

**UNIVERSITY OF NAIROBI**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES (IDIS)**

**MA INTERNATIONAL CONFLICT MANAGEMENT**

**RESEARCH PROJECT**

**TITLE: “INDIGENOUS CONFLICT RESOLUTION MECHANISMS AMONG  
PASTORALIST COMMUNITIES IN THE KARAMOJA CLUSTER - A  
CASE STUDY OF THE TURKANA”**

**APIYO JACKLINE ADHIAMBO**

**R52/80185/2012**

**2014**

## Declaration

I declare that this project is a product of my own independent research work and has not been previously submitted for publication or any other degree programme or examination at any University. I further maintain that information derived, cited and referenced from the works of others have been given the appropriate acknowledgement

Signature -----

Date -----

Apiyo Jackline Adhiambo

R52/80185/2012

This Research Project has been submitted for examination with my approval as University Supervisor.

Signature-----

Date -----

Dr Kizito Sabala

Lecturer,

Institute of Diplomacy and International Studies,

Nairobi University

## **Dedication**

This research project is dedicated to my husband Benson Ouma who encouraged me to register for my master's degree and gave me all the encouragement and support to complete the course; to my children Christine Atieno, Jimmi Otieno and Darnell Ochieng for their understanding and patience during the time I was undertaking my studies. May God bless all of you.

## **Acknowledgement**

From the formative stages to the final draft of this research project report, I am indebted to the all-powerful God for all the blessings, protection and unfaltering love He showered me, for keeping me sane throughout and gave me the drive and motivation to push through. My profound and special gratitude goes to my supervisor Dr. Kizito Sabala for providing me with an opportunity to work with him. His professional expertise, mentorship, encouragement and support gave me the impetus to work hard and ensure the successful completion of this project. I could not have asked or wished for better mentor. Thank you!!

I would like to thank all my lecturers who taught me at the University, their efforts and determination in making a positive change in me cannot go unnoticed. Prof. Amb. Maria Nzomo, Prof. Makumi Mwangi, Dr. Ochieng Kamudhayi, Dr. Farah Ibrahim, Mr. Nguru Martin, Prof Mauri Yambo, Prof Jack Odhiambo and the support staff at IDIS for their continued support. I found all the units useful and relevant.

My heartfelt appreciation goes to my parents who nurtured me with love and even encouraged me to pursue this advanced degree. Most importantly my spouse and children for the support, patience, and understanding they offered all the time. Thank you for believing in me.

To my friends Mrs. Beatrice Odera, David Ochieng, and Fridah Gaceri, Thank you for the support, encouragement and empathy when the light at the end of the tunnel seemed a little dim. I extend my deepest appreciation.

## **Abstract**

Indigenous Conflict Resolution Mechanisms (ICRM) have been used among pastoralists for many decades. Turkana community provided a good case study as the community has embraced used And still use ICRM to prevent, manage and resolve intra- and inter-community conflicts. The main purpose of this study was do a critical analysis of ICRM to determine the missing link and propose recommendations that would contribute to the strengthening of the mechanisms to be able to meet the new developments, trends, dynamics and challenges of the twenty first century. This was addressed by focusing on the study objectives thus; to establish the perspectives of indigenous conflict resolution techniques among pastoralists, to examine the forms and application of indigenous conflict resolution techniques among pastoralists, and to determine the strengths and challenges of indigenous conflict resolution techniques among the pastoralists. This study covered convectional and ICRM at the global, regional and local level.

The research findings were based on comprehensive literature review got from extensive reports, academic writings, published books, and journals. These were supplemented by key informant interviews, focused group discussions and questionnaires. The research design was descriptive survey. Random sampling was done and different groups of the population were adequately represented. The target population was two hundred and fifty personnel involved in conflict management and peace building. A sample of seventy four respondents was randomly picked. The categories of people interviewed included government administrators, religious leaders, staff from Non Governmental Organizations (NGOs) and civil society groups, local leaders, women and youth.

Data was analyzed using descriptive statistics mean scores and standard deviations, frequencies distributions and percentages. Findings are presented by use of tables and figures for clarity. Summary, Conclusion and Recommendations were drawn from the study findings. The study is important as it will contribute to the generation of knowledge with regards to ICRM.

The study established that ICRM are widely applied among pastoralist communities and they have a positive perception about it and the people highly respect ICRM. There are various forms of ICRM but the most preferred were the public forums led by the elders. The study established that the strengths of ICRM outweigh the challenges and ICRM has been successfully used among the Turkanas with improved peace within the community and across the border. Decline in raids has also been observed.

From the study findings it is recommended that to be able to overcome the current conflict trends, dynamics, and challenges and be more effective the government needs to strengthen the implementation process by offering ICRM formal recognition and linking it with formal police, courts and various government agencies, incorporate the best practices of ICRM and with the modern mechanisms, involve all stakeholders especially women and youth, and conduct conflict education and training to elders to enable them understand modern methods of arbitration, democratic governance and universally accepted human rights.

## **Abbreviations**

<b>ACCORD</b>	African Centre for the Constructive Resolution of Disputes
<b>ASEAN</b>	Association of Southeast Asian States
<b>AU</b>	African Union
<b>CEMIRIDE</b>	Centre for Minority Rights Development
<b>CER</b>	Conflict Early Response
<b>CEW</b>	Conflict Early Warning
<b>CEWARN</b>	Conflict Early Warning and Response Mechanism
<b>CEWERU</b>	Conflict Early Warning and Response Unit
<b>COMESA</b>	Common Market for Eastern and Southern Africa
<b>CSOs</b>	Civil Society Organizations
<b>DAI</b>	Development Alternative Incorporation
<b>EAC</b>	East African Community
<b>ECOWAS</b>	Economic Community of West African States
<b>EU</b>	European Union
<b>FEWS NET</b>	Famine Early Warning Systems Network
<b>GoK</b>	Government of Kenya
<b>ICRM</b>	Indigenous Conflict Resolution Mechanisms
<b>IDIS</b>	Institute of Diplomacy and International Studies
<b>IGAD</b>	Inter-Governmental Authority on Development
<b>ITDG</b>	Intermediate Technology Development Group
<b>KC</b>	Karamoja Cluster
<b>KNHRC</b>	Kenya National Human Rights Commission

<b>LDU</b>	Local Defence Units
<b>NATO</b>	North Atlantic Treaty Organization
<b>NCCK</b>	National Council of Churches in Kenya
<b>NGOs</b>	Non Governmental Organizations
<b>NRI</b>	National Research Institute
<b>NUYRP</b>	Northern Uganda Youth Rehabilitation Project
<b>OAS</b>	Organization of American States
<b>OAU</b>	Organization of African Unity
<b>PCH</b>	Pastoral Community Harmonization
<b>RRF</b>	Rapid Response Fund
<b>SADC</b>	Southern Africa Development Community
<b>SALW</b>	Small Arms and Light Weapons
<b>SC</b>	Security Council
<b>SG</b>	Secretary General
<b>SPLA</b>	Sudan People's Liberation Army
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNICEF</b>	United Nations Children Education Fund
<b>UNPROFOR</b>	United Nations Protection Force
<b>USAID</b>	United States Agency for International Development

## Table of Contents

Declaration .....	ii
Dedication .....	iii
Acknowledgement .....	iv
Abstract .....	v
Abbreviations .....	vi
Table of Contents .....	viii
List of Tables .....	xii
List of Figures .....	xiii
Chapter One .....	1
Introduction and Background of the Study .....	1
1. Introduction.....	1
1.1 Statement of Research Problem .....	5
1.2 Objectives of the Study .....	6
1.2.1 Specific Objectives .....	7
1.3 Research Questions .....	7
1.4 Hypotheses of the Study .....	7
1.5 Justification and Significance .....	8
1.5.1 Academic Justification.....	8
1.5.2 Policy Justification.....	13
1.6 Theoretical Framework.....	14
1.7 Methodology .....	24
1.7.1 Case Study .....	24

1.7.2 Testing Validity and Reliability of Data Instruments .....	28
1.7.3 Data Collection Methods .....	30
1.7.4 Data Analysis .....	31
1.7.5 Data Presentation .....	32
1.7.6 Sample Size and Sampling Procedure .....	32
1.8 Scope and Limitations of the Study .....	33
1.9 Ethical Consideration.....	33
1.10 Structure of the Study .....	34
1.10.1 Chapter One: Introduction and Background of the Study .....	34
1.10.2 Chapter Two: Discourses on Conflict and Conflict Management .....	34
1.10.3 Chapter Three: Indigenous Conflict Resolution Mechanisms of Turkana .....	35
1.10.4 Chapter Four: The Missing Link in Peacebuilding Initiatives.....	35
1.10.5 Chapter five: Summary, Conclusion and Recommendations .....	36
Chapter Two.....	37
Discourses on Conflict and Conflict Management .....	37
2. Introduction.....	37
2.1 Convectional ways of Conflict Management.....	38
2.2 Forms and Application of Indigenous Conflict Resolution Mechanisms .....	44
2.3 Perspectives of the Indigenous Conflict Resolution Mechanisms .....	49
2.4 Implementation of the Indigenous Conflict Resolution Outcomes.....	52
2.5 Strengths of Indigenous Conflict Resolution Mechanisms.....	56
2.6 Challenges of Indigenous Conflict Resolution Mechanisms .....	58
Conclusion .....	62
Chapter Three.....	63

Indigenous Conflict Resolution Mechanisms of the Turkana.....	63
3. Introduction.....	63
3.1 The Livelihood of the Turkana Community.....	63
3.2 Conflicts within and across the Turkana Community.....	66
3.3 Early Warning System among the Turkana.....	79
3.4 Conflicts Resolution Mechanisms among and across the Turkana.....	80
3.5 Strengths and Weaknesses of the ICRM.....	82
Conclusion.....	85
Chapter Four.....	86
Data Analysis and Presentation.....	86
4. Introduction.....	86
4.1 Response Rate.....	86
4.2 Background of Respondents.....	87
4.3 Application of Indigenous Conflict Resolution Mechanisms.....	88
4.4 Forms of Indigenous Conflict Resolution Mechanisms.....	90
4.5 Perspectives of Indigenous Conflict Resolution Mechanisms.....	91
4.6 Status of Indigenous Conflict Resolution Mechanisms.....	92
4.7 Types of Conflicts Resolved.....	93
4.8 Implementation of Outcomes.....	95
4.9 The Indigenous Conflict Resolution Mechanisms.....	96
4.10 Respect for Indigenous Conflict Resolution Mechanisms.....	97
4.11 Strengths of Indigenous Conflict Resolution Mechanisms.....	98
4.12 Challenges of Indigenous Conflict Resolution Mechanisms.....	100
4.13 Contribution of Indigenous Conflict Resolution Mechanisms.....	102

4.14 Impact of the Indigenous Conflict Resolution Mechanisms.....	103
4.15 How to improve Indigenous Conflict Resolution Mechanisms.....	104
Conclusion .....	106
Chapter Five.....	107
Summary, Conclusions and Recommendations.....	107
5. Introduction.....	107
5.1 Chapter Summaries.....	107
5.1.1 Chapter One: Introduction and Background to the Study.....	107
5.1.2 Chapter Two: Discourses on Conflict and Conflict Management.....	109
5.1.3 Chapter Three: Indigenous Conflict Resolution Mechanisms of the Turkana .....	110
5.1.4 Chapter Four: The Missing Link.....	112
5.2 Conclusions.....	113
5.3 Recommendations.....	120
5.3.1: Merging of Formal and Informal Conflict Resolution Mechanisms. ....	120
5.3.2: Formal Recognition and Strengthening of Implementation .....	120
5.3.3: Conflict Education and Training.....	122
5.3.4: Gender Mainstreaming .....	122
5.3.5: Youth involvement in Peace.....	123
References.....	124
Appendix I .....	132
Research Questionnaire .....	132

## **List of Tables**

Table 4.1: Response Rate.....	87
Table 4.2: Forms of Indigenous Conflict Resolution Mechanisms .....	90
Table 4.3 Respect for indigenous conflict resolution mechanisms.....	98
Table 4.4: Strengths of Indigenous Conflict Resolution Mechanisms .....	99
Table 4.5: Challenges faced in the use of indigenous conflict resolution mechanisms...	101
Table 4.6: Impact of Indigenous Conflict Resolution Mechanisms .....	104
Table 4.7: How to improve Indigenous Conflict Resolution Mechanisms.....	105

## List of Figures

Figure 1.1 Actors and Approaches to Peace Building .....	16
Figure 1.2: Map of Turkana County .....	25
Figure 1.3: Map of Karamoja Cluster Ethnic Groups and Selected Neighbours.....	27
Figure 3.1: Current warring corridors between some members of the Karamoja Cluster	69
Figure 4.1: Background of the respondents .....	88
Figure 4.2: Application of Indigenous Conflict Resolution Mechanisms .....	89
Figure 4.3: Perspectives of Indigenous Conflict Resolution Mechanisms .....	91
Figure 4.4: Status of Indigenous Conflict Resolution Mechanisms .....	93
Figure 4.5: Type of Conflicts Resolved.....	94
Figure 4.6: Implementation of Outcomes .....	95
Figure 4.7: Indigenous Conflict Resolution Mechanisms.....	96
Figure 4.8 Contribution of Indigenous Conflict Resolution Mechanism.....	102

## **Chapter One**

### **Introduction and Background of the Study**

#### **1. Introduction**

The discipline of conflict resolution through indigenous methods has gained prominence among many communities in the last decade. Although considered as one of the most critical and significant areas in peace building and associated sectors, the concept has undergone tremendous transformation with both negative and positive outcomes. Conflicts among communities contribute to more human suffering, anguish and desperation, loss of lives and property. Due to the effects of conflicts among the various societies appropriate mechanisms must be devised to manage the conflicts effectively. Proper management of conflicts will rid the world of rampant and unnecessary deaths, sufferings, and law suits in respect of the criminal offences committed during conflicts.

In the light of the negative consequences associated with conflict, strategies must be devised to eliminate the conflicts or reduce their occurrence, effects and or prevent them from recurring. Such mechanisms must be capable of being understood, used for a variety of conflicts and lead to long term, respectable, credible and sustainable outcomes. Additionally the mechanisms must be economically, politically, legally and socially viable in the context of the communities' habitual practices, customs, cultures, characteristics and future development plans.

Pastoralists are number several tens of millions of people worldwide and are some of the most vulnerable peoples in the world, though they frequently make an important contribution to national food production. The mobility of these groups and the remote,

often harsh environments in which they live are persistent obstacles to peace and is often a source of conflicts. Pastoralists are often in a state of war and do experience perennial conflicts over time. The disconnect probably derives from assumptions that the pastoralists to which the Turkana belong fit poorly in the imperatives of life for all and for multiple reasons, which mainly include the scattered and low-density distribution, their varying degrees of mobility being seen as negative indicators of social development rather than viable livelihood, constant state of hunger, rampant presence of insecurity and harsh climatic conditions.<sup>1</sup>

The use of the indigenous mechanisms in the resolving conflicts has been hailed as the greatest among all the societies. Indigenous conflict resolution mechanisms (ICRM) determine a community's well being and health in terms of success or failure, competitiveness or non competitiveness, growth or stagnation, prosperity or decline, survival or demise and superior or inferior performance. Where it has been used correctly, the approaches have resulted in growth, competitiveness, survival, developments, superior performance and community successes and prosperity.

Specifically indigenous conflict resolution mechanisms have led to decreased disputes, grievances, confrontation, aggression, violence, increased harmony, positive communal relationships, innovation, high levels of positive efforts, and identification with the communities' goals and objectives towards sustainable peace and tranquillity. Where it has been applied haphazardly, indigenous conflict resolution mechanisms have

---

<sup>1</sup> Raymond F. Attner., *Challenges Faced By Pastoralist Communities In Africa and Beyond* , (New Jersey : Heinemann Education, Publishers, 2013) pp 121-134, Ibrahim Farah, 'Human Security and Livelihood of Pastoral communities in the Horn of Africa' in Makumi Mwangi, *Human Security-Setting the Agenda for the Horn of Africa* (Nairobi: Africa Peace Forum, 2008) pp 181-199

resulted in more dysfunctional circumstances for the communities associated with increased losses, failures, violence, deaths and poor relations.

Conflict resolution remains one of the key preoccupations among institutions in the world over and is closely associated with such practices as peace building systems, resources provision and management, both domestic and global support operations. However, unlike the other disciplines conflict resolution through indigenous processes has gained undue prominence. Conflict resolution through indigenous processes is also applicable in almost all organizations and institutions irrespective of the nature and sizes. Organizations and communities apply the discipline in the management of conflicts, in terms of geographical dimensions it has been used in almost all continents, regions and countries. However the application of conflict resolution through indigenous processes is highly organized in Western countries such as Germany, Nicaragua, Italy and Denmark and some Asian states like Japan, South Korea, Singapore and Malaysia than in Africa. In Africa, its application is more noticed in Kenya, Somalia, Nigeria and South Africa than in other countries. It is ironical that regional and sub-regional groupings have sometimes also resorted to the application of indigenous conflict resolution techniques to solve modern conflicts in Africa today and other areas.

Globally ICRM have been used successfully in Afghanistan where majority of disputes resolved are by the traditional mechanisms outside formal justice system.<sup>2</sup> In Sardinian Island, an island on Mediterranean Sea and part of the Italian nation ICRM including negotiations and mediation have been employed in resolving livestock disputes. Most African countries still hold onto customary laws under which ICRM is common. In

---

<sup>2</sup> Erica Gaston et al, *Lessons Learned On Traditional Dispute Resolution*, Building Peace No 3, 20037, p 6, [www.usig.org/files/ROL/TDR](http://www.usig.org/files/ROL/TDR), accessed on 17<sup>th</sup> May, 2014

Kenya, the concept of conflict resolution through indigenous processes has been in use in all sectors of the economy including security, finance, tourism, and agriculture, and is highly practiced among the communities in conflict zones especially among pastoralists. Use of Alternative Dispute Resolution is expressed in Article 189 (4) of the Constitution of Kenya<sup>3</sup>. This includes negotiation, mediation and arbitration to settle intergovernmental disputes. Kariuki Muigua<sup>4</sup> affirms that since time immemorial in Africa, traditions have emphasized harmony, togetherness over individual interests and humanness expressed in terms of *ubuntu* in South Africa and *utu* in East Africa.

The area chosen for the study is the county inhabited by Turkana community, Turkana County of North Western Kenya. This county is located within the larger Karamoja cluster. Among the pastoralist communities in the cluster, Turkana is the hardest hit by inter-community conflicts because to its geographical position. Due to its proximity to Ethiopia, South Sudan and Uganda, Turkanas experience attacks from communities from these countries like Pokot, Karamojong, Toposa and Merille among others. Within the Kenyan boundary they are also neighbours to hostile districts of Samburu, Marsabit, Baringo and West Pokot. This has made them community hard hit by vicious circle of inter and intra-communal violent conflicts. Turkana County thus has a very high number of displaced people because of conflict and it is also among the poorest counties and worst performer in Kenya in all development indices.<sup>5</sup>

---

<sup>3</sup> Kenya Law Reports, *Law of Kenya, The Constitution of Kenya* (Nairobi: National Council For Law Reporting, 2010)

<sup>4</sup> Kariuki Muigua, Traditional Dispute Resolution Mechanisms under article 159 of the Constitution of Kenya 2010 , Vol 2, No 1, p 2, Kariuki Muigua, Kariuki Francis, *ADR, Access to Justice and Development in Kenya*, (Paper Presented in a Workshop on Justice and Jurisprudence: Nation Building through Facilitating Access to Justice, 3-4<sup>th</sup> July, 2014, at Strathmore University Law School, Nairobi)

<sup>5</sup> Pkalya Ruto et al, *Conflict in Northern Kenya: a Focus on the Internally Displaced Conflict Victim in Northern Kenya*, (Nairobi: DTP Publishers, 2003)

The Turkana like other pastoralist communities in the Karamoja Cluster demonstrate rich knowledge in ICRM due to the insecurity experienced in the area, and their inability to easily access government assistance. The Turkanas have always tried to prevent, manage and resolve the conflict using traditional methods. This fact will be of value to the study that seeks to analyze how ICRM can be strengthened to effectively resolve the persistent conflict so that there can be a sustainable peace in the County and region as a whole. The peace that exists between the Turkana and Matheniko that has lasted since 1973 needs also to be critically analyzed to find out how the conflict was resolved and what can be learned from the peace agreement that can be used to resolve the conflict with the other hostile communities.

### **1.1 Statement of Research Problem**

Over the last ten years the pastoralist communities in Karamoja cluster have been operating under constant threat, fear, violence, anguish and stress arising from attacks from their counterparts from neighbouring countries of Ethiopia, Kenya, South Sudan and Uganda. The attacks experienced by Turkanas also come from within Kenya's boundary especially from the Pokot, whom the Turkana allege to be their main enemy. There has been rampant cases of deaths, injuries, maiming, and impairments to all members of the community with the most affected being women and children.<sup>6</sup>

Additionally the insecurity has made the residents of the cluster to be unable to carry on with their economic, social, and political lives. Specifically lack of security among the pastoralist community has resulted in unsafe acts and criminal activities connected with genocide, mass population transfers, rape, murder and more assault cases with the result being a more bewildered, frightened and violence prone population. The

---

<sup>6</sup> Jackline A. Apiyo Interview with Tadeo P. Erot, Nairobi, April 2014

state of hopelessness, unsafe and insecure environments associated with rampant deaths and violence among the pastoralist communities has manifested themselves in more dysfunctional and negative consequences. The Karamoja area is the least developed economically, technologically and socially compared to other regions in the five states of the Cluster. There is literally nil growth in all sectors including Tourism, Education, Agriculture and Industry. The area therefore has not been able to attract any new investments despite the high potential in terms of the possession of minerals, livestock and other natural resources.<sup>7</sup>

The problems of negative life balance among the Turkana community of Kenya could be attributed to a number of factors including rampant conflicts, disputes and grievances; acute and severe weather patterns, low infrastructural developments and ethnic structuring and life styling among other factors. However the most noticed factor happens to be nature of conflicts and the associated management systems. Despite the widespread application of the ICRM, not much has been achieved in peace building. The purpose of this study will be to evaluate the determinants of effective and successful use of ICRM among the pastoralist communities, propose recommendations that can contribute to the concerted efforts of curbing the persistent violent conflict that would lead to sustainable peace among the Turkana community and the entire region.

## **1.2 Objectives of the Study**

The Overall Objective of this study is to critically examine the forms and application of indigenous conflict resolution techniques among pastoralist communities.

---

<sup>7</sup> Cirino H. Ofuho, 'Security Concerns in the Horn of Africa', in Makumi Mwangi, *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004) pp 2-26

### **1.2.1 Specific Objectives**

- i. To establish the perspectives of indigenous conflict resolution mechanisms among pastoralists.
- ii. To examine the forms and application of indigenous conflict resolution mechanisms among pastoralists.
- iii. To determine the strengths and challenges of indigenous conflict resolution mechanisms among the pastoralists.
- iv. To examine ways in which indigenous conflict resolution mechanisms among the Turkana community can be strengthened to face the challenges of the 21<sup>st</sup> Century.

### **1.3 Research Questions**

- i. What are the perspectives of indigenous conflict resolution mechanisms among pastoralists?
- ii. What are the forms and application of indigenous conflict resolution mechanisms among pastoralists?
- iii. What are the strengths and challenges of indigenous conflict resolution mechanisms among the pastoralist communities?
- iv. How can indigenous conflict resolution mechanisms among the Turkana community be strengthened to face the challenges of the 21<sup>st</sup> Century?

### **1.4 Hypotheses of the Study**

The study is directed by the following two hypotheses:

The absence of effective government structures largely explains the persisting insecurity and violent conflicts in Karamoja Cluster.

Measures undertaken in resolution of conflict among the pastoralists are insufficiently weak to deal with emerging new trends, tendencies and dynamics of cattle rustling.

## **1.5 Justification and Significance**

### **1.5.1 Academic Justification**

Peace among nations has been a long standing goal and International Law (IL) is the preferred process for resolving conflicts. World conferences declaring support for peaceful settlement of disputes between nations have been held several times where charters and statutes have been signed. Before resorting to use of force or other coercive measures, the charters encourage the use of varied peaceful means of resolving disputes, which is one objectives of the indigenous approach.

A lot of studies<sup>8</sup> have been done on ICRM and a lot is said of elders yet there seems to be very little analysis on the institution of *morans* or warriors. It is ironical because the warriors are the main perpetrators of violence in the form of cattle rustling. Warriors have hampered the peace building efforts and transformation initiated by governments, the church, community and NGOs. Rupensinghe<sup>9</sup> notes with disappointment that the aspect of climate change is absent from Peacebuilding initiatives. Mitigation of climate change needs to be the focal point in addressing conflict in pastoral

---

<sup>8</sup> *Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa: Conflict Baseline Study Report*, August 2005, USAID, Famine Warning Systems network (FEWS NET), Patrick Irungu , *Formalization of Village Peace Committees in the Karamoja Cluster*, OAU, Pastoral Community Harmonization (PCH) Initiative, August 2001, Mohamed I. Ibrahim, *The Traditional Conflict Resolution and Peace Building in Darfur; From Anthropological perspective*, Mediterranean Journal of Social Sciences, MCSER Publishing Rome-Italy, Vol 4 No 9, October 2013, International edition: 2004), pp 133-137, Julius M. Huho, *Conflict Resolution Among Pastoralists Communities in West Pokot County, Kenya: A Missing Link*, November 2012, [www.journal.savap.org.pk](http://www.journal.savap.org.pk), accessed on 17<sup>th</sup> March,2014, SAVAP International) p 458 , Op cit Ruto Pkalya et al, pp 10-70.

<sup>9</sup> Kumar Rupensinghe (ed), *Conflict Resolution in Uganda*, (Oslo: International Peace Research Institute, 1998) p 316

regions, since natural resources which pastoralists entirely depend on, are depleting at an alarming rate due to changes in climatic patterns.

Huho<sup>10</sup> correctly alludes to this fact by stating that reliable and adequate food security food security and reliable source of livelihoods can reduce the competition for natural resources. Peace building thus should focus on changing socio-economic circumstances of conflicting pastoralists in the KC rather than taming and stopping warriors and the youth. This is the gap the study seeks to fulfil, to explore how peace building mechanisms can be strengthened to overcome the current trend and challenges by embracing the long term conflict resolution strategies that would ensure reduce levels of poverty and measures that would mitigate climate change.

Raiding of cattle among pastoralists was considered a cultural practice and was therefore sanctioned and controlled by elders. Today cattle rustling has been trivialized as a mere cultural practice and yet new trends, tendencies and dynamics have led to commercialization of the practice. A new system of predatory exploitation of the pastoral economic resources has emerged in the forms of banditry and cattle rustling. This therefore calls for better understanding of their conflict resolution approaches, the challenges faced and come up with proper strategies to control, manage, transform and prevent this circle of violent conflict from persisting. Traditional conflict resolution mechanisms can bridge tradition with modernity so that it can be able to face the challenges of the twenty first century.<sup>11</sup>

---

<sup>10</sup> Op cit Huho p 460

<sup>11</sup>Niklas L.P. Swanstrom, Mikael S. Weissmann, *Conflict, Conflict Prevention, Conflict Management and Beyond: a Conceptual Exploration*, ( Central Asia- Caucasus Institute Silk road: Concept Paper 2005) p 16, Atieno Odhiambo, 'The Economics of War among marginalized people of Eastern Africa', in Francis Deng, William I. Zartman, *Conflict Resolution in Africa*, (Washington D.C., The Brookings Institution, 1991) pp 347-366, Op cit Cirino H. Ofuho pp 14-15

Western models of conflict resolution have been used in the cluster but they do not leave room for different cultures of communities involved in the conflicts. Indigenous approaches to conflict resolution are prominent in the management of resource based conflict among pastoralists. They apply community participation and tend to be mutually beneficial, while at the same time being culturally accepted by those involved.<sup>12</sup>

Empirical study<sup>13</sup> on conflict transformation states that conflict transformation changes relationships, attitudes and behaviours, interests and discourses in violence. It seeks to address underlying structures and institutions that encourage and condition violent political and social conflicts. Lederach<sup>14</sup> states the four dimensions that should be taken into consideration when transforming systems. These are personal dimension that involves individual changes in the people's emotions, perception and spiritual aspects of the conflict, relational dimension; involving changes in communication, interaction and interdependence of parties involved in the conflict; structural dimension that involves changing patterns of structures to understand and respond appropriately to conflict; and cultural aspects. The cultural aspect changes the patterns of group life and the way culture affects development of processes to handle and respond to conflict.

Transformation uncovers people's cultural patterns and how they affect their understanding and response to conflict. It therefore identifies and builds on existing

---

<sup>12</sup>Fernando A. Herrera, *Pastoralist Conflict in the Horn of Africa, The Turkana-Dassenech Case*, (Nairobi: Paulines Publications Africa, 2013) p 60

<sup>13</sup>Hugh Miall, *Conflict Transformation: A Multi-Dimensional Task*, in *Handbook of Conflict Transformation*, (Berlin: Berghof Foundation, 2004), pp 46, Demetrios Nicolaidis, *Employing Conflict Transformation Theory in understanding the Cyprus Problem: Prospects and Instruments in Conflict Transformation*, (Lamesos, Cyprus, European University Centre for Peace Studies, 2008) p 6, John P. Lederach, *Preparing for Peace: Conflict Transformation Across Cultures*, (New York: Syracuse University Press) pp 202-213, Johannes Botes, *Conflict Transformation: A Debate Over Semantics or Crucial Shift in the Theory and Practice of Peace and Conflict Studies*, *The International Journal of Peace Studies*, pp 5-10

<sup>14</sup> John P. Lederach (Eds), 'Conflict Transformation, Beyond Intractability', in Guy M. Burgess, Heidi Burgess, *Conflict Information Consortium*, (University of Colorado, Boulder: October 2003) p 6

various cultural resources and mechanisms that are applied in the handling of conflict. This is a long term transformative process that is in line with Paragraph Five of the Vienna Declaration on Human Rights<sup>15</sup> which states that “...*the significance of national and regional peculiarities and various historical, cultural and religious backgrounds must be borne in mind.*”

Zartman asserts that, “*Research globalizes knowledge, whether by adding African discoveries to the world repertory or by bringing African inventions under universal names of things already known...*”<sup>16</sup> He argues that traditional societies in Africa and elsewhere are reputed secrets that were used to unlock peacemaking in their own distinct way. These strategies were formed from their structures and therefore can be applied today. He supports these indigenous approaches by comparing them to herbal medicine thus, ‘*It turned out that the substances and practices of African traditional medicine were the same as those used today, independently discovered and developed in Africa and in other parts of the world....*’<sup>17</sup> African approaches to conflict resolution are in the same form as the western approaches but with a few variations. They are thus as important.

ICRM use a holistic approach within the affected population as Lederach<sup>18</sup> has identified; the top leadership, national leaders and local leaders in indigenous Non-Governmental Organizations (NGOs) and grassroots organizations. Indigenous conflict resolution mechanisms in the Karamoja cluster strives to use this approach as supported

---

<sup>15</sup> Vienna Declaration on Human Rights Convention (New York: United Nations Department of Public Information, March 1995), <http://www.un.org/rights/dpi1627e.htm>, accessed 20<sup>th</sup> October, 2014

<sup>16</sup> William Zartman I. (eds), *Traditional Cures for Modern Conflict, African Conflict “Medicine”*, (London: Lynne Rienner Publishers, 2000) p 2

<sup>17</sup> Ibid p 1

<sup>18</sup> John P. Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, (Washington DC: United States Institute of Peace Press, 1997) p 39

by Lederach by involving all levels of leadership to perform different roles at different times.

Due to effectiveness of the peace councils made up of the elders in the indigenous approach Halderman<sup>19</sup> identifies the important role Inter-Governmental Authority on Development (IGAD) is playing in the Karamoja Cluster to prevent and resolve the existing conflicts. The Protocol on the establishment of a Conflict Early Warning (CEWARN) is elaborated in IGAD's Article 2 that states that, "The individual clusters of member states experiencing common security problems such as livestock rustling may form sub-regional peace council."<sup>20</sup> CEWARN has established collaboration between the four governments in the cluster and NGOs such as Conflict Early Warning and Response Units (CEWERUs), National Research Institutes (NRIs), and Field Monitors (FMs). Their main focus is to the target of early warning and response and to alert the governments, NGOs and donors to the changing conditions and rising tensions so that preventive actions can be taken in good time. They do also help in the tracking of stolen livestock using gargets that are modern.

As Zistel<sup>21</sup> argues, modern conflicts are a direct consequence or continuation of past formations and tendencies, traditional strategies therefore, may be more relevant in managing modern conflicts. For the reason that most African people and especially

---

<sup>19</sup> John M. Halderman et.al, *Greater Horn of Africa Peace Building Project.: Assessment and Programmatic Recommendations: Addressing Pastoralist Conflict in the Karamoja Cluster*, ( Washington DC: Management System International, 2002 ) pp10

<sup>20</sup> Katja H. Christensen, *IGAD As a Pioneer In Regional Conflict Prevention In Africa*, (Sweden: Uppsala University ,2009) pp9-15, Agreement Establishing the Inter-Governmental Authority on Development (IGAD), Article 2 IGAD, *The Protocol on the establishment of a Conflict Early Warning*, 2000, [www.igadregion.org](http://www.igadregion.org), accessed 20<sup>th</sup> October, 2014, [www.cewarn.org](http://www.cewarn.org), accessed on 3<sup>rd</sup> June, 2014, Ludeki Chweya, 'Emerging Dimensions in the IGAD Region' in Makumi Mwangi, *African Regional Security in the Age of Globalization*, ( Nairobi: Heinrich Boll Foundation, 2004) p 36

<sup>21</sup> Susanne B. Zistel., *Conflict Transformation and Social Change in Uganda, Remembering After Violence*,( New York: Palgrave Macmillan, , 2008) p 206

pastoralists still remain mainly attached to their traditional ways of life and their traditions are present in today's politics, there is a sufficient reason to consider the ICRM and adjust them appropriately to help in resolution of modern conflicts. This is especially in regions where the traditional rulers are still respected. To this she is justified to ask, "If tradition can be used to work for political stability by keeping rulers in power, why can't it be made to work for conflict resolution?"

Since so much work has been done on the modern methods and little on traditional methods, there is the need to carry out this study, African home-grown solutions would be more appropriate in solving African problems as it allows to be put into practice African renaissance.

### **1.5.2 Policy Justification**

This study will be of great value to both the public and private sector organizations. The regional governments may use the study outcomes as yardsticks to effect improvements of relationships among the different communities. The private sector organizations could also use the study to develop policies, rules and procedures governing their best practices in the resolving of conflicts amongst their stakeholders and employees. The United Nations and affiliated bodies can be able to use the study to strengthen their conflict management operations among nations all over the world. The study will contain an up to date view of the best practices in the conflict and conflict management.

For universities, schools and colleges, the information to be generated by the study will be used as reading materials and references. The study outcomes will also form blue prints for the conduct of future research more so among the students undertaking

social sciences and related disciplines. The research and consultancy firms will also benefit from the study such that it may act as guide to conduct a scientific and objective research. Additionally the information generated from the study may be used by consultants in the fields of resources management, organizational community development and change as well as conflict resolution to provide their clients with the information and related services of their needs. In this respect it will serve both the public and private entities in equal measures.

## 1.6 Theoretical Framework

The theory of Conflict Transformation will be used as a basis for the study. Some of the proponents of theory of conflict transformation are John Paul Lederach<sup>22</sup>, Johan Galtung<sup>23</sup> and Thania Paffenholz<sup>24</sup>. Conflict transformation is a long term process that requires changes in personal, structural and cultural aspects of conflict over long term.

Conflict Transformation not only seeks to re-establish the status quo but it is a long term outcome, process and structure oriented effort with a strong emphasis on justices and social change. The theory stresses the necessity of transforming cultural and asymmetric power imbalances between the conflicting parties in order to move to sustainable peace. In order to be successful, conflict transformation therefore has to happen on all levels of the society simultaneously and independently.<sup>25</sup>

---

<sup>22</sup> Op cit John P. Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, p 4

<sup>23</sup> Johan Galtung , 'Violence, Peace, and Peace Research' Journal of Peace Research 6 , No 3, (1969) pp 167-191, Johan Galtung , 'Introduction: Peace by Peaceful Conflict Transformation-the Transcend Approach' in Richard C. Webel , Johan Galtung , *Handbook of Peace and Conflict Studies*, (Abington, UK: Routledge, 2007) pp 14-32

<sup>24</sup> Thania Paffenholz et al, *Conflict Transformation: Three Lenses in one Frame, New Routes, Vol 14*, Life and Peace Institute, 2, (2009), [www.life-peace.org](http://www.life-peace.org), accessed 17<sup>th</sup> may, 2014

<sup>25</sup> Op cit Susanne B. Zistel, p 15, Michelle Maise, 'Conflict Transformation: A Circular Journey With a Purpose', in *Three lenses in one frame, New Routes, Vol 14*, Life And Peace Institute, 2, (2009), [www.life-peace.org](http://www.life-peace.org), accessed 17<sup>th</sup> may, 2014, Owen Frazer, Lakdar Ghetas, *Conflict Transformation: Approaches to Conflict Transformation, Lessons from Algeria, Denmark, Egypt, Kenya, morocco, Tajikistan and*

Zistel<sup>26</sup> argues that conflict transformation builds on culturally appropriate models of conflict mediation aimed at empowerment of the people and recognition. Since many societies have their own mechanisms and techniques for preventing, managing and resolving conflicts, efforts for transforming conflicts need therefore to include, respect and promote resources from within the society and the peace building initiatives employed build on the society's existing cultural frameworks. This is because culture is a critical resource in the management of conflict. It provides the people with the means to own the process and solve their own problems, 'African renaissance.' Many governments and NGOs have promoted local and indigenous conflict mechanism projects.

Lederach provides a substantive and analytical framework that addresses need for comprehensive and strategic approach to transformation of deep-rooted conflicts, as well as, integrated frameworks for building peace and sustained reconciliation. He visualizes Peacebuilding as a structural process that allows conflict transformation to take place at three key levels of leadership; top, middle level, and grassroots level.<sup>27</sup> This provides a contextual understanding of the activities and approaches which support the participation and involvement of the population in conflict from "top to bottom and from bottom to top" in building peace in post conflict societies.

The theory provides a practical method of underpinning peace building activities that are based on insight into and the resources available to the society at large. It proposes a set of peace building activities through which leadership at all levels-top,

---

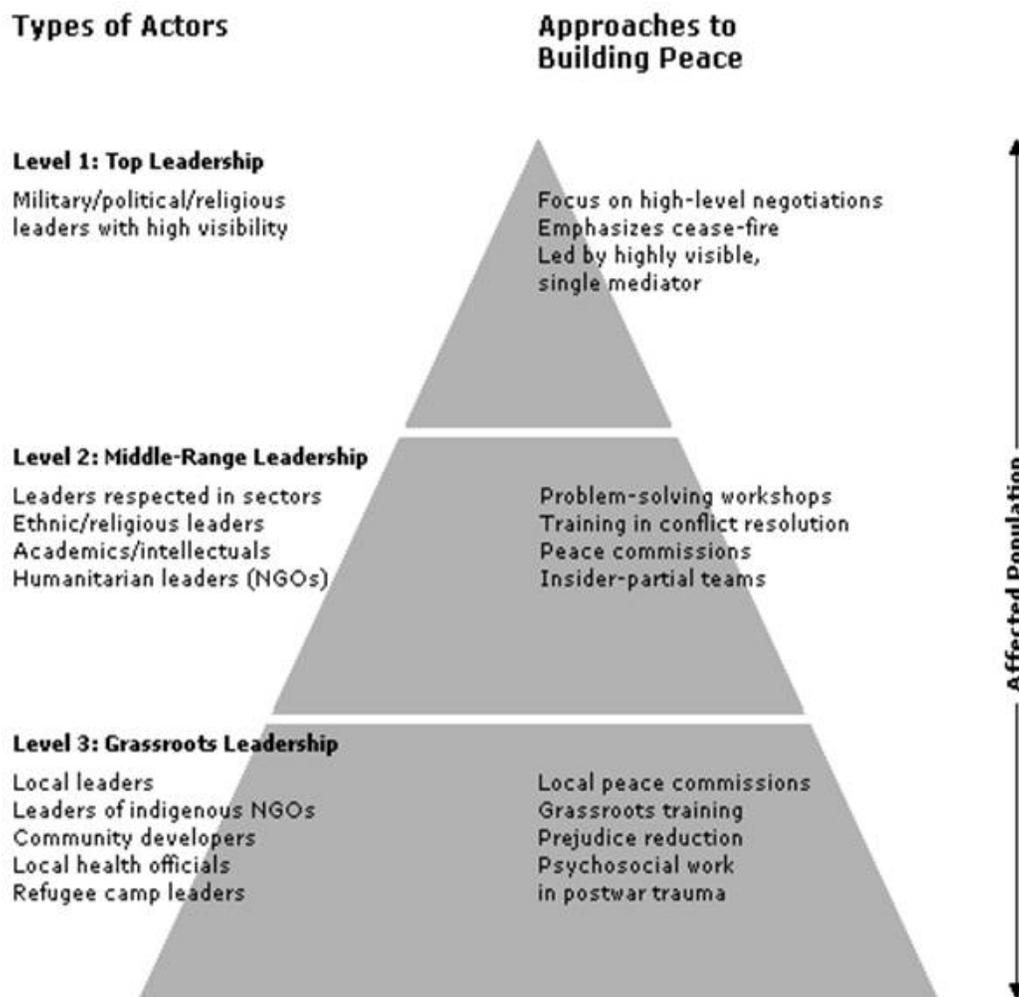
Yemen, Geneva, Cordoba Now Forum, 2013, [www.css.ethz.ch](http://www.css.ethz.ch), accessed 1<sup>st</sup> May, 2014, [www.cordoue.ch](http://www.cordoue.ch), accessed on 1<sup>st</sup> May, 2014, [www.colorado.edu/conflict/transform/index.htm](http://www.colorado.edu/conflict/transform/index.htm), accessed on 17<sup>th</sup> May, 2014,

<sup>26</sup> Op cit Susanne B. Zistel pp 22-23

<sup>27</sup> Op cit Lederach , *Building Peace: Sustainable Reconciliation in Divided Societies*, p 39

middle, and grassroots-would coordinate their various efforts towards a reconciliatory, common process that will enable the building of relationships and trust, cooperation and societal cohesion. As such the model will address the problems of Turkana and KC as a whole.<sup>28</sup> The framework is illustrated in the diagram below:

**Figure 1.1 Actors and Approaches to Peace Building**



Derived from John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C.: United States Institute of Peace Press, 1997), 39.

The framework illustrated in the diagram above shows actors and approaches to conflict transformation. This describes how peace should be built within the affected

<sup>28</sup> Stella L. Shulika, *Managing the challenges of Conflict Transformation and Peace-building in South Sudan*, Master's Thesis, University of KwaZulu Natal, 2013

society, as Lederach<sup>29</sup> describes, “...*how the house of peace should be built in war torn societies.*” He points out that the top level leadership (top-down approach) is accessed by the level of state (Track 1) by the outcome oriented approach. The top leadership includes military, political and religious leaders with high visibility. At this level the focus is on high level negotiations and emphasis is on cease fire. The middle level leadership (middle-out approach or Track II) is more resolution oriented; it includes leaders respected in major sectors; ethnic, religious leaders, academicians, intellectuals and humanitarian leaders (NGOs). Activities done at this level include problem solving workshops, training of conflict resolution and peace commissions.<sup>30</sup>

The grassroots level leadership (bottom-up approach or Track III)<sup>31</sup> has the majority of the population or masses who operate on a day-to-day basis and can be reached through a wide range of peace building approaches. Grassroots leadership includes local leaders or leaders of local NGOs, community developers, local health officials and refugee camp officials. At the third level there are local peace commissions, community dialogue projects, grassroots training, prejudice reduction and psycho-social work in post war trauma. In order for success in the process therefore transformation has to happen at all levels. This model addresses and coordinates changes at all the three levels of the society. Further, she states that it recognizes the potential, importance, legitimacy, uniqueness and interdependency of the needs and resources of civil society in their own peace building processes and promotes coordination at all levels and activities.

---

<sup>29</sup> Op cit Lederach , *Building Peace: Sustainable Reconciliation in Divided Societies* p 37

<sup>30</sup> Ibid p 38

<sup>31</sup> Op Cit Stella L. Shulika, pp 84-87

Miall<sup>32</sup> elaborates that Lederach's peace pyramid broadens the view of the conflict and conflict parties and indicates the scope for drawing Peacebuilding resources from the wider society that is experiencing conflict. It hinges on the fact that mutual relationships are a pivotal part of the peace building approaches. It thus credits the roles of individual member of the society and supports and empowers local efforts by engaging groups in different peace building activities.

He further explains that the model seeks to bring civilians together through building trust, requires and promotes inter-group communication, interaction and cooperation. It proposes an integrated and analytical framework of the processes and goals of conflict transformation and peace building in theory and practice. It is therefore the recommended framework for management of conflict in the KC as it will enable maximization and implementation that would eventually lead to sustainable peace.<sup>33</sup>

In the Karamoja cluster the process of peace building has involved leaders in the various levels of the society from the elders and local leadership, middle range leadership and the top leadership according to Lederach's model. International actors in the KC include UN, AU and IGAD which assist in the transitional process from conflict sustainable peace and development. They engage and support Peacebuilding endeavours.<sup>34</sup> An interview with a government official Lolpejalai confirmed thus;

“At the top level leadership there are key political leaders who are the highest representatives of the central and the local government and the opposition at the County, and military personnel. They are few but key actors within the wider setting of Peacebuilding framework. They engage in political processes concerned with high level political negotiations and provide a comprehensive framework for

---

<sup>32</sup> Op cit Miall, p 6

<sup>33</sup> Ibid p 7

<sup>34</sup> Ibid p 40, Samson Wassara, *Traditional Mechanisms of Conflict Resolution in Southern Sudan*, (Berlin, Berghof Foundation for Peace Support, 2007) pp 6-8

understanding relationships between the communities in conflict and their resources.”<sup>35</sup>

According to the Programme officer, Kenya Episcopal Conference of Catholic

Secretariat;

“The middle level leadership in KC is made up of international and national NGOs and humanitarian organizations like USAID, OXFAM, ACCORD, World Vision, ITDG, Dutch Development Organization, Africa Peace Forum, and Peace Net among many others. There are ethnic leaders and highly respected individuals like His Eminence Cornelius Korir, Bishop of Eldoret Catholic Diocese, Bishop of the Anglican Church, Kitale Diocese; religious groups like NCCK, and academicians.”<sup>36</sup>

These leaders in the middle level leadership according to Shulika<sup>37</sup> have good connections, links and access to leaders at the top and at the bottom levels of leadership and have the ability to influence decision making at all levels of the pyramid.

In KC the middle level leadership have undertaken measures and initiatives that include peace constituencies, organized conflict management trainings, conferences and reconciliations, peace building workshops, informal meetings between the pastoralists communities in conflict to provide understanding of the conflict situation, facilitate, strengthen and empower peace building, bridge the gap between the top capacities and grassroots level.<sup>38</sup>

The masses and the entire communities are represented at the grassroots level of leadership by community leaders, local NGOs, professional leaders, key service providers, business people, refugee and Internally Displaced Persons’ (IDP) leaders, refugee camp leaders and ordinary citizens. Local NGOs and the Governments of Kenya (GoK), Ethiopia and Uganda through county and local governments have organized training programmes, dialogue sessions and conferences to reinforce peace building

---

<sup>35</sup> Jackline A. Apiyo, interview with Zakayo Lolpejalai, Nairobi, August, 2014

<sup>36</sup> Jackline A. Apiyo, interview with Beatrice Odera, Nairobi, July, 2014

<sup>37</sup> Op cit Stella I. Shulika p 96

<sup>38</sup> Op cit Jackline A. Apiyo Interview with Beatrice Odera

initiatives. These encourage local ownership to make sustainable peace, attention on ethnicity issues. One elder interviewed had this to say: “*For sustainable peace solutions to local problems must be achieved.*”<sup>39</sup>

Galtung<sup>40</sup> states that it is important to link the three levels, top, middle and grassroots levels of conflict setting because peace is made from within the society with members who are in conflict and not by experts. It is therefore very important when initiating peace building initiatives to incorporate many levels, tracks and sectors: diasporas, government, NGOs, women, men, conflict parties and peace envoys.

Conflict transformation builds on culturally appropriate models of conflict mediation. Since some of the factors that hinder peace building and fuel continuity of the conflicts in the region are culturally oriented, the approach to conflict resolution needs to be culturally biased, thus the appropriateness of this theory to explain the use of ICRM in transforming conflict in the Karamoja cluster and the region as a whole as clearly elaborated in a report by United States Agency for International Development (USAID).<sup>41</sup>

In her studies Shulika<sup>42</sup> argues that conflict transformation aims at rebuilding relationships, focuses on reconciliation and fortification of a society’s long term peace building potential. Relationship is central to peace building because conflicts are rooted in the breakdown of relationships and potential of transforming conflict lies in reconciling these relationships.

---

<sup>39</sup> Jackline A. Apiyo, Interview with Albino Ongok, Kapenguria, November, 2013

<sup>40</sup> Johan Galtung, *Peace by Peaceful Means: Peace and Conflict Development and Civilization*, (London: Sage Publications, 2009) p 26

<sup>41</sup> USAID, CEMIRIDE *Rationalizing for Conflict in Northern Kenya*, *The National Policy for Conflict Transformation and Peacebuilding*, CEMIRIDE, 2005, Julie Kaye, Daniel Beland, *The Politics of Ethnicity and Post-Conflict Reconstruction: The Case of Northern Ghana*, *Journal of Contemporary Study*, Vol 27, No 2, April 2009, pp177 -200, Op cit Cirino H. Ofuho p 14

<sup>42</sup> Op cit Stella L. Shulika, 2013, p 18

Conflict transformation theory has the strength of being a multi-dimensional approach, non-linear and unpredictable process that provides many ways of implementing the desired transformational changes. It does provide a holistic method that includes many tasks at different levels of conflict and different levels of the society. Conflict transformation changes behaviour, relationships, attitudes, interests and discourses as it addresses underlying structures, culture and institutions that encourage and condition violent political and social conflict.<sup>43</sup>

Further Lederach<sup>44</sup> correctly alludes to this fact that the theory gives the ‘how’ of transformation and aids theorists and practitioners to address peacemaking holistically as they make use of many tasks at the various levels of a conflict. This facilitates the movement from latent and overt violence to structural and cultural violence.

Critics of conflict transformation theory point out that Lederach’s Peacebuilding approach lacks power analysis. Paffenholz<sup>45</sup> problematises the limited role of the outsider and uncritical discussion of the ‘local’, stressing the need to focus on direct support to Track III actors. She goes on to say that limited attention is given to the political system of the conflict-affected society and the specific regional and international context of peace building. Lederach, she posits has indirectly criticized his middle out approach in his later works by replacing the ‘middle out’ approach with a ‘web-approach’ that integrates the focus of the ‘middle-out’ approaches on the Track II level, but includes the

---

<sup>43</sup> Ibid p 101

<sup>44</sup> Op cit John P. Lederach, *Preparing for Peace*, pp 12-14, Beatrix Austin et. al, *Berghof Glossary on Conflict Transformation : 20 Notions for Theory and Practice*, ( Berlin, Berghof Foundation, 2012) p 22

<sup>45</sup> Paffenholz T., *International Peace Building Goes Local: Analyzing Lederach’s Conflict Transformation Theory and Its Ambivalent Encounter With 20 Years Of Practice*, Geneva, Switzerland, 16<sup>th</sup> May 2013, DoI: 10. 1080/21647259.2013.783257, Routledge, <http://dx.doi.org/10.1080/21647259.2013.783257>, accessed on 1<sup>st</sup> April 2014, pp 6-7, Veronique Dudonet, *Transitions from Violence to Peace: Revisiting Analysis and Intervention in Conflict Transformation*, ( Berghof Report No. 15), [www.berghof-foundation.org>Publication>Conflict](http://www.berghof-foundation.org/Publication/Conflict) Research Publications, accessed on 2<sup>nd</sup> June, 2014

importance of Track I and III in their own right. Improving communication and building relationships, she adds does not necessarily lead to agreement to end war as the theory proposes.

The theory's other deficiency is lack of efficient elaboration between tracks as conflict management is still necessary but underutilized under Lederach's approach; and the emphasis in the incorporation of traditional values and local voices is essence, it needs to be critically analyzed as today structures are transformed by modern development. The community members found at the local level of the society and groups may sometimes not be recognized and given the necessary support by the large (inter)national agencies who are involved in the conflict resolution and post conflict peace building.<sup>46</sup>

Some scholars<sup>47</sup> have proposed alternative approaches to peace building. These are management, resolution, complementary and alternative discourse schools. Conflict management school proposes ending wars through diplomatic initiatives and institutionalization of peace building initiatives; conflict resolution school which proposes solving the underlying causes of conflict and building of destroyed relationships between parties; and complementary school that focuses on the possible congruence between conflict management and conflict resolution schools because peace building is needed from top to the bottom levels of a society.

Despite the deficiencies noted, conflict transformation theory was chosen for the study as the strengths outweigh the deficiencies. The theory focuses on all levels of

---

<sup>46</sup> Ibid p 5, Op cit John P. Lederach, *Preparing for Peace*, p 16

<sup>47</sup> Op cit Paffenholz, *Conflict Transformation: Three Lenses in one Frame* p 3, Francis Diana, *From Pacification to Peacebuilding Approaches : Global Call to Transformation*, (Pluto Press, 2010) pp 26-27, [www.dianafancis.info/books/from-pacification-to-peacebuilding](http://www.dianafancis.info/books/from-pacification-to-peacebuilding), accessed on 17<sup>th</sup> May, 2014

leadership and transformation of deep-rooted armed conflicts into peaceful ones, based on a different understanding of peace building. This is done by building of “long term infrastructure” for peace building by supporting reconciliation potential of society and embracing dialogue.

Paffenholz<sup>48</sup> also proposes the third party interventions that concentrate on supporting internal actors and coordinating external peace efforts, sensitivity to the local culture of the community and has a long term frame that are also necessary. Since pastoralists have stuck to their traditions and culture and some of the cultural aspects are drives behind cattle rustling, this theory avails a culturally based peace initiative in preventing, managing and resolving conflicts.

Conflict transformation theory according to Lederach<sup>49</sup> shifts its focus from international actors to local actors who are in a position to understand the conflict dynamics and their own culture more. It also puts more emphasis on civil society and ordinary people. The theory therefore aims at ending violence and to change negative relations between parties in conflict; stresses the need to address root causes of violent conflict like the one experienced in the Karamoja cluster, creates linkages with all groups of people; focuses on theoretical and action levels, on the three key concepts, problems, actors and dynamics; tackles behaviour and problems with the aim of transforming or positively changing behaviour; and takes into account the four dimensions of personal or individual, relational, structural and cultural dimensions. Thus aim at achieving positive peace that is sustainable and durable peace.

---

<sup>48</sup> Op cit Thania Paffenholz, *Conflict Transformation: Three Lenses in one Frame*, pp 4-5

<sup>49</sup> John P. Lederach, Maiese Michelle, *Conflict Transformation: A Circular Journey with a Purpose*, in Op cit Paffenholz et al, pp 7-10

## 1.7 Methodology

### 1.7.1 Case Study

The case study chosen for the study was Turkana community of Northern Kenya, in the Karamoja cluster. The main areas of focus were mainly in Lokichoggio, Lodwar, Lomelo (Lapur) and Katilu areas of Turkana County that experience conflicts from within the country and across border. The section's main focus is to give geographical location of the area under study and thereafter justify the selection of the area for the study. Case study was appropriate for study ICRM among Turkana because as Kothari<sup>50</sup> argues, case study is an exhaustive study of a social unit that enabled to understand fully the behaviour pattern of the community and helped formulate hypotheses along with data that were helpful in testing them. It helped make rich the generalized knowledge.

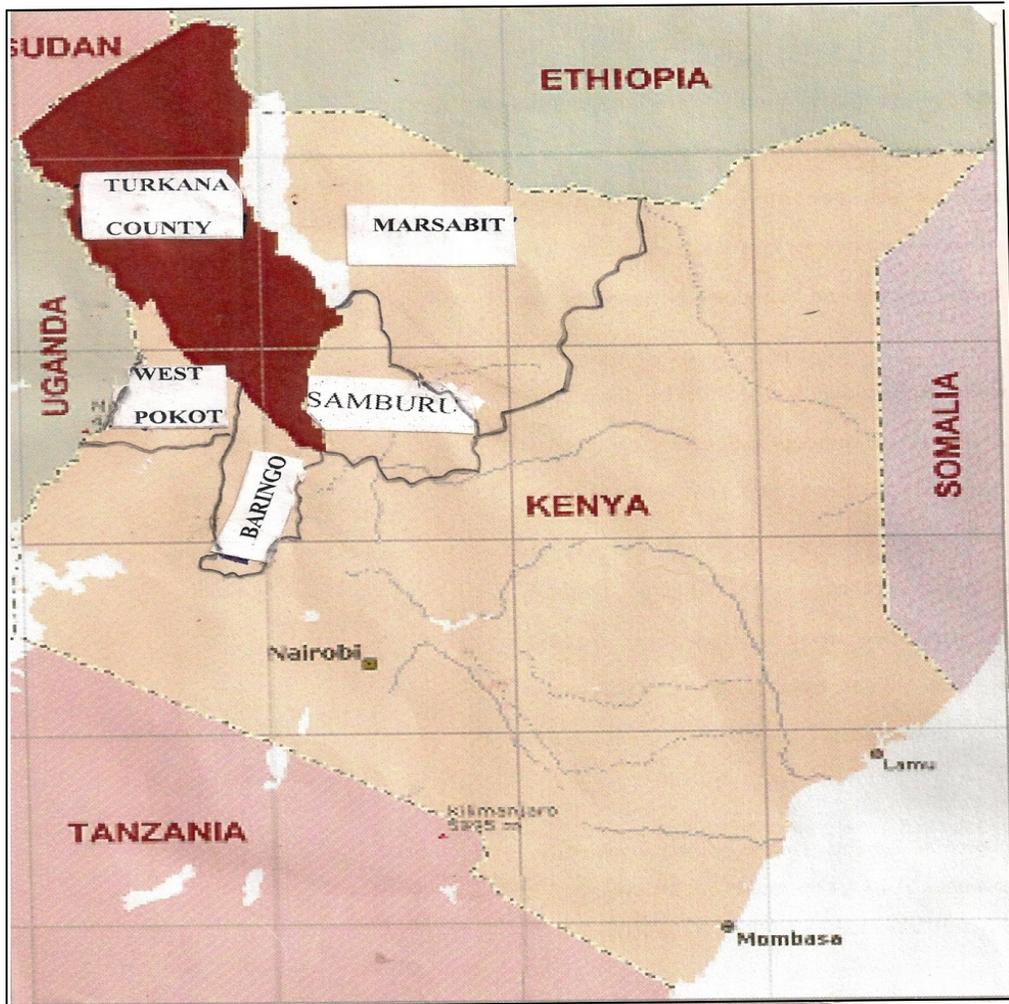
Given the porous borders of the cluster, cross-border conflicts are an insecurity phenomenon in this region that have triggered bloody wars between pastoralists from Kenya, Uganda, Ethiopia and South Sudan. Masinde<sup>51</sup> states that peace is not just an absence of war, violence and hostilities but a situation where people have equal access to economic and social justice to the entire range of human rights and fundamental freedoms. All these are inaccessible to the people of this cluster who have experienced war, negligence from independent governments and cannot access with ease economic and social justice. He argues that social questions behind conflict require to be addressed if any prospects of sustainable peace and social stability are to emerge.

---

<sup>50</sup> Chakrayanti R. Kothari, *Research Methodology Methods and Techniques*, (New York: New Age International Limited Publishers, 2009) pp 113-117

<sup>51</sup> Erick M. Aseka, 'Globalization, Intellectuals and Security in Africa' in Makumi Mwangi, *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004) pp 23-24

**Figure 1.2: Map of Turkana County**



Source: <http://www.tasteofturkana.com>, accessed on 18<sup>th</sup> June, 2014

The figure above shows location of Turkana County, the area occupied by the Turkana community. As the figure clearly shows the County is found to the North Western part of Kenya in East Africa. It is bordered by the countries of Uganda to the west; South Sudan and Ethiopia, including the disputed Ilemi Triangle, to the north and northeast respectively; and Lake Turkana to the east. To the south and east, hostile neighbouring counties in Kenya are West Pokot, Baringo and Samburu Counties, while Marsabit County is located on the opposite, on the eastern shores of Lake Turkana.

Turkana is a pastoralist tribe that depends on cattle and Agricultural practices as a means of survival. However environmental factors have made the area to experience persistent drought causing the scarce resources available like land and water to become scarcer. The tensions experienced by the Turkana are further made more intense by other socio-economic factors. Turkana County consists of arid and semi-arid land that makes the ground cover less than 5%.<sup>52</sup>

Turkana County is unsuitable for growing crops making the community to depend on cattle. The people's survival depends on their ability to acquire land and livestock. Even though they practice mixed farming, growing mainly drought resistant crops such as maize, sorghum and millet, 80% of their livelihood, the community depends on raising their livestock. In his study Huho<sup>53</sup> correctly alludes to this fact by stating, "*Drought of 1999-2001 wiped Turkana's stock and increased pressure on them to raid other communities to restock.*"

Karamojong is made up of about fifteen separate groups namely the Jie, Pian, Matheniko, Tepeth, Dodoth, Bokora, Labwor, Dodoth, and Pokot of Uganda, Jiye, Toposa, Nyangatom (Dong'iro) and Didinga of South Sudan, Nyangatom and Merille (Dassenech or Geleb) of Ethiopia and Turkana of Kenya. The Turkana community is in conflict with their neighbours Merille and Dong'iro to the North (Ethiopian border), Toposa and Didinga of South Sudan, Karamojong to the West of Uganda, and Pokot and Samburu to the South in Kenya.<sup>54</sup>

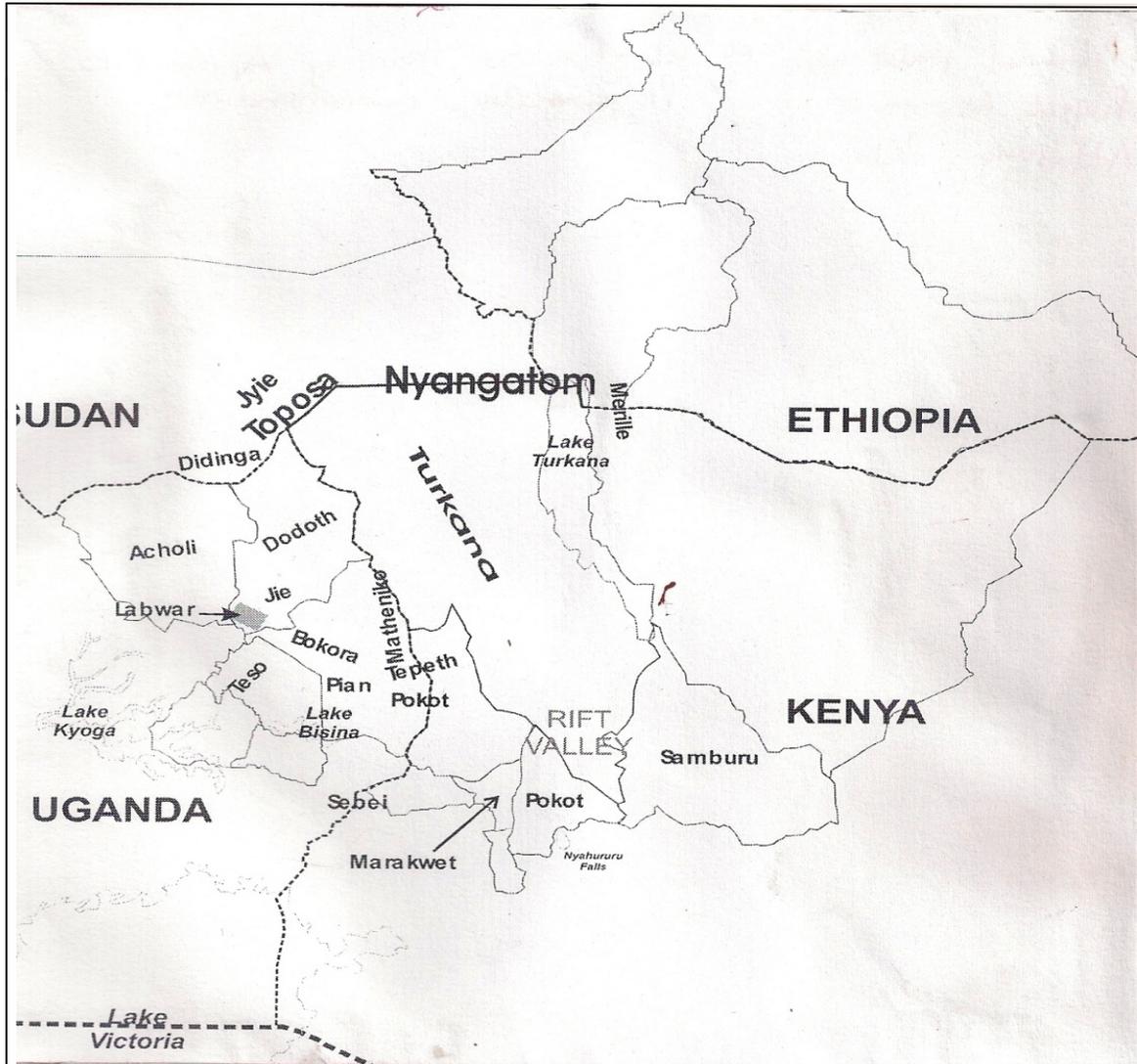
---

<sup>52</sup> Jesse C. Powers, *Climate Change and Turkana-Merille Conflict*, ICE Case Studies, Number 238, (2011), [www.american.edu/ted/ice/turkana-merille.htm](http://www.american.edu/ted/ice/turkana-merille.htm), accessed on 17<sup>th</sup> May 2014, Op cit Fernando A. Herrera pp 5-6, Op cit Atieno Odhiambo p 292

<sup>53</sup> Op cit Julius M. Huho, p 460

<sup>54</sup> Op cit Julius M. Huho p 465

**Figure 1.3: Map of Karamoja Cluster Ethnic Groups and Selected Neighbours**



Source: John M. Halderman et.al, *Greater Horn of Africa Peace Building Project: Assessment and Programmatic Recommendations: Addressing Pastoralist Conflict in the Karamoja Cluster*, p 23

The figure above shows Karamoja Cluster ethnic groups and selected neighbouring ethnic groups that the Turkana community interact and are in conflict with. Some neighbouring communities like the Didinga and Pokot have even adopted cultural values and ways of life of the Karamojong.

In the past the Turkana raided using traditional weapons like knives, bows and arrows but today in the Illemi triangle, a disputed area East of Lake Turkana every male over 17 years and above owns an automatic weapon. According to Chweya<sup>55</sup> increased use of firearms rather than the traditional spears and arrows have elevated military technology applied in the defence and acquisition of scarce water and pasture and thereby transformed conflicts from previous mid night raids to outright and drawn out war. This phenomenon has seriously transformed the once small scale conflict into larger battle. Influx of refugees and uncontrolled movement of people has made proliferation of Small and Light Weapons (SALW) easier, increasing insecurity vulnerability within and between pastoralists in the KC.

According to a report by Kenya National Human Rights Commission (KNHRC)<sup>56</sup> acquisition of guns has heightened ethnic tensions between the Turkana and their neighbours in Kenya and across the border with Uganda, South Sudan, and Ethiopia. In the interview with John Ebenyo Ewesit, a resident of Lodwar, he had this to say;

“The restrictions by the Government of Kenya (GoK) of illegal firearms escalated the conflict and as a result the Turkana community was made vulnerable to attacks. The neglect and reluctance by our government has fuelled the issue of insecurity.”<sup>57</sup>

### **1.7.2 Testing Validity and Reliability of Data Instruments**

The determination of the reliability perspective of the data collection instrument was achieved through the application of internal consistency method and reduction of random error. Use was also made of the opinions of experts in the determination of

---

<sup>55</sup> Op cit Ludeki Chweya p 40

<sup>56</sup> Kenya National Human Rights Commission (KNHRC), *Morans No More: The Changing Face Of Cattle Rustling In Kenya*, Report 2010

<sup>57</sup> Jackline A. Apiyo, Interview with John E. Ewesit, Ngong, August, 2014

achieving consistency and similarity in the scores. The internal consistency of data was determined from scores obtained from a single test administered by the researcher to a sample of subjects who were government administrators, religious leaders, staff from NGOs (international, national and local), and civil society groups, local leaders, women and youth. In this approach the score obtained in one item was correlated with scores obtained from other items in the instruments. Pre-testing of questionnaires was carried out to enable the researcher ascertain the clarity of the instrument and its ease of use.<sup>58</sup>

All the domains of the study as reflected in both the general and specific objectives were adequately addressed by the instruments of choice so as to ensure high chances of validity among the instruments. Questionnaires were randomly distributed during the data collection and selected samples and information evaluated to assess their reliability.<sup>59</sup>

During data processing, quality control was included; data cleaning, validation and confidentiality. There are two types of validity which were addressed and stated; *Face validity* with pre-testing of survey instruments was a good way used to increase the likelihood of face validity. *Content validity* the use of expert and professional opinions in the field of Conflict and conflict management, International Relations and Diplomacy, literature searches, and pre-testing open-ended questions helped to establish content validity.<sup>60</sup> Furthermore to establish the validity of the instruments used in this research,

---

<sup>58</sup> Catherine Dawson, *Introduction to Research Methods: A Practical Guide For Anyone Undertaking A Research Project 4<sup>th</sup> Edition*, (Oxford: howbooks, 2009) pp 257-268, Allan Bryman, *Social Research Methods 3<sup>rd</sup> Edition*, ( Oxford: Oxford University Press, 2008) 603- 626, Olive M. Mugenda , Abel G. Mugenda, *Research Methods: Quantitative and Qualitative Approaches*, (Nairobi: Acts Press,1999) pp 95-113

<sup>59</sup> Michael Q. Patton, *Qualitative Evaluation and Research Methods*, ( London: SAGE Publications,1990) p78

<sup>60</sup> Op cit Olive M. Mugenda, Abel G. Mugenda, pp 99-104

the instrument was presented to the research supervisor and there after the questionnaire was administered with approval of the supervisor.

### **1.7.3 Data Collection Methods**

The study collected data from both primary and secondary data sources. Primary data was collected using semi-structured questionnaires and structured interviews of different stakeholders involved in conflict resolution and peace building. These were government administrators, religious leaders, and staff from NGOs (International, National and Local), civil society groups, local leaders, elders, women and youth (warriors). The questionnaires were used to allow the respondents to give their responses in a free environment. The questionnaires were self-administered to all the respondents. Kothari<sup>61</sup> argues that questionnaire generates data in a very systematic and ordered fashion. Specific questions were asked to verify some particular aspects on ICRM. The self-administered questionnaires were not only easy to administer but also to analyze. These were supplemented with the scrutiny of the existing records on related issues. Focused group discussions were also carried out.

Interviews were used as Mugenda<sup>62</sup> argues, “...are very easy to administer and to analyze because one is at liberty to pick the relevant content and leave out the others that are irrelevant.” The answers can also be categorized because every question is answered differently with various interpretations. Face to face interview were the most preferred as it enabled the researcher to gauge the weight of the answers by the facial impressions and other signals such as the hand signals that came by during the interviews. Face to face interviews also have an advantage of getting immediate responses. Interviews were

---

<sup>61</sup>Op cit Chakrayanti Kothari p pp 31-52

<sup>62</sup>Op cit Olive M. Mugenda, Abel G. Mugenda, pp 71-93

conducted to the specific set of respondents to get clarifications of some salient issues arising from the responses. Telephone interviews were used for the interviewees who were geographically far.

Secondary data was obtained from relevant articles, published books, newspapers, authoritative internet sources, journals, previous surveys, official reports from governments and organizations. A clear benefit of using secondary data is that much of the background work that was needed was obtained through literature review. This wealth of background work means that secondary data generally had a pre-established degree of validity and reliability.

#### **1.7.4 Data Analysis**

The process of data analysis involved several stages: the completed questionnaires were edited for completeness and consistency, and checked for errors and omissions. Qualitatively the data was sought into themes, categories and patterns systematically. According to Kothari<sup>63</sup> editing should be done in two stages, field editing and central editing. The field editing was done and involved review of forms by the investigator to check for completion, (translating and rewriting). This was done the day after data was collected. Central editing was thereafter carried out by correcting obvious errors. This enabled the researcher to make general statements in terms of the observed attributes and conceptualization of the study. Quantitative analysis employed both descriptive and inferential statistics.

The data obtained was analyzed through the use of descriptive statistical tools, frequency distribution methods, measures of central tendency and measures of dispersion. In this respect the simple frequency distribution systems, the computation of the mean,

---

<sup>63</sup> Op cit Chakrayanti Kothari pp 122-123

range and standard deviations were undertaken.<sup>64</sup> The statistical analysis of data were supported with the application of computer software programs such as Ms excel, and SPSS 16.0 for windows.

### **1.7.5 Data Presentation**

The value outcomes from data analysis are presented using the statistical tools of frequency tables, histograms, frequency polygons and bar charts.

### **1.7.6 Sample Size and Sampling Procedure**

Random sampling was used to ensure that different groups of the population were adequately represented in the sample so that the level of accuracy in estimating parameter was increased. It provided an accurate picture and a true representation of the population. Samples were used to reflect the entire population. The researcher used purposive sampling where the target was a specific group of people randomly picked for the objective of the research findings. The sample was a representative of the entire population.<sup>65</sup>

The study adopted a stratified random sampling method in the sampling of the population. This enabled the population of the study to be categorized into distinctive groups or strata with each stratum capable of being studied independently without interfering with the other category. The categories included the administrators, religious leaders, and staff from the NGOs and Civil society groups.

The sample size of the study was seventy four (74) personnel involved in conflict resolution and peace building. This represented a ratio of 30% of the total population of two hundred and forty nine people chosen as the population of the study. The sample size

---

<sup>64</sup> Op cit Olive M. Mugenda, Abel G. Mugenda, pp115-120

<sup>65</sup> Op cit Chakrayanti Kothari p pp 152-181

of seventy four (74) people was made of eleven (11) administrators, nine (9) religious leaders, seventeen (17) NGOs staff, twelve (12) civil society staff and twenty five (25) locals and opinion leaders. According to Mugenda<sup>66</sup> the sample size depends on among other factors, the characteristics of the population. If the target population is less than 10,000, as in the researcher case of 249 people, the required sample size would be smaller.

### **1.8 Scope and Limitations of the Study**

The study concentrated on the Turkana community and examined how the community and various clans use the ICRM in resolving the myriads of conflicts. The study took a period of three months and was conducted in Lokichoggio, Lodwar, Lomelo (Lapur) and Katilu areas of Turkana County of Kenya.

In conducting the research, the study was limited by finances, time and attitude of some of the respondents interviewed. There were also problems of technical language and language barrier as some of the respondents could not speak English and or understand the terms in the Conflict and conflict Management field of study. In financial limitation, the researcher had no sufficient financial support to conduct the research to reach out to most divisions in Turkana County as the it is very large. Time factor limited study to be done in very few divisions and failure to attend the peace meetings as anticipated earlier on.

### **1.9 Ethical Consideration**

In conducting the study various ethical dimension were taken in to account. The researcher did not coerce, bribe or take advantage of the condition of the respondents in an attempt to sway them to provide the data for the study. The purpose of the study was

---

<sup>66</sup> Op cit Olive M. Mugenda, Abel G. Mugenda, p 68

fully explained to the respondents that enabled them make judgments on whether to participate in the study or not, and they were assured that the information given was to be treated confidentially and their names were not divulged. The information obtained from the respondents was used for the purpose stated and not for any other purpose whatsoever. In the above respect the researcher conducted the research free of bias while at the same time being objective, clear and open about the purpose of the study.

### **1.10 Structure of the Study**

This study is divided into five chapters.

#### **1.10.1 Chapter One: Introduction and Background of the Study**

The chapter began with an overview of the background of the study. This was followed by the statement of the problem, objectives of the study, the associated research questions and hypotheses stated. Thereafter the significance, academic and policy justification of the study was discussed. In addition, the chapter looked at the conflict transformation theory to clearly explain the choice of using ICRM by Turkana community in the KC. The chapter analyzed the methodology used comprising of the data collection methods, data analysis, data presentation, target population, sample size and sampling procedure. The chapter was concluded with scope and limitation of the study and the ethical considerations that guided the study to ensure its objectivity.

#### **1.10.2 Chapter Two: Discourses on Conflict and Conflict Management**

The chapter provides an in depth analysis of convectional conflict resolution mechanisms and a comprehensive review of literature on ICRM among the pastoralists of the Karamoja cluster. This includes various forms, and applications ICRM. Further discussion was done on the people's perspectives on the indigenous approaches and

implementation of the different outcomes from traditional courts. Finally by analyzing strengths and challenges faced in the use ICRM, this chapter links to chapter three that analyzes ICRM of the Turkana community who are pastoralists too and belong to KC.

### **1.10.3 Chapter Three: Indigenous Conflict Resolution Mechanisms of Turkana**

This chapter gives a critical analysis of the livelihood of the Turkana community. This analysis provides conflicts within and across the Turkana and provides a clear current warring corridor between some members of the KC, causes of the conflict and reasons for their intensification. It provides an overview of their Early Warning Systems (EWS) and mechanisms for resolving conflict among and across the Turkana community, and determines the missing link in the peace building initiatives.

### **1.10. 4 Chapter Four: The Missing Link in Peacebuilding Initiatives**

The chapter puts in a broader perspective how ICRM can be strengthened and be integrated within formal mechanisms to face the challenges of the 21<sup>st</sup> Century. This is done through assessing the strengths and weaknesses of the ICRM of the Turkana and determining the missing link in the peace building initiatives.

This chapter comprised of analysis of feedback got from respondents who were interviewed and also the responses obtained from the questionnaires that were focused on achieving the established study objectives, answer study questions and test the hypotheses formulated. The study findings were also outlined. These were put into the different thematic areas of the study to confirm the facts as had been obtained during the extensive literature review of discourses from renowned scholars and professionals in the Conflict and Conflict Management sector. This helped to establish the study gap that the study sought to establish.

### **1.10.5 Chapter five: Summary, Conclusion and Recommendations**

The chapter provided a summary, discussion, and conclusion of the study based on study findings to confirm the hypotheses formulated for the study. Further on the chapter offered appropriate recommendations that would help strengthen ICRM to face the current challenges and dynamics of violent conflict, and provide suggestions on areas for further study.

## Chapter Two

### Discourses on Conflict and Conflict Management

#### 2. Introduction

This section examines other scholars' discourses on conflict and conflict management, including convectional and indigenou conflict resolution systems at global, regional and local level. These mechanisms, convectional and indigenou all aim at prevention, management and resolution of disputes and conflicts. This is well captured in the United Nation (UN) Charter. UN Chapter 1, Article 1 states that the purpose of UN is;

“to maintain international peace and security, to that end take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring out by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”<sup>1</sup>

This Article is backed up with the UN's broad objective in its preamble<sup>2</sup> “*to save successive generations from the scourge of war.*” Traditional community based mechanisms as Chapman and Kagaha<sup>3</sup> argue, are still used for regulating conflict and providing justice and have been used for a very long time. Before the advent of the convectional conflict resolution mechanisms, pastoralist communities in the Karamoja cluster developed and refined their own traditional mechanisms for prevention, management, settlement and resolution of local level and cross border disputes and

---

<sup>1</sup> Ibid Chapter 1, Article, p 3

<sup>2</sup> UN Charter Preamble , [www.un.org/en/documents/charter/preamble.shtml](http://www.un.org/en/documents/charter/preamble.shtml), accessed on 3<sup>rd</sup> June, 2014

<sup>3</sup> Chris Chapman, Alexander Kagaha , *Resolving Conflicts using Traditional Mechanisms in the Karamoja and Teso Regions of Uganda*, ( London: Minority Rights Group international, 2009) p 1

conflicts. These approaches were based on solid traditional institutions led and controlled by elders.

## 2.1 Convectional Ways of Conflict Management

Peaceful settlement of disputes is enshrined in major documents of contemporary International Relations and Diplomacy such as the Charter of UN and the Constitutive instrument of AU.<sup>45</sup> Chapter VI, Article 33 of the UN Charter<sup>6</sup> describes pacific methods of settlement of disputes; “...*negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own.*” Many Articles in the Charter of UN illustrates issues of maintaining of international peace and security; Article 99, Article 35, 11 and 99, Article 34, Article 36 and 38, Chapter VI Article 33(2), 36(1), 37(2) and 38.<sup>7</sup> This clearly shows that matters of internal peace and security are extremely important no wonder even traditional communities had in place their locally made ICRM.

In AU’s Constitutive Act,<sup>8</sup> Article 3 that provides the union’s objectives, several sub-sections support maintenance of international peace and security; 3(f) states that the union aims at “*promotion of peace, security and stability on the continent.*” Article 4 (e)

---

<sup>4</sup> Op cit United Nation’s Charter, ( New York, 1945)

<sup>5</sup> AU Constitutive Act (adopted at the Lome Summit, Togo, and entered into force in 2001), Article 2 (2) - Protocol Establishing the AU Peace and Security Council (Addis Ababa) [http://www.au.int/en/default/files/protocol\\_peace\\_and\\_security.pdf](http://www.au.int/en/default/files/protocol_peace_and_security.pdf), accessed on 20<sup>th</sup> October, 2014

<sup>6</sup> UN Charter, Article 33, [www.un.org/en/sc/repertoire/index](http://www.un.org/en/sc/repertoire/index), accessed on 20<sup>th</sup> October, 2014

<sup>7</sup> UN Article 99 explains that the Security Council (SC) aims at promoting and implementing recommendations and methods or procedures for the peaceful settlement of disputes within the frameworks of Articles 33-38 and Articles 11 and 99 of the Charter; Article 34 provides the powers bestowed on the SC to investigate any dispute, or any situation that is likely to endanger international peace and security; Articles 35, 11, and 99 clearly refers to the different disputes that would endanger international peace and security, and thus need to be brought to the attention of the SC; Provision of Articles 36, 38 states the limitation of the SC in making recommendations for the peaceful settlement of disputes that would otherwise threaten existing endanger international peace and security; Chapter VI, Articles 33(2), 36 (1), 37 (2) and 38, state that the SC may make recommendations to parties in conflict concerning the pacific settlement of dispute and the put forward to Secretary General’s (SG) good offices.

<sup>8</sup> Op cit African Union, Constitutive Act, Lome, Togo, 2000

calls for peaceful resolution of conflict among member states and 4 (i) advocates for peaceful co-existence of member states and their right to live in peace and security, and Article 2 (2) has the protocol establishing the AU Peace and Security Council.

Negotiation has been described as a process in which parties in a conflict agree to talk it out and manage the conflict jointly. Negotiation combines conflicting positions into joint agreements and is a voluntary process where the parties do map out the future of their relationships. Negotiation can be made of a simple dyadic structure or a more complex multilateral one. It is the most common mechanism for preventing, managing, resolving and transforming conflict. It is also used in building cooperation, and to reduce incompatibilities in positions.<sup>9</sup>

Mediation is a continuation of negotiation by other means as some Scholars<sup>10</sup> posit. Mediation usually arises when negotiating partners reach a deadlock and they agree to use a third party to help them negotiate the conflict and to break the deadlock. This third party becomes the mediator and his involvement changes the dyadic structure of the conflict into a triadic one. This makes the mediator to become party to the conflict as

---

<sup>9</sup> William I. Zartman, 'Conflict Resolution and Negotiation' in Jacob Bercovitch et al, *The Sage Handbook of Conflict Resolution*, ( London: The Sage Publications, 2009) pp 332-323, Makumi Mwangiru, *Conflict in Africa: Theory, Processes and Institutions of Management*, ( Nairobi: CCR Publications) p 107, Geoff R. Berridge, *Diplomacy: Theory and Practice*, 4<sup>th</sup> Edition, ( New York, Palgrave Macmillan, 2010) pp 25-48, Makumi Mwangiru, *Diplomacy: Documents, Methods and Practice*, ( Nairobi: IDIS, 2004) pp 92-97, Makumi Mwangiru, *Water's Edge: Mediation of Violent Electoral Conflict in Kenya*, (Nairobi, Institute of Diplomacy and International Studies, 2008) pp 109-110

<sup>10</sup> Jacob Bercovitch, *Mediation and Conflict Resolution*, in Op Cit Jacob Bercovitch et al pp 340-341, Ho-Won Jeong , *Peace and Conflict Studies: An Introduction*, (Burlington, Ashgate Publishing Company, 2002) pp 180-185, Op cit Makumi Mwangiru, *Conflict in Africa: Theory, Processes and Institutions of Management*, pp 115-116, Michael E. Brown, 'Mediator's Uses of Pressures and Incentives' in Donald Rothchild, *Managing Conflicts in Africa: Pressures and Incentives for Cooperation*, ( Washington DC, Brookings Institution Press, 1997) pp 246-249, William Quandt, ' The Use of Coercive and Noncoercive Incentives' in Donald Rothchild, *Managing Conflicts in Africa: Pressures and Incentives for Cooperation*, ( Washington DC, Brookings Institution Press, 1997) pp 89-108, Op cit Makumi Mwangiru, *Water's Edge: Mediation of violent Electoral Conflict in Kenya* pp 15-27, 76-77, Jacob Bercovitch, Jeffrey Z. Rubin , *Mediation in International Relations: Multiple Approaches to Conflict Management*, (New York, St. Martins Press, 1992), pp 2-7, Makumi Mwangiru, *Diplomacy: Documents, Methods and Practice*, (Nairobi: IDIS, 2004) pp 116-127

mutually acceptable solutions are explored between the conflicting parties under his guidance. Mediation is usually practiced by diverse actors from individuals to states to International Organizations and NGOs. When successful mediation may “soften up” the parties, promote diplomacy, and be instrumental in achieving cessation of hostilities, a peace agreement, or a full settlement of a conflict.

Tensions between states may arise from lack of information, misinformation, and contrary interpretation of data and assessment procedures. Such disagreements can therefore be settled by referring them to a neutral third party charged to examine facts through an Inquiry. If the disputing parties cannot agree on points relating to a controversy, an impartial commission may be allowed to investigate and report on the issue. The third party is tasked to provide an objective interpretation of law, policies or assessment of the issue of contention. International Institutions or Commissions can therefore do the independent investigations. This can contribute to settlement and resolution of conflicts. Inquiry can also be accompanied by negotiation or arbitration to decide issues of compensation.<sup>11</sup>

Arbitration involves an adjudication procedure by which disputants agree to submit a dispute to Judges or arbitrators of their choice who render a legally binding decision in the form of a majority vote. The third party makes the final decision or arbitral award based on legal judgment after listening to both sides rather than on political negotiations. Parties to the conflict agree to the procedure and the scope of authority of arbitrating courts. The judgment delivered is binding and failure to abide by the judgment leads to sanctions. Judicial settlement and arbitration can be useful where issues in

---

<sup>11</sup> Op cit Ho-Won Jeong pp 173-175,

question are disputes about interests rather than values.<sup>12</sup> Article 34 of AU's Constitutive Act<sup>13</sup> gives a provision that empowers the secretary General (SC) to investigate dispute that may endanger international peace and security.

Judicial settlement is formal and institutionalized method because the judicial decisions are based on International Law consisting of treaties, conventions and other formal agreements. The parties to a conflict go to courts for either municipal or international court for the adjudication on the conflict. The courts listen to both sides, deliberate and deliver judgment. The judgment delivered is binding and failure to abide by the rulings leads to an action for contempt of court. A party not satisfied with the ruling may appeal against the judgment of the court if they so wish; however the decision of the highest court has no appeal.<sup>14</sup>

Conciliation as Jeong<sup>15</sup> points out is a process where disputes are investigated by commission that presents the parties with a set of formal proposals for its solution. The conciliation commission's task more often is to clarify the issues in dispute, collect of information and bring parties to an agreement. The commission identifies the sources of conflict and suggests terms of possible settlement to the disputing parties.

In the post cold war era regional and Sub-regional Organizations have played active roles in conflict management in many regions of the world. Regional and sub-regional arrangements<sup>16</sup> are recognized at the founding on UN and is articulated UN

---

<sup>12</sup> Op cit Ho-Won Jeong pp 175-177, Op cit Makumi Mwangi, *Conflict in Africa: Theory, Processes and Institutions of Management*, p 112

<sup>13</sup> Op cit AU Constitutive Act

<sup>14</sup> Ibid p 177

<sup>15</sup> Ibid p 179

<sup>16</sup> Op cit Makumi Mwangi, *Conflict in Africa: Theory, Processes and Institutions of Management*, pp145-146,153, Jan Boulden, 'United Nations Security Council Policy on Africa,' in Jan Boulden, *Dealing with Conflict in Africa: The United Nations and Regional Organizations*, (New York: Palgrave Macmillan, 2003) pp 11- 30, 79-102, Op cit Makumi Mwangi, *Water's Edge: Mediation of violent Electoral Conflict*

Charter, Chapter VIII, Article 52-54 that stipulates that, "...creation of stability and well-being which are necessary peaceful and friendly relations among nations..."<sup>17</sup> The shift towards this great cooperation with regional organizations is associated with Boutros Ghali's *Agenda for Peace* in 1992 that placed emphasis on the idea that regional organizations to be used to support UN peace efforts from preventive diplomacy to post conflict peace building;

"...but regional action as a matter of decentralization, delegation and cooperation, with United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of participation, consensus and democratization in international affairs."<sup>18</sup>

Boulden<sup>19</sup> states that the idea gained prominence during NATO's involvement in United Nations Protection Force (UNPROFOR) operation in Bosnia. She further states that even before *An Agenda for Peace* regional organizations were playing an international peace and security role in Africa with Economic Community of West African States (ECOWAS's) operation in Liberia. Boulden attributes the interest United Nation Security Council (UNSC) had developed in discussing and dealing with African conflict situation to Kofi Annan when he took the job of SG.

These organizations are encouraged for border disputes and other disputes of regional concern as they are in better position to understand the conflicts, their dynamics and actors well. The regional entities are however required to keep SC fully informed of activities "undertaken or in contemplation" relating to international peace and security.

The regional and sub-regional organizations are pillars upon which the UN anchors its

---

*in Kenya* , pp 101-102, 109, Geoffrey Okoth, 'Regional Institutional Responses to Security in the Era of Globalization' in Makumi Mwagiru , *African Regional Security in the Age of Globalization*, ( Nairobi: Heinrich Boll Foundation, 2004) pp 49-62

<sup>17</sup> UN Charter, Chapter VIII, Articles 52, 53, 54

<sup>18</sup> Boutros G. Boutros , *An Agenda for Peace*, S/24111, ( New York: United Nations), June 17 1992, para 64

<sup>19</sup> Op cit Jane Boulden pp 111-112

global peace agenda. The cooperation and partnerships of regional organizations is needed by UN to be fully effective in brokering peace and ending conflicts in different corners of the world.<sup>20</sup>

Organization of American States (OAS) and AU are best known regional organizations based on geographical proximity. Association of Southeast Asian States (ASEAN), ECOWAS, and Southern African Development Community (SADC) are commonly referred to as “sub-regional organizations”. Members are also proximate geographically. NATO’s members are however sharing geographical and cultural affinity. Other smaller sub regional organizations are East African Community (EAC) and IGAD.<sup>21</sup>

Other pacific methods of conflict management include good offices and problem solving workshops. Good offices as Mwangi<sup>22</sup> observes are usually associated with the office of Secretary General of UN. The good offices have been used effectively by various Secretary Generals of UN and OAU especially Salim Ahmed Salim. Good offices can also be undertaken by individuals who are in a position of trust or those who occupy influential offices outside the UN and OAU. AU’s preamble and Article 3 (f)<sup>23</sup> supports the use of good offices to try and prevent conflict from escalating by facilitating the parties in a conflict their movement towards negotiations or use of any other peaceful settlement of the dispute.

---

<sup>20</sup> Op cit Jane Boulden p15, William J. Foltz (Eds) , *‘The Organization of African Unity and the Resolution of Africa’s Conflicts’* in Francis M. Deng, William I. Zartman, *Conflict Resolution in Africa*, (Washington, D.C.:1991) pp 347-366, William I. Zartman, *‘Conflict Reduction: Prevention, Management and Resolution’*, in Francis Deng, William I. Zartman, *Conflict Resolution in Africa*, p 299

<sup>21</sup> Op cit William I. Zartman, *‘Conflict Reduction: Prevention, Management and Resolution’* pp 316-317

<sup>22</sup> Op cit Makumi Mwangi, *Conflict in Africa: Theory, Processes and Institutions of Management*, pp 110-111, Op cit Makumi Mwangi, *Water’s Edge: Mediation of violent Electoral Conflict in Kenya* , pp 55-57

<sup>23</sup> Op cit AU Constitutive Act

Problem solving workshops are facilitation introduced to parties that have difficulties in communicating with each other. It relies on facilitation to analyze the causes of conflict and explore solutions.<sup>24</sup> The modern mechanisms for conflict resolution have been used in the post-colonial era in the KC but still many communities especially pastoralists still perceive them as alien systems which they find hard to understand. Given the remoteness of the region, rugged terrain, underdeveloped infrastructure and the pastoralist's migratory nature formal justice system is inaccessible and inappropriate to manage the nature and magnitude of the current trends. The modern courts are time consuming as it may take several years for a case to be concluded and the process is costly and highly formalistic and confusing. Given the high level of illiteracy in this cluster many people do not understand it since it has confusing procedures and outcomes that cannot easily be predicted. Furthermore its main focus is the individual and punishment of the offender. Therefore no reconciliation is carried out.<sup>25</sup>

## **2.2 Forms and Application of Indigenous Conflict Resolution Mechanisms**

In her Conference Paper Utne<sup>26</sup> observed that despite the regional differences, cultural, ethnic and linguistic diversities there is a striking similarity between the nature of conflict mechanisms across Africa due to commonalities in social formations in African societies based on preliterate world view or thought system.

Various reports<sup>27</sup> indicate that conflict resolution techniques among the pastoralists exist in the form of structured or formal and unstructured or informal

---

<sup>24</sup> Op cit Makumi Mwangi, *Conflict in Africa: Theory, Processes and Institutions of Management*, p 57

<sup>25</sup> Op cit Volker Boege, p 8, Op cit Ruto Pkalya et al, *Indigenous Democracy: Traditional Resolution Mechanisms, Pokot, Turkana, Samburu and Marakwet*, p 4

<sup>26</sup> Birgit B. Utne, *Indigenous Conflict Resolution in Africa*, University of Oslo, Institute of Educational Research, 2001, [www.africavenir.org/uploads/media](http://www.africavenir.org/uploads/media), accessed 17<sup>th</sup> July, 2014

<sup>27</sup> UNDP, *Analysis of Conflict as it Relates to the Production and Marketing of Dry lands Products: The Case of Turkana (Kenya) and Karamoja (Uganda) Cross-Border Sites*, Retrieved June 3<sup>rd</sup>, 2014,

dimension. The informal forms comprise of the more unstructured conflict resolution systems that comprise of the elders' meetings and directives, opinion leader's judgments, use of communal methods as beliefs, myths, habits, characteristics, cultural orientations and rites, community informal meetings 'barazas' (consensus approaches) and citation of unpublished rites and obligation by a respected leaders during the conflicts. The punishments are in the form of communal exclusion , payments of fines, being blacklisted in the community and being denied some rights and privileges in case of non-compliance to judgments made by the elders. Elders, heads of families and age set play a big role in the society in preventing and resolving conflicts. They discuss many issues that affect the community internally and those that affect their relations with the neighbouring communities.

According to Olivier <sup>28</sup> elders have a respectable status in the society. This is based on age and experience that is equated with wisdom that provides them with enough authority to be the final decision makers in a conflict solved through arbitration as in traditional societies; the dispute is understood as problem between an offender and community. To re-establish harmony in the community therefore the elders have to integrate the deviant members back into the society. Myths and tales in a given society provide the social fabric in which participants are situated and to which they conform as a real or imagined community. There exist symbols and rituals that are different among the

---

[http://www.undp.org/drylands/docs/marketaccess/Baselines-Conflict\\_and\\_Markets\\_Report.doc](http://www.undp.org/drylands/docs/marketaccess/Baselines-Conflict_and_Markets_Report.doc). p. 19, Ruto Pkalya, Mohamud Adan, "*The Concept Peace Committee; A Snapshot Analysis of the Concept Peace Committee in Relation to Peacebuilding Initiatives in Kenya*", (Nairobi: Practical Action, 2006) p 7 , Nathan M. Coulter, *The Impacts of the indigenous Conflict Mechanisms Among Public And Private Sector Firms*, (New Jersey: Heinemann Education Publishers) pp 73-75

<sup>28</sup> Guy O. Faure, '*Traditional Conflict Management in Africa and China*' in William I. Zartman (eds), *Traditional Cures for Modern Conflicts, African Conflict "Medicine"*, (London: Lynne Rienner Publishers) p 163

various communities. These are performed and served to reinforce norms and values, and power relations.

The formal conflict resolution systems have largely followed the four pacific conflict resolution methods in the forms of mediation, arbitration, conciliation and adjudication by respected elders and opinion leaders. It turns out that most of the substance and practice of African traditional conflict resolution mechanisms that were used are the similar in practice to those conventional conflict resolution mechanisms used in the modern world save for the different names used. The ICRM were independently discovered and developed in Africa and in other parts of the world.<sup>29</sup>

He further notes that formal system has been preferred in many societies due to their regularity ease of planning, administration, implementation and evaluation. The popularity arises from the notion that they can as well be adopted by other communities, societies and the global communities in equal measure. Arbitration, conciliation, mediation and adjudication have been well used among the organized societies as labour organization, private sector organizations, government circles and many communities with greater levels of success.<sup>30</sup>

The council of elders is the highest institution of conflict management and socio-political organization in traditional African society. The elders are used to negotiate and make treaties on peace keeping; together with mediation efforts the elders also use facilitated dialogues for preventing, managing and resolving conflicts. Dialogue was and still is the main mechanism for resolving conflict and disputes in the KC at all levels of society from family, clan and neighbouring communities. Intervening and mitigating

---

<sup>29</sup> Hassan A. Ati, *Conflict Management and Resolution among Beja Pastoralists: Elements and Procedures of the ( Salif) Customary Law*, Vol 13, 2009, pp 23-44

<sup>30</sup> Ibid p 65, Op cit Kariuki Muigua, p 8

conflict in the cluster is replete with a lot of intra- and inter-community peace dialogues. Dialogue has helped transform relationships, promote empathy and inspire the solution of problems whenever they arose. It thus led to mutual understanding and the desire to identify a common ground.

In mediation, the mediators derive their authority from religious roles and functions, old age or other distinctive personal qualities or claims. Indigenous processes were long term interactions: for instance mediation in conflict continued until a solution was found that was acceptable to all parties. Indigenous mediation occurred at any stage of the conflict. Traditional forms of mediation and legal sanctioning often occurred when no other mechanisms for social regulation existed. Arbitration and mediation complemented dialogue if there was no consensus between the conflicting parties or communities. Ebenyo John a resident of Lodwar had this to say on mediation;

“A third neutral party or community would be called upon to mediate and arbitrate the dispute. A group can also mediate a dispute or conflict between two or more different groups or communities. For instance in the Cluster, the Tepeth have been trying to arbitrate the Matheniko and Bokora conflict for many years.”<sup>31</sup>

The indigenous mechanisms use local actors and the traditional community-based judicial and legal decision making mechanisms and leaders to manage and resolve conflicts within or between communities. Elders mostly functioned as a court with broad and flexible powers to interpret evidence, impose judgments and manage the reconciliation process. The elders gave time for the accused and accuser to argue their case and elders with oratory skills would act as defence and prosecution lawyers as well as the jury in the whole process. Different communities had well established structures of administration or governance and respective officials that performed various functions.

---

<sup>31</sup> Op cit Jackline A. Apiyo interview with John E. Ewesit.

Judgments though were not simple to make, to determine who was wrong or apportion blame; they were about conciliation and trying to ensure that the propelling factors for conflict were eliminated if it was possible to do so.<sup>32</sup>

The system upheld the fundamental principles of natural justice as nobody could be condemned without being given an opportunity to argue his case and defend himself. The elders were and are still instrumental in advocating for peace in families, clans and communities; actively participate in recovery and returning of stolen cattle to the affected and compensation of innocent people murdered. They negotiate for peace, settle disputes and act as emissaries for peace with other groups.

Muigua<sup>33</sup> states that consensus approaches was used when resolutions were attained on the basis of consensus rather than winner-takes-all approach. The decisions were effective, durable and long lasting and were affirmed in a ritual way. The community then followed up to confirm compliance with the agreement. Negotiations, he argues most the commonly used mechanism for dispute resolution, was customary and it is an everyday affair to see people sitting down informally and agreeing on issues affecting their lives.

The use of more informal systems he argues has gained prominence recently due to the global demands for local solution to the local conflicts with the notion that the resolution or mechanism should take into count the sources of the conflict and real circumstances surrounding them. The critical nature of the indigenous conflict resolution be it the formal or informal method, is based on the society's myths, cultural syndromes,

---

<sup>32</sup> Henry O. Ayot, *A History of the Luo-Abasuba of Western Kenya from AD 1760-1940*, (Nairobi: Kenya Literature Bureau, 1979) pp 33-75

<sup>33</sup> Op cit Kariuki Muigua, p 12

the habits and characteristics as well as the values of the communities and their belief in the value of the outcomes.

The formal and informal indigenous conflict resolution systems have been used to resolve family, clan conflicts and inter-communal disputes, grievances, complaints and conflicts both at large and small scale levels with utmost success. Within the communities, disagreement among communal members, families, households, and clans within the communities provide for the resolutions through the informal and formal indigenous conflict resolution techniques.

### **2.3 Perspectives of Indigenous Conflict Resolution Mechanisms**

The success of any conflict resolution mechanism depends largely on the approach and view people have about it. The approaches represent the views or perspectives held by individuals, groups or communities about the conflict resolution techniques. The perspectives comprise of the traditional dysfunctional perspectives, modern functional perspectives and the integrated perspective which comprises of both the functional and dysfunctional approach. Jennings<sup>34</sup> contends that the adoption of the modern functional or positive approach states that the ICRM are necessary and important ingredient, with all positive and functional consequences for the community would make the technique highly successful in its application in the community.

Conversely the application of the traditional dysfunctional approach depicts the ICRM as all inadequate with all negative and dysfunctional consequence for the community will make the application cumbersome, difficult and ineffective. The consideration of the ICRM on both negative and positive designs make groups,

---

<sup>34</sup>Yves R. Jennings, *The Processes and Practices in Conflict Management*, (England: Pearson International, 2009) pp 66-74

communities and individuals to have a concise view of the application and the possible success in the management of the communal and the individual conflicts.

Mullins<sup>35</sup> declares that effective and successful application of the ICRM is highly contingent on the orientation and views people hold on them. He concurs that the approaches people have over the conflicts and resourceful mechanisms exists in three main dimensions. He provides the dimension as the positive modern view, conservative negative view and a mixed approaches comprising of both the positive and negative aspects. The proponents of this school of thought argue that ICRM are outdated, cumbersome, difficult to administer, ineffective and highly expensive to implement thereby making them unnecessary and possibly inapplicable in the normal circumstances.

On the contrary the proponents of the modern positive approach<sup>36</sup> towards the application of the ICRM argue that they are less expensive, result in long term outcomes, and require less resources and procedure to execute or administer and implement. The middle ground perspective is the integrative view that advocates that the ICRM has both negative and positive consequences. The proponents argue that the mechanisms have both positive and negative elements.

On one extreme they are less expensive, less procedural and require less training and resources to implement and execute thereby are favourable. On another end the techniques present a more cumbersome, informal, rigid and non-elaborate methods with no clear cut lines of management and implementation.

---

<sup>35</sup> Laurie J. Mullins, *Organization Behaviour and Management* 5<sup>th</sup> edition,( Essex: Pearson Education Limited Edinburgh Gate, 2007) pp 134-151

<sup>36</sup> Ibid p 153

The three perspectives contend that those communities, groups or individuals holding the positive modern and functional approach to the ICRM enjoy using mediation, arbitration, conciliation and communal adjudication through either the opinion leaders or the elders. Accordingly the mechanisms thrive and work better under the modern viewpoints that encourage their application and evaluation. On the other hand those holding the negative view on the ICRM have made it difficult and cumbersome for the application of the techniques.<sup>37</sup>

In those communities with negative orientation, ICRM are viewed with suspicion and in bad light. Faure<sup>38</sup> advocates for the application ICRM among the communities noting that they offer cooperative, collaborative and friendly atmospheres for the success and betterment of the communities and the families.

Effectiveness and success in the use of the ICRM depend on the perspectives the communities have over them. Melong'i<sup>39</sup> notes that the perceived long term positive consequences of the mechanism under investigation would make them more acceptable, economical, and popular with the communities. Thus the application of the more formal or informal approaches depend on the trends, communal preferences, possibility of implementation and reasonability in use and application. He declares that the use of *barazas* (informal elders' meetings), communal groupings and the more formal systems associated with structured mediation, conciliation, arbitration and adjudication work well where there are possible positive dimensions associated with the same.

---

<sup>37</sup> Ibid p 154, Olu Adeneji (ed), *Mechanisms for Conflict Management in West Africa: Politics of Harmonization*, ACCORD Occasional Paper No 2/97, 1997, pp 1-11

<sup>38</sup> Op cit Faure p 159

<sup>39</sup> Michael M. Melong'i, *The Warrior institution ( Moranism ) and Peace Building in Kenya Pastoralist Communities: A Case study of Laikipia West District*, Master's Thesis, Catholic University of Eastern Africa, Institute of Peace Studies, 2013

## 2.4 Implementation of the Indigenous Conflict Resolution Outcomes

The success in the application of the conflict mechanisms outcomes or awards is contingent on the ease of implementation of the decisions and awards arising from the same such mechanism that requires extreme and outrageous implementation processes would be less acceptable and successful in the current conflict management. On the contrary Adeneji<sup>40</sup> reasons out those mechanisms that provide more positive and favourable decisions with the ease of implementation are possible, acceptable and highly recognized with the communities. Communities and institutions are encouraged to adopt the conflict resolution mechanisms that have tended to provide decisions with possible positive functional and favourable implementation and execution procedures.

Implementation is the execution of the decision or awards arising from the conflicts in the forms of the compensation, cessations of hostilities, stopping the conflicts altogether and promising on non confrontational approaches. The implementation process may take a more modern collaborative and cooperative or team approaches or a more individualists, rigid, and confrontational approach. Opiyo<sup>41</sup> advocates for the adoption of the modern collaborative approach in the implementation of the outcomes noting that such systems provide room for more engagement, meetings and friendly exchanges and relationships. While noting that the traditional confrontational approach may be the norm among majority of the communities and societies in the resolution of conflicts execution, he nonetheless notes of the negative outcomes resulting from such ventures as in increased conflicts, grievances, loss of lives and property and increased hostilities.

---

<sup>40</sup> Op cit Olu Adeneji p 10

<sup>41</sup> Johnson O. Opiyo, *Frontier Citizenship and State Fragility in Kenya*, *Journal of Language Technology and Entrepreneurship in Africa*; Vol 2, 2010, p 110

The mode of planning, implementation, and evaluation of the conflict resolution mechanism awards provides a significant step in determining its success or failures. All the three processes involved in the conflict resolution in any society, the implementation process remains the most important and critical in the process as it determines the nature of the decisions, future relationships, communal adjustments and possible future success indicators in the management of conflicts both at the family, community and regional levels. Effective implementation demands the redesigning of the community cultures, structures, communication, relationship patterns and technological orientation adopted in the management of conflicts.<sup>42</sup>

The use of groups in the implementation and execution of the conflict outcomes has proved successful in both the short and long terms. However many communities have traditionally concentrated on the individual implementation with only an individual taking responsibility for implementation of the outcomes. The use of both modern team approach associated with increased flexibility, information sharing and technological orientation provides room for increased success in the application of the ICRM awards. Proper implementation of the conflict outcomes provide the increased possibility of acceptance of the decision, low resistance to the decisions and increased motivation to take part in the process.<sup>43</sup>

Khumalo<sup>44</sup> in his study elaborates on the factors influencing the success of the ICRM among the pastoralist communities in the Republic of South Africa. He contends that lack of the implementation procedures and processes remains the most critical factor.

---

<sup>42</sup> Ibid p 90

<sup>43</sup> Ibid p 92

<sup>44</sup> Khumalo D. Khumalo, *Problems of Nomadic Life Style among Communities in Africa: Poverty and Conflicts*, Master Thesis, ( University of South Africa, 2012), Op cit Stella L. Shulika

The study findings provide that many decisions reached in the mediated conflicts, communal adjudicated cases and societal arbitrated cases are never implemented properly. It further noted that in many pastoralist communities in South Africa the use of indigenous more so the informal mechanisms are mostly common but decisions are poorly implemented.

Most decisions reached during these sessions are less respected owing to lack of implementation or execution agencies put in place. The study declares that the ICRM provide solution with short term views that are not only temporary and less recognizable but also difficult to implement both in the short and long run. Unlike the formal conflict resolution mechanisms through the court of law or internationally recognized agencies as United Nations, and other regional bodies, the study declares that the ICRM provide solution with short term views that are not only temporary and less recognizable but also difficult to implement both in the short and long run.<sup>45</sup>

Komen<sup>46</sup> through a similar study on the success of ICRM among the Kenyan pastoral communities with specific cases of the Samburu and Turkana communities contends that although very successful in the short run, the techniques become vulnerable to outside attack and may not be feasible in the long run. The study findings note that communal mediation, conciliation, arbitration, and adjudication as well as the more informal systems of elders' executive authority, peer group sessions and opinion leaders' comments and warnings remain non admissible in more instances and tend to be disregarded through the difficulties in the implementation of the awards. Many youths he

---

<sup>45</sup> Ibid

<sup>46</sup> Komen P. Samuel, *Developments In the Conflict Management in Today's Societies and Organization*, Master Thesis ( Moi University, 2013)

has observed have tended to disrespect the elders and the judgments that are made after deliberations.

The findings further note that to achieve effectiveness in implementation, decisions from the ICRM should be implemented properly. The study however claims with concern the difficulties experienced in the implementation process arguing that implementation requires adequate and permanent structures, adequate resources, knowledge and relevant technology which may not be possessed by the communities. Although adjudged successful due to the possibility of implementation of the decision, communal adjudication and arbitration processes have suffered from lack of or wrong implementation procedures with the outcome being increased hostilities, conflicts and negative relationships.

Wassara<sup>47</sup> advocates for the adoption of the modern group approaches to the implementation of the conflict resolution outcomes stating that this provides the faith, confidence and credibility of the process. He acknowledges that where the implementation of the processes has been undertaken properly such processes tend to be very successful with the residents increasing their preference. He contends that the application of the traditional individualistic, rigid approach with their very system of officialdom, high level of formality and high implementation costs in terms of resources, time and personnel make such processes among the communities unwanted, unreliable and cumbersome in form and dimension.

The implementation may take either a group collective approach or individual lone ranger approach. However great success lies with the application of the collective

---

<sup>47</sup> Op cit Samson Wassara pp 20-22

group approach associated with greater openness, flexibility and involvement and having a personal touch and long term and strategic view of the conflict.

## **2.5 Strengths of Indigenous Conflict Resolution Mechanisms**

According to the Karamoja, traditional systems of justice and conflict regulation are more effective than the formal system because the results are visible in the whole community. For the victims the system is cost free, easily accessible and the outcome is considered fairer due to compliance with community values and rules.

Chapman<sup>48</sup> states that the effectiveness and success in the use of the ICRM depend on the ease or difficulty of the execution of the results or decision or awards arising from them. Due to the remoteness of the Karamoja cluster and subsequent difficulty of gaining government services and formal justice, the individual communities have formulated a system of community rules to help in regulating behaviour. To the pastoralists the traditional approach to justice and conflict regulation is more effective than the formal system because they can always see the results after a shorter time. Conflict is an unwelcome disturbance of relationships within the community and the techniques established aim at restoration of order and harmony of the community and reforming errant society members. They therefore provide for comprehensive inclusion and participation of the offender and the victim. To this end Utne<sup>49</sup> points out that priority is given to restoring relationships.

The African ICRM are home-grown and endogenous methods specific to the African context that allow to be put into practice African renaissance. The mechanisms depend on community relationships and values to which they refer and provide the

---

<sup>48</sup> Op cit Chris Chapman, Alexander Kagaha, pp 2-10

<sup>49</sup> Op cit Birgit B. Utne p 9.

context for their operations. The emphasis is always put on the restoration of the offender back into the society, forgiveness and reconciliation instead of punishment. Emphasis is put on humanity's inter-connectedness (*ubuntu*). This has facilitated local ownership of the peace building initiatives that is accepted, respected and further more is less costly.<sup>50</sup>

Boege<sup>51</sup> states that ICRM are holistic, comprising social, economic, cultural and religious-spiritual dimensions and are consensus based. The mechanisms are usually pursued according to societal customary law, oral transmitted norms, values and practices that govern everyday way of life of the community and are legitimized through supra-human and supernatural institutions for instance, spirit of ancestors and the god/s. The process is usually public; the participation in the process and approval of results is also public, thus reduction of suspicion the people may have. The elders also have to establish facts and reveal the truth before they agree on any judgment is made. Confessions followed with apologies often lead to exchange of goods as a form of compensation that lies in the transformation of reciprocity. This takes the place of violence. Due to the fact that the social group is involved and the offender is a member of a kin group, they become accountable to the group and the group is accountable for the deeds of each of its members.

Boege<sup>52</sup> notes that in the indigenous approaches the conflict parties engage in direct negotiations in the search for a solution, or a third party can be invited to mediate; participation of the subjects in the conflict process improves their understanding of the process, makes them more accountable and responsible in future conflict situation and

---

<sup>50</sup> Ibid p 11

<sup>51</sup> Volker Boege, *Traditional Approaches to Conflict Transformation: Potentials and Limits*, Berghof Research Centre for Constructive Conflict Management, (2006) p 8 - <http://www.berghof-handbook.net>, accessed on 15<sup>th</sup> July, 2014

<sup>52</sup> Ibid p 10

improves their reactions towards conflicts. When solutions have been achieved they are sealed in a highly ritual form. Traditional ceremonies are of great symbolic and practical importance. These are a means of conflict transformation in their own right. Members of the community participate in these rituals that are loaded with spiritual meanings. Wealth exchange, prayers, sacrifices to their god/s or the spirit of ancestors are part of those ceremonies as well as customary rituals like the breaking of spears and arrows, drinking and eating and dancing together or consuming certain drugs. These are loaded with spiritual meaning as these people are very superstitious.

## **2.7 Challenges of Indigenous Conflict Resolution Mechanisms**

Osaghae<sup>53</sup> admits that the application of ICRM among low civilized communities and societies continue to experience challenges. He points out that while most of the challenges work to impede the success and effectiveness of the strategies, some challenges may contribute to huge enhancements of the mechanisms. The core among the challenges comprise of the need for adequate resources, redundant cultural practices, lack of effective communication programs and technological orientation to enable information transfer and sharing, the competency and capacity level of the community leaders to adequately use the structured and modern techniques, and communal life style structure. Closed cultural practices, one way communication and the use of manual technology with less capacitated leaders in the use of ICRM contributes to their failure and non effectiveness.

The attitude towards the women and youth participation in Peacebuilding,

---

<sup>53</sup> Eghosa E. Osaghae, 'Applying Traditional Mechanisms to Modern Conflict: Possibilities and Limits' in William Zartman (eds), *Traditional Cures for Modern Conflict, African Conflict "Medicine"*, (London: Lynne Rienner Publishers, 2000) pp 201-216

communal beliefs and customs need for general and wide acceptability of the conflict outcomes, economic and social spheres and family structures constitute some of the serious threats to the use of ICRM.<sup>54</sup>

Many pastoralist societies have negative attitude about the participation of women in the conflict management. The women are there to be seen and not to be heard. This may be connected to the strict and non progressive cultural practices among many pastoralist communities. The process is grossly flawed. As a result there is serious gender and age imbalance as women and youth are largely excluded from important community decision making processes especially those regarding conflict and their management and yet the two groups play a critical role in precipitating conflicts.

In his views, Osaghae<sup>55</sup> points out that there is a marked absence or inadequacy of appropriate and effective mechanisms and framework to effect what elders and other traditional leaders have ruled. Some awards from the ICRM are very difficult to implement as they require abundant resources, technical skills, knowledge and abilities that elders lack. The awards sometimes would create additional tensions and conflicts. In the respect of the punishments, communal excommunication, exclusion from the communal practices and fines of greater value and amount would make the offender more vulnerable and hopeless. Another application that makes the implementation almost impossible arises where the award is death or expulsion of the guilty party from the community. Customary courts do rely on the good will of the members of the society to adhere to its ruling, obey the judgment and if required pay the fines imposed in terms of property and cattle.

---

<sup>54</sup> Ibid p 217

<sup>55</sup> Ibid p 218

Osaghae<sup>56</sup> contends that the execution of the decision from the indigenous conflict resolution would greatly determine its effectiveness and success. He advocates for the use of the modern execution processes associated with committees or groups of teams noting that in such instances the decision reached are highly respected as credible and of value and quality. The use of the traditional individual based approach although very efficient in the way it is conducted provides ground for more conflicts and is generally costly to administer. He states that where the subjects are greatly involved in the execution process they are likely to accept the outcomes than where they are excluded.

The adoption of one strategy as Zistel<sup>57</sup> points out may seem a continuation of ethnic hegemony and domination especially if the adopted strategy belongs to the language group of the head of state. She argues further that, the relevance and applicability of traditional strategies have greatly been disabled by politicization, corruption and abuse of traditional structures, especially traditional ruler ship thus reducing confidence. Rich people have been able to bribe elders to rule in their favour making poor people not to get the desired justice and the expansive nature of modern conflicts may limit the extent to which the traditional approaches may be applied.

In one of the Focused Group Discussions, Mark Lomoko, deputy chair of village, Kotido mentioned that another challenge faced is;

“Of late elders are losing control of the young men. This has happened because young men are gaining a lot of cattle from raids and banditry, and therefore are wealthy and feel poor old men have no authority over them. According to pastoralists, wealth is measured by the number cattle one owns.”<sup>58</sup>

---

<sup>56</sup> Ibid p 210

<sup>57</sup> Op cit Susanne B. Zistel, p 215

<sup>58</sup> Jackline A. Apiyo, Interview with Mark Lomoko, Kotido, November, 2013

Challenges also exist in the forms of lack of training and development among the leadership, poor communication and information sharing attributes among the communities, inferior planning and decision making methods, low technological orientation, environmental circumstances, cultural structures and these contribute towards decreased effectiveness of the conflict resolution techniques at the community or within the societal levels. Conflict management requires leadership with adequate skills, knowledge, abilities and capabilities required through more formal and informal training systems. Majority of the leaders among the communities presiding over the conflicts have no prerequisite and appropriate training and development levels to administer, implement and evaluate the conflicts managements programs. Thus the elders are not entirely able to operate and resolve conflicts within these structural limits of customary conflict management systems. A lot of time is consumed in the public forums because there is encouragement of broad discussion of aspects that may be unrelated to the central problem that has triggered the conflict.<sup>59</sup>

The informal training level is purely inadequate to help administer the management of conflicts effectively. Additionally the closed cultural orientations that inhibit the sharing of information, providing data about the community secrets, and discussing the community issues in public among the pastoralists has been a great challenge among the communities. The success of the conflict resolution depends on the nature and number of challenges it faces.

---

<sup>59</sup> Op cit Yves R. Jennings pp 66-74, Nene Mburu, *Firearms and Political Power: The Military Decline of the Turkana of Kenya 1900-2000*, Nordic Journal of African Studies, Vol 10, No 2, 2000, pp 148-162:155, Op cit Jackline A. Apiyo, Interview with Mark Lomoko

## **Conclusion**

Lasting peace in the society can only be achieved by addressing root causes of the conflict and because most of the peace building initiatives concentrate on the context of conflict rather than the root causes, this has resulted in short term existence of peace. KC conflict has its root cause in the clamour for, the access to and control of resources. The conflict is resource based; the peace building initiatives should therefore incorporate activities geared towards mitigation of climate change as the focal point. Pastoral communities need also engage in profitable venture that will assure them sustainable livelihood source, food security and reduced poverty levels. Combined efforts are needed for this to be achieved from the governments of the cluster, NGOs and the local community.

## Chapter Three

### Indigenous Conflict Resolution Mechanisms of the Turkana

#### 3. Introduction

This chapter examines the pastoralist communities' way of life, sources and types of conflicts with specific reference to the Turkana community of KC. It analyzes the conflict triggers and peace building initiatives the community employs in prevention, management and resolution of the different types of conflicts and determines the missing link in the mentioned peace building initiatives.

#### 3.1 The Livelihood of the Turkana Community

According to Pkalya et.al<sup>1</sup>, most people of Turkana community occupy Turkana County which is part of Kenya's arid and semi arid lands. About 22,000 Turkanas of Ethiopia live west of the Omo River, extreme South Western regions of the country. Other Turkana people can be found in Eastern Uganda, Marsabit, Isiolo, Samburu and Trans-Nzoia sub counties in Kenya. The main concern of Turkana like other pastoralists is land and how to use it, and livestock and how to acquire it. Utne<sup>2</sup> correctly alludes to this fact by stating thus, "...a cow to a pastoralist is like a modern account in the bank- cattle are highly regarded assets." Socio-political influence and power belong to those who have age, wisdom (*emuron*), wealth and oratorical skill. Social organization is based on territorial rights of pasture and water.

Huho et al<sup>3</sup> posit that the Turkana live a nomadic way of life which is roundly associated with increased migration. Due to the harsh climatic condition the community

---

<sup>1</sup> Ruto Pkalya et al, *Indigenous Democracy: Traditional Resolution Mechanisms, Pokot, Turkana, Samburu and Marakwet*, (ITDG-EA, January 2004) pp 14-15

<sup>2</sup> Op cit Birgit B. Utne, pp 1-2

<sup>3</sup> Op cit Julius M. Huho et al, p 5

like other pastoralist communities undertake the rearing of animals requiring the need for water and pasture which is generally in short supply. The harsh climatic and poor weather patterns closely associated with unreliable and inadequate rainfall, long spell of dry weather with humid and hot temperatures most of the times, results in low food availability.

The region's population has their lives characterized with the presence of poor and outdated infrastructural developments, decreased access to basic amenities and commodities such as health care. The Turkana area is disease prone and experience high cases of hunger through lack of adequate food subsidies and pasture for animals which is their source of their livelihood. Lack of food and pasture has been the major cause for the myriads of migration to the neighbouring communities' lands with the result being increased conflicts. Additionally every year these Kenyans have been experiencing deaths and diseases due to rampant insecurity.

Turkana County is among the driest counties in Kenya characterized by scarce natural resources, competition over the use of limited pasture, grazing land and water resources between the Turkanas and their neighbours exists. Since most of these natural resources are found on the borderline of the Turkana land this poses inevitable clashes with these neighbours. For instance the Illemi triangle shared by the Turkana, Dong'iro and Merille is endowed with abundant resources. Rampant inter-ethnic conflicts between these three communities are as a result of competition of these resources. While in the South, the Turkana community is in constant clashes with the Pokot over grazing land around the Turkwel and Kainuk areas.

Pkalya<sup>4</sup> states that for Turkana the extended family is the basic socio-political institution and mechanism of conflict management. The *enachar* (clan) is the second level of socio-political arrangement of the Turkana community while the tribe is the highest organ and Supreme Court in the land. The tribe has the mandate of brokering inter-community peace pacts; negotiate for peace, grazing land, water resources and compensation arrangements thus the tribe is the custodian of the community land, resources and customary law.

The initiation is a prerequisite for later taking a human life as the status of a warrior is determined once a man has killed his first enemy-an event that they mark by notching a scar on his right shoulder or chest. White ostrich feathers are also worn on the heads of the warriors who have killed at least one person. Though the Turkanas seem fearless in all aspects they are usually very superstitious. Stealing from other communities is culturally accepted and is even not regarded as theft. The rites of passage or initiation ceremonies that graduate youth into an elder of a special age set are for all men, but they are only possible for those who own cattle. Those without cattle are rebuked. The need to go through this rite encourages many to raid. Without the ceremony one becomes a laughing stock.<sup>5</sup>

The Turkana do not have a single word that defines conflict but warfare is essential part of the social life of the Turkana. The word *arem* means confrontation, violence or absence of peace. *Aremusio* refers to insecurity; *ejie* is the actual fight or combat while *egurgur* refers to the quarrel and/or disagreement. Warfare is an essential

---

<sup>4</sup> Ibid pp 43-45, Op cit Jackline A. Apiyo interview with Mark Lomoko

<sup>5</sup> Ibid p 50

part of social life of Turkana. The interactions of the Turkana and their surrounding communities in the past and now continue to be hostile and violent.<sup>6</sup>

### **3.2 Conflicts within and across the Turkana Community**

The sort of conflicts that plague pastoralist communities in KC is typical of those afflicting pastoralist communities in the elsewhere in the region and especially in Africa. Among pastoralists communities in the KC Turkanas are the hardest hit by inter-ethnic conflicts due to the geographical location of their County. This is because Turkana community is surrounded by hostile communities like the Pokot, Karamojong, Toposa, Merille among others, proliferation of small arms<sup>7</sup> in the community as a result of contact with Menelik II of Ethiopia during the colonial period and its proximity to war-torn neighboring countries South Sudan, Ethiopia and Uganda and their own expansionist tendencies and cultures. He observes that arms proliferation is also due to the resumption of the protracted civil war in South Sudan that has made it the main source of illegal arms. According to Herrera,<sup>8</sup> Museveni, the president of Uganda was present when the Teso were given firearms to defend themselves against Karamojong communities. This led to the arms being available to locals who they have consequently used them to raid their neighbors or sold them to other people.

The Conflicts among communal groups usually occur primarily as a result of a clash of interest in the relationship between parties, groups or states, either because they are pursuing opposing or incompatible goals. Adeneji<sup>9</sup> argues that although the term *war* is sometimes used as a synonym for *conflict*, it is more usual to restrict the meaning of

---

<sup>6</sup> Ibid pp 15-16, Op cit Jackline A. Apiyo interview with Tadeo P. Erot

<sup>7</sup> Op cit Fernando A. Herrera pp 44-45

<sup>8</sup> Ibid p 46

<sup>9</sup> Op cit Olu Adeneji pp 55-74

war to violent conflict, involving organized and non organized communal groups militias and armed forces. Conflict among communal groups in Africa and the world over is and has been throughout history a normal occurrence between political, communal and economic groups within human society.

As Mwagiru<sup>10</sup> points out, conflict is an inevitable outcome of human interaction and a world without conflict is not desirable, because it would mean a world without diversity. Africa is a diverse continent in ethnic, religious and socio-cultural terms. He however goes ahead to declare that the presence of excessive conflicts would be counterproductive to the economic, religious, social political and technological lives of the human race.

According to a study<sup>11</sup>, conflicts in this region are endemic, complex and occur at different levels, intra-ethnic and inter-ethnic or cross border in dimension. Pastoralists' conflicts revolve mainly around livestock and marginalization by post independence governments has also compounded the problem. Over the years the pastoralist problem has become more frequent, unpredictable and exhibit marked escalation in violence and geographical spread. The violence witnessed has profound effects on the livelihoods of people living in the area and these effects are spread to the neighbouring communities within and across the borders.

There are different levels of conflict; Internal or intra-clan conflicts and inter-clan conflicts. Internal conflicts are usually centred on family disputes, clan rivalries over access to and control of scarce resources and sheer acts of self interest. Domestic conflicts are normally disputes between couples, parents and children or extended

---

<sup>10</sup> Op cit Makumi Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management*, pp 1-6

<sup>11</sup> USAID, FEWS NET, *Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa*, Conflict Baseline Study Report, August 2003, pp 6-7

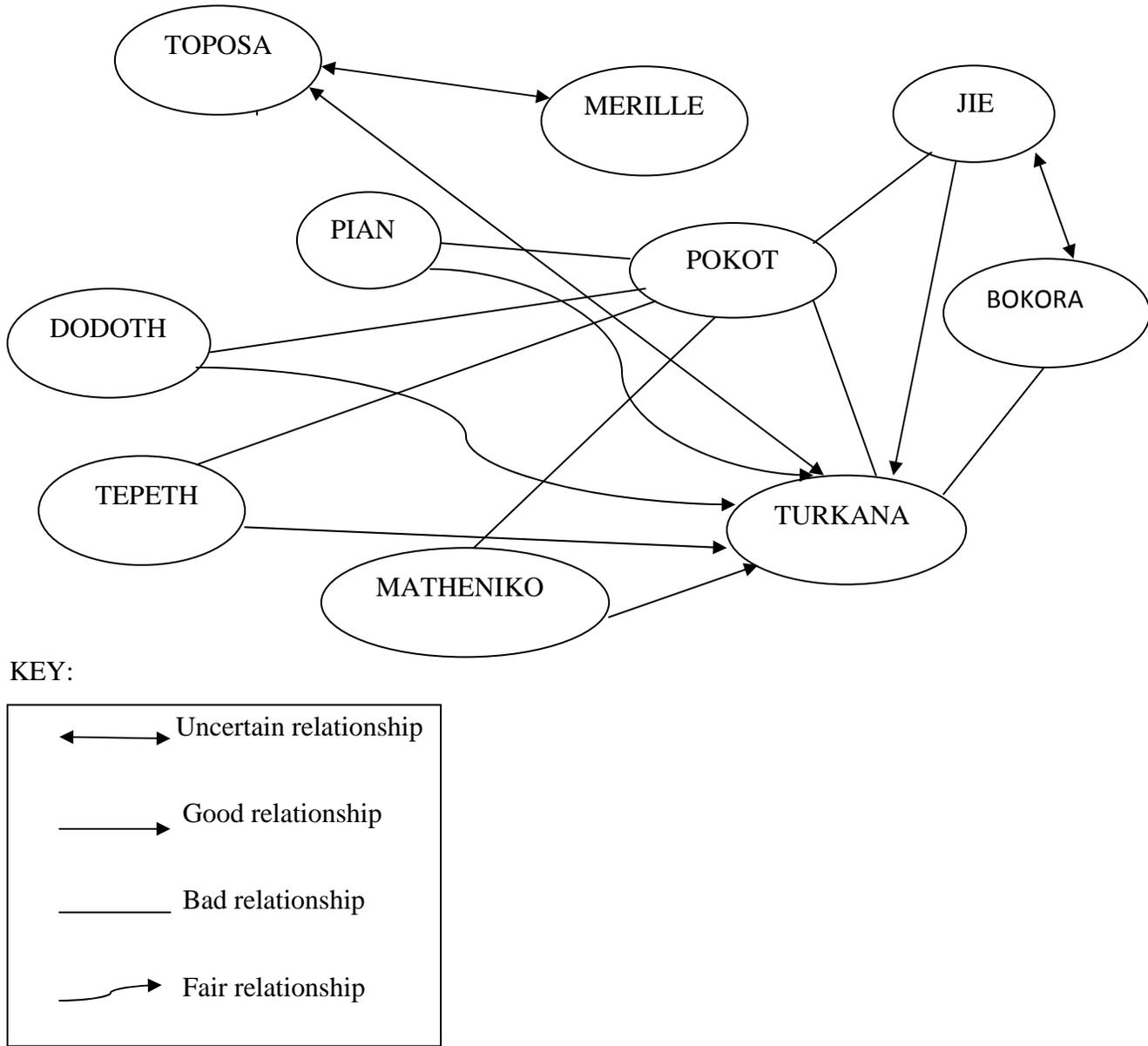
families. Interfamily disputes over ownership of water points normally occur during droughts when wells (*echor*) and springs dry up. Clan conflicts usually arise when negotiations over access to grazing land and watering points of other clans is not done. Major clan related conflicts may take two forms; inter-clan competition for access to pasture and arable land, and on the other hand disputes over theft of livestock or unfair sharing of raided animals or bride price. Disputes over pasture (*ngingia*) are exacerbated if it is established that the herd of the invading clan has infectious diseases.<sup>12</sup>

Inter-clan conflicts are very complex and take places between several levels of the cluster. For instance Pokot versus Matheniko, Jie versus Bokora, Turkana versus Pokot, Pian versus Bokora, Turkana versus Pokot and Tepeth among others. The environmental, geo-political, socio-political and psycho-cultural factors have left Turkana and other pastoralist neighbors with limited choices and opportunities to pursue their own communal needs and interests. The result thus is being relegated to fragile human security and marginalization. Because they have not been able to easily find their way out, they exert violence against each other. This has led to a vicious circle of marginalization and violence narrowing further their options.

---

<sup>12</sup> John M. Halderman. et.al, *Greater Horn of Africa Peace Building Project: Assessment and Programmatic Recommendations: Addressing Pastoralist Conflict in the Karamoja Cluster*, (Washington DC: Management System International, 2002) pp 27-28, Lorelle B. Jabs, “*You can’t Kill a louse with one finger*”: *A case study of Interpersonal Conflict in Karamoja, Uganda*, Peace & Change, Vol 35, No 3, July 2010, Peace and Justice Association, pp 488-489

Figure 3.1: Current warring corridors between some members of the Karamoja Cluster



Source: Op cit Jackline A. Apiyo interview with Ewesit J. Ebenyo

The figure above shows the current warring relationship between some of the pastoral communities in the Karamoja Cluster. According to Irungu,<sup>13</sup> the good

<sup>13</sup>Patrick Irungu, *Formalization of Village Peace Committees in the Karamoja Cluster*, OAU, Pastoral Community Harmonization (PCH) Initiative, August 2001, *Analysis of Conflict as it Relates to the Production and Marketing of Drylands Products: The Case of Turkana (Kenya) and Karamoja (Uganda)*, ,

relationships between the different pastoral communities are not permanent but rather temporal. Raiding does sometimes take place between communities with long standing peace pacts provided the need at a particular time justifies it. The nature of alliances keeps changing from time to time and the communities fight each other in never ending attacks and counter attacks.

Intra-clan conflicts also occur when various clans jostle for arable land to cultivate and grow cereals. However intra clan conflicts over livestock is a new development in Turkana especially involving youths who steal livestock, sell and then disappear from the community. Traditionally such raids were discouraged and disdained. In the Turkana community's culture it is a curse (*ngilam*) to raid a fellow Turkana. Other internal conflicts not tolerated in the society are adultery and rape (*atikonor*) and the culprits are heavily punished.<sup>14</sup>

There are no single causes to account for the frequent, unpredictable and intermittent conflict in the Karamoja Cluster. Herrera<sup>15</sup> argues that causes and the outcome of the conflicts appear to merge. What appear to be causes appear as a consequence too. A web of socio-cultural, economic, political and environmental factors has led to its intensification. The violence is influenced by climatic variations and consequent drought and food crises as well as cultural traits of the pastoralists. Environmental changes coupled with population increase has led to unprecedented demand for resources and forced migrations. The consequences have been competition over control of and access to the meagre resources which in turn trigger conflict.

---

[http://www.undp.org/drylands/docs/marketaccess/Baselines\\_Conflict\\_and\\_Markets\\_Report.doc](http://www.undp.org/drylands/docs/marketaccess/Baselines_Conflict_and_Markets_Report.doc) p 19 , pp 7-8

<sup>14</sup> Op cit Pkalya, pp 46-47, Op cit Jackline A. Apiyo interview with Simon Lopeyok

<sup>15</sup> Op cit Fernando A. Herrera, p 46

According to Irungu<sup>16</sup> causes of inter-ethnic conflicts revolve around livestock ownership and access and control of scarce natural resources. Like other pastoralists Turkanas are culturally attached to large number of livestock and believe all livestock in this world belong to them and other communities are not entitled to cattle rearing. As a result they engage in cattle raids as their cultural obligation to get back these cattle. Traditionally there are three types of raids: raids carried by youth coming of age, those carried out for the purpose of restocking especially after raids or severe droughts and famine, and epidemics, and raids that arise from competition incidences over grazing lands and animal watering points.

Development is a foundation for security.<sup>17</sup> Poor economic performance is a more basic and long-term cause of conflict and has been the catastrophic economic performance of many pastoralist communities. Coupled with the debt problem, poor flows of private capital into the cluster, and foreign aid programs often inefficient, as some scholars<sup>18</sup> point out, economic discomfort can bail out into conflict. In 1992, UN Secretary General Boutros Boutros-Ghali stated as the deepest causes of conflict economic despair, social injustice, and political oppression. The economic sovereignty of each community among the pastoralist groups lies in the numerical number of cattle and other animals held , never strong before, is being almost terminally undermined by pressures to join regional trading blocs and the growth of cross-border trading networks. This conflict also includes the crisis of production and distribution of resources and the

---

<sup>16</sup> Op cit Patrick Irungu p1, Kumar Rupensinghe *Conflict Resolution in Uganda*, ( Oslo: International Peace Research Institute, 1998) pp 316-460, Op cit Ruto Pkalya et al, *Conflict in Northern Kenya: A Focus on the Internally Displaced Conflict Victims in Northern Kenya*, pp 10-11

<sup>17</sup> Ibid p 65

<sup>18</sup> Op cit Atieno Odhiambo pp 296

competition arising there from. The conflicts in KC persist because of shift in raiding targets. Commercialization of raiding fuels conflicts and causes them to endure as it provides ready market for the stolen cattle.

According to Mburu<sup>19</sup> over time the raids have been commercialized and there exists gangs that exist for stealing cattle for sale. This has seen increase of raids, backed by climatic changes that have resulted in more pressure piled on environment by humans. Cultural egos and pressures of the pastoralists do provide fertile ground for the breeding of relentless conflicts. Numerous social and cultural traits which are cherished by pastoralists turn out to be the support pillars for wrangles and conflicts over livestock.

The conflicts may endure as long as these cultural characteristics stay. Pastoralists have attached a lot of importance to heroism. Among the Turkana heroes (*ekaruang*) are men or warriors normally singled out for special recognition for protecting the community and especially after killing enemy soldiers. A warrior who kills an enemy is marked with special tattoos to show their bravery and to warn that they are dangerous, brave and therefore honour is bestowed upon him. Women, particularly the young ones also act as catalysts in encouraging the conflicts because they compose many songs and sing in praise of the raiders (*akekutangen*) who display chopped genitals of the enemy they have killed. Heroes therefore attract the best of the girls in the village and they also get the honour of being spoon fed by the beauties. The girls today only talk to men who are armed with guns and not spear and cowards are ridiculed in songs or dialogues and have no place in the society. Culturally, the Turkanas do not circumcise their youths; as a result their neighbours regard them their men as weak culturally and mock them. This

---

<sup>19</sup> Op cit Nene Mburu pp 148-162:155

sometimes causes the Turkana men to get involved in deadly cattle raids to prove their critics wrong.

According to Kona<sup>20</sup> the Turkana men with sufficient means will take two or more wives. Only men with significant wealth (owning many cattle) can engage in polygamy. A man without cattle is not considered a 'true man'; young males (*karachuna*) therefore have a high incentive to acquire animals by any means possible to enhance personal or generational status and recognition. Cultural attributes attached to daring raiding inspires the young men to raid. Traditional anecdotes, proverbs, poems and poetic songs composed or sung in praise of valiant raiders make their kin proud, and promote the society to instil the spirit of warrior hood into the young. The cost of bride price and gifts for the women on the other hand are also very high. This is beyond many males and because they cannot raise the amount required by the bride's family the men have no option but to raid so that they can get the bride. Men as breadwinners for their families – must replenish food supplies through any means, including raiding in times of scarcity. Raiding thus becomes the first option for many.

As the Turkana engage in trading farm produce from negligible population who practice mixed farming to supplement their diet, disagreements may arise when they fail to agree on terms of exchange between animals or animal products sometime leading to serious disputes and violence. Other sources of conflicts among the pastoralist communities; Conflicts within the elite or communal leadership are among the most common form of inter-communal strife. Such conflicts have occurred in almost every region inhabited by the pastoralist communities. Elite conflict is normally of a low

---

<sup>20</sup> Samuel Kona, '*Baseline Study for the Kenyan side of the Karamoja Cluster*,' (Addis Ababa: CEWARN/IGAD, 2004) [www.cewarn.org](http://www.cewarn.org), accessed on 10<sup>th</sup> March, 2014

intensity but it does significantly impact on prevailing peace. The key means of dealing with elite demands have often been through the manipulation of communal cultures and policy shifts often, distribution of resources is used as a means of appeasement, which partly accounts for the rapid growth of state.

Factional conflicts he has observed may emerge as contending elites mobilize their constituents to vie with other neighbouring groups for scarce communal -controlled resources. The main purpose of factional politics is to influence the composition of the official communal power apparatus, to determine who rules in a given communal political centre. Among the Turkana, ethnic-regional and communal inequalities have intensified competition and conflict among various interests as the region is dry land endowed with scarce natural resources.

Unlike the elite and factional conflicts, communal and mass conflicts call into question not only the legitimacy of specific communal cultural practices but also the essentials of communal power. They challenge the state's territorial integrity and protest existing distribution of power. By far, the most prevalent in the post-colonial Africa, communal conflicts seek the promotion of sub-national identities – a goal which can be achieved either through adequate representation, including the protection of minority rights, the granting of autonomy, or through outright secession. Inter-ethnic animosity will obviously grow where religion and customs are clearly distinguished among groups. As inequitable decisions continue to be implemented, the elite begin to reassess profitability of continued participation in the communal centre, demanding greater representation and when they are not met, begin to conscript the idea of economic social

and religious autonomy or separate independence, as a way of assuring their survival and development.

Pastoralist communities demand for economic, independent, better social services, religious autonomy, and communal safety and secure international borders which are more fluid than at independence as thousands of economic and political refugees move around the region. The Kakuma refugee camp has been a classic example and has put the Turkana community in state of constant conflict. Communal cultural orientation and practices trying to shore up ethnic autocracies are under attack by increasingly militant opposition, communal armed groups and the regular countries organization encouraged by both external and internal pro-democracy and human rights organizations.

Conflicts have existed in this cluster since time immemorial but according to studies <sup>21</sup> they have since intensified in the recent past due to several reasons; environmental deterioration resulting in decline of land productivity, frequent droughts that have aggravated pasture and water scarcity, political and economic marginalization of members of the cluster, changing consumption patterns, restriction of access and migration to some dry season grazing areas. This has come as a result of creation of Game Parks, forest reserves, large scale Agriculture, private land ownership, creation of national boundaries and introduction of cash based economy. The conflict is compounded by the fact that most tribes in the KC-Karamojong, Pokot and Turkana among others have flourishing trade in arms and ammunition.

During wet seasons after planting there is food deficit and this aggravates conflict as the pastoralists raid to supplement food sources. While years that they experience

---

<sup>21</sup> Op cit USAID, FEWS NET pp 9-10, Op cit Jackline A. Apiyo interview with Zakayo Lolpejalai

favourable climate, good harvest and healthy pasture there is ceasefire, traditional ceremonies, inter-clan or community socializing, replacing depleted stocks through friends and marriage, and joint *Alomar/Adakar* in common grazing areas. Highest incidences of conflict are therefore recorded in severe drought years. According to report<sup>22</sup> reduced workloads among pastoralists gives them time to engage in raiding to acquire livestock for payment of dowry and marriage during the festive season.

Acquisition of sophisticated modern weapons,<sup>23</sup> especially AK 47 has seriously aggravated the amount of raiding with many pastoral communities in the KC finding it easier to prey on their neighbours. He points out that restriction of firearms in Kenya and the subsequent disarmament of the Turkana has made the people of the community more vulnerable to attacks from their counterparts from the neighbouring countries. Regional insecurity has intensified conflict as a lot of illicit arms are available as they are brought in through the porous borders from Somalia, Ethiopia and other neighbouring war torn countries. The governments of South Sudan and SPLA during the many years of civil war were competing for allies and armed different ethnic groups in South Sudan, the guns were then used for raiding neighbours. The raids enormously increase and complicate efforts to resolve them and promote peace in KC.

A major conflict trigger among the pastoralist communities according to has been ethnicity and historical rivalry, and it has continued to be so. The creation of new communal clans and groups overtime accompanied urgent calls for community empowerment and building by the communal leaders who may not be well aware of the difficulty in transcending communal ethnic and tribal loyalties. The communal concept of

---

<sup>22</sup> Ibid pp 17-18

<sup>23</sup> Op cit Patrick Irungu p1, Jackline A. Apiyo interview with Albino Ongok, Moroto, November, 2013

a group could be exported to other communities. His definition of a community as a complex web of common cultural, social and economic interests among people, leading to a sense that what they share in common is greater than their individual, tribal or other differences simply reflects features which many pastoralist communities did not have. Major conflicts witnessed among the communities have also often been intensified by ethnic rivalry, as well as personal rivalry, the constant Turkana and Pokot massacres, caused by inter-ethnic rivalry among politicians and businessmen, as well as by ethnic resentments against the communal practices and economic and religious ideologies.

Grooming and nurturing of ethnic conflict is done through promotion of ethnic stereotyping and prejudices among the various pastoralist communities in the Karamoja Cluster. <sup>24</sup>Derogatory utterances such as “*Ngidwee anakodadoli*” (children of beggars), used by the Bokora to refer to Matheniko such as “*Ngidwee anakodadoli*” (children of beggars), used by the Bokora to refer to Matheniko or “*Ngimoe akwara, omin*” (enemies of the spear), do fuel conflicts. “*Ngidwee angimaniko* (descendants of the bulls), is a figurative language used by Matheniko to refer to themselves as being more superior and stronger than any other clan of the KC. These utterances do promote divisive ethnic sentiments, worsening the already fragile situation.

Use of government agents<sup>25</sup> in the form of armed troops and the police in such cases tend to exacerbate the cruelties and abuse of human rights inflicted on the civilian population, for these troops feel little affinity with populations they are sent to control. Most of them do not understand the norms and cultures of these people. The army unleash discriminate reprisals during security and disarmament operations without any

---

<sup>24</sup> Op cit USAID, FEWS NET pp 14-15, Jackline A. Apiyo interview with Mark Lomoko

<sup>25</sup> Ibid p 15

respect for fundamental human rights. They rape, loot and inflict violent and dehumanizing punishments on people leading to loss of life and maiming in some instances. Forceful and military like activities and practices may lead to inter-communal aggression, annexation, loss of trust in the government or hostility; for example, support for the separatist movements and tribal dissidents among the various ethnic communities among the nomadic groups. This may also lead to damaged relations and lack of cooperation between government and the community and this may end up frustrating any government projects.

Political<sup>26</sup> or international activities and operations take the forms of ideological or political campaigns, territorial claims, and religious expansionism against other communities, discrimination respecting the trade or economies of other communities. Political utterances also trigger inter-ethnic conflicts by arousing ethnic sentiments that spur clans or communities against each other. Leaders who are biased provide partisan leadership by taking sides along their ethnic lines, uttering inflammatory public speeches and promoting inflammatory media and or media articles that can spark violence. Political or domestic causes of conflict may be in the form of community leaders' power struggles, hostile groups, economic oppression, and demands for democracy, communal or persecution among the pastoralist communities.

In the midst of poverty, communal opinion leaders and ruling classes, or the elite group who happen to hold power at a particular time, have enriched themselves at the expense of their people and become the target of envy or of rivalry by other elite groups. Politics is a commercial venture in its own right; conflicts arise not so much out of clashes of ideologies or programs, but for profit – often for just an elite few, for the

---

<sup>26</sup> Ibid p124

masses take little part in this part of conflict: nearly all tribal or ethnic conflicts are rooted in competition between individuals, for the scarce resources of wealth, state and power. Pastoralists do not receive proportional consideration from development programs, lopsided distribution of resources yet development is very crucial to conflict management and sustainable peace is a consequence of sustainable development.

### **3.3 Early Warning System among the Turkana**

The Turkanas like in the past rely on early warning and indigenous knowledge in preventing conflicts. These early warning mechanisms as Ng'asike<sup>27</sup> states are considered a precursor to a hazard. The warning signs are cues for the Turkana and their pastoralist neighbours. The elders are the experts on this and sometimes some women with permission from their spouses may get involved and be consulted. The intestine readers are called *Ng'isiger*. Early warning is done by casting sandals and reading the intestines of some wild and domestic animals like goats, sheep, cows, rabbits and gazelles. This enables them to confirm predicted weather changes by observing the sun or the moon and how the cattle drink water from the water sources. Some animals also send signals of an impending strike by a neighbouring community, for instance noise from certain birds, donkeys, and cows. This prepared the community by enabling them to manage the grazing patterns of their livestock. The experts also predicted natural phenomenon-rain, weather conditions, calamities, visitors, droughts, enemies and killer diseases. They then adopt measures to prevent conflict like moving cattle from danger spots or engage in inter-community dialogues. Sometimes they use secret agents (*ng'ikarebok* and *ng'irotoin*) to gather relevant intelligence that would enable the community to take the necessary pre-emptive and preventive measures.

---

<sup>27</sup> Op cit John T. Ng'asike pp 106-107

According to Pkalya<sup>28</sup> meetings and negotiations are extremely important in preventing inter-ethnic conflicts. During the dry seasons, the Turkana engage in peace seeking missions with their neighbours to reach resource sharing agreements for pasture access, grazing land, water and management of any arising disputes. Traditional rituals to confirm and reinforce the peace pacts accompany it and whoever flaunts the peace pacts is cursed. Prevention and management of conflicts can be done through socialization and education. Through socialization children get to realize the importance of maintaining peace and harmony. They are socialized not to provoke dispute, to avert conflict and to shun any confrontation. The children are also made aware of the effects of war through epics, proverbs, legends, songs (*etum*) and narration of real life experiences. Turkana people's normative system continuously urges the community to conform to norms, avoid confrontations, and seek non-violent ways of resolving disputes.

Conflicts arising between the Turkanas and its neighbours are solved and managed through dialogue, negotiations and arbitration. Pre and post-conflict meetings are normally held with the goal of reaching amicable solutions. Usually conflict parties are given opportunities to plead their case and the elders later on arrive at a decision through consensus. The mediation process is inter-cultural and requires an understanding of the cultural forces involved in the conflict.<sup>29</sup>

### **3.4 Conflicts Resolution Mechanisms among and across the Turkana**

In response to the cattle rustling menace that has ravaged the Turkana, the community has evolved over time and institutionalized an elaborate system and mechanisms for resolving conflicts whether intra-community or inter-community.

---

<sup>28</sup> Op cit Pkalya p 67

<sup>29</sup> Ibid p 67, Op cit Jackline A. Apiyo interview with John E. Ewesit

According to studies<sup>30</sup> heads of family and age set play an important role in preventing and resolving internal conflicts. Mechanisms for preventing and managing internal conflict include education and socialization, ‘tree of men’ (*Ekitoe Ng’ekeliok*), fines and compensations. Through education and socialization, the Turkanas use mock fights (*etaparath*) and mock dance (*etum*) to inculcate a sense of societal harmony (*enikitene*) and unity thus prevent individuals from developing anti-social behaviours. If one develops an unbecoming behaviour, emissaries are sent to the concerned families to seek ways of rectifying them.

In the occurrence of intra-ethnic disputes, a reference is immediately made to the council of elders ‘tree of men’ (*Ng’ekeliok*). Rupensinghe<sup>31</sup> points out that the council is made up of clan representatives and all the respected elders in the neighbourhood (*adakar*). The elders form a dominant part of conflict management. The source of authority for the elders is in; control and access to resources and marital rights, have access to networks that go beyond clan boundaries, ethnic identity and generations; and possess supernatural powers reinforced by superstitions and witchcraft. The elders discuss many issues, hunger, or starvation, raids, lack of pasture and water for livestock, impending droughts among others.

Usually public opinion is highly respected and members of the public are not shut out from informal gatherings. However they have observed that the elders are not entirely able to operate and resolve conflicts within these structural limits of customary conflict

---

<sup>30</sup> Koji Kitamura, *Communication for “Negotiation” among the Turkana*, Hirosaki University: African Study Monographs, 18 (3,4), (December 1997), pp 241-246, John T. Ng’asike, *Turkana Children’s Socio-cultural practices of Pastoralist Lifestyles and Science Curriculum and Instruction in Kenyan Early Childhood Education*, PHD Dissertation, Arizona State University, December 2010

<sup>31</sup> Op cit K. Rupensinghe (ed) pp 463-464

management, is time consuming and does encourage broad discussion of aspects unrelated to the central system.

Pkalya<sup>32</sup> further explains that every crime has a predetermined compensation which is can also be negotiated depending on social and economic circumstances of the culprit. The fine and compensation is broken down to its equivalent in number and type of animals. For instance, murder (*akibut*) is a serious crime in the community and the fine imposed depends on the sex and marital status of the victim. For a man camels or cows to be paid are thirty, for spinsters sixty animals and a married woman, the victim is required to pay forty animals. If the victim fails to pay the fine, he or she would be killed by a member of the bereaved family as revenge. A cleansing ritual (*Akibel Akoit*) is performed to cleanse the murderer of the bloodshed and protect him from the spirits of the dead. Adultery (*Elomit*) culprits are humiliated in public and have to participate in the cleansing process called *akidak aboii* and another ritual is performed to unite the guilty person with the spouse. In case of rape, the rapist is brought before the ‘tree of men’ and severely beaten. A ritual is then performed and ten cows paid in case there is pregnancy. Thieves on the other hand are publicly beaten and ordered to return the stolen goods back to the victims. He reasons that the fines and severe punishments have and continue to act as deterrent measure to the community’s internal conflicts. The rituals are undesirable to many people as the Turkana believe in curses. Cursing (*ngilam*) wrongdoers has to a large extent prevented internal conflicts.

### **3.5 Strengths and Weaknesses of the ICRM**

The ‘tree of men can enforce decisions because there is an elaborate mechanism to enforce verdicts and punishments imposed. For instance the elders have the rights to

---

<sup>32</sup> Op cit Pkalya pp 49-59

enter the house of a murderer and take away his or her property to compensate the victim's family. The Turkana have faith in their indigenous mechanisms of conflict prevention and management and they regard it as accurate. Because they are superstitious, the fear of a curse is thus binding in prevention of conflict. The community regards their mechanism as incorruptible as opposed to the modern system that is taken to be synonymous with corruption. All parties to the conflict thus feel satisfied with the outcomes as the system is accessible, objective and is community owned, based on their customs, norms and culture.<sup>33</sup>

The indigenous mechanisms are home-grown and rooted in the values, norms, culture and institutions of the people, the people have owned it and identify with it. This makes it sustainable. The method is flexible, cost effective, and expeditious, fosters relationships, is non-coercive and result in mutual satisfying outcomes. It enhances accessibility of justice and moves it closer to the pastoralists since the area is remote and the neglect from government has made the access to modern justice not easy.

According to a study<sup>34</sup> despite the existence of elaborate conflict management mechanisms among the Turkana, conflicts and raids have taken toll, criminals have gone unpunished and most youths have defied the 'tree of men'. They have refused to be enjoined in the communal proceedings and ensuing rituals that accompany such meetings. The efficacy of the indigenous mechanism has been greatly eroded, marginalized and diminished by modern civilization and development thinking.

---

<sup>33</sup> Ibid Pp 58-59

<sup>34</sup> Op cit USAID, FEWS NET pp 35-36

Lorelle Jabs<sup>35</sup> argues that the system is regarded as archaic, barbaric and outdated mode of arbitration and the modern court system has marginalized the indigenous system. The Turkana indigenous mechanisms are also gender insensitive since women are not allowed to contribute to the ‘tree of men’ proceedings especially if their in-laws are present in the gathering. This has denied the women their rights to assembly, speech and natural justice. This also applies to the youth who have no major role to play in the peace building initiatives and are the main actors in the conflict.<sup>36</sup>

An assessment by Mercy Corps<sup>37</sup> alludes to the fact that there is difficulty in charging people dwelling across the border. Initially this was possible especially in the pre-colonial era but with the drawing of the international boundaries, the efficacy and scope of the system has been curtailed greatly. The Turkana’s deterrent methods of conflict prevention are only applicable to members of the Turkana community and insufficient to members of other communities. This eliminates efficacy, scope and impact of the ICRM. Like other pastoral communities in the KC, the Turkana would broker peace pacts (*ekisil*) if the pact would satisfy their ethnocentric desires. *Ekisil* are brokered during the dry seasons to be able to access pasture and grazing resources and immediately the rains set in the pact is flouted.

Wassara<sup>38</sup> notes that the other limitation and problem of indigenous mechanism for conflict resolution is its flagrant violation of laws and human rights-taking up a girl for compensation, killing an enemy, passing judgments on people based on immaterial

---

<sup>35</sup> Op cit Lorelle B. Jabs pp 7-8

<sup>36</sup> Ibid pp 37-38

<sup>37</sup> Mercy Corps, *The Conflict Management System in Karamoja: An Assessment of Strengths and Weaknesses*, April, 2013.

<sup>38</sup> Samson S. Wassara, *Traditional Mechanisms of Conflict Resolution in South Sudan*, (Berlin: Berghof Foundation for Peace Support, 2007), [www.berghof-peacesupport.org](http://www.berghof-peacesupport.org) pp 11-12( Op cit confirm

evidence such as magic or sorcery is one form of psychological torture to victims. The practices generally overlook human rights enshrined in constitution of different Nations and International instruments of human rights.

### **Conclusion**

Communities will fight for independence and self-determination when they consider that their value systems and needs are no longer taken sufficiently into account by the society in which they have formed a part and the elites which rule it. Therefore, it is desirable that pastoralist leadership and various governments rise and take up the challenge by working towards development for the benefit of all citizens of the continent. Politics of cultural plurality has sensitized that the more fairly a society is organized, the more the people tend to forget about the differences that divide them. When the traditional approaches are confined at the local level, it can be of great importance for conflict prevention and peace building on larger scale. If sustainable solutions can be achieved in the local context it can be expected that solutions on a larger –national or transnational- scale can be achieved. Resolution for day-to-day conflicts helps to ensure the stability needed for the prevention or resolution of more serious and expansive ones.

## **Chapter Four**

### **Data Analysis and Presentation**

#### **4. Introduction**

This chapter provides an analysis of data collected from the field. The research was conducted in Turkana county between 18th to 24th August 2014 to assess the indigenous conflict resolution mechanisms among the pastoralist communities in the KC; case study of the Turkana. The research interviewed 74 respondents randomly. Data editing and reconciliation were done before the data analysis was undertaken.

Data was entered into the SPSS 18.0 for windows and were also presented sequentially according to the research questions of the study. The data analysis was supplemented by using other computer soft ware packages of Microsoft Excel and Microsoft Word. The raw data was coded, evaluated and tabulated to depict clearly the results and the results were presented in tables to highlight the major findings. Each entry in the table contains the frequency or count of the occurrences of values within a particular group or interval, and in this way, the table summarizes the distribution of values in the sample.

#### **4.1 Response Rate**

A total of seventy four (74) questionnaires were produced and administered to the sampled categories of respondents. At the end of the study fifty one (51) questionnaires were returned, coded and analyzed. The overall response rate was therefore 69% with the majority of the respondents being communal leaders that attracted a response rate of 88% while the minority was government representatives that attracted a response rate of

54% as recorded in table 4.1 below. This gave the study the response rate of 90% which according to Mugenda,<sup>1</sup> a response rate of more than 80% is sufficient for a study.

**Table 4.1: Response Rate**

Category of the Population	Those Sampled	Those who Responded	Response Rate
Religious Leaders	9	5	56%
Government Representatives	11	6	54%
NGOs Representatives	17	11	65%
Communal Leaders	25	22	88%
Others	12	7	58%
Total	74	51	69%

Source: Field data, 2014

#### **4.2 Background of Respondents**

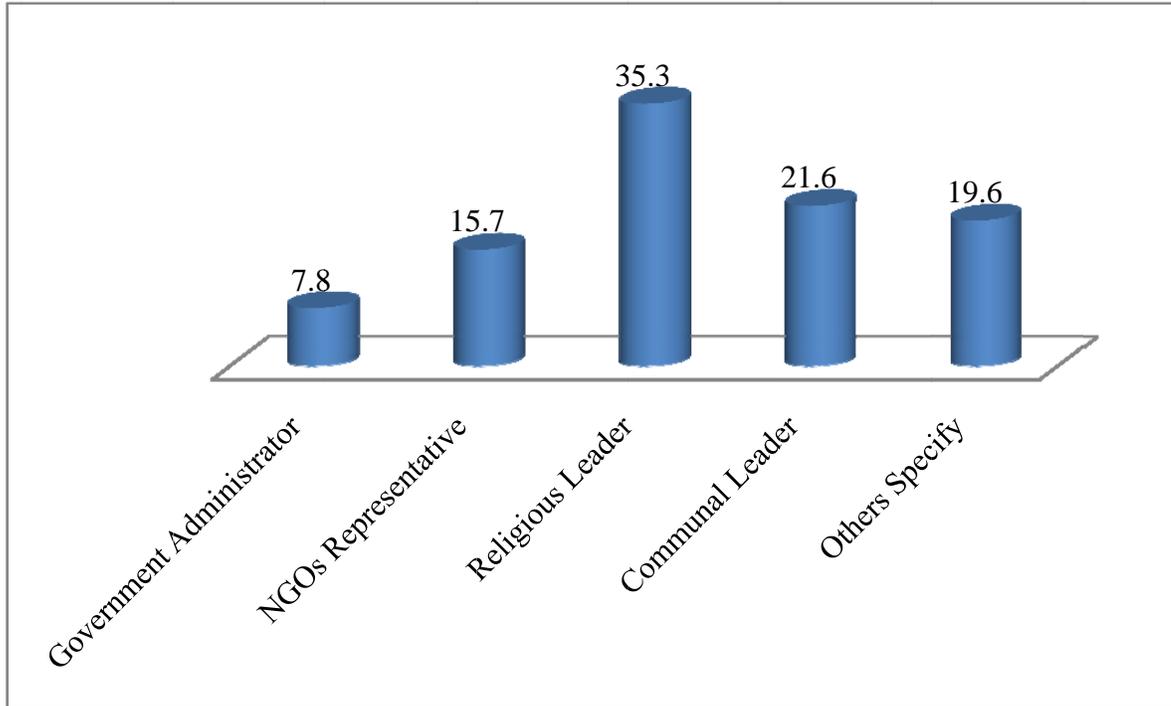
The respondents had varied backgrounds. There were government administrators, Non Governmental Organization (NGOs) representatives, religious leaders from different denominations, communal leaders that included elders, women and youth, especially the warriors. In pursuit of this concept respondents were asked to indicate their designation to verify their suitability as the units of analysis for the study.

Varied responses were provided by the respondents denoting their background as recorded in indicated in figure 4.1 below

---

<sup>1</sup>Op cit Olive M. Mugenda, Abel G. Mugenda, p 70

**Figure 4.1: Background of the respondents**



Source: Field data, 2014

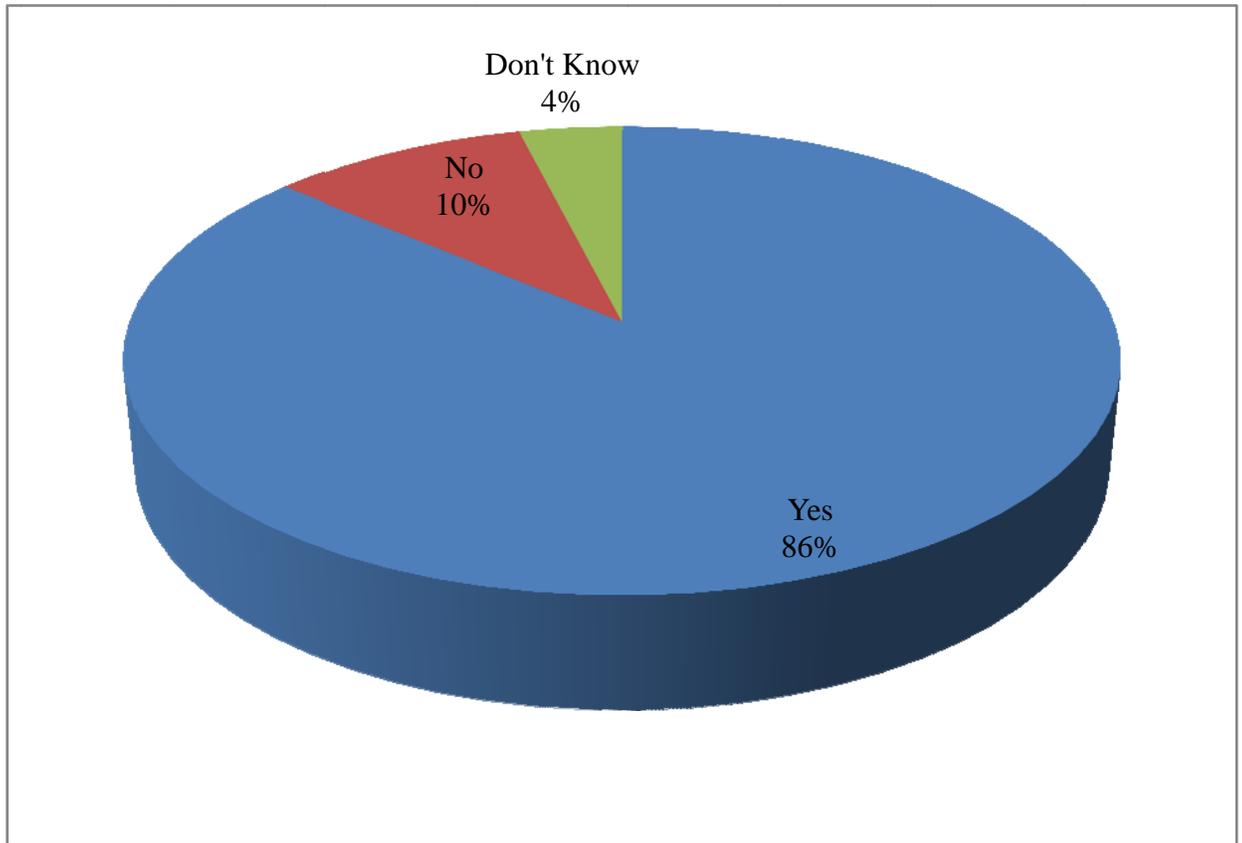
From the results as indicated in figure 4.1 above majority 35.3% of the respondents were from the religious groups. This was followed closely by the communal leaders that attracted a response rate of 21.6%. The representatives from the government with a response rate of 7.8 % were the least represented. This finding denotes that religious leaders had a lot of interest in the conflict resolution mechanisms being applied among the Turkana community.

#### **4.3 Application of Indigenous Conflict Resolution Mechanisms**

This study sought to determine whether indigenous conflict resolution mechanisms are being applied among the Turkana community in KC. In pursuit of this aspect respondents were asked to state whether they believed the indigenous conflict resolution mechanisms are being applied among the Turkana community.

They provided varied responses as indicated in figure 4.2 below:

**Figure 4.2: Application of Indigenous Conflict Resolution Mechanisms**



Source: Field data, 2014

From the results as indicated in figure 4.2 above majority of the respondents, 86% stated that indigenous conflict resolution mechanisms are being applied among the Turkana community in Kenya. Only 10% of the respondents were of the view that indigenous conflict resolution mechanisms are not being applied among the Turkana community in Kenya. The rest 4% remained indifferent by stating not to have known whether indigenous conflict resolution mechanisms are being applied among the Turkana community. This finding denotes that indigenous conflict resolution mechanisms are being applied among the Turkana community in Kenya.

#### 4.4 Forms of Indigenous Conflict Resolution Mechanisms

This study endeavoured to establish the forms of indigenous conflict resolution mechanisms being applied among the Turkana community. In pursuit of this study concept respondents were asked to mention the kind of indigenous conflict resolution mechanisms commonly applied among the Turkana community. They provided varied responses as indicated in table 4.2 below:

**Table 4.2: Forms of Indigenous Conflict Resolution Mechanisms**

Variable	Frequency	Percent
Dialogue Sessions	4	7.8
Use of Elders as Key Brokers of Conflicts	8	15.7
Use of Diviners As Warning Systems	5	9.8
Joint Activities (Cultural)	7	13.7
Mediation	6	11.8
Negotiation	3	5.9
Barazas	9	17.6
Government Initiatives	2	3.9
Rituals	7	13.7
<b>Total</b>	<b>51</b>	<b>100</b>

Source: Field data, 2014

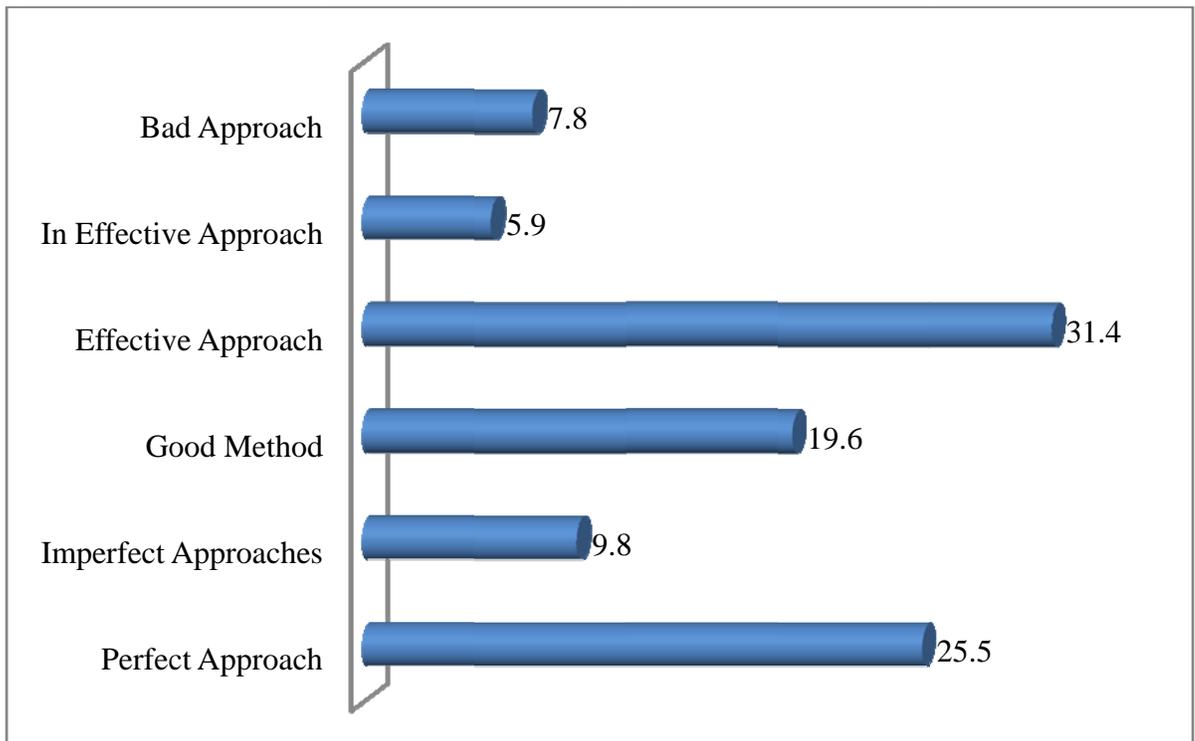
From the results as shown in table 4.2 above various indigenous conflict resolution mechanisms are being applied among the Turkana community. These include mediation, negotiations, public barazas, use of elders, and use of dialogue. Among the respondents majority 17.6% of the respondents stated that public barazas are the most

used forms of conflict resolution mechanism among the Turkana community, the use of elders as key brokers in conflict received 15.7, while the least two applied forms were negotiations and the government initiatives that attracted a response rate of 5.9 and 3.9 of the respondents respectively.

#### 4.5 Perspectives of Indigenous Conflict Resolution Mechanisms

The study sought to determine the perception of the various stakeholders about the indigenous conflict resolution mechanisms and their application among the Turkana community. In pursuit of this concept respondents were asked to state their perception about indigenous conflict resolution mechanisms. Respondents provided varied responses as shown in figure 4.3 below

**Figure 4.3: Perspectives of Indigenous Conflict Resolution Mechanisms**



Source: Field data, 2014

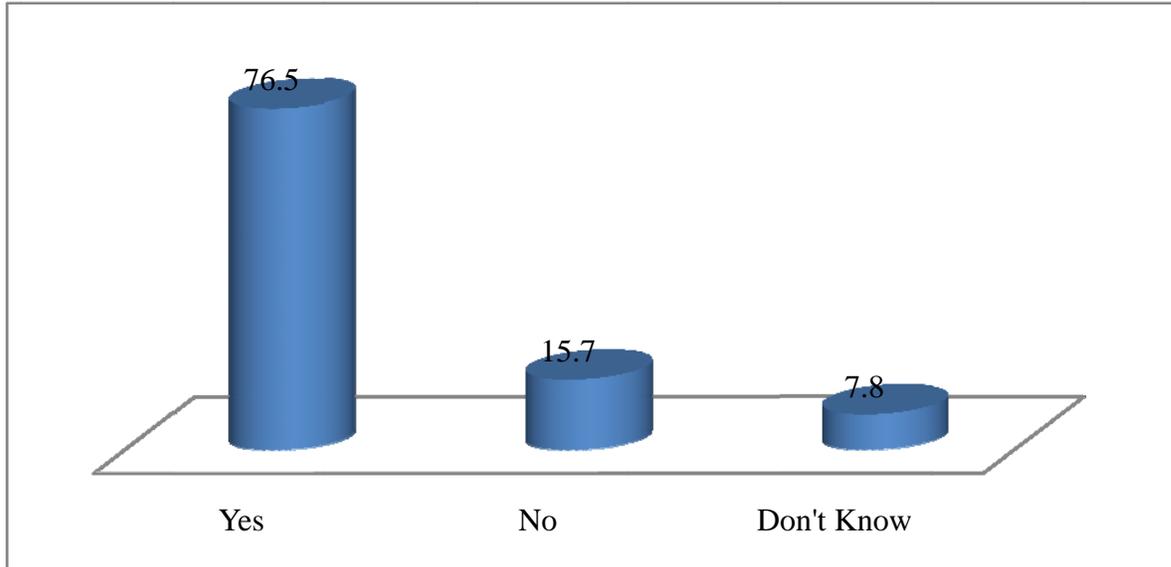
From the results as presented in figure 4.3 above, majority 76.3% of the respondents had positive perception about indigenous conflict resolution mechanisms among the Turkana community. Among this category of respondents 25.5% stated that indigenous conflict resolution mechanisms are perfect; 19.6 % stated that indigenous conflict resolution mechanisms are good, while 31.4% of the respondents were of the view that indigenous conflict resolution mechanisms among the Turkana community are generally effective.

However minority 23.7% of the respondents had negative perception about the application of indigenous conflict resolution mechanisms among and across the Turkana. 9.8% of the respondents were of the view that indigenous conflict resolution mechanisms are imperfect, 7.8% stated that the approaches are bad while the least response of 5.9% of the respondents stated that the approaches are ineffective. This finding shows that indigenous conflict resolution mechanisms is perceived positively and is favoured among the Turkana community.

#### **4.6 Status of Indigenous Conflict Resolution Mechanisms**

The study sought to assess whether the indigenous conflict resolution mechanisms is respected among the Turkana community. In pursuit of this concept, respondents were asked to state whether they believed the indigenous conflict resolution mechanisms is respected among the Turkana community. Varied responses were provided by the respondents as indicated in figure 4.4 below:

**Figure 4.4: Status of Indigenous Conflict Resolution Mechanisms**



Source: Field data, 2014

From the results as presented in figure 4.4 above majority 76.5% agreed that indigenous conflict resolution mechanisms are respected among the Turkana community. Only 15.7% among the respondents believed that indigenous conflict resolution mechanism is not respected among the Turkana community. A small percentage of 7.8% among the respondents remained indifferent by stating not to have known whether indigenous conflict resolution mechanisms is respected or not among the Turkana community This finding shows that indigenous conflict resolution mechanisms is respected among the Turkana community.

#### **4.7 Types of Conflicts Resolved**

The study endeavoured to establish the kind of conflicts addressed using indigenous conflict resolution mechanisms among the Turkana community. In pursuit of this concept respondents were asked to state kind of conflicts that are addressed through

indigenous conflict resolution mechanisms among the Turkana community. Varied responses were provided by the respondents as indicated in figure 4.5 below.

**Figure 4.5: Type of Conflicts Resolved**



Source Field data, 2014

From the results as indicated in figure 4.5 above majority 35.3% of the respondents stated that indigenous conflict resolution mechanisms are applied to manage and resolve all types of conflicts among the Turkana community. Whereas 17.6 % of the respondents stated that indigenous conflict resolution mechanisms are applied in addressing mainly domestic conflicts that occur within the family set up, 25.5% were of the view that indigenous conflict resolution mechanisms are used in addressing mainly international conflicts and 21.6% stated that indigenous conflict resolution mechanisms are applied in addressing mainly inter-communal conflicts.

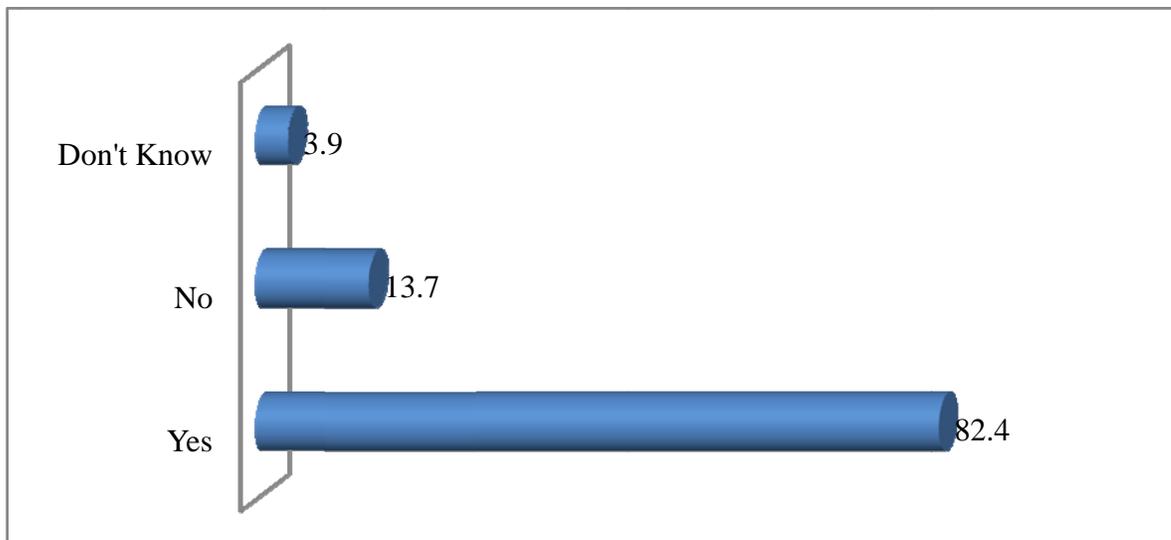
From the findings it can vividly be stated that indigenous conflict resolution mechanisms are applied in preventing, managing and resolving all types of conflicts

among and across the Turkana community. This includes domestic, inter-communal and international conflicts. Therefore indigenous conflict resolution mechanisms are very significant and important as a means of conflict resolution.

#### 4.8 Implementation of Outcomes

The study sought to determine whether there was a specific method for the implementation of various judgments and outcomes made by the elders in indigenous conflict resolution mechanisms among the Turkana community. In pursuit of this concept respondents were asked to state whether they believed there was a specific method for the implementation of the outcomes of indigenous conflict resolution mechanisms among the Turkana community. Different responses were provided by the respondents as indicated in figure 4.6 below

**Figure 4.6: Implementation of Outcomes**



Source: Field data, 2014

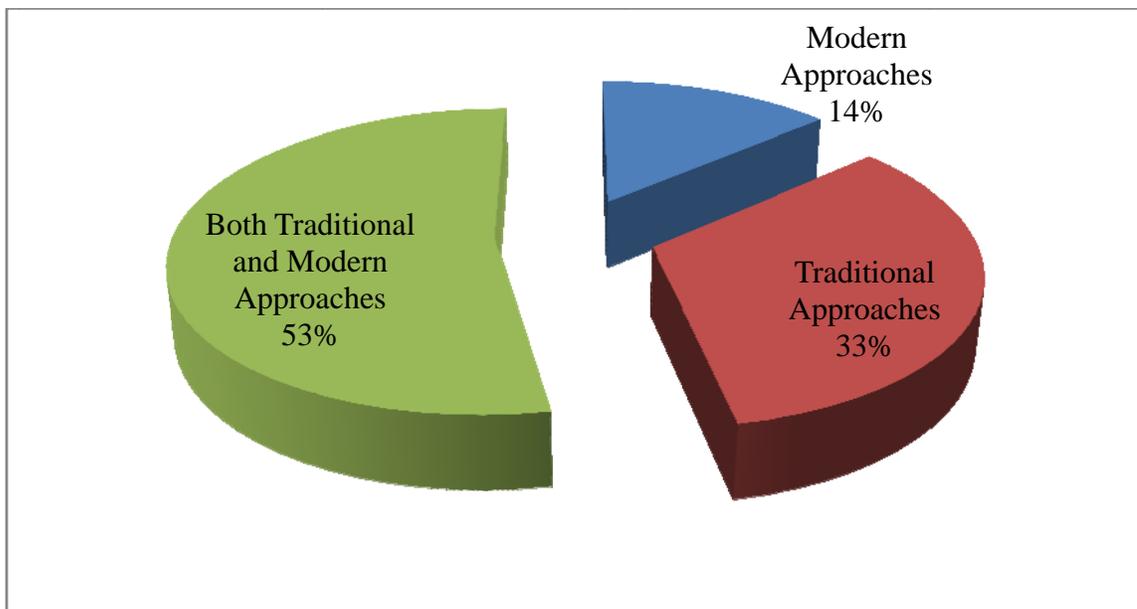
From the results presented in figure 4.6 above majority 82.4% of the respondents agreed that there is a specific method used in the implementation of indigenous conflict resolution mechanisms among the Turkana community. While 3.9% of the respondents

remained indifferent to the question by stating not to have known whether there is a method for the implementation of indigenous conflict resolution mechanisms among the Turkana community or not, only 13.7% of the respondents stated that there was no specific method for the implementation of indigenous conflict resolution mechanisms outcome among the Turkana community. This finding denotes that there is a specific method for use in the implementation of indigenous conflict resolution mechanisms among the Turkana community.

#### 4.9 The Indigenous Conflict Resolution Mechanisms

This study sought to examine the indigenous conflict resolution mechanisms commonly applied among the Turkana community. In pursuit of this concept, respondents were asked to mention the indigenous conflict resolution mechanisms commonly applied among the Turkana community. They provided varied responses as shown in figure 4.7 below

**Figure 4.7: Indigenous conflict resolution mechanisms**



Source: Field data, 2014

From the results shown in figure 4.7 above majority 53% of the respondents stated that the application of both traditional and modern methods in combination is commonly applied among the Turkana community. While 33% of the respondents were of the view that the traditional method is the one commonly used, and only 14% of the respondents stated that the modern method of the indigenous conflict resolution mechanisms is commonly applied among the Turkana community. This finding denotes that the indigenous conflict resolution mechanisms commonly applied among the Turkana community comprise of the combination of both modern and traditional systems.

#### **4.10 Respect for Indigenous Conflict Resolution Mechanisms**

This study endeavoured to find out the reasons for the high status and respect for the indigenous conflict resolution mechanism among the Turkana community. In pursuit of the concept respondents were asked to state the reason for the respect of indigenous conflict resolution mechanisms. As indicated in figure 4.3 below varied responses were provided by the respondents including the fear of punishments and curses, respect for the decision made by elders, lack of staff to handle other conflict management systems and the notion that the formal justice system in Kenya have so far failed to resolve the perennial problems among the pastoralist communities and the community is currently considered to be under the socialization process making the modern system expensive and unacceptable.

**Table 4.3 Respect for indigenous conflict resolution mechanisms**

Variable	Frequency	Percent
Community under Socialization Process	4	7.8
Formal Justice System Expensive and Inadequate	7	13.7
Lack of Qualified Staff to Handle Initiated Peace Plans	6	11.8
Respect for the Elders Decisions	19	37.3
Fear of Punishments and curses	15	29.4
Total	51	100

Source: Field data, 2014

From the results as recorded in Table 4.3 above of the reasons provided for the respect of indigenous conflict resolution mechanisms; the reason for respect for the elders' decisions was the most cited by the respondents. It attracted a response rate of 37.3% among the respondents. The reason of the community being under socialization received least attention from the respondent as it attracted a response rate of less than 8% among the respondents.

#### **4.11 Strengths of Indigenous Conflict Resolution Mechanisms**

This study sought to determine the strengths of indigenous conflict resolution mechanisms. In pursuit of this concept, respondents were asked to state the effectiveness of indigenous conflict resolution mechanisms over the conventional systems in resolving conflicts. Respondents provided varied responses as recorded in table 4.4 below.

Among the key strengths of indigenous conflict resolution mechanisms cited comprised of the notion that the system is fair and just, widely known, locally acceptable, faster and reasonable, and contributes to permanent reconciliation among the parties

involved. Other strengths cited of include the notion that indigenous conflict resolution mechanisms is easily accessible and always generates positive responses while at the same time ensuring that even minor cases are resolved.

**Table 4.4: Strengths of Indigenous Conflict Resolution Mechanisms**

Variable	Frequency	Percent
Fair and Just	9	17.6
Its Widely Known	3	5.9
Locally Acceptable	9	17.6
Faster and reasonable	6	11.8
Brings Reconciliation	6	11.8
Easily Accessible and Cheap	11	21.6
Positive Response Due to Satisfaction with Verdicts	3	5.9
Minor Cases are Solved	4	7.8
<b>Total</b>	<b>51</b>	<b>100</b>

Source: Field data, 2014

From the results and from the strengths provided the strength of being easily accessible and relatively cheap with a response rate of 21.6% was the most popular response, being fair and just and locally acceptable each with a response rate of 17.6% proved to be popular too. Faster and reasonable and the fact that it brings reconciliation got a response of 11.8%, it helps solve minor cases followed closely by 7.8%. The least popular strength comprised of the notion that they are widely known. This attracted the least response rate of 5.9% among the respondents.

#### **4.12 Challenges of Indigenous Conflict Resolution Mechanisms**

The study sought to investigate the challenges facing the application of indigenous conflict resolution mechanisms among the pastoralist communities in Kenya. In pursuit of the concept, respondents were asked to mention the challenges faced in the use of indigenous conflict resolution mechanisms. Respondents provided varied responses as indicated in table 4.8 below.

Among the challenges facing the application of indigenous conflict resolution mechanisms are the presence of state rule of laws that are in conflict with traditional codes, culture and norms; presence of alternative ways of living and conducting affairs, lack of finance for the elders and to support their activities, lack of implementation strategies and the fact that it is not easy to punish foreigners who may take part in the conflict. Other challenges include that notion that the current modernization has led to disrespect and disregard of traditional mechanisms, lack of or lukewarm recognition of the system by the government structures, degree of resistance from other people towards the systems, political activities, and nature of the geographical location of the communities involved.

**Table 4.5: Challenges faced in the use of indigenous conflict resolution mechanisms**

Variable	Frequency	Percent
Presence of rule of law in conflict with traditional codes	6	11.8
Presence of alternative ways of living and conducting affairs	2	3.9
Lack of finance	6	11.8
Lack of implementation strategies	3	5.9
Punishing foreigners may not be easy	3	5.9
Modernization has led to disrespect and disregard of traditional mechanisms	9	17.6
Lack of recognition	7	13.7
Political activities	4	7.8
Resistance from other people	2	3.9
Lack of resources	5	9.8
Geographical location	4	7.8
<b>Total</b>	<b>51</b>	<b>100</b>

Source: Field data, 2014

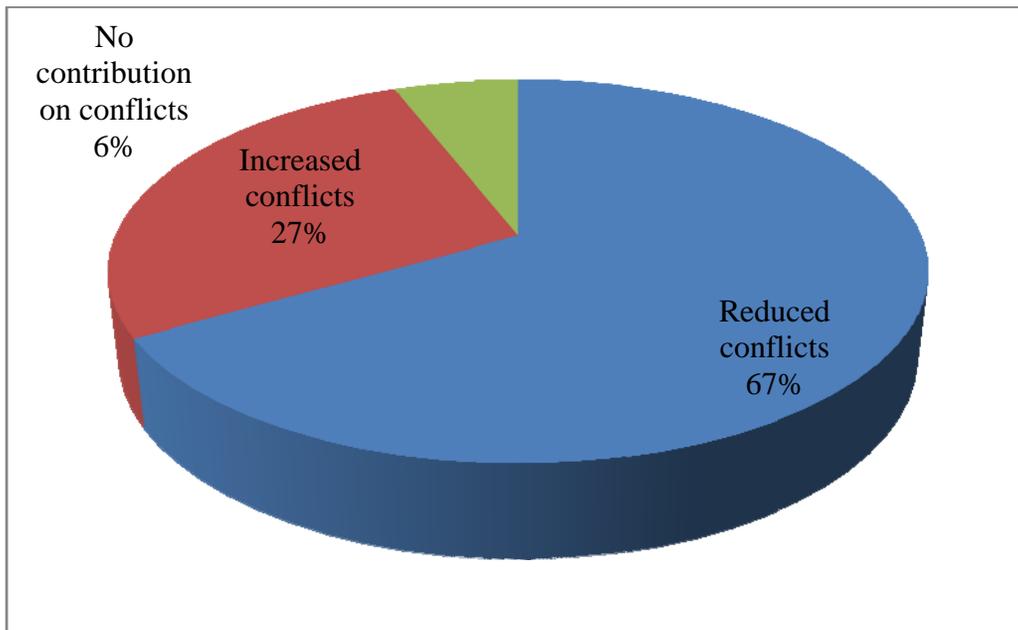
From the results indicated in table 4.8 above, the challenge of modernization that has led to disregard and disrespect of the local systems and institution proved to be the greatest challenge facing the application of indigenous conflict resolution mechanisms among the Turkana community in Kenya. The challenge attracted a response rate of 17.6% among the respondents. This was followed by lack of recognition from some stakeholders and government administrators, presence of rule of laws in conflict with traditional codes and culture, and lack of finance received the same rate of 11.8%. The

challenges that received the least response was, resistances from other people especially those who do not belong to the Turkana community and presence of alternative ways of living and conducting affairs in the community like the modern court system. The response rate was at 3.9% each.

#### 4.13 Contribution of Indigenous Conflict Resolution Mechanisms

This study sought to determine the contribution of indigenous conflict resolution mechanisms in resolving conflicts among and across the Turkana community. In pursuit of the concept, respondents were asked to state the contribution of indigenous conflict resolution mechanism among the Turkana community. Respondents provided varied responses as indicated in figure 4.9 below:

**Figure 4.8 Contribution of Indigenous Conflict Resolution Mechanism**



Source: Field data, 2014

From the results as in figure 4.9 above majority 67% of the respondents were of the view that indigenous conflict resolution mechanisms contribute to reduced conflicts

among the Turkana community. Only 27% of the respondents stated that indigenous conflict resolution mechanisms contribute to increased conflicts among the Turkana community. The rest 6% of the respondents were of the view that indigenous conflict resolution mechanism had no contribution towards conflicts among the Turkana community. This finding denotes that indigenous conflict resolution mechanism contributes to reduced conflicts among the Turkana community.

#### **4.14 Impact of the Indigenous Conflict Resolution Mechanisms**

This study endeavoured to assess the impact of indigenous conflict resolution mechanisms among and across Turkana community. Indigenous conflict resolution mechanisms were found to work towards reduced conflicts. In pursuit of the concept respondents were asked to state how indigenous conflict resolution mechanisms contribute to reduced conflicts. Varied responses were provided as recorded in table 4.5 below.

The main reason according to the respondents comprised the fact that borders between the pastoralist communities in the KC have experienced reduced conflicts; border between the Kenya and other frontier states have experienced relative peace and that punishments given through indigenous conflict resolution mechanisms make one loose position in the society and family. Additionally there has been relative peaceful and harmonious co- existence, and stability to the community and minimized raids.

**Table 4.6: Impact of Indigenous Conflict Resolution Mechanisms**

Variable	Frequency	Percent
Border between the pastoralist communities have experienced reduced conflicts	6	11.8
Border between the Kenya and other frontier states has experienced relative peace	5	9.8
Punishments makes one loose position in the society and family	13	25.5
Peaceful and harmoniums co existence	11	21.6
Stability to the community	7	13.7
Minimized raids	9	17.6
Total	51	100

Source: Field data, 2014

Among the effects of indigenous conflict resolution mechanisms the reason that punishments makes one loose position in the society and family was the most stated with a response rate of 25.5% and the reason that there has been relative peace in the border between the Kenya and other frontier states due to the application of indigenous conflict received the least response with a response rate of 9.8% among the respondents.

#### **4.15 How to improve Indigenous Conflict Resolution Mechanisms**

This study sought to examine how the indigenous conflict can be improved to meet current challenges. In pursuit of this concept respondents were asked to state how they believed the indigenous conflict resolution mechanisms can be improved to meet current challenges of the twenty first century. Various responses were provided by the

respondents in the light of the need to improve the indigenous conflict resolution mechanisms including such strategies as the need for formal recognition of the indigenous conflict by the government, undertaking conflict education and training, designing of conflict communication awareness programs and strengthening the implementation process. Other strategies under focus comprised of combining the indigenous conflict resolution mechanism with modern mechanisms, financing of elders' activities and involving the key stakeholders in the management of conflict.

**Table 4.7: How to improve Indigenous Conflict Resolution Mechanisms**

Variable	Frequency	Percent
Need for Formal Recognition	7	13.7
Education and Training	10	19.6
Conflict Communication	6	11.8
Strengthening Implementation	4	7.8
Mix with Modern Methods	8	15.7
Financing of Elders and other Activities	4	7.8
Involvement of all other stakeholders in the conflict management	12	23.5
<b>Total</b>	<b>51</b>	<b>100</b>

Source: Field data, 2014

Among these strategies,, the strategy of involving the key stakeholders in the management of indigenous conflict management mechanisms received the highest percentage at 23.5%, while the strategy of strengthening implementation of the indigenous conflict resolution mechanism and financing the elders' activities were the

least preferred among the respondents with each attracting a response rate of 7.8% from among the respondents.

## **Conclusion**

From the findings of this research, Turkana County provides a good case study for assessing of the importance of indigenous conflict resolution mechanisms in the modern world today where modern mechanisms are in existence and are being practiced and yet have failed in some instances. The people of Turkana County cannot easily access the modern Judicial Systems and other government services; therefore they have continued to embrace their culture, norms and practices. They respect and highly favour their ICRM which they continue to practice to resolve intra and inter-community conflicts. What has come out clear is that the forms of some of the mechanisms involve similar processes as the conventional ones. Since there has been a reduction in the insecurity across the international boundaries and among the Turkana themselves, the indigenous techniques need to be improved so that the missing link is covered and they are able to face the modern challenges and respect human rights as laid down in international instruments to meet international standards.

## **Chapter Five**

### **Summary, Conclusions and Recommendations**

#### **Introduction**

This chapter comprises of the summary of findings, conclusions and recommendations arising from the study which are based on the analysis of the study. The findings are summarized in line with the objectives of the study. This study sought to establish the perspectives of indigenous conflict resolution techniques among pastoralists; examine the forms and application of indigenous conflict resolution techniques among pastoralists, determine the strengths and challenges of ICRM among the Turkana and examine ways in which the indigenous conflict resolution mechanisms can be strengthened to face the challenges of the 21<sup>st</sup> Century.

The hypotheses of the study stated that the absence of effective government structures largely explains the persisting insecurity and violent conflicts in the Karamoja Cluster and the measures undertaken in resolution of conflicts among the pastoralists are insufficiently weak to deal with emerging new trends, tendencies and dynamics of cattle rustling.

#### **5.1 Chapter Summaries**

This section offers the individual chapters summaries and conclusions.

##### **5.1.1 Chapter One: Introduction and Background to the Study**

In the first chapter, the study identified the problem to be researched on which is; indigenous conflict resolution mechanisms among the pastoral communities in the Karamoja Cluster. This provided a background that pointed out the statement of the problem which formed the backbone of the study. The study problem gave a guide on the

research objectives and corresponding questions which led the research study. Closely related were the research hypotheses which aided the researcher to focus on indigenous conflict resolution mechanisms of the Turkana community. The objectives and hypotheses of the study were examined within the theoretical frame work of conflict transformation.

The study was analyzed through the framework of conflict transformation theory that was discussed in depth by considering the works of renowned conflict transformation theorists and proponent like John Paul Lederach, Johan Galtung and Thania Paffenholz. Their convergence point were considered and given. Further elaborations were made on the key tenets of this theory, their strengths and shortcomings. The study thus blended the elements of the theory and justified its appropriateness for the issue under study given.

Conflict transformation theory states that conflict transformation builds on culturally appropriate models of conflict mediation aimed at empowerment and recognition. Since societies have their own mechanisms and techniques for managing conflicts, efforts for transforming conflicts need therefore to include, respect and promote resources from within the society and the peace building initiatives employed built on the society's existing cultural frameworks as culture is a critical resource and it provides the people with the means to solve their own problems.

The relevance of the study is identified that aid in linking the persistent violent conflicts and raids to resource scarcity, access, and control of the scarce resources to the weak government structures, hence pastoralists' use of indigenous conflict resolution mechanisms to prevent, manage and resolve their conflicts. This relevance and justification was covered under academic and policy justification. Elaboration was made

on the relevance of the study to the academic arena by addressing the gap in knowledge and subsequent utility it would give to the public and private sector. Scope and limitation of the study was discussed and the ethical dimensions that were considered as the study was carried out.

### **5.1.2 Chapter Two: Discourses on Conflict and Conflict Management**

Chapter two identified and discussed in detail the conventional ways of conflict management at global, regional and local levels. This was done by examining renowned scholars in the area of conflict and international relations like Jeong, Bercovitch, Rothchild, Zartman, Zistel, Francis Deng and Makumi Mwangiri. Conventional mechanisms of conflict resolutions are enshrined in major documents of contemporary international relations and diplomacy like the Charter of UN<sup>1</sup> (Chapter VI, Article 33) and Constitutive instrument<sup>2</sup> of AU Article 3 (f), (g), (m) and (p) among other regional and sub-regional organizations. They are negotiations, inquiry, mediation, conciliation, arbitration, judicial settlement, problem solving workshops, good offices and regional agencies or other arrangements.

In discussion too were indigenous conflict resolution mechanisms of the pastoralists in the Karamoja Cluster. The Turkana community of northern Kenya was considered and their ICRM outlined. The Beijing Platform for Action 1995<sup>3</sup> was discussed to elaborate on the issue of gender consideration and need to for their integration in conflict and peace management. The chapter is linked to hypothesis one

---

<sup>1</sup> Op cit UN Charter, ( New York: 1945)

<sup>2</sup> Op cit Constitutive Instrument

<sup>3</sup> Op cit UNSC Resolution : 1325 (2000), <http://un.org/womenwatch/daw/beijing/pdf/BDPfA.pdf>, accessed on 1<sup>st</sup> November, 2014

and two that associate persisting insecurity and violent conflicts to the absence of effective government structures, and measures undertaken in conflict resolution are insufficiently weak to deal with emerging new trends witnessed respectively.

The chapter analyzed the forms and application of ICRM; the formal and informal dimensions. The informal forms included are elder's meetings, belief, myths and rites. The study found out that the formal forms follow the five pacific methods of conflict resolutions of negotiation, mediation, arbitration, conciliation and adjudication. The substances and practice of the forms among pastoralists apparently are similar to the convectional ones although they are based on the peoples' culture. Further the chapter analyzed perspectives of ICRM, the traditional, modern and integrated perspectives, and the implementation of ICRM.

Finally the chapter considered the strengths and challenges on ICRM. Despite the challenges ICRM face pastoralists have continued to prefer their indigenous forms of conflict resolution to the convectional ones as a result of their region's marginalization and inaccessibility to modern judicial systems.

### **5.1.3 Chapter Three: Indigenous Conflict Resolution Mechanisms of the Turkana**

Chapter three examined a detailed analysis of Turkana community. The community was chosen as a case study as it is hardest hit by inter-community violent conflicts. This is as a result of the community's geographical location that makes it to be surrounded by hostile communities like Pokot and Samburu in Kenya and the other hostile pastoralist communities across the international borders with Uganda, South Sudan, and Ethiopia. It established their livelihood, sources, levels and types of conflicts. It analyzed causes of conflict and peace building initiatives they use to prevent, manage

and resolve the intra and or intercommunity conflicts. Even though cattle rustling and raids have been practiced in the KC for centuries, the new developments in trends, dynamics and tendencies are worrying. The incidents have become more frequent, unpredictable and are marked with escalation of violence and wide spread in the region.

This therefore calls for combined efforts, good will from all the four governments of Kenya, Uganda, South Sudan and Ethiopia as the violence in one country in the cluster will definitely have spill over effects on the neighbouring states since pastoralists keep on moving oblivious of the colonial demarcations.

The chapter was linked to first hypothesis which related the absence of effective government structures to explain the persisting insecurity and violent conflict in the cluster. It was also linked to the second hypothesis which associates measures undertaken in resolution of conflict among the pastoralists are insufficiently weak to deal with emerging new trends, tendencies and dynamics of cattle rustling. However not much was covered on the arms issue as the study's main focus was indigenous conflict resolution mechanisms.

Further the chapter considered the current warring corridor between some members of the KC. There is no main cause to account for conflicts in this cluster. What appears to be cause appears as a consequence too. There is a web of socio-cultural, economic, political, historical and environmental factors that have combined to lead to intensification of violence. The consequence as a result has been serious competition over control and access to the meagre resources.<sup>4</sup>

The chapter also discussed Early Warning Systems (EWS) the Turkanas use to prevent, manage and resolve conflicts. According to an elder interviewed;

---

<sup>4</sup> Op cit Jackline A. Apiyo interview with Tadeo P. Erot

“The Turkana people cast sandals, and read intestines of some wild and domestic animals, and interpret signals sent by animals. This also assist them predict weather changes. The EWS acts as cues for the Turkanas and their pastoralist neighbours.”<sup>5</sup>

The strengths and weaknesses of their ICRM were exclusively discussed. Even though there exists elaborate conflict management systems, conflicts have taken toll and continued to exist. This was the gap the study sought to fill, to find the missing link and do a serious examination on ways of improving and strengthening the ICRM to face the challenges of the twenty first century. There is need for this as pastoralists have stuck to their traditions and embrace ICRM.

#### **5.1.4 Chapter Four: Overview of ICRM among the Turkana**

Chapter four presented the study findings and analysis on various aspects of ICRM among the Turkana. The main objective was to clarify the perspective the Turkana have on their ICRM. The study noted that even though the traditional dispute resolution mechanisms are now well entrenched in Constitution of Kenya<sup>6</sup>, there is still much to be done to make ICRM more effective since the modern courts have only been able to deal with a fraction of all the disputes and conflicts that take place in the society. To bring this out the chapter had a focus on application and forms of ICRM to find out if ICRM are applied in the community and the varied forms. The chapter also discussed the perspective the people have on the Turkana community’s ICRM and the status of the mechanisms. The types of conflicts that addressed with ICRM were sought and the study found that the mechanisms are used to address both intra and inter-community conflicts.

---

<sup>5</sup> Op cit Jackline A. Apiyo interview with Lopeyok

<sup>6</sup> Constitution of Kenya, Article 159 , Op cit Kariuki Muigua pp 2, Jackline A. Apiyo interview with Jacinta Nyamosi, Nairobi August, 2014

Further considerations were made on the methods of implementing the judgments and awards made by the elders. The study found that the process is public and victims are given an opportunity to defend themselves. Thereafter the elders deliberate and come to judgments that are consensus based. The main aim of ICRM is to bring justice and at the same time help the accused to be rehabilitated with the victim and be restored back into the society instead of punishment. The strengths and weaknesses of the mechanisms were also outlined. Even though there are challenges faced the Turkana people feel their indigenous mechanisms are more effective as compared to the modern judicial systems. The chapter helped to explain the Turkanas' choice for ICRM.

## **5.2 Conclusions**

This study brings to end this study by revisiting objective three which relates to hypotheses one and two. The study found out that the absence of effective government structures largely explains the persisting insecurity and violent conflicts in this cluster. The measures undertaken in resolution of conflicts among the pastoralists are insufficiently weak to deal with emerging new trends, tendencies and dynamics of cattle rustling hence there arises need for their strengthening.

ICRM used by the pastoral communities in the KC are oriented towards emphasis on justice and social change and stress the necessity of transforming behaviour and improving relationships among and across of the pastoralist communities. The conflict transformation here builds on culturally appropriate and available models that the different communities have used for many centuries. The transformation occurs at different levels in the community; the top leadership that includes the military, political and religious leaders who are involved in various established peace building initiatives

like high level negotiations and ceasefires. The middle leadership that comprises of leaders respected in many sectors; ethnic and religious leaders, academicians, intellectuals and humanitarian leaders who come from NGOs. These leaders participate in problem solving workshops, training of conflict resolution and peace commissions. In the KC grassroots leadership includes leaders of indigenous NGOs, local health officials and refugee camp officials. The grassroots leadership participates in peace commissions, grassroots training, prejudice reduction and psycho-social work in post war trauma. The communities of KC in an endeavour to transform conflicts have included all the above three level of leadership simultaneously and the use of peace building initiatives that are built on their existing cultural frameworks. This is in form with Lederach's peace pyramid.<sup>7</sup>

In the KC both convectional and ICRM are used in management and resolution of conflicts. Indigenous mechanisms used by pastoralists in prevention, management and resolution of conflicts like negotiation, mediation, adjudication among others are similar in their component and manner of application to the convectional ones though with minor differences. Even though indigenous mechanisms are mostly preferred to the convectional ones among pastoralists, Turkana community in particular, there are some challenges that are faced in their application as new trends have emerged. Due to the inefficiencies of the convectional techniques, the pastoralists have a high preference for the indigenous mechanisms due to their accessibility, cost, fast outcomes and local ownership.

---

<sup>7</sup> Op cit John P. Lederach, *Preparing for Peace: Conflict Transformation across Cultures*, (Syracuse University Press, 1995) p 39

The harsh climatic conditions in Turkana County have made the Turkana community to rear cattle. The proximity of this County to hostile neighbours has made it prone to raids from hostile communities like Pokot and Samburu within the country and across the border where it shares porous borders with Uganda, South Sudan and Ethiopia. Turkana community experiences inter and intra-community conflicts of different magnitude. The elders or council of elders play a big role as negotiators, arbiters and mediators in these conflicts to come up with short and long term and sustainable solutions.<sup>8</sup>

Cattle rustling and raids occur due to various reasons; restocking after loss to diseases and raids and counter raids for revenge purposes. The raids may also be triggered by cultural practices like high bride price, heroism and prestige attached to killing an enemy and male roles of providing for their families using whatever means or incitement that may come from media articles, inflammatory statements from politicians and other leaders. At the moment the raids experienced have taken a different dimension and twists from the usual trends.<sup>9</sup>

To be able to prevent, manage and resolve conflicts, the Turkana people since time immemorial have put into place early warning mechanisms that are precursor to hazards and act as cues for them. They cast sandals, read animal intestines and watch and interpret signals their cattle send and then adopt appropriate measures to prevent conflict from occurring or escalating.

The study established three perspectives of indigenous conflict resolution mechanisms; traditional, modern and integrated. From the study findings even though the

---

<sup>8</sup> Op cit Jackline A. Apiyo, Interview with Tadeo P. Erot

<sup>9</sup> Op cit Ruto Pkalya et al, pp 25-16

three perspectives are used, it emerged that indigenous conflict resolution is widely applied among the pastoralist communities and many have high confidence in it. Indigenous conflict resolution mechanisms are applied among the Turkana community in Kenya. Various conflict resolution mechanisms comprising of mediation, dialogue, negotiations, public forums, use of elders and diviners as warning systems are applied in the community. It emerged that both the traditional and the modern approaches used in combination was the most preferred method in solving conflicts and majority of the respondents stated that the application of both traditional and modern methods in combination is also applied among the Turkana community.

The study found that the most commonly used mechanism was the public forum while the government initiative in the resolution of conflict was the least used and preferred. From the study findings it emerged that indigenous conflict resolution mechanism is highly respected among the Turkana community. This is attributed to absence of effective government structures in the region, the people feel neglected by their governments. While very few respondents believed that indigenous conflict resolution mechanism is not respected among the Turkana community, it was found that there are various reasons for the high respect of indigenous conflict resolution mechanisms. The key reason was fear of punishments and or curses, respect for the elders, lack of staff to handle other modern conflict management systems and the notion that the modern formal justice system in Kenya has so far failed to resolve the persistent problems among the pastoralist communities. The modern system is perceived as expensive, easily corruptible and time consuming.

It emerged that ICRM has more strengths for the Turkana community. Among the key strengths of indigenous conflict resolution mechanisms cited comprised of the notion that the system is fair and just, widely known, locally acceptable, fast and locally owned, and contributes to permanent reconciliation among the parties involved. Indigenous conflict resolution mechanisms is easily accessible and always generates positive responses while at the same time ensuring that even minor cases are resolved.

It also emerged that there are various challenges facing the application of indigenous conflict resolution mechanisms including; the presence of state rule of laws that is in constant conflict with local culture; lack of finance for the elders' activities, lack of implementation strategies and the fact that it is not easy to punish foreigners who may take part in the conflict. Modernization has led to disrespect and disregard of traditional mechanisms and elders, lack of or lukewarm recognition of the system by government administrators, lack of training of elders, degree of resistance from other people especially the learned and youth towards the systems, and political activities are other challenges that face the indigenous mechanisms.

In implementation process of the indigenous conflict resolution mechanism awards the concepts under investigation included whether there are a specific methods for the implementation of indigenous conflict resolution mechanism awards, the kind of conflicts addressed by the application of indigenous conflict resolution mechanism and how the indigenous conflict resolution mechanism can be improved to meet the modern trends and challenges. From the study findings it emerged that there is a specific method for use in the application of indigenous conflict resolution mechanism. Majority of the respondents stated that there is a specific method used in the implementation of

indigenous conflict resolution mechanisms among the Turkana community. It was found that indigenous conflict resolution mechanism had positive contributions and generally resulted in the reduction of conflicts. The study findings indicate that indigenous conflict resolution mechanism contributes to reduced conflicts among the Turkana community; the border between the Kenya and other neighbouring states in the cluster has experienced relative peace and reduced raids. This has promoted peaceful coexistence. The punishments meted through indigenous conflict resolution mechanisms makes one loose position in the society and family thus the relative peace and stability in the community.

There was strong inclination for the improvement of indigenous conflict resolution mechanisms so that it could face the current challenges. Various responses were provided by the respondents in the light of the need to improve the indigenous conflict resolution mechanisms including such strategies as the need for formal recognition of the indigenous conflict, undertaking conflict education and training, design of conflict communication awareness programs and strengthening the implementation process.

Other strategies under focus comprised of combining the indigenous conflict resolution mechanism with modern mechanisms, financing of elders activities and involving the key stakeholders in the management of indigenous conflict management mechanisms. However among these strategies the strategy of involving the key stakeholders in the management of indigenous conflict management mechanisms were the most preferred while the strategy of strengthening implementation of the indigenous

conflict resolution mechanism and financing the elders activities were the least preferred among the respondents.

This study was successful in that it was conducted within the prescribed time period of three months and stated budgetary constraints. Additionally the objectives of the study were adequately and comprehensively addressed. Arising from the summary of findings as presented in the immediate study above, this study concludes that indigenous conflict resolution mechanisms are very important and critical to the success of the pastoralist communities; they have been instrumental in bringing peace through the reduction of conflicts within the community and across the borders.

The study also concludes that among the pastoralists indigenous conflict resolution mechanisms communities are widely applied, highly respected and positively perceived as having valuable outcomes to the community's well being. It has been instrumental in resolving all types of conflicts including its application in domestic, intra-national and inter-communal conflicts. Almost all the indigenous conflict resolution mechanisms are applied in resolving conflicts among these communities; however the use of both traditional and modern methods together is highly preferred more than the traditional or modern methods separately.

Indigenous conflict resolution mechanisms have so many strengths and this underlies its wide application in KC. It is considered fair and just, widely known and applied, easily accessible and cheap and would enable marginal cases that have no chance of consideration at national level and modern judicial systems. Indigenous conflict resolution mechanism has proved valuable in the reduction of conflicts among all sectors of the society.

Despite these strong points, indigenous conflict resolution mechanisms is faced with challenges including lack of finance, lack of effective implementation strategy, and resistance from state organs and due to the fact it is not formally recognized. The study further concludes that the current conflict resolution mechanisms need to be improved so as to be highly effective and widely accepted to sustain the demand to the current society.

### **5.3 Recommendations**

#### **5.3.1: Merging of Formal and Informal Conflict Resolution Mechanisms.**

Most African countries still hold onto customary laws under which the application of ICRM is applicable. Arising from the summary of findings and conclusions of the study as presented in the immediate study above the study found there is need to merge formal and the best practices of formal approaches and be included in some of the International instruments, charters and treaties which African continent is part of and also because it has been found so far to have positive impacts on conflict prevention, management and resolution.<sup>10</sup> As the merging is being done traditions, norms and practices that against and contrary to written laws should be discarded or realigned to conform to International human Rights standards.

Given the hybrid nature of many of today's conflicts, conflict resolution mechanisms need to blend the traditional and modern approaches by incorporating best indigenous practices with the modern conflict resolution techniques for better outcomes.

#### **5.3.2: Formal Recognition and Strengthening of Implementation**

The study found that in 2010 ICRM were entrenched in the Constitution of Kenya;

---

<sup>10</sup> Op cit Ruto Pkalya, pp 78-84

“In exercising judicial authority, courts and tribunals are to promote alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms,”<sup>11</sup>

Article 67(2)<sup>12</sup> provides for use of traditional mechanisms in land conflicts. Article 11 has ensured the mechanisms are intertwined within the diverse cultures of Kenya. Challenges are still faced despite the entrenchment in the constitution from many quarters of the society.<sup>13</sup> There are Acts of Parliament that provide procedures for the use of ICRM, Arbitration Act, Cap.49, Laws of Kenya while the Civil Procedure Act<sup>14</sup> has provisions dealing with both mediation and arbitration. According to Muigua; “...comprehensive policy on legal framework is needed to operationalise ICRM.”<sup>15</sup>

The study found out that most disputes and conflicts reaching modern courts can be easily be resolved with ICRM if linked up well with courts and tribunals. Muigua strongly adds; “With the constitutionalism of ICRM there is going to definitely be a paradigm shift in resolution of conflict to enhance justice and expeditious resolutions without undue regard to legal technicalities.”<sup>16</sup>

The study further recommends the strengthening of the implementation process of the outcomes by offering it formal recognition and linking them with formal police, court and government agencies. This would aid customary courts enforce their rulings and verdicts. Legal frameworks would help legitimize the structures. There is need for change in attitude by courts and formal legal systems towards customary laws. Various fines and compensation imposed by customary courts need to be synchronized in order to come up

---

<sup>11</sup> Article 159, *Constitution of Kenya*, (Nairobi: Government Printer, 2010),

<sup>12</sup> Constitution of Kenya Article 67(2) (f)

<sup>13</sup> Op cit Kariuki Muigua, p 13

<sup>14</sup> Civil Procedure Act, Section 59, Cap 21, Order 46, Civil Procedure Rules 2010 (Legal Notice no 151)

<sup>15</sup> Op cit Kariuki Muigua 13

<sup>16</sup> Ibid p 14

with consistent and uniform punishments and compensation schemes that would involve other neighbouring communities as well.

#### **5.3.4: Conflict Education and Training**

There is constant need to conduct conflict education and training especially for elders to make them understand modern methods of arbitration, democratic governance and the rule of law, and be sensitive to the universally accepted principles of human rights.<sup>17</sup>

#### **5.3.5: Gender Mainstreaming**

There is need for gender and age mainstreaming in conflict resolution. This is in agreement with UNSC Landmark Resolution 1325<sup>18</sup> that was adopted in 2000 after Fourth World Conference in Beijing (Platform for Action)<sup>19</sup>. There are follow up resolutions that provide support for SC Resolution 1325; 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013).

According to Kameri<sup>20</sup> There is need for gender integration in conflict and peace management can be done by discarding norms that hinder participation of women in conflict management and establishing more women specific activities; workshops, seminars and exchange programmes so as to equip them with skills that would enable them play an active role in conflict transformation. Participation of women in conflict resolution is very essential as they sometimes trigger raids through their incitements, and are majority of victims. Women have played a role as agents of peace in the modern

---

<sup>17</sup> Op cit Jackline A. Apiyo Interview with Beatrice Odera

<sup>18</sup> [www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20Epdf](http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20Epdf), accessed on 20<sup>th</sup> October, 2014

<sup>19</sup> The Beijing Platform for Action ( 1995) states that “In a world of continuing instability and violence...the equal access and full participation of women in power structures and their full involvement in the prevention and resolution of conflicts are essential for the maintenance of peace and security.”

<sup>20</sup> Patricia K. Mbote, ‘Gender, Conflict and Regional Security’ in Makumi Mwagiru, *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004)

world as they have capacity to negotiate and create peace networks, and they can continue with this noble task.

### **5.3.6: Youth involvement in Peace**

The youth on the other hand need to be involved in the peace process and be empowered economically to make the less vulnerable to manipulations by politicians. Their youth's role as warriors in persistent conflict in the form of cattle rustling threatens peace building and there is need for them to be used as agents of peace. Their involvement in peace building is very significant<sup>21</sup>.

The study also recommends that the key challenges facing indigenous conflict resolution mechanism be examined in the light of their limitations to be effective in conflict resolution and management especially on the role of women and youth in peace building initiatives. This study recommends that further research be conducted to investigate the role of various stakeholders' in the effectiveness of indigenous conflict resolution mechanism.

---

<sup>21</sup> Op cit Jackline A. Apiyo interview with Simon Lopeyok

## References

- Aseka E. M., 'Globalization, Intellectuals and Security in Africa' in Makumi M., *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004)
- Attner R. F., *Challenges Faced By Pastoralist Communities In Africa and Beyond*, (New Jersey: Heinemann Education, Publishers, 2013)
- Constitutive Act of African Union, (adopted in 2000 at the Lome Summit Togo, entered into force in 2001.)
- Austin B. et al, *Berghof Glossary on Conflict Transformation: 20 Notions for Theory and Practice*, (Berlin, Berghof Foundation, 2012)
- Ayot H.O., *A History of the Luo-Abasuba of Western Kenya from AD 1760-1940*, (Nairobi: Kenya literature Bureau, 1979)
- Bercovitch J. Rubin J. Z., *Mediation in International Relations: Multiple Approaches to Conflict Management*, (New York, St. Martins Press, 1992)
- Bercovitch J., *Mediation and Conflict Resolution*, in Jeong H.W., *Peace and Conflict Studies: An Introduction*, (Burlington, Ashgate Publishing Company, 2002)
- Berridge G., *Diplomacy: Theory and Practice*, 4<sup>th</sup> Edition, (New York, Palgrave Macmillan, 2010)
- Boege V., *Traditional Approaches to Conflict Transformation: Potentials and Limits*, (Berlin: Berghof Research Centre for Constructive Conflict Management, 2006)
- Boulden J., 'United Nations Security Council Policy on Africa,' in Jan Boulden, *Dealing with Conflict in Africa: The United Nations and Regional Organizations*, (New York: Palgrave Macmillan, 2003)
- Boutros-Ghali Boutros, *An Agenda for Peace* (New York: United Nations, 1992)
- Brown M. E., 'Mediator's Uses of Pressures and Incentives' in Rothchild D., *Managing Conflicts in Africa: Pressures and Incentives for Cooperation*, (Washington DC, Brookings Institution Press, 1997)
- Brown M. E., *Mediator's Uses of Pressures and Incentives in Rothchild D., Managing Conflicts in Africa: Pressures and Incentives for Cooperation*, (Washington DC, Brookings Institution Press, 1997).
- Bryman A., *Social Research Methods 3<sup>rd</sup> Edition*, (Oxford: Oxford University Press, 2008)

- Chapman C., Kagaha A., *Resolving Conflicts using traditional Mechanisms in the Karamoja and Teso Regions of Uganda*, (London: Minority Rights Group International, 2009)
- Constitution of Kenya, (Nairobi: Government Press, 2010)
- Christensen K. H., *IGAD as a Pioneer in Regional Conflict Prevention in Africa*, (Sweden: Uppsala University, 2009)
- Coulter M., *The Impacts of the indigenous Conflict Mechanisms among Public and Private Sector Firms*, (New Jersey: Heinemann Education Publishers, 2007)
- Dawson C., *Introduction to Research Methods: a Practical Guide for anyone Undertaking a Research Project* 4<sup>th</sup> Edition, (Oxford: howbooks, 2009)
- Diana F., *From Pacification to Peacebuilding Approaches: Global Call to Transformation*, (Pluto Press, 2010)
- Faure G.O., 'Traditional Conflict Management in Africa and China' in Zartman W.I. (eds), *Traditional Cures for Modern Conflicts, African Conflict "Medicine"*, Zartman I.W. (eds), *Traditional Cures for Modern Conflict, African Conflict "Medicine"*, (London: Lynne Rienner Publishers, 2000)
- Foltz W. J. (Eds) , 'The Organization of African Unity and the Resolution of Africa's Conflicts' in Deng F. M., Zartman W. I., *Conflict Resolution in Africa*, (Washington, D.C.:1991)
- Galtung J., 'Introduction: Peace by Peaceful Conflict Transformation-the Transcend Approach' in Webel C., Galtung J., *Handbook of Peace and Conflict Studies*, (Abington, UK: Routledge, 2007)
- \_\_\_\_\_ *Peace by Peaceful Means: Peace and Conflict Development and Civilization*, (London: Sage Publications, 2009)
- Graham P. N., *Management of Societies Today; The Conflict Situation*, (Boston: McGraw Hill International edition, 2004)
- Halderman M. et.al, *Greater Horn of Africa Peace Building Project: Assessment and Programmatic Recommendations: Addressing Pastoralist Conflict in the Karamoja Cluster*, (Washington DC: Management System International, 2002)
- Herrera F.A., *Pastoralist Conflict in the Horn of Africa, The Turkana-Dassenech Case*, (Nairobi: Paulines Publications Africa, 2013)
- Ibrahim F., 'Human Security and Livelihood of Pastoral communities in the Horn of Africa' in Makumi M., *Human Security-Setting the Agenda for the Horn of Africa* (Nairobi: Africa Peace Forum, 2008)

- IGAD, *Agreement Establishing Intergovernmental Authority on Development* (Djibouti: IGAD, 1996)
- Jennings B. Y., *The Processes and Practices in Conflict Management*, (England: Pearson International, 2009)
- Kenya Law Reports, *Law of Kenya, The Constitution of Kenya* (Nairobi: National Council For Law Reporting, 2010)
- Khumalo D., *Problems of Nomadic Life Style among Communities in Africa: Poverty and Conflicts*, (Pretoria: Pretoria State University Press, South Africa, 2012)
- Komen P. S., *Developments in the Conflict Management in Today's Societies and Organization*, Master's Thesis, Moi University, 2013
- Kothari C.R, *Research Methodology Methods and Techniques*, (New Age International Limited Publishers, 2009, New York)
- Lederach J.P., *Building Peace: Sustainable Reconciliation in Divided Societies*, (Washington DC: United States Institute of Peace Press, 1997)
- \_\_\_\_\_ *Preparing for Peace: Conflict Transformation across Cultures*, (Syracuse University Press, 1995)
- \_\_\_\_\_ Eds '*Conflict transformation, Beyond Intractability*, in Burgess G., Burgess H., *Conflict Information Consortium*, (Boulder: Conflict Information Consortium, University of Colorado, 2003)
- Ludeki C., '*Emerging Dimensions in the IGAD Region*' in Makumi M., *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004)
- Melong'i M. M., *The Warrior institution ( Moranism ) and Peace Building in Kenya Pastoralist Communities: A Case study of Laikipia West District*, Master's Thesis, Catholic University of Eastern Africa, Institute of Peace Studies, 2013
- Miall H., *Conflict Transformation: A Multi-Dimensional Task*, in *Handbook of Conflict Transformation*, (Berlin: Berghof Foundation, 2004)
- Mugenda O.M., Mugenda A.G., *Research Methods: Quantitative and Qualitative Approaches*, (Nairobi: Acts Press, 1999)
- Mullins L. J., *Organization Behaviour and Management 5<sup>th</sup> edition*, (Essex: Pearson Education Limited Edinburgh Gate, 2007)
- Mwagiru M., *Conflict in Africa: Theory, Processes and Institutions of Management*, (Nairobi: CCR Publications, 2006)

- \_\_\_\_\_ *Diplomacy: Documents, Methods and Practice*, (Nairobi: IDIS, 2004)
- \_\_\_\_\_ *Water's Edge: Mediation of violent Electoral Conflict in Kenya*, (Nairobi: IDIS 2008)
- Mbote P. K., 'Gender, Conflict and Regional Security' in Makumi Mwangi, *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004)
- Ng'asike J.T., *Turkana Children's Socio-Cultural Practices of Pastoralist Lifestyles and Sciencee Curriculum and Instruction in Kenyan Early childhood Education*, PHD Dissertation, Arizona State University, December 2010
- Nicolaides D., *Employing Conflict Transformation Theory in Understanding the Cyprus Problem: Prospects and Instruments in Conflict Transformation*, (Lamesos, Cyprus, European University Centre for Peace Studies, 2008)
- Odhiambo A., "The Economics of War among marginalized people of Eastern Africa", in Deng F., Zartman W.I., *Conflict Resolution in Africa*, (Washington D.C., The Brookings Institution, 1991)
- Ofuho H. O., *Security Concerns in the Horn of Africa*, in Mwangi M., *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Böll Foundation, 2004)
- Okoth G., 'Regional Institutional Responses to Security in the Era of Globalization' in Makumi Mwangi, *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004)
- Osaghae E. E., 'Applying Traditional Mechanisms to Modern Conflict: Possibilities and Limits' in Zartman I.W. (eds), *Traditional Cures for Modern Conflict, African Conflict "Medicine"*, (London: Lynne Rienner Publishers, 2000)
- Patton M., *Qualitative evaluation and research methods*, (SAGE Publications. Newbury Park: New Delhi, 1990)
- Pkalya R. et al, *Conflict in Northern Kenya: a Focus on the Internally Displaced Conflict Victim in Northern Kenya*, (Nairobi: DTP Publishers, 2003)
- \_\_\_\_\_ *Indigenous Democracy: Traditional Resolution Mechanisms, Pokot, Turkana, Samburu and Marakwet*, (Nairobi: ITDG-EA, 2004)
- Pkalya R., Adan M., "The Concept Peace Committee; A Snapshot Analysis of the Concept Peace Committee in Relation to Peacebuilding Initiatives in Kenya", (Nairobi: Practical Action, 2006)
- Quandit W., 'The Use of Coercive and Noncoercive Incentives' in Rothchild D., *Managing Conflicts in Africa: Pressures and Incentives for Cooperation*, (Washington DC, Brookings Institution Press, 1997)

- Rupensinghe K. (ed), *Conflict Resolution in Uganda*, (Oslo: International Peace Research Institute, 1998)
- Shulika S. L., *Managing the challenges of Conflict transformation and Peace-building in South Sudan*, Master's Thesis, University of KwaZulu Natal, 2013
- Utne B. B., *Indigenous Conflict Resolution in Africa*, (University of Oslo, Institute of Educational Research, 2001)
- UN documents: UN Security Council Resolution: 1325 (2000), ; 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013).
- UN Charter, (New York, UN, 1945)
- Wassara S., *Traditional Mechanisms of Conflict Resolution in Southern Sudan*, (Berlin, Berghof Foundation for Peace Support, 2007)
- Webel C., Galtung J., *Handbook of Peace and Conflict Studies*, (Abington, UK: Routledge London)
- Zartman I. W., 'Conflict Reduction: Prevention, Management and Resolution', in Francis Deng, William I. Zartman, *Conflict Resolution in Africa*, (Washington, D.C.:1991)
- \_\_\_\_\_ 'Conflict Resolution and Negotiation' in Bercovitch J. et al, *The Sage Handbook of Conflict Resolution*, (London: The Sage Publications, 2009)
- \_\_\_\_\_ (eds), *Traditional Cures for Modern Conflict, African Conflict "Medicine"*, (London: Lynne Rienner Publishers, 2000)
- Zistel S. B., *Conflict Transformation and Social Change in Uganda, Remembering After Violence*, (New York: Palgrave Macmillan, New York, 2008)
- Adeneji O. (ed), *Mechanisms for Conflict Management in West Africa: Politics of Harmonization*, ACCORD Occasional Paper No 2/97, 1997
- Ati H. A., *Conflict Management and Resolution among Beja Pastoralists: Elements and Procedures of the (Salif) Customary Law*, Vol 13, 2009
- African Union Constitutive Act, (Lome, Togo, 2000)
- Boege V., *Traditional Approaches to Conflict Transformation: Potentials and Limits*, Bergh of Research Centre for Constructive Conflict Management, (2006) - <http://www.berghof-handbook.net>

- Botes J., *Conflict Transformation: A Debate over Semantics or Crucial Shift in the Theory and Practice of Peace and Conflict Studies*, The International Journal of Peace Studies
- Dempf M. H., *Hybrid Pastoralists- Development Interventions and New Turkana identities*, Working Paper No. 156, Max-Planck-Gesellschaft, <http://www.eth.mpg.de>
- Dudonet V., *Transitions from Violence to Peace: Revisiting Analysis and Intervention in Conflict Transformation*, Berghof Report No. 15
- Frazer O., Ghetta L., *Conflict Transformation: Approaches to Conflict Transformation, Lessons from Algeria, Denmark, Egypt, Kenya, Morocco, Tajikistan and Yemen*, Geneva, Cordoba Now Forum, 2013
- Galtung J., 'Violence, Peace, and Peace Research' *Journal of Peace Research* 6, No 3, 1969
- Gaston E. et al, *Lessons Learned on Traditional Dispute Resolution*, Building Peace No 3, 20037, [www.usig.org/files/ROL/TDR](http://www.usig.org/files/ROL/TDR)
- Huho J.M., *Conflict Resolution among Pastoralists Communities in West Pokot County, Kenya: A Missing Link*, November 2012, Vol. 3, November 2012, [www.savap.org.pk](http://www.savap.org.pk), SAVAP International
- \_\_\_\_\_ et al, *Climate Change and Pastoral Economy in Kenya: A blinking future*, Vol 83, (2009)
- Ibrahim I. M., *The Traditional Conflict Resolution and Peace Building in Darfur; From Anthropological perspective*, Mediterranean Journal of Social Sciences, MCSER Publishing Rome-Italy, Vol 4 No 9, October 2013, International edition: 2004)
- Indigenous Conflict Resolution in Africa*, University of Oslo, Institute of Educational Research, 2001, [www.africavenir.org/uploads/media](http://www.africavenir.org/uploads/media)
- Irungu P., *Formalization of Village Peace Committees in the Karamoja Cluster*, OAU, Pastoral Community Harmonization (PCH) Initiative, August 2001
- Jabs L. B., "You Can't Kill A Louse With One Finger": *A Case Study Of Interpersonal Conflict In Karamoja, Uganda, Peace & Change*, Peace and Justice Association, Vol 35, No 3, July 2010
- Kaye J., Beland D., *The Politics of Ethnicity and Post-Conflict Reconstruction: The Case of Northern Ghana*, *Journal of Contemporary Study*, Vol 27, No 2, April 2009
- Kenya National Human Rights Commission (KNHRC), *Morans No More: The Changing Face of Cattle Rustling In Kenya*, Nairobi: Report 2010

- Kitamura K., *Communication for “Negotiation” among the Turkana*, Hirosaki University: African Study monographs, 18 (3, 4), December 1997
- Kona S., ‘*Baseline Study for the Kenyan side of the Karamoja Cluster*,’ (Addis Ababa: CEWARN/IGAD, 2004), [www.cewarn.org](http://www.cewarn.org)
- Lederach J. P., Michelle M., *Conflict Transformation: A circular journey with a purpose*, in Paffenholz T.et. al *Conflict transformation: Three lenses in one frame, New Routes, Vol 14*, Life and Peace Institute, 2, 2009, [www.life-peace.org](http://www.life-peace.org)
- Maise M., ‘*Conflict transformation: A Circular Journey With a Purpose*’, in *Three lenses in one frame, New Routes, Vol 14*, Life And Peace Institute, 2, (2009)
- Mburu N., “Firearms and Political Power : The Military decline of the Turkana of Kenya 1900-2000, Nordic Journal of African Studies, Vol 10, no 2, 2001
- Mburu N., *Firearms and Political Power: The Military Decline of the Turkana of Kenya 1900-2000*, Nordic Journal of African Studies, Vol 10, No 2, 2000
- Mercy Corps, *The Conflict Management System in Karamoja: An Assessment of Strengths and Weaknesses*, April, 2013
- Muigua K., *Traditional Dispute Resolution Mechanisms under article 159 of the Constitution of Kenya 2010*, Kenya 2010 , Vol 2, No 1
- Muigua K., Kariuki F., *ADR, Access to Justice and Development in Kenya*, (Paper Presented in a Workshop on Justice and Jurisprudence: Nation Building through Facilitating Access to Justice, 3-4<sup>th</sup> July, 2014, at Strathmore University Law School, Nairobi)
- Paffenholz T.et. al *Conflict transformation: Three lenses in one frame, New Routes, Vol 14*, Life And Peace Institute, 2, (2009), pp 2-19, [www.life-peace.org](http://www.life-peace.org)
- \_\_\_\_\_, *International Peace Building Goes Local: Analyzing Lederach’s Conflict Transformation Theory and Its Ambivalent Encounter With 20 Years Of Practice*, Geneva, Switzerland, May, 2013, Dol:10, Routledge
- Powers J. C., *Climate Change and Turkana and Merille Conflict*, Number 238, (July 2011)
- Powers J. C., *Climate Change and Turkana-Merille Conflict*, ICE Case Studies, Number 238, (2011)
- Swanstrom N.L.P., Weissmann M.S., *Conflict, Conflict Prevention, and Conflict Management and Beyond: a conceptual exploration*, Central Asia- Caucasus Institute Silk road: Concept Paper 2005

UNDP, Analysis of Conflict as it Relates to the Production and Marketing of Drylands Products: The Case of Turkana (Kenya) and Karamoja (Uganda), cross border sites, [http://www.undp.org/drylands/docs/marketaccess/Baselines\\_Conflict\\_and\\_Markets\\_Report.doc](http://www.undp.org/drylands/docs/marketaccess/Baselines_Conflict_and_Markets_Report.doc)

UNICEF, African Development Bank, Reductions of the Potential suffering among the Pastoralist Communities in the World through Education and Learning Process (Geneva: Pearson International, 2006)

USAID, CEMIRIDE *Rationalizing for Conflict in Northern Kenya, the National Policy for Conflict Transformation and Peacebuilding*, CEMIRIDE, 2005,

USAID, FEWS NET, *Conflict Early Warning And Mitigation of Resource Based Conflicts In The Greater Horn Of Africa*, Conflict Baseline Study Report, August 2003

Vienna Declaration on Human Rights Convention (New York: United Nations Department of Public Information, March 1995)

[http://www.berghof\\_handbook.net](http://www.berghof_handbook.net)

<http://www.colorado.edu/conflict/transform/index.htm>

<http://www.css.ethz.ch>

<http://www.economist.com/node/21552265?fsrc=nlw%>

<http://www.treehugger.com/corporate-responsibility/Turkana-woman>,

<http://www.un.org/rights/dpi1627e.htm#>

<http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20Epdf>

## Appendix I

### Research Questionnaire

#### Instructions

This questionnaire is designed to facilitate the assessment of the effectiveness of indigenous conflict resolution mechanisms among pastoralist communities in the Karamoja Cluster, case study of Turkana community. The information collected will be used for academic purpose only and will be treated with utmost confidence. *(Please answer all questions honestly and exhaustively by ticking (✓) in the appropriate box that closely matches your view and/or writing in the spaces provided where necessary)*

#### Part A: Background Information

##### Designation

Government Administrator [ ]

Communal leader [ ]

Religious leader [ ]

NGO representative [ ]

Others Specify -----

#### Part B: Perspectives and Forms of Indigenous Conflict Resolution Effectiveness

1. a) Are there indigenous conflict resolution mechanisms among the Turkana?

Yes [ ]

No [ ]

Don't know [ ]

b) If your answer is Yes, Kindly identify and discuss briefly the various indigenous conflict resolution mechanisms among the Turkana?-----

-----  
-----  
-----  
-----  
-----

2. a) What is your perception on the use of indigenous conflict resolution mechanism among the Turkana? -----

-----  
-----  
-----  
-----

b) Are the indigenous conflict resolution mechanisms among the Turkana respected?

Yes [ ]                      No [ ]

c) Briefly explain your response for question 3 above

-----  
-----  
-----  
-----  
-----

3. What are the strengths of indigenous conflict resolution mechanisms among the Turkana?

-----  
-----  
-----  
-----  
-----

4. What are the challenges faced in the use of indigenous conflict resolution mechanisms among the Turkana?

-----  
-----  
-----  
-----  
-----

**Part C: Application of Indigenous Conflict Resolution Mechanism and Its Effectiveness**

5. What kind of conflicts are indigenous conflict resolution mechanisms applied among the Turkana?

- Domestic conflicts                       Inter-communal communal conflicts   
International conflicts                       All conflicts

6. Application of indigenous conflict resolution mechanisms contribute to

- Reduced conflicts                       Increased conflicts   
No influence

7. Briefly explain your response for question 8 above

-----  
-----  
-----  
-----  
-----

**Part D: Implementation of Indigenous Conflict Resolution Mechanism Outcomes**

8. Does Turkana community have a specific method for implementing the outcomes of indigenous conflict resolution mechanism?

Yes [ ]                      No [ ]                      Don't know [ ]

9. If yes, what is the method mostly applied by the Turkana in implementing the outcomes of indigenous conflict resolution mechanism?

Modern approach            [ ]

Traditional approach      [ ]

Both traditional and modern approaches    [ ]

10. Does the method used in implementing the outcomes of indigenous conflict resolution mechanism influence its effectiveness?

Yes [ ]                      No [ ]                      Don't know [ ]

11. How can indigenous resolution mechanism among the Turkana be improved to meet current challenges?

-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----

Thank you for your participation.