The Role of Informal Peace Agreements in Conflict Management: Modogashe Declaration and Its Implementation in North Eastern, Kenya.

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A research project presented in partial fulfillment of the requirements of the degree of Master of Arts in International Conflict Management, Institute of Diplomacy and International Studies (IDIS), University of Nairobi.

October, 2011
Declaration

I, Ahmed Somo Biko, declare that this dissertation is my original work and has not been submitted for the award of a degree in any other university.

Signed

Ahmed Somo Biko

Date

$11 - 2011

This project has been submitted for examination with my approval as the University supervisor.

Signed

Prof. Makumi Mwagiru

Date

08 November 2011

Director of the Institute of Diplomacy and International Studies,
University of Nairobi.
Dedication

To my departed lovely mother, Saqa Abdalla, who has sacrificed her comfort more than anyone for my education. Mum, you have accomplished this important goal to place your only son at a vantage point. I promise never to let you down as I appreciate your outstanding contribution towards my success. I pray to Almighty Allah to reward you abundantly in Heaven.

To my dad, Somo Biko, for his uncountable support, both financially and otherwise. Dad, your strong belief in education has brought me this far. I salute you for inculcating the courage to progress and for empowering me and my siblings by ensuring that we go to school to gain knowledge and skills.
Acknowledgements

This work will not have seen the light of day without the blessings of Almighty Allah who has given me the precious gift of life and all privileges that go with this blessing. I praise His Holy Name for giving me the intellect, time, health, energy and material resources to undertake this important academic duty and ink down this scholarly work. Surely, if somebody was to count the blessings of God he shall certainly not be able to exhaust them. Therefore, I will remain grateful for His bounties, bow down in worship and ask for more of His favours.

My sincere appreciation goes to all those who have contributed to the production of this work for their advise, critique, financial support, encouragement, time and goodwill. I am truly indebted and thankful to my supervisor, Professor Makumi Mwagiru, who has given me professional guidance, took time to study the chapters and directed the flow of the message towards the standard scholarly path. I am sure it would have not been possible without his help. Over and above these, I will remember my supervisor for his academic works especially on conflict management which have been useful to me both in my course work and project writing.

My course-mates have been supportive in many ways. Our class representative, Fraciah Ngamau, has been helpful beyond the call of duty by ensuring that the entire group was updated on time concerning the professor’s appointments to come and defend their chapters. This is a demanding task of involves shuttling between the university and fellow comrades so that information is relayed to the recipients on time. And given that she had to attend to office matters at her place of work she must have sacrificed a lot. I salute you, Fraciah for this wonderful assignment which you have performed satisfactorily. Members of our discussion groups have also given significant input not only during the course work but also during the project writing phase. They include Husein Aden, Nanjala Wandiba, Rita Shako, Susan Owiro and Osman Mohamud. I thank you all most sincerely for the fruitful discussions, critiques and ideas, and pray that we all graduate together.

Captain Catherine Gichuki lent me books from her library which has been of great help. The titles from her library proved that Catherine is a practical conflict manager with the right tools to confront situations as they came. I say a big thank you for your generosity. Same to my workmates at the ministry of Energy, Migwi, Karimi, Obwoge, Karugu and others, who have been supportive and accepted to perform my duties whenever I will request them to as I rush to the university for lectures, do assignments and sit for exams.

My wife, Hajira, and children, Khalida, Muadha and Shuaib have patiently persevered frustrations visited on them whenever I came home stressed by project work. They have lost good time they used to enjoy with dad in the evenings and weekends since the demands of project work will not allow this anymore especially for a working student. Their intimidating patience gave me the courage to undertake the study with great zeal. Finally, I would like to thank all those whom I have not mentioned by name due limitation of time and space, and call for their understanding in this matter.
Abstract

This study investigates the contribution of informal peace agreements to conflict management, the theme of the research, using the case study of Modogashe declaration and its implementation in North Eastern Kenya. The study was enriched further by discussions on formal and informal conflict management mechanisms which have given the strengths and weaknesses of these two systems. Suggested solutions on how to improve on the strengths while addressing the challenges have been given towards the end of the study.

The study employed a simple and appropriate methodology to collect primary data from the field. Thirty respondents from the entire population in North Eastern were sampled to collect primary data using interviews and questionnaires. These informants comprised of clan elders, members of district peace committees, local politicians, government officers dealing with security matters, youth and women representatives, and Non-governmental organisations. In addition, secondary data was sourced from published books, magazines, newspapers as well as reports by research institutions, universities and government agencies which are relevant to the topic. The data collected was analysed and interpreted using content analysis.

The study found that informal peace agreements play important roles in managing conflicts among the communities in Northern Province. Their strengths lie in the application of indigenous conflict management mechanisms that employ holistic, consensus-based reconciliatory approaches which promote problem-solving dialogue and redefinition of relationships among conflicting parties. However, the applications of informal accords raise some challenges, the main one being incompatibility of this accords with official laws of the country. Suggestions to address these challenges have been highlighted in the document. It is the hope of the writer that this research has met the expectations of the intended stakeholders in terms of both theoretical and policy relevance, and wish interested readers a pleasant flow and understanding.
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<td>CISAC</td>
<td>Centre for International Security and Cooperation</td>
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<td>DC</td>
<td>District Commissioner</td>
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<td>DO</td>
<td>District Officer</td>
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<td>DDR</td>
<td>Disarmament, Demobilisation, Reintegration</td>
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<td>DPC</td>
<td>District Peace Committee</td>
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<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<td>DSIC</td>
<td>District Security and Intelligence Committee</td>
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<td>FUNCINPEC</td>
<td>National Front for a Cooperative, Independent, Neutral and Peaceful Cambodia</td>
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<td>MFUA</td>
<td>United Movement and Fronts of Azaouad</td>
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<td>OOP</td>
<td>Office of the President</td>
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<td>Provincial Commissioner</td>
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<td>PSIC</td>
<td>Provincial Security and Intelligence Committee</td>
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<td>RENAMO</td>
<td>Resistencia Nacional Mocambica (Mozambican National Resistance)</td>
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<td>SPLM</td>
<td>Sudan People's Liberation Movement</td>
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<td>UCDP</td>
<td>Uppsala Conflict Data Programme</td>
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<td>UN</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNITA</td>
<td>National Union for Total Independence of Angola</td>
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Chapter One

Introduction to the Study

Background to the Study

Security in Kenya was seen as the preserve of the government until recently when other stakeholders were brought on board to participate in peace building and conflict management. The exclusion of important stakeholders meant that security issues were not analysed properly for proper management of the same. Instead, the government used to employ ad hoc and reactive measures to address perceived problems. Security operations and forceful disarmament of pastoralists are some examples in this case. The mistaken assumption by the government is that the possession and use of illicit arms are the cause of violent conflicts in pastoral areas of north and upper eastern. While the availability and misuse of arms can exacerbate conflict the same cannot help us identify the reasons why people arm themselves in the first place. Therefore, communities in north eastern Kenya continued to experience disproportionate acts of violence that have impeded their social and economic development.

It is against this background that communities living this region came together to discuss how to reverse the trend and try to create a conducive environment for social and economic development. In the process, they agreed to revert to their time-tested community based conflict management mechanisms and synchronise these with the formal systems to facilitate a broad-based restitutive and restorative justice system acceptable to all. The Modogashe Declaration is one of the initiatives undertaken by these communities with the support of the government to pursue sustainable peace. It was signed in August, 2001 between communities from north eastern province and their neighbours from upper eastern at Modogashe. It focused on addressing
pertinent issues identified by the communities such as unauthorized grazing, trafficking of illicit firearms, cattle rustling and banditry among other security issues. The main actors were clan elders from Moyale, Marsabit, Isiolo, Wajir, Garissa, and Mandera districts together with their respective Provincial and District Security and Intelligence Committees (DSICs), chiefs, members of district peace committees, politicians and representatives of Non-governmental organisations.

Statement of the Research Problem

Informal agreements are drawn using norms, beliefs, principles and ideals present in the cultures of the concerned societies. These agreements contribute significantly to the peaceful co-existence of neighboring communities through recognition and application of old-age time-tested indigenous mechanisms that offer sustainable, affordable and accessible alternative justice system for building peace. However, indigenous traditions of managing conflicts have been relegated to the periphery in favour of the formal court system which employs coercive power using the police and other security agents. This has failed to address deep-seated grievances that generate violence especially ethnic and resource conflicts among the pastoral communities.¹

To address this problem, stakeholders have come up with strategies to expand the security framework beyond the conventional state-centric view through incorporation community social agreements such as the Modogashe declaration. However, this has faced challenges of incompatibility resulting from the non-recognition of indigenous social institutions in Kenya's formal laws. This study investigates the contributions of informal agreements in conflict management, and outline how traditional social institutions can be utilised to supplement official laws to promote peace and development. This study will find answers to this important

question and find out ways of addressing pastoral conflicts in North eastern Kenya in a comprehensive manner that engages all the stakeholders in conflict management.

Objectives of the Study

- To provide an overview of peace agreements in conflict management and their input towards sustainable peace.
- To examine the contribution of indigenous conflict resolution mechanisms to peace and how they can supplement official instruments of addressing crime.
- To outline the challenges faced in the implementation of Modogashe declarations and suggest solutions to address the same.

Literature Review

Since the end of the Cold War, international efforts to manage conflict have moved toward negotiated peace settlements. However, the involvement of numerous actors with countless grievances and the need for credible security guarantees has challenged the success of this mechanism. As a result, the conflict management literature has questioned conventional wisdom and debated the importance of including all the warring parties, addressing the root causes (grievances) of the civil war and having credible security guarantees. In Kenya, pastoral communities have endured the negative impacts of protracted conflicts among themselves, with agriculturalists and state officials for decades until the beginning of the 21st century. This period has seen a paradigm shift in the methodology of addressing conflicts from purely a track one perspective to a combination of track one and track two conflict management approaches.

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Modogashe declaration is a case in point that has brought together both official and non-official actors to address conflicts among pastoral communities in North Eastern Kenya.

North Eastern is one of the eight administrative provinces in Kenya with an estimated population of 2,310,757 people and an area of 126,902 sq.kms.\(^3\) The climate of the province is semi- and hot. Rainfall is infrequent usually around April or October, and quite sporadically from year to year. Combined with hot temperatures and extreme evaporation, this makes the region best suited for nomadic pastoralism. The province is inhabited by the Somali community who practice pastoralism as their main economic activity in addition to seasonal farming and trade. They keep camels, cows, goat and sheep. This community has been in constant conflict with its neighbours in Upper Eastern province such as the Boran, Samburu and Rendille who are also pastoralists. In addition, clans within the Somali community have been in conflict for decades. The long history of both intra and inter-communal conflicts have been attributed to among other factors, inadequate policing and state presence, disputed land ownership, political incitement, proliferation of illicit arms and light weapons, commercialization of ‘traditional cattle rustling’, lack of alternative livelihoods, increasing levels of poverty, retrogressive cultural practices and an increasing breakdown of traditional governance systems.\(^4\)

However, the local environment has much to contribute towards conflict between community and its neighbours. This community lives in arid and semi-arid areas characterized by harsh and unreliable climatic conditions. Therefore, the pastoralists have adopted coping mechanisms such as moving long distances in search of water and pasture which was much

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easier in the past. This free movement is becoming difficult as a result of developments such as population increase, land encroachment and appropriation. Conflicts are thus bound to erupt between livestock keepers, peasant farmers and other user groups, because these groups have different values, needs and interests over the scarce resources. The situation is usually worse during dry seasons when there are serious shortages of water and pasture for livestock that also threaten human survival. This scarcity has been exacerbated by state interventions supporting agricultural production systems, nationalisation of rangelands, sedentarisation of nomadic populations, privatisation of land, the breakdown of customary governance, and the availability of cheap small arms.

Blench points out that, historically, relations between the state and pastoral communities have been characterised by systematic marginalisation, physical violence, misguided development policies, frustration and distrust. For instance, North Eastern and some parts of upper Eastern have been marginalized right from the colonial period to the successive two regimes that governed Kenya. The communities living in these areas were considered backward and anti-development owing to their lifestyle which was anti-western. Policy makers and practitioners made superficial judgments based on what they observed on the surface, such as the way certain pastoralist communities dress, and discounted their cultural values.

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The social realities and the livelihoods of the pastoralists and their relations with the rest of the society and economy are often subordinated to simplistic assumptions of a different ‘culture’. They are seen as mere timeless, pre-historic entities and this shadows other economic realities that will have shed light on why these communities are racked by conflict. To reverse these problems, there is need to view pastoral conflicts from governance and policy perspectives which have tended to marginalize certain livelihood patterns through alienation of resources such as land, game and water. The issue of categorizing pastoral communities as primordially violent or basing the argument on ethno-centric grounds was challenged as not signifying genuine understanding of such cultures.

After decades of conflict that retarded development in addition to lose lives and properties, the communities in north eastern region realized the need to change strategy and find long term solutions to their problems both with the neighbouring communities and the government. They found solace in their time tested community based conflict management mechanisms and synchronised these with the formal mechanisms to facilitate restitutive and restorative justice acceptable to all. Modogashe declaration was thus born out of the innovative ways that the local stakeholders initiated with the support of government and Non-governmental organisations (NGOs). Modogashe and other informal agreements like Wamba, Kolowa and Laikipia are based on indigenous conflict resolution mechanisms of the concerned parties and involve local stakeholders tackling prevalent conflicts. The local actors have established peace committees at all administrative levels starting from the sub-location to the province which consist of elders and other community leaders, provincial administrators, and NGOs who have

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the capacity to meet across district or ethnic boundaries to negotiate solutions to conflict in the affected areas. However, there are challenges faced when dealing with parties from different ethnic groups who adhere to different social systems. This necessitates careful negotiations to identify common basis that parties can agree upon resulting in general ground rules for conflict management that need to be captured in the peace agreements.

These agreements derive their legitimacy and strength from deep roots in various local socio-cultural systems of concerned communities. They draw on local power structures, an important ingredient for success in managing intra and inter-communal conflicts, and aim at the restoration of order and harmony of the community as well as cooperation between parties in conflict. Informal agreements emphasize more on restitution as a basis for reconciliation as opposed to punishment of perpetrators for crimes committed in the past. Reconciliation is necessary for the restoration of social harmony in general and of social relationships between conflicting parties in particular.

These agreements are thus holistic and consensus-based conflict management approaches geared towards building the future from the understanding of conflicts that have taken place in the past. They are preceded by lengthy discussions that set out the overall issues which threaten to erupt in conflict such as cattle rustling, disputed use of pasture and water sources, and trafficking of illegal firearms. Their provisions spell out ground rules to solve each specific problem. These rules are reinforced by shared basic principles in most African societies, such as payment of blood money for persons killed or compensation for stolen livestock. For instance,


among the Somali community ‘blood money’ for loss of life is hundred camels for a man and fifty for a woman. Compensation serves to check vicious cycle of violence through revenge while at the same time helping to restore order in the community.\(^{13}\) The high cost of compensation also serves as a deterrent to potential wrongdoers since their community will bear the collective costs of compensation, thus peer pressure to observe social contracts is strong among members of the community.

Indigenous approaches cannot be compartmentalised into “political” or “juridical” or other aspects. Rather they are holistic, comprising of social, economic, cultural and religious-spiritual dimensions, in accordance with the entire traditional lifestyles and world views in which the different spheres of societal life are hardly separated. Consequently, informal agreements embrace the concept of human security which challenges the conventional notion of security by putting the human being in the place of the state as the referent point for security. This notion contends that people-centered security necessitates national, regional and global stability thereby linking the erstwhile opposing principles of sovereignty and human rights.\(^{14}\)

According to the United Nations Development Programme (UNDP) report of 1994, “Human security can be said to have two main aspects. It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life – whether in homes, in jobs or in communities. Such threats can exist at all levels of national income and development.\(^{15}\) In this report, seven


categories of possible threat to human security are identified viz; economic, food, health, environmental, personal, community and political security. In situations where these threats are not addressed, people cannot live in and with dignity. Such situations are considered discriminatory with all sorts of injustice, inequality, deprivation and servitude, which are a recipe for chaos. It needs to be approached from a holistic point of view to achieve sustainable peace.

The concept of human security has however been questioned on the allegation that it has opened up the paradigm of security to too many concerns. In other words, human security can mean anything while at the same time it can mean nothing in particular. Consequently, the concept is of little and intellectual value since it does not help researchers understand the meaning of security nor give policy advice to decision makers. If anything, it can serve as a rallying point for activists and politicians to advance their interests. These criticisms notwithstanding, the concept has relevance as it recognizes the multiple factors that contribute to the well being of the individual whose absence may propel violent conflicts to erupt.

Additionally, the participation of many non-state actors enhances the legitimacy of the process used to achieve durable solutions to human conflicts while the protection of individuals and groups will make the world a more secure place for all. The beauty with the informal process lies in the participation of conflict parties in the direct engagement in the negotiations to enact social agreements for resolving communal conflicts. The process is public and the voluntary participation of all eligible members is encouraged. However, children and youth are usually not in this category of eligible members. It is led by community leaders such as traditional kings,

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16 Ibid. pp 24-25.
chiefs, religious leaders and elders who are accountable to their people. These authorities serve as mediators, facilitators, negotiators and peace makers, and are highly esteemed for their knowledge of customs, myths and history of the communities and the relationship of the parties in conflict.  

Traditionally, preference was given to men but nowadays gender equity is becoming more widely accepted.

These leaders are highly experienced in conflict regulation, they are skilled in setting (and interpreting) signs of reconciliation and their skills as orators as well as their social capital as leaders of the community/ies empower them to negotiate a resolution to the conflict that is acceptable to all sides. However, it would be impossible to force parties to abide by the law since there is no monopoly over the legitimate use of force as is the case in modern states. Therefore, while conflict resolution is based on voluntary consensus and agreement, sanction are imposed on those who refuse to abide by the laws using social realms (stigmatizing, shaming) and supernatural means (cursing, sorcery).

Informal agreements also suffer implementation challenges since they are limited to specific conditions and places. They depend on the existence of communal relationships and values to which they can refer and that can provide the context for their application. This means that they target problems in relatively small communities in the local context such as conflicts between families, neighbours, clans. Dealing with outsiders is difficult as they adhere to other laws be it customary or formal statutory law. Support from government agencies are required to remedy this shortcoming.

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In contrast, formal systems enjoy the monopoly of power and legal backing from the state in managing conflicts through adjudication and arbitration. It employs the courts to settle conflicts between the citizenry and the state and/or between citizens. This system is considered to be objective as it specifically follows provisions of the law and has national appeal since it is applicable countrywide. It is also effective in suppressing violent conflicts in short period.\textsuperscript{21} However, this system does not address the intricacies of how to mend the relationships of parties in conflict, and instead enforces the requirements of the law. Consequently, the outcome is usually win-lose situations that are not sustainable since the losing party will always wait for opportunities to revenge.

Secondly, courts in Kenya are costly, overcrowded and take long time to settle disputes. The formal justice institutions have thus proved to be inadequate in responding not only to the outbreak of violence but in addressing the underlying causes to facilitate peace building and reconciliation of communities.\textsuperscript{22} The result has been growth of mistrust by communities of these structures and the rejection of their application, which further escalates instability in conflict situations. Therefore, there is need to integrate both the formal and indigenous systems of conflict management so that the two can supplement each other.

**Theoretical Framework**

This study was guided by two contending views on conflict management; the problem-solving approach and power politics. The latter argues that conflict management is largely facilitated by the preponderance of power in favour of one of the parties to a conflict. It transforms conflict management system from a dyadic to a triadic relationship that can alter the outcome of the


\textsuperscript{22} Ibid.
resolution by use of power. It is normally undertaken by a third party performing the role a mediator who must possess some form of leverage to influence the bargaining process and its outcome.  In the case of Modogashe, the government of Kenya, through the department of Provincial Administration, has played the role of mediator with leverage. However, though this department has succeeded in settling violent ethnic conflicts temporarily in the region, it has not succeeded in changing the perception of the people about the same conflicts. Neither has it enabled the communities to internalize their conflict and take mutual responsibilities in finding durable solutions to the same.

The problem-solving approach steps in to fill this gap and offers parties to a conflict a chance to walk through the history of their conflict with a view to finding solutions. This approach postulates that the proper path to conflict management, and indeed its resolution, lies in the parties re-perceiving their conflictual relationship and in the process mutually building bridges that lead to self-sustaining post conflict relationships. Contributing to this argument, Monteville argues that parties to a conflict need to take a walk through the history of their conflict for them to acknowledge that they are mutually responsible. In other words, every party has a role in the generation of the conflict as well as a corresponding responsibility in its management. This strategy is therefore applicable to the ethnic conflicts in North Eastern and can help a great deal to remedy the shortcomings of power politics approach which has failed to address the root causes of these conflicts.


24 Ibid.

Gaps in the Literature

The literature discussed above has pointed out the shortcomings of power politics approach in managing ethnic conflicts in North Eastern. This approach presupposes the use of force which at best can achieve a settlement that is not sustainable. The losing party will always wait for a tilt in power relationship and revenge by demanding for an outcome in her favour. Similarly, the informal methods have weaknesses ranging from their inapplicability across communities with different cultures to the lack of strong enforcement mechanisms especially with respect to inter-communal conflicts. Consequently, there is need for a holistic approach that will combine both formal and informal methods to supplement each other. This model involves problem-solving discussions between unofficial representatives of groups engaged in violent protracted conflicts, facilitated by skilled and impartial team of conflict practioners (representing governmental and Non-governmental organisations) who organize and manage the discussions.²⁶

This technique seeks to increase mutual understanding between parties to conflict and encourage movement towards resolution of destructive inter-communal conflicts. Its objectives range from peace education, to shared realization about the sources and nature of conflict, to the joint generation of creative solutions that can be put into operation also referred to as peace agreements. This study has examined how these two systems can be merged to manage conflicts, using the comprehensive initiative of Modogashe declaration as a case study.

Hypotheses

The following three hypotheses will be tested using the study findings;

- Informal peace agreements have important roles in conflict management.
- Informal peace agreements have no significant roles in conflict management

There is no significant relationship between informal peace agreements and conflict management.

**Justification of the Study**

This study is expected to add to the existing knowledge on informal peace agreements and their contributions to the management of conflicts among neighborhoods in general. In this regard, the study will project the significance of holistic and people-centered approaches to conflict management, and dispel the myth that the security concerns of men and women are best served by the security policies of their states. On the contrary, the human security agenda recognizes that states often threaten rather than protect their own populations. Therefore, there is a need to broaden the concept of security to include socio-economic and environmental factors that contribute to forms of insecurity in the daily lives of many people. For this strategy to succeed policy formulation should be extended beyond conventional governmental agencies to include new sets of concerned stakeholders. This study advocates for such an inclusive policy framework.

This study further identifies the challenges faced in implementing informal peace agreements since these are not covered in the Kenyan laws and suggest solutions to address the same. In this regard, the findings of the study will provide useful information on how to integrate indigenous and modern systems in the management of conflicts in North Eastern which will help policy makers and other stakeholders in conflict management like government and civil society.

**Research Methodology**

The section comprises of study population, data instruments, data collection procedures and data analysis. It shows how the sample population was chosen, the instruments used to collect data

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and why the same was used as well as the manner in which data obtained from the respondents was analysed. In addition, the kind of data collect has been explained.

The population of this study was the entire pastoralists living in North Eastern Kenya estimated to be 150,000. However, since it is practically not possible to cover the entire target population due to limited time and resources, the researcher sampled purposively eight respondents each from the three counties in the region; Wajir, Mandera and Garissa, comprising of elders, members of District Peace Committees (DPCs), youth and women representatives. In addition, six more respondents were sampled purposively from the National Steering Committee on Peace Building and Conflict Management Secretariat (NSC), NGOs and civil society organisations involved in peace building in the region. Therefore, the total number of respondents was thirty.

Purposive is a sampling technique that allows a researcher to pick respondents who have the required information with respect to the objectives of his or her study. It is useful for qualitative research which focuses on in-depth information as opposed to making inferences. In addition, it does not involve much time and costs as is the case with probability samples like random sampling. In this research, the respondents were selected on the basis of age, gender to and knowledge of the topic under study to see how informal agreements are appreciated by the elderly and youth of both genders.

The sampled population targeted by the study comprised of clan elders, members of district peace committees, women and youth representatives, and government officers coordinating security issues in the counties. All these are important stakeholders in the negotiation and implementation of peace agreements within their local jurisdictions. The elders

and DPCs are gatekeepers of their respective communities and will be consulted on matters concerning organisation of violence and restoration of peace. The women are also important in peace and conflict processes. For instance, on one hand, they sing songs of war to ridicule cowards and encourage brave men to fight during conflict. On the other hand, they sing songs of peace to shame perpetrators of violence and shame them into stopping the violence. The youth are the foot soldiers who actively participate in physical war and take part in the killings and destruction of properties. They also get killed in the fighting.

The government officers are responsible for the coordination of all peace-making and peace building activities and ensure sustainability of the same through provision of a formal framework such as the District Security and Intelligence Committee (DSIC). The government has legitimate authority to exercise power over her citizens to maintain law and order, legally.

Data Collection Instruments and Procedures

The study gathered both primary and secondary data. Primary data was collected from the sampled respondents using interviews and questionnaire. The interviews involved oral administration of a set of questions by the researcher to provide an in-depth data that is not easy to get using a questionnaire. In this study, the interview method was preferred for a number of reasons; for instance, interviews make it possible to obtain required data to meet specific objectives of the study. Interviews are flexible and this allows the researcher to clarify questions thereby helping the respondent to give relevant information. Most importantly, the interview was chosen since a good number of the informants cannot read and write especially elders and women who sometimes double as members of the district peace committees. Thus it is logically

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sound for the interviewer to take these respondents through the set of questions in the schedule so that they can provide complete and honest questions.

The questionnaire was administered by the researcher to the educated respondents who were able to understand the contents and context of this instrument. Using this instrument, the researcher was able to solicit for the required information from large number of respondents who are distant apart. A questionnaire also allows for anonymity of respondents and uniformity of questions thus facilitating comparability and easy analysis of collected data. It is suitable for collecting descriptive data that helps to explain relationships between variables. In this study, questions for both the interview schedule and questionnaire have been arranged into sections covering specific themes on the processes that led to Modogashe declaration, its contents, implementation and achievements of this agreement.

Secondary data was sourced from published books, magazines, newspapers as well as reports by research institutions, universities and government agencies which are relevant to the topic. The data obtained from these sources was scrutinized to assess its reliability, suitability and accuracy. The authenticity of the sources was also checked.

Data Analysis
The data collected was selected, organized and summarized into the four thematic areas mentioned above to provide a descriptive analysis of the information gathered. Percentages and numbers were used to support interpretation of the findings which either supported or nullified the hypothesis developed at the beginning of the research. Secondary data was used to corroborate the responses from primary informants and supplement the study findings and conclusions.

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Chapter Outline

Chapter One: Introduction to the Study

Chapter one contains the background to the study, statement of the research problem, objectives of the study and its justification, literature review, theoretical framework, hypotheses and research methodology.

Chapter Two: Peace Agreements

This chapter looks at definition of peace agreements, types and contexts under which peace agreements emerge as well as contents of peace accords.

Chapter Three: Outcomes and Implementation of Peace Agreements

Chapter three presents a discussion on the implementation of peace agreements, and the outcomes of peace agreements, both formal and informal.

Chapter Four: Modogashe Declaration and Its implementation in North Eastern

This chapter focused on the case study of Modogashe declaration, its contents, implementation and achievements. The chapter also concludes the thesis by revisiting the objectives, statement of the research problem, hypotheses of the study and the application of the theoretical framework.

Chapter Five: Conclusions

Chapter five is a reflection of the researcher on the theme of the study. It looks at the past, present and the future.
Chapter Two

Peace Agreements

Introduction

The discussion in Chapter One has identified the shortcomings of power politics in conflict management. The major weakness in this case is the tendency of this approach to lead to win-lose situations that do not offer sustainable peace. To address this problem, scholars have proposed the problem-solving approach that seeks to offer a facilitate environment for conflicting parties to resolve their incompatibilities and come up with sustainable solutions to their problems. This chapter discusses this alternative framework to power politics that seeks to increase mutual understanding between parties to conflict and move towards resolution of destructive conflict. One of the products of this alternative framework is peace agreement signed by parties in a conflict detailing how they intend to resolve their differences peacefally. In particular, the chapter will deal with definition, types and the context under which peace agreements come up as well as contents of peace agreements.

Definition of Peace Agreements.

Wallensteen and Sollenberg have defined peace agreements as arrangements entered into by warring parties to explicitly regulate or resolve their basic incompatibility.\(^1\) These can take many forms; from the minimal form of cease-fire agreement to the scope of a mini-Constitution. Harbom \textit{et al} offer a similar definition and argue that peace agreements are accords where at least one dyad agrees to settle the whole incompatibility between conflicting parties.\(^2\) Such

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accords provide the framework for governance designed to address the root causes of the conflict and to halt the resultant violence more permanently. This implies that there are situations where the parties in a conflict agree to settle at least part of the incompatibility resulting in partial agreements in which issues are dealt with one at a time. For example, in the Sudan peace process, partial treaties were signed over security issues, wealth sharing, power sharing and the administration of certain areas before a final agreement was concluded formally ending the peace process. The 2005 comprehensive peace was thus a collection of basic peace agreements that were instituted over a period of five years between the government of Sudan and SPLM.

The aim of peace agreement is to bring the warring parties back to the dialogue stage and try to reach a comprehensive settlement of all incompatibilities in the end. However, since it is challenging to achieve full agreement at once, most accords begin with cease-fires and build on the success of the same to reach comprises on the outstanding issues. To achieve a comprehensive settlement, peace agreements must be inclusive of all the major contending forces and outstanding issues. It is thus the view of policy makers, academics and parties to a conflict that peace accords are the end points that have the sole purpose of bringing an immediate and permanent end to conflicts, an expectation that is seldom met. Critics of this view regard peace agreements as frameworks for further negotiations whose impact on actors and events can alter the course of conflict history. For instance, Lederach observes that the expectation that peace agreements mean a solution is unrealistic. Instead he asserts that peace accords are not

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solutions but proposed negotiated processes, which if followed will change the expression of the conflict and provide avenues for redefining relationships.⁶

By and large, peace agreements play important role of reconstructing societies in the wake of conflicts. They contain pragmatic principles and objectives that are essential to ensure the ending of wars and return to the rule of law. Such principles include the establishment of a broad-based transitional government made up of different political parties, demobilisation and the reform of the national security apparatus; the repatriation of refugees and the resettlement of displaced people, and the establishment of the rule of law as the legitimate medium for settling disputes.⁷ Theoretically, these principles should facilitate a dynamic peace building and reconciliation process to register success. Therefore, the signing of peace accords should impact on the course of conflict history as opposed to serving as an end point. In this regard, Lederach suggests that we should move away from a focus on peace agreements that end violence and instead consider a broader approach that will establish forums in which different parties can engage with each other and create social change that is appealing to all the parties.⁸ Such platforms should bring together people who are divided by the conflict and generate processes that produce transformative solutions.

Types of Peace Agreements

Peace agreements are classified broadly into formal and informal. This classification is based on the kind of methodology employed to arrive at the intended goal or objectives. Consequently,


formal peace agreements are those that have resulted from track one conflict management and are concerned with constitutional and other structures of post-conflict governance. They include matters such as composition and integration of post-conflict armed forces, sharing of seats in government, monitoring of implementation programmes, holding of elections and other formal concerns aimed at ending military violence. As Mwagiru posits, these are clearly things that can be bargained about meaning that the major issues underlying the conflict are not considered. This scholar further argues that this is necessitated by the structure of track one conflict management which is founded on power, and the methodology in which power relations are played is bargaining.

The problem with bargaining is that it attempts to bargain both interests and values without differentiating between interests, which are negotiable and bargainable, and values which are neither negotiable nor bargainable. To this end, the best outcome that a formal peace agreement can achieve is a settlement which is insufficient. Furthermore, it is the manipulation of power that usually leads to conflicts in the first place, and further manipulations between parties through peace processes is as good as the new power relations (win-lose framework) that gives birth to short-lived outcomes based on bargaining.

Actors in formal peace agreements are state officials, either bilaterally or multilaterally, who apply track one diplomacy. Track one is by far the most dominant form of international relations because states are the only entities legally authorized to conduct negotiations, enter into agreements and sign treaties. They reserve the legitimacy to maintain peace and order among

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11 Ibid
their peoples. This state-centric view is based on the understanding that war and conflict are matters of high politics and are central to state interests. However, the conduct of diplomacy has evolved significantly over the years by bringing on board none-state actors. This has been necessitated by the realization that settlements based upon track one diplomatic effort typically fall apart when the balances of power in respective conflict actors change. In the first place, a power-based, formal, and often rigid form of official interaction between state representatives on clear instruction may not give favourable concessions for sustainable peace especially in protracted conflicts over non-negotiable needs.

Additionally, the preoccupation of actors with settlement strategies limits the scope of formal peace agreements. This fails to get to the root cause of a conflict or fundamentally change the relationship of conflicting parties due considerations of accountability and restrictive regulations of the constitution. Since actions of peace managers must be within the state policy they may fail to address the behavioural, attitudinal and structural aspects of a conflict. In contrast, actors in other tracks have more freedom to try new approaches.

Despite these and other shortcomings, track one diplomacy has some strengths including better facilitation and funding, informational, security and logistical resources. Actors have direct access to most important players in a conflict when it comes to forging political agreements. In addition, its ability to coerce parties in conflict by directly or indirectly threatening to mobilize its military and economic muscle is unmatched. It is also swift in attending to emergencies.

In contrast to formal peace agreements, informal accords are drawn from interactive problem-solving workshops and seminars among adversarial groups. In other words, the interaction of individuals or groups takes place outside the official negotiation process. The goal of interactive workshops and seminars is to facilitate communication among conflicting parties so that mutually acceptable solutions to the problems of the warring parties can be reached. According to Monteville, the Problem-solving workshops fundamentally lead to conflict resolution. Kelman adds that the problem-solving workshops help remodel the perception of the antagonists, redefine the problem and the actors’ preconceived antidote to the problem.

Informal peace agreements are negotiated under the framework of track two diplomacy defined by Monteville as the “unofficial, informal interaction between members of adversarial groups or nations that aim to develop strategies, to influence public opinion, organize human and material resources in ways that might help resolve their conflict”. The actors to informal peace accords-cum-track two diplomacy are religious associations, Non-Governmental Organisations, community elders and civil society groups. These players are not bound by official government policies and ideologies. Neither do they subscribe to official structures that constrain their contacts and the persons they meet with as is the case with track one diplomacy. This enables them to respond to the demands and requirements of parties in conflict.


The goal of informal peace agreement is the resolution of conflict contrary to formal agreements that focus on settlement. To this end, proponents of informal peace agreements support the creation of an environment that nurtures sustainable peace and ensures that the parties to a conflict attain a win-win outcome, an ingredient that fosters future peaceful relations. Burton posits that the role of the actors is to encourage the parties to treat the conflict as a problem to be solved, not as a contest, and work on the assumption that conflict resolution is possible by bringing about altered perceptions, by offering different interpretations of behaviour and changed assessments of values and costs, and by drawing attention to options not previously considered. Consequently, informal peace accords tend to solve the conflict through fulfillment of needs which are neither negotiable nor bargainable. These needs include participation, dignity and recognitions which if addressed result in legitimised relationships between conflicting parties. This is a strength that cannot be matched by the purpose of formal peace agreements.

Secondly, actors to informal peace accords enjoy flexibility that allows parties to express their viewpoints that directly affect their communities and families. In other words, they are not inhibited by political or constitutional power, and do not have the fear of losing constituencies because they are the constituency. As Kelman points out, the unofficial, private nature of the problem-solving workshops makes it easier to communicate with opponents without the implication that they have to be recognized and legitimised by other parties.

These strengths aside, formulation of informal peace agreements suffer a number of challenges. This include, lack of clear strategies on the part of the actors, inadequate resources,

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undue influence from state actors and legitimacy issues beyond communal boundaries since cultures of different ethnic communities vary. Consequently, stakeholders to informal peace processes have sought the support of state officials to help sell their ideas beyond the boundaries of their respective communities and assist in implementation of their agreements. Similarly, state actors require the help of local actors to enhance legitimacy of policies and support for the same.

**Context of Peace Agreements**

Peace agreements are born in environments of conflict. This does not mean that the parties in conflict will jump ship from conflict to peace. Rather the parties have to go through a number of processes preceded by studies of whether signing agreements will serve the goal of the conflicting parties compared to other strategies like continued war. When the answer to this question is affirmative, the negotiation process has to be initiated which is expected to result in some form of agreements. But what motivates peace processes to begin? Zartman talks of a window of opportunity for conflicting parties to negotiate. To him, parties are most likely to negotiate when they perceive that other means of getting what they want are blocked and they are at a costly impasse.

At this point, belligerents find certain solutions appealing that they ignored in the past. He calls this the perception of ripeness which follows from a mutually painful stalemate. Lederach concurs and calls this a saturation point or exhaustion level. In other words, the parties have realized that the system of violence has become more oppressive and damaging than

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the initial injustice that caused it. The challenge with this ripe moment is that all the actors have
to share the same perception of ripeness at the same moment which is difficult to work out.

How parties get to an accord is an important issue as it provides an assessment of how the
conflict is progressing. Peace agreements are products of consultative problem solving
approaches such as negotiation, interactive conflict resolution and mediation by parties to a
conflict, their allies and patrons, mediators, and other third parties who have interests in the
conflict. These actors are motivated by the role peace agreements play in providing an
opportunity to alter the perceived costs and benefits of returning to war. For instance, strong
agreements that include mechanisms such as demilitarized zones, confidence-building measures,
and monitoring can increase the costs of defection and can foster trust between the former
belligerents.22

By ameliorating the security dilemma that often plagues new peace initiatives, strong
agreements can help bolster a fragile peace. Thus parties in conflict must have realized that the
terms of the settlement are preferable to continued fighting. Otherwise if the belligerents believe
that a renewed war can lead to better terms, peace will be precarious. Scholars have argued that
agreements that occur under significant third-party pressure are prone to failure because the
terms of such agreements are often at odds with the military reality on the ground.23

Understanding the context of peace agreements is very important because stakeholders
need to know what the conflict is all about, who is affected or involved in the conflict, what
needs to stop, what divides and connects people, and what fosters vulnerability to the conflict.


23 S. Werner, “The Precarious Nature of Peace: Resolving the Issues, Enforcing the Settlement, and Renegotiating
Schirch points out that the more concerned parties know about the context, the higher the chances of registering success in the subsequent peace negotiation.\textsuperscript{24} Usually, the first step in formal negotiations is to gain agreements between fighting groups to stop the violence. Such cease-fire agreements do not address the root causes of the conflict but create a safe space for negotiations to reach substantive agreements. For instance, it will be difficult to negotiate issues of governance when soldiers and rebel groups are exchanging fire.

**Contents of peace Agreements**

The contents of peace agreements are very important since they are considered a determinant of agreement success. Accordingly, Fortna notes that specific agreements are more likely to result in strong agreements that serve to reduce uncertainty of intentions and through which measures are established within the document to control accidents.\textsuperscript{25} To achieve these objectives, peace agreements should have provisions that must make the cost of reinitiating the conflict outweigh the incentives to attack for one or both parties including power sharing, provisions for formal reconciliation and integrative efforts to provide greater insight into the success of the settlement.

According to Daley, peace agreements contain pragmatic principles and objectives that appear essential to ensure the ending of wars and return to the rule of law.\textsuperscript{26} These principles include the establishment of broad-based transitional government made up of different political parties, demobilisation and reform of the national security apparatus, the repatriation of refugees


and resettlement of displaced people, and the establishment of rule of law as the legitimate medium for settling disputes.

The Uppsala Conflict Data Program (UCDP) codes two types of incompatibilities for the major conflicts worldwide\(^\text{27}\); government conflicts that deal with regime type and the composition of government, and territorial conflicts that concerns the status of territory and demands for secession. Consequently, contents of peace agreements are geared towards addressing these two main incompatibilities. In the case of the former, a fundamental content of peace agreement is the commitment to develop power-sharing and power dividing institutions that specify the distribution of state influence among wartime adversaries.\(^\text{28}\) The intention here is to limit the capacity of any one party to the conflict to dominate the postwar state and use its leveraged position to harm the interests or survival of its rivals. Viewed from another angle, power-sharing institutions signal the end of what is naturally, though not universally, the main objective of the war; control of state power.\(^\text{29}\) Therefore, by committing themselves to participate in these institutions, signatories to peace agreements are creating set of rules that will limit their capacity to shape post-conflict society unilaterally.

Power sharing involves dividing the institutions of governance between political parties and rebel movements in the context of a new constitution and democratic election. Theoretically, this is attractive since lack of equity among groups is seen as a significant factor in most conflicts especially in Africa. Thus power sharing is meant to remedy this problem of inequity as

\(^\text{27}\) This is a department of peace and conflict research in Uppsala University, Sweden.


it can satisfy greed and grievance while still retaining democratic principles and procedures compatible with democracy and diminishing its most destabilizing effects.30 However, Tull and Mehler have countered this argument arguing that by enabling rebel leaders to gain state power, power sharing agreements can lead to the reproduction of what they term 'insurgent violence', as rebellion becomes the means to gain political leverage and international acceptance, thus making access to political power difficult for those who champion non-violence.31 Consequently, power sharing can legitimize and normalize violence as part of the political discourse when democratic elections are manipulated by the elite, and can lead to xenophobia and sectarian violence.

Another significant shortcoming of the power sharing agreements is its tendency to deny representation to local civil societies campaigning for peace. This impacts negatively on the ownership of the resolutions and will present resentment from some quarters during implementation of the peace agreement. For example, Daley posits that two reasons were put forward against the participation of civil society at the Burundi peace Negotiations.32 First, majority of Burundian negotiators were reluctant to have civil society groups as independent members citing the rules of procedure agreed in 1998, to prevent the Burundi military class from bringing selected civil society representative. Secondly, the Burundi civil society organisations dominated by the Tutsi ethnic group were not independent from the state. In the end, civil society representatives were requested to participate as part of the delegation of political parties to which


they were affiliated thereby confirming the idea that peace making is solely the prerogative of political parties and rebel movements and not the collective responsibility of the people.

Contributing to the debate on representative democracy, Lewis identifies two types of society; a class society and ethnically plural society, and posits that the form of democracy must be appropriate to the type of society. For example, a competitive party system is appropriate to a class-based society as it allows the larger and middle classes the opportunity to avoid domination by a smaller wealthy elite. Such a system is however unsuitable for ethnically plural society, because by enabling those with the largest number of the votes to win, it excludes the votes of the losers. And since a losing group may never attain a plurality, its votes will never influence political decision making in an environment where electors vote along ethnic lines. This makes it difficult for minority groups to make concessions on power sharing agreements that tend to favour the minority.

Another important provision of peace agreement is the demobilisation and reintegration of contending armies. Humphreys and Weinstein have observed that demobilization of soldiers and their reintegration into civilian life is an important content of peace accords. This is because the ending of civil war hinges on the willingness of competing armies to abandon self-help solution to their insecurity, to demobilize their soldiers and to create a new integrated army. Accordingly, efforts to demobilize armed factions and reintegrate individual fighters have become a critical component of United Nations peace keeping operations. Berdal posits that the UN peace keeping operations have sought to include DDR in their programmes with the first

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effort been undertaken during the operations of UN Observer Group in Central America in 1989.\textsuperscript{35} Besides the provision of peace agreement, this component also depends largely on confidence building measures among the warring parties such as social and economic cooperation, rebuilding the infrastructure and reforming institutions so as to reduce incentives for future violence. Spear argues that measures are put in place to make it difficult for ex-combatants to return to organized rebellion.\textsuperscript{36} Similarly, parties to peace accords should envisage and make plans for civil society organisations to conduct reconciliation so that ex-combatants are able to gain acceptance from family members, friends and neighbours through formal and informal processes to facilitate reinsertion into civilian life.

Similarly, peace agreements must have provisions for disarmament whereby ex-combatants surrender their weapons to established authority or peace keeping missions of the UN and other international bodies. This should envisage a proper functioning state to provide individual security that is willing to provide impartial justice for disarmament to succeed. Otherwise individuals and groups will turn to gun ownership as a means of self protection. In territorial conflicts, the contents of peace accords range from granting disputed region local governance to deals that gave secessionists the right to vote for independence in a referendum for intrastate conflicts. In the case of armed interstate conflicts the deals concern the demarcation of borders.

The contents of peace agreements will be determined largely by the number of issues that are presented during negotiations to address the conflict. Logically, the provisions could be as many as the issues depending on the way the negotiations are conducted. However, the provision


on time frame for implementing the agreement is paramount and should be laid out in the peace agreement in addition to a specific institution mandated to oversee the implementation of the agreements. This should be a separate body whose terms are clearly spelt out in the new constitution that will govern the post-conflict society.

Conclusion

This chapter has given an overview of peace agreements ranging from their definitions, types, the context under which peace agreements come up as well as the contents of peace accords. It has clearly demonstrated that peace agreements are alternative means of resolving incompatibilities using peaceful means as opposed to war which is violent and costly. In most cases, peace agreements are negotiated when the option of achieving the desired goal through force is very slim and parties are tied of costly wars. This results in negotiations to end the conflict peaceful through peace agreements.

It is the negotiation strategies that determine the type of peace agreements that are reached. These strategies are basically grouped into two; formal and informal. The former gives rise to formal peace agreements while the latter results in informal peace accords. Formal agreements are negotiated using official state actors with strict rules and procedures employed to guide the negotiation process while informal peace agreements take place outside the formal processes. Both serve the fundamental role of managing conflicts in their own context. Most important, in this case, are the contents of peace agreements which give details of how various conflict issues can be addressed. This leads us to an important area of implementing what was agreed that calls for strategies, resources and incentives to successfully conclude the incompatibilities, which will be covered in next chapter.
Chapter Three

Outcomes and Implementation of Peace Agreements

Introduction

Chapter Two examined the definition of peace agreements, types and contents of peace agreements as well as the context under which peace agreements come up. This chapter will take these discussions a notch higher by discussing outcomes to and implementation of peace agreements. In particular, this section will say what outcomes to peace agreements are, the determinants of successful outcomes or otherwise, and implementation of peace agreements and the challenges arising.

Outcomes to peace agreements are classified into settlement or resolution of conflict which are both considered a success, theoretically, depending on the goal of the negotiation process that gave rise to the agreement. However, implementation of the peace agreement could still be an issue and lead to failure resulting in recurrence of violence if conflicting parties fail to implement the terms of the negotiated agreement as was the case in Angola and Rwanda in 1993 and 1994 respectively.\(^1\) In both cases, the two countries experienced violence after the failure of peace accords to end civil war.

Outcomes to Peace Agreements

Scholars have identified two kinds of outcomes to peace agreements; namely success and failure.\(^2\) These scholars have defined success as the adequate implementation of the agreement terms and cessation of the conflict, and failure as inadequate implementation leading to the

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resumption of the previous conflict. Using case study approach, these scholars studied peace agreements following civil wars to gain greater understanding of success and failure of peace agreements by examining cases in detail. Hoodie and Hartzell, using both the case study and five year period of analysis, came up with definitions of success, partial success and failure in relation to peace agreements. They defined successful agreements as those fully implemented by the end of the five year period with no recurrence of sustained violent conflict. Partial agreements, on the other hand, were defined as those in which the parties made some efforts to follow through on their commitments but failed to implement them fully within five years. In situations where either some or all the parties refused to live up to their commitment or no momentum took place regarding the measures to be implemented, the outcomes were classified as failure.

The adoption of five year period was based on the assumption that it takes an extended period of time to implement the provisions agreed upon by the opposing groups as part of the settlement of their conflict. These scholars also thought that analyzing implementation efforts for a period shorter than five years would involve the risk of missing genuine efforts on the part of former adversaries to follow through on settlement commitments. However, the use of five year period of analysis poses a potential problem for assessing the influence that settlement implementation has on peace in those cases where agreements specify a period of time within which implementation should take place.

This study has sampled a few cases studies to examine the success, either partial of full, or failure of peace agreements. We begin with the Mali peace agreement, Pacte National, signed 1992 between the transitional government of General Toure and MFUA (United Movement and

Fronts of Azaouad), a rebel movement representing all ethnic communities in the North. The conflict was about territory in which the rebels demanded special autonomy to guard against unequal allocation of resources and aid as well as little political input in the capital. In addition, the corruption of one party state encouraged the rebellions which started in 1990.

In an attempt to end the fighting this agreement was signed which was seen as comprehensive and costly compared to earlier pacts such as the Tamanrasset accord. The agreement was based on four key points: peace and security in the north; national reconciliation; special initiatives to promote socio-economic development in the north; and giving the north a special status within the framework of the unitary state of Mali. It also provided for DDR and government assistance for former combatants wishing to be reintegrated into civilian life which required vast amount of capital as well as support from the civil society.

This agreement secured a success as a result of cooperation and support from concerned stakeholders. Firstly, the communities in the north took the initiative to lay the foundations for their own future and conducted inter-community meeting to create localized peace agreements among inter-dependent communities, leading to the voluntary disbanding of the movements, the resolution of local disputes, and social reconciliation. The government reinforced the community efforts and worked on a programme for decommissioning weapons and demobilizing and reintegrating the combatants from the movements. Financial aid from the United Nations and other donors financed the implementation of the agreement and facilitated rebel integration into

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the military and successful government, civil society and political reforms. In addition, Mali’s neighbours provided support to the implementation process that helped reduce distrust and build peace and stability.

According to conflict management scholars the Arusha Peace and Reconciliation Agreement for Burundi registered partial success. Signed in August 2000, this agreement achieved a ceasefire and cessation of all hostile attacks. However, progress on the establishment of a transitional government was not made until further meetings in Pretoria, South Africa; the Compromise of Pretoria gave the Tutsi group a disproportionate share of the institutions of government: 50 percent of the Senate, 40 percent of the government and 50 percent of the army. Burundi’s transitional government, which should have run for two years ending on 1 November 2004, had to extend its mandate because of disagreements about the constitution and ethnic balance in the armed forces.

This is a clear case of low state capacity that is structural in nature resulting from unequal distribution of political power in the country. Secondly, the civil society in Burundi was not well organized to uphold the interests of all groups in the population. Consequently, their exclusion from Burundi peace negotiations reinforced the idea that peace making is solely the prerogative of political parties, rebel movements and men, and contributed to lack of sustainability in peace building work.

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The Lusaka Peace Accord signed in 1999 for the Democratic Republic of Congo (DRC) went through similar path. Its outcome was described as partial success because while it ended the war between the government and rebel movements, it has not stemmed the violence.\(^9\) For instance this and other subsequent agreements failed to stop foreign complicity in the illegal extraction of valuable strategic minerals. Other factors such as factionalism within the rebel movements and militarization of ethnic communities, poor infrastructure and reduced state effectiveness in policing the territory are intervening challenges to successful peace building.

Somalia has had various peace agreements, none of which was successfully implemented. All have termed as failure in achieving a successful DDR and formation of a stable transitional government.\(^10\) A number of factors are responsible for this state of affairs. First, stability in society and politics has been non-existent. Second, there is a tendency for warlords to agree to the provisions of a peace agreement and then fail to implement the same. Third, there is no stable government that has the capacity to enforce any agreements. Thus as state capacity declined, the civil war grew more intense and prolonged for third party intervention efforts to contain.

The foregoing cases show that peace agreement should contain pragmatic principles and objectives that are essential in ending the wars and return to the rule of law. Such principles include the establishment of a broad-based transitional government made up of different political parties, demobilisation and the reform of the national security apparatus; the repatriation of refugees and the resettlement of displaced people, and the establishment of the rule of law as the legitimate medium for settling disputes. However, as has been demonstrated by the cases of partial successes and failure, the African experience puts emphasis on power sharing between

\(^9\) P. Daley "Challenges to Peace: Conflict Resolution in the Great Lakes Region of Africa" op cit p312.

belligerents; political parties and rebel movements which do not promote genuine peace building and reconciliation of warring factions. As Spears point out, power sharing agreements are difficult to arrive at, difficult to implement and rarely stand the test of time when implemented.\textsuperscript{11} To address this problem, there is need to cultivate genuine desire and commitment towards peace among the leaders of various factions and to create appropriate structures and institutions which simultaneously accommodate all groups.

**Implementation of Peace Agreements**

An enormous amount of uncertainty surrounds the implementation of a peace agreements and the probability of the faction leaders to honor commitments. A faction leader's decision to comply may be affected by unexpected changes in the political and military environment resulting from concessions or actions of external entities, the failure of resources and other supportive features to materialize, or events that indicate the other party will not follow through on promised actions. The common thread among these potential deal-breakers is not only the uncertainty they bring to the peace process, but the inability to fully know them \textit{ex ante}. Importantly, unknown variables may also work to encourage or discourage compliance. This section interrogates determinants to successful implementation of peace agreements.

The synergy between peace agreements and their implementation is crucial to the stability of countries emerging from conflict or societies facing perennial conflicts. A number of factors have been discussed by scholars as key to ensuring that implementation of peace agreements foster longer-term settlements. What remains is better understanding of the underlying currents and how they are impacted by internal and external interventions by those involved in implementing peace agreements.

Bensahel *et al* posit that implementation of peace agreements play a significant role in tackling state/societal fragility and supporting transitions to peace, and can serve as a foundation for stability and development outcomes. According to these scholars, the implementation of peace agreement can take the form of a codified constitution that outlines the structure, procedures, powers and duties of a government and the rights of its citizens, or they can be informal and represent unwritten rules among governing elites or community leaders. Goodhand and Sedra observe that implementation of peace agreements develop throughout societal historical trajectories and are often the result of long processes of elite bargaining and power struggles. They represent ‘the established rules of the game’.

Implementation of peace agreements can form the basis for an emerging political settlement that is able to legitimately shape and guide a transition towards peace and stability following a period of conflict. In order to do so, Cramer suggests that peace agreements should address the issues of contention that are the cause or product of violent conflict but at the same time they should not be roadmaps to a society’s total political, economic and social transformation. According to this scholar, Implementation of peace agreements have a realistic chance of succeeding, they need to focus on the immediate issues of settlement. Citing an example of Guatemala, Stepputat and Engberg-Pederson assert that the peace agreement tried to

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do too much. It stopped the civil war but was unsustainable in that it was too extensive: it aimed to reform the justice system, resolve issues around education and participation of the indigenous majority and even tackle land reform within four years. This could not be achieved without a broad-based political settlement. As a result, many grievances remain unresolved and violence and discontent continue.

The timing involved in implementing a peace agreement is also fundamental to its success. External players often seek quick wins as a result of political pressures within their own countries and constituencies. This can result in important issues being left unresolved or key actors being sidelined. In Iraq, for example coalition forces were keen to return sovereignty and withdraw because of domestic political pressures related to the controversy surrounding the war. As a result, the political process sidelined important actors, affecting the legitimacy of the Constitution and reinforcing sectarian lines. Similarly, in Afghanistan, the implementation of Bonn Agreement excluded important national and regional players and failed to tackle issues related to past abuses and human rights violations. This hindered both the legitimacy, resilience, and implementation of the agreement, as it was viewed as ‘an illegitimate attempt to reconfigure domestic power structures to meet external interests’. The result is a continuing struggle by the international community to try and legitimise President Karzai’s government. The failure to build a legitimate government remains a major obstacle to achieving peace and stability.

17 Ibid
Hoddie and Hartzell have identified two important conditions that enhance prospects for successful implementation of peace agreements.\textsuperscript{18} These are the presence of third party actors within the post-conflict state and a high level of economic development in the state undergoing the transition from war to peace. Third parties are crucial in the implementation process because the central authority of the post conflict has weakened to the point that the domestic environment resembles that of the international system which has no overall authority to exercise power over sovereign states. Yet former enemies are required to live in the same territory and divest themselves of all means of self defense.\textsuperscript{19}

This security dilemma limits the prospects for successful implementation of the peace agreement if former combatants are left on their own. This calls for support from third parties to play a facilitative role during the implementation of peace agreement. The third party, whether representing an international organisation or individual is expected to restore order to the anarchic domestic environment and guarantee that the agreements will be carried out without harming the interests of the parties involved. In other words, the presence of a third party actor creates the secure environment that is a prerequisite to implementation success. In the words of Walter, 'they can verify compliance with the terms of demobilization and warn of a surprise attack, they can guarantee that soldiers will protected as they demobilize, and they can become involved if one or both parties resume the war.\textsuperscript{20}


\textsuperscript{20} Ibid.
However, the presence of third parties poses challenges to the sustainability of the peace agreement and stability of the post conflict society. This is because the presence of a third party force as an enforcer of the peace agreement may mirror the real intentions of the parties to the agreements.\textsuperscript{21} It will not be easy to distinguish genuine desire for peace or expedient behavior intended to appease the interests of third parties. Therefore, caution should be taken to guard against such misconceptions by facilitating the strengthening of local institutions such as the courts, police and military of the post-conflict state to effectively assume legitimate authority to enforce the rule of law once the third party has left.

The second condition given by Hoddie and Hartzell for successful implementation of peace agreements relates to the levels of economic development of the post conflict state which has a direct influence on peace. Doyle and Sambanis have hypothesized that more developed economies with lower levels of poverty should be both better able to rebuild after war and less susceptible to wars stemming from economic grievance.\textsuperscript{22} It is assumed that the financial resources of wealthy states give the contending parties a greater capacity to implement the programmes first outlined in the peace agreements. This is because colossal amounts of money are required to reintegrate ex-combatants in society and to promote democratic institutions such as national army, police, courts as well as to undertake expensive activities such as elections. Without resources, concerned stakeholders will not be able to carry out settlement provisions. This could be misperceived as an act of bad faith by former adversaries and has the potential to reignite hostilities. On the other hand, resource abundance could motivate either of the


conflicting parties to return to war at the slightest suspicion that its rival could be sabotaging the implementation of the peace agreement. The parties could also view that it is in their interests to continue the war to exploit the resources to enrich themselves.

According to Keen successful implementation of peace agreements need to be part of strategic process of harnessing a legitimate and inclusive political settlement that is able to peacefully manage and resolve grievances within society. To achieve the objective of inclusive political settlement requires an understanding of the nature of the existing and often contested political settlement, including the key issues at stake, different groups' underlying interests, the spoilers, the peacemakers, those interested in maintaining the status quo and current mechanisms for governing the distribution of power and resources. This once again emphasizes the need to understand the context for what 'it actually is' rather than 'what we would like it to be'. It also means that definitions of 'legitimate' and 'inclusive' political settlements will vary according to context. Moreover, external actors should be wary of preconceived ideas of what inclusive or legitimate political settlements should look like. Building settlements and institutions that reflect the historical trajectories of other states are unlikely to last or lead to desired outcomes. Instead, settlements need to be determined by endogenous actors and processes, with support from external actors to ensure that a range of stakeholders participate in and legitimise the outcome.

Factors that influence successful implementation of Peace Agreements

Downs and Stedman have operationalised successful implementation on the basis of two variables; whether large violence has been brought to an end in the presence of implementers,

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24 Ibid
and whether this termination is done self-enforcing basis. These are important variables that speak volumes about whether the war will rekindle once after the implementers have gone home. Contributing to this discussion, Rothchild argues that sensitive fears arise (during implementation of peace agreements) from short term military security building which are superseded by diffuse uncertainties of institution building. He cautions against this scenario and advises that a short term security strategy should be in place to lay the foundation for a long term development of state norms and institution-building. The former involves the verification of cease-fires; disarmament, demobilization, and initial efforts to re-integrate the armed forces.

Therefore, self-sustaining peace agreements must build on their own intra and inter-group reciprocities and political exchanges to ensure stability. This can achieved through the application of formal and informal conflict management systems at multiple levels of society, political parties and state. When such framework takes shape and the public accepts to embrace new political institutions and rules of competition, the government should provide all sides with a stake in maintaining the agreement. Then, as trust in institutions and rules of relations grow, the chances of consolidating successful peace agreements increases.

The literature on implementation of peace agreements provides crucial insights into the conditions under which peace agreements might succeed or fail. Downs and Stedman posit that we should pay attention to the environment surrounding implementation and take into

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cognizance the fact that some environments are more conducive to implementation than others.\textsuperscript{28} These conditions are discussed below;

Firstly, the number of warring parties in a conflict situation determines how successful the implementation of a peace agreement will be. The difficulty of implementation increases when there are more than two warring parties.\textsuperscript{29} In such situations, strategies become less predictable, balances of power become more tenuous, and alliances become more fluid. In Cambodia, for example, any action that the United Nations might have taken against the Khmer Rouge had to be weighed against the effects such action would have had on the National Front for a Cooperative, Independent, Neutral and Peaceful Cambodia (FUNCINPEC), which relied on the Khmer Rouge to balance against the State of Cambodia.\textsuperscript{30} In cases where a proliferation of warring parties occurred, as in Somalia and Liberia, implementers constantly found it difficult to craft solutions that would address the concerns of all the warring factions. Where factions found themselves excluded, the peace agreement faced their violent opposition.

The presence of spoilers in peace agreements poses daunting challenges to implementation of peace agreement. Spoilers exist only when there is a peace process to undermine or after at least two warring parties have committed themselves publicly to a pact or have signed a comprehensive peace agreement.\textsuperscript{31} Since it is rare for all leaders and factions to see peace as beneficial, this creates spoilers who were either inside or outside the peace process. Inside spoilers tend to use strategies of stealth, that is, they sign peace agreements for tactical


reasons but keep their threat hidden and thus minimize amount of violence they use. Outside spoilers, on the other hand, tend to use overt violence as a strategy toward undermining peace. Favorite tactics include the assassination of moderates who stand for a negotiated peace. To contain problems of spoilers, implementing agencies should search for evidence that parties who sign peace agreements are sincere and devise strategies to manage spoilers.

Another determinant to successful implementation of peace agreement is the availability of strong and robust state institutions. It suffices to note that the lack of state institutions and governing capacity places great demands on peace implementers. In addition to bringing fighting to a close, the implementers must create and build up a modicum of state capacity in order for the peace to have a chance to sustain itself.

Hostile neighboring states or networks play important roles in the implementation of peace agreements. Civil wars rarely take place in otherwise stable regions. As Wallensteen and Sollenberg observe, many civil wars today intersect with regional conflicts and interstate competition. From this it would follow that the attitude of the surrounding states towards a peace agreement in a neighbor’s civil war plays a key role in supporting or undermining the prospects of peace. Spoilers to a peace agreement, for example, are likely to be much stronger and more vocal if they are confident that they can count on neighboring states for sanctuary, guns, fuel, and capital. Likewise, in regions where weak states have little control over borders, well-organized private or semi-official networks can allow neighboring states to take advantage of such state decrepitude to support spoilers in the war-torn country.

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32 Ibid.
Another factor is the availability of disposable natural resources. If warring parties have access to disposable resources such as gems, minerals, or timber, implementation becomes more difficult. Such resources not only provide armies with a means for continued fighting, they also become the reward against which they weigh the benefits of peace. A key difference between Mozambique and Angola is that, in the latter country, UNITA’s access to diamonds emboldened their spoiler behavior, whereas RENAMO’s lack of access to such resources effectively limited the benefits of returning to war.

The more these indicators are present, the greater the difficulty of implementing peace agreements. The conflict environment, however, is only one aspect of implementation success or failure. International willingness is also crucial: low degrees of interest and commitment either lead to no intervention or, alternatively, to an intervention with an extremely limited strategy set in the sense that implementers will be constrained by the resources they can deploy and the range of sub-goals they can pursue. Constraints on the strategy set need not be a problem when the implementation environment is easy. But difficult environments and constrained strategies can be a recipe for disaster, as in the examples of Rwanda, Angola, and Sierra Leone, where the Security Council authorized the UN to implement an agreement, but did not provide adequate resources.

Conclusion

The signing of a peace agreement is sufficient to trigger actors’ involvement to implement that agreement, but nowhere near sufficient to ensure the actors commitment to do the job right. It imperative for implementers of peace agreements to remain attentive to this dilemma presented

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15 There is an emerging literature on the political economy of civil wars and its effect on prospects for war termination. See, for example, Mats Berdal and David M. Malone, eds., *Greed and Grievance: Economic Agendas in Civil Wars* (CO: Lynne Rienner, 2000).
in every sub-theme, to the fact that actors treat different conflicts differently, such that their commitment to making peace agreements in war-torn societies is much greater when their motives are based on vital interests.

In addition, intervening factors such as the presence of spoilers, availability of disposable natural resources and the presence of hostile neighbours affect the implementation of peace agreements. This calls for proper analysis of issues, stakeholders and implementation environments so as to come up with informed strategies on how to undertake successful implementations that will lead to successful outcomes.
Chapter Four

Modogashe Declaration and Its Implementation in North Eastern Kenya.

Introduction

Chapter Three presented a discussion on the implementation of peace agreements and outcomes to both formal and informal peace agreements. The chapter brought to the limelight the determinants for successful implementation of peace agreements with bias towards formal peace agreements. This chapter will focus on the case study of Modogashe declaration to discuss the contribution of informal peace agreements which are considered distinct from formal peace accords. It captures raw data collected from the field detailing the birth of the Modogashe initiative, its contents, implementation and the outcome. The methodology used to collect data was presented in Chapter One.

Processes that Led to Modogashe Declaration

This study inquired from the respondents how the Modogashe declaration came about as well as the context under which it was negotiated. In other words the informants were requested to describe the process that led to the signing of Modogashe peace treaty. The informants recalled that Modogashe accord was derived from earlier peace pacts and in particular from 'Al Fatah Declaration' which was formulated and signed by council of elders in Wajir district in 1993. Al Fatah and other peace initiatives were born out of a necessity to address vicious cycle of conflicts in North Eastern Kenya especially in 1990s when the region was engulfed in a protracted period of raiding and ethnic violence. UNDP, *An Architecture for Building Peace at the Local Level: A comparative Study of Local Peace Committees (A Working Paper)*, 1993. p12
that opened flood gates of illicit weapons which propelled the conflict dynamics in North Eastern to new heights.

Conflict in this region is centered around competition for pasture and water exacerbated by drought, marginalization and under-development of the entire north eastern region, weak security policies, influx of refugees and weapons from Ethiopia and Somalia, colonial legacy, as well as national and local leadership crises. The recurrent droughts intensify an already difficult situation in several expected and unexpected ways. First, drought forces greater competition over grazing land and water points, leading one group to seek pasture in areas demarcated as the preserves of another clan. The scarce rainfall makes it impossible to avoid conflict in periods of drought, since pasture, where it can be found, is not enough to support an expanding herd of local and roving herders.

**Al Fatah Peace Declaration**

The drafting of this declaration was necessitated by a violent conflict that broke out in Wajir district in 1992 between the Degodia and Ogaden clans of the Somali tribe. The Ogaden who inhabit southern part of the district felt that the Degodia were encroaching on their land and political base. Fighting started with clashes and livestock raids and later graduated into full scale warfare that brought other actors such as the Boran and Ajuran clans on board. The former supported the Degodia while the latter fought alongside the Ogaden. A peace campaigner recounts that the situation had reached a point where people refused to buy or sell to anyone who

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38 Interview with the Chief, Leheley Location, Wajir district, in August 2011.

39 Interview with Chairlady, Mandeleo ya Wanawake, Mandera district, in August 2011.
was not of the same clan. It became unsafe for one to venture into areas inhabited by people different clan whether trading centres, in town or reserves.

This prompted women elites from the district to come together and discuss how to arrest the violence. These women formed a committee called women for peace to coordinate peace work. They were soon joined by the youth who like the ladies realized the war was benefitting none of the parties. Their activities were mainly door-to-door peace campaigns. They later decided to talk to major clan elders who were seen to be great stakeholders in both the initiating the conflict and bringing peace. The first meetings with elders turned stormy and difficult as some elders complained that ‘their children’ were usurping their roles. A break thorough was finally reached in the subsequent meetings when a senior elder gave a lengthy speech and opined that it was unfair to giving war to ‘children’ who are yearning for peace. The meeting eventually succeeded in electing council of elders from the three major clans in the district (Degodia, Ajuran and Ogaden), and smaller clans.

The elders met in a Madrassa (religious school for Muslims) known as Al Fatah in Wajir town for seven days to thrash out the issues that affected their clans. At the end of it they came up with a steering committee with representatives from all clans to speak and act on behalf of the entire community without allegiance to their clans. These elders took oath to be impartial and were given a further seven days to build consensus on peace and come up with rules of enforcing the peace and extracting allegiance. The result was Al Fatah Declaration which gave guidelines on return to peace (see appendix A).

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41 Interview with a member of Garissa Women for Peace Group, August 2011.
42 Interview with Youth leader and member of Wajir DPC in August, 2011.
43 Interview with a religious leader from Modogashe location, Garissa district, in August, 2011.
One of the guidelines was to form a larger and more representative formal framework to provide coordination to all the peace-making and peace-building activities, and to ensure sustainability in the participation of stakeholders. This gave rise to the formation of Wajir Peace and Development Committee (WP&DC) in 1995 which brought together heads of all government departments, representatives of various peace groups, religious leaders (both Muslims and Christians), NGOs, District Officers and Chiefs, with the District Commissioner as the chair.

The success of Wajir Peace and Development Committee in bringing peace to the district and in maintaining the same soon led to the spread of the model to other districts in Northern part of Kenya. International donors, NGOs and the National Council of Churches in Kenya became involved in facilitating the establishment of local peace committees. However, the selection processes were largely uncoordinated and haphazard, in some cases leading to the formation of several peace committees in one district. Moreover, the same model was not always followed. The national government took notice of this discrepancy and established, in 2001, the National Steering Committee (NSC) on peace building and conflict management to formulate a national policy on conflict management and to provide coordination to various peace building initiatives.

**Modogashe Declaration**

This agreement was signed on 29th August, 2001 between Community leaders from North Eastern Province and their counterparts from Upper Eastern, and witnessed by respective Provincial and District Security and Intelligence Committees at a place called Modogashe.

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44 Interview with coordinator, Catholic Peace Commission, Garissa Office, in August, 2011.

45 Interview with the coordinator, National Steering Committee on Conflict Management and Peace Building, in August, 2011.
Modogashe is a small remote town that is on the border between North Eastern and Eastern Provinces. It is a centre where the boundaries for Garissa and Isiolo districts converge. It is connected by road to Isiolo 175kms to the west, Wajir 155kms North-west and Garissa 155kms south. Administratively, the centre is divided into two adjacent divisions; Sericho in Isiolo county and Modogashe in Garissa county. The former is also part of Isiolo North constituency in Isiolo County while the latter forms part of Lagdera constituency in Garissa County. The two constituencies have recently been upgraded to Garba Tula and Lagdera districts respectively.

The document is divided into three main parts; the preamble, contents and list of signatories. The preamble contains a list of issues identified by the stakeholders as the cause of insecurity in the region. The major issues include; unauthorized grazing, trafficking of illegal firearms, cattle rustling, highway banditry and role of peace committees. Provisions to address these problems have been captured in the contents of the documents followed by the list of signatories shown at the end of the document (see appendix B). This study has focused on the ground rules set to solve specific security issues identified by the stakeholders and issues relating to the implementation of the same under the section on contents.

Contents of Modogashe Declaration

This is the main part of the agreement and contains five main provisions in relation to the five main security issues identified by the stakeholders. These provisions define offences and regulate punishments for each using elements of different 'traditional conflict resolution mechanisms that the parties agreed upon. The documents two other parts; the preamble and the list of signatories. The preamble gives brief introduction of the meeting held at Modogashe and introduces the agenda for discussion. This study has zeroed in on the provisions of the accord.

The first provision relates to conflict over water and pasture between various communities living in the region.\(^4^7\) To stop such conflicts, the leaders agreed that herders moving into a neighbouring district should seek prior consent from elders and chiefs of the host community. The migrants should also be cleared by the DSICs of the host districts to whom they should surrender their firearms (illicit or legal). Secondly, grazers should not be allowed to settle permanently in the host district. They should return to their respective districts after the onset of the rains. This is an important provision that has streamlined movement of herders across district and/or communal boundaries especially during drought seasons. The respondents reported that this has reduced inter-communal conflicts over pasture and water resources by seventy percent.

The informants observed that the consent sought from elders in host districts served a number of purposes; first it assured the host communities that the visiting herders were neither coming to claim grazing rights over their land nor settle permanently. Rather, the visitors were coming to seek temporary relief from the negative impacts of drought in their district and return upon the onset of rains. Additionally, the requirement to surrender guns to the DSIC placed heavy responsibilities on the host communities to ensure the security of their visitors, while at the same timing reducing the blame game between visiting herders and their hosts over security issues such as livestock theft and illegal trafficking of firearms.\(^4^8\)

On the one hand, this provision is a good strategy that promotes good neighbourliness, transparency and accountability in the relationship between host communities and their visitors. It is re-introduces the customary norms on sharing of pasture and water between most


\(^{48}\)Interview with Regional Commissioner, North Eastern in August 2011.
communities in the region prior to and during the colonial period. On the other hand, it contradicts the official by restricting the freedom of movement enshrined in Kenya's constitution, while at same time it supports provisions in the constitutions that outlaw possession of illegal arms. In addition, at times desperate herders may not have the time to seek consent and go through the attendant procedures involved in clearing with DSICs in the identified districts.

The second provision concerns the problem of cattle rustling. In order to stop the practice, the local stakeholders decided that peace committees together with elders should collaborate with their DSICs to ensure that stolen livestock are recovered and returned to their rightful owners. On their part, the complainants should provide the correct number of stolen animals, failure to which they shall be prosecuted in accordance with the official law for giving false information. In addition, victims of livestock theft should not follow the raiders. The provision further states that any livestock stolen and not recovered should be compensated by for by five. Loss of human lives will also attract compensation given to blood relatives of the deceased at the rate of hundred (100) camels/cows if the deceased was a man and fifty (50) camels/cows for a woman.

This provision raises two fundamental issues. First, it is inconsistent with the official laws of the country on the question of compensations. The incompatibility is brought about by the fact that the declarations are based on local concepts of communal responsibility, meaning individuals within their respective communities are held responsible for crimes they never committed. This is meant to encourage self-enforcing mechanisms where kinship ties play

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49 Interview with an elder from Mandera district in August, 2011.
50 See Chapter Four, part 2 (article 39) of the constitution (2010).
important role in ensuring that crimes are prevented at the source through relatives of potential criminals, failure to which the relatives will pay for the crime of omission. This internal social control system guarantees peace in a specified region. In contrast the official laws hold offenders personally responsible for crimes committed, that is, promote individual responsibility, and aims to ensure law and order in the entire country. Therefore, the declaration can be seen to supplement the law though the two are ideologically dissimilar.

Secondly, the rate of 100 camels for a man and 50 for a woman is borrowed from Islamic Sheriah. And since some communities do not profess the Muslim faith, it becomes difficult to get consensus on this rule for compensating relatives of deceased persons. Consequently, this provision has since been revised in a 2005 review meeting held in Garissa to allow for modification of the same where there are misunderstandings on this matter in consultation with concerned stakeholders. In addition, some educated women pointed out they were viewed as lesser human beings when it comes to compensation for lives lost as reflected in the 100/50 rule. However, the elders countered this argument saying that the dictates of the 'traditions' should be followed; else one cannot live in the community. This shows that traditions are not changing with dictates of modern times which are a weakness.

The third provision concerns the issue of highway banditry. In this regard, it was agreed that communities where banditry attacks occur should assist in identifying the criminals while and liaise with security officers to arrest the bandits. Regular joint meetings between DSICs and peace committees should be held to address the problem and make follow ups. This provision is consistent with official laws as it propagates for the arrest of bandits through collaboration between communities and security as envisaged in the government policy on community policy.

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52 Interview with a Somali Elder from Modogashe in August 2011.
53 Interview with Chairman Garissa DPC in August 2011.
The respondents reported that the problem of highway banditry has ceased completely and traders can now move across the region, day and night, without being accompanied by security escorts. In addition, this has improved the relations between police and members of the public. However, the provision does not address the issue of reintegrating the culprits back into the community. Following the discussion in chapter three of this study, reintegration raises fundamental questions of trust between members of the community and rebels. The latter will suffer problems of acceptability and trust if they are not reconciled with the rest of the community. For instance, no one will be willing to either employ or do business with a former bandit who used to rob people of their properties. Consequently, frustrated ex-bandits may opt to return to the bush and go back to crime.

The fourth provision was on how to address the issue of trafficking of illegal firearms across porous borders with neighbouring countries like Somalia and Ethiopia. To address this problem, it was agreed that leaders and communities from North Eastern and Upper Eastern should collaborate and work together with government security agents to recover illegal firearms through joint operations. In addition, grazers who migrate into neighbouring should surrender arms to the government security agencies prior to entry. This is another provision which is in tandem with the official laws and helps in checking on illegally acquired arms in various communities. It also facilitates legal action to be taken in case of violations. However, it is difficult to either report or assist in the arrest of armed traffickers because of the risks involved. There are cases where those have been disarmed have threatened to revenge peace committees who facilitated the surrender if the latter do not assist the trafficker find an alternative source of

54 See section on outcomes to peace agreements
income that can sustain him.\textsuperscript{55} This has been a big challenge since there are no funds meant for such projects.

The fifth provision talks about ways of enhancing the democratic process of selecting peace committee members so that the process is more transparent and accountable. It states that peace committees must be elected at the grassroots without political interferences and support from the provincial administration. Further, the provisions spelt out specific roles for peace committees viz; to educate communities on peace matters; develop peace strategies; broker peace among warring parties and encourage dialogue; hold regular peace meetings with neighbouring districts; identify root causes of conflict and work with respective DSICs to address the same.

The idea behind this provision was to make peace committees more representative and inclusive so as to integrate more local stakeholders and enhance legitimacy of the members. However, the term conceptualization of the term ‘democracy’ by formal authorities is different from the way communities understand the same concept. For instance, in some communities elections contradict local ideas on how legitimate authorities are selected.\textsuperscript{56} Such communities have well known elders who are accepted as mediators during conflict and called upon when need arises. According to Menkhaus, these leaders rise to positions of influence through earned reputations as effective negotiators, trusted mediators, pious and wise men over a period of time.\textsuperscript{57} These traits are easily recognized by members of the community but can be quite difficult for outsiders to see. Therefore, the idea of competitive elections does not augur well with the traditional systems and are seen as foreign by locals. The elections are susceptible to

\textsuperscript{55} Interview with youth leader, Lagdera Constituency, Garissa County in August 2011.

\textsuperscript{56} Interview with Gurreh Clan elder from Mandera district in August, 2011.

manipulations from influential members of the society such as politicians, civil servants and members of the NGO.

In summary, the Modogashe declaration covered five key provisions explained above. This study probed further the respondents on whether the agreements were comprehensive in terms of the issues covered and participation from all the stakeholders. 21 respondents agreed that the agreements covered all the issues and that all the stakeholders were adequately represented. However, 9 respondents disagreed noting that the role of women and youth were not spelt out in the agreements. These are major stakeholders in conflict management and their contributions towards peace building are not clearly spelt out in the accord, though some are member of DPCs. This is an indication that women and youth were not adequately represented in the meeting and consequently they did not actively participate in the negotiations.

Implementation of the Modogashe Accord.

The provisions of the accord have tasked peace committees (comprising of elected elders, women and youth representatives), clan elders, religious leaders, chiefs and members of DSICs to implement the provisions of this agreement with effect from the date of signing the accord, 29th August, 2001. Respondents were asked to list the mechanisms in descending order beginning with the most effective to the least effective. Clan elders topped the list followed by peace committees, chiefs, religious leaders, DSICs respectively. The study gathered data on the challenges faced in implementing modogashe declarations. These were divided into issues relating to the provisions discussed above under the section on contents. The other challenges cited were as follows;

Firstly, the commitment of youth and women to the contents of the declaration is minimal. This is because their participation in the negotiations was limited. For example, it is the
feeling among the interviewed women that fellow women will not feel courageous to contradict an elder from their communities because culturally the Somali community is patriarchal. Similarly, a young person who contradicts elders is seen as cursed whether his arguments are genuine or not. This is a challenge since it hinders major stakeholders from participating in peace building work.

Secondly, lack of resources was cited as a major handicap for peace committees to perform their functions. This is occasioned by lack of a legal, institutional framework to facilitate provision of transport, allowances and other logistics by the government. They also do not have binding powers to enforce the provisions of the declaration and only depend on the goodwill of the communities.

Thirdly, the capacity of peace committees and elders to manage modern conflict is low. These leaders do not have enough skills on contemporary conflict management strategies such as mediation, arbitration and negotiation. They are also challenged when it comes to documentation of cases solved since most of them do not know how to read and write. And in case where they enlist the support of an educated scribe they only record the verdict minus other details such as the cause of the conflict, the evidence, and the flow of proceedings.

Despite the challenges listed above, Modogashe declaration has registered success. North eastern province is now calm with no incidents of highway banditry. Inter-clan conflicts have reduced significantly as well as livestock theft and illegal trafficking of firearms. These successes have been recorded courtesy of the introduction of community-level institutions for promoting dialogue and legitimate enforcement; re-orienting the actions and attitudes of local

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58 Interview with the chairman, Garissa Multipurpose Youth Group, in August, 2011.

59 Interview with chief Wajir Central location in August 2011.
state actors; and, generally increasing local capacity to address immediate problems of violent conflict. The Declaration's most notable achievement is the provision of a forum through which conflicting parties can talk to each other and discuss solutions to common problems as well as a framework to guide the discussions. The fact that communities were given more roles to identify their security problems and come up with reciprocal solutions has enhanced their morale to manage conflicts in their midst and build peace in collaboration with government security agents.

For example, the chairman Garissa DPC recalled that prior to the establishment of the peace pact, they used to abandon pursuit of stolen livestock and leave the rest to security officers, or retreat to organize counter-raids which resulted in vicious cycle of attacks. But now all they need to do is liaise with their counterparts in the neighbouring districts to return the stolen livestock who act promptly to avoid accompanying penalties spelt out in the agreement for non-recovery.60

Another notable achievement is the streamlining of the movement of herders across district boundaries during drought seasons which have reduced greatly inter-communal conflict over pasture and watering points. The consent sought from elders in host district assured the host communities that the visitors are not coming to claim grazing rights over their land. Rather the visitors are coming to seek temporary relief from the impact of drought in their district and return once the situation improves. This is a transparent measure that facilitates good neighbourliness since the host could experience similar predicaments in the seasons ahead. It also enhances accountability since the hosting elders are required to guarantee the safety of their visitors.

Similarly, the declaration has improved relations between security officers and members of the communities they serve. A large percentage of the respondents reported that community members are now friendlier to police officers compared to the period before Modogashe accords

60 Interview with Garissa District Peace Committee chairman in August 2011.
came into being. This, they explained, was as a result of the paradigm shift in security operations that favoured synchronization of efforts of all stakeholders as opposed to power-based reactive measures employed by security agents before the declaration came into being. The respondents maintained that interactions between police and community members have enhanced intelligence sharing as well as voluntary surrender of illegal firearms, because the relations between the two is now characterized by mutual respect and proactive engagement as opposed fear and mutual recrimination experienced in the pre-modogashe period.

Conclusion

The objective of this study was to examine the role of informal peace agreements in conflict management using the case study of Modogashe Declaration. In this regard, it has fulfilled the three objectives set at the beginning of the study: Namely; to provide an overview of peace agreements and their input towards sustainable peace, to look at the contribution of indigenous conflict resolution mechanisms and how these can supplement official instruments of managing conflicts, and to outline challenges faced in the implementation of modogashe declaration. Accordingly, the study findings have indeed demonstrated the first hypothesis which states that informal agreements play significant roles in conflict management, while invalidating the other two hypotheses that suggested otherwise.

The statement of the research problem was addressed by showing the existence of a positive relationship between informal agreements and conflict management among pastoral communities in North Eastern province. This strong relationship is based on the fact that informal peace accords employ indigenous conflict management mechanisms that employ holistic, consensus-based reconciliatory approaches which promote problem-solving dialogue and redefinition of relationships among conflicting parties.
As a matter of fact, the study has demonstrated, using the theoretical framework that the
government of Kenya is moving away from the realist approach to security management towards
the problem solving approach. The former presupposes the use of power to quell disturbances
without necessarily finding out the causes of violent conflicts. This has been critiqued for lacking
adequate focus on other essentials for nurturing sustainable peace, and for its inadequate
responses that are mostly piecemeal and reactionary. For instance, prior to Modogashe
declaration, the government used to carry out security operations that crushed everyone in
villages affected by violent conflict thereby causing damage to all, mostly the innocent. This led
to temporary cessation of the violence while in the long term the conflict intensity grew owing to
lack of cooperation between members of the public and security agents. Such situation retards
development as it perpetuates a vicious cycle of conflict that shuns investors while increasing
military spending to unprecedented levels.61 Above all, high costs are incurred as people and
livestock are lost.

In contrast, the problem solving approach creates channels for unofficial representatives
of conflicting parties to collaborate with government agencies and amongst themselves in
analyzing and finding solutions to particulars issues of division.62 They are intended to
participate in peace processes and deepen the analysis of problems and potential solutions, and to
create a venue for interaction that would otherwise not exist under normal conditions.

61 Z.Hassan, “The Role and Effects of Somali Pastoral Conflicts”, A Paper presented to a workshop on Promoting
land rights of pastoralists in the Horn, Nairobi, 1997.

62 J. Prendergast & E. Plumb, “Building Local Capacity: From Implementation to Peacebuilding” in S.J. Stedman et
pp327-349.
Chapter Five

Conclusions

This study examined the role of informal peace agreements in conflict management using modogashe declaration as a case study. This kind of agreement employs indigenous conflict resolutions mechanisms and customs to resolve conflicts, based on traditional systems of governance that handles all social relations between members of a given community and with their neighbours. To reflect on this theme, there is need to reflect backwards and see why re-introduction of indigenous mechanisms is happening at this time.

Governance is probably as old as mankind. Long before the introduction of modern justice system, communities or groups governed themselves using norms dictated by their cultures. Culture defines rights and responsibilities of an individual within a group and further regulates relations between neighbouring groups. However, since culture is dynamic, norms have changed over time especially with the coming of colonial masters who have influenced the marginalisation and relegation of African cultural norms and values to the periphery in favour of modern laws anchored on their lifestyles. This is probably where the rain started beating us.

Following the introduction of modern laws, the notion of security took a turn to embrace the concept of state security in which the legal framework treats all acts of violence as crimes against the state with minimal regard to justice for victims. For instance, if a thief robbed a person in Kenya today, he will be brought before a court of law and charged for robbery which is an offence against the state. The victim will only appear as a witness to reinforce the case. This and similar state policies have visited sufferings on the people.

In particular, pastoral communities in north eastern Kenya have endured long periods of marginalisation, underdevelopment and severe droughts that have triggered conflicts over
pasture, water and other resources. The formal justice system has failed to effectively manage conflict in this region because it has failed to respond to particular socio-cultural, economic and political realities of its inhabitants. The understanding of communities in this region of what constitutes a crime, how violations should be treated, and who has the authority to dispense justice differs fundamentally from the norms on which the formal law is based. This discrepancy fails to take into consideration a fundamental concept of conflict management that plays a big role in causing conflict. This fundamental concept concerns the perception of parties in conflict which if not addressed will build up and explode one day.

This is a common problem across the African continent because the formal justice system and laws were introduced and imposed upon the African communities by European colonial powers. Many decades after gaining independence, most African governments still rely on the same laws which barely reflect the norms and values of the societies they serve. This is one of the major reasons why, in the eyes of local communities in North Eastern, the formal system provides unattractive means to manage conflicts in the region.

To address this problem, local stakeholders have initiated informal peace initiatives such as the Modogashe declaration to solicit for solutions to the many persistent intra and inter-ethnic conflicts with a view to achieve sustainable peace. Such initiates try to move away from the realist perspective of security to a more holistic approach that solicits for home-grown solutions to local problems, which this study has covered extensively. The study findings have shown positive results in terms of reducing insecurity in North Eastern, a region that was considered as the citadel of all insecurity issues. The situation will have been far much better if the necessary support was given to the implementing actors.
The executive arm has given remarkable support towards the implementation of Modogashe declaration as shown by the collaboration between elders and security agents in enforcing the provisions of this accord. However, much is needed especially from the legislative arm of the government to make laws that will entrench the system into the formal legal framework. Otherwise, the application of traditional norms creates the fundamental problem of establishing a parallel legal regime to the modern legal paradigm. A more focused appreciation of the existence of indigenous conflict resolution resources and mechanisms in African countries, could help in saving lives and reduce social strife. But this has to be given the necessary support in the form of resource allocation, training of personnel and the capacity to utilize as well as institutionalizing the search and use of the indigenous mechanisms of conflict resolution.

This study has discussed these and other challenges affecting application of informal peace agreements. The study thus proposes the following suggestions to address the same with special references to Modogashe accords. Informal declarations such as Modogashe should be integrated into the formal laws so that the same do not contradict the official laws of the land. In addition, it will be easier for elders and peace committees to enforce their verdicts, who currently depend on the goodwill of their respective communities. This is also important because it safeguards government officials who support the implementation of the informal agreements from being taken to court for violating the law. Secondly, it assists a great deal to ensure that the informal agreements secure official enforcement mechanisms within the official law framework.

Moreover, the formalization of informal peace agreements will facilitate the enforcing mechanisms like the peace committee to secure funds from government vote to finance their operations. At the moment elders and peace committees depend on well wishers to pay transport, sustenance and other logistics to facilitate their operations. The sponsors could be interested
parties who could use their economic leverage to influence the decisions of the elders. Hence to minimize on chances of biased judgments and improve performance of the elders, the operations of peace committees should be funded by the government after the formalization of their activities through an Act of parliament. This funding will also reduce the problem of resource constraint on the part of informal actors involved in the implementation of Modogashe declaration.

There is a need to make Modogashe declaration more inclusive. This can be done in two ways; first is to bring on board neighbouring communities who interact with those under the Modogashe contract so that there is a uniform framework to manage conflict that emerge from their interactions. These include communities living in Lamu, Mwingi and Tana River districts. Secondly, the participation of women and youth should be encouraged without necessarily diluting the system. This will enhance the legitimacy of the agreements and their effectiveness through the support of these two important stakeholders in conflict management.

Continuous revalidation of the Modogashe peace pact could also help address the grievances of dissenting voices who are contesting verdicts in the agreement. In particular, the two year interval proposed in the revalidation meeting held in 2005 is sufficient to take stock of progress and challenges within the same period. For instance, where parties profess different faiths, customs or cultures, mutual agreements should be reached to compensate victims in separate context-specific agreements while applying Modogashe as the overall framework.

The capacity of peace committees and other collaborative response mechanisms such as council of elders and religious mediation councils should be strengthened through conflict management training. This will enhance peacebuilding capacities of these stakeholders by inculcating listening techniques which will enable them understand others point of view and
search for creative solutions to resolve differences. These leaders should also be encouraged and supported to record the proceedings of their quasi judicial meetings to create an institutional memory and promote the development of local jurisprudence as well as facilitate continuity.

All said and done, increased acknowledgement of socio-cultural contexts has to inform traditional and technical approach to constitutional reforms and frank debates about the justice sector so that many African countries can render justice to their populations and maintain peace and order in peoples’ lives. The ongoing constitutional reforms in Kenya aim to achieve this primary goal.
Bibliography


The International Management of Internal Conflict in Africa: The Uganda Mediation, 1985 (PhD Dissertation, University of Kent at Canterbury, 1994).


Peceny M. & William S. “Liberal Social Reconstruction and the Resolution of Civil Wars in


**Interviews**

Interview with the Chief, Leheley Location, Wajir district, in August 2011.

Interview with Chairlady, Mandeleo ya Wanawake, Mandera district, in August 2011.

Interview with a religious leader from Modogashe location, Garissa district, in August 2011

Interview with coordinator, Catholic Peace Commission, Garissa Office, in August, 2011.

Interview with the coordinator, National Steering Committee on Conflict Management and Peace Building, in August, 2011.

Interview with Gurreh Clan elder from Mandera district in August, 2011.

Interview with a member of Garissa Women for Peace Group, August 2011.

Interview with Regional Commissioner, North Eastern in August 2011.

Interview with Youth leader and member of Wajir DPC in August, 2011.

Interview with an elder from Mandera district in Augusts 2011.

Interview with the chairman, Garissa Multipurpose Youth Group, in August, 2011.

Interview with a Somali Elder from Modogashe in August 2011.

Interview with Chairman Garissa DPC in August 2011

Interview with youth leader, Lagdera Constituency, Garissa County in August 2011.

Interview with chief Wajir Central location in August 2011.

Interview with chief Wajir Central location in August 2011
Appendices

APPENDIX A: Al Fatah Peace Declaration 29/9/93

(a) Taking stock of the increasing intensity of inter-clan fighting between the major clans in Wajir district and especially between Degodia and the Ajuran clans which have continued to claim lives of tens of people, many of them children, women and innocent;
(b) Considering one increasing insecurity in the district in which violent robberies, looting of property and highway robberies affecting them major roads connecting Wajir and Nairobi have continued to take place with alarming frequencies;
(c) Dismayed with the recent callous murder of the late Jeff Buttler and the serious injury of Bob McCarthy both working with UNICEF and the subsequent suspension of NGO activities in the district;
(d) Apprehensive of the imminent danger posed for the entire district the banditry menace and the clan clashes.

Leaders from the major clans namely twenty-five elected and opinion leaders each from Degodia, Ajuran and Ogaden clans respectively as well as five leaders from Gurreh and Murulle clans met to deliberate on the causes of the continuing internecine strife with a view to bringing the problem to an end.

The joint leaders peace meeting taking place of Al Fatah Madrassa in Wajir township between 27th and 27th September, 1993 makes the following resolutions:

1. That the inter clan fighting and stock theft be stopped immediately and a cease fire be effected from the 29th day of September, 1993.
2. That during this cease fire, livestock stolen from Ogaden clans by Degodia and vice versa be mutually returned within seven days effective from 1st October, 1993.
3. That in order to clear the main Wajir-Nairobi road of gangsterly, three sets of committees be formed with specific responsibilities of clearing specified areas namely:
   (a) Habaswein-Lag-bogol
   (b) Lagbogol-Leheley, and
   (c) Leheley-Wajir sections of the road of the highway gangsters.

The peace committees working in these various zones will involve elders, leaders and security personnel comprising local officers drawn from the administration police in Wajir district.

4. That Wajir people without distinction will work as a united people to eliminate the banditry menace in the district. To realize this, the government is urged to work closely with the various panels of peace committees from the district headquarters to the sub-location level, who will monitor the implementation of this peace agreement and advice the authorities on the best method of eliminating the banditry menace.

5. That all minority clans in the district should join hands with the major clans in this peace campaign,
6. That all those persons or families who have deserted their homes or grazing areas or watering places, should go back immediately to their areas and enjoy peace.
7. That from the date of this ceasefire, the traditional law pertaining to blood feud will apply to those who commit murder namely the payment of hundred camels for a man and fifty camels for a women. In the case of stock theft, the rule of collective punishment involving whole groups of people will be applied.
8. That a standing committee comprising eight people from each of the major clans as well as two from the smaller clans will be formed at the district level to work with the District Security Committee for the purpose of restoring peace in the district.
9. That all clans must begin to persuade armed elements among them to submit or surrender their arms to the government.
10. That the Provincial Administration being the executive arm of the government, should instill discipline and sense of duty in the Security personnel as well as Chiefs and District Officers, so that officers working in areas where banditry menace will appear to increase instead of decrease after the implementation of this peace programme will be responsible.
11. That all NGO's namely, World Vision International, African Inland Church, Care International, Oxfam, African Muslim Agency, the United Nations especially Unicef and WFP, and Bilateral Agencies specifically GTZ be requested to come back and resume their operations in the district.

The people of Wajir and the local administration will ensure that adequate security arrangements are made for the same personnel and their operations.
12. That the government considers the formation of a specific force to be deployed specifically for the purpose of fighting the banditry menace. It is recommended that task force comprise mainly local officers from administration and police force.
13. That henceforth the government should take firm action against those who are found to incite people to violent fan clan clashes.
14. That Wajir people will make a public demonstration on September, 1993 condemning the inter-clan conflict and the case murder of the late Jeff Buttler and to manifest there to have all humanitarian agencies back in the district.

Find appended list of signatories to the declaration.
CC.
District Commissioner, Wajir
Provincial Commissioner, North Eastern Province, Garissa
Permanent Secretary in the Office of the President -Incharge of Internal Security
United Nations -UNICEF & WFP
GTZ
All NGOs
All MPs -Northern Kenya Parliamentary Group
The Mass Media

ELDERS/CHIEFS – ISIOLO DISTRICT

Mohamed Mandera - Chief Kinna
Mohamed A. Modale - Chief G/Tulla
Hassan Galgalo - Chief Elsaburu
Mohamed Godana - S/Chief Eldera
Ibrahim Kosi - Action Aid – Sericho
Mokutar Ungiti - Chairman Peace C/Isiolo
Hussein Guffu Jillo - Chief Malkadaka
Abdulahi H. Gojobe - S/Chief Sericho
Osman Omar - Elder
Mohamed Abdosi - “
Dido Guffo - “
Hassan Kaar - “
Hassan Aden - “
Igafo Wasero - “
Suleiman Abdi - “
Mohamed Osuyu - Peace Reconciliaton
Abduba Jillo - “
Siyat Noor Isack - “
Dika Abduba - “
Sora Abagira - “
Hassan Ali Fahamed - “
Joseph Samal - “
AT Alfat Sidi - “
Rashid A. Daswo – Action Aid Sericho
Ali Abudulahi Gure - Elder MOdogashe
Marete Adan - Elder Isiolo

COUNCILLORS MOYALE

Golicha Galgalo - C/County Council
Ali Ahanti - Dev. Of Peace & Reconciliation
Ali Issack - Member
Dansoye Jaldesa - Chairlady – Maendeleo ya Wanawake
Wako Dida - Programme Officer P/Dev – Comm.
Julicha Guyo - “
GulachaGuyo Jillo - “
Denge Okotu - “

ELDERS

Yussuf Ibrahim - Elder
Kassim Sugal - “
Gabow Mirsa - “
Mohamed Hassan - Dege Godana

COUNCILLORS GARISSA

Gabow Abdi - Bishari Gure
Mauld Yale - Sarah Hassan
Moranga Marekwa - M.S. Ahamed

CHIEFS GARISSA

Abdi Fara Down - Chief
Ibrahim Noor - Chief Tokoya – Garissa
Galif Farah - Asst. Banane
Mohamed Ixesa - S/Chief Habaswen
Abdulahama S. Ibrahim - Asst. Chief Eldera
Ebla Haji Adan - Chief Eldera
Mohamed Muhamud - Elder
Abdi Sheik Ado - "
Muhamud Gedi - "
Isai Hussein - Nation Correspondent
Sheik Hassan Ami - Elder
Osma Ibrahim - Chief Dilmanyale
Aden Amed Nono - Secretary W/P & Dev. Comm.

COUNCILLORS WAJIR COUNTY COUNCIL

Abdullahi - C/County Council
Mohamed Nunu - D.Os
Gabow Mursal - Mr. Galif Abdullah
Abdi Abdulahi - Mr. A.A. Hassu

CHIEFS/ELDERS WAJIR

Mohamed Adan Jurow - Elder
M.A Abdulahi - Chief Dilmanyale
Ibrahim Dagane - Chief Habaswen
Ismael Hassan Sheik - Asst. C/Habaswen
Fatun M. Mile - Women for Peace
Nuria Abdulah - Secretary W/P & Dev. Comm.
Hassan Abdile - W/P & Dev. Comm.
Mohamed Sirat - Elder
Omar Abdullah - "
Gulacho Hassan - "
Adan Racho - "
Adan Garoad - "
Ahmed Amidudu - "
Dahir Mohamed - "
Issa Abdi Karisa - "
Abdulahi Haji - "
Abdulahi Kosa - "
AP S.P M.A. Dahise - Member - Wajir
AP C.I.J.K Mativo - " - Isiolo

ELDERS MARSABIT

Alfayo Lake - Member Peace Comm.
Isack Orto - Peace Comm. Marsabit
Rev. Jeremiah - D/Peace Chairman
Haro Bodicha - P/Comm.
Sora Dido - "
Ali Edema - "
Daflis Keinan - "
Sora Godana - "
Halake Wako - "
Kada Barku - "
Mrs. Sadia Omar - "
Jane Joseph Mbaye - "
Gabriel Epoyone - "
A.R.O. Godicha - "
Simbirir Samana - "
Edward Chorodo - "

Witnessed by;

PSIC EASTERN

Mrs. Philomena Koech - PC - Chairman
Mr. Ezekiel Waitage MBS - PPO - Member
Mr. M.K. Tenai - R.C. - "
Mr. Joseph Chumo - D/PCIO - "

PSIC NORTH EASTERN

Mr. Mohamed Saleh - PC - Member
Mr. Alex Rono DSM - PPO - "
Mr. J.K. Ole Papai - RC - "

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<td>Hon. Robert Konchale</td>
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The apologies of the following MPs were received.

Hon. Dr. Galgalo - Outside the country
Hon. Dr. Bonaya - Mombasa ASK Show
Hon. Mallim -"
Hon. Mokhu -"

OTHER MEMBERS

ISIOLO COUNTY COUNCIL

Councillor

Hassan Galgalo
Addulahi Racho
Dabaso Halkano
Buko Golo
Hassan Galma
Ali Koropicha
Sheikh Dabaso Ali
Roge Gira
Boru Dida
Mohamed Nuru
Omar Elmi
Bonja Halake
Godo Jattan
Abdulah Haji Boru
Hussein Abdua
H. Galma - Galvasa
Golo Fugisha - Bulesa Ward
Sahara Ali Sure - Galfas
APPENDIX C: Research Questionnaire

This survey is conducted as part fulfillment of Master of Arts in International Conflict Management course at the University of Nairobi. The questions below are an attempt to examine the Role of Informal Peace Agreements in Conflict Management, using Modogashe Declaration as a case study. Please answer them as objectively as you can. The information obtained will be used strictly for academic purposes and shall be treated with utmost confidentiality.

PART ONE

SECTION A: Processes that led to Modogashe declaration

1. How did Modogashe declaration come about? Please give a brief history

2. Under what context was Modogashe accord negotiated? What were the issues in the negotiation?

3. Who were the stakeholders involved in the negotiations?

4. Do you think the negotiations were comprehensive in terms of both participation and issues put on the agenda? Yes [ ] No [ ]

5. If your answer to (4) above is no, please state the actors and/ or issues left out during the negotiations.

SECTION B: Contents of Modogashe declaration

1. What were the contents of Modogashe accord?
2. Do you think the contents were exhaustive to address causes of pastoral conflicts in the region?  Yes [ ]  No [ ]

3. Please give reasons for your answer in (2) above

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SECTION C: Implementation of Modogashe Agreements

1. Please list the mechanisms used to implement the Modogashe agreements.

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2. Were the mechanisms listed above effective in enforcing the agreements?  Yes [ ]  No [ ]
   Please explain..............................................................................................................
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3. Are there challenges faced in the implementation of Modogashe agreements?  Yes [ ]  No [ ]
   If yes, please list the challenges.
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4. How can these challenges be addressed?
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SECTION D: Outcomes to Modogashe Agreements

1. Do you think the implementation of Modogashe declaration have registered positive results? Yes [ ]  No [ ]

2. If your answer in (1) above is yes, please list the achievements realized.
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........................................................................................................................................
........................................................................................................................................
3. What factors do you think were responsible for the achievements listed in (2) above.


PART TWO

BIO DATA

Please tick as appropriate

1. Gender:
   (a) Male  (b) Female

2. Age bracket
   (a) 18-28 (b) 29-39 (c) 40-50 (d) 51-61 (e) 62 and above

3. Education level
   (a) Primary (b) secondary (c) certificate (d) diploma (e) degree
   (f) Madrassa (g) other (please specify)..........................

5. Position in the community
   (a) civil servant (b) NGO staff (c) businessman/woman (d) local leader
   (e) Other (please specify)..............................................

THE END, THANK YOU.