



UNIVERSITY OF NAIROBI

M.A IN ARMED CONFLICT AND PEACE STUDIES

**CONFLICTING METHODS OF ARMED CONFLICT RESOLUTION IN MERU-
ISIOLO BORDER: A CASE OF NGAREMARA DIVISION,**

1990 - 2018

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**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILMENT FOR THE
AWARD OF A MASTER OF ARTS IN ARMED CONFLICT AND PEACE STUDIES,
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SEPTEMBER, 2021

DECLARATION

Declaration by the Student

This research project is my own work and has not been presented for a degree or any other course in any other Institute or University for award of degree, diploma or certificate.

Signature.....

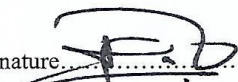
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DEDICATION

I dedicate this work to my parents Mr. Leonard Mulikah, Mrs. Margaret Mulikah and to my sister Rose Karimi for always being there for me during the entire period of my Masters Study program, and throughout the time of writing this project. I also thank my dear wife Beatrice Nkatha for her moral support and encouragement. Thank you for your support and God bless you all.

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LIST OF ABBREVIATIONS AND ACRONYMS

78KR	78 Kenya Rifles
ADR	Alternative Dispute Resolution
ASAL	Arid and Semi-Arid Land
ASTU	Anti-Stock Theft Unit
GD	General Duty
GDP	Kenya's Gross Domestic Product
FDG	Focus Group Discussion
GSU	General Service Unit
IEBC	Independent Electoral and Boundaries Commission
KPR	Kenya Police Reservists
LAPSSET	Lamu Port and South Sudan-Ethiopia Transport
MCA	Member of County Assembly
NACOSTI	National Commission for Science, Technology and Innovation
NFD	Northern Frontier District
OCS	Officer Commanding Station (OCS)
RDU	Rapid Deployment Unit
STF	Settlement of a Trustee Fund
DSIC	District Security Intelligence Committee
NPR	National Police Reservists

OPERATIONAL DEFINITION OF KEY TERMS

Cattle rustling- It is the acquisition through violence of livestock for economic and/or cultural purposes.

Commercial rustling- is the stealing of livestock for economic profit-making and not for cultural purposes.

Conflict- refers to a situation in which disagreements over values occurs leading to violence.

Ethnic clashes- refer to conflicts which results from ethnic stereotypes.

Pastoralist conflicts- disagreements found mostly on the border of Isiolo and Meru counties involving water and grazing areas.

MAP OF THE STUDY AREA

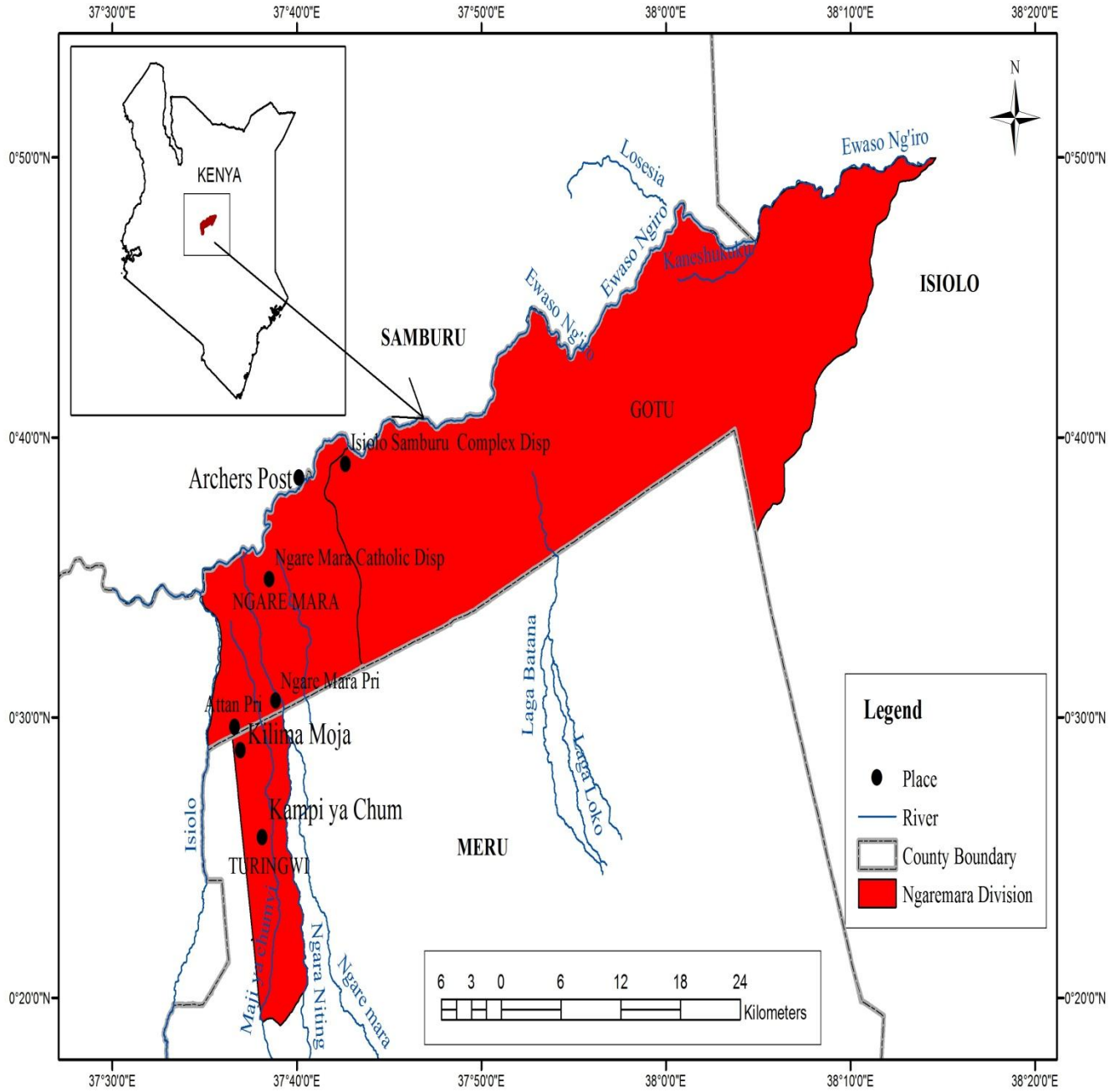


Figure 1.1 Map of Ngaremara Division lying between Meru and Isiolo Counties
Source: Survey of Kenya (2011)

ABSTRACT

This study examined the methods of conflict resolution in Ngaremara Division of Meru-Isiolo border. The focus was on resolution mechanisms applied within the period 1990 to 2018. The study utilized Malthusian theory of population, focused on analyzing how changes in human population interact with environmental factors to create conflict, and the resultant resolution approaches. Relying largely on FGDs and oral interviews and supported with some secondary materials, the study found out that each community in Ngaremara Division has own indigenous mechanism of resolving conflict. However, when it comes to resolution of inter-ethnic conflicts, all the institutions involved work at cross-purpose. The study reveals the need for adoption of alternative conflict resolution methods which employ purposive cooperation model to strengthen inter-ethnic conflict resolution and achieve peace for the benefit of all the ethnic groups in the area.

CHAPTER ONE

INTRODUCTION

1.1 Introduction

Conventional assumption in the field of local conflicts indicates the significance of material benefits of peace, security guarantees and monitoring of agreements.¹ Based on many considerations, governments do not appear to be suitable mediators/facilitators in inter-communal conflicts, as they are unlikely to create the level of trust needed for the conflict parties to move towards integrative solutions. Nevertheless, though local conflict resolution mechanisms do provide a better framework for negotiation, more resources may be required for the conclusion of a successful peace process.²

Despite its many challenges, numerous case studies conducted in recent years point out the advantages of locally-driven conflict resolution processes in Africa, especially in areas where state institutions are absent or weak. Most of the studies look into customary or indigenous institutions and mechanisms, such as spiritual leaders or elders mediating in local conflict situations. For example, Ibrahim and Jenner have listed successful cases of local conflict resolution process based on customary mechanisms in pastoralist communities living in the Horn of Africa.³ In other cases, Morton notes that civil society actors such as NGOs and religious organizations play a vital role in conflict resolution. However, just a few of the studies on customary approach to conflict resolution have adopted a systematic comparative approach in analyzing the circumstances under which mediation activities are likely to succeed.⁴ This study partly adopts this approach in looking at conflict resolution with a focus on indigenous methods of armed conflict resolution in Ngaremara Division of the Meru-Isiolo border.

¹ Ohlson, T. 2008. Understanding Causes of War and Peace. *European Journal of International Relations*, 14(1), 133-160.

² Ibid.

³ Ibrahim, D., & Jenner, J. 1997. Wajir Community Based Conflict Management. *Paper presented at the USAID Conference on Conflict Resolution in the Great Horn of Africa*.

⁴ Morton, J. R. 2008. *Religious Peace building Interventions in Sudan: A Comparison of Intra-religious and Interreligious Conflict Resolution Initiatives*.

1.1.1 Background of the Study

One of the major causes of conflict in Ngaremara Division as is elsewhere in Kenya and Africa is land dispute.⁵ Since land takes-up a central role in the survival of many African societies and has been growing scarce over time, people have crafted relationships over its ownership. Most communities define their institutions which manage and oversee land use-rights. Besides land being a valuable natural asset to many, it further defines people's sense of belonging and inherently entangles with land discourse. The importance attached to land in Africa implies that it is very difficult to address land claims in the region.⁶

Through extensive inquiry by various scholars, land conflicts in Kenya as elsewhere in Africa have been established to have several dimensions of explanation.⁷ The core argument here is that the persisting land conflicts have a genesis from the pre-independence land restructuring processes that accompanied economic and socio-political guidelines in which the governance structures played a key role. This can be exemplified by the continued use of existing State boundaries created by the colonial masters to enhance their territorial administration without considering the existing traditions of the natives.⁸ In a similar outlook, Deininger and Yamano observe that formal land administrative institutions in Africa were merely overlaid on African traditional structures without unequivocal delineation of responsibilities and/or competencies, denoting that they lacked both legitimacy and outreach. In real sense, such practices are believed to have placed the natives to specific geographical zones.⁹

The complexity and dynamism of land problems in Kenya call for a need to understand both colonial and post-colonial political contexts that inform land and property ownership rights and how the political elites influence land tenure narratives and institutional controls.

⁵ Anseeuw, W. 2010. *The struggle over land in Africa: Conflicts, politics and change*. p.80.

⁶ Boone, C., 2014. *Property and political order in Africa: Land rights and the structure of politics*, Cambridge University Press, p.4.

⁷Takeuchi, S., 2014. The Evolution of Land Policy in African State Building, In *State Building and Development Journal*, p. 115.

⁸Klaus, K., 2017. Contentious Land Narratives and the Non-escalation of Election Violence: Evidence from Kenya's Coast Region, *African Studies Review*, 60(2), p.51.

⁹ Yamano, T., and Deininger, K., 2005. Land Conflicts in Kenya: Causes, Impacts, and Resolutions. *Foundation for Advanced Studies on International Development/National Graduate Institute for Policy Studies the World Bank*, p.41.

During the pre-colonial period, land was owned and managed communally in a hierarchical manner starting with the family ownership, clan lineage and community. This was based on consideration of a group's current and future needs as well as territorial protection. Such arrangements enabled societies to govern and protect their land and property rights on the basis of collective values and conventional principles.¹⁰ At the time, the indigenous communities depended on subsistence farming and pastoral activities for survival. Besides, both the pastoral and agrarian communities leaving large tracts of land for resource management purposes, the pastoral communities had glowing organized warriors whose role was protection and expansion of territories after getting blessings from their council of elders.¹¹

During the colonial era, the British settlers considered the Kenyan land "unoccupied" and thus declared it a "crown and trust land" and therefore, a part of British Empire.¹² Following this declaration, land ownership thereafter shifted from communal land ownership systems to private ownership arrangements. The new land tenure arrangements initiated by the colonialists in Kenya were only a pure loading of western materialism that was meant to supersede African customary arrangements. This enhanced their position as "landlords" to peasant farmers who turned out to be "tenants" in their own land that was previously held communally. Though some of the newly introduced land ownership arrangements had aimed at containing intense opposition from natives' pressure groups such as *MauMau* movement that was fighting colonial rule, the land ownership shifted to private ownership arrangements, thus giving an exclusive power to some individuals to appropriate and control very large tracks of prime land in Kenya.¹³

The post-colonial period largely saw the land and property acquisition by some Kenyan elites. After independence, some powerful individuals within the Jomo Kenyatta government acquired the land that had been occupied by the colonial masters and sold most

¹⁰ Heltberg, R., 2002. Property Rights and Natural Resource-Management in Developing Countries, *Journal of Economic Surveys*, 16(2), p.190.

¹¹ Ibid.

¹² Coray, M., 1978. The Kenya Land Commission and the Kikuyu of Kiambu. *Agricultural History*, 52(1), p.180.

¹³ Angelique, H., 1989. *Land Tenure and Agrarian Change in Kenya*, *Africa* 59(1): p.62.

of it to the Kenyan elites who gained its absolute control and ownership structure.¹⁴ The trend was perpetuated during president Moi's era between 1978 to 2002; a regime that was known for public land distribution for political purposes. Land in Kenya has since then become connected to post-colonial national politics with all the successive governments being reluctant to address irregular allocations and in transformation of regimes in a manner that would address land disputes over the years.¹⁵

However, the present competition and conflicts over land seriously calls into question the image of relatively open, flexible and adaptive customary systems of land ownership and its use in Kenya and, instead, reveal processes of segregation, deepening of social divisions and class formations.¹⁶ This connotes a delicate balance between customary land ownership rights and national land policies. Moreover, following creation of electoral boundaries, communities wanted "father figures" to not only represent them in parliament but also double up as stakeholders in border armed conflict resolution and who would further be supportive of their indigenous institutions involved in conflict management systems such as the *gadaa* system by the Borana;¹⁷ *Adakar* and *Ekitoe Ng'engliok* by the Turkabna and; *Iritongo* by the Abakuria. These are common traditional governance and conflict resolution institutions at community and clan levels.¹⁸ It is the creation of such borders coupled by other factors that has led to intense conflict in Ngaremara Division of Meru-Isiolo border.

The perennial conflicts along the Meru–Isiolo border revolve around land and other ethnic tensions where bordering communities clash regularly.¹⁹ The intermingling factors leading to conflict include scarcity of natural resources, weak governance structures and lack of inclusivity in political, socio-economic and cultural participation in decision making.²⁰

¹⁴ Kanyinga, K., 1998. Contestation over Political Space: the State and the Demobilization of Opposition Politics in Kenya, *The politics of opposition in contemporary Africa*, p.40.

¹⁵ Onguny, P., and Taylor G., 2019. Land Conflict in Kenya: A Comprehensive Overview of Literature. *The East African Review*, p.53.

¹⁶ Peters, E.P., 2013. Conflicts Over Land and Threats to Customary Tenure in Africa. *African Affairs*, 112 (449), p.542.

¹⁷ Edossa, D. C., et al. 2007. Indigenous Systems of Conflict Resolution in Oromia, Ethiopia. *Community-based Water Law and Water Resource Management Reform in Developing Countries*, (5)1, p.146.

¹⁸ Kipsang, S., 2015. A Journey Into The Indigenous Conflict Management Mechanisms Among The Abakuria Community, Kenya, " The Beauty And The Beast", *European Scientific Journal*, 11(16) p.202.

¹⁹ Mwita, J., 2017. *Ethnic Land Conflict a Constant Struggle in Kenya: A Critical inquest on the Role played by the Methodist Church in Meru County, Kenya*, p.17.

²⁰ Ibid.

Other major factors that trigger cross-border armed conflicts in the area involve proliferation of small arms and light weapons, culture of livestock raiding, practice of heroism and related violence. These factors get magnified in Ngaremara Division because of its geographical location.

Ngaremara Division lies in the Meru-Isiolo border that harbors a heterogeneous population comprised mainly Meru, Turkana, Borana, Samburu, and Somali ethnic groups. The Division, the second largest centre within Isiolo County has thriving businesses dealing in livestock and livestock products which are largely controlled by the Somali merchants and other pastoralist communities. Apart from business, the inhabitants of the area are primarily pastoralists with a small number of them practicing crop production among other livelihoods.

Like in the great Isiolo region, ethnic conflicts are not a new phenomenon in Ngaremara Division.²¹ The conflict in Ngaremara has had devastating effects, particularly on the local communities who lose livelihoods, lives and face displacement whenever confrontations take place. From 2011 to 2012 alone, intense violence between the Borana and Somali on the one side in a clash with Turkana community left hundreds of people dead and thousands of cattle stolen. In November 2014, another clash between Turkana and Samburu communities left eight people dead, torching of houses and schools, disruption of businesses and overall extensive internal displacements of people. According to Isiolo District Peace Committee reports, between January 2009 and December 2013, 165 people lost their lives along the border; approximately 9000 cattle stolen and about 2900 internal displacements were witnessed.²²

The situation is continually aggravated by recent socio-economic developments such as the LAPSSET project and the construction of Isiolo airport. As a result of the conflict, several conflict resolution attempts have been conducted in the area. These have been carried out by both national, county governments as well as through informal approaches by the local

²¹ Boye, S.R. and Kaarhus, R., 2011. Competing claims and contested boundaries: legitimating land rights in Isiolo District, northern Kenya. *Africa Spectrum*, 46(2), p.100

²² Roba, S., 2014. The politics of pastoral violence: a case study of Isiolo County, Northern Kenya. *Future Agricultures Consortium Working Paper*, 95(1), p.10

communities. For instance, in 2001, the Modogashe-Garissa declaration which involved stakeholders from Meru, Isiolo and other regions in the Northern Frontier District (NFD) was signed and revised in 2005 to end sporadic armed conflicts in Ngaremara Division. In addition to this, peace meetings and initiatives by the central government and politicians from the different communities have been conducted periodically since 2010. Deployment of security personnel has also been beefed up in the past. However, despite all these, the conflict continues unabated.

Equally important, most of these ethnic groups have their own indigenous institutions that they used in conflict resolution in their own communities. Other than litigation, these institutions apply particular procedures of handling disputes varying from community to community and based on the nature of differences or disagreements. During dispute resolution, the parties involved in finding peace include the victims, the aggressors and representatives of their communities. Basically, indigenous conflict resolution is aimed at retribution and reconciliation to enhance a mutual coexistence amongst people.²³ This study focused on the multiple methods used in resolving armed conflicts in Ngaremara Division. The aim was to understand their relevance and use in resolving conflicts across several communities.

1.2 Statement of the Research Problem

Ethnic conflicts are not a new phenomenon in Isiolo County. Over the years, communities in the area have clashed over a number of factors. Literature reveals that conflicts in the area have complex and manifold background, often encompassing political, economic and social dynamics. Subsequently, the most common consequence of those conflicts and violence reverberate in the political, social and economic spheres.

One sub-region of the Northern Frontier District that has experienced persistent ethnic conflicts is the Ngaremara Division on the Meru-Isiolo border. The area is inhabited by several pastoralist and mixed farming communities including the Turkana, Samburu, Borana, Rendile and Meru communities, among others. Over the years, these communities

²³ Bilali, S., 2013. The Nature of Conflicts between the Borana and Meru Communities in Isiolo County of Kenya. *MA Project Paper submitted to the University of Nairobi*, p.7.

have faced intractable conflicts over a number of factors with devastating effects. In an attempt to resolve the conflict, several methods, both formal and informal have been employed. However, these have operated at a crossroad level, and thus the methods have not fully been successful leading to continuation of conflict in the area.

Indeed, while several studies have been conducted on the conflict in Ngaremara Division, a majority of these studies focus on areas such as the impact of conflicts and issues of marginalization that has led to underdevelopment in the area. Conflict resolution methods used in an attempt to resolve the conflicts in the Division have not been well researched on. As such, it is hard to evaluate the reasons for the continued conflicts despite several attempts to resolve them. Consequently, this study focused on conflict resolution methods in the area by examining the possibility of adopting a hybrid method of conflict resolution in a bid to end the conflict in Ngaremara Division of Meru-Isiolo border in a sustainable manner.

1.3 Objectives of the Study

1.3.1 Overall objective

The overall objective of the study was to examine the various methods of armed conflict resolution among the communities in Ngaremara Division between 1990 and 2018.

1.3.2 Specific Objectives

- (i) To determine the root causes of recurrent conflict in Ngaremara Division.
- (ii) To examine the various methods employed in conflict resolution in Ngaremara Division.
- (iii) To analyze the impact of conflict and conflict resolution methods in Ngaremara Division.

1.4 Justification of the Study

Academically, this study helps to explore various ways in which conflict-peace actors can be involved in a participatory justice dispensation that is indigenous. The findings of the study have revealed that multiple methods of armed conflict resolution have largely

contributed to sporadic armed conflicts in Kenya's rural border areas since they lack mutual recognition. In analyzing the institutions and mechanisms that have been used in armed conflict resolution in Ngaremara Division, the study has suggested a hybrid method to be used in resolving armed conflicts in the area and in other areas like this.

This study informs the policy formulation for advocacy strategies by the national and county governments towards increased use of indigenous methods of conflict resolution. The findings of the study can also be used as a platform for new and innovative thinking on issues of peace initiatives in the country, particularly on relevance of formal and indigenous mechanisms of conflict resolution.

1.5 Scope and Limitations of the Study

The study was carried out in Ngaremara Division which borders Isiolo to the North and Meru to the South. The study period was from 1990 and 2018. The area is mainly inhabited by Meru, Borana, Samburu, Turkana and Somali ethnic groups, party to intermittent conflicts for decades. Despite stakeholders' employment of various conflict resolution mechanisms to permanently end the conflict, no permanent solution has been forthcoming.

During the study, several challenges were faced. The area has witnessed a lot of conflicts which made respondents afraid of contributing to the study fearing victimisation. In order to abate this fear, the researcher took time to explain the purpose of the research as academic. Besides, communication was another major hindrance since majority of people did not comprehend English or Kiswahili languages. To mitigate this problem, the researcher recruited two literate elders who had sufficient knowledge of the area and could comprehend all the local dialects of major ethnic groups in Ngaremara Division as well as English and Kiswahili to serve as research assistants.

The researcher being a policeman, the harsh working conditions and other job-related demands from the researcher's workplace was a hitch during data collection. This made fieldwork to take a relatively longer time than it was anticipated as the researcher was not granted any study-leave. The researcher therefore, sought for pass-leaves from his immediate supervisor in order to collect needed data.

1.6 Literature Review

This part focuses on the literature related to the causes and resolution of conflicts in areas that are prone to armed conflicts.

1.6.1 Factors Causing Conflict

The phenomenon of armed conflict has existed in the boundaries of many countries in the world for ages. For instance, in Lebanon's consociation democracy, Makdisi and Marktanner discuss the nature of conflict after the cold war period.²⁴ Lebanon had a confessional system with over eighteen religious sects which comprised of Muslims and Christians; all with political influence. A weak state that would not implement effective political and administrative authority emerged after the dictum of a delicate sectarian power sharing balance. Then, individuals from different religious sects had similar obligations in the State but enjoyed unequal political rights. This led to persistent conflicts that lasted for sixteen years, from 1976 to 1992. In their study findings, Makdisi and Marktanner suggest that social divisions fuelled by external factors increases vulnerability of the victims to conflict. Their study further established that ethnic and sectarian heterogeneity coupled with economic factors place any society at a risk of conflict escalation.²⁵ The authors' findings formed basis of this study. This study however focused on conflict resolution and not causes of conflict only.

Climatic change has also been highlighted as a precursor for conflict.²⁶ Robin and Norton argue that water is increasingly getting over-utilized and food supply becoming diminished as a result of high demand by the ever increasing population. As a consequence, people keep migrating to other areas in search of food and water. In this regard, immigration will always be met with utmost resistance from the host community and hence destabilizing whole regions.²⁷ Robin and Norton focused mainly on the relationship between social climatic change and the concept of conflict. Yet, their study did not focus on what methods were

²⁴Makdisi, S, and Marktanner M., 2009. Trapped by Consociationalism: The Case of Lebanon, *Topics in Middle Eastern And North African Economies*, (11)1; p.5.

²⁵ Ibid.

²⁶ Mearns, R., and Andrew N., Eds. 2009. *Social Dimensions Of Climate Change: Equity And Vulnerability In A Warming World*, World Bank Publications, p.75.

²⁷ Ibid.

most effective on addressing the conflict. This study intended to go further by looking at the causes of recurrent conflicts, the possible processes for addressing these conflicts, and the likely impact of these conflicts in socio-economic spheres.

Arid and semi-arid lands (ASALs) in Kenya are mostly hard-hit by social climatic changes. Homer-Dixon carried out an extensive study on environmental changes and resources scarcity and its association to armed conflict.²⁸ The findings showed that scarcity of ecological resources contributes to armed conflicts and associated social outcomes such as ethnic and cultural violence. However, the study only zeroed in on how environmental scarcity can cause conflict but did not attempt to establish other causes of violent conflicts. Although in adherence to the Malthusian viewpoint, Homer-Dixon supports the idea that environmental degradation and population pressure can cause conflict. Nonetheless, he does not acknowledge other causes of armed conflicts. The current study built on Homer-Dixon's ideas, by looking at their applicability in Ngaremara Division.

In variance with Malthusian theoretical conception of the causation of inter-community conflict, Witsenburg and Adano established that armed conflicts are rooted in culture and they are a conventional way of interaction among the pastoral communities.²⁹ In a study on conflicts in Northern Kenya, the authors claim that conflict occurs during the time of resource abundance.³⁰ They further allege that conflicts were not likely to occur during the dry season as a result of low food scarcity. The justification is that the warring parties tend to reconcile their differences in order to share the scarce resources. However, this line of argument does not paint a clear picture of what actually happens in inter-community conflicts where most disagreements are fuelled by scarcity of what the warring communities consider dear to their survival. This study took a more realistic approach to the problem of study, bearing in mind the fact that other conventional dispute resolution mechanisms have failed to offer a lasting solutions.

²⁸ Homer-Dixon, T. F., 2010. *Environment, Scarcity, and Violence*, Princeton University Press, p.77

²⁹Karen M.,W., and Wario R. A., 2009. *Of Rain and Raids: Violent Livestock Raiding in Northern Kenya.* Civil Wars11, No. 4: p.515.

³⁰Ibid.

In a study on the nature of conflicts between the Borana and Meru Communities, Bilali established that Ngaremara Division traverses Meru and Isiolo counties where geographically it is thought to be in Isiolo County but administratively it is served from Meru County.³¹ Being a trust land held by the national government on behalf of the community, and due to its rich soil that is suitable for cultivation and availability of water and grazing lands, different communities have migrated into the area hence depleting the said resources owing to population density. Armed conflicts due to competition of these resources have turned out to be perennial as a result of scarcity. This study explored why the multiple methods that have been applied to resolve these sporadic conflicts in this elusive border have not fully worked.

Fueled by varied inter-community interests, Meru-Isiolo conflict has intermittently persisted since 1932 where the Meru and Borana communities are mainly pitted against one another. Historically, land and boundaries have been at the center of the dispute.³² The situation is mainly fueled by these communities' pastoralist lifestyle which forces them to constantly search for pastures. Furthermore, the major communities here were not involved in the Border Commission of 1962 which was responsible for border demarcations. Persistence of this conflict has also partly been linked to absence of agreeable indigenous dispute resolution mechanisms for all the border communities. Unlike the other ethnic communities living along the border, among the Meru there is a well-organized and revered institution of council of elders referred as *Njuri Ncheke* with laid down guidelines for dispute resolution. However, this institution is not recognized by other ethnic communities and therefore it cannot effectively address inter-ethnic conflicts within Ngaremara Division.³³ Equally, other ethnic communities have their own mechanisms which are more effective in resolving intra-conflicts rather than inter-conflicts. This variance has resulted into communities working at cross-purposes whenever there is a misunderstanding that needs to be resolved.³⁴ How this has prevented resolution of conflict in the study area formed a key point in this study.

³¹Bilali, S. 2013. p.1.

³²Mwita, J., 2017. *Ethnic Land Conflict a Constant Struggle In Kenya: A Critical Inquest On The Role Played By The Methodist Church In Meru County, Kenya*, MA Thesis, MF Norwegian School of Theology, p.14.

³³Ibid.

³⁴Ibid.

1.6.2 Conflict Resolution Approaches

Abraham Lincoln, the former US president once summed up the reason for alternative dispute resolution mechanism in the following manner: ‘discourage litigation, persuade your neighbor to compromise where you can. Point out to them how the nominal winner is often the loser . . . in expenses and waste of time’.³⁵ This was meant to discourage individuals from relying on conventional government dispute resolution mechanisms such as the police, courts or other existing offices. Brown and Marriott further argued that despite individuals winning a case in a courtroom, for example, the outcome may not be all favourable.³⁶ Other aspects such as time spent and all the costs of the process must therefore, be considered before engaging formal conventional mechanisms to resolve conflict. In their argument, communities must have the ability to independently decide on their preferred methods of dispute resolution while inculcating significant levels of trust amongst them. This study examined the multiple method employed in armed conflict resolution in Ngaremara Division with a view to finding out how they can be restructured to come up with a hybrid method that can be applied to end the conflicts in this elusive border of Meru and Isiolo Counties.

Many countries encourage the public to use ADR methods before engaging formal justice systems such as police and court processes. Indeed, mediation is mandatory in a number of states in the US such as California, Texas, Florida, and Oregon.³⁷ It is seen as a means of generating solutions on complex issues in the community that meet the needs of all the disputants. It involves reduction on overreliance on litigation as a way of dispute resolution by strengthening of local indigenous institutions that would cement the relationships for cohesive coexistence. It also teaches disputants the alternatives to violence that should be embraced. This avails the channels for conflict and dispute resolution where the local people take charge of the processes and possibly outcome of the initiative. The study therefore, informed this research in Ngaremara Division under which the indigenous people in extreme circumstances such as poverty and escalating conflict, civilians were able to play a critical role in responding to any emerging threat to their safety, dignity and fundamental rights.

³⁵ Brown, H., and Marriott, A.L., 2012. *ADR: Principles and practice*, 3rd ed, p.868.

³⁶Ibid.

³⁷ Gina, L.B., 2011. *Alternative Dispute Resolution Center Manual: Guide for Practitioners on Establishing and Managing ADR Centers*, p.67.

Through ADR methods, settlement or resolution is reached where parties have to come to accommodation based on mutual problem-sharing and non-coercive enduring outcome.³⁸ These methods are further viewed as most viable as they focus more on the needs and interests of the parties involved in the conflict thereby harnessing community talent for best results. This is as opposed to formal means which often do not pay attention to the nuances in dispute resolution processes. However, the author fell short of explaining how mutual synergy of both formal conventional and indigenous methods can achieve better results in abating armed conflicts especially in communities on border areas like Ngaremara Division.

Traditionally, the exclusive power of conflict resolution was vested in the council of elders who were deemed to have a lot of knowledge in cultural understanding in which conflict resolution is founded.³⁹ After independence, it was expected that the powers of the African indigenous institutions that had been eroded by the colonial governments would be reverted to them. However, this remained a mirage since the African elites translated the decolonization process as an opportunity to install themselves into power and control the economy that had been left by the colonial government. Further, it resulted into an almost complete entrenchment and continuity of colonial government administrative policies and structures of governance. In Kenya for instance, amendment to the existing laws was only superficially done to suit the interests of the Kenyan political elites since its control and allocation helps the leaders in gaining political mileage. The land problem in Kenya therefore, has remained a thorny issue and a source of intermittent conflicts. To ensure effective and successful conflict resolution in Ngaremara Division, the stakeholders have been trying to be innovative, resourceful, dynamic, and able to interact well with all veto players in the conflict despite frustrations from formal justice processes.

Before western civilization, ADR mechanisms and processes were highly hailed in African countries such as Rwanda for decisive armed conflict resolution and restoration of harmony.⁴⁰ Then, the basic unit of socialization was the family which also impacted as a

³⁸ Cloke, K., 2007. The Culture of Mediation: Settlement vs. Resolution, *The Conflict Resolution Information Source*, Version IV, <http://www.beyondintractability.org/essay/culture-of-mediation>. Accessed 20.06.2021

³⁹ Stiftung, F.E., 2013. The legal and Policy Framework Regulating Community Land in Kenya, p.11.

⁴⁰ Kariuki, F., 2015. Conflict Resolution by Elders in Africa: Successes, Challenges and Opportunities. *Alternative Dispute Resolution*, 3(2), p.31.

systemic security organ of the lineage. Conflicts and dispute resolutions was a preserve of the elderly men which entailed compensation of the victims and reprimands where necessary.⁴¹ However, upon introduction of formal conflict resolution processes by the western culture, the services of the indigenous *Gacaca* courts were rendered redundant and went on operating minimally and more particularly on customary matters.⁴² Conversely, the institutionalized *Gacaca* was more inclined to adversarial systems which conducted investigations and administered punishments where it was due. This was kind of reflection of western litigation processes that did not mind about the future unity of people as has been evident in Kenya and more so in Ngaremara Division where litigation among other multiple methods have been applied to end the sporadic conflicts witnessed over the years.

The study on the role of *Njuri Ncheke* Council of elders in resolving conflicts established that the institution largely cooperates with the judiciary on matters involving disputes over land and family matters whereby the courts refer such cases to them to conduct their investigations and give back their report in due time.⁴³ These elders are among the select few in such a revered institution having undergone council's conventional rite of passage and are seasoned with a lot of knowledge on customs and traditions of Meru people. Their role is deemed to be exploration of Alternative Dispute Resolution methods other than the judicial recourse with strong emphasis on reconciliation, restitution and restoration of harmony. With the inauguration of the new Kenya constitution in 2010, credence was given to the application of alternative dispute resolution mechanisms. This appeared to reinforce the position of the *Njuri Ncheke* council of elders as a formidable dispute resolution structure among the Meru.⁴⁴ However, the constitution is skeptical of the establishment of indigenous institutions especially where they do not exist among the pastoral communities to aid in settlement of disputes. How this discrepancy affects conflict resolution in Ngaremara Division was looked into by this study.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Mburugu, K.N., and Macharia, D., 2016. Resolving Conflicts Using Indigenous Institutions: A Case Study of Njuri-Ncheke of Ameru, Kenya, (1)4, p.29.

⁴⁴ Ibid.

1.6.3 Conflict Resolution Mechanisms

According to Shamir Yona, the search for the best methods of resolving conflicts is as old as humanity itself.⁴⁵ Alongside the search, the author accentuates on the need to develop and use the prudent skills gained from the diverse methods available in order to counter the escalation of disputes. In order to improve on future relations, the author recommends embracing joint problem-solving by all the stakeholders in conflict situation. He has significantly discussed mediation and negotiation as some of the commonly used ADR approaches in settling conflicts.⁴⁶ In his view, conflicts are increasingly intractable since in most cases institutions and mechanisms are either inadequate or absent. However, there is an inconsistency in his argument since the mechanisms that he provided for peaceful resolution of conflict as absolute have not had any controlled studies to compare their differences. This study therefore critically looked at the successes and failures of the multiple conflicts resolution methods in the study area.

Muigua and Kariuki also conducted a study on the traditional conflict resolution mechanisms and institutions among the African communalities which revealed that there are distinctive categories of institutions in Africa that are involved in conflict resolution.⁴⁷ Other than litigation, other mechanisms were also discussed, which include negotiation, enquiry, mediation, conciliation, expert determination, arbitration and others. The study further examined the role of women in conflict management in most African communities and established their role was negligible and that communal conflict resolution was largely preserve for men. Terming this revelation as based on retrogressive reasoning, the study recommended a more progressive and inclusive approach to conflict resolution where everybody was involved irrespective of gender underpinnings. Although Muigua and Kariuki examine various indigenous institutions in Africa that are involved in conflict resolution, it is imperative to explore how the power of various institutions got eroded. To a large extent, the study of Ngaremara Division unequivocally discusses the interface between litigation and other ADR mechanisms to enhance conflict resolution for a cohesive coexistence.

⁴⁵ Shamir, Y., 2016. Alternative dispute resolution approaches and their application, *Available at* <http://unesdoc.unesco.org/images/0013/001332/133287e.pdf> Accessed 01/9/2019.

⁴⁶Ibid.

⁴⁷ Muigua, M.,and Kariuki, F., 2014. ADR: Access to Justice and Development in Kenya, p.3.

In their Article '*Building on the locally based and Traditional Peace Processes*', Smith and Smock critically examine various innovative approaches to conflict resolution especially in the Horn of Africa.⁴⁸ They remarked that traditional conflict resolution practices have outlived their utility due to overreliance on modernity that erodes the powers of traditional mechanisms and institutions such as council of elders. The authors further assert that any external effort such as by NGOs in local conflict management is an ingredient of failure as it erodes the power of the local community leaders and the politicians. They further argue that involvement of all the local segments of the community in conflict resolution is a clear sign of desire for peace and stability to enhance socio-economic development. In conclusion, the study maintains that methods of resolving conflict should be drawn from cultures under the guidance of traditional leaders. Despite these observations about who should be involved in conflict resolution, the study was equivocal on the methods that were most appropriate. This study aimed at also examining processes and mechanisms employed in conflict resolution.

Indigenous methods of conflict resolution in Africa are deeply rooted in the customs and the traditions of the African people and have a well structured and time proven system aimed at reconciliation and maintenance of social relationships.⁴⁹ Having roots in cultural milieu, they accentuate among others, unity of the people, social harmony and communal lifestyle. In addition, these methods are not formal in nature and thus, are friendly to the parties engaged in conflict resolution. This rules out any possibility of intimidation unlike formal processes such as judicial recourse where sanctions are purported to be forceful and detrimental to the victim who at times is not compensated by the aggressor. The authors further argued that indigenous methods are mostly preferred because they focus on tenets of empathy, sharing and cooperation in dealing with problems which underscore the fundamental nature of human life.⁵⁰ In this context, the role of indigenous methods of conflict resolution is deemed to key in conflict-peace process. Conversely, the study in Ngaremara Division was understood in the context of synergy of both formal and indigenous methods of conflict resolution.

⁴⁸ Smith, A.L., and Smock, D.R., 2016. *Managing A Mediation Process*, p.11.

⁴⁹Osei-Hwedie, K., and Morena J. R., 2012. *Indigenous Conflict Resolution in Africa: The case of Ghana and Botswana*, *IPSHU English Research Report Series*, (29), p.34.

⁵⁰Ibid.

Discussing formal and informal justice in Liberia, Flomoku and Lemuel opine that the object of mediation is a win-win scenario and that compromise must prominently feature.⁵¹ This is by way of relying heavily on the aggressor party to offer a lasting solution. To seal the agreement and avoid its abrogation between two warring communities, the party that initiates the war in Liberia is obliged to give away a beautiful unmarried woman to the fiercest warrior of the other group. Subsequently, no party would fight the other in avoidance of spilling the blood of their own group since the children of the other group may be the descendants of the woman who was given in marriage to it.⁵² However, these practices are perceived to be unreliable by the modernity adopted in resolution of disputes along Kenya's intrastate border disputes such as Ngaremara Division that lies along Meru-Isiolo border. This study, therefore, intended to examine available alternative dispute resolution mechanisms while considering the intricacies of modern societies.

Other studies have viewed conflict as an inherent human behaviour, which should be re-examined daily, frequently and in a natural and unconscious way.⁵³ Though non-binding, mediation is considered as one of the most used methods in conflict resolution where the parties have mutually acceptable goals. This line of argument, however, does not clearly suggest ways of addressing human conflicts. The study of Ngaremara Division employed a broader approach where causes of conflict, their socio-economic impact and the approaches to solving them were examined.

In the study on a journey into the indigenous conflict management mechanisms among the Abakuria community, the authors established that the Abakuria people of Migori County in the Southwest region of Kenya have perpetually been embroiled in violent inter-clan conflicts since time immemorial, despite employing indigenous dispute resolution mechanisms from time to time.⁵⁴ There were basically five key institutions through which conflict resolution was commonly managed, including *Inchama*, *Abaraguri*, *Iritongo*,

⁵¹ Flomoku, P., and Lemuel, R., 2012. *Formal and Informal Justice in Liberia*. London, Conciliation Resources, p.45.

⁵²Ibid.

⁵³Moore, C.W.2014. *The Mediation Process: Practical Strategies for Resolving Conflict*. John Wiley & Sons, p.19.

⁵⁴Kipsang, S., 2015. A Journey Into The Indigenous Conflict Management Mechanisms Among The Abakuria Community, Kenya: "The Beauty and The Beast". *European Scientific Journal*, 11(16).p.208.

Sungusungu, and Ihama. Yet, inter-clan and intra-clan conflicts were still very common in the region, thus calling for the need to relook at the viability of these mechanisms. At the end, the study recommended government to strengthen these institutions so that they can be more effective in playing the role of conflict resolution. While the main reason for the protracted conflict may be attributed to cattle rustling among the four clans of the Abakuria, the dynamics surrounding the site for the current study may be different. Hence, the study of Ngaremara Division was intended to explore new grounds in resolving armed conflicts such as government initiated projects which are thought to play an active role in creating recurrent conflict. Furthermore, the role of politics in the conflicts was equally tackled.

In a study on the role of informal peace agreements in conflict management, Biko alludes to the Modogashe declaration signed in August 2001 between North Eastern communities and their neighbours at Modogashe as an initiative to enhance sustainable peace.⁵⁵ The declaration sought to address issues of conflict over water and grazing lands. The agreement provided that no ethnic group would enter grazing land of other ethnic groups without prior permission from the elders and the area chiefs.⁵⁶ They also had to seek clearance from the District Security Intelligence Committees before mobility into their intended host community. All the weapons had also to be surrendered to the authorities of the host community before they started grazing their animals.⁵⁷ The overall purpose of the declaration was to provide a platform through which ethnic communities would air their grievances and forge the right solutions. Nevertheless, the provisions remained as just mere writings on a piece of paper and therefore many communities found no relevance of cooperating with the government or other security agencies in exploring areas of cooperation to enhance peace and cohesive co-existence. What made this agreement irrelevant leading to its failure to resolve the prevailing tensions between the neighbouring communities despite its binding implication is yet to be investigated. This initiative serves as a typical case of ADR method but which nonetheless failed to lead to a lasting solution. This study, therefore, investigated the reasons for failing peace initiatives despite several attempts to permanently resolve the impasse.

⁵⁵Biko, A.S., 2012. *The Role Of Informal Peace Agreements In Conflict Management: Modogashe Declaration And Its Implementation In North Eastern, Kenya*, <http://hdl.handle.net/11295/96614>. Accessed 12/10/2020.

⁵⁶ Ibid.

⁵⁷ Ibid.

1.6.4 Impact of Armed Conflicts

The socio-economic impact of armed conflict to the local communities is enormous, and this transcends to neighbouring communities. This is because conflicts often occur due to disagreements between parties, communities, groups or states over common interests such as grazing fields, water source, and land disputes which affect many communities.

According to Mwagiru, conflict would always be expected to happen wherever there is human interaction, since this is what necessarily indicates that there is diversity of opinions and interests. Based on diversities in the African context in terms of religion, culture, politics, and ethnic groups among other socio-cultural differences, it is often expected to emerge into conflicts. Generally, it has been argued that conflict lead to the suffering of the people and loss of property.⁵⁸ Furthermore, studies have indicated that excessive conflicts will always be counterproductive to the communities at the center of the conflicts in terms of economic, religious, political and technological spheres.⁵⁹ This study built on these to understand the impact of intercommunity conflicts in Ngaremara Division.

Inter-ethnic conflicts in the Northern Frontier District (NFD) mostly revolve around livestock ownership where some communities culturally think that they have a bigger claim to the animals than others. The constant raiding usually created endless fears among the residents of the communities, and this did not give them ample time to be productive in their various economic fields. For instance, Njiru's study indicate that whenever there were impending inter-community skirmishes, people tend to flee their home areas hence abandoning their farms unattended⁶⁰. This is a recipe for hunger in future leading to more conflicts. Similarly, conflicts may lead to outbreak of diseases due to possible pollution of the natural environment including water sources and deteriorating sanitation services.

Scholars have also documented some of the common consequences of armed conflicts as forced migrations, long-term refugee problems, destruction of infrastructure, and collapse of

⁵⁸ Mwagiru, M., 2006. Conflict in Africa: Theory, processes, and institutions of management. Nairobi: Centre for Conflict Research, p.2.

⁵⁹USAID, FEWS NET, *Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa*, Conflict Baseline Study Report, August 2003, p.6.

⁶⁰ Njiru, N.B., 2012. Climate Change, Resource Competition, and Conflict Amongst Pastoral Communities in Kenya, In *Climate Change, Human Security and Violent Conflict*, Springer, Berlin, Heidelberg, p.514.

political, social and economic institutions.⁶¹ This study by Reynal-Querol et.al has by large informed the researcher's case of Ngaremara Division in which many pastoralist communities such as the Borana people from Isiolo County are culturally attached to their animals as this is what constitutes a greater part of their wealth. While the Borana community along the Ngaremara Division would be craving for opportunities to get grazing grounds for their animals, their Meru farming counterparts want land for cultivation. This scenario undoubtedly leads to conflict leaving the affected communities reeling in hunger, having been denied the opportunity to tend to their respective economic activities.

1.7 Theoretical Framework

This study was guided by two complementary theories; Malthusian theory of population and the Game Theory of conflict resolution. The theories are based on conflict causation and resolution respectively. Malthusian theory of population was propounded by Thomas Robert Malthus in 1798. Malthus asserts that food grows in a slow arithmetic progression subject to the law of diminishing returns, whereas population growth adheres to geometric progression hence leading to many social outcomes such as conflict as a form of positive check.⁶² Malthus further pointed out that when a population reaches a critical mass relative to available resources, there is always a struggle over the division of resources. This view was supported by Ehrlich who posited that exponential population growth leads to overstretching of resources hence a recipe for intergroup fights.⁶³

In Malthus proposition, the increase in food supply conversely leads to increase in population hence creating demand for more food. This automatically leads to food scarcity whose remedy is by positive checks arising from vice or misery which shorten the duration of natural human life. The major causes of conflict in nature are presumed to be a large population that strains the scarce natural resources to sustain life. Malthus further postulated that when there is an easily identifiable minority ethnic or group, that group tends to become a target in times of scarcity. In this sense, Malthus argued that an exponentially growing

⁶¹ Reynal-Querol, M., and Hoeffler, A. H., 2003. Measuring the Costs of Conflict. Washington, DC: *World Bank*, p.4.

⁶² Hrothgar J., H., 1960. *Thomas Robert Malthus*, FRS (1766-1834); p.194.

⁶³ Paul R., E., 1968. *The Population Bomb*, p.73.

population will always self-correct through war, leading to loss of lives hence reducing the population. This serves to re-establish the equilibrium that is disrupted by scarcity caused by population growth.⁶⁴ Malthus concludes by hypothesizing that all wars are struggles over the control of resources- directly or covertly.

Within the context of historical developments, though, Malthus' theory is relevant especially given what is commonly known to be at the center of inter-community conflicts in modern times. Fighting over scarcity of resources including water, land, pasture and other natural resources has been witnessed not only in many parts of Kenya but also in other parts of the world.⁶⁵ In Ngaremara Division, due to availability of water, there has been an influx of people of different ethnic groups coming to graze their animals hence leading to unprecedented population growth. The theory was, therefore, adopted to explain how the population growth has led to conflict in the Division.

Additionally, the Game Theory of conflict resolution was used in the study as a rational decision making theory applicable in conflict resolution. This theory talks about interdependence between players, strategies and payoffs.⁶⁶ Propounded by John Maynard Smith, the theory postulates that any choice made in application of specific strategies to resolve or manage conflict has repercussions that may be critical or worse to the prevailing situation. The basic idea, according to Smith, is that players structure, and restructure interactions into situations of greater or less cooperation leading to ending or escalation of conflict.⁶⁷ Often, the select few who surface during negotiations for peace are those chosen by the interest groups such as politicians from either side of Meru and Isiolo counties in the case of Ngaremara Division intermittent armed conflict resolution efforts. This study, therefore, adopted a cooperative model of game theory to explain how conflict in Ngaremara Division can be resolved through purposive cooperation by all players involved in conflict showing how parties will share incremental benefits in a fair and efficient manner.

⁶⁴ Shamir, Yona, and Ran Kutner. 2003. P.15.

⁶⁵ Solomon, H., and Rian, L., 2001. On Ethnicity and Ethnic Conflict Management in Nigeria, *African Journal on Conflict Resolution*, 2(1), p.3.

⁶⁶Maynard, S.J. 1998. *The Origin of Altruism*: p.639.

⁶⁷ Ibid.

Despite their relevance, the two theories have faced various criticisms. Although Malthusian theory makes a lot of sense in terms of what mostly causes inter-ethnic conflicts, it is criticized for always assuming that wars/conflict check on population growth through loss of lives. According to Shamir, Yona, and Ran Kutner, if this was the case, then there would be no need for any further struggle for those resources after the war.⁶⁸ Maynard, S.J criticizes Game theory for ignoring the contradiction between individuals and group interests depending on who appears at the negotiating table and what interests each of those players have during the process of searching for lasting peace.⁶⁹ Despite their weaknesses, the theories were used in the study because of their combined strengths in explaining the causes of conflict, and resolution methods useful in the Ngaremara conflicts.

1.8 Hypotheses

- (i) Causes of armed conflict in Ngaremara Division are grounded on competition for scarce natural resources.
- (ii) Protracted armed conflicts in Ngaremara Division are as a result of conflicting methods of armed conflict resolution
- (iii) Armed conflict in Ngaremara Division have negative socio-economic and political impact on the people in Ngaremara Division

1.9 Methodology

During the research, both primary and secondary data was used. Secondary data was obtained through desktop review of the extant literature on armed conflict. These included books, scholarly journals articles and magazines which the researcher accessed from the University of Nairobi library and the Kenya National Library in Embu Town, and documents from Regional Commissioner's office in Embu. This helped the researcher get a clear understanding of the antecedents of armed conflicts among neighbouring communities in Kenya. The general review helped the student to establish the gaps to be filled through primary data that was collected in the research site and analyzed for report writing.

⁶⁸ Shamir, Yona, and Ran Kutner. 2003. p.15.

⁶⁹ Maynard, S.J. 1998. *The Origin of Altruism*: p.639.

Primary data collection commenced with hire of two research assistants after issuance of a permit by the National Commission for Science Technology and Innovation (NACOSTI). The researcher used a semi-structured questionnaire as his research tool to gather research data. This kind of questionnaire was appropriate as it enabled the researcher to collect enough data within a short time, especially given the nature of insecurity in the study site. While the structured questions helped the respondents give objective answers regarding the research problem, the semi-structured questions allowed for in-depth information on the conflict situation in the area. It further enabled him to generate data in a systematic and organized fashion hence easy to describe it in thematic narratives. The questionnaires were administered by the researcher to respondents directly. Tape-recording of conversation was done to complement the questionnaire.

Both purposive and random sampling techniques were used. With the aid of local security committees and national government administration, five research participants were selected for the interview, one from each of the five villages. The villages included *Nasurua*, *Attan*, *Kiwanja*, *Chumvi Yare* and *Gambela*. Eligibility criteria included bona fide membership of the respective local security committees and each had to come from different ethnic groups since Ngaremara Division has a heterogeneous population. Following their direct involvement in manning the borders and resolving conflicts, six security service representatives were picked from different units stationed at Gambela Patrol Base and Isiolo County. These were security units manning security operations in Ngaremara and they comprise of the RDU, ASTU, GSU, GD, and the military officers from 78KR.

In addition, three local politicians were selected. This included one Member of County Assembly (MCA) and two former politicians. Additionally, eight respondents were selected including three head teachers from different local schools, three church leaders, an NGO official from *Action Aid*, and one medical person. Three national government administrators (chief and his two assistants) were also selected. All the above categories of respondents were selected on the account of their respective positions which made them to be actively involved in peace and security issues in Ngaremara Division. Owing to the elusive nature of security in Ngaremara Division some respondents refused to give their actual names.

The researcher further interviewed twenty more respondents from the local community using random sampling technique. This made for forty five the respondents interviewed. In order to check whether the views propounded by interviewees were shared among the community members, the researcher used a total of seven focus group discussions, each comprising of eight members. One of the FGDs was with elders at Ngaremara Catholic Church and the other six at Ngaremara chief's camp, Ngaremara shopping centre, Nasurua village, Chumvi Yare village, Gambella police camp and Gambela village comprising of security persons. This further aided the researcher to understand the wide issues concerning research objectives.

After fieldwork, the data was then coded, with responses grouped into various categories in line with the research objectives. The data collected was thereon qualitatively organized thematically and analyzed using coding, pattern and content analysis technique. Based on emerging themes in line with the research objectives, a critical assessment of each narrative response was done using thematic interpretations. The researcher thereafter presented analyzed data in prose, using narrative excerpts within the main report.

CHAPTER TWO

CAUSES OF ARMED CONFLICT IN NGAREMARA DIVISION OF MERU- ISIOLO BORDER

2.1 Introduction

The previous chapter introduced this study by explaining the problem of statement, objectives, theoretical framework and methodology adopted for the study. This chapter examines the causes of armed conflict in Ngaremara Division. Some of the root causes could be traced to colonial land policies and spreading over the years. Others include the growth of population, the movement of people from other areas into Ngaremara, and legal changes in the management of land that have sparked conflicts between communities living in the borderland between Isiolo and Meru. Other fundamental causes involved are proliferation of small arms and light weapons, cultures of livestock raiding and that of heroic practices.

2.2 Causes of Meru-Isiolo Border Conflicts

There are several factors responsible for conflict in the study area. These could be classified into three; economic, social and political.

2.2.1 Social Factors

These include;

Growth of Ngaremara Division and Marginalization by the Colonial governments

During the colonial era up until 1928, Isiolo remained a depot for ox-trains used for supplying Kings African rifles which were stationed in the Northern Frontier Districts comprising Mandera, Wajir, Isiolo, Moyale, Marsabit and Garissa districts.⁷⁰ This was the first African military force formed in Kenya in 1902.⁷¹ Following their participation in World War I between 1914 and 1918, the British government settled ex-soldiers from Harti and Isaq clans who were of Somali origin in Isiolo and further settled other Somali

⁷⁰ Clayton, A., and Killingray, D. 1989. *Khaki and blue: Military and police in British colonial Africa*, Athens, OH: Ohio University Center for International Studies, p.52.

⁷¹Ibid.

immigrants from elsewhere in Isiolo.⁷² In 1929, Isiolo became a District established as a strategic patrol base for the entire Northern Frontier District.

The District was, however, marginalized by both the colonial and early independence governments due to its geographical location and climatic challenges characterized by extreme heat, strong windy and dusty conditions and therefore, not suitable for British farming or settlement. The locals suffered neglect in terms of service delivery in all aspects of the economy at this time. The area was administered at minimal costs with the sole intention of maintaining British peace and preventing Ethiopian expansion into the area, among other colonial interests. As a result, development programs such as road construction, school and provision of other facilities witnessed in other regions of Kenya were not developed in the area. With minimal investment, the residents continued living life on the traditional path including engagement in inter-communal conflicts. Things were made harder by the fact that the local communities had lost part of their land for colonialist's military bases. At independence, the involvement of Somali in the area in the Shifta war gave the Kenyatta government the excuse for further excluding the region from development. Remaining closed and under strict military surveillance, Isiolo as were her neighbouring region faced neglect.⁷³

Despite the marginalization challenges it faced, Isiolo gradually developed into a cosmopolitan centre with thriving businesses dealing in livestock products among other business items and largely controlled by the Somali and Asian businessmen. Other inhabitants of Isiolo at the time included Turkana, Borana, Samburu, Meru and Ndorobo who had migrated from Laikipia District.⁷⁴

For the purposes of access to water for their domestic use and feeding their animals, the Turkana people migrated in from Turkana North District and Borana moved in from Ethiopia. The ethnic groups whose economy depended on livestock migrated to Isiolo South near Ewaso Nyiro River and others to Isiolo North for proximity to Ngaremara River in the

⁷² Whittaker, H.,2015. *Insurgency and Counter-Insurgency in Kenya: A Social History of the Shifta Conflict, 1963-1968*, Brill, p.52.

⁷³ Anders, H.,1981. Ethnic Transformation, Dependency and Change: the Iligira Samburu of Northern Kenya. *Journal of Asian and African Studies*, 16(1), p.16.

⁷⁴ Ibid.

area. According to Hjort in his journal article on “*Ethnic transformation, dependency and change*”, the first wave of Meru ethnic group migrated into Isiolo as laborers for the elites in Isiolo Town after clans’ land demarcation and titling in Nyambene hills during the later years of colonialism.⁷⁵

During colonial era, conflicts were reported. For instance, colonial records showed existence of a glowing inter-ethnic conflict between Samburu and Borana at an area known as Komu hot spring. On the other hand, Somali and Borana ethnic conflicts were also intermittently witnessed. Hjort mentioned that the issue of permanent land for Isaq and Harti clan was the source of conflict since they had even started to encroach into the British farms.⁷⁶ As a remedy, a quarantine area was created adjacent to the Isiolo Town to keep the animals for the two conflicting ethnic groups.⁷⁷ Another wave of Meru migration into Isiolo came in after attainment of Kenyan independence when Meru ethnic group occupied part of Isiolo claiming it as theirs following simmering boundary disputes.⁷⁸ More recently, the population in Ngaremara Division has kept increasing because of the incessant immigration of different ethnic groups from the neighboring communities into the area. This could, to a large extent be attributed to the availability of watering points at Ngaremara River and the green grasses in the pastoral land that have no particular ethnic group claiming absolute ownership.

2.2.2 Culture of Heroism Practices

Culture of heroism is another factor causing conflict in Ngaremara Division. In the area, one aspect of the communities is that an ethnic group gains honor by vengeance. Whereas heroism among the pastoral communities is conventionally gained through killing of the perceived enemies in the battle-field by the warriors, retaliation in their perception is a collective responsibility of the whole family, clan or ethnic group concerned.⁷⁹ As for the pastoral communities living in Ngaremara Division, men usually feel greatly humiliated in case an attack is not retaliated by their warriors.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Branch, D., 2007. The Enemy Within: Loyalists and the War against Mau Mau in Kenya, *The Journal of African History*, 48(2), p.292.

⁷⁸ Hjort, A., 1981. P.27.

⁷⁹ Oral interview with (Name withheld), Government officer, Ngaremara AP camp, 26th August, 2019.

The act of retaliation which is normally done by prowling and killing of enemies is positively received and many a times rewarded by the entire family, clan or ethnic group encouraging subsequent retaliatory attacks.⁸⁰ Mostly, the fiercest warrior is rewarded for his exemplary courage exhibited in the battle-field and his opportunities of marrying most beautiful women of his choice generally increase.

2.2.3 Marginalization of the Indigenous Conflict Resolution Systems

Marginalization of communities in NFD began at independence and proceeded into the independence period.⁸¹ Currently though, the marginal recognition of the indigenous armed conflict resolution practices by the formal armed conflict resolution institutions such as courts has posed a challenge to armed conflict resolution in Ngaremara Division. Courts have failed to adapt in drawing skills and knowledge from the local elders such as *Njuri Ncheke* of Meru and *Ekitoe Ng'eng'eliok* of the Turkana ethnic groups who wield extensive knowledge of the conventional beliefs and practices of their local people. The rules of engagement by the formal justice institutions have further shown lack of harmony with the traditional practices. In some instances, in the conflict resolution circumstances, local leaders such as chiefs and their assistants have been biased against other ethnic groups.

2.3 Political Factors

There are several political factors responsible for conflict in the study area. They include:

2.3.1 Separatist Claims

Before attainment of independence, the people of NFD had formed a Somali Separatist movement which campaigned for an excise from Kenya to join the greater Somalia. This idea however, was abandoned after transfer of power took place after attainment of independence.⁸² Following this dissatisfaction, they formed a Northern Frontier District Liberation Front which was forthwith suppressed by the Kenyan government as they termed

⁸⁰ Ibid.

⁸¹ Oral interview with Kaunyangi Mukirra, Meru cattle farmer, Ngaremara Shopping Centre, 23th August, 2019

⁸² Whittaker, H., 2012. The Socioeconomic Dynamics of the Shifta Conflict in Kenya, 1963–8. *The Journal of African History*, 53(3), p.392.

it a “shifita war.” The war contributed heavily to the militarization of Isiolo as well as the rest of the North Eastern part of Kenya.⁸³ The weapons that had been used during the revolt were retained by inhabitants of the area and have subsequently been used in wrecking havoc in Ngaremara Division. These weapons have over time been used to ambush police and military causing mayhem among the communities in Ngaremara Division. Livestock raids and retaliatory attacks with aim of evicting other groups from the Division have been common.

2.3.2 Ethnicized Alignments

Ethnic rivalry in Ngaremara Division is perhaps the single most political variable causing conflict since rivalry introduction of multi-party democracy in 1991. Political parties in the area, according to Joseph Ngari, are ethnic enclaves and elections are nothing but a measure of ethnic numerical strengths whereof the politicians seek power, retain or ceded it altogether.⁸⁴ This results to formation of alliances by various ethnic groups from time to time in order to defeat the weaker ones both in political representation and appropriation of wealth after elections. Over time, this results in serious violent conflicts leading to loss of lives and massive destruction of property. According to Ngari, it is evident that in a span of six years from 1996, around 1200 lives had been lost and over 3000 animals stolen in Ngaremara Division. The local militia groups who comprise of young men target women and children during conflicts, torch houses, and schools and steal livestock. This argument is supported by Sharamo Roba who in his consortium paper on the politics of pastoral violence argues that between 2011 and 2012 alone, the intense violence between Borana and Samburu on the Meru-Isiolo border left hundreds of people dead and thousands of cattle stolen.⁸⁵

Kamwibua, a resident of Ngaremara Division had the following sentiments concerning pastoral communities and alliances in regard to conflict causation:

⁸³ Fahnbulleh, M., 2006. In Search of Economic Development in Kenya: Colonial Legacies & Post-Independence Realities. *Review of African Political Economy*, 33(107), p.34.

⁸⁴ Oral interview with Joseph Ngari, a local politician, Ngaremara Shopping Centre, 27th August, 2019.

⁸⁵ Roba, S., 2014. The politics of pastoral violence, 95(1), p.10.

When people feel insecure, they tend to coalesce around leaders they refer as “father figures” especially during the electioneering period. They think such people would easily understand their needs. Those local leaders seeking political seats dance to the tune of their subjects in order to get votes during general elections.⁸⁶

These kind of alignments and realignments were very evident during the 2007 general elections when the Samburu and Turkana ethnic groups came together to back their parliamentary candidate against one from the Borana community. These machinations made the Borana candidate to win with a very slim margin hence creating more tension in the region. This significantly increased ethnic tension which led to violence. Increasingly, there is evidence that the Turkana and Samburu ethnic groups living in Ngaremara Division tend to form an alliance against Borana, Somali and Meru ethnic groups who form their own mainly during the dry season when water and grazing land is scarce. However, these alliances keep changing since they are guided by the weather changes that require socio-economic and political shifts.

Despite this violence being political in nature, its expression is usually resource based. Therefore, while most conflicts in the Meru-Isiolo border have been caused by competition over scarce resources, political motives also play a critical role as politicians engage unemployed youths to intimidate opponents.⁸⁷

There is also a relationship between land and politics in the area. Ngaremara Division which is a trust land is said to attract interest of politicians since it seen as “ownerless”. The politicians want to win trust of the people and hence control the territory. Political instigations by politicians with personal interests, lack of compromise from opposing sides involved in the conflict, unmet needs of the conflicting communities, prejudices against certain groups, and ignorance are among the numerous pressing issues leading to conflict.⁸⁸

Land ownership in the Meru-Isiolo border has been a thorny issue for a long time. Following migration of communities such as the Maasai from Laikipia into Isiolo, the

⁸⁶ Oral interview with Julius Kamwibua, local politician, Ngaremara Shopping Centre, 29th August, 2019.

⁸⁷ Ibid.

⁸⁸ Will, B., 2018. Delivering on the Promise of Peace? *Devolution, Inclusion and Local Conflicts in Kenya*. p.17.

indigenous communities in Isiolo regarded this as a sign of intrusion. The question of ownership is complicated even more due to the fact that administratively Meru County claims ownership due to large population of Meru though the area lies in Isiolo County. Being an administrative Division in Tigania East Sub-county of Meru County, on the 26th September 2018, the then Meru Governor toured the Division. As part of his development blue-print of Meru County, the Governor launched boreholes in the Division. In addition, he provided Meru residents in the area with food stuffs and issued books to Kiwanja primary school as he launched the competency based curriculum (CBC).⁸⁹ The Meru governor did this, despite Ngaremara being an electoral ward of Isiolo County. Additionally, the governor promised the residents land titles and the promise that fifty surveyors would be deployed to the adjudication sections forthwith to expedite the process. Conversely, on the 9th, October 2018, governor of Isiolo rubbished Meru governor's tour and his sentiment concerning a special ward, saying that such a ward was imaginary. He said that there was only one known Ngaremara ward which is in Isiolo County and that the tour was purely provocative capable of causing conflict in Ngaremara ward and by extension the entire Isiolo County.⁹⁰

The pastoral communities in the Division have exhibited many common intercultural fissures; a feature that united them before colonial period since grazing land and water was not scarce. At the time, there were a lot of cross-cultural co-operation arising from various ethnic groups and natural resources that were in abundance remained egalitarian in nature. However, the leadership in the region has recently adopted negative ethnicity as a tool of winning votes where local and national political leaders often tend to have subjective leanings wherever there is conflict. Too often, voting in Ngaremara Division is largely based on negative ethnic lines where voters vote only for people from their ethnic groups. This feeling was summed up by Rahab Mukami, a local women leader in Ngaremara area who had this to say:

The problem of ethnicity has refused to go away in this region. What makes this even harder is the fact that our local leaders often take sides whenever

⁸⁹ <https://meru.go.ke/429/kiraitu-tours-ngaremara-special-ward>. Accessed 7.07.2018

⁹⁰ <https://twitter.com/governorkuti/status/1049620272922419202>. Accessed 27.09.2019

the conflict escalates. A lasting solution would have come from leaders if they were not one-sided when resolving the issues most of the times.⁹¹

It also emerged that local politicians sometimes organize illegal gangs such as “*Ngoroko*” among the Turkana community which help them to pursue political interests.⁹² With this polarization, it is common for government policies and directives not to be implemented as some groups tend to circumvent the law for their own selfish ends. Politics is, therefore, a big issue directly or indirectly contributing to conflict in the area. This is because most of the things such as resource allocation majorly revolve around politics.

2.3.3 Police Failures

The Kenyan government has also had a hand in the inter-ethnic communities in Ngaremara Division through arming of pastoral communities through Kenya Police reservists.⁹³ Although it was deemed as a noble idea of having a complementary initiative to provide security, it is marred with a lot of irregularities such as corruption and political interferences in the recruitment processes. The whole intention was to have KPR as a transparent community policing initiative that would give early warning signs of an underlying conflict and act quickly to avert the situation and further complement the police in missions of recovering stolen animals.⁹⁴ Study by the researcher in Ngaremara Division revealed that KPR exhibits elements of incompetence in their operation. Their recruitment is purely pegged on political inclinations and therefore, the decision as to who is entitled to join the service is only a preserve of those in the government and hence there is a lot of favoritism along ethnic lines.⁹⁵ This has resulted in arming of some ethnic groups to the detriment of others and hence inviting attacks by their rivals. The more worrying trend is the lack of accountability on possession and use of firearms by KPR personnel.

⁹¹ Oral Interview with Rahab Mukami, a Local Women Leader, Ngaremara Shopping Centre, 24th August, 2019.

⁹² Ibid.

⁹³ Koskei, K.C., 2019. Proliferation of illicit firearms and cattle rustling in Tigania East Sub-County. *Doctoral dissertation, University of Rwanda*, p.13.

⁹⁴ Ibid.

⁹⁵ Ibid.

FGD at *Chumvi Yare* village revealed that some police reservists have reverted to use of firearms to commit atrocities such as banditry and cattle rusting.⁹⁶ This element has led to the disappearance of many firearms and ammunitions while in the hands of police reservists and such weapons are allegedly used to commit crimes in Ngaremara Division.⁹⁷

According to Will Bernet in his research on *Devolution, Inclusion and Local Conflicts in Kenya*, at least ten people were killed in separate incidences in Isiolo in 2018. In June 2018, clashes between Turkana and the police were witnessed in Ngaremara Division whereby six Kenya police were killed alongside a sizeable number of Turkana. This incident triggered the government to bring in tanks from 78 Battalion Kenya Rifles to patrol Ngaremara Division to contain the situation since the conflicts had escalated up to Isiolo Town. The conflict was initially suspected to have been caused by the disagreements over restocking of stolen animals, though other aspects like development of the LAPSSSET Project and land ownership in the division also played a role. However, the inability of the police to bring the issue to an end and misuse of arms by KPR intensified the conflict.⁹⁸

2.3.4 Proliferation of Small Arms and Repetitive Conflicts

In Ngaremara Division, the availability of small and light weapons has intensified armed conflicts. Pastoral communities have over time acquired guns to protect their livestock against their purported hostile neighbors and to help them in raiding their neighbors. The ease of access of guns by the ethnic groups within Ngaremara Division both from Northern Kenya, Southern Sudan and Uganda communities make the area to remain saturated with small arms and light weapons. With improvement in roads, residents of Ngaremara Division have been able to get supply of arms with relative ease. Known routes to Isiolo County include South Sudan and Uganda through Turkana and Samburu counties, Ethiopia through Moyale and Marsabit and Somali through El Waq and Wajir.⁹⁹ G-3 and AK-47 are the commonly used automatic assault rifles during cattle rustling, and are mostly trafficked by

⁹⁶ FGD, Chumvi Yare village, 18th September, 2019.

⁹⁷ Ibid.

⁹⁸ Bennett, W. 2018. *Devolution, Inclusion and Local Conflicts in Kenya*, p.32.

⁹⁹ Mkutu, K., 2019. *Pastoralists, Politics and Development Projects: Understanding the Layers of Armed Conflict in Isiolo County, Kenya*, p.33.

use of motorcycles, public buses, personal vehicles and *Miraa* vehicles on their return journeys from other farthest corners of the former Northern Frontier Districts.¹⁰⁰

Even though the elders from all ethnic groups within Ngaremara Division are perceived to be agents of peace, some are largely involved in perpetuation of conflicts since they shower the youth with blessings before going to war. This is believed to be protection against any harm in the course of conflicts. According to Lemayian, youth are the main cause of violence, hostility, destruction of property in Ngaremara Division.¹⁰¹ There would never be any raiding activity without sanctioning by the elders or else the warriors would be killed during the expedition, argued Lemayian.

Since the ethnic communities living in Ngaremara Division experience a cycle of armed conflicts, individuals, families, clans and ethnic groups have developed a tendency of launching retaliatory attacks against their neighbors for the purpose of cultural pride. Therefore, possession of firearms has become absolutely necessary. Furthermore, the existing political disorders between Meru and Isiolo Counties increase the availability of firearms in Ngaremara Division. Availing guns and other sophisticated weapons to National Police Reservists (NPR) create an imbalance of power among the ethnic groups and therefore increase banditry and livestock raiding practices. This results in internal displacements and therefore affects social relationships and natural resource management.¹⁰² The ex-combatants and deserters from the government security forces according to field data, train the local militiamen on how to use firearms leading to escalation of banditry and raiding for commercial purposes. Cross-border movements make acquisition of firearms easier.

¹⁰⁰ Ibid.

¹⁰¹ Oral interview with Aderson Lemayian, Samburu Warrior, Ngaremara Shopping Centre, 26th August, 2019.

¹⁰² Ibid.

2.4 Economic Factors

The major economic activity of most populations in Ngaremara Division is pastoralism. The social orientation of pastoralists is centered on cattle rustling and struggle over grazing land and water. Primarily, ethnic groups revert to formation of alliances to enhance their strengths in order to gain economic power against their “enemies”. Joseph Ngari, a local politician summed up this scenario thus:

Many political leaders in the area have perfected the art of ‘divide-and-rule’ tactics where even if they are doing it in a covert manner, they are always busy organizing groups in forming alliances based on ethnic leanings in order to win the battle against their enemies. This becomes even more serious whenever political campaigns are approaching.¹⁰³

2.4.1 Livestock Raiding as an Economic Activity

Raiding, an economic activity rather than a crime among the pastoral communities,¹⁰⁴ is among the major causes of armed conflicts in Ngaremara Division. Over the years, there has been lack of controlled market for the livestock and their products in Ngaremara Division in the interest of promoting the welfare of the pastoral communities in the area.¹⁰⁵ This has largely contributed to the escalation of protracted armed conflicts in order to appropriate wealth - a reason why there has been both intra and interethnic conflicts within Ngaremara Division. The livestock raided in such cases are at times used to pay dowry or sold to ready markets at Isiolo, Meru or Laikipia counties. The cycle of armed conflicts in Ngaremara Division, therefore, is a result of cattle raiding activities. Among the youth in the Division, cattle raiding are economic activities that are highly encouraged by the elders who shower them with blessings before they go into raiding.¹⁰⁶

Commercialization of livestock raiding according to the data gained in an interview with Mutema, increases the market for the firearms.¹⁰⁷ Availability of weapons also boosts the

¹⁰³ Oral interview, with Joseph Ngari, a Local Politician, Ngaremara Shopping Centre, p.31.

¹⁰⁴ Cheserek, G.J. et al. 2012. Nature and Causes of Cattle Rustling among Some Pastoral Communities in Kenya. *Journal of Emerging Trends in Economics and Management Sciences*, 3(2), 174, <https://hdl.handle.net/10520/EJC132141>. Accessed 23.11.2020.

¹⁰⁵ Oral interview with Mutema, Attan village, 18th September, 2019.

¹⁰⁶ Ibid.

¹⁰⁷ Oral interview with Mutema, Attan village, 18th September, 2019.

morale of the herders to independently raid cattle from neighboring communities as well as among themselves as a way of measuring their fire-power with weaker groups losing many lives. Explaining the reason for raiding, Mutema avers that it was meant for re-stoking since the economy of the pastoral communities in Ngaremara Division is pegged on reciprocity just like many other pastoral communities in the NFD. It is only meant to bring back the animals raided by their enemies. The ability to raid successfully from one another due to availability of sophisticated weapons and readily available market for the animals perpetuate the long term inter-ethnic tensions. These sentiments were aptly captured by David Mworira, a local elder who said:

We have been faced with this problem of cattle rustling for very many years. It is a common problem, and sometimes we feel that there is not much we can do about it. Our neighbors from Isiolo feel that they are more entitled to the border line than the rest of us while we also feel the same about the area. This lack of mutual understanding keeps on putting us into conflict.¹⁰⁸

2.4.2 Development Projects

The Standard Media Group in 2015 reported that the clashes that had been witnessed between Meru and Isiolo groups within Ngaremara Division were not only caused by cattle rustling but by other interests over the land that had been earmarked by the Kenyan government for megaprojects such as the LAPPSET corridor.¹⁰⁹ Other goodies eyed according to the media group were the Isiolo resort city and the International airport that made the value of this remote land to appreciate fast.¹¹⁰ The resort city was anticipated to occupy three thousand, five hundred acres of land that includes part of Ngaremara Division. Being a trust land, no individual claims absolute ownership and therefore, construction of mega projects had commenced as part of 2030 economic flagship projects. This made the ethnic groups in the Division to gear up for an economic boom by laying claim over large tracts of land leading to tension. The pattern of attacks witnessed therefore, pointed to a well laid plan to cause tension and displace some communities in the proposed LAPPSET

¹⁰⁸Oral interview with David Mworira, Local Elder from Meru County, Ngaremara Chief's Camp, 14th September, 2019.

¹⁰⁹ Ngige Francis, and Addi Ali, "Is Lappset Cause of Bloody Conflict?" East African Standard Newspaper, November 1, 2015, www.standardmedia.co.ke. Accessed 01/03/2020.

¹¹⁰ Ibid.

corridor within Ngaremara Division.¹¹¹ In the attack, scores were killed and others injured along the disputed area. The most affected villages within Ngaremara Division include Attan, Kiwanja, Chumvi Yare and Lewangila.

Perplexed by the ease with which their land was being acquired by the elites along the areas speculated to host the LAPPSET corridor, Elias - a Turkana elder talked of a case of a Somali elite who acquired seventy eight acres of land in Ngaremara Division for farming. He vowed that their appropriated land had to be given back to the community even if it meant through shedding of blood.¹¹² He held a belief that people of Ngaremara Division could never get any compensation after the development is done because the land is classified as trust land and hence owned by the government.

2.5 Conclusion

The chapter established that there are several factors contributing to conflict within Ngaremara division. The chapter classified the factors into political, economic and social. These factors range from internal inter-community issues to external factors associated with the role of the government and other non-state security players. The chapter established that politics, cattle rustling, land disputes, ethnicised alliances and development projects play a crucial role in influencing conflicts in the study area.

¹¹¹ Ibid.

¹¹² Oral interview with Elias Eregai, Turkana elder, Ngaremara Chief's camp, 27th August, 2019.

CHAPTER THREE

CONFLICT RESOLUTION METHODS IN NGAREMARA DIVISION

3.1 Introduction

The previous chapter assessed the causes of conflicts in the study area. It revealed that to understand the culture and social dynamics of different ethnic groups that are warring is an important prerequisite into resolving conflicts among them. This is because cultural and social factors play an important role in conflict in society. This chapter examines formal methods and multiple traditional methods that have been applied over time in resolution of conflicts witnessed along Meru-Isiolo border and more particularly in Ngaremara Division. This chapter begins by looking at government approaches before narrowing down to indigenous approaches applied by stakeholders in conflict resolution in the study area.

3.2 Government Interventions in Resolving Conflict in Ngaremara Division

Over the years, there have been efforts by government to resolve conflicts in Ngaremara Division.¹¹³ While explaining the kind of processes and mechanisms in place to resolve the conflicts, the informants largely expounded on the role of national government in taming the sporadic armed violence including through the establishment of a police standby patrol team at Gambella patrol base comprising of Administration police and the General duty officers. In their view, this is a form of instilling fear by mere show of force and as an early warning strategy to the would-be criminals so that people can live in harmony and cohesive coexistence in the area.

To augment the above strategy, the government, through the officers of national administration such as county commissioners of both Meru and Isiolo counties, often schedule joint security meetings at Ngaremara Division.¹¹⁴ Such meetings are normally attended by Senior Police Officers in the Upper Eastern Region, National Intelligence Service officials (NIS) and other co-opted senior government officers. As expressed by respondents in FGD at Gambella village, these security meetings are the avenues in which

¹¹³ FGD, Gambella village, 26th August, 2019.

¹¹⁴ Ibid.

security information is shared, discussed and processed to get intelligence and a workable security strategy is made.¹¹⁵

Using the above security intelligence, the government is particularly in the forefront to restore calm and find a lasting peace for the residents. In particular, the government actively uses its security units such as the RDU, ASTU, GSU, GD, and the military officers from 78KR depending on what the conflict situations call for. Through the local government offices such as those of the area Chiefs and Assistant Chiefs, community partnerships are highly encouraged and promoted. Notwithstanding, all these efforts by the government, the armed conflicts in Ngaremara Division remain unabated. The continued use of security personnel and treatment of entire households as perpetrators creates more hatred and anger that lead to resumption of conflicts once such government operations are over. Thus, overall, the use of armed forces by government partly serves to exacerbate the conflicts in the area.¹¹⁶

Furthermore, it was established that apart from deployment of armed forces to contain the situation and maintain peace in the conflict prone areas, disarmament and conducting of joint security operations to apprehend the conflict inciters and perpetrators are also efforts carried out. However, in this case, government operatives hardly arrest anyone except a few local politicians known to have openly supported one side in the conflict. Furthermore, the threshold, where more security officers are deployed temporarily to conduct operations and later recalled to their original stations has repeatedly been used by government. Lomuka stated that the efforts put by the government to enhance peace are commendable although the situation is not sustainable because the government keeps on withdrawing the police officers whenever conflict ceases. He said that the people of Ngaremara Division were ready to cooperate with the police and volunteer any information required as long as the government treated the different ethnic groups without favouritism.¹¹⁷ During the time of intensified armed conflict, the government usually deploys more police officers in the

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Oral interview with Lomuka, Ngaremara Chief's camp, 28th August 2019.

operation zones to neutralize the situation, then recalls them later creating room for new conflicts.¹¹⁸

Owing to its geographical location, Ngaremara Division is an arms hub, despite the comprehensive disarmament efforts conducted in 2009 and 2010 dubbed as *Dumisha Amani I* and *Dumisha Amani II*. This targeted Isiolo, Samburu, Wajir, and Marsabit where ethnic groups source for their weapons.¹¹⁹ The then president of Kenya had called for an amnesty and urged the bandits to surrender their illegal firearms. During this period, the government, and in particular the police were accused by the local communities of failure to conduct a universal comprehensive disarmament while arming others who they deemed to be vulnerable to banditry and cattle rustling vices in the guise of protecting themselves.¹²⁰ The process of issuing firearms to these “vulnerable groups” was done without proper vetting. This exercise therefore, resulted in destabilization of some groups hence rendering them vulnerable to attacks. The Kenyan government approach was blamed for distributing firearms to people purported to be police reservists to complement the Kenya Police Service and aid in anti-poaching programs. In 2009 for instance, the then Isiolo Member of Parliament (MP) who also served as a minister of livestock arranged for distribution of three hundred guns to Borana, Somali and Meru who were political allies in his area of representation. This made Samburu and Turkana more vulnerable to their rivals who supported the Party of National Unity (PNU).¹²¹ Consequently, they allied with the Orange Democratic Movement (ODM) to get the bargaining power from the sitting government. The Isiolo MP portrayed a reckless partisanship.

In addition to deployment of security, peace meetings have been conducted in different venues within the Division under the leadership of the National Government officers such as the Chief, Assistant Chiefs and Assistant County commissioners from both Tigania East and the Deputy County Commissioner’s Office in Isiolo County.¹²² Purposely, these are the avenues of discussing how the available water and grazing lands could be utilized by all.

¹¹⁸ Guyo, S.S., 2017. Assessment of The Dynamics Of Resource-Based Conflict On Human Security In Kenya: A Case Study Of Isiolo County. *MA project Submitted to the University of Nairobi*, p.51.

¹¹⁹ Van den Broeck, J., 2011. Conflict motives in Kenya's North Rift Region, p.6.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Oral interview with Mungania, Ngaremara Chief’s camp, 28th August 2019

The uniqueness of the peace caravans is that they are able to bring the conflicting parties together to air their concerns and subsequently forge a common solution. They also sensitize the warring communities of the available avenues to explore in getting their grievances addressed which include reviewing of the existing peace agreements.¹²³

According to Suda in her work on *Traditional Mechanisms of Conflict Resolution in Isiolo*, incorporation of the elders in the government's top levels of decision making on matters of conflict resolution and peace building is the most prudent thing towards attainment of positive peace.¹²⁴ Local security committees have proven to be successful in conflict mitigation in Ngaremara Division as there are continuous dialogues whenever issues arose that call for their attention. Their membership is drawn from different ethnic communities who advocate for peace, harmony and cohesive coexistence.¹²⁵ The elders employ their seasoned knowledge of indigenous mechanisms in conflict resolution and peace building.

In an interview with Lenanku Kuntai, an Officer Commanding Station (OCS) in Ngaremara Division, he summed up the kind of government processes and mechanisms used in conflict resolutions in Ngaremara Division in the following manner:

As the government, ours is to ensure that the communities around here live in peace and harmony. However, the government cannot achieve much if concerted efforts are not sought from all stakeholders in community development. This is where partnerships become very important in community peace processes and conflict resolution.¹²⁶

The government actively involves other key players such as the community elders and civil society organizations to enhance peace in the border region. These partnerships focus on the political leadership of both Meru and Isiolo regions.¹²⁷ However, these stakeholders often face challenges from the people given that there are varying social dynamics with communities having different political leanings and professing different cultures.

¹²³ Ibid.

¹²⁴ Suda, C., 2003. Traditional Mechanisms of Conflict Resolution in Isiolo District, Eastern Kenya: Implications for Rural Poverty, *International Journal of Contemporary Sociology*, 40(2), p.282.

¹²⁵ Oral interview with Mungania, 28th August 2019

¹²⁶ Oral interview with Lenanku Kuntai, OCS, Ngaremara Police Station, 25th August, 2019.

¹²⁷ Oral Interview with Joseph Ngari.

Another critical question which the study addressed had to do with whether the government efforts in conflict resolution and restoration of peace in Ngaremara Division yielded desired results. The interview of participants and FGD held at Nasuraa village explained how dialogue among warring communities was the most appropriate armed conflict resolution mechanism that the government embraced. They accentuated on the importance of inviting everyone on the negotiating table in lieu of inviting only the elderly men whose role is to bless the young men before they go to war. In an interview with Lemarasia, a resident of Nasuraa village, he stated:

One of the most appropriate ways of resolving armed conflicts is to compensate the victims. But since most of the tribes have been impoverished by the daily raids, the only alternative of enhancing peace remains to be dialogue where everyone is invited to the negotiating table.¹²⁸

In an FGD at Chumvi Yare village, Meru people expressed fear of conflict in attending meetings where Turkana people were in attendance.¹²⁹ However, they suggested that dialogue is the only way to go to in addressing conflicts. They preferred to hold such meetings at Gambela village where Meru people are a majority and security standby patrol team is available. The Meru women further explained that they lack confidence in the Turkana people and doubted that they, the Turkana would stop their banditry habits, since their economic practices are different from those of Meru. Conversely, the Turkana women were highly optimistic that their tribal differences with Meru could be addressed through mediation. Mama Tom, a Turkana interviewee at Chumvi Yare stated:

We women are the mothers and daughters of this great community. We have a critical role to play to ensure peace prevails regardless of the tribes we come from. We have witnessed many instances in which we are left out in the peace conferences attended by our men. We want to always be invited in subsequent conferences.¹³⁰

Lesorogol, a Samburu elder who is a member of local security committee established at Chumvi Yare expressed his fears that banditry and cattle raiding are not likely to come to an

¹²⁸ Oral Interview with Lemarasia, an Area Manager, Nasuraa Village, 26th August, 2019.

¹²⁹ FGD at Chumvi Yare Village.

¹³⁰ Oral interview with Mama Tom, a Local Civil Society Leader, Chumvi Yare village, 27th August, 2019.

end any time soon since cattle raiding is construed to be a conventional cultural practice and a way of socialization of most pastoral communities in the Division. As to him, these are the general ingredients of armed conflict in the pastoral communities. He further stressed that it is the role of the national government to bring peace in the region. In his arguments, dialogue and other indigenous mechanisms and processes have no space in resolving armed conflict in Ngaremara.¹³¹

Conflict resolution mechanisms and processes rolled out in Meru-Isiolo border, and by extension, Ngaremara Division by the government and the non-governmental functionaries in a bid to mitigate the escalation of armed conflicts and enhance positive peace in some instances involve elders from multiple ethnic groups living in Ngaremara Division.¹³² Since conflicts in this Division are rooted in competition over natural resources, the elders advocated for equitable access to resources such as land and watering points in the Ngaremara trust land area among the ethnic groups. The fact that this is a trust land made the matter more complicated. During the peace initiatives therefore, the government acts as mediator to facilitate dialogue among the various ethnic groups in conflict by provision of an impartial leadership and overall security during the process.

Based on responses from the interviewees, majority of respondents agreed that government efforts in conflict resolution in Meru-Isiolo boarder area had led to positive outcome. Some respondents, however, had a contrary opinion. This almost equally divided opinion points to the fact that government alone may not achieve total solution in conflict-affected areas. Hence, other important players in the peace processes are critical. Some of the sentiments were captured by Eman Makome, a youth leader from Ngaremara area who had this to say:

As much as we cannot say that the government has not done anything to address the ever-present conflict in the area, the efforts by government officers on the ground have not yielded long-lasting solutions to the conflict.¹³³

¹³¹ Oral interview with Lesorogol, Security committee member, Chumvi Yare village on 27th August, 2019.

¹³² Makau, R.M., 2018. The Role Of Devolution in the Resolution Of Intercommunal Conflicts In Kenya: The Case Of Meru-Borana Conflict In Isiolo County 2012-2017. *MA project, University of Nairobi* , p.23.

¹³³ Oral Interview with Eman Makome, a Youth Leader, Ngaremara Shopping Centre on 26th August, 2019.

Makome notes that what would be needed was the government to involve all the relevant stakeholders effectively so that the root causes of the conflict could be fully understood before looking for an effective resolution.¹³⁴ As he expounded, Makome trivialized concentration on community elders, non-governmental agencies and the local government administration where each one of these groups usually present their own independent views on what they consider to be the solution. He opined that it would be imperative to have a central legally recognized entity where each of these groups would be represented. This would ensure that bias is avoided when reporting on the security situations since some groups tend to be guided more by vested interests hence making them to be subjective when addressing conflict issues in the area.

3.3 Alternative Dispute Resolution Mechanisms in Ngaremara Division

A number of conflict resolution and peace building efforts have been crafted to abate the conflicts in Ngaremara Division.¹³⁵ These consist of mediations, negotiation, litigation and use of good offices conducted by the locals and the non-governmental functionaries like the *ActionAid*. More so, peace caravans are very common aimed at facilitating dialogue among the warring inter-ethnic communities.¹³⁶ Ethnic communities hold their elders in high esteem and their decisions in most instances are unquestionable whatsoever. According to Kariuki Muigua, settling disputes through negotiation and dialogue are the most preferable methods in Kenya because they promote the tenets of empathy, common humanity and transform the relationships.¹³⁷ In his view, divisions among the people are abhorred and therefore, these principles are the central values for harmonious living.¹³⁸ He stressed that despite interethnic and cultural differences, all human beings are basically the same and hence communal lifestyle is the way to go. In this manner therefore, every community in Ngaremara Division would gain access to the available natural resources and that is indeed what the locals are yearning for.

¹³⁴ Ibid.

¹³⁵ Oral interview with Kilila, Attan Village, 27th August 2019

¹³⁶ Ibid.

¹³⁷ Karuiki, M., 2017. *Traditional Conflict Resolution Mechanisms and Institutions*, p.9.

¹³⁸ Ibid.

To abate sporadic violence in Ngaremara Division and further enhance resolution of armed conflicts through mediation and arbitration, a pilot project was hatched in 2013 in Isiolo County on ADR mechanisms.¹³⁹ A council of elders function was launched and mandated to expedite the justice dispensation in the society since courts had backlog of cases.¹⁴⁰

The respondents, in the discussion, observed that the initiative was a prudent idea since most of the cases in the local communities including those in Ngaremara Division were resolved by the local councils of elders. They however noted that those councils could not handle cross border disputes.¹⁴¹ However, the respondents in the FGD reiterated that these indigenous institutions exhibited many weaknesses in their operation.¹⁴² The processes lacked fairness especially in handling of grievous matters that would rather be dealt by the courts of law. Political influences and geopolitical factors were also the order of the day. In addition, the harmonization of formal and ADR mechanisms in order to come up with an effective hybrid method was difficult owing to their different norms and values. In the hybrid system a perpetrator would have to face both informal dispute resolution mechanisms such as elders after which the formal systems would have to confirm with the verdict of the informal system. Chopra Tanja, in his article on *Building informal justice in Northern Kenya*, argues that in a hybrid system, there are chances that the perpetrator would be punished more than once due to duplication of roles by the systems. This leads to ripple effect of individuals and communities reverting to “shopping for justice” through switching to different institutions that could be of more benefit to them. Conversely, the ADR mechanisms have gained legitimacy and acceptability due to their efficiency, timeliness, corruption-free and further cultivation of harmony and cohesive coexistence.¹⁴³

Unlike Meru, Isiolo in which Ngaremara Division geographically lies has given exclusive monopoly to formal justice processes over indigenous justice processes.¹⁴⁴ This is because Ngaremara Division harbors an ever increasing heterogeneous population due to availability

¹³⁹ FGD at Ngaremara Chief’s Camp, 24th August, 2019.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Chopra, T. 2008. Building Informal Justice in Northern Kenya, Retrieved From: [Http://Openknowledge.Worldbank.Org](http://Openknowledge.Worldbank.Org). Accessed 2.2.2019

¹⁴³ Ibid.

¹⁴⁴ Mumbua, R.M., 2018. P.49.

of water from Ngaremara River, its land fertility suitable for cultivation and green grass for grazing of animals. Conversely, Meru people have given exemplary recognition to the council of elders commonly referred to as *Njuri Ncheke* which is charged with the resolution of disputes including disputes over land boundaries and ownership.¹⁴⁵ However, other communities that live in Ngaremara Division still have their own indigenous institutions comprised of elders such as *Ekitoe Ngengliok* among the Turkana and *Gadaa* among the Borana who administer certain sanctions on minor disputes among their people.¹⁴⁶

In practice, the indigenous justice systems among the communities living in Ngaremara Division have coexisted with other conventional systems such as the police, courts and other established offices such as the office of the County commissioner for long without mutual recognition.¹⁴⁷ In this regard, this has, to a great extent, contributed to perennial conflicts in Ngaremara Division as there lacks synergy among the relevant institutions to enhance peace and harmony. On indigenous skills applied in inter and intra ethnic armed conflict resolution, the researcher obtained similar answers from both FGDs and questionnaires that he administered concerning the kind of institutions and organizations used in armed conflict resolution in Ngaremara. It emerged that different institutions such as *Njuri Ncheke*, *Ng'engliok*, and such organizations as *ActionAid*, *USAID*, *Isiolo Peace Link (IPL)* as well as religious based organizations try to resolve conflicts in Ngaremara often backed by the local politicians and other elites.¹⁴⁸ It is, therefore, noteworthy that institutions and organizations have their own mechanisms of resolving conflicts and enhancing peace.

In context of murder for example, the Meru community sanction the whole clan of the aggressor to pay the clan of the dead.¹⁴⁹ In most circumstances, the aggressor clan pays the aggressed up to thirty heads of cattle as may be determined and the order enforced by the *Njuri Ncheke* council of elders the most revered indigenous institution among the Meru in

¹⁴⁵Kamwaria, A. N., et al. 2015. Recognizing and Strengthening the Role of the Njuri Ncheke in Devolved Governance in Meru County, Kenya, p.43

¹⁴⁶ Munene, M. W., 2019. Factors influencing management of rangelands by pastoral communities in Gotu, Ngaremara ward, Isiolo County, Kenya. *MA project, University of Nairobi*, p.16.

¹⁴⁷ Chopra, T. 2008. p.52.

¹⁴⁸ FGD at Ngaremara Chief's Camp, p.51.

¹⁴⁹ Kirema N. M., & Macharia, D. 2016. Resolving Conflicts using Indigenous Institutions: A Case Study of Njuri-Ncheke of Ameru, Kenya, P.27.

conflict resolution processes.¹⁵⁰ The payment is culturally accepted by the clan of the dead as a way of ethnic cleansing the clan and as a compensatory value for the deceased in order to prevent any vengeance from the aggrieved. In the event armed conflict occurs between the Meru people and other ethnic groups in Ngaremara and lives are lost, *Njuri Ncheke*, *Ngengliok*, *Gada*, State agencies, CBOs and NGOs at the local level take part in conflict resolution. There is no hybrid method between the state agencies, NGOs, CBOs and the indigenous institutions on conflict resolution. The State therefore, through the law enforcement agencies is bent on punishing the criminals without prior investigation to conflict-map and establish the genesis of conflict.

A case in point is that of assault submitted to court in Isiolo in which Ekidor - a Turkana male adult, was injured on the face by Kobia Mucheke - a Meru adult male during cattle grazing near Ngaremara River after a slight provocation. Eventually, Kobia was charged with an offence of assault causing actual bodily harm.¹⁵¹ Thereafter, ten heads of cattle were given to Ekidor's family as a compensation for the lost blood immediately before hearing and determination of the case by the court in Isiolo. Despite having settled the matter out of court and requisite compensation done through *Njuri Ncheke*, the oral submissions by the accused and his representatives to withdraw the case were rejected forthwith and Kobia was sentenced to five years in jail without fine. The presiding magistrate stated that such informal reconciliation mechanisms had no relevance in law and that it is only the victim who can formally withdraw such a case and not the vice versa.¹⁵²

In another case involving homicide, Boru, a Borana male adult was murdered by Kalung'e - a Meru male adult during a cattle raiding exercise. Kalung'e was convicted and sentenced to life imprisonment.¹⁵³ Conversely, reconciliation agreement was done between the two families based on traditional customs, beliefs and practices of both Meru and Borana people. In their resolutions, Boru's family was paid thirty heads of cattle and thirty Ethiopian birr. When the reconciliation agreement was submitted to court by the two families to secure the release of Kalung'e claiming that they had settled the case based on their customs, the judge

¹⁵⁰Ibid.

¹⁵¹ FGD, Gambela police camp, 28th August, 2019.

¹⁵² Ibid.

¹⁵³ FGD, Nasurua village, 17th September, 2019.

said that murder is a crime committed against the State by the accused and that State laws are superior to customary laws and hence the state laws prevail.¹⁵⁴ Kalunge therefore remained in prison despite the customary arrangements of compensatory value given to Boru's family to secure his release.

The Borana ethnic group in Ngaremara Division has its own active indigenous conflict resolution institution referred as *Gada or Dedha* that help in the management of natural resources such as water and grazing land.¹⁵⁵ Limitations of access to these resources ensure that they are safeguarded and well maintained for the efficacy of utilization by all ethnic groups.¹⁵⁶ Being the custodians of the unwritten rules appertaining to these resources, elders ensured that the rules are adhered to the letter and that water is particularly safeguarded from pollution by animals since it is also utilized for domestic purposes. The system is also important in management of immigration into Ngaremara Division by other ethnic groups. In instances of immigration into a section of Ngaremara Division which Borana purport to be theirs, the Borana elders would first ensure that they count the number of animals immigrant owns and the period of time one intend to graze there. They then would tax them per animal and allocate them a place within their "turf" to graze over the requested period after which the immigrant would be requested to migrate to his previous place or migrate elsewhere.¹⁵⁷

In addition, there are several NGOs and CBOs that are actively involved in peace building and conflict resolution in the area. These included organizations such as *ActionAid*, *USAID* and religious organizations like catholic, protestant churches and Muslims.¹⁵⁸ In their efforts to bring together the warring tribes within Ngaremara Division, the non-governmental functionaries in many instances support the government through its local leaders to hold dialogues to deliberate on issues deemed to be the cause of conflicts. This is in addition to rendering support to the conflict victims through giving them food, medical assistance,

¹⁵⁴ Oral Interview with Ekwan, A village Security Committee Elder, Gambella Village, 28th August, 2019

¹⁵⁵ FGD, Nasurua village, p.54.

¹⁵⁶ Ibid.

¹⁵⁷ Boku, T., and B. Irwin 2003. *Traditional institutions, multiple stakeholders and modern perspectives in common property: Accompanying change within Borana pastoral systems* (No. 4). IIED, P.15.

¹⁵⁸ Oral Interview with Antony Lomu, an Official from *Action Aid*, Ngaremara Shopping Centre, 27th August, 2019.

clothing and shelter among other personal effects. The non-governmental functionaries further support the government in educating the communities on the efficacy of peace, harmony and mechanisms of armed conflict resolution whenever it occurs. The NGOs rely on the pre-existing informal conflict resolution and peace initiative and hence formalize them with special attention on illegal grazing, cattle rustling and trafficking of firearms.¹⁵⁹

Though the study in Ngaremara Division revealed that there is no non-governmental functionary that works on cross border conflicts, the respondents in FGD at Gambella village revealed that the said non-governmental functionaries largely support the government within Ngaremara Division to enhance peace across several communities.¹⁶⁰ The religious leaders have formed conferences that involve members of diverse tribes living in Ngaremara Division as well as government officials so as to try to iron out issues that cause conflict especially during the dry season. This is the time when the pastoral communities tend to struggle over the scarce grazing land and water from Ngaremara River for their animals. Following a severe cattle rustling and banditry in the NFD, and by extension Ngaremara Division with its heterogeneous population, the national government and non-governmental functionaries through the agency of local community leaders some of who were drawn from the councils of elders initiated the signing of a peace pact known as Modogashe Peace Declaration in 2001.¹⁶¹

The Modogashe declaration was subject to review after every two years to accentuate on its relevance, as well as checking for any inconsistencies through evaluating its implementation status. However, according to the findings, the provisions of the declaration got reviewed only once in the month of May 2005.¹⁶² The role of security and peace committees got formalized in the declaration and the elders from various ethnic groups became more linked to the national government security apparatus such as the police. Legitimacy and acceptance of the declaration by the multi-ethnic groups in Ngaremara Division was a major impediment especially to non-Muslims on some points of compensation since the

¹⁵⁹ Mutisya, E. K., and W. Okumu 2018. Appeasing the Land: Local Peace Committees and the Legitimation of Traditional Peacemaking in Kenya1. *AfSol*, 2, p.90.

¹⁶⁰ FGD at Gambella Village.

¹⁶¹ Mutisya, E.K., and W. Okumu 2018, p.56.

¹⁶² FGD at Chumvi Yare Village on 18th September, 2019.

declaration recommended compensation based on Islamic laws. Some communities that honoured the declaration got frustrated, thus accusing each other of non-compliance to the declaration.¹⁶³ In the declaration, there were prescriptions of penalties for serious crimes such as banditry and cattle rustling. Channels for negotiated utilization of natural resources such as water and pastures were also provided for.

Between 2009 and 2013, several ethnic clashes took place in Ngaremara. This included conflict between an alliance of Meru, Somali and Borana on one side and Turkana and Samburu on the other. The clashes witnessed among the various ethnic alliances were brought to calm by the Nanyuki Peace accord that got signed on 20th December 2013. The negotiated accord was signed by both elected and the local community leaders from diverse peace committees drawn from both Meru and Isiolo Counties.¹⁶⁴ The negotiation process took a period of nine months to come up with a document acceptable to all the actors involved in the conflict-peace process. Much emphasis was put on peace and cohesive co-existence among the various ethnic groups. In its contents, it was agreed that armed conflicts would be resolved through the pre-existing institutions.

Also covered in the declaration was a mechanism of controlling mobility from one region to another in order to curb the spread of diseases, illegal animal trading, highway banditry as well as the role of peace and security committees. Among the contents of declaration also included measures for curbing the acquisition of Kenya national identity cards by the aliens. The signing corresponded with the failure of the Somali government and subsequently influx of small arms and light weapons into Ngaremara Division and overall Isiolo County.¹⁶⁵

It was further agreed in the declaration that the national government would identify the border-lines of the Kenya defence forces that could have encroached on the private parcels of land on either Meru or Isiolo Counties. The accord also put a caveat on any ongoing government projects on the disputed areas including Ngaremara Division until the issues had been resolved. Subsequently, the Ministry of Interior and Coordination of National

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

Government set up a commission to address the problem.¹⁶⁶ However, the initiative was challenged in court by the Isiolo petitioners in the argument that the commission lacked independence and therefore, its decisions would not be merited. The High Court in Isiolo ruled in favour of petitioners and hence, no further efforts were made to address the stand-off.

3.4 Comparison of the two Justice Systems applied in Ngaremara Division

Concerning the two justice systems, a lot of variation is explicit in relation to the nature of sanctions that are administered. As seen from the above cases, it is clear that a lot of rivalry exists between the two justice systems. In the formal justice system, sanctions involve incarceration and payment of fines to the court of law to the detriment of the accused whereas in the second category, offenders' family or clan is ordered to pay for the sanction imposed through the customary laws to the offended family. Regarding the nature of sanctions, research participants had divergent views on which system is appropriate to enhance positive peace and sustainability of inter-clan and family ties. The accused at times accept the liability for some crimes that they have committed but disagree with nature of sanction meted on them by the indigenous justice institutions and in lieu prefer formal justice system. In their argument, they said that the payment they make in form of cattle and birr end up impoverishing the entire family hence exposing them to crimes such as cattle raiding and land wrangles in order to earn a living.

Conversely, the proponents of the informal justice system said that payment of the aggrieved clan was the most appropriate conflict resolution method since it enhances long term peace between the clans and families rather than incarceration into prison. According to these accounts by the informal justice proponents upon release from prison, reconciliation still remains important for proper reintegration of the ex-prisoner.¹⁶⁷ Otherwise, revenge takes place and eventually armed conflict recurs leading to more casualties on both sides. On accounts of interviewees who are ex-prisoners, reconciliation is both personal and

¹⁶⁶ *Constitutional Petition 511 of 2015, County Government of Isiolo & 10 others vs. Cabinet Secretary, Ministry of Interior and Coordination of National Government & 3 others* [2017], e-Kenya Law Review (eKLR), <http://kenyalaw.org/caselaw/cases/view/137183/>. Accessed 19.11.2019

¹⁶⁷ Chopra, T. 2008. Building Informal Justice in Northern Kenya, p.52.

communal. In their view, any form of reconciliation that does not involve the accused party who owe personal apology to the aggrieved individual, family or clan, offered by his or her proxies either through compensation, arbitration or any other informal reconciliation process is of no consequence and can only perpetuate hatred and hence lead to no peace. Besides, any reconciliation done by the concerned families and or clans while the accused is in custody of the police will not be genuine to satisfy the offended party since they should all have been personally involved in the reconciliation process. Any genuine forgiveness would require that the accused person offers personal apology to the aggrieved person, family or clan for mutual harmony and cohesive coexistence.

One major concern of reconciliation under the informal justice process according to church elders interviewed is to enhance reintegration of ex-prisoners back to the community.¹⁶⁸ However, reconciliation does not spare them from being sentenced to prisons for both specific and general deterrent measures to the other potential perpetrators in their community. Imprisonment however does not prevent the accused from compensating the aggrieved individual, clan or family for purposes of genuine restoration of peace and harmony. Genuine reconciliation in their view should involve restoration of emotional, spiritual and psychological equilibrium that was disrupted by the conflict between parties.

The church elders further claimed that there is overall weakening of the informal justice system in conflict resolution and increased abuse of powers and privileges by the formal justice agencies.¹⁶⁹ As clearly stated by Munguti - one of the Catholic Church elders - apart from the failure in satisfying the conventional needs of the people, the explicit rivalry between the two distinct systems continue harming the less fortunate in the society who lack the means to resist and or manipulate the “absolute” authority of the two rival justice systems.¹⁷⁰ There are bourgeoisies and other rich and powerful political elites who are able to opportunistically apply both systems and evade justice to the detriment of the poor people in Ngaremara Division who cannot fully take advantage of the court systems.¹⁷¹

¹⁶⁸ FGD, Ngaremara Catholic Church, 22nd August, 2019.

¹⁶⁹ Ibid.

¹⁷⁰ Oral Interview with Munguti, a Catholic Church Elder, Ngaremara Catholic Church, 22th August, 2019.

¹⁷¹ Ibid.

The respondents were also asked their opinion regarding performance of other alternative efforts in dealing with cross-border conflicts in Meru-Isiolo border region. As in the case of the success of the government in this role, the respondents had divided views concerning the achievements of other conventional conflict resolution mechanisms. A significant number of the respondents agreed that alternative conflict resolution mechanisms were working while others thought that this was not effectively working, and perhaps needed reengineering of the process.

The mixed reactions on the respondents' perception regarding the success of the government's efforts on the peace and conflict resolution processes on one hand and that of the indigenous conflict resolution mechanisms on the other, shows that there were challenges encountered.¹⁷² The respondents noted that there were varied challenges involving the general conflict resolution processes in the Meru-Isiolo border. One of the common serious challenges encountered in the peace process include political manipulations and interferences. The research noted that political influences played a key role in determining the willingness of communities to live and work together. Fellow tribesmen were often mobilized by leaders from their respective ethnic groups so that the former could do the bidding of the latter. This tends to greatly undermine all efforts directed to preventing conflict and arriving at a lasting peace resolution. Some of these sentiments were clearly captured by Martha, a resident of Ngaremara Division in the Meru side who explained that:

There are several challenges encountered in the peace process. However, politics plays a key role in influencing the thoughts of majority of the residents living near the borders. We have often witnessed cases where politicians mobilize people based on their ethnic inclinations so that they can achieve specific ends.¹⁷³

Martha, further explained that she could not see any reason why a poor person in the village would be antagonistic with his/her neighbours for a simple thing as grazing fields. In her view, that is something that should have ended immediately if people were really genuine with crafting a permanent solution to conflict in the area. She averred that, if those small differences were not addressed holistically, people would ever encounter those skirmishes.

¹⁷² FGD at Chumvi Yare Village, p.37.

¹⁷³ Oral interview with Martha, Resident of Ngaremara Division, Chumvi Yare Village, 28th August, 2019.

Clearly, there are underlying issues that need to be resolved where all key groups are brought together by the government to craft a working formula for long-lasting peace in this region.¹⁷⁴

Further, poor coordination of resolution-finding strategies by different key security players usually undermined the whole process of implementing alternative conflict resolution. A number of cases had been witnessed where different peace negotiators did not read from the same script when it came to setting up of priorities. This scenario entrenched mistrust amongst key individuals and institutions intended to deal with conflict resolution, hence undermining the whole process. Additionally, prolonged past unresolved conflict cases also made the situation worse since long-term unresolved issues began emerging as historical injustices. Proliferation of small arms and light weapons also hindered using alternative dispute resolution mechanisms to address conflict in the border region. This is particularly complicated by the rampant cattle rustling menace which many young people are involved in.

Furthermore, perceived unequal distribution of resources amongst communities living across the borders engineer conflict and erode trust for most community members hence making it difficult to share platforms where solutions to conflicts are likely to be reached. Meru-Isiolo armed conflicts mainly focus on land based resources involving pastoral communities as well as other land users.¹⁷⁵ As recently as 2015, marked hotspot areas of armed conflict in Kenya included Ngaremara Division which geographically lies in isiolo North sub-county. It is instructive that in Ngaremara Division, armed conflicts in 2017 between Turkana, Meru, Borana and Samburu communities within Ngaremara left over ten people dead.¹⁷⁶ Families and other innocent community members living in Ngaremara who did not participate in conflicts either through fighting or aiding fighters, became victims of both cattle rustling and banditry. Unfortunately, it appears that government efforts through use of police force also largely terrorized residents indiscriminately in order to restore peace.

¹⁷⁴ Ibid.

¹⁷⁵ Agade, K. M., & Halakhe, A. B., 2019. Rapid Assessment of the Institutional Architecture for Conflict Mitigation, pp. 3-8.

¹⁷⁶ Ibid.

3.5 The Future of Conflict Resolution in Ngaremara Division

Based on the game theory guiding the researcher in this work on conflict resolution strategies, it is evident that one dimensional approach cannot resolve the sporadic conflicts witnessed in Ngaremara Division.¹⁷⁷ An integrated multi-sectoral approach to mitigate the conflicts is recommended. As such, this approach aided the researcher in developing a comprehensive understanding of the core drivers and associated risk factors leading to armed conflicts. The approach will further aid in capacity building on conflict resolution and management at the local and national government levels.

This study established that though the governmental approach has not been wholly successful, it has managed to bring about some level of peace whenever it intervenes. The use of the different police units often restores peace for some time. ADR mechanisms face the challenge of application in communities where they are often not recognized. In terms of what needs to be done to achieve a lasting solution, the respondents felt that the area leadership needs to identify pressing issues based on priority and then work towards achieving them. In order to meet their peace objectives for all the concerned communities, a common ground should be found where everybody is brought on board without any discrimination. Also, elders from all the concerned communities must periodically be involved in brokering peace as they have the capacity to impress upon their respective community members whenever there is conflict. It also emerged that there is need for the government to increase partnership between communities living in the border area and government offices at the local level. This will make it easier, for instance, to identify potential criminals who can then be warned against their criminal activities before they get out of hand. To emphasize the need for a closer and better working relationship between the communities and the government for a peaceful coexistence amongst border communities, Godana Boru, an elder from the Borana community had the following to say:

We have faced conflicts in this area for a very long time, and this keeps on recurring even at the slightest provocation from either side. We appreciate the work of the government in restoring peace though in some way, the government cannot conclusively address the problem without fully involving

¹⁷⁷ Smith, J. M., 1998. *The Origin of Altruism*. p. 22.

the locals. We need some kind of partnership where we operate with mutual respect.¹⁷⁸

As aptly as these sentiments were summarized in the above quotation, a lot still remains to be seen as to what kind of approaches are likely to work better. All players need to be given space to exercise their mandate, but more, what is critically required is perhaps the synergy to provide a common ground for addressing pressing community security issues.

3.6 Conclusion

Indigenous conflict resolution mechanisms have been hailed as the most effective strategies for resolving inter-community conflicts. However, they cannot work in isolation from the government which remains the custodian of rules and regulations for partnership engagements. The respondents, during this research, explained the weaknesses of the national government in ending the perpetual armed conflicts. Its failure to include all relevant actors in resolution hampered its success. The findings from the study further explained the recurrence of armed conflicts in Ngaremara being characterized by bad and weak governance structures on both Meru and Isiolo counties. Furthermore, the county commissioners of both Meru and Isiolo counties have not been able to give one amicable solution to end the impasse other than recommending the setting up of police standby patrol team at Gambela and subsequently deploying them when conflict escalates. These forces only end up exacerbating conflicts after a shortly achieved negative peace. Moreover, the lack of mutual recognition of indigenous conflict resolution structures and methods by courts affects conflict resolution.

¹⁷⁸Oral Interview with Godana Boru, an Elder from the Borana community, Kiwanja Village, 28th August, 2019

CHAPTER FOUR

IMPACT OF ARMED CONFLICTS IN NGAREMARA DIVISION

4.1 Introduction

The previous chapter looked at the conflict resolution methods used in resolving conflicts in Ngaremara Division of Isiolo County. This chapter explores how armed conflicts in the area have repeatedly impacted on the residents of the region in economic, social and political arenas. In this chapter therefore, the researcher has highlighted some of these impacts on the communities focused under the study which include but are not limited to loss of human lives, destruction of property, and displacement of people among many other impacts.

4.2 Social Impact

Conflicts in Ngaremara Division have resulted in a number of social impacts on the residents. These include;

4.2.1 Ever-present Conflict Resolvers and Mechanisms in the Division

Because of persistent conflicts in the area, there are persistent conflict resolvers and approaches in the area. Every community has prepared its own approach to resolving the ever present conflicts. On the matters of cross-border conflicts such as Meru-Isiolo border where different ethnic groups are involved, the capacity of *Njuri Ncheke* council of elders is limited since there lacks mutual recognition among various indigenous institutions like *Ekitoe Ng'ekeliok* council of elders among the Turkana people and *Gada* council of elders among the Borana people among others. Clearly, these councils lack necessary authority. In an interview with Muriungi; a *Njuri Ncheke* elder at Gambella village, he had the following to say:

The land conflict issues at Ngaremara can be resolved once and for all by *Njuri Ncheke* if given absolute authority by the government to intervene. This is because they know the original boundaries for various communities in the region.¹⁷⁹

¹⁷⁹ Oral Interview with Muriungi, a *Njuri Ncheke* Elder, Gambella Village, 26th August, 2019.

The institutions of council of elders, therefore, have continued to survive with wide acceptance by communities because of conflicts. According to Bukari, conflict resolution by the indigenous justice institutions is based on the conventional cultural norms, beliefs and practices of the community.¹⁸⁰ The authority of council members is supreme and makes them indispensable in the community since customs have given them a lot of honor and respect that in their absence in any conflict resolution forum, no solution will be found and, therefore, their decision is customarily final as they are the custodians of the unwritten law.

The FGD participants at Gambella village were of the view that the national government administration officers sometimes provided training to local councils but the mode of their selection is an open secret and indeed unfair to those who possess the right qualities. They claimed that chief and his assistants select their close friends and others within their kinship ties to attend such trainings.¹⁸¹ Because the decisions made by those select elders fails to get a conventional acceptance by the local community, the national government has to continue sending its armed forces to punish the conflict parties for negligence of the decisions of the rejected elders. The study's finding is an indication that the national government had failed to consolidate and coordinate the indigenous conflict resolution institutions in Ngaremara Division.

For instance, women are denied participation in decision making processes by elders in indigenous armed conflict resolution mechanisms. The ideas gained in the FGD at Gambella village indicate that conflict resolution in the Division is a preserve of the elderly men. These elders encourage their ethnic groups to embrace indigenous armed conflict resolution mechanisms instead of litigation and good offices as these lack the tenets of cohesion and integration of the indigenous people. Lack of women participation in decision making processes makes it similar with the study findings by Kariuki and Muigua that women are not allowed to contribute in the conflict resolution processes in African communities.¹⁸²

¹⁸⁰ Bukari, K.N., 2013. Exploring indigenous approaches to conflict resolution: The Case of the Bawku Conflict in Ghana. *Journal of Sociological Research*, 4(2), p. 86.

¹⁸¹ FGD, Gambella village.

¹⁸² Kariuki, M., and F. Kariuki, 2014. p.23.

The FGD at Chumvi Yare for example, revealed that neglect of women in conflict resolution in Ngaremara had brought more harm than good.¹⁸³ They added that women had intrinsic social skills and the capacity to counsel their marital partners, sons, brothers and fathers to desist from conflicts and settle their disputes through ADR mechanisms. Though women do not directly participate in the conflict-peace practice in Ngaremara Division, the participants said that they played a great role in sustainability of peace building systems. The participants said that women had for decades been indirectly linked with the conflict resolution processes in the area. They explained that before any conflict resolution process took place, women normally discussed with their husbands on what decisions from the elders they should accept and the decisions which should not be acceptable whatsoever.¹⁸⁴ This finding, however, contradicted Flomoku and Lemuel's earlier finding that in conflict resolution processes there is exchange of beautiful women to stop or solve the sporadic conflict.¹⁸⁵

4.2.2 Destabilization of Inter-Community Relationships

Equally critical was the inter-community relationships which from time to time get to be destabilized. After serious skirmishes, it usually takes a long while before the communities reconcile. During such times, the tension takes a toll on generally everyone living there and in the meantime it is like all important activities come to a halt. With mistrust amongst members of the neighboring communities, not much progress is achieved in all aspects of life. Respondents from the Borana community, for instance, claimed that prior to general elections the Samburu and Turkana communities mobilize their people from the neighboring counties to migrate to Ngaremara Division to boost their numerical strength so as to help them win elections for a candidate of their choice.¹⁸⁶ As such, the immigration of Samburu and Rendille people in 2007 to Ngaremara Division within Isiolo North from Samburu East was not simply viewed as a way of searching for grazing land and water for their animals

¹⁸³ FGD, Chumvi Yare Village.

¹⁸⁴ Ibid.

¹⁸⁵ Flomoku, P. and L. Reeves, 2012. p.17.

¹⁸⁶ Ruto, P., et al. 2010. Conflict Dynamics in Isiolo, Samburu East, and Marsabit South Districts of Kenya. *Amani Papers*, 1(3), pp.1-20.

but rather a way of importing voters.¹⁸⁷ It is, therefore, on those suspicions among the communities that continue to trigger armed conflict thereafter. Formation of alliances among the communities subsequently was witnessed when Borana, Somali and Meru formed one bloc that voted for PNU candidate in 2007 against Turkana and Samburu bloc that voted for ODM candidate.

As Ekwam, a village elder at Attan village lamented, the Northern Frontier District (NFD) seems like it has two parallel governments with completely irreconcilable goals and interests.¹⁸⁸ He explained a scenario in 2012 where the ruling government under the PNU called for police and military operations to recover stolen animals and the opposition side under the ODM leadership came to call off the operation. For that period, Ekwam said that government had launched an operation in Isiolo and Samburu East sub-counties only to be called off when the then Kenya Prime Minister challenged the way in which the operation was being carried out on his visit to Samburu County. It is, therefore, noteworthy that politics impacts on the communities in the area negatively by fueling inter-community tensions and largely contributes to intermittent escalation of armed conflicts and inter-communal hatred.

4.2.3 Uncertain Community Dialogues

Inter-ethnic dialogues are done mostly through institutionalized structures in which the officers of the national government administration convene the conflict-peace actors.¹⁸⁹ With the contemporary national government administration, the chief of Ngaremara location within Ngaremara Division and/or his assistants used to go to the nominated village security committees with the laid down guidelines of what is required of them to end the disputes. The committee then discussed a wide range of conflict issues afflicting their communities. The goal of the dialogue, according to Mungania, is to build a consensus among them at the local level that would bring forth a solution to problems associated with each of the represented groups.¹⁹⁰ The leadership of the represented local committee would then meet

¹⁸⁷ Ibid.

¹⁸⁸ Oral Interview with Ekwam, a Attan Village Security Committee Elder, Attan village, 26th August, 2019

¹⁸⁹ Oral Interview with Mungania.

¹⁹⁰ Ibid.

with leadership of other of other local village security committees to share their ideas on possible ways to end the conflict.

In Ngaremara Division, a high level of animosity exists among the ethnic groups.¹⁹¹ The goal of dialogue is, therefore, to restore harmony, minimize fear and suspicion among the communities.¹⁹² Dialogues among the affected groups are normally conducted when the conflict has been initiated as is manifested by the early warning signs. This is in order to restore peace and foster reconciliation.¹⁹³ The idea is that dialogue would enable representatives of various ethnic groups to discuss the issues within their communities and forge a possible common solution. Dialogues are further intended to provide solutions on issues involving land disputes, animals and property theft which were blamed on certain ethnic groups, and watering points for the animals. However, the impact of dialogue on prevention of future conflicts is uncertain because during the commission of the above atrocities, the affected communities complained of having lost their loved ones through the banditry attacks and destruction of their property. Some of the criticisms against dialogue were that it had not addressed the underlying causes of armed conflicts which are indeed the root causes of the problems in Ngaremara Division.¹⁹⁴

4.3 Political Impact

The conflict in Ngaremara have also had several political impacts on the locals of the area and neighboring regions. These include:

4.3.1 Formation of Ethnic Coalitions

Formation of ethnic coalitions informs the people's political inclinations although political ideologies of different ethnic groups largely differ in the manner of interpretations of political issues.¹⁹⁵ Political campaigns in Ngaremara Division are therefore, anchored on

¹⁹¹ <https://meru.go.ke/429/kiraitu-tours-ngaremara-special-ward>. Accessed 22.7.2021

¹⁹² Oral interview with Mungania.

¹⁹³ Ibid.

¹⁹⁴ Oral interview with David Mworira.

¹⁹⁵ Ibid.

clans and ethnic structures rather than ideas in political manifestos.¹⁹⁶ Being an electoral area of Isiolo North though administratively part of Meru, people elected their “father figures” in political positions and hence ethnic alliances was the determining factor of who wins. Outcome of elections, therefore, was and to date, is merely a reflection of ethnic rivalries and political dominance.¹⁹⁷ In 2007 for instance, a Turkana candidate who was vying for a parliamentary seat in Isiolo North got an unprecedented support from the Samburu ethnic community having formed an alliance with Turkana ethnic group. This was a seat that had been traditionally held by a Borana. This game-plan of forming alliances was, therefore, to change the narrative whereof Borana had been considered a long-term political dominant group in the area.¹⁹⁸ Conversely, Borana had formed an alliance with the Somali ethnic group, an arrangement that made Borana candidate win with a very slim margin. The election outcome created long-term tensions among the ethnic groups and subsequently resulted in inter-ethnic conflicts. Over time, this drew other groups such as Meru and Rendille who had been marginalized by the dominance of Borana leadership in terms of resource allocation in the division.

4.3.2 Escalation of Violence

The researcher established that over the decades, the situation in Ngaremara Division has worsened and conflicts have been unabated despite the concerted efforts by the stakeholders. Small arms and light weapons have reached unprecedented levels since Isiolo became an arms hub with sources in Ethiopia, South Sudan, Uganda and Somalia countries. This has turned Ngaremara Division into an epicenter of armed struggles as the communities therein expropriated animals from other ethnic groups as a process of testing their weapons and numerical strengths. This from time to time triggered formation of ethnic coalitions rather than unity of entire community. Their aim was to increase their numbers to enhance fighting as large groups and share the incremental benefits. Such political stands fuel inter-ethnic conflicts in the Division as communities vote for their “warlords” who help in protecting their socio-political interests.

¹⁹⁶ Sharamo, R., 2014. p.8.

¹⁹⁷ Oral interview, Julius Kamwibua.

¹⁹⁸ Ibid.

According to an FGD at Gambella village with village elders, the number of firearms each ethnic group has is uncountable and unaccounted for. They said that possession of firearms has turned out to be an open secret and that anyone would buy them anywhere and from anyone within the Division. They reiterated that there is no illegality to own a firearm. They explained that the government has overlooked the situation and considered it essential for pastoral communities to own firearms for their personal protection and protection of their animals from being stolen. In his submission, one elder said:

It is for our own security and our livestock since the government has failed in its role of providing security to its people and their property. The government is fond of bringing in security forces when lives have been lost and animals stolen. No guns, No peace, No cattle. The government knows it and that is why they add us more guns.¹⁹⁹

While it is difficult to attribute conflict causation to only one driver, availability of firearms in the hand of civilians has caused and perpetuated armed conflict in Ngaremara.²⁰⁰ While they live in proximity to relatively insecure countries whose security is usually elusive, demand for weapons in the pastoral communities has been pushed by the weaknesses of the state security architecture and often lack of swift response by the state armed forces during cattle raids and banditry.²⁰¹ The inability of the police to respond to incidences in Ngaremara Division was compounded by the absence of good access roads, vehicles and indecisiveness of police commanders in launching counter attacks.²⁰² Notable was the case of Komu in 2017 when there was a clash between Borana and Samburu militia where ten lives were lost as police failed to respond. Demand for firearms in Ngaremara Division therefore, keeps on rising on daily basis to avoid such painful situations. Explaining their role in armed conflicts in Ngaremara Division, the elders said that the youth are directly involved although they cannot do it on their own without express blessings from elders.

Access to weapons has led to growth of armed groups. Formation of organized violence was witnessed in the period of study in Ngaremara Division. However, classifying the armed

¹⁹⁹ FGD, Gambela Village.

²⁰⁰ Menkhaus, K. 2015. Conflict Assessment: Northern Kenya and Somaliland, *Available at SSRN 2589109*. Accessed 20.10.2020.

²⁰¹ Ibid.

²⁰² FGD, Gambela Village.

groups in the Division was difficult because people involved in commission of atrocities acts in different capacities from time to time and use their arms for different purposes. KPR for instance are known for using their firearms in raiding and banditry.²⁰³ Criminal activities are also known to be caused by militia groups who are not a distinct formation.²⁰⁴ Therefore, militia is a purely vague and loaded term since they would be referred as bandits, warriors, morans or poachers at times. These groupings would at times act as good community members during the day and other times threaten the community. It would appear that most times they draw their support from the politicians who arm them.²⁰⁵ Police officers are also not spared in the attacks by these armed groups. In 2018, a police officer attached to Ngaremara Administration Police Post was killed by a Turkana raider who believed that he had sided with a Samburu in a local dispute. This happened during the time when the government mounted an operation in Ngaremara Division to recover the animals allegedly stolen by Turkana from the Samburu community.²⁰⁶

4.3.3 Meru-Isiolo County Leadership Rivalry

According to the County Focus newspaper report of October 2013, inter-ethnic conflicts had erupted in Ngaremara Division, claimed by two counties for decades.²⁰⁷ The clash left people of diverse ethnic communities nursing injuries, as well as a thirteen-year old girl defiled, and a twenty-year old woman raped plus an elderly man missing. The fighting according to the report by the newspaper ensued when the Borana and Somali elders started dividing the communal land among themselves to the detriment of other ethnic communities. In the circumstance, four people sustained deep *panga* cuts and were left in critical condition. In the ten days before the occurrence, another man had been injured at *Chumvi Yare* village by the bandits. After confirmation of the incidences by the Isiolo County commissioner, the national government deployed armed security personnel from both Meru and Isiolo Counties to patrol the area and maintain peace and order.²⁰⁸ The national government administration in Isiolo gave out a detailed report to the County

²⁰³ Mkutu, K., and Wandera, G., 2013. Policing the Periphery, *Small arms survey*, p.19.

²⁰⁴ Ibid.

²⁰⁵ Kalyvas, S.N., 2008. Ethnic defection in civil war, *Comparative Political Studies*, 41(8), p.107.

²⁰⁶ Ibid.

²⁰⁷ County Focus Newspaper, October 11th 2013. <http://www.thecountyfocus.net/>. Accessed 9/10/2020

²⁰⁸ Ibid.

government of Isiolo showing that the residents of Ngaremara Division had been getting services from the County government of Meru. This prompted the formation of an *ad hoc* committee to look into the matter within three weeks whereby all the county departmental heads were required to table their reports. From the preliminary committee reports, it emerged that the residents of Ngaremara Division double-benefitted from both Meru and Isiolo counties. Some of the residents acquired their national identity cards from Isiolo and others from Meru counties. The respondents interviewed by the committee said that they got school bursaries for their children and development projects from both Tigania East Constituency in Meru County and Isiolo North Constituency in Isiolo County.²⁰⁹ This increased rivalry from non-Meru residents who felt the Meru was unfair.

4.3.4 Dwindling Police Autonomy from the Political Class

In a scenario that manifested a lack of police independence from politics, the government mounted an operation within Samburu East and Isiolo North sub-counties.²¹⁰ The aim was to disarm the Samburu raiders and recover the stolen animals from Isiolo North and more particularly Ngaremara Division where firepower was highly explicit during the raids. The animals recovered from all hide-outs suspected to be of Samburu were rounded off and given to Borana and Meru people of Ngaremara Division. According to Samburu people, that operation had been ordered by Honorable Mohamed Kuti when he was the minister for livestock Development and a member of Party of National Unity (PNU) which was then one side of the government.²¹¹ However, the operation was halted when the then Kenya Prime Minister intervened challenging the conduct of operations saying that instead, it is the innocent people that were suffering and not the raiders that he argued must have disappeared. Though that could be a justification, Borana and Meru people got a different signal from their political elites. They argued that the said operation had targeted the Samburu East which to them was ODM's stronghold in the region.

²⁰⁹ Ibid.

²¹⁰ Ruto, P., et al. 2010. Conflict Dynamics in Isiolo, Samburu East, and Marsabit South Districts of Kenya. *Amani Papers*, 1(3), pp.1-20.

²¹¹ Ibid.

Regarding the future of the communities living around this area, it was noted that a lot need to be done to address the conflict decisively. Without careful approach to the conflicts in Ngaremara Division, this is likely to be protracted hence costly to the government and the concerned communities. This way, the communities will have a better future since they will be better assured of peaceful coexistence.

4.4 Economic Impact

Economy of Ngaremara Division has been hit hard by the conflicts that take place in the area from time to time. Among the economic effects of the conflict include;

4.4.1 Breakdown of Economic Base of Pastoral Communities

Besides killing of people from the rival ethnic groups, bandits also targeted the economic infrastructure and houses of their perceived enemies.²¹² Their main goal is to weaken their economic base and ultimately frustrate them to migrate and leave the land behind. For instance, between 2009 and 2013, 165 people, according to Roba, had lost their lives, over 9000 cattle stolen and approximately 2900 families were displaced during the inter-ethnic clashes. Over time, armed conflicts disrupts people's source of livelihoods where herders' animals are either stolen or killed and their farm produce destroyed.²¹³ Traders too suffered losses as their shops and stores are razed and others vandalized. Subsequently, the pastoral communities turned to reliance on relief supplies from the government and other non-governmental functionaries such as the *Action Aid*.²¹⁴

Accentuating on the efficacy of peace for economic development of Ngaremara Division, the governor of Meru County while addressing the press in Meru Town in 2013 called on the national government to deploy armed security organs. This subsequently led to the construction of an Administration Police camp close to the Chief's camp with headquarters at Tigania East Sub-County headquarters where they receive their commands from.²¹⁵ The governor cautioned leaders against uttering statements that would incite the public to revert

²¹² Sharamo, R., 2014. p.32.

²¹³ Ibid.

²¹⁴ Oral Interview with Antony Lomu, an Official from *Action Aid*, Ngaremara Chief's Camp, 27th August, 2019.

²¹⁵ County Focus Newspaper, October 11th, 2013, <http://www.thecountyfocus.net/>. Accessed 9/9/2020.

to violence along the disputed border. He noted that equally, like all other Kenyans, the Meru people had a right to be protected by the national government against any danger. The governor condemned an attack in Gambella village within Ngaremara Division where two women had been raped and three men cut with machetes in 2013.²¹⁶

The governor reiterated the importance of peaceful coexistence among the ethnic groups in Ngaremara Division.²¹⁷ He said that Meru-Isiolo border demarcations were very clear and called on the Isiolo governor to desist from inciting Isiolo residents in claiming part of Meru and making derogatory statements that caused armed conflicts among the ethnic groups in Ngaremara Division that, according to him, forms part of Tigania east Sub-county of Meru County. He further noted that individual differences had been used as drivers of inter-ethnic differences and that lack of understanding between them had caused misunderstanding and conflict in Ngaremara Division.

Isiolo leaders lashed out at Meru governor for allegedly encroaching on the land within Isiolo County.²¹⁸ Led by an ODM nominated ward representative Mr.Hassan Shano, the leaders accused the governor of Meru for allegedly demanding that Ngaremara herders pay land rates to Meru county government. Seven MCAs from Isiolo County, led by their lands and settlement minister, Mr. Suleiman Shunu, asked the Meru governor to desist from initiating any development project in the disputed area until the issue had been resolved by the national land commission.²¹⁹ In a presser at the Isiolo county assembly chambers, the leaders cautioned the governor of Meru against inciting violence through his utterances amongst the communities in Ngaremara Division that had mutually coexisted for years. They accused him of having ill intentions to grab part of Isiolo to take advantage of a multi-billion resort city project proposed by the national government in its vision 2030 economic blue-print.

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ Ibid.

Following sporadic armed conflicts in Ngaremara Division, the County assembly of Isiolo formed a committee to look into the matter.²²⁰ The committee was mandated to investigate and make recommendations on ways to end the conflict. In their findings, the committee urged the county government of Isiolo to move with speed and petition the national government to stop the County government of Meru from issuing allotment letters to people living along the disputed areas and or initiating any development projects especially in Ngaremara Division whose administration and electoral map was equivocal.²²¹ Following the petition, the national government tasked the National Land Commission (NLC) and the Independent Electoral and Boundaries Commission to address the matter. Through the commissioner for National Land Commission, both Meru and Isiolo Counties were asked to keep off from initiating any developments in the area until the border issue had been resolved.

4.4.2 Breakdown of Social Capital

The study also revealed that the massive entry of sophisticated illegal firearms in Ngaremara Division caused a lot of mayhem through massive loss of lives, injuries and destruction of property. It also caused displacements of people from their homes/*Manyattas*, ending up in their seeking refuge from their neighbours whenever conflict arose. Though raiding among the pastoral communities is construed to be a cultural practice and a way of socialization,²²² firearms have completely transformed the said cultural practices into commercial practices where communities and families seek to appropriate wealth through raiding turning it into a pure criminal activity. However, on an oral interview with Itirikia, a Meru agro-pastoralist had the following to say:

We have acquired guns and we are still in the process of acquiring more for our own safety and safety of our properties. However we cannot disclose the type of the guns we possess since we fear the government to

²²⁰ Ibid.

²²¹ Ibid.

²²² Schilling, J., et al.. 2012. Raiding Pastoral Livelihoods: Motives and Effects of Violent Conflict in North-Western Kenya. *Pastoralism: Research, Policy and Practice*, 2(1), p.25.

disarm us under the notion that we use them to create wealth; protect our territory and fight our enemies.²²³

As alluded to by the above respondent, whenever there are conflicts, property gets destroyed, animals are stolen, and important economic activities interfered with. There are also a number of forced displacements. Consequently, people are forced to abandon their businesses and farms, and generally this causes a lot of instability in both economic and social terms. The participants of a FGD at Ngaremara shopping centre also talked about closing of schools, or in the worst case scenario burnt down or destroyed.²²⁴ They cited a case of 2016 in which learning enrollment drastically dropped in Ngaremara Boys Secondary School as more than thirty boys got radicalized to join the raiders and bandits in the bushes.

It was also evident, as alluded by Godana, the chairman of Kambi Garba primary school, that prior to 2012 general elections, the school was closed down alongside ten others following armed conflicts in Ngaremara Division. More so, over twenty lives were lost and the victims of conflict camped at Ngaremara Catholic Church and Archers Post in the neighboring Samburu County seeking for government assistance. He also said that several households and classes were torched during the skirmishes. At such times, learners lost a lot since they were forced to relocate to some safer places before they again came back to pick from where they had left.²²⁵ This led to huge losses that later required a lot of financial resources to fix. During skirmishes, some family members forcefully cut links from each other causing a lot of trauma to fellow family members. There were cases also where children got killed or one of the parents, especially the father, hence forced to move elsewhere with the animals for safety. Such events create a lot of confusion to the family setup with children left with only one parent taking the burden of caring for their needs. Maxwell Lemanyan, a young man who has lived in Ngaremara for long had the following to say:

²²³ Oral interview with Itirikia, a Meru Agro-Pastoralist Farmer, Ngaremara Shopping Centre on 29th August, 2019.

²²⁴ FGD, Ngaremara Shopping Centre, 29th August, 2019.

²²⁵ Oral interview with Godana Mohammed, the Chairman of Kambi Garba Primary School, Ngaremara shopping centre, 29th August, 2019.

The conflicts which are from time-to-time experienced in this region usually have very devastating effects on the residents of the area. There have been instances of such dehumanizing acts as rape, sodomy and separation of some family members and displacement.²²⁶

As Lemanyan expounded, those traumatic experiences take time to heal.²²⁷ Similarly, families ended up spending a lot on healthcare services and burial expenses as some of the members are badly injured or killed during skirmishes.

4.4.3 Economic Transformation

With the promulgation of the new constitution in Kenya in 2010, NFD emerged as the key focus for the economic development because of its central location and availability of land relative to other parts of the country.²²⁸ The challenge therefore, was to transform these pastoral communities so that they could benefit from these economic developments. This placed Ngaremara Division in the media hence attracting interests from potential business and political elites to start businesses in the prime area.²²⁹ With the devolution, considerable amount of resources are channeled into the county governments, setting stage for competition among the local politicians of both Meru and Isiolo counties. The dynamics of armed conflicts in Ngaremara Division have, therefore, largely transformed as well.

Asked to explain what they thought needed to be done in order to deal with the impact of these conflicts, the respondents had varied suggestions, although the ultimate solution would be to stop the conflicts for good. The feeling is that the government and the local communities involved have the capacity to get a lasting solution. Besides enhancing cooperation between the affected communities, non-state actors and the government need a workable and integrated approach to guarantee better results.

In an interview with Antony Lomu, it was clear that there is involvement of numerous civil society organizations, NGOs, faith-based organizations and CBOs in peace initiatives in the Meru-Isiolo border conflicts.²³⁰ However, most of these organizations work at cross-

²²⁶ Oral interview with Maxwell Lemanyan, a Youth, Ngaremara Shopping Centre, 29th August, 2019.

²²⁷ Ibid.

²²⁸ Sharamo, R., 2014. p.32.

²²⁹ Ibid.

²³⁰ Oral interview with Antony Lomu, an Official from *Action Aid*, 27th August, 2019.

purposes where each one of them focus on individual interests other than on collective/ mutual interests. This makes it generally difficult to reach common agreements on pertinent issues. Strengthening of working relationships amongst all these players is likely to yield better results than when each one of them is focused on their single mandate. Antony Lomu, an official from *Action Aid*, had the following to say on this issue:

Over time, we have witnessed a number of players in the peace initiatives in the area including NGOs, CBOs, and other civil society organizations. We appreciate the work they are doing. However, often there is a general feeling from the communities in this area that each one of these organizations has their own self-interests which they are particularly interested in serving.

Thus, the local residents often feel that there is duplication of roles, and this prolongs the time to reach common grounds for resolution of critical issues.²³¹ It is therefore, the wish of the communities that all peace stakeholders in the region should come together, identify common issues based on priority and prosecute them with great zeal. That way, they would be better served than when the concerned stakeholders act like they were competing. Although most of the peace organizations in Meru-Isiolo border are actively involved in mediations, negotiations and conciliations, there is a common feeling that there is no middle ground for all of them to create the synergy required to effectively address conflicts in this area. The lack of effective machinery for these organizations to deal with security and conflict issues in their areas of jurisdiction is particularly hampered by the vastness of the region, and the poorly coordinated nature of most of the activities.

In researcher's submission, the regular police service and other government security agents should be more proactive in dealing with conflict in the Meru-Isiolo border rather than be reactive. Additionally, the study established that the police in one way or the other contribute to escalation of the conflict. On an FGD at Ngaremara chief's camp. It emerged that some aggrieved community members tend to exaggerate the amount of their loss in cattle raiding instances so that they can be overcompensated.²³² The respondents cited a case of 2017 where two thousand livestock from *Chumvi Yare* village were lost to cattle raiders from *Attan* village that are mainly of Turkana ethnicity. During the recovery mission

²³¹ Ibid.

²³² FGD, Ngaremara Chief's camp.

through the intervention of local security committees and before intervention of the national government through its armed security forces, some animals were recovered.²³³ However, when the police officers came in barely after a week, the estimated number of animals to be recovered did not take into consideration those that had been recovered through local initiatives.²³⁴ Many animals genuinely belonging to *Attan* were thereof forcefully taken by the police and given to people of *Chumvi Yare* who largely comprised of Meru and Borana ethnic groups.²³⁵

Barrabi interpreted the above insensitive action by the police to have orchestrated a vicious cycle of armed conflicts since then through Turkana counter attacks on their neighbors to recover the animals that had been unfairly taken by the government.²³⁶ This tended to fuel more animosity among the concerned communities as revenge attacks became the order of the day. In order for this problem to be effectively dealt with, Barrabi suggests that the police should be more concerned whenever they are given figures of the animals alleged to have been stolen so that they do not coerce the accused communities to overcompensate the aggrieved parties. It is critical for the authorities to countercheck figures presented to them by going down to the local leadership such as clan elders who are often better informed on the goings-on in their local jurisdictions.²³⁷

Over the years, to mitigate the impact of armed conflict, victims became highly dependent on relief food, water and other personal effects provided by government and non-governmental functionaries through the local administration and the local churches.²³⁸ In cases where draught persists, the national government, county government and all non-governmental functionaries join hands to provide food and other personal effects to Ngaremara people.²³⁹

²³³ Ibid.

²³⁴ Oral Interview with Barrabi, a Meru Herder, Ngaremara Shopping Centre, 24th August 2019.

²³⁵ Ibid.

²³⁶ Oral interview with Barrabi.

²³⁷ Ibid.

²³⁸ Agade, K. M., & Halakhe, A. B. 2019. Rapid Assessment of the Institutional Architecture for Conflict Mitigation, pp.16-28.

²³⁹ Ibid.

4.5 Conclusion

Inter-community conflicts have several effects on the conflicting groups in Ngaremara Division. They impact the political, social and economic aspects of their lives. For instance, social networks have been destroyed by the recurrent conflicts, as have been the economic bases of pastoralists, including social capital. Mistrust and hatred has developed in communities, with negative ethnicity manifesting in political alignments. This has furthered the conflicts, leading to deaths, destruction of property and displacements. As a result of the conflicts, most of the inhabitants have poor living standards with high levels of food insecurity. This is what partly contributes to recurrent conflicts as people seek to address the deficit through involvement in crime, such as cattle rustling, among other crimes. Generally, such conflicts tend to affect every type of human existence, ranging from economic, social, and psychological.

CHAPTER FIVE

CONCLUSION

This research project set out to examine the methods used in armed conflict resolution in Ngaremara Division. The study demonstrated that both formal and informal methods, commonly known as indigenous methods are used. The study established that, causes of armed conflict in Ngaremara Division were grounded in a myriad of factors as discussed in this paper. Some of the common causes of the conflicts in the region included cattle rustling, pastures and land scarcity, proliferation of small arms and light weapons and political instigations, among other pressing community issues. Communities living across the border region are fond of raiding one another leading to attacks and counterattacks. In some instances, this problem is fueled by political interests. Historically, various ethnic groups reverted to formation of alliances in order to gain numerical strength to compete with their rivals over these dwindling natural resources.

Similarly, the easily acquired small arms and light weapons by the border communities make it easier for raids and other attacks to take place. Availability of firearms has transformed the cultural practices of raiding from one another into commercial practices, where ethnic groups seek to amass wealth through these activities. The devastating effects of armed conflicts during raiding expeditions include unprecedented killings among other effects.

Beside politics, land is also another factor leading to conflict in the area. Ngaremara Division is a trust land held by the County government of Isiolo on behalf of the community though this Division is administratively part of Meru County. The land is extremely fertile and with readily available water from Ngaremara River for domestic use and livestock. The researcher found out that there exist tensions among the ethnic groups because no particular community can claim absolute ownership of the land. Each ethnic group expresses their emotional attachment to Ngaremara land and all its natural resources. Formal and informal institutions created land policies that largely defined this pastoral land, while formal land regime classified Ngaremara Division as a trust land. This was clearly an adoption of

western colonial system where this land had been placed under communal ownership and use.

Conversely, the informal land ownership was grounded on the African customs and practices of the indigenous people just like the formal classification of the land as communal where every ethnic group was entitled to equal access and use. However, in the informal organization of ethnic groups in Ngaremara Division, access to the land is controlled by social factors such as ethnic orientation and kinship ties. Furthermore, the failure to define property rights by the formal institutions in the Division has resulted in rivalry among the ethnic groups. This lacuna gave the local and national elites an incentive to conspire with senior government officials in giving away swathes of land to individuals for private use. This corrupt land allocation reduced the land available for grazing by the pastoral communities and hence exacerbates conflicts in the area. Thus, the Meru-Isiolo armed conflicts mainly focused on land based resources involving pastoral communities as well as other land users.

The researcher found that armed government security agencies orchestrated a vicious cycle of armed conflicts through biased operations. It initiated counter-attacks on the neighborhoods to recover stolen animals which in turn tends to fuel more animosity among the concerned communities especially due to use of excessive force to recover, often more animals, than the stolen ones. In order for this problem to be effectively dealt with, respondents suggested that the police should be concerned whenever they are given exaggerated figures of the animals alleged to have been stolen so that they do not coerce the accused communities to overcompensate the aggrieved parties. They accentuated the importance of authorities counterchecking figures presented to them by going down to the local leadership such as clan elders who they claimed were often better informed on the goings-on in the local areas.

Achievement of positive peace as per this study was found to be the concern of all the stakeholders involved in conflict resolution in Ngaremara Division. However, this seems to be hard to achieve due to the lack of synergy in those involved in their peace efforts. Each institution has a distinct feature from the rest. However, the most notable common feature in

all the indigenous institutions which included *Njuri Ncheke, Gadaa, and Ngeng'liok* is the search for long-term harmony. For this reason therefore, these institutions reign supreme in their ethnic groups as they accentuated peace, reconciliation and harmony for a cohesive coexistence. When compared with the formal mechanisms, the researcher found out that, these processes are less formal and indeed save a lot of time and give opportunity to the parties in conflict to participate in seeking for a solution.

Over the years there have been efforts by different security stakeholders to resolve the conflicts in the Meru-Isiolo border in a decisive manner. This is reflected in the unanimous responses that there had been attempts to solve conflicts in Meru-Isiolo border. It emerged that through its security agencies, the government has been very active in ensuring that all the communities living in the border coexisted peacefully. There are also other security players such as community based organizations and NGOs dealing with restoration of peace and conflict resolution among warring communities. In particular the government is actively using its security units to resolve the conflict in the area. The local government officers such as the area chiefs and assistant chiefs too play a critical role in encouraging community partnerships for inclusive processes. Clan elders are also actively involved in conflict resolution.

In order to end the sporadic conflicts, the respondents suggested that government and the communities involved need to collaborate in their efforts to address the problem. Besides enhancing cooperation between the affected communities, non-state actors and the government, more workable integrated approaches need to be adopted to guarantee better results.

Further, civil and faith-based organizations in the area need not work at cross-purposes where each one of them was more focused on individual interests than on collective areas of mutual interests. Indeed, many are the times the local residents feel that there is duplication of roles, and this prolongs the time for resolution of conflicts. It is therefore, the wish of the communities that all peace stakeholders in the region should come together, identify common issues based on priority, and deal with them jointly instead of appearing like they are competing.

Although most of the peace keeping organizations in the study area are actively involved in mediations, negotiations and conciliations, there is a common feeling that there is no middle ground for all of them to create the synergy required to effectively address conflicts in the area. The lack of effective machinery for these organizations to deal with insecurity and conflict issues in their areas of jurisdiction is particularly hampered by the vastness of the region and the poorly coordinated nature of most of the entities

As a complementary strategy to the government's efforts to solve inter-community conflicts, the alternative dispute resolution mechanism is critical in dealing with communal conflicts. This research established that incessant conflicts are caused by the struggle for resources such as water and pasture. Alternative dispute resolution mechanism, therefore, would help communities to come together through enhanced trust and mutual understanding. Some of the common strategies used in alternative dispute resolution processes in the area include involvement of clan elders, local government administration, religious leaders and civil society groups, among others. This provides an opportunity for stakeholders to objectively dissect contentious issues and come up with commonly agreed positions. Besides, this strategy makes it possible for easy and common ownership of the process and decisions by the communities.

The respondents suggested a formation of a joint security committee involving all leaders of various local security committees and other security actors, such as national government representatives who should include national government administration, court officials and the non-governmental organizations. Such a committee, according to them, should be chaired by the officers of the national government administration because of their ability to enforce agreements.

In this study, it further emerged that inter-ethnic dialogues could bring different warring ethnic groups together so as to iron-out their underlying differences. Dialogue and compensation of the victims on the atrocities meted on them is one of the best methods towards enhancement of peace. The respondents suggested that dialogue should be inclusive of everyone especially women whose role had for a long time been neglected by the members in the leadership of various security committees in the Division. They observed

that over time, they had noted that it was the young men, and particularly the elites from towns, who were invited to the negotiating table to discuss security issues. They also suggested setting aside of enough resources on the ground to help mediators and negotiators effectively perform their functions without any lapses. These resources are important in continuous training of key peace actors such as clan elders and civil organization groups.

Furthermore, the respondents explained how construction of roads and railway lines in Isiolo County through government's delocalization policy will, in a great way, help in reducing incidences of conflict by providing alternative opportunities and livelihoods to former criminals. They shared ideas on how the volatile areas where conflict is mainly waged will be easily accessible and, therefore, easily controlled by government and security personnel.

The respondents also reiterated the importance of involving youth in conflict resolution, referring to them as the boot-men who are directly involved in armed conflicts. A more practical policy framework should also be instituted to streamline cooperation efforts between the communities, civil society players and the government. For instance, National Security Steering committees should actively coordinate with the County and the Sub-County Peace Committees in the area so as to forestall any emerging conflicts in the region. The frameworks should also encourage community participation in the peace negotiations.

The study in Ngaremara Division revealed the need for a complete disarmament of all pastoral communities in the Northern Frontier District (NFD). The respondents reiterated the need for this exercise by the government so as to resolve armed conflicts within the area. They explained how partial disarmament of some communities to the detriment of others exacerbated raiding and banditry in Ngaremara Division. They cited a case of the year 2009 operation. This had been mounted in Samburu East and Isiolo North in an effort to recover stolen animals, and to disarm the Turkana people who were purported to have stolen the animals at Ngaremara belonging to Borana and Meru people. In the circumstance, many Turkana police reservists were disarmed, including those in Attan village within Ngaremara Division, hence leading to them being subsequently raided by other ethnic groups. Partial disarmament placed Turkana community as an easy target of the other communities that the government left armed.

Based on the guidance by the game theory, it was evident that a multi-dimensional approach could resolve the sporadic conflicts witnessed in Ngaremara Division. This approach aids conflict resolvers in developing a comprehensive understanding of the core drivers and associated risk factors leading to armed conflicts. It further aids in capacity building on conflict resolution and management at the local and national government levels. In terms of what is needed to achieve a lasting solution, the respondents felt that the area leadership needs to identify pressing issues based on priority and then work towards achieving them. In order to meet their peace objectives, a common ground should be found where all affected communities and conflict resolution players are brought on board without discrimination.

Further findings were that the conflict had several impacts on the residents of the area including socio-economic ones. The data gained from both primary and secondary sources revealed that during the conflicts, property is destroyed, animals stolen, and important economic activities interfered with. There are also numerous forced migrations and displacements. Consequently, people are forced to abandon their homes, leave their businesses and farms unattended and generally this causes a lot of instability in both economic and social terms.

The closing or destruction of schools and other learning institutions is also a common occurrence during inter-community conflicts in the area. This leads to huge infrastructural losses that later requires a lot of financial resources to repair or rebuild. During skirmishes, some family members are forcefully separated causing a lot of trauma to individuals and families. Equally critical is the inter-community relationships which from time to time get be destabilized. This creates mistrust amongst people of different ethnic backgrounds hence hampering economic progress and coexistence in the area.

The study also established that formation of ethnic coalitions inform people's political inclinations in the area although political ideologies of different ethnic groups largely differ. Political campaigns in Ngaremara Division are anchored on clans and ethnic structures rather than ideas. Voters elect their "father figures" to political positions and hence ethnic alliances determine the electoral winners. It can be argued, therefore, that the outcome of elections in Ngaremara is merely a reflection of ethnic rivalries and dominance.

Despite formation of alliances when communities want to achieve a common interest such as winning election, the different communities in Ngaremara Division hold ethnicised prejudices against one another. Customs, beliefs and practices of all the ethnic groups in the area are completely different. For instance, Meru ethnic group perceive other groups as people who have relinquished their culture and, therefore, any matter that require wise intervention should only be sourced from *Njuri Ncheke* council of elders. Likewise, the Borana and Turkana have their own indigenous institutions whose decisions are much respected due to the elders' command of traditional knowledge and customary laws. Apart from the Meru who practice mixed farming, ethnic groups in Ngaremara Division believe that large herds of livestock was the most prestigious wealth and that raiding from each other is not a crime but rather an economic activity although each retaliates whenever they are raided.

The data gained reveals the existence of informal justice processes by the people of Ngaremara Division. The mostly poor populations of the area prefer indigenous mechanisms because of their swiftness in the dispensation of justice, their efficiency and cost effectiveness compared to the formal mechanisms. However, owing to the heterogeneity of the population, the indigenous mechanisms are not able to address the cross-cultural issues to end inter-communal conflicts in the area. Conventionally, conflict resolution among the ethnic groups in Ngaremara Division is a preserve of elderly men deemed to have seasoned knowledge of the cultural beliefs and practices of the indigenous people. Overall, indigenous methods, according to the study's findings, cements social relationships more, compared to the formal mechanisms that are mostly punitive in nature.

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Oral interview with Itirikia, a Meru agro-pastoralist farmer, Ngaremara shopping centre, 29th August, 2019

Oral interview with Ekwam, Attan village Security Committee elder, Attan village, 26th August, 2019

Oral interview with Muriungi, a *Njuri Ncheke* elder, Gambella village, 26th August, 2019

Oral interview with Godana Boru, an elder from the Borana community, Kiwanja village, 28th August, 2019

Oral interview with Ekwam, a village security committee elder, Gambella village, 28th August, 2019

Oral interview with Munguti, a catholic church elder, Ngaremara catholic church, 22th August, 2019

Oral interview with Antony Lomu, an official from *Action Aid*, Ngaremara shopping centre, 27th August, 2019

Oral Interview with Barrabi, a Meru herder, Ngaremara Shopping centre, 24th August 2019

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Oral interview with Mama Tom, a local civil society leader, Chumvi Yare village, 27th August, 2019

Oral interview with Lesorogol, Security committee member, Chumvi Yare village on 27th August, 2019

Oral interview with Eman Makome, a youth leader, Ngaremara shopping centre on 26th August, 2019

Oral interview with Martha, a resident of Ngaremara Division, Chumvi Yare village, 28th August, 2019

Oral interview with Lomuka, Ngaremara Chief's camp, 28th August 2019

Oral interview with Mutema, Attan village, 18th September, 2019

Oral interview with Name (withheld), Government officer, Ngaremara AP camp, 26th August, 2019

Oral interview with Kaunyangi Mukirra, Meru cattle farmer, Ngaremara Shopping Centre, 23th August, 2019

Oral interview with John Mutharimi, local church elder, Ngaremara Catholic Church, 23th August, 2019

Oral interview with Mohammed Kula, Gambella Village, 4th September, 2019

Oral interview with David Mworira, local elder from Meru County, Ngaremara Chief's camp, 14th September, 2019

Oral interview with Rahab Mukami, a local women leader, Ngaremara shopping centre, 24th August, 2019

Oral interview with Kilila, Attan Village, 27th August 2019

Oral interview with Mungania, Ngaremara Chief's camp, 28th August 2019

Oral interview with Elias Eregai, Turkana elder, Ngaremara Chief's camp, 27th August, 2019

Oral interview with Joseph Ngari, a local politician, Ngaremara Shopping Centre, 27th August, 2019

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Oral interview with Aderson Lemayian, Samburu Warrior, Ngaremara Hopping Centre, 26th August, 2019

FGD, Ngaremara shopping Centre, 29th August, 2019

FGD, Ngaremara Catholic Church, 22nd August, 2019

FGD, Gambela village, 26th August, 2019

FGD at Gambela police camp, 28th August, 2019

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APPENDIX 1: RESEARCH QUESTIONNAIRE

The purpose of this questionnaire is to collect data for my academic research on **Alternative methods of armed conflict resolution in Meru-Isiolo borders among neighboring communities**. The information given will be used for academic purpose only and will be treated with utmost confidentiality. Any clarifications you may want will be readily provided.

SECTION A: GENERAL AND DEMOGRAPHIC DETAILS

1. Gender

Male ()

Female ()

2. Age bracket (in years)

16-25 ()

26-35 ()

36-45 ()

46-55 ()

56+ ()

3. Highest Level of Education

Primary ()

High School ()

Tertiary ()

University ()

Other...specify ()

4. Designation

SECTION B: CAUSES OF RECURRENT ARMED CONFLICT

5. Has there ever been recurrent armed conflict along the Meru-Isiolo border? **Yes** () **No** ()

6. If yes, please explain the causes of these conflicts.

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

7. In your opinion, how often do they occur?

Very rarely () *Rarely* () *Often* () *Very Often* ()

8. Please explain the role of the leadership in these conflicts.

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

SECTION C: PROCESSES AND MECHANISMS FOR CONFLICT RESOLUTION

9. Are there efforts to resolve these conflicts? **Yes** () **No** ()

10. If yes, please explain what kind of processes and mechanisms are there to resolve these conflicts?

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

11. Have the government efforts yielded any desired results? **Yes** () **No** ()

12. What about other alternative efforts; would you say they have yielded any desired results? **Yes** () **No** ()

13. Explain if there are any challenges encountered in the peace process and what you think needs to be done so as to achieve a lasting solution.

.....
.....

SECTION D: SOCIO-ECONOMIC IMPACTS OF ARMED CONFLICTS

14. Do you think these conflicts have any socio-economic impact on the communities living around? **Yes** () **No** ()

15. If yes, please explain what kind of impacts the conflicts have on the communities living around.

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

16. In your opinion, what do you think needs to be done to deal with the impact of these conflicts? Please explain.

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

17. Explain the future of the communities living around this area in terms of the conflicts they often face among one another.

.....
.....

...Thank you for your time and participation....