

**“RESOURCE UTILISATION, CONFLICT
AND INSECURITY IN
PASTORAL AREAS OF KENYA”**

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KENYA PASTORALISTS

Kenya's pastoral communities occupy three quarters of the country's total land mass, spreading out over the dry north-east, north-west, southern Rift and inland parts of the coast. Pastoralists occupy most of the border areas of Kenya, and pastoral ethnic groups straddle both sides of the borders with Somalia, Ethiopia, Sudan, Uganda and Tanzania. Estimates put the number of pastoralists at four million or about one seventh of the total national population of about 27 million. Pastoralists are divided into various ethnic and linguistic groups, ranging from the large and famous groups like the Maasai and the Somali, who number each in excess of half a million people each, to small and so far obscure groups numbering a few thousand.

Pastoralist areas remain the least developed parts of Kenya. The economic disparity with the rest of the country is striking. Infrastructure is poorly developed or non-existent; in vast areas there are no roads, no schools, no telecommunication services, no health facilities, but only seemingly endless, seemingly unchangeable, seemingly empty brown scrub-and bush-land. The northern drylands are so neglected and isolated, that a visitor would oft hear a native Turkana, for instance, speak of "going to Kenya", meaning a visit to Kitale, the biggest reasonable size town near Turkana. The institutionalising of the 'convoy' system in the north east, organised to protect travellers from roadside attacks by 'bandits', reinforces the stereotype of remote and inaccessible deserts populated by harsh and backward tribes. Levels of absolute poverty are high, and most of Kenya's pastoralists are very often forced for several months every year to survive on external food aid.

Partly because of their relative underdevelopment, there are many myths associated with pastoralist lifestyles in Kenya. Kenyan pastoralists have retained a distinct culture, refusing to wholly embrace European trends, including Christianity, the predominant religion. Non-pastoral Kenyans consider the pastoralists a fading relic of the past, about to be swept into the archives by modern development's. Non-pastoral Kenyans always seem to equate "development" of the pastoral areas with irrigation and reclamation, and efforts to 'change the way pastoralists live and think,' and envisage no role for a nomadic livestock keeping population in its image of their future.

The harsh reality for Kenya's pastoralists is one of dire insecurities -- fear of famine and starvation, fear of loss of land to state or state supported cultivating populations, and increasingly fright of armed conflict with neighbouring usually pastoralist ethnic groups. This is the aspect missed in the development reports, District Development Plans, the annual economic plans. Symptoms of the malaise underlying pastoral production abound in Kenya, highlighted by the constant death, destruction, and loss of livestock in the virtual civil war over resources known by the catch all phrase "insecurity."

National newspaper reports focus on the occasional dramatic breakdowns of security when large numbers of lives are lost, or when civil servants or politicians are struck down. Such reports are cluttered with such terms as "bandit" "rustler" "insecurity" "convoy" "operation area" "frontier" "Shifta" "homeguard," which reinforce the image of an other worldly perspective of pastoral areas of Kenya. Just as a different reporting system exists, a different justice system exists. While possession of a gun or ammunition could send Kenyans to a ten-year-plus jail term, in the northern pastoral areas, regular newspaper pictures and radio/television broadcasts show weapons being 'handed in' by smiling "former bandit." Policemen in northern Kenya operate under different 'emergency' rules, and discard their normal blue uniform and don military fatigues.

The distances between courts in the arid areas leads to the virtual abandonment of day to day affairs of most locals to their own justice system, which relies on brute strength and anarchy as much as it does to traditional systems. The vacuum leaves inordinate power in the hands of the inflexible and authoritative provincial administration. The lack of formal jobs, schools, the absence of cars, telephones, lawyers, the absence of a reading public and the fact that no newspapers reach the divisional areas of the pastoral region means that the checks and balances of western style democratic society are all absent.

B. Historical background to Resource conflicts in pastoral areas

In historic times, East Africa was a Cushitic island, where pastoralism held sway. Hunter gatherers roamed the forests, and the plains and highlands were a cattle country. The coming of the Bantu, pouring out of the Congo Equatorial forest with their superior iron and cultivation technology changed land use patterns in the regions that were to become Kenya. The more powerful wave of the two waves of Bantu speakers entering Kenya moved up the Tana river just over four hundred years ago, and established itself at the source of the river as today's Kikuyu, Meru, and Embu. The other wave flowed in from Uganda and spread around the northern part of the Lake. The incoming Bantu did not have to engage in pitched battles with indigenous people to gain access to Kenya's riches, but settled as pockets of cultivation client populations along rivers and in wetter areas. Soon however, the newcomers began to acquire cattle, and they started to expand their cultivation areas. They began to absorb some of the proto-Cushitic groups like the Agumba, the Sanye, the Dorobo, and by the time the Europeans arrived in East Africa, were pushing the large Masai and Kalenjin groups before them.

The arrival of the colonising Europeans one hundred years ago, was to be the single most disastrous thing for the East African pastoralists, as the balance of power was rapidly and dramatically changed in favour of cultivators. Pastoralists were thrown out of their land through unfair treaties or by the might of the gun, making way for the Rift Valley based 'white highlands.' In the highland regions taken from pastoralists and turned into large scale ranches, non-pastoral populations were employed as more suitable, more subservient, more muscled, more productive workers. Cultivators' population began going up dramatically, as they took up European farming technology in their home zones, and expanded elsewhere as workers for the thinly spread white population, while pastoralists were increasingly relegated to peripheral badlands. By co-operating with the settlers, the non-pastoral communities gained contemporary and technological know how, including reading and writing, which would prove decisive in their domination of the country in the post-colonial era. While pastoralists resisted change, their more populous cultivating neighbours generally co-operated, and eventually took the mantle of leadership from the Europeans.

Legacy of colonialism

The colonial division of Kenya created three regions, the highly developed white highlands, a less developed "native lands" which acted as a pool of cheap cultivator labour, and the "frontier," "closed district" or pastoral zones where permits were required for those intending to travel out to the emerging cities. These 'closed' areas included the 'Maasai reserve' and the vast "Northern Frontier District".

The struggle for independence in Kenya was in reality a struggle between three giant and antagonistic visions. The most powerful vision was that of the major Kenyan tribes that were strongly influenced by European culture. They wanted a strongly unionist Republic where the central state took all the decisions, and they struggled under the banner of the Kenya African National Union (KANU) to achieve their centrist vision.

The second vision belonged to the myriad minor tribes, including all coastal peoples, and Rift Valley pastoralists, and who wanted a regional form of governance that would devolve significant power to local interests. The most pertinent issue in their preference for regional assemblies was the felt threat to the vast land resources that the many small groups controlled before the advent of independence. In short, regionalists wished to guarantee their land rights against the more populous and sophisticated tribes, who they suspected would launch a land grab once they wrestled political authority from the colonial power. These diverse groups struggled under the banner of the Kenya African Democratic Union (KADU) to achieve their land defending vision.

The centralist KANU groups won the struggle. They quickly absorbed the KADU party, making short shrift of its leadership's proclaimed visionary stand. A huge demographic shift took place as former "white highlands" were given by the victorious centrist state to the major cultivator group from central province which its main power base. KANU rapidly dismantled the local government structures that survived colonialism, and embarked on land adjudication and registration to allow land titles and land sales. Soon land buying companies started to acquire massive acreage's of land for the people of central Kenya in the Rift Valley and the coast.

The third and weakest vision belonged to the northern Kenyan's including the predominant Somali and Oromo populations. These people wished to secede from Kenya and join Somalis in the formed Republic of Somalia, to form a Greater Somalia that would include Somalis from Italian Somaliland, British Somaliland, French Somaliland and Ethiopian Somali regions. Over the first decade of independence, irredentist Somali with Oromo and Rendille support launched the so-called Shifita war against the Jomo Kenyatta KANU regime. The state won the war as it retained northern Kenya as an integral part of the country, but the residual bitterness of the armed conflict undermined acceptance of the Somali residents as equal citizens. Northern Kenya was virtually abandoned a state seemingly interested in asserting its newly found authority. Throughout the armed secessionist struggle, the Kenyan state never considered trying less heavy handed methods to win its Somali and Oromo citizens over, preferring to treat them as hostile subjects.

Throughout the seventies and eighties, the single party "autocracy" subjugated northern Kenya to mass looting, burning of villages, rape, and occasional pogroms with public mass killings of innocent. In 1981, Garissa was burned down in a four day operation by state security forces. In 1984, several thousand Somali were killed at the Wagalla airstrip where five thousand people were detained for a week of torture. In 1989, Kenyan Somalis were singled out to seek a special identification card, which formalised their second class citizen status. These pogroms has the misfortune of encouraging local populations tolerance of ethnic and other bandits that would terrorise citizenry.

Those pastoralist groups who gave up their KADU regionalist and land protectionism dreams, and that remained loyal to the KANU-run state did not fare any better than the defiant Somali, and may have lost more in the long run. The Maasai chose to look for legal methods to hold onto their vast reserve, and the Land Adjudication Group Representatives Act, which promulgated the division of

Masai land into group ranches, came into force with the support of their leaders. But Maasai-land has progressively been taken over by cultivators through the buying of land that the Act facilitated, and through fraudulent allocations of pastoral land. By 1997, Maasai were essentially a minority in Kajiado and Narok, where non-Maasai now hold sway, populating all choice parts, and running virtually all the business in the Maasai districts. The fate of the pastoralist's worried of threat from loss of land, loss of power has been absorption as peripherals into national life.

Insecurity in the pastoral areas

In the eighties and nineties, any semblance of political unity of the pastoralist's vanished in the face of the triumphant cultivator controlled state. Pastoralist's became engaged in bitter wars among themselves, pitting clan against clan, and tribe against tribe, in battles that result in large loss of life and property. The Kenyan state seems indifferent or merely incapable of doing anything in the face of continued inter pastoral armed conflicts. In the sixties, pastoralist's struggled to realise political dreams, in the seventies they struggled to survive prolonged famine and donor assisted development programmes based on paradigms that relegated them to mere observers of their fate. Security has become the prime pastoral concern for the nineties.

Pastoralist's are engaged in a three pronged struggle for survival: the bitter localised conflict over resources between poor pastoralist groups, the wider equally complex national level conflict with state authorities, a voracious local elite, and expanding populations of peasant cultivators, and the struggle for meaningful development cognisant and respectful of social and ecological realities of arid areas. All the three related conflicts makes the life of pastoralists a bitter and often no-win battle, in which the main focus so far has been the debilitating and fierce struggle between pastoral groups.

Instead of receding under the impact of Kenya's growing modern economy, the problem of large group conflicts pitting entire pastoral tribes scattered over several hundreds of square kilometres, with all the internal trappings of enraged sub-nationalism's, involving the use of selected propaganda, automatic weapons and hundreds of heavily armed co-ordinated warriors in single battles, is increasing. More areas, more tribes and clans are locked in heated hatred and bitter battle that has all the appearances of 'total war' between them. This seemingly incessant and uncontrollable armed conflict has rendered vast areas of the pastoral territory no-go 'bandit areas.'

It was fashionable to consider armed conflicts were a characteristic of the remote arid and mainly Somali-type ethnic areas which went through the destabilising secessionist war. In December 1996, more than 600 armed warriors rustled over ten thousand head of cattle and killed more than fifty persons in north Samburu in single incident. In the ensuing series of battles involving all sections of Kenyans armed forces, the Samburu District Commissioner was killed when his aircraft was shot out of the air by local 'bandits'. Battles of similar ferocity occur regularly in between the Turkana, Pokot and Samburu, as they have between Boran, Orma, Somali and Somali, Gabra, Rendille. These massacres have greatly extended the publicly acknowledged 'no go arid area,' so that more than half of Kenya is now 'bandit land'.

The spread of insecurity to non-pastoral areas

On the November 12, 1996, eight armed gangsters fired shots in north east Laikipia in the town of Doldol. For twenty minutes the bandits looted the shops at will, having scared away residents..

According to a nominated Member of parliament from the area, and a former Minister of State, parts of Laikipia district were 'degenerating into a bandit area with cattle rustlers gunning down helpless villagers.' In the same vein the Minister for Foreign Affairs and International Co-operation, who is the Member of Parliament for Mwingi, speaks out repeatedly against banditry in Mwingi, which he claims wrongly is perpetuated by Somalis from Somalia.

The national circulation "Daily Nation" raised alarm over the exodus of essential staff, among them teachers and doctors from Malindi, in an editorial piece on October 19, 1996, titled 'End the insecurity in frontier areas,'

'... School children in this part of the country will not go through the syllabi and yet they have to compete with their counterparts elsewhere. How about the sick? They will continue to suffer. We are confident that it is not only us that feel that security in Kenya must be paramount and that the Government must invest a lot more in it.'

The semi-arid agricultural areas of Mwingi, Malindi, Meru and Laikipia are in 1997 experiencing the 'bandit problems' of machine gun-armed bands of traditional peoples. As the residents of these areas arm themselves to defend themselves against invasion, (in the so-called 'domino' effect) the "frontier phenomenon" of banditry has crept relentlessly to within less than 100 or so kilometres from the major central cities of Nairobi, Mombasa and Nakuru. In virtually all the 'remote areas' the authorities have continuously threatened harsh security measures to wipe out the banditry, pouring in all manner of armed forces. In response, bandits appear to become more violent, acquiring heavier more sophisticated weapons, and updating their warfare skills.

Among the most crucial questions is: why is it that this conflict, with apparently no political leadership, no political agenda like secession, regionalism, federalism, or taking over the state, or even just weakening and breaking up the state, cannot be contained by well armed and trained national security forces? What explains the ability to perpetuate itself, to expand and to involve whole communities in its acquiescence despite their unlimited suffering and loss?

Why the insecurity of pastoral areas?

According to Panos Institute, (1990, Greenwar, Environment and War, pg. 7), "For decades now, civil war has raged across Sudan, Ethiopia, Somalia; violence has raged in Mauritania, Senegal, Mali, Niger... The use of firearms (in the Sahel) is escalating, and the violence is spilling into the wider community as certain lands became no-go areas where law enforcement has all but broken down."

There are two differing explanations for the prevalent insecurity in pastoral areas of Africa. Suggestions of solutions to the problems, and the methods of solving the insecurity depend on the which explanations is taken to hold true.

A major myth that has gained international following is that nomadic communities are traditionally warlike and aggressive. Some extreme anthropologists who have studied the role of stock rustling, territorial expansion, ritualised and actual war in pastoral community claim that it is through the war with neighbours that certain clans gain their identity and sense of being. An easily observable characteristic of pastoralist people is the way they casually but proudly carry offensive weapons around. It is easy to assume that the unusual cultural phenomena that concern external experts - pastoral warrior clans systems, age grade systems, pride of war, traditional raiding, - are the main

reason for the slow burn wars, banditry, and breakdown of state law and order and have been characteristic of Africa's arid areas. If this is the case, then the only way to solve the insecurity problem is to thoroughly change the pastoralist cultures, discarding traditional ways.

Another view sees the insecurity to be but a symptom of underlying deeper problems, that need to be solved if the insecurity is to go away. PANOS decries the popular image of the Sahel "as permanently riven by strife and racked by hunger", because, the agency argues, "the root causes of this tapestry of violence are poorly understood." Dabar Maalim, in his contribution, "Insecurity and underdevelopment in north east Kenya" to the Symposium for the Sustainable Development of North Eastern Kenya (held in 1994), laments that "Insecurity has become the greatest hindrance to development in northern Kenya. Loss of life, loss of property, fear and general stress caused by insecurity have become the unfortunate characteristics of the region." According to Dabar, the roots of the strife are deep: "Insecurity in northern Kenya is but an underlying symptom of a deeper malaise: historical, economic and sociological realities are perpetuating the bloodshed in the pastoral areas of northern Kenya."

What are these 'deeper malaise,' these root causes? They may be seen to revolve around problems of group competition in an environment of changing but undefined tenure arrangements, growing scarcity of resources, increasing absolute poverty with little alternative employment outside traditional pastoralism which is itself under pressure of hostile and misguided development paradigms. We shall try and expose these interrelated issues one by one.

C. Problems, conflicts of resource tenure

"Although the individual situations of Kenyan pastoralist's vary widely based on their particular pastoral adaptations, physical environments, and social histories, Kenyan pastoralist's do share key problems and processes that affect their mobile livestock economies."

(Eliot Fratkin, 1994, Working paper no. 1994-03, Pennsylvania State University.)

Due to the ubiquitous role of rangeland resources in the lifestyles of the people of the pastoral areas, most conflict have bearing on the resource utilisation and tenure practises. Pastoralist's depend on their livestock to exploit the ephemeral produce of their dry land. Water points remain the critical nodes of influencing utilisation of far flung grazing resources.

The group, not the individual, is the basis for social resource control in traditional pastoral societies. Society was governed by communal organisation in the form of the tribe, the clan, the ethnic group. Resources are owned communally and a regime of common property exists. "The use of these resources has been governed by elders who enforce communal laws", (Prof. D. Obara, in "Land Tenure in pastoral areas of Kenya, KPF Topic Meet, September, 1994). An individual identified himself totally as a member of an ethnic group, such that the name of his clan makes more sense than an individual's name: his role, protection, friends and enemies are to a large determined his clan. Wells, dams, administrative divisions are seen to be the property of the clan. The clan protects livestock wealth, and re-distributive mechanisms provide some insurance against loss.

Competition for the exploitation of natural resources is thus a group issue. Alliances and agreed leadership systems to the clan level guide internal competition within local grazing groups. Major conflicts happen between large groups that identify themselves in the ethnic patterns of language,

blood, and which claim or contest assumed rights of occupancy to grazing land over which there is no agreement over occupancy or use, or for which no alliance exists.

Clans make a military type treaty alliances that unite several clans or even tribes who speak different languages. The Boran-Digodia alliance of 1989 held until early 1997, binding together more than half a million people across the Kenya, Somalia and Ethiopia border. The astonishing spread of information in the pastoral areas, ensures that such alliances are observed diligently despite their ephemeral nature. Competition for grazing, and more critically for watering for livestock especially in the limiting dry period is entered in by all the alliances. These competitions often turn into conflicts, which have the potential of involving all members of rival alliances.

The Kenya Livestock Development Project (KLDP): problems of shifting development paradigms

a) the KLDP

The state structures imposed by colonialism have been at war with the traditional structures in all parts of East Africa since they formed by the pioneering British invaders. In the wetter areas where the colonialists aimed to establish a vibrant European settler colony and gain quick economic returns, the traditional African customary way were quickly replaced with an English common law superstructure. The similarity of the climate of these East African highland areas with the downs of England made the changes in land use and control patterns reasonably feasible. In the arid pastoral areas, where proud traditions existed side by side with an unreliable harsh and hot climate, the English settler kept away and the colonial administrator preferred a system of indirect rules that led to a pragmatic mix of customary law, traditional authority and the secular English common law based state regulations.

After Kenya and Somalia formally agreed in 1968 to end the secessionist 'Shifta' war, the Kenya Government promoted economic development of pastoral areas in order to enhance their integration with the rest of the country'. The ambitious donor funded Kenya Livestock Development Project (KLDP) was born. KLDP inaugurated the 'national stratified beef industry' model, where the vast northern lands would produce immature stock to be fattened in the better watered southern range-land.

Laikipia, Machakos and the Coast became the site for company and co-operative ranches, that awaited the supply of immature stock for fattening. Kajiado and Narok were organised as Group ranches that would give Maasai title to land to use as collateral against loans from the Agricultural Finance Corporation (AFC) to buy the immature stock. The Kenya Meat Commission (KMC), in Machakos was the final destination for the product, where carcasses would be processed for sale internally and for export markets. Parliament gave the KMC monopoly status in its meat processing and marketing activities.

Northern range-lands were to be demarcated as ranches called 'Grazing Blocks', to be managed by selected elders, who would supervise the change in production strategies to market the immature stock. No titles were however issued, thus avoiding completely the adjudication difficulties given Kenya's rigid land laws and the complications of the total nomadism of region. In any case, KLDP did not envision the need for collateral in what was to be but a rear supply area. Livestock water

was provided through development of bore-holes and dams, to expand the potential grazing lands by a further twenty five percent. Eventual ownership of these Government financed water-points and the grazing they threw up was not clearly thought through. The Livestock Marketing Division (LMD) was strengthened to purchase the immature stock, and the articulated 'hippo' trucks were acquired for the division, which was given prominent status in arid lands livestock marketing. The legacy of subordination of local marketing mechanisms to unsustainable Government departments was created.

KLDP's poor overall performance led to its eventual abandonment by its financiers. The company and other ranches in Rift Valley and Machakos were bought out and subdivided and used for unreliable and unviable attempts at subsistence maize farming by other land hungry Kenyans. The immature stock from the north were not fourth coming in the numbers envisaged, as northern pastoralist's abandoned the grazing block system, defied imposed committees, and their restrictions, but took full advantage of the physical facilities granted by the project. A regime of Government offered public facilities with no responsibilities for privileges ensured. It could be expected that the inevitable price would come later. The undefined access rights to the new bore-holes led to massive infiltration of pastoralist's into the developed areas. Immigrants pastoralist's ignored all traditional strictures on water use and access control regimes. The resulting free-for-all led to unhealthy competition, pitting large pastoralist groups against each other.

In the group ranch areas the group ranch model became just the forerunner for massive ranch subdivisions into nonviable 'ranchlets' accompanied by land sales to people with cultivator ethos. Group ranch loans from the AFC were not repaid, and ranches were quickly subdivided into small pieces of land and auctioned off, leading effectively to a retreat of pastoralism and ranching, and the massive in-migration of neighbouring agricultural communities into former livestock land.

b) problems of shifting development paradigms

A major aim of government development planning was the perceived need to settle the nomads and bring them under closer control. A second goal was to increase the contribution of pastoral areas to the national economy as producer of subsidised beef for the urban markets. The basic motivation in the KLDP was a felt need by the administration, based on their perception. Such motivation was typical of all such developments in the pastoral areas throughout Africa. Throughout the seventies, developmental theorists and learned scientific circles were awash with the gloomy prospects linked to overgrazing, desertification and the need to prevent grazing peoples from destroying the land that they occupied. The bias against subsistence livestock producers generally, and nomadic people especially, were palpable.

"Governments from Senegal to Mongolia think that settled people are somehow more civilised, or at least operate with the ideology that their welfare missions as modernising states require the efficient delivery of services at fixed points in the national territory. From all quarters the pressure to settle is great."

(Philip Carl Salzman and Edward Sadala, 1980, "When Nomads Settle" New York: Praeger Special Studies.)

The dominant ideas about developing rangelands came from the recently constituted American science of range management. The domination of America in the World Bank and the FAO led to

the belief that the Western ranch concept was the organisational model for development in drylands.

“Throughout the 1960’s and the 1970’s there was a blueprint for African range and livestock development projects: “the ranching model.” (Behnke, R. and Carol Kerven, November, 1994, ODI Natural perspectives.)

Soon scientists starting pointing to the shortcomings of the model in its implementation in Africa. Range ecologists subsequently came to advocate that the best managers for pastoral land were the pastoralist’s themselves, with their nomadic movements, diverse animal species mixes, and locally respected common property ownership arrangements.

“Conventional range management in dry Africa has been highly interventionist. It has generated much bureaucracy but little effective action. In the past project managed land tenure reforms attempted to limit herd growth by confining herds to restricted areas. Opportunistic strategies of range exploitation stand this reasoning on its head. Because of erratic distribution of rainfall, forage shortfalls are erratic. Herd mobility and nonexclusive tenure arrangements that permit mobility are a cost effective way for animals to walk away from temporary local imbalances in feed supply”.

(Behnke, RH and I. Scoones, 1992, **Rethinking Range Ecology: Implications for Rangeland Management in Africa**”, Environment Working Paper No. 53, World Bank Sector Policy And Research.)

B) LEADERSHIP - TRADITIONAL, SECULAR?

Although it is now realised that traditional patterns of common property resource utilisation were the best option for the African rangelands, the solution is not as simple as letting things revert to the “communities.” Complicating factors have set in among local African themselves over the time. Secular education and the demands of the modern state have led to the emergence of new patterns of leadership that are in conflict with the tribal and clan systems. Tribes and clans are using the shortcomings of the modern state’s approach to pastoralist production to launch attacks on other clans. Old scores are today settled using the ‘educated sons’ of the tribe. A semblance of internal harmony to keep the stratifying tribe together, is maintained by the need to have everybody united for defence or aggression.

The group ranches of Masailand undermined traditional leadership, with the emergence of new leadership that grabbed control of the resources of the land. The traditional leadership and the new state-dependent leadership system, each with its ideology and pattern are now in competition. The tensions between the two systems exacerbates existing situations.

c) land use competition: wildlife

Wild species have been decimated the world over by cultivators and urban populations. Except in zoos or zoo-like pockets, wildlife has ceased to exist. Leading to the international interest in the abundant wildlife roaming the pastoral lands; the African rangeland is seen as a last frontier in bid to

conserve flora and fauna in pristine conditions. East African states, have been happy to oblige with the creation of large expanses of 'parks and reserves' dedicated to animals.

Money is at the centre stage of the conflict. Tourism is the single largest earner of foreign exchange for Kenya. Wildlife is to several African countries, what the Eiffel Tower, the Riviera, and the Egyptian pyramids are to their host countries: a world class unique attraction, photogenic, easily romanticised into packaged tour. But most wild animals do not live in the parks and reserves, they co-exist with tolerant pastoral communities. But governments has until recently relied on draconian legal system to ensure the protection of wildlife.

Wildlife conservation in Kenya has become an emotive issue in Kenya. The Maasai frequently clash with the government over the control and management of Maasai Mara and Amboseli reserves. Garissa county council has gone to the courts over the KWS sponsored relocation of Hirola antelope. Minimal amounts of money earned from tourism is ploughed back into pastoral areas. While pastoralist's bear costs of coexistence with wild animals, they derive little or only negative benefits from the tourist industry. Lands is alienated for reserves and parks. Pastoralist's who kill any animal for whatever reason, even given the increasingly widespread famine-induced deaths, risks being hauled into jail. Whenever pastoralist's are killed by wild animals, "compensation" takes more than three years, due to the reluctant bureaucracy involved. Incidents sparked off by game rangers easily spill over into generalised tribal warfare. In 1996, game scouts shot demonstrators in Isiolo town, leading to outcries that they had taken sides in the inter-pastoralist struggle, and the escalation of existing warfare.

D) MAASAI FRUSTRATION WITH THE LEGAL PROCESS

Maasai group ranches originally conceived as a buffer against land alienation have ironically proved an easy entry point for wealthy people to get into Maasai-land. It has been argued by Dr. Mukhisa Kituyi that the title deed only enabled the owner to sell his land, as it did not confer any new access rights, while actually curtailing traditional nomadic rights. The group ranches failed to be self sufficient in grazing resources from the start, were quickly subdivided, and sold off to land speculators and neighbours bent on cultivation, especially the populous Kikuyu. Maasai have little to show for the money they received from the land sales. Maasai have not been able to establish themselves as an urban or business community, and are now facing the prospect of attempting pastoralism within confined spaces remaining in their control. As the title of the book by a Dutch scholar states: the Maasai have been "Selling wealth to buy poverty."

"Masai reluctantly agreed to the group ranch adjudication affirming that formal and legal tenure of communal resources was the best protection against individuation and increasing migration of farmers onto Masai lands. The droughts of 1968 and 1971 showed the fragility of group ranch boundaries as different Maasai herded their animals in land occupied by kin or stock associates. By the 1980's however, individuals gained control of better watered regions, particularly of the Mau escarpment in Narok district which increasingly was transformed into a commercial wheat farms."

(Holland, K. 1987, Land, Livestock, and people: New demographic considerations for Kajiado Maasai. Discussion paper no. 5, East African Pastoral Systems Project, Anthropology, McGill University.

The sale of ranch land has led what has been described as 'the double tragedy.' Although the lands that the agriculturists settle on are important dry season grazing reserves for pastoralists, they marginal for crop production, leading starting off desertification. Thus while pastoralists lose vital land, the cultivators lose their money and time on marginal land.

Between the years of 1979 and 1989, the population of the largest Kenyan tribe the Kikuyu rose rapidly at world record levels. The Kikuyu homeland districts of Kiambu and Murang'a however grew at 2.8 and 2.6 percent, decidedly lower than the national average of 3.34%. Where was the increasing Kikuyu population going? Due to the low impact of medicine and nutrition in pastoral areas, population increase is estimated at 2.5% annually. The Maasai districts of Kajiado and Narok however grew at an astonishing 5.6% and 6.5% percent respectively, due primarily to immigration of neighbouring agriculturalists from Kiambu and Murang'a. In 1962 the Maasai constituted 78 percent of Kajiado population; in 1979 they were less than 63 percent. The trend of Maasai marginalisation in their home districts continues.

Maasai today argue that the best of their lands were not even sold off by ill advised fellow Maasai. They cite the many instances of the fraudulent disposal of Maasai land by entrusted state officials. Some of these misdemeanours are now the subject of celebrated court cases. The legal struggle over Loodariaak, Mosiro and Ewaso Kidong have led to international advocacy campaigns, and the organisation of simultaneous demonstrations in Nairobi, London, and U.S.A. The loss of land through dubious methods still continues. In November 1996, more than 500 members of the Moitanic clan in Trans-Mara District objected to illegal allocation of a strip of land and the Trans-Mara forest by the government to outsiders. Pastoral Maasai in Kajiado north and Samburu are reacting to unresolved land cases by taking the law into their hands in the proverbial spirit of "justice delayed is justice denied". The struggle over Maasai land has increasingly taken polarised structures, with Maasai pastoralists on one hand and 'outsider cultivator' on the other side. The then Minister for Local Government Mr. William ole Ntimama, identifying himself as an ardent crusader for Maasai land rights, proclaimed "Maasai land rights are human rights."

Public opinion had shifted definitely against the group ranches such that when they were proposed for Samburu district, elders pronounced a group curse on those espousing group ranches among their Samburu people. Many individuals, including the well connected Samburu and state functionaries, saw only personal gain to be had from land adjudication into group ranches. The public curse and dislike of group ranches failed to stem the tide of the development. In 1970, the Government established a Land Adjudication Office in Maralal, which issued group and individual titles on the Leroghi plateau between 1972 and 1975. Restrictions on stocking options, and the denial of access by small stock to the plateau, forced poorer Samburu to the Lbarta lowlands near Baragoi. Today the Leroghi plateau has been transformed from a predominantly subsistence pastoral economy to a mixed economy of commercial ranching and wheat/barley estates, complete with even non-indigenous farmers. The poorer Samburu pastoralists have moved to Baragoi and Wamba, where conflict with Turkana and Somali/Boran pastoralists has hit an all time high.

The pastoral 'whose lands?'

In the vast 'Trustland areas of northern Kenya the lack of clarity over modern tenure systems and the breakdown of the old ways has led to large clans trying to expand their land by attacking and

terrorising their weaker neighbours. The drier nature of the vast lands has limited the option of quickly dividing it up as group ranches. The armed secessionist struggle had the effect of making the land unattractive to non pastoral Kenyans.

Although Kenya signed a peace treaty with the Republic of Somalia over the former Northern Frontier District, Somalia was soon after taken over by a stridently militant military regime supported by the former Soviet Union, that revived the struggle for the Greater Somalia. Tension and uncertainty in the north Kenya region rose as the Somali regime armed and trained its populace for the expected assault on its neighbours for the control of Somali speaking territory. The legacy of the peace of 1970, was the beginning of the anarchical free-for-all rangeland utilisation that still rules in northern Kenya today.

“The most recent threat to pastoral land tenure in northern Kenya is the dramatic increase in warfare and armed raiding between competing pastoralist groups. While these conflicts are not new, they have reached a heightened level due to the large number of automatic weapons being used. Northern pastoralist’s major problems is political insecurity and competition with other pastoralist’s groups over grazing resources. While these conflicts reflect older animosities, warfare is today carried out by men with automatic weapons resulting in greater numbers of fatalities, particularly of children and adolescents herding livestock in isolated herding camp.

(Eliot Frantkin)

The resource conflicts have been growing more severe as evidenced from the increasing militarisation of the northern pastoral part of the country. The numbers of incidents have been growing rapidly, the number of victims per raid had gone up, and whole ‘tribal’ groups numbering hundreds of thousands are becoming involved. There are claims that leaders, including entire councils and parliamentarians as well as traditional elders are involved. The undefined free-for-all de-facto policy of land tenure in the northern pastoral areas has led to large scale recent migration of clans in a winner-take-all struggle by the militarily strong groups to take over grazing land.

Isiolo borders the agricultural populous Meru, Nyambene and Laikipia districts on one side and the dry Wajir, Garissa and Marsabit on the other. During the colonial period, the Boran were protected in their exclusively designated grazing lands east of the Gotu falls, which grazing area was designated exclusive Boran tribal grazing land. The exclusive designation lapsed, and in independent Kenya the protection is no more.

“Currently Boran are losing grazing land along the Ewaso Nyiro to Somalis from Wajir District. Somalis have expanded from 10 percent of Isiolo’s population to 35 percent between 1960 and 1989, while the population of Meru agriculturists flowing into the wetter areas of Isiolo town have also grown also dramatically. (Eliot Frantkin)

The resistance to such take over by local Somali, Boran and Samburu has led to a deadly struggle for grazing with the incoming peoples. Due to the many and diverse groups involved, Isiolo insecurity is a complex issue, but one in which is clear that the struggle is over control of land and grazing resources. Boran and Isiolo Somali refer to the colonial history to justify their claim for exclusive grazing rights. Samburu and Meru on the hand claim that the district belonged to them before the colonial period. The militarily strong Somali pose as an underdogs of the piece, as the

state, never forgetting the secessionist wars, usually takes sides against them. As a result Isiolo district, like Tana river District, is one of the most unstable districts in Kenya.

The conflict between different groups over the control of undefined resources spills into the competition for access and influence over the state. Pastoralists are keenly aware of the impact of the state in their internal struggles. The conflicts between clans often lead to other forms of struggles. In the undeveloped areas of northern Kenya, the member of parliament is seen to be only a champion for clan interest. There is a new jostling for political elective posts that is turning old friends into the new rivals. During the British colonial era, Wajir West was designated as an exclusive grazing area for the Ajuran. The most bitter symptom of the expansion of Digodia pastoralists into the grazing lands of Wajir west is today seen to be the stranglehold of the parliamentary seat by an otherwise charismatic Digodia politician. The loss of the Parliamentary seat was not only seen to demonstrate the declining fortunes of the Ajuran in Wajir West, but is supposed to have paved the way to the dominant Digodia influence in the constituency. Another point of contention has been the appointment of many chiefs of the Digodia tribe in Wajir west. Sitting members of Parliament have influence over the Provincial Administration, and coupled with the effect of many chiefs on the ground, the influence translates to decisions on access to resource.

The Ajuran have launched a press blitz, engaged the courts, and some claim to have resorted to armed war against their neighbours and old allies in an effort to redress what is generally perceived as injustice. In the 1980's Wajir west became a very insecure place, especially for women and children, as Ajuran and Digodia entered into a terror-and-counter-terror campaign. By multiparty era of 1997, multi party politics had made it more difficult to ignore the active grievances of even small groups. The authorities have sought the creation of a new elective seat in the northern half of the constituency, to ensure that the Ajuran will have a parliamentary representative again. But even before their MP takes his seat in parliament, there have been protests from a section of the Ajuran, that the key problem of ownership of grazing land and access to resources would not be addressed fully and urgently by the mere creation of an electoral area. Leaders, including a former MP, said "Dividing Wajir West is not in the interests of the Ajuran community, which was predominant in the area". They claimed that the new constituency served to legitimise the enfranchisement of the Digodia clan "*who are aliens to the area*" in the former Wajir west, (Daily Nation).

The connection between insecurity and the struggle for access to and control over resources is clearest in those small point areas which natural conditions favour. These pockets of higher potential land are oases for driest season grazing reserves that allow use of the vast surrounding lands. Such 'oasis' are found in higher pockets and along the rivers and larger seasonal streams. The central division of Marsabit is a highland oasis of high agricultural potential in the midst of the driest parts of Kenya. Agricultural schemes began on the Marsabit mountain in the 1970's to arrest the frequent famine relief programmes. It was supposed that cultivation was the future and way out of the famine syndrome. The mountain is now highly populated, constituting over 10 percent of the District's population. Initially, the major conflicts have centred on the boundaries of the Marsabit national Game Reserve and the forest reserve. Pastoralists complained that they were being kept away from their former grazing areas, while wildlife continued using their lands. The mountain area, which was also the dry season grazing areas for the neighbouring pastoralists, has been adjudicated exclusively for only farming and urban interests. The Marsabit county council has been allocating titles for land along the Marsabit road, which borders the reserve. Violence has broken out between the cultivating communities the Boran and the pastoralist's community Rendile over access to the

Marsabit mountain in 1994. By 1996, the violence included the settled Burji in complicated alliances, and compounded into burning of huts, granaries and farms. The farms started out with fanfare in the late seventies blew up in flames.

The Hurri Hills, in a remote corner of Marsabit district, are currently experiencing a movement towards individuation and titlement of land. This hills are vital to Gabra pastoralist's, and the traditional Gabra resource management units, the Yaa, is trying to protect the hills from cultivators setting in. However because the Government will not recognise these Yaa as land controlling groups, while it readily recognises cultivation as ownership worthy issuing land title, the Yaa is worried that they could loose the battle. Hurri is the last major dry season grazing in Marsabit, so it's subdivision could probably herald the demise of pastoralism in the vast district.

In the riverine areas Government has encouraged irrigation as the optimum land use without considering the marginalisation effect on pastoralist's of such policy. The Tana river is Kenya's largest river. The middle and lower reaches of the river run through the lands of the Orma and Somali pastoralist, and the traditional riverine Bantu speaking farmers. According to the Government, most of Tana River is Government or state land. It has therefore been possible to carve out huge private ranches developed by external capital, like the famous Galana Game ranch, without worrying about local people. Though harnessed for Kenya's hydroelectric power, the Tana potential is otherwise limited. Irrigation schemes have been developed in the lower Tana at Hola, Bura and at the delta flood plain. All these schemes are expensive failures. Bura West, partly conceived to counter the "secessionist Somali problem" by settling large non Somali populations in the lower Tana, absorbed one quarter of all Kenyan agricultural development funds for several years in the early 1970's. The Bura irrigation scheme is now a levelled dryland with strong dusty winds tearing through invader bushes growing where crops were supposed to be. All the settlers brought in at great cost from the highlands of Kenya, who take over the grazing lands of the Hiriman Oromo, have been fed on government provided famine relief for the last five years. Hola collapsed more than five years ago as the river shifted course, marooning the inlet system and pumps.

But irrigation "development" continues, despite the poor record and the controversies over land tenure. In the delta areas, Japanese donors and companies are involved in a large rice scheme. In what was the grazing reserves for the Tana river and Garissa district pastoralist's. Except for temporary Pokomo tenant labourers, there has been no effort to integrate locals into the new projects. The Tana delta is now subject to vigorous struggles between well connected 'developers' who wish to start prawn farming, or acquire lucrative beach plots, and wildlife conservationists who want to create new conservation sanctuaries.

Meanwhile, Somali peasant groups who have fallen out of pastoralism, and rich speculators from Tana river and north east province, are allocating themselves land along the river. These new farmers are assisted by donor funded projects to increase their acreage rapidly. As local agriculture develops the growing Garissa town is becoming an export market for agricultural goods. Due to poor planning, lack of prioritisation and avoidance of all traditional access rights, local agriculture is blocking access to the river for those remaining engaged in pastoralism. In time clashes pitting the new breed of riverine Somali against pastoralist Somali can be envisaged. There is already armed conflict over access to the river by pastoralist's who feel they are being denied their traditional rights. In March 1996, the Oromo fought with riverine Bantu, leading to death of several people in the ensuing struggle over the access of cattle to the river.

e) Roadside banditry

Roadside banditry in northern Kenya has been highly dramatised, probably because of the impact it has on non-indigenous development workers, administrators and traders. Less publicised is the link of roadside banditry with tribal wars over control of grazing resources.

To give an example of the polemics of roadside banditry, in the first week of December 1996, heavily armed bandits ambushed a convoy of 14 vehicles on the Garissa-Mwingi road, engaged the security personnel in an half hour shoot out. A few days later, December 16, five lorries on the same road were ambushed, and drivers and passengers were robbed of property and money valued at about KSH 200,000.00. Mr Maalim Mohammed, the Minister for Land reclamation, Regional and Water Development, opined that the highway banditry was a form of organised crime for money. This reflects the sophisticated opinion holding it to be isolated and personalised acts of robbery or violence.

Early 1996, a delegation from KPF Nairobi travelling to Garissa noted how the highway was safe, and the open talk against the convoy system on the superb, smooth and straight recently tarmaced Garissa road. What made the road so dangerous again?

Towards the end 1996, the northern half of Tana River District witnessed intense terrorism between several Somali class and the local Orma and their few Somali allies. The whole area, including the Garissa highway, was immediately deemed "very dangerous" by local travellers. It was obvious to them that with the war between the pastoralist's over grazing in northern Tana river, there would be inevitable spill over of violence onto the highway. The Provincial Commissioner (PC), North Eastern Province, however, felt it necessary to issue statements publicly de-linking roadside banditry from the tribal animosity between clansmen in Tana River District. The PC blamed miraa transporters for the banditry as "they hired bandit escorts".

On November 6, 1996, a *miraa* vehicle was hijacked by bandits. The fear of loss of a vehicle to Miraa, traders is real. Many instances are reported along the local grapevine of miraa traders, abducted and beaten severely by bandits or police. Miraa traders are victims of roadside banditry, forced to pay some form of toll to the bandits at agreed checkpoints, as a form of temporary insurance. Should they be blamed for what is costing them due to breakdown of security?

A clan may cooperatively use road side banditry to disrupt and loot from travellers to strike terror into their opponents, and generally disrupt travel on a road. For instance, suspicion of such revenge featured in the November 1996 attack on a lorry at Ngaremara - home of a pocket of ethnic Turkana -- on the way to Isiolo from Maralal. The Isiolo-Maralal road before the orgy of bloodshed between the Samburu and Turkana in Samburu District was peaceful, entirely without armed escorts or convoys.

In most of Marsabit, banditry is selective targeting lorries passing through territories of rival groups. The owners of the few lorries that ply the road are all known to the local residents. In January 1997 a clan member was pulled out of a truck barely outside Marsabit town, called by name and then shot dead. The territory the lorry was passing through belonged to the rival clan group. Highway brigandry is but a symptom of the general insecurity far beyond stretches of road in areas of conflict.

f) Large Scale Livestock Rustling

Is large scale livestock rustling, or stock theft, a major cause of conflict in northern Kenya, or is it a symptom of underlying problems?

Stock theft have always been assumed to arise from the need to have more livestock – the traditional measure of wealth in pastoral society. A recent trend had been to see the rustling as a deadly plot to enrich themselves by well connected individuals who sell off the thousands of stock in large urban markets with impunity. However, whoever may be profiting from cattle rustling, the actual perpetrators on the ground are large disciplined gangs backed by their ethnic groups to strike together in unison at neighbouring groups. The need to remove competition from coveted areas leads to the strategy of inflicting maximum fear among the rivals. Such terrorism explains the wanton killings that accompany the clan wars of northern Kenya, where fifty defenceless women and children are killed in one incident (Baragoi, 1996).

Adventurous individuals take advantage of inter clan tensions to rustle stock from the opponent clan, raising the tension and propaganda between the clans. In the process escalating hostilities get under way, thousands of stock are literally taken within sight of the authorities. Such rustling is no theft involving a few sly and sneaking thieves. It is a daylight venture carried out by organised bands of hundreds of braves who are considered heroes back in their home villages.

This can force entire families to drop out of pastoralism in a way that drought rarely achieves: in a sudden, terrorising moment, without option's of 'destocking' sales, movement to greener or other pastures. The aim of the crippling large scale livestock looting is rarely just to take possession of stock. The very conduct of the raids make it clear that a major aim is to strike terror into the hearts of the opponents, and wipe them out as prospective pastoralist, eventually causing them to give up choice grazing areas. The saddest aspect of the phenomena is the loss of life, as marauding bandits kill women, children, who are not be in a position to resist the large loss of their livelihood represented by the looted stock.

Between August and early November, 1996, according to a Ministerial statement from the Office of the President, 62 persons were killed in Tana River district alone by bandits – 11 were killed in November, 14 in October, 17 in September, one in August. The style of killing is more ambush and execution than shoot down in the heat of battle. On November 2 1996, an attack of Charadende village of Tana River left three villagers beheaded and more than 200 head of livestock stolen, according to the Daily press. A week earlier, in Roka village in the same district, eight people had been murdered. General Service Unit (GSU) and police detachments deployed in the area failed to stem another attack January 1, 1997, whereby bandits, armed with automatic rifles, grenades, and machine guns, shot dead three men and terrorised villagers before driving away six hundred head of cattle. According to local police reports, the bandits *'were believed to be members of a clan from the neighbouring district who may have been in the area in search of water and pasture.'*

Another Ministerial statement reported that Turkana cattle rustlers had attacked their Samburu neighbours eleven times in six months, while the Pokot had staged eight raids. Speaking on the escalating raids in Samburu, which had in December 1996 seen 50 Turkana villagers massacred by Samburu/Pokot bandits, the area DC said, "the Government would deal firmly with those out to cause chaos in the district. Tragically, while engaged in the "rambo-style" pursuit of the bandits, the

DC was reduced to charred dismembered parts by the bandits, when his helicopter was downed in the Suguta valley, after they had taken off with 15,000 head of cattle. The motive, of such concerted and sustained attacks is not the supposed hunger for animals, but the need to terrorise and inflict fear among rivals, and by so doing, push them away from points of conflict – pasture and water.

4. Government attitudes to the conflicts, and conflict costs

The authorities are aware of their shortcoming in their preferred methods of solving the insecurity problem; through a constant issuance of threats, and the continual throwing of large numbers of armed security men at the problem, and randomly picking up and questioning under torture citizens of the north.

Just before his death, the DC Samburu appealed to Samburu and Turkana elders meet and sort out their problems. At the height of the Samburu-Somali-Borana warfare of late 1996, the Oldonyiro District Officer addressed a public baraza at Kipsing, a small village in the eye of the storm, calling on the 'pastoralists community to promote peace' and urging that the Samburu, Somali and Turkana coexist and jointly participate in development matters. A ministerial statement from the Office of the President recognised the need for local participation in peace efforts, promising "*the Government is promoting grassroots reconciliation among the different groups.*"

The tone and the manner in which the exhortations for peace are delivered, the wording and language used, the setting -- usually a public baraza from where crowds are harangued in an strong-man's know-all-format, where only the administrators talk without allowing any airing of alternative views, has ensured such exhortations only increase the lack of understanding. Such calls fail to discern and tackle the underlying causes behind the conflicts, the lack of co-operation, the killings, the seemingly wanton violence. GOK does not involve the grassroots in reconciling the underlying problem of 'whose pastoral lands?'

Of critical importance is the government's lack of action on the root causes of conflict, such as resources wars, but instead resorting to illegal, highhanded and thoroughly inhuman ways of "disciplining" pastoral offenders.

To some locals, there was more than rustling and banditry. The Chairman of the Turkana branch of Kenya National Chamber of Commerce (KNCC) said insecurity in the area had affected business as most traders had abandoned their premises, making innocent people suffer due to lack of essential commodities. "Government should show seriousness in trying to restore peace to the area, and arrest the killers of the 14 people who were killed at Kainuk, and get them explain their motives. *Part of the motive was to frustrate the peace efforts of the area,*"

An attitude problem restricts ability by government and government employees to appreciate the problems of the pastoralist's. The myths against pastoralist's, against Muslims and the racial feelings encountered when confronted with Cushitic peoples confuses government personnel. No where is this clearer than in the Somali speaking areas. There is the problem of perception as illustrated in an October 1996 newspaper report quoting three North Eastern Province legislators from the ruling KANU party, expressing their bitterness with the 'blanket condemnation of Somalis as *'shifta'*

(loose term for bandits, inherited from the secessionist struggles of the early 1960s) was unacceptable. They said Kenyan Somali had been so stigmatised since independence.

The facts of history bear them out. Even a decade and a half after the signing of the Arusha peace accord with Jomo Kenyatta. In 1980 the Kenyan Government felt it was necessary to burn down Somalis in their houses in their provincial capital, Garissa in an incident that portrayed the misconception of Government. A poacher named Abdi Madobe had attacked the town, and killed some civil servants. The Provincial Commissioner ordered the Somali to produce Abdi Madobe or else.

“An intimidating paramilitary operation was then launched against inhabitants of Garissa town. The local population was rounded up by the security forces, herded into Garissa county grounds, and were made to squat in the sun for three days surrounded by armed forces. Those detained included members of Parliament, councillors, civil servants of Somali origin and wealthy traders. The attack on the populace was truly indiscriminate; any and all Somali were targeted as enemies of the state.

“In February 1984, after four Ajuran were shot dead in Wajir, the Government decided the Digodia as a clan were the aggressors, and a punitive military operation was mounted against them. All male Digodia from the town of Wajir were rounded up and taken to a disused airport at Wagalla. For three days they were herded without water or food, surrounded by heavily armed police and army personnel. On the fourth day of their incarceration, overcome by hunger and thirst, a section of the crowd made for the perimeter fence. The security forces opened fire, and four hundred people were killed.

Hussein Sora, 1994, in “Sustainable development for north east Kenya”

Police enter most pastoralist conflicts as the ‘sixteenth clan’ caring more about their image, their personal safety than about justice and peace, while denying the reality of anarchy all around them. When the police were unable to obtain information due to their poor linkages to local sources, they too often resort to extra judicial harassing of the local leaders, creating tension with their local supporters. Thus, in January 1996, the popular Isiolo county council chairman was held by police for hours of interrogation over raids where Boran are suspected to have killed an elder of a clan living with them in Isiolo.

Under the tension of attack and police counter attack, issues often get blurred and innocent local people tend to be viewed as part of the enemy, and are forced to undergo violent police interrogations. The sad reality is that in too many areas, especially away from the towns, the police are not considered a friendly force at all. The system whereby whole communities are rightfully or wrongly considered as engaged in battle makes the police wary and suspicious in their dealings with local people. The repeatedly resorting to the use of destructive and counterproductive tactic of collective punishment alienates the people from governments discriminatory legal system even more.

Leaders in Turkana said in January 1997 that the military operation in the area involving the use of helicopter gunships, tanks, bomber aircraft and infantry to flush out bandits was victimising innocent villagers, including women, children and men, and they asked the head of state to intervene against “the excessive force that was being used against the villagers.” The leaders, who included an Assistant Minister, claimed that the military operations, and the spate of intertribal

killings that led to its mounting, may result in the elimination of the Turkana as a community. They urged the Government to come up with a clear policy on the security issue in Turkana, as the District "was surrounded by hostile tribes."

Problems of government intervention also relate to selective and clearly discriminatory policy of arbitrary taking sides in local conflict, as highlighted recently by an opposition Member of Parliament: "Government has pitted tribes against one another politically by allowing some to acquire guns like the AK47 rifles, in the pretext of arming home-guards, (while disarming others)."

The Government is guilty of practising open favouritism of given pastoral tribes/clans. For example in late 1996, all armed forces poured into Turkana, to punish only the Turkana, despite large numbers of Turkana being slaughtered by the then favoured Samburu and Pokot. Such policy leads to bitterness among the disfavoured clan which may attack the favoured groups to avenge attacks against them.

The government is most consistent in its bias when cultivator communities clash with pastoralist's. When Mwingi residents complained about rustlers, government confiscated cattle in Tana River and Garissa in a collective swoop on pastoralist's, and paraded the livestock as recovered stock in an open display. Mwingi civic leaders arrived in a government lorry ostensibly to identify their stolen livestock from among those on display. The Mwingi group insisted all animals on parade belonged to them, while Tana River pastoralists claimed the animals were captured arbitrarily and randomly, and belonged to them. The government handed the cattle over to the Mwingi claimants. There were no arrests, nobody was accused of stealing, and no courts were involved in the forcible confiscation and compensations to robbed people with the stock of innocent Kenyan's. In 1997, Meru claimed that Isiolo Turkana had taken cattle from them. Again, government went to Turkana manyattas, rounded up as many livestock as they could get hold of, and handed these over to the Meru. Turkana, who are the poorest community in Isiolo, raised an alarm, and are still trying to see the Provincial Commissioner, the President or whoever can help them recover their stock. It is instructive that while collective punishment can be meted out to the Turkana, the same cannot be applied to the Meru who live in a non pastoralist district where the law is different, and requires that an individual appears in court before his property is taken forcibly away.

Government has been embarrassed sometimes by the promises that it fails to keep, and it confuses with its stopgap methodology of reacting to insecurity crises. Thus the Government had pledged to take care of five former Garissa bandits who surrendered, informed on their friends still at large, and handed over their weapons. These were promised jobs, food, security, identity cards, which were not forthcoming. The former bandits went to the press complaining they were frequently arrested for lack of identity cards, and that they were being intimidated and hunted by those bandits they informed about. They hinted that they may be forced to return to the bush or resort to other criminal acts to feed themselves. The DC said his office was planning to rehabilitate the bandits by helping to start small scale business, adding that two were already running small kiosks in Garissa. With its active policy of shoot on sight, and whole communities are harassed for merely being suspected of hosting bandits, it is ironical that the government is busy trying to rehabilitate others in other places.

5. Institutions involved in conflict resolution

In the pre-colonial times, there were clear rituals used to guide the conduct of warfare. Councils of elders had full control over war and peace. Total war was avoided, and conflict resolution mechanisms were used to keep neighbours at peace. During war, elders from different clans would keep the option of peacemaking alive, partly through lively communication with rival clan elders. Reciprocal grazing rights, mutual assistance in times of drought, and exchange of livestock, wives, and sons were methods used to carry on relationships with rival clans. Peace between clans were celebrated ritually, through symbolic meals, trees, skins, sharing, and involvement of religious leaders.

With the breakdown of traditional methods by colonialism and their further relegation by African governments at independence, these peace rituals survived as an underworld covered by the hostile superstructure that is the state administration. In reality it is the existence of this 'underground' understanding between clans that promotes peace and well being between pastoralist's. While the government assumes that the clans are clear cut identities following the rigid and categorical British classification of peoples in to bracketed pigeon holes, the reality on the ground was always different. In the absence of initiative from the government and with the increased liberty brought about by the incapacity of the financial incapacity of the state and the ongoing liberalisation's of politics, local people are openly reverting to traditional methods of handling conflicts.

In 1990, many meetings were held in Isiolo between the Digodia and the Boran. The result was the current alliance between the two groups. The Boran have also held many talks with the Somali Aulihan group. The peace talks with the Aulihan involved the return of livestock, and the formation of groups that would judge misdemeanours of agreements. When conditions between two protagonists are very strained, a third local group that is seem to be neutral is called upon to deliver impartial go between roles. Elders punished persons who through their individual actions threaten tribal agreements for peace. 'blood money' is paid across clan lines. Cases have been known in recent past where criminals have been subjected to tribal executions to satisfy aggrieved members of other clans.

Apart from elders, women and children, ritual and religious leaders, never participated directly in war. These groups emphasise the virtues of peace. There are also groups of clans that are in between traditional clans, who claim that are related to neighbouring large clans tha could be antagonistic. Thus the Sakuye, Ajuran, Garre, Miggo are groups that exist across the Somali Oromo divide, and have links at once with both groups. These fluid groups are again reforming themselves, and are starting to assert their traditional role in peacekeeping.

the attempts by politicians

Members of parliament and civic leaders, and even election losers are involving in peace meetings in Isiolo between the Boran and the Somali. The recent case is the meetings to review the Boran Digodia alliance in the wake of the debilitating drought of 1996. MPS from Isiolo and Wajir joined the meetings, which took place in Mudogashe. The involvement of this "new clan leaders" is giving new, state-recognition to the agreements they reach.

But politicians are known to thrive, rather naturally, on divisions and raising emotions. Clan alignments make it easy for politicians in northern areas to excite feelings of solidarity. They also like to be seen to be in control of all significant development.

They are opportunistic in nature, by and large, making it very complex to involve them in any genuine-across-the board beneficial negotiations. Politicians can be chauvinistic defenders of the clan. Coupled with illiteracy, their role in peace-making can be said as suspect, preferring to work only with sycophants. They also tend to have a phobia – seeing enemies where there are none.

The contribution of ngos,

Non Governmental Organisations (NGO's) have lately started novel peace-making work among pastoralist groups. The NGO's have been able to bring together civil servants, traditional elders and donor funding.

However, local NGO's depend on external funding, and the major donors do not fund amorphous activities like peacemaking in the de-facto "traditional battle fields" of the north. The commercially more productive central highland saw the UN Development Programme (UNDP) and a host of other organisations come in promptly when pastoral and semi-pastoral communities were allegedly cleansing their "motherland" of 'outsiders'.

Until the northern chaos actually threatens the state, by which time it is of course too late, the big money agencies will never be interested in funding conflict resolution.

KPF approach to conflict resolution

The Kenya Pastoralist Forum is a membership organisation that carries out advocacy and research on behalf of the pastoralist's. The KPF mission **advocates on behalf of pastoralists in order to:**

- improve the image of pastoralism as a way of life and as a viable production system.
- improve the recognition of the contribution of pastoralism to the national economy.
- conserve the existing range-lands and other resources necessary for pastoralism.
- strengthen the capacity of pastoralists to contribute to all aspects of national development.

KPF has regularly held meetings in Nairobi every quarter that discuss various topics. Most recent meetings have discussed:

- insecurity in the pastoral areas (February 6th 1997),
- Pastoral lifestyles, economic systems and the land tenure system in pastoral areas (July 1996)
- wildlife and pastoralism (Feb 1996)
- Land tenure in pastoral areas of Kenya (September 1996)

At the request of Isiolo county council, KPF's organised meeting with Isiolo councillors to sensitise them on their custodian-ship of Trust Land, and arranged a visit for elders and councillors to Kajiado group ranch areas. As a result, the Isiolo leaders meeting in December 1996 rejected the proposal to start land adjudication in Isiolo under the present legal regime.

KPF has initiated discussion of the phenomena of big dams and grand dams along the Tana river, through a widely attended workshop in Garissa. The damming of the Tana river and the proposed irrigation settlement projects that are designed to relieve the population pressure in highland areas of Kenyan is explosive source of conflict, as it would take over grazing lands of the Orma and Somali pastoralist's. However, the pastoralist's themselves are poor, and many are being thrown

out of the livestock sector by the ravages of insecurity, rustling and banditry. Several donor programmes are presently involved in the settling of displaced former pastoralists along the river as irrigation farmers. However, as competition for access to the river grows, incidents of resource conflict is also growing. Dams are threatening the ecosystems, the mangrove swamps, and not enough research has been carried out to understand the economics of development in this part of the country.

Administration and regular police February 2 1997 broke up a technical meeting on the 'Sustainable Development of the lower Tana resource management.' About six months later, his Excellency the President Moi claimed KPF was in fact a recreation of an illegal political grouping that sought to change the political status quo through an armed struggle.

KPF Research

KPF studies have, among others focused on land tenure, with the production of an inventory identifying the problems would look into what laws there are to protect pastoralists, what in the legal system prevents pastoralists getting security in the land they hold, what contradictions and stumbling blocks there are in the legal system for pastoral land holdings. A prescriptive critique capable of leading to new laws is the target of the exercise.

Another study looked at the contribution of pastoralists to the national economy. Household surveys were carried out on consumption and income in sample areas of Kajiado and Mandera. The research has been widely distributed in mass media, although KPF plans to publish this material independently.

KPF in the process of stimulating wider understanding of the relationship between conflict, the isolation of pastoralism, and the lack of appropriate tenure in the pastoral areas. Through meetings, seminars, radio broadcasts, KPF will initiate public debate on the tenure issues, and through its member organisations it will start dialogue between pastoralist groups to stimulate peace making.

Capacity of local groups in the resolution of conflicts

the limitation of civil society

Certainly the efforts of the Wajir and Turkana peace groups have yielded remarkable success, unthinkable just a short time ago. However, freedom of speech and association remain a dream in pastoral Kenya.

The best peace efforts can only be conducted in an atmosphere where known culprits walk free, where the state is not held accountable for its deeds, and where police put the onus of public security on the populace without allowing them to take into their hands the means to do so.

Subtly, a second class status is accepted implicitly by local peace efforts in their approach to the ongoing meaningless war. The stringent demands for state involvement and local acceptance of responsibilities of failure of the state to give guarantee safety of life and property and liability for protection of citizens rights to property, life and sense of security are absent.

In the political climate where democracy is still finding its feet, where the option of sense of 'nationhood' or mere sharing of governance in a 'state' is still to be seriously thought about, where being different means personal loss, civil society is limited to tackle the issues of citizenry and its rights in the arid north and northwest of Kenya.

the need to uphold traditional institutions and power

Traditional elders have been robbed of the power to control their youth by the galloping march of the technological revolution. The arrival of the machine gun, which can be used easily by 14 year olds, disrupts the balance of authority in the tribe.

The courts, money, the Administration, the local MP, and above all the school has led to the retreat or change in the pattern of traditional power. Conflict between tribes is today fuelled by an understanding of the pretensions and weakness of the state, but also by a respect of its taking away the capability to wage open war against neighbours. The result is the terror without a head (i.e no open leaders) that defies the state without taking it head on.

Little or no peace can be achieved unless this traditional custodians of peace and war are re-equipped, re-empowered and generally supported to regain their place in what remains largely traditional society.

Of critical importance is the need to get the youth in pastoral areas to respect traditional institutions such as the curse of the elders and or alternative the tenets of organised religion. Somali youth have professed their lack of respect for their religion when they engage in looting, raping and torturing their co-religionists.

the impact of neighbouring states

In many ways it would be more unnatural if north Kenya Somalis did not care what happened in Somalia, or Borana did not care to follow the fortunes of the Oromo in Ethiopia. If only for a cultural, linguistic and chauvinistic pride in the progress of another African state that their ethnic group controlled.

However, the borders are opening up widely, thanks partly to the liberalisation of the economy, which now allows people to cross without fear to visit their neighbouring countries, ideas and political ferment will undoubtedly flow again.

Looking at the greater East African region, the Organisation of Africa Unity (OAU) charter, which forbids non-interference with matters outside a member state's borders has been made nonsensical. The Ugandan regime of Yoweri Museveni is not the first to "export" revolution, itself partly aided into power by Tanzania's support of anti-Idi Amin guerrillas.

During the drought of 1996, Somali in Mandera and Wajir were saved because they crossed en mass to Ethiopia where their fellow clansmen live. Garissa pastoralists crossed over to Somalia. Imagine the catastrophe if Somalia was a state and prevented the "incursion" of the Kenyans [or] what if the Oromo step up their opposition to the Meles Zenawi regime in Addis Ababa, making the movement of Kenyan Oromos (Borana) into Ethiopia and act of aggression.

But in retrospect, the killing of frontier citizens by marauding foreigners has never elicited official protest, recalling of ambassadors. Thus Kenyan criminals hide among native populations in the

Sudan and Ethiopia and Somalia. Guns are plenty and cheap, and markets for rustled livestock all the way to Uganda.

CONCLUSION

The war for independence in Kenya was fired by the taking away from Africans of land by European settlers. After three decades of independence, the hunger has not yet been satisfied. Elusive jobs in the towns cannot support peasants with no formal education. The clamour for land continues, and many think of the pastoral arid areas as the new frontier that needs to be reclaimed as irrigation settlement land to feed the growing populations of Kenyans of cultivator backgrounds.

Even in the arable lands, the cry for comprehensive land reform rings out today, probably louder than in the last days of colonialism. Irrigation, which has proved to be a mirage in the dry areas, continues to be encouraged, alienating pastoralists from their land even more. Vast areas of pastoral land are in a state of emergency, and will remain so, as long as the Kenyan law fails to recognise the right of pastoralists to land ownership. While fighting over resources among pastoralists rages, available land is dwindling, as it is converting into private ranches, wildlife sanctuaries, cultivation areas, all controlled by the swelling populations of descendants of cultivator groups. While the country's central areas have 90 percent literacy level, pastoral areas have achieved only 10 percent literacy level. Such incapacity reduces the pastoralists to be mere spectators in the modern abilities driven quest for national wealth. In the Kenyan legal system where the President can give out land as he so personally wishes, and where the administration is steeped in corruption, a key ingredient to stability in Kenya is a greater public awareness that there are no such things as wastelands, that there is no land without those claiming traditional ownership.

The key to peace in northern Kenya is legalising as firmly as for the ownership of skyscrapers and international hotels of Nairobi, their range-lands for the pastoralists, through enactment of relevant and agreeable tenure arrangements that recognise the regime of common property ownership. Peace can prevail in Kenya, when pastoralists are not at peace with themselves. As long as in their disillusionment, there can acquire sophisticated weapons and skills, capable of engaging army units and bringing down Kenya Air Force helicopters. As pastoralists gain voice in a freer Kenya, there is an urgent need to rid them once and for all of single party autocracy, Stalinist 'father of the nation' syndrome, special administrative set-up and a 'lecturing', not a discussant provincial administration. Pastoralists must not only be allowed to speak, they must be seen to speak, and even more importantly, be heard.

Several of our neighbouring states collapsed, or have had to restructure radically due to internal contradictions. Zaire was conquered by a small remote ethnic group after decades of a virtual 'attrition' civil war that was kept away from international spotlight. The former Kingdom of Ethiopia has been radically restructured as an ethnic based regionalists paradise after decades of intense ethnic based warfare. Tanzania is grappling with the Zanzibar secessionist issue. Uganda, triumphant in the region with a 'progressive' former guerrilla leadership, cannot sort out northern insurgent Nilotic problems, while Rwanda and Burundi continue their genocide murder.

For Kenya, right in the centre of it all, time is running out, as anger rises; and frustration at famine hunger, carcasses of dead and loved animals litter the drylands, right next to the 800,000 tourists relaxing on their game drives.

In the Kenya that prided itself as 'the best south of the Sahara', skyscrapers are being erected, billions looted from central banks, while an armed group of traditional people occupying seventy percent of the land mass are running into battle, shooting top administrators out of the air, massing aggressively against one another in combat units numbering one thousand co-ordinated men.....

The Kenyan elite should use the skill portrayed in the Kenya brokered negotiations between warring African states when dealing with the virtual war within our own borders. Rapprochement between elite groups to share looted state wealth is just the smaller avenue to peace. As Kenya's elite fall apart into so many opposition groups, the ruling party seems unable to make hay for Kenya while it 'shines': Vast support for the ruling party in the arid areas is taken for granted, and pastoralists are only called upon when powerful Ministers make war statements. Non government institutions and community leaders can only seek peace when the government applies itself to its cardinal task of maintaining security of life and property, and uses the goodwill available. The first step is to recognise the seriousness of the issues involved, acknowledge the depth of desperation in the pastoral areas, and the capacity for conflict when people live in a status of denial and within fringes of a state.

**INDIGENOUS SOCIAL MECHANISM OF CONFLICT RESOLUTION IN KENYA:
A CONTEXTUALIZED PARADIGM FOR EXAMINING CONFLICT IN AFRICA.**

by

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Introduction

Just like modern Kenya, independent (ie, pre-colonial) communities had to deal with social conflict. This of course has to do with the fact that conflict - just like eating, part and parcel of human existence and found to exist in all human communities.

Then, as of now, conflict could be experienced at different levels: Personal (at the psychological level); and socially, it was experienced at the inter-personal, intra-institutional (for example, within the family), inter-generational, inter and intra-gender, inter-states, between the rulers and the ruled, and the rich and the poor. In all of these conflict scenarios, pre-colonial communities had different mechanisms which went into managing and solving conflict. Behind the various mechanisms of conflict management and resolutions, there existed unifying underlying principles. These were:

1. The Principle of Common Humanity

This principle stressed the central value that, despite cultural and ethnic differences, human beings are basically the same. This principle gave birth to the so-called African communal way of life. The crucible norm of communal living was the acceptance that access to basic needs was a basic human right to every member of a given community. This value formed an important grounding in conflict resolutions whenever conflict over resources such as land or livestock.

2. The Principle of Reciprocity

This principle not only emphasized the ethic of sharing, but more importantly, it is the one which sustained a sense for collective security through a social set-up which supported an egalitarian social living. It was a norm which transformed individual obligations into social welfare security schemes (today's pension schemes and the so-called safety-nets which are now being "discovered" by the World Bank and IMF). Hence, a sense of justice and fairness was embedded in it since mutual trust become an overriding value. It is this type of trust which has made Africans easily gullible to foreigners' machinations.

3. The Principle of Respect

Social conflicts were avoided or resolved based on this principle. Respect for the elders, parents and ancestors was a major value which our communities inculcated in their members. This respect was codified in taboos and the concept of social distance. What one could do, whom to talk to and how to relate to one another according to one's sex, age and status. The principle was also environmentally friendly because the first to be respected was the "Mother Earth" and her wondrous endowments such as mountains, caves, river springs, forests and big trees, huge rocks, rivers and lakes, animals, etc.

Whenever conflict arose, the three principles were mobilized through the use of many and different mechanisms in search for solutions and resolutions. Some of such mechanisms were the use of:

1. Kinship Ideology

Under the kinship ideology, real and putative kin relations had to be established to form the framework within which conflict could be viewed and solutions sought. The idea was, kin or relatives never really fight because, "blood is thicker than water".¹ Affinal kinship relationship was recognized to exist between whole communities. An example is the *athoni* (in-law) relations between the Kamba and the Kikuyu. These relations forbid the two communities from fighting one another irrespective of how provocative the circumstances might be. Thus, it is almost next to impossible to have an "ethnic cleansing" conflict between these them. It is a relationship which politicians from the two communities have exploited to get support across the ethnic divide.²

2. Blood Brotherhood

¹. Among the Mijikenda, they have a saying which says: "**kondo ya ndugu usiienjirire** (don't try to take sides in a conflict where relatives are involved. They might forget their differences and start to accuse you as poisoning their brotherly or sisterly loving relations.)

². However, in the last general elections, Kanu won majority seats from the Wakamba than any other party. This caused generated some tension between the Kamba and Kikuyu. This tension was however easily absorbed by their *athoni* relations.

This was a mechanism which was used as a "passport" across different communities. Trade was the primary force behind blood brotherhood relations among people from different communities. Most of Kenya's pre-colonial inter-communities trade was carried out under such circumstances. Once an individual had a blood brother in one community, then through the extension of the kinship ideology, such relations created peaceful co-existence among communities. And in case of conflict, such relations were mobilized in search for solutions.

3. Utani or Joking Relations

In this mechanism, a number of communities made permanent peace treaties among themselves. They were bound to offer support and protection to their respective members who happen to be within their respective territory. Such relations existed between contiguous communities, such as the Wakamba and Wataita of Kenya. But in some cases, even between some which were very far apart, such as the Wazaramo and Wanyamwezi of Tanzania.

4. The Role of Women Elders

Women played a pivotal role and in some communities like the Kalenjin, a crucial one in conflict resolutions. In most African communities women were regarded as the epitome of the three principles. This made them better emissaries of peace as they were regarded to be the most non-partisan when it came to wars and

extreme distressing situations. That is why, in a war situation, women and children were never killed. They were simply captured and were later fully assimilated into the community which had captured them. This is the total opposite of what is happening to African women and children to day in Kenya, and in Africa as a whole.³

5. The Role of Male Elders

Like their women counterparts, men elders also were mechanisms of conflict resolutions. But theirs was due to respect accorded to them because of their personal wisdom and temporal powers.

Whereas women elders' respect accorded them was due to their spiritual powers.

6. The Third Party Approach

Irrespective of whether the deliberations were being held in private or in the open, conflict tension was minimized by the protagonist not addressing each other directly. They stated their cases through a third party who acted as the "voice", spokesperson, advocate and agent provocateur all rolled in one. In this way, parties could openly accuse one another without being rude. It is an approach which is still being used in marriage negotiations.

7. The Consensus Approach

³. See the works of ANPPCAN (African Network for the Prevention and Protection Against Child Abuse and Neglect), especially *The Rights of the Child*, Nairobi, 1989.

In most conflicts, resolutions were reached based on consensus, rather than on winner-takes-all approach. This is a mechanism which attempts to save face of those in conflict by finding that both of them were not entirely free of blame. The emphasis here was put on what united them than on their differences. It was an approach which appealed to the individual's sense of decency, self introspection and therefore the need for reforming oneself so that harmony, peace and security could prevail.

8. The rika (age-grade) Social Groups

The rika social organization structure existed all over Kenya and Africa. Among the Fulani it is known as **samaria** and **morán** among the Maasai⁴. These were the social organizations which Baden Powell and his wife used as models for their Boy Scouts and Girl Guides movements. Belonging to an age-group, meant adhering to specific set of rules, duties and rights. It demanded discipline and created a lasting sense of comradeship among people who belonged to the same rika. Thus, conflict between rika age-group mates and even age-mates, was considered taboo. Age-mate parents were expected to be peace-makers whenever conflict existed between their offsprings or relatives.

These indigenous mechanisms for social conflict resolutions are not exhaustive. However, what should be borne in mind is that, they did work because also in place, were **elaborate restitution mechanisms**.

⁴. Unesco, Tradition and development in Africa today, Paris, 1990.

That is why, in most of our pre-colonial societies, neither a standing army nor a police force did exist. These are mechanisms which still hold sway in our rural areas.

Unfortunately, their influence is waning by the day because of the existing social forces which are an antithesis to the three principles mentioned above.

There is therefore an urgent need to research into these mechanisms in order to devise ways which could make them relevant and of use in the Kenya and Africa of today.⁵

THEIR APPLICABILITY

These mechanisms can still be used in solving conflict in the country (and in Africa at large), because of the following reasons:

1. Our population is still relatively homogeneous. People are still living in rural areas and are still on their ancestral lands. But even if they are settled in other areas, the practice is a zonal settlement pattern whereby people sharing the same cultural background living contiguously. For example, the Kambas in Mariakani and Shimba Hills in the Coast Province.

Also, these homogenous cultural/ethnic zones can still be found to exist in urban areas. For example, the "Kisumu ndogos" found in almost all urban areas "settled" by Luos.

⁵. The book by Unesco, *ibid.*, is one good example of such efforts.

2. The fact that the urban-rural divide is rarely recognized as people are still tied to their ancestral homes through ownership of property in the form of land, livestock and culture.⁶

3. Inter-ethnic marriages are on the increase. This phenomenon helps to breakdown existing ignorance across our different cultures, but simultaneously, helps to discover the existence of common features among them.

4. The fact that, in most cases of conflict resolution, what is at stake is not an individual's wealth or property, but rather, honour and respect. Kenyan communities have coexisted for centuries together by bestowing a collective sense of honour and respect to one another as a way of maintaining peace.

OBSERVATION

This indigenous approach to peace and conflict resolution is already being put into practice. The work of Hizkias Assefa and his monograph on *Peace and Reconciliation as a Paradigm*.⁷ Also, another attempt is contained in a booklet which has been sponsored by

⁶. The famous S.M.Otieno case brought out this distinction very clearly when it was argued that one's house is not necessarily one's home. Home is where one can identify oneself with a specific culture.

⁷. Assefa, H., *Peace and Reconciliation as a Paradigm*, Peace Initiative Series no. 1, Nairobi, 1993:5-16.

CONSTRAINTS TO THE UTILIZATION OF INDIGENOUS PEACE MECHANISMS There are two general constraints which discourage the popular use of indigenous peace mechanisms and institutions. These are: (1) The general lack of awareness regarding their existence, and therefore, how they could be put into use. (2) An ideological orientation which reinforces this general state of unawareness.

1. Lack of Awareness of their Existence.

In regarding conflict in Africa as an act of instinctive and irrational phenomenon - rather than being one aspect of "normal" human social behaviour, the tendency has been to look for resolution from outside whenever generalized conflict takes place. It is a perspective which takes off from the premise that while causes of conflict are indigenous to Africa (inter-ethnic rivalry for example), solutions must be imposed from outside. The assumption being that, such solutions are rational and therefore, more objective.

It is an approach which has failed to notice conflict resolution mechanisms inherent in African communities. The fact that while two sides might be in conflict, mechanisms for solutions to such a conflict are also inherently existing between them. Thus, the role of individuals, elders, women, age-groups and socio-cultural institutions and beliefs, are resources with indigenous grounding which can be utilized for conflict resolution.

⁸. Codel (Coordination in Development), **Traditional Wisdom: Modern Know-How**, New York, 1994.

Women are extremely important in the process of peace conflict in Somali society. When fighting is occurring, they sing "songs of war," taunting their men to continue the conflict. Likewise, their singing "songs of peace" can shame the men into stopping the fighting..." [Dekha Ibrahim & Janice Jenner, "Wajir Community Based Conflict Management", a mimeo 1996:14].

2. An ideological Orientation

For this approach to be effective, one fundamental condition is to re-educate the African elites (leaders) who are the chief agents and instigators of conflict.

The ideological consciousness of Africa's young, educated people - the elite - is very crucial. Often in Africa, instead of young people being at the forefront of the struggle for social justice, they are in the forefront of the struggle for privileges.⁹

The African leaders need to be empowered through a process of weaning them from the following constraints:

1. Dependency on foreign powers.
2. Subordination of national interests to foreign ones.
3. Blind acceptance and reliance on Western epistemologies, philosophies and beliefs.
4. From being defined by others and reflecting such a stereotype.

A CASE STUDY: THE KAJIWE PHENOMENON

The Mijikenda people of Kenya Coast, have many elaborate institutions and mechanisms for solving conflict. Arising from the belief that major catastrophes like drought and famine, pestilence and epidemics do not just occur, but are rather caused by the minds

⁹. Museveni, K. Yoweri, What is AFRICA'S PROBLEM?, NRM Publications, Kampala 1992:161.

of evil geniuses known as *atsai* (*mtsai*, singular). It so happens that even those responsible are known to the general public. But due to their status and kinship linkages, it becomes difficult and dangerous to accuse them in public. As a collective sense of frustration builds up, people's sense of helplessness spreads over the community. The heat generated provided a social environment where conflict between co-wives, siblings, extended family members and potential enemies, becomes sharpened and more visible.

Nowadays, such conflict among the Mijikenda community is solved through "mob justice." Anybody suspected of being a *mtsai* (sorcerer) in these days, a gang of youth mete out instant justice through mob justice lynching. Burning such suspects, or fatally attacking them at night has become the norm.

But the most popular and participatory method of conflict resolution, has been the emergence among the Mijikenda, of a great *muganga* who is endowed with superior knowledge and powers to *zuza* (smell) and render the *atsai*'s evil powers ineffective.

Once such a *muganga* emerges, a cleansing crusade is carried out almost throughout Mijikendaland. The suspects, once exposed, have their paraphernalia demobilized through the sprinkling of decontaminating herbal water known as *vuvo*. A suspect's power are also defused by taking an oath. The oath involves a sprinkling and a sipping of the *vuvo*.

To stop potential atsai or those not yet exposed from practicing, the muganga had also to kota chiraho - cleansing the earth. This was done by burying powerful dawa (medicine) either in homesteads or at roadforks. Immunity against sorcery was offered to the general public either by the sprinkling and sipping of the vuo; wearing a certain charm or a combination of all of these. This immunity was to be effective as long as one did not become a sorcerer. If one broke this condition, then once dead, his/her corpse would bleed; or one would die a horrible death, thus exposing his/her hypocritical double life. Such a discovery greatly ashamed and embarrassed his/her family and close relatives.

The cleansing was carried out through dancing and festivities by the general public. The public's odium towards sorcerers was suddenly replaced by forgiveness and reintegration of the suspect into the community once such a suspect's evil powers had been demobilized by the muganga.

In the recent past, three great Waganga personalities have emerged among the Mijikenda. These have been Wanje (early thirties), his son Kabwere (late forties/early fifties) and Tsuma wa Washe, alias Kajiwe (mid-sixties/early seventies).

Kajiwe's powers were known all over Kenya. The Kenyatta Government even became afraid of his powers. Thus, after detaining him, Kajiwe was made the government's only chief witness on sorcery in courts. After Kenyatta's death, the Moi "Christian" regime used the colonial anti-witchcraft law against Kajiwe to frustrate him

irrespective of the fact that his services were becoming increasingly sought for nationally.

He died relatively young, but after he had built a primary school in his village at Kiwanja cha Ndege, Rabai. The school carries his name: Kajiwe Primary School.

ANALYSIS

Had Kajiwe been alive, there is a likelihood that the prevailing tension over land by the Mijikenda people, would have been expressed more in a "peaceful metaphysical" manner, than the overt political way it is being expressed now. A conflict over land and the squatter problem is brewing at the Coast. It is taking the form of coast versus upcountry Kenyans. It is a conflict whose solution a respected personality such as Kajiwe could have been used by the government to defuse.

But since the westernized state of Kenya sees no useful role to be played by Kenyan indigenous **waganga** in conflict resolution, the **waganga** have been left with no other role but to offer reinforcement medicine for war. The same could be said of other personalities like the **Laibon** of the Maasai, the "Mugambi wa Agambi" ("Judge of the Judges") of the Ameru also known as **Raiboni**,¹⁰ and other such personalities in other Kenyan and African communities.

¹⁰. M'Imanyara, Alfred M., *The Restatement of Bantu Origin and the Meru History*, Longman Kenya, 1992:94.

Another aspect which has contributed to non-appreciation of Africa's indigenous conflict resolution has been the unwitting general anthropological approach adopted by those who would like to understand the phenomenon of social conflict in the continent. This has been the unwitting dominant approach in other disciplines and have contributed little understanding to the problems being addressed. The lack of understanding has led to disastrous failures of the solutions suggested. The best example of the failure of this approach is in the field of "development". Almost for over two decades, enormous amount of funds have been mobilized to "develop" Africa, but there is little to show for it a quarter of a century down the road. Africa/Kenya, is getting poorer and poorer irrespective of the remedies being put forward by experts.¹¹

One major strength of the anthropological approach, lies in its instinctive reflex desire to categorize and describe social phenomenon. This is subtle done by the "anthropologist" from an assumed superior position based on one's assumed superior culture. From this perspective, normally social reality is viewed mostly suspended from its historical antecedents as well as from the dynamics of processes of dominant factors of change. Such dominant forces are taken as "givens" and normal which need not be regarded as crucial to the analysis of social reality. Even historians who make a livelihood studying Africa, suffer from this major weakness in their approach to their subject.

¹¹. Mkangi, K., *The African Debt Crisis: A Radical Human Perspective*, ACLCA, Nairobi, 1993 revised edition.

Chronic man-made problems of Africa emanate from the colonial heritage. These include economic arrangements inherited at independence which favoured the colonial master. The centre-periphery political and economic arrangements of pre-independence have remained intact. The African periphery is there to serve the interest of the centre, especially Europe/USA.¹²

The weakness arises from the anthropological yet another major strength, that of studying the "other". It is an ideological perspective which denies the African reality from not being well understood (or from being too well understood) to the point that its construction divests it from being taken as an aspect of a normal, human and universal occurrence. Consequently, a social reality such as "conflict" in Africa, quickly and unwittingly becomes transformed into being an aberration, which is then viewed from the old anthropological desire of wanting to discover a new tribe.

However, it is now an irrefutable fact to observe that the concept of "tribe" was a creation of Europeans. It was created from a cultural perspective of superiority. A type of superiority which saw European social class ridden and conflict prone societies as being regarded as the norm and rational.¹³

¹². ESAURP, *The Cost of PEACE: Views of Political Parties on the Transition to Multiparty Democracy*, TPH, Dar es Salaam, 1994: viii.

- . Brett, E.A., *The World Economy since the War: The Politics of Uneven Development*, Macmillan, London, 1985.

- Hutchful, Eboe. (ed.), *The IMF and GHANA: The Confidential Record*, Zed Books, London:1987.

¹³. Amin, Samir, *Eurocentrism*, Monthly Review Press, New York, 1989.

When they came to Africa, Europeans found no such easy equivalents. This automatically led to the assumption that African societies were at a lower evolutionary stage and needed to be "developed" in order to catch up with Europe/America. It is a perspective which blinded the foreigners. It made them not see that the public appearance of homogeneousness exhibited by African societies was not due to lack of conflict and pyramidal social structures in them, but rather, was due to a different method of managing social conflict. Thus, having been cheated by the homogenous outward appearances, conflict was then expunged and African life was seen to exist at a lower innocent paradise-like "communal tribal existence" level.

At this juncture, not only was conflict expunged from African communities, but even intellectually, violence was separated from conflict. Thus, violence which natives used to resist European conquest and domination, was easily labelled as being irrational, activistic and a characteristic of a people who were at a lower level in the evolutionary ladder. It was this separation of violence from conflict and the clever distinction of the type of violence and its source, which both legitimized and justified European colonial and neocolonial control over Africa.¹⁴

To the European/American mind, colonial rule did Africa a favour

¹⁴. This type of thinking runs through John Lonsdale's chapter, "The Conquest State of Kenya, 1895-1905" in Berman, B. and Lonsdale, J. (eds.), *Unhappy Valley: Conflict in Kenya & Africa*, Book Two: Violence and Ethnicity, James Currey London, Heinemann, Nairobi and Ohio University Press, Athens.

since it brought different internally homogenous tribes together and stopped tribal warfare among them. It was and is still a wrong premise. However, it is a premise which is still very dominant in the search for peace and reconciliation in the continent.

For a successful search for conflict resolutions in Africa, it has first to begin, by getting involved in a "di-skinning" intellectual process in order to shed off the cultural baggage through which social conflict in Africa is viewed from. This should liberate us and help us to view conflict and violence as a universal social reality but conditioned by specific internal and external peculiarities. It is these peculiarities which distinguishes them culturally. But, it is also from within these cultures that are found different cultural initiatives in managing social conflict.¹⁵

It should also not be forgotten that, violence is the public admittance of the existence of conflict, and it being one possible solution towards solving it. But as for violence to be the ultimate solution to a given conflict, calls for the existence of great imbalances and inequalities between the conflicting parties.

In Africa/Kenya, while social pyramids, social structures of inequalities and competition for resources existed prior to European colonial and neocolonial rule, the thrust of mainstream

¹⁵. Here, one recalls the diplomatic efforts which were mounted to breakthrough the Inkatha-ANC impasse in South Africa. Big guns like Henry Kissinger was called, but was unable to unlock the impasse. It was a Kenyan diplomat who did it. He has yet to publish his method.

culture was to manage conflict to the point that violence did not become the main solution. Conflict was managed through different social institutions and scenarios as those already itemized above. Unifying principle among them, was the minimization of the use of violence in the public domain. While, whenever violence was resorted to, the intention was to have as few casualties as possible. To bolster this orientation, it became a taboo in most African cultures to kill children, and also kill and rape women in times of war/conflict.

Modern Africa, is a creation of the colonial experience. And it had to be admitted that, the colonial experience was a project steeped in violence. It was violence whose cultural moorings were based in European class-ridden and conflict prone societies. Thus, it was a culture which believes that brutal force is the ultimate way of maintaining peace and stability in societies.

Four developments arose from this cultural orientation. First, the professionalization of warfare. Second, the technologization of weapons of war.¹⁶ Third, the monopolization of the use of violence by a social organ known as the state. And finally, the institutionalization of the concept that legitimacy arises out of the successful employment of physical force but not from the bosom of natural justice.

¹⁶. It was the Chinese who discovered gun powder; but it is the Europeans who have literally exploded the world using it. The difference between these two societies are their cultural orientations.

These four interrelated facets are the ones which went into the building of nation-states in Europe. Within the European context, they became developmental. Thus, countries like Italy and Germany were created from Garibaldi's "red shirts" and Bismarck's "iron fist" in order to protect their territories from being dominated by the French and the English.

However, these nation-state building forces were culturally out of context when they were imposed in African societies through colonial conquest. Thus, they have proven to be more destructive and anti-development in Africa, than their achievements in Europe North America, Australia and New Zealand.

In Africa, nation-state building has zeroed on law and order, but not in creating an enabling environment where people would be free to "develop". Being an entity resting on an alien culture, the state has evolved to be equated with the nation. Hence, state security has come to be wrongly equated with a nation's security. This misnomer, has become more and more the bane of conflict in most of African countries at the national level because of the inordinate powers of coercion enjoyed by the state over the nation. It is such unequal relation that, the state has the powers to easily destroy the nation - ala Somalia. But it will need a civil war or civil disobedience for a nation to destroy or contain the destructive powers of the state.

For Africa/Kenya, this situation is made worse by the fact that,

the state has yet to liberate itself from post-colonial foreign links, interests, demands and control. The state in Africa, is more of an appendage of stronger foreign states, than being a viable entity in control of its destiny in a given nation. Thus, the state in Africa, is out to meet and please foreign demands and interests first, than to meet the demands and interests of its nationals. This contradictoriness does create a sense of not belonging by those exercising state power on the one hand, and a deep seated resentment, by those who feel marginalized on the other.¹⁷

Thus, whatever form conflict takes, the ultimate goal is to capture the source of force and legitimacy in a country - the state. It is this social organ which has inordinately grown in importance and credibility in Africa/Kenya, which should be critically analyzed in order to come up with a framework for peace reconciliation in Africa. While a categorization of topologies of conflict in Africa does serve a useful purpose, its usefulness becomes suspect when the state with its foreign cultural, economic and political linkages is not given the central focus it so rightly deserves.

The ever escalation of conflict in Africa/Kenya, should never be viewed as being typical African. Rather, it should be viewed as a manifestations of the following:

* The rejection and failure of the European nation-state model in

¹⁷. See, Grindle, M.S., *Challenging the state: Crisis and innovation in Latin America and Africa(Kenya)*, Cambridge Studies in Comparative Politics, Cambridge University Press, Cambridge, 1996.

Africa.

* The deepening of foreign control and interference by foreign powers in African affairs.

* The intensification of capitalist exploitation of Africa with its attendant results of making African nations unable to develop their own viable national markets and economies.¹⁸

* The cultural alienation of African state functionaries.

Finally, for a successful reconciliation, there is the necessity which calls for a "re-winding" or "re-wiring" of the African elites into a mode of self-esteem and confidence. This is crucial since individuals do make a difference in what happens in the political and economic life of countries.¹⁹ Secondly, foreign powers and interests should own up their contribution to the creation of conflict in Africa; their reasons for doing so, and the impact it has left behind. Finally, a dispassionate analysis of the base of the modern African nation-states should be carried out within the dominant international environment dominated by the capitalist system.

CONCLUSION

¹⁸. The implementation of the so-called free liberal market policies in Kenya, continues to wreck havoc in food production in the country, and on the little indigenously raw-material based industries such as textile which is now being killed by the importation of mitumba.

¹⁹. Two best examples of this observation are Presidents Nelson Mandela and Yoweri Museveni. See, Mandela, Nelson, **Long Walk to Freedom**, Macdonald Purnell, South Africa, 1994. And Museveni, Yoweri Kaguta, **Sowing The Mustard Seed: The Struggle for Freedom and Democracy in Uganda**, Macmillan Publishers, London, 1997.

For a successful conflict resolution, resources should be targeted at mobilizing home-grown solutions to home-felt conflict. A more focused appreciation on the existence of indigenous conflict resolution resources and mechanisms in African countries, could help in saving lives and reduce social strife²⁰. But this has to be given the necessary support in the form of resource allocation, training of personnel and the capacity to utilize as well as institutionalizing the search and use of the indigenous mechanisms of conflict resolution.

²⁰. The American/European military-peace debacle in Somalia could have been avoided.