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DYNAMICS AND SPILLOVER OF REGIONAL CONFLICTS IN THE HORN OF AFRICA: A CRITICAL ANALYSIS OF TURBI MASSACRE

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Research Project Submitted to the Institute of Diplomacy and International Studies in Partial Fulfillment for the Award of Masters of Arts Degree in International Conflict Management of University of Nairobi.

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DECLARATION

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

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ACKNOWLEDGMENT

DEDICATION

I dedicated this project to my wife Mrs Midina Bonaya, My daughter Adho Bonaya and My Sons' Ibrae Bonaya, Elema Sora and Barille Bonaya in appreciation of their constant care.

ABSTRACT

The Turbi Massacre of 2005 is a conflict that just like other conflicts is not mono-causal in nature. There are different causes that are responsible for the occurrence such as weak government institutions, ethno-politics, marginalization and internationalization aspects of a conflict. Another aspect is the resource based causes and pastoralists causes that are evident in the Turbi Massacre, which was an event of underlying occurrences of cross-border raids between Ethiopia and Kenya between the Gabra and Borana communities. Massacres however have happened all over the world, from the German's'final solution' to kill certain groups of people during the Nazi regime to the Rwandan genocide and the Wagalla Massacre. Indeed these massacres as is discussed in the study share different characteristics such as politics of identity and poor governance as well as economic deprivation or some degree of resource competition. In bid to examine the dynamics surrounding the Turbi Massacre the study was guided by several objectives, to: examine the root causes of Turbi Massacre, interrogate the impacts of Turbi Massacre, to examine measures taken by the Kenyan Government to curb the conflict and also to recommend options for sustainable peace and security in Northern Kenya. This objectives lead to two hypothesis that suggest that, the Turbi Massacre was a consequence of government's inability to intervene the conflict promptly, and that, the Massacre adversely strained the relationship between the Gabra and Borana Community in north eastern Kenya.

The study used both primary and secondary data collection. The primary being the Turbi area of Marsabit where the massacre occurred, with the research design focused on descriptive survey and a method of collecting information by interviewing or administering a questionnaire to a sample of individuals. Target population covered the conflicting communities especially Gabra-Borana within the study region. Other secondary data was from published and unpublished academic and policy literature relevant to the study. The study used the Primordialism theory which states ethnic identities are historically rooted, deeply embedded in a people's culture, which equally applies to the warring communities of the Gabra and Borana where existence of natural ties could not be disputed. The study therefore explores the different conflict management mechanisms available and recommends as per their enhancement of the effectiveness of conflict management policies and mechanisms.

LIST OF ABBREVIATIONS

A.S.A.Ls   - Arid and Semi Lands

C.D.F   - Constituency Development Funds

I.D.P.s   - Internally Displaced Persons

I.O   - International Organizations

K.A.N.U   - Kenya African National Union

N.F.D   - Northern Frontier Districts

N.G.O   - Non-Governmental Organization

NPPBCM   - National Policy on Peace Building and conflict Management

O.L.F   - Oromo Liberation Front

U.N   - United Nations

CHAPTER ONE

INTRODUCTION AND BACKGROUND OF THE STUDY

1.0 Background of the Study

Ethnic conflicts have caused enormous human suffering and produced devastating impacts on political order and economic growth around the globe, as well as destabilizing social structures. A shift in interest to processes of internationalization is therefore important. This type of strife affects neighboring states, poses a threat to both regional and global security and stability, and emerges as a key concern for policy- makers and security and conflict scholars. Indeed, ethnic conflicts has been elevated to the domain of high politics, a realm previously occupied by international crisis, ideological conflict, and interstate war.[1] The conflict-prone character of the region stems from the weaknesses and failures of its states in terms of integrating and providing tangible benefits to all the groups living within their borders.

The continued existence of significant population groups alienated from and marginalized within the state means that the conditions that give rise to and foment conflicts will also continue. Most research has sought to demonstrate that this is the most basic root cause of conflicts on the Horn of Africa. Only an inclusive and necessarily long-term development process, capable of drawing these groups into the mainstream of the states, will be able to significantly change this condition.

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[1] Ann Hironaka, *Neverending Wars: The International Community, Weak States, and the Perpetuation of Civil War* (Harvard, MA: Harvard University Press, 2005), 11.

In the Horn of Africa, is in other regions where states are weak, conflicts from one country tend to spill over into the neighboring states and become entwined with conflicts there. Among the contributory factors are insurgent movements that establish bases in neighboring countries with or without that regime's support; regimes supporting insurgencies in neighboring countries based on the logic of 'my enemy's enemy is my friend'; refugee flows; and ethnic groups – often with nomadic or semi-nomadic adaptations – that straddle the borders. Conflict dynamics within a country are heavily influenced by the regional context.2 Yet, except in the case of open interstate war (as with Ethiopia–Eritrea), the international community's approach to engaging with these conflicts often remains within the framework of the individual state. That may serve to limit the potential for contributing constructively to peace and reconciliation.

A number of related factors contribute to exacerbate and prolong conflicts in the region. The weakness of the states in the region and their limited presence in and control over their peripheries – the long, un- demarcated and porous borders of the sparsely populated borderlands; the limited amount of cooperation and interdependencies among the countries, and their habit of supporting insurgents of neighbouring countries and engage in proxy war – are all characteristics of the region that serve to prolong conflicts

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2 Cedric de Coning. "The Coherence Dilemma in Peacebuilding and Post-Conflict Reconstruction
    Systems". African Journal on Conflict Resolution 8, no. 2 (2008):85–110.

and link them together into complex patterns.3 Most, if not all, of these conditions can also only be re- solved in the long term.

The instability which periodically plagues the Kenya-Ethiopia-Somalia borders area is part of a broader, complex pattern of state failure and communal violence afflicting much of the Horn of Africa. Violence and lawlessness are particularly acute in remote border areas where states in the region have never projected much authority. When they have, state authorities have sometimes been the catalysts of insecurity rather than promoters of peace. On the Somali side of the border, the central government collapsed in January 1991 and has yet to be revived.4 In Kenya, the vast, remote, and arid frontier areas bordering Somalia, Ethiopia, Sudan, and Uganda were never entirely brought under the control of the state in either colonial or post-colonial eras. Thousands of Kenyans have died in periodic communal violence in these border areas over the past fifteen years, in clashes which sometimes produce casualties levels normally associated with civil wars.

Marsabit has been prone to conflict as in 1963-67, when it experienced the Shifta war which was a secessionist conflict. Ethnic conflicts have been present, escalating to the 2005 Turbi massacre which is one of the worst incidents of communal violence in the history of post-colonial Kenya. In the Turbi massacre 95 persons were killed, 9,500 persons displaced and 2,600 persons reside in Ethiopia villages as refugees to this date.

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3 Rodrigo Tavares. "Understanding Regional Peace and Security: A Framework for Analysis".

  Contemporary Politics 14, no. 2 (2008):107– 127

4 "Kenya: Conflict over Resources in Border Areas," IRIN (August 1 2005), http://www.irinnews.org.html

This study will therefore create an understanding of the dynamics of inter-ethnic conflicts by analyzing the conflict between the Gabra and the Borana from historical and contemporary perspectives. The dynamics will range from internationalization - spill over of the conflicts, in this regard the massacre, the ethno-politics involved, the weak institutions of the governments involved particularly Kenya, as well as all other emerging issues that makes the conflicts more dynamic.

1.1 Location of the Study

Turbi is a town on the periphery of Kenya-Ethiopia whose porous border exposes the residents to serious insecurity worsened by poor infrastructure. In communities tattered by ethnic conflicts, poverty and disease, a strong central authority is desperately needed to steer away community from the negative colonial legacies of conflicts. The remoteness of the region worsened the conflict situation as the survivors of Turbi had to travel 120 km to reach the nearest hospital, which had only one doctor.5

Marsabit is the administrative county in Northern Kenya, 442km or 226 miles from Nairobi, Kenya. Marsabit borders three counties; Wajir to the East, Turkana to the West and Isiolo to the South and as well borders South Ethiopia. All these counties including Marsabit are pastoral ethnic groups who heavily depend on non-arable farming for livelihood.6 Mobility of persons and their animals is crucial for survival but equally

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5 L. Glowacki and K.Gonc. Customary Institutions and Traditions in Pastoralist Societies; Neglected

potential for Conflict Resolution , (GIZ: Ethiopia. 2011)

6 Glowacki, L.and K. Gonc. Customary Institutions and Traditions in Pastoralist Societies; Neglected

potential for Conflict Resolution ,(GIZ: Ethiopia, 2011)

exposes them to conflict as they move to different pasture and water spots.7 The study will also revisit the leadership of Marsabit County (The Cradle of mankind) to unveil the mask behind the alleged political revalry as a factor that fuelled Marsabit killings.

Marsabit is the home of some prominent leaders like late Dr. Bonaya Adhi Godana – former Foreign Affairs Minister and member of parliament for North Horr Constituency who died on 10 April 2006 in a tragic Airforce plane crash with other members of parliament from Marsabit county that comprised MP for Moyale Dr. Guracha Galgallo, MP for Saku – Abdi Sasura and MP Laisamis – Titus Ngoyoni with several other government officials. The politicians and religious leaders were on a mission to sevure peace along the Ethiopian Border.8 According to Paul Tablino (1999), before Kenya became independent, there was only one Gabra leader in the Government higher echelons.

Dabaso Wabera (Gaara sub-clan of Gabra) was the first District Commissioner to be appointed by the Colonial government in the then Northern Frontier District and posted at Isiolo.9 He was shot dead on June 28, 1963 just six months after Kenya attained independence from british Colonial rule. His killings was attributed to the bid by some communities in Northern who were pro-secessionist to secede to Somalia while while

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7 Glowacki, L.and K. Gonc. Customary Institutions and Traditions in Pastoralist Societies; Neglected

potential for Conflict Resolution ,(GIZ: Ethiopia, 2011)

8 The Official Magazine of Marsabit County Vol 01, June 2014. p51

9 Tablino, P. (1999). The Gabra, Camel Nomads of Northern Kenya. Nairobi: Paulines Publication Africa.

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Wabera was perceived to be fighting the secessionist expansionist who were considered a threat to Kenyan's sovereignty. Wabera was instrumental in keeping the detractors at a bay.

Wabera was however, in state recognition of the role he played in public administration bestowed with the honour that lasted to date – "Wabera Street" in Nairobi Central Business District. This is a practical example of some regional political differences in the Horn of Africa dating back to early 60's.[10] The Research will therefore determine the impacts of political rivalry in fuelling inter-clan conflicts in Marsabit County. The maps below show the location of the Marsabit County from the African and Kenya angle, and on the second map, the specific Turbi location where the massacre occurred.

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[10]The Official Magazine of Marsabit County Vol. 01, June 2014. p51

Map 1: Marsabit County from a wider African Angle
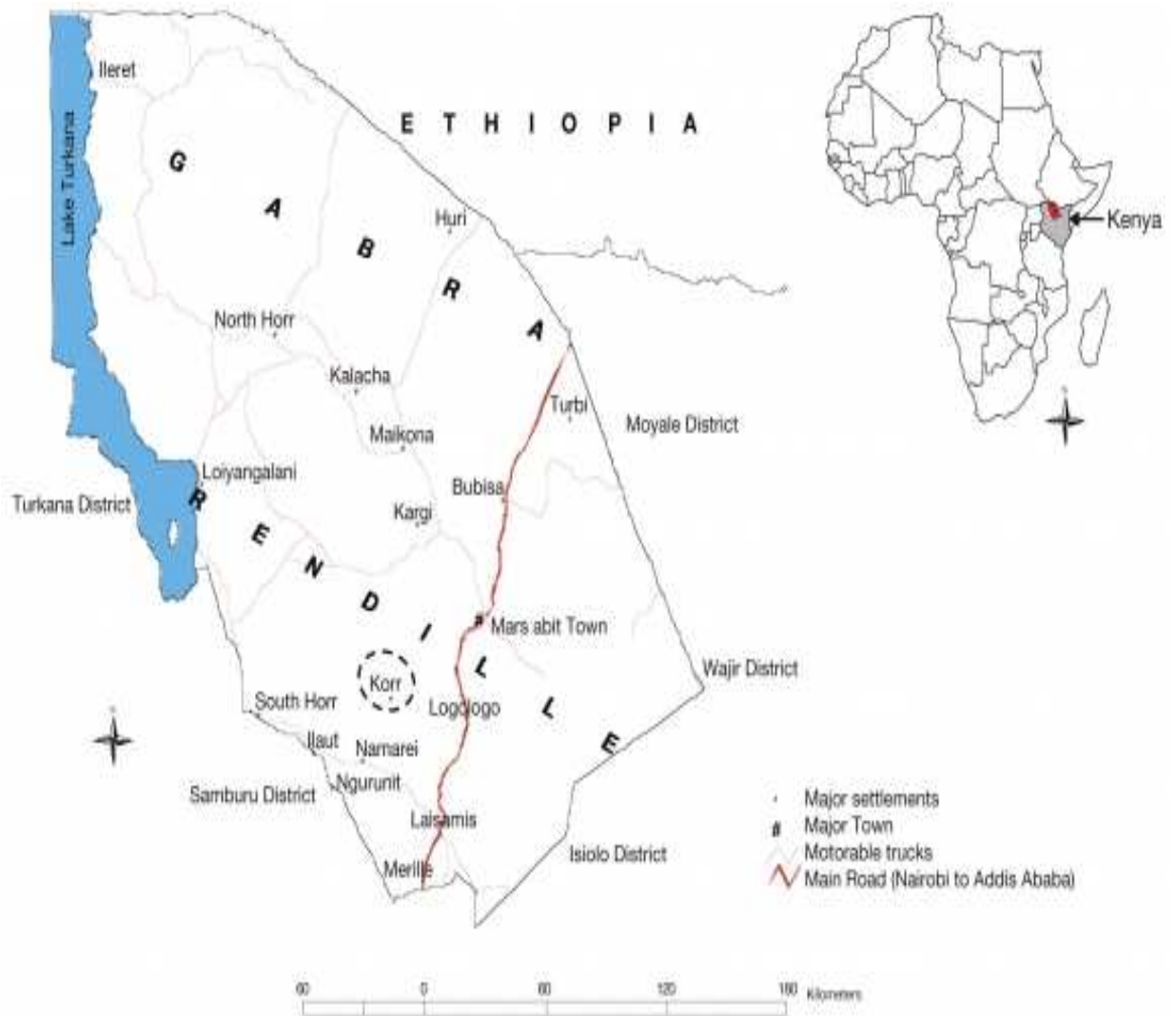
Source: www.factsreports.revues.org

Map 2: Gabraland in Marsabit County

GABRALAND
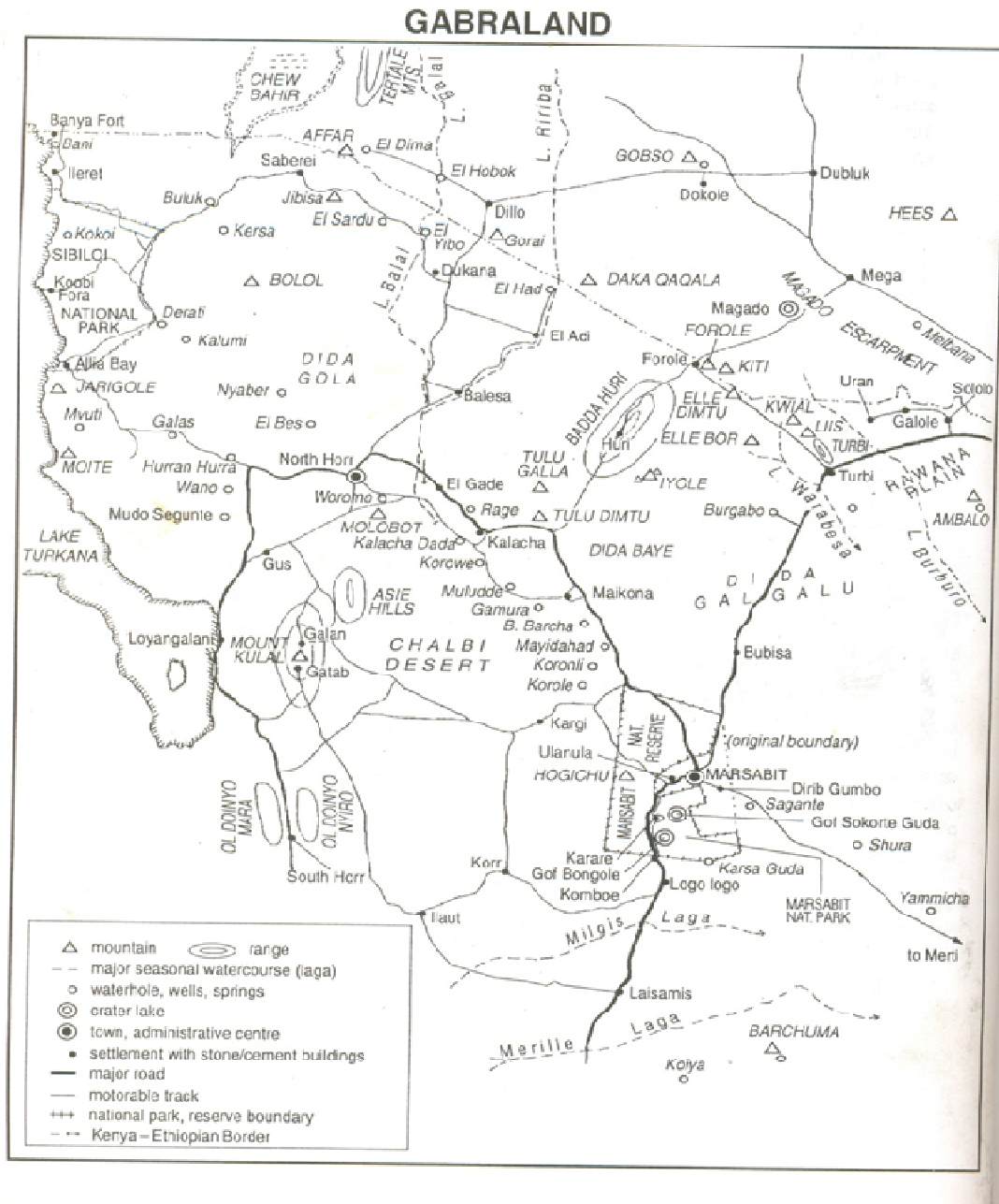
Source: Tablino, P. (1999). The Gabra, Camel Nomads of Northern Kenya. Nairobi: Paulines Publication Africa. p. 16

1.2 Statement of the Problem

From history to date conflicts in the northern part of Kenya has been a frequent occurrence in the country emerging either from within the state (Kenya) or external pressure from pastoralists who come from the Horn of Africa, for example Karamoja from Uganda who rustle with the Turkanas and kill each other over grazing land, cattle, and water. These conflicts have had characters that have had spill over effects thus bringing forth the issue of internationalization of conflict in the region of the Horn of Africa. Particularly along the Kenyan boarders, several conflicts have crossed Kenyan boarders or had the root causes of these internal conflicts being rooted in conflicts in the neighboring states.

The Turbi massacre in Marsabit that occurred in 2005 is one of the internationalized conflicts. The Turbi massacre was the killing of about sixty people by feuding clans in the Marsabit District of Northern Kenya on the early morning of 12 July 2005.[11] Hundreds of armed raiders of the Borana tribe hibernating in the Oromo Liberation Front whose roots can be traced from the neighboring Southern Ethiopia attacked the Gabbra people living in the Turbi area, North West of Marsabit. Twenty-two of the sixty confirmed dead were children, and over six thousand people fled their homes, most of them fleeing to Marsabit town and the surrounding centres. The fighting was alleged to be a result of competition over scarce water and pasture land in the arid region

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[11] L. Glowacki.and K. Gonc. Customary Institutions and Traditions in Pastoralist Societies; Neglected

potential for Conflict Resolution ,(GIZ: Ethiopia, 2011)

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along the Kenya-Ethiopian border, as well as the political division along ethnic lines which the study intends to prove. The other conflicts in the Horn of Africa share same internationalization characteristics as does the Turbi massacre of 2005.

The research study will examine the causes and effects of conflicts in the Horn of Africa with specific reference to Turbi Massacre in Marsabit County. It also borders the country of Ethiopia to the North. The research will therefore examine such conflicts and suggest mechanisms to deal with them; 'This is the Kenya that people would rather forget. That has become the killing field.'12   The quote was of Marsabit County in Northern Kenya on the 12th of July 2005 when over 68 fatalities were reported, scores injured, thousands displaced and livestock worth millions of shillings driven away in the process of brutal conflicts between Gabra and Borana.

The research will examine the claim that Turbi Massacre was a result of long tribal competition over the scarce resources, that is, water and pasture as the main cause of the massacre, however, the community claims that political utterances and unprecedented tribal hatred could not be ignored as culprits. Following intensifications of the conflicts, livelihoods were disrupted in this region of Northern Kenya as the relationship that in historical times led to prosperity and good live appears to be breaking down.13 These

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12 P. Scott-Villiers, et al. "The long Conversation: Customary Approaches to Peace Management in

    Southern Ethiopia and Northern Kenya, Future Agricultures", Working Paper 22. (2011)

13 S. Ndegwa. "Greater Horn of Africa Peace Building Project, Peace Building Among Northeastern

    Pastoralist in Kenya :The Wajir Peace and Development Committee", Management System

    International, Washington DC: USA, (2001)

traditional pastoral communities continuously live in fear of attacks and the study also aims in looking at the underlying issues that could spark other attacks.

1.3 The Objectives of the study

The overall objective of this study is to examine the dynamics and the spillover effects of regional conflicts in the Horn of Africa to promote unity and solidarity among the communities in the region, accelerate political and social economic integration and stability.

Specific objectives

1.3.1   To examine the root causes of Turbi Massacre.

1.3.2   To interrogate the impacts of Turbi Massacre.

1.3.3   To examine measures taken by the Kenyan Government to curb the conflict

1.3.4   Suggest or recommend options for sustainable peace and security in Northern Kenya.

1.4 Research Questions

1.4.1   What were the root causes of Turbi Massacre?

1.4.2   What were the impacts of Turbi Massacre?

1.4.3   What measures were taken by the Kenyan Government to curb the conflict?

1.4.4 Were there any suggestions or recommendation options for sustainable peace and security in Northern Kenya?

1.5 Literature Review

1.5.1 The Major Causes of Conflict in the Northern and North Eastern Kenya

In order to understand the conflicts and the ideal conflict management types, it is important to classify the different causes of the conflicts that occur in the Northern region of Kenya, as well as those of the neighboring states at the borders such as southern Ethiopia and Somalia. Majority of the previous studies on conflicts covering northern Kenya and southern Ethiopia - including the Karamoja and Somali Clusters[14] have attributed the scarcity of pasture and water as one of the major causes of conflict. This scarcity may also be attributed to the shrinkage of the resource base and the undermining of seasonal migration as a major coping strategy that has fuelled inter-ethnic /clan conflict. Resource based conflicts have engaged both the direct resource users, including pastoralists, cultivators or developers; as well as indirect users such as businessmen such as those involved in livestock marketing; sale of harvested fodder; harvesting and marketing of natural salt-licks; politicians, warlords, chiefs and other local administrators.[15] The resource-based conflicts have also been linked to increasing frequency and severity of droughts. The indications are based on analysis of rainfall

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[14] Adan, Mohamud and Ruto Pkalya (2005) Closed to Progress: An Assessment of the Socio-Economic Impact of Conflict on Pastoral and Semi-Pastoral Economies in Kenya and Uganda. Practical Action – Eastern Africa; May 2005

[15] Hagmann, Tobias (2003) Mitigating Violent Resource Conflicts in the Somali Region of Ethiopia; Lecture at ZEF Research Meeting, Center for Development Research, Bonn November 19, 2003. National Centre of Competence in Research North-South

amounts and patterns which are seen to have significantly decreased both in amounts, spatial and seasonal coverage within and between years.16

On the southern Ethiopia side in particular, the existing traditional institutions are not always recognized by the formal Kebele administrations and weakened institutions are unable to enforce traditional land rights. Moreover, the traditional laws that have long been an effective means of ensuring sound use of natural resources have been weakened over time; while the formal institutions are no longer able to efficiently manage the vast natural rangelands and it is evident that mobility, utilization, and management of grazing reserves are not properly coordinated as they were in the past.17 This has resulted in increased land use conflicts among neghbouring communities and has put land use systems in competition with each other. According to many studies and reports, livestock raiding as a major cause of conflicts among pastoralists.18 Usually, this is done to restock household herds following losses through various channels such as drought, disease, raiding etc. But incidentally, information through KIIs and FGDs during this study

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[16] HAB (2009) Scarcity of Natural Resources and Pastoral Conflicts in Northern Kenya: An Inquiry. Horn of Africa Bulletin, Volume 21, No. 1 January 2009. Email: charlotte.booth@life-peace.org; www.life-peace.org

[17] IRIN (2011) KENYA: Livestock Dying as Drought Deepens. Integrated Regional Information Networks (IRIN) Africa

[18] Ibid

indicated that livestock raiding within SCMDRR's operational areas was relatively minimal. Existing raids were rated as petty thefts.19

1.5.1.1 Boundary Disputes

There have been reports of disagreements and conflict among pastoralists over disputed land ownership and territorial boundary rights; or political and administrative land boundaries, especially in border areas.20 The involved communities have claimed land for either grazing or cultivation on the basis of the traditional clan or ethnic rights. Competition over land use for different purposes (crops, water, grazing, and firewood) due to drought effects also exist. The increases in pastoralist populations and the reduction in size of land available to the households or clans have also caused conflicts.

Clan influenced politics; declined traditional land tenure relationships replaced by clan affiliations and networks controlling access to grazing land; and clan focused settlements posing existing and potential future conflicts have generated conflicts. Other modes of dispute have included confusion and overlap between ethnic, community, administrative and electoral boundaries exacerbating competition, with communities laying claim over land that they believe will secure them political, economic or social advantage. And on the Ethiopian side in particular, there is the aspect of traditional titles to communal grazing land being not officially recognized. Land clashes have more often resulted in inter or cross-border clan /inter-ethnic clashes or raids. Increased population

[19] Ibid

[20] Ojielo, Ozonnia (Dr.) (2010) Dynamics and Trends of Conflict in Greater Mandera; Amani Papers Volume 1 No 2 May 2010. UNDP Kenya

pressure and the loss of corridors between wet and dry season grazing areas have increasingly hampered strategic livestock movements, particularly in the dry season or drought fall-back grazing areas. This has exacerbating conflict between and within clans /ethnic groups. In effect, this has also hampered the potential for the livestock-based livelihoods for the growing human populations in the pastoralist areas.21

1.5.1.2 Cultural and Political Instigation

Negative ethnicity/clannism, ethnic federalism (particularly in southern Ethiopia); political competition among political elites, intended settlement of political scores, and political polarization/instigation (e.g. when district borders are divided without consideration of pastoralist issues of communal land ownership and access to resources ; attitudes, prejudices, cultural beliefs and practices (e.g. taunting of youth by women, insults and abusive songs which incite communities to fight have been listed as causes of conflict.22Poverty level amongst the pastoralists increases the likelihood of conflict.23 This is linked to the associated elements of limited livelihood opportunities.

The phenomenon has in effect been identified as one of the contributors to the escalation of conflict to violence in northern Kenya and southern Ethiopia. For instance, in Mandera County, conflict was linked to idleness. Destitute and idle youth have been motivated and recruited by elite men and women into armed militia groups that indulge in

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21 Ibid

22 ELMT/ELSE (2010) Nurturing Peace, Resolving Conflict: The Cross-border Peace Meeting between
    Ethiopian and Kenyan Pastoralists; ELMT/ELSE Newsletter Volume No. 3 February 2010

23Ibid

conflict generating schemes. For instance, there have been indications of local youth having being triggered to engage in stone throwing and burning of houses during the 2008 Garre/Murulle clashes. Some women have also financed and armed militia groups comprising local youth.24 Poor infrastructure and inadequate basic socio–economic infrastructure development in the northern Kenya region has been cited as one of the key root causes of pastoralists' conflict.25 Similar situation has been observed to exit in southern Ethiopia.

1.5.1.3 Instability in the Neighboring States

The high levels of under-development, unemployment and poverty in Somalia; alongside the western expansionism by pastoralists from Somalia at the expense of those in the Kenya borderline areas (including Mandera County), are some of the major causes of the chronic instability and communal conflicts along the Kenya-Somalia border areas.26 These have been compounded by the political instability and the failed Somalia state. Other driving factors for conflict include: the intensive (largely illegal) cross-border trade of commercial goods and livestock; disputes over control of key trade routes; and competition over new/growing urban settlements; clan-linked interests in the new

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24 Ibid

25 IRIN (2011) KENYA: Livestock Dying as Drought Deepens. Integrated Regional Information Networks (IRIN) Africa

26 USAID (2005) Kenya-Somalia Border Conflict Analysis; Conflict Prevention, Mitigation, and Response Program for East and Southern Africa (CPMR/ESA); U.S. Agency for International Development (USAID)

administrative locations/boundaries, and clan-based political alienations. In effect, the borderland residents of Mandera County in northern Kenya have been adversely affected by the various spill-over effects of prolonged state collapse and chronic fighting in Somalia,27 The frequent incursions by factions such as Al Shabaab into Mandera have resulted in destabilizing gun-smuggling, banditry and clan warfare. This has challenged the local population, particularly with regard to lack of guarantee for their security in mobility which is crucial for their livestock-based livelihoods. This has prompted investment in acquisition of small arms in Mandera has to some extent been influenced by the civil war in Somalia that has resulted in fluidity of security in northern Kenya due to the threats of the Al-Shabaab and the proliferation of small arms.28

Although the administration in Mandera County has implemented the home guard security system (in partnership with the communities) to defend the communities against external invasion, the local communities have deemed this as inadequate in handling the magnitude of the threats from militia groups such as the Al-Shabaab. There is also the threat from the homegrown youthful bandits who are said to have rebelled against their elders and clan rule.29

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[27] Ojielo, Ozonnia (2010) Dynamics and Trends of Conflict in Greater Mandera; Amani Papers Volume 1 No 2 May 2010. UNDP Kenya

[28] Ibid

[29] Ibid

1.5 2 Turbi Massacre

Marsabit is one of the Arid and Semi-arid counties of northern Kenya, largely inhabited by pastoral communities like The Gabra, Borana, Rendille, Burji, Dassanach, Wata, Konso, Sakuye , Garre among others. Before dawn on 12 July 2005, about 1,000 heavily armed bandits made a series of raids in the Didigalgalo-Turbi area, some 130 km from Marsabit town. At least 53 people, including 21 primary school children, were killed. In a revenge attack, ten people were killed at Bubisa trading centre, which is about 80 km from Turbi.30 The Turbi massacre and related killings are largely the result of the Kenyan State's failure to provide meaningful security and development in the region along its porous Kenya-Ethiopia borders.

Ethno politics and external political forces also contribute to this failure. The nature of this particular violent pastoral conflict - which pitted the Gabra and Borana communities against each other and also had cross-border dimensions into Ethiopia - indicates that it was more political than traditional or commercial. The State must create and enhance societal cohesion and consensus among the warring communities, especially their leaders.

The Turbi raid, which occurred on July 12, 2005, was a major post-Moi massacre in the pastoral areas of the country occurring in an unprecedented scale and execution. 31 It was widely expected that it would be a wake-up call for the newly elected national

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[30] Scheyvens, R. & Storey, D.. Development Fieldwork: A Practical Guide. LA: SAGE, 2003

[31] M.A. Salih Mohamed 1990 Introduction: Perspectives on Pastoralists and the African States. Nomadic Peoples 25/27:3-6.

leaders to take a decisive step to end the cruelty in the pastoral Northern and North Eastern (N&NE) insecure borderlands. It was also highly expected that the President would lead the nation not only in mourning the deaths of several Kenyans, including school children, and loss of property, but also to show solidarity in times of bereavement. It was also anticipated that a campaign would be initiated in the area and the entire north to reign in a new era of peace and prosperity.

This did not happen and instead the Minister for Internal Security was flown to the scene of the massacre for a few hours for the usual "fact-finding mission." [32]The absence of the Head of State on the scene was conspicuous given the gravity of the situation and the urgent need to find a lasting solution to pastoral conflicts. But when a building under construction collapsed in Nairobi on January 23, 2006, about six months after the Turbi killings, President Kibaki returned home immediately from the African Union Summit in Sudan and headed straight to the scene of the disaster[33].

Comparative death tolls indicated that while 76 people were killed in the Turbi raid including 22 school children, 14 people died in the collapsed building in Nairobi, but state responses and mobilization were phenomenally different in regard to both cases. Responding to the collapsed building, the then Minister for Health, Charity Ngilu said "I

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[32] David W. Throup,and Charles Hornsby 1998 Multi-Party Polics in Kenya: The Kenyatta and Moi States and the Triumph of the System in the 1992 Elections. Oxford: James Currey

[33] The East African Standard 2006a Picture of Hope. Nairobi: The East African Standard of January 25, 2006. Accessed on March 5, 2008.
http://216.180.252.4/archives/index.php?mnu=details&id=35482&catid=4.

want to assure the nation that everything is under control and there is no cause for alarm."

She went on and declared that "…medical staff had been mobilized and doctors recalled

from leave."34 The Minister said also that hospitals would be receiving more medicine

from the Kenya Medical Supplies Agency.35

With all due respect for the deaths in Nairobi, it received overwhelming responses

from the country's leaders, including the president, and comparatively larger state

resources were mobilized in the rescue efforts although the magnitude of the Turbi

killings and Nairobi building disasters differed a great deal. With increasing tendency for

state apathy and continued policy of exclusion and marginalization, pastoral communities

in Kenya's N&NE frontiers are being denied their citizenship rights of protection and the

right to live and work in a peaceful environment in which social and economic progress

could be accomplished. The Kibaki Administration performed miserably in the upholding

of peace and improvement of pastoral livelihoods in the N&NE territories. Kibaki's

reaction to Turbi massacre was the most intriguing and exposed his regime to massive

opposition in not only N&NE pastoral territories, but also among the majority of pastoral

populations nationwide when he sought re-election in 2007. The Turbi incident and

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34 Ibid

35 The East African Standard 2006b Three confirmed dead after building collapses. Nairobi: The East
    African Standard of January 23, 2006. Accessed on March 5, 2008.
    http://216.180.252.4/archives/index.php?mnu=details&id=35404&catid=4.

others similar to it support the perception of the existence of a "citizenship continuum" in Kenya particularly with regard to nomadic communities.36

1.6 Hypotheses

Turbi Massacre was a consequence of government's inability to intervene the conflict promptly.

1.6.2   The Massacre adversely strained the relationship between the Gabra and Borana Community in north eastern Kenya.

1.7 Justification and Significance of the Study

This study has both academic and policy justification.

1.7.1 Academic Justification

There are several scholarly works on conflicts, and their internationalization. Conflict as some scholars such as Mwagiru,37 Schnecker and Wolf argue is endemic in society and an inevitable aspect of human interaction, an unavoidable concomitant of choices and decisions although conflict is inherent in decisions even when there is one person-social conflict and it arises when two or more parties have incompatible goals about something. The problem therefore is trying to keep it in bounds. Conflict is better managed when it is understood. Conflict can be prevented on some occasions and managed in others, but only resolved if the term is taken to mean the satisfaction of

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36 Nene Mburu. Bandits on the Border: The Last Frontier in the Search for Somali Unity. Asmara: The Red
     Sea Press. 2005

37 Makumi Mwagiru, Conflict in Africa, Theory, Processes and Institutions of Management, (Nairobi:
     Center for Conflict Research, 2000), 1-2.

apparent demands rather than the total eradication of underlying sentiments, memories and interests.38 The study seeks to enlighten the academia through its finding in order to facilitate better understanding of the dynamics involved.

There has been research done on many massacres and other ethnic conflicts such as the Rwandan genocide and the Shifta war. However the Turbi massacre has not been researched on adequately and this study seeks to add to the academia by adding the findings and recommendations therein. The data gathered analysis and highlights the Turbi massacre and its internationalization characteristics will help future studies as sources and enlightment and for further research in the area.

1.7.2 Policy Justification

Findings from this study will assist the government and the security agencies, corporate bodies and individual efforts to plan, design and implement effective, preventive, control, reductive, and curative programs of action. This study will try to explain the prevalence of crimes against property and causes ethnic conflicts in chronology of events dating back to 20th Century to recent years. Therefore, the study will add value to the existing knowledge of crime and conflicts in the targeted region in relation to spillover of ethnic conflict in the Horn of African.

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[38] F. M. Deng and I.W. Bercovitch, Conflict Resolution in Africa, (Washington DC: The Brookings Institution, 1991), 299

The study will also accelerate peace building and subsequently create lasting solutions to conflict between Gabra and Borana communities setting a practical example to the other communities in the Horn of African.

The scholarly arguments pertaining conflict in this study will therefore help the regional government to use it as a yard stick in improving relationship between feuding communities and encourage religious groups; private sectors; regional organizations particularly IGAD; International organization like United nations; stakeholders among others to develop policies and procedures and subsequently expose the need for the government to increase the capacity of its forces along the porous Kenya–Ethiopia border to forestall a repeat of such conflicts.39 These will also make the government security agencies and communities engaging in conflicts to set up different strategies as a penalty to the offending community that would discourage them from this brutal activities and hence solving a number of crisis within the entire NFD (Northern frontier District), alerting the government to establish Conflict Management and prevention strategies to end these conflicts between the feuding communities.40

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[39] P. Scott-Villiers et al. "The long Conversation: Customary Approaches to Peace Management in Southern Ethiopia and Northern Kenya." Future Agricultures, Working Paper 22. (2011)

[40] USAID. "Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa." USAID.Conflict Baseline Study Report Conducted in Karamajong Cluster of Kenya and Uganda.

1.8 Theoretical framework

This study will use premordialism as the main theory however, there is no overarching theory that explains the Turbi conflict in conclusive terms and therefore the study will borrow some elements of constructivism and conflict theory among others. Primodialism was introduced by Shils41 who derived it from Tonnies' famous distinction between Gesellschaft and Gemeinschsft. Gesellschaft referred to societies based on the values of individualism and rationalism, such as those of the modern West. Gemeinschsft denoted communities characterized by strong and comprehensive solidarity which is the same for the case of Gabra and Borana communities. It emphasizes the strength and non-rational character of certain social ties, explaining persistence of ethnic bonds and their power to override other motives especially the ones based on economic calculation. It also explains the willingness of individual members of ethnic groups to sacrifice themselves for the good of the collective good.42

According to Connor43 "Primordialism school states that ethnic identities are historically rooted, deeply embedded in a people's culture, reinforced by collective myth and memories, social institutions and practices perpetuated inter-generationally by early civilization which equally applies to the warring communities of the Gabra and Borana where existence of natural ties could not be disputed." Geertz 44 argues that in

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[41] K. Christie, Ethnic Conflict, Tribal Politics: A Global Perspective, (Britain, Curzon Press,1998), 19-20

[42] Ibid:19

[43] W. Connor, "Ethnonationalism" in C. Geertz, The Interpretation of Culture (London: Fontana,1973)

[44] C. Geertz, The Interpretation of Cultures, (New York: Basic Books, 1973), 63

Primordialism theory ethnic conflict stem from "ancient hatreds" between ethnic groups and frustration comes with differences in "natural ties" that derive from religious, racial or regional connections. In addition, Lewis asserts that the existence of the ancient hatreds amongst ethnic and cultural groups which is the urge to delineate and reject the other can be traced to the remotest human ancestors, and certainly beyond them to the animal predecessors.45 Hence, the tendency towards xenophobia and intolerance are more natural to human societies than liberal politics of interest. This means that though one of the causes of the Turbi massacre can be traced to ethno-political interests there are probabilities of the ethnic hatred and its outcome and causes being traced historically before modern liberal politics of interests. For instance ethnic conflict of the Sudan people pitting the Southern against the Northern people may be argued to have stemmed from ancient hatreds that may have had its origin from the colonial days. The state administration was centered in the North. Many towns grew there with no correspondence to the South which was exploited in terms of resources and slaves during colonial time. This raised animosity between the two regions.46

The Rwanda genocide may be said partly to have come as a result of the ancient hatreds that were propagated by the Colonialists between the "supreme" Tutsis and Hutus. But as we shall see later in the paper there were other major factors that

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45 Bernard Lewis, "Muslims, Christians and Jews: The Dream of Coexistence," New York Review of

   Books (26 March 1992), 48.

46 F. Deng, Dynamics of Identification: A Basis for National Integration in the Sudan (Khartoum:

   Khartoum University Press, 1973), 3

contributed to the genocide not only this hatred. Primordialism has attracted a lot of criticisms; it is regarded as an orthodox theory47 as sociological evidence has disapproved it's assertion that identities and attachments are natural, ancient and prior to social interaction and ineffable in gaining power over other groups.48 Instrumentalist approach argues that elitists capitalize the primordial affinity of their ethnic groups and instrumentalise.49

Instrumentalists regard ethnicity as a surrogate for more basic social forces such as class or colonial domination, or as fraud perpetrated by persons with self-serving objectives to exploit mass publics in pursuit of their political or economic ambitions. 50 Constructivism theory argues that influences in History will affect relations between ethnic groups if two groups have been at war in the past over a territory, they are likely to have a particular image of each other and that image is likely to have some grounding in the hatred of sorts. Constructivists concentrate on the external processes in explaining the politicization of ethnic identities.51Conflict theorists argue that crime and delinquency

47 W. Connor, "Ethnonationalism" in C. Geertz, The Interpretation of Culture (London: Fontana,1973) 17-18

48 Ibid:19

49 S. Cornell, D. Hartman, Ethnicity and Race: Making identities in a Changing World, (California: Pine Forge Press), 64-8

50 S. Cornell and D. Hartman, Ethnicity and Race: Making Identities in a Changing World, Thousand Oaks, (CA: Pine Forge Press,1998), 66

51Lars-Erik Cederman, Andreas Wimmer and Brian Min, "Why do Ethnic Groups Rebel?", World Politics 62, no.1 (2010):87-119.

were much more evenly distributed through the social structure than was shown by official statistics, which indicated that crime was more often found in lower class environments. Similarly, Turbi massacre was also perceived to have been conducted by people in the lower class who were possibly fighting over scarce resources.

Conflict theory emphasizes the existence of opposing forces in the life of individuals, groups' social structures and society in general. Therefore, this theory views human society as a collection of competing interest groups and individuals, each with their own motives and expectations.

The principle assumption underlying this theory is that all members in the society do not have the same values, interest or expectations. These vary according to one's position, privileges, ability, class and wealth. Agreement tends to appear among those who share similar privileges. This is likely to encourage unequal distribution of the scarce but valuable resources and opportunities. This results in divisions in society resulting in hostility and opposition similar to what happen between former brotherly communities of Gabra - Borana. Therefore this theory attempts to explain why conflicts occur in society.52

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[52] L. A Delno and D. K. Kisilu. Project and Thesis Writing: An Introduction. Kenya: Paulines Publications Africa.(2006), 57

1.9 Research Methodology

1.9.1 Research Design

The research design for the study will be descriptive, survey, cross cultural and case study design among others. The researcher will select and study samples from the occupants of the area affected by the clashes within Turbi region. A case study for the inhabitants of Hurri hills will be examined in the process of searching on spillover of conflicts from the Horn of Africa that led to the conflict between Gabra-Borana. This will enable the researcher accurately focus on the objective of the study and the basement of the research. Household survey will be used to gather information from the residents of the Turbi Centre, in which the household heads will be interviewed. This involves use of structured questionnaires with both open ended and closed questions administered to the respondents. The respondents will be picked from the various ethnic groups, including the Gabra, Borana, Waata and Konso living inter-dispersed in five villages. Some of the households that will be interviewed will include those who are internally displaced by the conflict from Maikona Ward in Chalbi Sub-County (North Horr constituency). 53

1.9.2 Case Study

The case study for this research paper – Turbi (Massacre) is important as it exemplifies the mass killing of people in violent conflicts in the Northern Kenya region, due to resource-based or pastoral conflict causes inter twined with politics and

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[53] USAID. Conflict Early Warning and Mitigation of Resource Based Conflicts in the Greater Horn of Africa . USAID. Conflict Baseline Study Report Conducted in Karamajong Cluster of Kenya and Uganda. (2005)

marginalization. The case study thus is an excellent example of the three combinations and seeks to explore the causes and more importantly for this study, the conflict management mechanisms used to deal with such occurrences, be it through traditional or formal means. The Turbi area is positioned in a marginalized region that is characterized by weak institutions (Kenyan government) as well as the vulnerability to pastoral conflicts. The Turbi area is also host to spill over of conflict emanating from Ethiopia, which adds to the other causal factors, thus bringing the importance of the study in social sciences, particularly, conflict management, as the issues of internationalization of conflict as portrayed by the spill over effects of violent conflicts, in this case between Ethiopia and Kenya.

The characteristic of the Turbi massacre occurring in a conflict system that is prone to conflicts in the Horn of Africa, makes the case study important as it adds value in the understanding of the dynamics of the conflict system.. Thus the study finds it important to research on the case study in order to understand the conflict and its dynamics, so as to better manage it and prevent further conflicts emanating from underlying issues. The Turbi massacre also has not received enough attention as to contribute to the social studies, such as other massacres that did received as more attention as did the Waggalla massacre. Therefore the study is important to the social sciences studies as it will bring out many issues that make the conflict complex, be it ethno-politics, weak institutions and marginalization in the Marsabit area. Societal, socio-economic, political and security issues highlighted and analyzed will assist in further studies in the relevant areas of study in the fields of social sciences.

1.9.3 Data Collection

The data will be collected through interview schedules with key informants and questionnaires. A simple structured questionnaire will be selected as it is found to be appropriate for the data collection. The researcher randomly will distribute the instrument to the selected population. A simple structured interview will therefore be used as a questionnaire to the respondents. This will enable the researcher to examine the level of understanding respondents have and to explore their experience on the ugly incidence of criminality. Oral interviews will also be conducted on one to one basis. The main activities that will accompany oral interview will be observation as a method of collecting data that will play most significant roles in providing rich and detailed information.

An interview will be conducted on areas which require deep clarification and understanding. The researcher also will use focus group discussions to discuss specific topic and also made use of observations and noted down what was observed. The diverse methods engaged will enable the researcher to decide what outcome (data) the study will produce in order to select the best methodology to produce the desired information.

The questionnaire will be piloted to randomly select individuals familiar with the subject of the research. Through a purposive sampling method, a total of 45 respondents will be selected out of about 100 individuals with wealth of practical and academic experiences in ethnic conflicts will be targeted for the success of the research. The structured questionnaire style with mixed open and closed ended questions will therefore be adopted

to not only control the analytical framework but also ensure deep discussions and responses from respondents.

1.9.4 Data Analysis

The method of data analysis will be both descriptive statistics and inferential statistics to show the relationship that exist between independent and dependent variables. Data will be then broken down into manageable units before subjecting it to statistical analysis. The analyzed both quantitatively and qualitatively to enable the researcher to make inferences about population value for instance mean, median, mode and standard deviation on the basis of sampled values.

1.9.5 Data Presentation

The data will be presented in Graphs, Pie Chart, Frequency tables among others.

1.9.6 Target Population

The target population in the area of conflicts will be the pastoralist (herders) communities who occupy the greater Marsabit County. Mostly the conflicts are among the three major communities i.e. Gabra, Borana and Rendillle. Turbi region is 99% occupied by Gabra Community even before the conflict according to Father Paul Tablino, 1999.

Fig 3.1 Target Population

PERCENTAGE POPULATION OF COMMUNITIES IN MARSABIT DISTRICT
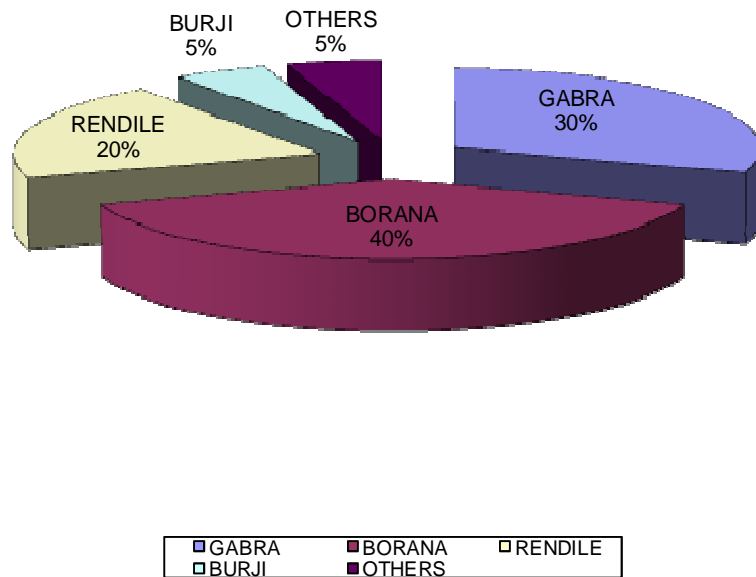
Mostly the conflicts are among the three major communities i.e. Gabra, Borana and Rendillle. However, Turbi region is 99% occupied by Gabra Community even before the clashes according to elders in the region (Tablino, 1999).

The target population for Marsabit community members within the study region namely; household heads (50), pupils (40), politicians (10), peace committee (20) and provincial administration. With total targeted population as 150 individuals.

Table 3.1: Sampling frame

Category	Frequency	Percent
Household heads	50	33.3
Pupils	40	26.7
Politicians	10	6.7
Peace committee	20	13.3
Provincial administration	30	20
Total	150	100

Source: (Author, 2010)

3.5 Sampling procedure

The selection of the key informants was through purposive sampling, a non-probabilistic method, where knowledgeable persons from among the communities were identified and interviewed since the research focus on historical perspectives then the informants were mainly the elders (Jarsa argaa dhageeti) as well as those in position of leadership. On the current conflicts targeted key informants included provincial administration, political representatives and the members of the peace committee and others who were directly or indirectly affected by the conflict and the respondents from both Borana and the Gabra ethnic groups. The sample size was used to reach to the local politics in North Horr and the Saku Constituencies.

3.5.1 Sampling Technique

The research used the quantitative technique. This is because sample size being tested was more than 100. The researchers chose to use the percentage method as it was found to be the easiest method for the type of data and study.

3.5.2 Sample Size

The researcher used the population as a sample size. In this case, the sample size was 100 people (of 150 total populations). The frequency ratio of 30% was used by the researcher when drawing elements from the study population.

Table 3.2 Sample size

Category	Frequency (N)	Ratio	Frequency (n)	Percentage (100%)
Household heads	50	0.3	15	33.3
Pupils	40	0.3	12	26.7
Politicians	10	0.3	3	6.7
Peace committee	20	0.3	6	13.3
Provincial administration	30	0.3	9	20
Total	150	0.3	45	100

Source: Author, 2010.

NB: (N) - Target population

(n) – sample size

1.10 Scope and Delimitation of the study

Marsabit County being a marginalized area it's prone to constant conflicts with porous Kenya Ethiopian border and less intervention from the government forces enabling the raiders to easily cross the border with the stolen animals. The targeted region being prone to conflict, might pose a great fear and uncertainty due to vulnerability to a potential risk.

The other major constrains that the researcher may face will be negative attitude of the respondents to give confidential information about their tribes since they fear to expose their tribe weaknesses for instance about which tribe initiated the conflict. Language barrier is also expected particularly for respondents from Ethiopia and also the perennial displacement of people will result to difficulties in assessing the most relevant respondents. The limitations may also include the scarcity of means of transport to travel to the area since region lacked well developed roads and the communities rely on weather roads. Again, considering logistical constraints; it will be difficult to get timely responses from respondents. Therefore, this research may involve expensive cost of data collection and execution of the project.

In regard to the constraints due to vulnerability of the area in conflict, the study (researcher) seeks to visit the areas that are safe and have no threat to the life, additionally; the issue of language barrier will be handled by the assistance of interpreters making the data collection costly. The confidentiality of the information will be assured during the introductory part of the interview and therefore the process requires full scale application of skills that needs expert.

1.11 Structure of the study.

This study is divided into five Chapters:

Chapter One: Introduction and Background to the Study

Introduces the topic of research by first looking at the broad area of the research study, followed by the Statement of the problem, Objectives of the study both general and specific, Research Questions, Hypothesis, Justification of the study (academic and policy justifications), then the chapter will rely on primordialism as the main theory. The chapter analyses the Methodology to be used in analyzing data. The chapter finally is concluded with Scope and Limitations of the study.

ChapterTwo: Literature Reviews on other Massacres.

Will take into consideration an overview of various massacres that have occurred globally and in Africa and how insecurity in the horn of Africa led to shifta wars and insecurity in the Horn of African in reference to Turbi Massacre.

Chapter Three: Case Study of Turbi Massacre

This chapter will focus a case study of Turbi Massacre with a wider scope of conflict management and resolutions based on peaceful settlement of dispute besides those provided for in the United Nations Charter Chapter VI and eventually address if such a scenario was to be avoided basing the argument that only if the Kenya Government was to provide security of the residents of Turbi area and protect their property from cross border conflict emanating from neighbouring Horn of Africa.

Chapter Four: Conflict Management, Prevention and Resolution

This chapter will examine Conflict prevention, Management and resolution in Kenya and whether they are robust enough to forestall such occurrences and also provide analysis by graphical representation of the data collected by use of tools and techniques based on the hypotheses and theoretical framework provided in chapter one.

Chapter Five: Summary, Conclusion and Recommendation of the study

This Chapter will provide conclusions and recommendation of the study and lastly provide suggestions on areas of further research.

CHAPTER TWO

HISTORICAL OVERVIEW OF MASSACRE IN THE HORN OF AFRICA

2.1 Introduction

In the history of the human society, targeted mass killings have been evident, both recorded and as documented incidents of mass killings. From the massacres in former Yugoslavia, Bosnia, the genocide in Rwanda, the tens of thousands of deaths in Algeria, Timor, Colombia, Sierra Leone and Chechnya. The places in which violence has piled fury upon fury are too many to name. Yet the term massacre is losing popularity in the modern intellectual, due to the replacements with the term genocide and the attempts to reflect more on some contemporary conflicts by focusing the analysis on the processes of extreme violence that characterize them and whose most spectacular and enigmatic manifestation is that of massacre.

There are at least three reasons why this appears to be in need of analysis. The first is based on the very definition of massacre, as a form of action that is most often collective and aimed at destroying those who are not fighters but rather civilians, men, women, children and unarmed soldiers. Therefore, the question returns perpetually: why kill individuals perceived to be innocent or unable to defend themselves? The second regards the fact that the victims, far from being unknown to their torturers, often belong to the same community or village.

This sudden descent into massacre between individuals that may have enjoyed good neighborly relations for a period of years is stupefying. 54Massacre, understood here as a practice of proximity between executioner and victim, is often accompanied by atrocities that defy comprehension. Such acts are staggering to the "average" imagination. It would be impossible to suggest definitive analyses of these phenomena. This part of the study seeks to understand the concept of 'massacre' and the types of massacres including those in Africa, and specifically the Horn of Africa, and Kenya, in reference to Turbi Massacre. Please remove with this spacing

2.2 Discourses on the Concept of Massacre

The practice of massacre has above all been perpetrated by state power. Rudolph Rummel (footnote 2 should come here) estimates that 169 million people have been killed by their own governments during the twentieth century, many more than the 34 million deaths during all the wars of the same period.55 Questions arise about the whole idea of massacres. From, who commits the mass killing, to the participation of massacres by states and why states could kill its constituents as well rebel groups and the questions go on and on. For the massacres committed by states the observation is whether massacre

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54 Manu Midlarsky, Genocides and Mass-Murders in the 20th Century (Cambridge: Cambridge University Press, in press). Intervention at the CERI research group, "Making Peace: From Mass Crime to Peace-Building," February 8, 2001. See the CERI website: http://www.ceri-sciences-po.org.

55Helen Fein, "Genocide: a Sociological Perspective," Current Sociology 38, no 1 (1990) 1–126; Frank Chalk and Kurt Jonassohn, the History and Sociology of Genocide (New Haven: Yale University Press, 1990).

is committed by strong or weak states. The presumption of the strong state appears obvious as it is necessary to have raw strength in order to commit massacre and, even more so, genocide: the strength to destroy, to organize and to misinform. Genocide itself presupposes the power of a state with an armed force at its disposal, but also, as has been stressed by several authors, a significant bureaucracy and a propaganda machine. This is also the point of view taken by Rummel: "absolute power kills absolutely," he states. 56 However, this theory of the strong state is challenged by those who draw attention to the general context in which these powers are situated.

They remark that the latter, albeit powerful, find themselves in a position of vulnerability that precisely explains their engagement in massacre. Taking into account the context of war is essential in this regard, although it should be nuanced. In this way Gerlach57 have suggested that the decision on the "Final Solution," apparently made by the Nazis following December 1941, cannot be separated from the fact that at this point the latter realized the war against the Soviet Union could not be won. It is therefore in light of the failure to come, reinforced by the entry into the war of the United States following the bombing of Pearl Harbour on December 7, 1941, that Hitler made the decision to at least succeed with his other fundamental objective: the extermination of the Jews. In Rwanda, where the context is obviously different, the question of the relationship between war and genocide is equally central.

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[56] Cf Rudolph and J. Rummel, Death by Government (New Brunswick and London: Transaction, 1994),p 4.

[57] Christian Gerlach, 'The Wannse Conference and the Final Solution: A Reconsideration (New York: Metropolitan Books, 2002), 48-78

The security of the Hutu government in power in Kigali was threatened from outside, having been attacked since 1990 by the Rwandan Patriotic Front. Numerous authors also connect this external Tutsi threat to the ideological construction, made by Hutu extremists, of a Tutsi threat coming from inside, taking over from the former in order to undermine the very foundations of state power. As a consequence, not losing the war consisted at least in the total destruction of this internal threat, in other words, the extermination of the Tutsis. A rather similar reasoning may be applied to the Armenian genocide during which the massacres followed the severe defeat of the Turks by the Russians in a context of war in which the Armenian minority in the Ottoman Empire was perceived by the "Young Turks" government as an accomplice and ally of Russia.58

This approach therefore reinforces the thesis proposed by those who contend that massacres are the products of weak states, of those which appear vulnerable or which believe they cannot win at war without going as far as the destruction of civilian populations. There are several cases in point here. In the first place, that of a political power whose legitimacy is not ensured and/or is strongly contested. For example, according to Jean-Cle´ment Martin, it is impossible to understand the massacres of the French Revolution (beginning with those of the Vende´e) without understanding that they are the paradoxical expression of the state's weakness. Similarly, the extreme violence of the Khmer Rouge in Cambodia could be explained by the fact that they perceived themselves as being an extreme minority. Therefore, a state or non-state power resorts to

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58 Human Rights Watch, "Hutu, Tutsis" Avalable at www.humanrightswatch.com

massacre in order to overcome its position of weakness, to ensure influence over the people and to extend its own power. If states make wars as much as wars make states, the same could be said of massacre. Another case in point is that of a state already in place whose legitimacy is strongly contested, individuals being re-appropriated or themselves re-appropriating the right to violence, refusing to accept or no longer accepting allegiance to this power. The situation of Algeria, following the refusal of the state to recognize the results of the 1991 elections, leading the country into civil war, demonstrates such a development.[59] A third case is that of the collapse of a system of domination or federation, previously accepted by its members.

The context of the dismantling of empire renders the appearance of this type of violence most probable by allowing for the reconstruction of strong identities along nationalist or communitarian lines. The collapse of the Ottoman Empire at the beginning of the twentieth century and the repercussions of the fall of the Soviet Empire in the Balkans following 1989 are relevant examples.[60] The difficulty of analyzing the practices of massacre without respect to the international context becomes clear. The difficulty is in considering the event within its "local" setting, while simultaneously capturing it in its international dimension. Here too approaches may differ, adopting either a more structural point of view or a more functional one. In his work on massacres,

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[59] Paul Bartrop, "The Relationship Between War and Genocide in the Twentieth Century: A

Consideration," Journal of Genocide Research, Vol 4, No 4, 2002, pp 519–532

[60] Ibid :526

and more generally on genocide, the English historian Mark Levene[61] identifies rather with the first point of view.

He attempts to show that the destruction of civilian populations should not be thought of as an "aberration" of the trajectory of the nation-state, but rather as a "byproduct" of the international system and the global economy. He refers in particular to the thinking that analyses the state in a systemic relationship with other nation-states. "Genocide" may occur when certain states in the quest of rapid "modernization" target populations that they perceive as threatening or as an obstacle to their will to power.[62] The Manu Midlarsky[63] proposes a more functional analysis based on his comparative study of three genocides: the Armenian, the Jewish and the Rwandan. In his view, large-scale massacres cannot occur without genocidal states benefiting from the assistance, or at least the passiveness, of other states (in this instance, imperial Germany for Turkey, the Vatican for the Third Reich and France for Rwanda). It is precisely this lack of intervention by a third party (in this case at the international level) that leaves the way free for genocidal operators.[64] This same line of interpretation is also useful for

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[61] Mark Levene. *The Crisis of Genocide.* (Oxford University Press, 2014)

[62] Mark Levene, "Why is the 20th century the Century of Genocide?, Journal of World History, Vol 11, No 2, 2000, pp 305–336.

[63] Manus I. Midlarsky. The Onset of World War. Studies in International Conflict, Vol 1 (1990)

[64] Manu Midlarsky, Genocides and Mass-Murders in the 20th Century (Cambridge: Cambridge University Press, in Press). Intervention at the CERI Research Group, "Making Peace: From Mass Crime to Peace-Building," February 8, 2001. the CERI website: http://www.ceri-sciences-po.org.

understanding the dynamics of the practices of ethnic cleansing during the war in the former Yugoslavia in the 1990s. In this regard, the Srebrenica massacre (July 13–15, 1995)[65] remains the most tragic example of the passiveness of the international community during this war. However, this convergence between domestic and international factors cannot alone explain the social process that leads to the act of massacre.

The impact of war should notably be contextualized as large-scale massacres have been perpetrated outside of the state of a declared war, as Paul Bartop[66] recently explored. Consider, for example, the great famine of 1932–1933 unleashed by Stalin against the Ukrainian "Kulaks." In this case, the mentality of "total war" of the Soviet powers against an "absolute enemy" (the Kulaks) was at the core of the process of destruction. In a favourable, but not determinative, international context, should one then consider that the ideology of the perpetrator is the primary "cause" which triggers the extreme violence of massacres. [67]

2.3 Massacres in the Greater Horn of Africa

The Horn of Africa is one of the most conflict-prone regions in Africa. Despite changes of regime and international efforts to broker peace agreements, the countries of the region experience consistently high levels of violence, within and across borders. The

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[65] Ibid

[6666] Paul Bartrop, "The Relationship Between War and Genocide in The Twentieth Century: A Consideration," Journal of Genocide Research, Vol 4, No 4, 2002, pp 519–532.

[67] Ibid?

incongruence between the legacy of colonial boundaries, ecological zones and cultural affinities peculiar to the region often means that disputes in anyone country have political and economic significance beyond their own local sphere. Among diplomats there is growing recognition that the interconnectedness of conflicts in the region, and their causes, renders the irresolution particularly complex and challenging. Measured by almost any criteria, in recent decades the Horn of Africa has been one of the world's most conflicted regions, experiencing over 200 armed conflicts since 1990.[68] As one particularly important external actor in the region, the U.S. government has for too long looked at the Horn through lenses which have emphasized regime security, counter-terrorism, religious fanaticism, and tribalism.

2.3.1 Rwandan Genocide and Internationalization of Conflict

One specialist summarized the complex historical sources of identity among peoples from Central Africa as follows: "A woman living in central Africa drew her identity from where she was born, from her lineage and in-laws, and from her wealth. Tribal or ethnic identity was rarely important in everyday life and could change as people moved over vast areas in pursuit of trade or new lands. Conflicts were more often within tribal categories than between them, as people fought over sources of water, farmland, or grazing rights."[69]

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[68] Frank Chalk and Kurt Jonassohn, The History and Sociology of Genocide (New Haven: Yale University Press, 1990).

[69] Rene´ Lemarchand, "Comparing the Killing Fields: Rwanda, Cambodia, Bosnia," (2001).

In some districts of the country, ethnic identities have more salience (northern Rwanda) than in others (southern Rwanda). He nevertheless contended that it was the colonial powers, and the independent states succeeding them, which declared that each and every person had an 'ethnic identity' that determined his or her place within the colony or the postcolonial system. European powers had recognized for a long time the importance of securing allies from among the native population. The prerequisite for fomenting ethnic schism, and therefore divide-and-rule tactics, was cultivating ethnic markers among groups. Before German colonialists arrived in 1899, the Tutsis, representing about 15 percent of the population, ruled over the majority Hutu population. When Belgium took over the protectorate after World War I, it extended Tutsi domination by favoring this ethnic group over others. Colonial powers thus politicized ethnicity. 70

Both in Rwanda and Burundi, German and Belgian colonizers admired the taller people called Tutsis, who formed a small minority in both colonies. The Belgians gave the Tutsis privileged access to education and jobs and even instituted a minimum height requirement for entrance to college." The Tutsi minority was thus groomed as the traditional ruling class in the region. The irony was that "Hutus and Tutsis had intermarried to such an extent that they were not easily distinguished physically (nor are they today).71 The two groups share the same language and customs in Rwanda, just as they share another language and other customs in Burundi. Hutus are set off from each

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70 Rene´ Lemarchand, "Comparing the killing Fields: Rwanda, Cambodia, Bosnia," (2001).

71 Paul Bartrop, "The Relationship Between War And Genocide In The Twentieth Century: A

Consideration," Journal of Genocide Research, Vol 4, No 4, (2002) 519–532.

other by clan and regional affiliations, just as Tutsis are. They are not unified communities whose only fault line is Hutu–Tutsi.

The high population density of the region should, if anything, make ethnic "boundaries" even less fixed. For René Lemarchand,(insert the footnote 17 here) "it is the interplay between ethnic realities and their subjective reconstruction (or manipulation) by political entrepreneurs that lies at the root of the Hutu–Tutsi conflict."[72] Making ethnic categories salient in the first place, and inflating and politicizing their significance, serve to disguise the struggle over the more fundamental matters of power and resources. The introduction of ethnic identity cards by the Belgian administration in 1931-dividing the Central African population into Hutu, Tutsi, or Twa - was a first step in the process of politicizing ethnicity. Following World War II, both Burundi and Rwanda became United Nations trust territories. Both became independent in 1962. In Burundi, a military-controlled government headed by Tutsis was to wield power until 1993. Although Hutus formed the majority ethnic group, a succession of Hutu political leaders who strove for public office was systematically killed by the army.[73] In 1972, a wider Hutu rebel- lion broke out; it was crushed by the Tutsi army, leading to the death of some 200,000 Hutus. A similar though smaller-scale ethnic massacre had occurred in 1965, and another was to take place in 1988.

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[72] Paul Bartrop, "The Relationship Between War And Genocide In The Twentieth Century: A Consideration, op cit.

[73] Intervention at the CERI Research Group, "Making Peace: From Mass Crime to Peace-Building," February 8, 2001. See the CERI website: http://www.ceri-sciences-po.org.

Finally in 1993, Burundi, following South Africa's lead, embarked on a democratic transition and a Hutu was elected president. But the experiment was short lived: in October of the same year, he was assassinated by Tutsi extremists, triggering a new civil war between the two ethnic groups. Again the Tutsi-dominated army killed tens of thousands of Hutus.74 In an illustration of stimulus-response dynamics, his assassination was the catalyst for revenge by Hutu extremists—but it was carried out on Tutsis in neighboring Rwanda. Rwanda's president, Juvénal Habyarimana, a Hutu, had first taken power in 1973. Over two decades of rule, he was pressured by Hutu extremists in his government to take more repressive measures against Tutsis.   Well supplied with military equipment by France, which wanted to ensure that power in the ethnically divided country remained centralized, Habyarimana had few incentives to pursue a policy of political accommodation. France conveniently ignored the increasing human rights abuses committed by the Rwandan government until it was too late to stop a more generalized armed conflict.

The trigger for the mass slaughter in Rwanda was the death of President Habyarimana and his counterpart - the second elected Hutu president of Burundi - in a suspicious plane crash in April 1994. A tribunal in France blamed Tutsi rebels for firing the missile that shot down the jet. In the late 1980s, a disgruntled Tutsi rebel group, the

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[74] Freeman and Quinn, Ethnicity and Individual Attitudes Towards International Investors: a Survey

Evidence from Sub-Saharan Africa: Michigan University: Globalbarometer, 2012

Rwandan Patriotic Front (RPF), led by Paul Kagame, had been formed in neighboring Uganda.75

Ethnic movements in the African conflicts had an uncanny knack for adopting names for their organizations suggesting broad political and national consensus - which is precisely what they did not stand for. RPF leader Kagame denied involvement in the assassination of two Central African Hutu presidents and instead claimed that it was a Hutu ploy to legitimate planned genocidal actions against Tutsis. An even less credible hypothesis was that in trying to supplant France's influence in Central Africa, the Clinton administration had ordered the killings of pro-French Hutu politicians.76The assassination of three elected Hutu leaders in six months in Central Africa led to the rapid mobilization of Hutu soldiers. Formed into a loose militia group that became known as the Interahamwe, they were incited to slaughter their ethnic "Other." Between April and July 1994, over half a million Tutsis were massacred; some historians claim this 100-day period of killing represents the swiftest genocide in history. "'The Hut extremists' aim,' stated Africa Rights, 'was for the entire Hutu populace to participate in the killing. That way, the blood of genocide would stain everybody.'"77

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75 Rene´ Lemarchand, "Comparing the Killing Fields: Rwanda, Cambodia, Bosnia,", 2001. 9.

76 Levene, Mark, "Why is the 20th Century The Century of Genocide? Journal of World History, Vol 11, No 2, 2000, pp 305–336

77 Intervention at the CERI Research Group, "Making Peace: From Mass Crime to Peace-Building," February 8, 2001. See the CERI website: http://www.ceri-sciences-po.org.

The deadly Hutu reprisals contributed to the next cycle of ethnic violence: by fall 2004, the RPF had retaken all of Rwanda; had in turn killed hundreds of thousands of Hutus, some as a result of diseases like cholera and dysentery; and had forced another 2 million to flee to nearby countries. Because many took refuge in eastern Congo, the RPF had a ready-made pretext-settling accounts with Hutu militias - for launching an incursion into that country in 1996.Kagame soon became president of the country, banned opposition parties, had himself re- elected in a way that invited comparisons to Robert Mugabe in Zimbabwe, and made it a crime to deny the RFP-authored version of the genocide. In Burundi, a civil war continued between Tutsi and Hutu militias until 2005. Its toll was over 300,000 dead. Hutu militias operated from bases in northern Tanzania to attack Tutsi-led Burundi government forces.

The government agreed to peace-keeping talks with rebel forces, but a series of ceasefires were breached. Finally, agreement was reached on a presidential election. Held in 2005, it resulted in the coming to power of a moderate Hutu. Nevertheless, Burundi's political stability was possible only if it was accompanied by peace in Rwanda and Congo. As in South Africa, Burundi and Rwanda faced political transitions in the early 1990s that could have been seized to promote democratization.78 Unlike South Africa, however, the two Central African states ended with "aborted transitions" because of a lack of clarity in the transition bargain, a failure of leadership, an obstructionist attitude

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[78] K. Rupesinghe, V. A. Tishkov, Ethnicity and Power In The Contemporary World, (New York: United Nations University Press,1996) 59-62

by opposition forces, and the lack of support for the transition by military forces.79 Authoritarian governments masked the existence of divided societies. There was no charismatic leader like Nelson Mandela to breach differences, nor was there the political will on the part of key ethnic actors to do so.

According to Stephen Stedman,(Footnote here) "Africa's conflicts have prompted six different subregional, continental, and international responses, including military support or intervention to aid one side; peace enforcement, to impose a settlement on the warring parties; humanitarian intervention, to ameliorate the effects of war; mediation, to bring conflicts to a negotiated end; preventive diplomacy, to keep incipient conflicts from becoming violent; and regional institution-building, to manage conflicts."80 Third parties were involved in the Central African conflict well before it had spiraled into genocidal violence. The RPF, which had recruited Tutsi refugees who had fled from Rwanda to Uganda, first attacked the Habyarimana regime in 1990. But it was beaten back by Rwandan government forces with military assistance from Belgium, France, and Zaire. Outside military intervention was a fact well before the genocidal events took place. The Rwanda conflict spread contagion like across the border to Burundi. It raised the fear that "similar violence could erupt and provide opportunities for leaders to learn the costs and

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[79] Alexander L. Hinton, ed., Genocide: An Anthropological Reader (Malde, MA and Oxford: Blackwell, 2002); and Annihilating Difference: The Anthropology of Genocide (San Francisco: California University Press, 2002).

[80] Ibid

benefits of violence and the likely responses of the international community."81

Contagion also shaped the international response to ethnic conflict in that country.

Aware of the Rwandan tragedy of 1994, President Clinton called for "all Burundians to reject extremism and resolve their differences peacefully." But the United States opted not to exercise preventive diplomacy in Burundi and limited involvement to humanitarian efforts - economic assistance, medical help, and food deliveries channeled through the International Red Cross and other nongovernmental organizations (NGOs). During the worst of the massacres in mid-1994, few western countries were willing to recognize the fact of genocide in Rwanda. International institutions were equally guilty: the UN Security Council refused to describe what was happening in Rwanda as genocide, referring cryptically instead to "acts" of genocide. This let the UN off the hook because the violence fell outside the scope of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. As late as 1998, the UN Security Council continued to condemn violence in the country, appealed for a cease-fire, and called for the punishment of those responsible for the massacres. But the UN proved ineffective in ending mass slaughter or mediating a resolution to the killings.82

UN rejection of the use of peace-enforcement measures was most clearly exemplified in the inattention given to the plea by the Canadian commander of a small

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81 Alexander L. Hinton, ed., Genocide: An Anthropological Reader (Malde, MA and Oxford: Blackwell, 2002); and Annihilating Difference: The Anthropology of Genocide (San Francisco: California University Press, 2002).

82 Helen Fein, "Genocide: a Sociological Perspective," Current Sociology, Vol 38, No 1, 1990, pp 1–126;

contingent of UN peace keepers in Rwanda (United Nations Assistance Mission for Rwanda (UNAMI) established in August 1993) for immediate reinforcements. General Romeo Dallaire realized that preparations for mass killings were under way, but his superiors in the UN secretary general are office in New York were unresponsive, and the United States appeared to be stonewalling as well.83 After ten of its peace keepers were killed in fighting with Hutu militias, Belgium pulled its peace keepers out of Rwanda altogether, thereby effectively destroying the UN mission. In turn, nearby French forces did nothing to close down the Hutu radio station that was broadcasting detailed plans for the massacre of Tutsis. One third party that had the capability to make a difference and prevent genocide was the United States. But the Clinton administration was still smarting from the peace-keeping debacle suffered in Somalia in October 1993.84 Firefights involving U.S. troops and Somali warlords and their militias claimed twenty-nine American lives.

The lesson drawn from this misadventure became known as the Mogadishu line: when peace keepers are forced to become combatants, there is cause to end the military mission. President Clinton had no desire to become caught up again in a complex ethnic conflict in a weak African state. Spiraling ethnic conflicts in Europe - in the Balkans - were enough of a challenge to his divided foreign policy team. This is not to say that the United States played no role in Rwanda. The U.S. ambassador to Rwanda after the

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83 Rene´ Lemarchand, "Comparing the Killing Fields: Rwanda, Cambodia, Bosnia,", 2001.

84 Rene´ Lemarchand, "Comparing the Killing Fields: Rwanda, Cambodia, Bosnia,", 2001. 9.

genocide had been perpetrated claimed that the United States lent support to the RPF to regain power from Hutu extremists, then to attack Hutu camps in eastern Congo.85 It took several years for efforts at peace and reconciliation in Rwanda and Burundi to take shape. One option that was ruled out was the creation of two ethnically defined new states replacing Rwanda and Burundi, to be called Uhutu and Tutsiland. Such a resolution of the conflict (resembling the way the 1995 Dayton agreement reorganized Bosnia Herzegovina, which we discuss in the next chapter) would have required extensive ethnic resettlement and further demarcation of peoples whose identity was not that dissimilar

2.4 Mass Killing in the Congo war

The conflict in Congo has been called Africa's first world war by one western aid agency, a term echoed by former U.S. Secretary of State Madeleine Albright.86 While the exact reasons why various outside countries have become involved differ, it seems clear that Congo has become the site of an international battle over natural resources. A UN panel in 2001 said as much when it condemned the plunder of gems and minerals (copper, tin, cassiterite) by external parties; eighty-five companies, including American, Belgian, British, and German ones, were included on a "list of shame", breaching Organization for Economic Cooperation and Development (OECD) standards and countenancing human rights abuses so as to make profits from the collapsed Congo

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85 Ibid

86 Christopher Browning, Nazi Policy, Jewish Labor, German Killers (Cambridge and New York: Cambridge University Press, 2000). Mark Roseman, The Villa, the Lake, the Meeting: Wannsee and the Final Solution (London: Allen Lane/Penguin Press, 2002).

state.87 Not surprisingly, international arms dealers have gained considerably from the conflict.

Weapons deliveries have come from former Soviet bloc states as well as the United States, which has also provided military training for some groups. It should not be surprising, then, that the character of the Congo war has been interpreted in various ways. "The wars of 1996–1997 and 1998–2002 were civil wars, according to some. They were international wars designed to overthrow a dictator- ship, according to others. They represent a continuation of Rwanda's Hutu–Tutsi conflict, pursued on Congo soil, for still others. They were resource wars, according to an abundant literature. The intervention of Congo's neighbors, Rwanda and Uganda in particular, were acts of self-defense. These neighbors were pawns of great powers from outside the continent."88 The periodization of the war is itself subject to disagreement. The so-called first civil war in Congo in 1996–1997 is easier to categorize than the armed clashes that followed. It can be regarded as a prime example of conflict contagion, spreading from Rwanda and Burundi. In particular, Congo's eastern region (referred to as Kivu), became a military theatre for Hutu–Tutsi battles. Capitalizing on the terminal illness of long-ruling Zairean dictator Joseph Mobutu Sese Seko, in 1996 the Tutsi-dominated RPF attacked Hutu refugee camps inside Zaire, claiming that the Interahamwe militia had taken refuge there.

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[87]Jan T. Gross, Neighbors (Princeton: Princeton University Press, 2001)

[88]Horowitz, Donald L., "Ethnic Conflict Management for Policymakers." In Joseph Montville, ed.,

Conflict and Peacemaking in Multiethnic Societies, Lexington: Lexington Books. 1990

Soon, however, the RPF joined forces with Zairean rebel groups, and in 1997, deposed the corrupt Mobutu regime, in power for thirty-two years. The new government was headed by Laurent Kabila, who immediately renamed Zaire the Democratic Republic of Congo (DRC). For a time, he cooperated with RPF forces: A UN team of investigators seeking to discover the fate of thousands of Hutu refugees in Congo who may have been victims of Tutsi reprisal killings was harassed by the Kabila regime in spring 1998.

Within a year, cooperation between the new regime in Congo and the Tutsis collapsed. Many Congolese insisted that Kabila prove that he had not become a mere puppet of the RPF. Conversely, the RPF leadership accused him of promoting dictator- ship and corruption and of harboring the Interahamwe, who, it alleged, was preparing to invade Rwanda. Kabila responded by ordering the expulsion of Rwandan and ethnic Tutsi soldiers located in the east of his country, even though they had helped bring him to power.

These troops resisted and, together with Ugandan-based rebel groups, instead launched an offensive. They captured the country's third largest city, Kisangani, and moved close to the capital, Kinshasa. Kabila's regime survived only because a group of southern African countries - Angola, Namibia, and Zimbabwe, together with Chad - sent troops to keep the country from falling apart. In radio broad- casts, the Congolese

president now inveighed against the Tutsis, saying that they should be wiped out "before they make slaves of us."89

Africa specialist Ali Mazrui had written that "if Zaire can avoid collapsing into chaos in the near future, it will be one of the major actors in Africa in the twenty-first century, taking Burundi and Rwanda under its wing."90 Remarkably, by 1998, it appeared that Tutsi-ruled Rwanda had taken vast Zaire under its wing. What had started off as mass killings orchestrated by ethnic entrepreneurs in Rwanda had be- come transformed into a battle for control among many African states for the continent's third largest control one the size of all of western Europe. A report prepared in 2000 by Amnesty International described the way that the Congolese people had become the primary victims of the civil war that had also attracted external involvement. There had been a catalogue of human rights abuses and suffering that the people of the DRC have been subjected to since August 1998 by forces whose foreign and Congolese political and military leaders claim to be fighting for security or sovereignty. In reality, many of the leaders are involved in a fight for political and economic control of the DRC. Amnesty International has concluded that these leaders are perpetrating, ordering or condoning atrocities on a large and systematic scale, and deliberately violating people's individual

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89 K. Rupesinghe, V. A. Tishkov, Ethnicity And Power In The Contemporary World,(New York: United
    Nations University Press,1996) pp.59-62

90 Jan T. Gross, Neighbors (Princeton: Princeton University Press, 2001)

and collective right to security and sovereignty.91 Renewed armed conflict broke out in 1998, sparking the so-called second civil war that lasted until 2003. The war encompassed tribal conflicts, rival ethnic militias, and gang warfare—often with neighboring countries supporting opposing sides.

An estimated 5.5 million people perished from war-related causes. The majority were women, children, and the elderly, who died of starvation or disease. Over 1 million people had been driven from their homes, and a large proportion of these were beyond the reach of humanitarian organizations. Another half a million had fled the country.92 African states involved in the Congo conflict were implicated in many human rights abuses. Here is a case in point: while the official pretext given for the deployment of a 20,000-strong Tutsi-controlled Rwandan army in eastern Congo was to secure the border from Interahamwe attacks, the reality was that it had taken control of Congolese diamond mines and other mineral resources.93 A follow-up UN panel report in 2003 cited Burundi and Uganda as being involved in developing slave-labor to more quickly and cheaply loot coltan Columbite-tantalite, an indispensable component in computer-based technology,

91 K. Rupesinghe, V. A. Tishkov, Ethnicity and Power In The Contemporary World,(New York: United Nations University Press,1996) , 59-62

92 Alexander L. Hinton, ed., Genocide: An Anthropological Reader (Malde, MA and Oxford: Blackwell, 2002); and Annihilating Difference: The Anthropology of Genocide (San Francisco: California University Press, 2002).

93 Ibid

including cell phones, stereos, and DVDs. Multinational corporations were inevitably drawn in as well.

An Amnesty International report from 2005 listed companies from Britain, the United States, South Africa, Israel, and eastern Europe as sellers of large quantities of arms to rebel militias. Human rights abuses were to be expected in a lawless state. The assassination of Laurent Kabila in 2001 was a further blow to the establishment of a stable DRC.94 His successor was his son, Joseph Kabila, who set up a transitional government based on power sharing, and made some inroads in limiting the second civil war. Often this required "striking deals with the devil", for example, appointing rebel warlords who headed ethnic militias ("ethnic self-defense groups" was the name they preferred) but who were accused of mass killings and rape, to top government and national army positions. This cooptation process was widened in 2007 when combatants loyal to eastern Congo rebel leader Nkunda were integrated into the national army in a process called mixage.95 However, many continued to commit human rights abuses, even in their new uniforms. A step toward the reconstruction of the DRC state was the adoption by referendum in late 2005 of a constitution that established a democratic presidential republic. The elections the next year were won by sitting president Kabila and his political movement.

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94 Mark Levene, "Why is the 20th Century The Century Of Genocide? Journal of World History, 11, no 2, (2000), 305–336.

95 Marc Bax, "Warlords, Priests And The Politics Of Ethnic Cleansing: A Case Study From Rural Bosnia-Herzegovina," Ethnic and Racial Studies, l 23, No 1, (2000),16–36.

His main challenger was Jean-Pierre Bemba, one of Congo's richest men and the head of a militia group; he was subsequently arrested by the International Criminal Court for human rights abuses. After the election result was announced, some of his supporters rioted in the capital. Peace-keeping forces from the MONUC (Mission de l'Organisation des Nations Unies en République démocratique du Congo) [United Nations Organization Mission in the Democratic Republic of the Congo] had to intervene to stop the disturbances from spreading. This was one of the first important actions taken by MONUC, whose strength within two years was to reach 17,000, making it the United Nations' largest peace-keeping mission in the world.

Conflict in the Congo became internationalized in three distinct ways: (1) the Tutsis who had routed the Hutus in Rwanda and Burundi seemed intent on building an empire, and ethnic Tutsi leaders of Rwanda were seen as the masterminds of a Tutsi imperial project that would take control of the weak or even collapsed states of the region; (2) the number of African countries with a stake in the region had increased and caused frictions elsewhere on the continent, for example, between Rwanda and Uganda for control of Kisangani, and between a neutral South Africa and a pro- Kabila Zimbabwe; and (3) transnational warlord actions exploited ethnic differences for the benefit of militia leaders, as in the case of Nkunda in Kivu. Often these lead- ers were politically - and sometimes even ethnically - agnostic and had no deep commitments to any cause.96

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96 Nene Mburu, "Contemporary Banditry in the Horn of Africa: Causes, History and Political

Implications," Nordic Journal of African Studies 8, No. 2, 1999, 89-107

2.4 Wagalla Massacre

One of the worst atrocities by state security forces in independent Kenya's history occurred in North Eastern region in 1984: the infamous "Wagalla massacre," also known as the Wajir massacre.97 In February 1984 security forces rounded up several thousand men from the Degodiya clan in a purported disarmament operation and forced them to remove their clothes and lie down on the Wagalla airstrip for up to five days in the sun, while beating and torturing them. Hundreds of people died on the airstrip from the beatings and some were shot to death. The Kenyan government initially claimed that 57 people had died, but belatedly admitted in 2000 to a much higher death toll of 380.98

As Somali refugees began fleeing Somalia's civil war and streaming into Kenya in the late 1980s, the Kenyan government introduced multiple "screening" operations to distinguish ethnic Somali Kenyan citizens from Somali nationals. The screening operations resulted in many abuses, including the deportation of hundreds of people without due process.99 The screening operations ended in 1990; however, identity cards issued to ethnic Somalis facilitated continued discrimination and harassment. While the

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[97] Kenya: Taking Liberties, An Africa Watch Report/Paperback. Africa Watch Committee (July 1, 1991): 273-278.

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[98] "Kenya Admits Mistake Over 'Massacre,'" BBC , October 14, 2000, http://news.bbc.co.uk/2/hi/africa/978922.stm Accessed April 22, 2009.

[99] Africa Watch, Taking Liberties , pp. 298-322. Screening of Ethnic Somalis—The Crue l Consequences of Kenya's Passbook System (New York: Human Rights Watch, September 1990), 2.

situation has improved in recent years, even today ethnic Somalis still complain that they face prejudice and discrimination while attaining or using identity documents.

Like Kenya's other border areas, the region has consistently suffered from underdevelopment and insecurity, partly resulting from the emergency regulations and the effective closing of the district for many years, but also due to low government investment, a very thin police presence, and associated banditry and cross-border cattle-raiding.100 The introduction of large numbers of automatic weapons into the area over the past two decades has exacerbated insecurity.101 Northeastern Kenya has also suffered from the deterioration of security in neighboring Somalia since 1991 and the long-running conflict in Ethiopia's Ogaden region. As in Kenya's other border or "frontier" areas, cross-border clan-based violence has been a recurring event, often sparked by cattle theft or clashes over grazing land or water points. These clashes have regularly claimed lives and seen the theft of livestock that local communities depend on for their livelihood.102

The Wagalla Massacre refers to the events that took place in the year of 1984 when the Government of Kenya rounded up male members of the Degodia Clan and massacred them on the now infamous Wagalla airstrip just outside of Wajir town. During this period

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100 Nene Mburu, "Contemporary Banditry in the Horn of Africa: Causes, History and Political

Implications," Nordic Journal of African Studies 8, No. 2, 1999, 89-107

101 Human Rights Watch, Playing With Fire: Weapons Proliferation, Political Violence and Human Rights

in Kenya (New York: Human Rights Watch, May 2002), 22-32

102 Kenya Human Rights Commission, "Foreigners at Home," p. 41.

the wells and boreholes in Wajir east traditionally used by the Degodia were closed by the Kenyan army and guarded to prevent the pastoralists of the Degodia clan from watering their animals. An artificial drought ensued for a period the Degodia term 'El herr' (closing of the wells).

Communities' recount how male members of the community were transported from their homes and taken to Wagalla, ordered to strip naked and lie down on the hot tarmac of the strip before they were later killed. The heat was so unbearable that many resorted to drinking their own urine. 380 people from the Degodia clan were killed during the massacre. Many were forced to hide in the bush to avoid being found and killed. One man from Harakoba recalled; At this time we were residing in Hamballash. We were making the 4 day trip to Lake Yahout on the outskirts of Wajir to water their animals when we heard that those who had arrived at the lake previous to them had been taken to Wagalla.

We turned back and hid in the bush for 20 days without water, shelter. Some of our small children under five died as a result."[103] Previously speaking of the Wagalla massacre was an arrest-able offence. This event stands out as the biggest atrocity experienced by people of Wajir County. Members of the Degodia clan have struggled to gain governmental recognition of the atrocity, a battle which is still on-going today. Community members who had been in Ethiopia came harassing everyone. The government then accused communities in Wajir east of feeding the 'shiftas'. As a

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[103] Focus Groups with the Harakoba and Gosia communities, Wajir, July 2012

punishment all the water pints were closed, and the engine was taken from the borehole in Dambas and well ropes were cut. Animals began to die because of thirst. The men of the Degodia clan were rounded up by the Kenyan Government and were taken to Wagalla airstrip. Wagalla is a very hot place.

Those who were there were allowed no communication and it was so hot that people started to drink their own urine as they were denied water and could not call for any. After days in the hot sun the people in Wagalla were massacred en mass. The only outsider allowed into Wagalla airstrip was an Italian sister who was allowed to go and collect the bodies and help the survivors At this time the community were residing in Hamballash.104 They were making the 4 days trip to Lake Yahout on the outskirts of Wajir to water their animals when they heard that members of the government were forcefully rounding up members of their clan (Degodia) and transporting them to the airstrip in Wagalla for them to be killed in an act of massacre. 105

Due this the community had to retreat from town (as those who had arrived at Yahout previous to them had been taken to Wagalla) and as a result did not manage to reach the water at Yahout. They went 20days without water, shelter and some of the small children

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104 S. Abdi Sheikh, Blood on the Runway—The Wagalla massacre of 1984 (Northern Publishing House: Nairobi, 2007), http://www.scribd.com/doc/2551019/BLOOD-ON-THE-RUNWAY-The-Wagalla-Massacre-of-1984 (accessed April 27, 2009)

105 S. Pavanello, (2009) Pastoralists' Vulnerability in the Horn of Africa: Exploring Political Marginalization, Donors' Plicies and Cross-border Issues – Literature review, for Humanitarian Policy Group. London: ODI

under five died as a result. 106The community stated that again the government had failed them in the drought and had this time gone even further to violently oppressing and murdering members of the Degodia clan. In terms of livestock on an individual level all the cattle that had remained from the previous drought perished and only 5 shoats remained along with 10 camels. After that no one was allowed to speak of the event, it was an arrest-able offence.107

2.6 The Shifta War

The complications in Garri identity have a lot to do with the documentation errors of historic accounts. One of the most inaccurately documented event in Garri history is The Shifta War which started in 1963 and continued into the early 1990s in the Northern Frontier District (NFD) of Kenya. In the essay "Pursuing Pastoralist", author Hannah Whitaker from the School of Oriental and African Studies in London, describes shifta as a term "associated with violence that combines partisan warfare with organized livestock stealing". The Shifta War did in fact consist of organized livestock stealing which in turn escalated violence as well as banditry in the NFD. Historians and Politicians, intentionally and unintentionally avoid defining the real reason why these crimes took

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[106] . Pavanello, (2009) Pastoralists' Vulnerability in the Horn of Africa: Exploring Political Marginalization, Donors' Plicies and Cross-border Issues – Literature review, for Humanitarian Policy Group. London: ODI

[107] . Pavanello, (2009) Pastoralists' Vulnerability in the Horn of Africa: Exploring Political Marginalization, Donors' Plicies and Cross-border Issues – Literature review, for Humanitarian Policy Group. London: ODI

place and continually distort the image of the true participants in The Shifta War. The war was actually a conflict propagated by adherence to partisanship, even though most documentation advocate in such a way as to make it seem like a conflict between "Ethnic Somalis" residing in the NFD, against Kenya.

Somali leaders initiated a campaign to gain control over NFD as soon as they received independence and a border line in 1960. Abdirashid Ali Sharmarky, Somalia's prime minister from 1960-1964, 108was one of the first Somali leaders to advocate for the campaign which called for integrating NFD into Somalia. No our misfortune is that our neighboring countries, with whom we seek to promote constructive and harmonious relations are not our neighbors but our Somali kinsmen whose citizenship has been falsified by indiscriminate boundary arrangements.

They have to move across artificial frontiers to their pasture lands. They occupy the same terrain and pursue the same pastoral economy as ourselves. We speak the same language. We share the same God, the same culture, and the same traditions. How can we regard our brothers as foreigners. Sharmarky refers to the residents of NFD as "Somali Kinsmen whose citizenship has been falsified by indiscriminate boundary arrangements". Historically, the NFD region has been exclusively inhabited by ethnic Garris, and other Borana speaking people. The absurdity of the NFD campaign is apparent in Sharmarky's claim that residents of NFD share the same language and tradition as Somalis. However, the minority Somali tribes who live there must conform to the Garri

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[108] Katie Meyer. Kenya: Healing the Nation, in: Peace Magazine, April/June 2008, S. 16

language and culture in order to fit in. This campaign was clearly an effort to attain land rather than to reconnect with kinsmen109.

Most assume that the Shifta War was a struggle for "ethnic Somalis" in the NFD who wanted to join their fellow Somalis. In reality, the conflict resulted from people revolting against the idea of integrating NFD with the Greater Somalia. A 68-year-old former NFD resident describes.

The Shifta War as a strife elevated from two conflicting ideologies. "It is true that there were some people who wanted NFD to be part of Somalia". 110Amongst other incentives that were part of the campaign, NFD residents were offered the promise of pastureland as well as a [Somalian] government that will back them up. There were those who were captivated by the offers, and they supported the campaign; but the majority of people were not lured by this. Those who did not support the propaganda believed that the Somali leaders designed the campaign only to aim for their own national interest. They did not see a legitimate reason as to why NFD should integrate into Somali. The Garri speaking people of NFD have been residents of the Northern Kenya region for centuries, and did not feel the need for their land to merge into Greater Somalia. This opposing idea set the background for the emergence of violence and chaos of The Shifta War. The people who were being robbed, murdered and stolen from were all residents of

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109 Ibid

110 The Shifta War Garri Nation. March 17, 2012 Accessed on 12 August 2014 at,

http://garagarri.wordpress.com/2012/03/17/the-shifta-war/"

NFD. Through this violence and chaos, Somalia failed to convince the natives of NFD to join Somalia. Surely, the Kenyan government was also not going to allow it to happen. The error in documentation of The Shifta War has led for the world to believe that the Garri people in the Northern Frontier District are actually Kinsmen of Somalis. Majority of Garris do not support and have never encouraged the joining of their land into Somalia. Although Somali officials claim Garris to be their kinsmen at times when the agenda allows, this is only to fulfil national interest. The language and traditional barrier between Garris and Somalis is one thing that cannot be denied.111

2.7 Conclusion

Massacres have indeed caused enormous human suffering and produced devastating impacts on political order and economic growth around the globe, so a shift in interest to processes of internationalization is understandable. This type of strife affects neighboring states, poses a threat to both regional and global security and stability, and emerges as a key concern for policy- makers. Indeed, massacres has been elevated to the domain of high politics, a realm previously occupied by international crisis, ideological conflict, and interstate war.112 Given the continued complexity and importance of the issue, it is important to identify a framework for understanding the massacres. My argument is that specific combinations of institutions and ethnic composition can inhibit internationalization by directly influencing the distribution of capabilities among leaders

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[111] University of Pennsylvania African Studies Center, East Africa Living Encyclopedia, "Kenya: Human Rights," http://www.africa.upenn.edu/NEH/khumanrights.htm.

[112] Ibid

of groups. The main conclusion of this essay is that ethnic diversity and high constraint on state action are most likely to prevent inter- nationalization by inhibiting risky interventionist strategies.

CHAPTER THREE

CASE STUDY OF TURBI MASSACRE

3.1 Introduction

This chapter looks at the dynamics surrounding the Turbi massacre. It points in detailed accounts of the engagements of the Gabra and Borana communities and government of Kenya and other stake holders in the peace process after the Turbi Massacre and other related fighting in the area. The international border between Kenya and Ethiopia separates pre-existing clan, ethnic and social groupings and acted as cultural, national and citizenship divide. The present day perceptions, the interaction within and between groups, the deep sense of social and political division of groups along the Ethio-Kenyan border are largely associated to the factors born during the colonial period as is with other African borders where one ethnic group is cut across two states by a border.

This complicates conflict management because as with the case of the Gabra and Borana, the two governments (Kenya and Ethiopia) are involved, which have different views and perspectives.[113] Measures taken to reduce existing and potential conflicts should be viewed within the framework of some structural factors such as the increasing vulnerability of households, governance, insecure property right regime and the harmful socio-cultural practices and eroding values. Violent conflict in the northern region of

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[113] Republic of Kenya, Arid lands resource management project II, Marsabit district annual progress report , July 2007 - June 2008, District drought management, Marsabit. Kenya.

Kenya its southern Ethiopia border is commonplace, to the extent that it appears normal to outsiders. Violent expressions of national struggles for political supremacy, large-scale livestock thieving and illegal trade protected by powerful interests, and disconnection between traditional and state institutions of administration and justice together add up to repeated flare-ups of apparently ancient hostilities. Yet in governmental and non-governmental circles concerned with peace and security there is a tendency to see the problems in these borderlands as being amenable to relatively simple modernizing solutions. 114

3.2 Cross-State Border Raids Characterizing the Turbi Massacre

While the differences between the Borana, Gabbra and to some extent the Dasanach, represent the context of conflict most close to this paper, the situation on the ground is far more complex.115 Apart from the Dasanach, whose traditional areas are split by the international border between Kenya and Ethiopia, there are a number of other distinct ethnic groups in this area, whose economies and socio-cultural traditions are equally based on pastoralism. On the Ethiopian side of the border north of the Dasanach and Gabbra areas live the Hamar, the Albore and the Borana, with whom and among whom competition over water and grazing land as well as the ubiquitous cattle raids have also resulted in the frequent occurrence of violence.116 There is little respect for international boundaries from the side of the various pastoralist communities, and so cross-border raids

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[114] Ibid

[115] F. Wako and Ekuam, E. (2007). Rationalization of Conflicts in Northern Kenya, Cemiride, Kenya

[116] Ibid

have become a frequent phenomenon, which are also questioning the roles of the administration and the police forces in the respective countries, making such incidences a bilateral problem between the two governments in Kenya and in Ethiopia.

People in Dukana, for example, complain that there is wide-spread availability of small arms on the Ethiopian side, and that the police do not interfere. Such suspicions about the seriousness of government authorities are paired with plenty of stereotypes about the neighbouring ethnic groups, who are considered mostly illiterate with "war forming part of their life". During the field visits it was clearly observed that, even on the Kenyan side of the border, herdsmen were prominently displaying their guns to demonstrate readiness for defence against any possible aggressor.

People in Surge explained that there is sometimes fighting about water and pasture between their own Dasanach community and the neighbouring Hamar. For the Gabbra in Dukana, the neighbouring community across the border belongs to the ethnic group of the Borana, and despite their kinship and their common language there have been several years of serious violent interaction between the two groups, culminating in a massacre of 67 people, including women and children, at Turbi in 2005.[117] Since then, there is a deep-rooted mistrust dividing Gabbra and Borana, which has led to displacement of people, exchange of gun-fire, banditry and robberies, as well as to the effective closure of many pasture areas for reasons of security. There have obviously been numerous efforts

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[117]A. Umar (2011). Conflict and Security implication on Current Drought in Northern Kenya , UNDP Kenya, Peace Building and Conflict Prevention Unit, Kenya.

of peace organizations to stop the violence, but people in Dukana complained that "peace is never honoured". A recent attempt by the "Pastoralist Communication Initiative" seems to have overcome the reluctance of both sides to end the hostilities, resulting in a number of local agreements.118 It remains to be seen how reliable this new initiative proves to be, as nevertheless there still are hurt feelings on both sides and scores to settle.

3.3 Underlying Occurrences Leading to the Turbi Massacre

This part of the study highlights the time incidence and impact of retaliatory and socio-economic and political actions leading to the Turbi massacre. As seen cross border conflicts section above, the communities of Gabra and Borana have been having tensions and violent conflicts among themselves over resources and also fueled by other socio-economic and political variables. In August, 2002 one Gabra was killed at Turbi and the Gabra revenged by raiding 728 goats from Borana. On 6th September same year, a meeting between Gabra and Borana was held at Turbi to resolve this conflict. It was a dialogue that agreed that peace be maintained. Seven days later, follow up meeting took place at Sololo, in Moyale.119

Administrators, peace committees and opinion leaders from both districts attended this meeting. Based on the Modogashe declaration, the peace committees asked Borana to pay 100 cattle for the one person killed and the Gabra to pay three times the number of

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118 E. Obala, et al. (2011). How Shared Resource Management Through Reciprocal Grazing Agreements Can Increase Resilience , VSF Germany, Nairobi Kenya.

119 Umar, A. (2011). Conflict and Security Implication on Current Drought in Northern Kenya , UNDP Kenya, Peace Building and Conflict Prevention Unit, Kenya.

goats they took from the Borana, translating to a penalty of 2184 goats. Both parties opposed the verdict but did not forward an alternative either.

On 17th October 2002 another meeting between the two communities was held at Funnanqumbi (near Turbi) to seek new solutions, but no agreement was reached.120 Borana from Funnanqumbi were denied access to Turbi town and the Gabra to Rawana and Waldaa water points. In November same year there was a looming disaster as the two communities prepared for a fight.121 The cross border committees from both Kenya and Ethiopia however thwarted the imminent war. A cross border meeting was held in Yabello in September, which reinforced the peace efforts, and the situation temporarily calmed down. Throughout 2003 calm continued but the conflict remained unresolved. Neither of the parties agreed to pay the animals or to share resources. At the end of the year 2003, a meeting of six prominent Gabra leaders from Moyale was organized to make a peace campaign amongst the Gabra in Turbi, Bubissa and Marsabit for a week. The Moyale leaders had discussion with their Marsabit counterparts and organized a joint Marsabit and Moyale meeting in February 2004. While leaders from Moyale turned up in large numbers Turbi people claimed that they were not well informed. 2004/2005 The tension remained as stakeholders developed fatigue.122 There was neither exchange of animals nor sharing of resources. The peace committees in both Marsabit and Moyale

120 Ibid

121 Ibid

122 M. Ochieng, (2012). Report on Impact of Conflict On Pastoral Communities' Resilience In The Horn Of Africa, A Case Study from Ethiopia, Kenya and Uganda, Nakuru, Kenya.

were dissolved under political pressures. The Gabra and the Borana communities at Turbi and Rawana held their own meetings to resolve the conflicts without much external facilitation. On May 2005, the two communities at Rawana and Turbi reached a verdict that the Gabra community returns the 728 goats as agreed upon earlier, but without any multiplication and the Borana will compensate the Gabra for the dead person according to the Borana law. June 2005, three out of the five Ethiopian Borana traveling amongst the Gabra were killed near the Ethiopian border.123 The neighboring Ethiopian Borana in revenge invaded the Gabra villages along the border and stole animals.

Borana leaders and the government of Kenya condemned the actions and quickly recovered the stolen animals. In the meantime, Ethiopian Borana made truce with the Kenyan Gabra that they should not revenge on the Kenyan Borana, while the recovery attempts were ongoing. However, three herds of Borana cattle were stolen from Marsabit and Hurri hills; a Borana chief and his reservist were also shot dead. 124 The Borana retaliated by burning Gabra houses in Marsabit and killing a Gabra. The final trigger for the bloodshed was pulled when the Gabra killed 6 Borana in their sleep around Forole, near the Ethiopian border. On the 12th of July 2005 there were violent revenge attack presumably from a combined force of Kenya and the neighboring Ethiopian Borana at Turbi on 12 July, about 67 people died, several wounded. The same day the Gabra killed 9 Borana at Bubissa, one at Maikona and burnt 10 Borana houses at the same place. The

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123 E. Obala, Garduno, F., Jenet, A. and brie, T. (2011). How Shared Resource Management Through

    Reciprocal Grazing Agreements Can Increase Resilience , VSF Germany, Nairobi Kenya.

124 Ibid

livestock taken from the Turbi areas were; 1,500 Camels (13 recovered): 2,000 cattle (350 recovered); 5,000 goats (all recovered).125 These revenge killings continued in several centers like Dukana and other border towns along livestock raids and counter raids.

3.4 Conflict Transformation of Borana and Gabra after Turbi Massacre

Both Gabra and Gabra believe that they have a common ancestor. According to Gabra communities at Turbi, a sporadic conflict has been ongoing between Borana and Gebra groups since 150 years.126 The fights between the two communities escalated to the Turbi massacre. there. The Borana have not been welcoming the Gabra's new shifts of identity, elitist supremacy. Since then the two groups had a sporadic conflict from time to time in until the year of 2009.127 The 2nd conflict occurred at a place called "Endido" area around "Forole" due to killing of one person and livestock raiding as stated above. However, due to the strict follow-up made by the Ethiopians the animals were returned and peace mediation activities were started by them. However, therefore the mediation process take place conflict broke out in the area. Attempt was also made to solve issues by the Kenyan Government although the situation has continued.

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[125] Marsabit conflict report, the Turbi "Massacre" July, 2005

[126] E. Obala, (2009) Inter-Community Reciprocal Agreement (between Gabraa, Borana, Albore, Hammar and Dasanach Communities). Workshop Proceedings Report, March 2009

[127] , E., Garduno, F., Jenet, A. and brie, T. (2011). How Shared Resource Management Through Reciprocal Grazing Agreements Can Increase Resilience , VSF Germany, Nairobi Kenya.

The Turbi Massacre on 12th of July, 2005 in which more than 76 people were killed from both sides and 2000 cattle, 9000 shoats, 2050 camels were raided.128 The conflict crossed border and radiated to Forole, Elhadi, and Dhukana areas. The humanitarian crisis seemed to have attracted the attention of many stakeholders and as a result, a series of peace gathering has been organized at Dukana, Forole, Maicona and Walda to resolve the conflict Peace gathering at Mudhisillu (Ethiopia), 42 kilometers South of Yabello from 15 - 17 January, 2009. Pastoralists from Kenya and all other corners of Ethiopia came together at Maikona peace gathering from 17th - 19th July, 2009.129 A follow up peace dialogue was planned at Maikona. The Walda peace meeting was hosted by Walda community the gathering of 160 people on 27th and 28th July as it was planed at Maikona. The participants were from Dukana, Forole, Maikona, Marsabit, Moyale, Rawana, Sololo, Turbi, Uran and Government officials from Chalbi, Moyale, and Isiolo districts130.

The goal of the gathering agreed to extend the peace between Borana and Gabra to their areas they agreed to start sharing resources and five members from both parties endorsed the Peace Declaration agreed in Maikona signed a copy of this declaration. The gathering also nominated a peace committee from Turbi, Uran, Rawana and Walda. The then District Commisioner of Moyale endorsed the Peace Declaration and vowed to

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[128] Ibid.

[129] M. Ochieng, M. (2012). Report on Impact Of Conflict On Pastoral Communities' Resilience In The Horn Of Africa, A Case Studies from Ethiopia, Kenya and Uganda, Nakuru, Kenya.

[130] Ibid

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support its implementation.131 The meeting was resourced by the people of Walda, with transport support from the Pastoralist Shade Initiative, Arid Land Management Project (ALMP) and others NGOs.132 As the outcome of the Walda meeting and signing of the declaration on the 28th of July,2009 by the 30th of July, 1500 sheep and goats, 400 cattle from Turbi were watered at Rawana and 500 camels have been watered at Walda. Additionally, the transportation of water to Turbi from Walda, instead of Logo logo has been started to save around 300km per trip. The Declaration of the Dukana and Dillo peace conference states that: "If a person is caught with a stolen animal, he must return the stolen animal and pay a fine of four animals per stolen animal."133 It also states that, the culprit also has to pay the expenses incurred for tracking that animal. The same rule applies for sheep, Goats, camels and cattle.

This will be implemented in both Kenya and Ethiopia. This also applies to injuries and killings of persons where the penalty is 15 cows and 30 cows respectively. For incitement to fight, the fine is 5 cows. In all these cases the culprit also goes to the court.134   The Maikona and Walda Peace Declaration 28th July, 2009 declares acceptance of peace between, the Borana and Gabra communities and the sharing of the

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[131] M. Ochieng, M. (2012). Report On Impact Of Conflict On Pastoral Communities' Resilience In The Horn Of Africa, A Case Studies From Ethiopia, Kenya And Uganda, Nakuru, Kenya.

[132] Ibid.

[133] Wepundi, M., Ndung'u, J. and Rynn, S. (2011). Lessons from Frontiers , Civilian Disarmament in Kenya and Uganda, Saferworld.

[134] Ibid

natural resources of water and pasture. It also adds that peace will be maintained through regular meetings between representatives of both communities, at alternating locations. The penalty for injuring and killing persons, stealing animals and incitement are similar to the Declaration of the Dukana and Dillo.

3.4.1 The Effects of Signing the Declaration in Prevention of Future Massacres

The peace situation between Borana and Gabra communities has calmed since 28th of July, 2009 and both communities have started to use resources in common. On September, 2009 after the declaration, 2 people from Gabra were killed in Ethiopia, Teltelle woreda at a place called "ADDO". The criminals were caught by the Kenyan Government given to the community, according to the declaration he was fined 30 cows for each person killed to their families and the wrong doer were handed over with their gun to the Government of Ethiopia court and given life sentenced Killing of 3 people, 2 from Hobok and one from Teltele were also compensated with 90 fine cattle and all are life sentenced.[135] After the Walda declaration around Elle Bor, four cattle which belonged to Gabra community were taken but the raider were identified at Uran division (Kenya) and according to the declaration 16 cattle were returned including compensation. The raiders are handed over to the Kenyan Government and are expected to be sentenced according to the law. [136]

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[135] E. Obala, E., Garduno, F., Jenet, A. and brie, T. (2011). How Shared Resource Management Through Reciprocal Grazing Agreements Can Increase Resilience , VSF Germany, Nairobi Kenya.

[136] Ochieng, M. (2012). Report on Impact of conflict on pastoral communities' resilience in the horn of Africa, A case studies from Ethiopia, Kenya and Uganda, Nakuru, Kenya.

In general, the community decision combined with the Governments low is being implemented to keep the peace process against the wrong doers/criminals. As the result, the two cross border conflicting groups have started sharing resources in common and started breathing peaceful air. One of the elders has described the cause of violent conflicts and the need of peace as follows, "We don't blame the Borana or Gabra, we are brothers we speak the same language, share similar culture, livelihood and also experience intermarriages, but we blame the elite who makes politics behind us.

We need peace as the rest of the world."137 Thus, the involvement of Borana and Gabra as well as their commitment for a longer-term peace are vital components of preventing conflict or managing it when it happens in time. The socio-political transformation that separates Borana or Gabra as a group from a culprit reflects the collective determination for a peaceful coexistence and communal access to resources. The higher value of peace justifies the 'inadvertent cost' they have been paying to violent conflict.

3.5 Specific Resource Based Conflict Management Related to the Turbi Massacre

The Turbi massacre can be termed as a resource based conflict, with the characteristics of pastoral conflictual nature to it. The issues leading to the massacre as discussed in this part of the study involved denial of access to watering point for instance at Gorai, Ala-Bor between Magado and Forole, and Turbi area, theft of domestic animals and restrictions to specific grazing areas. The vulnerability of pastoral households and

[137] Wepundi, M., Ndung'u, J. and Rynn, S. (2011). Lessons from Frontiers , Civilian Disarmament in Kenya and Uganda, Saferworld.

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theft of domestic animals to drought and recurrent resource- based conflicts add to the weakened customary institutions and ineffective pastoral coping strategies that predispose pastoral livelihoods to various stressors.

A downscaled understanding of the nature and causes of pastoral conflicts and their interaction with climate variability, among other driving factors, is critical not only in designing appropriate mitigation measures but also in achieving sustainable resource management and secure pastoral livelihoods. This part of the study was therefore conducted to identify and analyze the central drivers of and potential mitigation strategies for conflicts in Northern Kenya in comparison to its counterparts in Turkana and Pokot pastoralists in North-western Kenya who equally experience similar situations138.

3.5.1 Post Massacre Customary Approaches: Accounts of the Peace Process 2004-2009

The history of the Peace Process, 2004 - 2009 described in the following accounts. In April 2004 Borana elders were met at Afora, near Arero, the Borana Gada council's village in southern Ethiopia.139 The meeting was made up of aba boku, (fathers of the council), hayyu (councillors) and jalaab (lineage leaders) and the discussion centred on 'custom and law'. During the peace dialogue, one elder, Boru Guyo, proposed a separate event to debate education and other pressing issues. Others suggested that the proposed meeting also tackle the vexed problem of Oromo conflict and Borbor Bulle, championed

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138 Ibid

139 Obala, E., Garduno, F., Jenet, A. and brie, T. (2011). How Shared Resource Management Through Reciprocal Grazing Agreements Can Increase Resilience , VSF Germany, Nairobi Kenya.

the project140. The assembly agreed to invite three different Oromo groups, Borana, Guji and Gabra to come together within a month. Borbor and Boru took the message across Dire, Liban and Arero districts of Oromia, Ethiopia, seeking out delegates mostly male elders for the cross-clan event.

It was held at Yabello in June 2004.141 Three generations of Borana council representatives and spiritual leaders (the retired council, the current council and the council that would inherit the role in 2008) came to Yabello to give advice on procedure.142 They appointed Nura Dida to preside. Nura's task was to keep the speakers to the subject, distributing opportunities to speak across the different ethnicities, genders and age sets, and bringing the meeting to consensus. They began by dividing into the three gosa (clans) so that issues for public and private debate could be sorted out. On the second day, they rejoined one another and began a formal discussion of peace. On the third day they agreed that they would work for peace in their respective societies. Then they moved to other matters – education, land and alcohol. On the fourth day they presented their conclusions to government officials and NGO representatives.

The Gosa leaders took a message of peace back to their various communities as is required to the representatives of communities who are party to conflicts. It however took more than five years before a full peace was achieved right across Borana, Gabra and

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140 Ibid

141 Obala, E., Garduno, F., Jenet, A. and brie, T. (2011). How Shared Resource Management Through
    Reciprocal Grazing Agreements Can Increase Resilience , VSF Germany, Nairobi Kenya.

142 Ibid

Guji territories. To bring about peace in the modern age of negotiation with government, politicians and outside agencies, elders from the three groups also agreed to form a new organization that would represent Oromo pastoralists in Oromia Regional National State. To government the pastoralists argued that theirs was a form of 'mass organization' aimed at boosting social cohesion and development, similar to those formed by women and youth in different parts of Ethiopia. Over the next two years a board of elders emerged, with representation of ten or more Oromo pastoralist groups in the region143. Their work consisted of moving constantly between towns, settlements and encampments, holding discussions and promoting debate.

Two years later, massacres, that is in 2006, reprisals and large-scale displacements of people, villages and animals were still going on when leaders of the three originating groups co-hosted a large pastoralist gathering at Qarsa Dambi in Ethiopia in 2006.144 Representatives of almost all Ethiopian pastoralist groups, and others from Kenya, Somaliland, Uganda, Cameroon, Nigeria, Palestine and India. Guided by a committee made up of ritual leaders and senior elders, the gathering went on for six days. While the public spaces hosted international deliberations about trade, grazing, milk, cheese, veterinary services, land and governance, the peace- makers convened quiet

143 Bekele A. 2007. Conflict Management and Peace Building, a Training Manual, CARE International in Ethiopia.

144 USAID, Management Systems International and Pact-Kenya. 2008. Regional Enhanced Livelihoods In Pastoral Areas (RELPA), Conflict Sensitive Service Delivery.

meetings away from the gaze of the public.145 Borana and Gabra men and women agreed once again that there should be peace between them. An agreement that could foresee future capabilities of the conflict resolution. The peace agreement ceased the violent occurrences.

Peace began to seem possible according to the parties, if the message of peace could be spread to the areas of concern. The Yaa Gabra in Ethiopia, the Borana Gada and pastoralists from Ethiopia and Kenya were invited to sit together and slaughter an animal. They made a consensus that Gabra and Borana should have a future of peace. They agreed that Gabra and Borana are brothers and cousins; they are intermarried and don't need to fight. If somebody kills, or if somebody injures, there are laws. Thus these traditional laws were put in place to stop the loss of life, the loss of animals and the crime and insecurity of conflict.146 This was an attempt to make Oromo law work across the different groups rather than merely within them. The Borana aba Gada, Liban Jaldesa, called Borana elders from both sides of the border to a meeting at Moyale.

The meeting nominated three people to carry forward the organization of a large multi-clan assembly at Marsabit. One of them was Adan Sora, a Kenyan Borana who later became a member of the research team and of a new organization set up by Kenyan

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145 Chopra, T. (2008). Building informal justice in Northern Kenya , Legal Resource Foundation Trust,
      Artsvisual Limited, Nairobi, Kenya.

146 Ibid

pastoralist elders, the Pastoralist Shade Initiative.[147] Adan said: 'We attended the aba Gada (fathers of Council) meeting in Moyale, and he shared with us the declaration made with the Gabra elders in Qarsa Dambi, and he asked us, 'why do you fight?' We said that politics was one factor and he asked, 'what do you benefit?' and we replied, 'we are at a loss.'[148]

The government administrators of Oromia's Borana Zone began to give open backing to the peace process. This was an important step in the peace process. It was apparent that a political decision had been made to back the efforts of the customary leaders. With encouragement from the pastoralist leaders, three Ethiopian government officials went to Embu in Kenya to meet the Upper Eastern Provincial Commissioner. More notably, the elders who promoted the trip did so hoping that both governments of Kenyya and Ethiopia, would "accept the flow of people across the border and those people wouldn't be doubted and suspected; so the two communities could have peace delegates to cross the border and meet each other without suspicion. They took with them the recommendations of the aba Gada, who is the customary leader of Boran. After they got back to Ethiopia, they conveyed messages to customary institution leaders who in turn sent messages to the community."[149] Liban Jaldesa also met MPs from the northern

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[147] Shibru M. 2005, Resource-Based Conflicts in the Pastoral Areas of Southern Ethiopia: Mitigating Strategies, Opportunities and Challenges, Dryland Coordination Group.

[148] Wako, F. and Ekuam, E. (2007). Rationalization of Conflict in Northern Kenya, Cemiride, Kenya.

[149] Glowacki, L.and Gonc, K. (2011). Customary Institutions and Traditions in Pastoralist Societies; Neglected potential for Conflict Resolution , GIZ, Ethiopia.

border areas of Kenya in Moyale. He said he wanted a clean handover after his term of office and he warned that he did not want to hear any more about war between Borana and Gabra.

He sent messages to Borana and to the Gabra in Kenya. Adan Sora said, "When we Boran get instruction from aba Gada, it's like an order. This is how we cleared our path for negotiating the road that ended in meetings and peace."150 When Guyo Goba took over from Liban Jaldesa as aba Gada in 2008, he continued to vigorously support the peace process. Thus the new customary leadership continued the zeal to achieve peace. Although Guyo Goba was unable to attend the later meetings and gatherings in Kenya, due to traditional restrictions on his movement, he sent Gada representatives - Nura Dida and Boru Godana - to continue work on the peace and the peace process was concluded during his tenure as aba Gada. Meanwhile, the Gabra Yaa council in Ethiopia sent messages to the five Yaa of the Gabra in Kenya (the Gabra Malbe). But the messengers, well-meaning townspeople, did not use the right protocol and they were sent back to Ethiopia.

They returned and were instructed in the right protocol by Yaa Odola and eventually their requests for engagement were heard. Molu Kullu, Dabella of the Gabra Yaa Odola went with Tumal Orto (assistant to the Yaa) to take the message to Yaa Galbo. Once the Yaa Galbo had heard and agreed to peace, the group went to the Yaa

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150 Wako, F. and Ekuam, E. (2007). Rationalization of Conflict in Northern Kenya, Cemiride, Kenya.

Gara, Sharbana and Alganna.151At each place the representatives were joined by more messengers, so that by the time they got to Alganna they were a large group all together "by then" said Molu, "it was like a flood, the message was really flowing!"152 Dejectedly, at the same time there were other messages in circulation that argued against peace. The 'rumours' hinted that the Gabra leaders had been led into a trap by the Borana. The Gabra in Ethiopia had split into two, with one group remaining in Oromia Region and the other moving to Ethiopia's Somali Region. Those in Somali Region, whose political allies feared the new solidarity among Oromo pastoralists, sent messages to their Gabra brothers in Kenya saying, 'those people that are coming to you, don't accept what they have to say.'153 This weakened the peace process and fighting was renewed.

By June 2008, fighting was still continuing. But at last the Gabra were getting what they later described as 'real information'. A turning point in the process came when Nura travelled to Marsabit from Ethiopia and called Gabra and Boran elders together in a meeting in the town. "They had only been apart, they had not been friends since the conflict began." Nura (an 'aba Gada'- fathers of Council representative) spoke about all the peace meetings in Ethiopia and the daimtu about peace between all the different

151 Chopra, T. (2008). Building informal justice in Northern Kenya , Legal Resource Foundation Trust, Artsvisual Limited, Nairobi, Kenya.

152 Ibid

153 Obala, E., Garduno, F., Jenet, A. and brie, T. (2011). How Shared Resource Management through Reciprocal Grazing Agreements can Increase Resilience , VSF Germany, Nairobi Kenya.

communities. "That was how the five Gabra Yaa learnt about the peace process and decided that they should begin lobbying their people." Gabra began to accept that the process could truly achieve peace. By then Borana were making ready for large peace gathering at Marsabit. They had collected 37 big bulls as a contribution. This momentum had gained the crucial support of urban business people, including Ethiopians, living in Kenya. But the Gabra leaders pointed out that most of the pastoralists in the bush on the Kenya side and the people in the customary institutions had not yet heard the messages of peace. "So the elders decided they should first take information back to people, so that people get peace into their minds, then only after that could we have a public acceptance meeting."154

After the Moyale meeting, the Gabra elders from Ethiopia did not go back to Ethiopia immediately, but travelled to villages on the Kenya side and they talked peace. Then began a series of small meetings with all the Gabra clans in Kenya. Elders took messages from village to village. By the time of the Dukana peace gathering in 2009, when peace was finally declared, the message had begun to have an effect. "People had psychologically removed war and tension from their minds. Those were our paths to peace."155 The village meetings 'counselled and healed' people who had been hurt, or who had lost animals or relatives. People who had been hurt or suffered losses

154 Scott-Villiers, P., Ungiti, B., Kiyana, D., Kullu, M., Orto, T., Reidy, E. and Sora, A. (2011). The Long Conversation: Customary Approaches to Peace Management in Southern Ethiopia and Northern Kenya, Future Agricultures, Working Paper 22.

155 Ibid

themselves volunteered to heal other people. Katelo Huka, Chief Tuye Katelo, and Yaa Gara elders Ola Tanda and Abdi Huka said they had had their ritual routes and performances disturbed, particularly Yaa Gara who use to perform their rituals "Jila Gala" in as far as Melbana in Ethiopia. They had felt how peace was directly linked to their lives. Certain rituals must be performed to guarantee survival 'finn' for both Borana and Gabra, so having those disrupted by war is a very serious problem and they had to seek peace. While this talk was going on in the Gabra system, there was another pastoralist gathering in Ethiopia at Dambelawachu.

Some 40 Kenyans and 400 Ethiopians attended, including a number of officials from the Kenya and Ethiopia governments. Its aim was to strengthen and broaden the peace talks. Though concerned parties were showing solidarity, still there is gap, but they were coming near to each other. The customary institutional leaders held talks among their Yaa and with men, women and young people. "In our institution we have structures. We have qallu, who are spiritual leaders, hayyu, high-ranking people in the community, then we have the jalaab, the legal officers. They give the information and it spreads into the people. At this stage these talks were going on in the entire Gabra pastoralist areas in Kenya and on the Ethiopian side in the Borana community" said Molu.156

In October 2008, a young Borana herder and a young Gabra herder met in the grazing lands between Dillo Ethiopia and Dukana Kenya. These grazing lands had been empty

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[156] Pastoralist Communication Initiative, (2009). A Report Of Dukana Peace Gathering , DFID, Growth

And Peace For Pastoralists' Project, Pastoralist Consultant International, Nairobi, Kenya.

for years as a result of the fighting. "Slowly, slowly they came towards each other and greeted each other. They were doya or kuta (Reconnaissance), patrollers and scouts who watch for enemies coming to attack."157 They agreed that they should try to stop the war. At first they met daily, then monthly, bringing in more and more people to quiet meetings. The people started returning stray animals and communication reopened. "It was very secretive at first, and it happened in a very dry period. They were sharing water from their wells and being very secret about their messages and new peace."158 Eventually the community approached Molu and his team and asked for a gathering that would strengthen and extend the peace they had achieved.

The gathering took place at Dukana in June 2009. Molu and Nura chaired and their organizations, the Pastoralist Shade Initiative and the Oromia Pastoralists Association, organized the delegations from each side of the border. The delegates declared peace and the re-establishment of laws against killing, violence and theft. They agreed that in order to extend the agreement further, they should have another gathering that included Moyale and Sololo communities along with MPs and the administrators. By moving along the border to Moyale the peace would be sealed. The two leaders again sought support from PCI and organized a gathering within the month, in July 2009, at Maikona the former Chalbi District. MPs for Saku and North Horr, the Minister for the

157 Ibid

158 Scott-Villiers, P., Ungiti, B., Kiyana, D., Kullu, M., Orto, T., Reidy, E. and Sora, A. (2011). The long Conversation: Customary Approaches to Peace Management in Southern Ethiopia and Northern Kenya, Future Agricultures, Working Paper 22.

Development of Northern Kenya and Other Arid Lands, and the Assistant Minister, district commissioners and police commissioners, councillors, customary leaders, and people from many communities attended the gathering.159

Using a customary procedure of forgiveness and blessing 'ebb', the delegates agreed peace and the establishment of law between them. The elders asked the minister, MPs and administrators what role government would play. In later months they stood by this promise, allowing traditional law to take precedence in a number of cases. The Maikona gathering had widened the peace, yet there were still communities left out. The Gabra of Turbi and the Borana of Sololo, Walda and Rawan were sharing neither water nor pasture, even though the drought was very severe. They had been apart for almost ten years.

There had been a terrible massacre at Turbi in 2005.160 One side had grazing and the other had water and neither group would share with the other. Within a week of the Maikona gathering, the elders organized another gathering, entirely self-financed, at Walda, bringing more people from each side. Finally the meeting of Walda took place, which was the final touch, a blessing, giving each other water and pasture, going back to

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159 Pastoralist Communication Initiative, (2009). A Report Of Dukana Peace Gathering , DFID, Growth And Peace For Pastoralists' Project, Pastoralist Consultant International, Nairobi, Kenya.

160 Pastoralist Communication Initiative, (2009). A Report Of Maikona Peace Gathering , DFID, Growth And Peace For Pastoralists' Project, Pastoralist Consultant International, Nairobi, Kenya

the old way of life. 161 The District Commissioner from Moyale and the police, were invited and were made to understand that the customary laws has been there since time immemorial, and that the communities were not amending it but bringing it back to prominence. They asked the government for support rather than contradiction. The written declaration was signed, which lists the customary laws that deal with killing, injury and theft and the blessing took place. The declaration had an instant effect on the communities of Walda, Turbi and Rawan, who resumed sharing water and pasture and continue to do so.

Elders pointed out that this happened after all the systems of government – District Security Committees, Provincial Security Committees, politicians, the paramilitary General Service Unit – had tried and failed to do the same.162 They explained that elders may have lacked the money, land cruisers and guns of all those agencies, but they have a governance system that people value and respect.

The legal contents of the declaration echoed the outcomes of every meeting since Halona in 2007. This time, however the elders had asked for a copy to be made in English. Elders from both sides signed it and the District Commissioner endorsed it. What was the outcome? It was simply peace. The loss of human life was stopped. The loss of livestock was stopped. These people are relatives, friends and in-laws. The communities now come

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[161] Pastoralist Communication Initiative, (2009). A Report Of Maikona Peace Gathering , DFID, Growth And Peace For Pastoralists' Project, Pastoralist Consultant International, Nairobi, Kenya

[162] Pastoralist Communication Initiative, (2009). A Report Of Dukana Peace Gathering , DFID, Growth And Peace For Pastoralists' Project, Pastoralist Consultant International, Nairobi, Kenya.

together and share their common problems. They share water and pasture. The livestock marketing started to improve. Business re-started and the communities went back to their original way of life. Livestock from Kenya went across to Ethiopia, and from Ethiopia crossed into Kenya. The peace process started with elders, and then kept on bringing in the youth and women, and occasionally brought in government people on the border. Ultimately it brought everybody in, and though the conflicts and disagreements still occur here and there and the customary law and domestic laws are applied, there extent of violence is not large as was with the Turbi Massacre.

3.6 Conclusion

The blend of neglect and remoteness of the border areas as is with the Turbi area massacre in current Marsabit County and the weakening of customary institutions made pastoralists relatively insecure. This is the case where even the council of elders of the Gabra and Borana insist to the governmet officials of the need to recognize and uphold customary laws which existed even before the formation of Kenya as a state.163 Public services, such as security are inadvertently left to the ethnic group themselves leading to the proliferation of personal weapons. The erosion of customary practices may in future undermine the capacity to effectively address local concerns and issues. Thus, at a fundamental level, a life-giving blend of activities directed towards increasing the resiliency of pastoral households, improving governance, securing resource property regime and changing the mindset of the communities must be undertaken in order to

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[163] Ibid

reinforce their impact. It's therefore important that communities living in the Ethiopia and Kenyan border be targeted through positive discrimination.164 The two governments must protect their citizens and administer the rule of law to leave a positive legacy in the hearts and minds of the people.

The long-term trend in recurrent drought of increasing intensity and the corresponding decline in the rangelands' capacity to carry sufficient livestock are made worse by the general increase in the local population and the lack of markets to off-load expanding herds. These pressures are causing an increasing number of clashes, leading to 'drop out' from the pastoralist livelihood systems, and sparked new human settlements around water points. Such groups are vulnerable to join armed conflict as repeated cycles of hardships may push them to choose between the two devils – poverty and conflict. The study therefore note that, among the deep-rooted causal factors of conflict, the social-cultural, political identity and the governance of pastoral land appears to be the most fundamental areas for advocacy. Underlying any attempt to tackle these issues is efforts to address over time the core attitudes that lock actors, elites, leaders, officials and the general public in the conflict dynamics of the Northern region of Kenya. Desired attitudes include: rights, coexistence and justice. Changes required are: ethnocentrism, mistrust, raiding, atrocity and gender equality. The institutions of the state, as well as the

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164 Glowacki, L.and Gonc, K. (2011). Customary Institutions and Traditions in Pastoralist Societies;

Neglected potential for Conflict Resolution , GIZ, Ethiopia.

mind-sets of the people will eventually have to change if the causes of conflict are to be

transformed and a culture of peace and coexistence are to prevail.

CHAPTER FOUR

CONFLICT MANAGEMENT, PREVENTION AND RESOLUTION IN KENYA

4.1 Introduction

The reoccurrence of conflicts and their impact on human development has led to the realization of the need to prioritize the management of conflict and to promote a culture of peace. Kenya has experienced both internal conflict, cross border conflict and the effects of conflict occurring in neighboring states. As a result, a number of interventions exist to address conflict at community, national, regional and international levels. These measures range from community peace committees, traditional peace processes and participation in regional peace and security initiatives such as CEWARN, SALW, NEPAD and the EAC. This chapter will examine conflict prevention, Management and resolution in Kenya and whether they are robust enough to forestall such occurrences and also provide analysis by graphical representation of the data collected by use of tools and techniques based on the hypotheses and theoretical framework provided in chapter one. The analysis will focus on history, types, parties and actors and their roles, issues, causes, conflict management.

4.2 Mechanisms and Policies for Peace Building and Conflict Management in Kenya

There have been different mechanisms adapted in Kenya by the government and communities for peace building and conflict management. These are laid down below.

4.2.1 National Policy on Peace Building and Conflict Management

The National Steering Committee on Peace Building and Conflict Management has not only developed a draft framework for a policy on conflict management but also

formulated a draft national policy on peace building and conflict management.165 These policy initiatives are milestones in the road to achieving sustainable peace and dealing with future conflicts, as conflict is inevitable. Below are different mechanisms for peace building and conflict management. Policies in Kenya must follow a designated format and process of formulation. An assessment of the NPPBCM must begin with an examination of whether it has met the criteria but also other criteria that arise specifically from the context of conflict and peace building that is set against.

Key issues addressed by the NPPBCM include, economic issues such as community-driven development, poverty alleviation - over and again, poverty, especially in ASAL areas, has been linked with escalating conflicts and small arms proliferation. People have resorted to crime as a last livelihood option. Mainstreaming of conflict management into development programmes will contribute to alleviating poverty in a way that is relevant to specific conflict situations. The issue of Inequitable Distribution of Resources is also addressed under NPPBCM.166 Widening economic disparities based on regional or ethnic divisions have the effect of exacerbating tensions between communities thus creating potentially explosive situations which can result in the outbreak of violence.

The creation of Constituency Development Fund (CDF) by the government was an initiative that was geared at promoting economic development at county level through community participation to ensure that key development issues were addressed. It

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165 Tache, B. and G. Oba (2009). "Policy-driven Inter-Ethnic Conflicts in Southern Ethiopia " Review of

African Political Economy 36(121): 409 -426.

166 Ibid

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provides for budgetary allocation for conflict management activities and the involvement of women in particular. Addressed as well are the issues of increased competition over shared resources. Natural resource degradation and competition has resulted in deadly conflict particularly in Northern Kenya. Environmental scarcity leads to factors that fuel conflict such as population transfers, heightened sense of marginalization and ethnic tensions, deepening of poverty and the decline in agricultural production. Attendant to these factors is the lack of capacity of state institutions to respond to environmental scarcity, which results in focus being on survival rather than on innovative technologies that will respond to environmental crisis.167

Social factors addressed include but not limited to; socio-economic and political marginalization, legacy of unresolved conflicts. Presently there continue to be calls by political leaders and CSOs for truth and reconciliation tribunals to address past wrongs such as politically instigated ethnic clashes. Some communities continue to interact with their neighbors with suspicion and hostility arising from past historical grievances relating to the demarcation of boundaries and land allocations.168 These unresolved conflict issues have continued to dodge development programmes and effective administration of certain regions resulting in intervention measures being perceived as irrelevant or biased towards certain communities. The failure of existing dispute resolution mechanisms is also addressed since the existing mechanisms of dispute

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resolution such as the courts have failed to provide effective administration of justice with respect to certain conflicts such as those that occur in ASALs (Arid and Semi-Arid Lands). The non-recognition of traditional justice processes under law has resulted in there being no clear and comprehensive system of justice to resolve conflicts. This has resulted in disputing parties relying on self-help mechanisms that lead to violence and degeneration of relations between parties and their communities.169

The diminishing role of traditional institutions is as well dealt with. The fact that 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.170 However, the institution of elders' possess a potential in preventing and managing conflicts especially among pastoral communities provided it's strengthened and backed by legal and policy foundations.

Other important issues addressed include, cross border conflicts since Kenya's porous borders have created an environment conducive to the outbreak of violence because of the ease of movement across borders. The Kenya Police Reservists (KPRs)

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169 Ibid

170 HAB (2009) Scarcity of Natural Resources and Pastoral Conflicts in Northern Kenya: An Inquiry. Horn of Africa Bulletin, Volume 21, No. 1 January 2009. Email: charlotte.booth@life-peace.org; www.life-peace.org

have little or no training yet is relied upon by government to provide state security. The situation has exacerbated the occurrence of cross border conflicts between neighboring communities. Another security issue that the NPPBCM addresses is the issue on spillover effects of conflicts from neighboring states such as Somalia and Ethiopia and Uganda which continue to experience conflicts that in turn affect security in Kenya. Political issues of address such as weakly developed systems of conflict management and political exploitation of ethnic differences.171 The government and other actors in the civil society have realized the need for a comprehensive national policy on conflict management and peace building and have initiated the development of such a policy. On ethnicity, there is no official policy that addresses the problem of ethnicity in Kenya as a separate issue on its own rather than as causal factor to all manner of social wrongs such as corruption and conflict. Because of this glaring omission in state intervention, ethnic differences have been exploited by political leaders and other 'elites' to further their own political and economic interests.

Government guidelines on policy implementation require that the process is participatory and done in partnership with other stakeholders. Participatory in this sense means that a bottom up process with the government providing the lead is undertaken. Participation should be from all sectors and disciplines involving a cross section of

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[171] Watson, E. E. (2010). "A "Hardening of Lines": Landscape, Religion and Identity in

Northern   Kenya." Journal of Eastern African Studies 4(2): 201-220.

interest groups. The goal is to ensure that such a process creates ownership amongst the citizenry to ensure the success of policy implementation. However, and as the case has been, public policy formulation processes in Kenya has been undertaken in secrecy, with limited, if any, public consultations and participation especially in past regimes such as the KANU regime. 172

The current NPPBCM implementation process was initiated through a collaborative process under the umbrella of the NSC on Conflict Management and Peace building which is chaired by government and has membership of civil society and development partners. During its formulation, consultations with government, civil society, CBOs, religious organizations, peace committees, women organizations, parliamentarians and development partners were made. This consultative process was nationwide covering the eight provinces with an emphasis on conflict prone areas such as the ASALs.173 It therefore met the criteria stipulated by the government. The question is whether the process was participatory enough to generate a comprehensive policy. The challenges therein will be discussed in the next sections.

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172 ELMT/ELSE (2010) Nurturing Peace, Resolving Conflict: The Cross-Border Peace Meeting   Between Ethiopian And Kenyan Pastoralists; ELMT/ELSE Newsletter Volume No. 3 February 2010

173 Obala, E., Garduno, F., Jenet, A. And Brie, T. (2011). How Shared Resource Management Through   Reciprocal Grazing Agreements Can Increase Resilience , VSF Germany, Nairobi Kenya

4.2.2 The Formal Justice System in Kenya

Kenya is obligated under the international law regime to ensure the security of its citizens and protect and promote their human rights that ensure they achieve their full potential for human development.174 Regionally the African Union, NEPAD, 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. 175The key characteristic of the initiatives has been an emphasis on early warning and coordinated response such as the in-state Conflict Early Warning Response Units (CEWERUs) and the National Focal Points on Small Arms and Light Weapons. Kenya has established two such institutions and hosts the secretariat of Regional Centre for Small Arms (RECSA).

The challenge lies in ensuring coordination of the activities of the different agencies, the harmonization of national legislation with those of neighbouring states to give effect to the collaborative and cooperative nature of the international agreements and the enactment of laws and development of related policies that implement these international treaties and agreements.

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[174] HAB (2009) Scarcity of Natural Resources and Pastoral Conflicts in Northern Kenya: An Inquiry. Horn of Africa Bulletin, Volume 21, No. 1 January 2009. Email: charlotte.booth@life-peace.org; www.life-peace.org

[175] Goetschel, L. and T. Hagmann (2009). "Civilian peacebuilding: peace by bureaucratic means?" Conflict, Security & Development, 9(1): 55 -73.

The most predominant methods of conflict management recognized under law in Kenya currently are adjudication and arbitration. Countries like Kenya, which was ruled by the British, had the English common law imposed on them. It is widely acknowledged that only half-hearted measures were made to retain certain African customs and, even then, under very stringent conditions. To ensure that the law performs its role of conflict resolution, the western legal system laid great emphasis on courts. 176 Courts were seen as the arbiters of disputes either between the citizen and the state and/or between citizens themselves. Courts are deciders of disputes authorized to involve socially – endorsed force to carry out officially recognized conflict resolution. Courts are very central to dispute resolution in the modern state. A glance at Kenya and the dispute resolution mechanisms that exist will clearly reveal that the primary state sponsored institution for dispute resolution is courts. Courts by their very nature are highly formal.177

Conflict resolution through the judicial system is made difficult by a population poorly informed of its legal rights and responsibilities, high costs and complex procedures, inadequate staffing of the judiciary, sometimes strong links between the executive and judiciary, manipulation and selective application of the law in certain instances. Perhaps even more important, the judicial structure - inherited from the British, does not accurately and adequately reflect Kenya's demographic dynamics, social

[176] Watson, E. E. (2010). "A "Hardening of Lines": Landscape, Religion and Identity in Northern Kenya."

Journal of Eastern African Studies 4(2): 201-220.

[177] Tache, B. and G. Oba (2009). "Policy-driven Inter-Ethnic Conflicts in Southern Ethiopia " Review of

African Political Economy 36(121): 409 — 426.

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values, and socio-political organization. These circumstances add to the burden of legal complications in the ever-increasing land and resource conflicts.178

In instances of conflicts involving communities, the formal justice system may have some deterrent impact through the criminal justice system but they are not always successful for a number of reasons relating to the nature of the conflict and the relationships between the parties involved. While civil courts offer some flexibility on solutions, its remedies such as compensation have yet to be tailored to particular conflict situations and the social and cultural environments that they are embedded in. The formal justice institutions have proved to be inadequate in responding not only to the outbreak of violence but in addressing the underlying causes and facilitating peace building and reconciliation of communities.179 The result has been in the growth of mistrust by communities of these structures and their rejection of their application, which further escalates instability in conflict situations.

4.2.3 Traditional Mechanisms

In Kenya, there is increasing reliance on informal conflict management mechanisms due, in part, to lack of faith in the judiciary and the sheer expense of court procedures – not to mention the general inability to pay advocates' fees due to poverty. An example of the infusion of traditional mechanisms in modern conflict management is

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178 Ibid

179 Watson, E. E. (2010). "A "Hardening of Lines": Landscape, Religion and Identity in Northern Kenya." Journal of Eastern African Studies 4(2): 201-220.

the system of elders under the Land Disputes Tribunals Act, 1990.180 Under this Act, there is a requirement that all disputes relating to land be referred to appointed elders at the local level, whose decisions, on matters of fact is final. Though the system has its own imperfections, stemming from weaknesses in the statue in question, it has served to ease the pressure on courts of law and to provide disputants with a cheap point of redress. Kenyan communities have varied traditional methods for conflict handling. The methods have complemented the government efforts in dealing with protracted violence in some parts of the country. In some situations, institutional structures built on these processes have had their declarations and resolutions enforced by the government for example the Modogashe Declaration in North Eastern Province.181 The methods vary from one conflict environment to the other.

4.2.4 Government Led Initiatives for Dispute Settlement

The local administration through the offices of Chiefs, District Officers and Commissioners frequently intervene in disputes as third party neutrals. They have played a pivotal role in addressing disputes that involve land, family matters and in some cases communities. Their advantage lies in the fact that they are situated at community level unlike formal justice institutions and in some instances is the only available state

[180] Ibid

[181] Ibid

assistance available at the community level. The processes are low cost, can be constituted within a short time and the dispute addressed expeditiously.182

The local administration has also set up security communities at both district and provincial levels. These committees bring together government agents such as police and intelligence to address security issues in the area including conflict and crime. The role of local administration is pivotal at community level as they provide state security, administer humanitarian aid and relief and facilitate the operation of government programmes. Despite their contribution to conflict management, the local administration faces challenges to its successful delivery of services. In conflicts where the government is key actors either as an instigator of violence or as a partisan bystander, local communities view the local administration with fear, suspicion and hostility. Further because of government policy that requires administrators to be transferred frequently, there is no consistency in application of strategies that address conflict. Local communities have raised complaints regarding the policy that requires that administrators should not be residents or members of the said communities.183 The argument offered is that the administrators are unlikely to be sensitive to the needs of the communities. In the case where an administrator from a predominantly agricultural background is posted to an ASAL for example, she/he may be unable to appreciate the unique cultural and social

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182 Watson, E. E. (2010). "A "Hardening of Lines": Landscape, Religion and Identity in Northern Kenya." Journal of Eastern African Studies 4(2): 201-220.

183 Ibid

economic context of the community leading to the implementation of projects that are inappropriate to the livelihood needs of the community.184

Other policies relevant to conflict management include: The draft disaster management policy, the draft national policy on small arms, draft policy on firearms, the draft national land policy and draft policy on community policing amongst others. These policies address issues that are fundamental to conflict management and peace building. Policies provide government guidelines on the interventions that should be undertaken to address a particular social problem. There is need for the multiple strategies and interventions mandated by the above policies to be coordinated to ensure that there is no duplication of efforts and available resources are utilized efficiently.185

4.3 Challenges facing the NPPBCM Policy Implementation Process

Some of the challenges that are facing the National Policy on Peace-building and Conflict Management (NPPBCM), policy implementation process and are likely to impact on the effective implementation of the policy include; inclusiveness of Participation: the challenge that faced the preparation of the draft was ensuring the participation of all relevant actors. Due to time constraints, not every actor can be consulted but some are critical for the legitimacy of the process.186 The participation of

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[184] Ibid

[185] Pimentel, D. (2010) "Legal Pluralism in Post-Colonial Africa: Linking Statutory and Customary

    Adjudication in Mozambique." Available at Social Science Research Network:

    http//ssrn.com/abstract=1668063.

[186] Ibid

such actors should not be restricted to the formulation of the draft but should occur all through the process till the actual policy is developed. Such factors include all relevant government ministries and regional partners. During the formulation of the draft, it was difficult to access all relevant government ministries and interaction with conflict actors from neighboring states was limited.

Closely related to the above challenge is that of sustained political will to formulate the policy and ensure implementation through the enactment of relevant legislation. For example, forums with parliamentarians were poorly attended particularly by those members of parliament whose areas are not directly affected by conflict (bearing in mind that the whole nation is impacted by conflict in any part of its territory), an indicator that conflict management is a low priority issue.[187] During the constitutional review process and referendum, the draft policy went to the back burner even for CSOs who were actively involved in the policy making process as they undertook civic education for the 2005 national referendum (bananas and oranges) on the enactment of a new constitution instead. Political will remains a challenge to the realization of a national policy on conflict transformation and peace building unless strategic interventions are put in place to ensure its sustainability.

Another challenge is that the level of participation is not dependent on numbers alone but also on the capacity of the participants to grasp the issues under consideration and their role and function in the formulation process. To a large extent participation was

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[187] Ibid

fairly inclusive particularly at grass root level. However it is doubtful that all actors where conversant with the policy formulation process and their role in it. Without a strong lobby action and proactive initiatives by civil society and other stakeholders, there is a real risk of the National Policy on Peace-building and Conflict Management (NPPBCM) ending up on the shelf like numerous other policies in Kenya. Capacity building must be integrated throughout the policy formulation process to ensure successful implementation and sustainability.188

Partisan Interests and Lack of a Shared Vision; Different actors have a variety of interests that have motivated their support for a NPPBCM. Difference is not an obstacle per se in the policy formulation process.189 Indeed, the policy is aimed at coalescing all the interests of stakeholders and responding to them comprehensively. The problem arises where the presence of diverse interests frustrate the emergence of a shared vision that will guide policy formulation and implementation. In some cases these interests are disguised and may serve to cover a hidden agenda such as political expediency, securing further donor support and elite capture to name but a few. A shared vision is the basis of any policy document and it must be clear, simple and definitive. It remains a challenge to ensure that such a vision is identified and accepted by all stakeholders.

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188 Watson, E. E. (2010). "A "Hardening of Lines": Landscape, Religion and Identity in Northern Kenya." Journal of Eastern African Studies 4(2): 201-220.

189 Pimentel, D. (2010) "Legal Pluralism in Post-Colonial Africa: Linking Statutory and Customary Adjudication in Mozambique." Available at Social Science Research Network: http//ssrn.com/abstract=1668063.

The key issues and challenges discussed in this chapter can be examined interchangeably because the issues are in effect challenges that the policy formulation process must seek to overcome and the challenges are critical issues that if the policy fails to address, may result in a lack of ownership of the policy which bodes ill for its sustainability.[190] The above issues and challenges are not cast in stone and shall change from time to time depending on the social, economic and political environment. Identifying them is a useful exercise that will hopefully alert key actors on what the current status is on the ongoing policy formulation process and what needs to be done to ensure that the policy sees the light of day.

4.4 Customary Approaches: Law and Declarations

Among the Gabra and Borana there are customary laws and declarations that exist for maintenance of peace and settlement of disputes. The declaration binds the peace, it has rules and we had leaders and elders from both sides sign it. The rules are a reference point and both communities adhere to; they are a rock bed on which the peace process rests. The declaration was witnessed and accepted by government. The rules were formulated on the basis of traditional governance systems of both communities, not just from nowhere.

There is reference to the customary Gada institutions (both Borana and Gabra) and the Gadas (ritual leaders) accepted it, therefore it is in synch with traditional systems, and the government accepted it too, therefore it binds. Dalacha Denge, Security Official,

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[190] Ibid

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Dillo. Criminal justice and peace are intimately linked in the opinions of Borana and Gabra elders. Apart from its oral repetition, the primary difference between customary and constitutional law is the customary emphasis on reconciliation.191 In most cases once guilt has been admitted and fines and compensation confirmed the guilty party will be pardoned. It reflects a constant effort to pull people back into the kind of good and cooperative behaviour that leads to harmony and productivity, or finn "Human Survival". This institutional pardon is founded on a spiritual idea of blessing "ebb".192 Once a person has accepted responsibility for his or her crime, and the fines and compensation are finalized, a pardon is very often given and the complainant, in accepting that the guilty party has expressed contrition, receives in exchange the blessing of the elders and the spiritual leaders.193 In this way, the giving of law is a peace process, and elders claim that to make and keep peace is a matter of reawakening the function of the law in those places where it has become weak.

As a system of social management and social healing, the law operates under a set of transparent procedures. Elders are responsible for 'reminding', 'stamping' and

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[191] Pimentel, D. (2010) "Legal Pluralism in Post-Colonial Africa: Linking Statutory and Customary Adjudication in Mozambique." Available at Social Science Research Network: http//ssrn.com/abstract=1668063.

[192] Watson, E. E. (2010). "A "Hardening of Lines": Landscape, Religion and Identity in Northern   Kenya." Journal of Eastern African Studies 4(2): 201-220.

[193] Bassi, M. (2005). Decisions in the Shade: Political and Juridical Processes among the Oromo-Borana. Trenton NJ, Red Sea Press.

'binding' the peace and the law, by putting peace into people's minds, arbitrating in disputes and making judgments about fines, compensation and pardon. Borana and Gabra law, seera, is intimately linked with custom, aada. The laws are expounded, agreed and applied in public assembly. Bassi explains aada and seera as follows: "Among the Borana, as else-where, norms are expressed in a variety of ways, ranging from old and new social practices to ambiguous concepts symbolically expressed by rituals. Such a wide normative domain falls under the Borana category aada. When a dispute arises it is taken to the assembly where people are confronted with the established norms. In this context norms of any kind need to be verbally expressed and hence verbally re-elaborated. Conflict resolution may need non-ambiguous normative statements, which have binding value. Such statements in the oral laws, seera, which can be defined as that specific category of verbally expressed norms, are elaborated and applied in the assembly context."194

Customary law is that kind of law and legal system that is established by long usage. It is usually unwritten, but no less systematic for that. It has the virtue of being understood, regular, predictable, locally accessible, cheap, and having public confidence.195 Customary law has old roots and yet is valued by many informants for its fluidity and adaptation to modern circumstance. When compared with state law it was

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194 Ibid

195 Pimentel, D. (2010) "Legal Pluralism in Post-Colonial Africa: Linking Statutory and Customary

Adjudication in Mozambique." Available at Social Science Research Network:

http//ssrn.com/abstract=1668063.

praised for its responsiveness and accessibility. In theory the same could also be said for state law, but it was notably unsaid. People told us of bespoke applications of customary law by elders who knew the situations and circumstances of wrongdoers and could respond accordingly and if necessary with mercy. Depending on the severity of the case people knew who to visit to reach the law, and even where to go to appeal to change the law. The respect which was demonstrated for customary law, and which gives it adhesive quality, was explained by acceptance of both its link to the divine, and its highest intention of restoring social harmony rather than exacting punishment.

Elders are spoken of as a bridge between people and law and it is they who not only make laws but also oversee their implementation – 'exercise the laws' or 'act as custodians.196 Referring to the law, they make sure the wrongdoers are punished, the wronged compensated, and 'bad blood' avoided. In their role they must also keep in place the religious principle of ebb, blessing, that offers forgiveness. According to the majority of people we met, state law in the areas covered by this study is largely ineffective. Due to the weakness of its institutional presence and the foreignness of its precepts, people view its operations as biased, lacking conscience, often illegitimate, inconsistent and tricky. Some spoke of lawyers being able to make the innocent guilty and the guilty innocent. Many others pointed out the failings of penal law with regard to reconciliation – even if a person is found guilty, they may be jailed then paroled and the victims have received no compensation or apology. It causes bad blood, they said, and the desire for

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196 Ibid

revenge escalates conflict. There is a common view that impunity is rife in the pastoralist towns. Some went so far as to suggest that state law, linked to state mechanisms of security, is an unreason- able exercise of power over local people to achieve illegitimate ends. People accuse state law-givers of partiality.197

Legislation in the national parliament is distant and apparently can be bought, and local police, courts and administration are largely inaccessible to ordinary people who do not have links to high officials. Customary law elicits quite a different response.198 Even young people educated in state schools and living in towns insisted that customary law is legitimate when it comes to crime and insecurity. Others say it is consistent and impartial. A wide variety of people seem to agree with the moral basis of customary law and understand its roots in history, custom and religious practice. Many people are satisfied with its judgments. The Borana-Gabra peace process pivoted on an insistence by elders and members of the Yaa that there be consistent and uncompromising application of customary laws relating to murder, theft and injury.199

Customary laws had not been forgotten or usurped they had preceded the laws of state systems and then remained in place beside and in collaboration with them but

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197 Ibid

198 Watson, E. E. (2010). "A "Hardening of Lines": Landscape, Religion and Identity in Northern Kenya." Journal of Eastern African Studies 4(2): 201-220.

199 Tache, B. and G. Oba (2009). "Policy-driven Inter-Ethnic Conflicts in Southern Ethiopia " Review of African Political Economy 36(121): 409 — 426.

renewal and reinvigoration of them was needed in light of the social disharmony caused by conflict. The vigorous implementation of these laws by the Gabra, Guji and Borana communities in Ethiopia was agreed by Gada leaders in 2007 at Halona and taken up by Gabra and Borana in Kenya in 2009.[200] These same laws were later presented to government officials and it was agreed, at least with local administrations, backed by tacit acceptance from national security bodies, that these laws should be given precedence.

The specific criminal laws on which the current peace rests came out of the 'Nabo,' the centre of each Yaa, and spread outwards until they were widely spoken of, emerging at meetings, most famously Maikona and Walda, as declarations written in English that were pasted to the walls of district offices across Kenya's Upper Eastern Province and referred to by politicians and administrators in Ethiopia and Kenya.[201] Seemingly brief, few outsiders (members of government, NGOs and town-dwellers) saw what lay behind the declaration, having only a limited understanding of the institutional, social, historical and geographical trajectories that had underwritten this apparently simple list of crimes and punishments.[202] In the case of a murder, theft or injury, the

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[200] Pimentel, D. (2010) "Legal Pluralism in Post-Colonial Africa: Linking Statutory and Customary Adjudication in Mozambique." Available at Social Science Research Network: http//ssrn.com/abstract=1668063.

[201] Ibid

[202] Watson, E. E. (2010). "A "Hardening of Lines": Landscape, Religion and Identity in Northern Kenya." Journal of Eastern African Studies 4(2): 201-220.

perpetrator is held individually responsible for the misdeed, but his or her clan takes a part in paying the fine and the compensation to the victim and victim's family. If a cow is stolen, the fine/compensation is five cows. If a person is murdered, the fine/compensation is 50 cows.203

Informants explain that this approach holds an individual to account – an emphasis on criminals as individuals was repeatedly made during the research as a way to avoid isolated incidents being perceived as inter-group conflict. And yet the involvement of the clan in paying the fine creates peer pressure within each community for preventing crime, while also restoring harmony between the communities of the victim and of the perpetrator. Without this kind of process, they argue, bad blood remains, and people seek revenge. Revenge plays into the hands of those who gain advantage from war; making a profit from supplying arms, mobilising raiding parties and creating political blocs.

Under the current agreements with local administra- tors and courts, once the customary judgment has been made, the perpetrator is handed over to the state judicial system. They face a custodial sentence in addition to the fine. When asked whether it is fair that a person should be punished twice for the same crime, if originally the fine/compensation was deemed enough, elders reply in the affirmative. The consequences of crimes of violence in the current unstable political situation are so extreme, they argue, and are so damaging to the community that both customary and state systems have a duty to protect, that submission to both systems is the right approach, but despite this, the

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203 Ibid

research met with examples of pardons being granted in certain cases where double punishment was felt to be too harsh.204 It is also worth considering that an alliance of the two kinds of law has a strategic value beyond the immediate effect of a double punishment.

It is extending the force and capability of customary law beyond its enclave, and consolidating what the elders confirm is a deliberate effort to extend the traditional law into the domain of state law. Both sides were very angry at that incident but nobody fought each other, the culprits were arrested and jailed by the government and then compensation was paid by the community, in installments that have just finished being paid. So liars and people with ill motives remain, but the peace process is being stuck to.205

Among many elders there is concern about achieving a lasting and reliable co-operation between customary and state laws, and also perhaps between customary and Islamic laws. In discussions about the complementarities and contradictions of the different kinds of law that co-exist or abut in the pastoralist areas of southern Ethiopia and northern Kenya, a number of commentators emphasized that it was the competition and contradiction between customary and state systems of criminal law that led to

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[204] Watson, E. E. (2010). "A 'Hardening of Lines': Landscape, Religion and Identity in Northern Kenya." Journal of Eastern African Studies 4(2): 201-220.

[205] Pimentel, D. (2010) "Legal Pluralism in Post-Colonial Africa: Linking Statutory and Customary Adjudication in Mozambique." Available at Social Science Research Network: http//ssrn.com/abstract=1668063.

wholesale gaps in response to crime in the first place. They suggest that it was the failure to respond to transgression and disharmony without partiality that allowed the war to escalate as it did. State providers, they say, dismiss traditional systems and yet cannot provide a workable alternative. In the rural areas in particular, traditional law is ubiquitous and under- stood.206 With state law so thin on the ground, statutory law so poorly administered evidence so hard to collect and corruption so prevalent, criminals can get away with their crimes.

There are also limits to the reach and effectiveness of customary law. Elders told how it can be dismissed or overturned in towns by people disconnected with the customary context who want to evade its reach – corruptible policemen or administrators, tricky lawyers, weak elders. Its cohabitation with state law is tenuous. The turnover of government staff means acceptance of the place of customary laws, established through local relationships and agreements and not enshrined in higher state law, can be lost when an individual administrator leaves. Its representation of modern pastoralist women is not in synch with their understanding of themselves, even as it is not impervious to their arguments.207 There is a multiplicity of customary legal systems, each centered on a different ethnic group. Where customary legal procedures are applied to encounters with other ethnicities, those groups can refuse to recognize the legitimacy of the procedures and precepts. Nonetheless, people we met called on leaders to maintain the influence and

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206 Ibid

207 Becker, H. (2006). "New Things after Independence: Gender and Traditional Authorities in Postcolonial Namibia." Journal of Southern African Studies 32(1): 29-48.

applicability of customary laws and to negotiate its frontiers. Many added the responsibilities of all others members of society to contribute in their moral and social actions as citizens.

Their acceptance of the law underpins its viability. While the elders feel there is much more to achieve in terms of a secure cohabitation with state law, the story of the Maikona-Walda declaration is an apt tribute to the adaptability of their traditional institutions. It can be seen in several parts: revitalizing traditional law in the presence of state administrators and community representatives at events held strictly on pastoralist terms; having that law written, duplicated and pasted on the walls of local and regional administration offices; and overseeing its implementation alongside state law.

As the peace process went on and groups of elders and customary leaders took on roles that were more visible to the state, the Oromia Pastoralists Association (OPA) and the Pastoralist Shade Initiative (PSI) registered as NGOs concerned with the peace and development of pastoralist communities in northern Kenya and southern Ethiopia. Being legally recognised recasts customary systems into a contemporary situation and adds legibility, as explained by one of the organisations' chairmen: "PSI and OPA are different from other NGOs because they are rooted in the customary institutions and laws. Now the governments are listening to customary laws and giving support, so that nobody will step on anyone's toes.208 The customary laws and the government laws are working together". Outsiders might have underestimated the assertive- ness and inventiveness of

208 Ibid

customary law, but internally it was hardly doubted. This precedent seem to be inspiring other pastoralist groups in the region: "We deal with legal cases. In Halona in Arero woreda in the northern part of our territory in Oromia, the three aba Gada reinforced customary law. Laws that deal with killing and stealing were strengthened. They are not new laws. Guji, Gabra and Borana had always used them internally, now they apply between us too.

The same customary law exists in other communities, like Somali, Garreh, Arbore, people from South Omo and Turkana. Of course, they have not always been functional. Now the discussions are beginning to reach these others."209   Nura Dida Customary law plays a pivotal role in peace management in offering the sanctions required to curtail wrong- doing and generate reconciliation. Legislation, or amendment of the law, depends on widespread accep- tance achieved in large assemblies (such as the Borana gumi gayo), conveyed by daimtu and put into action by hayyu, jallab and elders in judgments, sentences and pardons. Its reliable coexistence with state law raises a number of difficulties where the doctrines diverge and a question of precedence arises.210 These difficulties will need to be overcome if peace is to be anything more than a temporary achievement.

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209 Watson, E. E. (2010). "A "Hardening of Lines": Landscape, Religion and Identity in Northern Kenya." Journal of Eastern African Studies 4(2): 201-220.

210 Watson, E. E. (2010). "A "Hardening of Lines": Landscape, Religion and Identity in Northern Kenya." Journal of Eastern African Studies 4(2): 201-220.

4.5 Conclusion

Social order is maintained through a coercive element that involves noticing when crime is being contemplated or raids discussed, investigating accusations and incidents and following up on judgments such as the payment of compensation and fines. Everyone in the society is expected to give accurate information and follow up transgressions. Being a respected elder means playing a central role in the law, presiding over investigations, meetings and discussions. Young men are encouraged to and often compete to take particular responsibility for long-distance information since they tend to travel the furthest across the rangelands, while women see themselves as responsible for picking up on and countering subtle indicators of disharmony. Spiritual leaders are held responsible for the blessings and rituals that hold the world and society together. Those involved in the Gabra-Borana peace dialogues were clear that peace must not be taken for granted. In a process termed aburu, translated here as 'surveillance', people describe how peace needs to be constantly followed and checked, asserted, re-asserted, and repaired. While everyone has the responsibility to maintain peace through their words and actions and through adherence to laws and religion-based principles of forgiveness, an elder has a key role to play in the surveillance of peace.

Many times during the research the perception that peace was strong in a certain area was attributed to the work of 'good elders'; those with experience and authority who engage with their own community as well as beyond. The four norms elaborated above, and detailed in the words of the people interviewed in the following sections of this paper, provide a structure within which peace- builders go about their work. Associated

with practices of ritual, conversation, judgment and monitoring, the principles seem to

support each other in the daily round of life and encounter.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

This study sought to create an understanding of the dynamics of cross border inter-ethnic conflicts by analyzing the conflict between the Gabra and the Borana from historical and contemporary perspectives. The dynamics ranges from internationalization-spill over of the conflicts (the massacre), the ethno-politics involved, and the weak institutions of the governments involved for the most part, Kenya. In bid to do so, the study sought to examine the root causes of Turbi massacre, interrogate the impacts of Turbi massacre, examine measures taken by the Kenyan Government to curb the conflict, suggest or recommend options for sustainable peace and security in Northern Kenya.

The study therefore sought to answer to two hypotheses: that, the Turbi massacre was a consequence of government's inability to intervene the conflict promptly and also that the massacre adversely strained the relationship between the Gabra and Borana Community in north eastern Kenya. On objective one which relates to the root causes of the Turbi Massacre, the issues of marginalization, weak institutions, and ethnopolitics played a key role, thus answering to hypothesis one which states that the massacre was a consequence of the government's inability to intervene promptly. Indeed in the ASALs the Kenyan government rarely intervenes promptly especially given the inadequate police officers situated there and that they are also poorly trained and equipped for cross border attacks. Objective two on the impacts of Turbi massacre was answered by hypotheses two which states that, indeed the massacre adversely strained the relationship between the

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Gabra and Borana communities. This was evident in the counter attacks and the retaliatory attacks thereafter.

The objectives three and four were also met as the study found out that, the government of Kenya has set out measures on policies to curb conflict, particularly, the NPPBCM which has also focused on the uniqueness of the ASALs conflict nature and the importance to acknowledge and uphold customary laws in conflict management. The recommendations are discussed in this chapter. Using the premordialism theory, the study portrayed that the Borana and Gabra communities which involved the Turbi Massacre, the two communities are characterized by strong and complete solidarity. Thus, the strength and non-rational character of certain social ties, explains the persistence of ethnic bonds and their power to override other motives especially the ones based on economic calculation, as is the case with the pastoralist conflicts. It also explains the willingness of individual members of ethnic groups to sacrifice themselves for the good of the collective good. This chapter will therefore give a summary of the study, the conclusion and recommendations.

5.1 Summary

The chapter two reviewed literature on different massacres. It took into consideration the various massacres that have occurred globally and particularly in in Africa and how insecurity in the horn of Africa led to shifta wars and insecurity in the Horn of African in reference to Turbi Massacre. It focused on the Rwandan Genocide, the mass killings in Congo War, the Wagalla Massacre and Shifta war. The mass killings in these conflicts have certainly caused enormous human suffering and also produced devastating impacts

on soico- political order and economic development in the affected communities as well as around the globe, so a shift in interest to processes of internationalization has been appreciated by the study. This types of conflict affects neighboring states, thus posing a threat to both national, regional and global security and stability, and is therefore a key concern for policy- makers. Massacres have indeed been elevated to the domain of high politics, a realm previously occupied by international crisis, ideological conflict, and interstate war. All these conflicts as the study finds out, share several characteristics: internalization, weak institutions, and ethno-politics as well as marginalization or economic deprivation of some sort. Thus conflict management of these conflicts should focus on such uniqueness of their nature and character.

Chapter three was the main focus of the case study of the Turbi Massacre. The chapter discussed the existing nature of the cross-border pastoral raids between Kenya and Ethiopia, which were the outcome of the Turbi massacre. In details the chapter discussed the underlaying issues leading to the massacre such as the cattle theft and raids, the killing of persons and retariatory actions as well as highlighting the weaknesses of the Kenyan security system in intervening in such conflict. The issues of resource based conflict management between cross border communities and those from within was found to be mainly traditional mechanism, which were clearly put forward and recently translated in English as written in declarations. The peace process (2004-2009) involved both Borana and Gabra communities and their elders who acknowledged marginalization, ethno politics and failure by the Kenyan government to recognize and up hold customary mechanism of conflict management. The Kenyan government eventually openly backed

the peace process and the efforts of customary leaders. As well, the Ethiopian government officials also held meetings and both accepted flow of people across borders without treating them as suspects, this enabled the peace delegates to cross border and carry on peace dialogues.

Chapter four analyzed the conflict management, prevention and resolution mechanisms in Kenya. This focused particular attention to the ASALs in the North and North Eastern Region of Kenya. The study examined the mechanisms and policies for peace building and conflict management in Kenya such as the NPPBCM, the legal system and traditional mechanisms. Customary mechanisms have been instrumental in the peace process after the Turbi massacre, thus its importance has been echoed in the chapter. The NPPBCM has also upheld the importance of recognizing and empowering traditional mechanisms in conflict management. The chapter also discussed the challenges facing the implementation of the policies which include ethnopolitics and infrastructure due to the bad terrain that makes ASALs not easily assessable. The chapter concludes that the core mandate of the Kenyan government is to provide security to its citizens and in this case from external threats. Thus, with a wider scope of conflict management and resolutions based on peaceful settlement of dispute besides those provided for in the United Nations Charter Chapter VI and eventually address if such a scenario was to be avoided basing the argument that only if the Kenya Government was to provide security of the residents of Turbi area and protect their property from cross border conflict emanating from neighboring Horn of Africa.

Conflict management and peace building in Kenya continues to face major challenges in the current national and regional environment. Instability in neighboring states has resulted in increased cross border conflicts, proliferation of small arms and humanitarian crisis resulting in the loss of life and property. Institutional challenges such as the capacity of security forces and other government agencies to prevent, mitigate and manage conflict remain despite the growing recognition by the government of the need to proactively address conflict as a development issue in collaboration with other partners such as civil society, private sector and development partners. There remain operational challenges manifested in the continuing need to improve effectiveness and impact of ongoing peace building programs particularly the traditional justice systems. The government needs to realign its priorities and resources to ensure that adequate resources are generated for conflict management and peace building. The structural problems that fuel conflicts must be addressed through the realignment of priorities that recognizes the importance of peace and security in national development.

More often than not, policy makers are operating under conditions of market failure caused by factors such as droughts, flooding and civil strife. An understanding of how demand and supply forces interact during such times is critical to the formulation of policies for conflict resolution that provide for processes and programs that enhance and facilitate economic growth, expanded trade, strategic food stocks, commercial imports and poverty alleviation. There is need to look beyond the immediate triggers of conflicts by formulating policies and economic blue prints that seek to improve household

incomes, access to education and social services especially in marginalized pastoralist and rural Kenya.

The search for appropriate or correct models and policies for socioeconomic development is gaining momentum all over the world as conventional knowledge fails to meet the challenge of satisfying the needs of people living under different political and social systems and levels of organization. Independent organizations such as policy research institutions and advocacy groups will increasingly play a leading role in shaping the final product of policy formulation and its relevance in the grassroots context. These institutions may not be directly involved in grassroots mobilization, but their association with resource persons within different ministries working on thematic issues of national importance, builds a working relationship between community groups, and in turn impacts the course of national development. The importance of appropriate and effective developmental policies, strategies and programmes cannot be gainsaid. These institutions ensure and encourage appropriate action at the national, regional and interregional levels. The study came up with comprehensive findings from the conflicts and analysis made from the research findings would bring the lasting solutions to the persistent conflicts in the Northern region of Kenya with specific reference to Turbi Massacre. The review shows, sharing scarce resources among the ethnic communities in conflict, inadequate security personnel, poor communications and infrastructure and the MP or political incitement plus poor economic backgrounds of these communities and lack of job opportunities for the youths among others contributed to the persistent conflicts.

The finding revealed the impact or the effects of the conflict to be as follows: Loss of life, loss of property and Abandoned homesteads and scared IDPs as major impacts while others include; rerouting of transportations to longer routes, absence of transport for business(Loiyangalani), Restricting animals to graze around secure areas(homestead) Kargi and Maikona, Incidents of road blocks for fear of lorries being attacked in ethnic communities' territory between Kargi and Maikona

Resources - Competition for scarce resources had been suggested to be the major cause of conflict in Northern Kenya. Even from the colonial times the separation of the tribal grazing areas was to prevent conflicts over resources, accordingly, it is with this conception that the current conflict between Gabbra and Booran is interpreted. Most of the reports in the Kenya's media appearing after the eruption of conflict focused on competition for access and control of scarce resources as the main factor behind the conflicts. Though some of the reports in the media may be inaccurate and are based on factual generalities they might express the outsider's perspectives and common views on the conflict.

The following are selected quotes from the Daily Nation newspaper reports published on different days regarding the link between the conflict and resources. The Daily Nation of 13th July, 22nd July and 23rd September 2005, respectively quoted "Control of water points and pasture has been the main causes of hostilities among communities in Marsabit District.

Ethnicity and identity shift - The conceptions of tribe in the post colonial period have been changed by the former colonial policies, formal education and politicization of tribes. This can be argued to be true for the Gabbra and Booran too. The colonial government initiated the change by replacing the traditional leadership system by the colonial chieftain system based on ethnic lines. The British government appointed chiefs from Booran and each section of the Gabbra, which as suggested earlier, initiated the ethnic consciousness. The relationships between the Gabbra phratries to the Booran centre of power, the gada became remote as the Gabbra looked up to the government for political order. Later, the introduction of the electoral politics divided people along the ethnic lines already created by the colonial policy.

Politics - the finding proved that there was an extreme political fight between the MPs for Saku and North Horr and when a Booran candidate was appointed to the position it was considered as a triumph for the Saku MP and the Marsabit Booran by extension. The Booran severally cried foul that they were being sidelined in appointments to government jobs due to immense political influence of the North Horr MP, who was a cabinet minister (Minister for foreign Affairs, Agriculture among other positions like dupty speaker, Assistant minister for health) in Moi's government until he was appointed dupty opposition leader when KANU lost to NARC. The civil servants appointed through the political influences owed their allegiance to the MPs and therefore were biased towards their ethnic groups, contributing to the ethnic tensions. For instance, in 1995 Saku MP Mr Jarso Jillo Falana was claimed to have incited the Booran against the Burji.

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Similarly, the MPs for North Horr (Dr. Bonaya Godana) and Laisamis constituencies (Mr Robert Kochalle) were said to be the architects and financial supporters of a political grouping between Rendille, Gabbra and Burji called REGABU Alliance, However, Dr Godana retorted that the allegation was park of rubbish. Following the Turbi massacre the Members of parliament Dr Bonaya Adhi Godana, Abdi Tari, Dr Guracha Galgallo, and Titus Ngoyoni recorded police statements regarding their involvement in inciting their electorates to violence

4.1.1 Analysis of response rate and background information.

The researcher tried to determine how scarce resource, ethnicity and regional politics lead to conflict among Boran and Gabra.

Table 4.1 Analysis of response rate

Category	Questionnaires issued (45)	Questionnaires returned (45)	Response rate%
Household heads	15	15	100
Pupils	12	12	100
Politicians	3	3	100
Peace committee	6	6	100
Provincial Administration	9	9	100
Total	45	45	100

Source: (field data, 2010)

4.1.2 Empirical results

The various questions used relates to the objective of the proposal and demographic factors to determine the main respondents' background information, mostly their views on the main cause of the conflict in the region, as well as to determine the general information of our respondents.

4.1.3 Analysis of the Background Information

This section enabled the researchers to analyze the background information in the questionnaire the gender, age, occupation and marital status.

Frequency Tables

Table 4.2 gender of the respondent

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	22	48.9	48.9	48.9
	Female	23	51.1	51.1	100.0
	Total	45	100.0	100.0	

Source: (Field Data, 2010)

Figure 4.1 Gender of the respondents

gender of the respondent
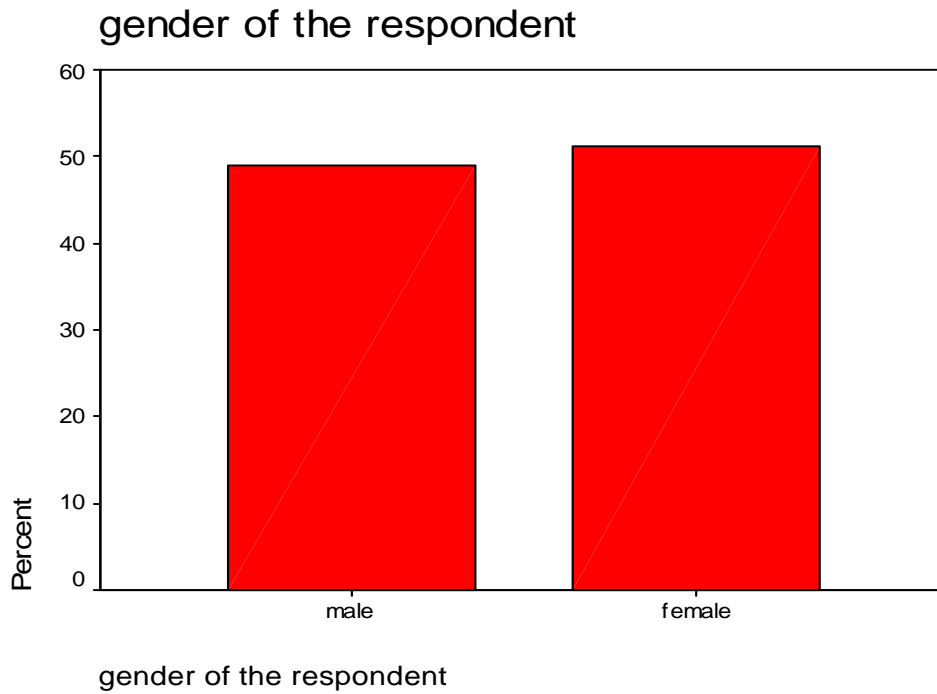
As presented in both the table and figure female response rate (51.1%) was slightly greater than male response rate (48.9%).

Table 4.3 Respondents Age Group

Age of the respondent

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	12-20	10	22.2	22.2	22.2
	21-30	8	17.8	17.8	40.0
	31-40	5	11.1	11.1	51.1
	41-50	9	20.0	20.0	71.1
	51-60	9	20.0	20.0	91.1
	60 above	4	8.9	8.9	100.0
	Total	45	100.0	100.0	

Source: (Field Data, 2010)

Figure 4.2 respondents age Group

age of the respondent

age of the respondent
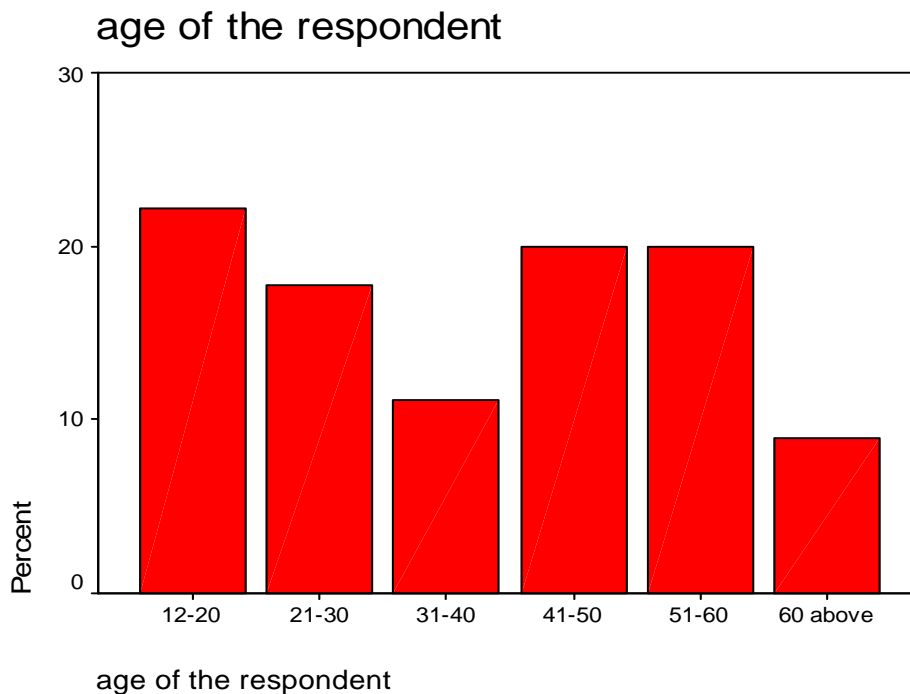
Source: (Field Data, 2010)

In relation to ages, 22.2% of our population was between 12- 20, 20.0% for ages between 41-50 and 51- 60,17.8% between 21 - 30 years, also 31- 40 constitute 11.1% and 60 years and above constitute 8.9%. This shows that our sample was relatively well distributed has there no much big differences in percentage, except for ages 60 above were represented by 8.9 and 31- 40 represented by 11.1%.
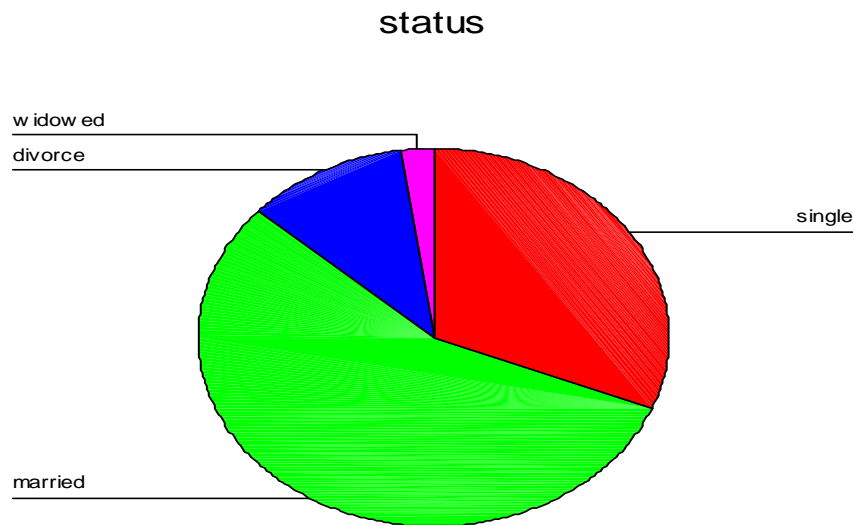
Table 4.4 Respondents Status

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Single	14	31.1	31.1	31.1
	Married	25	55.6	55.6	86.7
	Divorce	5	11.1	11.1	97.8
	Widowed	1	2.2	2.2	100.0
	Total	45	100.0	100.0	

Source: (Field Data, 2010)

Fig 4.3 Status Chart

Source: (Field Data, 2010)

The population comprised mainly of married personnel, constituting 55.6% of the respondents and followed by 31.1% the closest value being single, divorce 11.1% and widowed 2.2%.

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5.2 Conclusions

The Turbi massacre indeed brought about negative and positive outcome of the massacre. Positively the conflict had led to traditional and other conflict management means to resolve the conflict and deal with disputes as they come. In concurring with hypothesis two, the massacre adversely strained the relationship between the Gabra and Borana communities in north eastern Kenya. Thus, the negative effects involved the memory of the 2005 massacre that may arise tensions between the two communities and the injustices thereof, including the loss of property and human life among other negative and positive outcomes. Today, the major point of tension appears to be the conflict between the Gabra and the Borana from Oromia Region in Ethiopia, down through Moyale and Marsabit in Kenya. This struggle over ethnic identity and independent territory and the resultant dispute over land is a major destabilizing factor. In addition to the claim for border demarcation to formalize the colonial boundary, politicization of ethnicity and the influence of elite groups that started around the 70s is believed to be the root cause of the conflict between Gabra and Borana. A series of claims and counter claims accompanied by raiding and sporadic killing erupted in July 2005 with major human fatality and loss of livestock - 76 persons and thousands of livestock.

One of the objectives (three) to the study was to study the measures taken by the Kenyan government to manage the conflict indeed there are mechanisms set forth as discussed. However, though, a number of peace initiatives have occurred and the degree of violence has reduced for now, the accrual of resolutions not yet implemented as well as the 'grievances' not yet addressed are still worrying. Incidentally, the efforts being

made by third parties in building local capacities among the communities to follow up along with transforming the conflict are vital. The situation requires a bilateral political commitment from both the Ethiopian and Kenyan governments to complement the efforts of present NGOs and community initiatives and to sustain them over time. In the cultural setting, it is certain that if issues are left unaddressed conflict can reoccur in the future. Particularly the implementation of NPPBCM policies have not been felt especially in ASALs, also the deployment of adequate security personnel that are well equipped and trained.

5.3 Recommendations

The study draws the following recommendations to keep the momentum of promising peace building initiatives and to undertake additional conflict prevention and mitigate conflicts activities in regards to the Gabra and Borana communities as well as other violent conflicts which are ethnic and resource-based in nature:

The Kenyan government should take an initiative to bring elders from both the conflicting communities together and encourage them to dialogue as a means to solving their problems instead of resorting to armed response. When peace talks will replace wars then small arms will lack market. A particular and relevant policy shift would be the recognition of the existence and role of traditional African systems of governance and conflict resolution. Elders' court and councils should be entrenched in the Constitution and relevant policy frameworks in Kenya. The government should encourage the establishment of peace committees in every location where conflicts are prevalent.

Law reform relating to conflict issues such as land, firearms and small arms, recognition of traditional peace processes, access and use of natural resources should be expedited. The policy advocacy could focus on targeting the relevant audiences that are involved in law making such as parliamentarians, the state law office and the Kenya Law Reform Commission. In addition to this, major legislation and polices governing the use of natural resources need to be disseminated in languages understood by all to the benefit of all stakeholders particularly the local communities. The role of traditional natural resource management should be supported and legalized. Regional laws and policies should recognize that indigenous livelihood systems rely on close interaction with common-pool natural resources across a wide landscape and cross-border mobility. District (now County) Peace Committees have been established in a number of districts in conflict prone regions particularly in the ASALs. These once their mandates are implemented will work effectively for the advantage of the uniqueness of each county.

The government has recognized the important role that they play in early warning and conflict prevention. Their operations are however hampered by the lack of adequate resources to fund their activities and logistical support from government agencies. There is need to strengthen these committees because they are participatory community based mechanisms that can form part of a holistic and effective national structure of conflict management. Their role and function needs to be institutionalized within the administrative structure and their existence recognized under law to provide them with the legitimacy and authority they require to perform conflict management activities.

Additionally, the government and other actors need to recognize that women come from different backgrounds such as communities, religion, class and these differences should be accommodated in the design of strategic interventions. Grass root women peace initiatives should be linked with national peace processes. Men should also be empowered as parents, careers and community members in order to aid in transforming harmful traditional conceptualizations of femininity and masculinity. They should be supported as peace activists so as to avoid the risk of peace work being perceived as 'men's work.'

Cross border conflicts continue to occur with increasing frequency and intensity. They have changed from attacks to restock diminished herds to violent massacres and acts of criminality involving members of the same communities in neighboring states. The conflicts have fueled the demand and proliferation of small arms and firearms increasing instability and insecurity. There is need to increase state presence along the porous Kenya-Ethiopia borders by deploying the Kenya Defence Forces whose principal roles are to defend the Nation against external aggressors and promote peace building initiatives amongst warring communities in collaboration with state authorities of neighboring states. Development projects targeting the youth would be a disincentive to participation in raids and the community through peace committees should be involved in efforts to eradicate the use of small arms and light weapons.The government should also rehabilitate and revive social institutions like schools, which have been put to waste by inter-community conflicts. The primary importance would be building more schools especially in boarder areas, employing teachers, assuring them security and motivating

them to work in the region. Teachers who come from conflict prone areas should be given priority in recruitment for they can easily withstand the conflict situations unlike those who have not heard gunshots in their earlier lives. Peace education should be integrated into the national curriculum in an effort to build a culture of peace in the nation.

There is a critical need to reform the entire Police force so that systems and structures that take into account human rights issues are engrained within the Police force. The public should see the Police as a partaker in security issues including law and order but not as coercive instrument of the state as the situation is currently. The Police Act (Cap. 84 of the Laws of Kenya) should be reviewed as a matter of urgency so that the restrictive role of Police in formal policing procedures, in which citizens' role are minimal, open up to include aspects of community policing. The Police Force should equally be equipped with necessary equipments and personnel to enable it respond effectively and in a timely manner to conflicts in Kenya, as could have been the case in timely preparedness for the Turbi Massacre. Priority should be given to conflict prone areas in terms of allocating resources to Police divisions and stations. All-terrain vehicles, communication gadgets and other essential security supplies should be allocated to conflict prone areas especially porous border areas that hitherto have not known any peace.

A long-term solution to prevention and management of pastoralists as well as other conflicts lies squarely on deliberate construction and improvement of physical and social infrastructure in the affected areas. This calls for formulation and implementation of a

Marshall Plan for Northern Kenya. To achieve this, the policy should highlight the need for the government to allocate at least 10% of the total government revenue each year for a period of 15 years towards infrastructural development of Northern Kenya. Roads should be constructed and communication network restored in the region making it accessible. Improved physical infrastructure will also contribute towards increasing interaction between the different warring communities, link them to the outside world, improve their access to information; mainstream them into the national economy and policy making process. The end result will be informed citizenry that actively participate in national discourse.

This will also enable the pastoralists diversify their livelihoods to include other economic activities like trade and tourism. There is need to initiate long term development strategies in the regions of conflict in areas of alternative livelihoods, education, health, roads and market access for livestock market; establish vocational schools for young warriors, organize herders association to professionalize herding and develop community-based conflict early warning system for early action. The study also recommends the need to improve local security through vigilantes – local policing, strengthen and link customary peace building and conflict mitigation mechanisms with formal police, court and government agencies; recognize, empower and support customary institutions; conduct regular peace building committee meeting; enhance exchanges of pastoralist day among neighboring countries; allocate budget for the peace building committee meeting by both government and NGO's ; support pastoralist week celebration at local level and coordinate the peace building efforts of the Government. All

these recommendations are as they are multi-faceted, since conflicts are not mono-causal. The Turbi Massacre had major factors that were leading causes such as negative ethnicity, resource scarcity as well as other contributive factors such as institutional weaknesses, marginalization and politicking. Thus the study acknowledges the usefulness of traditional methods of conflict management as their roles have been discussed in different parts of the study earlier on. In this regard, the study suggests for further research in the law reforms to incorporate and recognize further the great importance of traditional mechanisms in Conflict Prevention, Management and Resolution.

BIBLIOGRAPHY

Adan, Mohamud and Ruto Pkalya (2005) Closed To Progress: An Assessment Of The Socio -Economic Impact Of Conflict On Pastoral And Semi-Pastoral Economies In Kenya And Uganda. Practical Action – Eastern Africa; May 2005

Bassi, M. (2005). Decisions In The Shade: Political And Juridical Processes Among The Oromo -Borana. Trenton Nj, Red Sea Press.

Adan, Mohamud And Ruto Pkalya (2005) Closed To Progress: An Assessment Of The Socio –Economic Impact Of Conflict On Pastoral And Semi-Pastoral Economies In Kenya And Uganda.Practical   Action – Eastern Africa; May 2005

Africa Watch, Taking Liberties , Pp. 298-322. Screening Of Ethnic Somalis—The Crue L Bartrop, Paul, "The Relationship Between War And Genocide In The Twentieth Century: A Consideration," Journal Of Genocide Research, Vol 4, No 4, 2002

Bassi, M. (2005). Decisions In The Shade: Political And Juridical Processes Among The Oromo - Borana. Trenton Nj, Red Sea Press.

Becker, H. (2006). "New Things After Independence: Gender And Traditional Authorities In Postcolonial Namibia." Journal Of Southern African Studies 32(1)

Bekele A. 2007. Conflict Management And Peace Building, A Training Manual, Care International In Ethiopia.

Cederman, Lars-Erik, Andreas Wimmer And Brian Min, "Why Do Ethnic Groups Rebel?", World Politics 62, No.1 (2010)of Rudolph And J. Rummel, Death By Government (New Brunswick And London: Transaction, 1994)

Chalk, Frank And Kurt Jonassohn, The History And Sociology Of Genocide (New
      Haven: Yale University Press, 1990).

Chopra, T. (2008). Building Informal Justice In Northern Kenya , Legal Resource
      Foundation Trust Limited, Nairobi, Kenya.

Christie, K., Ethnic Conflict, Tribal Politics: A Global Perspective, (Britain, Curzon
      Press,1998)

Connor, W. "Ethnonationalism" In C. Geertz, The Interpretation Of Culture (London:
      Fontana,1973)

Consequences Of Kenya's Passbook System (New York: Human Rights Watch,
      De Coning, Cedric. "The Coherence Dilemma In Peacebuilding And Post-
      Conflict Reconstruction Systems". African Journal On Conflict Resolution 8, No.
      2 (2008)

Delno, L. A And D. K. Kisilu. Project And Thesis Writing. An Introduction. Kenya:
      Paulines Publications   Africa (2006)

Deng, F. Dynamics Of Identification: A Basis For National Integration In The Sudan
      (Khartoum: Khartoum University Press, 1973)

Deng, F. M.And I.W. Bercovitch, Conflict Resolution In Africa, (Washington Dc: The
      Brookings Institution,1991)

Elmt/Else (2010) Nurturing Peace, Resolving Conflict: The Cross-Border Peace Meeting
      Between Ethiopian And Kenyan Pastoralists; Elmt/Else Newsletter Volume No. 3
      February 2010

Elmt/Else (2010) Nurturing Peace, Resolving Conflict: The Cross-Border Peace Meeting

    Between Ethiopian And Kenyan Pastoralists; Elmt/Else Newsletter Volume No. 3

    February 2010

Fein, Helen, "Genocide: A Sociological Perspective," Current Sociology 38, No 1 (1990)

    1–126; FrankChalk   And Kurt Jonassohn, The History And Sociology Of

    Genocide (New Haven: Yale University Press,   1990).

Freeman And Quinn, Ethnicity And Individual Attitudes Towards International Investors:

    A Survey Evidence From Sub-Saharan Africa: Michigan University:

    Globalbarometer, 2012

Geertz, C. The Interpretation Of Cultures, (New York: Basic Books, 1973)

Glowacki, L. And K.Gonc. Customary Institutions And Traditions In Pastoralist

    Societies; Neglected Potential For Conflict Resolution. GIZ, Ethiopia. (2011) Irin,

    "Kenya: Conflict Over Resources In Border Areas," IRIN (August 1 2005),

    Http://Www.Irinnews.Org.Html Lewis,Bernard. "Muslims,Christians And Jews:

The Dream Of Coexistence," New York Review Of Books (26 March 1992)

Glowacki, L.And Gonc, K. (2011). Customary Institutions And Traditions In

    Pastoralist Societies; Neglected Potential For Conflict Resolution , Giz,

    Ethiopia.

Goetschel, L. And T. Hagmann (2009). "Civilian Peacebuilding: Peace By Bureaucratic

    Means?" Conflict, Security & Development, 9(1)

Hab (2009) Scarcity of Natural Resources And Pastoral Conflicts In Northern Kenya: An

    Inquiry. Horn of Africa Bulletin, Volume 21, No. 1 January 2009.

Hagmann, Tobias (2003) Mitigating Violent Resource Conflicts In The Somali Region
Of Ethiopia; Lecture At ZEF Research Meeting, Center For Development
Research, Bonn November 19, 2003. National Centre Of Competence In Research
North-South

Hagmann, Tobias (2003) Mitigating Violent Resource Conflicts In The Somali Region
Of Ethiopia, Center For Development Research, Bonn November 19, 2003.
National Centre Of Competence In Research North-South

Hironaka, Ann. Neverending Wars: The International Community, Weak States, And The
Perpetuation Of Civil War (Harvard, Ma: Harvard University Press, 2005)

Human Rights Watch, Playing With Fire: Weapons Proliferation, Political Violence And
Human Rights In Kenya (New York: Human Rights Watch, May 2002), 22-32

Intervention At The Ceri Research Group, "Making Peace: From Mass Crime To Peace-
Building," February 8, 2001. See The Ceri Website: Http://Www.Ceri-Sciences-
Po.Org.

IRIN (2011) Kenya: Livestock Dying As Drought Deepens. Integrated Regional
Information Networks (IRIN) Africa

Lemarchand, Rene´, "Comparing The Killing fields: Rwanda, Cambodia, Bosnia,"
(2001).

Levene, Mark, "Why Is The 20th Century The Century Of Genocide? Journal Of World
History, Vol 11, No 2, 2000, Pp 305–336.

Marc Bax, "Warlords, Priests And The Politics Of Ethnic Cleansing: A Case Study From

        Rural Bosnia- Herzegovina," Ethnic And Racial Studies, L 23, No 1, (2000),16–

        36.

Mburu, Nene, "Contemporary Banditry In The Horn Of Africa: Causes, History And

        Political Implications," Nordic Journal Of African Studies 8, No. 2, 1999, 89-107

        Meyer, Katie. Kenya: Healing The Nation, In: Peace Magazine, April/June 2008,

        S. 16

Midlarsky Manus I., The Onset Of World War. Studies In International Conflict, Vol 1

        (1990)

Midlarsky, Manu, Genocides And Mass-Murders In The 20th Century (Cambridge:

Cambridge University Press, In Press). Intervention At The CERI Research Group,

        "Making Peace: From Mass Crime To Peace-Building," February 8, 2001. See

        The CERI Website: Http://Www.Ceri-Sciences-Po.Org

Mwagiru Makumi, Conflict In Africa, Theory, Processes And Institutions Of

        Management, (Nairobi: Center For Conflict Research, 2000)

Ndegwa, S. "Greater Horn Of Africa Peace Building Project, Peace Building Among

        Northeastern Pastoralist In Kenya :The Wajir Peace And Development

        Committee", Management System International,   Washington DC:Usa, (2001)

Obala, E (2009) Inter-Community Reciprocal Agreement (Between Gabraa, Borana,

        Albore, Hammar And Dasanach Communities). Workshop Proceedings Report,

        March 2009

Obala, E., Garduno, F., Jenet, A. And Brie, T. (2011). How Shared Resource

Management Through Reciprocal Grazing Agreements Can Increase Resilience , Vsf Germany, Nairobi Kenya.

Ochieng, M. (2012). Report On Impact Of Conflict On Pastoral Communities' Resilience In The Horn Of Africa, A Case Studies From Ethiopia, Kenya And Uganda, Nakuru, Kenya.

Ojielo, Ozonnia (Dr.) (2010) Dynamics And Trends Of Conflict In Greater Mandera; Amani Papers Volume 1 No 2 May 2010. Undp Kenya

Pastoralist Communication Initiative, (2009). A Report Of Dukana Peace Gathering , DFID, Growth And   Peace For Pastoralists' Project, Pastoralist Consultant International, Nairobi, Kenya.

Patrick, M. "Crime And Violence In Our Society." Nairobi, The Standard Media Group.(2005)

Pavanello, S. (2009) Pastoralists' Vulnerability In The Horn Of Africa Exploring Political Marginalisation, Donors' Policies And Cross-Border Issues – Literature Review, For Humanitarian Policy Group. London

Pimentel, D. (2010) "Legal Pluralism In Post-Colonial Africa: Linking Statutory And Customary Adjudication In Mozambique." Available At Social Science Research Network: Http//Ssrn.Com/Abstract=1668063.

Republic Of Kenya, Arid Lands Resource Management Project Ii, Marsabit District Annual Progress Report , July 2007 - June 2008, District Drought Management, Marsabit. Kenya.

S. Abdi Sheikh, Blood On The Runway—The Wagalla Massacre Of 1984 (Northern
Publishing House: Nairobi, 2007), Http://Www.Scribd.Com/Doc/2551019/Blood-
On-The-Runway-The-Wagalla-Massacre-Of-1984 (Accessed April 27, 2009)

S. Cornell, D. Hartman, Ethnicity And Race: Making Identities In A Changing World,
(California: Pine Forge Press)

Salih M.A. Mohamed 1990 Introduction: Perspectives On Pastoralists And The African
States. NomadicPeoples 25/27:3-6.

Scheyvens, R. & Storey, D. 2003. Development Fieldwork: A Practical Guide. La: Sage

Scott-Villiers, P., Ungiti, B., Kiyana, D., Kullu, M., Orto, T., Reidy, E. And Sora, A.
(2011). The Long Conversation: Customary Approaches To Peace Management
In

Southern Ethiopia And Northern Kenya, Future Agricultures, Working Paper 22.

Scott-Villiers, P. et al. "The Long Conversation: Customary Approaches To Peace
Management In Southern Ethiopia And Northern Kenya, Future Agricultures",
Working Paper 22. (2011) September 1990)

Shibru, M. 2005, Resource-Based Conflicts In The Pastoral Areas Of Southern Ethiopia:
Mitigating Strategies, Opportunities And Challenges, Dryland Coordination
Group.

Tablino, P. (1999). The Gabra, Camel Nomads Of Northern Kenya. Nairobi: Paulines
Publication Africa.

Tache, B. And G. Oba (2009). "Policy-Driven Inter-Ethnic Conflicts In Southern
Ethiopia" Review Of African Political Economy 36(121)

Tavares, Rodrigo. "Understanding Regional Peace And Security: A Framework For Analysis". Contemporary Politics 14, No. 2 (2008)

The East African Standard 2006a Picture Of Hope. Nairobi: The East African Standard Of January 25, 2006. Accessed On March 5, 2008.

Http://216.180.252.4/Archives/Index.Php?Mnu=Details&Id=35482&Catid=4.

The Official Magazine Of Marsabit County Vol 01, June 2014.

The Shifta War Garri Nation. March 17, 2012 Accessed On 12 August 2014 At,

Http://Garagarri.Wordpress.Com/2012/03/17/The-Shifta-War/"

Throup, David W.,And Charles Hornsby 1998 Multi-Party Policts In Kenya: The Kenyatta And Moi States And The Triumph Of The System In The 1992 Elections. Oxford: James Currey

Umar, A. (2011). Conflict And Security Implication On Current Drought In Northern Kenya, Undp Kenya, Peace Building And Conflict Prevention Unit, Kenya.

University Of Pennsylvania African Studies Center, East Africa Living Encyclopedia, "Kenya:Human Rights," Http://Www.Africa.Upenn.Edu/Neh/Khumanrights.Htm.

Usaid (2005) Kenya-Somalia Border Conflict Analysis; Conflict Prevention, Mitigation, AndResponse Program For East And Southern Africa (CPMR/ESA); U.S. Agency ForInternational Development (USAID)

USAID, Management Systems International And Pact-Kenya. 2008. Regional Enhanced Livelihoods In Pastoral Areas (RELPA), Conflict Sensitive Service Delivery.

USAID. "Conflict Early Warning And Mitigation Of Resource Based Conflicts In The

Greater Horn Of Africa." USAID.Conflict Baseline Study Report Conducted In
Karamajong Cluster Of Kenya And Uganda.

Wako, F. And E. Ekuam (2007). Rationalization Of Conflict In Northern Kenya.
Cemiride, Kenya.

Watson, E. E. (2010). "A "Hardening Of Lines": Landscape, Religion And Identity In
Northern Kenya." Journal Of Eastern African Studies 4(2)

Wepundi, M., Ndung'u, J. And Rynn, S. (2011). Lessons From Frontiers , Civilian
Disarmament In Kenya And Uganda, Saferworld.

APPENDIX I : RESEARCH QUESTIONNAIRES

Assessment of the causes of ethnic conflict and conflict management mechanisms in Marsabit County. A case study of Turbi massacre.

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TO WHOM IT MAY COCERN.

Dear Respondent,

QUESTIONNAIRE

I am a student of University of Nairobi currently pursuing a Masters of Arts Degree in International Conflict Management and I am intending to research on the persistent conflicts in Marsabit County of Northern Kenya with specific reference to Turbi Massacre.

I am making a humble and sincere request to you to go through attached questionnaire and fill true information. Your positive compliance will enable researcher attain the objective.

The information you give will be treated with utmost confidentiality.

Thanking.

Yours sincerely,

BONAYA DUBA HUKA.

Instructions

Please tick (√) where appropriate and fill in the spaces where applicable.

SECTION A

BACKGROUND DATA

Sex of respondent.

Male   ( )

Female   ( )

Age

   1☐ – 20   ☐ 21 – 30   ☐ 31 – 40   ☐ 41 – 50   ☐ 51 – 60

above☐

Marital status

Single   ( )

Married   ( )

Divorced   ( )

Widowed   ( )

Occupation

Herdsmen   ( )

Teacher   ( )

Student   ( )

Police officer   ( )

Housewife ( )

Others (specify)

Location of residence

Turbi shopping centre ( )

Burgabo ( )

Bubisa ( )

Hurri Hills ( )

Forole ( )

Others (specify)

SECTION B

Part 1

6   How often scarce resource leads to conflict?

Always ( )

Rarely ( )

Yearly ( )

What kind of resource communities fight over?

Water ( )

Pasture( )

Livestock ( )

7   Have you ever experienced this kind of conflicts before?

Yes ( )   No ( )

If Yes, what kind of criminal activities?

Livestock theft   (   )

Massacres   (   )

Robbery with violence   (   )

Others (Specify)

8 Where specifically in this region did you experienced clashes or region that is prone to

this

Kind of conflicts?

Turbi   (   )

Forole   (   )

Bubisa   (   )

Hurri Hills   (   )

Others (Specify)

Part 2

9   How much do you think ethnicity and self-identity leads to conflict?

a)   Very much

b)   Much

c)   Not very much

10 Were the criminals known to the residents?

Known   Yes (   )   No   (   )

Unknown   Yes ( )   No   ( )

11 If yes, what was the race of the offenders?

Gabra   Yes   ( )   No   ( )

Borana   Yes   ( )   No   ( )

Somali   Yes   ( )   No   ( )

Rendille   Yes   ( )   No   ( )

Desenach   Yes   ( )   No   ( )

Others (Specify)

12 What was the gender of the offender?

Male   ( )

Female( )

Both   ( )

Part 3

13   Are you satisfied or dissatisfied by politics in the region?

Very satisfied

Satisfied

Neutral

Dissatisfied

Very dissatisfied

14 Who reported the offence?

Politicians

Provincial administration

locals

15 Turbi being in a remote area where means of communication is questionable, what means was Employed to reinforce the situation?

16 Who are Actors in the conflicts?

17 What are the root and proximate causes of conflicts?

18 Who are interveners since conflict erupted between Gabra-Borana?

Kenyan government

Ethiopian government

Other foreign governments

19 From your own personal views, why are northern regions of Kenya in constant clashes?

20 Clashes always lead to loss of property and life, and why do the communities engage in it?

21 What are the effects and impacts of the conflicts?

22 What action did the Government take to arrest this situation?

23 What are the lasting solutions to the conflicts in the area?

Fig. 3: Photo of Turbi massacre victim

Kenya's wild north: Hostile area, hostile groups.

This is one of the Turbi Massacre victims being attended to by Doctors

at Marsabit District Hospital.

The region of North-Eastern Kenya where at least 61 people were killed on Tuesday is one of the country's most hostile and remote terrains, where rival groups often clash.