

# **The Impact of Cross Border Conflicts on Peacebuilding in Kenya (1992–2010)**

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**R50/75904/2009**

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**A research project submitted in partial fulfillment of the requirements for the award of the degree of Master of Arts in International Studies, Institute of Diplomacy and International Studies (IDIS), University of Nairobi**

**November 2011**

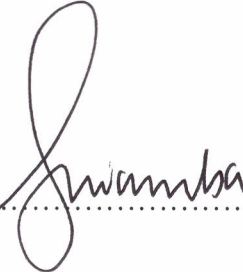
## DECLARATION

I hereby declare that this research project is my original work and has not been presented for a degree in any other University.

Signed.......... Date. 4<sup>th</sup> November, 2011.....

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This research project has been submitted for examination with my approval as University Supervisor.

Signed.......... Date. 4<sup>th</sup> November, 2011.....

**DR. ANITA KIAMBA**

## **DEDICATION**

I dedicate this research project to my treasured parents for their prolonged and testing years of sacrifice and labour in laying a foundation filled with hope and promise. May their enduring spirit of love, sacrifice, wisdom and commitment be reawakened to burgeon in their beloved grandchild, Mukwe Jr.

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## LIST OF ABBREVIATIONS

<b>APEDI</b>	Adakar Peace and Development Initiatives
<b>ASTUs</b>	Anti-Stock Theft Units
<b>AU</b>	African Union
<b>CBOs</b>	Community-based Organizations
<b>CEWARN</b>	Conflict Early Warning and Response Mechanism
<b>CEWERU</b>	Conflict Early Warning and Response Unit
<b>CNN</b>	Cable News Network
<b>CPAU</b>	Cooperation for Peace and Unity
<b>CSOs</b>	Civil Society Organizations
<b>DADO</b>	Dodoth Agro-pastoral Development Organization
<b>DDC</b>	District Development Committee
<b>EAPCCO</b>	Eastern Africa Police Chiefs Cooperation Organization
<b>EASBRIG</b>	Eastern Africa Standby Brigade
<b>FAO</b>	Food and Agriculture Organization
<b>FBOs</b>	Faith-based Organizations
<b>GPPAC</b>	Global Partnership for the Prevention of Armed Conflict
<b>IBAR</b>	Inter-African Bureau for Animal Resources
<b>ICRC</b>	International Committee of the Red Cross
<b>IDIS</b>	Institute of Diplomacy and International studies
<b>IGAD</b>	Inter-Governmental Authority on Development
<b>INGOs</b>	International Non-governmental Organizations
<b>IOM</b>	International Organization for Migration

<b>KADP</b>	Karamoja Agro-pastoral Development Programme
<b>KAPEPS</b>	Karamoja Association for Peace and Environmental Protection Service
<b>KISP</b>	Karamoja Initiative for Sustainable Peace
<b>KNFP</b>	Kenya National Focal Point
<b>KOPEIN</b>	Kotido Peace Initiative
<b>KPPG</b>	Kenya Pastoralists Parliamentary Group
<b>LDUs</b>	Local Defence Units
<b>MADEFO</b>	Matheniko Development Forum
<b>MDPC</b>	Mandera District Peace Committee
<b>MONARLIP</b>	Moroto-Nkakapiripirit Religious Leaders Initiative for Peace
<b>NGOs</b>	Non-governmental Organizations
<b>NHDR</b>	National Human Development Report
<b>NSC</b>	National Steering Committee
<b>OAU</b>	Organization of African Unity
<b>OLF</b>	Oromo Liberation Front
<b>OSSREA</b>	Organization for Social Science Research in Eastern and Southern Africa
<b>PEACE</b>	Peace in East and Central Africa
<b>POZIDEP</b>	Pokot Zonal Integrated Development Project
<b>RECSA</b>	Regional Center on Small Arms and Light Weapons
<b>SALWs</b>	Small Arms and Light Weapons
<b>SPLA</b>	Sudanese People Liberation Army
<b>TDA</b>	Toposa Development Association
<b>UHRC</b>	Ugandan Human Rights Commission

<b>UN</b>	United Nations
<b>UNDAC</b>	United Nations Disaster Assessment and Coordination
<b>UNDP</b>	United Nations Development Programme
<b>UNESCO</b>	United Nations Educational Scientific and Cultural Organization
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UPDF</b>	Ugandan People's Defence Force
<b>USA</b>	United States of America
<b>USAID</b>	United States Agency for International Development
<b>WPDC</b>	Wajir Peace and Development Committee

## ABSTRACT

This study investigates cross border conflicts and their impact on peacebuilding in Kenya from 1992 to 2010. Cross border conflicts are a threat to peace, human development and security in Kenya. These conflicts increased in frequency and scale from 1992 to 2010 and this caused increase in peacebuilding interventions in the same period. The study examines the dimension of cross border conflicts, their internationalization and how they shape the Horn of Africa conflict system of which Kenya belongs to. It explores the causes of cross border conflicts; peacebuilding initiatives and also investigates the intricate relationship between these conflicts and peacebuilding. Frameworks for analyzing cross border conflicts in modes of actors, issues and interests in conflicts are also examined. Human needs theory has been used to explain and predict the relationships between cross border conflicts and peacebuilding. The study adopts a case study research design because it intensively investigates a particular unit under consideration and locates the complex factors that account for the behaviour-patterns of the given unit as an integrated totality; so as to obtain enough information for drawing correct inferences. Kenya is the case study because it is a regional economic hub and plays a strategic role of mediation in the search of peace in the Horn of Africa. Under the aegis of Inter-Governmental Authority on Development and the African Union, Kenya successively mediated the Sudan Comprehensive Peace Agreement and the agreement establishing the first Transitional Federal Government of Somalia. The study concludes that there is a link between cross border conflicts and peacebuilding. Cross border conflicts have impacted upon peacebuilding initiatives in Kenya, and these initiatives have made crucial attempts to prevent, mitigate and resolve the conflicts. The study makes recommendations, for instance; taking deliberate efforts to invest more resources in cross border areas to address the proximate and underlying issues of conflicts, hastening the process of formulating a policy framework to guide peacebuilding, paying more attention to the link between research on cross border conflicts and the practice of peacebuilding, mainstreaming the role of women in peacebuilding initiatives and strengthening the response structures for conflict early warning.

# CHAPTER ONE

## Introduction

### 1.1 Background of the Study

Prior to colonialism, the African states did not exist. Indeed, one of the most distinctive African contributions to human history was the civilized art of living fairly and peacefully together not in state.<sup>1</sup> Wesseling notes that this changed from 1880 when European powers through the use of imperialistic treaties, subdivided the continent among themselves.<sup>2</sup> The scramble for Africa and the resultant boundaries of various colonial territories in Africa did not pay attention to the existing settlement patterns of the various ethnic communities in the region. Subsequently, the boundaries that emerged from this arbitrary demarcation of the African continent divided communities into different countries thus interfering with their cultural unity, solidarity and loyalty. Sommerville contends that this arbitrary demarcation eventually stimulated political and economic policies favouring some ethnic communities over others, therefore, giving rise to the endemic nature of conflicts in modern Africa.<sup>3</sup>

The Horn of Africa, comprising of Kenya, Djibouti, Ethiopia, Eritrea, Somalia, Sudan and Uganda experience cross border conflicts. These seven states form a sub regional system of relations, which compel them to interact by the nature of their contiguity, their common and contentious borders with common ethnic groups, and their contrasting political structures, state

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<sup>1</sup> Lonsdale, J., "States and Social Processes in Africa: A Historiographical Survey," *African Studies Review*, Vol. 24, No. 2/3, (1981), pp. 139-225:139

<sup>2</sup> Wesseling, H. L., *Divide and Rule: The Partition of Africa, 1880-1914*, (Westport CT.: Praeger, 1996), p. 5

<sup>3</sup> Sommerville, K., *Foreign Military Intervention in Africa*, (London: Printer Publishers, 1990), pp. 2-4

goals, and historic mutual perceptions.<sup>4</sup> Kenya experiences cross border conflicts along its international boundaries with Ethiopia, Sudan, Somalia and Uganda.

These conflicts are most common in the Karamoja and Somali Clusters in Northern and North-Eastern regions of Kenya where communities live and interact very closely with their neighbours across international borders. To them, the border is an imaginary phenomenon and does not really exist since they share resources and have families across the border with no reference to the diplomatic protocols or administrative regulations. Rivalry over watering points, grazing areas, clanism, unstable governments, refugees and conflict over pasture and poverty have contributed to the proliferation of illegal arms and the continuity of conflicts.<sup>5</sup>

The Pastoralist Voices Bulletin remarks that pastoralists living along the borders of Kenya with Ethiopia, Sudan, Somalia and Uganda are losing their lives and livestock from increased cross border resource-based armed conflicts.<sup>6</sup> Depleted livestock, limited pasture and water from the cumulative effect of cyclic drought and the availability of small arms are conditions that have seen an increase in pastoralists' cross border movements in search of pasture and water in ways that is triggering violent armed cross border conflicts.

Peacebuilding initiatives by various actors have attempted to prevent, mitigate and resolve cross border conflicts at community, national, regional and international levels. Peacebuilding seeks to address the root causes of conflict and establish the conditions for peace that would eliminate the need for future violence, rather than only ending the conflict at hand. Conflict in this case refers to incompatibility of goals, as Mitchell affirms that "a conflict arises

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<sup>4</sup> Howard, W. W. et al., *Dynamics of Regional Politics: Four Systems on the Indian Ocean Rim*, (New York: Columbia University Press, 1992), p. 155

<sup>5</sup> Lewis, I. M., *A Pastoral Democracy: A Study of Pastoralism and Politics among the Northern Somali of the Horn of Africa*, (New York: Oxford University Press for the International African Institute, 1961), pp. 34-35

<sup>6</sup> African Union and the United Nations Office for the Coordination of Humanitarian Affairs, *Pastoralist Voices*, Vol. 1, No. 8, (2008), pp. 1-6:1

when two or more parties have incompatible goals about something.”<sup>7</sup> Peacebuilding is all about undertaking programs designed to address the root causes of conflict and the injustices of the past and to promote long-term stability and justice. This calls for digging beneath the surface issues so as to address substantive and emotional issues, needs and interests of the parties that are at the root of the conflict.

This study focuses on Kenya’s cross border conflicts along its international boundaries with Ethiopia, Somalia, Sudan and Uganda. The choice of the case study area is premised on the fact that Kenya and the four countries belong to the Horn of Africa conflict system. The idea of perceiving conflicts within a system has some important implications for conflict management because they reflect the dynamics of a particular sub region and have common sources and causes. Wasara notes that conflicts in the region provide common characteristics and have their roots in economic underdevelopment, environmental hazards, repressive political systems and competition over natural resources and external linkages.<sup>8</sup> Mwagiru remarks that conflict management efforts which do not engage other interested actors within the conflict system are unlikely to succeed or endure.<sup>9</sup> The study investigates the impact of these conflicts on peacebuilding between the period 1992 and 2010.

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<sup>7</sup> Mitchell, C. R., *The Structure of International Conflict*, (London: Macmillan, 1998), pp. 15-25

<sup>8</sup> Wasara, S. S., “Conflict and State Security in the Horn of Africa: Militarization of Civilian Groups,” in *African Journal of Political Science*, Vol. 7, No. 2, (2002), pp. 39-60:43

<sup>9</sup> Mwagiru, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, (Nairobi: Centre for Conflict Research, 2006), p. 76



## **1.2 Statement of the Research Problem**

Academic and policy debates and discussions on cross border conflicts and peacebuilding are topical in Kenya. These conflicts have had political, economic, social and environmental costs including the loss of human life and property, psychological trauma associated with the conflicts, lowering of economic productivity, weakening of political institutions, incapacity to provide essential services, destruction and depletion of natural resources, loss of food production, influx of a large numbers of refugees from neighbouring countries and increase in the number of displaced persons.

Cross border conflicts in the Horn of Africa have not only threatened regional and international peace but have also affected human development and security in Kenya. Thus, the conflicts create insecurity and related problems far beyond the international borders and this has sometimes caused diplomatic tensions between Kenya and her neighbours in the Horn of Africa. The occurrence and recurrence of cross border conflicts and their impact on human development has led to the realization that this phenomena continue to grip society threatening the very foundation on which its stability and development is grounded. The failure of the government to solve the issues that generate these conflicts in the first place, and to maintain peace, puts the purpose of the government into question. Therefore, the government attempts to justify its existence on the basis of being able to competently manage conflicts and to ensure social progress or development.

Cross border conflicts have impacted on peacebuilding initiatives in Kenya. However, these initiatives have been critical in attempts to prevent, mitigate and resolve cross border conflicts. This study seeks to investigate the following question: What has been the impact of cross border conflicts on peacebuilding in Kenya between 1992 and 2010?

The year 1992 is significant to this study because it is the time when the term peacebuilding entered the international lexicon in the United Nations (UN) as one of the several instruments available to address conflicts. The occurrence and recurrence of cross border conflicts between 1992 and 2010, stimulated both the state and non-state actors to undertake cross border conflict prevention, mitigation and response initiatives. Many peacebuilding initiatives to manage cross border conflicts came up during this period. The year 2010 is also important as it denotes the time when a new Constitution of Kenya, 2010 was adopted and passed into law. Implementation of this Constitution will attempt to strengthen peacebuilding initiatives and resolve some of the mid-term and long-term issues of cross border conflicts.

### **1.3 Research Questions**

This study seeks to address the following questions;

- i. What causes cross border conflicts?
- ii. Who are the actors and what are the issues and interests in cross border conflicts?
- iii. What has been the impact of cross border conflicts on peacebuilding?
- iv. What constitutes peacebuilding initiatives?

### **1.4 Research Objectives**

The general objective of this study is to conduct an inquiry into the impact of cross border conflicts on peacebuilding in Kenya between 1992 and 2010. Subsequently, the study seeks to address the following specific objectives;

- i. To investigate the causes of cross border conflicts.
- ii. To explore the actors and identify the issues and interests in cross border conflicts.

- iii. To examine the impact of cross border conflicts on peacebuilding.
- iv. To investigate what constitutes peacebuilding initiatives.

## 1.5 Hypotheses

In this study, it is hypothesized that;

- i. Cross border conflicts pose a great challenge to peacebuilding.
- ii. A decline of cross border conflicts increases the effectiveness of peacebuilding initiatives.
- iii. An increase of cross border conflicts decreases the effectiveness of peacebuilding initiatives.

## 1.6 Literature Review

### 1.6.1 Introduction

The literature has been organized under four thematic areas which are; literature review on conflicts, a general literature review on cross border conflicts, literature review on cross border conflicts in Kenya and lastly peacebuilding. In their submission, Mugenda and Mugenda observe that the main purpose of literature review is to determine what has previously been done that is related to the research problem under investigation.<sup>10</sup> It appreciates the existing literature that is related to the research topic and involves exploring documents such as books, relevant chapters, journals, dissertations, reports, conference proceedings, and government and international organizations documents that are related to the study being conducted. The thematic areas of the literature review will pull together, integrate and summarize what is related to this study area and guides the researcher in identifying the knowledge gaps.

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<sup>10</sup> Mugenda, O. M. and Mugenda, A. G., *Research Methods: Quantitative and Qualitative Approaches*, Revised Edition, (Nairobi: African Centre for Technology Press, 2003), p. 29

## 1.6.2 Literature Review on Conflicts

Conflict is one of the most invasive and inescapable facet of society. Conflict is invasive because it is endemic and an inalienable part of life. Deng and Zartman observe that it is “an inevitable aspect of human interaction, an unavoidable concomitant of choices and decisions.”<sup>11</sup> This implies that conflict stems from the basic fact of human interdependence i.e. for individuals to meet their basic needs, they depend on the active participation of other individuals. Conflict therefore arises from the interaction of individuals who have partly incompatible ends, in which the ability of one actor to gain his/her ends depends to an important degree on the choices or decisions another actor will take.

North and Choucri point out that seeking to satisfy their needs, wants and desires, people make demands upon themselves, upon the physical environment, upon other people and upon whatever organizations and institutions that appear to be in a position to help them.<sup>12</sup> Mitchell posits that many conflict situations involve conditions of scarcity and values, which place a premium on the possession of the same resources or positions. Others result from value incompatibilities regarding use or distribution of resources, about social and political structures, or about beliefs and behaviour of others. Hirsch posits that;

“Many conflict are over issues such as: the occupation of particular scarce positions (as when conflict occurs over the occupancy of particular decision-making roles for society); the creation of alternative sets of positions (as when a group wishes to secede from one national society and establish another, complete with independent decision-making roles); or the exclusion of particular others from scarce positions (as when one group works to prevent another occupying positions of political influence within a society).”<sup>13</sup>

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<sup>11</sup> Deng, F. M. and Zartman, I. W., *Conflict Resolution in Africa*, (Washington, DC.: The Booking Institution, 1991), p. 369

<sup>12</sup> North, R. and Choucri, N., “Economic and Political Factors in International Conflict and Integration,” *International Studies Quarterly*, Vol. 27, No. 4, (1983), pp. 443-461:445

<sup>13</sup> Mitchell, C. R., *The Structure of International Conflict*, op. cit., p. 20

Therefore, conflict must be conceived as a process in which collective human needs and fears are acted out in powerful ways. Such conflicts are typically driven by non fulfillment or threats to the fulfillment of basic needs. These include not only such obvious material needs as food, shelter, physical safety and physical well being, but also, and very centrally, such psychological needs as identity, security, recognition, autonomy, self-esteem, and a sense of justice.<sup>14</sup>

Mwagiru asserts that conflict is part and parcel of our everyday life and it is part of human society.<sup>15</sup> This assertion implies that conflict is important in human and social relationships. Conflict relationships are vital and positive in society and it is critical to learn how to manage them properly. Such management could be an overhaul of structures that are unfair and inequitable with a view of achieving peace. Peace can be achieved when the root causes of the incompatibilities of conflict relationships are explored and resolved. Conflict relationships can help people understand themselves and examine their relationships in a better way. These relationships can provide the basis of societal transformation on social, political, economic and environmental matters.

Conflict can be beneficial as it serves as a useful function of warning when things are going wrong with relationships in society and can make authorities initiate remedial action. According to de Reuck, conflict can be a warning when rot is setting in, and can prompt remedial action before things go completely bad.<sup>16</sup> While violence and violent conflict should be avoided, history is replete with cases where violence has been beneficial. For example, where tyrannical

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<sup>14</sup> Kelman, H. C., "A Social-Psychological Approach to Conflict Analysis and Resolution," in Sandole, D. J. D. et al., (eds.), *Handbook of Conflict Analysis and Resolution*, (New York: Routledge, 2009), pp. 170-183:171

<sup>15</sup> Mwagiru, M. et al., *Understanding Conflicts and its Management: Some Kenyan Perspectives*, (Nairobi: CCR-WLEA Publications, 1998), p. 4

<sup>16</sup> de Reuck, A., "The Logic of Conflict: Its Origin, Development and Resolution," in Banks, M., *Conflict in World Society: A New Perspective on International Relations*, (London: Wheatsheaf Books, 1984), pp. 96-111

and oppressive governments are in power, violence has been used as a means for positive social change. Despotic regimes such as those of Idi Amin in Uganda, Mengistu Haile Mariam in Ethiopia and Mobutu Sese Seko in Zaire were removed through the use of violence.<sup>17</sup> Violence can also have a unifying effect among the weak and deprived people in a social system, and can thus lead to the regeneration and reintegration of societies.<sup>18</sup>

### 1.6.3 Literature Review on Cross Border Conflicts

Cliffe observes that the Horn has been faced with the same arbitrariness of borders inherited from European colonial rule and with the inevitably resulting problems of state making and nation building among disparate peoples and in contested territory where there were cultural links with people across the borders.<sup>19</sup> Woodward observes that;

“Part of the philosophy behind OAU policy was the belief that conflict would be most likely to arise in those states which were heterogeneous and some of whose ethnic communities were divided by the colonial borders but as experience was later to show, even those states which were supposedly homogeneous such as Somalia were affected by ethnically inspired conflict because their apparently homogeneous community was divided between neighbouring states, such as Kenya and Ethiopia.”<sup>20</sup>

Lewis emphasizes that “in any case, even the so-called ethnically homogeneous states do generate conflict between clans belonging to the same ethnic group.”<sup>21</sup> The cross border conflict among the Somali clans along the Kenya-Somalia border is a working example. Keller remarks that the creation of the modern African states disrupted the lives and political organization of pre-colonial African societies and sowed seeds for future conflicts, for instance, Somalia was

<sup>17</sup> Mwangi, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit., p. 7

<sup>18</sup> Ibid.

<sup>19</sup> Mwaûra, C., et al., “Background to Conflicts in the IGAD Region,” in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, (Asmara, The Red Sea Press, Inc., 2002), pp. 31-42:31

<sup>20</sup> Woodward, P., “Relations between Neighboring States in North-East Africa,” *Journal of Modern Africa Studies*, Vol. 22, No. 2, (1984), pp. 285-295

<sup>21</sup> Lewis, I. M., “The Ogaden and the Fragility of Somali Segmentary Nationalism,” *African Affairs*, Vol. 88, No. 353, (1989), pp. 573-579

divided between British East Africa, Italian Somaliland and French Somaliland.<sup>22</sup> Furthermore, Italians created Eritrea out of Ethiopia and some Somalis were also carried into Ethiopia towards the de-colonization period.<sup>23</sup>

Sorbo and Vale argue that since 1960s, Africa has been the site of many of the world's most deadly conflict.<sup>24</sup> Cross border conflicts are an insecurity phenomenon in the Horn of Africa that have often triggered bloody conflicts between communities along the international borders. The cutting across boundaries of ethnic groups will remain a security concern particularly when communities on either side are dissatisfied with the management of state power and resources.<sup>25</sup>

If we focus on the character of many international borders in the Horn of Africa, we find interesting economic and ecological features. Azeze and Gebremariam note that the border areas are generally arid and semi-arid environments inhabited by pastoralists and agro-pastoralists and governed by livestock economics.<sup>26</sup> The very nature of pastoral livelihoods demands a high degree of mobility guided by the need for access to water and grazing land rather than any deference to state borders.

The Ethiopia-Somalia border and particularly the Ogaden region, has been an arena for what Markakis calls an "old and bitter conflict" between two pastoral Somali clans, the Ishaq and Ogaden.<sup>27</sup> This conflict related to access to watering points and pasture was greatly exacerbated

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<sup>22</sup> Keller, E. J., "Constitutionalism and the National Question in Africa: The Case of Eritrea," in Ottaway, M., (ed.), *The Political Economy of Ethiopia*, (New York: Praeger Publishers, 1990), p. 95

<sup>23</sup> Ibid.

<sup>24</sup> Sorbo, G. and Vale, P., (eds.), *Out of Conflict: From War to Peace in Africa*, (Uppsala: Nordiska Afrikainstitutet Uppsala, 1997), p. 5

<sup>25</sup> Orwa, K., "Continuity and Change: Kenya's Foreign Policy From Kenyatta to Moi," in Oyugi, W.O., (ed.), *Politics and Administration in East Africa*, (Nairobi: East African Educational Publishers, 1994), pp. 302-306

<sup>26</sup> Teka, T. et al., *Cross-border Livestock Trade and Food Security in the Southern and Southeastern Ethiopia Borderlands*, (Organization for Social Science Research in Eastern and Southern Africa (OSSREA), Development Research Report Series 1, 1999)

<sup>27</sup> Markakis, J., *The Ishaq-Ogaden Dispute, Ecology and Politics*, (1989)

by the intervention of political forces from outside the pastoralist realm.<sup>28</sup> These political forces have claimed to a Greater Somalia and resulted in inter-state war between Ethiopia and Somalia (1960s and 1977-78) and in October, 2000 in tensions between Ethiopia and Somalia in border districts near Doolow. Krause contends that the Somalia-Djibouti border is occupied by the Issa clans and this border represents the general nomadic grazing border between the Warsangeli and Dhulbahante clans on the side of British Somaliland and the Majerteen clan on the side of Italian Somalia.<sup>29</sup> These clans fight over the control of pasture and water along their international border.

With a colonial attitude that has persisted in the post-colonial era, the spread of land privatization, and government policies favouring sedentary groups and large scale agriculture over nomadic livelihoods, competition over grazing areas has grown increasingly fierce. Duffield argues that neo-liberal policies that embrace a market economy polarize rich and poor resulting in a new generation of youth that disregard the authority of elders by obtaining wealth through militia formation and banditry.<sup>30</sup>

In most recent times, the direct line of pastoral livelihood system as a result of unfavourable ecological patterns, inadequate development policies and interventions, poor infrastructure, resource allocation and social services has increasingly marginalized pastoral communities. Thus, raiding has become an alternative means of livelihood and as one commentator notes "restricting movements which was a fatal decision meant when the animals

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<sup>28</sup> Markakis, J., *The Ishaq-Ogaden Dispute, Ecology and Politics*, op. cit.

<sup>29</sup> Krause, K. and Williams, M., (eds.), *Critical Security Studies: Concepts and Cases*, (London: Routledge, 2003), p. 328

<sup>30</sup> Duffield, M., "Ethnic War and International Humanitarian Intervention," in Kratli, S. and Swift, J., (eds.), *A Broad Perspective In Understanding and Managing Pastoral Conflict in Kenya; A Literature Review*, (London: University of Sussex, 1997)



of one group died, the only way to replenish stocks the most natural and socially available was cattle raiding.”<sup>31</sup>

#### 1.6.4 Literature Review on Cross Border Conflicts in Kenya

Mwaûra et al. assert that imposing fixed internal divisions (for example, Northern Kenya was a closed district in colonial times) and international borders without regard for livelihood systems of pastoral communities had devastating results.<sup>32</sup> The Kenya-Sudan conflict over the Elemi Triangle is a product of colonialism where traditional grazing ground for Kenyan Turkana was carved into Sudan but placed under Kenya for administration. Elemi is significant for its dry season pastures that support the Turkana, Didinga, Toposa, Nyangatom and Dassanech largely known as Karamoja cluster groups of Kenya, Uganda, Sudan and Ethiopia. The forage-rich pastures of Elemi have been the cause for the protracted and intermittent armed cattle-related conflicts among Elemi communities.

Mwaûra et al. further contend that the colonial authority quest to pacify the people led them to neglect any meaningful investment in fields of social and economic development.<sup>33</sup> Barasa notes that marginalization of communities living along international boundaries by both the colonial and the subsequent African governments has led to a trend of cattle rustling as a means of both commercial and cultural survival.<sup>34</sup>

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<sup>31</sup> Mwaûra, C. et al., “Background to Conflicts in the IGAD Region,” in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, (Asmara, The Red Sea Press, Inc., 2002), pp. 31-42:39

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Baraza, N., “Land Reforms and Agrarian Structures in Uganda: Retrospect and Prospect,” in Coldham, S., (ed.), *Land Reform and Customary Rights: The Case of Uganda*, *Journal of African Law*, Vol. 44, No. 1, (1994), pp. 34-35

Mkutu notes that prior to the system of hierarchical government, councils of elders, traditional courts and peer groups were at the centre of authority among tribes.<sup>35</sup> As such, they governed raids to ensure that they did not spiral out of control, and when disputes arose traditional mechanisms were employed to settle them. Therefore, the colonial rulers disrupted the pastoralist's social order, replacing it with a system of provincial government appointed within newly established borders that limited the free movement of pastoralists.<sup>36</sup>

Kandagor asserts that traditionally, land belonging to families was passed down from one generation to the next, but alienation of pastoralists from their land, combined with discriminatory land reforms eroded this custom.<sup>37</sup> In addition, pastoral communities were isolated from other areas that enjoyed the benefits of colonial security and development.<sup>38</sup> The weakening of traditional governance has undermined pastoralists' authority and ability to settle disputes. Mkutu argues that little infrastructure exists in the region and the presence of government in this part of the region is hardly noticeable.<sup>39</sup> As a result, those living in the border areas suffer from identity crisis and have no national affinity to any state because of isolation and marginalization.

The border areas have been the battle front for cattle rustling from 1960s hitherto and many attempts to stop the practice have failed because the strategies have not addressed the real issues of cross border conflicts. Mkutu avers that the question of marginalization, provision of basic services and economic empowerment has not been given a higher priority.<sup>40</sup> Lack of

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<sup>35</sup> Mkutu, K. A., *Pastoral Conflict and Small Arms: The Kenya-Uganda Border Region*, (London: Saferworld, 2003), p. 192

<sup>36</sup> Ibid.

<sup>37</sup> Kandagor, D., *Rethinking Pastoralism and African Development: A Case Study of the Horn of Africa*, (2005)

<sup>38</sup> Mburu, N., Contemporary Banditry in the Horn of Africa: Causes, History, and Political Implications. *Nordic Journal of African Studies*, Vol. 8, No. 2, (1999), pp. 89-107

<sup>39</sup> Mkutu, K. A., *Pastoral Conflict and Small Arms: The Kenya-Uganda Border Region*, op. cit. pp. 9-11

<sup>40</sup> Mkutu, K. A., *Improving Human Security through the Control and Management of Small Arms*, (Paper Presented in a Workshop, on March 23-25, 2000, Arusha, Tanzania)

effective government policing in these marginalized areas motivate the pastoralists to arm themselves for their protection against other raiding groups. Due to the porosity of the borders, small arms from the war-torn areas within the Horn of Africa find an available market among the pastoralist communities. The pastoralists buy them for protection of their livestock and raiding purposes. The approach of using force since the pre-colonial and post colonial period to resolve cross border conflicts has not yielded the desired results.

### 1.6.5 Literature Review on Peacebuilding

Peacebuilding as a concept evolved from Galtung's view of positive peace.<sup>41</sup> According to him, peace has two dimensions; "negative peace" and "positive peace."<sup>42</sup> Negative peace "is the absence of violence, absence of war" and positive peace "is the integration of human society."<sup>43</sup> Positive peace is a dynamic process rather than an end and implies a condition where conflicts are addressed and solved. This is a condition that is illustrated by not only the absence of war or violent conflict, but also by the presence of factors such as economic and social justice, inter-group understanding, ecological balance and opportunities for decision making which reduce the likelihood of violent conflict. Peacebuilding seeks to create and promote positive peace, a "stable social equilibrium in which the surfacing of new disputes does not escalate into violence and war; where there is sustainable peace devoid of physical and structural violence and discrimination."<sup>44</sup>

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<sup>41</sup> Galtung, J., "Peace, War and Defence," *Essays in Peace Research*, Vol. 2, (1976), pp. 282-304

<sup>42</sup> Galtung, J., *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*, (London: Sage, 1996), pp. 1-3

<sup>43</sup> Galtung, J., "Positive and Negative Peace," *Journal of Peace Research*, Vol. 1, No. 1, (1964), pp. 1-4:2

<sup>44</sup> Lederach, J. P., *Building Peace: Sustainable Reconciliation in Divided Societies*, (Washington, DC.: United States Institute of Peace Press, 1997)

Peacebuilding entered into the international lexicon in 1992 when United Nations (UN) Secretary General Boutros Boutros-Ghali defined it in *An Agenda for Peace* as “post-conflict action to identify and support structures which tend to strengthen and solidify peace to avoid a relapse into conflict.”<sup>45</sup> He used the term peacebuilding as part of a continuum, ranging from preventive diplomacy, to peacemaking, to peacekeeping and finally to post-conflict peacebuilding.<sup>46</sup> Preventive diplomacy seeks to stop conflicts from escalating, peacemaking seeks to bring conflicting parties to the negotiating table before large-scale violence takes place, peacekeeping seeks to contain the violence and post-conflict peacebuilding seeks to reweave the fabric of a society as it emerges from a destructive international conflict or war.

Goodhand and Hulme stress the need for making a clear distinction between peacemaking and peacebuilding.<sup>47</sup> Peacemaking is concerned with political, diplomatic and sometimes military interventions directed at bringing warring parties to agreement, while peacebuilding focuses on the promotion of institutional and socio-economic measure that addresses the context and underlying causes of conflict.<sup>48</sup> Lederach contends that peacebuilding is “a comprehensive term that encompasses the full array of stages and approaches needed to transform conflict towards sustainable, peaceful relations and outcomes.”<sup>49</sup>

The purpose of peacebuilding is to create sustainable peace. Peck defines sustainable peace as sustainable development which involves the institutionalization of participatory processes in order to provide civil and political rights to all peoples.<sup>50</sup> Sustainable development

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<sup>45</sup> Boutros-Ghali, B., *An Agenda for Peace*, (New York: The United Nations, 1992)

<sup>46</sup> Ibid.

<sup>47</sup> See Cooperation for Peace and Unity (CPAU), *Understanding Peace and Peacebuilding*, (GPPAC Global Conference, July 2005, Kabul, Afghanistan), p. 3

<sup>48</sup> Ibid.

<sup>49</sup> Lederach, J. P., *Building Peace: Sustainable Reconciliation in Divided Societies*, (Washington, DC.: United States Institute of Peace, 1997), p. 63

<sup>50</sup> Peck, C., *Sustainable Peace: The Role of the UN and Regional Organizations in Preventing Conflict*, (New York: Rowman and Littlefield Publishers, 1998), p. 45

refers to that type of development which meets the needs of the present generation without compromising those of future generations. He further states that the building blocks of sustainable peace and security are; well functioning local, state, regional and international systems of governance, which are responsive to basic human needs.<sup>51</sup>

Conflict prevention through development and social transformation is therefore central to the concept of sustainable peace. Conflict prevention describes the whole range of development and crises intervention efforts to reconcile parties and groups with incompatible interests and to prevent the pursuit of irreconcilable differences and interests to escalate into armed conflict.<sup>52</sup> Similarly, when the pursuit of incompatible differences and interests escalate into armed conflict and is resolved, the efforts and intervention strategies to prevent relapse into further violence is described as conflict prevention.<sup>53</sup>

Conflict, as long as it does not take violent forms, may contribute to a dynamic and innovative society. As it is increasingly acknowledged that social conflict is in fact inevitable, some approaches to peacebuilding have turned the focus from the root causes to good governance and peaceful dispute settlement mechanisms.<sup>54</sup> Heinrich posits that peacebuilding must aim at reviving a country's economy, establishing participatory systems of governance and accountable administrations, improving judicial and police systems, disarmament and demobilization of former combatants and their sustainable social, psychological and economic

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<sup>51</sup> Peck, C., *Sustainable Peace: The Role of the UN and Regional Organizations in Preventing Conflict*, op. cit., p. 45

<sup>52</sup> Francis, D. J., "Peace and Conflict Studies: An African Overview of Basic Concepts," in Best, S. G., (ed.), *Introduction to Peace and Conflict Studies in West Africa*, (Ibadan: Spectrum Books, 2006)

<sup>53</sup> Ibid.

<sup>54</sup> Zartman, I. W., (ed.), *Elusive Peace: Negotiating an end to Civil Wars*, (New York: The Brookings Institution, 1995), p. 5; See also Markakis, J., *Resource conflict in the Horn of Africa*, (London: Sage, 1998), p. 4

rehabilitation, monitoring of human rights, arrangements for the return of refugees and internally displaced persons and their reintegration into society, repairing the land and infrastructure.<sup>55</sup>

Three types of peacebuilding approaches have been described by The Institute for Multi-Track Diplomacy all of which seem to be necessary for the successful transformation of a conflict habituated system to become a peace system: political peacebuilding, structural peacebuilding and social peacebuilding. Besides, there is also a community-based peacebuilding approach.<sup>56</sup>

Political peacebuilding normally deals with establishing political arrangements that provide the over-all context within which to understand the relationships of the various parties and their resources.<sup>57</sup> It deals with agreements, negotiations and peace accords at the political level. It is about building a legal infrastructure that can address the political needs and manage the boundaries of peace system. Negotiations, technical working groups, fact finding missions are some of the activities of the political peacebuilding approach. Governments focus their attention on political peacebuilding activities.

Structural peacebuilding deals with just distribution of resources and power, correction of political and economic systems and economic activities. Structural peacebuilding is about activities, which deals with creating structures, systems of behaviour, institutions, and concerted actions that support the embodiment or implementation of a peace culture.<sup>58</sup> It is about building an economic, military, and social infrastructure that provides concrete and realistic avenues through which a new peace system might express itself. Economic development programs,

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<sup>55</sup> Heinrich, W., *Building the Peace: Experiences of Collaborative Peacebuilding in Somalia 1993-1996*, (Nairobi: Life and Peace Institute, 1997)

<sup>56</sup> Diamond, L. and McDonald, J., *Multi Track Diplomacy: A Systems Approach to Peace*, 3<sup>rd</sup> Edition, (Washington, DC.: Institute for Multi Track Diplomacy, 1993)

<sup>57</sup> Notter, J. and Diamond, L., "Building Peace and Transforming Conflict: Multi-Track Diplomacy in Practice," *Occasional Paper*, (The Institute for Multi-Track Diplomacy, No. 7, October 1996)

<sup>58</sup> Ibid.

strengthening democracy and governance and supporting the creation of indigenous Non-governmental Organizations (NGOs) which support peace are some of the activities that are considered to be closely related with structural peacebuilding. Structural peacebuilding involve both governmental and non-governmental actors.

Social peacebuilding is the grass-roots portion of the peacebuilding process. Social peacebuilding is about relationships. It deals with issues of feelings, attitude, opinions, beliefs, values, and skills as they are held and shared between peoples, individuals and in groups.<sup>59</sup> It is about building a human infrastructure of people who are committed to engendering a new culture, a "peace culture" within the social fabric of communal and inter-communal life.

In order to move a conflict habituated system to a peace system, there is need to change the way people think. Change in the attitude and behaviour can be achieved through formal and informal peace education. The Seville Statement on Violence hypothesizes that "just as 'wars begin in the minds of men', peace also begins in our minds. The same species who invented war is capable of inventing peace. The responsibility lies with each of us."<sup>60</sup> This statement was subsequently adopted by United Nations Educational Scientific and Cultural Organization (UNESCO) and paraphrased in the preamble of its constitution as; "since wars begin in the minds of men, it is in the minds of men that defences of peace must be constructed."<sup>61</sup> Peace education promotes the development of an authentic consciousness that is necessary to change attitude and behaviour in order to achieve greater cooperation and peaceful problem solving.

Community-based peacebuilding assumes that people and culture are the best resources for building and sustaining peace. It is primarily concerned with strengthening the role of local

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<sup>59</sup> Notter, J. and Diamond, L., "Building Peace and Transforming Conflict: Multi-Track Diplomacy in Practice," *Occasional Paper*, op. cit.

<sup>60</sup> Spanish National Commission for UNESCO, *Seville Statement on Violence*, on May 16, 1986, Seville, Spain)

<sup>61</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO) Constitution, 1945

people and their institutions as a means of promoting a peace. Community-based peacebuilding aims to teach people at the community level how to deal with violence proactively and ultimately build and sustain peace.

This review has made attempts to link the occurrence and reoccurrence cross border conflicts to the imperialistic treaties that demarcated African countries. However, this view has been contested by a number of scholars who attribute the occurrence and reoccurrence of cross border conflicts to competition for resources between communities living along the Kenyan international borders. Besides, the desires for security, recognition and development needs have also been responsible for cross border conflicts.

Literature on cross border conflicts has been reviewed and it has been noted that conflict is both dysfunctional and positive and its perception determines to a large extent the response and management. It has been noted that cross border conflicts can be resolved if the real issues are understood and addressed.

Having reviewed literature on peacebuilding, it can be summarized that; the process of peacebuilding can be supported through a broad set of policies and programmes, such as measures to stabilize the economy, rehabilitate infrastructure, strengthen food-security systems, capacity building, administrative and institutional reforms among others. These are some of the measures that can address the occurrence and reoccurrence of cross border conflicts between Kenya and her neighbours in the Horn of Africa.

From the literature review, it's evident that there is fairly moderate literature on conflicts and cross border conflicts that is related to this research topic. Several scholars and researchers have also undertaken studies and written on peacebuilding. However, there is no existing literature that has investigated the impact of cross border conflicts on peacebuilding in Kenya.



## **1.7 Justification of the Study**

Research remains the most efficient and reliable source of knowledge. This study seeks to stimulate new ideas and improve on the existing knowledge on cross border conflicts and peacebuilding in the Horn of Africa by exploring the relationship between cross border conflicts and peacebuilding in Kenya. This study also seeks to enable theory development through formulation of generalizations on cross border conflicts and peacebuilding. The study attempts to find answers and solutions to cross border conflicts which will be guided by the research findings.

The research work will be of great benefit to the other researchers and scholars who will wish to carry out further research on cross border conflicts and peacebuilding. It is hoped that the findings of this work will introduce information regarding cross border conflicts and peacebuilding into public domain to stimulate academic dialogue and debate and at the same time raise public awareness.

This study is expected to contribute significantly to the development of a concrete strategy that will inform decision makers on the formulation and implementation of both national and regional peacebuilding policy frameworks that will resolve cross border conflicts along the international borders of Kenya and the Horn of Africa.

## **1.8 Theoretical Framework**

Human needs theory is the theoretical framework that informs this study. This theoretical framework is relevant to this study because it enhances topic conceptualization by enabling the researcher to have a broader perspective of the research problem. Besides, it provides tentative theoretical answers to questions and help to analyze the research findings.

This theory was developed by John Burton and operates on the premise that a precondition for the resolution of conflict is that fundamental human needs be met.<sup>62</sup> It is based on the hypothesis that humans have basic needs that have to be met in order to maintain stable societies. Scimecca states that Burton adopted eight fundamental needs from the basis of the work by the American sociologist Paul Sites and introduced one further need of his own.<sup>63</sup> Those adopted needs included; control, security, justice, stimulation, response, meaning, rationality and esteem/recognition. Burton's additional need was role-defence, the need to defend one's role and called these "ontological needs" as he regarded them as a consequence of human nature, which were universal and would be pursued regardless of the consequence.<sup>64</sup>

Human needs theorists argue that conflicts are caused by unmet human needs and Burton posits as follows:

"We believe that human participants in conflict situations are compulsively struggling in their respective institutional environments at all social levels to satisfy primordial and universal needs; needs such as security, identity, recognition, and development. They strive increasingly to gain the control of their environment that is necessary to ensure the satisfaction of these needs."<sup>65</sup>

Unless identity needs are met in multi-ethnic societies, unless in every social system there is distributive justice, a sense of control and prospects for the pursuit of all other human societal developmental needs, instability and conflict are inevitable.<sup>66</sup> Rosenberg states that violence is a

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<sup>62</sup> Burton, J. W., and Sandole, D. J. D., "Generic Theory: The Basis of Conflict Resolution," *Negotiation Journal*, Vol. 2, No. 4, (1986), pp. 333-334

<sup>63</sup> Scimecca, J. A., "Self-reflexivity and Freedom," in Burton, J. W., (ed.), *Conflict: Human Needs Theory*, (London, Macmillan, 1990), p. 206

<sup>64</sup> *Ibid.*, p. 338

<sup>65</sup> Burton, J. W., "Conflict Resolution as a Political System," in Volkan, V. et al (eds.), *The Psychodynamics of International Relationships: Volume II: Unofficial Diplomacy at Work*, (Lexington: MA, Lexington Books, 1991) p. 82-83

<sup>66</sup> *Ibid.*, p. 21

tragic expression of unmet human needs, implying that all actions undertaken by human beings are attempts to satisfy their needs.<sup>67</sup>

According to Christie, human needs theory offers insights into a range of peacebuilding processes that are involved in the reduction of both direct and structural violence.<sup>68</sup> Direct violence refers to physical injuries and the infliction of pain by one party against the other(s) and may also take the form of verbal and psychological abuse. Structural violence is non-violent conflict that subsists as a result of the presence of structures of violence. Galtung asserts that given its indirect and insidious nature, structural violence most often works slowly in eroding human values and shortening life spans.<sup>69</sup> It is typically built into the very structure of society and cultural institutions.

The significance of this theory recognizes the fact that cross border conflicts can be prevented, mitigated and resolved if the issues, needs and interests of all the communities living along the Kenyan international borders are met. Bercovitch and Jackson argue that the key assumption at the heart of peacebuilding is that violent social conflict has complex and multiple causes that are rooted in the political, economic and social structures of society, including intolerable poverty, inequality and relative deprivation, injustice, institutional failure, political grievance and social divisions among others.<sup>70</sup> Therefore, this means that resolution of conflicts and creating sustainable constructs of peace requires concerted efforts to deal with these deep structural problems. Therefore, all the actors involved in peacebuilding need to undertake

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<sup>67</sup> Rosenberg, M., *Nonviolent Communication, A Language of Life*, (California: Puddle Dancer Press, 2003), pp.3-7

<sup>68</sup> Christie, D. J., "Reducing Direct and Structural Violence: The Human Needs Theory," *Peace and Journal of Peace Psychology*, Vol. 3, No. 4, (1997), pp. 315-332

<sup>69</sup> Galtung, J., "Cultural Violence," *Journal of Peace Research*, Vol. 27, No. 3, (1990), pp. 291-305

<sup>70</sup> Bercovitch, J. and Jackson, R., *Conflict Resolution in the Twenty-first Century: Principles, Methods and Approaches*, (Ann Arbor: The University of Michigan Press, 2009), p. 172

initiatives that address all the issues, needs and interests of the parties involved in cross border conflicts.

## 1.9 Research Methodology

Methodology is a system of explicit rules and procedure upon which research is based and against which claims for knowledge are evaluated.<sup>71</sup> This section discusses the; research design, data collection, data collection procedures and data analysis.

A research design is a specific plan for studying the research problem. It constitutes the blue print for the collection, measurement and analysis of data.<sup>72</sup> It is the “glue” that holds all of the elements in a research project together.<sup>73</sup> Case study design was adopted for this study. A case study investigation makes a detailed examination of a single subject, group or phenomenon. This research design describes the units of analyses in detail, in context, holistically and brings about deeper insights and better understanding of the research problem.

Social scientists are increasingly using data collected by other investigators and institutions for research purposes. In research on contemporary issues, as Herbert Hyman points out, the investigator searches through a wide range of materials covering different areas and eras, which may result in greater scope and depth than is possible when using a single primary research project.<sup>74</sup> Sources such as books, relevant chapters, journals, dissertations, reports, conference proceedings and government and international organizations documents formed the basic sources of data for documentary analysis.

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<sup>71</sup> Nachmias, C. F. and Nachmias, D., *Research Methods in the Social Sciences*, Fifth Edition, (London: St. Martin's Press Inc., 1996), p. 13

<sup>72</sup> Kothari, C. R., *Research Methodology: Methods and Techniques*, Second Revised Edition, (New Delhi: New Age International (P) Limited, 2004), p. 39

<sup>73</sup> Kombo, D. K. and Tromp, D. L. A., *Proposal and Thesis Writing: An Introduction*, (Nairobi: Paulines Publications Africa, 2006), p. 70

<sup>74</sup> See Nachmias, C. F. and Nachmias, D., *Research Methods in the Social Sciences*, op. cit., p. 305

With secondary sources, we can better understand the historical context; by analyzing data collected in different times on similar issues, we can also describe and explain change. Hyman suggests that secondary analysis of a series of comparable surveys from different points in time provides one of the rare avenues for the empirical description of long-term changes and for examining the way phenomena vary under the contrasted conditions operative in one (or several) society (ies) at several points.<sup>75</sup>

Secondary data can be used for comparative purposes within and between nations and communities, as this may enlarge the scope of generalizations and provide additional insights. Over and above, collection of secondary data is generally significantly quicker, easier and eliminates the time consuming analysis stage. Primary research is a costly undertaking and therefore it is considerably cheaper to use existing data rather than to collect new data.

Nachmias and Nachmias posit that "like other data collection methods, secondary data has certain inherent limitations."<sup>76</sup> Perhaps the most serious problem in using secondary data is that it oftenly approximate the kind of data that the investigator would like to employ for testing hypotheses. A further limitation with secondary data collection might have emerged because the researcher had insufficient information about how the data was collected, as this information is important for determining potential sources of bias, errors or problems with internal or external validity. Another drawback in using secondary data was access to such data.<sup>77</sup> Although thousands of studies are available in data archives, it was difficult to find the ones with the variables of interest.

Secondary sources of data were complimented by primary sources. Raw data constituting of minutes of security and peace committee meetings on cross border conflicts and peacebuilding

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<sup>75</sup> See Nachmias, C. F. and Nachmias, D., *Research Methods in the Social Sciences*, op. cit., p. 306

<sup>76</sup> Ibid., p. 308

<sup>77</sup> Ibid.

were subjected to content analysis. Too, were parliamentary reports on peace and security and other unpublished reports on cross border conflicts and peacebuilding. Collection of raw data was less costly and not time consuming. The work experience of the researcher as a field Administrative Officer in the border regions of the Karamoja and Somali Clusters was an additional source of information. As a field Administrative Officer, the researcher was able to unobtrusively observe these conflicts as they occurred in their natural setting. Observation as a data collection tool provides information on the actual behaviour patterns of the sample.

After obtaining detailed information about the research topic, a qualitative analysis was conducted to establish patterns, trends and relationships. A case study method was adopted to analyze the research findings. The case study method is a form of qualitative analysis where a careful and complete or intensive observation of an individual, a situation, an institution, a cultural group or even the entire community is done. Thus, it is a method of study in depth rather than breadth.<sup>78</sup> Efforts were made to study each and every aspect of the concerned unit in minute details, and draw case data generalizations and inferences thereafter.

### **1.10 Chapter Outline**

This study is divided into five chapters. Chapter one introduces the topic by first setting the broad context of the research study, the statement of the research problem, research questions, research objectives, hypotheses, literature review, justification, theoretical framework and methodology. Chapter two explores a conceptual analysis of cross border conflicts and peacebuilding initiatives. Chapter three examines cross border conflicts and peacebuilding in

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<sup>78</sup> Kothari, C. R., *Research Methodology: Methods and Techniques*, op. cit., p. 113

Kenya (1992-2010). Chapter four critically analyzes cross border conflicts and peacebuilding in Kenya. Lastly, chapter five provides conclusions and recommendations.

## CHAPTER TWO

### A Conceptual Analysis of Cross Border Conflicts and Peacebuilding

#### 2.1 Introduction

This chapter examines the dimensions of cross border conflicts. Besides, it explores internationalization of conflicts and illustrates how conflicts, for example, cross border conflicts are transformed into international conflicts through the various agents of internationalization. However, it is important to note that Burton made a significant contribution to the study of conflict by demonstrating that even international crises and conflicts have domestic sources.<sup>1</sup> Therefore, the fact that international conflict has internal sources makes it analytically impossible to separate domestic conflicts from the international ones.

Moreover, the chapter demonstrates that as conflicts internationalize they shape the conflict system. The conflict system perspective appreciates the fact that every conflict is interconnected with other conflicts in a sub-region and this has implications for conflict management. The idea of the conflict system recognizes the interconnectivity of conflicts and its implications in systemic analysis and management. This chapter examines the Horn of Africa conflict system. Lastly, the chapter conceptually analyses peacebuilding initiatives that attempt to resolve the root causes of cross border conflicts.

#### 2.2 Dimensions of Cross Border Conflicts

Cross border dimension helps to shape the nature of conflict in the region. State borders divide communities nearly everywhere in the Horn of Africa, making it likely that even localized

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<sup>1</sup> Burton, J. W., *Global conflict: The Domestic Sources of International Crisis*, (Brighton: Wheatsheaf Books, 1984)



conflicts can have border dimensions and complications. This is most likely to happen in the pastoralist zone through which nearly all state border lines are drawn in this region, dividing communities and obstructing natural movement of people, livestock and trade.<sup>2</sup>

Chweya argues that communities in most scarcely watered areas invariably engage in nomadic pastoral economic activities rather than crop production because the former type of land use allows for movement in search of water and pasture.<sup>3</sup> Such nomadic economic activities are an important source of conflict over the supply driven pasture and water resources.<sup>4</sup>

Conflicts that challenge the state or the existing regime usually transcend state borders because opposition movements seek and nearly always find support or at least safe haven in the neighbouring countries. In fact, it is axiomatic in the region that a dissident movement without a base across the border has no chance to succeed.<sup>5</sup> It has been common practice in the region for states to offer significant material support and hospitality to dissident movements operating in a neighbouring country.<sup>6</sup> These cross border conflicts bedevil inter-state relations in the region as each state seeks to retaliate against its neighbours by hosting dissident movements from across the border.<sup>7</sup>

Raiding for animals, a wide spread practice in the pastoralist zone, often takes place across borders. Pastoral communities criss-cross national borders in search of water and pasture and thereby provoke conflicts with each other over claims of ownership of the disputed resources

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<sup>2</sup> Cliffe, L. and White, P., "Conflict Management and Resolution in the Horn of Africa," in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, (Asmara, The Red Sea Press, Inc., 2002), pp. 43-68:49

<sup>3</sup> Chweya, L., "Emerging Dimensions of Security in the IGAD Region," in Mwangiri, M., (ed.), *African Regional Security in the Age of Globalisation*, (Nairobi: Heinrich Boll Foundation, 2004), pp. 31-50:39

<sup>4</sup> Ibid., p. 39

<sup>5</sup> Cliffe, L. and White, P., "Conflict Management and Resolution in the Horn of Africa," in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, op. cit., p. 49

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

and the tendency to defend the resources from "external" encroachment.<sup>8</sup> Furthermore, the pastoral communities also engage in cross border livestock rustling in order either to replenish numbers decimated during drought or for varied other cultural reasons that are nevertheless tied to scarcity of natural resources and the harshness of the physical environment.<sup>9</sup> Commercialization of stock theft and trade in small arms has greatly raised the stakes of this practice.

The cross border dimension of conflict is critical in the design of any intervention and management mechanisms. The dimension of the conflict gives it a regional and global character that provides an opportunity for addressing the problems at those two levels. For example, Kenya engages the regional and global context of the conflict when it relates to the problem of proliferation of Small Arms and Light Weapons (SALWs). The government places the problem on the agenda of regional and global organizations meetings like the; East African Community (EAC), Intergovernmental Authority on Development (IGAD), African Union (AU) and United Nations (UN) for discussion and resolution.

### **2.3 Internationalization of Conflicts and Conflict Systems**

Keller argues that one of the defining features of the new order is the increased scope and intensity of domestic conflicts that have spilled, or have the potential to spill over national borders into neighbouring states.<sup>10</sup> Internationalization of conflict occurs when an internal conflict crosses an international border. Internal and international conflicts have a relationship occasioned by the porous borders dividing countries, for example the international borders

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<sup>8</sup> Ofuho, C. H., "Security Concerns in the Horn of Africa," in Mwangi, M., (ed.), *African Regional Security in the Age of Globalisation*, (Nairobi: Heinrich Boll Foundation, 2004), pp. 7-17:15

<sup>9</sup> Ibid.

<sup>10</sup> Keller, E. J., "African Conflict Management and the New Order," *Policy Paper*, (Institute on Global Conflict and Cooperation, May, 1995)

dividing countries in the Horn of Africa. What the conflict relationship means is that once there is a conflict in one community on one side of the border, the conflict immediately spill over and involve communities on the other side of the border.<sup>11</sup>

According to Mwangiri, conflicts easily attract the attention and involvement of international and regional actors because of their implications on human rights, the displacement of persons both internally and externally as refugees and the security complexes that such conflicts generate in the neighbouring countries.<sup>12</sup> When this happens, an internal conflict becomes internationalized and develops some elements of international characteristics. In discussing internationalisation of conflict, Jackson asserts that:

“There are several processes by which internal conflicts may be transformed into wider international conflicts. First, they can become a threat to international peace and security when the fighting spills over into neighbouring states or refugee-flows upset regional stability. Second, external states are often directly or indirectly drawn into the conflict through support links to the various sides of the conflict, supplying weapons, training, or other materials. Third, sub-state actors such as rebel movements, militias, warlords often receive financial and political support from diaspora communities or ethnic kin separated by international borders. Lastly, the international community may decide to send in a peacekeeping force, or take such an active interest in the fighting that it becomes a matter of international concern.”<sup>13</sup>

Internationalization of conflict implies that new factors and actors are introduced to the conflict as argued by Mwangiri that “it introduces new complexities to challenges of conflict management.”<sup>14</sup> He observes that the introduction of external actors and exogenous third parties, for example, mediators and facilitators and agencies providing humanitarian aid, alter the

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<sup>11</sup> Mwangiri, M., *Peace and Conflict Management in Kenya*, (Nairobi: Centre for Conflict Research, 2003), p. 28

<sup>12</sup> Mwangiri, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, (Nairobi: Centre for Conflict Research, 2006), pp. 62-68

<sup>13</sup> Jackson, R., “Violent Internal Conflict and the African State: Towards a Framework of Analysis,” *Journal of Contemporary African Studies*, Vol. 20, No. 1, (2002), pp. 29-52:30

<sup>14</sup> Mwangiri, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit., 68

structure of internal conflicts significantly and make the conflict management map much more complex.

Mwagiru further argues that internationalization of conflicts has several effects on the conflict. Firstly, "it broadens the conflict and brings in external perspective."<sup>15</sup> It also gives the third party a broader and more sophisticated view and appreciation of the conflict which in turn enables a more sophisticated analysis of the conflict. He argues, in reference to the Sudan conflict mediation process by Inter-Governmental Authority on Development (IGAD) that IGAD member states became jointly involved in the management of that conflict on the realization that the conflict had become internationalized.<sup>16</sup>

### 2.3.1 Agents of Internationalization of Conflicts

Mwagiru observes that there are certain internationalization agents of internal conflict which include; interdependence, human rights, the idea that international conflict has domestic sources, the problem of ethnicity, especially the division of an ethnic group by international borders, the problem of refugees and the media.<sup>17</sup>

The idea of interdependence of states and actors in the international system has had profound effects on the understanding of how the international system works and the diverse forces that influence it. Because international society and the actors in it are interdependent, it is difficult to draw a fast line between domestic and international.

In the analysis of conflict, this means that internal and external actors are linked by many transactions and relationships, and these becomes more evident as a conflict develops. The relationships include those between the internal parties themselves; between each party and its

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<sup>15</sup> Mwagiru, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit., p. 69

<sup>16</sup> Ibid., p. 70

<sup>17</sup> Ibid., p. 62

environment, which is domestic, regional and international; between the party and its constituents; between the constituents of each of the parties in the conflict; between the parties and external actors, such as allies and supporters and the relationships between the external supporters.<sup>18</sup> This pattern of relationships crosses internal borders and enters international domain. While the conflict might originally have been internal, it becomes internationalized by this complex pattern of relationships and the connections between the various actors.<sup>19</sup>

The international human rights system is probably the most clearly internationalizing agent of internal conflict. Human rights issues are of universal concern and any member of the system has a right, and indeed a duty, to protect and express concern over the violations of human rights anywhere. Also, human rights treaties, especially those dealing with fundamental human rights are binding on all states whether or not they have formally bound by them. Under international law, humanitarian intervention does not require invitation or consent because a government responsible for violations of human rights of its citizens is unlikely to allow, much less invite, intervention to stop the violations and abuses of human rights within its territory.

Burton made a significant contribution to the study of conflict by demonstrating that even international crises and conflicts have domestic sources.<sup>20</sup> This contribution has profound significance in appreciating the process of internationalization of conflict. An example from a contemporary international conflict is the conflict between Ethiopia and Eritrea which is eminently an international conflict. On the face of it, the conflict is about the border separating the two states. But in truth, the conflict is about the economic relationship between the two states and their economic independence.

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<sup>18</sup> Mwagiru, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit., p. 63

<sup>19</sup> Ibid.

<sup>20</sup> Burton, J. W., *Global conflict: The Domestic Sources of International Crisis*, op. cit.

The introduction by the Eritrea of its own currency had serious international consequences on the Ethiopian economy. While the introduction of a new currency is a matter within Eritrea's domestic economic affairs, it has serious international effects.<sup>21</sup> It also affects the Ethiopian economy, and this is clearly one of the causes of conflict. The retaliatory requirement by Ethiopia that Eritrea pays for its goods in hard currency is equally an Ethiopian internal matter and part of its right to make decisions about its economy. But clearly, it also has international repercussions, because it affects the domestic economy of Eritrea. This conflict between the two counties demonstrates how internal and international affairs become intertwined and how an international conflict can have domestic sources in this case economic and political ones.

Ethnicity and ethnic relations as an agent of the internationalization of internal conflict is relevant especially in Africa.<sup>22</sup> The realities of the African ethnic context were enshrined at the 1884-5 Berlin Conference, where Africa was carved up by the imperial powers. In dividing African territories amongst themselves, the imperial powers paid little heed to ethnic, cultural, geographic or other factors.<sup>23</sup> The end result of the exercise was that many communities in Africa were separated by territorial borders. Asiwaju and others have shown that virtually every border in Africa divides an ethnic community, often between more than two states.<sup>24</sup> The Somali community for example is found in many different states: in Somali itself, in Kenya, Ethiopia, and Djibouti.

The division of ethnic communities by international borders has serious implications for the development of internal conflict and its internationalization. The internal conflict becomes

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<sup>21</sup> Mwagiru, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit., p. 63

<sup>22</sup> Ibid., p. 65

<sup>23</sup> Asiwaju, A. I., (ed.), *Partitioned Africans: Ethnic Relations Across Africa's International Boundaries, 1884-1984*, (Lagos: Lagos University Press, 1984)

<sup>24</sup> Ibid.

internationalized by contagion because of the international borders. Migration of ethnic communities to other countries alters the ethnic demography of their new settlements, and this may generate conflict which in the nature of things is already significantly internationalized.<sup>25</sup> An ethnic community divided by an international border also displays sympathies with its kith and kin involved in a conflict across the border, and once this sympathy is translated into support, the formerly internal conflict becomes internationalized.<sup>26</sup>

One of the immediate effects of conflicts generally is that it tends to generate refugees who run away from their homelands in search of safety. Refugees, in doing so, cross international borders. Indeed, the definition of a refugee in international law is closely tied to the fact of crossing an international border.<sup>27</sup> The outflow of refugees internationalizes an internal conflict once they cross international borders, and join other communities. Their interactions with those communities in itself generates conflict, because, for example, of the pressure on land, and land use systems.<sup>28</sup> This puts the pressure on the governments to act, and part of the action is to address the cross border causes of the conflict. It also generates international environmental conflicts which in their nature are internationalized, since the environment respects no territorial or any other borders.

Once refugees have crossed the border, their problem ceases to be an internal affair of the states of their nationality. The problem now involves the state of asylum and brings international actors such as the United Nations through the United Nations High Commissioner for Refugees

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<sup>25</sup> Stavenhagen, R., "Ethnic Conflicts and their Impact on International Society," *International Social Science Journal*, Vol. 43, (1991), pp.117-131

<sup>26</sup> Mwangi, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit., p. 66

<sup>27</sup> Article 1 of the United Nations Convention Governing the Status of Refugees, (1951)

<sup>28</sup> Darkor, M. B. K., "Population, Environment and Sustainable Development: Desertification in Africa" *Desertification control Bulletin*, No. 25, (1994), pp. 20-26

(UNHCR) and International Committee of the Red Cross (ICRC) which ensures that the provisions of international humanitarian law are respected.

The electronic media has been an important internationalizing agent of internal conflict. What has come to be known as the "CNN factor" essentially means that events happening in one part of the world are transmitted instantaneously to other parts of the world.<sup>29</sup> In terms of conflict, the media immediately internationalizes an internal conflict. This has important effects because it prompts the demand for action. The intervention of the United States of America and the United Nations in Somalia was largely pressurized by the reporting of the conflict in the media.<sup>30</sup>

As conflicts internationalize, they get transformed bringing in new actors, new issues and new interests. Internationalization means looking at the conflict from a wider systemic perspective, i.e. examining it in the context of the conflict system to which it belongs. This broadens the conflict and has implications on the conflict management because the conflict manager must follow the conflict to the new arena as well as understand the new dimensions in order to come up with appropriate resolution.

Conflict analysis and management from a conflict system approach requires the acknowledgement that every conflict is interconnected with other conflicts in a region. It means, for example, acceptance of the reality that management of a particular individual conflict which does not take into account systemic (or regional) realities is unlikely to be effective. Therefore, conflict management should not concentrate only on one dimension of the conflict but take into account all other conflicts which are interconnected in a region.

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<sup>29</sup> Gergen, D. R., "Diplomacy in a Television Age: The Dangers of Teledemocracy," in Serfaty, S., (ed.), *The Media and Foreign Policy*, (London: Macmillan, 1990), pp. 47-63

<sup>30</sup> Mwagiru, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit., p. 67



The conflict systems idea recognizes and acknowledges that conflicts, like many other phenomena, are indivisible from the whole. A conflict systems approach eventually entails a shift in levels of analysis, from a particularistic (single conflict perception) to a systemic basis.<sup>31</sup> The conflict systems approach recognizes and celebrates the essential inter-linkages of conflict in a region, and this accounts for much of its richness.<sup>32</sup> Mwangiri maintains that "the conflict systems approach makes the study and analysis of conflicts in Africa as elsewhere more rational. It also encourages the systemic analysis of various conflicts taking into account the various actors, issues, influences, and inter-linkages that inform them.

### 2.3.2 The Horn of Africa Conflict System

The idea of conflict system is important in the analysis and management of regional conflicts. This notion introduces new and broader ways of understanding conflicts and champion the belief that every conflict has intimate relationships regionally and what might at first appear as individualized conflicts in fact are parts of wider pattern of conflicts regionally. It rejects the idea that conflicts do not have trans-border realities, and instead perceives individual conflicts as an integral part of a wider conflict system.<sup>33</sup> The escalating diffusion of conflicts across borders and the complex linkages between their causes and actions have created conflict systems that demand innovative institutional frameworks.

Various conflict systems can be identified thematically, such as, the Horn of Africa conflict system or the Great Lakes conflict system. The conflict systems, for instance, the Horn of Africa conflict system overlaps with the Great Lakes and North Africa conflict system to form

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<sup>31</sup> Mwangiri, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit., p. 74

<sup>32</sup> Ibid.

<sup>33</sup> Mwangiri, M., *The Greater Horn of Africa Conflict System: Conflict Patterns, Strategies and Management Practices*, (Unpublished, 1997), p. 2

the Greater Horn of Africa conflict system.<sup>34</sup> Cross border conflicts in Kenya belong to the Horn of Africa conflict system.

One of the realities of the conflict systems, and an invaluable aid to their analysis, is the epicentre in each conflict.<sup>35</sup> The epicentre of a conflict system is the area around which the whole conflict system turns. The notion of the epicentre of a conflict system, and its proper identification, has profound significance for responses to conflicts within the system. The idea of an epicentre of a conflict system suggests that systemic conflict management should concentrate on the epicentre.

In the Horn of Africa conflict system, for example, Mwangiri notes that there is little doubt that the epicentre rests firmly in the Sudan conflict.<sup>36</sup> That conflict has systemic connections to the other conflicts in the region. Hence the approaches to its management will define the patterns to peace and cooperation that will emerge in the region.<sup>37</sup> The relations between state and non-state actors and individuals in the region are also influenced by that epicentre. Any conflict management approaches designed for the region must therefore be inspired by the reality of the epicentre.

The epicentres of conflict systems are not static and they keep changing as the conflict map of a region shifts and alters.<sup>38</sup> Conflict systems and conflicts are dynamic and transform themselves, and in the process the epicentre keeps changing. In the Horn of Africa conflict system for example, the epicentre of the conflict system changed from Somalia in 1990-93 to Sudan. Conflict management processes must bear in mind the dramatic shifts in the epicentres,

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<sup>34</sup> Mwangiri, M., *The Greater Horn of Africa Conflict System: Conflict Patterns, Strategies and Management Practices*, op. cit., p. 78

<sup>35</sup> See Mwangiri, M., *Towards an Architecture of Peace and Conflict Management in the Horn of Africa Conflict System*, (Institute of Diplomacy and International Studies, University of Nairobi, IDIS Working Paper, No. 1, 1996)

<sup>36</sup> Mwangiri, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit., p. 75

<sup>37</sup> See Mwangiri, M., *Towards an Architecture of Peace and Conflict Management in the Horn of Africa Conflict System*, op. cit.

<sup>38</sup> Mwangiri, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit.

and as the epicenters change, the management processes and approaches must change to accommodate the shifting balances.

Since all the conflicts in a conflict system are interconnected, they cannot logically possess peculiarities that are not shared by the other conflicts in the system. Conflicts within a sub-region such as the Horn of Africa cannot be managed effectively on an ad hoc basis. Thus, systemic cross border conflict management must trace the larger regional pattern of the conflicts. It must identify and trace the across-system conflict causes and ultimately design a conflict management repertoire that take these systemic factors into account.

#### **2.4 A Conceptual Analysis of Peacebuilding Initiatives**

Fisher states that peacebuilding is “an associative approach that attempts to create a structure of peace both within and among nations - a structure that removes the causes of war and provides alternatives to war. This structure involves relations among a large domain of several parties that are equitable, interdependent, include a variety of people and types of exchange, and have a supportive superstructure. Peacebuilding thus requires a process of nonviolent social change toward equality.”<sup>39</sup>

Peacebuilding initiatives attempt to resolve the core problems that underlie the conflict and change the patterns of interaction of the involved parties. They aim to move a given population from a condition of extreme vulnerability and dependency to one of self-sufficiency and well being. The creation of such an environment has three central dimensions of addressing

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<sup>39</sup> Fisher, R. J., *The Potential for Peace building: Forging a Bridge from Peacekeeping to Peacemaking, Peace and Change*, (1993), p. 250

the underlying causes of conflict, repairing damaged relationships and dealing with psychological trauma at the individual level.<sup>40</sup>

The structural dimension of peacebuilding addresses the root causes of a given conflict and focuses on the social conditions that foster violent conflict. Peacebuilding is a structure-process and Miall asserts that structural transformations refer to changes in the basic structure of the conflict that is to the set of actors, their issues, incompatible goals and relationships, or to the society economy or state within which the conflict is embedded.<sup>41</sup> He further states that "asymmetric conflicts cannot be transformed, for instance, without changing the unbalanced and contested relationships that lie at their roots."<sup>42</sup> These root causes are typically complex, but include inequitable land distribution, environmental degradation, and unequal political representation.<sup>43</sup> This dimension contends that stable peace is built on social, economic, and political foundations that serve the needs of the populace. Therefore, in order to establish durable peace, parties must analyze the structural causes of the conflict and initiate social structural change through institutional building.

Inequitable land distribution can be addressed by having a land policy that appreciates; equitable access to land, security of land rights, sustainable and productive management of land resources, sound conservation and protection of ecologically sensitive areas and encouragement of communities to settle land disputes through recognized local community initiatives.

Environmental degradation can be dealt with through legal and non legal approaches. Legal approaches include passing laws at both the national and international level that ensures

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<sup>40</sup> Lederach, J. P., *Building Peace: Sustainable Reconciliation in Divided Societies*, (Washington, DC.: United States Institute of Peace, 1997)

<sup>41</sup> Miall, H., "Conflict Transformation: A Multi-Dimensional Task," in Austin, A., (eds.), *Transforming Ethnopolitical Conflict*: op. cit., p. 77

<sup>42</sup> Ibid.

<sup>43</sup> Haugerudbraaten, H., "Peacebuilding: Six Dimensions and Two Concepts," in *African Security Review*, Vol. 7, No. 6, (1998), pp. 17-26

sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits. Non-legal approaches establish non-legally binding rules about the environment and its preservation and include the creation of soft laws, licensing procedures, compensation principles and institutional building.

Unequal political representation can be addressed through political structural changes that focus on political development, state building, and the establishment of effective government institutions. This often involves electoral reforms, judicial reforms, power-sharing initiatives, and constitutional reforms. It also includes building political parties, creating institutions that provide procedures and mechanisms for effectively handling and resolving conflict, and establishing mechanisms to monitor and protect human rights.

Avenues of political and economic transformation should include social structural change to remedy political or economic injustice, reconstruction programs to help communities ravaged by conflict revitalize their economies, and the institution of effective and legitimate restorative justice systems. Such peacebuilding initiatives should aim at promoting mechanisms that eliminate violence, fostering structures that meet basic human needs and maximize on public participation.<sup>44</sup>

To provide fundamental services to its citizens, a state needs strong executive, legislative, and judicial institutions. Many point to democratization as a key way to create these sorts of peace-enhancing structures. Democratization seeks to establish legitimate and stable political institutions and civil liberties that allow for meaningful competition for political power and broad participation in the selection of leaders and policies.

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<sup>44</sup> Lederach, J. P., *Building Peace: Sustainable Reconciliation in Divided Societies*, op. cit., p. 83

Equally crucial is the establishment and maintenance of rule of law and the implementation of rules and procedures that constrain the powers of all parties and hold them accountable for their actions.<sup>45</sup> This can help to ease tension, create stability, and lessen the likelihood of further conflict. In addition, societies would need a system of criminal justice that deters and punishes banditry and acts of violence.<sup>46</sup> Fair police mechanisms must be established and government officials and members of the police force must be trained to observe basic human rights in the execution of their duties. In addition, legislation protecting minorities and laws securing gender equity should be advanced. Courts and police forces must be free of corruption and discrimination.

Structural change can also be economic. Many note that economic development is integral to preventing future conflict and avoiding a relapse into violence. Economic factors that put societies at risk include lack of employment opportunities and lack of access to natural resources or land.<sup>47</sup> A variety of social structural changes aim to eliminate the structural violence that arises out of a society's economic system. These economic and social reforms include economic development programs, health care assistance, land reform, social safety nets, and programs to promote agricultural productivity.<sup>48</sup>

Peacebuilding initiatives under the economic dimension target both the micro and macro-level and aims to create economic opportunities and ensure that the basic needs of the population are met. At the microeconomic level, societies should establish micro-credit institutions to increase economic activity and investment at the local level, promote inter-communal trade and

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<sup>45</sup> Kritz, N. J. M., "The Rule of Law in the Post-conflict Phase: Building a stable Peace," in Chester, et al., (eds.), *Managing Global Chaos: Sources of and responses to International Conflict*, (Washington, D.C: United States Institute of Peace, 1996), p. 588

<sup>46</sup> Ibid.

<sup>47</sup> Hauss, C., "Reconciliation," in Burgess, G. and Burgess, H., (eds.), *Beyond Intractability*, (Boulder Colorado: Conflict Research Consortium, University of Colorado, 2003)

<sup>48</sup> Lund, M., "A Toolbox for Responding to Conflicts and Building Peace," in Reyhler, L. and Paffenholz, T., (eds.), *Peace building: A Field Guide*, (Boulder, Colorado: Lynne Rienner Publishers, Inc. 2001), pp. 16-20:18

an equitable distribution of land, and expand school enrollment and job training. At the macroeconomic level, the post-conflict government should be assisted in its efforts to secure the economic foundations and infrastructure necessary for a transition to peace.

Reducing the effects of war-related hostility through the repair and transformation of damaged relationships is another integral part of building peace. The relational dimension of peacebuilding centres on reconciliation. According to Assefa reconciliation is one of the most effective and durable ways to transform relationships and prevent destructive conflicts.<sup>49</sup> Reconciliation is a behavioural manifestation of forgiveness, defined as a deliberate decision by the victim to surrender feelings of resentment and grant amnesty to the offender.<sup>50</sup> Reconciliation occurs when both parties exert effort to rebuild a damaged relationship, and strive to settle the issues that led to the disruption of that relationship. It seeks to minimize poorly functioning communication and maximize mutual understanding.<sup>51</sup>

Lederach notes that the essence of reconciliation is the voluntary initiative of the conflicting parties to acknowledge their responsibility and guilt.<sup>52</sup> Parties reflect upon their own role and behaviour in the conflict, and acknowledge and accept responsibility for the part they played. As they share their experiences, they learn new perspectives and change their perception of their "enemies." Each side expresses sincere regret and remorse, and is prepared to apologize for what-transpired. The parties then make a commitment to let go of anger, and to refrain from repeating the injury. Finally, sincere efforts are made to redress past grievances and compensate

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<sup>49</sup> Assefa, H., "Reconciliation," in Reychler, L. and Paffenholz, T., (eds.), *Peace building: A Field Guide*, (Boulder, Colorado: Lynne Rienner Publishers, Inc. 2001), pp. 336-342:342

<sup>50</sup> Lederach, J. P., *Building Peace: Sustainable Reconciliation in Divided Societies*, op. cit.

<sup>51</sup> Ibid., p. 82

<sup>52</sup> Ibid

for the damage done. This process often relies on interactive negotiation and allows the parties to enter into a new mutually enriching relationship.<sup>53</sup>

One of the essential requirements for the transformation of conflicts is effective communication and negotiation at both the elite and grassroots' levels. Through both high and community-level dialogues, parties increase their awareness of their own role in the conflict and develop a more accurate perception of their own and the other group's identity. Dialogue between people of various ethnicities or opposing groups can lead to deepened understanding and help to change the demonic image of the enemy group. It can also help parties to overcome grief, fear, and mistrust and enhance their sense of security. As each group shares its unique history, traditions, and culture, the parties come to understand each other better.

Indeed, a crucial part of peacebuilding is addressing past wrongdoing while at the same time promoting healing and rule of law.<sup>54</sup> Part of repairing damaged relationships is responding to past human rights violations and genocide through the establishment of truth commissions, fact-finding missions, and war crimes tribunals. These processes attempt to deal with the complex legal and emotional issues associated with human rights abuses and ensure that justice is served. It is commonly thought that past injustice must be recognized, and the perpetrators punished if parties wish to achieve reconciliation.

Zehr notes that the retributive justice advanced by Western legal systems often ignores the needs of victims and exacerbates wounds.<sup>55</sup> Many note that to advance healing between the conflicting parties, justice must be more reparative in focus. Central to restorative justice is its

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<sup>53</sup> Assefa, H., "Reconciliation," in Reychler, L. and Paffenholz, T., (eds.), *Peace building: A Field Guide*, op. cit., p. 340

<sup>54</sup> Zehr, H., "Restorative Justice," in Reychler, L. and Paffenholz, T., (eds.), *Peace building: A Field Guide*, (Boulder, Colorado: Lynne Rienner Publishers, Inc. 2001), pp. 330-335:330

<sup>55</sup> Ibid.



future-orientation and its emphasis on the relationship between victims and offenders. It seeks to engage both victims and offenders in dialogue and make things right by identifying their needs and obligations.<sup>56</sup> Having community-based restorative justice processes in place can help to build a sustainable peace.

The personal dimension of peacebuilding which centres on desired changes at the individual level is an important dimension of peacebuilding. If individuals are not able to undergo a process of healing, there will be broader social, political, and economic repercussions. The destructive effects of social conflict must be minimized, and its potential for personal growth must be maximized.<sup>57</sup>

Building peace requires attention to these psychological and emotional layers of the conflict. Reconstruction and peacebuilding efforts must prioritize treating mental health problems and integrate these efforts into peace plans and rehabilitation efforts. The social fabric destroyed by war must be repaired, and trauma dealt with on the national, community, and individual levels.<sup>58</sup> Peacebuilding initiatives must therefore provide support for mental health infrastructure and ensure that mental health professionals receive adequate training. Mental health programs should be adapted to suit the local context, and draw from traditional and communal practice and customs wherever possible.

Participating in counselling and dialogue can help individuals to develop coping mechanisms and to rebuild their trust in others.<sup>59</sup> If it is taken that psychology drives individuals' attitudes and behaviours, then new emphasis must be placed on understanding the social

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<sup>56</sup> Zehr, H., "Restorative Justice," in Reyhler, L. and Paffenholz, T., (eds.), *Peace building: A Field Guide*, op. cit., p. 331

<sup>57</sup> Lederach, J. P., *Building Peace: Sustainable Reconciliation in Divided Societies*, op. cit., p. 82

<sup>58</sup> Ibid., p. 343

<sup>59</sup> Van der Merwe, H. and Vienings, T., "Coping with Trauma," in Reyhler, L. and Paffenholz, T., (eds.), *Peace building: A Field Guide*, op. cit., p. 347

psychology of conflict and its consequences. If ignored, certain victims of past violence are at risk of becoming perpetrators of future violence.<sup>60</sup> Victim empowerment and support can help to break this cycle.

At the national level, parties can accomplish personal healing through truth and reconciliation commissions that seek to uncover the truth and deal with the perpetrators. At the community level, tribute can be paid to the suffering of the past through various rituals or ceremonies, or build memorials to commemorate the pain and suffering that has been endured.<sup>61</sup> Strong family units that can rebuild community structures and moral environments are also crucial.

## 2.6 Conclusion

In making his case, Jeong asserts that “to prevent a recurrence of violence, root causes have to be tackled by structural transformation.”<sup>62</sup> Thus a long-term strategy aims at addressing “the principal political, economic, social and ethnic imbalances that led to conflict in the first place.”<sup>63</sup> Jeong maintains that the goals of peacebuilding can be achieved by reconstruction and reconciliation that are geared not only toward changing behaviour and perceptions but also toward social and institutional structures that can be mobilized to prevent future conflict.<sup>64</sup> Enduring relations between communities can be created through efforts to rebuild political, economic and social structures that have collapsed or are dysfunctional.

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<sup>60</sup> Van der Merwe, H. and Vienings, T., “Coping with Trauma,” in Reychler, L. and Paffenholz, T., (eds.), *Peace building: A Field Guide*, op. cit., p. 344

<sup>61</sup> Ibid.

<sup>62</sup> Jeong, H., *Peacebuilding in Postconflict Societies: Strategy and Process*, (London: Lynne Rienner Publishers, Inc., 2005), p. 4

<sup>63</sup> Ibid.

<sup>64</sup> Ibid., p. 5

Multidimensional and multi-sectoral integrative approaches to peacebuilding should be early, holistic, collaborative, and facilitative and sustained if they are to effectively address the underlying causes of cross border conflicts. Fisher maintains that these approaches include:

“promotion of power-sharing institutions and the reintegration of former combatants in the public life through inclusion; dialogue between the parties involved; measures that address the causes of the conflict, suggesting viable solutions that satisfy the involved parties; increased presence of government authorities especially in the rural and poor areas of the country; strong anti-corruption policies that address the weaknesses in the legal, judicial and executive branches in order to remove or improve dysfunctional programs and institutions; provision of a secure environment for foreign direct investment and local capital that can jump-start the economy and provide funding for social programs; new policies in respect to changing economic realities; and the reconstruction, rehabilitation, and rebuilding of the infrastructure related to economic activities through partnership and cooperation with the international community.”<sup>65</sup>

Although top-down approaches are important, peace must be built from the bottom-up. Strand contends that peacebuilding “from above” includes strategies such as peace mediation, negotiation and peacekeeping aimed at getting armed factions to lay down their arms and turn to nonviolent resolution of conflict; strategies to involve the international community and neighbouring or influential states as guarantors of peace agreement; and strategies to restore public order, encourage relief and reconstruction, and develop peace-sustaining institutions in the judicial, administrative and political sector.<sup>66</sup> The building of peace “from below” includes strategies to develop trust and build confidence among communities at the local level.<sup>67</sup> Many top-down agreements collapse because the ground below has not been prepared. An important task in sustaining peace is to build a peace constituency within the conflict setting. Middle-range

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<sup>65</sup> Fisher, R. J., “Interactive Conflict Resolution,” in Zartman, I. W. and Rasmussen, J. L., (eds.), *Peacemaking in International Conflict: Methods and Techniques*, (Washington, D.C.: United States Institute of Peace Press, 1997), pp. 239-272

<sup>66</sup> Strand, A., *The “Mine Action for Peace” Programme, Afghanistan*, (Workshop Report, on April 29, 2004, Kabul, Afghanistan), p. 3

<sup>67</sup> Ibid.

actors should form the core of a peace constituency since they are more flexible than top-level leaders, and less vulnerable in terms of daily survival than those at the grassroots level.<sup>68</sup>

Kühne contends that “in peace-building activities special attention should be attached to the roles and obligations of the parties to a conflict, as well as to the local population. Since the co-operation of the parties is essential to the success of peace-building, increased effort should be made to secure their consent and support for the activities.”<sup>69</sup> Therefore, the greatest resource for sustaining peace in the long-term is always rooted in the local people and their culture. Parties should strive to understand the cultural dimension of conflict, and identify the mechanisms for handling conflict that exist within that cultural setting. Building on cultural resources and utilizing local mechanisms for handling disputes can be quite effective in resolving conflicts and transforming relationships.

Peacebuilding initiatives should involve all levels of society. All society members, from those in elite leadership positions, to religious leaders, to those at the grassroots level, have a role to play in building a lasting peace. The long-term prospects of peacebuilding should focus on the youth portions of the population and their education and health, since they will be the executors of political and economic tasks in the near future.

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<sup>68</sup> Lederach, J. P., *Building Peace: Sustainable Reconciliation in Divided Societies*, op. cit.

<sup>69</sup> Kühne, W., (ed.), *The Transition from Peacekeeping to Peacebuilding: Planning, Co-ordination and Funding in the Twilight Zone*, (International Workshop, Stiftung Wissenschaft und Politik, Ebenhausen, on March 10, 1997, New York, USA), p. 7

## CHAPTER THREE

### Cross Border Conflicts and Peacebuilding in Kenya (1992-2010)

#### 3.1 Introduction

This chapter examines the causes of cross border conflicts. In discussing the causes of these conflicts, the study demonstrates how the idea of needs bridges the gap between internal and international conflict. Understanding the causes of conflict has important implications to conflict management. The chapter further investigates the implications of cross border conflicts on peacebuilding initiatives in Kenya. Cross border peacebuilding initiatives between Kenya with Ethiopia, Somalia, Sudan and Uganda are explored in detail including the state and non-state actors involved. Lastly, the chapter examines some of the regional peacebuilding initiatives undertaken by the regional peace and security structures.

#### 3.2 The Causes of Cross Border Conflicts

Mwagiru posits that "conflicts, at whatever level have many different causes and the causes are diverse as the conflicts, and the parties to them."<sup>1</sup> In international conflict, diverse causes of war and conflict have been identified.<sup>2</sup> There is a growing and persuasive school of thought that traces the causes of conflict to the lack of fulfillment of needs.<sup>3</sup> These needs cannot be negotiated and are at the heart of all conflicts. Therefore, the lack of fulfillment of these needs leads to conflict.

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<sup>1</sup> Mwagiru, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, (Nairobi: Centre for Conflict Research, 2006), p. 4

<sup>2</sup> Holsti, K. J., *Peace and War: Armed Conflict and International Order, 1648-1989*, (Cambridge: Cambridge University Press, 1991)

<sup>3</sup> Burton, J., *Conflict: Human Needs Theory*, (London: Macmillan, 1990)

The idea of needs bridges the gap between international and other forms of conflict. Since all international conflicts have domestic sources, the link between international and domestic conflict can be traced to the lack of fulfillment of these needs.<sup>4</sup> The lack of fulfillment of these needs leads to internal conflict. It is also responsible for, and explains international conflict. Mwangi states that the notion that all international conflict has domestic sources is one of the important contributions to the understanding of conflicts and its processes.<sup>5</sup>

Studies of conflict in Africa have identified many underlying causes: incomplete nation-building and differences in identities derived from complex internal factors such as ethnicity, religion, culture and language; economics and the competition for limited resources; state-society relationships; and political demands that exceed state capabilities.<sup>6</sup> These include the search for resources, territory and the need for raw materials.<sup>7</sup> All these inspire and perpetuate conflict. Conceptual understanding of the reasons behind conflicts is important to conflict management and resolution because it helps policymakers identify root causes and suggest formulae for mediators to use to reduce disputes.<sup>8</sup>

Just as conflict is extremely complex, so are its causes complex and often complicated. There are therefore multiple explanations about conflict and its causes. There is no single cause to account for the cross border conflicts in Kenya. The main cause of cross border conflicts include competition over resources between communities living along the Kenyan borders with Ethiopia, Somalia, Sudan and Uganda. Fukui and Markakis maintain that competition for

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<sup>4</sup> Burton, J., *Global Conflict: The Domestic Source of International Crisis*, (Brighton: Wheatsheaf Books, 1984)

<sup>5</sup> Mwangi, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit., p. 5

<sup>6</sup> Deng, F. M. and Zartman, I. W., *Conflict Resolution in Africa*, (Washington, DC.: The Brookings Institution, 1991), p. 4

<sup>7</sup> Glossop, R. J., *Confronting War*, (Jefferson: McFarland & Co., 1987)

<sup>8</sup> Horowitz, D. L., *Ethnic Group in Conflict*, (Berkeley: University of California Press, 1985), p. 564

resources is the process that shapes the confrontation between groups and individuals in the Horn of Africa.<sup>9</sup>

Cross border conflicts are also attributed to poor governance. A common characteristic that defines pastoralist areas is limited government presence; hence, inadequate provision of basic services. Ofuho argues that indigenous cultural practices, instability in the region and weak administration are responsible for cross border banditry and cattle rustling in the borders of Kenya-Uganda, Kenya-Somali, Kenya-Ethiopia, and Kenya-Sudan.<sup>10</sup> Leff contends that as part of a political campaign that favours sedentary communities over non-sedentary groups, governments have neglected to invest a great deal in infrastructure and public services in the pastoralists' border areas, thus exacerbating the lack of state security in the region.<sup>11</sup> Without sufficient roads, accessible lines of communication and a large qualified security presence, pastoralists have had no choice but to take up arms in order to protect their families and livestock.

Mwaûra et al. contend that these border regions are characterized by weak state structures.<sup>12</sup> These areas have few roads rendering it extremely difficult to communicate between these authorities and the rest of the country on either side of the common borders. Social services like education, health and veterinary services are meager and communities along these borders suffer from the effects of social neglect and economic underdevelopment. This situation has serious implications for security and maintenance of law and order.

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<sup>9</sup> Fukui, F. and Markakis, J., *Ethnicity and Conflict in the Horn of Africa*, (London: James Currey Publishers, 1994), p. 235

<sup>10</sup> Ofuho, C. H., "Security Concerns in the Horn of Africa," in Mwagiru, M., (ed.), *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Böll Foundation, 2004), pp. 7-17:14

<sup>11</sup> Leff, J., "Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region," *International Journal of Conflict and Violence*, Vol. 3, No. 2, (2009), pp. 188-203:192

<sup>12</sup> Mwaûra, C., et al., "Background to Conflicts in the IGAD Region," in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, (Asmara, The Red Sea Press, Inc., 2002), pp. 31-42:41

Weakening and undermining of traditional governance and coping systems has aggravated cross border conflicts. Traditional leaders and governance systems in pastoralist communities, while still substantial, have generally weakened, reducing the capacity of communities to manage and prevent conflict and its related impact. Various factors like; socio-cultural transformation, poor government policies and challenges posed by insecurity have contributed to undermining the authority of traditional governance.

Proliferation of Small Arms and Light Weapons (SALWs) is one of the major causes of cross border conflicts. To safeguard their lives and livestock from attacks by other armed groups and raid livestock from other communities, pastoralists have resulted to acquiring arms. While it is difficult to estimate the exact number of small arms in circulation in the Karamoja region, experts estimate that it is well over 300,000.<sup>13</sup> The fall of Amin regime in Uganda released many small arms to the Karamoja who engaged in cattle rustling along the Kenya-Sudan border. The Sudanese People Liberation Army (SPLA) in Southern Sudan crossed into Kenya occasionally and Small Arms found their way into Turkana and Pokot areas.

Rupesinghe posits that the increased use of firearms rather than the traditional spears and arrows has elevated the military technology applied in the defense or acquisition of scarce water and pasture and thereby transformed conflicts from the previously occasional mid-night raids to outright and drawn out war.<sup>14</sup> Traditionally, pastoralists practiced cattle rustling using bows and arrows. With the availability of cheap and easy-to-use high-powered assault rifles, the conflict has taken on epidemic proportions with increased fatalities and indiscriminate killing during

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<sup>13</sup> Regional Program of Action for Peace and Security, *Disarmament of Armed Nomadic Pastoralists and the Promotion of Sustainable Development in Zone 3: Project Number 1.1.2.*, (Presented at the IGAD Regional Workshop on the Disarmament of Pastoralist Communities, on May 28-30, 2007, Addis Ababa, Ethiopia)

<sup>14</sup> Rupesinghe, K., (ed.), *Conflict Resolution in Uganda*, (Ohio: University Press, 1989)



raids. Conflicts between the Karamoja and the Turkana and Pokot on the Kenya-Uganda frontier are a case in point.

Due to the porosity of the borders, small arms from war-torn areas within the Horn of Africa find available market among the pastoralist communities. Porous and expansive borders breed an environment that threatens pastoralist livelihoods. The lack of effective government policing in these marginalized areas motivate the pastoralists to arm themselves for their protection against other raiding groups. For example, it is no surprise to come across a young Karamojong, Toposa, Turkana girl or boy herding their flocks with an A-K 47 rifle on their backs.<sup>15</sup>

Cross border movement and pastoralism is also a cause of cross border conflict. Pastoral production systems as indigenous cultural practices often face difficulties with state borders as they move in search of pasture and water for livestock, which were historically divided without consideration of pastoralist needs. For example, drought and its associated scarcity of resources forces Turkanas to migrate towards Ethiopia for fishing and access to markets for purchases of food from their agro-pastoral neighbours. These migrations spark conflict between the Turkanas and Merrilles.

Unfavourable climatic conditions play a critical role and often precipitate the need for pastoralists to migrate in search of pasturelands and water.<sup>16</sup> During the dry seasons, sources of water become desiccated and lands turn arid. This forces young pastoralists to leave village with their livestock in search of water and grazing lands. It is during these times that pastoralists engage in conflict over herding territory and replenishment of lost cattle. When conditions are made worse by extended periods of drought, conflicts become frequent and more intensified.

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<sup>15</sup> Rupesinghe, K., (ed.), *Conflict Resolution in Uganda*, (Ohio: University Press, 1989)

<sup>16</sup> Leff, J., "Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region," *International Journal of Conflict and Violence*, op. cit., p. 192

The emergence of local elites that aim to profit from cattle rustling is a fairly new phenomenon that has changed the scope of the conflict by creating economic incentives that did not previously exist. Originally livestock raiding was purely for restocking depleted stocks or for marriage. Mkutu notes that raiding has become the cheapest way of quickly accumulating wealth and that commercialization in cattle rustling is “leading to major changes in economic, social and political structures in the border area.”<sup>17</sup> Local businessmen and even politicians reportedly fund raids in order to sell cattle on the black market to places as far away as South Africa and Saudi Arabia.<sup>18</sup>

### 3.3 Cross Border Peacebuilding Initiatives

Cross border conflicts have continued to be a key concern for all actors involved in peacebuilding along the international borders of Kenya with Ethiopia, Somalia, Sudan and Uganda. This situation has been exacerbated by the persistent attacks among the communities living along the border regions. Like other types of violent conflicts, the occurrences have resulted to loss of lives, property and livelihoods, amongst other gross human violations which occur with pastoralism and other related conflicts.

Cross border conflicts in Kenya increased in magnitude from 1992 to 2010 due to various reasons. The conflicts intensified due to environmental deterioration that invariably resulted in the decline of land productivity. Frequency of drought (aggravating pasture and water scarcity and forcing pastoralists of a particular section to seek for pasture and water outside their own territory) and changing consumption patterns were other causes. These conflicts were further compounded by the fact that most cross border communities have a flourishing trade in arms and

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<sup>17</sup> Mkutu, K., *Pastoral Conflict and Small Arms: The Kenya-Uganda Border Region*, (London: Saferworld, 2003), p. 193

<sup>18</sup> Ibid.

ammunitions. The high rate of fatality and viciousness associated with this type of conflict arises from a shift in weaponry from the use of sticks, spears, bows and arrows to modern automatic weapons.<sup>19</sup> Rising levels of poverty and unemployment have also been responsible for the increase in frequency and scale of cross border conflicts. Consequently, a number of state and non-state actors undertook cross border peacebuilding initiatives towards conflict mitigation, prevention and resolution from 1992 to 2010. It is important to note that most of the initiatives are still ongoing.

Peacebuilding initiatives involve government actors and organizations of states (Track one conflict management). Mwangi posits that the states and international organizations have this close relationship because international organizations derive their very existence from their member states.<sup>20</sup> Government actors and organizations of states include; individual governments, United Nations (UN) and its specialized agencies like the United Nations Educational, Scientific and Cultural Organization (UNESCO), Intergovernmental Organization like the International Organization for Migration (IOM), regional organizations such as the African Union (AU), Intergovernmental Authority on Development (IGAD), Regional Center on Small Arms and Light Weapons (RECSEA) and Eastern Africa Police Chiefs Cooperation Organization (EAPCCO) among others

The non-governmental actors (Track two conflict management) involved in peacebuilding initiatives include; International Non-governmental organizations (INGOs) such as Oxfam-Great Britain and SNV, Non-governmental Organizations (NGOs) like the World Vision International, Donor agencies like United States Agency for International Development (USAID), Civil Society Organizations (CSOs), like the Adakar Peace and Development Initiative (APEDI),

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<sup>19</sup> USAID, *Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa*, (Conflict Baseline Study Report Conducted in the Karamajong Cluster of Kenya and Uganda, August 2005), p. 9

<sup>20</sup> Mwangi, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit., p. 122

Associations like the Toposa Development Association (TDA), Groups like the Kenya Pastoralists Parliamentary Group (KPPG), Community-based Organizations (CBOs) such as Matheniko Women Group, Faith-based Organizations (FBOs) like the Moroto-Nkakapiripirit Religious Leaders Initiative for Peace (MONARLIP) and POKATUSA Peace and Development Programme, Relief agencies involved in humanitarian facilitation like the International Committee of the Red Cross (ICRC) and engaged individuals like the religious elders, traditional clan elders, women and youth among other actors.

Some peacebuilding initiatives are undertaken by both state and non-state actors to achieve enduring peace outcomes. These initiatives include the District Peace Committees like the Mandera District Peace Committee (MDPC), Wajir Peace and Development Committee (WPDC) and the Mandera-Doolow-Gedo cross border peacebuilding initiatives.

### **3.3.1 Kenya-Ethiopia Cross Border Peacebuilding Initiatives**

The border areas on the Kenyan-Ethiopian border include the Nyangatom, Dassanech and the Gabra sides. The Turkanas and Boranas of Kenya and the Dongiros and Merilles of Ethiopia are the communities that live along this border. The Kenya-Ethiopia border is characterized as tense and insecure. Okoth argues that the relationship between Kenya and Ethiopia has been at best lukewarm.<sup>21</sup> The main factors that generate conflicts between these communities is competition for natural resources such as watering points and pasture, fish in Lake Turkana, farmland, cattle raids and the resultant revenge attacks, cultural egos which prompt warriors to conduct raids so as to earn special recognition as heroes of the community. Other causes include

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<sup>21</sup> Okoth, P. G., "Regional Institutional Responses to Security in the Era of Globalisation," in Mwagiru, M., (ed.), *African Regional Security in the Age of Globalisation*, (Nairobi: Heinrich Boll Foundation, 2004), pp. 49-66:55

quest for identity, commercialization of cattle rustling and the decline or breakdown of traditional belief systems

He further argues that Kenya has often accused Ethiopia of cross border raids by the Oromo Liberation Front (OLF) and the Ethiopian Government has always felt that Kenya supports the OLF.<sup>22</sup> The frequent tensions along this border are largely rooted in belief that the OLF often uses Kenya as a base for retreat from Ethiopian forces following armed engagements. In response, Ethiopian militias often cross over into Kenya in hot pursuit of OLF rebels and end up in violent clashes with communities in Kenya. These incidents put a great deal of strain on relations between Kenya and Ethiopia.<sup>23</sup>

Cross border security concerns in the Horn have usually been dealt with in the framework of bilateral state mechanisms. For example, Ethiopia has bilateral border commissions with all its neighbours. Kenya has also bilateral security arrangements with most of its neighbours although these have not been institutionalized and take place intermittently when the need arises.

Cross border meetings at bilateral level are usually convened following cross border incursions and violent clashes. Community dialogue meetings between Kenya and Ethiopia have mitigated cross border conflicts in some areas save for Amarkobe and Dassanech through the following initiatives; return of stolen livestock and property, adherence to the agreements arrived at by the communities, enhanced communication channels and infrastructure, punishment of perpetrators via legal and traditional instruments, continuous dialogue meetings and fostering peace and good neighbourliness.<sup>24</sup>

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<sup>22</sup> Okoth, P. G., "Regional Institutional Responses to Security in the Era of Globalisation," in Mwagiru, M., (ed.), *African Regional Security in the Age of Globalisation*, op. cit., pp. 55-56

<sup>23</sup> Mwaûra, C., et al., "Background to Conflicts in the IGAD Region," in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, op. cit., p. 40

<sup>24</sup> CEWARN, (Report of the Kenya-Ethiopia Cross border Meeting, on 2<sup>nd</sup>-4<sup>th</sup> November, 2009, Moyale, Kenya), p. 24

The Dukana and Maikona and Declarations are some of the initiatives that have been instrumental in building peace between the Borana and the Gabra. The Dukana declaration was made in November, 2008 and was binding to communities around Dukana and Dillo between Borana and Gabra. The Declaration prescribed schemes for compensation upon breach of agreements on commission of certain acts. As a result of all inclusivity principle, the declaration was reviewed to accommodate other communities in Isiolo and Moyale Kenya, thus the formulation of Maikona declaration.<sup>25</sup> The Maikona Declaration is a short statement prepared at Maikona and signed by Gabra and Borana representatives at Walda on 28<sup>th</sup> July, 2009 and sets out the specific laws that relate to keeping peace.

According to a CEWARN report of the Kenya-Ethiopia cross border meeting, the Maikona Declaration is one of the documents with best practices that govern the relationship of Borana and Gabra communities.<sup>26</sup> The communities pledge to live peacefully with one another and enhance sharing in the use of resources. The declaration urges the communities to hold regular meetings for continuous consultations in times of conflict. The Maikona meeting endorsed the Dukana Declaration as a result of their capacity to mitigate conflicts through consolidated efforts of organizations, communities and local administration.<sup>27</sup> According to a CEWARN report, Maikona Declaration is binding to the greater Borana and Gabra communities and prescribes that:

“For every stolen, animal the fine shall be 4 times animal stolen and incurred expenses of tracking the animals by government officials; a person who injures another with intent to kill, the fine is 15 cows and they will be handed over to government law; a person who kills another will be fined 30 cows and handed over to government; propaganda and incitement of populace is punishable by a fine of 5 cows and lastly, aiding abetting and

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<sup>25</sup> CEWARN, op. cit., p. 28

<sup>26</sup> Ibid.

<sup>27</sup> USAID East Africa, *Mandera-Doolow-Gedo Cross Border Initiative*, (Representatives from Kenya, Ethiopia and Somalia work toward peaceful coexistence, on May, 29, 2007, Mandera, Kenya), p. 28

concealment of information of persons instigating violence and other acts of conflicts is fined accordingly.”<sup>28</sup>

It suffices to note that there are inter-state structures in place to address issues of peace and security. There are regular joint cross border commissioners/administrators meetings that bring together administrators and technical officers from the respective administrative units in bordering border districts. These meetings have been very helpful in addressing issues of security across the border.

On May 15, 2007, District Commissioners and administrators from neighbouring communities along the Somalia, Ethiopia and Kenya borders met and launched the Mandera-Doolow-Gedo cross border peacebuilding initiative in Mandera, Kenya.<sup>29</sup> The peacebuilding initiative brought together communities from either side of the Kenya/Somalia border and Doolow District in Ethiopia. This initiative put up mechanisms and structures to respond to incidents, helping the Mandera, Gedo and Doolow communities to take responsibility for handling disputes.

Further, the initiative facilitates practical economic partnerships between the cross border communities through establishment and management of a regional peace livestock market in Mandera. It expands basic services and undertakes joint actions that promote peaceful coexistence. To ensure equal market access, a joint management committee for resolving market disputes was instituted. Lastly, the initiative promotes dialogues and joint economic development by peaceful means, strengthens peace structures and establishes a framework for dialogue at flash points for the management of cross border conflicts.

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<sup>28</sup> CEWARN, op. cit., pp. 28-29

<sup>29</sup> USAID East Africa, *Mandera-Doolow-Gedo Cross Border Initiative*, op. cit., 28

The Kenya Pastoralists Parliamentary Group (KPPG) although not a formal organization is a high-powered pressure group that includes Cabinet Ministers and Parliamentarians.<sup>30</sup> The KPPG is a high-powered pressure group because it has a fairly immense leverage over the pastoral communities. It works to combat social and economic neglect as well as marginalization of pastoral communities. Its efforts are gaining momentum locally and it has growing links with Parliamentarians in Ethiopia and Uganda. The group has also been involved in providing social services and developing physical infrastructure projects in pastoral areas.

With regard to cross border cooperation, Ethiopia has bilateral border mechanism for regulating cross border relations with most of its neighbours. In an attempt to prevent and resolve conflicts including the cross border ones, Kenya and Ethiopia as IGAD states signed the "CEWARN Protocol" at Khartoum in January 2002. The states undertook, among other things, to establish National Conflict Early Warning and Response Units (CEWERUs) to be guided by National Conflict Steering Committees that include representatives of Government.

The broad aim of the CEWERU is to collect information from grass roots in the member states that would help in detecting the causes of conflict early and preventing conflict from erupting.<sup>31</sup> The Ethiopian Conflict Early Warning and Response Unit (CEWERU) established local structures up to Kebele (Sub-Location) level and this is showing encouraging results.<sup>32</sup> For example, raided livestock have been recovered while noticeable improvement has been made in cross border trade and movement of goods between Kenya and Ethiopia.

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<sup>30</sup> Mwaũra, C. et al., "Building CEWARN Around Entry Points," in Mwaũra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, op. cit., p. 155

<sup>31</sup> Apuuli, K. P., "IGAD's Protocol on Conflict Early Warning and Response Mechanism (CEWARN): A Ray of Hope in Conflict Prevention?," *The Quest for Social Peace in Africa: Transformations, Democracy and Public Policy*, (Synopsis of OSSREA Seventh Congress Papers, on December 15-19, 2002, Khartoum, Sudan), pp. 23-29:24

<sup>32</sup> CEWARN, op. cit., p. 15



Therefore, it is important to note that the traditional structures, CSOs/CBOs led structures, CEWERU local peace Committees, Community level peace structures and the Government security structures are some of the existing peacebuilding structures that deal with cross border issues on; the activities of anti-peace forces such as OLF in instigating communal conflicts, the tendency of individual disputes/criminal activities assuming communal nature, frequent livestock theft, cyclical drought and famine, competition over access to resources such as grazing areas and watering points, revenge and counter revenge attacks, rape and defilement, land use particularly along the river banks, cultural practices such as songs that encourage conflict, lack of good governance and local clan politics among other issues.

### **3.3.2 Kenya-Somalia Cross Border Peacebuilding Initiatives**

The Kenya-Somali border is about 424 miles long. In the North, the tripoint with Ethiopia is located on the Thalweg of the Daua, and in the South the boundary extends to the Indian Ocean.<sup>33</sup> The Zone South of El Wak (Dobley Area) constitutes the longest stretch of the Kenya-Somalia border.<sup>34</sup> Distinguishing characteristics of the Kenya-Somalia border areas include: the complete absence of a state counterpart on the Somalia side of the border; the existence of more robust forms of local, informal governance and conflict management than anywhere else in Kenya's border regions; the rise of vibrant cross border trade of commercial goods and cattle; and the dominance of a single ethnic group, (the Somali), on both sides of the border.<sup>35</sup>

Small cells of radical Islamists who are probably linked to international terrorist groups maintain a presence on the Kenya-Somalia border and occasionally raid the Somalis on the

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<sup>33</sup> Bureau of Intelligence and Research, "Kenya-Somalia Boundary," *International Boundary Study*, No. 134, (1973), p. 2

<sup>34</sup> Menkhaus, K. J., *Kenya-Somalia Border Conflict Analysis*, (Report Produced for Review by the United States Agency for International Development, on August 31, 2005 in Nairobi, Kenya), p. 38

<sup>35</sup> *Ibid.*, p. 1

Kenyan side of the border. In addition, instability in Somalia has resulted in increased cross border conflicts with Kenya. Menkhaus claims that “hundreds of armed criminals from Somalia terrorize villages along the border for hours without the intervention of state security forces thus indicating that the government has little or no authority”<sup>36</sup>

Though the border area remains chronically insecure and prone to flare-ups of deadly violence, the region is dramatically more secure than was the case in the early 1990s due to the peacebuilding initiatives that have been important in mitigation and management of conflicts. The local partners which the Kenyan government works through are organized in local peace committees, umbrella groups of local CBOs, including traditional clan elders and government representatives.

Menkhaus notes that the emergence of peace committees, umbrella groups of civic organizations, traditional elders, and local governmental officials has been the single most important and effective community response to insecurity, crime, and armed conflict in the border areas.<sup>37</sup> They encourage and enshrine local ownership of conflict management; they tap into local knowledge of conflict dynamics; they create a multiplier effect by structuring collaboration among different types of local actors, each of which brings different strengths; they are flexible and open regarding community participation and they encourage collaboration between state actors and civic groups.<sup>38</sup>

Local CBOs especially on the Kenya side form part of a vibrant network of the Kenyan non-governmental sector that promotes peace. There are cross clan networks facilitating both routinized and rapid response communication, a critical and often missing function in times of

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<sup>36</sup> Menkhaus, K. J., “Kenya-Somalia Border Conflict Analysis,” in Menkhaus, K. J., (ed.), *Bring the Gun or You’ll Die: Torture, Rape and other Serious Human Rights Violations by Kenyan Security Forces in the Mandera Triangle*, (New York: Human Rights Watch Organization, 2009), pp. 13-20

<sup>37</sup> *Ibid.*, p.52

<sup>38</sup> *Ibid.*

conflict; they help build trust and shared interests in functional issues such as health care and education which transcend clan lines; they tap into professional skills and expertise among local populations; they are flexible and open and provide opportunity for social groups normally excluded from politics-such as women and youth to play a more central role on matters of conflict prevention and management.

The livestock market in Mandera is used by populations from all sides of the border and has been a major flashpoint for violent encounters and criminal activities that have fuelled inter-clan tensions and conflict throughout the region. In February, 2005 the Mandera-Gedo Conflict Management Initiative was launched and involved communities in the cross border area of Mandera District in Kenya and of Belet Haawo District, Gedo region in Somalia.<sup>39</sup> The social groups involved were the Murrule (Kenya), Marehan (Somalia) and the Garre (Somalia, Kenya and Ethiopia) who are predominantly pastoralists.

This initiative is implemented in partnership with civil society and Community-based Organizations on both sides of the border and in collaboration with local and national government administration. The principal partners are the Mandera District Peace Committee (MDPC) in Kenya and the Belet Haawo NGO Consortium in Somalia. MDPC coordinates activities through the Gedo Peace Group, Women for Peace, Youth for Peace, Elders for Peace, Lafey Development Association and Women Care and Concern.<sup>40</sup>

The aim of the initiative is to strengthen joint conflict management and response mechanisms and reduce tension and violent conflict in the Mandera-Belet Haawo cross border area. The main focus of the initiative is to enable communities to agree on mechanisms for

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<sup>39</sup> USAID, *Mandera-Gedo Cross Border Conflict Mitigation Initiative*, (Assessment Team Report, March, 2006)

<sup>40</sup> Ibid.

solving market disputes. Also, the initiative strengthens the capacity of partners to undertake cross border conflict prevention, mitigation and response activities.

The Mandera-Gedo Conflict Management Initiative initiated and concluded the Garre-Marehan Peace Accord of September 2005. The Accord included a ceasefire agreement to stop fighting between the two groups in El Wak, Somalia and Kenya. The Peace agreement has been respected and enforced by traditional elders and religious leaders from both clans. The agreement specified that the District Commissioner in the Gedo region will be Garre while the Deputy will be Marehan and that claims for compensation for human and financial losses be dropped.

The Garre and Marehan cross border communities have regular consultation meetings and participate in cross border peace committees. However, the constant change of the local administration on the Somalia side and absence of a formal communication between local authorities from the Kenya and Somalia sides of the border poses a challenge for implementation.

Another important peacebuilding initiative is the Modogashe/Garissa Declaration. The declaration was entered by the communities in North Eastern, Rift Valley and Upper Eastern region: Wajir, Marsabit, Garissa, Moyale, Samburu and Isiolo. It sought to address conflicts emanating from unauthorized grazing, trafficking of illegal firearms, cattle rustling, highway banditry, control of livestock diseases and trade and socio economic empowerment.<sup>41</sup>

The most established and well-known initiative is the Wajir Peace and Development Committee (WPDC).<sup>42</sup> The WPDC was formed as a coordinating committee in 1995 and combines several local groups; the Wajir Women for Peace, Youth for Peace and Elders for

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<sup>41</sup> USAID East Africa, *Mandera-Doolow-Gedo Cross Border Initiative*, op. cit., p. 29

<sup>42</sup> Government of Uganda, *Statute 4, Karamoja Development Agency Statute*, 1987

Peace. The WPDC emerged in response to the alarming increase in violence in the northern Kenya and serves as a subcommittee of the District Development Committee (DDC). Regular meetings are held where information is shared on the state of the district security.

Whenever problems arise, the committee deliberates and makes decisions on who should intervene and how. Interventions are usually by elders using traditional mechanisms. Government resources are usually deployed to support these traditional methods, for example, by providing transport to enable rapid response (immediate deployment of elders to unstable area in the district).

The group has been successful because all the stakeholders are involved in the process, i.e. the government (police, military and administration), civil society, elders, religious leaders, youth and women. This initiative has been replicated elsewhere and led to the establishment of several other local peace committees in Gulu, Kitgum and Karamoja. Therefore, this local initiative serves as a building block for decentralized mechanisms to manage and transform cross border pastoral conflicts in the Horn of Africa.

Religious leadership, including Islamic leadership, has played a prominent role in pressuring local parties to reach accords. The use of national Islamic leaders in Kenya to mediate the Garre-Marehan Peace Accord in 2005 helped to highlight the possibilities of Islam as a force for peace in the region. In some district of Gedo region, Sharia Courts have been employed to maintain rule of law.<sup>43</sup>

Authority of clan elders and *xeer* (customary law) in the border areas has probably been the single most important source of security and peacebuilding. In stateless Somalia, the dominant role of clan elders as authoritative representatives of their clans in peace negotiations, as quasi-diplomats managing relations with neighboring clans, and in adjudicating or mediating

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<sup>43</sup> Menkhaus, K. J., *Kenya-Somalia Border Conflict Analysis*, op. cit., p. 52

disputes within their lineage has been largely unquestioned since the civil war of 1992, and nowhere in the Transjubba regions is *xeer* anything less than central as a pillar of law governing inter and intra-clan relations.<sup>44</sup>

In the Transjubba regions, clan elders and customary law provide the principal source of rule of law. Municipal authorities have in several places-Luuq, Kismayo, Beled Haawa, Doble provided more structured formal governance. Resource competition, especially over control of boreholes, is a chronic source of conflict requiring vigilance on the part of clan elders and civic peace groups. All parties benefit from routinized and predictable cooperation on key issues of importance, such as governing use of common resources.

### 3.3.3 Kenya-Sudan Cross Border Peacebuilding Initiatives

The Kenya-Sudan cross border conflict is at the Elemi triangle. The border lands connecting Kenya and Sudan form a large portion of the East Africa dry lands. The majority of those living in this arid and semi arid areas are pastoralists, whose social and economic life is structured around the maintenance and well-being of their livestock.<sup>45</sup> During the dry season or times of drought, the pastoralists are forced to relocate their cattle in search of water and pasturelands for grazing.<sup>46</sup> Cross border conflicts frequently erupt between the Turkana of Kenya and the Toposa of Sudan due to competing rights over water, pasture and land. Toposa cross over to Kenya in search of pasture while the Turkana cross to Sudan in search of water.<sup>47</sup> Any attempt

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<sup>44</sup> Menkhaus, K. J., *Kenya-Somalia Border Conflict Analysis*, op. cit., p. 51

<sup>45</sup> Leff, J., "Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region," *International Journal of Conflict and Violence*, op. cit., p. 189

<sup>46</sup> Mburu, N., "Contemporary Banditry in the Horn of Africa: Causes, History, and Political Implications," *Nordic Journal of African Studies*, Vol. 8, No. 2, (1999), pp. 89-107

<sup>47</sup> International Organization for Migration (IOM), "IOM Initiatives Cross Border Peace Committee for Kenyan and Sudanese Communities," *MRF Bulletin*, Vol. 3, No. 9, (Jan-Mar 2011), p. 1

to stop Turkana from grazing in Elemi presents a conflict because they have no other economic livelihood apart from pastoralism.

The conflicts between the Turkana and the Toposa is a concern for both the Kenyan and Sudanese governments who have initiated, sustained and advanced peacebuilding initiatives to help manage the cross border issues of these two communities. As in Kenya, conflicts between the Toposa and their neighbours (the Turkana) are mainly mediated by religious organizations and Non-governmental Organizations.<sup>48</sup> The Toposa Development Association (TDA) was established to promote development initiatives among the Toposa. Peacebuilding falls within the organization's overall objectives and the TDA therefore cooperates with African Union (AU)/Inter-African Bureau for Animal Resources (IBAR) in mobilizing Toposa chiefs, elders, women and youth for pastoralist border harmonization meetings and workshops.

The IBAR section of the AU pastoralist border harmonization workshops and meetings have become a significant factor in resolving, managing and preventing conflicts among pastoralist communities in the cross border area. IBAR facilitated a series of cross border elder meetings that brought together community leaders from the Karamojong, Dodoso, Nyakwai, Toposa, Nyangatom, Teso, Turkana and Jie ethnic groups to discuss issues affecting their communities and to lay the foundation for cross border peacebuilding activities.<sup>49</sup>

These meetings provide an important precedent for the nature of cross border conflict management. Efforts to identify the root causes of conflict in the cluster were based on cross

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<sup>48</sup> Mwaûra, C. et al., "Building CEWARN Around Entry Points," in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, op. cit., p. 156

<sup>49</sup> Jie-Matheniko-Dodoth-Turkana Youth Border Harmonization Meeting, on February 7-9, 2001, Kakuma, Kenya  
The Pokot-Tepeth-Matheniko-Turkana Youth Border Harmonization Meeting, on February 26-28, 2001, Lokichar, Kenya

border community dialogue.<sup>50</sup> Participants at a Didinga-Turkana-Toposa-Nyangatom women's workshop in February 2000 decided to take upon themselves the responsibility for peace and reconciliation among their respective community and to discourage mutual livestock theft, livestock rustling and raiding among the communities.<sup>51</sup>

A cross border peace committee was initiated to unite the Toposa of Sudan and the Turkana of Kenya along the border. The committee comprised of 22 members monitors emerging signs of conflict and inform communities to take preventive action. The Peace committee was formed following a consultative cross border peace forum that was facilitated by International Organization for Migration (IOM) at the request of the government of Kenya, to mend a growing divide between Kenya's Turkana and Southern Sudan's Toposa communities over diminishing resources.<sup>52</sup>

A number of CSOs are currently conducting cross border conflict prevention and mediation interventions aimed at improving communication through peacebuilding workshops and negotiating the safe return of cattle.<sup>53</sup> These CSOs attempt to reinstate and utilize traditional lines of authority that have been weakened since the colonial era. Notwithstanding their limitations, these initiatives are helping to foster community safety where state presence is virtually absent.<sup>54</sup>

Peacebuilding initiatives advanced by local CSOs seek to enhance security in pastoralist areas through locally accountable peace committees and other customary mechanisms with the

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<sup>50</sup> Mwaûra, C. et al., "Building CEWARN Around Entry Points," in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, op. cit., p. 162

<sup>51</sup> Ibid., p. 155

<sup>52</sup> International Organization for Migration (IOM), IOM Initiatives Cross Border Peace Committee for Kenyan and Sudanese Communities, *MRF Bulletin*, op. cit., p. 1

<sup>53</sup> Leff, J., "Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region," *International Journal of Conflict and Violence*, op. cit., p. 198

<sup>54</sup> Small Arms Survey, "Responses to Pastoral Wars: A Review of Violence Reduction Efforts in Sudan, Uganda and Kenya," *Human Security Baseline Assessment Sudan Issue Brief*, No. 8, September, 2007, pp.1-8:1



aim of anticipating, preventing and resolving disputes before they flare into full-blown violence. These committees often fulfill limited policing and judicial functions, and in some areas serve as a de facto framework for the provision of security and justice.<sup>55</sup>

The Adakar Peace and Development Initiative (APEDI) was created to promote peace and security in the Turkana and Toposa regions of Kenya and South Sudan. APEDI conducts its peacebuilding by addressing people's grievances at the local level and by targeting the Kraals (Adakar in the Turkana language) for dialogue and strategies of conflict resolution.<sup>56</sup> Utilizing a combination of traditional and modern structures of authority, APEDI brokers peace settlements between clashing tribes before initial raids and attacks escalate into protracted armed violence. Typically, APEDI, with the backing of local government, elders, and chiefs, responds to raids by contacting the local government and CSOs in Narus, just over the border in Sudan. The leaders from both communities negotiate for the safe return of cattle and compensation for lives lost.

For example, following an attack that claimed the lives of two prominent Turkana warriors and resulted in the theft of their rifles and 215 goats and sheep, APEDI mobilized its first intervention in February 2005.<sup>57</sup> Joined by Turkana chiefs, elders, and a peace committee comprised of local leaders, APEDI paid a visit to Toposa chiefs and elders in Sudan. During this meeting, they negotiated the safe return of the two rifles and livestock and designed the framework for a sensitization campaign for peace that would employ traditional lines of authority in their respective communities.

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<sup>55</sup> Mwaura, C., "Kenya and Uganda Pastoral Conflict Case Study," *Occasional Paper*, (UNDP Human Development Report Office, 2005)

<sup>56</sup> Leff, J., "Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region," *International Journal of Conflict and Violence*, op. cit., p. 199

<sup>57</sup> *Ibid.*, p. 200

This intervention brought about an eighteen-month cease-fire that, for the first time in years, allowed Turkana and Toposa to safely walk with their livestock across the border. However, the cease-fire came to an abrupt end in January 2007 following an attack by Toposa raiders almost 50 kilometers outside Lokichigiogio. APEDI nevertheless responded with cross-border negotiations and continues to play an instrumental role in the settlement of small-scale subsequent reprisals by both sides.

### **3.3.4 Kenya-Uganda Cross Border Peacebuilding Initiatives**

Conflicts in the Karamajong cluster of Kenya and Uganda are endemic.<sup>58</sup> The most pressing conflict issue on the Kenya-Uganda border has been cattle rustling through the use of small arms between the Pokot/Turkana of Kenya and the Karamojong/Dodoth/Jie groups of Uganda. Inference from conflict analysis identifies livestock, pastures, water, minerals, cultural traits and access routes as significant elements of perpetual contention among the pastoralists. Cross border conflicts take place across the international borders of the Karamajong cluster groups where conflict exists between one tribe in one country against another tribe in the neighboring country.<sup>59</sup>

The Kenyan and Ugandan Governments have been organizing a number of peace and security meetings to end conflict in the cluster. These have been open public meetings in which government officials implore warriors to settle their disputes which they say would open the doors to development and service delivery in the region. Some of the peacebuilding initiatives under taken by the two governments include; disarmament, recovery of stolen livestock,

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<sup>58</sup> USAID, *Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa*, (Conflict Baseline Study Report Conducted in the Karamajong Cluster of Kenya and Uganda, August 2005), p. 6

<sup>59</sup> *Ibid.*, p. 11

deployment of security personnel and Anti-Stock Theft Units (ASTUs) and Local Defence Units (LDUs) and recruitment of vigilantes and homeguards,

On a number of occasions, the governments of Kenya and Uganda undertake disarmament exercises in order to bring peace to the Karamajong cluster. In Uganda, the Ugandan People's Defence Force (UPDF) and LDU headed up the most recent efforts to recover of stolen livestock and were assigned to recover all stolen livestock and return them to their owners through tracking and military interventions in suspected Kraals.<sup>60</sup> Another action that the governments have taken is deploying security forces to border points between the different ethnic clans in Karamoja to control raiding itineraries. The intention of this buildup has been to allow fast action response against raids.

The deteriorating security situation in the Karamojong cluster has compelled the two governments to take additional measures aimed at taming the insecurity. In Uganda, this has been done through the recruitment of the Karamojong warriors themselves, who constitute a potentially formidable force to contain raiding. In 1993, an estimated force of 800 warriors under vigilante leadership helped restore some form of security, with reduced incidences of raiding and road ambushes, but struggles over control of the force between the army and police led to delayed salaries that forced the vigilantes to go back to raiding.<sup>61</sup>

In the Turkana region of Kenya, the government, through the community, recruited homeguards and armed them with guns. In addition, the government deployed paramilitary troops to the area. However, these measures have only served to reduce raiding incidences in the areas where troops are deployed. Given the vastness of the region, most areas are still quite vulnerable.

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<sup>60</sup> USAID, *Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa*, op. cit., p. 41

<sup>61</sup> Ibid., p. 42

The Ministry of State for Karamoja coordinates development work in the area and organizes conferences, workshops and forums where Karamojong elders, youth, (warriors) the local elite, government departmental heads, NGOs and political leaders within the Karamoja and from neighbouring districts meet to discuss various issues pertaining to peace, security and development.

The role of communities through community dialogue, recovery of stolen animals, peace crusades, identifying and apprehending criminals, reporting incidences of raiding to the army and surveillance has been instrumental in building peace along the Kenyan-Ugandan border. Community dialogue meetings are open to all men in competing factions and involve each side making concessions to the other.<sup>62</sup> This method has been effective because it involves the active youth and allows them to implement the resolutions of the meetings.

The community is very active in tracking, recovery and return of stolen animals after a raid.<sup>63</sup> The community traditionally punishes criminals and hands recidivist criminals over to the police or court for prosecution. The community does this by identifying and isolating the culprits. The youth are summoned by the elders and charged with the task of rounding up the culprits through Ameto (traditional operation of bringing wrong doers for punishment). The culprits are asked to bring back the exact number of livestock stolen, together with a fine. The fine acts as a deterrent against further attempts. Lastly, the community directs the youth to patrol and scout pathways and sanctuaries of the raiders.<sup>64</sup> This reduces the frequency of raiding.

Women particularly, have been known to engage in peace crusades. This is due to the fact that women and children are often the most affected by the conflict. As a result, women have

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<sup>62</sup> USAID, *Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa*, op. cit., p. 42

<sup>63</sup> Ibid.

<sup>64</sup> Ibid., p. 43

taken the initiative to engage in the mass campaigns for peace to convince the border population to back the peace effort. This effort is winning a lot of success both within the local community and the international community because women have chosen to challenge the men into promoting peace in the cluster. Although the women's efforts have been recognized by the society as a likely way to achieve peace in Karamoja cluster, they face opposition and challenges from the male population in this patriarchal community.

Within the framework of the USAID-funded conflict prevention, mitigation, and response strategy, the Peace in East and Central Africa (PEACE) program run by Development Alternatives, Inc., currently lends support to a host of local NGOs, CSOs, and CBOs that operate at the district level on either side of the border. Civil Society Organizations (CSOs) in the cluster dwell mostly on facilitating and conducting peace dialogue meetings between communities as well as on advocacy for pastoralist issues intended for the national and regional platform. Other interventions currently being undertaken by the civil society include conflict early warning and the recovery and return of stolen livestock.

Cluster peacebuilding interventions revolve around Riam Riam, a peace building coordination model that is run by community, civil society and government representatives working as a committee.<sup>65</sup> Riam Riam was brought into the disarmament process by the Kenyan government, and has acted as an intermediary between communities, government and military leaders. While individual member organizations of Riam Riam conduct individual resource mobilization efforts, the resulting funds are put at the disposal of Riam Riam for use in cases of rapid response and other peace building interventions.

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<sup>65</sup> USAID, *Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa*, op. cit., p. 44

USAID, through its contracted agent (Development Alternatives, Inc.) and the local partners (Riam Riam in Kenya and Kotido Peace Initiative (KOPEIN) in Uganda) funded a project in response to skirmishes involving Dodoth (Uganda) and Turkana (Kenya) that had taken place in March 2004.<sup>66</sup> There had been expectations on the ground that a reprisal attack was set to take place in early 2005. That such an attack did not occur was attributed to the cross border peace process implemented by Development Alternatives, Inc. and its partners.

Outputs of this project included: the Provisional Peace Agreement between Dodoth and Turkana tribal leaderships in December 2005-this was an all-inclusive accord that most importantly involved the participation of youths; peaceful sharing of resources on both sides of the border; negotiated return by the Dodoth of an abducted 14-year old Turkana boy to his family; a cross border conflict prevention, mitigation, and response network of local organizations with mechanisms for sharing natural resources between communities and strengthened partnership with the governments-both the Kenyan and Ugandan governments have begun working more closely with civil society in resolving cross border disputes.

Building on these early gains, Riam Riam and KOPEIN enhanced their capacities and continue to support conflict mitigation and peacebuilding in the border region.<sup>67</sup> Kotido Peace Initiative (KOPEIN) facilitates peace meetings, recovery and returning of stolen animals, trains peace teachers who continue to sensitize the people on peace, identifies and works with the clan elders in the promotion of peace, monitors Kraals during the dry season in the neighbouring districts of Acholi, Pader and Lira. Similarly, KOPEIN conducts public awareness campaigns and sensitization workshops and works in close collaboration with the Ugandan police, UPDF,

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<sup>66</sup> Leff, J., "Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region," *International Journal of Conflict and Violence*, op. cit., p. 198

<sup>67</sup> Small Arms Survey, *Responses to Pastoral Wars: A Review of Violence Reduction Efforts in Sudan, Uganda and Kenya*, op. cit., p. 1-8:6

Ugandan Human Rights Commission, local government and community leaders, and NGOs (Oxfam and SNV) to promote dialogue and reconciliation between tribes in Karamoja, Uganda, and neighbouring tribes in Kenya and Sudan.<sup>68</sup>

Oxfam-Great Britain, the Karamoja Initiative for Sustainable Peace (KISP) and World Vision International all work towards peace in the region. They have encouraged and supported formation of Community-based Organizations (CBOs) such as the Matheniko Women's group. Similarly Pokot and Pian women are also mobilizing and becoming active in peacebuilding in the communities.<sup>69</sup>

Karamoja Initiative for Sustainable Peace (KISP) sensitizes people on peace, mobilizes the community for peace meetings, mobilizes elders for peace campaigns, uses an integrated and community-based approach to peacebuilding using both traditional and modern mechanisms of conflict management.<sup>70</sup> Matheniko Development Forum (MADEFO) sensitizes the community on the dangers of conflict, facilitates peace meetings, conducts peace campaigns, helps pastoralists change their life from over-reliance on livestock to other development ventures such as bee keeping.

POKATUSA Peace and Development Programme is a Christian-based Organization that facilitates peace and reconciliation among the Pokot (Po), Karamojong (Ka), Turkana (Tu) and Sabinu (Sa).<sup>71</sup> POKATUSA undertakes cross border peace negotiation, provides training and

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<sup>68</sup> Leff, J., "Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region," *International Journal of Conflict and Violence*, op. cit., p. 198

<sup>69</sup> Mwaûra, C. et al., "Building CEWARN Around Entry Points," in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, op. cit., p. 158

<sup>70</sup> USAID, *Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa*, op. cit., p. 45

<sup>71</sup> Mwaûra, C. et al., "Building CEWARN Around Entry Points," in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, op. cit., p. 155

encourages resources mobilization, emphasizes education and culture, carries out advocacy programs, and facilitates peace sports activities.

The Dodoth Agro-pastoral Development Organization (DADO) trains community animal health workers, facilitates cross border peace programs, encourages the formation of associations for promotion peace. The Karamoja Agro-pastoral Development Programme (KADP) gives loans for goat rearing and integrating peacebuilding to other development programs, facilitates peace meetings, trains community peace committees, establishes youth and women peace groups, initiates activities to build capacity of peace actors on conflict prevention, mitigation and response and carries out research and advocacy programs.<sup>72</sup>

The Karamoja Association for Peace and Environmental Protection Service (KAPEPS) engages in community peace education, through music choirs and dance, forms women groups who sensitize on peace through songs, carries out environmental conservation initiatives, plays a critical role in the organization of Alomar/Adakar (a number/group of Kraal) security councils and organizes peace retreats for youths.

The Moroto-Nkakapiripirit Religious Leaders Initiative for Peace (MONARLIP) organizes problem-solving workshops for Kraal youths, puts on training for peace teachers, carries out Kraal missions and organizes peace retreats and behaviour change programs for rural youth.<sup>73</sup> Pokot Zonal Integrated Development Project (POZIDEP) delivers peace sensitization, facilitates and mobilizes the community for peace meetings and integrates peace, development and religious programmes.<sup>74</sup>

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<sup>72</sup> USAID, *Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa*, op. cit., p. 46

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.



In an attempt to strengthen, co-ordinate and integrate various conflict management initiatives, the government and civil society organizations (CSOs) jointly established the National Steering Committee on Peacebuilding and Conflict Management (NSC). It was established in 2001 within the Office of the President and became operational in November 2002 with the placement of a Secretariat. It brings together representatives from relevant Government Ministries and Departments, umbrella civil society organizations, development partners and UN agencies. As a multi-agency organization, NSC is mandated with the co-ordination of all peace related activities in Kenya. One of the major roles of NSC is to strengthen and co-ordinate cross border peace initiatives. It also doubles up as Kenya's Conflict Early Warning and Response Unit (CEWERU) Protocol acceded to by IGAD Member states in 2002.

### **3.4 Regional Peacebuilding Initiatives**

Regional organizations, host governments and donors are becoming increasingly more aware of the spillover effects of the cross border conflicts and the role of local security arrangements to keep the peace.<sup>75</sup> Due to the cross border challenges presented by warring groups, certain countries in the Horn of Africa formed the Nairobi Secretariat, which later became the Regional Center on Small Arms and Light Weapons (RECSA).<sup>76</sup>

RECSA is an intergovernmental body that supports member states undertaking regional and international initiatives for the reduction and control of the proliferation of Small Arms and Light Weapons (SALW). RECSA acts as a forum for cooperation among National Focal Points and other relevant agencies to prevent, combat, and ultimately eradicate illicit trafficking and

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<sup>75</sup> Small Arms Survey, *Responses to Pastoral Wars: A Review of Violence Reduction Efforts in Sudan, Uganda and Kenya*, op. cit., p. 1-8:6

<sup>76</sup> Leff, J., "Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region," *International Journal of Conflict and Violence*, op. cit., p. 200

stockpiling in Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa. The Kenya National Focal Point (KNFP) for SALW is responsible for issues of SALW.

The Kenya National Focal Point on Small Arms and Light Weapons was established in June, 2002 and became fully operational in March, 2003 under the office of the President. The Kenya National Focal Point is the main coordinating body responsible for policy formulation, development of National Action Plan, research and monitoring of activities designed to control the proliferation of illicit small arms and light weapons in the country. One of the achievements of KNFP is the establishment and operationalization of District Peace and Development Committees that initiates voluntary surrender of arms in some pastoralists' districts.

The government of Kenya and Uganda met on 4<sup>th</sup> June, 2005 and collectively agreed upon a joint disarmament program of action with the sole objective of achieving sustainable peace and development in North Eastern Uganda and the North Rift Districts of Kenya.<sup>77</sup> The program of action was to undertake simultaneous and coordinated disarmament operation; branding of livestock; provide and reconstruct social and physical infrastructure and support the development of alternative livelihood.<sup>78</sup> These interventions were undertaken but with minimal results due to lack of funds to sustain collaboration among the partners and effective development interventions.

In another initiative, the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO) works closely with government and CSOs to develop, strengthen and enforce legislation aimed at reducing cattle rustling and associated armed violence. In 2005, EAPCCO introduced the Protocol on the Prevention, Combating, and Eradication of Cattle Rustling in

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<sup>77</sup> Office of the President, *Kenya National Focal Point on Small Arms and Light Weapons*, (Country Report to the Fourth UN Biennial Meeting of States on the Status of Implementation of the UN Program of Action on Illicit Small Arms and Light Weapons and the Implementation of International Tracing Instrument, on June 14-18, 2010, United Nations General Assembly, New York), pp. 11-12

<sup>78</sup> Ibid.

Eastern Africa. Eleven East African countries including Kenya, Ethiopia, Somalia, Sudan and Uganda signed the protocol in August 2008.<sup>79</sup>

EAPCCO has made efforts: to promote, strengthen and perpetuate cooperation and foster joint strategies for the management of all forms of cross border and related crimes with regional implications; to prepare and disseminate relevant information on criminal activities as may be necessary to benefit members to contain crime in the region; to carry out regular reviews of joint crime management strategies in view of changing national and regional needs and priorities; to ensure efficient operation and management of criminal records and efficient joint monitoring of cross border crime taking full advantage of the relevant facilities available through Interpol.<sup>80</sup>

It should also be noted that several precedents for both cross border cooperation and integrated peacebuilding already exists in the IGAD region.<sup>81</sup> The Inter-Governmental Authority on Development (IGAD) established a Conflict Early Warning and Response Mechanism (CEWARN) in 2002 in order to enhance awareness of pastoral conflicts in Kenya, Djibouti, Ethiopia, Eritrea, Somalia, Sudan and Uganda. Part of the role of CEWARN is to develop proposals for cross border conflict early warning, prevention and management systems along the borders of Kenya, Ethiopia, Somalia, Sudan and Uganda. Drawing on a vast monitoring network of field monitors reporting from each of the countries, CEWARN is able to track and report on violent incidents in order to equip governments with knowledge regarding trends on and factors behind pastoral violence.

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<sup>79</sup> Eastern Africa Police Chiefs Cooperation Organization (EAPCCO), *Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa*, 2008

<sup>80</sup> Ibid.

<sup>81</sup> Mwaûra, C. et al., "Building CEWARN Around Entry Points," in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, op. cit., p. 153

The Government of Kenya is also a member of other regional structures for peace and security. These structures include; The African Union (AU) Peace and Security Council, Eastern Africa Standby Brigade (EASBRIG), East African Legislative assembly and Amani Forum on Peace (Great Lakes Parliamentary Forum) Kenya Chapter. These institutions are committed to peaceful resolution of conflicts, and promotion and consolidation of peace, security, stability and democratic governance. Therefore, these regional structures play a great role in the management of conflicts including cross border conflicts.

Lastly, it is envisaged that the implementation of the Constitution of Kenya, 2010 will strengthen peacebuilding initiatives through the new structures, values and principles that are fundamental for better governance. Implementation of Chapters on the Bill of Rights, Land and Environment, Judiciary, Devolved Government, Public Finance and National Security will attempt to address and resolve most of the proximate and underlying issues of cross border conflicts. This will further institutionalize and improve policy frameworks that can bolster peacebuilding initiatives in the management of cross border conflicts in Kenya and the Horn of Africa as a whole.

### **3.5 Conclusion**

It has been noted that cross border conflicts continue to occur with increasing frequency and intensity. They have morphed from attacks to restock diminished herds to violent massacres and acts of criminality. The conflicts have fuelled the demand and proliferation of small arms and fire arms increasing instability and insecurity.<sup>82</sup> There is need to increase state presence along the borders and promote peacebuilding initiatives amongst warring communities in

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<sup>82</sup> Pkalya, R. et al., *Conflict Management in Kenya: Towards Policy and Strategy Formulation*, (Nairobi, Practical Action, 2006), p. 42

collaboration with state authorities of neighbouring states. Development projects targeting the youth would be a disincentive to participation in raids. The community through peace communities should be involved in efforts to eradicate the use of Small Arms and Light Weapons.<sup>83</sup>

Mwagiru observes that Track one conflict management enjoys a very close relationship with power and its manipulation.<sup>84</sup> Because of this preoccupation with power, Track one conflict management usually attains settlement which is often unsatisfactory rather than resolution of cross border conflicts. The non-state actors have not always been directly involved peacebuilding activities. They are largely involved in supportive rather than direct roles in peacebuilding. Most of the non-state actors are involved in humanitarian or development work in a region affected by violent conflict. This has tended to affect their ability to produce long lasting outcomes. Nonetheless, peacebuilding initiatives undertaken by both state and non-state actors have made significant achievements in preventing, mitigating and resolving cross border conflicts.

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<sup>83</sup> Pkalya, R. et al., *Conflict Management in Kenya: Towards Policy and Strategy Formulation*, op. cit., 42

<sup>84</sup> Mwagiru, M., *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit., p. 125

## CHAPTER FOUR

### A Critical Analysis of Cross Border Conflicts and Peacebuilding in Kenya

#### 4.1 Introduction

This chapter investigates the issues, actors and interests in cross border conflicts in Kenya and discusses the frameworks for analyzing these conflicts. There is a complex relationship between the actors, issues and interests in cross border conflicts because of the actors' diverse interests and the manifold issues involved. It is important to understand this complex relationship for purposes of managing the conflicts. The framework for analyzing conflicts enables the understanding of this complex relationship and helps in formulating apposite resolution initiatives. Lastly, this chapter critiques the existing peacebuilding initiatives in the cross border areas to assess their efficacy.

#### 4.2 Issues in Cross Border Conflicts

Mitchell contends that issues "refer to what the conflict is about and these are the salient goals that are incompatible."<sup>1</sup> Issues can also be regarded as subject dimensions upon which parties take up contrasting positions because of their conscious goals. All conflicts, no matter how simple, involve more than one issue. The multiple issues involved underline the difference between simple and complex conflicts. Issues also vary markedly from conflict to conflict and can change overtime in the same conflict, once the parties' original goals are modified, abandoned or supplemented.

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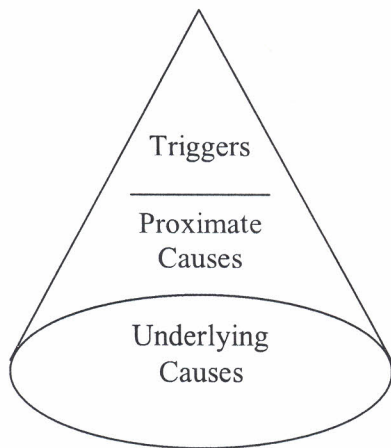
<sup>1</sup> Mitchell, C. R., *The Structure of International Conflict*, (London: Macmillan, 1998), p. 41

To understand the issues in a conflict, the conflict manager classifies the issues into groups, separating the simple issues from those that are more complex. Fisher notes that the likelihood of reaching a satisfactory solution to a conflict can often be increased by separating or “fractionating” the large issues involved into smaller and more workable ones.<sup>2</sup> Mwangiri concurs that “fractionating the issues is an important tool for practical conflict management.”<sup>3</sup> When engaged in a process such as negotiation, for example, it helps and encourages the parties to first deal with the more straightforward issues, before moving on to the more complex ones.

#### 4.2.1 A Framework for Analyzing Issues in Conflict

In one of the frameworks for analyzing conflicts, the conflict manager views issues in terms of modes and looks for the underlying, proximate and trigger issues in conflict. The diagram below outlines a framework for analyzing issues in any given conflict.

**Figure 1.1 A Framework for Conflict Analysis**



**Source: (Mwangiri, M., *Peace and Conflict Management in Kenya*, (Nairobi: Centre for Conflict Research, 2003))**

<sup>2</sup> Fisher, R., “Fractioning Conflict,” in Fisher, R., (ed.), *International Conflict and Behavioural Science*, (New York: Basic Books, 1964), pp. 91-109

<sup>3</sup> Mwangiri, M., *Peace and Conflict Management in Kenya*, (Nairobi: Centre for Conflict Research, 2003), p. 13

The cone shaped figure tapers smoothly from a flat circular-like base to the apex. The cone differentiates the causes of conflicts and has underlying causes at the base, proximate causes at the middle and triggers at the apex. The causes at the base of the cone bear the greatest responsibility to conflicts. These are structural causes and Mwagiru defines them as “those arrangements underlying relationships in society that act as the soil in which a conflict takes roots and grows.”<sup>4</sup> The proximate causes are at the middle of the cone and they help to capture the relationship between structural and violent conflict. They make the underlying causes worse and might point directly to a conflict that is developing. The triggers bear the least responsibility to conflicts but sparks off the actual conflict behaviour. The framework for conflict analysis helps the conflict manager to narrow down the causes from the broader systemic issues, to intermediate issues and to immediate issues. Differentiation of causes of conflicts is very important in conflict management.

#### **4.2.1.1 Triggers of Cross Border Conflicts**

The triggers of a conflict are those incidents and happenings that directly ignite a violent conflict.<sup>5</sup> This could be single key acts, events or their anticipation that will set off or escalate violent conflict. The thinking behind this is that although intermediate issues might point directly to a conflict that is developing, there needs to be something that sparks off the actual conflict behaviour.

Triggers of cross border conflicts in Kenya include; livestock raids, revenge attacks, rape, defilement, heroic songs, incitement by politicians and others, the arrest/death of community members, injury to people and livestock, and pastoral migrations in search of pasture and water

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<sup>4</sup> Mwagiru, M., *Peace and Conflict Management in Kenya*, op. cit., p. 36

<sup>5</sup> Ibid.



during dry seasons. For example, heightened communal anxiety over access to scarce resources, pasture and wells are easily exploited by politicians and others through incitement to promote divisions and foment violence.

Revenge attacks between the Turkanas of Kenya and the Dassanech (merilles) of Ethiopia are cyclical in this region since the 1990s.<sup>6</sup> In the conflict between the Turkanas versus the Dongiros and Merilles, a report of the Parliamentary Select Committee noted that during dry seasons on Turkana side, the pastoralists move in search of water and pasture for their livestock and by doing so they expose themselves to Dongiros and Merilles who raid them.<sup>7</sup> Similarly, when there is little pasture in Ethiopian side, Merilles and Dongiros move towards Kenyan side in search of the same and Turkanas take advantage and raid them. Fish in Lake Turkana is also another factor that fuels cross border conflict between Turkanas and Merilles. Merilles have devised a strategy of carrying out constant attacks and raids on Turkanas to scare them away so that they can monopolize fishing in the Lake.<sup>8</sup>

#### **4.2.1.2 Proximate Issues of Cross Border Conflicts**

These are intermediate (mid-term) issues which are worsened by triggers and make the underlying issues worse. These are factors that contribute to a climate conducive to violent conflict or its further escalation, sometimes symptomatic of a deeper problem. Proximate issues are important because amongst other things, help to capture the relationship between structural conflict and violence.<sup>9</sup>

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<sup>6</sup> United Nations Office for the Coordination of Human Rights Affairs, Kenya, *Cross border Conflict*, (Situation Report, No. 1, on May 12, 2011, Nairobi, Kenya), p. 1

<sup>7</sup> Clerk Chambers, *Minutes of the Fifty-Fourth Sitting of the Select Committee to Investigate the Root Causes of Cattle Rustling*, (The Report of the Parliamentary Select Committee to Investigate the Root Causes of Cattle Rustling in Kenya, September, 2010, Nairobi, Kenya)

<sup>8</sup> Ibid.

<sup>9</sup> Mwangiru, M., *Peace and Conflict Management in Kenya*, op. cit., p. 36

Proximate issues in cross border conflicts in Kenya include; unemployment, competition for resources, drought and famine, food insecurity, porous borders, instability in some of the neighbouring countries, proliferation of Small Arms and Light Weapons (SALWs), commercialization of stock theft, commercialization of trade in small arms, control of trade access routes, environmental degradation, inequitable resource allocation and breakdown of traditional systems and institutions of conflict management.

Menkhaus notes that environmental degradation of rangelands contributes to increased communal competition and pastoral conflicts over water and rangeland are endemic between the cross border communities.<sup>10</sup> He further notes that dramatic expansion of cross border commerce from Somalia into Kenya has had a variable affect on conflict, at time serving as a force for cross-clan collaboration and basic security, and at other times producing conflict over control of Kenya trade routes.<sup>11</sup> Spillover from protracted state collapse in Somalia has been a major driver of conflict in the border areas, producing destabilizing flows of refugees, gun-smuggling, banditry warfare, and clan tensions.<sup>12</sup>

The proliferation of Small Arms and Light Weapons (SALWs) along the border areas has increased the flammability of cross border conflicts and carnage of local raids. According to Mkutu, conflicts have in recent years been increasing across what is a highly porous and for many local communities, at least-artificial border.<sup>13</sup> The commercialized trade in small arms, controlled in part by local elites, has intensified the conflicts leading to wide spread

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<sup>10</sup> Menkhaus, K. J., *Kenya-Somalia Border Conflict Analysis*, (Report Produced for Review by the United States Agency for International Development, on August 31, 2005, Nairobi, Kenya), p. i

<sup>11</sup> *Ibid.*, p. ii

<sup>12</sup> *Ibid.*, p. 2

<sup>13</sup> Mkutu, K., *Pastoral Conflict and Small Arms: The Kenya-Uganda Border Region*, (London: Saferworld, 2003), p. 22

indiscriminate fatalities (mostly women and children) displacement of families, and depletion of livestock.<sup>14</sup>

The Toposa ethnic group of Sudan, The Karamojong of Uganda and the Dassanech pastoral group of Ethiopia have experienced cross border conflicts among themselves due to each group's desire to control and compete for grazing rights in the Elemi Triangle. For example, in the 1990s the Ethiopian government armed the Dassanech with new Kalashnikov automatics in recognition of their vulnerability from the Kenyan Turkana and Sudanese cattle raiders, but failed to seek a firm border settlement that could safeguard their grazing interests in the disputed Triangle.<sup>15</sup>

#### 4.2.1.3 Underlying Issues of Cross Border Conflicts

These are conflict causes that are structural in nature. They are pervasive factors that have become built into the policies, structures and fabric of a society and may create preconditions for violent conflict. Examining and identifying the long-term issues of a conflict is important because it captures the structural causes of the conflict. Thus, long-term issues make the structures worse, and begin to lead to conflict. The long-term issues of cross border conflicts in Kenya revolve around; poor governance, illiteracy, poverty, colonial land distribution (land tenure system), cultural practices, ethnicity and marginalization.

According to Menkhaus, the level of poverty and underdevelopment in the Kenya-Somalia border area is among the highest in the country and is a major contributor cross border

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<sup>14</sup> Osamba, J., *The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya*. *African Journal of Conflict Resolution*, Vol. 1, No. 2, (2000), pp. 11-37

<sup>15</sup> Turton, D., "Mursi Political Identity and Warfare: The Survival of an Idea," in Fukui, F. and Markakis, J., (eds.), *Ethnicity and Conflict in the Horn of Africa*, (London: James Currey Publishers, 1994), pp. 15-32:15

conflicts.<sup>16</sup> A United States Agency for International Development (USAID) report notes that conflicts have existed in the Karamoja cluster since time immemorial and livestock raiding was accepted as a traditional practice of replenishing depleted herds and as an opportunity for young men to acquire their herds and assert their manhood.<sup>17</sup> The report further notes that restriction of access and migration to some of the traditional dry season grazing areas as a result of the creation of game reserves, forest reserves, large-scale agriculture, private land ownership, the creation of national boundaries, and the intrusion of a cash-based economy have also played a role in aggravating pastoral conflicts in the cluster.<sup>18</sup>

The colonial land distribution policies brought about the idea of individual ownership of land. Individualization of land tenure system meant that Africans were not able to get the more fertile lands and were instead pushed to the native reserves, which brought its own pressures on the land because of overcrowding. The land that was acquired by the white farmers used to be the grazing land for the Africans during the dry seasons; but the individualization of land tenure system meant that the Africans were no longer able to make use of that land. Consequentially, this formed part of the foundation of cross border conflicts.

Minutes of the Fifty-Fourth Sitting of the Parliamentary Select Committee to investigate the root causes of cattle rustling remarks that the Dongiros and Merilles value livestock and they view cattle rustling against the Turkanas as the easiest way of acquiring the treasured animals. Moreover, Merilles while undergoing initiation are required to acquire some cattle through

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<sup>16</sup> Menkhaus, K. J., *Kenya-Somalia Border Conflict Analysis*, op. cit., p. i

<sup>17</sup> USAID, *Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa*, (Conflict Baseline Study Report Conducted in the Karamajong Cluster of Kenya and Uganda, August 2005), p. 9

<sup>18</sup> Ibid.

raids.<sup>19</sup> The figure below illustrates an analysis of issues in cross border conflicts along the international borders of Kenya with Ethiopia, Somalia, South Sudan and Uganda.

**Table 1.1 Issues in cross border conflicts along the border areas of Kenya**

Underlying Issues	Proximate Issues	Triggers
Colonial land distribution (land tenure system)	Unemployment	Incitement
Poverty	Competition for resources	Raids
Illiteracy	Drought and famine	Revenge attacks
Ethnicity	Food insecurity	Rape
Marginalization	Porous borders	Defilement
Poor governance	Instability in neighbouring countries	Heroic songs
Cultural practices	Proliferation of Small Arms and Light Weapons (SALWs)	Arrest/death of community member(s)
	Commercialization of stock theft	Injury to people/livestock
	Commercialization of trade in small arms	Pastoral migrations during dry spells
	Control of trade access routes	
	Environmental degradation	
	Inequitable resource allocation	
	Breakdown of traditional systems and institutions of conflict management	

Source: (Author)

<sup>19</sup> Clerk Chambers, *Minutes of the Fifty-Fourth Sitting of the Select Committee to Investigate the Root Causes of Cattle Rustling*, op. cit.

In attempting to resolve these conflicts, the conflict manager needs to understand the origins, patterns and possible outcomes of the conflict. Therefore, one of the first tasks of an effective conflict manager is to identify the issues in the conflict, and the best way to do this is to ask the actors involved why they are engaged in the conflict.<sup>20</sup> He should get interested in knowing the issues in the conflict in order for him to find the best solutions to a conflict.

### 4.3 Actors in Cross Border Conflicts

Actors are parties involved in any conflict. They are also referred to as all those engaged in or being affected by conflict. They include individuals, groups and institutions that may be contributing to conflict or being affected by it in a negative or positive manner as well as those engaged in dealing with conflict.<sup>21</sup> According to Bercovitch, conflict among individuals, groups and states are pervasive and are part of every process of interdependence that brings various actors together and as a result, conflict relationships are part and parcel of human existence.<sup>22</sup> There are two types of actors in a conflict, namely, the visible and invisible actors.

#### 4.3.1 Visible Actors

Visible actors are those whom we can see, and often, whom we know that actively participate in conflict. In cross border conflicts, the visible actors include; raiders/rustlers, herdsmen, warriors, Oromo Liberation Front (OLF), vigilantes, homeguards, and cross border community members. To demonstrate how visible actors are involved in cross border conflicts,

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<sup>20</sup> Mwangi, M., *Peace and Conflict Management in Kenya*, op. cit., p. 12

<sup>21</sup> United Nations Development Programme, "Conflict Prevention NHDR Thematic Guide Note," *Bureau of Conflict Prevention and Recovery*, Final Draft 2004, (August 2004), p.4

<sup>22</sup> Bercovitch, J., *Social Conflict and Third Parties Strategies of Conflict Resolution*, (Boulder Colorado: Westview Press, 1984), p. 142

Mkutu observes that in September 2001 some 100 Sudanese Toposa cattle raiders armed with AK-47 assault rifles attacked Nanam village, a Turkana settlement 80 km northwest of Lokichogio in Kenya.<sup>23</sup> Ten Toposa and two Turkana herdsmen were killed during the battle, which lasted for more than two hours and the raid happened less than a week after Toposa raiders had killed eight Turkana herdsmen in an attack at Kamutia, 160 km from Lokichogio.<sup>24</sup>

On 25 December 2001 eight people were killed when cattle raiders from Uganda invaded Turkana district in Kenya. In November-December 2002 there were several raids by Kenyan Pokot on Karamojong homesteads. In January 2003, a group of suspected Kenyan cattle rustlers attacked two Ugandan villages, killing at least 10 people and driving away up to 800 heads of cattle.<sup>25</sup> In 2004, just a few kilometers from Narus, Sudan, a group of over one hundred Turkana warriors from Kenya crossed the border to attack a Toposa Kraal on the outskirts of Narus. In the clash, over thirty people were reported killed, and more than one hundred cattle, worth over US\$ 22,000 were stolen.<sup>26</sup> In May 2008, however, Toposa raiders crossed into the Lokichogio Division of Northern Kenya, resulting in an estimated forty three deaths, the majority Toposa.<sup>27</sup>

#### 4.3.2 Invisible Actors

Invisible actors in a conflict do not actively participate but could be at the core of the conflict. Mwangi maintains that “these actors, whom we cannot see immediately, are extremely important and without taking them into account, conflict management would not be possible or

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<sup>23</sup> Mkutu, K., *Pastoral Conflict and Small Arms: The Kenya-Uganda Border Region*, op. cit., p. 22

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Leff, J., “Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region,” *International Journal of Conflict and Violence*, Vol. 3, No. 2 (2009), pp. 188-203:191

<sup>27</sup> McEvoy, C. and Ryan, M., *Gauging Fear and Insecurity: Perspectives on Armed Violence in Eastern Equatoria and Turkana North*, (Small Arms Survey Working Paper, No. 14, Geneva, 2008)

successful.”<sup>28</sup> Invisible actors include those persons who in various ways support the visible actors and others who have interests in the outcome of the conflict. Invisible actors also include organizations. There are three categories of invisible actors in a conflict namely; the audience, constituents and patrons and allies.

The audience are actors that are affected by the conflict and have an interest in the conflict itself and its outcome. These actors include: neighbouring states because of proximity and shared interests such as history, religion, culture, trade and security; international organizations which are mandated by treaty to maintain order in international society such as the United Nations; professional bodies such as the media and Non-governmental Organizations (NGOs) who have a professional interest in the conflict. Their role is mainly to influence outcome by changing perceptions of those involved in the conflict.

Ethiopia, Somalia, Sudan and Uganda states are examples of audience actors due to their proximity to the Kenya state. Most of the pastoral communities that stay along the border regions share common community structures, languages, ethnicity, history, religion, culture, trade and security. Other audience actors include; International Non-governmental Organizations (INGOs), Regional Organizations, NGOs, Civil Society Organizations (CSOs), Community-based Organizations (CBOs), Faith-based Organizations (FBOs), donor agencies, administrative peace committees and government security agents (police, military, administrators, Local Defence Units (LDUs) and Uganda People’s Defence Force (UPDF)) undertake diverse peacebuilding initiatives to prevent, mitigate and resolve cross border conflicts. The media as an audience actor prompts the demand for action through reporting on cross border conflicts.

Constituents are actors involved in a conflict to whom those who are participating in the conflict are answerable to. Constituents in a conflict include; citizens, conflicting parties, party

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<sup>28</sup> Mwangiri, M., *Peace and Conflict Management in Kenya*, op. cit., p. 36



members and institutions that support the conflict. All the actors in a conflict act on behalf of the constituents. Constituents are therefore an important part of any conflict as they bring forth the terms under which the conflict will be settled. If the constituents are not agreeable to the deal that is brokered, then, the conflict remains intractable. The constituent actors in cross border conflicts include the local business communities, ranch owners, local politicians, local elites, young unmarried girls, traditional clan elders and religious leaders.

Patrons and Allies are actors who have an interest in the conflict as well as the outcome for ideological, political, economical, cultural or any other reasons. These actors include the diaspora who provide support to side of the conflict that they favour so as to sustain the conflict.

#### **4. 4 Interests in Cross Border Conflicts**

Interests are the desires or the expressions of needs of the parties in a conflict. They can also be referred to as the underlying motivations (concerns, goals, hopes and fears) of the actors. The interests of the actors help to define the issues and positions in the conflict. All actors in conflict have varying degrees of interests which they desire to realize. The more actors involved in a conflict, the more the interests there are, and hence the more complex the conflict is.<sup>29</sup>

One of the classical ideas in conflict resolution is to distinguish between the positions held by the parties and their underlying interests and needs. Many times people argue from positions rather than interests. Best contends that the positions of parties are those tough and uncompromising stands that parties to a conflict take and assume which sharply differ from those of other parties.<sup>30</sup> Thus, a position is based on the fears of a party; therefore, it is a protective and defensive stand. Positions are resorted to most easily because parties do not want to expose

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<sup>29</sup> Mwangiru, M., *Peace and Conflict Management in Kenya*, op. cit., p. 12

<sup>30</sup> Best, S. G., "Conflict Analysis," in Best, S. G., (ed.), *Introduction to Peace and Conflict Studies in west Africa: A Reader*, (Ibadan: Spectrum Books, 2006), p. 68

themselves by sharing their fears and interests, especially with strangers and enemies.<sup>31</sup> More often than not, interests can be met while positions cannot, and many conflicts fail to be resolved because the parties do not recognize these differences. However, with the identification of interests of all the parties, a conflict may have a quick resolution. This is because interests are flexible and fluid while positions are stiff and rigid. Interests are therefore easier to reconcile than positions.<sup>32</sup>

Exposing the interests can do a lot to resolve conflicts. It can help turn a conflict that may seem near impossible to resolve into a working problem where all parties interests are understood. It also allows the limited positions to become options, and not ultimatums that will break down the ability to come to a strong resolution. The work of a conflict manager, therefore, is to move the conflicting parties out of their positions and identify their interests which will facilitate a peacebuilding process.

Some of the interests in cross border conflicts include; wealth acquisition/protection, payment of dowry, getting profits from stock theft, restocking of stock, heroism, prestige, getting votes, protection of cross border communities' independence and cultural autonomy.

#### **4.4.1 A Framework for Analyzing Actors and Interests in Conflict**

The framework of analyzing conflict which involve; the type of conflict, actors and interests is aimed at asking different questions and eliciting different answers while explaining a lot about the conflict of a certain region.<sup>33</sup> This framework focuses on the actors who are involved in the conflict. Identifying actors in a conflict helps to underline the diversity and

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<sup>31</sup> Best, S. G., "Conflict Analysis," in Best, S. G., (ed.), *Introduction to Peace and Conflict Studies in west Africa: A Reader*, op. cit.

<sup>32</sup> Ramsbotham, O. et al., *Conflict Resolution*, (London: Polity press, 2005), p.18

<sup>33</sup> Mwangi, M., *Peace and Conflict Management in Kenya*, op. cit., p. 39

complexity of the conflict and can often suggest the methodologies suitable in managing the conflict in question. The figure below summarizes the actors and interests in cross border conflicts along the border areas of Kenya.

**Table 1.2 Actors and Interests in cross border conflicts along the border areas of Kenya**

TYPE OF CONFLICT	ACTORS	INTERESTS
<b>Cross border conflict</b>	<b>Visible</b> Raiders/rustlers Herdsmen Warriors Oromo Liberation Front (OLF) Vigilantes Homeguards Cross border community members	Acquire/protect wealth Pay dowry Get profits Restock livestock Prestige and heroism Protect communities' independence and cultural autonomy
	<b>Invisible (Audience)</b> Neighbouring States to Kenya International Non-governmental Organizations Regional Organizations Non-governmental Organizations Civil Society Organizations Community-based Organizations Faith-based Organizations	Prevent, mitigate and resolve the conflicts. Provides financial support for cross border conflict peacebuilding initiatives

	Donor agencies Administrative peace committees Government security agents Media	Prompts demand for action through reporting.
	<b>Invisible (Constituents)</b> Local business people Ranch owners Local politicians Local elites Traditional clan elders Religious leaders Young unmarried girls	Acquire/protect wealth Get profits/votes Restock livestock Prestige Protect the communities' culture and independence

**Source: (Author)**

The above matrix illustrates visible and invisible actors involved in cross border conflicts and their interests. This matrix shows that management of these conflicts requires the involvement of invisible actors besides those that are directly visible. It is important to involve the invisible actors so as to get a secure resolution to the conflict. The framework helps to group the actors into groups of visible and invisible actors and attempts to identify the interests of the actors. Actors are involved in conflicts because they have various interests in that conflict. Once the conflict manager knows the type of conflict, its causes and the identity of the actors and their interests in the conflict, it is then possible to establish the appropriate peacebuilding initiatives.

Vayrynen demonstrates that the involvement of different actors transforms the conflict significantly and further argues that conflicts are dynamic processes, and for this reason, the dynamism must be reflected in the analysis of conflict and its management processes.<sup>34</sup> Actors differ as to their goals and interests, their positions, capacities to realize their interests and relationships with other actors. One of the initial tasks for the conflict manager is to identify the different actors involved in a particular conflict. This helps in identifying the issues at the heart of the conflict and encourages conflict managers to involve all the actors in the conflict management process.<sup>35</sup>

Also, actors in conflict have some common interests in some issues, but differ on others. This means that there is a very dynamic and constantly changing relationship between actors and their interests.<sup>36</sup> There is a complex relationship between the actors, issues and interests in a conflict. In order to manage conflicts effectively, it is important to understand this complex relationship. The relationship between actors, issues and interests is further complex because actors agree on some issues, but not on others. A framework for analyzing conflict makes the work of analyzing and comparing conflicts much easier. Therefore, a framework for analyzing conflict facilitates the conflict manager to understand this complex relationship. In doing this, it becomes easier for conflict managers to design appropriate interventions that can create long lasting outcomes.

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<sup>34</sup> Vayrynen, R., "To Settle or to Transform? Perspectives on the Resolution of National and International Conflicts," in Vayrynen, R., (ed.), *New Directions in Conflict Theory: Conflict Resolution and Conflict Transformation*, (London: Sage Publications, 1991), pp. 1-25

<sup>35</sup> Mwangi, M., *Peace and Conflict Management in Kenya*, op. cit., p. 12

<sup>36</sup> Ibid.

#### 4. 5 A Critique of Peacebuilding Initiatives in Cross Border Areas

While cross border conflicts between different groups have been a long standing reality, an effective institutional basis for addressing these conflicts still remains elusive.<sup>37</sup> In as much as there are existing commitments to address cross border conflicts, there are some weaknesses or challenges to developing a Conflict Early Warning Prevention and Management system for pastoral areas along borders. This lack of appropriate policy leads to aggressive state intervention in the pastoral areas that further alienates communities.

Given the hostile nature of government and community relations in many border areas, it is unsurprising that the state is very often incapable of responding to crises effectively. A Conflict Early Warning System depends on the availability of information that is usually gathered through local networks. When relations between local communities and governments are tense, information channels that might normally be open and enhance prospects for state-civilian cooperation in these areas are compromised.<sup>38</sup>

Effective functioning of Conflict Early Warning prevention and management mechanism must be based on solid and comprehensive methodology i.e. coordinating collection and analysis of information for proactive not reactive measures. With regard to some mechanisms, information is not collected systematically, analysis seems ad hoc at best (or absent altogether), and neither reaches policy makers assigned to respond to the situations.<sup>39</sup> This makes such mechanisms reactive rather than proactive in the sense of Early Warning and conflict prevention.

The study revealed the presence of several organizations (communal, national, regional and international) in the area of cross border conflict management. While many are undoubtedly

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<sup>37</sup> Mwaûra, C. et al., "Building CEWARN Around Entry Points," in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, (Asmara, The Red Sea Press, Inc., 2002), pp. 147-168:152

<sup>38</sup> Ibid., p. 165

<sup>39</sup> Ibid., p. 161

doing commendable work, still there is often very little collaboration or networking among them, which sometimes leads to duplication of efforts and less effective utilization of resources. The efforts of these organizations remain uncoordinated hence their impacts remain minimal in policy terms.

Involvement of many actors in such complex situations is sometimes a source of conflict among pastoral communities because of the differing agendas and signals being send out at the same time by various actors.<sup>40</sup> There is need therefore to cultivate better networking and collaboration among peacebuilding partners in cross border areas. The National Policy on Peace building and Conflict Management should seek to establish such networking structures to promote networking and cooperation between different actors.

There is lack of contingency planning in mitigating and managing cross border conflicts. The government's predominant response in the face of violent conflict has been one to quell the violence and restore calm and then move out of the situation as soon as possible. Rarely is government involved in a systematic process to address the root causes of the conflicts and to bring healing and reconciliation among the affected communities. Sometimes, government security forces intervene long after the perpetrators of the raids have escaped. There is therefore need to strengthen strategic conflict analysis and contingency planning and make peacebuilding initiatives more proactive.

The state is virtually absent in many border areas and the fate of pastoral communities has largely been felt in the hands of civilians. As a result, most non-state peacebuilding actors directly work with these communities and undertake initiatives that only address the symptoms of the conflicts. The states absence in many of these initiatives constitutes a serious weakness as

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<sup>40</sup> Mwaûra, C. et al., "Building CEWARN Around Entry Points," in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, op. cit., p. 161

development challenges in pastoral areas relate to the inability (or some might argue the disinclination) of the state to deliver services and allocate resources equitably.<sup>41</sup>

Another critical weakness linked to the state's absence, is that management of pastoral conflict is increasingly "donor driven."<sup>42</sup> Pastoral conflict has a serious bearing on security, law and order and good governance in general. The state's role in ensuring security for its citizens has been increasingly eroded leaving matters relating to security to donor-driven forces mainly relief aid and short-term projects. This is clearly a major weakness. There is also a threat to the sustainability of such policies particularly when funding is withdrawn or donors develop new agendas.

Efforts of building sustainable peace are hampered by the presence of illegal arms in the country. These arms find their way into the country mostly from the neighbouring countries which are in the middle of intermittent civil wars. There is need to use gadget detectors at various roadblocks in order to contain the menace, deploy adequate security personnel along the border regions and also fast track joint regional initiatives and harmonize legislations on Small Arms and Light Weapons (SALWs).

People engaged in peacebuilding initiatives in different sectors and levels of society necessarily need knowledge and skills to do it well. In addition, the communities' readiness to embrace peacebuilding would be fostered by requisite skills and knowledge in the field. Such skills include conflict analysis, conflict early warning and response, disaster preparedness and conflict resolution among others. While many organizations are offering aspects of capacity building for peace, there are no strategic efforts to offer broad-based skills training in

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<sup>41</sup> Mwaûra, C. et al., "Building CEWARN Around Entry Points," in Mwaûra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, op.cit., p. 160

<sup>42</sup> Ibid.



peacebuilding especially those targeting people involved in peacebuilding initiatives and structures.

Meaningful interventions in peacebuilding should be underpinned by research and analysis into historical perspective and root causes of the conflict as well as the interests of the parties in the conflict. These calls for the need to formulate effective research strategies into Kenyan cross border conflicts and enhance skills development in the analysis and knowledge of peace. Peacebuilding interventions need to identify and enhance the existing community efforts and initiatives, and where communities have developed coping mechanisms, these need to be recognized. There is also need to articulate mechanisms to foster linkages between formal and community dispute resolving structures and methodologies.

Lastly, it is a matter of debate if the peacebuilding initiatives discussed in this study address the structural causes of cross border conflicts. These structural causes are based on a long history of marginalization that has characterized the relationship between pastoral communities and the state. Addressing conflict in cross border areas requires examining the governance structures and development paradigms that have influenced the state action (or inaction) in these areas.<sup>43</sup> Any initiative aimed at addressing structural causes necessarily involves a re-education component to transform attitudes that have shaped government policy in cross border areas.

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<sup>43</sup> Mwaũra, C. et al., "Building CEWARN Around Entry Points," in Mwaũra, C. and Schmeidl, S., (eds.), *Early Warning and Conflict Management in the Horn of Africa*, op.cit., p. 166

## **CHAPTER FIVE**

### **Conclusion and Recommendations**

This chapter concludes the study that sought to investigate the impact of cross border conflicts on peacebuilding in Kenya (1992-2010). Conclusions including an overview of critical issues emerging from the findings are made. The study attempts to generate new ideas and improve on the existing knowledge on cross border conflicts and peacebuilding in Kenya. The study makes recommendations that endeavour to find solutions to cross border conflicts. These recommendations attempt to form the basis for institutional linkages in the management of cross border conflicts and further research. Lastly, the recommendations will provide more information to the formulation of a national policy framework on peacebuilding in Kenya.

The study concluded that there is no single cause of cross border conflicts in Kenya. However, competition over resources is a major factor that causes conflicts across the borders. Kenya's porous borders have created an environment conducive to the outbreak of violence because of the ease of movement across borders. The lack of security personnel along the border has led to feelings of insecurity among local populations forcing them to take up arms to defend themselves against attacks. The available security personnel are ill equipped to deal with large scale attacks and receive little back up support from military and other security personnel. The situation has exacerbated the occurrence and recurrence of cross border conflicts between neighbouring communities. Adequate security needs to be provided at the borders. Partnerships between Kenya security forces as well as communities and those of neighbouring states should be strengthened.

The study observed that there is a complex relationship between the actors, issues and interests in cross border conflicts. This relationship is complex because the actors have varying degrees of interests the desires to realize. Also, cross border conflicts have multiple issues that complicate the relationship. These issues can be fractionated and be classified as triggers, proximate and underlying issues. In order to manage cross border effectively, it is important to understand this complex relationship. The framework for analyzing conflicts enables the understanding of this complex relationship and consequentially designs appropriate interventions that can create long lasting outcomes.

Peacebuilding initiatives undertaken by various actors have been very instrumental in dealing with cross border conflicts through conflict prevention, mitigation and resolution. The initiatives have succeeded in mitigating cross border conflicts and promoting stability by maintaining and bolstering community cohesion and strengthening co-operative relationships among the cross border communities. The initiatives have successfully supported the management of cross border conflicts through inter-community dialogue and establishment of strategic cross border partnerships.

The initiatives have increased the propensity for peaceful resolution of cross border conflicts, through the emergent partnerships between the local communities, governments and civil society networks. The creation of partnership networks and the problem solving approaches have demonstrated tremendous value as an approach to management of cross border conflicts. The overall impact has been the reduction of cross border natural resource-based conflicts.

However, the study explored that there is no concrete policy framework to manage cross border conflicts in Kenya. The existing response initiatives are often characterized by coercive security agents' interventions on one hand, and advocacy-type interventions by audience actors

on the other. The National Steering Committee on Peacebuilding and Conflict Management aims to establish coordination, collaboration and networking between government and civil society with a view to strengthening and institutionalizing peacebuilding and conflict resolution initiatives in Kenya.

### **5.3 Recommendations**

The government should as a short-term measure carry out a complete disarmament exercise to rid of illegal arms and ammunitions in all communities in these areas. The government should also engage the other neighbouring countries of Ethiopia, Somalia, South Sudan and Uganda so that a similar disarmament exercise is undertaken simultaneously in the areas bordering Kenya so that there are no attacks that come from across the borders. As a long-term measure there is need to develop a comprehensive policy on disarmament for the region with an emphasis on community participation.

The government should take deliberate efforts to address high levels of poverty and access to essential services in cross border areas. More capital needs to be injected into pastoralist development programs to address critical needs such as water, roads, communications (including mobile telephony and community radio broadcast capacity) and markets. Such development programs will promote joint economic and livelihoods development by peaceful means, facilitate practical problem-solving partnerships between local government and cross border community organizations to share basic services, and strengthen community structures and mechanisms for the management of cross border conflicts and peacebuilding. Improved communication networks will enhance prompt information flows on security matters from the local Wananchi to the relevant actors for action.

The high number of unemployed youth in these areas should be organized into groups and facilitated to access financial assistance from such government funds as Youth Development Fund to enable them to engage in gainful activities. They should also participate in rural security roads improvement contracts and other small government contracts so as to benefit from government funds and earn a living outside cattle rustling and cross border crimes. A sustainable campaign to expand formal education to those communities should be undertaken to ensure that young men being recruited into moranism/heroism/cattle rustling activities abandon these practices and embrace education.

The need for political goodwill and commitment to end insecurity and cattle rustling should be a priority issue among the leaders and all the stakeholders in cross border regions. There is need to share information with and sensitize political leaders on peacebuilding programmes and improve dialogue with and among politicians. The government should deal firmly with political incitement and hate speeches and politicians must be held responsible for actions/conduct that is likely to generate conflict. The government must screen the elders appointed to the cross border peace committees to ensure that they are men of integrity and good character. It is also important to post competent, well trained government officers to manage conflicts in the cross border areas and address the real and potential issues arising from resources.

The Kenyan government should engage the neighbouring governments in initiatives that strengthen cross border peace committees to effectively play the role of security and conflict management. The government should support and engage the International Non-governmental Organizations (INGOs), Non-governmental Organizations (NGOs), Faith-based Organizations

(FBOs) and Community-based Organizations (CBOs) to support capacity building programs to equip cross border committee members with skills to negotiate and resolve conflicts.

There is need to streamline cross border movement/migration of pastoralist communities through; prior notification to host country before any communal migration, respect of traditional grazing norms and values, building of immigration and custom offices at border points and regions to facilitate easy movement of people across the borders, possession of legitimate documents on livestock and other properties during migration and concurrence on the duration of stay for the pastoralists. The Government should take control of the border points to stop proliferation of small arms across the boundaries.

The government should facilitate the ongoing communal sharing processes through; coordinated and harmonized approaches, cross border livestock sales and branding, strengthening of cross border peace committees with more government representation, holding of quarterly cross border meetings and follow up consultations, seeking authorization on the use of grazing lands from local leadership and other relevant authorities and formation of cross border environmental management committees.

The cross border communities should gradually be introduced to farming through irrigation methods, alongside pastoralist activities. This will ensure that the communities do not depend on cattle rearing alone and that other sources of livelihood are available in case of emergencies such as drought and famine.

The role of women in cross border peace committees is critical as they are the most affected by conflicts and other forms of insecurity. They ought to be incorporated in peacebuilding initiatives because they are important stakeholders. The government should ensure

that their membership in cross borders peace committees is not less than a third to total membership. This gender equity will enhance the committees' capacity to resolve conflicts.

The government should hasten the process of formulating a policy frame work to guide peacebuilding. The policy should focus on strong community driven institutions for conflict management and peacebuilding. The policy should provide incentives for leaders who champion's peace in their community and reward system for elders involved in peacebuilding interventions.

The government should operationalize the community policing strategy to involve the community in security management to reduce opportunities for crime. Some of the criminal activities such as cattle rustling should be contained before they spark conflicts. The community policing strategy should be supported by a relevant policy to create a framework for its operation and clarify responsibilities and mandate of all stakeholders to avoid confusion. Community participation should be given prominence.

There is need to continue strengthening the response structures for conflict early warning. While concrete steps have been taken to promote exchange and sharing of information and analysis among the cross border networks, timely response is still weak. One way of addressing this is by linking the cross border networks with the CEWARN mechanism so that there is readily available information through the local networks. Skills training, capacity building and mentoring need to be increased and continue to ensure that the cross border structures and networks established become sustainable over the long-term.

Lastly, the government must start to pay more attention to the link between research on conflicts and the practice of peacebuilding. There is need for a deliberate policy by government to create institutional linkages between the universities and the departments of government who

are charged with the responsibility of managing conflict. These institutional linkages will tap the wealth of knowledge in the domain of universities and help to build capacity in government so as to enhance effective management of conflicts. Further research on cross border conflicts and human security will enhance the capacity of the government to promote human development through the management of indirect violence like; deprivation, disease, natural disasters, underdevelopment, population displacement, environmental degradation, poverty, inequality and ethnical/sectarian oppression.



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## APPENDICES

Appendix 1.1 Map of the Horn of Africa



Source: (Food and Agriculture Organization (FAO) of the United Nations, 2005)

## Appendix 1.2 Maikona and Walda Peace Declaration

### MAIKONA AND WALDA PEACE DECLARATION - 28<sup>th</sup> July 2009

We, the undersigned, have accepted peace between our communities, the Borana and the Gabra

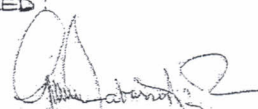
We pledge to live peacefully with one another and to share the natural resources of water and pasture.

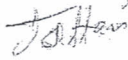
Peace will be maintained through regular meetings between representatives of both communities, at alternating locations.

Peace will be safeguarded through the implementation of the following fines:

1. If a person is caught with a stolen animal, the fine is 4 animals per animal stolen. The culprit also has to pay the expenses incurred for tracking that animal, and will be handed over to government law.
2. If a person injures another with intent to kill, the fine is 15 cows and they will be handed over to government law.
3. If a person kills another, the fine is 30 cows and they will be handed over to government law.
4. If a person is spreading lies and propoganda, inciting people to fight, they will be fined expenses and 5 cows.
5. If a person conceals a culprit or information, they and the concealed person will be fined the same, depending on the crime.


SIGNED:

  
GALMA DABASSO, BORANA

  
JATTANI KOTOTE, BORANA

  
ABDUB DENGICH, BORANA


  
ADI MARY HAPANA, BORANA

 (LTP)  
SALEA GALMA, BORANA

  
CHUKULISA TUWE, GABRA

SORI  
SORI SALESA, GABRA

ABUDO  
ABUDO QUYO, GABRA

  
QURI QUYO, GABRA

  
ABUDO GODANA, GABRA

Source: (The District Commissioner's Office, Marsabit District, 2009)