UNIVERSITY OF NAIROBI

THE ROLE OF NATURAL RESOURCES IN PROMOTING REGIONAL PEACE: A CASE STUDY OF THE KENYA – SOUTH SUDAN BORDER REGIONS

BY

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DECLARATION RECOMMENDATION

I declare that this is my original work and to the best of my knowledge has not been presented to any other university for any award.

KUNTAI OLE TINGISHA   Signed.............................. Date...................................
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This research project has been submitted for examination with my approval as the University of Nairobi Supervisor.

DR EMMANUEL KISIANGANI   Signed.............................. Date...................................

Institute Of Diplomacy and International Studies

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DEDICATION

"TO ALL THOSE WHO DIED AND CONTINUE TO DIE DUE TO CROSS BORDER CONFLICTS BETWEEN THE TURKANA–TOPOSA, THEIR FAMILIES AND THOSE AFFECTED BY THE INCESSANT UNREST"

ACKNOWLEDGEMENT

ABSTRACT

Resources have been largely associated with resource based conflicts which are in various magnitudes. This could range from local, regional to international levels. Communities of nations have had to grapple with issues that translate to these conflicts. This study investigated this problem in the Kenya–South Sudan context in various spheres up to including border regions. The researcher was interested in establishing how resources found in Kenya and South Sudan can be harnessed to avert the never ending conflict between Turkana and Toposa of Kenya and South Sudan respectively. It also sought to find out how conflicts has been handled by respective governments and communities. It further explores various areas of cooperation between Kenya and South Sudan as well as challenges to regional peace. General objective of this study was to establish various aspects of this problem, particularly causes, effects and mitigation strategies. Among justifications of this study is that it will be useful to government of Kenya, South Sudan government and other stakeholders in undertaking effective intervention strategies to promote peace through natural resources. The Researcher reviewed literatures on concept of conflict, pastoralism, causes of conflicts, effects of conflict, and conflict management strategies, among others. The study used conflict theory, and the Democratic Peace theory to analyse the problem. The research is a case study, it used both quantitative and qualitative designs to collect and analyse data. Data collection method used was filling of questionnaires, personal interviews, key informants' interview and documentation review. The researcher used proportionate simple random sampling method to arrive at the respondents groups stratified as, 42 non-governmental organisation operatives, 52 elites, 85 elders, 68 youth (both young men and women), 42 women and 36 religious representatives. Data analysis was conducted through the Statistical Package for Social Sciences, a renowned package for its efficiency and ability to handle large amounts of data given its wide spectrum for statistical procedures properly designed for social sciences. Overall findings and recommendations of the study is that respective governments of Kenya and South Sudan need to redouble their efforts to enhance cooperation and explore ways and means of sharing cross border resources in an effort to promote regional peace and resolve incessant conflict between Turkana and Toposa along the common border. The two governments need to strengthen Community based conflict prevention and management mechanism as well as open up the area through infrastructural development and resource sharing.

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ABREVIATIONS

ASALs	-	Arid and Semi-Arid Lands
CPA	-	Comprehensive Peace Accord
CBO	-	Community Based Organisation
CSOs	-	Civil Society Organisations
DPC	-	District Peace Committees
ECOSOC	-	Economic and Social Council
GDP	-	Gross Domestic Product
GNI	-	Gross National Income
GOS	-	Government of Sudan
GoSS	-	Government of South Sudan
GRSS	-	Government of the Republic of South Sudan
IDPs	-	Internally Displaced Persons
IGAD	-	Intergovernmental Authority on Development
KPR	-	Kenya Police Reserve (ist)
LAPSSET	-	Lamu Port-South Sudan Ethiopia Transport
NATO	-	North Atlantic Treaty Organisation
NCP	-	National Congress Party
NSS	-	National Security Service
SPLA	-	Sudan People's Liberation Army
SPLM	-	Sudan People's Liberation Movement
SSDF	-	South Sudan Defence Forces
SSP	-	South Sudan Pound
UN	-	United Nations
UNDP	-	United Nations Development Programme
USD	-	United States Dollar

1.0 CHAPTER ONE: INTRODUCTION

1.1 Background of the study

Kenya and Sudan enjoyed good neighbourliness up until the later was divided into Sudan and South Sudan, in July 2011.[1] The birth of the youngest nation of the Republic of South Sudan in July, 2011 heralded the birth of Africa's newest state and presented Kenya with a new neighbour. This did not, however, change the cross border dynamics between Kenya and her new neighbour with the continuation of cross border raids between the Toposa herdsmen from South Sudan and their Turkana counterparts from Kenya. There has also been simmering tensions over the Ilemi Triangle, an area bordering Kenya, South Sudan and Ethiopia and currently held by Kenya but claimed by Sudan. Elemi Triangle has been complicated by outstanding historical issues. The maps of Kenya depicted the country's northern boundary with Sudan as a straight line drawn from the tip of the then Lake Rudolf westwards to the north of Lokichogio. Maud line was named after Captain Philip Maud of the British Royal Engineers who delimited the boundary in 1902-03, with the straight line being recognised in 1907 and 1914 as the international boundary between Sudan and Kenya.[2]

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[1]UN (2001) classification of world regions. (*Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings)-*
http://unstats.un.org/unsd/methods/m49/m49regin.htm#africa

[2]Stele Jonathan, (2002 6 August).Oil is Key to Peace in Sudan. *In The New York Times, p. D5*. (London)
https://www.theguardian.com/business/2002/aug/06/oil.jonathansteele

Map 1: Ilemi Triangle and respective administrative boundaries
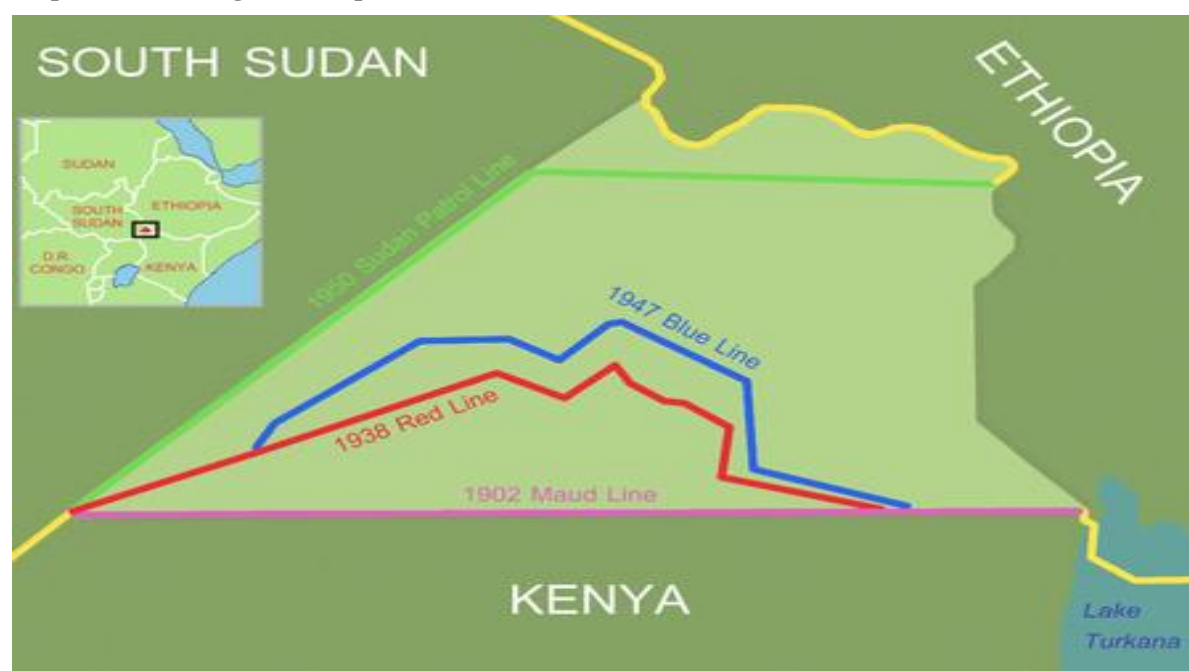
Dr. Mburu Nene - Delimitation of The Elastic Ilemi Triangle: in African Studies Quarterly. File 37 (papers 1568 to 2005)

The dots however, disappeared from official Kenya maps in 1978 and have since been replaced by a continuous line, suggesting that the frontier territory now belongs to Kenya. The Maud Line is claimed by some writers as the only recognised international border, though not every everybody holds that opinion. One of them is Dr Maurice Amutabi, whose PhD research was on the Ilemi Triangle, holds that the territory belongs to Kenya.[3] Amutabi argues that Ilemi Triangle was transferred to Kenya with the Kitgum (Uganda) Agreement of 1924 by representatives of Kenya, Sudan, Ethiopia and Uganda. This agreement ceded administrative rights over the triangle to Kenya. "Whoever puts dots on the map is making a mistake," he says. "The boundaries remain binding just like the transfer from Uganda of western Kenya and Turkana in 1920 agreement between Kenya Colony and Uganda Protectorate.[4]

The dry regions connecting Kenya, Sudan, and Uganda form a large portion of the East Africa dry lands. The pastoral ethnic groups living in this part of the region, namely the northern Uganda, North Western parts of Kenya, South Eastern Sudan, and South Western Ethiopia-share

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[3] Amutabi, M.N. 1999. "Cattle Rustling Among Pastoralists in Northern Kenya: The Genesis and the Truth", article presented at conference on Community Education co-hosted by Action-Aid and Association for World Education (AWE), Isiolo, Kenya, August 25th- 28th, 1999.
[4] Ibid

a common language, culture, and geographical location. Majority of those living in this arid and semi-arid area are pastoralists, whose social and economic life is structured around the maintenance and well-being of their livestock. For pastoralists, livestock serves as primary asset and source of sustenance.[5] Their way of life is characterised by severe weather patterns characterised by a climate where temperatures often exceed 40 degrees centigrade with little annual rainfall.[6]During dry season or times of drought, pastoralists are forced to relocate their cattle in search of water and pasturelands for grazing. Temporary cattle camps, or "kraals,"[7] are assembled to keep livestock from wandering off and to protect them from potential raids by neighbouring tribes.

Inter-tribal conflicts are enviable where there is a challenge in accessing water and also competing rights to land. This happens often when pastoralist from one tribe enter territory of another. This phenomenon occurs among tribes within Karamoja cluster of tribes that strode across region's neighbouring countries. Pastoralist conflict has remained low-profile, against a backdrop of insurgencies and wars that have afflicted the region. Conventional wisdom has underestimated the direct and indirect impacts of pastoralist conflict, in many cases writing it off as a primitive cultural practice. Spillover effects of wars especially between South Sudan and Kenya and proliferation of high-powered assault rifles have transformed otherwise low-intensity tensions into full-scale massacres.[8]These pastoral clashes go largely under-reported. Conflict between Toposa and Turkana of South Sudan and Kenya respectively. This study analysed ways in which natural resources can be used to promote regional peace between Kenya and Sudan broadly but particularly in border regions of the two countries.

1.2 Statement of the Problem

Disputes over natural resources are to be expected. They happen on all scales, from the individual to the international. Indeed, social conflict can be a positive source of creative problem-solving and an important part of progress and development. Disputes can lead to the development of new, more effective institutional structures.

[5]Jacobs, Alan H. 1965. African Pastoralists: Some General Remarks. *Anthropological Quarterly* 38 (3): 144–54.
[6]Mburu, Nene. 1999. Contemporary Banditry in the Horn of Africa: Causes, History, and Political Implications. *Nordic Journal of African Studies* 8 (2): 89–107.
[7]"Kraal" is an African word for a roughly circular fenced enclosure for cattle or other livestock, located within a homestead or village.
[8]41Mburu, Nene (2001). "Firearms and political power: The military decline of the Turkana of Kenya 1900-2000." Nordic Journal of African Studies10, no.2: 148-162.

This study featured on the role of natural resources in the promotion of regional peace between Kenya and South Sudan. These two have real problems associated with trans- boundary disputes over Ilemi Triangle and cross border conflicts between Toposa and Turkana of South Sudan and Kenya respectively, re. Violent confrontations involving Toposa and Turkana of South Sudan and Kenya respectively and Turkana of Northern Kenya are reported weekly.[9] A group of over one hundred Turkana Warriors from Kenya crossed the border and attacked a Toposa homestead on the outskirts of Narus town in 2004. In the clash, over thirty people were reported killed, and more than one hundred cattle, worth over US$22,000, (approximately Ksh 2.2 Million) were stolen. The government of South Sudan (GoSS) compensated the families with livestock after efforts to settle the dispute with the Kenyan authorities failed.[10] Between 2004 and 2008, local peace efforts managed to reduce the frequency and intensity of tribal raids. In May 2008, Taposa raiders crossed into Lokichogio Division of Northern Kenya and raided it, resulting in an estimated forty-three deaths, and a majority of them from the raiding Taposa.[11]

Before President Moi came to power in 1978, maps of Kenya showed the contested area in dotted lines with the words 'provisional/administrative boundary' but later the Kenyan maps omitted the straight Maud Line and reflected the triangle in a continuous line which by implied, the provisional Ilemi triangle does not exist. This supports the claim that President Moi's government entered a covert deal with the government of Sudan, which ceded Ilemi to Kenya in exchange for halting military support for the SPLA through the Turkana ethnic community. The other perception is that Sudanese Peoples Liberation Movement (SPLM) cut a deal with Kenya's authorities in exchange for logistical support in the then ongoing civil war and accommodation of its officials. Medical treatment of wounded combatants of SPLA in Kenya and presence of SPLM officials in Nairobi, Kenya's capital. Further speculations were that the Kenyan government was arming the Turkana community to dominate and pacify the Triangle and reinforce claim over it.[12]

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[9]Discussions with local leaders in Eastern Equatoria (Sudan) and Lokichogio Division (Kenya) in May/June 2007.

[10]Interview with Albert Locheria, Coordinator of the Kapoeta East Native Development Association (KENDA), June 4, 2007.

[11]McEvoy, Claire, and Ryan Murray. 2008. Gauging Fear and Insecurity: Perspectives on Armed Violence in Eastern Equatoria and Turkana North. Small Arms Survey Working Paper 14. Geneva: Small Arms Survey.

[12]Dowden, Richard, (2002). How to secure peace in Africa," The Observer, (London). "Egyptian Press accuses U.S. of seeking to split Sudan," Tehran Times, 4 August 2002; 'Peace in Sudan opens oil of opportunities' Mena Reports, , http://www.sudan.net/news/news.html

It is clear that natural resources play a significant role in fuelling conflicts between communities in the two countries. The Toposa and Turkana of South Sudan and Kenya respectively have been struggling for absolute ownership of water and pasture resources in the Ilemi triangle. Therefore, it is against this backdrop that this study seeks to establish the role of natural resources in promotion of regional peace between Kenya and South Sudan.

1.3 Objectives of the Study

The general objective of this study is to establish the role of natural resources in promotion of regional peace between Kenya and South Sudan. Specific objective were:

1. To analyse the cross border conflicts between the Toposa and Turkana of South Sudan and Kenya respectively over natural resources
2. To establish the challenges facing South Sudan and Kenya in promoting regional peace
3. To establish areas and issues that unify and promote peace between Kenya and South Sudan.

1.4 Research Questions

1. What is the nature of cross border conflicts between the Toposa and Turkana of South Sudan and Kenya respectively?
2. What are the challenges facing South Sudan and Kenya in promoting cross border peace?
3. What are the unifying areas and issues that can promote peace between these communities and between South Sudan and Kenya?

1.5 Research Hypothesis

This study is based on the premise that there are potential conflict areas in the border regions of the Republics of Kenya and South Sudan thus referred to as conflict areas. Despite this fact, the study seeks to prove there exists a significant relationship between natural resources and promotion of regional peace. There exists animosity between the Toposa and Turkana of South Sudan and Kenya respectively which can be overcome through use of resources. The study, thus, seeks to assess ways in which natural resources can be turned around to promote peace, contrary to the general perception that resources are always a source of conflicts.

1.6 Justification of the Study

Natural resources form an integral part of society the world all over, as sources of income, industry, and identity. Developing countries tend to be more dependent on natural resources as their primary source of income, and many individuals depend on these resources for their livelihoods. It is estimated that half of the world's population remains directly tied to local natural resources; many rural communities depend upon agriculture, fisheries, minerals, and timber as their main sources of income.[13] For the pastoralist communities, they heavily depend on water and pasture for the survival of their animals and general livelihood.

This study can serve as springboard for policy makers, politicians, academicians; civil society organisations as well as general readers on the root causes of cross border conflicts between Kenya and South Sudan and assess the role that can be played by natural resources in promoting peace. In addition, the study can help the governments and institutions involved to identify the root causes and possible unifying factors that can mitigate against conflicts. This study can benefit the governments and institutions in future to come up with a policy regarding such undertakings.

1.7 Theoretical Framework

This study was guided by conflict theory of international relations to explain the phenomenon of confrontations between the Toposa and Turkana of South Sudan and Kenya respectively over natural resources.

1.7.1 Conflict Theory

The theory emphasises the role of coercion and power in achieving social order. This perspective is derived from the works of Karl Marx, who saw society as fragmented into groups that compete for social and economic resources. Social order is maintained by domination, with power in the hands of those with the greatest political, economic, and social resources. When consensus exists, it is attributable to people being united around common interests, often in opposition to other groups. Marx theorised that the work of producing consensus was done in the

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[13] United States Institute of Peace, 'Natural Resources, Conflict, and Conflict Resolution', *A Study Guide Series on Peace and Conflict for Independent Learners and Classroom Instructors*. Washington D.C. P. 6. Available at http://www.usip.org/sites/default/files/file/08sg.pdf[Accessed on 10/08/2014].

"superstructure" of society-which is composed of social institutions, political structures, and culture and what it produced consensus for was the "base," the economic relations of production.

According to conflict theory, inequality exists because those in control of a disproportionate share of society's resources actively defend their advantages. The masses are not bound to society by their shared values, but by coercion at the hands of those in power. This perspective emphasises social control, not consensus and conformity. Groups and individuals advance their own interests, struggling over control of societal resources. Those with the most resources exercise power over others with inequality and power struggles result.

Governments, organisations and the elite' make decisions that affect the lives of a large mass of others. A significant amount of research shows these decisions are often made to serve the decision makers economic interests and values of which includes the means of production and property ownership.[14] The central areas of focus from this perspective are; the classes that exist in society, inequalities of society and how society functions to serve the powerful class and disadvantage the others, thereby causing conflict. Examples of these conflicts include wars, revolutions, strikes and communism.[15]

This theory is relevant to the study as it emphasises on the need to share the meagre resources between the two communities. It also gives an indication of the competition and the manipulation brought about by the commercialised cattle rustling believed to be instigated by the elites in among the communities.

1.7.2 Democratic Peace Theory

The theory developed from the democratic peace theory. It postulates that increased economic exchange among individuals, communities and even states help to minimise conflicts between them because the resulting interdependence. Based on this assumption several states have increased economic exchange with other states. To minimise conflicts between the Toposa and Turkana of South Sudan and Kenya respectively, this study postulates that they should be encouraged to have increased economic exchange amongst them. They must also exchange ideas, share resources, and engaged in common trade among themselves. This goes beyond the

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[14] McGregor, C. (2000) Class. Sociology: Australian Connections.2nd Edition. Allen &Unwin, Sydney, Australia.
[15] McGregor, C. (2000) Class. Sociology: Australian Connections.2nd Edition. Allen &Unwin, Sydney, Australia

two communities and encourages the two countries to continue engaging in bilateral trade between Kenya and South Sudan.

Democratic peace theory postulate that democracies are more peaceful in their foreign relations. This idea dates back centuries, at least to Immanuel Kant and other 18th-century enlightenment thinkers. In recent decades it has constituted a major research agenda, competing with arguably other research agendas such as neo-realism. The democratic peace proposition has many possible empirical and theoretical forms. on the empirical side, some propose that democracies are more peaceful in their relations with all other states in the system ("monadic" democratic peace); some propose that democracies are more peaceful only in their relations with other democracies ("dyadic" democratic peace); others argue that the more democracies there are in a region or the international system, the more peaceful the region or international system will be ("systemic" democratic peace); and still others doubt the existence of any significant relationship between democracy and peace. Notably, most although not all empirical research on the democratic peace has employed quantitative methods of analysis. On the theoretical side, there are many different accounts of the relationship between democracy and peace, with most focusing on domestic political institutions, domestic political norms, and constructed identities. the democratic peace proposition is connected to many other propositions linking domestic politics and international relations, including that democracies are more likely to cooperate with each other, that democracies are more likely to win the wars they fight, that escalating military casualties degrade public support for war, that leaders initiate conflict to secure their domestic hold on power (the diversionary hypothesis), that democracies fight shorter wars, that different kinds of democracies experience different kinds of conflict behaviour, that different kinds of authoritarian systems experience different kinds of conflict behaviour, and others. The democratic peace also overlaps with related ideas such as the liberal peace and the commercial peace.[16]

This is the most relevant and dominant theory of the study as it based on the premise that inter dependence by various democracies reduces chances for war between them. It is the dominant theory as it emphasises on the democratic peace in which democracy, trade international organisations and peace mutually reinforce each other. The theory is of the view that democracies are more likely to cooperate with each other rather and less likely to fight each other. The theory also is of the premise that escalating military casualties degrade public support

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[16] Parmar, I. (2013). The 'knowledge politics' of democratic peace theory. *International Politics*, *50*(2), 231-256.

for war, that leaders initiate conflict to secure their domestic hold on power with different democracies experiencing different kinds of conflict behaviours.[17]

1.8 Research Methodology

This study employed a qualitative research. Qualitative research deals with explanations of social phenomena and find the answers to the questions like: how opinions and attitudes are formed; why people behave the way they do; how and why cultures have developed in the way they have; how people are affected by the events that around them; and the differences between social groups.[18] Based on the objectives, various quantitative and qualitative researches explanatory methods were employed. A case study method was used for this study. A case study is the combination of many different sources of information which comprise interviews, documents, participant observation archival information, direct observation, and physical artefact.[19] This research employed descriptive research, to report past and current events or happenings between these two states (Kenya and South Sudan) with regard to the natural resources found in the two countries.[20]

The data used is qualitative in nature whereby primary and secondary data were collected. The methods of data collection focused on group discussion, interview and questionnaire to acquire primary data directly from respondents. The secondary data was collected from the existing relevant published and unpublished documents including books, magazines, journals, newspapers, reports and electronic sources.

The purposive sampling was used to take the zones and the regions with high frequency of cross border incursions and to ensure the inclusion of all players affected by natural resources conflict. In order to get information from the groups, the respondents were stratified as non-governmental functionaries' workers, elites, elders, youth (both young men and women), women and religious people. The age of youth ranges from 15 to 35 depending on the context of groups under study. This is the group that is considered active in carrying out incursion and raiding. Purposive and snowball methods were used to select elites and elders.

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[17] Russett and Oneal 2001

[18] Hancock, B. (2002). *Trent focus group: An introduction to qualitative research.* Nottinghom: University of Notinghom.

[19] Schwandt, A. Thomas (1997). Qualitative Inquiry: A dictionary of terms. London: Sage.

[20] O'Sullivan, E. and Rassel, G.R. and Berner, M. (1989). *Research Methods for Public Administrators*. New York: Longman.

1.9 Chapter Outline

The study is presented in the following five chapters: chapter one presents the background information, statement of the problem, objectives and research questions, justification and hypotheses of the study, theoretical review as well as the methodology that was used to carry out the study. Chapter two presents the cross border conflicts between the Toposa and Turkana of South Sudan and Kenya respectively over natural resources. It also focuses on the possible conflict over territorial integrity over the Ilemi Triangle region. Chapter three outlines the unifying areas that promote regional peace between South Sudan and Kenya. Chapter four entail details the challenges facing South Sudan and Kenya in promoting regional peace and analyses the available data. Finally, chapter five presents the research findings from the sample population and present analysis. It also looked at whether this research approves or disapproves the hypothesis. Conclusions are also arrived at as well as study recommendations.

2.0 CHAPTER TWO: THE CROSS BORDER CONFLICTS BETWEEN THE TOPOSA AND TURKANA OF SOUTH SUDAN AND KENYA RESPECTIVELY

2.1   Introduction

Kenya and South Sudan have experienced different types of cross-border conflicts. These conflicts range from internal disputes between different groups with spillover effects to cross-border confrontations between the two groups from the two countries. For instance, there has been continued contention on the ownership of regional areas between Kenya and South Sudan such as Elemi Triangle.

2.2 The Turkana - Toposa Conflict

The Turkana and Toposa pastoralists face a harsh existence with cattle rearing, migration, and self-defence forming the basic cornerstones of their livelihoods. Conflicts over natural resources are instituted features of inter-and intra-communal relations. But the influence of past wars and an abundance of assault rifles has intensified what were once minor clashes. The commercialised trade in small arms, controlled in part by local elites, has intensified the conflict, leading to wide-spread indiscriminate fatalities, displacement of families, and depletion of livestock.[21] A 2008 Small Arms Survey study in Eastern Equatorial State (Sudan) and Turkana North (Kenya) revealed that nearly half of all respondents interviewed had witnessed a violent event in their lifetime.

The hostilities between these two communities occur mainly along the Kenya-Sudan border, at a place called Ilemi Triangle, located to the west and the towns of Napadal and Lokichogio. Regular clashes also occur at Mogila range and in the rangeland to the immediate North-East of the ranges.[22] The Turkana and Toposa have been living at odds with each other for many years, despite of them having a common ancestry. The population mainly provides their own security for survival. They move from one place to another with their cattle in search for pasture and water across a region characterised by rough climatological conditions, limited government presence or capacity to protect civilians and large availability of weapons and ammunition courtesy of the many incessant wars in the region.

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[21]Mkutu, Kennedy (2003). Pastoral Conflict and Small Arms: The Kenya- Uganda Border Region. Saferworld. http://www.saferworld. org.uk/images/pubdocs/Pastoral%20conflict.

[22] New Site is a village in South Sudan near the border with Kenya. It is used by the SPLA/M as the location for their headquarters and was selected because it is near the border and has quite a good number of trees to protect them from aerial bombardments.

Cattle raiding has been practiced for long in the areas, maintaining a cycle of violence and promoting mistrust between the communities and the limited government agents available. The practice of cattle raiding and conflict are deeply rooted in the local culture leading to a cycle of violence, revenge and counter-revenge. Atrocities and human rights violations rooted in the past cause breeding ground for fear, hate and renewed conflict. Ritual cleansing ceremonies and commemorations of historic peace agreements are important to build mutual trust.

The impact of violent conflict has manifested itself psychologically, physically, and economically, going beyond the material and affecting the lives of thousands of women, children, and men. Traditional morality has collapsed following a rupture in the structure of social relations on which peoples' lives were hinged.

Other cross border conflicts between Kenya and South Sudan have occurred at Nadapal especially during the outbreak of the Second Sudanese Civil War in 1983.

Map 2: Nadapal Area

Mburu Nene - Delimitation of The Elastic Ilemi Triangle: in African Studies Quarterly. Code 1 File 37 (papers 1568 to 2005)

The causes of the conflicts are many and complex and include poor governance, poverty, drought, famine, competition for scarce resources, and identity-based rivalries. These conflicts have caused extensive local crises, drawn heavily on military resources, and have had an adverse impact on economic development in the region. The Turkana, and Toposa strive and continue to invest in livestock. Throughout their history, these pastoral communities have engaged in a multiplicity of economic activities, making use of a wide variety of resources within their reach

and often modifying their animal production given the demands of other pursuits. But some smuggle and engage in raids and make war on their own or for others.

The conflict has forced respective governments to deploy military and police personnel to the border and led to loss of lives. The situation at Nadapal came to a head after cessation of South Sudan as country sought to establish its boundary with Kenya, alleging that the former had encroached into its territory. A set of maps reportedly released by South Sudan authorities on 5 October 2011 appeared to lay claim to a large tract of land that Kenya asserts is within its national borders.

The Napadal is a border point that has, since, generated severe disputes between Kenya and South Sudan and degenerated to hostile relations between people living across common border. The area is of economic importance as Toposa people practice a mixed agriculture: sorghum cropping and animal husbandry with cattle, camels, donkeys, goats, and sheep. The animals, especially cattle, are more prestigious than crops, and almost every social fact and activity is connected to them. The Nadapal green belt is thus economically very important as it provides the very source of pasture for livestock which is the livelihood for Toposa as well as Turkana and other nomadic communities that traverse the region.[23]

In their long history, livestock provide not only a valuable source of food, but also act as a reserve of wealth, a redeemer from damage, a sacrificial gift, and a means of marriage and other ceremonial payments.[24]

2.3 The Turkana Merille Conflict

The Turkana pastoralists equally engage the Merille when they converge at Ilemi triangle for a common purpose of fending for their herds. The Merille are found in the South Eastern Ethiopia and converge with the Turkana and other pastoralists at the Elemi Triangle in search of pastures. These two communities have been in conflict for several years with serious consequences. For instance; on May 4, 2011 a clash between Turkana and the Merile in the Ethio-Kenyan border

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[23] Donna E. Bimbo (August, 2013).Tripdownmemorylane.blogspot.co.ke/2013/08/*Toposa People-nilotic-agro-pastoral.html*
[24]Kapteijns, Lidwien. (2001). A Pastoral Democracy: A Study of Pastoralism and Politics among the Northern Somali of the Horn of Africa. *Africa, 71*(4), 719.

and following days left over 38 people dead.[25] However this conflict has a long history on Timeline of this Conflict. Documented conflicts between these groups started in the late 1950s with cattle raiding and killings over territorial claims and grazing grounds. The tensions between the Turkana and Merille people continue today and have been made more intense by factors such as drought and other socio-economic factors.[26] Whereas border conflicts have been a common feature along Kenya northern border areas, since time immemorial, the management of the conflict in these areas is of special concern because it is paramount in initiating development for the locals such as education and infrastructure, as it also helps stem loss of lives and destruction of property.

2.4 Colonial and Post-Colonial Policies

Cattle raiding among pastoralists is a phenomenon that stretches back to centuries involving some violence with stolen cattle aimed at replenishing herds after losses resulting from draught and famine. Sometimes cattle are used or bride price. In situations where raids resulted to deaths, cattle were used as compensation, followed by a cleansing ritual for the culprits. This phenomenon still holds to date in most nomadic communities with compensation termed as "blood money" Prior to the system of hierarchical government, councils of elders, traditional courts, and peer groups were at the center of authority among tribes. As such, they governed raids to ensure that they did not spiral out of control, and when disputes arose, traditional mechanisms were employed to settle them.[27]

This social order was disrupted by colonial rulers, replacing it with a system of provincial government appointees within newly established borders that limited free movement of pastoralists. Traditionally, family land was passed down from one generation to the next, but alienation of pastoralists from their land, combined with discriminatory land reforms eroded this custom.[28] In addition, pastoral communities were isolated from other areas that enjoyed benefits

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[25]AFP Nairobi (04 May, 2011). Ethiopian armed men kill 38 at Kenya border. *The Ethiopiaforums.com/Ethiopian*. At http*://ethiopiaforums.com/Ethiopian*.

[26] Jesse C Powers (2011) Climate Change and the Turkana and Merille Conflict. Case Studies: Number 238

[27]Mkutu, Kennedy (2003). Pastoral Conflict and Small Arms: The Kenya- Uganda Border Region. Saferworld. http://www.saferworld. org.uk/images/pubdocs/Pastoral%20conflict.

[28]Kandagor, Daniel (2005). Rethinking Pastoralism and African Development: A Case Study of the Horn of Africa. www. codesria.org/Links/conferences/general.../kandagor.

of colonial security and development.[29] The apparent crackdown on cattle raiding was an overall attack on pastoralism itself, on grounds that it was a primitive and thus inhumane way of life. The weakening of traditional governance has undermined pastoralists' authority and ability to settle disputes. Without adequate alternatives to replace traditional structures of governance and security, pastoralists operate in an anarchic environment.[30]

Today, a colonial attitude has persisted in post-colonial era, [31]the spread of land privatisation, and government policies favouring sedentary groups and large-scale agriculture over nomadic livelihoods, competition over grazing areas has grown increasingly fierce. Pastoralists are also heavily under-represented in parliament and civil service posts. Furthermore, neo-liberal policies that embrace a market economy polarise rich and poor, resulting in a new generation of youth that disregard authority of elders by obtaining wealth through militia formation and banditry.[32]Local business and political elites use cattle rustling as a means for commercial profit, capitalising on breakdown of traditional lines of authority.

2.5 Cross Border Conflicts between Kenya and South Sudan in Context

The border lands connecting Kenya and South Sudan form a portion of East Africa dry lands. The pastoral ethnic groups living in north-western Kenya and South Eastern South Sudan share a common language, culture, and geographical location. Majority of those living in this arid and semi-arid area are pastoralists, whose social and economic life is structured around maintenance and well-being of their livestock. For pastoralists, livestock serves as primary asset and source of sustenance.[33]Their way of life has been dictated by severe weather patterns characterised by a climate where temperatures often exceed 40 degrees centigrade with little annual rainfall.[34]During dry season or times of drought, pastoralists are forced to relocate their cattle in

[29]Mburu, Nene (1999). Contemporary Banditry in the Horn of Africa: Causes, History, and Political Implications. *Nordic Journal of African Studies* 8 (2): 89–107.

[30]Mkutu, Kennedy (2003). Pastoral Conflict and Small Arms: The Kenya- Uganda Border Region. Saferworld. http://www.saferworld. org.uk/images/pubdocs/Pastoral%20conflict.

[31]Mkutu(2006). Small Arms and Light Weapons Among Pastoral Groups in the Kenya-Uganda Border Area. *African Affairs* 106:47–70.

[32]Duffield, Mark. 1997. Ethnic war and International Humanitarian Intervention: A Broad Perspective. In *Understanding and Managing Pastoral Conflict in Kenya: A Literature Review*, ed S. Kratli and J. Swift, 1997 University of Sussex, UK.

[33]Jacobs, Alan H. (1965). African Pastoralists: Some General Remarks. *Anthropological Quarterly* 38 (3): 144–54.

[34]Mburu, Nene (1999). Contemporary Banditry in the Horn of Africa: Causes, History, and Political Implications. *Nordic Journal of African Studies* 8 (2): 89–107.

search of water and pasturelands. Temporary cattle camps are assembled to keep to keep livestock from wandering off for protection against potential raids by neighbouring tribes.

With limited access to water and competing rights to land, inter-tribal conflict arise where pastoralists from one tribe enter territory of another. This phenomenon occurs among tribes within these borders as well as with those across the border in neighbouring countries. The conventional wisdom has underestimated direct and indirect impacts of conflicts over natural resources, in many cases writing it off as a primitive cultural practice. This study specifically reviews the role of natural resources in these cross border conflicts and also explores options for promoting regional peace. It is vital that international and domestic actors recognise dynamics of pastoral conflicts over natural resources in order to devise appropriate ways of promoting regional peace.

2.6 The Specific Cases of the Turkana and Toposa conflict

The clashes occur either because Toposa move south into Kenya or Turkana approach the border into South Sudan. The distribution of clashes along border is uneven, with several corridors where both parties to conflict appear to favour for the raids. The first is stretch of territory running south-east from New Site. The second corridor crosses the border at Nadapal and runs southward towards Lokichogio, and the third runs along either side of the northern part of the Mogila range. With a range of weapons at their disposal, the Toposa are far more heavily armed than Turkana. This disparity in armaments arguably results from many heavy weapons left over from previous Sudanese war[35]. In particular, Toposa communities frequently deploy with AK light machine gun among their warriors. The AK 47 is a general purpose weapon, designed to provide heavy suppressing fire. In terms of individual weapons, Toposa use NATO-standard G3 and Self Loading Rifles (SLR), in addition to many Kalashnikov pattern assault rifles.

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[35]Buchanan-Smith, Margie, and Jeremy Lind (2005).*Armed Violence and Poverty in Northern Kenya*. Centre for International Cooperation and Security (CICS), University of Bradford, UK.

Map 3: Conflict area of New Site, Mogila ranges and Nadapal Area
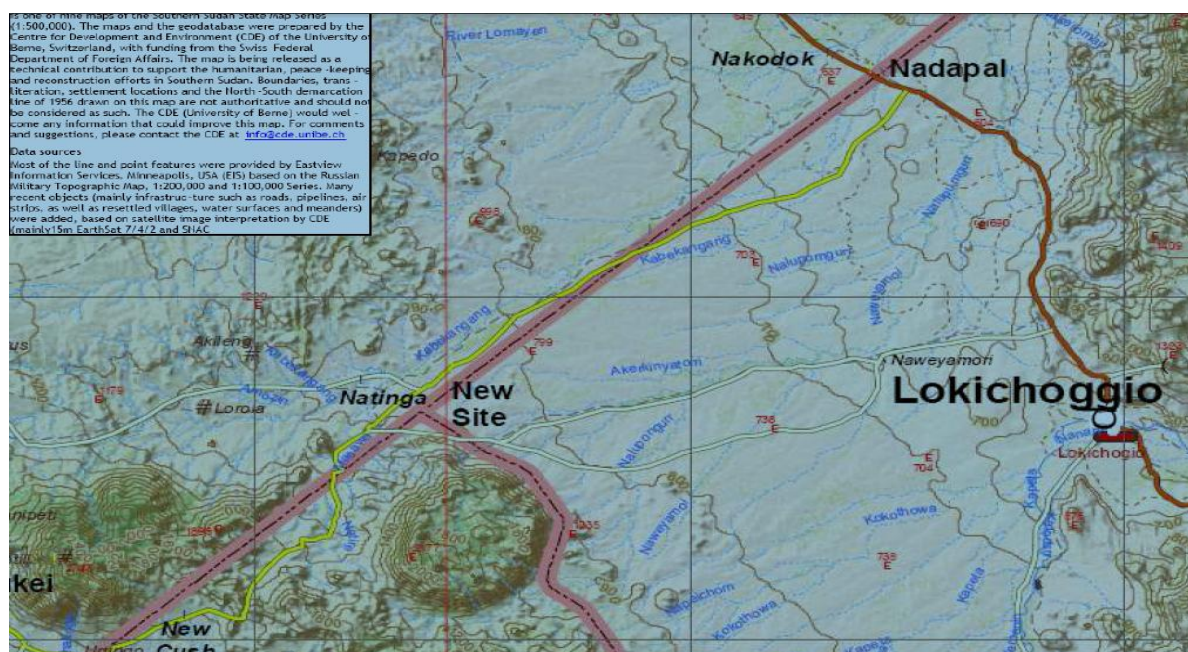
Map of border area (2005) Federal Department of Foreign Affairs Switzerland & University of Bern, Southern Sudan State Map Series, Eastern Equatoria State; 1:500.000)

2.6.1 Root Causes of conflicts between Turkana and Toposa

Both of these communities are pastoralists. Pastoralism describes movement of communities in semi-arid and arid areas as for search of pasture for their livestock. This practice is common or routine in these two communities. Due to a combination of rainfall patterns and nature of soils and vegetation, most of Turkana and Toposa keep large herds of livestock. Spatial and temporal rainfall patterns lead to very limited and seasonal availability of pastures. This exposes pastoralists to immense risks and uncertainties as they trek long distances in search of grazing and water for their animals. Dry season is intense, from November to March. Rainy season typically lasts from April to August.

These conditions force pastoral communities to move from one place to another as a strategy, because resources are so scarce and scattered. Pastoral groups in region have adopted different strategies to meet minimum subsistence demands for survival from one season to the next. During dry season, when drought intensifies, Turkana, and Toposa cattle keepers find pastoral resources outside their borders in neighbouring regions. Before moving out into these regions, they usually send reconnaissance teams to negotiate entry and use of resources owned by another community, in order to avoid friction. Ideally, pastoralists move into neighbouring areas belonging to those with whom they share some common clan lineage. These intertribal meetings

lead to conflict, when disagreements arise over what herders do in new location and quantity or quality of resources they are allowed to access.

2.6.2 Grazing areas

Most of the cross-border conflicts between Turkana and Toposa involve grazing areas and water. These pastoral communities require these for their animals and agricultural practices. Watering points impact seasonal grazing patterns in this area. Nevertheless, provision of new water sources does not obviate the need for mobility to exploit unpredictable distribution of grazing resources, and introduction of new water sources in pastoral areas can have negative effects on rangeland—for instance, erosion due to over-concentration and overgrazing. Seasonal grazing patterns among each of these two communities involve leaving some grazing fields untouched for some time during wet season so they can recover and provide grazing during dry season. Any situating of new watering points that fails to take customary practices into account can undermine existing patterns and result in permanent grazing throughout the year, which in turn results in overgrazing. Unfortunately, most new livestock watering points introduced since colonial period have not been based on an understanding of dry-season grazing patterns or planned in consultation with customary authorities.

2.6.3 Water as a Scarce Resource

The availability of water plays a crucial role in this conflict as it is what determines productivity of crops as well as number of cattle that each group can support. Main water sources in this area are Lake Turkana in northern Kenya and Omo River that runs throughout southern Ethiopia.

Lake Turkana receives 80 - 90% of lake surface water inflow from Omo River in Ethiopia, hence, the lake is almost solely dependent on this one river basin, and any developments within this basin will directly affect the lake. Water levels of these two water sources are dependent on rainfall as and often affected by human activities such as irrigation and building of dams. Over the years a decline in water levels has added to this conflict by increasing severity of available grazing and agricultural land, as well as causing increased migration.[36]

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[36] Richard Leaky (2008)

The decline in water levels along Lake Turkana has had direct impacts on conflict between Turkana and Toposa people. Traditionally, Omo River delta (where Omo River drains into Lake Turkana) has served as border defining both Toposa and Turkana territory. The decline in water levels has caused a southward recession of Lake Turkana further into Kenyan territory. The Toposa people follow receding water into Kenyan territory raising tensions between these two groups escalating new territorial disputes. Droughts also fuel tension between these two groups by decreasing food supplies and increasing migration and cattle raids.

Map 4: Turkana Conflict Areas
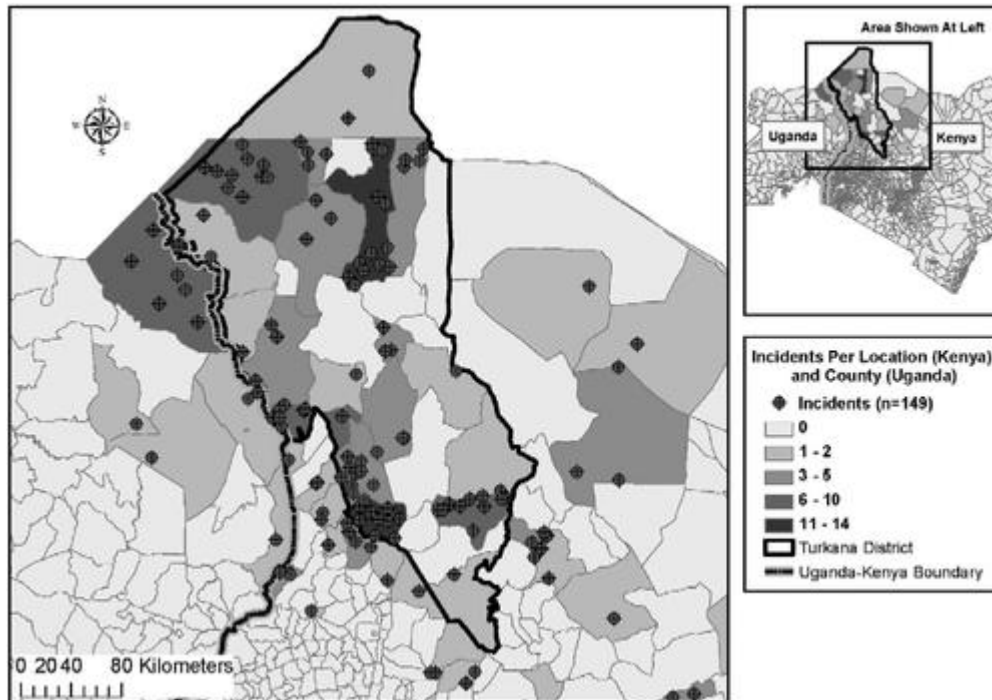
Mburu Nene - Delimitation of The Elastic Ilemi Triangle: in African Studies Quarterly. Code 1 File 37 (papers 1568 to 2005)

2.6.4 Boreholes and Irrigation

The people in this region walk considerable distances in search of water during periodic dry seasons when access to safe water for domestic and livestock use becomes a challenge. Some pans and dams built during colonial days are plagued by silting, breaching of embankments, poor maintenance of pumps, lack of fuel to run boreholes, and general underperformance of facilities. Not many boreholes have been constructed since independence, but available few are utilised for both livestock and home consumption. Expanding commercial agriculture, in particular irrigated agriculture, encroaches and takes up large areas of pastoralist land.

2.6.5 Oil Resources in the two countries

Kenya has, over past few years, enjoyed cordial relations with Sudan, taking in countless refugees both from what is now South Sudan and from Darfur, including tens of thousands of Sudanese migrants in vast Kakuma Refugee camp. However, Kenya finds herself struggling to balance opportunity to profit from South Sudan's independence and more so the oil resource. There has been heightened oil-related tensions between Sudan and its southern neighbour with the latter ceasing all production and export, and the former briefly seizing South Sudanese tankers amid demands for transit fees of up to thirty times international approved rates.

Kenya appears to recognise the enormous potential of South Sudan as a key partner and agreeing to various infrastructural investments with the country, including a pipeline agreement between south and the Kenyan port of Lamu, which hypothetically overrides need for a Sudanese role in production of South Sudan's oil reserves.[37]

Another sign of Kenya's seemingly preferential treatment of South Sudan is its current major regional infrastructure investment in Lamu Port and Lamu-Southern Sudan-Ethiopia Transport Corridor (LAPSSET). LAPSSET involves airports, railways, roads and importantly, an oil pipeline between Lamu, where a new refinery will be built as an exit port for South Sudan. Transport links will connect cities in Kenya, South Sudan and Ethiopia.

Development Project. Given South Sudan's Gross National Income (GNI) per capita of around $984, suspected pipeline cost of USD$ 1.5bn (plus hefty insurance charges) would be an exceptionally large investment, even without considering other factors such as pipeline's partial location in bandit-ridden Western Kenya.

With talk of an offshoot pipeline illicitly supplying the north, however, Juba sees a new arrangement for maximising its oil profits as a priority, and that a temporary halt in production is a worthwhile risk for long-term revenue gain. The absence of any revenue sharing agreement after South Sudan's independence was always likely to be a cause of regional instability, but temporal pressure caused by an almost total freeze on South Sudanese government revenue due

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[37] Peter Howes - Risk Resolution group, *Kenya Sudanese Relations: heading for a collision*– 9th February 2012

to its total cessation of oil production heightens the risk. The geopolitical cliché of pipelines as regional arteries is uniquely applicable in the world's newest state.

2. 7 Factors Contributing to the Escalation of the Conflicts

2.7.1 Environmental Factors

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

In the past few decades, drought-related emergencies have risen sharply. Oxfam reports that the number of people affected by drought rose from 16,000 in 1995 to an estimated three million in 2006.[38] The Turkana have been faced with a persistent drought problem since 1999. They call this event "Kichutanak," which means "it has swept away everything, even animals." In some areas of Turkana County, 70 percent of people's livestock were lost. In financial terms, this is equivalent to losing 70 percent of one's savings. Not surprisingly, prolonged drought and the cattle deaths associated with it escalated levels of violence in the region. In March 2006, the sole water pump within a radius of 50kms broke down, prompting movement of over 600 Turkana families from Oropoi village in Kenya to cross the border with their livestock into Uganda with their livestock in search of water.[39] Inevitably, the neighbouring Dodoth tribe in northern Uganda attacked the fleeing Turkana.

2.7.2 Commercialisation of Cattle Rustling

The emergence of local elites that aim to profit from cattle rustling is a phenomenon that has changed the scope of the conflict by creating economic incentives that did not previously exist. This has exacerbated the brutality associated with raiding and has created links between the illicit trades in stolen cattle and small arms. Commercialisation of cattle rustling has led to major

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[38]Oxfam (2006).Delivering the Agenda: Addressing Chronic Under-development in Kenya's Arid Lands.Oxfam International Briefing Paper 88.
[39]*Africa News* (2006). Kenya: Surviving Hunger and Bullets in Turkana. March 28.

changes in economic, social and political structures in border area.[40]Local businessmen and even politicians reportedly fund raids in order to sell cattle on black market to places as far away as South Africa and Saudi Arabia.[41] Whereas small-scale raiding does not deplete entire stocks, commercialised raids with elaborate planning and logistical know-how can render entire communities destitute. .Large infrequent raids, coupled with repeated small-scale incidents create an environment of insecurity and financial hardship.

The commercialisation of cattle raiding has a devastating effect on pastoralist economy. In many instances, warriors conducting large commercial raids outnumber security forces. There is also evidence that many local security providers collude with the profiteers of raids.[42] Lack of state control in pastoralist region has paved way for emergence of cattle warlords with armed militia.[43] Without proper security provision, a small number of entrepreneurs will continue to benefit at the expense of a great number of people.

2.7.3 Inadequate state security machineries

As part of a political campaign that favours sedentary communities over non-sedentary groups, respective governments have over time neglected to invest a great deal in infrastructure and public services in pastoralist border areas, thus exacerbating lack of state security in the region. Without sufficient roads, accessible lines of communication, and a large qualified security presence, pastoralists have had no choice but to take up arms in order to protect their families and livestock. Moreover, cross-border raiders are considered immune from prosecution, because governments lack capacity or infrastructure required to prosecute those involved in acts taking place in other jurisdictions.[44] Small Arms Survey reports that nearly 60 percent of residents living along Kenya- Sudan border are dissatisfied with security provisions in their communities.[45]

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[40]Mkutu, Kennedy (2003). Pastoral Conflict and Small Arms: The Kenya- Uganda Border Region. Saferworld. http://www.saferworld. org.uk/images/pubdocs/Pastoral%20conflict.
[41]Mkutu, Kennedy (2003). Pastoral Conflict and Small Arms: The Kenya- Uganda Border Region. Saferworld. http://www.saferworld. org.uk/images/pubdocs/Pastoral%20conflict.
[42]Mkutu, Kennedy (2003). Pastoral Conflict and Small Arms: The Kenya- Uganda Border Region. Saferworld. http://www.saferworld. org.uk/images/pubdocs/Pastoral%20conflict.
[43]Osamba, Joshia. 2000. The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya. *African Journal of Conflict Resolution* 1 (2): 11–37.
[44]Confidential interviews conducted in Sudan in May/June 2007.
[45]McEvoy, Claire, and Ryan Murray. 2008. Gauging Fear and Insecurity: Perspectives on Armed Violence in Eastern Equatoria and Turkana North. Small Arms Survey Working Paper 14. Geneva: Small Arms Survey.

In Kenya, where military's role is restricted to responding to large-scale incidents and carrying out community disarmament programs, governments has armed local defense units to provide security at local level. These comprise civilians who are given a registered firearm and ammunition without any training or remuneration. In Kenya, for instance, Kenyan Police Reservists (KPR), armed with Kalashnikov-pattern and G3 assault rifles, function as a community task force mandated to respond to local crime and disputes. While KPR are sometimes effective in defending communities against cattle raids, they are equally known to lend out their weapons to warriors for raiding purposes, undermining the very security they are supposed to protect.

2.7.4 Proliferation of Small Arms

There is a large market of weapons provided by the pastoralists living along the Kenya and South Sudan border regions. With the availability of cheap and easy to use assault rifles, pastoralists have abandoned the practice of cattle rustling using bows and arrows. Small Arms Survey conducted in Kenya suggests that small arms are used in 96.9 per cent of cattle rustling events in the Kenya-Sudan border region. [46]While it is difficult to estimate exact number of small arms in circulation in the region, experts estimate that it is well over 300,000.[47]Pastoralist communities arm themselves for several reasons. First, they need to protect their family and livestock from warriors of other tribes and bandits. Second, guns are used to raid livestock from other communities. Lastly, guns are an investment that can be traded for livestock and other commercial goods.[48] Moreover, a 2008 ammunition study in Kenya found that majority of illicit civilian-held ammunition was Kenyan-manufactured; revealing that it had either been stolen from weakly guarded stockpiles or sold by corrupt officials.

Sudan People's Liberation Army (SPLA) in South Sudan has also been accused of corruption and poor response to violent incidents. There is a growing police force in South Sudan, but it lacks training, is poorly funded, and due to insufficient transportation and communications,

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[46]McEvoy, Claire, and Ryan Murray. 2008. Gauging Fear and Insecurity: Perspectives on Armed Violence in Eastern Equatoria and Turkana North. Small Arms Survey Working Paper 14. Geneva: Small Arms Survey.

[47]Regional Program of Action for Peace and Security. 2006. *Disarmament of Armed Nomadic Pastoralists and the Promotion of Sustainable Development in Zone* 3. Project number 1.1.2.Presented at the IGAD Regional Workshop on the Disarmament of Pastoralist Communities, May 28–30, 2007.

[48]Interviews in Kenya and Sudan in May/June 2007.

cannot respond in time to violent events.[49]Between the border town of Nadapal (South Sudan) and Lokichogio (Kenya), a disputed 25-kilometer road connects the two countries. Without any security posts on the road, Turkana warriors from the hills are able to ambush many cars that travel up and down this road daily.

2.7.5 Conclusion

Colonial and post-colonial policies have greatly influenced cross border conflicts between Toposa and Turkana of South Sudan and Kenya respectively. Cross border conflicts over natural resources remains a major source of instability in region, largely because of the artificial character of Kenya-South Sudan border, its poor delineation and demarcation, and their porousness. Various reasons that enhance cross-border conflicts between Kenya and Sudan are endemic to an extent that there is need for formulation of solid policies, which can support reduction of conflict.

It is imperative to note that lack of clear governance structures along the border regions continue to promote under development, commercialisation of cattle rustling, which have bled more unfriendly relations between the Turkana of Kenya and Toposa of South Sudan. In spite of recognition that colonial boundaries are not viable in their current state, continent's governing elite has elected and stuck to a policy of territorial status quo, partly because of a legitimate concern that any attempt to review boundaries will lead to anarchy. As a matter of fact, boundary-related inter-state conflict has been prevalent reason for conflict between Toposa and Turkana of South Sudan and Kenya respectively.

Grazing lands have been an issue of concern for the two communities as they all depend on livestock for their livelihood. They require these for their animals and agricultural practices. With the famine and drought ravaging the grazing lands, the two pastoral communities are forced to compete for the meagre grazing areas irrespective of their location on either side of the border, thus sparking the conflict.

Proliferation of small arms have arising from instability in the neighbourhood has made it easier for communities to easily arm themselves. This, coupled with less visibility of the government

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[49]Interviews with SPLA Commander of Nadapal, Sudan, June 4, 2007, and Alphonse Irenge, Senior Inspector Local Government, Narus, Sudan, June 5, 2007.

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security forces has embolden the communities claim for right of self-protection. In realisation of the security gap, the governments have armed their respective communities for the very purpose.

3.0 CHAPTER THREE: A CRITICAL ANALYSIS OF THE ROLE OF NATURAL RESOURCES IN PROMOTING REGIONAL PEACE: CASE STUDY OF THE BORDER REGIONS OF KENYA AND SOUTH SUDAN

3.1 Introduction

This chapter presents analysis and findings to summarise completed observations in such a manner that they yield answers to the research questions in line with general objective of the study, which is to establish the role of natural resources in promotion of regional peace between Kenya and South Sudan. It is the purpose of interpretation to search for the broader meanings of those answers by linking them to other available knowledge.[50] This chapter focuses on findings of the study undertaken through various methods of data collection. Presentation and analysis of data collected are as shown below.

3.2 Information on Demography

The study sought to establish the demographic information of respondents in terms of gender distribution, age and category.

3.2.1 Respondents Gender

Figure 1: Respondents Gender

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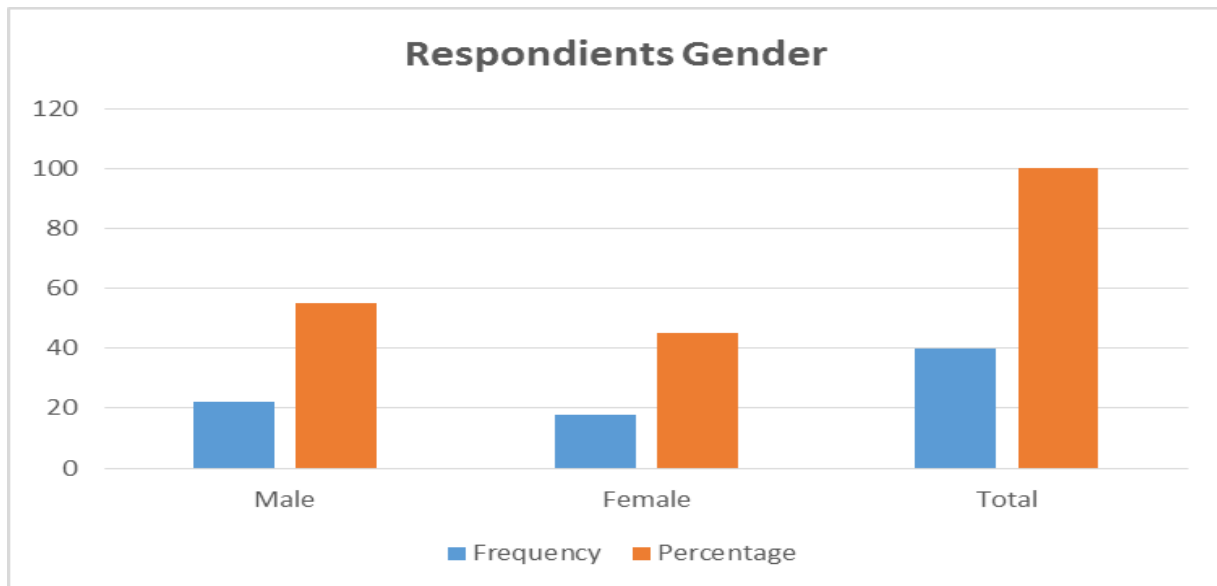
[50] Seltz C.J. et al 1959.

The study revealed that majority of respondents as shown by 55% were male whereas 45% of the respondents were female. This implies that respondents were well distributed in terms of their gender and they would respond to questions with ease.

3.2.2 Category of the respondents

The study sought to establish the category of respondents, from research findings, the study revealed that majority of respondents as shown by 26% were elders, 21% were youth, 16% were elites, 13% were non-governmental functionary workers, 13% women and , 11% were religious persons. This implies that respondents were fairly distributed and they would give credible information.

Figure 2: Category of the Respondents
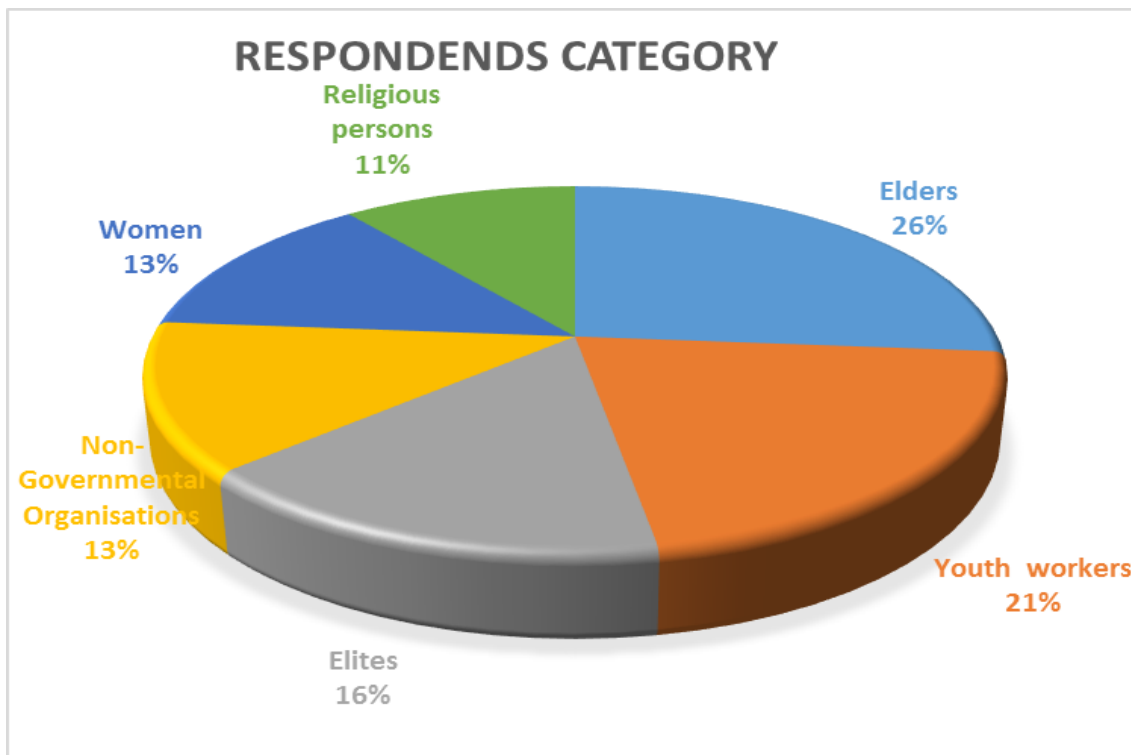
3.2.3 Respondents Age Group

The study revealed that majority of respondents as shown by 35% were aged between 35-45 years, 27.5% of respondents were aged between 15-35 years, 15% were aged between 46-55 years, 12.5% were aged between 56-65 years whereas 10% of respondents 65 and above. This implies that respondents were well distributed in terms of their age and would present comprehensive knowledge based on divers' experience.

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Table 1: Respondents Age Group

Age	Frequency	Percentage
15-35 years	11	27.5
35-45 years	14	35
46-55 years	6	15
56-65 years	5	12.5
Above 65 years	4	10

3.3 Proliferation of small arms

The study sought to establish extent to which respondents agreed with the statements below relating to proliferation of small arms. Majority of respondents strongly agreed that some pastoralists in border regions still practice cattle rustling using bows and arrows as shown by a mean of 4.55, poverty looms in the regions intensifying competition for scarce resources, which takes the form of violent armed conflict as shown by a mean of 4.40, poor and corrupt policing of borders between Kenya and its neighbours has facilitated influx of large quantities of small arms as shown by a mean of 4.30. Others agreed that pastoralist communities arm themselves so as to protect their family and to raid livestock from other communities as shown by a mean of 4.25, large market for small arms is provided by pastoralists living in the border regions of Toposa and Turkana as shown by a mean of 4.10 and that guns are as an investment that can be traded for livestock and other commercial goods as indicated by a mean of 4.03. Poor and corrupt policing of borders between Kenya and its neighbours has enabled the influx of large quantities of small arms as shown by a mean of 4.03.

Study findings are in line with Amutabi who indicated that several reasons for small arms wide use is that they are cheap enough for even the criminals that are considered poorest and insurgent groups to acquire in large quantities; they are lightweight and easy to conceal for smuggling and for carrying out operations; they are sturdy, require very little maintenance, and last a long time; and finally, they are very easy to use - no training is needed and no complex Organisation is necessary.[51]

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[51] Amutabi, M.N. (2009). "Cattle Rustling Among Pastoralists in Northern Kenya: The Genesis and the Truth", article presented at conference on Community Education co-hosted by Action-Aid and Association for World Education (AWE), Isiolo, Kenya, August 25th- 28th, 1999.

Table 2: Causes for Proliferation of Small Arms

Effects of conflicts	Strongly Disagree	Disagree	Moderately Agree	Agree	Strongly agree	Mean	Standard Deviation
Some pastoralists in border regions still practice cattle rustling using bows and arrows	0	1	1	13	25	4.55	0.23
There is intensified competition for scarce resources which takes form of violent conflict due to Poverty looming in the regions	0	0	5	14	21	4.40	0.20
Proliferation of small arms is facilitated by poor and corrupt policing along the border between Kenya and her neighbours.	0	1	5	15	19	4.30	0.19
Pastoralist communities arm themselves so as to protect their family and to raid livestock from other communities	1	2	5	10	22	4.25	0.19
Large market for small arms is provided by pastoralists of Toposa and Turkana living in border region	1	4	5	10	20	4.10	0.17

Guns can be traded off against cows and other goods in exchange for one.	1	3	7	12	17	4.03	0.15

3.4 Factors contributing to conflicts along Kenya and South Sudan border regions

The study sought the extent to which respondents agreed with statements relating to factors contributing to conflicts in border regions of Kenya and South Sudan. From research findings, majority of respondents strongly agreed that population growth in the region makes some people move to neighbouring region in search of food and water, invasion of pastoralists in neighbouring villages with livestock in search of water and grazing lands leads to fight over herding territory, and that raiding creates links between illicit trades in stolen cattle and small arms. Others agreed that unfavourable climatic conditions in the region such as drought causes migration, cattle rustling and lack of state control in pastoralist regions and livestock keeping generates conflict over grazing land and access to water and rustling.

Table 3: Factors contributing to conflicts in border regions of Kenya and South Sudan

Factors contributing to conflicts	Strongly Disagree	Disagree	Moderately Agree	Agree	Strongly agree
Population growth in the regions makes some people move to the neighbouring region in search of food and water	0	0	2	10	28
Fights over herding rights occur when pastoralists invade neighbouring villages with their livestock in search of pasture and water.	0	0	6	13	20

Raiding which creates links between the illicit trades in stolen cattle and small arms	0	1	5	15	19
Unfavourable climatic conditions in the region such as drought which causes migration	1	0	6	13	20
Lack of state security machinery in the pastoralist region and Cattle rustling	1	1	4	17	17
Conflicts over grazing land and water is generated by livestock keeping	3	2	4	12	19

3.5 The effects of Turkana –Toposa Conflicts

The investigations established that one of the most serious effects of this conflict is the loss of human life through cattle raids and attacks. 60% of the respondents across the two communities indicated that several people have been killed as they pursue their stolen livestock, and counter raids and revenge attacks, or as they defend themselves against the raids/Attacks.

25% of the respondents indicated that the next most serious effect of the conflict as loss of their livestock though cattle raids while 10% indicated that the conflict has led to displacement and separation of families from their traditional homestead. The remaining 5% attributed rampant poverty in the area to the conflict as the people cannot settle down for an economic activity.

Loss of human life, property, displacements of large segments of the communities, disruption of socio-economic activities and livelihoods, increased hatred between communities involved, environmental degradation and threat to the few water catchments areas, increased economic hardships as a result of loss of livelihoods, high levels of starvation and malnutrition among the displaced groups and unprecedented dependency syndrome on relief food are the main negative impacts of the increasing and severe armed conflicts in conflict area. The other effects of the conflict established are poor education standards as the families are not settled, and lack of infrastructure.

Figure 3: Most Serious Effects of the Conflict
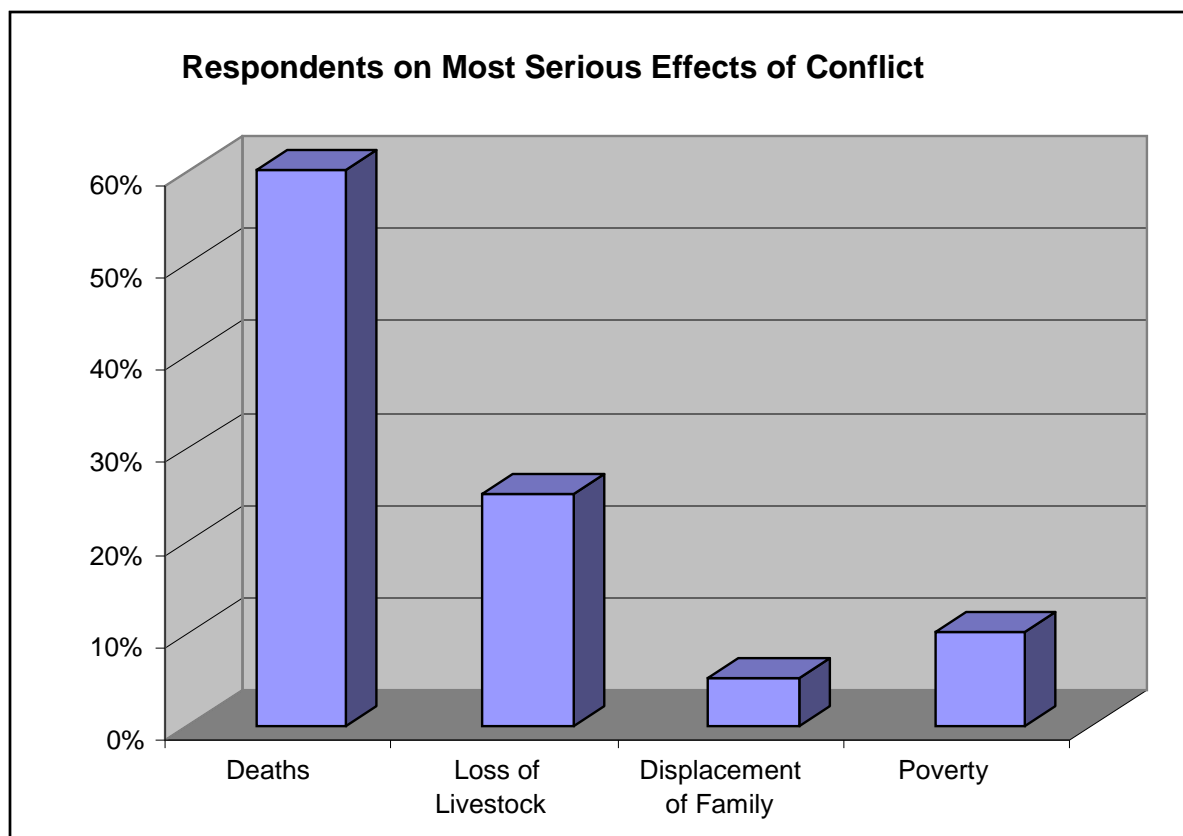
3.6 South Sudan Cross-Border Trade with Kenya

On the trade balance between Kenya and South Sudan, the study established that Kenyan exports to South Sudan significantly grew over the last six years. On the contrary, over the same period growth of South Sudan exports to Kenya was uneven and much lower in value-ranging between US$ 0.13 million and US$ 2.6million. Findings established that Kenyan exports to South Sudan increased from US$ 57.6 million in 2005 to US$ 144.5 million in 2008. In 2009, however, the growth declined to US$ 137.5 million, but later picked up to a record high of US$ 207.3 million in 2010.

Findings showed a review of exports from South Sudan to Kenya which indicated an uneven growth over the six years. The highest value in annual exports from the country amounted to US$ 2.8 million in 2005. In subsequent years; 2006 and 2007, the growth declined to US$ 1.2 million and US$ 0.17 million respectively. In 2008, there was a sharp increase in export value estimated at US$ 2.5 million, which declined to US$ 0.150 million in 2009 and shot up again to an estimated US$ 2.1 million in 2010.[52] Findings indicated that uneven growth trends in exports from South Sudan to Kenya are caused by a generally novel and less organised private sector in

the country and the long history of insecurity in the country. This has discouraged the private sector from undertaking long-term business ventures, preferring short-term risky investments that fetch high "returns". South Sudan re-exports dominate commodities traded with Kenya. According to Kenyan Bureau of Statistics 2011, South Sudan exported products like cane or beet sugar, tractors, carton boxes, forklifts, pumps, self-propelled bulldozer and printed books that were clearly not produced in South Sudan.[53]

3.7 Conclusion

Coming to terms with links between conflict and famine, Turkana requires a much better understanding of the role which conflict has traditionally played in pastoral societies. Forms of conflict such as livestock raiding have been integral to local patterns of resource use for centuries. Understanding how these conflicts have changed in modern era offers an important window for examining how herders' livelihoods are being undermined today. While problems posed by contemporary forms of pastoral conflict in many ways seem intractable, the fact that they have been exacerbated by years of inappropriate relief and development interventions offers hope that improved policies can help bring about constructive changes. At its core, problem of predatory raiding is about unequal allocation of power and resources between groups, not so much within pastoral systems, but across pastoral societies as a whole. Addressing political marginalisation which pastoral communities in Africa face today is thus an essential element of any meaningful, long-term strategy to alleviate famine vulnerability among them.

Government officials indicated that they have launched Community Policing Initiative and encouraged them as community members to be on forefront of fighting all forms of crime. They youth indicated that they were taught on dangers of small arms and encouraged to oppose possession and use of illegal guns in the regions. They asserted that they were encouraged to report any illicit and recovered firearms to authorities so as to get them out of circulation. The findings are in line with National Action Plan (NAP), which covers a wide range of security and safety issues.[54]

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[54] Cukier, W. (2002). Gendered perspectives on small arms proliferation and misuse: Effects and policies. *Bonn International Center FOR Conversion• Internationales Konversionszentrum Bonn*, 25.

4.0 CHAPTER FOUR: CHALLENGES FACING SOUTH SUDAN AND KENYA IN PROMOTING REGIONAL PEACE

4.1 Introduction

South Sudan, the newest Member State of the United Nations, is facing an existential crisis. The country initially adopted a Republic Status with a central Government and ten states. A presidential decree increased states by eighteen in October, 2015, hence increasing the number to twenty eight. The achievements of Government of the Republic of South Sudan (GRSS) during the Comprehensive Peace Agreement (CPA) period were noteworthy, more so when low baseline resulting from decades of marginalisation and war is taken into account. Essential executive, legislative and judicial institutions were established at central government as well as states government's levels. More than 2 million people returned to South Sudan, including 330,000 South Sudanese refugees from neighbouring countries.[55]

4.2 Challenges Facing Sudan in Promoting Regional Peace.

Since its independence on 9 July 2011, South Sudan has been on the agenda of the United Nations Economic and Social Council (ECOSOC). There is great concern over extensive humanitarian, Peace building and development challenges facing the country and reaffirm need to strengthen the synergy between ECOSOC programmes and its peace and security agenda.[56] The Council requested United Nations Secretary-General and all relevant organs and bodies of the United Nations system, as well as International Financial Institutions and other development agencies, to assist South Sudan, whenever possible, through continued effective humanitarian, Peace building and predictable development assistance, in conformity with national priorities, in order to lay a solid foundation for country's long-term development.[57]

Since last report to ECOSOC in July 2013, a number of initiatives taken by Government had created a sense of cautious optimism. On 4 October 2013, Council of Ministers endorsed the development of a New Deal Compact for South Sudan, a three-year framework for mutual accountability and dialogue between Government and international partners, based on principles

[55] Bachmann, J. (2012). Kenya and International Security: Enabling Globalisation, Stabilizing 'Stateness', and Deploying Enforcement. *Globalisations*, 9(1), 125-143. doi:10.1080/14747731.2012.627722

[56] Curless, G.,& Rodt, A. P. (2013). Sudan and the Not So Comprehensive Peace. *Civil Wars*, 15(2), 101-117. doi:10.1080/13698249.2013.817844

[57] Brereton, V., & Ayuko, B. (2016). Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance*, 22(1), 135-153.

of New Deal for Engagement in Fragile States. The Compact, which was due to be signed on 3 December 2013, would have institutionalised concrete Peace building and state building commitments and provided a framework for aligning donor support, while opening possibility of direct budgetary assistance to GRSS.[58] On 13 October, 2013, the National Legislative Assembly with an increase passed a national budget for 2013-2014 from 17.3 billion South Sudanese Pounds allocated in 2012-2013 to 18.7 billion. According to International Monetary Fund (IMF), economic outlook was improving, with oil production rising and inflation declining growth was projected to increase to 32.1 per cent in 2013 and 49.2 per cent in 2014, allowing the country to exceed the level of growth it recorded before oil production stopped in 2012.[59]

4.2.1 Lack of democracy

In less than three years since South Sudan voted in a referendum for secession, the new republic is engulfed in what is its most serious political crisis since independence. What started off as an exchange between soldiers in military barracks in capital Juba has since quickly spread to other regions of the country. Death toll is estimated to be in thousands. The crisis has been largely been framed as a conflict between, Salva Kiir, current President of South Sudan, and Riek Machar, his former deputy. Worse yet, many have reduced political crisis to a tribal conflict. formulation of both problems, one between political adversaries and other tribal, obscures deeper issues affecting ruling political party, army, and nation-building process.

Comprehensive Peace Agreement (CPA) of 2005 created an opportunity for South Sudan to finally begin building a governance infrastructure made up of representatives of South Sudanese people, a governance practice that had been inhibited since the beginning of colonialism. While a national government was created, it neither developed into a strong democracy that adequately meets needs of its citizens, nor did it allow for democratic practices such as diversity of opinion and political allegiance to flourish. Initial promises for a decentralised approach to allow for representation of South Sudanese citizens in all parts of the country soon gave away to a centralisation of power in the hands of legislators based in capital, Juba.[60]

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[58] Mahmoud, D. I. (2013). Sudan's Comprehensive Peace Agreement Amidst the Clash of Agendas: Attempts, Failures and Lessons Unlearned. *Civil Wars*, *15*(2), 157-172.

[59] Curless, G., & Rodt, A. P. (2013). Sudan and the Not So Comprehensive Peace. *Civil Wars*, *15*(2), 101-117. doi:10.1080/13698249.2013.817844

[60] Christopher Zambakari & Tarnjeet K. Kang - Posted on January 14, 2014 by African Arguments Editor

A series of radical political decisions have resulted from fears of losing power for critical groups, and also contributed to a centralisation of power into the hands of an elite political alliance. Those with divergent views from authorities 'monopoly of power and asked for reform of the political party have been targeted, leading to dissolution of leadership structure of the party. These decisions took place without democratic measures, increasing tensions among competing political leadership.

South Sudan crisis lies with ruling elites, political party, and structure of army. The ruling elites "more interested in power than in doing the hard work of nation building. The crisis shows that South Sudan's leaders have failed. This failure could however become an opportunity for a comprehensive rethink of the country's national project.[61]

Three years after independence, country's efforts to progress towards sustainable development have been replaced by a crisis on a vast scale, with 3.8 million people targeted for humanitarian aid. Since 15 December 2013, people of South Sudan have faced a complex emergency characterised by ongoing human rights violations and abuses. These include extrajudicial killings, ethnically targeted violence, sexual and gender-based violence, rape, recruitment and use of children in armed groups and attacks on schools, hospitals, patients and hospital personnel, among other violations of international human rights and international humanitarian law.[62] Targeting of civilians and shifting frontlines have resulted in frequent and unpredictable population movements. The fluid conflict dynamics also pose significant challenges to a sustained humanitarian response.[63]

4.2.2 Political Challenges

The current in S Sudan is crisis is political, rooted within ruling political party, the Sudan People's Liberation Movement (SPLM), as well as its military wing, the Sudan People's Liberation Army (SPLA). The movement in the SPLM/A maintained a militaristic rigidity identified and dedicated the liberation process to armed struggle and has continued to make their

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[61] Alex de Waal & Abdul Mohammed – *Foreign Affairs*

[62] HEALY, S. (2011). Seeking peace and security in the Horn of Africa: the contribution of the Inter-Governmental Authority on Development. *International Affairs*, *87*(1), 105-120.

[63] Bachmann, J. (2012). Kenya and International Security: Enabling Globalisation, Stabilizing 'Stateness', and Deploying Enforcement. *Globalizations*, *9*(1), 125-143. doi:10.1080/14747731.2012.627722

political fate totally dependent on it, thus producing militarist elite whose existence and survival has become linked with continuation of war.

The Army has been dominant and strategic factor in National decision making. This has inadvertently reduced, with serious consequences, capacity of SPLM/A to absorb, organise and assimilate the then available intellectual and material resources. SPLM dysfunction has reflected itself in dysfunctionality of South Sudan, explaining why it has remained in turmoil right from inception 9th July, 2011. SPLM failure to organise itself with functional organs and institutions sensitive to concerns of the citizens; the failure to evolve a political ideology has resulted in ethnicisation of SPLM power politics; failure to institutionalise power relations within SPLM has resulted in autocracy and dictatorship relying on ethnic lobbies and close business associates, turning South Sudan and its state institutions a replica of limited liability enterprise.[64]

In short term, country faces considerable challenges. Immediate concern is crisis and its attendant implications and consequences for lives and livelihoods. Extensive population displacements, looting of warehouses (humanitarian and private sector alike), disruptions to food production, and destruction of markets, dislocations of livestock from traditional migration routes, diseases and hunger have combined to generate a threat of famine.[65] Between December 2013 and August 2014, some 3.5 million people were classified in acute or emergency phases of food insecurity, out of 7 million (of a population of 11.5 million) at risk of food insecurity.[66] Malnutrition associated with widespread food insecurity is a major concern and will have a significant short - and longer-term impact on communities; in particular, children and lactating women.[67] Nutrition screenings have shown an estimated prevalence of global acute malnutrition ranging from over 30 percent to 50 percent in conflict-affected areas.

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[64] Dr. Peter A. Nyaba, *"ˇPolitics of Liberation in South Sudan: An Insider's View'* Paperback (1996)

[65] HEALY, S. (2011). Seeking peace and security in the Horn of Africa: the contribution of the Inter-Governmental Authority on Development. *International Affairs*, *87*(1), 105-120.

[66] Brereton, V., & Ayuko, B. (2016). Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance*, *22*(1), 135-153.

[67] Curless, G., & Rodt, A. P. (2013). Sudan and the Not So Comprehensive Peace. *Civil Wars*, *15*(2), 101-117. doi:10.1080/13698249.2013.817844

4.2.3 Corruption

Natural resources often provide fertile ground for corruption. Since a substantial number of partner countries in development cooperation are richly endowed with natural resources, these contexts pose a particular challenge for effective donor action. Risk of corruption cuts across natural resource sectors - from non-renewable resources such as oil, gas, minerals and metals, to renewable resources such as forests, fisheries and land.

Corruption permeates all sectors of economy in South Sudan and all levels of state apparatus, and manifests itself through various forms, including grand corruption and networks along tribal lines. Since independence, the country has taken steps to promote transparency and accountability to fight corruption, South Sudan's anti-corruption framework is still in its infancy.[68]

South Sudan was ranked fifth on Transparency International's 2014 Corruption Perception Index (CPI). Only four countries rank worse than South Sudan, which was 171st out of 175 countries in CPI. South Sudan is perceived as slightly less corrupt than Iraq, slightly more corrupt than Afghanistan, and ranks two places above neighbouring Sudan.[69] South Sudan's military spending is highest in the region. SPLA is one of the few areas for which South Sudanese government does not receive donor funds and as a result military has been receiving huge chunks of the budget at the expense of development projects.

Maintaining soldiers salaries, especially those integrated into the army from militias, is strategically vital because failing to do so would create strong incentives for rebellion. The importance of these 'loyalty payments' is reflected in the size of allocated salaries. Comparatively, an SPLA soldier is paid much less than any other soldier in the region. Despite this, there are numerous instances where Defense Ministry has delayed payments, and where commanders have stolen soldiers' salaries. The problem of "ghost soldiers," or soldiers who only exist on payroll documents, is believed to be one of the primary means of diversion of funds to security elites. The SPLA's own internal audit is reported to have discovered 40,000 "ghost

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[68] Bartlett, Evan. *"The most corrupt countries in the world, ranked in order "The Independent.*
[69] Transparency International Corruption Perception Index, (2014)

soldiers," while Interior Minister publicly admitted to 11,000 "ghost police" in 2013 compared to an estimated end-strength of 52,000 police.[70]

Since the CPA in 2005, GOSS put efforts of integrating potential rebels and rewarding allies by appointing them to senior lucrative or symbolic posts. These appointments often consume large proportions of state budget with ministries, agencies and commissions growing in number. National and State Parliaments serve above all as instruments of patronage. There have been complaints voiced concerning nepotism amongst state governors, appointing kinsmen without requisite skills for the posts. Political accommodation is a strategy for stability, which favours patronage system.[71]

Citizens commonly face demands for bribes in their dealings with government institutions to access basic public services. Citizens' experience with corruption is significantly high in dealing with police, registry/permit services, judiciary, and land services. Among reasons for paying bribes included: to avoid a problem with authorities, and to speed things up. Grand corruption is a serious problem in South Sudan as officials take advantage of inadequate budget monitoring to divert public funds.

Corruption affects many levels of Government. Accountability mechanisms, where they exist, have failed to deter misuse and mismanagement of public resources, in particular public oil revenues.[72] While there is no question about length and difficulty of transition confronting South Sudan, there are pertinent concerns about ensuring macroeconomic stability, inclusive growth and employment.[73] Although oil production remains a cornerstone of country's economy, environmental considerations need to be incorporated into sustainable development planning. Prospects for renewed development throughout South Sudan appear remote, especially as there is no foreseeable end to conflict in the youngest nation.[74]

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[70] *Zeitvogel, Karin; Biajo, Nabeel (Dec 3, 2014)."South Sudan Seen as one of the World's most corrupt nations". Voice of America.*

[71] Mores, M. (2013). Overview of Corruption and Anti-corruption in South Sudan. *Transparency International*.

[72] Radon, J., & Logan, S. (2014). SOUTH SUDAN: GOVERNANCE ARRANGEMENTS, WAR, AND PEACE. *Journal of International Affairs*, *68*(1), 149-167.

[73] Bachmann, J. (2012). Kenya and International Security: Enabling Globalisation, Stabilizing 'Stateless', and Deploying Enforcement. *Globalisations*, *9*(1), 125-143. doi:10.1080/14747731.2012.627722

[74] HEALY, S. (2011). Seeking peace and security in the Horn of Africa: the contribution of the Inter-Governmental Authority on Development. *International Affairs*, *87*(1), 105-120.

Corruption in SPLA payroll reflects the extent to which corruption has permeated the system. Maintaining salaries of soldiers, especially those integrated into army from militias, is strategically vital because failing to do so would create strong incentives for rebellion. The importance of these 'loyalty payments' is reflected in the size of allocated salaries. In 2014, an SPLA infantryman was being paid SSP 320 per month (roughly US$107), while a Ugandan private's salary was increased in 2013 to 310,000Shs per month (roughly US$93). Despite this importance, there are numerous instances where Defense Ministry has delayed payments, and where commanders have stolen soldiers' salaries. As reported by academics, journalists, and President Kiir, the problem of "ghost soldiers," or soldiers who only exist on payroll documents, is believed to be one of the primary means of diversion of funds to security elites. SPLA's own internal audit is reported to have discovered 40,000 "ghost soldiers,"[65] while Interior Minister publicly admitted to 11,000 "ghost police" in 2013 compared to an estimated end-strength of 52,000 police.

4.2.4 Continued Conflict Situation

While a cessation of hostilities agreement has been signed and a commitment made to work on formation of a transitional government, conflicting sides continue to pursue a militant approach to the solution. Nonconcrete evidence has yet emerged that political will exists to meet commitments made under IGAD-led mediation.[75] A recent analysis of the budget carried out by UNDP shows that a dominant part of allocation has been used to pay salaries of the army and veterans, with some provisions for operating costs and new capital expenditures. Same is true of the rule of law sector, where 1.573 billion SSP is being used to pay salaries to police, prison and fire services. Proportionately, in contrast, social sector allocations and outlays on rebuilding infrastructure in the country are pegged at less than 20 percent of the current budget and have shown a decline relative to 2012/2013, the first year of independence of the country.[76] In average terms, the total resources budgeted for allocation to the core development sectors (education, health and infrastructure), increased marginally from 3.1 percent in 2013/2014 to 4.3 percent in 2014/2015. When compared to the allocations made to the security sector, it is evident that the Government continues to restrict disproportionately resource allocation for development, which in turn is a binding constraint on its ability to deliver basic social services to its citizens. This

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[75] Mahmoud, D. I. (2013). Sudan's Comprehensive Peace Agreement Amidst the Clash of Agendas: Attempts, Failures and Lessons Unlearned. *Civil Wars*, *15*(2), 157-172.

[76] D'Silva, B., & Tecosky, O. (2007). Sub-regional integration in Sudan: the key to food security and recovery. *Disasters*, *31* 124-138. doi:10.1111/j.1467-7717.2007.00353.x

trend needs to be reversed urgently, as South Sudan faces some of the worst global vital human development indicators.[77]

4.2.5 The Extractive Industry

Oil is the South Sudan's government primary source of hard currency, as well as its collateral for the foreign loans keeping the economy afloat. Oil accounted for as much as 98% of South Sudan's revenues just after independence, but its share had declined to 70% by the 2014-2015 budget as a result of disputes with Khartoum and the ongoing fighting. Between 2008 and 2011, oil revenues amounted to US$8.24 billion or 96% of its total revenues, and 77% of total expenditures, while total crude oil sales between April 2013 and May 2014 amounted to US$3.3 billion sold across 46 shipments. South Sudan's reported figures regularly rely on optimistic underlying estimates that likely inflate the real value; the latest budget, for example, was calculated on the assumption of oil prices at $101 per barrel.

4.2.6 Economic Challenges

A major facet of state spending in South Sudan is the widespread disregard for reporting standards and lack of documentation of beneficial ownership, and who receives profits from companies and assets registered in the country. Theoretically, this should provide significant information and opportunities for due diligence. However, the results have been quite different in practice, and procedures simply added extra layers of bureaucracy. Accessing business registry requires numerous ministerial approvals, and often documentation obtained is fraudulent, is said to have been "misplaced," or does not include names of owners and shareholders.

Moreover, South Sudanese elites, including politically exposed persons, are widely believed to hold undocumented shares in companies and to receive payments in exchange for facilitating business transactions. In line with their obligations under Transitional Constitution of 2011, all executive and constitutional office holders in South Sudan must make confidential declarations of their income, assets, and liabilities, including those of their spouses and children. The Anti-Corruption Commission requires financial disclosures on an annual basis. According to a presidential spokesperson, Kiir's last disclosure was in 2012 and he does not have a bank account, either inside or outside the country. Such financial relationships, however, can be

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[77] Brereton, V., & Ayuko, B. (2016). Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance*, *22*(1), 135-153.

almost impossible to validate but can offer 'protected' companies preferential access to contracts and impunity from the legal system. Currently, only companies in the oil sector and banks are required to disclose beneficial ownership data.

South Sudan's military spending is the highest in the region. The Office of the President's national security budget in 2014, which was only 6% of the total security budget, was more than the country's entire infrastructure budget and almost equal to the accountability budget, which includes key oversight departments such as the Audit Chamber, the Anti-Corruption Commission, the National Bureau of Statistics, and the Reconstruction and Development Fund. The SPLA is one of the few areas for which the South Sudanese government does not receive donor funds and as a result the military has essentially taken over the budget, leaving development priorities almost exclusively in the hands of foreign donor agencies.[78]

In the meantime, the economy remains stalled. Foreign investment has slowed sign significantly, many foreign workers have left the country, and stability has yet to return. The war has destroyed many emerging businesses and both production of and exploration for oil has been significantly reduced.[79] While some investors who have committed substantial resources may return as the political situation improves, prospective investors, including regional ones, are likely to be cautious for many years to come. While the impact on the economy of its regional trading partners has not yet been calculated, there is no doubt that trade and investment with neighbouring countries has been significantly affected.[80]

As of July 2015, South Sudan's economic position was dire. The drop in oil receipts has drastically reduced the amount of hard currency available to the government, 100 and the illicit economy has expanded as the licit economy falters. Military spending has reached record levels, both in absolute terms and as a share of the overall budget. Furthermore, corruption in contracts and awards appears to continue, with various procurement scandals alleged by government

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[78] Dowden, Richard, (2002). How to secure peace in Africa," The Observer, (London)."Egyptian Press accuses U.S. of seeking to split Sudan," Tehran Times, 4 August 2002; 'Peace in Sudan opens oil of opportunities' Mena Reports, , http://www.sudan.net/news/news.html

[79] Radon, J., & Logan, S. (2014). SOUTH SUDAN: GOVERNANCE ARRANGEMENTS, WAR, AND PEACE. *Journal Of International Affairs*, *68*(1), 149-167.

[80] Mahmoud, D. I. (2013). Sudan's Comprehensive Peace Agreement Amidst the Clash of Agendas: Attempts, Failures and Lessons Unlearned. *Civil Wars*, *15*(2), 157-172.

ministers and independent media between 2014 and 2015 related to procurement, telecommunications, and construction awards.

State spending remains one of economic challenges facing South Sudan in its endevour to realise regional peace. Nearly every facet of state spending is rife with fraud, waste, and mismanagement. Purchases and contracts are regularly awarded without adequate bidding procedures, to well-connected companies, at inflated prices and with minimal documentation and oversight. Road construction and vehicle imports are among greatest sources of budget overruns. In 2012-2013 budget period, Ministry of Roads and Bridges overspent its budget by 1513%.89 South Sudanese government has poured millions of dollars into Juba Airport expansion project, but there have been few visible results. According to a press release, as of 2015, government had borrowed an additional US$158 million to resume the project. President Kiir himself has publicly lamented that the project has "really taken our money since 2005."

Ongoing conflict in South Sudan is in large part a means to an end – to renegotiate country's political power balance and economic profits that it ensures. Attempts to end an increasingly violent civil war, however, requires looking beyond direct perpetrators of violence and acknowledging the close nexus between the systemic corruption that permeates South Sudanese governance structure and the incentives that have brought about the current conflict. Currently, both direct perpetrators and their facilitators further up the conflict value chain are enabled by a kleptocratic system that has captured and controls all available revenue streams in the country. Within this system, some elites who are both directly and indirectly connected to the violence continue to benefit, while others who have been ejected from the system are fighting to negotiate their return.

4.3 Challenges Facing Promotional of Regional Peace

Horn of Africa countries have some of world's fastest growing economies–Ethiopia, where GDP growth has been averaging 8.5%; Kenya, with an economy growing at nearly 6%; Uganda with 5.3% GDP growth in 2013; and Djibouti with 4.8% growth in 2012. Many of countries are rich in natural resources, vast untapped farmland, and have business communities, which are innovative and eager to contribute to their economies. Nevertheless, many challenges are regional and demand cross-border collaborative solutions. The region is affected by ongoing

conflicts within Somalia, between Sudan and South Sudan and between Ethiopia and Eritrea. Most recently, internal conflict has also broken out in South Sudan.[81]

Leading a trip to the Horn of Africa, United Nations Secretary-General, Ban Ki-moon said, "The countries of the Horn of Africa are making important yet unheralded progress in economic growth and political stability. Now is a crucial moment to support those efforts, end cycles of conflict and poverty, and move from fragility to sustainability. The United Nations is joining with other global and regional leaders to ensure a coherent and coordinated approach towards peace, security and development in Horn of Africa." Conflicts, along with famine, have triggered displacement of millions of people within countries and across borders. Today, there are more than 2.7 million refugees and over six million internally displaced people (IDPs) in Horn of Africa. The Dadaab camp is the world's largest refugee camp and Kenya's third largest city.[82]

Border zones are a common conflict trigger. Resource scarcity, combined with rapid population growth, poverty, and underdevelopment and in border regions, worsens both communal conflict and civil wars. Border zones have not traditionally not been a major focus of development, as countries in the region have viewed them through a predominantly security lens. Normalising relations between neighbouring states is one of the greatest development challenges in the region. Poverty is rampant in the Horn. Although the percentage of people living on less than US$1 a day has declined, number of poor people is increasing. Horn of Africa's population doubles every 23 years, but with too little access to necessities such as clean water, food, health care and education. In many Horn countries, majority of 14-19 year olds are unemployed. Improving their opportunities to develop vocational skills, obtain employment and shun extremism and organised crime is a huge priority.[83] Great attention must be given to women, children, and victims of gender-based violence, especially in refugee camps, according to the report.[84]

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[81] Curless, G., & Rodt, A. P. (2013). Sudan and the Not So Comprehensive Peace. *Civil Wars*, *15*(2), 101-117. doi:10.1080/13698249.2013.817844

[82] Brereton, V., & Ayuko, B. (2016). Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance*, *22*(1), 135-153.

[83] D'Silva, B, & Tecosky, O. (2007). Sub-regional integration in Sudan: the key to food security and recovery. *Disasters*, *31*124-138. doi:10.1111/j.1467-7717.2007.00353.x

[84] Mahmoud, D. I. (2013). Sudan's Comprehensive Peace Agreement Amidst the Clash of Agendas: Attempts, Failures and Lessons Unlearned. *Civil Wars*, *15*(2), 157-172.

Despite the challenges, countries in the Horn are working more closely together to solve both security and development problems and to strengthen economic ties with their neighbours. Moreover, opportunities exist for enhanced peace and less poverty. For example, Ethiopia is exporting its abundant hydroelectric power, Kenya has improved its ICT infrastructure, and Djibouti is upgrading its ports and electricity grid. Although humanitarian situation in southern Sudan is precarious, there is another crisis in northwest of the country in the Darfur region. A delicate peace deal to end the 3-year conflict there is failing partly due to minimal international interest in conflict there. Eight aid workers were killed in violent incidents in Darfur in July, making it region's most insecure month.[85]

Sudanese president Omar Bashir opposes replacement of an African Union peace force with a stronger UN group, so 3 million people continue to survive on hand-outs, and 2 million individuals forced out of their homes by Janjaweed militia, supported by government forces, cannot return. Kenya continued to lead negotiations. By July 2002 General (rtd) Sumbeiwyo had successfully negotiated the Machakos Protocol. This secured crucial 'one country, two systems' compromise in which the two sides agreed that Shari'a law would be the basis of legal system in the North, while south would have its own secular administration. It also established the timing of referendum on self-determination, to be held six years after the signing of the peace agreement.[86]

Further agreements were negotiated on security arrangements, power sharing and wealth sharing over the next two years, culminating signature on 9 January 2005 of Sudan's Comprehensive Peace Agreement. Openings for conflict resolution in Sudan occurred more because of shifting regional alliances than because of new approaches to regional security. Volatile regional relations often threatened to derail IGAD peace process.[87] External pressure also played a key part. Nonetheless, IGAD's institutional role proved crucial, first in framing problem as a North–South issue and second in maintaining a semblance of continuity for Sudan peace process as a whole. This long-term engagement enabled those involved to capitalise on opportunities to come

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[85] Curless, G., & Rodt, A. P. (2013). Sudan and the Not So Comprehensive Peace. *Civil Wars*, *15*(2), 101-117. doi:10.1080/13698249.2013.817844

[86] Bachmann, J. (2012). Kenya and International Security: Enabling Globalisation, Stabilising 'Stateness', and Deploying Enforcement. *Globalizations*, *9*(1), 125-143. doi:10.1080/14747731.2012.627722

[87] Radon, J., & Logan, S. (2014). SOUTH SUDAN: GOVERNANCE ARRANGEMENTS, WAR, AND PEACE. *Journal of International Affairs*, *68*(1), 149-167.

to a settlement. Without IGAD's sustained involvement, these would most likely have been lost.[88]

4.4 The IGAD efforts in regional peace

IGAD has been engaged since 2003 in efforts to develop a new peace and security strategy, including the promised 'mechanism' for the pacific settlement of disputes. However, it is still not finalised.[89] On past performance, member states are unlikely to embrace any new regional security mechanism that might significantly restrict their own freedom of action. As we have seen, the peace processes in Sudan and Somalia were dominated by the far from disinterested engagement of regional (and sometimes extra regional) powers, often competing against each other to achieve outcomes favourable to their own national security interests.[90] Despite the obvious need for a better regional security framework in the Horn of Africa, the scope for the IGAD secretariat to develop an autonomous conflict resolution capability will remain limited, and member states will try to use IGAD's authority to legitimise their own regional policies.[91]

Nonetheless, the IGAD-led peace processes in Sudan and Somalia are important achievements in the era of IGAD's expanded mandate and provide relatively rare examples of regional mediation in internal conflicts within the African sub region as a whole. Formally speaking, both sets of negotiations achieved the results that the IGAD leaders sought—a settlement between Northern and Southern Sudan that preserved the option for independence for the South, and a process for selecting a new central government for Somalia.[92] Thus far, the implementation of the Sudan peace process continues, despite distrust and uncertainty and in the absence of any institutional role for IGAD. The longer-term outcome in Somalia, where IGAD is still heavily involved, has proved far more problematic.[93]

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[88] Brereton, V., & Ayuko, B. (2016). Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance*, *22*(1), 135-153.
[89] HEALY, S. (2011). Seeking peace and security in the Horn of Africa: the contribution of the Inter-Governmental Authority on Development. *International Affairs*, *87*(1), 105-120.
[90] HEALY, S. (2011). Seeking peace and security in the Horn of Africa: the contribution of the Inter-Governmental Authority on Development. *International Affairs*, *87*(1), 105-120.
[91] Curless, G., & Rodt, A. P. (2013). Sudan and the Not So Comprehensive Peace. *Civil Wars*, *15*(2), 101-117. doi:10.1080/13698249.2013.817844
[92] D'Silva, B, & Tecosky, O. (2007). Sub-regional integration in Sudan: the key to food security and recovery. *Disasters*, *31*124-138. doi:10.1111/j.1467-7717.2007.00353.x
[93] Radon, J, & Logan, S. (2014). SOUTH SUDAN: GOVERNANCE ARRANGEMENTS, WAR, AND PEACE. *Journal of International Affairs*, *68*(1), 149-167.

IGAD's conflict resolution activities have displayed a clear, unresolved tension between IGAD the political forum characterised by mutual suspicion, alliance-building and power play among member states and IGAD the regional organisation that seeks to develop the institutional capacity to improve peace and security and give practical assistance towards conflict resolution. Where IGAD has been able to claim some success it has more often found itself reaping the whirlwind of regional and international power politics than advancing classical mediation and Peacebuilding processes.[94]

Since IGAD added peace and security to its mandate there has been no appreciable reduction in the level of conflict in the Horn of Africa or any significant signs of movement towards collective security arrangements. The region still lacks the most rudimentary regional security framework.[95] IGAD member states continue to flout the old-fashioned interstate rules of respect for territorial sovereignty and non-interference in each other's affairs, 'victims of their neighbours insecurities, or conversely, as threats to their neighbours'.[96] All this could point to the conclusion that IGAD is paralysed by conflict among its member states and unlikely to succeed in advancing regional conflict resolution.[97]

4.5 Challenges Facing Kenya in Promoting Regional Peace

The SPLM/A was one of the proliferation of armed groups that existed in the South when the peace negotiations started in Kenya. By the late 1990s, other armed groups included SPLM/A splinter groups, regional defence groups, and some thirty militia that made up the predominantly Nuer South Sudan Defence Forces (SSDF), which by some estimates outnumbered the SPLA. Pressure from ordinary southern Sudanese for the SPLM to demonstrate transparency also increased during the war, though ultimately the SPLM called only two participatory conventions during the conflict, in 1994 and 1996. Despite this context, participation in the negotiations, which opened in May 2002 in Kenya, was limited to the ruling National Congress Party (NCP) and SPLM/A. After the Machakos Protocol, the talks narrowed further, eventually settling on Garang and Sudanese vice president Ali Osman Taha, who developed a well-documented

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[94] HEALY, S. (2011). Seeking peace and security in the Horn of Africa: the contribution of the Inter-Governmental Authority on Development. *International Affairs*, *87*(1), 105-120.

[95] Radon, J., & Logan, S. (2014). SOUTH SUDAN: GOVERNANCE ARRANGEMENTS, WAR, AND PEACE. *Journal of International Affairs*, *68*(1), 149-167.

[96] Brereton, V, & Ayuko, B. (2016). Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance*, *22*(1), 135-153.

[97] HEALY, S. (2011). Seeking peace and security in the Horn of Africa: the contribution of the Inter-Governmental Authority on Development. *International Affairs*, *87*(1), 105-120.

rapport. Pressure for participation to be expanded was resisted by both parties, something that was unsurprising, given the military nature of their respective organisations and their weak democratic credentials.[98][99]

The mediators, who instead proposed the creation of a post signature process for civil society involvement, in essence once opportunities for shaping the CPA's content were over, also resisted expanded participation. The tension between the CPA's commitments to good governance and the undemocratic nature of the peace process was not lost on external observers, who protested the concentration of decision making in the hands of Taha and Garang. The practices and approaches adopted by the mediators reinforced the agreement's exclusivity: Sumbeiywo maintained a high degree of secrecy around the proceedings, limited access by the media, and issued few public statements about the timetable or content of discussions.[100]

4.5.1 Ungoverned Space

Ungoverned Space is one of the challenges, which Kenya faces as it tries to promote regional peace and stability. The work takes as its context the conflict-prone spaces of North Western Kenya that border the unstable states of South Sudan and Somalia. These and similar areas where state structures are thin on the ground are often referred to as 'ungoverned spaces', and equated (somewhat erroneously) with security threats. The term deserves questioning for seeming to ignore indigenous forms of governance, which maybe valuable in bringing law and order and make the point that the notion of' ungoverned space' makes assumptions that obscure actual practices of power and generalise about the occupants 'propensity for violence. The term is also criticised for its use in justifying certain policy approaches, particularly those used in the 'War on Terror' without acknowledging complexities of individual circumstances, noting that a space in itself is not the cause of a rebellion.

4.5.2 Inadequate Law Enforcement Apparatus

Kenya does not have enough security personnel as a means of containing security lapses across the communities on the borders. For instance a survey conducted in Turkana showed that a

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[98] Bachmann, J. (2012). Kenya and International Security: Enabling Globalisation, Stabilising 'Stateness', and Deploying Enforcement. *Globalisations*, *9*(1), 125-143. doi:10.1080/14747731.2012.627722

[99] Curless, G., & Rodt, A. P. (2013). Sudan and the Not So Comprehensive Peace. *Civil Wars*, *15*(2), 101-117. doi:10.1080/13698249.2013.817844

[100] Mahmoud, D. I. (2013). Sudan's Comprehensive Peace Agreement Amidst the Clash of Agendas: Attempts, Failures and Lessons Unlearned. *Civil Wars*, *15*(2), 157-172.

functioning indigenous system of governance exists but it must be noted that it is indeed under increasing strain from modernisation and globalisation, including the small arms trade, and increasingly complex forms of cross-border crime and violence. It argues that the state's role is important in mediating between the various interested parties in Turkana and protection of its people against new threats against their security. It notes that the ingredients for protracted social conflict such as exist in other resource-rich areas are present in the county and that 'ungovernable state provides the opportunity for grievances and tensions to escalate into violence.[101]

In Kenya, there are concerns that benefits from resources may not reach Kenyans due to international trade agreements that work in favour of developed nations and to Kenya's own weak regulatory structure, making it vulnerable to exploitation and corruption both from the angle of tendering and revenue distribution. Currently, Kenya is attempting to amend the Petroleum Exploration Production Act (1986) and has drafted the Geology, Minerals and Mining Bill (2012), which will give a percentage of revenues to local communities, 20% to the county and 75% to central government[102]; however, this has been faulted by some as falling short of constitutional requirements to benefit locals adequately.[103]

Police stations are thin on the ground, with only eight in the entire county. In the newly created Loima district, despite a high level of raiding insecurity there is no police station yet and an area of 9,000 square kilometres has only 31 police officers; in South Turkana where oil has been discovered there are 45 officers. The Kenya Police Reserve (KPR) is an auxiliary force separate from the Kenya Police, made up of volunteers operating within their own localities and armed by the state to supplement the role of the police in the provision of security, where police presence is low. In Turkana, they are the main visible state-sanctioned security. They guard pastoralist cattle kraals (enclosures) and move with cattle caravans to protect against raids by other pastoral groups. For many, KPRs provide an important first response to insecurity in remote marginalised communities where there is a heavy reliance on their local knowledge and ability to operate in harsh climates and over difficult terrain. They also play an important role in border security at great personal risk. They are a voluntary force.

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[101] Brereton, V., & Ayuko, B. (2016). Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance*, *22*(1), 135-153.

[102] Brereton, V., & Ayuko, B. (2016). Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance*, *22*(1), 135-153.

[103] HEALY, S. (2011). Seeking peace and security in the Horn of Africa: the contribution of the Inter-Governmental Authority on Development. *International Affairs*, *87*(1), 105-120.

4.5.3 Cross-Border Conflicts

Although Kenya is considered peaceful unlike her neighbours, a scrutiny reveals an unprecedented wave of internal and cross-border conflicts. These conflicts - mainly manifesting as political, economic, environmental conflicts, conflicts over natural resources, land and tribal clashes and lately terrorism - are sending signals that all is not rosy as the outside world has been erroneously been made to believe.[104] Pastoralists in northern Kenya have borne much of the brunt of internal conflicts and a number of stakeholders that include government of Kenya, Civil Society Organisations (CSOs), religious organisations and CBOs have directed considerable efforts at addressing their specific conflict environment. The resource-based conflicts prevalent in ASALs have completely distorted development programs and eroded civil administration of this vast and rugged countryside.[105]

4.5.4 Ethno-Political Competition, Discrimination, and Violence

Kenya is a multi-ethnic society, and many communities have lived in harmony for many years. In recent years, however, the dominant ethnic groups have been on the forefront in fighting for political power. This situation has resulted into fighting to control the state. The relatively less dominant communities have been playing the card of opportunism. Many ethnic groups supported the armed struggle for independence in hope that they could regain their stolen lands. This expectation did not become reality. The situation has fomented anger, resentment, lust for revenge, and aggressive competitiveness that has overlooked the common good of the entire country. Frustration among the poor, both in urban and rural areas, has created a growing tendency to use violence as a viable means to correct the situation. When violent reactions emerge, under the influence of ethno-political ideologies, tend to take the form of ethnocentrism, the ideology that animates the competition between ethnic groups.[106]

A section of the population was unhappy about the outcome of the election of December 2007, but to a certain extent the occasion presented a chance to correct some of the historical wrongs committed against certain communities. Injustice occurred in the area of land ownership, when land was confiscated from the indigenous people by British settlers and later retaken by

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[104] Bachmann, J. (2012). Kenya and International Security: Enabling Globalisation, Stabilising 'Stateness', and Deploying Enforcement. *Globalisations*, *9*(1), 125-143. doi:10.1080/14747731.2012.627722

[105] Mahmoud, D. I. (2013). Sudan's Comprehensive Peace Agreement amidst the Clash of Agendas: Attempts, Failures and Lessons Unlearned. *Civil Wars*, *15*(2), 157-172.

[106] 3Geoffrey Gettleman, "Signs in Kenya of Land Redrawn by Ethnicity," The New York Times (December 15, 2008) 1.

politically powerful personalities after independence in 1963. Instead of returning the stolen lands to the original owners, the politically connected personalities benefited the occasion of the departing white settlers to grab land, while relegating those who owned the land before the white settlers came to the category of the landless. Reactions of discontent have been revealed in the land clashes of 1992, 1997, and 2007. These clashes display the anger among those living in impoverished conditions. Others are also frustrated because of the deliberate delay in addressing certain problems haunting the society since independence.

4.5.5 Competing Identities, Loyalties, and Interests

Ethnic identity, as applied to Africa, refers to a group of people sharing a common ancestry, language, symbol, and territory. Ethnic identity derives its foundation from combined memories of the past and common expectation. Many people live and continue to lead their lives within the framework of an ethnic group[107]. When a person is in difficulties, it is normal for this person to call for help from the ethnic community to which he (she) belongs. In urban areas, ethnic identity is appealed to when people are in need of financial support and political support. For many people ethnic identity stands as a symbol of communal solidarity and security. Ethnic identity, be it in rural or urban areas, remains a powerful force to reckon with, although it varies like temperature, from time to time, depending on prevailing political circumstances. It is a fluid concept, meaning different things at different times and contexts.[108]

The nature and meaning of ethnic identity are difficult to grasp unless we relate them to the changing conditions of life. One may continue using old answers for new questions if he (she) does not pay attention to such connection. One has to consider cultural, socioeconomic, and political changes that have been taking place and how they have continued to fashion ethnic identities, loyalties, and interests. Ethnic identities, from the African perspective, assume a triple history pre-colonial, colonial, and post-colonial. In the pre-colonial period, ethnic groups were more rural and homogeneous, and there was less competition between them for the scarce economic resources than it is today. In the pre-colonial period, observes John Lonsdale, there was a recognised art of living in a reasonably peaceful way without a state structure in the way it is understood today. Small ethnic groups, during the colonial period, were forced to merge.

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[107] Editorial, "Kenya's Glimmer of Hope," The New York Times (February 22, 2008) 6.
[108] Macharia Gaitho,"Will Kenya Continue to Exist as a Modern State?" Daily Nation, Kenya (February 5, 2008)

Because of the ethnic competition for the scarce economic resources and political power, each ethnic group tends to fight to have a president from their group. For them, the president will loot the state for his ethnic group. In other words, the president is not for the state, but his ethnic group. This is the root cause of the struggle to control the state.[109] Ethnic strategies are often connected with the resources of modern economy, such as in gaining employment, education, securing loans, and seizing appointments for lucrative offices. The competition for the limited economic resources within the state today, to a certain extent, has changed the meaning of ethnic identities.[110]

4.5.6 Ethnic Identity and the Common Good

Ethnic identities shape the meaning of the common good. While ethnic sentiments may undercut the nationalistic approach, they may also be a force that enhances any sense of nationhood and common good. Despite the call for national unity, the typical understanding of the common good remains limited to the framework of particular ethnic groups. Important issues such as how to form a nation based on political consensus and ethnic identities have not been addressed since independence.[111]

Involvement of an ethnic group in a super-structure like a nation-state should be understood from a perspective that enables each ethnic group to develop deliberative powers and a sense of purpose in search for the common good. In this context, access to multiplicity of groups promotes a diversity of interests and enables each group to participate in the common structure laid down by consensus. The idea of political consensus can articulate new perspectives and preferences, which will eventually enter into the balancing process by dissolving ethno-political competition and creating institutions that can guarantee equal citizenship, participation, and justice. This approach gives priority to those approaches that seep into the balancing process, affecting the shape of interest groups. Pluralism protects rights of individuals and groups by promoting political consensus based on consent. A balance of interests achieved by free bargaining between ethnic groups creates a comprehensive conception of the common good, and it should be regarded as a way of lessening the competition and tension between ethnic groups.

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[109]3Geoffrey Gettleman,"Signs in Kenya of Land Redrawn by Ethnicity," *In the New York Times* (December15, 2008) 1.

[110] 6 Editorial, "Kenya's Glimmer of Hope," The New York Times (February 22, 2008)

[111] 6Editorial, "Kenya's Glimmer of Hope," The New York Times (February 22, 2008) 6.

4.5.7 Politicisation of Ethnic Identities

Ethnic identities act as a pole around which group members are mobilised and compete effectively for state-controlled power and economic resources. Under the leadership of the predatory elite, members of the ethnic group are urged to form an organised political action-group in order to maximise their corporate political, economic, and social interests. Conflicts involving ethnic interests have been summed up as those advocating interests of culturally distinct peoples, or clans in heterogeneous societies who are locked in rivalries about the access to power, and in which those concerned have certain regions as their stronghold and tend to follow the strategy of ethno-nationalism.[112]

Most of the political conflicts found in Africa today involve ethnic groups struggling for the control of their region (as it is the case in Angola, Nigeria, Sudan, and Ethiopia), or even struggling to control the entire country (e.g. Somalia, Rwanda, Burundi, Liberia, and Sierra Leone). It has been argued that ethnic groups engage themselves in a struggle for political power with other ethnic groups. In this battle, each ethnic group advocates its interests in different ways. Such phenomenon does not happen simply because of conservatism; rather, ethnic groups are also interest groups whose members share some common economic and political interests. People do not kill one another merely because of the ethnic differences. They kill each other when these differences promote unhealthy competition. The situation does not even become explosive until such a climate of social relationship is extended to the economic and political spheres.[113]

Ethnic identities play a significant role in informal relationships, because in many ways they are political in character. It is not just a mere cultural identity limited to friendships, rituals, and marriages. A number of leaders, at the national level, allocate to their ethnic groups considerable state resources to maintain their political influence and control of the ethnic group concerned. Such leaders aim at maximising their support and their access to resources in competition with rival politicians. Consequently the practice breeds destructive competition and conflict.[114]

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[112] 3Geoffrey Gettleman, "Signs in Kenya of Land Redrawn by Ethnicity," The New York Times (December 15, 2008) 1.
[113] 4Macharia Gaitho, "Will Kenya Continue to Exist as a Modern State?" Daily Nation, Kenya (February 5, 2008) 12.
[114] Editorial,"Kenya's Glimmer of Hope," The New York Times (February 22, 2008) 6.

4.5.8 Measures to promote regional peace between South Sudan and Kenya

Over the years, Kenya and South Sudan have endured frequent conflicts over natural resources. Conflicts are normal phenomena in plural societies as they are consequences of diverse interests that exist objectively.[115] Logically, normalisation mechanisms must be equally put in place to mitigate the adverse effects of conflict. Normalisation involves creating conditions of mutual recognition, acceptance, tolerance, coexistence and cooperation among communities in diverse environments.

Turner observes that this kind of conflict resolution does not require billions of dollars, like the United Nations' intervention force[116]. Nor does it attract media attention like peace summits between political leaders. What it does require, is a long-term commitment to the community. A similar trend is being employed in the newly independent republic of South Sudan whereby the local peace committees have received conflict analysis and resolution training through the Peace Direct (PD) grant project, and are now uniquely able to identify, understand and intervene appropriately in micro-level conflicts.[117] An essential part of this project is a Rapid Response Fund (RPF), which provides the peace committees with small stipends to respond to conflicts quickly and prevent them from escalating. The committees have also held meetings with representatives from oil companies, who have been increasingly receptive to the role of civil society in preventing conflict.[118] The peace committees have helped mediate over land conflict and also intervened to reduce the recruitment of youth into militias.

Consequently in Kenya, the District Peace Committees (DPC) model was embraced to serve as an important vehicle to promote national healing, reconciliation and cohesion among various communities in the country and in the East African region. Ethnic clashes in Kenya and South Sudan can be attributed to increased competition for shrinking resources, particularly grazing land.[119] Others may be due to dispute over boundaries, cattle theft, access to water points and tribal differences. Due to frequency of conflicts, the communities resorted to their own locally

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[115]Nachmani, A. (2010). *International intervention in the Greek civil war. The United Nations Special Committee on the Balkans, 1947-1952*. New York.

[116] Turner, T. (2007). *The Congo Wars: Conflict, Myth and Reality*, International Center for Transitional Justice.

[117] Bouta, T. Orellana, S. & Nimer, M. (2005). *Faith based Peace building: Mapping and Analysis of Christian, Muslim and Multi faith Actors.* Netherlands: Netherlands Institute of International Relations.

[118] Ayittey, G (2009), *Africa in Chaos*, Palgrave Macmillan.

[119] Rogge, J. (2007). *The Internally Displaced Population in Kenya, Western and Rift Valley Provinces: A need Assessment and a program proposal for Rehabilitation.* Nairobi: UNDP.

driven efforts to prevent and manage conflicts between them and their neighbours. It is out of these that peace committee model was established at the areas to help in peace building through promotion of peaceful co-existence in society as well as fill the security void left by the government in conflict prone areas.[120]

Peace committees are very critical in resolving issues and challenges facing security at grass root levels. This is because it is widely acknowledged that communities are better placed and informed in making decisions that affect their own lives and should therefore be facilitated.[121] Notably, peace committees have provided the best practices in not only mitigating against potential conflicts but also in promoting dialogue between the two regions. In order to strengthen development, promote democratic processes and prevent instability, it is imperative to ensure that better processes and mechanisms for consensus building and dispute resolution are in place.[122] This requires long-term, systematic efforts to raise awareness and impart skills and strengthen institutions that will enable the governments and civil society officials to respond to crises more effectively, bolster existing peace processes and create mechanisms and procedures through which crises can be solved in a peaceful manner.

Effectiveness of peace committee in conflict management and peace building has been dwindling with minimal success registered in Kenya and South Sudan that embarked on rolling out the program.[123] Though the model has progressed on well in certain regions, in some it is marred with a lot of challenges that therefore calls for critical and in-depth analysis aimed at improving the performance of peace committee. The Kenyan government with the support of development partners and Civil Society Organisations (CSOs), set up a National Secretariat for Conflict Management and Peace building (NSC) with a mandate to coordinate peace building and conflict management interventions in Kenya. While peace building initiatives invariably change depending on the context in which they must be undertaken, it is estimated that about half of the

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[120] Adan, M. & Pkalya, R. (2006). *Conflict Management in Kenya: Towards Policy and Strategy Formulation (Edited by Muli, E.).* Practical action.

[121] Samir E. (2008) *Crisis in Kenya: land, displacement and the search for durable solutions.* Overseas development Institute.

[122] Sorensen, B. (2008). *Women in Post-Conflict Reconstruction: Issues and Sources.* Occasional paper No.3.

[123] McWilliams, M. (2005). *'Struggling for Peace and Justice: Reflections on Women's Activism in Northern Ireland',* Journal of Women's History, Vol. 6, No. 4/Vol. 7,No.1, pp. 13-35.

countries emerging from violent conflict return to war within 5 years which therefore cast doubts on the present capacity of peace building initiatives to secure sustainable peace.[124]

For a long time; women and youth involvement in peace initiatives has been largely neglected. For instance, the 1995 UN Fourth World Conference of Women in Beijing called for inclusion of women in conflict resolution at decision making levels in Kenya and South Sudan.[125] In fact, it was a major step in recognising and legitimatising the role of women in conflict resolutions and peacemaking at grass root levels. Since then, women involvement and participation in conflict management and peace building has been receiving special attention because they represent vital resource for sustaining peace efforts at all levels. Women have for a long time been relegated to the private sphere away from public decision making and assigned sole responsibility for matters involving the home and family.[126] Women have replaced men in vital community roles and as agents of social change yet for the majority, their primary roles in times of conflict are those of family protector, victim, and survivor.[127]

4.6 Conclusion

South Sudan, the newest Member State of the United Nations, is facing an existential crisis. The achievements of the Government of the Republic of South Sudan (GRSS) during the Comprehensive Peace Agreement (CPA) period were noteworthy, more so when the low baseline resulting from decades of marginalisation and war is taken into account. Sudan and Kenya has been several challenges in promoting regional peace. These challenges in Sudan are corruption, extractive industry, political and economic challenges. Challenges facing Kenya are ungoverned space, inadequate law enforcement apparatus, cross border conflicts, ethno-political competition, discrimination and violence, competing identities, loyalties, and interests, ethnic identity and the common good and Politicisation of ethnic identities.

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[124] Eran, O. (2009). "*Arab-Israel Peacemaking*." *The Continuum Political Encyclopaedia of the Middle East*. New York:

[125] Elshtain, J. B. (2011) *Public Man, Private Woman: Women in Social and Political Thought,* Princeton University Press, Princeton.

[126] Elshtain, J. B.(2011) *Public Man, Private Woman: Women in Social and Political Thought,* Princeton University Press, Princeton

[127] McWilliams, M. (2005). *'Struggling for Peace and Justice: Reflections on Women's Activism in Northern Ireland',* Journal of Women's History, Vol. 6, No. 4/Vol. 7,No.1, pp. 13-35.

The continued targeting of individuals and groups considered anti-government is an expression of the highest disregard to democratic ideals. There were numerous reports that the government or its agents committing arbitrary or unlawful killings. Security forces, and ethnically based groups have also been responsible for extrajudicial killings in conflict zones. Civil society and government sources attributed an increase in violent crime in Juba to security and police forces. Courts are undermined by political pressure, corruption, discrimination towards women, and the lack of a competent investigative police service. The courts are subject to political pressure when trying anyone with strong associations to the SPLM, SPLA, or NSS. Patronage priorities or political allegiances of traditional elders or chiefs commonly influenced verdicts in customary courts.

Over the years, Kenya and South Sudan have endured frequent conflicts over natural resources. The two countries have put in place mechanisms to mitigate escalation of these conflicts. The arming of respective groups, Turkana and Toposa has mitigated for the inadequacy of government security presence in the region. The Toposa militia and the Turkana police reservists, commonly referred as home guards play this role, albeit with challenges.

5.0 CHAPTER FIVE: SUMMARY, CONCLUSION, AND RECOMMENDATIONS

5.1 Introduction

This chapter presents summary of findings, conclusions based on findings and recommendations on role of natural resources in promoting regional peace: with specific reference to border regions of Kenya and South Sudan. The chapter also presents recommendations for further studies.

5.2 Summary of Findings

The study aimed at assessing the role of natural resources in promoting regional peace: with specific reference to the border regions of Kenya and South Sudan. The study established that economic links between Kenya and South Sudan are being strengthened majorly on natural resources as a unifying factor and other integration issues. Focus is sustained on national growth and development of respective countries. Likely benefits are regional and include creating employment opportunities, business opportunities and resultant benefits to consumers in the countries. These findings further point out that Kenyan citizens take active roles within South Sudan's private sector, infrastructure development and informal goods markets, as well as NGO sector.

5.2.1 Proliferation of Small Arms

The study found that some pastoralists in border regions still practice cattle rustling using bows and arrows and that poverty looms in regions intensifying competition for scarce resources. Poor and corrupt policing of borders between Kenya and its neighbours was found to have facilitated influx of large quantities of small arms. The study further established that pastoralist communities arm themselves so as to protect their family and to raid livestock from other communities, and that large market for small arms is provided by the pastoralists living in the border regions of Toposa and Turkana. Small arms and guns were also found to act as an investment that can be traded for livestock and other commercial goods, as poor and corrupt policing of borders between Kenya and its neighbours has facilitated influx of large quantities of small arms.

5.2.2   Factors contributing to the conflicts

The study finds that population growth in the regions makes some people move to neighbouring region in search of food and water, invasion of pastoralists in neighbouring villages with

livestock in search of water and grazing lands leads to fight over herding territory, and that raiding creates links between illicit trades in stolen cattle and small arms. Unfavourable climatic conditions in the region such as drought causes migration, cattle rustling and lack of state control in pastoralist region generates conflict over grazing land and access.

5.2.3 Most Serious Effects of the Conflict

Investigations established that one of the most serious effects of this conflict is the loss of human life through cattle raids and attacks with deaths occurring as affected community pursue their stolen livestock, counter raids and revenge attacks, or as they defend themselves against raids/Attacks. Loss of property, displacements of large segments of communities, disruption of socio-economic activities and livelihoods, increased hatred between the two communities are the main negative impacts of increasing and severe armed conflicts in conflict area. The other effects of conflict established are poor education standards as families are not settled, and lack of infrastructure.

5.2.4 Cross Border Trade between Kenya and South Sudan

The study established that Kenyan exports to South Sudan grew significantly while that of South Sudan exports to Kenya was uneven and much lower in value-ranging between US$ 0.13 million and US$ 2.6million. It was further established that Kenyan exports to South Sudan increased from US$ 57.6 million in 2005 to US$ 144.5 million in 2008.

Findings indicated that uneven growth trends in exports from South Sudan to Kenya are caused by a generally novel and less organised private sector in the country and the long history of insecurity which has discouraged private sector from undertaking long-term business ventures, preferring short-term risky investments that fetch high "returns". South Sudan re-exports dominate commodities traded with Kenya.

Relationship between Kenya and South Sudan today revolves around three key areas thus, boosting of cross-border trade, enhancing manufacturing capability and implementation of infrastructural networks linking Kenya and South Sudan. This has been enriched by Kenya's recognition of the potential of South Sudan as a key partner. This has seen Kenya contribute to infrastructural investments within South Sudan which includes proposed rail line and oil pipeline agreement The Lamu Port and Lamu Southern Sudan-Ethiopia Transport Corridor (LAPSSET) is

a huge project that involves development of airports, railways, roads and notably, an oil pipeline between Lamu and South Sudan. Indicatively, the current Rift Valley transport corridor links Mombasa and Uganda, leaving Sudan an important absentee from Kenya's infrastructural venture aimed at promoting regional trade. As a key player and mediator to the CPA, Kenya has a specific great interest in ensuring that it is effectively implemented. As the economic giant within the region, it stands to benefit from the growth of a considerable market and major infrastructure in the South, including as a conduit for oil.

5.3 Key findings

5.3.1 Combating Proliferation of Weapons to the Two Communities

The study found that first step in curbing proliferation of illicit small arms in border of Kenya and South Sudan has been a setup of adequate national responses to the problems within boundaries. There have been internal controls that have helped to stop proliferation of small arms and weapons in the region. This has helped to ensure better control over borders of the countries in the region.

5.3.2 The Overcoming of Regional Famine

The study found that the two communities have developed a highly flexible social system and an elaborate set of both individual and collective-based survival strategies during their long experience of environmental uncertainty. These include herd diversification, herd splitting, the redistribution of surplus livestock within social networks, the formation of alliances with neighbouring groups and recourse to raiding livestock from other herders. In particular, complex social security networks based on kinship, friendship and patronage the so-called 'moral economy' constitutes the final protection against destitution and as the key to famine recovery. It was found that aid administrators have always responded by distributing food aid evenly. This has however disadvantaged large families and those that have no other means of coping.

5.3.3 Conflict as Integral to Resource Use

It was found that herders pursue a complex range of conflict avoidance strategies to maximise vulnerability and to avoid confrontations with other resource users. These include diversification of livelihood strategies, intensification of resource use and migration. Where conflict avoidance is not possible and violence erupts, pastoral societies typically possess a rich array of strategies

for managing them, which are embedded within local social norms and include roles for councils of elders, religious chiefs and traditional courts.

Local-level conflicts over natural resources is seen in context of the complex processes through which pastoralists have built up and sustained physical and cultural components of their survival in harsh environments. Rigorous daily routine of being a herder fosters a number of physical and mental attributes essential to survival, which often translate themselves into aggressive behaviour. Ultimate objective of aggressive behaviour, however, is not necessarily physical overcoming of an adversary nor is it influenced solely by material considerations.

5.4 Conclusion

Turkana – Toposa conflict is a protracted one as two communities ascribe to the source of protracted conflict which are denial of elements required in development of all people and societies, and whose pursuit is a compelling need in all.[128] These are security, distinctive identity, social recognition of identity and effective participation in the processes that determine conditions of security and identity, and other such developmental requirements.

On the Kenyan government strategies to control conflict, it is opinion of this study that measures taken to eradicate conflict and promote regional peace are not adequate because they are reactionary and not proactive. However this study concludes that efforts of community elders and joint infrastructural development are commendable and should be supported and encouraged by all.

It is worth noting that both Kenya and South Sudan have signed several bilateral agreements in an endeavour to enhance cross border peace, which would ensure that peace prevails and the two states find conducive environment of exploiting natural resources. Kenya and South Sudan are keen on a relationship geared towards developing their respective nations. There are many areas of cooperation between the two countries and on the table there have been joint ventures between the two countries.

Several interactions reveal that the two states will explore more avenues to boost relations both at political and economic levels. Delegations from each country visiting their capitals point

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[128] Azar E (1983)

towards more negotiations in this regard. A consistent argument often presented is that emerging ties merely affirm existing ties between the two countries and this can only get better if the two states exploit opportunities presented by natural resources as a means of maintaining peaceful relations and integration and improving livelihoods of the people from the two countries.

5.5 Recommendations

The study makes the following recommendations:

5.5.1

To adequately use natural resources to promote regional peace and prevent conflicts, the study makes the following further recommendations:-

i). Both Kenya and S Sudan governments should sink more borehole and wells to ensure that locals have adequate water during droughts to avoid or minimise migration.

ii). Deployment of sustained and adequate security presence in the area by both governments is mandatory in order to increase visibility and maintain law and order among communities.

iii). There is a need for extensive discussions aimed at harmonising modern and traditional practices of pastoralism, such as resource and conflict management methods. This will help do away with some of prevailing contradictions that lead to conflicts.

iv). There is need for government and other development agencies to focus on ASALs and pastoralism as one way of helping them out of perpetual conflicts and poverty in which they live.

v). There is a need to identify profitable markets where pastoralists can sell their livestock and livestock products. This will encourage them to cut down on any extra numbers of animals.

vi). Education should be extended to more children in ASALs as one way of reducing large numbers of people who will solely be dependent on pastoralism in the future.

vii). Kenyan government should vet and issue arms to Turkana Police Reservists for their own protection. This should be in realisation of government's own inability to assure security through deployment of security agencies**.**

viii). The respective governments should strengthen traditional conflict resolution mechanisms and link them with formal police, court and government agencies.

Recommendation for Further Studies

The study established that various programmes within border regions promote peace to a great extent. To augment this study, it is recommended that another study be conducted to establish the effects of small arms and weapons in promoting regional peace in the border regions of Kenya and South Sudan. The study further established that there is enough information on the natural resources as a source of conflicts. It is therefore recommended that further studies are conducted to explore how natural resources can enhance regional peace.

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