

**UNDERSTANDING AND MANAGING
PASTORAL CONFLICT IN KENYA**

A LITERATURE REVIEW

UNDERTAKEN UNDER DFID CONTRACT CNTR 98 6863

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INTRODUCTION

Conflict has grown rapidly in Africa in the last three decades, and pastoral areas are among the most vulnerable. Conflict is now widespread in the arid and semi-arid zones, and often overlaps with extreme food insecurity. Many local civil society organizations have programmes to manage conflict, and international NGOs, intergovernmental organizations and donors are increasingly preoccupied with understanding conflict and experimenting with solutions. There is an urgent need for a stocktaking of our present analysis of conflict, and the lessons we can draw from experience so far of conflict mediation and management.

This literature review of pastoral conflict in northern Kenya is designed to map the state of knowledge, to identify important gaps in understanding, and to suggest promising avenues for future practical work. The work was commissioned by DFID East Africa, and focuses on the pastoral districts of northern Kenya, although useful lessons from other areas have been included when appropriate, and most of our conclusions will be valid in other pastoral areas of East Africa.

We have surveyed the literature available to us through the normal channels, including an attempt to collect reports and grey literature in Kenya. We have been assisted by a small electronic network of people interested in conflict. Drafts of this report have been discussed at two workshops, one in IDS on 22 April 1999, the other in Nairobi on 25 May 1999. (Participants in these workshops are listed in an appendix to the report.) We are grateful to all those who have contributed ideas and suggestions to the drafts.

The work has been undertaken with considerable assistance from OXFAM Kenya, whose staff participated in the design and execution of the work, and especially in exploring the experience of organizations in Kenya about pastoral conflict. We are especially grateful to Mohamed Elmi, Peter Kisopia and Adam Leach for their help.

Many other people have assisted us. We owe a particular debt to Richard Hogg and Vincent Lelei.

In this report we are concerned with violent, destructive conflict in pastoral areas of northern Kenya. We recognise that conflict is a much wider process, a normal and at times necessary part of human behaviour, which may be either constructive or destructive. In this light we recognise that eradication of conflict may be an illusory goal, and that at best we can hope to manage or transform conflict to something less destructive. In pursuing this objective, we start in chapter 1 by looking at some of the key features of present pastoral conflict, at the main actors, and at outcomes. In chapter 2, we examine in more detail some widely held views about how conflict is changing. In chapters 3 and 4, we focus on the relationship between conflict and natural resource tenure, and the role of customary institutions in conflict management. In the final chapter, we bring together ideas which emerge from the literature review and

from work now going on in Kenya and elsewhere about activities which development agencies such as DFID might undertake in pastoral conflict areas.

1. PASTORAL CONFLICT NOW

Pastoral conflict is now characterised by a multiple array of actors and influences from national and international sources; the result is a variety of outcomes.

1.1 Actors

Herders and pastoralists

In Kenya, like elsewhere in Africa, the word “pastoralist” is often used to indicate a broad ethnic origin, independently from the fact of how one actually makes a living. A Maasai wage labourer in Nairobi, a Turkana university student, or a Boran director of an NGO, may all define themselves as “pastoralists”. It is therefore necessary, when talking of pastoralists and conflict, to remember that some of the actors involved may not be herders at all, yet would still be considered, and would consider themselves, pastoralists.

Age organization

A useful distinction is between youth-driven and elder-driven conflict. Although young men are usually the fighters in both cases, the nature of the conflict and the chance of peacebuilding may change greatly from one to the other.

Elders have their own herd and a family. Their interest is in ensuring good relations in order to widen access to resources, to facilitate commercial activities and in general to promote security, although they may also start violent conflicts to gain access to resources or to political power; for example, the clashes in Wajir district in 1992-1995 were driven by the elders (Ibrahim and Jenner, 1996). Married women feed the family and, in some cases, trade. It is in their interest to secure access to markets, to safeguard their children, to increase milk production. Young men are waiting to start their own homestead; they want to increase their prestige and respect within the community, attract girls and be able to afford marriage. Security offers them few immediate advantages. They are highly mobile. It is in their interest to shake up existing power relationships within the community and they may prefer to trade security for cattle, money or prestige. Among some groups (for example, Samburu, Gabbra, Boran) the distinction between the elders who sponsor the present warrior age-sets, and the other elders, constitutes a further differentiation of interests.

Traditionally, all raids should first be approved by the elders, but early ethnographers stress that often young men decided in secret and took action quickly without informing the elders of their intentions (Gulliver, 1951). However, large scale daylight attacks typical of escalated conflict and all-out war required a degree of organization and mobilization that was only within the power of elders or war leaders.

Control of the pastoral economy used to be a monopoly of the elder age-set (men and women in different ways and degrees): the elders own the livestock, control resources and dispose of marriages. The young are poor by definition, to the point that should a young man inherit a herd and family responsibilities, he would become an "elder" regardless of his age (Baxter, 1979). With respect to warfare, therefore, the notion of pastoralists should be disaggregated, to take account of the antagonistic interests between age-sets.

Age-sets are ritual associations of people that (a) cut across kin linkages, (b) are structured into cycles of initiation, regularly apportioned according to a fixed number of years, and named with a traditional series of names, and (c) are associated with specific values and behaviours.

The *gada* system among the Oromo-Boran for example, has five sets per ritual generation, spaced eight years from one another, so that the sons of set 1 are initiated into set 6, ideally when the men of set 1 are in their forties. Each set is given a name out of a series of seven in cyclical succession (Baxter 1979).

Early ethnographers have seen little political relevance in the age systems, understanding generation and age-set organizations as institutions only marginally associated with warfare (Peristiany, 1951), and mainly with functions of social integration (Gulliver, 1953) or, later, as ideological formations directed towards creating order and long term-social stability (Baxter and Almagor, 1978). In other words, age systems have been seen as a tool for ensuring social unity, cutting across kin and agnatic linkages.

A recent collection of studies, however, focusing on the relations of power within age systems, takes an opposite view which offers important insights for the analysis of conflict (Simonse and Kurimoto, 1998). The authors argue that age systems are regional and cross-ethnic phenomena, at the core of institutionalized “confrontational scenarios” between antagonistic social actors: seniors and juniors, men and women, territorial units within an ethnic group, and ethnic groups.

In this light, raids may be seen as a form of competition for control over resources (and ultimately power) between different age-sets, before it becomes between different groups. In reciprocal raiding the warrior age-sets of group-A raid the elder age-sets of group-B, then the warrior age-sets of B raid the elder age-sets of A. Peace meetings take place first of all between warriors and elders of the same group, when, in the face of “excessive” economic disruption, the elders persuade the warriors to be more moderate (Baxter, 1979).

Conceptualizing pastoral conflict as conflict over resources between different age groups forces the understanding of it into the framework of the neoclassical economics paradigm of scarcity. A conceptualization of pastoral conflict as conflict over resources/power between age-sets puts the emphasis on distribution and therefore allows for essential insights into the political sphere.

An approach to conflict from the analysis of power relations within age systems also throws a new light on the relationship between conflict and peace making. An escalation of young men’s warfare causes economic disruption which damages above all the elder age-set (at least in the short term). The peace making role of the elders, and sometimes of women, perhaps would be better understood, rather than as a nonpartisan intervention, as the affirmation of the elders’ interests against those of young men and a part of the antagonistic relationship between youth and age. Similarly, unrestrained conflict escalation is often understood as the elders’ inability to exercise their institutional role of conflict management. Perhaps some present conflict should be understood as an indication not of the weakness of the elders but of their new, powerful and unacceptably permanent (as far as the warriors are concerned) forms of resource control, for example through formalization of rights, connections with local and national government. The notion that one party may perceive the other party’s behaviour as *excessive* may be applied to inter-age-set relationships. Not only may the elders perceive as excessive the warrior’s hostile activities, but the young men also may perceive as excessive the elders’ control activities. In this case, external support to the elders’ authority for conflict resolution is likely to upset the power balance between antagonistic age sets, and fuel further conflict rather than working towards resolution.

Finally, even where the age system is maintained, the internal structure of age-sets is undergoing a process of differentiation. Although linked in principle with biological ageing, the status of “elder” is first of all a social construction. In the past, it used to integrate age, economic control and political authority. This was not, however, a rigid condition, and the phenomenon of war leaders at the peak of Turkana

expansion, for example, represented a way to gain political authority independently from economic control and age (Lamphear, 1976).

More recent political and economic transformations in pastoral societies have further disaggregated the attributes of the status of “elder”. Political authority, economic control and age still characterize it, but now often independently from one another. Today for example the social role of elder is not any more a prerogative of age, but can be played by young men as well, if they are wealthy or enjoy political authority, for example as chiefs or councilors. In this way, the antagonism between age and youth cuts across biological age, along the lines of the different component features of elder status, and becomes much more complex. The possible combinations of conflictual interests are thus hugely multiplied.

Businessmen

Arms sellers often supply weapons on credit. This practice may be seen as a form of investment, similar to the old practice of richer people “investing” a camel (for a young man with no camel to ride) in Saharan raids and caravans, and taking part of the profit from the operation as payment.

Often weapon traders also have a role in marketing raided livestock. According to Goldsmith, the political transformation in Somalia after 1991 ‘generated a change of *shifita* banditry towards financed and well connected trade barons who recruit from retired army personnel and school-leavers - a new class of professional and sophisticated highwaymen’ (1997: 24).

Mercenaries

Commercial and political raids are increasingly organized around wage-labour. Some hired fighters may be trained people with experience in armed conflict in neighbouring countries, but many are youngsters with no military training, not necessarily herders but also urban unemployed, school leavers or occasional wage-labourers. There have been cases of groups of “warriors” hired by different ethnic groups to counter-raid for them (personal communication, IDS Workshop).

Politicians (MPs, councillors) and warlords

Politicians may facilitate conflict by not intervening (Fratkin, 1994a), or they may directly promote conflict by propaganda or even as a form of political competition before elections (Amisi, 1997). Sometimes raids have been used to generate funds for an electoral campaign (personal communication, Nairobi Workshop). Goldsmith (1997) reports cases of administratively appointed chiefs and elected member of local county councils inciting people to conflict. A politician may sometime enhance his reputation by initiating a raid. The instrumental use of raiding for politics is not a recent phenomenon. In his classic monograph on the northern Somali, Lewis (1961) says that the Administration succeeded in lowering the rate of conflicts by fining local political authorities who in any way incited raiding.

Administrators (DCs, chiefs)

Chiefs and DCs may sometime be involved in raids as facilitators or promoters, and take a share in the division of the booty. During the 1992-94 clashes in Wajir, chiefs had a major role in funding and directing the conflict (Ibrahim and Jenner, 1996).

Security forces

In Wajir the military used to get involved in every conflict, and often their harassment of the local population, including habitual rape, made those people sympathize with the bandits (Ibrahim and Jenner, 1996).

Civil society organizations, NGOs and other agencies

External agencies may fuel conflicts by providing easily manipulable aid: (a) giving power and prestige to the warlords who are in a position to control aid; (b) providing an additional source of income to the disputants; (c) blindly altering or confirming, the existing balance of power between the disputants; (d) creating “advantageous” conditions for refugees and conflict-destitute people in relation to local standards. Project investments (for example in new water points) can jeopardize customary resource tenure systems and increase disputes and violence. External agencies also may slow down or jeopardize local processes of conflict management by overwhelming them with easily manipulated resources.

Western agencies may hinder local processes of conflict management by maintaining an antagonistic approach towards Islamic organizations, looking for civil society groups to work with on conflict resolution but not recognizing or deliberately ignoring the fact that in Islamic areas the largest part of civil society is represented not by NGOs but by religious groups (Goldsmith, 1997). On the other hand, external agencies supporting or working together with civil society organizations may mediate between the disputants or support customary mediators, provide a forum for discussion, facilitate communication and negotiation.

Refugees

Large numbers of refugees from neighbouring countries, particularly in drought or conflicts, can contribute to increased insecurity. In Wajir, refugees were one of the causes of the violence in 1992-95, although not the main one (WPDC, 1994; Ibrahim and Jenner, 1996). Furthermore, refugee repatriation operations can be used by non-refugees from the host country or from a neighbouring country as a channel for clandestine migration and to gain access to new resources with the help of the international agencies. Marco Bassi (1997) argues that during the large UNHCR operation for the repatriation of Ethiopian refugees from Kenya in 1992-1993, as the UNHCR procedure for registration in refugee camps was based on an individual's own statement of identity, a significant number of Gabbra and Garre pastoralists from Kenya and Somalia were able to join the Ethiopian refugee-returnee flow by exploiting kin ties and linguistic affinity with Oromo groups. The status of Oromo refugee ensured them rights to repatriation into Boran province and long term assistance by the UN and other international agencies, which could be used to gain access to resources traditionally controlled by the Boran.

The state

Conflict in pastoral areas is often associated with their marginal location. Pastoralists are seen as not only geographically marginal, but also as politically and culturally marginal. Their presumed distance from modern institutions and from the controlling action of the state is often accepted as a self-evident explanation for widespread violence. However, the equation less state = more violence, which polarizes violent conflict and the state, fails to recognize the latter as a key actor in situations of conflict. On the contrary, evidence from the literature suggests that any analysis of the actors in a situation of conflict should include the state.

(i) The historical impact of the state on ethnic identity.

Interaction with the state plays an important role in the creation of ethnic/tribal identities. Anthropological analysis of the historical processes of construction and reconstruction of ethnic identities in Africa shows that identity formation in the past was characterized by a high degree of dynamism and fluidity (Amselle, 1990; Sobania, 1991; Lamphear, 1994). Interaction with the colonial administration first, and with independent states later, has modified that situation, freezing existing ethnic identities as well as creating new fixed ones. Although largely a creation of the colonial administration, tribal labels gradually became a

social reality as the various groups found it convenient or necessary to be recognized as an administrative entity when dealing with the state. Within the context of the fluid and dynamic construction and reconstruction of ethnic identity, tribal labels worked as new poles of aggregation and were readily exploited by people as a way to adapt to a drastically altered socio-economic and political environment (Allen, 1994). With reference to Somali, Lidwien Kapteijns (1993) shows how even clan communal identity is a product of Somali late-colonial and post-independence interaction with each other and with the state in the context of patriarchy and the capitalist world economy.

(ii) Impact of the state in relation to the administration of justice

In parts of north Kenya the state is technically present (for example through the army and the chief system), but is ineffective (for example the soldiers have no ammunition or fuel for their vehicles). This inaction of the state is dangerous in various ways. From a local point of view the state is never innocuous or absent. The inaction of the state is more likely to be perceived as intentional, deliberate discrimination rather than objective weakness. The state's inaction therefore can contribute directly to escalation of conflict. Furthermore, the presence of an inactive state destroys local initiatives. As the state monopolizes the role of arbiter and administrator of justice, in the case of violent conflict its functionaries fill the space that may be available for peaceful management of the situation. When their promises are not fulfilled, or when they appear to support one party to the disadvantage of the other, then it is usually too late to seek alternative forms of mediation, and violence is likely to escalate. The authority of the elders, who could provide an alternative forum for justice, is usually associated with the authority of the administration, although not entirely dependent on it. In this way, when the administration loses face with young men impatient to obtain justice, the authority of the elders is also jeopardized and is no longer perceived as a viable alternative.

During the clashes between Pokot and Marakwet in 1997 for example, on one occasion a group of Marakwet raided two Pokot herders of more than three hundred cattle. Pokot elders interested Marakwet elders in the return of the stolen animals while Pokot young men were mobilized to look for the animals. At that point the Provincial Administration took the situation into its own hands, promising to intervene and to help find the cattle. When only 12 animals were returned, it proved impossible to further restrain the youth and the situation went out of control (Wanjala, 1997).

Groups of raiders often treat state organizations with contempt, or coopt them. Quite often, the security forces are informed about raids by the raiders themselves, and so played against the target group to prevent a counter raid.

Violence is in theory a monopoly of the state, so any kind of violence is by definition a challenge to the state's authority. Open violence, even when it is not directed against the state itself, is always an affirmation of political autonomy from the government (Kurimoto, 1994). In this light, violent and sometimes indiscriminate interventions by the security forces appear very much as primarily directed towards re-establishing the state's unique right to violence, and only secondarily towards conflict resolution.

One important turning point in peace building in Wajir was achieved when the Army Commander committed himself 'to stop the looting, rape and other abuses by army personnel when they were out on missions' (Ibrahim and Jenner, 1996: 19).

On the other hand, direct conflict-resolution interventions of the state in the form of military operations for disarmament, like those carried out with heavy weaponry (including fighting helicopters) against Pokot, Turkana and Karamojong in the mid-1980s in Kenya (Dietz, 1993), are likely to change the balance of power between different groups, with a consequent rise in violence.

Finally, any analysis of the role of the state in situations of conflict should acknowledge the existence of heterogeneous and often conflictual interests within the state structure itself. Different elements of the state, such as DCs, MPs, chiefs or security committees, may have very different agendas, and local people may have a certain degree of awareness of such differences. The notion of state should therefore be disaggregated into its various components.

Women and children

Although the causal link between the use of modern weapons and the apparent increase in violence is not clear, as discussed in the following chapter, there is little doubt that the availability of automatic rifles lowers both the strength and training required in fighting and therefore extends the range of potential fighters to include very young boys and, at least in principle, women and girls.

Increasingly, young boys are directly involved in fighting, at least in a defensive role. The “gestation period” of future fighting manpower (as short as 8-9 years if the availability of modern weapons is high) is included by Belshaw (1999) among the variables which can affect cumulative differentiation in power between pastoral groups.

There are cases in which, the warriors being engaged elsewhere, women used automatic rifles to drive back a party of raiders (personal communication about Turkana district, IDS Workshop). Direct involvement of women as fighters however appears to be a relatively rare phenomenon. According to Belshaw (1999), this is because within the traditional gender division of labour, women’s productive and reproductive capacity subject to a higher degree of scarcity in comparison to fighting power, and therefore is protected from higher-risk occupations.

In many pastoral societies, women sing war songs. These songs normally taunt the men and incite them towards more fighting. As such songs reach elders, youth, or the business elite, they can make or break reputations and are an important source of motivation of conflict (Ibrahim and Jenner, 1996).

Although the social position of women in pastoral societies tends to give them only a minor part in formal mediation systems, women may be important in informal contexts. Among Somali for example, a woman’s ties to her lineage of birth are not fully severed with marriage (Lewis, 1961). As women marry out of their clan, they are key figures in inter-clan linkages and can provide crucial channels for communication between rival clans. This is true also for women who joined their husbands’ social group through abduction. Thus abduction of girls during the raids may have the double effect of calling for retaliation and —once the girls are married — providing important linkages between enemy groups who would not normally inter-marry (Mkangi, 1997).

Actors and outcomes

The same raid can be used by:

(i) Fighters

- herders in need of restocking or money to feed the family, as a one off chance
- young men looking for prestige or revenge
- unemployed/school leavers from town, as a one off chance for earning money
- mercenaries and outlaws, as a full time way of making a living

(ii) Mobilizers/organizers

- weapon traders, as a way to maintain demand
- chiefs and elders, as a way to assure themselves or their network of specific resources (water points, grazing land, political representation)

- wealthy cattle traders, who may sponsor the raid and market the looted cattle
- local politicians, to ensure a majority by forcing the opponents to flee from the constituency before elections
- national politicians to maintain power through a strategy of tension.

(iii) *Facilitators*

- administrators and security forces, who may have a personal interest in not intervening or in biased interventions (for example, due to kin/clan/ethnic ties)
- security forces, who may take advantage of their missions in rural areas to rob, rape and in general to harass the population
- national/international business, to prevent economic stability and political organization in certain areas of strategic interest (for example, potential oil or ore deposits)

Of course, these roles may overlap. Individual raiders may engage in illegal trade with looted guns. Cattle traders may also be elders, politicians or administrators, and so may weapon dealers. Security forces may trade in weapons. Politicians may have interests in national/international business. Any of these may have a herd of their own, which may be built up by raiding, or be reduced by being raided by others.

1.2 National influences

Ethnic conflict and the issue of multi-party representation

In the past ethnic conflicts all over Kenya, including those in the northern districts, have provided the government with a strong argument against pluralism and multi-party representation.

Writing on the links between “tribal warfare” and political conflict, Fratkin (1994a) argues that a government policy of low-response or non-intervention in contexts of increasing ethnic fighting is an indicator of vested interests and should be added to the list of the causes of conflict.

Similarly, Walker (1996) and Amisi (1997) argue that the clashes in the Rift Valley and Western Kenya were part of a wider political strategy of the KANU government to frustrate the efforts of the democratization movement and to prove to both Kenyans and Western donors that the implementation of democratic reforms, such as multi-party representation, in a multi-ethnic society like Kenya's would result in civil war.

Ethnic conflicts and high levels of insecurity allow the government to maintain extraordinary powers in its relations with the population. All the Northeast Province in Kenya remained under a State of Emergency from independence until 1992. This gave the administration the power to kill on sight on the grounds of suspicion (Ibrahim and Jenner, 1996).

Instrumental use of conflict in political elections

Conflicts seem to increase in frequency and intensity before elections. Within the context of clan or ethnic based politics, and a mobile population, attacks can be timed so that the voters of the opposing ethnic group flee the constituency before the election, leaving only the supporters to vote.

Cultural clash on decision-making procedure and legitimacy

The imposition of majority onto pastoralists' cultural tradition of consensus decision-making, particularly within a context of clan based politics, is a primary cause of political disputes, leading to increased conflict between ethnic groups or clans (Ibrahim and Jenner, 1996).

To a large extent, consensus is also the criterion for customary patterns of justice administration and conflict resolution, which are focused on reconciling the disputants and maintaining peace, rather than on the punishment of the wrongdoer. A "give-a-little, take-a-little" principle is preferred within customary institutions to "winner-takes-all" judgements (Rugege, 1995).

In councils like the *Njuri Ncheke* in Nyambene society, all the representatives of disputing parties are allowed to speak, earlier precedents and details relevant to the dispute are discussed by the council and the process of deliberation is repeated if consensus is not reached. The council rarely acts as a ruling third party. Rather, it usually plays a facilitating role, cooling the parties in conflict and manipulating the length of the procedure until the disputants settle affairs among themselves (Goldsmith, 1997). State justice, supposedly rapid and based on precise evidence bearing on the case, has no room for the long proceedings required to reach consensus. Furthermore, a third party ruling within a context where the state enjoys little trust, always gives rise to the suspicion that the decision has been manipulated. In any case, the legitimacy and authority of customary conflict mediation is not based on independence from the opposite parties and neutrality, but on affinity and inside knowledge of the context (Lederach, 1989; Salem, 1993).

Links with territorial political representation

The parliamentary democracy system of territorial and residence-based representation clashes with the reality of a largely mobile electorate. Often, for residential reasons, some people do not have the right to vote or to access political and administrative appointments within the constituency where they have their major interests. This creates situations in which those who are involved in disputes are not represented by those who are officially in a position to prevent, mediate and resolve conflicts (Ocan, 1994). Within such a context, the model of democratic representation is bound to give a large political advantage to permanent settlers and to further marginalise pastoralists.

Commercial raiding

To a certain extent, all raids are "commercial", not just those usually referred to by the term, in which the promoters and paymasters are businessmen, officers or administrators. The so called "commercial raids", do not represent a separate category in which "external" interests interfere with pastoral economy. They are probably better understood as an aspect of the wider integration of pastoralists within a market economy.

It is usually overlooked that the early 1980s not only saw an upswing in the marketing of light weapons, but was also a turning point in Kenyan development policy for pastoral districts. The adoption of a neo-liberal perspective in which the introduction of a market economy had first priority, was seen as the instrument and not, as before, the objective of development (Evangelou, 1984).

Perhaps the transformation of conflict should be analyzed in light of the ongoing, complex and lengthy integration of pastoralists within a market economy, which is a process of combining what in Polanyi's terminology (1957) is an economy instituted through reciprocity with one instituted through the market.

Integration within a market economy is affecting pastoralists' warfare practices via three main avenues:

- i. Labour market* (hired fighters). The introduction and diffusion of wage-labour has provided an institutional framework which enables richer people to hire fighters, not only mercenary soldiers from outside the pastoral economy, but "warriors" as well. That this phenomenon should be seen as directly linked to structural changes within pastoral economy, and not just as a consequence of its exposure to the market, is supported by cases such as that of the Samburu, who on certain occasions have hired

groups of (more feared) Pokot warriors to fight for them in clan raids (personal communication, IDS Workshop).

ii. *Weapons market.* Guns give status. As a man says in a questionnaire to combatants distributed in Wajir ‘one with a gun is not the same as one with a spear’ (WPDC, 1997?b). Although modern weapons may flatter young men with the new power they give, ultimately their effect is to alienate “warriors” from “warriorhood”, leaving unskilled fighting man-power on one side and technological fighting power on the other, both marketable.

iii. *Livestock market* (sale of raided livestock). Commercialization of cattle enables people who are not herders to profit from livestock raiding. It also enables the herders themselves to raid independently from the actual availability of land or labour for livestock management and excludes reciprocity as marketed cattle cannot be raided back. As in livestock both relations of property/exchange and social boundaries overlap, changes in the patterns of ownership affect inter and intra-ethnic relations as well as values associated with sociality (Baxter and Hogg, 1990). This point will be further analyzed below.

Within an economy based on reciprocity, livestock and military strength are independent variables. Indeed, one of the reasons for raiding used to be the need of restocking. Thus raiding was by and large a cyclical process in which groups in a restocking phase raided enemies who happened to be momentarily better off (Hendrickson *et al.*, 1996).

The progressive introduction of the market as the integrative process of the economy, and the new links between the commercialization of cattle, weapons and labour created within this process, enable the transformation of livestock capital into military strength, which can then be used to further increase livestock capital in a cumulative process (Belshaw, 1999).

Conversely, the ability to raid effectively increases long term differences between groups in marketing strategies. In West Pokot, particularly with de-regulation after 1984, marketing of animals was liberalized and taken out of the hands of local councils, which used to control the organization of cattle and goat auctions. Shortly after, control of local markets was taken over by Somali traders and powerful businessmen (Dietz, 1993).

New economy of weapons trade

Goldsmith (1997) points out how, due to the “commercialization of banditry” in conjunction with the input of firearms into the livestock trade, informal agreements between *miraa* traders and bandits have broken down and opened up the way to indiscriminate violence.

The animals stolen in large-scale commercial raids are marketed very rapidly, much faster than in normal marketing. For example, raided cattle may be moved from northern Kenya to Mombasa in five days in military vehicles, passing road-blocks and avoiding quarantine regulations. Transaction costs (for example, bribes) of course must be high.

Quarantine regulation is complex and involves high transaction costs. The procedural barriers and official channels for livestock marketing are so many that in a context of poor effective control it may be easier and less expensive to follow illegal channels and avoid quarantine. Those traders who want to follow the rules face a strong disadvantage. Simplifying livestock marketing and minimizing quarantine regulations in order to reduce the transaction costs of legal marketing – an objective currently under study by the government (personal communication, Nairobi Workshop) – could undercut illegal marketing.

Commercial raids and the exploitation of inaccessible resources

Goldsmith (1997) reports the case of Mukunuby, a small settlement in Lamu district, home to Swahili shopkeepers and farmers who were once owners of large herds of cattle. Several years ago, when the

Swahili needed to restock after frequent raids from the interior, large numbers of cattle were sold to them at unusually low prices by traders from Garissa. The animals grew on local resources for one year, then were all stolen, together with many others, in a series of well organized raids. As Goldsmith argues:

The implication is [that] traders with excess livestock simply transferred cattle to lush areas of the coast as a temporary holding ground (1997: 24).

Now the combination of commercialization of livestock and professional raiding enables those who are in a position of control at both levels to access not only animals but the whole range of pastoral resources (labour, animals, land and water) with a degree of control and a freedom of movement far beyond the predatory dimension.

Previous decades of development have contributed to making the relationship between labour and land increasingly dense — sedentarization, formalization of land tenure systems — whilst making more fluid the relationship between labour and livestock through progressive conversion to a market economy. If the mobility of herders is limited from every side, the mobility of livestock across markets has constantly been encouraged by development plans, if not openly forced. Now the situation of pastoral economy is one in which the mobility of herders and the fluidity of resource tenure patterns have been largely limited whilst, across this increasingly static system, some actors have found ways to move livestock much faster and farther than before.

Changes in patterns of ownership

Customary patterns of ownership generate social boundaries. Herds are ‘bundles of share holdings’ in which animals are known individually and ‘each beast is an itinerant “flag” that signals a variety of relationships and events on both personal and social level’ (Broch-Due, 1990).

Bond-friendship, delayed exchange and entrustment of particular livestock from sedentary or less specialized neighbours are all customary forms of ownership based on reciprocity, which enable the establishment of social ties between different ethnic groups, diminishing the risk of conflict and providing ground for negotiation (Baxter and Hogg, 1990).

A good example is the institution of *maal* camel. *Maal* is a female gift camel whose male offspring belong to the receiver whilst the female offspring belong to the original owner and can be claimed back in case of necessity. As the *maal* camel can later be passed on to other herders, its genealogies create complex sets of cross-cutting linkages. Goldsmith (1997: 10) underlines that the ‘variations on exchange linkages regulate the balance of conflict and co-operation’.

Monetization of exchange relations and livestock marketing now make animals an unsuitable means for generating social boundaries, whilst the shift from flexibility to rigidity in ownership reduces social ties and continuity in social relationships.

Links between clan raiding and commercial raiding

Prompted by the hypotheses that conflict is changing, research on raiding has mainly focused on the differences between “traditional” and “commercial” raiding. Less attention has been paid to links and overlaps between these two forms of raiding, and their mutual influences.

As the raided herds need to be restocked, professional raids — well equipped, organized, highly effective — may cause a shower of clan raids — smaller, less equipped, extemporaneous — easily generating a chain reaction of violence. Furthermore, large-scale raids appear to play an important role in the process of impoverishment and destitution of pastoralists (McCabe, 1990, Brightwell *et al.*, 1994, Hendrickson *et al.* 1996), therefore reproducing and increasing the pool of potential cheap fighting manpower.

Clan raids, even during periods of conflict escalation, are likely to be ethnically targeted, i.e. if the professional raiders are identified as Somali (perhaps school leavers not longer themselves herders, perhaps from town), the response raids are likely to be directed against neighbouring Somali herders who, although possibly related to some of the raiders, have nothing to do with the raid and have not enjoyed any of the booty. The newly raided group is likely to perceive these retaliation raids as *excessive* — i.e. calling for escalation — and will act accordingly.

Is the extreme violence of large-scale raiding part of a design? Does large scale indiscriminate killing in itself have any positive effect for the raiders *beyond* the context of the raid? One possible “positive” effect could be to create a huge ethnic fracture (hate, distrust, fear), so as to prevent any communication or negotiation between the ethnic groups involved which would pin-point those actually responsible and the real interests behind the raids.

1.3 International influences

Political disorders in neighbouring countries may increase the availability of automatic weapons in a region. Sudden and localized access to automatic weapons may change the balance of power across borders or between different groups within Kenya, and usually results in an escalation of raids.

The effects of civil war and widespread fighting in neighbouring countries, however, go well beyond the direct consequences of the weapons trade. The wars in the Horn of Africa have created thousands of refugees and displaced people, whose massive movements affect patterns of resource management and alter relationships between groups.

Men from Kenya who enroll as fighters in conflicts across the border, receive military training and weapons that they usually keep if they survive and return. Meanwhile, deserters and ex-combatants drift into Kenya from the areas of fighting in neighbouring countries, swelling the ranks of bandits, or making a living as mercenaries or cheap fighters in commercial raids.

Schlee (1989) reports that during the Ogaden war it was common that young men pretended to want to join the guerrillas but, once armed and trained in Somalia, returned to Kenya and gave themselves to banditry. According to Goldsmith (1997), Somali internal conflicts in the 1970s and 1980s had a direct effect on the rate of banditry in northern Kenya, including Tana River and Lamu.

Cross-border political movements such as Oromo nationalism and the growing pan-Oromo identity are changing the way some pastoral societies represent themselves and their relationship with their neighbours and with the Kenyan state. Until a few years ago the term “Oromo” was unknown to ordinary Boran in Kenya. Today, on the contrary, Boran by and large perceive themselves as part of a pan-Oromo identity. On the other hand, the *gada* generation-set system, ‘by no means an Oromo invention but distributed in independent forms throughout the cultures of Lowland Eastern Cushitic speakers’ (Schlee, 1994: 4), has been constructed within pan-Oromo ideology as the mark of authentic Oromo identity. Since Oromo nationalism has taken up *gada* symbolism, the Kenyan Boran, amongst whom the *gada* system is still in use, are seen as a stronghold of authentic Oromo values (Baxter, 1994; Baxter *et al.*, 1996). To the Kenyan Boran such an evolution of their ethnic identity means, in practice, favourable new channels to livestock markets in Ethiopia and the weapons trade — a long-standing difficulty in a central district like Isiolo — as well as an increasing involvement in the political activities of the Oromo Liberation Front (OLF). Kenyan Boran, who are loosing out in Kenya, are becoming involved in south and west Ethiopia. In a geo-political context in which the state has collapsed in Somalia and Eritrea is using the OLF to destabilise southern Ethiopia, some north Kenyan pastoral conflicts should rather be seen as part of an Ethiopian proxy conflict. Through the use of Boran traditional symbolism as “mythomoteurs” (Zitelmann, 1997) to mobilize and legitimize political action, Oromo nationalism generates a peculiar merging between

local inter-clan or inter-ethnic conflicts in northeastern Kenyan districts (for example between Boran and Somali or Boran and Garre), a confrontation with the Ethiopian state and competition for state power.

Sometimes it is the government itself that provides training and arms, as in the case of the creation of armed militias, like the Turkana Home Guard or the militia in Karamoja, which employs warriors for stock theft recovery. Bol Aken (1991) points out that when the Sudanese government armed the Baggara to prosecute the civil war, they immediately used the new advantage to settle local conflicts over land use.

Another way disorders in other countries may affect conflict patterns in northern Kenya is through their impact on Kenyan livestock markets and, indirectly, on the levels of food security in bordering areas (Little, 1996).

1.4 Outcomes of conflict

The metaphors often used to describe conflict — interruption, break down, disease, failure, scission, collapse — are part of a representation of conflict as irrational, the effects of which are negative by definition. This perspective has recently been criticized by some analysts arguing, from a political economic point of view, that 'war is not just the breakdown of society: it is the re-ordering of society in particular ways' (Keen, 1994; also Duffield, 1993; Cliffe and Luckham, 1999). Not all the members of a community or region are victims: there are also many individuals who get real material, political or psychological gains. In order to make visible this dimension of conflict, research on conflict should dismiss the classical bias about the irrationality and destructiveness of violence and start to ask questions such as 'What is the use of violence? What functions does it assure? In what strategies is it integrated?' (Keen, 1997: 68).

The effects of violence are much wider than the specific episodes of violence. Strategies of "exemplary violence" (de Waal, 1996) are based on this power of violence to influence people's behaviour well beyond the immediate victims.

Chaos and insecurity open new opportunities and enable new, otherwise impossible, access to resources and power. Indeed, insecurity itself may be understood as an additional resource which, as with any other resource, some individuals are in a better position than others to exploit.

Keen (1997) points out that a political economy perspective enables an understanding of conflict beyond the rigid opposition between *winning* and *losing*, throwing light also on those increasingly frequent situations where conflict appears to be a self-perpetuating process in which each party's aim is to enjoy the contextual benefits (money, power, impunity), rather than to win over the other parties.

Although sharing some of the premises of the "political economy of warfare" school, Cliffe and Luckham (1999) in a recent article warn against the risks of applying functionalist explanations to such multidimensional phenomena as complex political emergencies (CPE). Particularly, they question the effectiveness of the analysis of beneficiary groups for understanding a trajectory in CPE and framing adequate interventions. Instead, they suggest an approach which integrates into the political economy of war approach the recognition of the structurally unpredictable dimension of war as a deliberate instrument to create chaos.

Economic outcomes

Economic analysis of the outcome of conflicts shows that outbursts of violence between pastoralists affect milk and livestock prices, and indirectly the prices of many other goods, as insecurity and low

incomes influence both demand and supply. On the other hand, the loss of livestock usually induces herders to sell animals in order to buy food, to compensate for the fall in milk production.

(i) Loss of livestock

If with reciprocal raiding the looted animals remain within the pastoral economy and therefore can always be raided back at a later stage, with commercial raiding the raided animals are channeled into the wider national or international economy and permanently lost (Hendrickson *et al.*, 1996). In the case of recent Wajir inter-clan clashes, as one part allied with clans in Somalia and the other with the Boran, most of the raided animals went to Somalia and Ethiopia (Ibrahim and Jenner, 1996).

(ii) Loss of other property

Apart from the raided animals, recent conflicts have involved the loss of large quantities of property. In three years of inter-clan clashes in Wajir, for example, more than 1,500 homesteads were looted and burned, some 500 business were looted, several of which were also destroyed, 30 vehicles were robbed or hijacked and 5 were stolen (Ibrahim and Jenner, 1996).

(iii) Loss of grazing land and water points

Leaving land ungrazed not only causes an immediate loss of production but also its degradation in the long term, as decreased grazing pressures result in bushy, ungrazable vegetation gradually taking the place of grass (Bollig, 1990). Water points are also degraded by not being used. The shrinkage in grazing and water availability due to insecurity causes abnormal concentrations of animals in safe areas, thus also leading to ecological degradation and increasing the risk of new disputes (Hassan, 1997).

(iv) Destitution and displacement

Increasingly over the past two decades, large-scale raids seem to be a major cause of destitution among pastoralists. Raids cause much more rapid and focused damage than drought, which is more likely to jeopardize customary strategies for risk distribution, animal-loss management and restocking. Large raids directed at numerous homesteads simultaneously may decimate an individual's livestock in a few hours and leave destitute the whole network of friends and relatives who might have represented a source of help. Research in three famine camps in Turkana District, in the late 1980s, showed that 47 percent of those interviewed saw raiding as the only cause of their destitution, and 75 percent saw it as a significant factor (McCabe, 1990).

Just like severe droughts, exceptionally large-scale raids attract national and international interest in the most badly affected areas, and may mobilize aid and relief agencies which are unlikely to react to small raids and banditry. Perverse as it may seem, this may represent a chance also for those families which have become destitute because of minor events which did not attract national interest. To agencies and field operators with a limited budget and scope, is left the thorny problem of sorting out "peace-time" destitute families from genuine "conflict" victims (WPDC, 1998).

Large-scale raids are a classic covariate risk, happening to everyone in a particular area at once, compared to individual risk which strikes individuals randomly. The food security literature suggests that governments should insure people against covariate risk, whilst encouraging individuals and local communities to insure themselves against individual risk (Dasgupta, 1993).

(v) Cattle lost to the weapons trade

The increasing demand for automatic weapons induces a continuous flow of livestock out of the pastoral economy, in payment for arms (Hendrickson *et al.*, 1996). In 1997, There were estimated to be about 1,500-2,000 guns in Wajir District, with another 1,000 being turned over to the government. According to

local market prices of guns, this corresponds to approximately 25-30 million Ksh (US\$ 500 - 600,000) “frozen” in weapons, without considering the cost of ammunition (Ibrahim and Jenner, 1996).

(vi) Conflict and social differentiation

Automatic weapons can be seen as a new means of capital accumulation, which contributes to the ongoing process of economic differentiation between pastoralists. Belshaw (1999), who suggests this approach, identifies five processes of capital accumulation involved in modern raiding: modern weaponry, fighting men, livestock, range/water supply, and knowledge about cropping system technology (for example via abducted women from agro-pastoral groups). The interaction of these processes, it is argued, appear to have replaced the negative feedback of traditional livestock raiding (homeostatic effect on animal distribution over time) with new ‘positive feedback reactions’. In a more general way, conflicts allow some groups of people and individuals to capitalize on the insecurity and to usurp land or purchase it at extremely advantageous prices from the victims who have no alternative but to leave (Nyukuri, 1997).

(vii) Effects of insecurity on markets

People desert areas of conflict or areas believed to be too dangerous. This has a number of effects on short and long term production which usually lead to food shortage (Nyukuri, 1997). During the 1992 clashes in the Rift Valley, the monthly production of milk in certain areas dropped by 60 percent (*Daily Nation*, 19 June 1993). Crops are destroyed or abandoned. Insecurity induces transport hardships, as the owners of lorries and taxis fear to travel in conflict-prone areas. There is a link between market days and attacks, since bandits know that on those days traders travel with cash. Consequently, market activities are hindered, commodity supply may be interrupted and essential items such as maize, salt or sugar may undergo sharp increases in price.

In Wajir/Moyale, during the Bagalla massacre in October 1998, about 17,000 heads of livestock were stolen in a single raid. Wherever such numbers of animals are moved, even if distributed to more than one market, they are likely to have a substantial effect on local prices.

As market prices in pastoral areas are often monitored as part of early warning systems for food security, drought and famine (Buchanan-Smith and Davies, 1995; Little, 1996), perhaps changes in market prices may have a part in tracing stolen animals or establishing a link between specific raids and cattle traders. To establish causality and disaggregate from other influences, of course, may prove difficult. However, this would depend on the relationship between number of animals and size of the market: 500 cattle marketed in Mombasa would not affect the price in any significant way, but 500 marketed in Isiolo would.

(viii) Induced marketing of animals

Livestock market prices drop as food shortages and increased prices of essential goods force people to sell animals. The market supply of animals is also increased by the threat of rustling. Herders prefer to sell at a disadvantageous price rather than risking to lose everything in a raid. Nyukuri (1997) reports that in West Pokot, during the clashes around the 1992 elections, the price of a mature bull dropped by 60 percent or more. However, the price of meat drops in the areas affected by clashes or heavy raiding but not in distant large markets (for example in Mombasa). Ocan (1994) notices that the herders’ wish to sell as a response to raids is very convenient for livestock traders, who may take advantage of desperate sales in conflict prone areas and then make huge profits by taking the animals to distant markets where prices are high. With respect to the effects on the market, one should therefore distinguish between the immediate and direct consequences of violence, and the long term indirect consequences of insecurity.

It may be useful to investigate the links between raiding and regional markets. To what extent does the continuous threat of being ruined by a raid affect pastoralists’ decision-making about livestock marketing? Moreover, in addition to (perhaps) changing marketing behaviour, does the threat of raids affect herders’ decision-making about species composition of herds, moving them towards sheep and goats instead of

cattle or camels?. Do raids take place in conjunction with high prices of livestock? Is there a relationship between the periodic increase in scale or frequency of raids and fluctuations in animal market prices? For example, livestock prices are high after droughts; if raids take place in conjunction with high prices, than raids should increase after drought both for economic reasons and because poor households are desperate to get back to a viable herd. Could the market fluctuation of certain prices be useful as an early warning indicator for raids? On the other hand, as raids increase the sale of cattle, in periods of escalation or after large-scale raids we may expect a fall in the cattle market prices due to the flood of supply, and perhaps a vicious circle in which low cattle prices force herders to sell even more.

Political outcomes

At a national level, insecurity and clashes are used as an argument against multi-party democracy and pluralism (Amisi, 1997; Mulei, 1997; Muticon, 1997).

At a local level, victims of violence become easy prey for political manipulation. Conflict fuels “ethnic democracy”, with political representation constructed along ethnic lines and political parties used as flags for ethnic sentiments and interests. The increased lack of trust in central government, generated within the context of injustice and violence, makes manipulation by local powers easy (Nyukuri, 1997).

Writing about contemporary India, Chhachhi (1991) argues that ethnic conflict and regular outbreaks of violence, as well as of re-enforcing ethnic feelings, increasingly force ethnic identities upon individuals of various communities as a matter of fact, independently from their real feelings or choices. Within this theoretical approach, Lidwien Kapteijns points out that

the communal identity prevalent in contemporary Somalia, that of clan, has become a compelling reality for all Somali people, for it is one in whose name people have killed and have been killed. Even individuals and groups who have spent their lives resisting it, have found this identity forced upon them (1993: 2).

Protracted conflicts and insecurity in pastoral areas contributes to a widening of the gap between pastoral groups and the rest of the country. Economically, it prevents investments and hinders development programmes. Politically, it contributes, through media representation, to public images of pastoralists as backward, irrational and violent (Belshaw, 1999).

Social outcomes

Protracted clashes and escalation of conflict cause the breakdown of contact between neighbouring or adjacent communities and the consequent loss of lengthily constructed social networks (for example through inter-clan marriages) and institutions which have proved to be crucial for coping with uncertainty (Hassan, 1997).

Insecurity in rural areas and the associated increase in poverty and destitution contribute to the increased number of people moving to towns (Hassan, 1997), where already a large majority of the population lives in unplanned settlements, without legal access to land or services. Further pressure on resources in urban settlements is likely to result in the intensification of urban conflicts (Malombe, 1997).

Although there is very little systematic documentation of violence upon women (Mitullah, 1997), some points can still be made. Insecurity for young women means also the risk of rape and abduction. Seifert (1993) argues that the social effects of rape have to be measured in terms of the threat that violence upon some women represents for all women, and the role that such a threat plays in influencing women’s behaviour in general. In conflict-prone areas, the risk of rape or abduction of girls creates a pressure for early marriage (Turshen, 1988). In a hurry to place the girls safely in marriage, their families are ready to

accept unusually low bridewealth. Under pressure from their families and well aware of the risks involved in waiting, the girls lose the negotiating power that they might have had on the issue. One of the consequences of this is a considerable lowering of the age of marriage, possibly triggering an increase in fertility rate.

The risk of rape connected with violent conflict may persist, or even increase, even when women flee from conflict-prone areas. A huge incidence of rape has been recorded in refugee camps in the North East, apparently confined to Somali women (personal communication, Nairobi Workshop; African Rights, 1993).

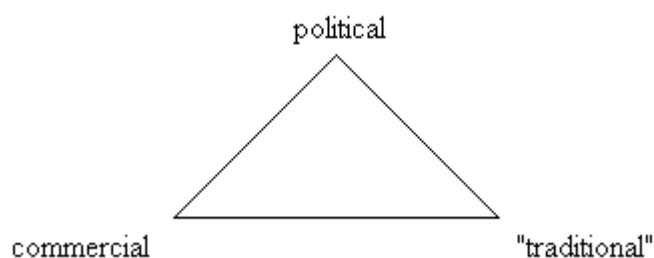
Little is known about how raiding transforms the marketing activities of pastoral women. Insecurity is likely to reduce the possibility of selling milk in a neighbouring town. A raiding-induced shift in household herd species composition from large to small stock is also likely to reduce women's income from milk sales, as well, possibly, as increasing women's labour load.

Women and children or sometimes just children, are sent away from dangerous areas to distant villages and often to towns. Intense and prolonged situations of conflict tend to create large numbers of displaced children in urban centres, usually living in a state of abandonment, with no assets, health facilities or education (El Hadi El Nagar, 1992). These children are likely to become cheap fighting manpower to fuel existing and new conflicts.

Insecurity affects formal education directly. Teachers may abandon conflict-prone areas due to lack of security, and the schools are closed. During the clashes in Wajir in 1992-95 some 160 civil servants, including teachers, either left the district or refused their appointment there; forty five primary schools, and five secondary schools were affected by violence; ten primary schools serving 2,500 students were closed (Ibrahim and Jenner, 1996). Poverty and destitution further diminishes the already scant possibility that parents have to afford the costs even of primary education. However, Belshaw (1999) records a different phenomenon in Uganda, where the Labwor, having lost by raiding almost all their cattle and being now dependent on intensive cropping, small stock and wage labouring, have by far the highest school enrolment in Kotido district.

1.5 Typology of violent pastoral conflict

The table on the following page is an attempt to generate a typology of violent pastoral conflict, a task which proved extremely difficult. As in real raids the three categories we suggest largely overlap, each should be understood more as one extreme point in a set of closely inter-connected motives than as a specific type of conflict in its own terms. Real conflicts can be situated anywhere within the triangle in the figure below. Even with these limits, perhaps a typology can help to identify more specific measures and interventions.



This typology focuses attention on the different characteristics of, and the need for different responses to, different types of conflict. Thus, Wajir-style interventions, based in part on civil society interventions and the use of customary conflict management institutions, are unlikely to be effective in a conflict which falls mainly in the commercial or political column. Or, potential conflict early warning indicators will depend on the context: seasonal and economic indicators will change between traditional, commercial and political conflict.

The typology also focuses attention on the overlap between the three categories. Part of this is a real overlap of actors, motives and outcomes, but part is also a deliberate smokescreen: it is very useful for the promoters of mainly commercial or political conflicts to hide behind the veil of “traditional” conflict and the lawless way of life of the pastoral areas. If “traditional” conflict can be more successfully contained, primarily commercial and political conflicts will increasingly be exposed for what they really are.

TYPOLOGY OF VIOLENT PASTORAL CONFLICT

| CONFLICT CONTEXTS | | | |
|---|---|--|---|
| | “Traditional”* | Commercial | Political |
| 1. Objective/cause | 1. disputed natural resources 2. restocking depleted herds 3. revenge for previous raid 4. establish age set reputation 5. accumulate livestock for bridewealth and starting one’s own family (increasingly rare) | 1. accumulate cattle for sale 2. eliminate competition 3. exploit inaccessible resources (pasture, water and labour) | <i>Local</i> 1. remove voters of another party at election 2. electoral fund-raising via sale of raided animals 3. gain political control <i>National</i> 4. ‘ethnic cleansing’ 5. strategy of tension and political pressure <i>International</i> 6. international strategic causes (e.g. Eritrea/Ethiopia conflict) |
| 2. Prevalent rule system for management | customary rules | formal rules | formal rules |
| 3. Level of violence | killing has symbolic value, increasing numbers killed as by-product, women and children are not deliberately targeted | killing people is not an aim, but increasing numbers are killed as by-product | killing people is an aim, large numbers killed, ‘exemplary violence’, deliberate targeting of women and children, rape |
| 4. Distance covered by raiders, geographic scale | usually within district or between neighbouring districts; occasionally cross-border | stolen animals marketed over very long distances | depends on cause |
| 5. Identity of participants | 1. warrior age-set of specific ethnic group; 2. hired warrior age-set of specific ethnic groups | hired fighters of any origin, not only herders; people not on raid may have invested by providing arms | hired fighters and warriors of specific ethnic group; members of foreign liberation fronts |
| 6. Prime mover | elders and prophets of specific ethnic group | businessmen | politicians, warlords |
| 7. Disposal of booty | divided between elders and warriors, used as productive herd capital | sold mainly at Mombasa or abroad, some distributed to clients | sold, distributed between clients; booty may be incidental to aim of violence |

| | | | |
|------------------|---|--|---|
| 8. Timing | after drought, large-scale raids or other causes of serious impoverishment; at the beginning of the rainy season; after age-set initiations; in coincidence with concentrations of people and livestock | when livestock price is high in large markets (e.g. Mombasa); in coincidence with concentrations of people and livestock | before and after election; related to strategic considerations (e.g. Eritrean/Ethiopian offensives) |
|------------------|---|--|---|

* taking place largely within herding economy and society

2. MAJOR CHANGES IN PASTORAL CONFLICT

It is often claimed that pastoral conflict in Africa is increasing, especially that the outcomes of conflict are now much worse than before, that conflicts have become much more savage, and that this is largely due to the widespread availability of automatic weapons. In this chapter we consider the evidence. The conclusion is that there is little evidence either to confirm or deny these propositions.

2.1 Conflict in the past and now: scale, intensity and frequency

Escalation of conflicts: old and new perceptions

Early ethnographies of cattle herding peoples in northern Kenya give little space to the analysis of conflict. The scarce and scattered information available often describes warfare, and particularly raids, as fights without quarter in which no one was spared except the young boys and girls who were abducted. On the other hand, at a more general level of analysis, sometimes even within the same works, one may find mention of rules or conventions meant to moderate the destructive effects of raiding (for example, Spencer 1973; Almagor, 1979). Moreover, recent descriptions of raids by pastoral people often emphasize the increased violence compared with “the old days”, particularly with reference to killing women and children. Ultimately, there are too few detailed accounts to identify a general rule of conduct: warfare changes between ethnic groups, although long term reciprocal relationships may have produced geographic “confrontational arenas” with shared norms concerning the limits of acceptable violence (Simonse and Kurimoto, 1998).

Several classic ethnographies suggest raiding used to be accompanied by great violence. Gulliver’s survey of Turkana contains some information on pre-colonial. According to Gulliver’s informers, Turkana raids were largely improvised and unruly affairs in which everyone’s goal was to kill enemies and take as many cattle, boys and girls as he could manage. Gulliver underlines that killing an enemy had a symbolic value in itself and it was central to raiding as a means for a warrior to fully enter manhood. Captive boys and girls were immediately and fully integrated into the raiders’ group. With specific reference to the amount of violence, Gulliver writes:

No enemy man, married woman or very small child was spared. Fighting seems to have been of the utmost ferocity - no quarter asked nor given. Young girls and boys were spared, and were retained by the respective captors (Gulliver, 1951: 147).

Almagor gives a similar account of raiding practices among the Dassanetch north of Lake Turkana. The word *sariti* is used by the Dassanetch to describe the method of raiding. Almagor says that *sariti* ‘is difficult to translate, but it implies a “free for all”, during which no rules apply, each raider being free to grab, kill, loot or abduct as he wishes [...] *Sariti* is the antithesis of hierarchical order, privilege and personal power. It is an outburst of anarchy, in which might takes precedence over right and temporarily suspends privilege and personal social standing’ (1979: 123, 139).

Writing on Boran raiding methods, Baxter, like Gulliver, underlines the intrinsic and symbolic value of killing as an important and autonomous component of the attacks:

The usual practice is to lay up outside a village of the enemy until its occupants are asleep, and then swoop in and kill as many people as possible. If stock can be driven away so much better, but this is secondary to the killing. Trophies are carried back to home villages (Baxter, 1979: 89).

The trophies were the severed genitals of slain males ‘of any age or size from an embryo or a baby boy to an old man’ (Schlee, 1989: 38).

The perception of violence and the measure of legitimate violence may vary in function of the social distance between the parties: the greater the social distance, the greater the violence. In Turkana society the social distance between the parties involved in a conflict influenced the weapons used and whether women and children were targeted. The Boran identify “being human” with being a Boran. Other ethnic groups are “less human” as their distance from the Boran observer increases (personal communication, Nairobi Workshop).

Damage control strategies

Whilst most recent research on pastoral conflict has concerned customary institutions for conflict management/resolution, early ethnographies underline the importance of damage control strategies, not as norms to moderate the raids but as precautions against the consequences. Gulliver (1951) does not mention raiding rules to limit the violence of the attacks, and nothing in his description suggests that among the Turkana (and by extension among the groups involved in reciprocal raiding with them) there were any. However, Gulliver does underline the existence of damage control strategies, examples of which are: (a) men fight back whilst boys and women flee with the stock; (b) distributing homesteads over a wide area, so that when the first is attacked the others have time to organize the defence; (c) in dangerous areas, keeping livestock as separated as possible from women and girls, in small highly mobile herds looked after by one herder only; (d) everyone participates in common defence in case of attack.

The focus on damage control strategies raises some issues. First, whether the contemporary widespread impression of increased fatalities from raiding should be seen in light of jeopardized damage control strategies, rather than just attributed to the use of automatic weapons or the weakening of traditional conflict management institutions. Already in 1951 Gulliver observed that ‘the present day heavy concentrations of stock and people would have been easy targets for well-led enemy forces; and they would have been less mobile’ (1951: 156). Second, whether the increase in fatalities may be due to the fact that damage control strategies, including the disposition of people and animals within the camp, have not yet adapted to the different raiding conditions introduced with the adoption of automatic weapons (e.g. the virtual disappearance of hand-to-hand fighting and thus of the possibility of targeting men rather than women and children).

Pastoralists’ perception of escalation of conflict

Anthropological studies of conflict in East African pastoral societies underline that usually such groups distinguish between different kinds of warfare and have specific words for referring to situations in which “normal” warfare is undergoing a process of escalation. Whilst normal raiding does not exclude co-operation at other levels (Tornay, 1979), such increased levels of violence usually do. Escalation occurs when the rules of reciprocal raiding are violated: when great numbers of livestock are looted, casualties rise sharply, killing appears deliberate and cruel, and raids become too frequent (Spencer, 1973). As pointed out by a Dassanetch elder during a meeting concerning an increase of raiding in 1968, such escalation causes disruption to the pastoral routine, because the young men stop tending the cattle in order to go to war, and because cattle are forced to graze in restricted areas due to the danger of hostilities (Almagor, 1979). Almagor points out ‘that once a raid gets started there is no guarantee that the excited raiders will not commit excesses, which may escalate into large-scale retaliation’ (1979: 127). Ultimately, escalation is prompted by one group’s perception that the raiding practices of the other group have become “excessive”, a fuzzy and subjective notion which may change according to a number of variables. Such increased raiding may result in a campaign which involves organized recruitment and strategic decision-making process. Inter-tribal co-operation ceases and daily social life and economic routines are disrupted (ibid.). Such escalation can be interrupted only when both parties feel that the

balance of power has been re-established, that is when the peace process is not seen as a sign of weakness of one of the parties (Turton, 1993). However, excessive behaviour in raiding does not necessarily lead to the escalation of hostilities into full-scale warfare. Between the two moments there is usually room for dialogue. As long as the injured party receives compensation and is assured that the incident was an exception, scaling violence up into a retaliation campaign will not take place (Almagor, 1979).

Conflict in historical perspective

Escalation of conflict, as such, is therefore nothing new to pastoral groups. Almagor (1979) reports several early sources about the area north west of Lake Turkana, all referring to frequent scaling up of conflicts. In 1942, Thorp pointed out that due to the introduction of firearms, raiding in the Lower Omo area was increasing, with consequent increase in the number of casualties and looted livestock, destruction of the settlements and abandonment of entire areas. In 1956, Moyse-Bartlett wrote that between April 1919 and July 1920 about 52 raids between Turkana and Didinga were reported. According to Almagor, Turkana and Dassanetch experienced increased conflict in 1920-21, 1925, 1928, 1933 and 1958. Lamphear (1992) estimates that at the beginning of the colonial era Turkana lost 14 percent of their population as a direct result of escalation of raiding.

Ultimately, it is difficult or impossible to draw a historical divide between “old” and “new” or perhaps endogenous and exogenous cycles of conflict. With regard to Turkana district for example, at the beginning of the twentieth century the Turkana were already dealing with a complex political and economic situation which involved ivory, slaves and rifles trade from Ethiopia, the presence of the Ethiopian army in the north and the pressure of the British from the south. The sections in the northern part of the district, heavily armed with rifles, were at first ignored by the British, who concentrated their military activity in the south. In 1915 alone British “punitive expeditions” in the southern Turkana district killed more than four hundred Turkana and raided 20,000 cattle and over 100,000 head of small stock. In 1918 a strong British expedition finally penetrated northern Turkana, raiding some 3,000 cattle and killing more than three hundred and fifty people. These disruptive interventions were never matched by any serious attempt to rule, as the only interest of the British in the northern region was as a buffer zone against Ethiopia (Barber, 1968).

In the North-East, the British left Wajir to the free play of local forces, then allied with the Boran to contain the expansion of the Somali. Once under colonial rule, the Boran were disarmed (of both guns and horses) and left unprotected to face Somali raids. The process of mass-impoverishment of the Boran which then began, was made irreversible when the Administration legalized Somali penetration by incorporating into the “Somali area” the Boran territory they had occupied in the “Galla area” (Schlee, 1989). The situation of the Boran became even more critical after independence. During the *shifita* war the government made little distinction between pastoral groups in the North Eastern Province. Groups like the Boran and the Sakuye, raided by both government army and Somali separatists, were made destitute en masse (Schlee, 1989; Baxter, 1993). This historical background is crucial to understanding the present conflicts in the North-East districts. The central position of the Boran always made it difficult for them to acquire weapons. However, after the fall of Mengistu, and the disorder this provoked in southern Ethiopia, this situation changed. The Boran are now in a stronger position vis a vis the Somali and are fighting back.

Recent extensive archival research on the historical roots of the links between commodification and conflict in Turkanaland, shows that a sudden and unprecedented impoverishment of the Turkana following large-scale government raids at the start of the colonial era, led them to raid their neighbours in order to replenish their stock, and in so doing prompted a powerful cycle of escalation of raids (Vigdis Broch-Due, personal communication). To the extent that current increases in conflicts are related to poverty, they

appear to be deeply rooted into colonial history, in the struggle between pastoralists and the state and in the creation of chronic forms of poverty in conjunction with the process of commodification. In a forthcoming article on the politics of impoverishment in Turkana, Broch-Due argues that both colonial and post-colonial interventions, although aimed one to extract resources and the other to provide them, led to the same result of making chronically poor a sector of the population, to the point that ‘a sharp socio-historical break between colonial and post-colonial eras is untenable’ (1999: 23).

Dichotomy between internal and external causes

The categories *internal* and *external* are often used in the analysis of pastoral conflicts. They are at the root of distinctions such as clan raiding vs commercial raiding, or the various descriptions of “flows” of automatic weapons into pastoral areas. Usually, internal is associated with *sustainable*, while external is associated with *destructive*. For example a distinction is made between “redistributive raiding”, internal to pastoral economy, and “predatory raiding”, driven by external forces (Hendrickson *et al.*, 1996). Arguing against such a rigid categorization, Belshaw (1999) underlines that non-distributive and highly destructive raiding is taking place in Kotido district, Uganda, driven by traditional interests, not commercial or criminal ones.

The dichotomy internal/external suggests a separation which is not true anymore, and confuses the analysis. *Internal* and *external* can be better understood as the ideal extremes of a continuum, within which fall most of the actual cases. Small-scale banditry and even fights between individuals that in a town would fall under the category of small scale criminality, can lead to clan raids and escalate into a full-scale ethnic war. Although there may be raids entirely organized and funded for commercial or political reason and it may be useful to maintain the ideal type of “commercial raid” for analytical reason, the “external” interest (be it commercial or political) is more likely to emerge within a pre-existent situation of insecurity — aspects of which are then exploited and influenced — rather than causing and controlling it.

Conflict is not an inherent feature of marginal areas. It rather should be analysed in the context of the general growth of poverty and differentiation. A large population in Kenya is disempowered and violence is often the only way people can access resources. Conflict should be seen as part of a process of differentiation and marginalization of pastoral societies (RANTCO, 1999).

2.2 Automatic weapons

Since 1979 (the fall of Amin’s regime and sack of Moroto arsenal in Uganda), neighbouring countries along Kenya’s northern borders (Ethiopia, Somalia, Sudan) have been shaken by political unrest and internal wars. Thousands of light weapons (and ammunition) have become available. It is widely believed that this process has affected different areas at differing times and with different intensity, and has therefore continuously changed the balance of power between neighbouring groups. Changes in the balance of power, together with increasing pressure on resources, result in escalation of conflict, particularly raids. The use of automatic guns instead of spears, bows and old rifles, has increased the number of fatalities and the intensity of violence during the attacks. The most striking example of such an increase in violence is thought to be the indiscriminate killing during the raids, not only of men but of women and children as well. The virtual disappearance of hand-to-hand fighting reduces the possibility of targeting particular categories of people (for example warriors), and of avoiding others (for example women and children).

The impression that the nature of raids has changed, at least, seems also to be supported by pastoralists themselves (in questionnaires, workshops, interviews), also with reference to increased violence against women and children (WPDC, 1997?a; Duba *et al.*, 1997; WPDC, 1998c).

This narrative about the impact of automatic weapons is widely believed. However it is difficult to find support for it in the literature.

- i.* A recent analysis of the literature on conflict in the Sahel concludes that despite the frequency of claims about the increase of violence due to a combination of scarcity and availability of automatic weapons, they are not adequately substantiated with data (Hussein, 1998). Neither, as discussed above, is there evidence from early ethnographic descriptions of raids to confirm the widespread existence of raiding rules meant to prevent or limit fatalities among women and children. Several early ethnographies, instead, suggest the opposite with regard to specific groups. There is evidence that women and small children were not spared (Gulliver, 1951, on Turkana; Baxter, 1979, on Boran; Almagor, 1979, on Dassanetch). Women were indeed among the potential targets for inter-tribal homicide. Like the killing of a man, the killing of a woman was honoured with ritual scarification and acknowledged with its own specific scar, only slightly different from that prescribed when the victim was a man (Fukui, 1979, on Bodi).
- ii.* There is no evidence that the killing of a woman or child was considered a more serious crime than the killing of a man. In many pastoral groups, the status of “human being” is not naturally given at birth but only achieved through social initiation into an age-set. Children may be categorized with bush animals, not with human beings (Turton, 1993, on Mursi). Only married individuals are full members of the community. Children may be associated with symbols of “badness” and anti-sociality. In some groups, at death, married individuals are buried to the east within the camp, whilst unmarried individuals and children are left to wild animals in the bush, to the west (Broch-Due, 1991, on Turkana). The customary compensation for the death of a woman, to be paid by the family or dia-paying group of the killer to the dia-paying group of the victim, is usually considerably smaller than the compensation for the killing of a man (Duba *et al.*, 1997). Although it would be misleading to interpret this as a straightforward sign that a woman’s life is valued less — the institution of blood-wealth is much more complex (Lewis, 1961) — yet it does not suggest either that killing a woman is an especially wicked act.
- iii.* Current violence against women and children cannot be explained by the use of automatic weapons, as more destructive and less selective than traditional weapons, including old single-shot rifles. Examples of increased violence include rape and more abductions of young girls, which do not depend on the firepower of automatic weapons. Another act referred to as an example of the new violence of modern raids is the deliberate killing of goats. The livelihood of women and children largely depends on goats, and apparently goats were left for the women by earlier raiders in Somali inter-clan raids (WPDC, 1997?a). A similar habit has been observed amongst the Bedouin of the Syrian desert and northern Arabia (Black-Michaud, 1975). Killing goats is a deliberate attack on the livelihood of women and children, not very different in its effects from killing them directly, and yet hardly explainable by the introduction of automatic weapons.

Alternative explanations of increased violence against women and children

Early ethnographic descriptions of raids as fights without quarter with indiscriminate killing, and accounts by pastoralists of increased casualties among women and children in modern raids are not mutually exclusive. Even if we take early ethnographers seriously and believe that raiders in the past made no particular effort to spare women and children, this does not imply that during the raids many women and

children were actually killed. Apart from active sparing of life by the raiders, there may be other reasons why casualties among women and children used to be low:

- i.* Damage control strategies, i.e. precautionary measures to keep women and children safe in case of raids.
- ii.* Engaged by the warriors of their target group, raiders probably ignored all those who were not potentially dangerous.
- iii.* Warriorhood, and the symbolic value of killing.

With regard to these reasons, the situation today has changed:

- i.* Damage control strategies are hindered or prevented by changes in pastoralists' way of life, such as limited mobility or high concentrations of people and livestock.
- ii.* Automatic weapons make old people, women and children potentially as dangerous as warriors, and consequently lead them to be included among the targets of the raiders.
- iii.* Automatic weapons make killing easy and impersonal: less value is attached to it, there is a dismantling of the symbolic dimension such as scarification and cleansing rituals. Furthermore, automatic weapons lower the skills required for raiding. This opens it up to a range of people otherwise marginal to pastoral life (e.g. school leavers, town unemployed), who may value the costs and returns of raiding differently from warriors.

3. CONFLICT OVER RESOURCE TENURE AND USE

All conflicts are ultimately over resources, due to their scarcity in pastoral areas. Scarcity then is explained by different explanatory models as (a) structural to pastoralism, seen as an irrational and self-destructive system of production [modernization theories of development]; (b) caused by “external” disturbances, such as restricted access to grazing resources (Dyson-Hudson, 1966); encroaching farmers; cultivating herders and absentee herd owners (Little, 1987); increased competition over land, decreased security and growing local conflicts (Hjort af Ornäs, 1989); clashing production strategies and resource use regulations (Oba, 1992); demographic growth (Fratkin, 1994b) [populist approach], (c) structural to multiple-use resource systems, unavoidable but not necessarily destructive (Behnke and Scoones, 1993) [new range ecology]. Each of these explanations suggests that natural resource tenure and management arrangements are an important source of conflict.

3.1 Links between conflict and resource management

As a dimension of a broader state of conflict, current conflicts over resources are not just a contingent phenomenon but are to be seen against the background of a history of active land alienation, mass displacements, cultural and physical aggression and political marginalization of pastoral populations. Today, Kenyan legislation on land is still heavily biased towards sedentary groups and agriculture, in continuity with a tradition which began under the colonial administration, according to which the first step to develop pastoral grazing lands is to turn them into farmland.

According to Lane and Moorehead (1994) pastoralists' tenure systems are affected by three major long-standing processes: (i) nationalization of resources, (ii) sedentarization of herders and (iii) privatization of range.

Nationalization

Nationalization of the range is undermining customary tenure regimes without replacing them with effective systems (Moorehead 1991). This is the case with the provision of public facilities democratically open to “everyone”. By-passing customary tenure without however being managed by the state, such facilities are immediately cause of disputes and are soon monopolized by the most powerful or better armed groups.

Sedentarization

The concentration of animals in areas of settlements is likely to have an adverse ecological impact and increase the risk of disease among the livestock. This represents an even higher risk for non-sedentary herders travelling through the area, for whom access to veterinary facilities may be more difficult. Non-sedentary groups may tend to avoid settlements and interrupt customary institutions of exchange important to maintain cross-cut linkages, such as bond-friendships, livestock entrustments and delayed exchanges (Broch-Due, 1990; White, 1990).

The division of communal rangeland areas into discrete administrative units interferes with customary land-use patterns. Moreover, as the area occupied by a settlement is usually smaller than the ecological land-use unit necessary for the settled group, sedentarization of pastoralists provides the potential for their exclusion (by sedentary farmers) from resources they previously had secondary or perhaps tertiary rights of access to, and facilitates encroachment and alienation in favour of outsiders (Lane and Moorehead, 1994).

Drawing on fieldwork in Baringo district, Little (1987) shows that agricultural encroachment in pastoral areas — and related disputes — is more complex than herder/farmer inter-group opposition and involves endogenous conflicts *within* the pastoral community. Sedentarization minimizes the economic differentiation between ethnic groups, towards a uniform combination of agro-pastoralism and wage-employment. Little (1987) notices that the Il Chamus, and some groups of pastoral Pokot in northern Baringo, are developing economies similar to the neighbouring Tugen. Goldsmith (1997: 2), in a study of the links between trade, conflict and insecurity in northern Kenya, points out that ‘opposition [between groups] promoted exchange where similarity encouraged conflict’.

In Baringo, competition takes place between herders and herders, along class lines. The rich families are able to mobilize labour and capital necessary for irrigated agriculture. As they do so during the wet season, when grazing is not scarce, cultivation has little impact on livestock production. Instead, poor families can only afford wet season dryland farming in the rain-fed non-swamp areas, but this is also where and when the herds are grazed, with high potential for conflict (Little, 1987).

Privatization

By preventing customary, highly productive, tracking strategies, privatization of pastoral lands reduces the capacity of the land to support livestock. In the long term, privatization increases social polarization and deprives large numbers of people among the poorest sector of the population of crucial resources they need to sustain their livelihoods. At the same time, the very high costs of implementing private property systems divert time and important resources from survey work and conflict arbitration (Lane and Moorehead, 1994).

The Group Ranch programme, for example, was intended to transform communal grazing lands into deeded holdings with individual rights and responsibilities of land ownership, simplifying and integrating customary land tenure within a legal framework (Evangelou, 1984). However, the combination of different sets of rules paradoxically resulted in a “vacuum of authority” (Sylla, 1994), which generated a number of conflictual situations in which members were often unable to agree on the use of the land, whilst overgrazing and illegal grazing became more difficult to control and factionalism increased (Galaty, 1994).

Somali pastoralists surveyed in 1996, strongly disapproved of the privatization of land. Among other reasons, they mentioned inter- and intra-clan conflicts, as a result of land enclosure and boundary disputes (including killing between close relatives) (Hashi 1996: 38).

According to Lane and Moorehead (1994), to be effective, innovative land tenure policies for dryland pastoralists must take into account that today customary land tenure systems are irreversibly undermined by the structural changes pastoral society is undergoing. New policies should recognize this transformation of pastoral society and deal with the diversity of interests within it, including a growing rich vs poor polarization, absentee herd owners and the interests of wider economic and political structures.

3.2 Overlapping attributions of responsibility for natural resource use

The rules of natural resource management are now characterized by an overlap between customary tenure systems, and formal systems enacted by the state. In addition, the spread of the market economy, and development interventions in tenure and resource control, have created a situation where there is no longer one unambiguous set of rules about natural resource use. Instead, individuals can pick and choose which set of rules they will base their actions on, and appeal to, in case of conflict. Thus a herder who wishes to control a water source or dry season pasture can try to obtain it under customary tenure rules using ethnic or clan links, and if that fails can appeal to the local authority or the courts using formal law. If both of these fail, bribery of local officials may achieve the same result. As a result, there are fewer

clear attributions of responsibility about natural resource use, and a much greater potential for conflict over disputed use.

Some scholars have pointed out that the ambiguity of overlapping sets of rules can be used as an advantage by the state, and not only by individual actors. Ambiguous tenure systems provide the state with formal and informal revenue from the arbitration of conflict. Meanwhile, the process gives the elite within state structures a gateway to formerly inaccessible pastoral resources. The imposition of formal administrative and legal framework enables people who have better access to the state to claim new property rights to resources, to the disadvantage of those who do not have the same connections. On the other hand, the government may use these new claims to give a juridical face to political interventions against nomadic pastoralists. Enminger and Rutten (1991) report the case of Orma sedentary livestock owners, whose claims of exclusive property rights on traditionally communal grazing land were given credit by the government, and used to justify interventions against the presence of Somali pastoralists in the area.

Trust land

The confusion over land tenure is not only a matter of ambiguity between formal and customary law. There are five land registration laws in Kenya. Non private land, falls into two broad categories of Government Land and Trust Land. The latter, which forms most of the pastoral areas, is enshrined in the Constitution and governed by four different Acts (Lenaola *et al.*, 1996).

The Constitution (Section 115) gives trust land to county councils to hold in trust for the benefit of the people ordinarily resident on it and in recognition of their rights according to 'African customary law'. However, a clause in the same section allows for the legal manipulation of customary law by stating that 'no right, interest, or other benefit under African customary law shall have effect, so far as it is repugnant to any written law'. Even without legislative action, customary rights over trust land can be extinguished through the procedure of "setting apart" certain areas (Section 113). This can be done by Parliament or government for the purpose of prospecting for or extracting minerals or oil — directly or in favour of public or semi-public corporations — and by county councils, for any purpose that 'in the opinion of that county council is likely to benefit the persons ordinarily resident in that area or any other area of trust land vested in that county council' (Section 117).

Government land, under which many important pastoral grazing lands fall, is controlled by the Commissioner of Lands office and the President. Government land can be, and regularly is, given to farmers as freehold land, but not to pastoralists.

In Northern Kenya, large areas of trust land are lost to irrigation schemes, game reserves, wheat farming and other cultivation. Overlapping and contradictory rights of exclusion legitimised by the parallel Acts and tenure systems, lead to lack of respect for the law, often leading in turn to open conflict (Bromley, 1991).

The recent *Legal Framework on Pastoral Land Tenure and Legislation for the Arid Lands of Kenya* finds that 'county councils have abused the trust placed in them by the law' and recommends the transfer of such trust land to a different legislative framework (RANTCO, 1998: 23-24). The *Legal Framework* also recommends several amendments to current legislation (included Chapter IX of the Constitution), in order to enable the recognition of pastoral communities as legal entities and to give legal credence to their traditional authority in the matter of land tenure.

External interventions

Conflictual situations over access to resources may result from government or development agency intervention, if these affect the status of existing resources or create new ones without integrating them within a specific system of access regulation. For example, among the Boran, only traditional deep wells

are subject to controlled access rights. The access to grazing land does not need to be regulated as it is indirectly restrained by the access to water. The availability of water also puts restraints on the size of the herds. The provision of drilled public wells and boreholes in dryland areas, which are not controlled by customary institutions, has allowed herd size to increase. This has affected the relationship between livestock and pastures, generating endless disputes concerning access to grazing land (Helland, 1994; Lane and Moorehead, 1994).

Links with abnormal concentrations of people and animals: drought, political elections

Political elections have the effect of causing large movements of people and unusual concentrations of people at abnormal times of the year. This can create: (a) a “competition for resources” type of situation, easily exploited and a handy cover for politically fuelled hostilities of the type described in chapter 2; (b) spontaneous disputes over resource use and (c) easy and attractive targets for large scale raiding. Cases (b) and (c), particularly, apply to any ecological, political or economical phenomenon capable of creating abnormal movements and concentrations of homesteads, including for example drought.

3.3 Resource management institutions are also conflict management institutions

A long-standing pastoral development orthodoxy based on the neoclassical paradigm of ecological scarcity still largely informs the analysis of pastoral customary institutions within the framework of resource management. The “new-thinking” in pastoral development (Scoones, 1994), based on the implications of dynamic ecosystem theory, has moved away from the orthodox ecological paradigm but still maintains an ecological focus which unavoidably overshadows other dimensions.

Customary institutions are fuzzy. This has been abundantly shown with reference to resource tenure (Scoones, 1994), ownership (Baxter and Hogg, 1990), ethnic identity (Schlee, 1989), and institutionalized cognitive patterns (van der Ploeg, 1989; Scoones and Thompson, 1994). As argued by Jean van der Ploeg, far from being a liability, fuzziness is a key element for working efficiently in conditions of unpredictability, as it is precisely this that allows for constant interpretation and change.

Consequently, approaches which identify customary institutions according to their “function” within a specific analytical framework (ecological, political, and economic) are likely to underestimate their actual role and mislead those who wish to understand them. If institutions which *also* play an important role in conflict management are first analyzed within an ecological framework and understood as “resource management” institutions, their potential for conflict management will be hidden, whilst the consequence of their manipulation for conflict management will go unacknowledged.

For example, Boran social life is linked to access to deep wells through complex clusters of use rights (*madaa*) linked to consanguinal ties which are not territorially based. Development agencies have understood the Boran institution of *madaa* as a social unit for natural resource management. However, Helland (1994) shows that if *madaa* ties have served to limit natural resource exploitation such an effect should be seen as a by-product of Boran social organization and not as the function of *madaa*. The organization of water use for the Boran, Helland argues, is not primarily about resource management, but about maintaining peaceful relationships and the Boran way of life. Similarly, Bollig (1993) argues that the among the Pokot network of long-term reciprocal ties in which they are enmeshed, and which form the core of institutions which mediate access to resources, should be seen as one important factor in explaining intra-ethnic peace. Rirash (1992), in his analysis of Somali perceptions of conflict in traditional oral poetry, also underlines that it is the day by day practice of sharing resources that gives existence to brotherhood and social ties, and not the other way round. Lane and Moorehead emphasize that

enforced changes in tenure are likely not only to alter the way people relate to land as a resource, but also to have a profound effect on the entire social fabric of society (1994: 117).

The formalization of resource tenure may involve wider risks than just undermining customary institutions for resource management. To the extent to which those institutions integrate complex and dynamic roles which are well beyond the limits of a single analytical framework, manipulation based on a single framework (for example ecological) risks corroding the social capital of pastoral societies just when other development schemes are trying to build it up.

4. BREAKDOWN OF THE ABILITY OF CUSTOMARY INSTITUTIONS TO MANAGE CONFLICT

Although it is widely accepted that - as a result of the incorporation of pastoral groups into wider economic and political entities - customary conflict management institutions can no longer cope on their own with contemporary forms of conflict, it is also widely believed that customary institutions still have a specific role to play within wider conflict management strategies of states and other actors. In this section we examine the evidence for this.

4.1 Reciprocity

Customary approaches to conflict management focus on the needs and desires of people rather than on results, and stress values of respect, honesty, dignity and reciprocity (Mercurieff 1995).

Beyond the context of single episodes of conflict, are the broader relations of reciprocity and collaboration between different communities that can ensure that the scope of conflict is minimized (Ocan, 1994).

It is the common perception of a condition of reciprocity that it helps to maintain co-operative relationships. Drylands herders are aware that no matter how good one's situation might be at the present, at any time in the future one may depend on the favour of those who now one can afford to have as enemies, and vice versa. Reciprocity does not exclude occasional raids and killings, but provides the context and motivation to avoid excesses and, on the other hand, to isolate unusual episodes and deal peacefully with them (for example through compensation) in order to prevent the escalation of violence.

Among the agro-pastoral Il Chamus (Njemps) in the Baringo region, for example, those who have had their fields damaged by somebody else's livestock still usually ask for minimal compensation, being well aware that it is only a matter of time before their own animals are caught grazing in another's field (Little, 1987). The situation is rather different when the disputes are between herders and farmers (Hussein, 1998).

A degree of tolerance and flexibility with regard to compensation applies also to cases that involve damage to people. It seems to be a widespread custom among pastoralists that the standard compensation, even for cases as serious as murder, is discounted by the damaged party in order to show "good will" (Duba *et al.*, 1997).

Reciprocity is a perception as well as a practice. Both sides must perceive the actual or potential advantage of co-operation. Such a perception of reciprocity can be maintained only on the understanding that (a) sooner or later a favour will be needed from the other group, (b) there are not sufficient alternative solutions, (c) the other group is in a position to reciprocate.

The question is therefore what kind of events influence these conditions. For example, the prohibition of crossing national borders, even if enforced sporadically, can seriously jeopardize the perception of reciprocity in traditional concessions over grazing and waters under harsh conditions (Oba, 1992). If resources which are part of customary tenure patterns based on reciprocity are made legally inaccessible

to one of the parties, this not only creates a potential cause of conflict but, and perhaps more importantly, the condition of reciprocity is interrupted and with it the motivation to maintain conflict at a low level.

4.2 Conflict and drought coping institutions

Raids increase after droughts both for ecological and economic reasons. In general, raiding is more convenient during the rainy season, as the livestock have a better chance of survival. It increases particularly after droughts because households hit by the drought are desperate to get back to a viable herd. Another way in which the introduction of a market economy may have affected conflict is through its influence on drought coping institutions (Hogg, 1988, McCabe, 1990). Raiding is commonly considered one of those institutions (Oba and Lusigi, 1987; Cullis and Pacey, 1992; Hendrickson *et al.*, 1996), and indeed amongst the more efficient. It is likely that raiding is also the only “traditional” way to restock that, with the introduction of a market economy, has expanded. Have the herders most affected by drought increasingly turned to raiding as the most popular coping strategy? A study of the incidence of different customary strategies to acquire livestock among the Turkana (Broch-Due, 1990), scores raiding at the third place (16 percent), immediately after bridewealth (17 percent) and not far from inheritance (25 percent). It may be useful to investigate to what extent the popularity of raiding is due to its commercialization through marketing of cattle and weapons, combined with constraints on other drought coping institutions resulting from the introduction of market-based relations of exchange.

4.3 Elders and conflict management

Given a motivation to limit conflict, traditionally the ability of the elder age-set to act as an effective conflict management institution relied on three main sources of authority: (i) control of access to resources/marriage; (ii) being part of a large cross-clan, cross-ethnic, cross-generation network; (iii) supernatural legitimacy (Gulliver, 1951; Spencer, 1973, Almagor, 1979)

To the extent to which these sources of authority have been maintained unaltered, they also define the structural limits of customary conflict management. Examples of cases which fall outside the structural limits are:

- when conflicts are *between* sections of the elder age-set;
- when conflict is about a new resource over which the elders do not have legitimate customary control (for example drilled wells, formalized land tenure);
- when actors in the conflict do not depend on pastoral economy (for example individual ranchers, new immigrant farmers, new kinds of livelihoods produced or by-produced by development or relief schemes);
- when the scale of the conflict exceeds the size of the elders’ network (for example a very large group of raiders gathered through extra-neighbourhood contacts such as school, army service etc.).

One of the arguments used in support of the thesis that customary institutions for conflict management are breaking down is that the position of the elders has been undermined by modern changes.

According to Duffield (1997), the elders’ authority has been undermined by the introduction of a market economy and the increasing polarization of rich and poor, that resulted in labour migration. The youth have found new sources of influence and wealth including the flourishing armed militias of young men and the new income available through banditry.

Odhiambo (1996) says that traditional authority is being eroded by the progressive replacement of elders’ councils and tribunals with government-appointed agencies and functionaries. Meanwhile, urbanization and increasingly frequent migrations to town of young people, especially men, expose them to other cultures and make them question traditional values.

Another way in which elders may have lost their authority is through increasing distrust from the communities, particularly from the warrior age sets. This may have various causes. One may be the association with an increasingly distrusted administration. The elders may increase their influence and prestige by providing an interface between their communities and local government. When the public sector is reduced, so is role of the elders. In a study of pastoral institutions in Somaliland, Hashi (1996) points out that traditional leaders, having been absorbed by urban political machinery, are rapidly losing the trust of the herders. The same happens when the association with administrative power is used for personal advantage through land speculation or bribery (Rigby, 1992; Galaty, 1994).

On the other hand, the “weakened elders” explanations of conflicts as a failure of customary conflict management institutions seem to be inconsistent with the numerous examples of recent conflicts which are promoted, funded and organized by the elders, as in the case of the Wajir clashes in 1992-1995 (Ibrahim and Jenner, 1996). Among the Turkana the elders still make war as well as peace and often bless the warriors before they go on a raid.

Moreover, we should perhaps distinguish between authority and power, or maybe just between different kinds of authority. The elders may have lost authority in conjunction with (or even because of) gaining new powers, e.g. exclusive forms of access rights, connections with state structures, possibility of cumulative differentiation through new forms of capital more permanent than cattle, and political or administrative positions.

4.4 Diffusing/neutralizing rewards from raiding

One customary means to prevent or manage escalation of conflict was the neutralization of raiding rewards. Among the Dassenecht, north of Lake Turkana, raided cattle could only be given to a related elder as a gift or sold to buy weapons, and were not allowed to be used to build up a raider’s own herd. Neither could the raiders marry abducted girls. The bridewealth was smaller for a fostered daughter and not likely to be available to the raider in time to affect his chances to start an independent life. The prestige gained from raiding could not be converted into strengthened individual status or into an improved group position in the age system (Almagor, 1979).

Restraints on raiding rewards however may not be the same in different groups. In Somalia, raided livestock used to go to the lineage group, which distributed them according to need and not necessarily to elders. Among Kenyan Somali, raided animals were used mainly to build up one’s own herd.

The issue here is not just whether customary ways of neutralizing raiding rewards are still enforceable in the context of a market economy, but also whether there are other or new ways available. Among Kenyan Somali two recent changes have taken place: (i) people sell raided animals at once and (ii) due to a resurgence of Islamic awareness, people don’t want to keep raided livestock as they know that the animals have been stolen from poor people and believe that stolen animals cannot (and should not) sustain a household for long (personal communication, IDS Workshop).

It would be useful to investigate present options for disposing of raided livestock among different groups, for example a small proportion of immediate slaughter and consumption; division among a large number of participants, including people who loaned weapons or provided political and administrative support or protection; division through the wide kinship networks of the raiding parties; marketing within Kenya; marketing across the northern borders. It is generally believed that most livestock raided in northern Kenya are marketed in other countries.

4.5 Reduced unity among elders

Elders' authority relies mostly on being part of a wide network of resource control. They can exercise effective control of conflict escalation only through a united effort. Deterioration of the unity among the elders is likely to increase the risk of escalation (Almagor, 1979). Class differentiation, for example, may break the unity of the elders as a corporate group, a unity rooted on shared economic interests, but it is likely to affect to a much lesser degree the solidarity among young men, which is rooted on being part of the same age-set. Perhaps the "weakness of the elders" perspective and the "increased power of the elders" perspective are, rather than opposites, two aspects of a situation in which the elders (some of them) are gaining unprecedented powers as individuals whilst losing their monopoly (as a corporate group) in controlling resources.

4.6 Personal interests and corporate responsibility

The progressive personalization of interests (through the introduction of a market economy and the creation of opportunities for individual entrepreneurship) has not been matched by the personalization of responsibility. The actions of the individuals, even when aimed at personal interest, are likely to be treated as the responsibility of the whole community. The Pokot-Marakwet clashes in 1997, for example, are commonly said to have started after a young Pokot man known to be involved in the illegal guns trade was killed by one of his clients, a Marakwet, during a fight over payment. Although the circumstances and the reasons for the incident could hardly have been less traditional, the episode was followed by a chain of mutual retaliations by young men of the two groups, which rapidly escalated and were directed by and large against people who had nothing to do with the previous incidents. Within less than two months more than 20 people had been killed and several hundred families had been displaced, while those responsible for the first two or three incidents, although well known, had not been arrested (Wanjala, 1997).

The attribution of corporate responsibility is a gateway to using retaliation for personal interests. Once the situation of mutual retaliation is established free-riders can engage in crime and enjoy the ideological cover of retaliation and protection from their own group.

4.7 Actual opportunities for conflict management by customary institutions

Peace process in Wajir District

Probably the most successful example of large-scale conflict management in northern Kenya is that started in Wajir district during the clashes in 1992-1995 (Ibrahim and Jenner, 1996).

The peace process in Wajir began in June 1993, prompted by a group of Somali women — the Wajir Women for Peace (WWP) — who gathered around two educated women and a traditional woman leader. Very soon WWP established linkages with the elite of educated Somali professionals in Wajir town (both men and women), that led to the creation of the Wajir Peace Group (WPG). One of the first concerns of WWP and WPG was to involve elders of the fighting clans in the peace work. The elders of the minor clans were actively involved as mediators. After many difficult meetings, in late 1993 a meeting of elders lasting for several days led to the "Al Fatah Declaration" (a guideline for the return to peace in the district) and the creation of the Elders for Peace Group. Young men in Wajir town also created the Youth for Peace group, which sent peace delegations throughout the district. The religious leaders (Sheikhs) organized peace preaching tours. A key element in the success of the peace work was the active involvement of the District Administration after the arrive of a new DC in April 1994. This made possible the gradual integration of peace groups and state structures. A Rapid Response Team (RRT) was set up, consisting of members of the District Security Committee, elders, women and youth. In case of disputes or outburst of violence the RRT would travel to the area and usually convene a meeting of elders and others to work on resolving the problem.

The peace work also included the organization of workshops for elders, women, youth, chiefs, administration, security forces and religious leaders, as well as of training of trainers. Chiefs were trained on provision of the Chiefs' Act. The security forces, who are mainly from down-country, were trained in Somali culture and ways of interacting with Somali people. An important turning point was reached when the Army Commander committed himself to stop the looting, rape and other abuses by army personnel on mission. Since 1995, yearly district wide peace festivals were organized, entirely funded with locally raised money. A program for the return of guns, relying on the co-operation of the chiefs, was initiated. Peace certificates and a Peace Prize were set up, to be assigned to the groups, sub-chiefs and chiefs who had done the most to promote peace. The Wajir experience was half funded from local sources, including important support from the Somali business community. The other half was covered by donors.

The peace work was successfully integrated within the District Administration in 1995, with the creation of the Wajir Peace and Development Committee (WPDC) as a sub-committee of the District Development Committee. WPDC is chaired by the DC and its members are the heads of all government departments, representatives of the peace groups and NGOs, religious leaders, District Officers and Chiefs. The meetings of the WPDC are open to all citizens of the district.

In Somalia, underneath the spectacularly unsuccessful peace keeping activities by the international agencies, peaceful relations within and between groups have been slowly built up by local clan elders employing traditional nomadic diplomacy, and by community-based initiatives, including women acting as go-betweens or exchanged as brides in peace settlements and poets and religious leaders playing major placatory roles. Such revitalized customary institutions for governance and peace-making, it is argued, now represent the best hope for conflict management in Somalia (Farah with Lewis 1993; Bradbury, 1994).

Combination of customary and formal institutions.

Peace is often a ritualized process different from the simple interruption of hostilities. Time or even peaceful relationships do not cancel pending disputes. Unless disputes are formally settled through appropriate rituals concerning the first incident, the party which feels offended will seek revenge. Amongst the Degodia Somali in Wajir it is now common opinion that the Bagalla massacre will be avenged, even if it takes twenty or thirty years (personal communication, IDS Workshop). The resolution of conflicts through the formal administration of justice only, may therefore be ineffective as a guarantee of lasting peace, particularly if perceived as external and superimposed or mistrusted. Specific traditional rituals for conflict settlement must take place.

On the other hand, customary institutions are neither isolated nor static, and in certain cases escalating cycles of violence have been interrupted by the combined action of customary institutions and state law. Ibrahim and Jenner (1996) report one occasion during the Wajir clashes in which the elders decided that the incident which was considered at the origin of the conflict had to be formally (and "ritually") settled in court according to Kenyan law, while the chain of reciprocal revenge which had followed could be dealt with by the customary system of compensation.

Customary and formal institutions do not simply exist separately but unavoidably merge and combine in hybrid forms. It is important to dismiss the functionalist approach which only sees the interaction between customary and formal institutions as a contamination of the former. The transformation of customary institutions can be a largely endogenous process, as Asmarom Legesse (1973) has demonstrated with regard to such an archetype of tradition as the *gada* system. Customary institutions are more tenacious that it might appear and tend to persist underneath or even within the apparently overwhelming hold of formal institutions. The interface between customary and formal institutions is therefore a key area for reform (Swift, 1994).

Participatory approaches, used with awareness of their limits (Bollig, 1994), may prove particularly useful for interacting with the consensus-based decision-making characteristic of customary conflict

management and facilitate the merging of customary and formal institutions and the integration of the former into existing administrative structures (Bradbury *et al.*, 1995).

4.8 Local perceptions

Fuzziness

The fuzziness of customary social boundaries allows some room for negotiation even on the basis of fictive or fictional kinship (Goldsmith, 1997). Schlee (1989) reports an incident between Rendille and Ajuran, which was settled on the ground of a fictive kinship, as the Rendille was deliberately advised by a third party to identify himself using a clan name which gave the Ajuran a chance to recognize him as “related”.

Diviners, raids and age systems

Schlee (1998) points out that, at least among those groups with an age system, prognostic calendars and divinations are based on the assumption that events repeat themselves according to the cycles generated by the age system. The *gada* system for example has a minor cycle of 40 years and a major one of 280.

Modern commercialization or politicization of raids does not seem to exclude the influence of traditional symbolism. On the contrary, “traditional” and “modern” combine and overlap more often than they exclude each other.

In Turkana, prophets (*laibon*) still predict the outcome of a raid. Each warrior age-set tries to out-do its predecessors and this can be by being more warlike. This is a danger in Turkana at the present, where a new warrior age-set is now being initiated, which will need to outperform the *ngoroko*, the previous warrior age set, whose name is now used synonymously for bandit (personal communication, IDS Workshop).

The long cycles in which time is structured by the age systems are likely to be overlooked and ignored by any analysis of the causes of conflict based on short term emergency interventions, even by those which seriously undertake a historical approach. If structuring time in cyclical patterns generates divinations and expectations which may affect the timing of raids and outbursts of violence, it probably deserves greater attention within the analysis of pastoral conflict.

5. POTENTIAL ROLES IN PASTORAL CONFLICT FOR AGENCIES

The literature reviewed in this paper, and especially experience from Kenya itself, suggests that lasting conflict resolution can only be achieved by the parties themselves, based on a strengthened local institutional capability (including customary institutions and local civil society organisations), and key local individuals. However, government and outside agencies have an essential role to play in creating the external conditions for such local settlements, and in supporting local institutional capability. This chapter suggests some general lessons and possible interventions in the field of pastoral conflict management.

5.1 Strengthening local institutional capability

Experience in northern Kenya and elsewhere suggests that district-level conflict management activities can be successful. Those that seem to work have the following characteristics:

- they are based on local initiatives, initially through civil society groups, which in certain areas are typically religious groups rather than NGOs;
- where appropriate, such initiative are based on customary rules of conflict management, which are endorsed by the authorities;
- they involve all local stakeholders, elders, women, young people, urban people as well as pastoralists, the administration, members of parliament, the security forces;
- they are fully supported, but not led, by the district civil administration, army, police force;
- they are supported, but not led, by religious groups, NGOs and other organisations from outside the district;
- they are initially financed through local means (local traders and businessmen), and although they attract funding from outside the district, local funding remains significant;
- they channel outsiders' work through local institutions;
- they are enough flexible and dynamic to respond to the degree of unpredictability which characterize conflicts.

Where these conditions are found, or can be created, annual district peace plans within a broader framework or strategy may be an effective mechanism to promote peace. There is however a need for a better understanding of pastoral conflict, and how district strategies can most effectively engage with it.

Box 1

Potential roles for outside agencies in support of district initiatives

- fund part, but not all, the costs of district Peace and Development committees;
- fund training of local facilitators;
- fund and assist in training appropriate government officials, especially district security committee members;
- encourage projects designed to work through customary institutions;
- encourage projects able to interact with Islamic religious groups in the areas where they represent an important part of the civil society organizations;
- support district and regional conflict management workshops;
- support paralegal training for communities;
- support preparation of case studies in particular districts to validate preliminary conclusions of literature review;
- support preparation of a broad strategy and annual district peace plans.

5.2 Local conflict management

Pastoral societies in Kenya have a range of institutions, rituals, practices, oral and material culture items connected to conflict management within and between ethnic groups. These have been studied, but their full range and the way they operate in practice is not fully understood.

Even though active hostilities may cease, when conflicts and acts of violence are not fully expunged according to correct ritual procedure, hostility between two groups may persist. There may be a place for full ritual settlement of specific past conflicts, to create a more generally accepted peaceful basis for present co-existence.

Present unrest in pastoral areas may involve dimensions not included in customary conflict management: for example new kinds of conflict of within the same ethnic group; and conflicts between ethnic groups with no tradition of joint conflict management. Can customary conflict management practices play a role in these cases?

There is a largely unexplored potential for modern ideas about conflict management to be incorporated with other approaches. These include measure to build up social capital by multiplying social and economic interactions, networks and connection between individuals and groups: examples might include the peace festivals pioneered in Wajir, alternative ways of channeling aggression in young men, such as football tournaments, and initiatives that can bring opponents together. Theatre may have a useful role to play, as might livestock fairs and shows.

Cousins (1996), citing Pendzich (1994) and Anderson *et al.*, (1996), lists a hierarchy of procedures which outsiders can start or support to manage conflict, ranging from those which stress voluntary collaboration of the parties involved, to those in which a third party makes a binding decision. These are:

- ? *Fact finding*: investigation by a neutral third party, who gathers information;
- ? *Facilitation*: a neutral third party facilitates a meeting, by helping develop an agenda, keeping participants on track, and ensuring all parties have an equal voice;
- ? *Collaborative planning*: the parties agree to work together in anticipation of a conflict and plan ways to avoid it;
- ? *Negotiation*: a voluntary process in which the parties meet face to face to agree an acceptable solution;

- ? *Mediation*: a neutral third party assists the negotiation process as a trusted, impartial person, without the power to make a decision;
- ? *Conciliation*: a neutral third party attempts to communicate separately with the disputants, to reduce tension and agree a way forward;
- ? *Arbitration*: the dispute is submitted to a third party acceptable to both sides; the third party makes a binding or advisory decision;
- ? *Adjudication*: a judgement given according to objective standards, rules or laws, by a judge or administrative officer with the authority to rule on the issue in dispute.

Although not all of these procedures can be expected to work in pastoral settings in northern Kenya, some might be useful starting points, especially the emphasis on third parties, who might be groups of elders, religious leaders or charismatic individuals from neutral groups.

An important principle arising from the same body of thinking about conflict concerns situations where negotiating power is unequally distributed between the disputants, making it unlikely that the weaker participant will willingly accept the solutions reached. In these circumstances, outsiders can play a role by modifying the procedures used to manage the conflict in order to strengthen the weaker party's position, by action to change the legal framework within which the dispute is being settled, and by helping the weaker party to mobilise support and alliances with other organisations.

Box 2

Local conflict management

- support research on customary conflict management, including institutions, rituals, practices and associated oral and material culture items;
- support the role of women in bridging the gap between customary and modern conflict management institutions;
- investigate the potential role of customary conflict management in new types of conflict;
- experiment with full ritual settlement of specific past conflicts still alive in the memory of local people;
- experiment with wider, non customary, ideas about conflict management such as peace festivals, peace prizes, football tournaments, theatre or livestock shows or fairs;
- encourage the integration of customary and formal conflict management institutions;
- experiment with potential roles for neutral third parties in a range of roles from fact finding to adjudication;
- experiment with ways to strengthen the negotiating position of weaker parties to disputes.

5.3 Inter-district conflict

Despite the success of some *intra*-ethnic and *intra*-district conflict management activities, it remains much more difficult to manage conflicts between ethnic groups and those which spill across more than one district. It is even harder when there is an international dimension, which is not uncommon.

The most hopeful way forward is the ‘peace and development’ model, based on active involvement of all key actors on both side of conflict, including customary leaders, religious leaders, civil society groups, the local administration, police and army, and local members of parliament. In some contexts religious leaders are very important and they may not live in Kenya: the main Boran religious leader, for example, lives in south Ethiopia. In the case of inter-district conflicts, there is a wide range of players from both districts. In the case of conflict across international borders, there is an existing mechanism by which the local administrators on each side of the border can meet, but the full range of civil society representatives need to be included in these meetings. Development interventions must be co-ordinated between neighbouring districts and on both sides of international frontiers to avoid triggering population movements and potential conflict. Traditional cross-border pilgrimages (for example, Gabbra and Boran to Ethiopia), should be identified and facilitated.

Provincial administrations play a key role in inter-district and international conflict management, and are at present often less well-equipped than district administrations to understand and act. Training is needed.

Box 3

Inter-district and international conflict

- support and document inter-district and cross-border meetings of all stakeholders, including customary and religious leaders, civil society organisations, the local administration, police and army, and local political representatives;
- research and distribute summaries of experience of using customary and non-customary conflict management institutions and practices on both sides of district and international borders in order to inform local administrations and other actors;
- support conflict management training for provincial and district commissioners and administrators, political and customary leaders on both side of conflict;
- coordinate development interventions on either side of international borders;
- facilitate traditional cross-border pilgrimages.

5.4 Links to drought management

Conflict is closely linked to drought and famine: drought can trigger conflict for scarce resources, and conflict increases the risks associated with drought. Drought contingency management is now widespread in Kenyan arid districts, but does not explicitly incorporate conflict issues, including early warning of conflict, early reaction to stop small scale conflicts escalating, and ways of generating ‘sustainable reconciliation’ within communities as a part of wider measures to reduce rural vulnerability. Although drought early warning indicators are now quite well understood, we do not yet understand which indicators are most useful and reliable for conflict early warning. Conflict needs to be fully incorporated into the ‘drought early warning stages’ system, now adopted by all arid districts to trigger rapid intervention.

There may be some useful forms of infrastructure which can be used jointly for drought and conflict management, for example drought water supplies and solar-powered radios for isolated communities.

Box 4

Conflict and drought

- drought contingency planning needs to include considerations of conflict;
- further research is needed to identify how this can be carried out;
- more work is needed to identify appropriate and useful conflict early warning indicators, and to incorporate conflict into the 'drought early warning stages' system;
- identify and provide infrastructure useful for drought and conflict management.

5.5 National framework

A potential problem of double jeopardy arises where both customary and formal legal systems are involved in conflict management with overlapping competencies. It is not clear whether this is serious, but it needs to be clarified at the national legal level, and if necessary resolved in the Constitutional review. There are moves by members of parliament from pastoral districts, acting as a group, to take initiatives to help reduce and manage pastoral conflict. This would raise the political profile of pastoral conflict and should be supported.

There are regional implications for conflict management, especially since several major conflicts involve cross-border issues. There is a need to start developing a framework to facilitate co-operation at regional level.

Small arms control is essential for conflict management. The scope for a small arms control programme needs to be explored, starting perhaps with small arms inventories in army barracks.

The way pastoral conflict is reported in the rest of Kenya - as a relatively unimportant, backward, tribal activity - is part of the problem. There is a need to improve press reporting so that pastoral conflict is treated as other forms of conflict are treated in Kenya. This should include working with the editors of major newspapers in order to promote better coverage and more accurate and up-to date reporting about the logic of pastoral system. Positive images from the north must be circulated to combat the widespread view that pastoralism is backward and must change into sedentary, more agriculture-based, activities. Journalists who understand about pastoral districts must be identified and supported.

Box 5

National framework

- resolve issue of whether double jeopardy is a potential problem in using both customary and formal law in conflict management;
- support initiatives by MPs to facilitate conflict management;
- explore regional support to conflict management;
- explore potential small arms control measures;
- encourage better reporting of pastoral conflict in the national press.

5.6 Conflict, poverty and development planning

The recently adopted *National Poverty Eradication Plan 1999-2015* provides a framework for mainstreaming conflict management within development planning.¹

The plan recognises that although the *largest number* of poor people are in a densely populated, largely agricultural belt in central Kenya, the *highest incidence* of poverty is in arid and semi-arid districts, where the poor account for nearly 80 percent of district populations. The characteristics of these ASAL districts (including low and variable resource endowment, sparse, scattered and partly mobile populations, dependence on livestock, lack of infrastructure including markets, low levels of education and health, high incidence of conflict) make it imperative that poverty eradication strategies are targeted to their specific circumstances, rather than being derived from experience in other environments.

The national plan recognises (pages 12-13) that the opposite of poverty is not necessarily wealth, but security in its widest sense. Social integration, and maintenance and growth of social capital, are essential for poverty reduction, and their absence leads to violence, which in turn has impacts on economic activity and welfare. Management and reduction of conflict are essential components of poverty eradication, especially in the arid and semi-arid districts.

This will not be an easy task. Development planning has rarely been adequate to the conditions of the ASAL districts, and there are many unsuccessful interventions, especially in the pastoral areas. Development planning has rarely incorporated conflict reduction as an explicit goal. There is a need to research and experiment how specific development interventions (at micro-economic, national and local levels) can be designed to reduce conflict and make conflict management easier. A key task will be to provide viable alternative livelihoods to young men to reduce the attraction of raiding and banditry. Activities could include: better water provision and especially water management in disputed areas, a clarification (not necessarily a formalisation) of natural resource tenure rules, better food security, livelihood diversification especially for demobilised ethnic militias, safer livestock marketing, and credit for household restocking.

There is a need to better understand the links between conflict and poverty, including the situation of both internally displaced and refugees.

There is a need for a screening procedure (“conflict impact analysis”) for new development funding proposals, to assess their potential impact on existing or future conflicts. Adequate indicators of peacebuilding should focus on *process* rather than *product*. A conflict identification and management component should become an essential requisite for all new projects.

It is essential that conflict management and reduction provisions are integrated into the national poverty eradication plan as it is implemented. Priorities include:

- (i) Incorporation of conflict management considerations into the ‘field demonstration projects’ envisaged in the first year of plan implementation (National Plan, para 9.6), and into the final selection of geographical and sector targets for the plan.
- (ii) Provision of training modules on conflict management for use in the training programme in poverty reduction for senior civil servants through the Department of Personnel Management (National Plan, para 9.6).

¹ Office of the President, 1999, *National Poverty Eradication Plan, 1999-2015*. Kenya, Office of the President, Department of Development Co-ordination.

- (iii) Development of strategies and methods for more successful development in conflict-prone arid districts, with a special focus on:
- reducing conflict over natural resources (including improved water provision, better and more transparent management of natural resources, development of existing models of borehole management committee with negotiated rules of access in contested areas);
 - new models of natural resource tenure based on a better articulated relationship between formal and customary tenure, with transparent procedures for resolving disputes;
 - improved food security, including extension of the present drought contingency planning model to all arid and semi-arid districts;
 - provision of income-generating activities for demobilised ethnic militias;
 - improved livestock marketing, included protected trekking corridors;
 - appropriate credit schemes for restocking poor herding households, especially where former fighters can be incorporated into the household herding unit.
- (iv) Incorporation of such conflict management objectives and activities into the pilot field operations in the first plan phase (National Plan, para 9.7), as well as other development projects funded by donors and NGOs.
- (v) Development of methodologies to evaluate the success or failure of conflict management activities, including a large degree of participation by local populations who suffer from conflict, in order to inform the scaling up of activities envisaged for the second and third phases of the plan (National Plan, para 9.9).
- (vi) Development of a screening procedure (“conflict impact analysis”) for all new proposals for funding by major donors to assess likely impact on conflict.

Box 6

Conflict, poverty and development planning

- support to participatory development planning to prepare conflict management components of wider development plans and policies, and to assess the likely impact of development activities on conflict;
- integrate conflict management and reduction goals and activities into the national poverty eradication plan as it is implemented, especially: incorporate conflict management considerations into pilot field demonstration projects and into selection of geographic and sector targets for the plan; provide training on conflict management within wider poverty training for senior civil servants;
- develop strategies and methods for more successful development in conflict-prone arid districts, including improved natural resource tenure, food security, marketing and credit;
- support preparation of case studies of the links between conflict and poverty;
- explore regional support to conflict management;
- develop a conflict impact analysis procedure for all new projects.

APPENDIX 1

Chronology of reported cases of banditry attacks and cattle-rustling in pastoral regions
(prepared by Ken Opala)

The following is a chronology of raids and raid-related incidents in pastoral areas of Kenya since 1996. Within the context of this desk-study it was only possible to use data from press reporting. As, likely, these represent only a fragment of the number of raids really occurred and there has been no way to cross-check the information, we feel that we don't have a ground for a serious analysis.

A more comprehensive and detailed inventory may be produced by comparing press reporting with heterogeneous sources such as local people's accounts of raids (interviewing both women and men, both elders and youth), the files of civil society organizations active in the areas, the records of the police and local administration. Such an inventory should provide information about dates and precise locations of the incidents; number, kind of people, and ethnic groups involved on each sides; human casualties (dead, wounded, displaced, abducted); identity of the victims (men, women and children amongst the herders, administration, police, soldiers); animals stolen, slaughtered or simply killed; 'cause' of the incident if known; follow up (pursuing of raiders, negotiations, recouping or returning of the stolen livestock).

CHRONOLOGY

March 10, 1996

Kenya police pursue bandits in Marsabit following an attack that leaves 13 people dead. The security forces kill 30 bandits, and recover assortment of arms, 200 head of cattle and 340 goats. The bandits are said to have numbered more than 100 are suspected to be from the Armakoko of Ethiopia. Victims were mostly from the Gabbra community. Police caught up with the bandits at Sarbarei area, and there was an exchange of fire. No Kenyan police officer was killed, it was claimed. The attack came barely two weeks after a raid in Moyale Town, where a Kenyan was killed by suspected Ethiopian bandits. Ethiopian authorities have denied reports that their countrymen were causing mayhem in Kenya.

March 25, 1996

At least 17 Kenyan policemen are killed by bandits suspected to be *Shangila* tribesmen of Ethiopia, in Marsabit. But in response, Kenya security kills 80 people as they pursue the Ethiopians. According to intelligence sources, the about 2,000 raiders crossed into Kenya to steal livestock. Sources say the Kenya government has contacted its Ethiopian counterpart to help pursue the attackers with a view of recovering stolen stock. The clergy and Opposition politicians are furious over government's inability to police its boundaries in order to forestall attacks from outsiders.

May 3, 1996

At least 13 people are killed on the spot in a raid by more than 200 heavily armed bandits, on a *manyatta* at Lokichogio, Turkana District. No animals are stolen. Acting Turkana District Commissioner Samuel ole Kirgotty says the bandits are believed to be Sudanese. Eight years ago, Sudan's Toposa raiders struck the same spot, killing more than 200 Turkana and stealing thousands of animals.

June 17, 1996

Thirteen people are killed in fights between members of the Borana and Samburu communities in Isiolo. Reports say heavily armed Samburu warriors dressed in combat gear raided a Borana *manyatta* about 50 kilometres north of Isiolo Town. The attackers, armed with guns, bows and arrows, reportedly sprayed bullets on the seven people and drove away an unspecified number of animals.

August 25, 1996

Fifteen people die from an attack by cattle-rustlers on a *manyatta* in Baragoi Division, Samburu. Police dispute the figure, and say seven were killed and six critically injured during the battle between the raiders and homeguards at Soito-Olkokoyo Village. A police source said six people including two children, are in critical condition. Raiders, numbering 400, escaped with 5000 head of cattle. Police had recovered only 1000 three days after attack.

February 15, 1997

Eight people are killed and many others injured when armed raiders attack Turkana herdsmen at Todenyang near the Kenya-Ethiopia border. The raid, by attackers believed to have come from Ethiopia, follows the disarming of local homeguards by the government. A local councilor Patrick Manila says over 6000 goats were stolen during the raid. About 300 raiders descended on the herdsmen while watering the animals on the shores of Lake Turkana.

Police reportedly sent in reinforcement to the scene.

February 15, 1997

President Daniel arap Moi says the government will use all powers at its disposal to ensure that cattle-rustling is eradicated. He says it is a collective responsibility of leaders, citizens and the security forces to ensure that the menace is wiped out. Moi says theft of cattle and cattle-rustling should be dealt with as such, not given tribal tags, adding that anyone who stole cattle was a criminal no matter their tribe. Addressing rallies in Kaplamai and Kolongolo areas in Trans Nzoia District, which have persistently suffered from banditry attacks, Moi says criminals should suffer consequences without tarnishing names of entire communities.

April 10, 1997

Seven people were killed and four others injured in a raid on Manyattas in Turkana District. The raiders drive away 400 animals from Kainuk and Laya in Katilu and Turkwel divisions.

April 20, 1997

About 217 Nandis have been killed by cattle-rustlers in Trans Nzoia District in the past year, claims Cabinet Minister Henry Kosgey. He says the killings have not been addressed by any Nandi leader "because of poor leadership." He says several families have fled, leaving more than 60,000 acres of arable land, and were now squatters in Chipurere Forest, Tinderet.

May 4, 1997

Armed militiamen from Somalia kill three herdsmen and seriously injure another before driving away more than 800 head of cattle in the Yumbis area of Jarajira Division, Garissa. North Eastern Provincial police boss Jeremiah Matagaro says a contingent of security personnel had pursued the raiders and recovered the cattle. The raiders, in military camouflage, were pursued to the Kenya/Somalia border.

May 21, 1997

Armed bandits, said to be Turkanas, kill four children and seriously injure three adults in an attack on a Samburu manyatta in Baragoi Division, Samburu. The more than 50 bandits also stole 500 cattle belonging to a local politician, Peter Lekisaat. The attack came barely hours after a security team led by the Samburu District Commissioner Paul Yatich had left Baragoi after camping there for two days following rumours of an impending attack.

May 30, 1997

At least 50 Pokots on the run from security operation in West Pokot District, are killed by Karamojong cattle-rustlers near the Amdat Trading Centre in Uganda. Amdat Police Commandant Patrick Yatich says a security team from Kenya visited Uganda to collect the 50 bodies. During the raid, 24 people were injured by the raiders equipped with guns, arrows and spears. At least 32 children killed in the raid, had their throats slit.

June 2, 1997

Eleven people perish in fierce fight between Turkana and Samburu communities in Baragoi Division, Samburu District. The battle was sparked by a bid by Samburu herdsmen, pursuing stolen cattle, confronted by Turkana people in Nachora Location. An exchange of fire ensued.

May 28, 1997

Two armed bandits and an elderly man are killed during a raid at Bendera sub-location, Baragoi Division, Samburu. Local police boss Kaua Mbijjiwe says 200 head of cattle recovered.

September 18, 1997

At least 31 people are killed when armed raiders believed to be Pokot and Tepe from Uganda, attack a Turkana *manyatta* in the Lorengipi and Lokiriama areas of Turkana District. Nine of the dead are said to be raiders. Police allegedly arrest three raiders. Police sources say the raiders drove animals towards Alale Division, West Pokot. But as Turkana herdsmen from Lorengipi rushed to assist reinforce their kinsmen, the attackers raided the *manyatta* left behind, which had nobody to guard it. In the raid, the attackers kill five women, eight children and seriously injure eight women and two men. The children are reportedly aged between one-and-half and three years. At least seven of the raiders are killed, two of them in uniforms used by Kenya police reservists.

September 25, 1997

Seven people – five Karamojong from Uganda and two Kenyans – are killed when security personnel clash with cattle rustlers in West Pokot District. District Commissioner John Abduba says several people are injured and animals taken away, though later recovered. There was a heavy exchange of fire in the pre-dawn raid. At 10 am, the raiders were overpowered by a contingent of police reservists.

February 12, 1998

North Eastern Province authorities say eight administrative officials are sacked for alleged involvement in banditry in the area. Area Provincial Commissioner Maurice Makhanu says four chiefs and four assistant chiefs were conniving with bandits, in so doing, interfering with security operations in the area. This behaviour, Makhanu says, has led to the escape of most wanted bandits. The fired chiefs are from Raya, Sankuri, Dujis and Shimbirey locations while the assistant chiefs are from Medina, Atheyley, Balich and Bulla-Argi sub-locations.

March 5-8, 1998

At least 100 people are killed and scores wounded when armed cattle rustlers attack *manyattas* in Turkana District. Police confirm the killing and say security would be beefed up. A detachment of Army, General Service Unit personnel and police is dispatched to the area by two helicopters to track down the bandits. There is no indication of who were behind the massacre and whether or not police nabbed any of the perpetrators.

April 12, 1998

Armed security personnel are sent to the border of Turkana and West Pokot districts, as reports indicate a build up of tensions following a spate of cattle raids. During a raid the previous Saturday, 7,000 animals were stolen but Turkana District Commissioner Reuben Rotich says the animals were recovered. West Pokot District Commissioner John Abduba tells elders at Kiwawa area in Alale Division to return the animals and start peace talks with Turkana elders to end the menace.

April 17, 1998

Four civilians die in crossfire when bandits invade a police camp in West Pokot and steal firearms. This brings to six the number of people killed in the raid on Kapenguria Administration Police camp at Lelan, Lelan Division, West Pokot. Two Administration Policemen were killed, three others injured, in the conflict. Civilians killed were trapped in exchange of fire between the bandits and police.

May 7, 1998

The Government announces that the Army is to be deployed in trouble spots throughout Kenya, with orders to disarm anyone holding illegal weapons. Troops will work alongside police to end violence in areas hit by cattle rustling and ethnic clashes. Chief of the General Staff Daudi Tonje receive his orders directly from President Moi in his role as Commander in Chief of the Armed Forces. The operation to seize all illegal guns will focus beyond Trans Nzoia, West Pokot and Marakwet Districts to include other areas rocked by unrest triggered by rustling. President Moi makes the announcement at the Armed Forces Training College, Eldoret, where he is the guest of honour during a passing-out parade of more than 2,000 new soldiers. According to the announcement, the police, directed by Commissioner Duncan Wachira, and the military is to be joined by other regular security units. He claims that many illegal guns had been smuggled into Kenya because of insecurity in neighbouring countries. At the same time the President cautions politicians against inflammable language, saying it incited communities against one another. He says when leaders speak in such a tone it is the citizens who suffer while the same leaders are tucked safely away. Stock thefts in Marakwet, Samburu, Turkana and West Pokot had triggered violence that has claimed dozens of lives and displaced thousands of families. Opposition politicians and the clergy roundly accused the Government of either laxity in its response or of condoning the violence. Cabinet Minister Francis Lotodo has been cited as being involved in the raids. A parliamentary motion

of censure against him, moved by Kimilili MP Mukhisa Kituyi, was defeated. Critics have claimed Government response to the raids has been erratic. Latest reports yesterday indicated that 10,000 residents of Marakwet District had fled their homes in fear of renewed attacks.

July 2, 1998

At least 36 Kenyans are killed in an attack mounted by Karamojong raiders from Uganda. Sources say the raiders ambushed 200 Pokot youth who were taking their animals for grazing. A fierce exchange of fire occurred before the Karamojong raiders escaped. Earlier reports had claimed that the killings occurred at Lopitit in Alale Division, West Pokot. But a senior officer of the Criminal Investigation Department said: Initial reports indicated that the victims were killed along the Kenya/Uganda border. But when security personnel were dispatched there, they established that the killing took place 40 kilometres on the Ugandan side." He says the killings were triggered off by the theft of 40 head of cattle belonging to Kenyans by their hosts, the Karamojong. "The Pokots raided a Karamojong *manyatta* and recovered 28 head of cattle. This angered their Ugandan hosts who ambushed Pokots taking their cattle for grazing and killed 36 people," said the officer. The West Pokot District Commissioner Nathan Hirbae and the Officer Commanding Police Division Geoffrey Mbaabu go to the border point to assess the situation. Reports indicate that a large group of Pokots fled Kenya with their firearms and animals soon after President Moi directed that troops be deployed in West Pokot District and other areas hit by banditry and cattle-rustling. "Details of the attack are scanty since the Kenyans were killed in a foreign land. I am not aware of any efforts being made to bring back the bodies and ensure that the Pokot refugees are persuaded to come back," says the CID officer. Outspoken Cherangany Member of Parliament Kipruto arap Kirwa and his Kimilili counterpart Mukhisa Kituyi condemn the attack and appeal to the government to permanently station security personnel along the Karamojong/Pokot border and Pokot/Turkana boundary to forestall similar attacks. Speaking at Parliament Buildings, the two legislators say the government has not fully utilized the prevailing state of warm relations between Kenya and Uganda to enlist the support of her neighbour in efforts to stamp out cross-border skirmishes. Dr Kituyi asks Kenya government to seek reparations for the murder.

July 3, 1998

Five people, including a General Service Unit officer, are gunned down by suspected bandits, in three separate attacks on Lokichogio Town. According to police sources, the General Service Unit man was killed after he was beckoned to a fence. He was shot at point-blank. The attackers took away his gun, which was later found abandoned about 400 metres from the scene of the incident.

August 2, 1998

Cabinet Minister Francis Lotodo yesterday accused the Rift Valley provincial administration of refusing to give 87 guns to homeguards along the Kenya-Uganda border as ordered by the Head of State. Mr Lotodo said homeguards needed the guns to defend themselves against the marauding Karamojong cattle rustlers. Mr Lotodo, who led a delegation of Pokot leaders to Kanyarkwat primary school for a peace meeting, asked his kinsmen to stop cattle rustling and engage in farming. He said the Pokots were acting as a shield in the borderline and need to be considered, especially with their land being semi-arid and could not produce enough food for the community. "From today, let other Kenyans know that I am a good friend and not a man of war," Mr Lotodo said, pointing at reporters. "You reporters, go tell the world that Mr Lotodo and the Pokot are a changed people and want peace." He asked the Pokot to discard outdated cultural practices of cattle rustling and venture into business. However, Mr Lotodo said he would not make peace with provincial administrators who convert relief food to personal use. He asked the Government to airlift relief food for starving Pokots as roads were impassable. The meeting was also attended by the West Pokot acting District Commissioner, Mr Gabriel Rishe, Sigor MP Christopher Lomada, Local Knut boss Samuel Moroto, Kapenguria Mayor Jacob Samuli, Cllr Lucy Lotee, the Rev Simon Changrok, Pastor Julius Murgor and the Ford-Kenya branch chairman, Mr Emmanuel Chedodum.

October 4, 1998

Five people are killed in gun battles involving rival clans, in Dadaab area, Garissa Town. Police dispute the figure but local politicians insist the number could be more.

October 28, 1998

The government threatens to introduce emergency laws in an effort to curb insecurity in North Eastern Province, area Provincial Commissioner Maurice Makhanu says. This follows the killing of 36 people in clan-based attacks, in just a week. He says area residents had declined to abandon banditry and had, instead, undermined government's effort to enhance security. The government will not listen to protests from politicians and human rights organizations when it goes full swing to curb insecurity.

October 28 - November 3, 1998

Up to 300 people are feared dead after bandits sweep across the frontier from Ethiopia into North East Kenya. About 52 villagers - mostly teenage girls - are reportedly kidnapped and an estimated 17,500 head of cattle stolen and driven back towards the border, it is claimed. Hundreds of people are either still missing or believed injured, five days after the massacre. Targets of raids are believed to be members of the Degodia community, according to one independent source. The official death toll is put at 139, with witnesses believing it could be twice the figure. Security minister Marsden Madoka says the statistics were under dispute, but he pledges to give the right position at a later date. But Mr Abdi Ogle, national organising secretary of the Opposition Democratic Party of Kenya, claims 300 are killed and quotes sources he has talked to in Wajir Town. He says the massacre was disturbing because it had an element of outside forces, through the involvement of the Oromo Peoples Liberation Front, a separatist outfit fighting the Ethiopian government from inside Kenya. But Adan Keynan, the MP of the area hardest-hit by the attack, claims "200 people were killed and 100 were missing". North Eastern Province MPs claim the incursions were turning into genocide. The Army is sent to the area to beef up security and forestall further incursions. Witness accounts say that Borana assisted by Oromo were rounding up Degodia men, women and children at watering points, ordering them to surrender before gunning them down and taking away their livestock. The Oromo are said to have been from the Oromo Peoples Liberation Front, which is fighting the Ethiopian government from the Kenyan side of the border, said a source. The 500 raiders - described variously as Oromo bandits and Ethiopia militiamen - struck along the remote Wajir-Marsabit border, plundering villages at Budada, Gerari, Tuli and Muduma; leaving the frontier District in a state of shock. Tension is reportedly high as families flee Wajir. Thousands of nomads are fleeing the area in fear of further attacks. Affected areas include Arbajahani, Lakole and Basir locations of Wajir West.

November 4, 1998

President Moi says a team would be formed to probe the Bagalla massacre. Addressing a rally in Wajir, Moi also directs the North Eastern Provincial Commissioner Maurice Makhanu and his Eastern counterpart Nicholas Mberia to harmonise operation strategies to ensure that kidnapped residents and stolen livestock are recovered immediately. The President says he is disturbed by killings of women and children and assures residents every measure would be taken to apprehend culprits.

November 27, 1998

An assistant minister for Health, Abdullahi Wako, accuses government of locking out the pastoral community from initiating peace meetings in the area following the Bagalla massacre. He tells a workshop on education in pastoral areas, in Lodwar, that the government was not enough to stop cross-border raids. Wako, the chairman of the Pastoralists Parliamentary Group, claims that colonial government had developed the livestock industry but accused the Kenyatta and Moi regimes of relegating the pastoral communities into the "second seat".

December 4, 1998

Armed bandits ambush a lorry at night and shoot dead an Administration Policeman near Hagadera Refugee camp, in Garissa. Two APs were escorting a lorry when they were ambushed.

December 9, 1998

Armed gangsters kill two men and seriously injure another in an attack at Farnar area in the outskirts of Garissa Town. They also rob victims of money and other valuables.

January 24, 1999

An assistant chief and an administration policeman are shot dead by bandits in Kinna Division, Isiolo District. The 10 am attack also leaves two employees of Drought Preparedness Intervention and Recovery Programme in Isiolo injured. The bandits take away two guns, four magazines, and strip the bodies of the chief and policemen of government uniform.

January 24, 1999

Three suspected bandits are shot dead at the periphery of the Buffalo-Shaba Game Reserve in Isiolo. They are suspected members of a gang that earlier attacked a tourist camp in the reserve and robbed ten tourists off valuables. A combined team of police and Kenya Wildlife Service security reportedly pursued the bandits and spotted them at an airstrip.

January 30, 1999

Five North Eastern MPs express concern over insecurity, saying foreign militiamen had infiltrated the area. Mohamed Abdi Affey, Adan Mohamed Noor, Adan Keynan, Mohamed Abdi Mohamed and Abdillahi Abdi ask the government to provide security in the area.

February 19, 1999

Five people are killed and 13 others injured as a group of heavily armed bandits attack a Wajir-bound bus between Shimbiney and Dujis, 50 Km from Garissa Town. Four of the dead are identified as Administration policemen escorting vehicles along the road. North Eastern Provincial Commissioner says the dead were two inspectors and two constables. The fifth victim is a civilian.

March 13, 1999

Pokot resolve to lead an invasion on Marakwet unless 500 head of cattle allegedly stolen in a raid the previous month is returned. Marakwet District Commissioner Abdinasir Dabit Aden responds by convening a meeting drawing members of both the antagonistic communities at the Keiyo Valley border in order to cool down tempers. "We were told that more than 500 head of cattle stolen on February 26 and hidden at Komolgon Forest before being driven of to Lelan Forest, where the Army spotted them, but I do not know whether this is true," said a Pokot herdsman. Mr Aden's meeting was also convened to establish whether or not the allegations were true.

Chart 1. Monthly incidence of raids in northern districts between 1996 and 1998

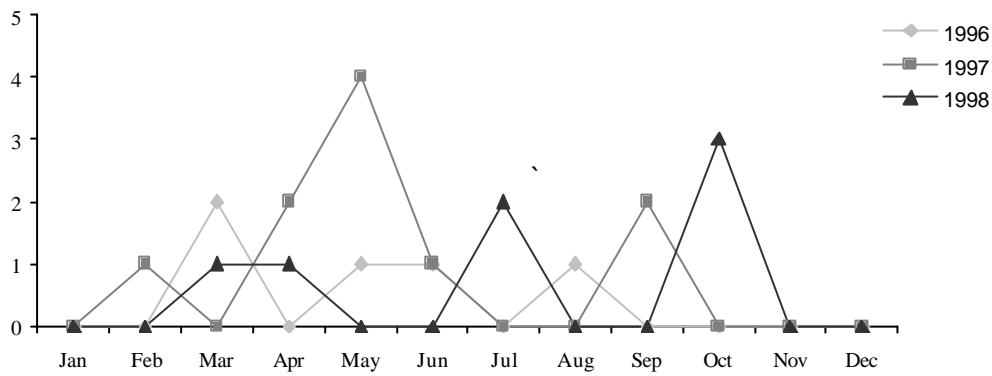
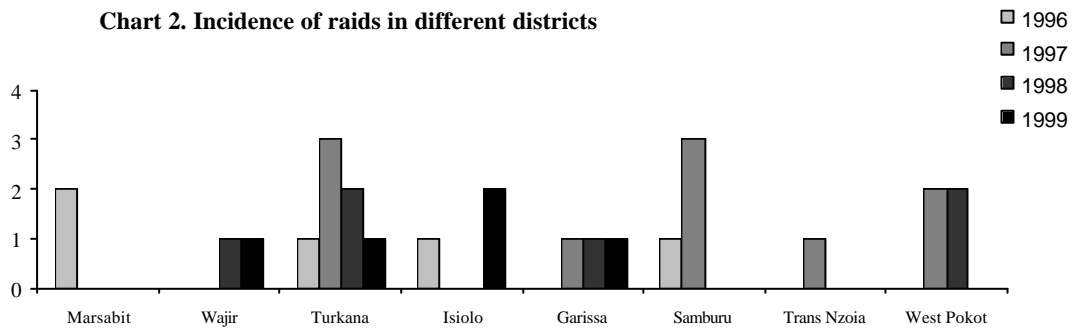


Chart 2. Incidence of raids in different districts



APPENDIX 2

Lists of participants at IDS and Nairobi workshops.

IDS Workshop - 22 April 1999

List of participants

| | |
|------------------------|---|
| Deryke Belshaw | University of East Anglia |
| Izzy Birch | OXFAM-UK |
| Reginald Green | Institute of Development Studies,Sussex |
| David Hadrill | VETAID |
| Karim Hussein | ITAD |
| Epokhorr Sam Kona | University of Lancaster |
| Jarso G. Mokku | Action Aid Kenya |
| Bob Neidhardt | Quaker Peaces & Service |
| Erik Nielsen | FAO-Community Forestry Unit |
| Abdullah Irshat Sheikh | University of Swansea |
| Charlotte Smith | SOS Sahel |

Nairobi Workshop - 25 May 1999

List of participants

| | |
|------------------------|--|
| Abdullah Abdi | Northern Aid |
| Christine Cornelius | World Bank |
| Paul L. Albert Emoungu | USAID |
| Richard Hogg | DFID Nairobi |
| Abdullah Dima Jillo | ALRMP |
| John Katunga Murhula | NPI-Africa |
| Daniel Kiptugen | World Vision, Kenya |
| Vincent K. Lelei | Office of the President, Arid Lands Projects |
| Carolyn Logan | USAID/REDSO |
| Jarso G. Mokku | Action Aid Kenya |
| Solomon Mukenior | Peace & Development Network (Peacenet) |
| Betty Muraguri | USAID |
| Gideon C.M. Mutiso | Muticon |
| Gilbert Namwonja | ITDG |
| Tom Odhiambo | Reconcile |
| Otieno Ombok | CYU |
| Steve Rusk | CARE |
| Halima Shuria | COPA c/o OXFAM-Kenya |

Daudi Tari
Tecla Wanjala

Friends of Nomads
Peace & Development Network (Peacenet)

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