individual categories of people)?
   c) Which indigenous or local tools and instruments are used to address water and pasture conflicts within the community?
   d) What is the role of Elders, Women, Youth and Faith Leaders in conflict resolution and peacebuilding (elaboration, enactment, administration, enforcement, follow-up of indigenous tools and instruments)?

2. **Understanding inter-community approaches to conflict resolution & peacebuilding in a mono-ethnic situation**
   a) What is the nature of or reasons for water and pasture conflicts with other neighboring/visiting (temporary migrants) communities (frequency and intensity)?
   b) What is the role of Elders, Women, Youth and Faith Leaders in propagation and execution of these conflicts (benefit and/or loses to the individual categories of people)?
   c) Which indigenous or local tools and instruments are used to address water and pasture conflicts with other neighboring/visiting communities?
   d) What is the role of Elders, Women, Youth and Faith Leaders in conflict resolution and peacebuilding (elaboration, enactment, administration, enforcement, follow-up of indigenous tools and instruments)?

3. **Understanding inter-community approaches to conflict resolution & peacebuilding in a multi-ethnic situation**
   a) What is the nature of or reasons for water and pasture conflicts between the 4-major ethnic communities (Turkana, Samburu, Borana & Somali) in Isiolo district (frequency and intensity)?
   b) What is the role of Elders, Women, Youth and Faith Leaders in propagation and execution of these conflicts (benefit and/or loses to the individual categories of people)?
   c) Which indigenous or local tools and instruments (songs, poems, curses, rituals, oaths, sacrifices, body markings, meetings, scouts etc) are used to address water and pasture conflicts in Isiolo district among the 4-major different communities (Turkana, Samburu, Borana & Somali)?
   d) What is the role of Elders, Women, Youth and Faith Leaders in conflict resolution and peacebuilding (elaboration, enactment, administration, enforcement, follow-up of indigenous tools and instruments)?

4. **Re-definition of Indigenous community approaches to conflict resolution and peacebuilding**
   a) Based on their intra- and inter-community experiences (1-3 above), what adjustments/accommodations have the communities adopted to enhance inter-community conflict resolution and peaceful coexistence (tools and instruments, approaches, implementation, enforcement)?
   b) What has this adjustment/accommodation meant to the indigenous community approaches (strengthened, weakened, complicated/made them cumbersome)?
   c) What is the role of Elders, Women, Youth and Faith Leaders in these adjustments/accommodations (elaboration, enactment, administration, enforcement, follow-up of indigenous tools and instruments)?

5. **Nature and Role of Externalities on Indigenous community approaches to conflict resolution and peacebuilding**
   a) What type and role of external or revitalized local interventions in enhancing inter-community conflict resolution and peaceful coexistence (education and exposure)?
   b) What has been the type/role of Govt. [provincial administration, police, judiciary etc], development agencies, Faiths in interventions for enhancing inter-community conflict resolution and peaceful coexistence in the district (enactment, administration, enforcement, follow-up of indigenous tools and instruments)?
   c) Which are the entry points used by these agencies in the interventions (Elders, Women, Youth and Faith Leaders)?
   d) Why were/are these entry points chosen above others and who makes the decision on the choice?

### 7.5.2 Main study (Household) Questionnaire

1. **Defining 'Community' among pastoralists**
   a) What is your definition and/or understanding of 'my community' and 'other community' in terms of membership, affiliations, structures (genealogy), etc?
   b) What is the significance of these relationships (membership. affiliations, structures (genealogy), etc?
   c) In general, what type of exposure has the community had (formal education, civic education, other capacity-building education (for who and on what issues/aspects)?

2. **Conflict among pastoral communities**
   a) What is your definition and understanding of conflicts (violent and non-violent)?
   b) Which communities (groups) are in conflict within your community?
   c) What is the genesis of this conflict within and outside your community?
   d) In particular, in what ways are the conflict linked to and caused by cultural practices and beliefs?
   e) Who is involved in this conflict, thus, what are the roles played by the various community members structures in resolving the conflicts:
      - Women?
      - Youth (warriors, girls)?
      - Elders (Soothsayers, seers, opinion leaders)?
      - Government agencies/officials?
      - Other agencies (Faith-based bodies, NGOs etc)?
   f) More specifically, what is the gender desegregation (men, women, and youth) of the conflict?

3. **Manifestation of the Conflict among pastoral communities**
   1. What are the various manifestations (particularly poverty, livelihood insecurity, social services) of these conflicts particularly in gender terms (men, women, youth and children?
      - ❖ Within your community?
      - ❖ Outside your community?
   2. What are the main sources of livelihood/income in times of (i) peace and (ii) in conflict situations?
   3. What alternative livelihoods/incomes are available to the community (outside employment, trade/business etc) in times of (i) peace and (ii) in conflict situations?
   4. What role do the different genders (Men, women and youth) play in the provision of livelihood/income in times of (i) peace and (ii) in conflict situations?
   5. More specifically does the conflict within and outside your community have any cross-border (international) bearings/attributes and if it has which ones and how do they influence the conflict(s)?

4. **Conflict prevention and Peacebuilding initiatives**
   a) What interventions or measures are taken by your community to prevent conflicts within your community and outside your community?
   b) In your opinion what constitutes or can be defined as conflict prevention and peacebuilding activities?
      - ❖ How are the activities identified?
      - ❖ How are the activities carried out, by whom, where, when and with whom?
      - ❖ How are the activities funded?
      - ❖ How are these activities monitored and evaluated and by whom?
      - ❖ How are the results disseminated and to who?
   c) What is the interaction and influence on and by these groups (or other factors) at the micro- (village), meso- (district) and macro-levels (region, national)?
   d) The impact of deep-rooted social hierarchies in conflict prevention and peacebuilding?

5. **Community-based structures for conflict prevention and Peacebuilding**
   a) When conflicts (violent and non-violent) occur between members of your community and other communities:
      - ❖ What traditional methods/institutions or structures were used or are still used to resolve the conflicts?
   b) How are these institutions/structures constituted (by-laws, memberships etc)?
   c) How do they relate to other structures that are in existence thus, horizontal and vertical (local, regional and international) network?
   d) What are the working methods of these structures – as contractors, implementing entities, partnerships, networks?
   e) Do you consider these structures/institutions as representative and participatory, thus, what are the roles played by the various community members structures in resolving the conflicts:
      - Women?
      - Youth (warriors, girls)?
      - Elders (Soothsayers, seers, opinion leaders)?
      - Government agencies/officials?
      - Other agencies (Faith-based bodies, NGOs etc)?
   f) Specifically, how are these structures/institutions engendered (men, women. youth)?
   g) How has the traditional conflict management systems linked with modern formal judicial system of conflict arbitration, thus, how do the structures/institutions conform to the existing laws and constitutions?
   h) How do they deal with discrepancies between locally generated interventions and the existing conventional systems?
   i) Under what circumstances or in what conflicts would you choose or prefer to use traditional and modern methods of conflict prevention and resolution and why?
   j) In your opinion, what is or has been the success, if any, of traditional institutions/structures for preventing and resolving conflicts and/or peacebuilding?
   k) What are the setbacks or weaknesses of traditional structures/institutions in conflict prevention, resolution and peacebuilding?
      - ❖ Capacities (financial, staffing etc)
      - ❖ Representation and membership?
      - ❖ Traditions and believes?
   l) What are the weaknesses of modern conflict resolution mechanisms in your view?
      - ❖ Capacities (financial, staffing etc)
      - ❖ Representation and membership?
      - ❖ Traditions and believes?
   m) How can the efficacy and efficiency of traditional systems/institutions for conflict prevention, resolution and peacebuilding be improved within and outside your community?
      - ❖ What influence can they have on the policy-making processes?
      - ❖ How should they be packaged for lobbying and advocacy work?
      - ❖ Who should be targeted for the lobbying and advocacy?
      - ❖ How should the feedback from lobbying and advocacy work fed back to the communities?
   n) How can the efficacy and efficiency of conventional systems/institutions (police, judiciary, administration etc) for conflict prevention, resolution and peacebuilding be improved within and outside your community?

6. **Community-based tools and instruments for conflict prevention and peacebuilding**
   a) When conflicts occur between members of your community:
      - ❖ How does one break the 'ice' following s violent conflict in order for reconciliation processes to begin?
      - ❖ What traditional methods (ceremonies, rituals, songs, poems, stories etc.) were used or are still being used to resolve the conflicts and build peace?
      - ❖ How is the choice of the ceremony, ritual or method decided and by whom?
      - ❖ Who performs or conducts these ceremonies/rituals and why them?
      - ❖ Do they ceremonies rituals differ depending on the type and extent of the conflict or the composition of the conflicting parties?
      - ❖ How are these rituals, ceremonies harmonized between communities with different cultural practices and beliefs?
      - ❖ What kinds of sanctions or penalties are applied to offenders and those who do not adhere to the agreements or resolutions?
      - ❖ How are penalties and sanctions regulated to ensure fairness, justice etc and how are they enforced?
      - ❖ How do you deal with 'pockets' of resistance and 'rogue' elements that set out to disrupt peace in the community?
      - ❖ How is acknowledgement of injustices e.g. accepting past wrong-doing, done by the conflicting communities?
      - ❖ How are psychological and emotional issues dealt with (trauma)?
   b) Detail some examples by date, place, participants etc. of ceremonies, rituals or methods used among your community since 1990?
   c) Were there any modifications in the ceremonies, rituals or methods used since 1990 to similar ones used before 1990?
      - ❖ If there were any modifications, which ones were they and why were they done?
   d) What are the setbacks with these ceremonies, rituals or methods?
   e) How can these setbacks be overcome to enhance the efficacy and efficiency of the ceremonies, rituals or methods?

### 7.5.3 Case-study Checklist/Questionnaire

1. **Describing a typical Conflict among pastoralist community**
   a) Pick one episode of a typical conflict (violent or non-violent) that has occurred or been experienced in your community between 1990-2005.
   b) Describe the conflict in detail, thus,
      - ❖ Nature/type of conflict
      - ❖ Historical background (time-line)
      - ❖ Trigger (what triggered the conflict?)
      - ❖ What were/are the manifestations of the conflict?
      - ❖ Who was involved (intra-, inter-community, government, development agencies, Faith agencies etc?)
   d) What role did they or are they playing in the conflict?

2. **Community-based structures**
   a) Detail the existing community-based conflict prevention/resolution structures in your community?
   b) Which of these structures was adopted to resolve the conflict?
   c) Why was it chosen?

3. **Community-based tools and instruments**
   a) What instrument(s) did the structure use (mediation, songs, dances, poems etc.)?
      - ❖ Why these instrument(s) and not others?
      - ❖ What exactly was involved?
   b) Who participated and what were their role(s) (women, men, youth, religious leaders, elders, government, seers etc)?

4. **Efficacy and effectiveness of community-based conflict prevention and peacebuilding initiatives**
   a) What was the outcome of the conflict prevention/resolution process?
      - ❖ Describe the results
      - ❖ How were the agreements affirmed/sealed?
      - ❖ How are the agreements enforced and by whom?
   b) What are the penalties for lack of adherence?

5. **Improvements, evaluation and scaling-up of community-based conflict prevention and peacebuilding initiatives**
   a) How are the agreements described above monitored?
   b) What are the follow-up activities adopted and/or proposed to enhance the efficacy and effectiveness of the outcome?
   c) Is there a similar history/trend of the same conflict prevention/peacebuilding initiatives among the community?
   d) If so, describe
      - ❖ Any differences to the latest episode (people involved, penalties imposed, negotiation process involved etc)?
   e) Any other irrelevant information (e.g. role of neighboring communities, education, religion etc)?

6. **References**
   - Indicate all the references used, if any and all respondents contacted/contribution.

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