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Institute of Diplomacy and International Studies.
Masters of Arts in Diplomacy and International Studies

Title
Track One Conflict Management in Cross-border Pastoral Conflicts: A case study of the Pokot-Karimojong.

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Reg. No: R50/P/7407/05
September 2010

A Dissertation submitted to The University of Nairobi, Institute of Diplomacy and International Studies in partial fulfillment of the requirements for the award of Masters of Arts Degree in Diplomacy and International Studies.
Declaration

Declaration by the student
I the undersigned declare that this is my original work and has not been submitted wholly or partly to any other college, institution or university for academic credit during the period of registered study. Where other researchers have been cited, they are duly acknowledged. No part of this dissertation may be reproduced without prior written permission from the author and The University of Nairobi.

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17th Nov. 2010

Declaration by the Supervisor
This dissertation has been submitted for examination with my approval as the University Supervisor.

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17 November 2010
The search for sustainable peace among the cross-border pastoral communities who have for a long time engaged in armed cattle rustling has eluded practitioners and policymakers alike and still obtains as a major challenge to peace and security. This is more so in view of the fact that these conflicts especially in the Horn conflict system are complex, compounded by non-conventional features such as trans-nationalization, their commercialization, and the accompanying proliferation of actors as well as weapons leading to their intensification and escalation in scale and violence.

Scholars of pastoral conflicts biased to the conflict research paradigm situate the ensuing violence in the context of a legitimate struggle for remedying oppressive structures that prevents people from achieving their full potentials. They see conflicts as organized to attempt to change the distribution of welfare and argue that violence is the cause of the difference between actual and potential human mental and somatic realizations and is built into the structures resulting in unequal life chances.

A proliferation of state and non-state actors has variously applied different approaches and strategies in an attempt to cease hostilities or enable peaceful co-existence among the conflict parties, albeit with little success. Key among these is track one; the official, state-sponsored conflict management approach. This study argues for a principal role by track one actors towards conquest of these challenges to found sustainable peace.

Track one conflict management responses, whose mainstay is power and deterrence have so far been ineffective and actors have been accused of lacking adequate focus on other critical imperatives necessary for nurturing sustainable peace. Track one aim for immediate results such as cessation of violence, with explicit possibility of use of power, including military force. Actors have employ strategies such as disarmament, arming of vigilante groups and border surveillance. They have occasionally imposed their will over the pastoral communities, introducing policies that are based on misinformed and unfounded notions that fail to respond to the needs of the people. These approaches are not acquiescent to conflicts with fundamental differences or root causes especially in protracted conflicts over non-negotiable needs.

There is need to device techniques for constructive handling of difference and divergence so as to prevent disputes from erupting into violent crisis and designing appropriate institutions that structure and guide the existing conflicts to accommodate all conflict parties and guarantee security of, not just the state but also life and property of the affected communities – hence, human security. This study suggests various but synchronized efforts to meeting human needs – a proactive, deliberate and affirmative action by the state to respond to the human security needs of the pastoral people by establishing a conducive environment that enables them to pursue unlimited life chances; regional effort to deal with instabilities and the arms menace; alliances within the various tracks of conflict management; revitalizing traditional justice systems and conflict transformation. These will ultimately lay a strong foundation for sustainable peace and security of the people, the state and the region.
Dedication

Dedicated to my late parents: Migwi wa Mbuthi and Nyawira wa Migwi; You folks believed in me when I was still in diapers. That faith has been, and shall remain the nucleus, the sheath and inspiration during my physical life.
Acknowledgment

My sincere thanks go to all those without whose effort and selfless contribution in time, advice, critique, hard work and immense resources, this dissertation would not have been.

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I am heartily thankful to my lecturers, Dr. Robert Mudida, Prof. Olewe Nyunya, Dr. Kithure Kindiki, Dr. Adams Oloo and Miss Anita Kiamba whose encouragement, guidance and support during the early days of my study enabled me to develop an understanding of the subject and to horn my conceptual skills in the field of diplomacy.

I am forever indebted to my colleagues, particularly Mwangi wa Mungai, Geoffrey Gathigi and Morris Odhiambo among many others whose honest critique helped refine my ideas. And to all those who facilitated my research in the field and arranged for data gathering expeditions; Mbogo Mathioya, Julius Mutula, Stanley Too and many others, I say thanks big time.

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And to Nyambura, the gorgeous lady in whose arms I would always find solace and whose unconditional attention, even in the very ungodly hours when I would unreasonably pour my frustrations and throw tantrums; what a lovely heart and an adoring character! I am profoundly humbled to be associated with you. And finally to my children Migwi, Komu and Wangechi; I owe you one each for reminding me throughout my self-induced madness that kept me in the libraries, away from you, that it was no excuse to abscond my parental responsibilities which conversely, are your unassailable rights. Grow up responsibly. And desire to heal humanity of its many Achilles heels!

As a confirmation of my gratitude to you all, I take responsibility for any errors and / or omissions in this work.
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<tr>
<td>ASALS</td>
<td>Arid and Semi-Arid Lands</td>
</tr>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>BC</td>
<td>Before Christ</td>
</tr>
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<td>BDACP</td>
<td>Bamako Declaration on African Common Position on SALW</td>
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<tr>
<td>CBOs</td>
<td>Church Based Organizations</td>
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<tr>
<td>CDF</td>
<td>Constituency Development Fund</td>
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<tr>
<td>CEWARN</td>
<td>Conflict Early Warning and Response Mechanism</td>
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<tr>
<td>CEWERUs</td>
<td>Conflict Early Warning Response Units</td>
</tr>
<tr>
<td>CNN</td>
<td>Cable News Network</td>
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<tr>
<td>COMESA</td>
<td>Common Market for Eastern and Southern Africa</td>
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<tr>
<td>CRC</td>
<td>Conflict Research Consortium</td>
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<tr>
<td>CSOs</td>
<td>Civil Society Organizations</td>
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<tr>
<td>DRC</td>
<td>democratic Republic of Congo</td>
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<tr>
<td>EAC</td>
<td>East African Community</td>
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<tr>
<td>EAPCCO</td>
<td>East African Police Chiefs Cooperation Organization</td>
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<tr>
<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<tr>
<td>EMCA</td>
<td>Environmental Management and Coordination Act</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>GOK</td>
<td>Government of Kenya</td>
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<tr>
<td>HDI</td>
<td>Human Development Index</td>
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<tr>
<td>HOA</td>
<td>Horn of Africa</td>
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<tr>
<td>HRW</td>
<td>Human Rights watch</td>
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<tr>
<td>IGAD</td>
<td>Intergovernmental Authority on Development</td>
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<td>IGO</td>
<td>Intergovernmental Organizations</td>
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<tr>
<td>ILRI</td>
<td>International Livestock Research Institute</td>
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<tr>
<td>KIDDP</td>
<td>Karamoja Integrated Development and disarmament Programme</td>
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<tr>
<td>KISP</td>
<td>Karamoja Initiative for Sustainable Peace</td>
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<tr>
<td>KPR</td>
<td>Kenya Police Reservist</td>
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<tr>
<td>LDU</td>
<td>Local Defense Units</td>
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<tr>
<td>LRA</td>
<td>Lord’s Resistance Army</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>MP</td>
<td>Member of Parliament</td>
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<tr>
<td>NEPAD</td>
<td>New Partnership for African Development</td>
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<tr>
<td>NFD</td>
<td>Northern Frontier District</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<tr>
<td>NRM</td>
<td>National Resistance Movement</td>
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<tr>
<td>OAU</td>
<td>Organization of African Unity</td>
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<tr>
<td>OOP</td>
<td>Office of the President</td>
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<tr>
<td>PEAP</td>
<td>Poverty Eradication Action Plan</td>
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<tr>
<td>PRSP</td>
<td>Poverty Reduction Strategic Plan</td>
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<tr>
<td>PSC</td>
<td>Peace and Security Committee</td>
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<tr>
<td>PSIC</td>
<td>Peace, Security and Intelligence Committee</td>
</tr>
<tr>
<td>PTG</td>
<td>Pastoral Thematic Group</td>
</tr>
<tr>
<td>RECSA</td>
<td>Regional center for Small Arms</td>
</tr>
<tr>
<td>SALW</td>
<td>Small Arms &amp; Light Weapons</td>
</tr>
<tr>
<td>SAPs</td>
<td>Structural Adjustment Programmes</td>
</tr>
<tr>
<td>SPLA</td>
<td>Sudan People's Liberation Army</td>
</tr>
<tr>
<td>SALT</td>
<td>Strategic Arms Limitation Treaty</td>
</tr>
<tr>
<td>START</td>
<td>Strategic Arms Reduction Treaty</td>
</tr>
<tr>
<td>THG</td>
<td>Turkana Home Guards</td>
</tr>
<tr>
<td>UHRC</td>
<td>Uganda Human Rights Watch</td>
</tr>
<tr>
<td>UK</td>
<td>United Kingdom</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<tr>
<td>UNHCR</td>
<td>United Nations High Commission for Refugees</td>
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<tr>
<td>UNPA</td>
<td>United Nations Programme of Action</td>
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<tr>
<td>UPDF</td>
<td>Uganda People Defense Forces</td>
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<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
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<td>WW II</td>
<td>Second World War</td>
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</table>
Definition of Terms

Cattle rustling is ‘the stealing or planning, organizing, attempting, aiding or abetting the stealing of livestock by any person from one country or community to another, where the stealing is accompanied by dangerous weapons and violence.

Pastoralism is the finely-honed, symbiotic relationship between local ecology, domesticated livestock and people, in resource-scarce regions – often at the threshold of human survival. It contributes significantly to the economies of many states and is the primary mode of production on one quarter of the world’s land area, providing around 10 percent of global meat production and supporting around 200 million households.¹

A conflict is a dispute between parties on specific issues. It arises from differences in outlook, opinions and values with regard to those specific issues. The issues themselves can be cultural, social, political or economic. They can be at individual, community, national or international level.

Conflict management refers to the positive and constructive handling of difference and divergence so as to prevent disputes from erupting into violent crisis or to cool a crisis that has already turned violent by eliminating, neutralizing or controlling the means of pursuing the conflict with violence usually by establishing legitimized relationships between conflicting parties. It may also involve designing appropriate institutions that structure and guide the existing conflicts such that all conflict parties can be accommodated.

¹FAO, ‘Pastoralism in the new millennium’ Animal production and health paper, (No. 150 Rome, FAO, 2001)
CHAPTER ONE

Background to the study

Conflict is an endemic feature in all human societies. It occurs at all levels of human interactions with varying degrees of wreck and devastation. Consequently, and in order to guarantee his survival, man has made deliberate efforts to mitigate the negative effects of conflicts from the prehistoric warfare to the ongoing hostilities around the world. With varying degrees of success, approaches such as peace treaties, negotiation, settlements, mediation, arbitration, reparations, reconciliation and resolution among others have been employed in different conflicts. The most significant peace effort was the Peace of Westphalia\(^2\) which not only laid a firm basis for state sovereignty but also marked the beginning of peace treaties, modern state diplomacy and other diplomatic alliances.

With a probable exemption to the liberation struggles by occupied states and colonies in the late 19\(^{\text{th}}\) and early part of the 20\(^{\text{th}}\) centuries, treaties have been used to maintain peaceful relations between states. With the outbreak of WW I whose scale, intensity and degree of sophistication were unprecedented in history, the balance of power phenomenon reminiscent of the Concert of Europe\(^3\) came under sharp scrutiny. Major powers came together to sign the Versailles treaty which scholars contend, was a

\(^2\) Refers to the two peace treaties (Osnabrück and Münster), signed in 1648, thereby ending both the Thirty Years' War in Holy Roman Empire and the Eighty Years' War between Spain and the Republic of the Seven United Netherlands, where they agreed to abide by the principle of territorial integrity.

\(^3\) A treaty formulated in 1815 as a mechanism to enforce the decisions of the Congress of Vienna. Its main priorities were to establish a balance of power, thereby preserving the territoriality and sovereignty of European states. See Schroeder, P.W: "The Transformation of European Politics 1763-1848", (Claredon Press, 1994)
challenge to state-centrism. It embodied a fundamental shift in thought towards an attempt at establishing an international body for preventing war by peaceful means as championed particularly by the victor parties. Thus, the League of Nation was established in 1919 to end WW I.

The League, however failed to intervene in a series of international aggressions during its twenty years of existence, leading to the eruption of WW II which left in its wake an unprecedented devastation, epitomized by the atomic bombing of Hiroshima and Nagasaki, and exposed humanity to the stark reality of man’s potential to self-destruction. The scale and enormity of the WWII and the apparent failures of the League stirred scholarly excitement with leading scholars such as Carr challenging the idealism of the league. The spur of the moment nudged policy-makers to found a body that would proactively stop wars and provide a platform for dialogue between opponents. Thus the Dumbarton Oaks Conferences culminated with the formation of the UN which has been effective in preventing another world war. Inadvertently, the unresolved issues relating to WWII arms race set the stage for the cold war by the victor parties and the subsequent proxy wars of supremacy that dominated the last half of the 20th century, culminating with the disintegration of the Soviet Union.

Since the fall of the Soviets, the notions of state sovereignty, territorial integrity and the right of states to make or break war which forms the gist of track one conflict management has since been challenged by the reduction in inter-state conflicts and an

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5 Carr, E.H book, "Twenty Years Crisis, 1919-1939: An Introduction to the Study of International Relation."
increase in intra-state, more complex and ambiguous conflicts. Post-independence Africa was characterized by intra-state conflicts, sometimes with regional ramification, which raised questions about the conventional notion of security, narrowly defined in relation to state. Track one conflict management and its inherent power capabilities has been confounded by the nature, causes, actors, sophistication, interests and objectives of these conflicts particularly since they are not amenable to deterrence or arbitration by state actors.

Until two decades ago, cattle rustling and related conflicts have been treated as low intensity violence thereby commanding little attention from leaders, policy makers and scholars alike. However, its intensification, sophistication and devastation demand a thorough investigation of the prevailing assumptions and concepts, and a probable shift in traditional approaches to conflict management. It is important for policy-makers to redefine security more broadly and to find effective methods of managing cross-border pastoral conflicts and guarantee security of, not just the state but also life and property of the affected communities.

Statement of the research problem

Scholars of conflict have rightly pointed out that post-cold war conflicts especially in the global south are complex, more so due to non-conventional features such as trans-nationalization, their commercialization, and the accompanying proliferation of actors as well as weapons. Though pastoral communities have traditionally engaged in cattle rustling, their intensification and escalation in scale and violence in the last few decades have alarmingly increased human casualties, especially women and children, the Karamoja cluster alone reporting over 600 deaths and the loss of over 40,000 heads
of livestock in just ten months in 2004 while in August 2008, Pokot raiders killed over 40 people in Turkana South district. The cycle of violent conflicts disrupts the lives and livelihoods of the parties involved, stagnates development and hinders the provision of, and access to lives basics as government officials and other investors avoid these risky environments. Frequent cross-border escalations pre-dispose neighboring countries to inter-state conflicts and threaten national cohesion as well as regional initiatives such as EAC and the AU.

Track one conflict management responses, whose mainstay is power and deterrence have not been effective and actors have been accused of lacking adequate focus on other critical imperatives necessary for nurturing sustainable peace. Capabilities for conflicts, their intensification and sophistication seem to have out-grown the capacity for track one conflict management approaches and strategies. The overall cost of insecurity is colossal in terms of retarded development and military spending. This demands a shift towards more effective, consolidated and collaborative methods for nurturing peace in these regions to guarantee human security to the pastoral communities.

This study analyzes track one conflict management approaches to cross-border pastoral conflicts and examines their effectiveness in light of emerging challenges such as SALW proliferation, commercialization and intensification of pastoral conflicts. The study advocates for appropriate policies and strategies that track one conflict managers can adopt to effectively manage pastoral conflicts. In other words, how best can track one conflict management mitigate the effects of cross-border pastoral conflicts for sustainable peace and security of the people?
Objectives of the study

➢ To analyze track one conflict management approaches to cross-border pastoral conflicts.
➢ To assess cross-border pastoral conflict dynamics and the challenges they pose to sustainable peace.
➢ To identify measures that conflict managers could effectively apply to fill the conflict management gap in the pastoral regions.

Literature Review

The literature review looked broadly into historical growth of conflict management theories and practice, with a focus on track one conflict management. It narrowed on cross-border pastoral conflicts and their dynamism in the last few decades with a bias on contemporary challenges such as SALW, intensification and integration into the market economy among other factors.

Conflict management debates

Inevitably, conflict management debates are closely linked to theories about the causes of war. Peace and security theories are intimately connected with conflict and development theories, especially when taken in the context of Galtung's expanded concepts of violence and peace\(^6\). Thus peace, security, conflict and development research necessarily has important interdisciplinary overlaps in theory, practice, methods and approaches\(^7\).

Contemporary theories of the causes of war are reducible into two major schools. One attributes war to certain innate biological and psychological factors or drive - behaviorists; the other attributes it to certain social relations and institutions - classical. The latter's mainstay is the macro level of analysis, primarily concerned with analyzing the interaction of groups that can be divided along many different cleavages at a conscious level: national, institutional, ethnic, class, and ideological to name but a few. The former focuses on the micro level, the unit of measurement being the individual rather than the group with a view to understanding motivational factors among other innate attributes.

Behaviorists posit that the root causes of war lie in human nature, human behaviour and his relationship with the environment. They see an important relationship between intrapersonal conflict and conflict that pervades the external social order. The behaviourist school believes in the centrality of biological / psychological characteristics that would predispose individuals towards aggression and conflict. They seek to illustrate possible corollaries between animal instincts and human behaviour. They are interested in the subjects of motivation, territoriality, dominance, sexuality, and survival. The prevalent micro theories in the study of human behaviour, particularly conflict, include instinct / innate theory of aggression, frustration - aggression, social learning and social identity theory and human needs theory as postulated Burton. Gurr takes the argument further with his relative deprivation theory.
Proponents of frustration-aggression and relative deprivation theories have not been able to answer the question: does all frustration of none-fulfillment of human needs lead to aggression? This led to the subsequent development of social learning and social identity theories, whose mainstay is the concept of socialization and the effect of group behaviour to the individual and vice versa. The debate on nature verses nurture among scholars continues to influence the study of conflict.

The classical theories are associated with realism theorists from Thucydides to Machiavelli to neo-realists such Morgenthau, Carr and Kenneth Waltz with their concept of power, its exercise and manifestations. To the classical theoreticians, all human conflict stem from group competition and the pursuit of power and resources. Their basic assumption is that human actions are informed by rational choices, thus deterrence (use / threat of force), decision-making and game theory.

Macro theories offer the conflict management debate important insights on interdependence of conflicts, competition and cooperation of the various actors in a conflict. Thus, classical and behaviourist theories form the foundation on which conflict management debate, just like other behavioral sciences have developed. Conflict, peace and security studies have evolved within the orbit of the two approaches, and have crossed interdisciplinary borders in methods and practices.

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Historical development: Theory and practice

Early philosophical works of Thucydides, Hugo Grotius, Immanuel Kant, Thomas Hobbes, Jean Jacques Rousseau and John Locke among others form a more solid theoretical underpinning to the development of conflict management debate. During the Peloponnesian war, Thucydides conspicuously observed the distribution of power and its manifestations. His famous statement that “the strong do what they will and the weak suffer what they must” offered a base upon which realist approach was premised, and upon which sovereigns claimed legitimacy to wage war\textsuperscript{12}.

The Hobbesian Anarchy\textsuperscript{13} of the Eighty Years War\textsuperscript{14} and The Thirty Years War\textsuperscript{15} greatly perturbed Hugo Grotius, who sought to draw a moral justification of war and to legislate its conduct, profoundly influencing the development of international law on war in later years. In reaction to Grotius, Kant saw the futility of war between states and argued for a just political organization (of state) that enables every individual to realize his liberties and to seek his happiness through actualization of his own rights thereby bringing the horrors of war to an end. The work of Kant has influenced the concept of collective security among states, particularly momentous in the 1990s\textsuperscript{16}.

Peace of Westphalia brought to an end the Eighty Years War and the Thirty Years War and laid a basis for territorial integrity and state sovereignty, the state asserting legitimate monopoly to use force in defense of her interests. It also marked a paradigm shift in the conduct of diplomacy and international relations with numerous

\textsuperscript{12} A history of the Peloponnesian War, available on http://www.perseus.tufts.edu/cgibin/ptext/
\textsuperscript{13} Thomas Hobbes’ state of nature is anarchical; a war of all against all making life is short, nasty and brutish. See, “The Leviathan”, Available on www.forgottenbooks.org
\textsuperscript{14} This was a revolt of the Netherlands in the years 1568-1648 when Netherlands successfully revolted against the Spanish Empire.
\textsuperscript{15} This war was between Protestant European nations and Catholics in the Holy Roman Empire.
\textsuperscript{16} Immanuel Kant, 1795, “Perpetual Peace–A Philosophical Sketch”. Available online at : http://www.mtholyoke.edu/acad/intrel/kant/kant1.htm (sites on 5th July 2007).
peace treaties signed between 1648 and the Concert of Europe. These were the peace
treaties in the latter half of the 17th and first half of the 18th century that arguably
preserved relative peace on the basis of equality of states and their balancing
behavior  

The notion of state equality was challenged during the French revolutions and the
subsequent military might and territorial expansion through conquest by France under
Napoleon. Rousseau questioned the right of state to violence and argued that the state
of war is inevitable where states cling on to sovereignty, prescribing a federation of
states as the only remedy to end war. In the aftermaths of Napoleonic defeat, the Great
powers of Europe came together at the Congress of Vienna where they formulated the
Concert of Europe as a mechanism to enforce their collective decisions in a Balance
of Power phenomenon. From 1814 to the outbreak of WW I, Europe experienced a
relative calm through the balancing act by the powers.

The Concert, having facilitated close to ten inter-state congresses offered a
precedent to the Versailles Treaty among other Paris Peace Treaties that founded the
League of Nations in 1919. Though scholars have illustrated that a major cause for the
League’s failure in its less than twenty years of its existence was due to US’s
abstinence from ratifying the treaty, it was President Woodrow Wilson who laid the
foundation of the League and sought to further peace through diplomacy in his famous
fourteen points.

17 As was the case in the balance of power where states may chose to balance or bandwagon.
18 This was principally a diplomatic system of the 19th century designed to defeat inter-state
aggression.
19 A process by which the power of competing groups of states tended toward a condition of
equilibrium
20 The League was also undermined by the bellicosity of Nazi Germany, Imperial Japan, the late
ratification and eventual withdrawal by the Soviets and Mussolini’s Italy.
The interwar period was marked by turmoil in much of the world, especially as Europe struggled to recover from the devastation of the WW 1. The emergence of two militarily superior powers; Hitler’s Germany and Stalin’s Russia marked a radical change in the map of Europe and in the international order. Neither state could ultimately be contained in the post-war liberal international order dominated by Britain and France. As the European balance of power declined, concern for the security of European states without the balance of power became profound. The failure by Britain and France to prevent Hitler from overturning the Versailles Treaty and his consequent invasion of Poland marked the outbreak of WWII.

The balance of power that existed in the inter-war period played even a greater role in shaping the behavior of states after the outbreak of WWII. The great powers formed alliances of the allies and the axis, the former defeating and disarming the latter to end WWII. In an effort to maintain international peace, the Allies formed the UN which officially came into existence on October 1945 with a broadened mandate of pursuing peace and improving the standards of living for humanity. This marked an important departure in the peace and security discourse profoundly in the latter years.

But the cold war usurped the energy of international community, reducing international relations into East-West power-political and ideological confrontation. Scholars have observed that WWII served as a watershed between the multi-polar world of the nineteenth and early twentieth century, and the bipolar world of the Cold War which redefined the concepts of peace and security up to early 90s.

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21 Led by the Big Three, the allies were the USA, USSR and the United Kingdom while the axis was led by Nazi Germany, Italy and Japan, considered the aggressors in the conflict.
The academic debate expanded with classical realists such as Hans Morgenthau and E. H Carr disparaging as idealism attempts to found an international body for peaceful relations among equal states. They held that international relations are primarily a realm of conflict, not cooperation since IR is a struggle for power and dominance among states. In contrast, Keohane and Nye critiqued the realist approach and asserted that certain issues do not follow realist precepts of dominance of military security concerns and the ever-present threat or use of military force. To them and other neo-liberal theorists, the UN is a forum for negotiation in matters of mutual interest particularly in times of 'crisis; where absent channels of communication may lead to an escalation in conflict. The Cuban Missile Crisis is an excellent example where the UN achieved one of its most monumental accomplishments. It also offered fora for arms reduction that led to the signing of NPT in 1968, SALT I and II in 1972 and 1979 respectively and the START in 1994.

It can be argued that the cold war’s preoccupation with escalation of superpower crisis confined peace and security studies to the strategic approach and its military-industrial complex. But the shift from deterrence and disarmament to research into methods of nurturing sustainable peace in the 1960 and 70s occurred due to easing of nuclear threat. Conflict resolution and peace research emerged as wider approaches for addressing the root causes of conflict.

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23 At the height of confrontation, UN Secretary-General U Thant succeeded in halting escalations by sending similarly penned letters to Khrushchev and Kennedy on 24th October, in which he requested a period of standstill, and urged both leaders to avoid further confrontations.
Central to these fields was the rejection of deterrence as a way of preventing war and were striving for a policy for peace, not defense\textsuperscript{24}. Scholars such as Groom refuted the strategist approach, arguing that aggressive behavior is not instinctual but a learned response to certain environmental conditions\textsuperscript{25}. Burton supports this position and further argues that to the extent that basic social needs are satisfied, the allocation of scarce resources is more likely to be legitimized rather than based on power politics\textsuperscript{26}.

Other scholars in their discourses sought to situate conflict as a legitimate struggle for remediying oppressive structures that prevents people from achieving their full potentials. According to Boulding, conflicts are organized to attempt to change the distribution of welfare\textsuperscript{27}. Thus, a change in structure is needed to tackle the root causes of inter and intra-state conflict. Galtung further broadened the concepts of “peace” and “violence,” the latter referring to the cause of the difference between actual and potential human mental and somatic realizations arguing that violence is built into the structures resulting in unequal life chances\textsuperscript{28}.

Garr’s approach is a synthesis of Burton’s need theory and Galtung’s structural violence. His perspective looks at some circumstances as imposing deprivation and posits that the greater the gap, the greater the intensity and scope of relative deprivation, and the higher the potential for violence\textsuperscript{29}. The point of departure for these

\textsuperscript{27} Boulding, K., Journal of Peace Resolution, \textit{op cit}, 22 (2) 1978, p 432
\textsuperscript{29} Gurr’s deprivation is the perceived discrepancy between value expectation and value capabilities. See Gurr, T.R., \textit{op cit}, (1970), pp 360 – 367.
scholars is the distinction of needs as the cause of conflict and not interests as asserted by strategists.

Thus, conflict research emerged as an attempt to establish a new set of legitimized and self-sustaining relationship, prejudiced towards conflict resolution by changing the environment. This argument is anchored on malleability of behavior, a view that is shared by both the strategists and conflict researchers. Peace research advocates for reorganization of the structures that foster positive peace, sometimes using approaches that may be in opposition with existing establishments.

Since the end of cold war, the notion of security has undergone a resilient transformation. The post-independent Africa has been characterized by intra-state conflicts, which raised questions about the conventional notion of security. Human security has emerged as an additional agenda on the security discourse, premised on the recognition that national security is insufficient to guarantee human security. The preeminence of conflict resolution is a result of the convergence of peace and conflict scholarly research to found theories that would not only explain the causes of both inter and intra-state conflicts but also how to manage them.

Scholars such as Burton makes a distinction between disputes that are over interests and those that are over values and observes that conflicts of interests can be negotiated, mediated or subjected to judicial determination while conflicts involving needs, values and identity cannot be subject to compromise. The broader approaches to conflict management thus combine the elimination of conflict and its resolution. The main assumption of conflict resolution is that every conflict has to be resolved.

30 Burton, J.W., "Violence Explained", (Manchester, Manchester University Press,1997) p 35
Zartman defines conflict management as "the elimination, neutralization or control of the means of pursuing either the conflict or the crisis"\(^{31}\). Conflict management assumes that conflict is complex and can never be entirely resolved. The main objective of conflict management is to find a compromise and a negotiated agreement by involving all actors\(^{32}\). Thus conflict management is 'the positive and constructive handling of difference and divergence'.\(^{33}\)

**Theoretical frameworks**

The study will utilize two closely related theoretical approaches to analyze cross-border pastoral conflict and its management. These are conflict research paradigm and needs theory. Conflict research is premised on the world society paradigm which argues that peace in the sense of being more than the mere absence of overt violence is possible.\(^{34}\) World society paradigm stresses the importance of analyzing the phenomena as cross-cutting across all disciplines.

To the world society approach, behavior is a rational response to the environment as the actor sees it. Thus changing the environment can elicit different, more cooperative behavior; hence nurture then nature\(^{35}\). It is a learned behavior triggered by circumstances and to the extent that the environment can be manipulated so can the conflictual behavior which is subjective and therefore dysfunction. Conflict resolution is possible based on a new set of legitimated relationships that are self-

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\(^{31}\) Zartman, I.W., "Ripe for Resolution: Conflict and Intervention in Africa"; (New York, Oxford University Press, 1989), p 8


\(^{34}\) Groom, A.J.R., *op cit*, pp 71-81

\(^{35}\) Groom, A.J.R., *ibid*, 1990, p 79
This approach denounces force or the threat of its use as the only form of social engineering. Conflict can be resolved without imposition of conditions to the parties or without restricting the cost-gain calculus to the parameters of power politics. Conflict researcher sees conflict as endemic and resulting from incompatible decisions emanating from separate decisions-making centers.

Resolution is possible as goals can be altered and values reassessed. Actors are guided to ensure that the totality of their values which is potentially infinite is fulfilled. These values include security, identity, participation, development and esteem. To the extent that basic social needs are satisfied, the allocation of scarce resources is more likely to be legitimized rather than based on power politics.

Needs theory as a theory of behavior challenges the accepted assumption that behavior is wholly malleable only through the use of force. It distinguishes disputes from conflicts and posits that the former can be dealt with by legal bargaining processes while the later will be pursued regardless of cost implications. Need theory looks at some circumstances as imposing deprivation. The greater the gap, the greater the intensity and scope of relative deprivation, and the higher the potential for violence. By contrast, Galtung's structural violence is a product of circumstances that are imposed in deliberate human structures. This is through policy actions (or inaction) as well as administrative decisions that impede the realization of one's full potential.

40 Disputes are primarily on negotiable interests while conflicts are on non-negotiable needs
41 Groom, A.J.R., 1990 *op cit*, p 96
42 Gurr’s deprivation is the perceived discrepancy between value expectation and value capabilities. For a discussion of structural violence in terms of relative deprivation, see Gurr, T.R., *Op cit*, 1970, pp 360 – 367
43 Galtung, J., *op cit* (1969)
The needs theory is based on the proposition that though structural violence is a reality, there are situations and conditions that are non-negotiable where basic social needs are the concern. Members of an ethnic minority who experience discrimination or impediments from realizing their full potential may result to violence, directing their frustration and anger, not against those responsible as they are inaccessible but to their equally unlucky neighbors. Needs must therefore be identified and their frustrations taken into account. The onus of responsibility for dealing with problems of structural violence is on those with the greatest influence in the system. For conflict prevention, institutions might have to be readjusted to human needs and not vice versa. Needs theory suggests an approach to conflicts of all kind to resolution based on elimination of violent structures and circumstances that give rise to crime and conflict.

**Justification of the study**

Track one conflict management responses, whose mainstay is power and deterrence has been accused of ineffectiveness. Criticism includes lacking adequate focus on other critical imperatives necessary for nurturing sustainable peace while on the most part, the responses are said to be inadequate, mostly being piecemeal and reactionary whenever conflicts have escalated. This situation retards development as it creates a vicious cycle of a community of destitute people while investors shun these regions. High costs are incurred by all actors as people and livestock are lost and military spending is colossal.

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46 Hassan, Z., “The Role and Effects of Somali Pastoral conflicts”, *A paper presented to the workshop in promoting land rights of pastoralist in the Horn*, (Nairobi 1997)
At the national level, conflict hinders implementation of government policies such as free primary education, CDF projects among other community projects. Environmental degradation is high due to ever-concentration of herds in 'secure' areas. Pastoralists, through media misrepresentation, are viewed as backward, irrational and violent. At the regional level, conflict acts as a disincentive to interstate relations, integration and economic co-operation.

This study seeks to offer an in-depth understanding of track one management through a critique of the centrality and monopoly of the state-led conflict management initiatives and their effectiveness. It analyzes track one conflict management approaches to cross-border pastoral conflicts and the challenges that must be surmounted to effectively fill the conflict management gap in the pastoral regions.

The study implores conflict management scholars to broaden their perspectives and analysis of pastoral conflicts in so far as nature, nurture, and other variables are concerned. The findings will hopefully stimulate scholarly debate and lay the foundations for a paradigm shift that will offer scholars and practitioners a wider pair of lenses with which they would perceive cross-border pastoral conflicts and subsequently, and substantially help policy makers, governments and conflict managers come up with mechanisms for conflict management that are self-sustaining.

**Study methodology**

The study includes a detailed review of the existing literature on the Pokot and Karimojong peoples. This involved a review of books, published and unpublished...
reports, journals, dissertations, policy documents, and other relevant literature on the study subject. Primary data was collected by use of semi-structured, self-administered questionnaire, designed to answer the three larger questions posed in the research: What actions has the state taken to manage cross-border pastoral conflicts?; What challenges are posed to conflict managers in their work?; and, What strategies exists for the achievement of sustainable conflict management among the pastoral communities? A series of more specific questions were developed to answer the research questions.

A simple random sample of twenty two (22) respondents from different CSOs and the local residents was done. The criterion of selection was based on their understanding of the issues of the study questions. These are people who have been involved in efforts to engender peace among pastoral communities, working alongside state initiatives. At another level, interactive discussion with key informants including but not limited to peace committee members was conducted. The views of government officers, security personnel, opinion leaders and community elders were sought as well. The sample was determined arbitrarily, with hindsight of safety of the researcher and to the convenience of movement, time and other research resources.

The researcher was not able to venture further into the Karamoja region due to logistical constraints. Participatory and empirical observation by the researcher was critical especially during the peace meetings organized by the District Peace Committee. The study also took advantage of a security seminar organized for security agents at the Kenya School of Monetary Study to find out their opinion on pastoral conflict management.
Chapter outline

Chapter One: Background to the study.
Chapter one contains the background to the study, statement of the problem, objectives, the literature review, theoretical framework, justification, hypothesis and the study methodology.

Chapter Two: Tracks of diplomacy.
Chapter two looks at the various tracks of conflict management, their methods and contribution to sustainable peace and security.

Chapter Three: Cross-border pastoral conflicts.
Chapter three offers an analysis of cross-border pastoral conflicts and their management.

Chapter Four: Karimojong-Pokot case study.
Chapter four captures raw data in relation to track one conflict management of the Pokot-Karimojong cross-border pastoral conflict.

Chapter Five: A critical analysis.
Chapter five is an analysis of the correlation between the variables and dynamics of pastoral conflicts and the effectiveness of track one conflict management.

Chapter Six: Conclusion.
Chapter six is the conclusion and will also suggest to policy-makers strategies for sustainable peace that ultimately nurtures a secure environment for achievement of human security.
CHAPTER TWO

Tracks of Conflict Management

Introduction

There exists a thin line between diplomacy and conflict management in their long history of operational coexistence. Diplomatic activities date back to at least two millennia. Traditionally, diplomats were sent to prevent wars, to cease hostilities, or merely to continue peaceful relations and further economic exchanges, a legacy bequeathed to modern diplomacy. The negative effects of conflicts elicit diverse methods and approaches in efforts aimed at its management. With the foregoing background from the previous chapter, this chapter provides a detailed description of the various tracks of diplomacy, their philosophical foundations, approaches and intentions, desired outcomes, strengths and limitations. It also analyzes the various tracks of diplomacy in the context of conflict management and explores the idea of their complementary application in establishing sustainable peace in human societies.

Track one diplomacy

Philosophical foundations

Track one diplomacy, or 'official diplomacy' has a long history whose roots lie in the remote history of humankind. It is rooted in a system of sovereign states and founded on legal authority and a monopoly of coercive power\(^1\). Viewed from this

perspective, track one diplomacy can thus be seen as a tool at the service of sovereigns and involves countries' practicing coercive diplomacy by applying power in pursuit of self-interest. It focuses on relationships and interactions between sovereign states usually carried out by government officials, who negotiate treaties, trade policies, and other international agreements as representatives of their respective governments. It is essentially a technique of state action, whereby communications from one government go directly to the decision-making apparatus of another.

From a traditional approach perspective, track one diplomacy tend to be fairly adversarial and competitive, relying on distributive or positional bargaining strategies that assume a win-lose situation, and calculated to maintain power over weaker states and a balance of power with those of equal status. The principal objective of track one diplomacy is arguably to advance the interests of a state by protecting the state's independence, security, territorial, political and economic integrity. Power remains an essential element of diplomacy in this system which is based on self-interested sovereignty with little empathy to other actors.

Mwagiru defines track one diplomacy as "the official, state approaches to conflict management which are nested on official diplomatic concerns, their foreign policy limitations, and are trapped within the paraphernalia of diplomatic protocol and the intellectual bricolage of official (sometimes officious) positions\(^2\). It operates within the walls of official diplomacy"\(^3\). Thus, it involves direct government-to-government interaction on the official level. Magalhaës defines it in a more traditional sense as "an

\(^2\) Mwagiru, M., "Conflict Management in Africa; Lessons Learnt and Future Strategies", (Freidrich Stiftugh Ebert and Center for Conflict Research, working paper on Conflict Management No. 1, 2001) p. 11

\(^3\) Mwagiru, M., "The Greater Horn of Africa Conflict System: Conflict Patterns, Strategies and Management Practices," (A paper presented for the USAID project on "Conflict and Conflict Management in the Horn of Africa", (September 1997), pp 14-16
instrument of foreign policy for the establishment and development of contacts between
the governments of different states through the use of intermediaries mutually
recognized by the respective parties ... carried out by diplomats, high-ranking
government officials, and heads of states and is aimed at influencing the structures of
political power. Track one activities range from official and non-coercive measures,
such as good offices, fact-finding missions, facilitation, negotiation and peacekeeping, to
more coercive measures, such as use of, or the threat of force, sanctions, peace-
enforcement and arbitration.

Structure, approaches and application

Track one diplomacy has traditionally been confined to the realm of international
politics as practiced by states through ambassadors, special envoys and other officials
representing governments. It is anchored in international law on the duties and rights of
states and premised on the "power over" approach, believing that power is a zero sum
commodity. States have therefore used their resources and statutory power to re-
establish autonomy in the anarchical system. The right of violence is viewed as a
monopoly of the state and any other none-state-sponsored violence is by definition a
challenge to states’ authority. As Burton notes, states retains autonomy even when
comprised of different ethnic groups, whether the represented majority or the non-
represented minority. Kurimoto agrees with this view adding that open violence even

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5 Dembinski, L., "The Modern Law of Diplomacy: External Missions of State and International
Organization", (Dorrecht Martinns Nijhoff, 1998)
6 For a candid account of state power and their manifestations, see Morgenthau, H.J., "Conflict
116-117
when it is not directed to the state itself is in most cases an affirmation of political autonomy from the government.

Approaches to track one diplomacy are shaped by the interwoven web of international relationships that also form the context for internationalized conflict management. In this light, track one diplomats take on many roles and utilize diverse techniques. These multiple roles, and issues of official recognition complicate track one diplomacy's application to conflict management. At its disposal are negative incentives such as sanctions, expulsion from international organizations, and even military force. Actors can offer influence and prestige and shift the power structure of the conflict depending on their positional bargaining, thus shaping the management process.

Track one diplomacy aims for immediate results such as cessation of violence, with explicit possibility of use of power, including military force. It seeks to intervene on the top leadership of conflicting parties and most often seeks out and relates to hierarchical order. Actors may oscillate between different levels of officials in negotiations such as heads-of-states, ministers, or lower-level officials and this may signify the degree of commitment or the priority of the interest. A shift from a lower-level official to a higher-level official may signify growing confidence in the negotiation process and vice versa.

Scholars argue that the approach is most effective when practiced by states which are able to bring resources into the negotiations. Actors in track one diplomacy have traditionally sought to further their country's interests by influencing other actors

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and by influencing the international community overtly or covertly, or by offering incentives and/or sanctions. Particularly when their state’s interests are high, track one actors may seek to control the process by using strong incentives and significant resources in form of political, military or financial support, including coercive measures.

Coercive and preventive approaches are taken in the hopes of furthering stability and preventing potential conflict within and between states. Track one actors can alternately or simultaneously employ powerful 'carrots' and 'sticks' in terms of their ability to intervene militarily, support peace processes with monitors and peacekeepers, and give or withhold legitimacy, aid, trade or loans, and other incentives, especially where intervention is beyond the state’s territory\textsuperscript{10}.

Track one diplomacy may take place bilaterally or multilaterally\textsuperscript{11}. States may also engage in track one diplomacy as direct participants in negotiations, or as supporters of one or another party to the negotiations. Actors include regional organizations, heads of state and government officials who stand as representatives of their respective states and reflect the official positions of their governments during discussions.

Track one diplomacy is by far the most dominant form of international relations because states are the only entities legally authorized to conduct formal negotiations, enter into agreements, sign treaties, commit economic and military assets. States assume a dominant role in diplomacy and reserve the legitimacy to maintain peace and


\textsuperscript{11} For example a meeting of IGAD members in deliberating conflict in the Horn is an example of regional track-one diplomacy.
order among its people. This state-centric view advance the argument that only states face the challenge of managing conflicts, and their actions or inaction can contribute to escalation or de-escalation of conflicts. The state-centric approach is premised on the assumption that war and conflicts are matters of high politics, thus central to state interests.

However, the conduct of diplomacy has evolved significantly over the years in response to political needs reciprocally felt by its practitioners. Cohen argues that the analysis of diplomacy demands a conscious attempt to understand its dynamism. In spite of its power base and the inclination to base its approaches on the traditional considerations of power politics, contemporary track one actors have become more receptive to conflict resolution, peace building, conflict prevention, early warning and similar concepts that are associated with the more informal approaches to peace management.

An increasing number of states have become susceptible to the ideas of sustainable peace through conflict resolution, and the need for expanded engagement of diverse actors and approaches. This could partly be attributed to the realization by states that settlements based upon track one diplomatic effort typically fall apart when the balance of power in these conflicts changes. Track one diplomacy as a power-based, formal, and often rigid form of official interaction between instructed representatives of states may not favour sustainable peace especially in protracted conflicts over non-negotiable needs.

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14 Cohen, R., op cit, (1992)
Outcomes of track one diplomacy

A major task of track one diplomacy in conflict management is to facilitate negotiations at the top level leadership in order to influence policy change. This is based on the assumption that actors at the highest political level have the power and authority to change the political structures and bring peace within the conflict areas. This conforms to the strategist's view that conflicts emanates from power struggles and can best be resolved if those in power are involved at the negotiation table. Negotiations take place as regular state interactions throughout their life cycle. The outcomes of such negotiations may escalate or de-escalate a conflict depending on the positions taken by the actors and their relative power.

The purpose, methods and intentions of track one diplomatic efforts may vary greatly. Track one diplomacy may be used coercively and may involve sanctions ultimatums, and psychological intimidation. It may be used as a means of adjusting states' relationship to /and views of one another through persuasion and compromise or as a tool for reaching mutual agreements, which may themselves reflect elements of persuasion or coercion. Third party states may also use it to control the negotiations or help bring about agreement between other states through power bargaining strategies, incentives and significant state resources when interests are high. The basic idea of track one conflict management is usually to reach a settlement or a compromise position.

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In other conflicts, track one diplomats act as third parties with a view to breaking through a stalemate. Third-party track one mediators are usually individuals of high regard in the international community who may be tasked and facilitated by states with interests in a conflict outcome with a view to tilt it in their favour. Usually these individuals are selected because they represent some relevant power, authority or legitimacy in the eyes of the parties to the dispute and because of their own personal skills as go-betweens. The states sometimes give them guided frameworks of the expected outcomes.

Examples of third party mediation include the role played by the US diplomat Henry Kissinger in the Middle East in the early 1970s in an effort to bring about peace after the 1973 Arab-Israeli War. The Camp David negotiations between Israel and Egypt, mediated by US President Jimmy Carter is another example whose outcomes underscore the importance of personal and emotional elements as well as creative approaches in finding ways out of stalemates.

**Strengths and limitations of track one diplomacy**

Track one diplomacy has its strengths and weaknesses in conflict management. Some of the strengths include better facilitation and funding, informational, security, and logistical resources. This is because practitioners can access state resources due to their recognized legitimacy. Actors have direct access to the most important players in a conflict when it comes to forging political agreements. Its ability to coerce parties in a

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16 Some scholars refer to such mediation as track one and a half.
conflict by directly or indirectly threatening to mobilize its military and financial-economic muscle is unmatched.

However, official diplomatic efforts are tied to official policies of states such as the non-interference clause of the diplomatic convention and thus may be constrained in their flexibility\(^\text{19}\). National interests and diplomatic customs may sometimes be incongruent. An official diplomat has a duty to pursue the interests of the sending state\(^\text{20}\) and may jeopardize these interests by intervening in conflicts involving the receiving state, more so if the receiving state considers them matters of the internal domain. The temptation to pursue national interests at the expense of peace may be overwhelming. For example, the current uproar by the US and Britain over Tehran uranium enrichment activities have been interpreted by the Iran government as a blatant meddling with her internal affairs. This would directly diminish the freedom of US diplomats in Iran and her allies in the Middle East.

Additionally, track one preoccupation with settlement strategies limits its scope of action. The forceful disarmament in the Jonglei state by the SPLA in Southern Sudan provides a good example. It often has been accused of failing to get to the root-cause of a conflict or fundamentally alter the relationship of feuding parties due considerations of accountability and restrictive regulations of the legislature. Actions of the diplomats must be within the state policy and may thus fail to address the behavioral, attitudinal and structural aspects of a conflict. Actors in other tracks usually have more freedom to try new approaches.

\[^{19}\text{Article 41 (i) of the Vienna Convention on Diplomatic Relations, 1961}\]
\[^{20}\text{Article 3 (i) of the Vienna Convention on Diplomatic Relations, 1961}\]
Another limitation regards recognition of ‘illegal’ groups by the state. In conflicts that are secessionist or self-determination, states may not wish to recognize others’ legitimacy or claims by entering into formal negotiations. A good example is the failed negotiations between the government of Uganda and the LRM in northern Uganda. Should the government be seen to be committed to the negotiation, it may be interpreted as a sign of weakness or ceding grounds by political leaders.

**Track two diplomacy**

**Definition and philosophical foundation**

The broadest definition of track two diplomacy refers to interactions among individuals or groups that take place outside an official negotiation process. Montville narrows it to “unofficial, informal interaction between members of adversarial groups or nations that aim to develop strategies, to influence public opinion, organize human and material resources in ways that might help resolve their conflict” 21. McDonald offers a similar definition, suggesting that track two is informal and unofficial interaction between private citizens or groups of people within a country or from different countries who are outside the formal governmental power structure. 22 He further explains that track two refers to “nongovernmental, informal and unofficial contacts and activities between private citizens or groups of individuals, sometimes called ‘non-state actors.” 23

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In contrast to track one approach to conflict settlement, proponents of this school see needs’ fulfillment as the only way to resolve conflicts. They censure the win-lose approach, which according to them, only encourages competitiveness and positional bargaining, and cannot lead to conflict resolution which ensures that the root causes of the conflict are addressed\(^24\). Track two conflict management supports the creation of an environment that nurtures sustainable peace and ensures that parties to a conflict attain a win-win outcome in a negotiation process; an ingredient for future peaceful relations.

The end of Cold war marked a significant increase in track two efforts. The reduced interest in the affairs of the developing world that before long was engulfed in nationalistic struggles and intra-state conflicts in the unipolar world nurtured a psychological mindset that encouraged individuals and groups to stand up and become actors on the national stage. Viewed from this standpoint, this development can be seen more as a response to the perceived ineffectiveness of official diplomacy especially in intractable conflicts that requires practitioners to delve into underlying cause, or those Zartman considers not “ripe” for resolution\(^25\).

Structure, approaches and application

Track two diplomacy basically operates in interactive problem-solving workshops and seminars among adversarial groups\(^26\). The goal of such seminars and workshops, many of which are ongoing processes, is to facilitate communication among conflicting

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parties so that “mutually acceptable” solutions can emerge and augment the official position. According to Montville, the problem-solving workshops fundamentally lead to conflict resolution.

Kelman add that the problem-solving workshops help remodel the perception of the antagonists, redefine the problem and the actors’ preconceived antidote to the problem. In other words, they aims at bringing parties to a conflict together for interaction, self-exposure and critical psychological challenge aimed at finding alternative and sustainable ways of managing the conflict. The workshops also enhance the chances of the decisions filtering into the decision-making desks of policy-makers. The workshops are usually held outside the conflict zone away from participants’ daily life to avoid any form of interruption by the antagonists.

Track two diplomacy provides an environment that is non-judgmental and non-coercive, where participant feel free and safe to open up, share perceptions, fears and needs, confront deep-set beliefs which could be barriers to peace and to explore ideas for resolution with flexibility. This is because their relationships are non-hierarchical and interdependent, linking a variety of actors who share common interests and who exchange resources to achieve a common purpose.

Track two approaches would then be viewed as a facilitative or consultative accompaniment to track one approach since they try to influence public opinion thereby...
reorienting grass root operations and interactions that would influence the greater society. Additionally, track two participants in most cases have some communication with policymakers so that the ideas discussed in the unofficial setting have the prospect both to reflect and to filter into the thinking of official policy circles. The idea is passing them onto track one actors in order to be formalized.

**Outcomes of track two diplomacy**

The aim of track two is to empower the socially, economically, and politically disenfranchised groups by giving them a platform from which they can air their views on how peace can be achieved in their own terms. Kelman points that the non-binding character of track two is the source of its potential contribution, which makes it possible for new understandings and new ideas to emerge out of the interaction of the various actors. It enables group to work towards resolving inter-group conflicts in a non-threatening, non-coercive and non-confrontational environment by exploring alternative means of defining their conflict. It can help build the willingness and ability of armed groups to participate successfully in a peace process with a view to transforming their perceptions about the conflict from zero-sum to win-win.

When attitudes and perceptions about a conflict have been altered, track two enters a phase of cooperative socio-economic and political development whose goal is to improve the quality of life of the hitherto disenfranchised communities. This does not necessarily eliminate the conflict, but it vindicates the fact that things can change and improve.

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35 Zero-sum results from traditional track one diplomacy whose inherent power capabilities impose conditions such that one or both parties experience a feeling of loss.
can work for the better. This is especially true in intractable conflicts that tend to involve basic human needs and values that the parties perceive to be critical to their survival, and, as a consequence, non-negotiable. Such issues are best addressed in a process that works directly to change the underlying human relationships, promoting mutual understanding and acknowledgement of people's concerns.

Track two offer solutions to the underlying causes of conflicts to achieve a lasting peace. The role of its actors as Burton puts it, "is to encourage the parties to treat the conflict, not as a contest, but as a problem to be solved...based upon the assumption that conflict avoidance and resolution are possible by bringing about altered perceptions, by offering different interpretations of behavior and changed assessments of values and costs, and by drawing attention to options not previously considered".

**Strengths and limitations of track two diplomacy**

Since track two diplomacy is preoccupied with the resolution of underlying causes of a conflict, scholars have pointed out that it is more transformational and long-term and strives to establish sustainable future relationships of conflicting parties. Track two treats a conflict, not as a contest but a problem to be solved. Secondly, the flexibility inherent in track two allows parties to express their own viewpoints on issues that directly affect their communities and families. This is because parties are not inhibited by political or constitutional power and do not have the fear of losing constituencies because they are the constituency. As Kelman explains, the unofficial, private nature of the problem-solving workshops and its embeddedness in academic contexts makes it easier to communicate with adversaries without the implication that one is recognizing

and legitimizing them\textsuperscript{37}. There is, moreover, the understanding that there will be no publicity and that participants will not be held accountable outside the workshop for what they say in the course of a discussion.

The parties get to know each other, analyze problems, explore alternative solutions and perspectives, develop new ideas and ultimately resolve problems. Participants also get to highlight common interests while recognizing continuing differences so that they can work on problem-solving. The unofficial nature of such dialogue allows the participants to express ideas more freely and explore options that might be too sensitive to discuss at the official level, where policy-makers are far more constrained and cautious\textsuperscript{38}.

Track two has its own limitations; prime being the absence of public support which greatly impedes its success. Actors who in most cases are elites from the academia, think-tanks and NGOs may be disconnected from the grass-root communities who perceive them as elitist. They are often self-selected and may not necessarily represent the mainstream views of their societies. In other instances, they may not hold sway with the official actors. A durable, sustainable peace occurs only when a society includes a critical mass of the peace constituency who support peace as a higher goal and not a forced compromise\textsuperscript{39}.

Secondly, the heightened level of mistrust and the tarnished perception of 'the other' borne of many years of conflict, misunderstanding and miscommunication is

\textsuperscript{37} Kelman, H.C., \textit{op cit}, (1992) p 65
another impediment. As Saunders points out, even the non-official actors may enter the negotiation process with skepticism or rigid, albeit implicit positions that are adverse to the development of new ideas\textsuperscript{40}. Finally, and in the milieu of legitimacy, the chances of track two diplomacy dwindle with the break-down of its contiguous track one dialogue. The prevailing atmosphere in such instances may not be amenable to track two dialogues.

**Track one and a half diplomacy**

Mapendere defined track one and a half diplomacy as 'public or private interaction between official representatives of conflicting ... entities such as popular armed movements, which is facilitated or mediated by a third party not representing a state\textsuperscript{41}'. In concurrence with Mapendere, Nan defined it as "unofficial interactions between official representatives of states"\textsuperscript{42}.

It is generally used to prepare key stakeholders before and during the official negotiation process by building consensus and support for agreements, both between parties in conflict and within their prospective constituencies. The distinguishing feature with track one is that the third party is not a representative of a state. While track one conflict management efforts are facilitated by state representatives or international institutions,\textsuperscript{43} track one and a half parties are not official representatives of the conflicting sides, but influential persons in a mediator's capacity. A good example is

\textsuperscript{40} Saunders, H., *op cit*, (1996) p 426
\textsuperscript{41} Mapendere, J., "Track One and a Half Diplomacy and the Complementarity of Tracks", *Culture of Peace Online Journal*, p. 67-68, From http://www.copoi.ca/pdfs/Jeffrey.pdf
\textsuperscript{43} For example President Clinton's Camp David mediation between Yasser Arafat and Ehud Barrack is purely track one.
President Clinton’s Camp David mediation in the Middle East crisis between Yasser Arafat and Ehud Barrack\textsuperscript{44}.

**Characteristics and application of track one and a half**

The most notable characteristic of track one and a half diplomacy third parties is their international political visibility, respect and trust. These characteristics carry with them perceived influence and power that enhances their leverage capabilities during negotiations. The visibility is sometimes academic. Scholars have variously been involved in track one and a half efforts or as advisors to the politically eminent personalities\textsuperscript{45}.

Track one and a half can facilitate communication between leaders whose communication has been severed by conflict. In inter-state conflicts, states involved in a conflict normally cut diplomatic relations to indicate that formal communication is no longer appreciated. Once this has happened, the situation deteriorates, possibly leading to war or serious antagonism. The sovereignty clause makes track one even less effective. It is at this point that track one and a half can be used to bridge the communication gap by aiding in the resolution of a stalemate\textsuperscript{46}.

**Limitations of track one and a half**

Track one and a half has its limitations. Notably, actors may sometimes be viewed by the parties to a conflict as representing their home country’s foreign policy. Such an attitude may jeopardize the process if the home country has an aggressive

\textsuperscript{44} Sher, G., “The Israeli-Palestinian Peace Negotiations, 1999-2001”. (Routledge 2006)

\textsuperscript{45} Examples of track one and a half organizations include the Carter Center, the Crisis Management Initiative and Center for Humanitarian Dialogue.

\textsuperscript{46} As what happened during the North Korean-U.S. standoff where former president Jimmy Carter effectively intervened.
foreign policy towards one of the parties. It may also adopt activities that run contrary to
the foreign policy of the mediators' country and this may undermine the peace efforts.
Secondly, actors may have limited ability to use inducements and proactive mediation
techniques because they do not have the political power to command resources due to
lack of technical, financial, and military resources needed either to encourage an
agreement or to support or enforce its implementation. Finally, the approach relies
entirely on moral authority of the mediator for its successes and cannot be duplicated
because such successes depend on a particular individual's personality.

Collaboration of diplomatic tracks in conflict management

The development of several tracks of diplomacy demonstrates that conflict is a
complicated phenomenon, requiring a multi-dimensional approach. Some scholars see
this as an unavoidable response to changing political environment\(^\text{47}\). Each track
possesses its own effectiveness and despite the methods used, the role of each cannot
be filled by the other. Since each track of diplomacy has its own strengths and
weaknesses, it is important to find a way by which the weaknesses of each can be
reduced in order to improve the chances of sustainable conflict resolution\(^\text{48}\).

Contemporary conflict management scholars have suggested a complementary
application of the various diplomatic activities in order to improve the effectiveness of
the various tracks of diplomacy in establishing peaceful relations\(^\text{49}\). Lederach argues
that the efficiency of the various tracks can be enhanced in resolving conflicts through
their combined efforts to address issues at different levels of leadership with the aim of

*"Unofficial Diplomacy at Work"*. Lexington, MA: Lexington Books, 199, Available on
http://www.virginia.edu/internet/csmhi/pubvolkan.cfm
reducing the impact of their weaknesses. Bercovitch support the collaborative approach and is of the view that early deployment of economic, diplomatic and military tools could be effective at preventing or even resolving conflicts before they escalate.

Montville observes that track two diplomacy compensates for the constraints imposed on track one actors by their people's psychological expectations and is intended to provide a bridge to track one conflict management. Nan demonstrates that track two efforts can effectively prepare the ground for track one by enabling ideas to be tested before official negotiations.

Track two compliment formal strategies and seek to affect more intangible factors of intractability, such as attitudes and relationships whose contribution to change in the broader conflict environment is fundamental in changing attitudes and relationships among participants and in building their capacity to work together cooperatively to develop peaceful means for resolution and coexistence. Track two can hold workshops to foster a sense of a continuing relationship and cumulative dialogue, where the participants increasingly perceive the problems on the agenda as shared and develop common analytic frameworks. The outcome of these workshops is a stable and conducive environment where creative possible solutions are analyzed and presented to the leaders of the parties involved.

Sometimes, one or both parties may not have strong motives to de-escalate because they believe the cost of solving the conflict exceed the benefits or the conflict is

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intertwined with other regional or global conflicts. Track one and a half will in such a case facilitate the ‘ripening’ of a conflict by helping the party leaders redefine their values. Ultimately, the goal is to pass on to track one an agreement made by the other tracks in order to be formalized. In some conflicts, actors in track one are not prepared, nor is there sufficient time or safety in official forums, to discuss deep human fears, hopes, and historical grievances and to have these acknowledged by the other side, thereby preparing for sustainable peace. Track two will come in and effectively overcome these deep barriers to conflict resolution since it explores people’s deepest psychological concerns and experience.

In terms of logistics, track one activities are better funded and are supported by informational, legal, security, and logistical resources unavailable to unofficial efforts. However, since official efforts are tied to states policies and constrained in their flexibility to for example explore new ideas, track two complement official approaches to diplomacy since they rarely have resources necessary for sustained leverage during negotiations and for the implementation of agreements. Additionally, track one makes use of conventional diplomatic approach and assume a top down trickle-down effect, while track two stress the importance of building peace from the bottom-up. This allows the synergizing of conflict management at the different stages to build stronger and sustainable peace processes.

Track one and a half can at times achieve a quick and direct impact on conflict as actors not only communicates with policy-makers but also operates as a communication link for other actors with limited access to the political elite. It can complement track one

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and track two and its actors can thus fill in the gap between the two tracks\textsuperscript{56}. In conclusion, it has to be noted that in contemporary conflict management, as negotiations become increasingly complex, the nuances and distinctions between tracks become less clear-cut. Connecting the various components of official diplomacy with the various components of unofficial diplomacy is a promising area of current work in addressing intractable conflicts world-wide. Key to sustainable peace-building is coherence between these tracks.

\textsuperscript{56} Diamond & McDonald, \textit{op cit}, (1996), p. 43
CHAPTER THREE

Cross-Border Pastoral Conflicts

Introduction

Chapter two described the various tracks of conflict management; their philosophical foundations, their approaches and intentions, outcomes, strengths as well as their weaknesses. This chapter analyzes cross-border pastoral conflicts in the wider region and the various methods and approaches that have been used in managing them in the Horn.

Cross-border pastoral conflicts: Causes and Intensification

Contemporary scholars of violent conflicts in post-Cold War Africa concur that the security threats to the state and community are less external than they are political-economic, environmental and social in nature\(^1\). These conflicts are no longer territorial but multifaceted, involving many actors and thus, impossible to reduce to a single cause or source. On the contrary, ethnicity and struggle over resources have been isolated as corollaries of almost all violent conflicts\(^2\). Scholars have remarked that widespread societal conflicts in Africa are often played out against the milieu of deep poverty, despondency, and weak systems of governance. Burton observes that people get adversarial either because their needs are not met or because their interests or values

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are challenged\textsuperscript{3}. Whether contending groups are defined by ethnicity, religion, ideology, gender or class identities, they have, by definition, different needs, interests, values and access to power and resources. The actual or potential deprivation of any important value induces fear, a sense of threat, competition and an aggressive disposition\textsuperscript{4}.

Approximately 500-600 million people live in ASALs globally, with 30-40 million depending entirely on cattle. Of these, 60 per cent are found in the Horn of Africa region particularly the Ethiopian lowlands, Eritrea, Somalia, the northern and eastern parts of Kenya and the Shelia plains of the Sudan, on the peripheries of Tanzania and Uganda. The Toposa of Southern Sudan for instance are, at various times, in conflict with one or a number of neighboring groups in other countries including the Turkana, Dassenach, Didinga, Dinka, and some Karimojong sub-clans in Kenya and Uganda.\textsuperscript{5} In the Sahel region, pastoral conflicts have extended from the western states of Senegal and Mauritania to the Chad-CAR-Sudan border triangle in the east. Côte d'Ivoire, Burkina Faso and Nigeria\textsuperscript{6} have had conflicts over resources and land tenure.

In Kenya, ASALs constitute approximately 439,000 km square of the total land mass supporting 25 per cent of the country's population,\textsuperscript{7} whose life revolves around livestock and the communities' survival in the harsh ASALs.\textsuperscript{8} They have historically


\textsuperscript{8} Mkutu, K., "Pastoralism and Conflict in the Horn of Africa", A Report to the Africa Peace Forum, (University of Bradford, 2001) pg 5.
engaged in cattle rustling as a way of life.\(^9\) Since the 1990s, these conflicts have intensified and destabilized pastoral communities, at times outpouring into neighbouring peaceful regions with devastating socio-economic and developmental trajectories of the entire region.

**Culture and cattle rustling**

Cattle rustling are deeply rooted into the cultures and traditions of pastoralists. Novelli observes that cattle raids were a communal response to natural calamities\(^{10}\). Hendrickson astutely observes that raiding was by and large a cyclical process in which groups in a restocking phase raided enemy groups who happened to be momentarily better off\(^{11}\). Cattle rustling took place after a dry spell to replenish cattle lost during drought or as a mode of wealth acquisition. Communities engaged in redistributive counter-raid as a way of ensuring justice and community's survival, and would live harmoniously, with the occasional arbitration by the elders in case of unacceptable damages or loss of life which were always minimal. The institution of marriage further fueled cattle rustling as bride wealth consisted of payment of cows, sometimes in large numbers to the parents of the bride\(^{12}\). Herskovits\(^{13}\) explains that cattle are a "legal tender" for all their transactions, compensation of wrongs, money value of stock, marriage and a status symbol. As Morton\(^{14}\) argues, this notion sets a continuous

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\(^{10}\) Novelli, B., *op cit*, 1998


struggle for revenge and retaliation as each community steals from one another for prestige and addition of wealth.

Traditionally, the control of the pastoral economy was a monopoly of elders who owned livestock, controlled resources and disposed of marriages. Today, changing property right regime has altered these roles. As Lamphear argues, authority has shifted to the younger men who control the gun. Duffield concurs that the authority of elders has been undermined by the introduction of market economy and new avenues for sources of wealth for the youth including the flourishing militias and the income available through cattle rustling. The status of 'eldership' has been eroded and undermined, rendering traditional conflict management mechanisms ineffective as young men inherit or raid cattle, thereby acquiring 'elder' status regardless of their age. This potentially creates antagonistic interests between age-sets.

Resource scarcity and arms proliferation

Scholars situate pastoral conflicts in the context of frustration borne of socio-political realities, and the sense of insecurity, aided by the availability of small arms and light weapons. Economic insecurity has particularly been isolated as a critical

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15 Mkutu, K., "Pastoralism and Small Arms in East Africa", (PhD dissertation 2001)
20 Such as environmental degradation, dwindling economic resources, over-population and acute unemployment
cause of violent conflict as people try to secure basic needs. For example, there is ample evidence of widespread economic insecurity among Rwanda’s population (both Hutus and Tutsis) prior to the genocide. The country was in the midst of an economic disaster, a result of a drop in global coffee prices and SAPs that led to a currency devaluation of 40% in 1990. Economic insecurity, an affront on peoples’ wellbeing led the people towards violence.

Zartman and Berman identify resource-based conflicts due to overpopulation and adverse climatic change as a leading cause of civil strife and conflicts; an assertion supported by Barrow and Mkutu who succinctly argues that inter-communal cattle rustling have become more frequent with a heightened level of violence beyond any historical precedent in the Horn due to availability of SALW. Similar views are echoed by Belshaw and Malinga who argue that conflict among pastoralist communities has intensifies and escalated in the recent past. SALW leads to more deaths of Pokot and Karimojong, exacerbate interethnic tensions, intensify violence, and contribute both to the impoverishment of the regions and to wider destabilization, as arms are dispersed to other peaceful parts. According to CEWARN, there were 474 raids and 1,057 lives lost during the period July 2003 to August 2006 in the Horn.

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24 Barrow, E., (1996) op cit, p 36
25 Mkutu, K., op cit 2000
27 Article titled ‘50,000 guns in wrong hands, says Michuki,’ Daily Nation <http://www.nationmedia.
29 See CEWARN and Response Mechanism in the IGAD Region, “CEWARN Country Updates: May-August 2006, Karamoja Cluster,” 11th Jan 2007,
States have also fueled the proliferation often because of their *ad hoc* measures to human security problems as well as strategic and political reasons. It is the political elite who define arms as 'licit' or 'illicit'. In the African context, where many governments change by means of military coups, consequently changing security agents as well, what is licit suddenly becomes illicit. For example, when NRM ousted the Obote regime, they abandoned all the police and nearly annihilated all the soldiers of the former government, with the former guerillas becoming the state security agents. Sometimes the government provides training and arms to groups with suspicious character, as in the case of the creation of armed militias like the THG, KPR, or the militia in Karamoja for stock theft recovery, increasing the potential for escalation due to the absence of clear-cut policy to address the root cause of the problems.

Africa's regional instabilities and intractable conflicts have supplied pastoral groups with modern weaponry. The peripheral status of pastoral regions often with inadequate security has enabled easy circulation of weapons, many of which are recycled from the wars in the region. For instance, the fall of Amin regime in 1979 marked a surge in arms proliferation as warriors looted the Moroto barracks. Other persistent conflicts such as the Sudan Civil war, Northern Uganda's LRA, stateless Somalia and generally the Great Lakes conflict system ensure a steady supply of weapons to the ready market of the pastoral communities. As Doom and Vlassenroot observes, the collapse of Somalia and civil strife in Ethiopia and the Sudan's support of LRA as well as Uganda's support of SPLA are responsible for proliferation of SALW.


30 In the view of political elite, arms owned by governments and their security agents are 'licit' whereas those that belong to civilian or opposition groups are 'illicit'.

Such conflicts have been treated as internal without giving impetus to regional instabilities.  

Due to the need to arm themselves, pastoral communities provide the largest market for small arms from local circulation and from areas in the region engulfed in civil strife. Border porosity in the region facilitates trade in illicit weapons which follows four main routes into the border area. The first and the most common is Sudan-Karamoja. The second is the Karenga–Lopoch–Kotido, supplying Karamoja via the Jie peoples. The third is Sudan-Lokichogio in Kenya. The fourth route is the 'north-eastern route' into Kenya from Somalia.

**Commercialization of cattle rustling**

Historically, raided animals remained within certain geographical confines making recovery quite possible. To date, improved market access and expansion, brought about by the growth of urban populations and infrastructure close to pastoral regions has eased export of animals and animal products outside the continent via a network of businesses that offer ready markets far and beyond. The racketeers are quite swift making recovery almost impossible.

On the other hand, rich urban merchants fund rustling and make the practice more attractive due to its economic significance. Raiding is undertaken with the

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33 Mkutu observes that pastoral communities arm themselves for three reasons. First they need to protect themselves against being plundered by hostile neighbours. Second, they need to protect their animals, and finally, the gun is used to steal from their neighbours. See Mkutu, K., op cit, (2001), pp. 14-23

34 Mkutu, K., & Marani, M., "The Role of Civic leaders in the Mitigation of Cattle rustling and Small arms: The Case of Laikipia and Samburu District", (African Peace Forum: Nairobi 2001)

35 Mkutu, K., op cit, (2001), p 26
explicit intention of selling livestock for immediate profit. Mwaura\(^{36}\) concurs but adds that economic and social marginalization of these regions have further exacerbated the problem. In Karamoja region of Uganda for example, warriors who have lost their herds to raiding have been paid by local businessmen to raid cattle which are then sold for hard currency or taken directly to meat processing facilities.\(^{37}\)

### Marginalization

It is important to explore the relationship between poverty among the pastoral groups and the highly centralized political and economic governance in African states\(^{38}\). Mwaura agrees that pastoralists in the border areas have suffered systematic marginalization from central authorities\(^{39}\). Many pastoral communities function outside of state administrative and security frameworks proper, and the notion that pastoral communities are war-like, functioning on the side of state-led development, with lifestyles that are fundamentally incompatible with the state’s macroeconomic policies has only served to exacerbate the vicious cycle of violence\(^{40}\).

The state has equally fueled pastoral indignation to state authority by imposing its policies to the pastoral communities, for instance, land tenure systems and sedentarization, which they view as threatening to their distinct nomadic way of life\(^{41}\).


\(^{37}\) Another example is the Kuria along Kenya -Tanzania who raid to supply butchers in these countries. See Fleisher, M., Kuria Cattle Raiding: Capitalist Transformation, Commoditization, and Crime Formation among an East African Agro-Pastoral People.* In "Comparative Studies in Society and History", (Vol. 42, No. 4, October. 2000 pp. 745-769.)

\(^{38}\) Hassan, Z., "The Role and Effects of Somali Pastoral conflicts", A paper presented to the workshop in promoting land rights of pastoralist in the Horn, (Nairobi 1997)


\(^{40}\) Mkutu, K., *op cit*, 2001

\(^{41}\) Ciru, M., *ibid*, 2005
Such policies ignore the fact that pastoralist are nomads by design so as to take advantage of the ecological variability and possibility of uncertainty. Once these realities are ignored, misunderstandings and conflicts occur.

**Pastoral conflict management**

The explosion of intra-state violence with the potential to escalate across national borders particularly in Sub-Saharan Africa\(^{42}\), has elicited an explosion of studies seeking to explain, and unveil their causes, dynamics and trajectories. Critics have pointed out that intra-state conflicts are a challenge to state’s capacity to guarantee overall security to its citizens. Over and above, the cost of insecurity is high in that human security, national and regional developments are jeopardized as resources are diverted at the expense of progress.

Regionally, pastoral conflicts create doubt on investment returns, exacerbate the cost of doing business and act as a disincentive to inter-state relations, integration and economic co-operation\(^{43}\). Pastoral conflict analysis must therefore situate cross-border pastoral conflicts in the context of the forces of culture, insecurity and small arms, marginalization and exclusion as well as the struggle for control of resources. Other scholars such as Kimani argue that conflict in pastoral areas must be seen against the background of land alienation and mass displacement of pastoral populations\(^{44}\). A more

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\(^{42}\) Rothchild has observed that almost half of the wars waged throughout the world in the post cold-war era, with battle deaths exceeding one thousand per year, have taken place in Africa. See an incisive analysis by Harbeson, J. W., & Rothchild, D., "Africa in World Politics: Post-Cold War Challenge" (Boulder CO, West view Press 1995, pp 210-228)

\(^{43}\) For instance, AU, EAC, IGAD, COMESA and other regional conglomerates have identified the area of conflict management as integral to development and economic cooperation.

holistic approach that would address socio-political, physical and economic insecurities of the pastoral communities may be an important endeavor to pursue.

**Elders in pastoral conflict management**

As observed by Gulliver, traditional cattle raids were by and large a response to natural calamities in which groups in a restocking phase raided enemy groups who happened to be momentarily better off\(^{45}\). The role of elders was to check any excesses by the raiding warriors that would intensify the raids to intolerable height. As a general rule, escalation was perceived to have occurred when the rules of reciprocal raiding were violated, great numbers of livestock looted, human casualties rose sharply, killing appeared to be deliberate and cruel, and raids became too frequent\(^{46}\).

Ultimately, escalation is a subjective notion which may change according to a number of variables. One group's perception that the raiding practices of the other group have become "excessive" results in a campaign which involves organized recruitment and strategic decision-making process. Inter-tribal co-operation ceases and daily social life and economic routines are disrupted. It was in such instances that the powerful councils of elders prevented escalation and ensured refrain from causing death and destruction by decreed strict penalties. Their decisions were reached through consensus and compromise especially where members came from more than one ethnic group. Their effectiveness was accentuated by their control and predominance in social-economic institutions such as marriage, graze lands, clans and cross-ethnic and

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\(^{45}\) Gulliver, P.H., *op cit*, 1955

cross-generation networks. Today, the status of 'eldership' has been eroded and undermined, rendering traditional conflict management mechanisms ineffective as young men raid cattle, thereby acquiring 'elder' status regardless of their age. Additionally, traditional conflict management institutions can no longer cope with the ever changing pastoral conflicts. For instance, Osaghae reports that traditional conflict management systems remain localized and therefore unable to deal with the expansive nature of modern pastoral conflicts. However, they still have an important role to play. Traditional approaches focus on the needs and desires of people and stress values of respect, honesty, dignity and reciprocity in order to minimize conflicts. This viewpoint is in concurrence with conflict research and addresses the needs of the people by delving into the root causes of conflicts.

States have often supported the efforts of elders in conflict management in dealing with escalation of violence in pastoral communities. The Modogashe/Garissa Declaration 2005 is a case in point where before the movements of livestock begin, Boran and Somali elders negotiate and a general agreement is reached on access to water and pasture. The visiting herders use pasture and water and move back to their original homes when the situation improves without causing unnecessary conflicts with their hosts over resource utilization.

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51 Rules for dealing with pastoral conflicts (for a number of communities in North Eastern, Eastern and Rift Valley Provinces through their peace committees)  
National peace and security strategies

States have a fundamental role of providing a safe and secure environment for its people and the protection of their life and property. In most cases, states’ regulatory regimes for conflict management comprises of laws that establish formal adjudicatory processes that seek to administer justice and empower security forces and other administrative agencies to respond to crisis caused by conflicts. These regulatory regimes interact with other informal and quasi-formal conflict management institutions in order to forestall violence. Large volumes of cases brought to the local administration relate directly to livelihoods issues including access to and ownership of land, scarce resources and other civil and criminal cases which they arbitrate or give direction to the disputant to forestall escalation.

The Kenya's formal justice system comprised of courts, the police and the provincial administration. The court system listens to disputants relying mainly on adjudication or arbitration in settlement attempts. The offices of Chiefs and Assistant Chiefs frequently intervene in disputes also as state representatives. They have constituted Security and Intelligence Committees harmonized under the umbrella of the National Steering Committee for Conflict Management and Peace-building located in the Office of the President. They include memberships from the local communities to listen and resolve disputes before they get out of hand, cascaded downwards up to the sub-location level.

These peace committees play a pivotal role in addressing conflicts and their advantage lies in the fact that they are situated at community level and in most instances are the only available state assistance available at the grass root. Their strength lies in the fact that they are low cost, can be constituted within a short time and
the dispute addressed expeditiously. The Chiefs' Authority Act mandates administrators to maintain law and order. They often work closely with community elders and apply local means of conflict resolution in order to maintain stability in their respective jurisdictions.

Other countries in the Horn have more or less analogous administrative and formal justice systems, a legacy of colonialism. In Uganda for instance, successive governments have tried to establish administrative control among their people especially in Karamoja. The Obote government entrenched more administrative control, while the Idi Amin regime maintained a military presence in the region. The Uganda administrative system is in many ways comparable to the Kenyan provincial administration.

These formal justice systems however depict a great deal of continuity with their colonial past. Their approach is more often than not adversarial, at times entailing the use of force by state actors. Invocation of the Chiefs Act, the Preservation of Public Security Act, and Fire Arms Act among others contains provisions which by and large reflect an approach where the goal is not to resolve the dispute amicably but to impose a cessation of hostilities between conflicting groups. State actors adjudicate and impose final decisions on parties, which are enforceable under the law. They are viewed as individualistic, rule-oriented, and antithetical to the restoration of harmony and cohesion in the community. The challenge is to device mechanisms that would not only cease hostilities but contain societal forces by balancing the competing interests and reconciling differences arising from socio-economic and political cleavages.

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53 Laws of Kenya, Cap 128 Chiefs' Authority, Sec. 6
54 Ruto, P., & Mahamud, A., op cit, P., 2006 p.8
55 Ruto, P., & Mahamud A, ibid, 2006 p. 10
Disarmament and national legislation

As a consequence of instabilities in the Greater Horn of Africa region that results in arms proliferation and conflict intensification, states have individually or jointly instituted mechanisms for disarmament and demobilization. The Ugandan government has carried out forceful disarmament exercise in Karamoja from as early as 1961 and intermittently employs its armed forces to collect arms. Kenya on the other hand has had a series of military-led disarmament programmes among pastoral communities in North Rift region. The process proceeds in three phases; Operation Dumisha Amani ('maintain peace'), Operation Okota I ('collect phase I'), a voluntary and non-coercive weapons collection initiative that promise increased security and amnesty from prosecution and Operation Okota II ('collect phase II'), which entails the forceful disarmament of communities that did not cooperate during the earlier phases. Due to the uncoordinated disarmament exercises by neighboring states involved, communities collude to hide their guns on either side of the border depending on the state carrying out the exercise.

On legislation, countries in the region have for a long period failed to come up with comprehensive legislations on pastoralism. In Kenya for instance, fragmented and uncoordinated policy statements embedded in various thematic policy issues like the ASAL draft policy, EMCA, PRSP, NEPAD, and Police Act among other documents and the ad hoc disaster management and famine relief interventions exists. Even then, the ad hoc interventions, most often reactive, are implemented with no regard for

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57 The UPDF uses a strategy they dubbed 'Cordon, Search and Disarm' among the peoples of Karamoja.
community local knowledge, their particular needs and concerns and their way of life which is co-joined with their natural resource management\textsuperscript{59}.

The Draft Protocol which is largely anchored on the pillar of enforcement also recommends livestock branding and marking for purposes of tracking rustled stock. It also recognizes the need to move towards reducing poverty among the pastoral communities as a strategy of dealing with episodic conflicts. This is captured in the initial articulation of state’s response through the PRSP that was also augmented by the more specific PTG which prepared an implementation matrix to accompany the PRSP action plan\textsuperscript{60}.

Uganda has also realized that the phenomenon is of human security nature hence the relevance of the revised KIDDP, which presents an alternative conceptual framework that attempts to link military type interventions with appropriate development policy responses. The overall goal of this revised KIDDP is to contribute to human security and promote conditions for recovery and development in Karamoja\textsuperscript{61}. The Uganda PEAP highlights conflict resolution as a key element towards emancipation of the people of Karamoja\textsuperscript{62}.

However, responses that address the underlying problems and aims at conflict resolution are still insufficient, and the level of violence has not reduced since

fundamental causes have not been adequately addressed\textsuperscript{63}. At the macro-level, states in the region have been reluctant to engage pastoral communities in ways that sustainably eliminate their susceptibility to violence. Most state-led development interventions have historically been in conflict with the pastoral way of life. In Uganda for example, the PEAP fails to take into account the historical roots or underdevelopment of the Karamoja district\textsuperscript{64}.

**Regional peace and security initiatives**

During the Cold War period, regional and sub-regional organizations concentrated largely on preventive diplomacy\textsuperscript{65}. The disintegration of the Soviet Union beckoned a shift towards local solutions to Africa’s regional security challenges. An implicit policy emerged which encouraged a multi-layered response to African conflicts where local and national organizations were expected to respond initially, followed by responses at sub-regional and regional level and ultimately at the level of the international community\textsuperscript{66}.

The evolving African Peace and Security Architecture place the main burden for conflict management on the regional and sub-regional bodies. The reassessment of Africa’s own ideas about conflict management was heightened particularly in the 90s as the continent’s sole regional body, the OAU which began its evolution from an anti-colonial solidarity organization into a more conventional regional peace- and security-focused union. The AU is now equipped with prevention mechanisms, such as the

\textsuperscript{63} Oxfam GB, "Conflict Reduction in Arid and Semi Arid Areas of Kenya: Lesson Learned", (Nairobi, 2002)
\textsuperscript{64} Ministry of Finance, \textit{ibid}, 2001
\textsuperscript{65} Ayoob, M., \textit{The Third World Security Predicament: State making, Regional Conflicts and the International System"}. (Boulder, CO: Lynne Rienner, 1995)
Panel of Wise Men and African Standby Force that can be deployed quickly in order to terminate ongoing conflicts. These have played an important role in Côte d'Ivoire as well as in Sudan.

Other regional blocs constituted in the period that followed, albeit with an economic / developmental endeavor were soon to realize the futility of pursuing an economic agenda in an environment of political instability and civil strife. This partly explains the offshoot peace and security mechanisms that now define these regional organizations. They enjoy greater popular legitimacy in conflict zones and have the local knowledge needed to carry out nuanced and constructive conflict resolution policies.

States with relatively similar economic and political challenges have adopted a cooperative behavior in their effort to manage common threats to security. The AU, NEPAD, COMESA, ECOWAS, IGAD and the EAC have established Peace and Security Initiatives whose mandates are to enhance the capacity of member states to address the scourge of conflicts by promoting collective security, durable peace and stability on the continent. The key characteristic of the initiatives has been an emphasis on early warning and coordinated response such as the in-state CEWERUs and the National Focal Points on Small Arms and Light Weapons. Kenya has established two such institutions and hosts the secretariat of RECSA. RECSA acts as a forum for enhancing cooperation among national focal points and relevant state agencies to prevent, reduce, and ultimately eliminate illegal trafficking in and stockpiling of small arms throughout the Great Lakes Region and the Horn of Africa.

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87 Rugumamu, S. M., op cit, (2002), p. 4
IGAD’s Conflict Early Warning and Response Mechanism is able to survey and document violent incidents and to provide member states with guidance on responding effectively. The EAPCCO works closely with governments and CSOs to develop, strengthen, and enforce legislation aimed at reducing cattle rustling and associated armed violence. Other significant regional and local initiatives aimed at addressing the SALW problem at the regional level, include the Nairobi Declaration of 2000 and the subsequent Protocols of that agreement. Originally crafted by the Foreign Affairs Ministers of the HoA and Great Lakes countries, the Nairobi Declaration laid out a plan for ensuring political action, legislative measures, and civil society involvement in the struggle to combat the challenges posed by SALW. These regional initiatives are important steps and offer a solid platform for future collective effort at sustainable peace.

Even though regional economic communities have greatly metamorphosed into conflict management organizations in Africa, the legacy of the defunct OAU particularly the principles of sovereignty and non-interference with the internal affairs of member states has often rendered their responses lackluster at best. The civil society has particularly leveled accusations against the state over state-centricity at the expense of public welfare and the failure to address fundamental issues to a conflict. Secondly, the functional, operational, structural and financial inadequacies of these regional and sub-regional organizations have confined their operations to ad hoc and reactionary responses to security threats.

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58

Rugumamu, S. M., op cit, (2002), pp 12-16
Civil society peace-building initiatives

Besides states and regional organizations, civil society organizations have played leading roles in managing cross-border pastoral conflicts in Africa. The World Bank defines civil society as "non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. This includes community groups, non-governmental organizations, labour unions, indigenous groups, charitable organizations, faith-based organizations, professional associations and foundations among others." They have increased in number and significance and helped to fill institutional vacuum, particularly in areas where state institutions were either weak or non-existent. Their contribution especially in the areas of training, humanitarian services and conflict analysis, early warning activities, networking and initiatives for cross-cultural understanding and relationship building cannot be gainsaid.

The international donor community has increased its involvement in countries affected by conflict and instability, often relying increasingly on CSOs to reach the grassroots. Their support to these initiatives is due to several factors. Van Tongeren posits that CSOs have the ability to function without being constrained by narrow mandates of foreign policy imperatives, are able to access areas inaccessible to official actors, can talk to several parties without losing their credibility while dealing directly

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72 Barnes, C., "Weaving the Web: Civil Society Roles in Working with Conflict and Building Peace", in: Paul van Tongeren et al. (eds.) "People Building Peace: Successful Stories of Civil Society", (London: Lynne Rienner, 2005), p 10
with grassroots populations and focus on a longer-term solutions to human security\textsuperscript{73}. State actors have also collaborated with CSOs in recognition of their potential for sustainable peace in conflict response initiatives\textsuperscript{74}. For instance the Arid and Semi-arid Lands Resource Management Programme has been mainstreaming community-based approaches in partnership with CSOs.

Regional organizations for instance the EU have also been supporting the activities CSOs particularly RECSA in the Great Lakes Region and the Horn of Africa in term of funds and expertise to enhance the secretariat’s ability to oversee the implementation of national action plans in the region. It also works alongside IGAD and the AU on various areas of conflict management. EU has also been active at the grassroots level through NGOs and CBOs such as Oxfam, Africa Peace Forum, Karamoja Project Initiative Unit and KISP. Oxfam is using its presence on either side of the border to support the coordination of cross-border peace interventions. It also supports a number of CBOs and CSOs. These partners include KOPEIN DADO, Kotido NGO Forum and a number of women's groups focusing on national and regional level advocacy for pastoral rights and pro-pastoral policy development.

The USAID has also been involved in peace-building efforts that aim to prevent the escalation of cross-border conflicts between neighbouring communities. Implementing partners include Development Alternatives Inc., Riam Riam in Kenya, and


KOPEIN in Uganda\textsuperscript{75}. For instance, USAID supported mediation processes between the Dodoth of Uganda and Turkana of Kenya following their clashes in early 2004. These cross-border peace processes are believed to have successfully forestalled the recurrence of reprisal attacks during the immediate period. Riam Riam and KOPEIN have built on these early gains and enhanced their capacities to continue supporting conflict mitigation and peace-building in the border region\textsuperscript{76}.

**The karimojong people**

The Karamojong constitute three distinct groups; the *Dodoth* to the north in Kaabong district; the *Jie* in central Karamoja and Kotido districts; and the *Karimojong* to the south in Moroto and Nakapiripirit districts\textsuperscript{77}. For the purposes of this study, reference will be limited to the *Karimojong* sub-tribe found in the conflict system encompassing the Karamoja region of Moroto and Nakapiripirit\textsuperscript{78} who number around 250,000 persons.

Available data shows that first attempts to curb the lawlessness in Karamoja were in 1961 when a special force of paramilitary police was deployment to carry out disarmament after Karimojong raiders started large-scale cross-border raids against their neighbours.\textsuperscript{79} Ever since, the post-independent regimes from Obote to Museveni's have maintained military presence in Karamoja, with intermittent disarmament exercises that, as scholars and critics have pointed out, have borne little. The NRM regime started the LDUs and vigilantes which have been accused of proliferation as they desert and


\textsuperscript{76} Human Security Baseline Assessment, *op cit*, (2007), p 5


join the raiders. The attacks on neighbours and vice versa, regional political instabilities, porous borders, weak international arms regulatory regimes and poor border surveillance across Africa has fueled an arms race and nourished arms proliferation in the region and beyond\textsuperscript{80}.

Studies also show that by exploiting the ethno-military culture of the pastoral communities by enlisting them during WW II, colonialists contributed to arms proliferation. Arab merchants also exploited the administrative vacuum left after the regions were 'closed' and engaged in trade with the locals for slaves, ivory and firearms. But the greatest proliferation occurred after Karimojong warriors broke into the 2\textsuperscript{nd} Battalion Barrack in Moroto and took large numbers of arms. Other communities responded by acquiring arms to enable them repel incursions from the armed Karimojong neighbours leading to a vicious arms race.

The state of insecurity has undermined the provision of basic social services and development initiatives\textsuperscript{81}. District official reports show that the number of police officers in the region is insufficient and that the few police personnel face immense challenges to maintaining law and order\textsuperscript{82}. In August 2006 there were an estimated 137 police personnel in Karamoja, as Human Rights Watch notes, suggesting a police officer to population ratio of around 1:7,300, 'about one-sixteenth that of the UN standard of 1:450 and one-quarter that of the national ratio of 1:1,800\textsuperscript{83}. Adamancy of the pastoral communities to embrace state-imposed lifestyles, preferring to continue with pastoralism

\textsuperscript{80} KIDDP, \textit{ibid}, (2005), p 7
\textsuperscript{81} Mkutu, K., \textit{op cit}, (2007) a, p. 39
as the most suitable subsistence method has not helped heal the perceived rifts between the state and the people. The perception of these communities is that states are unwilling or unable to offer them adequate security. They have resisted government intervention and in many instances have had fatal confrontations, made possible by the proliferation of sophisticated weapons.\(^{84}\)

### The Pokot of Kenya

The Pokot people are a pastoral community who live primarily in West Pokot district of Kenya.\(^{85}\) They speak Pokot language of the Southern Nilotic-hermitic linguistic family. The population is estimated to be roughly 339,000 according to the 1999 population census. Kenyan Bureau of Statistics classifies the Pokot within the amorphous Kalenjin group for the purposes of National Census, which consists of many diverse groups of people with similarities in culture, language, ancestry and history. They neighbour the Maasai to the North and the Turkana to the South.

### Pokot Traditional justice system

It is important to understand the context of informal dispute settlement since formal justice systems have not whatsoever replaced traditional systems of conflict management. With the formal justice systems, many people face geographical and financial constraints in accessing them since most courts are situated around administrative headquarters. It should however be noted that traditional forms of dispute settlement has evolved in response to current circumstances so that it is virtually impossible to find pure traditional systems. Where the state is seen to have failed to

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\(^{85}\) Other Pokot groups will be found in some parts of Eastern Karamoja district of Uganda.
serve the needs of its citizens, the citizens tend to create their own structures and processes, which express their values, in order to meet their needs. There are obvious overlaps between formal and informal justice systems in their structures and processes.

A common denominator with African’s traditional justice systems including the *Kwikwi* of the Pokot is that parties relied on negotiation or mediation in settlement attempts which generally led to consensus and compromise. The traditional way of dispute settlement took the form of an open court where elders heard grievances and arrived at decisions though consensus. They were viewed as incorruptible, proceedings and language were familiar, and were accessible and affordable at all times. They utilized local resources and decisions sought to heal and unite disputing parties. Elders were greatly respected with very clear responsibilities which included presiding over important community decisions, festivals, and religious ceremonies. Diviners and medicine men also played a significant role in maintaining a spiritual balance within the community.

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CHAPTER FOUR

Karimojong-Pokot Pastoral Conflict

Introduction

The previous chapter presented a discussion of pastoral conflicts and the various management strategies and practices within Great Lakes region. Chapter four captures raw data, explores methods that Kenya and Uganda state actors have employed whenever there is an escalation of violence across their common border. The role of non-state actors in cross-border pastoral conflict management has also been discussed. The general methodology that the researcher used to execute the study was presented in chapter one.

Nakapiripirit district of Uganda

Nakapiripirit, district, home to the Karimojong people, was curved out of Moroto district in 2001. The district covers an area of 5,834 Sq km with a population of 153,862 people according to Population and Housing Census of 2002. Nakapiripirit district comprises 3 counties, 9 sub-counties and 1 Town council, 42 Parishes and 173 villages. It borders the districts of Kapchorwa and Kumi in the south, Soroti in the West, Moroto to the north and the Republic of Kenya in the east. It is one of the 6 districts of Karamoja region characterized by harsh climatic conditions, with temperatures rising to 38° centigrade and floods during the rainy season.
Map of Karamoja and West Pokot Regions

Key
Arms sale
Arms captured in fire exchange
Arms trade
Road ambushes areas
<table>
<thead>
<tr>
<th>County</th>
<th>Sub counties</th>
<th>No. of Villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chwekwi</td>
<td>Kakomongole</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>Moruita</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Nakapiripirit TC</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Namalu</td>
<td>59</td>
</tr>
<tr>
<td>Pian</td>
<td>Lolachat</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Lorengedwat</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Nabilatuk</td>
<td>22</td>
</tr>
<tr>
<td>Pokot</td>
<td>Amudat</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Karita</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Loroo</td>
<td>8</td>
</tr>
</tbody>
</table>

Source: District Development Plan 2008/2009

The West Pokot District

West Pokot district is located in Rift Valley Province of Kenya. The district was recently split into three districts namely West, North and Central Pokot. It borders Uganda to the West, Trans Nzoia and Marakwet to the South, Turkana to the North and East Baringo to the South East. The district stretches a distance of 132 kilometers from North to South and covers a total area of 9,100 square kilometers\(^1\).

The greater West Pokot District is divided into eleven divisions namely Alale, Kacheliba, Kapenguria, Chepareria, Lelan, Sigor, Kasei, Sok, Tapach, Chesogon and Kongelai. There are three livelihood zones namely mixed farming, agro-pastoral and pastoral farming. The landscape is relatively rugged with steep hills and escarpments covering most of the areas. Other major topographic features include dry plains and five rivers namely Morun, Swam, Weiwei, Kerio and Kanyang’areng.\(^2\) The district is water-scare with only eight gazetted water supplies, most of them non-functioning. Other few sources are managed by CBOs and NGOs. Some pans and dams were built during

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\(^1\) West Pokot District Vision and Strategy: 2005-2015, 2005

\(^2\) Ibid, (2005)
colonial days but most of them are silted up. Bore holes have been constructed mostly in the drier northern parts of the district to supply water largely to livestock.

Emerging issues from collected data

Escalation of cross-border pastoral conflicts

The study confirmed most of the documented reasons for escalation of cross-border pastoral conflicts. Of all respondents surveyed, views were given as follows: scarcity of pastures and water - 62%; counter-raids - 41%; weapon proliferation - 59%; culture - 36%; banditry - 64%; marginalization, exclusion and poverty - 75%. Respondents agreed that confrontations increased at the onset on rains and also during severe shortage of rainfall in pastoral areas as groups spread over more land, while at the same time, neighboring groups increasingly do the same. But it was poverty and banditry that were given as the major impediments to sustainable peace.

Reasons for Escalation

![Bar chart showing reasons for escalation]

Degree of Escalation

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The high premium placed on livestock ownership including the payment of bride wealth in form of heads of cattle has also tended to intensify conflict as young men raid to acquire cattle to gain status in the society and be able to 'acquire' wives. Respondents agreed that women and young girls had a critical role in escalating and/or de-escalating conflicts. As an elderly respondent explained during a conversation, women and girls often sing praise songs to brave and prepare warriors while ridiculing those considered cowards. This serve to instigate and escalate violent conflict as men go out there to prove their worth.

**Effects of pastoral conflicts**

The study sought first to situate the reality of pastoral conflicts in the daily lives of the study subjects. Of the 11 members of the peace committee interviewed, 7 had either been personally affected or had a close relative who had been a victim of loss of cattle, violence or injury. The study also sought to establish the impact of pastoral conflicts across the border. In the discussions, questions relating to access to grazing land outside of and between sections of West Pokot were asked. Market access, investments opportunities, access to public goods and services and the general state of safety and security were also probed.

**Access to resources, market, public goods and services**

Fear of attacks was a leading cause especially for women (73%) that prevented them from fetching water, services and goods in the nearby markets especially during disarmament exercises Government agents confirmed that service provision to the

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4 Interview with a local peace committee elder
interior was derailed (36 %) or prevented (27%) by factors such as poor roads, lack of security escort and inadequate personnel. 17% of government officers would readily move to other region that were considered more secure if given a chance.

**Trade and investment**

The study inquired from the respondents what they thought were the direct and indirect effects of armed cross-border pastoral conflict on trade and investment. Issues probed included the possibility of scaring away investors, cost of security, premiums on capital and assets, trade, entrepreneurship and growth were and the responses were as follows:

_Direct and indirect effects of conflict_

- Retrogressive growth
- Discouraging entrepreneurship
- Diminished cross border trade
- Escalated cost of security
- High capital expenditure
- High Losses
- Scaring investors

Three (3) cattle dealers surveyed in Kapenguria town feared venturing into the interior due to high levels of insecurity. Two members of the District Peace Committee surveyed who confessed to have raided in their youthful days believe that they would be different in terms of their quality of life had they had a chance to pursue formal
education. Probed to explain further, they said they could have secured formal employment if they had had formal education.

**Cross-border Pastoral Conflict Management Strategies**

The study sought to establish the effectiveness of methods employed by the state actors in cross-border pastoral conflict management. Respondents were asked to rate the effectiveness on a scale as represented on the table below:

<table>
<thead>
<tr>
<th>Conflict management Method</th>
<th>% degree of effectiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Effective</td>
</tr>
<tr>
<td>Curfews</td>
<td>4</td>
</tr>
<tr>
<td>Pursuit and recovery of animals</td>
<td>18</td>
</tr>
<tr>
<td>Formation and arming of vigilantes</td>
<td>6</td>
</tr>
<tr>
<td>Border patrols</td>
<td>34</td>
</tr>
<tr>
<td>Voluntary disarmament</td>
<td>0</td>
</tr>
<tr>
<td>Incentives for disarmament</td>
<td>0</td>
</tr>
<tr>
<td>Forced disarmament</td>
<td>6</td>
</tr>
<tr>
<td>Addition of security personnel</td>
<td>53</td>
</tr>
<tr>
<td>Support for elders in conflict management</td>
<td>80</td>
</tr>
<tr>
<td>District Security Intelligence Committees</td>
<td>45</td>
</tr>
<tr>
<td>Peace Committees</td>
<td>88</td>
</tr>
<tr>
<td>Enhanced border cooperation/trade</td>
<td>69</td>
</tr>
<tr>
<td>Improvement of communication systems</td>
<td>4</td>
</tr>
</tbody>
</table>

The general opinion of the surveyed respondents is that the methods that state actors employ have not achieved very significant results in mitigating cross-border pastoral conflicts. However, the degree of people’s awareness of states’ modus operandi in conflict management could not be accurately determined.
Role of ensuring security - Track One Actors

Studies show that insecurity slows economic growth leading to poverty, which increases insecurity and vice versa. The vicious cycle sustains both insecurity and poverty, and the adversarial relationships of raids and counter-raids are enculturated in the societal psych through generations. Most respondents (89%) believe that the duty of providing security for all the people and their property rest with the government security agents (provincial administration and police) since they possess the means and the legitimacy, 53% believe the local MP has a role while 41% argue for enhancement of cooperation between the locals and government security agents. NGO officials are of the view that money meant for development purposes had variously been diverted for other uses (by state officials), than to enhance the livelihoods of pastoral communities. One respondent commented during a peace meeting that increased banditry and road ambushes and general insecurity had very negative effects on businesses but states were not doing much to help the situation.5

5 Interview with a businessman in Chepareria town

Role of ensuring security
State relation with armed pastoral groups

The clash between the state legal and justice administration system and the traditional justice system has been a constant source of conflict between state and the people. The study sought to establish how state actors perceive and are perceived by the members of the pastoral communities. This was important in that for sustainable peace to be realized, there must be established a degree of trust between all actors. 52.3% of the people surveyed indicated that state action in so far as providing security is concerned is far below their expectations. A comparative number thinks that the methods used by the states were not people-friendly, lacked community support and only helped to alienate the state from the people. 69% said that cross-border conflicts would be reduced if the security agencies manning the boundaries could become more vigilant and restrict any unauthorized movement of guns, animals and people across their border with war-torn countries.

Most residents strongly believed that both colonial and post-colonial administrations had ignored their plight. 69% of the respondents surveyed belied that border regions occupied by the pastoralists offered the lowest quality of life due to state neglect. The sampled NGOs clustered Karamoja among the places in Africa with the lowest quality of life as a result of state marginalization.

Disarmament and insecurity

In order to address the ever-present problem of cross-border pastoral conflict, states intermittently deploy security personnel in the affected region who admittedly employ a variety of methods in trying to curb insecurity. The research sought to find out where the pastoral communities acquire the gun from, how the guns cross either side of
the border and the success of disarmament. Security officials surveyed in Kenya stated that pastoralists mainly demand arms for protection of animals and people from attacks by neighbouring groups. 29% of the respondents mentioned the inability of the government to adequately protect the people, in a situation of porous international borders through which small arms are flowing, such that there is a localized inter-communal arms race. Opinion leaders informed the researcher that guns were readily available in the neighborhood, most of which were smuggled into Kenya and Uganda from Central Africa, Somalia and other politically unstable states.

Over 80% agreed with the suggestion that there was need to disarm pastoral groups but differed on their opinion on the manner in which they thought disarmament should be carried out. 56% wanted the states to guarantee state security to guard people and their animals while 37% thought that the states should deploy permanent security agents at the border before embarking on disarmament. But the majority (71%) felt that disarmament that fails to recognize the centrality of human safety and that of their property fails at inception.

The study sought to establish people’s perception of security before, during and after disarmament exercises. Between 72% and 83% of the respondents felt more insecure during and after disarmament exercises. Reasons given included the inadequacy of state security personnel to tackle armed rustlers, low motivation of state security personnel, poor cooperation between the states that rendered some more vulnerable, retaliatory attacks and the possibility of incursions from armed neighbours who may have successfully hid their weapons.

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6 The general feeling during the discussions with the peace committee members and official from the civil society was that disarmament without alternative source of security was ineffective in entrenching a culture of peace.
Role of non-state actors

Elders and opinion leaders were of the view that traditional system of justice and peace preservation was more effective in that results were visible to the whole community and due to the remorse felt by the offender, relationships would heal in time and the ensuing peace was more durable. The study also sought the views of the respondents on the role of civil society organizations in cross-border pastoral conflict management. 51% of community members allowed that unlike the adjudication system where decisions were arrived at solely at the discretion of the arbitrator, CBOs and other civil society organizations would normally organize fora that would enrich the understanding of disputants by eliminating barriers to communication. And in instances where they took part in dispute resolution, they would allow community members to offer ideas and possibilities of solutions to such disputes.

With the formal justice system, 36% of respondents did not understand how it works. For instance, they failed to see why ‘an offender’ in their sense of morality would be released on bail, or a case dropped for lack of evidence. But respondents also agreed judgments by state organs or agreements arrived at in informal sittings were difficult to enforce due to the wide availability of SALWs due to fear of reprisals. Elders could no longer effect immediate justice; say by caning the offender who might be in possession of a weapon. Moreover, the poor and vulnerable groups such as women lack capacity to call elders to convene when they are offended. The study also sought to establish whether there was gender representation in the informal justice system.

Local respondents confirmed that women and the youth were not adequately represented in the usually male dominated traditional dispute resolution organs.

**Suggestions to improve peace and security**

On the way forward, the study sought to establish the role of education and social engineering, diversified economic base and other government initiatives such as resource diversification. Almost all respondents were of the view that there was need for synchronization of efforts by all stakeholders in their various conflict management efforts for sustainable peace to be realized among pastoral border communities. Governments, civil society organizations and the communities involved must work together.

45% suggested that Ugandan and Kenyan authorities should impose severe penalties to anyone engaged in cattle rustling. Those who had been windowed through violent attacks by cattle thieves suggested that the states should spearhead alternative livelihoods especially to female-headed households. This, they explained, would not only enable them fed for their families who can no longer engage in the male dominated nomadic lifestyles but also help break the cycle of violence as their children would adopt different lifestyles, pursue alternative livelihoods and change how the communities are perceived and perceive the state. On prospects for their children, a bigger percentage wanted their children to pursue higher education as a way of broadening their prospects and a shot at a decent life.

On the basis of people's rating of the efficacy of methods used by the state, respondents were asked to suggest ways of ensuring sustainable peace among pastoral border communities. An overwhelming majority of respondents (89%)
suggested unless the states involved initiate and help sustain equitable development projects, it would be difficult to achieve sustainable peace and security of pastoral communities. An equally large percentage (76%) felt that the states involved have a primary role in ensuring the rule of law and the involvement of locals in development. Women suggested that CSOs could play a key role in discouraging their husbands from taking part in raids by initiating women’s cross-border and cross community projects.

During a peace and security seminar for senior security agents from the North Rift held at the Kenya School of Monitory Studies, participants were asked to suggest how best the government could sustainably improve human security among pastoral communities. Their suggestions were tabularized and scaled in percentage support as presented below:

<table>
<thead>
<tr>
<th>Improvement of peace and security</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructural Improvement</td>
</tr>
<tr>
<td>Regional peace</td>
</tr>
<tr>
<td>Intelligence Sharing</td>
</tr>
<tr>
<td>Peace meetings</td>
</tr>
<tr>
<td>Cross-border trade and investment</td>
</tr>
<tr>
<td>Sustained disarmament</td>
</tr>
</tbody>
</table>

The concept of human security is operationalized in the context of Burton's definition
CHAPTER FIVE

Critical Analysis of Track One Conflict Management

Introduction

This chapter presents a qualitative analysis of the survey findings as presented in the previous chapter. It looks into the correlation of the various variables and how they influence or affect the outcomes of track one conflict management among pastoral communities living along the Kenya-Uganda border. The chapter also analyzed the effectiveness of track one methods, taking into account the challenges posed by various threats to human security such as arms proliferation, violence escalation, marginalization and neglect by mainstream state authorities, poverty and hopelessness, and the competition for scarce resources.

Karimojong-Pokot conflict analysis

As the study found out, state responses have usually been reactionary and coercive, inclined towards containment of the conflicts than dealing with the underlying issues. Arms collection, sedentarization policies, settlements arrived through the formal justice systems and other none-consultative interventions are some of the unpopular but reactionary methods that states employ to contain cross-border pastoral conflicts along the Kenya-Uganda border. Additionally, restriction of movement for both human and
livestock by state authorities within and outside the Karamoja cluster further complicate the situation\(^1\).

For instance, restriction of movement increases degradation and competition over scarce resources which in turn amplify the consequences of devastating droughts\(^2\). Other measures such as arming of vigilantes including the THG and LDUs while failing to take in to account fundamental courses of insecurity give way to a vicious cycle of conflicts thereby diminishing possibilities of improving peoples’ chances at a high quality of life\(^3\).

**State policy and legislation on pastoralism**

Generation of policies and strategies for the development of ASALs was influenced by existing assumptions, myths, pre-conceived ideas and generalizations which depict pastoralists as primitive, violent and hostile towards change. The literature depicts them as having an emotional attachment to their livestock, lacking in rules and regulations to manage their resources, fixated to traditional way of life and lacking in national loyalty because of their cross-border movements\(^4\). These generalizations constituted the discourse on African pastoralism passed on over the years deprived of objective analysis which is a foundation of policy development.

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\(^1\) The ‘cluster’ in the colonial context included the Kenyan and the Ugandan side as they were administered simultaneously as British Protectorates


\(^3\) Ocan, C.E., “Pastoral Crisis in North-eastern Uganda: The Changing Significance of Cattle Raids,” Centre for Basic Research Working Paper, (No. 21, June 1992, pp. 8-14.)

Colonial era legislation

Pre-colonial era as it were lacked legislation on pastoralism. The first steps towards legislations were witnessed after the Berlin conference and the subsequent colonization of Africa. The colonial mercantilism led to marginalization of pastoral communities to pave way for agricultural expansion. In a rush to subdue Africans into servitude, and partly due to failure to understand the pastoral way of life, statutes inclined in favour of the sedentary colonizers were put in place.

In Kenya, the colonial regime came up with Collective Punishment Ordinance of 1909 as a general deterrence to theft of cattle to safeguard the interests of the colonizers. It was amended in 1912 and in 1914 to specifically deal with stock theft but proved ineffective in curbing cattle rustling, prompting the formation of I.J O’Shea select committee to look into the failure of administration of these ordinances. The committee suggested the broadening of the definition of stock to include meat, hides, and skin and prohibition of sales, delivery and movement of stock between sunset and sunrise by the natives. The aim was to improve the recovery of stolen stock. The amendment of 1930 enabled the governor to impose fines on a community in whose territory stolen cattle were found to encourage information on stock theft by the community members. This further crystallized pastoral resistance to state action.

Similarly in Uganda, the British protectorate government believed that both the human and economic cost of administering the remote Karamoja region was too high. A decision was hence made in 1894 to ‘conquer’ Karamoja because, in ‘military’ terms,
the British could no longer ignore Karamoja, lest they lose it to Arab traders who were supplying the pastoralists with modern weapons in exchange of ivory and slaves.\textsuperscript{10} The British responded in 1912 by establishing a permanent Northern Garrison for ‘pacification’ of Karamoja through shooting people, burning their huts and seizing livestock\textsuperscript{11}.

In 1958 the Ugandan Legislative Assembly passed the Special Regions (Karamoja) Ordinance Act\textsuperscript{12} following the increase in cross-border raids into Teso region. This gave the Provincial Commissioner of Karamoja the powers to declare any section of the region a ‘prohibited area’, and hence closed to any movement of cattle and humans. In 1963 the Administration (Karamoja) Act No. 17 was passed, which gave the Karamoja Administrator wide administrative and judicial powers. However, this did not reduce the raids especially due to enforcement of collective fine to Africans by Karamoja administrators which only served to marginalize the Karimojong further.

**Post-colonial era legislation**

Under the Kenyan law, the specific act dealing with cattle theft since 1962\textsuperscript{13} is the Stock and Produce Theft Act (CAP 355) Laws of Kenya which is merely an embodiment of the colonial ordinances, almost in it original format and content. In Uganda, the (Karamoja Amendment) Act of 1964 was amended by CAP 314 Act 13 of 1970 (section 241) and subsequently repealed by the Special Regions Act (CAP 306) in the revised Laws. To-date, it is only a piece of legislation on the statute books inadequate to


\textsuperscript{13}Kenya, (1962), Stock and Produce Theft Amendment Ordinance No. 43
prevent cattle rustling. The existing Special Regions Act empowers the concerned Minister, through a statutory instrument, to declare any area to be a 'special region,' where entry of any person into that area without the permission in writing of an administrative officer is prohibited. Enforcement has though been inconsistency and ad hoc for the most part.

Policy documents of the post-colonial era in both states with regard to pastoralism have been lacking in objectivity in so far as dealing with fundamental human security issues are concerned. They fail to acknowledge that without achieving relative levels of human security and needs' fulfillment, there can be no sustainable development, and conversely, without meaningful socio-economic development there is always a possibility of relapse into conflict and crisis and the vicious cycle of poverty and destitution.

State relations with pastoral groups

Pastoralists' perception of 'the state'

The pervasive feeling of pastoral communities is that the behavior of state actors amounts to aggression. Most allow that militarized approach to disarmament and other law enforcement activities has a potential to increase hostility and violence between the people and state agents. To quote an MP from the Karamoja region, “The army's conduct of operations is creating more enemies where there are none”.

Mukhisa notes that the relations between governments and the pastoral communities are confrontational. Pastoralists have drawn attention only when invaded
or under invasion\textsuperscript{14}. The perceived marginalization results in a suspicious relationship, leading to further deterioration of security. The states' responses have predominantly been power-based, often regarding pastoral communities as war-like and thus justifying the need to use forceful methods such as disarmament. This rears rebellion among the communities since authority’s deterrence does not always deter and often leads to increased potential for violence\textsuperscript{15}. Pastoral violence, particularly directed to states security agents has been seen to result from dissatisfaction by the general public who have faced brutal mistreatment during detentions in army barracks, disarmament and other injustices. KIDDP notes that the intensification of forceful disarmament by the state has only led to a spiraling of not only violent inter- and intra-ethnic conflicts, but also direct confrontations between the UPDF and armed Karimojong warriors\textsuperscript{16}.

Azar asserts that state as a \textit{power container} is not capable of mediating a level of need satisfaction for multiple communities leading to disarticulation between the state and society as a whole as the state increasingly pursues policies that are contradictory to the needs of the general public. He affirms that governance' role is pivotal in the satisfaction or frustration of individual and identity group needs\textsuperscript{17}. This draws attention to Galtung's analysis of social structures as the foundation of violence and highlights Burton's needs fulfillment approach as the most persuasive path to laying a strong foundation to peace among the pastoral communities by establishing systems and

\textsuperscript{14} Mukhisa, K., 'Understanding the Conflicts Affecting local Pastoralists', \textit{Sunday Standard}, 29\textsuperscript{th} November (1998), p 9


structures of controlling an environment that supports the pursuit of their development needs.

Strategies that rely on use force to achieve a legitimate end sometimes evoke violent responses from sections of the communities affected by such violent actions, which has led to heavy human casualties\textsuperscript{18}. The Ugandan government has for a long time considered the karimojong war-like and often uses force to subordinate them\textsuperscript{19}. Okudi agrees that the coercive arm of the state was taken to Karamoja to tame pastoral society\textsuperscript{20}.

State-led forceful disarmament exercises

As it has been seen, the proliferation of arms is a corollary of both states' action and inaction. While failure to provide the people with a secure environment fuels the arms race, states have inadvertently aided in arming the border pastoral communities\textsuperscript{21}. Kenya on her part armed the KPR to not only help secure the porous border but also be able to defend their property and attacks from the Karimojong. Uganda on the other hand deploys the LDUs both as security enhancement mechanism in the border region and as a response to internal insurgencies. Additionally, state-approved agencies that possess firearms, sometimes not statutorily provided for, seriously dent the capacity of states to account for 'licit' arms.

\textsuperscript{18} KIDD, "op cit" (2007), p 47
\textsuperscript{19} see for example Ocan C, Pastoral Crisis and social change in Karamoja, in Mamdani, M., and Udry-Anyango J, (eds), Uganda: Studies in Living Conditions and Popular Movements and Constitutionalism, (Kampala, JEP books 1994) pp 97-122
\textsuperscript{20} Okudi, B., "Causes and Effects of the 1980 Famine in Karamoja" Center for Basic Research Report, Kampala, (1992)
Political fragmentation and civil wars have had a domino effect with regard to arms proliferation. Specifically the civil war in southern Sudan and Darfur, sporadic rebel movements in north-eastern Uganda, lawlessness in Somalia, and the contemporary situation in the DRC have all affected the military balance among pastoral communities of the Kenya-Uganda borders. One recent example is LRA whose regular movements between northern Uganda and southern Sudan led to frequent trading with locals, often in exchange for information about the strategic positions of the LRA's enemies.

Additionally, and considering that Africa is not a major manufacturer of weapons, it can then be deduced that there generally lacks a coherent international mechanism to control the flow of SALW. There has only been piecemeal albeit isolated efforts, for instance the creation of EU standards on the export of arms. Article 223 of the Treaty of European Union prohibits union members from involvement with matters relating to the production and procurement of arms. However, there is as yet no legal mechanism for their enforcement. While the EU member states advance policies addressing their own exports, there lacks mechanisms to control the purchase of arms from other sources such as the war-torn African states.

Militaristic approaches by the state stimulate an arms trade among the local communities as the bullets and arms increase in value, encouraging other actors to trade in arms. For example, as the disarmament was started in Uganda, the Acholi started selling arms to the Karimojong, whereas the Pokot were getting arms directly

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from the Matheniko.\textsuperscript{25} The Amin regime also set up an armory in Moroto in Karamoja to help govern and 'modernize' the Karimojong upon seizing power in 1971, a move which only served to nurture rebellion among them as they remained extremely peripheral in governance matters\textsuperscript{26}.

Disarmament at whatever cost and the notion that disarming is an integral component to the development planning of pastoral regions has been a pervasive thinking among policy-makers and is deeply engrained in power framework thinking\textsuperscript{27}. Mkutu notes that since 1979, the Pokots have been attacked by the Kenyan army in twelve operations to try to retrieve illicit arms\textsuperscript{28}. Thus the security doctrine has tended to incline towards containment than dealing with the real issues. Whereas immense resources have been expended in trying to establish the link between proliferation of small arms and armed conflict among the Karimojong and the Pokot, very insignificant effort has been made to establish the correlation between conflicts and needs satisfaction. The Uganda National Focal Point on SALWs among others is a good example of this lacuna.

Disarmament alone has been seen to increase the insecurity of some groups at the expense of others. When uncoordinated, some groups may retain their arms leaving those who surrender very vulnerable to the attacks by their armed neighbours as evidenced during the 2006-07 disarmament in Karamoja. Disarmament may also lead to an arms race and an influx of weapons as groups hitherto disarmed rearm for their own

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\textsuperscript{25}Mkutu, K., op cit, (2001) p 45
\textsuperscript{26}Mutaizibwa, E., & Mulondo, E., "K'jong avenging warriors' deaths," Monitor (Kampala), November 17, 2006 (quoting Imurni Lokodo, Member of Parliament, Dodoth county).
\textsuperscript{27}Burton, J., "Violence Explained", (Manchester, Manchester University Press, 1997) p 4
\textsuperscript{28}Mkutu, K., op cit (200) p 17
\end{flushright}
For instance, in southern Turkana, neighbouring Pokot and Karimojong sub-clans repeatedly attack the neighbouring communities who have voluntarily disarmed. In many instances, the Pokot flee to Uganda in order to avoid having their weapons confiscated and attack their disarmed neighbours upon returning. Disarmament has to be augmented with key sectoral interventions that directly address basic human needs such as security.

**State's administration of pastoral land**

Pastoralism is embedded in communal ownership of land to allow movement of animals to reserve pastures in designated areas by community elders. The nomadism is a coping mechanism in ASALs and helps to ensure that pastures are available all year round. The policy on land in both Kenya and Uganda lays greater emphasize in private ownership thereby posing a number of challenges to pastoralism. The consistent effort to incorporate pastoral communities into the mainstream sedentary agriculture not only undermines their economic well-being, but also leads to their political-economic marginalization.

Sedentarization also promotes individualism thus undermining the pastoral system, which was founded on reciprocal exchanges, mutual dependence social networks of support and resource sharing. Land sub-division within the pastoral areas into uneconomic units reduces transhumance and the natural balance which ensures availability of pastures round the year. The large heads of livestock concentrated in small areas poses a challenge to land carrying capacity while sedentarization is likely to have adverse ecological impact and increase the risk of disease among the livestock.

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29 KIDDP, (2007) op cit, p 7-9
Exclusionary policies pursued by the states under study tend to marginalized pastoralism from mainstream national development, focusing on the interest of agricultural and sedentary societies, even suggesting the phasing out of nomadic pastoralism in favour of sedentarization. Evangelou concurs with this view and offers the Kenyan example of attempted sedentary policy programme that intended to transform communal grazing lands into deeded holdings, simplifying and integrating customary land tenure within a legal framework. This resulted in a vacuum of authority thereby generating more conflict. The proliferation of such policies suggests that policy-makers, when forced to choose between the concerns of pastoral communities and farming, tend to side with the later.

Track one: Effects on border cooperation and trade

State action or inaction has a profound effect on cross-border cooperation among the pastoral communities. State’s inability to guarantee security to the people, provide road network and other infrastructural or basic services have negative effects on peoples cross-border relations. Forceful disarmament exercises make cross-border cooperation impossible as state security forces routinely close market routes and impose curfews. As has been established, markets are affected far into the interior

including places such as Chepareria, Chesetan, Tugor, Tot, Sabalat, Kacheliba and the whole of Karamoja region.

The prevalent state of uncertainty due to unrestrained escalation and polarization carry participants away from cooperative resolution toward greater hostility. Perceptions and changes occur within the opposing sides which reinforce the runaway responses such as stereotyping opponents, seeing others as the negative mirror image of oneself and ascribing to them increasingly malign motives. There develops an extremely split image of ‘self vis a vis ‘other’.

With regard to trade, the important role of local and external investments and entrepreneurship in opening up and integrating micro economies of hitherto closed societies into the mainstream political-economic mainstay cannot be gainsaid. Additionally, the infusion of actors from outside these pastoral communities may serve to prevent the obvious social, economic and political marginalization and the vicious cycle of the ensuing insecurity. Trade and investment has the potential, and could be the missing link to the development continuum with other communities who practice other forms of livelihoods.

Trade comes with a string of fridge benefits such as exposure to other world views and perspectives, widening the patterns of production experiences, inter-cultural marriages that by and by eliminate social barriers, key goods and services that uplift people's quality of life and many other benefits which make it possible for people to pursue their life potentials. Insecurity scares away investors who provide critical

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36 Wehr, P., 'Conflict Mapping,' (Boulder, CO: University of Colorado, 1995)
services in areas of health, education, animal husbandry, horticulture and irrigated agriculture, transport and communication. According to state officials in the area, violent conflict is usually followed by a significant fall in the number of applicants for business-related documents. This has egregious effects such as the state's redirects development funds to other sectors.

**Poverty, exclusion and insecurity**

An inextricable link exists between poverty, security and development. The nexus between security and development can be illustrated by Kofi Annan's broad definition of human security as that which "encompasses human rights, good governance, access to education and health care and ensuring that each individual has opportunities and choices to fulfill his or her potential... it means freedom from want, freedom from fear, and the freedom of future generations to inherit a healthy natural environment..., which are the interrelated building blocks of human - and therefore national security."39

Security is always a basic need of all which affects different groups in different ways. Insecurity disrupts pastoral livelihoods, affects the social capital networks which they rely on as a safety net in times of crises and generally affects human well-being, retarding progress in all dimensions. Insecurity leads to collective fear of the future as groups become fearful of their survival leading to a desire to invest in arms and defend their lives and property from other raiders and sometimes government agents.40 This implies that community resources are diverted to security enhancement matters.

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40 For a candid discussion on collective fear and a community's investment on violence and weapon, see Rothchild, D., & Lake D. A., (eds), "Containing Fear: The Origin and Management of
The vicious cycle necessarily arrests the potential for individual and by extension, community growth and development, further impoverishing the people. A secure environment for development cannot be nurtured in a society that is fraught with arms. Armed violence correlates to a parallel decline in public services as well as huge military budget, destruction of public facilities, intimidation of public servants and disruption in the delivery of public goods such as medical supplies. It scares away investors who provide critical services in areas of health, education, animal husbandly, horticulture and irrigated agriculture, transport and communication. Even when they provide these critical services, they are way beyond peoples' purchasing power as investors triple their cost in order to recoup their returns on investment due to high cost of providing private security arrangements.

When poverty and deprivation are the norm among population, especially among the youth, it paves the way to rebellions. Uvin asserts that when the poor are denied decent and dignified lives because their basic physical and mental capacities are constrained by hunger, poverty, inequality, and exclusion, this denial fuels the conditions necessary for structural violence. As a result, this type of violence can be built into the structure of a society. Cattle-rustling and the related violence are thus a consequence and cause of the economic collapse, and of the spiraling distress and poverty affecting pastoral communities.

*Ethnic Conflict: The International spread and management of Ethnic Conflict*, (IGCC, University of California, 1996) pp 41-74


42 Small Arms Survey, op cit, pp 140-142


Finally, insecurity breeds the need to carry out surveillance. This has adverse effects on family relations and community’s memory as it takes toll on family relations, particularly on male–female relations. These surveillances equally impact negatively on the traditional forums for discussion and learning. The fireplace was once the central area of villages and a focus for story, riddle, and poem-telling and was one of the main ways in which elders could impart their knowledge and culture to the young and in many respects, condition their behavior. Social cohesion and mediation are thus impaired.

Role of none-state actors

The CSOs and other none state actors have been increasingly active in conflict prevention, peacemaking and peace-building activities. Because of their close involvement with local communities, CSOs are in an excellent position to serve an early warning function, alerting other actors to potential breakdowns in distressed communities. In war times, CSOs, CBOs and NGOs contribute to improving relationships by fostering cooperative action across conflict lines and ethnic divides through informal exchanges and joint projects. CBOs working at regional levels for example, have played a significant role in maintaining relationships across the front lines.

This logic is well captured by Van Tongeren who concludes that CSOs have the ability to function without being constrained by narrow mandates of foreign policy imperatives, achieve access to areas inaccessible to official actors, talk to several parties without losing their credibility, deal directly with grassroots populations, operate

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in confidentiality without media, parliamentary or public scrutiny, take the greatest risks, given their public advocacy and social-justice agendas, effectively network, given their longstanding relationships built on trust with societies in the conflict zones and draw upon public opinion to galvanize political will to focus on a longer-term perspective\textsuperscript{46}.

It should however be noted that civil society can never compensate for all of the deficits of state interventions. They lack in self-sustainability and a lack of understanding of the broader social or economic context. They may lack capacity to map the total conflict situation thereby overlooking dynamics of conflict and the underlying causes. Civil society typically depends on the security and predictability provided by an effective democratic state controlled by a government that ensures the rule of law and creates policies that respond to the needs of the population\textsuperscript{47}. Thus civil society and democratic states are highly complementary, even interdependent\textsuperscript{48}.

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\textsuperscript{46} Paul van Tongeren, op cit, (1998), p 23  
\textsuperscript{48} Barnes, C., op cit, (2005), p 9
CHAPTER SIX

Conclusion

The objective of this study was to foster a better understanding to decision makers and stakeholders in conflict management on pastoral conflicts, their underlying causes, triggers and dynamics using a holistic approach in the gathering and analysis of information. The study was to suggest and persuade actors to adopt sectoral, national, regional and international response options and collaborations that would prevent or de-escalate violent conflicts along border areas and advocate for the adoption of effective strategies toward sustainable peace and conflict management among pastoral communities. The preceding chapters introduced the subject matter and the theoretical foundations and approaches governing the management of cross-border pastoral conflicts. This chapter concludes the study by offering suggestions in retrospection.

Addressing root causes of pastoral conflicts

Conflict management among the pastoral groups continues to face major challenges in the current regional political-economic environment. Instability in the Greater Horn, institutional challenges such as the capacity of security forces and other state agencies to prevent, mitigate and manage conflict persist. Scholars of conflict situate these conflicts in the context of frustration borne of socio-political realities of environmental degradation, dwindling economic resources, over-population and acute unemployment.

2 Such as environmental degradation, dwindling economic resources, over-population and acute unemployment.
deprivation of non-negotiable needs, and the ensuing sense of insecurity, amplified by the availability of small arms and light weapons.

Underlying causes and triggers generally isolated as ubiquitous in almost all violent cross-border pastoral conflicts include competition over scarce resources; manipulation of ethnic tensions by political elites; arbitrary colonial boundaries; revenge killings; the warrior culture of pastoral groups and the practice of raiding; influx of SALW; commercialization of livestock trade; spillover of conflict and lawlessness from troubled neighboring countries; failure of governments to provide comprehensive pastoral management policies and effective security responses to specific needs of the pastoral communities. Most reasons borders on economic insecurity as people try to secure life existential.

A proliferation of conflict management approaches have been tried by state and non-state actors albeit with little success. Arbitration by elders, national peace and security strategies and formal adjudicatory processes, disarmament, peace and security intelligence committees, traditional peace processes, regional peace and security initiatives such as CEWARN, NEPAD, EAC, EACOP have all been applied in different places and times. The civil society has also a played leading role in managing cross-border pastoral conflicts in Africa. The challenge lies in addressing the underlying causes of violence among the pastoral communities. The need to engender sustainable peace cannot be gainsaid by addressing the interconnectedness between peace, security and development.

A major objective of this study is therefore to persuade decision makers to work towards the satisfaction of basic human needs and to design conducive and secure environments that support and perpetuates the pursuit of infinite human potential as the basis for sustainable peace and conflict management. As Burton observes, people get adversarial either because their needs are not met or because their interests or values are challenged. His perspective of human security has two main concerns. First, it implies safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the pattern of daily life. The concept of human security challenges the militarized approaches to incessant pastoral conflicts in the Horn that require a well coordinated and inclusionary approach to building sustainable peace, development and stability for the region.

In the context of the border pastoral communities, the real or perceive political-economic exclusion has perpetuated an adversarial relationship between the state and the pastoral communities on the one hand and between the pastoral communities themselves. Burton concludes that actual or potential deprivation of any important value induces fear, a sense of threat, competition and an aggressive disposition. The unmet human needs must therefore be addressed with a view to engendering human security among the pastoral communities and establishing an environment in which all individuals can pursue their full potential in a milieu of positive peace.

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Meeting human needs: The role of state actors

States remain the basic building blocs and decisional loci for human and community security regimes. State action can either facilitate the satisfaction or frustration of individual, identity and group needs or contribute to escalation or de-escalation of conflicts. Track one conflict management responses whose mainstay is power and deterrence, have not been effective. Actors have been accused of lacking adequate focus on other critical imperatives necessary for nurturing sustainable peace. Capabilities for conflicts, their intensification and sophistication seem to have out-grown the capacity for track one conflict management approaches and strategies to guarantee human security by laying a foundation that supports individual and/or collective pursuit and fulfillment of needs.

However, due to its centrality and legitimacy, the state can play a more effective role in providing an environment that nurtures sustainable peace. As a collectivity of peoples’ will to responsible governance, the state possesses the legitimacy and duty to put in place an environment that ensures the fulfillment of community and human needs and to stamp out human security threats. The state must strive to ensure that each individual has equitable opportunities and choices to fulfill his or her basic physical and mental capacities by eliminating constrains of hunger, poverty, inequality, and exclusion. Deliberate action must be taken to ensure that pastoral communities enjoy freedom from want, freedom from fear, and the freedom of future generations to inherit a healthy
natural environment, all of which constitute the interrelated building blocks of human - and therefore national security.7

Unofficial approaches to needs fulfillment

Civil society organizations have increasingly played a significant role in conflict prevention, peacemaking and peace-building activities by directly and indirectly engaging pastoral communities in activities that enhance their well-being, peace and security from wants. They often address very fundamental concerns due to their close involvement with local communities and contribute to improved relationships by fostering cooperative action across conflict lines and ethnic divides through informal exchanges and joint projects. They are able to deal directly with grassroots populations and progressively influence people to focus on a longer-term perspective of their welfare. Their contribution in areas of training, humanitarian responses, conflict analysis and early warning activities, networking and initiatives for cross-cultural understanding and relationship building cannot be gainsaid.9

However, the civil society typically depends on the security and predictability provided by an effective, responsive and democratic state with the necessary structures and institutional capacity that ensures the rule of law and creates responsive policies to the needs of the population10. Thus, civil society and democratic states are highly

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complementary, even interdependent\textsuperscript{11}. State actors need to collaborate with CSOs in recognition of their potential for sustainable peace in conflict response initiatives.

**Regional security integration**

The theoretical foundation of regional security integration revolves around the discourse of Immanuel Kant's *Perpetual peace - A philosophical sketch*. Kant argued for a just political organization (of state) that enables every individual to realize his liberties and to seek his happiness by actualizing his potential and happiness\textsuperscript{12}. The evolving African Peace and Security Architecture place the main burden for conflict management on the regional and sub-regional bodies. With particular reference to the Horn, states with relatively similar economic and political challenges have adopted a cooperative behavior in their effort to manage common threats to security. The AU, NEPAD, COMESA, IGAD and the EAC have established Peace and Security Initiatives whose mandates are to enhance the capacity of member states to address the scourge of conflicts by promoting collective security, durable peace and stability of the continent\textsuperscript{13}.

However, these regional mechanisms have not been responsive in terms of fulfilling human needs. An analysis of Africa's collective security arrangements reveals that they are more often than not an aggregation of weakness; institutional, political, structural and material. This apocalyptic view is consistent with Leslie Brown's assertion that aggregating weakness does not lead to strength\textsuperscript{14}. As earlier pointed out, state-

\textsuperscript{11} Political Emergencies, Working Papers No. 12 (Manchester, U.K.: Institute of Political Policy and Management at the University of Manchester, March 2000)

\textsuperscript{12} Barnes, C., *op cit*, (2005) p 9

\textsuperscript{13} Kant, I., *Perpetual Peace—A Philosophical Sketch*, (1795) Available online at: http://www.mtholyoke.edu/acad/intrel/kant/kant1.htm

\textsuperscript{14} Rugumamu, S. M., *op cit*, (2002) p 4

\textsuperscript{14} Brown, L., "Regional Collaboration in Resolving Third World Conflicts", *Survival*, 28 (3) (1986) pp 208-220
building, nation-building and democratic governance in most of Africa have not produced robust foundations on which to construct larger security arrangements. As a functional threshold, individual member states must command a critical minimum of institutional, political-economic, and social coherence that are responsive to the needs of a critical mass. Indeed, as Barry Buzan argues, without strong, efficient and responsive states, there will be no security, national or otherwise. There is need to shift towards more effective, consolidated and collaborative methods for nurturing peace in these regions to guarantee human security to the pastoral communities.

Given that sustainable peace is much more that the absence of overt violence, African countries must pursue the higher goals of social, political, economic and security integration that will enable them to adopt a common front towards Africa's major challenges through the regional organizations and multilateral bodies. As Keohane aptly concurs, at the maximum, leaders are expected to assume a disproportionate cost burden of a collective security arrangement and serve as the paragons of compliance of the collective regime's rules, norms, and procedures. At the minimum, hegemon must be willing to provide a mix of incentives and disincentives to members of the security regimes in order to ensure compliance. The hegemon economic strength and political stability, for instance, would bolster the region's economic vitality and political stability.

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and also champion the cause of cooperation by pulling the less willing and the less able member countries along.  

In a nutshell, the study takes a chance at some suggestions and recommendations that encompasses a combination of short and long term measures to manage cross-border pastoral conflict. The study attempts to offer an alternative conceptual framework that amalgamates formal and informal interventions, approaches and appropriate development policy responses that will go a long way to fulfill individual and collective needs of the pastoral communities.

**Enhanced collaboration between the various tracks**

As discussed earlier, a number of interventions exist to address conflict at community, national, regional and international levels. All actors must collaborate and move with urgency to proactively address conflict as a development issue. A close integration of all policy instruments and approaches based on actors' respective comparative advantage is required to ensure coherence and coordination. An inclusionary approach that is cognizant of the competences and capacities of the key actors to build security and it is imperative to find peace, development and stability for the region need to be formulated.

Sustainable conflict management and peace-building must adopt approaches that fuse personal, relational, structural, political and cultural dimensions of human life and relations. This is particularly relevant in the management of cross-border pastoral conflicts where diverse factors such as marginalization, unmet basic needs, poverty and

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desolation contribute in generating frustration leading to violent conflict. This holistic approach supports the idea that pastoral conflict management requires various actors to intervene at different levels of the society involved in conflict at the same time.

**State’s affirmative action on security**

There is need to move away from the popular conception that the singular reason for the escalation of violence is the sophistication and proliferation of SALW. While illicit arms need not be in the hands of pastoral communities, the ability of state to provide security as a basic means of livelihood is indispensable to sustainable peace. Disarmament, voluntary or otherwise must be subject to the protection of people and their herds against raiders. The state must instill faith in people as regards its ability to deliver security. On the other hand, pastoral groups must recognize that states have the primary role of guaranteeing security of the people and their property.

The state needs to synchronize affirmative action on all sectors including infrastructural development, enhanced security intelligence gathering and sharing, economic diversification, trade and investment, food security, physical security including disarmament, health as well as revitalization of traditional systems that help pastoral communities deal with their daily challenges. The state must also ensure the provision of public goods and services and improved literacy levels through accessible and compulsory education to all those who otherwise face the apparition of exclusion from the benefits of modernity.

Additionally, neighbouring states, with particular reference to EAC member states need to introduce regional integrated programmes which could facilitate pastoral movements across the border in response to ecological constraints and climatic
variations. These programmes must foster regional approaches and harmonization of treatment across borders in the spirit of the existing common markets and the anticipated political federation.

**Revitalizing traditional justice system**

Traditional institutions of resolving conflicts among many communities in Kenya and across the borders is fast fading as a result of marginalization by formal dispute resolution mechanisms and civilization. As such, elders are increasingly finding it difficult to prevent and manage conflicts partly because their actions are not anchored in any legal framework and also because they lack a mechanism to enforce their resolutions. Traditional methods can be reinvigorated as they are anchored in cultural familiarity rather than a legal system that is often only selectively applied. Comparable examples can be seen in the Karamoja cluster where several inter-clan conflicts have been peacefully resolved through the Karamoja Initiative for Sustainable Peace. KISP draws together the elders of various communities into peace-building dialogue to resolve cross-border conflicts among the various communities.

**Pastoral conflict transformation**

Borrowing Lederach’s concept of conflict as natural and inevitable in human existential dynamism and conflict as good for social change, actors must work towards conflict transformation; “the pursuit of moving relationships from those defined by fear, mutual recrimination, and violence toward those characterized by love, mutual respect, and proactive engagement... seeking to change the flow of human interaction in social conflict from cycles of destructive relational violence toward cycles of relational dignity...
and respectful engagement ... reduce violence, increase justice in direct interaction and social structures, and respond to real-life problems in human relationships."

Sustainable conflict management and peace building should be treated as an endeavor that stretches over a long time and as a process that demands the involvement of many actors with different repertoires of practices and roles towards constructive social change. For durable and sustainable peace and stability in Africa, nation-building and good governance should be brought to the center stage of any meaningful conflict management and social-economic development. This requires taking deliberate steps towards pluralism and popular participation with a view to creating the necessary conditions for the fulfillment of individual and communities' collective potentials to achieve sustainable peace and security.

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