# Embracing the Practice of Conflict Sensitive Approaches
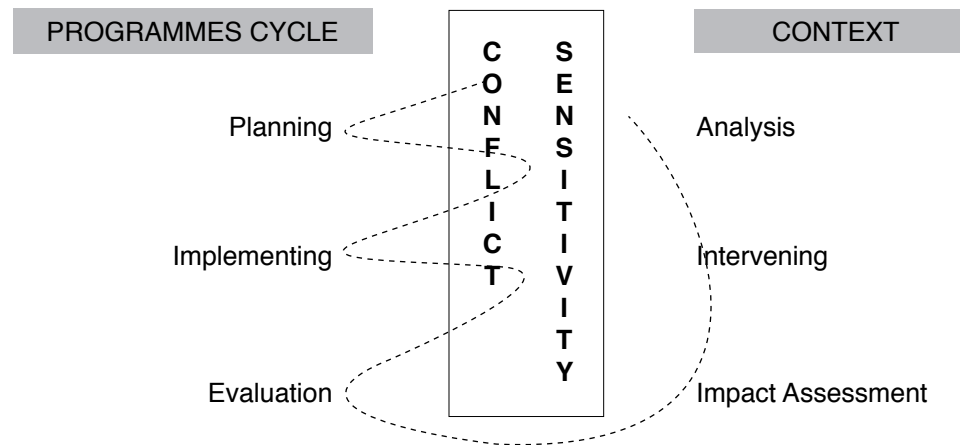
*An analysis of the Kenyan context*

Conflict Sensitivity Consortium

UKaid
from the Department for
International Development

# Embracing the Practice of Conflict Sensitive Approaches

*An analysis of the Kenyan context*

**Bringing the Conflict Context into
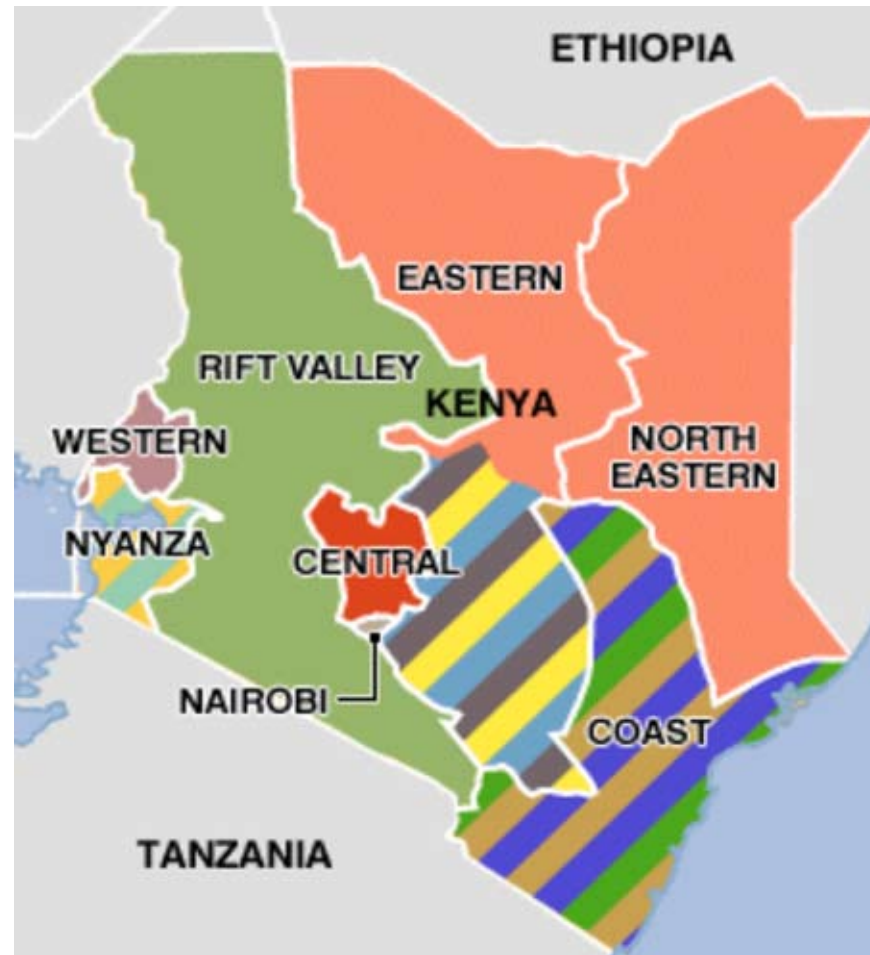Programmes, De-Mything Conflict Sensitivity**

| PROGRAMMES CYCLE | CONFLICT SENSITIVITY | CONTEXT |
|---|---|---|
| Planning | | Analysis |
| Implementing | | Intervening |
| Evaluation | | Impact Assessment |

**EMBRACING THE CONCEPT OF
CONFLICT SENSITIVE APPROACHES**

**AN ANALYSIS OF THE
KENYAN CONTEXT**

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# Map of Kenya



Source: news.bbc.co.uk/2/hi/7167363.stm

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# Preface

This study – *Embracing the practice of conflict sensitive Approaches: An analysis of the Kenyan context* – is one in a continuum of strategic activities aimed at infusing the practice of conflict sensitivity among the Kenyan Conflict Sensitivity Consortium members.

The consortium is active in four focus countries (Kenya, Sierra Leone, Sri Lanka, and United Kingdom). Consortium members across the four countries include ActionAid, Catholic Agencies for Overseas Development, CARE International UK, International Alert, Plan International UK, Responding to Conflict, Saferworld, Save the Children UK, Sierra Leone Red Cross Society, Skillshare International, Sierra Leone Association of Non-governmental organizationand World Vision.

The consortium began in the UK in 2008, with activities beginning in the other three countries in 2009. In Kenya, under the banner "The Practice of Conflict Sensitivity – Concept to Impact", the Consortium began with a laborious of achieving unanimous buy-in to the idea of a Kenyan Consortium on Conflict Sensitivity. This was quickly followed by a series of self-assessments on the level of integration and practice of conflict sensitivity among members. These assessments were conducted simultaneously with documentation of case studies on conflict sensitivity in Kenya.

The twin processes informed the development of collective and individual Consortium member change objectives on strengthening and institutionalising the practice of conflict sensitivity. Based on the self-assessments and case studies, the Consortium developed a domesticated definition on conflict sensitivity.

*"Conflict sensitivity is a deliberate and systematic practice that ensures that our processes and actions minimize negative and maximize positive effects within a given context, based on the awareness about the interaction between the said processes and actions and the particular context"*

*What are the main causes of conflict in Kenya*

**THE DESK RESEARCH**

• Natural resources
• Environmental and ecological factors
• Political • Security and justice
• Economic, societal and cultural factors

• Identity consciousness and politics
• Resource scarcity and competition
• Governance issues • Illicit arms flows and possession • Organised gangs

**THE FIELD RESEARCH**

Hence:

Sound understanding of the Kenyan context is therefore a prerequisite for conflict sensitive interventions. Appreciating this, Consortium commissioned a desk research to map conflict in Kenya. Consortium members then participated in an intervention mapping workshop to locate the geographical spread of their activities in the country, with a view to inform the scope of field-based participatory conflict analysis. The intervention mapping found that Consortium members were spread throughout the country (apart from Central province), and hence the scope of the field research.

The desk and field studies speak to each other:

The desk research, which utilises a national level of analysis, identified natural resources, environmental and ecological factors, political, security and justice, economic and societal and cultural factors as the main cluster of causes of conflict in Kenya.

The field research, which organises its findings per province and utilises a local level of analysis (based on research sites visited), found that identity consciousness and politics, resource scarcity and competition, governance issues, illicit arms flows and possession, and organised gangs and militias are major causes of conflicts in different parts of the country.

The two sections of this publication therefore speak to each other in analysing conflict(s) in Kenya.

This analysis has informed the next stage of the Consortium's activities – implementing conflict sensitivity pilot projects. These projects will serve the purpose of providing members with important lessons on best practices in conflict sensitive practice with a view to mainstreaming the practice to other areas among members. The Consortium similarly strives towards spreading these lessons beyond the membership.

**Jean N. Kamau**
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**ActionAid International Kenya**
**Kenya CSC lead-Agency**

# Acronyms

| | |
|---|---|
| **ASAL** | Arid and Semi Arid Land |
| **CIFA** | Community Initiative Facilitation and Assistance |
| **CIPEV** | Commission of Inquiry into Post Election Violence |
| **CEWARN** | Conflict Early Warning and Response Mechanism |
| **DDR** | Disarmament, Demobilisation and Reintegration |
| **DPC** | District Peace Committee |
| **DFID** | Development for International Development |
| **EU** | European Union |
| **FGM** | Female Genital Mutilation |
| **FBO** | Faith-Based Organization |
| **FERA** | February Eighteen Resistance Army |
| **GoK** | Government of Kenya |
| **GSU** | General Service Unit |
| **ICC** | International Criminal Court |
| **IIBRC** | Interim Independent Boundaries Review Commission |
| **IOM** | International Organisation for Migration |
| **ICRC** | International Commission of the Red Cross |
| **IDP** | Internally Displaced Persons |
| **KEDOF** | Kenya Democratic Elections Forum |
| **KNUT** | Kenya National Union of Teachers |
| **KWS** | Kenya Wildlife Service |
| **NGO** | Non-Governmental Organisation |
| **NEP** | North Eastern Province |
| **NSC** | National Steering Committee on Peace building and Conflict Management |
| **ODM** | Orange Democratic Party |
| **OLF** | Oromo Liberation Front |
| **PNU** | Party of National Unity |
| **RVP** | Rift Valley Province |
| **SALW** | Small Arms and Light Weapons |
| **SAP** | Structural Adjustment Programmes |
| **SGBV** | Sexual and Gender Based Violence |
| **SLDF** | Sabaot Land Defence Forces |
| **SSR** | Security Sector Reform |
| **UN** | United Nations |

# Acknowledgements

# Introduction and Methodology

## Introduction

This conflict analysis was borne out of a series of processes undergone by the Kenya Conflict Sensitivity Consortium in its implementation of the DFID funded "Practice of Conflict Sensitivity Project"

Through a holistic and participatory process between July and August 2009, the consortium conducted a reflective process that gave them an opportunity to map out key impediments to conflict sensitivity through a self-assessment process.

Later, the Consortium held a coordination workshop and formulated change objectives which presented a roadmap on exactly how to systematize and institutionalize conflict sensitivity within member organisations' and partners' internal systems and processes. The Consortium acknowledged the centrality of conflict analysis to the process of systematising conflict sensitivity.

As a result, the Consortium commissioned a desk research that sought to provide members with details of the key causes of conflict, conflict dynamics and conflict actors in Kenya.

Subsequently, the Consortium held a conflict mapping workshop aimed at identifying gaps and prioritising areas for further research which informed the focus of the participatory conflict analysis (in terms of a

specific thematic area/sector or geographical area) later undertaken as the next step. The thematic areas/sectors selected as the focus for the participatory conflict analysis also depended on the shared interests and areas of work of consortium members.

This report is therefore a combination of the desk and field researches undertaken to analyse conflict in Kenya. It serves the purpose of informing the consortium's next steps towards institutionalising conflict sensitive practice.

This way, the Consortium would perpetuate proactive rather than reactive response to conflict. This is through the implementation of interventions that target the structural causes of conflicts.

## Objectives of Conflict Analysis Research

The objective of this study was to develop an overview of the context and current conflict trends, analyse the key stakeholders, map out conflict related risks and Conflict sensitive opportunities, with a view to outlining a number of options for the overall direction of Consortium work in Kenya.

The conflict analysis assessed the current geopolitical picture, political trends and actors in national and international politics relevant to Kenya.

## Methodology

The study involved actual field research, stakeholder workshops and key informant interviews in the areas that the Consortium members work. Based on the Consortium's intervention mapping exercise, it was found that members worked in all of Kenya's provinces except Central – the study covered those seven provinces (Coast, North Eastern, Rift Valley, Nairobi, Eastern, Western and Nyanza).

The study was also informed by a desk research and mapping outcome conducted earlier to formulate the initial strategic analysis.[1] It is therefore recommended that this report be read alongside the desk research report as they are complementary and interdependent.

Importantly, the timing of this research was in the period preceding the 27th August 2010 promulgation of the new constitution. Field research was conducted between November 2009 and January 2010. It was an environment characterised by national debate on the proposed draft constitution prior to its review by the Parliamentary Select Committee on the Constitution, as well as the Committee of Experts (COE).

Therefore, in areas where this study highlights constitutional weaknesses as structural causes of conflicts, it is the previous constitution rather than the new that is the focus of such discourse. Further, the research was conducted with provinces in mind rather than counties, as is currently the case under the new constitution.

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[1] *It is therefore deliberate that this study's level of analysis is local – focusing mainly on findings from research sites – as opposed to entirely adopting a national level of analysis, which the desk research ably did (with bias to Rift Valley). See Katie Harris, Conflict Analysis Desk Research Report: Report Prepared for the Conflict Sensitivity Approaches Consortium Kenya, which is part of this publication.*

## Running Themes of Analysis

This study has standardised themes of analysis including analysis of structural causes of conflict, actor analysis, a brief on conflict dynamics, scenario analysis and finally recommendatory statements based on findings of the research. The recommendations point to identified intervention areas and these serve to pinpoint community members' stated needs. Rather than serving to feed communal expectations, capturing these recommendations were useful in gauging the relevance of agencies' interventions relative to these recommendations.

It is also necessary to point out that most of the conflicts analysed are inter-connected with others in a neighbouring district and/or province (or even country, in the case of northern Kenya). This is a cautionary note – that in analysing conflicts, the temptation to isolate them into issues independent of other related dynamics in the environing areas can yield misleading or half baked findings.

What connect conflicts in the areas of study are identity dynamics, resource factors, illicit small arms flows and possession, and the youth and organised gangs. All these are elucidated in provincial level analyses.

# Desk Research Findings

## 1.0 Causes of Conflict

### 1.1 Natural Resources

#### 1.1.1  Land Distribution

Land is a highly contentious issue in Kenya and continues to be a mainstay of local level violence, with broader connections to the national political environment. Conflicts over land are probably most effectively analysed through a political-economy lens because of the inherent links between economic dependency on land, political interference in distribution and ownership practices, and the weaknesses in land policy. In addition, historical and contemporary grievances exist relating to a broad range of issues including corrupt in land allocation practices and forced evictions. Land issues are highly contested and politicised and high levels of violence often accompany disputes. This is particularly evident in RVP[2] and Kenya's coastal areas. Landlessness and squatting are other issues that instigate local level conflicts, particularly in the Mt Elgon region of Kenya.

Using the example of RVP and the Central Provinces, it is possible to see how historical grievances date back to the distribution of land following independence and subsequent government re-settlement schemes designed to accommodate landless and indigenous communities. The ineffectiveness of resettlement schemes meant many of the poorest of those originally displaced continued to be excluded from land

redistribution (owing to the conditions attached to being allocated new plots, such as the need to pay for land).

Deep-rooted competition over land is cited as an underlying cause of the 2008 post-election violence. For example, the historical resettlement of Kikuyu landless poor and Mau Mau supporters onto Rift Valley Kalenjin land by Kenyatta continues to lye at the heart of many contemporary grievances[3]. The renaming of areas with Kikuyu names continues to anger Kalenjin communities who interpret it as a direct attack on their heritage, but can also be understood to be symbolic of more fundamental economic and land ownership issues.

The effects of land-related disputes include large-scale displacement, destruction of property, disruption of agricultural production, landlessness and in some instances, death. Of equal concern is the catalysing effect these violent acts have in embedding cycles of conflict into community relations[4]. At sub-community level, conflicts over land ownership between family members exist, and are perpetuated by, the lack, inaccessibility and/or insecurity of land title deeds. Such localised land disputes often become heightened during times of wider regional instability when local actors take advantage of the opportunity to reclaim land they believe to be rightfully theirs.

Disputes over access to land and rightful ownership are most prominent in the Mt Elgon and southern districts of North Rift, Central Rift and parts of South Rift, in part owing to the fertility of the land, in part because of the ethnic diversity within the area. The lack of effective state security

[2] Bayne, April 2009.

[3]  ICG, 2008.
[4]  Otieno et al.

in the region does not aid to dissolve disputes and is often cited as a reason why incidences of looting or illegal occupation of land continue. This is particularly evident where ethnic minorities flee an area (often due to actual, or threat of, violence) and their land becomes occupied by other (often rival) groups. It is important to recognise that occupying land may be motivated by grievances, or simply for economic and/or material gains[5].

Boundary disputes are another dimension of land conflicts. These disputes are particularly difficult to resolve as land borders are notoriously hard to authenticate, if possible at all. Unaided by the lack of clarity in land administration policy or practice, ongoing (and new) boundary disputes are likely to continue. An example is the ongoing pastoralist-centred conflicts in the North Rift where certain groups seem intent on re-establishing what they perceive to be traditional community borders, marking their access to valuable pasture and water resources[6].

Land disputes are not simply a rural problem. In urban concentrations such as Nairobi, land reform is essential if conflict and poverty reduction is to be achieved. Competition for land is intense and increasing as slum populations continue to grow (and with it, the proliferation of non-state armed actors acting as guardians to certain areas of land, see 2.4.6 Non-State Armed Groups). Granting secure title to slum dwellers in areas presently being occupied could give individuals security of tenure and access to a services not presently available. Doing so could also enable, as Katumanga[7] suggests, 'dead' capital into be turned into productive capital by being integrated into the formal economy (see 2.5.1 Growth and Development).

## 1.1.2  Politicisation of Land Disputes and the Inadequacies of Land Administration

At a policy level, poor land administration and an inadequate land policy coupled with political interference (for example, in re-settlement schemes) continue to incite conflict. Attempts to implement a draft National Land Policy remain stagnant owing to the contested and controversial nature of the version put forward to parliament. The policy is also causing increased political tension as its contents undermine too many vested interests in the status quo. The inconsistencies within the legal system itself (regarding land law and administrative systems[8]) not withstanding, another tension associated with resolving land disputes concerns the current incompatibility of some traditional and formal legal systems for land allocation, verification and ownership. The insecurity of local level land tenure therefore remains a challenge, as does the desire to ensure laws are enforced in a timely and consistent manner.

During elections and times of heightened political competition, it has become common for politicians to exploit the sensitivies of land issues for the purpose of inciting political violence[9]. The politicisation of land administration exists particularly in Mt Elgon where land has been promised as a reward for political support[10]. Manipulating the allocation of land for political patronage is further exacerbated by problems of corruption in land allocation and management. It remains to be seen who, or how, the problems associated with land tenure are to be resolved given the pervasive levels of corruption at all levels of the process; from the Office of the President selling off public land as a source of political patronage and personal enrichment, to County Councils illegally allocating and selling communal land. Put simply, 'blatant abuses of institutional powers have undermined the state's position as a natural arbitrator over land conflicts'[11].

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[5] Otieno et al.
[6] Otieno et al.
[7] Katumanga et al. 2005.

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[8] Wakhungu, Judi and Nyukungu (2008) in Otieno et al.
[9] Bayne, April 2009.
[10] Otieno et al.
[11] Otieno et al.

The division between local level land grievances and personal political objectives is extremely blurred[12]. For example, there have been continued allegations that the Sabaot Land Defence Forces (SLDF) (responsible for violence in Mt Elgon) were partly funded by political elite. The SLDF claim to be acting in defence of the Soy community while political elite aim to intimidate opposition voters and their leaders during the elections.

While land is a contentious political issue and necessarily central to political debate, the use of land policy (or claims to amend policy) is becoming an increasingly divisive political tool. This was demonstrated at national level recently when the ODM exploited the desire for regional autonomy by claiming to assist Kalenjon and other minority tribe desires for devolution by promoting their notion of majimbo. Inadequacies in land tenure, failure to account for communal holdings and corrupt allocation and registration practices continue to incite tension locally, between landholders and those wanting to obtain certain land. Devolution seems like a possible practical option for handling land disputes. However, the way majimbo is being used as a tool to campaign for the exclusion and removal of some ethnic groups from areas targeted for autonomy is particularly concerning. For example, political elite and traditional chiefs in the Coast Province used majimbo to represent the eradication of Kikuyu, inciting violence through discourse of war[13].

Finding solutions to land disputes is necessary to reduce the risk of conflict but also because of the broader impacts that land scarcity is having in many parts of Kenya. For example, displacement and forced evictions during the recent post-election violence in RVP has created pools of disaffected youth who are reportedly being assimilated into local militias[14]. With no formal ties to a plot of land, these individuals have been described as a 'standing army' whose mobilisation threatens to incite violence by taking matters of land disputes into their own hands.

## 1.1.3 Internally Displaced People (IDP)

Acts of violence carried out with the intentional purpose of creating IDPs has become one of a number of tactics used during election processes in order to forcibly displace opposition voters belonging to certain ethnic groups from specific constituencies[15]. A number of non-state armed groups (see 2.4.6) have been identified as responsible for the forced displacement of communities prior to, during and post the 2007 elections. Given the aforementioned tensions associated with land and other resources (see 2.1.1 Land Distribution), the movement of vast numbers of individuals poses not only a humanitarian but also a significant conflict risk.

Of equal concern are reports that IDP camps are becoming recruitment grounds for crime cults such as the Mungiki. It has been reported that youth in Kikuyu-dominated IDP camps are being targeting for the purpose of inciting inter-ethnic revenge[16]. Youth are being transferred from the Central Province to operate (following training) in the Rift Valley.

The government's IDP programme, Operation Rudi Nyumbani will continue to be implemented throughout 2009 but with the Kenyan Red Cross reporting that 3,000 IDPs remain in camps and 52,000 more in transit camps (in March 2009), the scale of the operation is likely to cause widespread complications[17]. With a reported 45,000 people displaced from Mt Elgon region since 2006 as a result of conflict between the SLDF, government and local communities, the potential for militia to continue recruiting will also remain[18].

The continuation of forced evictions from protected lands as witnessed in the Mau Complex and Mt Elgon have further exacerbated the challenges associated with large volumes of IDPs. The evicted communities are reported to have encountered hostility and violence

at numerous locations they attempt to settle, perpetuating cycles of displacement. In the longer term this may sustain feelings of grievance towards those who forced them to move[19].

### 1.1.4 Water

Water points can act as a trigger for conflict two-fold; conflicts over access, and conflicts related to other issues being played out in the context of competition for access to water. This is especially the case when some groups seek exclusive access over a water source or when pastoralist communities are displaced or chose to move to another source, causing added strain on water facilities. Another cause is in-insensitive development. For example, the instillation of new irrigation schemes for large farms which divert water causing a reduction in supply elsewhere.

Conflicts over water are inherently linked to those over land as access to water sources depends on the site of the water and the access granted by those occupying the land. For this reason, the RVP and the Arid and Semi-Arid Lands (ASAL) are water conflict hotspots.

### 1.1.5 Agro-Pastoralist Conflicts

The contrasting uses of land by cultivators and pastoralists have been the source of local level conflicts across Kenya, especially in areas where competition for land is mounting. The increased frequency of conflicts stems in-part from the expansion of private property, commercial farms and private ranges and so-called 'land grabbing' that has diminished the land available for pastoralists. Agro-pastoralist conflicts are prevalent among communities around the Tana River best between pastoralist Orma and Pokomo farmers, and along the borders of the RVP. Facilitated by inadequate land administration, the cyclical nature of conflict that results from initial clashes between settled cultivators and roaming pastoralists have continued to intensify, to the

point where communities mobilise militias for protection, heightening the intensity of cycles of violence.

Agro-pastoralist conflicts are exacerbated during periods of environmental extremes such as drought or flooding. During these periods of climatic stress, demand-induced scarcity can increase the prevalence of migration which in-turn decreases the proximity between communities and invariably the frequency of conflict between them. This was evident in the South Rift for example when Maasai clashed with large-scale commercial flower farms in Naivasha and settler farms in Elementaita.

### 1.1.6 Pastoralist Conflicts

Pastoralist conflicts are most prevalent within ASAL, but also occur in areas of the North Rift and to a lesser extent in the South and Central Rift[20]. Using historical references, literature often attributes insecurity and violence as a 'normal' part of the pastoralist lifestyle. Explanations for the motivation of violent cattle raiding are often associated with cultural and traditional practices (coming of age rites, status associated with quantity of cattle, bride wealth), however the increase of raiding for commercial purposes and the increase in Small Arms and Light Weapons (SALW) has intensified clashes between pastoralist groups over the past few decades.

The increased prevalence of arms amongst pastoralist raiders and the communities they attack has amplified the intensity and incidence of cattle rustling[21]. Moreover, the cyclical nature of raiding (attacks instigate revenge attacks), coupled with increased demand for diminishing natural resources, has continued to have a significant impact on surrounding areas. Areas previously regarded as 'safe' are now in closer proximity to cattle raiding corridors (causing further resource stress and inter-

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[19] Otieno et al.

[20] Otieno et al.
[21] Otieno et al.

community tension) [22]. The relative 'security vacuum' of the ASAL further exacerbates the presence of conflict (see Security and Justice section for more details).

## 1.2 Environmental and Ecological

The allocation of land for game reserves has displaced pastoralists restricting their movement and increasing pressure on the remaining accessible pasture and water resources (see above for more details). In addition, confrontations between humans and wildlife on the borders of Kenya's game reserves are sporadic triggers of conflict as damage to homes and livelihoods (by game animals) impacts upon a community's relationship with park wardens.

Forest destruction is another proximate cause of local level conflict. Minority communities whose livelihoods depend on forest resources are most affected by practices such as the illegal cutting of trees for charcoal and timber, expansion of human settlements and illegal allocation of land. This is the case for the Ogeik, hunter-gathers and honey collectors in the Mau[23].

Deforestation adversely impacts water catchments areas. With increasingly unpredictable rainfall and a reduction in supply (due to changing use of land) many communities go in search of new water sources. Tensions often arise as neighbours compete over existing sources, compounded by the lack of effective service delivery in water stressed areas.
Agro-pastoralist and pastoralist-centred conflicts (detailed above) are intensified in times of drought and flooding, both natural occurrences within Kenya. Moreover, the failure to devise a disaster risk reduction strategy is impeding communities' abilities to adapt to changing environmental conditions.

## 1.3 Political

### 1.3.1 Centralised Power

The centralisation of power within the Kenyan state and the capture of decision-making systems by the political elite, means that the potential for the average Kenyan citizen to significantly influence political processes is marginal. Furthermore, local government is generally under-resourced and over-dominated by a strong executive (including line ministries and the president's office). The presence of a 'winner takes all' political system raises the stakes associated with obtaining and holding political positions. The centralisation of power and access to resources in the hands of the presidency has created a climate where distribution occurs among ethnic support, to the detriment and marginalisation of other groups[24].

Political competition over key public positions and the 'winner takes all' mentality is not merely a matter for national government. Even at local level, competition for political positions such as seats on the Council or Constituency Development Fund are just as ethnically charged[25].

The current constitution has been regarded as enabling the 'ethnic capture of state institutions by the executive'[26] and it is the fear of domination (or possibility of exclusion from political power) that heightens tensions around electoral competitions. With those in power taking conflict-inducing action in an attempt to maintain power, and those perceiving themselves as marginalised taking action to redress the situation, it is unsurprising that violent clashes have become more frequent as a result of centralisation.

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[22] Otieno et al.
[23] Otieno et al.

[24] Bayne, April 2009.
[25] Otieno et al.
[26] Otieno et al.

**Assessing capacity strengths and weaknesses of the consortium members in their understanding of the concept and practice of Conflict Sensitive Approaches**

1 Conflict Sensitive Approaches Self-assessment process

3 Identify constraints to practice of CSA, clarify agencies expectations, share our learning with donors, partners, government and public and also map implications of CSA mainstreaming to members work

2 Members developed initial plan for raising capacity and addressing impediments to practice of C SA; members understanding of CSA capacity, organizational areas where CSA capacity is needed within various functional unit of the organization

A potential solution lies in the decentralisation of resources and decision-making structures. However, decentralisation and devolution are far from an appealing option to those that remain in power or to those that wish to gain (full) power at the next available opportunity.

### 1.3.2 Electoral Systems and Processes

Electoral processes are rife with fierce competition for executive power and high levels of corruption, in part because of the existence of a centralised power structure (see above). While voting at the polling stations during the 2007 elections was conducted in a manner deemed 'satisfactory' the processes involved in tallying and compiling votes lacked credibility and accuracy[27] - according to national and international observers (Kenya Democratic Elections Forum, European Union and other regional bodies). Electoral fraud is not only a governance concern but can act as a trigger for conflict as claims of fraud (whether validated or not) can cause tension on the part of those believed to have been defrauded from a political position.

Holding the presidential and parliamentary elections at the same time in 2007 did little to diffuse electoral tension and is often cited as part of the reason for the post-election violence; because the stakes were heightened. This was certainly the case in areas of high electoral significance. For example, with the highest number of seats for parliament and the largest amount of voters for presidential candidates, the concentration of election-related conflict was unsurprisingly high in RVP. In addition, the area is one of the most ethnically diverse provinces in the country. While election-related violence is not new to RVP, 2008 differed to previous years in that violence was largely post-election, instigated by political incitement[28]. Moreover, whilst some angry confrontations and protests were believed to be spontaneous, it is clear that the potential of local leaders or elite to disband or cease

violence was not utilised to its full capacity[29].

### 1.3.3 Marginalisation

Marginalisation is experienced by certain societal groups within Kenya, namely those with ethnic identities distinct from the representation of the government, and most influentially, the presidency. Geographic, social, ethnic, economic and political marginalisation pervades Kenyan society in the form of exclusion or under representation in political systems, lack of meaningful participation in decision-making processes and/or the inequitable distribution of resources.

For example, the physical distance and contrasting ethnic origin of people from the ASAL and North Rift region (in relation to central government) have lead to marginalisation from formal structures[30]. This is not to suggest that the ASAL are disconnected from national politics altogether (as evidenced by reports of politicians inciting political violence within/between tribes), but that the nature of their linkages with national politics is somewhat mediated. For example authors such as Otieno et al. discuss how leaders of marginalised societies can act as gatekeepers in preventing 'real' political representation for their peoples in formal institutions - by making decisions on-behalf of their communities as to the communities political affiliation.

Marginalisation is a more direct cause of conflict in cases where arms are viewed as a valid means to become 'noticed'. This is the case in Laikipia where the minority tribes of the Samburu, Turkana and Pokot use guns to 'promote their numbers' [31].

### 1.3.4 Political Violence

The use of violence is so pervasive as a political tactic that is has

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[27] ICG, 2008.
[28] Otieno et al.

[29] Otieno et al.
[30] Otieno et al.
[31] Otieno et al.

become an inherent feature of Kenya's political arena[32]. Having intensified since the advent of multi-partyism in the 1991s, election related violence includes 'inter-ethnic clashes, injury, sexual violence, and mass displacement, destruction of property and deepening political polarisation between ethnic groups'[33]. Moreover, the normalisation of tactics such as inflammatory statements and hate-speech by politicians, leaders and elite, with the intent purpose of inciting violence has been responsible for sparking local level conflict as witnessed in the aftermath of the 2007 elections. Post-election violence has been witnessed across the country but conflict has been most intense in the south of the North Rift, throughout the Central Rift, Mt Elgon, Nairobi and other major urban centres and the coastal areas.

Political violence has become normalised; it is embedded into the practice of political competition in Kenya[34]. Evidence suggests political leaders use electoral violence as a means to gain votes, for example by providing resources to conflict actors in return of votes[35], as is the case in the North Rift between the Pokot and Turkana.

The presence of political militia has a historical resonance within Kenya from the use of the KANU Youth Wing in the 1960s[36], to the proliferation of non-state violence in the early 1990s during Moi[37]. The intimidation of political opponents, varying degrees of repression, disruption of the election process and hiring of armed guards has remained a key feature of political 'activism' throughout the 1990s and into the 2000s; although not pervasive in every election - the 2003 election was peaceful and largely fair. In short, clear links exist between 'political liberalisation, multi-partyism and more competitive elections with the use of non-state armed groups'[38].

During periods of crisis the ineffectiveness of the security forces has been blamed for the mobilisation of localised militias for protection. For example, Mungiki fighters across the RVP in defence of Kikuyu communities[39]. Political violence is frequently described as being cyclical. For example, 'all political candidates employ thugs to 'represent' them, if only to protect themselves from the thugs 'representing' their rivals'.

The use of vernacular radio stations in inciting political violence must not be overlooked. The prediction that the 2007 election would be a close-call meant that communities were very sensitive to the outcome. Radio stations played a significant role in what has been described as 'whipping up ethnic chauvinism'. For example, there were concerns that the Kalenjin station, Kass FM, were broadcasting inflammatory statements which could provoke 'Rwanda-style' killings, matched with more subtle ethnic propaganda from Kikuyu FM stations like Inooro, Coro and Kameme.

### 1.3.5 Impunity and Corruption

A culture of impunity exists at all levels of Kenyan society; political elite are not convicted of fraudulent activity, local criminals are unlikely to be convicted of petty theft, especially in times of national crisis. At the local level, looters during the post-election violence were facilitated by a confidence in knowing that judicial action was highly unlikely[40]. Not only did this enable a situation of lawlessness to pervade but new patterns of resentment between perpetrators and victims were created. At the national level, the Kenyan police are regarded as acting with impunity, evidenced by the increase in extrajudicial executions in absence of any independent accountability mechanisms[41].

[32] *Anderson and Lochery, 2008.*
[33] *Otieno et al.*
[34] *Otieno et al.*
[35] *ICG, 2008.*
[36] *Anderson, 2002.*
[37] *Mueller, 2008.*
[38] *Wheeler, 2009, also see Anderson, 2002; Anderson, 2008; Branch and Cheesman, 2008;*

*Roessler, 2005; Katumanga, 2005; Kagwanja, 2003.*
[39] *Wheeler, 2009.*
[40] *Norad, 2009.*
[41] *Norad, 2009.*

Corruption is frequently sited as a major root cause of violence within Kenya. In 2002, 96% of Kenyans[42] believed that corruption was endemic. Repeated attempts by various government to establish anti-corruption units (in name, if not in reality) have been largely ineffective and the Kenyan government continues to receive sharp criticism from members of the international community regarding its failure to challenge corruption[43]. At present there are renewed allegations of corruption within the security forces, specifically the police.

The notion that Kenya is being infiltrated by 'bandit economics of corruption'[44] reflects the pervasiveness of patronage. Patronage takes many forms, from large-scale exploitation of state funds (such as the Goldenberg scandal) to accessing illegal sites of accumulation (such as licences to illegally import goods from South East Asia[45]). Rather than analysing bandit economics as a sub-culture associated with poverty, deviance and individual greed or grievance (to use Collier's phraseology[46]), we must recognise that since the 1990s, deviance in Kenya has been state encouraged for political-economic ends.

### 1.3.6 State Legitimacy

Kenya's governance problems include a failure to achieve democratic accountability, a weakened rule of law, corruption and a culture of impunity (see above), causing low levels of public confidence in state institutions[47]. Many Kenyan's would argue that the state institutions currently in existence are far from 'public', and the failure of political elite demonstrate accountability and/or responsibility continues to increase the divide between the ordinary citizen and those 'at the top'.

Two aspects of state-society relations are therefore relevant for any discussion on conflict dynamics within Kenya; the way state and society are linked and the way in which state authority is justified[48]. State legitimacy concerns organisational, institutional and financial capacity as well as the capacity to 'produce or support the existence of common norms, rules and regulations that are recognised and shared by both the state and the general population'[49]. Development partners have, and continue to, focus on formal structures of governance predominantly at central government level. More attention needs to be given to state legitimacy; the idea that the state meets people's expectations and is therefore formed through a reciprocal relationship between state and society. At present, the 'reciprocal' nature of this relationship is weak, strained, or in some instances, non-existent.

## 1.4 Security and Justice

### 1.4.1 Judiciary

The weakness and limits of Kenya's judiciary must be understood in the context of a political system that functions as an incentive structure for personal gains and is facilitated by extensive corruption and a culture of impunity (see above). In this environment, reform of the judiciary becomes strongly resisted within central government as a corruptible judiciary supports the vested interests of the political elite[50]. A widespread perception exists that the judicial institutions lack capacity and moral standing. Evidence in support of this includes reports of bias in the decisions over which cases to pursue, bribery of influential witnesses and collusion between allies ultimately affecting outcomes of cases.

The legal system in Kenya remains to the majority of the population inaccessible, slow and inefficient. The so-called 'dispensing of justice privately' is witnessed most prevalently with regard to land disputes and agro-pastoralist conflicts (discussed in section 2.1 Natural Resources), and demonstrates the direct links between an inefficient judiciary and

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[42] Stavrou, 2002; 40, in Katumanga, 2005.
[43] See the criticisms made by the UK High Commissioner in 2004. Katumanga, 2005.
[44] Katumanga et al., 2005.
[45] Katumanga et al., 2005.
[46] Collier, 2000.
[47] Otieno et al.

[48] Norad, 2009.
[49] Norad, 2009.
[50] Bayne, April 2009.

the prevalence of conflict and violence[51].

An extreme example of the deficiency of the judiciary and the Attorney General is demonstrated in the failure to effectively investigate accusations that the Kenyan police have been responsible for a rise in the number of extrajudicial executions (see 2.4.3 Law Enforcement). The police seem to have developed the perception that an inadequate justice system means they must 'administer "justice" themselves'. The failures of the Kenyan legal system are facilitating a situation whereby the police are becoming major beneficiaries of crime and in response Kenyan society has developed a degree of acceptance[52].

## 1.4.2 Ineffective Security Provision

Both the police and intelligence services suffer from a lack of capacity to enforce law and order within Kenya during 'peaceful' periods, and to an even lesser extent during times of national crisis. The lawlessness following the 2007 elections, as the Waki report documents, resulted from the failure to act on credible intelligence causing the 'complete collapse of state institutions and security forces'[53].

In areas where the police have no or very minimal presence, so-called 'ungoverned spaces', criminal and non-state armed groups fill the void, operating successfully without the watchful eye of the law[54]. This is witnessed particularly along Kenya's international borders such as the ASAL region and Mt Elgon's border with Uganda. The lack of specialist border police along the porous borders inadvertently facilitates the proliferation of illegal trade including cattle rustling, SALW (see 2.4.4. SALW) and illicit drugs.

The absence of effective security provision has led some communities to establish their own groups for defence purposes (see 2.4.6 Non-

State Armed Groups). However, these groups frequently deviate from their original 'defensive' objectives, becoming active participants in the continuation of certain forms of violence, corruption and illicit trading, and ultimately becoming spoilers in future peace initiatives. For example, groups such as the Taliban in Kibera (in 2001) and the Mungiki in Nairobi have been sanctioned by communities to patrol (and defend) designated areas. However these groups have since developed 'predatory behaviour', engaging in illegal taxation by demanding 'protection money' and becoming involved in illegal economies[55].

## 1.4.3 Law Enforcement

The notion of state rule as 'predation' instead of protection has flourished over the past decade with increasing reports of police and special units of the National Intelligence Service being involved in aiding and assisting criminal operations; this includes hiring out guns for use within armed robbery, training gangs to use arms, exhorting bribes and collaborating with bandits by leaking operational plans[56]. The Waki report similarly details evidence of police collusion with militia and criminal gangs[57]. Reports also suggest that the Mungiki having penetrated some parts of the police force and even the prison service, with claims that Mungiki convicts are being (unlawfully) released by local authorities.

Law enforcement is severely undermined by corruption (also see 2.3.5 Impunity and Corruption) and political interference. The Waki Commission stated that during the 2007 elections 'police personnel were used and paid as agents for a political party during polling'. Furthermore, political interference in the Provincial Administration Police heightened during election times, particularly in areas such as RVP. This has continued to undermine their status as an impartial force for security provision[58]. Worst still, the active participation of police in violence following the 2007 elections is a continued cause for concern[59].

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[51] Otieno et al.
[52] Norad, 2009.
[53] Waki, 2008.
[54] Bayne, 2007.

[55] Anderson, 2002.
[56] For example, see The People Daily, 13 October 2004;18.
[57] Waki, 2008.
[58] Otieno et al.
[59] Waki, 2008.

Although there are instances where law enforcement agencies are seen to be credible and responding effectively to cases of open violence, common perceptions of bias are supported and upheld by law enforcement agencies continued inadequacies in responding to local level violence in both rural and urban areas. Furthermore, evidence of systematic bias occurring within the Administration Police, given certain departments involvement in explicitly political endeavours, has led to accusations that the security forces more broadly are under significant threat from politicisation[60].

Evidence suggests there is simply a 'lack of will' to police[61]. Many commentators believe widespread complacency within the police force began in the 1990s with the onset of externally imposed constraints on expenditure. Which, at an individual level meant the freezing of security staff salaries causing stagnation in recruitment? Law enforcement agencies are faced with poor leadership, lack of infrastructure and institutional capacity, corruption in recruitment, promotion and operations, and what Karumanga refers to as 'favouritism to engender demoralisation and lethargy in the force'[62]. Police reform has been slow to develop and with capacity constraints still prevailing the weak coordination between the Kenya Police and the Provincial Administration Police severely limits their effectiveness[63]. Even if coordination is improved, there remain limitations on the effectiveness of the security services due to the lack of well-sourced intelligence information and its use in a systematic and neutral manner.

Inconsistencies in the application of force remain a threat to the credibility of the state in providing security to its citizens. The widespread use of lethal force on unarmed protestors and widespread human rights abuses during the post-election violence has reinforced negative perceptions

and mistrust of the security services. In Mt Elgon for example, the security forces took a very heavy-handed approach to quashing the SLDF uprising - an unintended impact has been the continued reliance and proliferation of non-state armed groups for protection (see 2.4.6 Non-State Armed Groups).

Members of the security forces and more specifically the Police Commissioner have been cited as organising the unlawful killing of suspects[64]. For example, during the post-election violence of 2008, the security forces are accused of going on a 'killing spree' against rebel militia in Mt Elgon and Mungiki in Nairobi, The UN Investigator has accused the Kenyan police of having a 'systematic, widespread and carefully planned strategy to kill specific individuals'[65].

Police involvement in rural non-state armed groups remains a concern. Reports suggest that police are overlooking the transportation of stolen cattle on a national level by facilitating corruption at roadblocks from the borderlands to Nairobi[66].

### 1.4.4 Small Arms and Light Weapons (SALW)

While reports in 2002 estimated that 10% of the urban population own a gun[67], to-date, guns are not the 'weapon of choice' used during political protest, confrontations between gangs or political violence. Weapons used during physical attacks tend to be common instruments such as knives, agricultural tools or fire[68]. On a national scale, arms have become more widespread in Kenya since the 1990s the war in Uganda and increased militarization of society in Somalia[69]. The Somali population in both Nairobi (Eastleigh suburb) and the North East Province are believed to facilitate the distribution of arms. In addition,

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[60] Bayne, April 2009.
[61] Norad, 2009.
[62] Katumanga et al., 2005.
[63] Otieno et al.

[64] http://news.bbc.co.uk/1/hi/world/africa/7909523.stm accessed 10/2009.
[65] http://majimbokenya.com/home/2009/05/29/kenya-police-death-squads-alstons-final-report/
[66] Otieno et al.
[67] Stavrou, 2002 in Katumanga et al., 2005.
[68] Katumanga et al., 2005.
[69] Katumanga et al., 2005.

the porous nature of Kenya's international borders allows proliferation of SALW and facilitates the accessibility of arms by armed groups. Reports of groups arming suggest that the increased use of SALW for election and other related violence could be on the rise. Since the 2008 post-election violence groups such as the Mungiki have been arming in preparation for future political violence[70].

Many arms in circulation derive from the Mau Mau rebellion; when Nairobi was at the centre of the homemade weapons industry and collecting weapons used by rebels. Some of these arms remained part of life in Nairobi after the1952-1960 state of emergency. The impacts of attempts to promote alternatives to the youth gun culture in Nairobi have been somewhat limited. Part of the reason is that youth gangs are continually in flux (in terms of their composition, objectives and funding). A nationwide, coherent approach to arms reduction is needed if SALW are to be genuinely reduced on a longer term.

Elsewhere in Kenya arms tend to be found in the ASAL areas in the hands of traditional militias (see 2.6.1 Pastoralist Conflicts). Especially prevalent within the North Rift, the availability of SALW is a proximate cause of conflict changing the nature of inter-tribal raiding and competition over natural resources. A security dilemma has been created as the proliferation of arms between groups continues to rise in response to other groups arming. This is particularly the case between the Turkana and the Karamajong on the Ugandan border[71]. Furthermore, the gun has become socially and culturally acceptable amongst many cattle-raiding communities, an economic asset and sign of prestige.
The failure to effectively police the porous international borders means that Kenya's role as a regional trading route for SALW continues to grow, as does the movement of additional materials including illicit substances[72]. Although some arms in Kenya are homemade, evidence suggest that many are sourced from government stocks; arming the Kenya Police

Reservists in Turkana North District, or the Sabaot community in Mt Elgon[73]. A similar situation exists in Uganda where the majority of arms held by the Karamajong raiders originated from an Amin garrison back in the 1970s.

### 1.4.5 Private Sector Security and Ex-Security Agents

Ex-security agents pose a specific problem across the country given accusations that former agents are training criminal and militia groups in the use of SALW (see above). Explanations for this trend point to the lack of provisions for retired security personnel, along with the general inadequacy of pay and provisions gained by security staff whilst in service. The latter is also commonly regarded as a reason for the persistence of corruption (for financial gain) within the police and intelligence services[74].

### 1.4.6 Non-State Armed Groups[75]

Non-state armed groups area a threat to security. The violence they enact varies significantly, from spontaneous to calculated, as does the level of sophistication, sources of funding and the nature of arms used (from SALW to machetes, spears, arrows). Wheeler[76] uses six categories to sub-divide non-state armed groups operating within Kenya, although readily acknowledges the limitations of these categorisations owing to the variations in a group's structure, motivation, location and behaviour. What is certain is that although many groups are facilitated by structural causes of insecurity, such as a lack of state security provision, inequitable distribution of resources or criminal activity, proximate causes also exist and further complicate the motivations and objectives of any one group. This is particularly the case where groups are mobilised to provide private violence for political endeavours without demobilising once the task at hand is complete; the aims and

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[70] *ICG, 2008.*
[71] *Wairagu 2007, in Otieno et al.*
[72] *Otieno et al.*

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[73] *ICG, 2008.*
[74] *Otieno et al.*
[75] *Defined in Wheeler (2009) as 'an organisation that has the capacity to mobilise violence and exists outside of formal public security agencies'.*
[76] *Wheeler, 2009.*

objectives of groups then become increasingly multifaceted as they find alternative 'employment' as a self-sustaining operation.

The role of political elites in instigating and sustaining the momentum of violence caused by militias is reflected in the peace agreement; Agenda I cites the need for disarmament and demobilisation of militia groups[77]. Whilst not all non-state armed groups are explicitly involved in political violence the potential for such groups to disrupt stability or instigate conflict remains a threat in the context of political fragmentation and instability[78].

## 1.4.7 Vigilantes and Criminal Organisations

Regarded as 'pre-mobilised and pre-armed sources of violence'[79] vigilantes and criminal organisations have proliferated in the context of 1990s political pluralism[80]. The security vacuum created by ineffective security provision has provided space in which criminal groups and militias have been mobilised and strengthened for a range of purposes, including personal financial gain and political ends[81]. What is more, the failure of the state to deal effectively with the increase in private militias not only threatens the states ability to ensure security but inadvertently allows the proliferation of 'violent gangs and mafia like networks of extortion and protection'[82]. Within local level security vacuums informal vigilantes have become increasingly prevalent; accompanying this are raising concerns over the links between private security provision, criminal endeavours (such as levying taxes) and predatory behaviour. With an increasingly prevalent underground market in illicit goods and the accompanied 'turf wars' over control of space, the potential for increased violence remains high.

Criminal organisations are characterised by their single motive of gaining private profit from criminal activity[83]. Crime in general is steadily increasing, as is the prevalence of contract crime particularly evident in Nairobi, RVP, Mt Elgon and other areas within Kenya. With increased levels of violence accompanying the proliferation of SALW[84], highways and urban slums are becoming popular sites for violent crimes such as hijacking and armed robbery. Much has been written on a widespread 'climate of fear' that is beginning to pervade Nairobi and other urban centres as a result of organised criminal violence and contestation between gangs[85].

Operating in an increasingly violent and unregulated market, criminal activity in Kenya is on the rise. Furthermore, given the transformation of gangs used for political violence into criminal organisations (and vice-versa), criminal activity is likely to continue as leadership structures have a vested interested in maintaining economic gains. The likelihood of non-state armed groups remaining a threat to security or proliferating in the near future is also high given that criminal groups, political militias and vigilantes are continually transforming due to the failures of government attempts to demobilise or disband them[86].

Despite being hired for political purposes, armed groups are not controlled by the political elite; most groups have a highly semi-autonomous character. For example, the Baghdad Boys, the Taliban and the Mungiki have been known to operate across a spectrum of political alliances, for the 'highest-bidder'[87]. The highest-bidder of course may well be politicians, but also businessmen, landlords and members of elite classes. Operating in a capitalist manner, it is the 'successes of groups that will proliferate their continued hiring. Understanding 'violence for profit' therefore requires demobilisation

[77] Wheeler, 2009.
[78] Wheeler, 2009.
[79] Wheeler, 2009.
[80] Anderson, 2002.
[81] Bayne, April 2009.
[82] Norad, 2009.

[83] Wheeler, 2009.
[84] Otieno et al.
[85] Katumanga et al., 2005.
[86] Wheeler, 2009.
[87] Mueller, 2008.

initiatives that appreciate the extent to which groups are self-sustaining in nature.

In ASAL regions the existence of rural organised criminal groups has developed in recent decades from the increased commercialisation of cattle raiding and its linkages to criminal networks throughout the region. In addition, pastoralist-centred conflicts take on a transnational dimension due to the proximity of ASAL in cross-border regions[88]. For example, the Turkana in the North Rift face attacks from groups from Ethiopia, Sudan and Uganda, along with raids from tribes originating within Kenya's North Rift itself[89]. With the involvement of high-level business elite, individuals in positions of political authority and criminal networks facilitating the availability of arms and funds, the nature of cattle raids has changed significantly; not only has there been an increase in the intensity and prevalence of violent confrontations but the traditional mechanisms of restraint and mediation have been severely undermined.

### 1.4.8 Military

Conflicting reports exist of the extent to which the military have been tainted in the 2008 post-election violence. Whilst not taking impartiality for granted, Bayne[90] suggests that the multi-ethnic military have remained relatively neutral throughout the violence. In contrast, a recent Norad report[91] suggests despite previously enjoying a favourable reputation, since the heavy-handed disbandment of the SLDF in Mt Elgon, claims of civilian torture have raised serious questions over the credibility of military conduct.

## 1.5 Economic

### 1.5.1 Growth and Development

Many analysts cite the externally imposed conditionalities of the 1990s Structural Adjustment Programmes (SAP) as laying the foundations of insecurity that remain today[92]. In conforming to the international desire to reduce expenditure, the SAPs had unintended impacts which included the creation of a 'pool of disaffected youth' that migrated from rural to urban centres, paralleled with an increase in political activity. At the informal level, violence became conducted by organised social formations creating a form of privatised public violence. Explicit links between the growth of the formal economy and the rate of crime are made by Katumanga et al. who suggest that only by questioning the logic of the minimalist state and addressing the crisis of unemployment will crime rates be significantly affected.

The pervasiveness of poverty and economic marginalisation across the country is sometimes regarded as a driver of conflict. This line of enquiry suggests that exclusion from routine economic and social opportunities lowers the perceived cost of violence as a means to accumulate economic and livelihood gains[93]. While economic opportunism may be more prevalent during times of intense poverty, there is an inherent danger in presenting the prevalence of violence and conflict as an inevitable outcome of poverty; an approach coinciding with Collier's[94] thesis that 'greed or grievance' are the cause of conflict. Collier's thesis has been highly criticised for neglecting the complexity of factors that lead individuals to violence.

The perception and reality of Kenya as 'unstable' has broader impacts on the growth of the national economy. An industry particularly sensitive

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[88] Otieno et al.
[89] Otieno et al.
[90] Bayne, April 2009.
[91] Norad, 2009.

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[92] Katumanga et al., 2005.
[93] Otieno et al.
[94] Collier, 2000.

to economic shocks is tourism. Mombasa (the centre of the coastal tourist industry) witnessed a severe decline in foreign visitors following the election violence of 1997 and more recently in 2008. Similarly, the growing image of Nairobi as an unsafe capital city has the potential to have an even more substantial impact on the national economy as the city hosts many regional and international organisations including the largest United Nations (UN) headquarters in Africa. The potential threat of upgrading the security rating could have a dramatic impact and significant multiplier effect on the willingness of businesses to embed them within the Kenyan economy[95].

In urban areas a 'bandit economy' is said to be reigning (see 2.3.5 Impunity and Corruption); characterised by competition between different entrepreneurs who seek to gain exclusive use of a given space for financial gain. For example, between mini-bus operators in Nairobi where the risk of armed violence resulting from 'turf wars' has created a demand for guards on commuter vehicles.

## 1.5.2 Unemployment and Alternative Livelihoods

High levels of youth unemployment in Kenya are raising specific security concerns. The main threat youth unemployment poses is that youth represent a cheap and accessible pool of recruits for all forms of non-state armed groups[96] (see 2.4.6 Non-State Armed Groups). When coupled with marginalisation and a climate of ethnic exclusion, recruitment into such groups can provide young men with an opportunity for social mobility, increased sense of power and self-esteem. Joining such groups provides a means to vent short and long standing grievances relating to, amongst other issues, the gap between expectations and reality; heightened by the fact that the majority of youth are educated to a relatively high standard.

Unemployment and the lack of alternative economic opportunities have also been cited as a rationale for youths increased engagement with informal or illegal parallel economies; which do provide opportunities for economic gain. The relationship between youth, organised militias and criminal acts such as drug trafficking, petty theft and hiring of labour to construction sites, whilst not known in any great depth are increasingly apparent in and around Kenya's urban concentrations.

The lack of alternative livelihoods is believed to be reinforcing the institutionalisation of armed violence and livestock raiding in the ASAL pastoral economy[97]. The socio-economic marginalisation of pastoralist communities in the ASAL reflects the broader absence of state and economic structures in comparison to other areas of the country[98] (see 2.3.3 Marginalisation). When coupled with an increasing population size and resource stress, the need for alternative economic activities is becoming ever more pronounced.

## 1.5.3 Horizontal Inequality

The distribution of elite and government resources according to ethnically-based patronage systems have created, and continue to reinforce, patterns of horizontal inequality; by ethnic grouping and geographical location. The historical gap between (rich) political elites and (poor) citizenry continues to exist as 'predatory' state behaviour reinforces and exacerbates inequality on a national scale.

The relationship between the mobilisation of violence and asset distribution is particularly prevalent in rural areas. For example, in the RVP the perception exists that 'outsiders' (namely Kikuyu) have a disproportionate access to land, loans, jobs and business ventures and subsequently is acting as a trigger for ethnic rivalry. The politicisation of the distribution of natural resources and its inherent links to ethnicity

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[95] *Katumanga et al., 2005.*
[96] *Otieno et al.*
[97] *Bayne, April 2009.*
[98] *Otieno et al.*

means that a community's perception of being discriminated against makes violence a more likely outcome for grievances.

### 1.5.4 Urbanisation

Violence is frequently tied to the geographical pattern of urbanisation in centres such as Nairobi. The inhabitants of unofficial 'squatter 'slums have little in the way of property or human rights and experience periodic bulldozing along with political and economic exclusion (see 2.3.3 Marginalisation). Marginalisation from formal security provision, services and the employment sector has enabled slum areas to become home to rising numbers of organised gangs. These gangs carry out a range of activities with varying degrees of legality and are typically funded by business and/or political elite[99]. Geographical patterns of urbanisation therefore become important as they represent the territory of different violent gangs whose role often on some level involves the 'protection' of that area, its landlords, inhabitants or businesses[100] (see 2.5.1 Growth and Development).

Inhabitants of slum dwellings may be marginalised in the conventional sense (in terms of rights) but are not disconnected to the economic and political arena of national government, given the inherent links between political violence and criminality. Despite seeming to manifest in urban slums, the connections between urban gangs and networks throughout the city and rural areas should not be overlooked.

## 1.6 Societal and Cultural

### 1.6.1 Ethnicity

Ethnicity has become the framework around which violence is pervasively organised for a variety of societal grievances (see 2.1

Natural Resources, 2.3.1 Centralised Power, and 2.5.3 Horizontal Inequality). This is particularly the case during election periods where ethnicity has become a mobilising tool acting as a catalyst for local level violence. As Otieno et al. write, in Kenya 'insecurity trumps the ideological and plays into the hands of those politicising ethnicity'. The ongoing resource-based conflicts in the RVP are an example of ethnic rivalries transforming the nature of conflict from a localised issue into an identity-based conflict. In doing so, conflict has become more protracted[101].

Ethnicity plays an important scapegoat role in Kenya's political violence. This is not to suggest that political violence is not motivated or patterned in accordance to ethnic differences, but that 'ethnicity' as a category leads many commentators to suggest 'ancient ethnic hatreds' or 'spontaneous tribal clashes' are valid explanations[102]. Such explanations risk undermining the complexity of the relationship between ethnicity and historical context, or more pragmatically, the extent to which prior coordination underpinned seemingly 'unexpected' violent protests. It is not merely external commentators that adopt this simplistic 'ancient ethnic hatreds' discourse; ethnicity is also manipulated by political elite who seek to take attention away from their role in inciting violence by distorting the underlying causes as merely 'localised', 'primitive' and/or 'communal'[103]. Furthermore, political elite and local leaders have been known to create an ethnic dimension to pre-existing conflicts where one may not have been previously[104].

An Afro-Barometer paper referring to the 2007 elections stated that 50% of individuals asked believe ethnicity is an 'extremely important' factor when rating a potential political candidate. One reason for this is because so-called 'ethnic politics' draws heavily on narratives of past

[99] *Katumanga et al., 2005.*
[100] *Katumanga et al., 2005.*

[101] *Otieno et al.*
[102] *Wheeler, 2009.*
[103] *Kagwanja, 2003.*
[104] *Bayne, April 2009.*

injustice and horizontal inequalities which enable local level grievances to play out at the national level[105]. The linking of ethnicity and grievances feeds into everyday perceptions of other communities, fragmenting multi-ethnic groups and providing ammunition for further polarisation during political competitions. This is exactly the kind of pattern that was witnessed in Mt Elgon where land grievances led to heightened tensions between the Mosop and Soy communities. Furthermore, electoral gerrymandering contributes to the 'ethnic zoning of constituencies'[106] by politician's intent on retaining their positions.

The instilling of long standing grievances into the collective memory has contributed to the use of binary categories of 'insiders' and 'outsiders' by different ethnic groups across the country. Categorisation has contributed to the continued fragmentation of the Kenyan population - what has been referred to as the 'ethnic balkanisation' of some areas[107]. This was evident during the recent election violence where Kalenjin warriors specifically targeted Kisii settlers from the over-populated Nyanza Province with the intention of re-gaining what they see as their ancestral lands from so-called 'immigrant' communities[108].

## 1.6.2 Demographic Pressures

Demographic pressures within Kenya are being felt in both rural and urban areas, but with differing effects. In rural areas population increase is heightening the competition for natural resources (see 2.1 Natural Resources). In urban areas, population increases are posing similar problems in terms of a lack of space and intensified competition over access to land and livelihood resources (see 2.5.4 Urbanisation).

The large population of youth living in close confinement in urban slums is providing rich recruiting ground for private armies (see 2.4.7 Vigilantes and Criminal Organisations). For example, the mobilisation of 'Youth Wingers' on approach to elections is said to reflect the expansion of private armies who utilise the high proportion of young males aged 16-25[109] prevalent within urban and rural areas. Conversely, there is a need to recognise the issue that elders are losing their influencing power over youth, who play a more independent role in society; aided by their financial independence.

## 1.6.3 Gender Inequality

As a consequence of gender inequality, Sexual and Gender-Based Violence (SGBV) is becoming more prevalent. Reports exist of Kenyan police committing horrific acts of sexual abuse against women then failing to take action against officers suspected of being involved. Women's human rights and the right to protection have, and continue to be, severely breeched; a trend that was exacerbated during the immediate 2008 post-election violence where impunity seems to have reined[110] (see 2.3.5 Impunity and Corruption). SGBV was also explicitly used as a strategy for displacement in the Mt Elgon region[111]. Gang rape of women by both SLDF and state security forces were reported on numerous occasions.

## 1.6.4 National Reconciliation

The absence of national unity is generated by the presence of mistrust between ethnic groups and the weakness of a collective national identity[112]. National reconciliation, stability and prosperity therefore hinge on the extent to which the presence, and the perceptions, of marginalisation and exclusion between different ethnic groups can be addressed[113]. Shifts in regional development imbalances and decision-making structures are required to address longstanding issues and

[105] Otieno et al.
[106] Bayne, 2007.
[107] Otieno et al.
[108] ICG, 2008.

[109] Africa Peace Forum, 2003.
[110] Norad, 2009.
[111] Human Rights Watch, 2008.
[112] Bayne, 2009.
[113] Kenya National Dialogue and Reconciliation Monitoring Project, 2009.

create lasting solutions for peace. This can only be achieved by is civil society playing an active role in the de-politicisation of ethnicity, erasing ethnic rivalries and transforming disputes into opportunities for reconciliation.

### 1.6.5 Local Leadership and Radicalisation

Despite often proving a source of mediation and stability, reports have suggested that religious and local leaders were inciting inter-ethnic violence during the 2008 post-election crisis. The politicisation of religion, particularly during times of rising social tension, has been intensified by some local leaders who actively encourage social polarisation along political and ethnic lines[114]. The reluctance of local leaders to remain neutral in times of heightened tension is not only corrosive to potential stability but fails to set an example of inter-community harmonisation for future generations. The active involvement of elders, community leaders and traditional representatives in inciting violence remains ever present[115].

Concerns about the potential for religious-based conflicts are continuing to rise, with increased discussion regarding Islamic radicalisation along the Coastal Provinces. With a sizeable Muslim population, the coastal region maintains strong links to Sudan and Somalia. Moreover since the 1990s the mosques in Mombasa and neighbouring towns have preached militant Islamic rhetoric[116]. From a security perspective, Kenya's coastal region is seen to be 'most vulnerable' to breeding terrorism[117].

# 2.0 Conflict Dynamics

## 2.1 Threats to Peace and Stability

### 2.1.1 International Level

**International mediation** - the limitations of the international community and the Annan mediation team to achieve or maintain some form of peace must be recognised as limits to the ability of external actors to achieve stability. The lack of progress made on important reform agenda and the reluctance to engage in Anna's 'one year on' conference by the major parties has led some commentators to suggest his 'moral weight and traction with the parties has eroded'[118].

**Global recession** - the crash of the market in October 2008 is having a slow but sure impact on the Kenyan economy. With a decrease in demand for tourism and luxury exports, increasing fuel prices and a decline in foreign remittances, national growth is slowing. The impact of global economic shifts at the local level is borne out by households suffering from a decrease in income, reduction in employment opportunities and hike in grain prices owing to increased competition over land resources. On a national level, the decrease in state revenue is likely to erode the patronage base for the Coalition whilst having a knock-on effect for public services. The implications may be politically destabilising as 'self interest and opportunities for patronage area a key factor holding the coalition together'[119].

### 2.1.2 National Level

The Coalition - as Bayne[120] suggests, 'after a reasonably positive 'honeymoon period' coherence within the Coalition and the authority of the principals (critical to its survival) has evaporated, internal tensions

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[114] *Otieno et al.*
[115] *Otieno et al.*
[116] *The New York Times, 2007.*
[117] *The New York Times, 2007.*

[118] *Bayne, April 2009.*
[119] *Bayne, April 2009.*
[120] *Bayne, April 2009.*

have increased and progress on taking forward reforms captured under the Kenya National Dialogue and Reconciliation (KNDR) have stalled'. Events during the first half of 2009 are cited to evidence this view;

- Resignation of Party of National Unity (PNU) Justice Minister Martha Karua over frustrations at the lack of performance from the Coalition government.

- Odinga walking out on a PNU-ODM agenda-setting weekend retreat due to frustration at his isolation in the decision-making process in government.

- Murder of Oscar Foundation members following a hard-hitting UNHCR report.

- Sustained high level corruption.

If the Coalition were to collapse prior to the 2012 elections, the risk of repeated violent conflict, especially in the RVP is almost certain. Disagreements over the implementation of the Waki recommendations and increased discussion about the involvement of the International Criminal Court (ICC) (which looks inevitable) suggests that an event, such as ICC indictment or political miscalculation on the part of ODM, is the most likely cause of potential breakdown in the Coalition[121]. Worse still, the assassination of a political leader would undoubtedly act as a trigger for renewed violence[122].

**Agenda item 3** - 'Resolving political crisis - power sharing' as discussed above, Agenda item 3 remains somewhat unstable. New reports suggest there is increased factionalism within the political parties with leaders no longer having absolute control and influence over their parties. The lack of coherence and unity of purpose within the Coalition continues to hamper reform efforts and is likely to continue as new actors are

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[121] Bayne, April 2009.
[122] Otieno et al.

beginning to emerge (owing to party factionalism).

**KNDR Agenda item 4** - the reactions from both broader civil society and political elite to the Waki report demonstrate that commissions and processes charted as part of Agenda item 4 have the potential to instigate new, and renew old, tensions. Planned activities such as the establishment of a Special Tribunal are likely to be highly politicised, providing fodder for the continuation of deep-seated ethnic tensions.

**Waki Commission** - the recommendations posed[123] have raised expectations amongst some parts of society for change towards a more accountable government system. The Waki report recommended the establishment of a Special Tribunal to undertake national level trials regarding post-election violence. Failing that, the ICC may be involved. Naming and shaming perpetrators has the potential to cause backlash on two fronts. Firstly, between individuals over the validity of those named (or not named). Secondly, political elite or influential figures may view the incitement or mobilisation of violence as a possible bargaining tool. Presuming trends of violent conflict remain similar to those in the past, the possibility of a renewed cycle of conflict is likely to be sparked with attacks prompting revenge attacks[124].

**The ICC** - the potential to trigger renewed violence in backlash to those indicted or similarly, against those who are not (but others feel should be) seems highly likely given that tensions at local level remain high. This is not simply a national issue. Given the linkages between political elites and the instigation of local level violence, consequences of ICC involvement could well include widespread localised backlash in supporter or home regions of those indicted.

**Constitutional Reform Process** - despite being on the table since Independence and part of the KNDR and National Accord for

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[123] Waki, 2008.
[124] Otieno et al.

Reconciliation Act of 2008, a review of the Constitution remains illusive. If a review were to recommend a government structure that maintains centralised control over resources the ODM may react through political violence given their commitment (more than any other party) towards a devolved government structure (Majimbo)[125]. A referendum on the constitution may also trigger organised and spontaneous violence, with specific reference to issues of decentralisation and resource allocation[126]. Writing in April 2009, Bayne highlighted the lack of collective vision on reform and the failure of reform to be internalised - creating opportunities for spoilers. This reading of the situation remains ever-present.

**Draft National Land Policy** - should a draft National Land Policy ever come to the point of implementation the prevailing tensions surrounding land issues are likely to result in disagreements over its content. Disagreements may well foster the mobilisation of organised violence, a scenario likely to be exacerbated if coupled with political incitement. Draft versions have already been faced with criticism and caused feelings of resentment at the local level, for example by the Turkana who criticised the policy for failing to fully address pastoralist land issues[127]. Whatever details the final version contains it will not be able to satisfy everyone's grievances and demands given that land is by its very nature contested. The challenge to be addressed therefore concerns the ability of the government to disseminate and enforce the policy that is finalised, in a conflict-sensitive manner. Currently, it seems highly unlikely that any National Land Policy will reach final drafting with explicit spoilers in the form of large landowners, commercial farms and ranches expected to lobby against any significant changes to the present policy.

Corruption scandals - although corruption has become somewhat accepted as a normalised part of the Kenyan political arena, revelations of new corruption on the scale of the Goldenberg scandal are likely to heighten tensions between the political divide, cause public outrage and trigger renewed violence. In the context of the global recession, the impact of hearing that state funds have been misappropriated on a vast scale are likely to instigate a more intense reaction than may ordinarily be the case.

**Elections of 2012** - without significant progress in areas of conflict resolution, peace building and national unity, the likelihood of repeated violence is highly likely. Areas such as the RVP are likely to be worst affected, given the prevalence of ethnic polarisation along party lines that is already present within the region[128]. Determining the extent to which future political competitions will generate violent conflict at the local level (and potentially national level) will in-part depend on how the political elite, local leaders and prominent businessmen use ethnicity, historical and contemporary grievances and the promise of patronage in the build-up to the voting process.

**Proliferation of SALW** - if the availability and use of SALW gains momentum the outcome of future violent clashes may be even more devastating. This possibility is highly likely given the widespread use of SALW by the SDLF[129]. Furthermore, there are concerns that militias are being re-armed and new recruits trained,[130].

**Police reform** - with limited in-depth or credible information on the linkages between political elite and corruption within the police it remains to be seen whether the police reforms recommended within the Waki report can be achieved without substantial (political) interference. Concerns have already been raised[131], regarding the potential for the reform process to become manipulated in favour of particular ethnic groups. Should this be the case, both short term (public protest and

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[125] *Otieno et al.*
[126] *Bayne, April 2009.*
[127] *Otieno et al.*

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[128] *Otieno et al.*
[129] *Otieno et al.*
[130] *Bayne, April 2009.*
[131] *Otieno et al.*

possible violence clashes) and longer term impacts (continued loss of confidence in the police force) are likely to be highly damaging to the potential of restoring law and order within Kenya.

**Fragmentation of the military** - rumours (as yet unsubstantiated) imply the impartiality of the military is under threat. Suspicion surrounding the systematic process of recruitment and promotion of Kikuyu, whether real or perception, has the potential to disrupt the multi-ethnic cohesiveness of the military[132].

**Disarmament and disbanding of militias** - the government's inadequate approach to demobilising, disarming and disbanding militias and organised gangs particularly following the post-election violence remains a threat to peace. With new groups emerging and banned groups resurfacing (as was the case during the 2008 post-election violence) it seems unlikely that this challenge will be met, and is further amplified by the inadequacies of the security forces. Similarly, of grave concern are recent reports that suggest political elite are continuing to mobilise private militias, perhaps in preparation of future electoral processes or to react to future violent conflict[133].
Regional instability - the impact of renewed conflict in neighbouring countries remains a potential threat as it would place an added strain on the already fragile task of maintaining stability within Kenya. Some parts of the country such as the border regions of the North Rift would be particularly at risk as an influx of refugees would add further strain on an area already experiencing resource-based conflicts.

**Coercion of traditional militias** - although understudied as a risk and therefore somewhat unknown as a potential threat, the heavily armed traditional militias residing in Kenya's ASAL pose a potential threat on a broader scale, should they be coerced into political armed violence associated with central government. There is evidence to suggest that pastoralist communities have been mobilised by the political elite in

the past who utilised traditional structures associated with raiding. For example, the Kalenjin with pastoralist roots have been mobilised during election times, 'to devastating effect'[134].

## 2.1.3 Local Level

**Rearming of militia groups** - increasingly, concerns have been raised regarding the number of militia youth groups rearming through the buying or producing of handmade guns[135]. This was specifically raised as a concern in connection with the Kikuyu militia youth in the Central Province given the suspicion that their aim is to arrack Lou's in the Central Rift region. Reports also cite Kalenjin militia groups rearming to target 'outsiders' in Uasin Gishu.

**Increase in SALW** - the proliferation of SALW within society as a whole, not just within militia groups is a very real threat with an increase in arms owing to the rise militia-produced handmade guns in preparation for revenge attacks. The possibility of rising numbers of fatalities could significantly increase the intensity of the prevailing conflicts, subsequent revenge attacks and long-standing grievances.

**Breakdown of the Coalition** - political instability at the national level would inevitably trigger local level violence. This violence would be characterised by a heightened intensity if instability is caused by serious disagreement, inflammatory statements or explicit incitement to violence by politicians. There is evidence to suggest this is the kind of scenario MPs are preparing themselves for[136].

KNDR Agenda item 4 - a number of commentators are reporting that politicians are threatening to incite violence, to be acted out at the local level, if Agenda item 4 is ever fully implemented[137].

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[132] Bayne, April 2009.
[133] IRIN News, 2009.

[134] Wheeler, 2009.
[135] Otieno et al.
[136] Revealed in interviews conducted in support of the publication by Sarah Bayne, April 2009.
[137] Bayne, April 2009 (Bayne also cites the Rift Valley Analysis); South Consulting.

**Public protest** - Bayne[138] suggests that 'a widespread popular and violent uprising is unlikely but should not be ruled out entirely', however it is more likely that Kenya's streets will witness an increase in popular demonstrations. Should this be the case and the security services continue to deal with demonstrations with a heavy-handed police response, rising tensions in rural and urban areas are likely.

**Police violence** - if the government and its security forces continue to deal with armed groups, as Bayne suggests, in an 'un-systematic, inadequate and inappropriate way, characterised by the excessive use of force and human rights abuses' then confrontations are likely to become heightened and more intense with an increased risk of casualties. There is also suspicion that the police are acting without constraint, becoming more involved in other forms of violence associated with criminal gangs, armed militia and assassinations.

**Deepening politicisation** - if political actors continue to tie local level conflicts into the national political arena then the extent of politicisation and frequency of political violence is likely to increase. Conflicts at risk of becoming accosted for alternative political agenda include resource-based conflicts between the Turkana and Pokot in North Rift, and the Kikuyu and pastoralist communities in Laikipia[139].

**Constraints on civic voice** - the saying that 'democracy is in recession' has become popular owing to growing constraints on the freedoms and liberties of civil society and the media[140]. If the present signs of closing-in on civic voice continue there are likely to be implications, such increasingly tense public protest or continued police heavy-handedness in dealing with the public. Amendments to the Communications Act to allow greater government control over the media is a further negative sign in this regard.[141]

**Return of IDPs** - Despite being encompassed within Agenda item 2 'addressing the humanitarian crisis and promoting healing and reconciliation', IDPs continue to be regarded as a community-based problem rather than a national problem. Many IDPs have failed to return home for fear of renewed violence and many (up to 2,000) remain on the Ugandan side of the border[142]. The government IDP programme titled Operation Rudi Nyumbani is predicted to inadvertently incite violence between groups on the move, those wishing to re-settle and host communities. In the absence of extreme sensitivity in dealing with the situation, security provisions for those returning and reconciliation initiatives at local level, the experience of returnee IDPs particularly in the RVP is unlikely to be successful in the short term, let alone long term. The initial figures of the numbers of IDPs within Kenya were seriously underestimated meaning that the return of IDPs poses a greater risk for the instigation of renewed violence than was previously suspected - due to the sheer volume of persons awaiting return (particularly in Kikuyu). With figures suggesting that only 40% have returned, ethnic tensions remain high and rumours regarding the possible re-settlement or return of IDPs continue to cause anxiety on the part of those returning and for those presently settled[143].

Accurate figures on the numbers of IDPs are needed to aid both resettlement and return. The presence of transit camps mean that data regarding camp closure should be read with a degree of caution - closure is not an indicator for return[144].

A lack of conflict sensitivity during the return process has reportedly increased ethnic tension in some areas because of a perception of bias toward aiding some groups over and above others.

**Forced evictions** - threats of forced evictions in numerous locations across the RVP, notably in Mau Forest, if they go ahead could act as a

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[138] *Bayne, April 2009.*
[139] *Otieno et al.*
[140] *South Consulting.*
[141] *Otieno et al.*
[142] *South Consulting, 2009*
[143] *South Consulting, 2009.*
[144] *Bayne, April 2009.*

trigger for local level violence in the short term and cause longer lasting resentment. Of equal concern is the potential for political elite to further scale-up the issue of forced eviction into the national political arena. Some political elites have already been public in threatening to incite violence or leave ODM if forced evictions take place[145].

**Religious animosity** - there remains a very real threat of religion becoming a trigger for conflict given recent reports that there exists political incitement amongst different religious communities by local leaders and the continued involvement of spiritual leaders in legitimising violence[146]. Furthermore, if Islamic radicalisation in the coastal areas continues to develop, significant problems could arise as the security system seems, at present, too ineffective to deal effectively with such a threat.

**Youth mobilisation** - without significant improvements in economic opportunities and thorough demobilisation programmes, the volume of unemployed youth (particularly in urban areas) will continue to provide non-state armed groups with a source of new recruits.

## 2.2 Opportunities for Peace

### 2.2.1 International Level

**International mediation** - the success of the international community and the Annan mediation team in bringing the 2008 post-election violence to an end signified a positive step in the abilities of external actors to influence the political elite within Kenya. This influence can, and should, be used to continue progress in achieving increased stability across the country, to hold true to the commitments made by the Coalition government and to maintain the momentum for peace building efforts.

**Development assistance** - the international community has a responsibility to learn from the experiences of past aid giving and to take on-board the lessons learnt from an increasingly popular political-economy approach; to recognise the inherently political nature of governance reform. In addition the international community needs to become more critical of current development theories around governance and international assistance. More specifically, attempts to achieve 'good governance' should move beyond the conventional four elements of an anti-corruption state[147]. Instead of regarding corruption as a 'weak dimension of an otherwise strong state, recent events have highlighted that the high level of corruption in Kenya may be only one dimension of systematically poor governance'[148].

### 2.2.2 National Level

**The Coalition** - as the Coalition stands, the potential to demonstrate multi-ethnic cooperation at a national level remains a possibility. Whilst not strictly an 'opportunity for peace', the vested interests of the political elite in maintaining the Coalition government remains key. For example, ODM are unlikely to break the Coalition prior to the agreement of a new constitution and appointment of an electoral commission. Despite positioning for a future election, neither party are at a stage to actually conceive of the prospect of another election - part of the reason concerns what Bayne[149] refers to as 'depleted war chests'. Further positive signs of cooperation are evident following Odinga's walkout of the PNU-ODM agenda setting retreat, cabinet have developed a Coalition Agreement outlining the principles of decision-making and process, with the hope of forestalling further crises.

**Constitutional Review Process** - the review process provides potential space from which to establish and maintain mechanisms for peace. If conducted in a conflict-sensitive manner, the potential

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[145] Bayne, April 2009.
[146] Otieno et al.

[147] A strong and vibrant civil society, strong and independent media, sizable and influential middle class, and competitive politics where no part dominates over long term. Norad, 2009.
[148] Norad, 2009.
149 Bayne, April 2009.

for addressing long-standing provisions for equal distribution of, and access to, national resources could be achieved[150].

**Implementation of the National Accord processes and Waki recommendations** - full implementation of the security sector reforms proposed in Agenda I hold some of the greatest potential for stabilisation and future peace[151]. Also included in the report are key opportunities from which efforts to end impunity can be established (detailed further below)[152].

**Security Sector Reform (SSR)** - the proposed plans for SSR, if conducted fully and effectively provide an opportunity to address the current ineffectiveness, bias and lack of capacity that prevails in the security services. This could also include revisions that extend community-policing, directly targeting local level security provisions.

**Truth, Justice and Reconciliation Commission (TJRC)** - the commission, established as part of the Annan mediation outcomes provides an opportunity to investigate 'human rights abuses, historical injustices, illegal or irregular acquisition of land and the misuse of political power from independence in 1963 to present'[153]. Although not established as yet, the TJRC could provide an important means to end impunity, target the underlying structural causes of conflict and address their localised violent manifestations. The TJRC is seen as one of the few very practical ways to nationally promote an end to the normalisation of impunity and the use of political violence. It would also provide a means to make clear, as Otieno et al. state, that there aims to be an absolute rejection of violence as a legitimate part of political competition. However, failure to deliver on expectations or any sign of bias in the process is likely to induce feelings of resentment and unfairness which could pave the way for a return to violent protest.

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[150] Otieno et al.
[151] Otieno et al.
[152] Otieno et al.
[153] Norad, 2009.

**Draft National Land Policy** - if a draft National Land Policy comes to the point of finalisation and implementation it could provide the Coalition government with an opportunity to demonstrate its ability to act on commitments of reform and to do so in a manner that is attuned to the sensitivities of the issue. Drafting and implementation should therefore been seen as an opportunity to conduct reform free from political interference and in a conflict-sensitive manner. Furthermore, as Otieno et al. point out, any successful policy will have to include 'a special mechanism for addressing historical injustices and the decentralisation of the powers from the Presidency to the National Land Commission'.

**Diversity within the military** - the military, despite its multi-ethnic nature, has managed to remain relatively natural throughout the recent post-election violence. Its impartiality should not be taken for granted, but recognised as an indicator of the potential for cohesive, multi-ethnic structures that can exist on a national level within Kenya.

**2012 elections and the electoral process** - presuming Kenya remains under Coalition government until the 2012 elections, when they do arrive it is highly likely that gerrymandering and incitement to violence will result in repeated scenes of conflict. That is, unless significant progress and change is made regarding the electoral process. Significant improvements will be needed in order to validate the election counting and avoid the potential for vote rigging (that was present in the 2007 election, triggering the violent clashes of 2008). One possibility is to ensure the collection and tallying of votes is conducted with the oversight of a regional or international body. Announcing the results of the 2012 elections with full confidence in the electoral process from the majority of Kenyans would provide a significant step forward in restoring the credibility of the democratic process.

**Kriegler report** - as part of Agenda item 4, the Kriegler report provides

another opportunity from which the electoral process can be enhanced and made more accountable and transparent for future (possible 2012) political competitions.

**Military** - for many, the military provided a key role in the stabilisation of the country following the post-election violence of 2008 and continues to represent a source of stability for the nation[154]. Moreover, given its multi-ethnic nature it represents a good example of how security provision (namely the police) could be provided in a non ethnically divided manner.

**Disarmament, Demobilisation and Reintegration (DDR)** - Agenda I of the peace agreement committed to demobilise militia and non-state armed actors. If conducted effectively, DDR could provide a starting block from which militia groups are fully disbanded, arms prevalence reduced and reintegration and reconciliation between communities established. In order to break the cycle of attacks and revenge attacks that characterises much of Kenya's conflict in pastoral communities, DDR is fundamental to halting the present conception that arming (in the absence of adequate security provision) is the way forward. Moreover effective DDR would provide a means to re-adjust the balance of power currently prevailing in rural and urban communities; no longer would the gun represent authority, but building trust on the basis of effective reintegration programmes would pave the way for re-establishing government security services as the rightful owners of the legitimate use of violence.

**Reintegration of ex-security personnel** - former security agents need to be targeted specifically and provided with retirement or redundancy packages, along with some form of post-service reintegration programme to break the prevalence of ex-security personnel participating in training activities of militia or becoming new recruits themselves. Without this, they continue to be potential spoilers to future stability and peace building.

## 2.2.3 Local Level

**Traditional conflict resolution mechanisms** - support to traditional conflict resolution and peacemaking mechanisms (in areas such as ASAL where there is historical evidence of traditional structures mediating peace treaties) holds amble potential for positive change, if adequately supported. In the short and longer term, the use of traditional mediation for addressing agro-pastoral conflicts provides an alternative to formal solutions. Learning from the experience of informal approaches in the North Rift also provides opportunity to understand how security and governance can be implemented in a manner that is respected by local communities[155]. Linking these traditional mechanisms to formal institutions would provide a means for the continuation of mechanisms of stability on a longer-term basis.

**Religion** - where religion plays a significant role in the lives of communities (as Christianity does in the RVP and Mt Elgon region or Islam in the coastal areas), religious leaders should be supported to become ambassadors for peace, promoting multiculturalism and trust-building between different groups[156].

**Environmental adaptation** - early warning systems tracking changes in climatic activity, both on the short and longer term could provide the necessary information to enable communities to identify and negotiate the access and distribution of natural resources such as water points. If environmental shocks such as droughts and flooding can be predicted in advance, the risk of unanticipated movements of people and cattle can be reduced and solutions identified in good time.

**Water provision** - the design, implementation and management of water sites can be managed in a positive and effective way if a conflict sensitive approach is adopted. As witnessed in neighbouring countries

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[154] Otieno et al.

[155] Otieno at al.
[156] Otieno et al.

such as Uganda, the promotion of conflict sensitive approaches to development within district and national water offices provides a means to ensure that water points do not ignite new conflict but proactively work to decrease the presence of conflict already existing within a community[157].

**Return of IDPs -** if managed sensitively, the design and implementation of re-settlement and return programmes could provide an opportunity to engage ethnically diverse groups of people in broader conflict management and peace building activities. As yet the level of conflict sensitivity infused into IDP return programmes is lacking, but with the volume of people still displaced at figures higher than initially expected, their remains a considerable potential to improve the situation on a longer-term basis.

**Grass-roots activism -** the level of civil coordination that was demonstrated by the protests to the early 2008 violence illustrate that, if harnessed for non-violent peace building agenda, there is a strong sense of civic voice that has a valuable role to play in holding government to account and becoming part of a wider active and vibrant civil society.

**Kenyan youth -** although typically classified as a threat to stability, Kenya's youth have the potential to become an important pressure group for change. Youth have the potential to unite across ethnic divides, for example on the basis of class or poverty, aided by their collective skills in communication, technology and being comparatively well educated[158]. Building on existing sporting activities being implemented at local level is one way to bring youth from different ethnic groups together.

**Decentralisation -** decentralisation remains a highly contentious political issue. Whilst it cannot be assumed that local politicians

would engage in politics for purposes distinct from national politicians (i.e. personal gain), decentralisation would provide an opportunity to demonstrate change from below and provide opportunities to increase state legitimacy starting from the local level. While often regarded as a long-term objective, actors such as Norad suggest focusing on state-society relations at the local level as a short-term goal is equally valid, and necessary. Promoting reconciliation at the local level it is anticipated would not only facilitate joint decision-making across ethnic divisions but pave the way for peace and conflict prevention in the run up to the 2012 elections.[159]

All level civil society initiatives, district level peace committees and the TJRC at a national level should be supported and encouraged.

Representative bodies such as the Kenya National Union of Teachers (KNUT) or farmers associations with their broad membership could provide avenues to increase public interaction with authorities and seek to influence decision-making processes.

**Media for peace, not propaganda -** while stations known to incite violence through ethnic propaganda (such as Kass FM in RVP) remain closely watched, scope remains to work with local and national media to challenge and modify the extent and frequency of ethnic stereotyping that is circulated. Learning from organisations working in conflict-affected regions (such as Northern Uganda) initiatives to make the media more responsible in the content and style of their reporting could have significant impacts in making reporting more conflict-sensitive. If achieved, the media could provide an important tool for publicising civil voice and holding government to account, in the form of a political oversight role[160].

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[157] *Saferworld 'Water and Conflict. Making water delivery conflict-sensitive in Uganda' (2008).*
[158] *Norad, 2009.*

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[159] *Norad, 2009.*
[160] *Otieno et al.*

Addressing the multitude of conflicts that have been highlighted throughout this analysis demonstrates the complexity of seeking to create peace and stability within Kenya. One thing is for certain - only through a combination of initiatives ranging in scope, longevity and scale in a well-coordinated manner encompassed within a willing institutional framework, can conflict prevention and peace building become effective.

# 3.0 Conflict Actors

Outlined below are actors involved in the current conflicts within Kenya. It has not been possible to create an exhaustive list; therefore this should be used purely as a *starting point* from which further actors can be added. In particular, participants should seek to bolster this information with details on ethnic groupings, government ministries, security providers and non-state armed groups.

## 3.1 Political Actors

### The Executive Government

This includes the police, treasury, military, civil service, judiciary and other units. The executive is collectively a powerful key decision-maker, but highly ethnically divided suffering from a lack of transparency and high levels of corruption (unaided by a law allowing civil servants to bid for government tenders). Conflicts frequently arise internally from disputes over the allocation and disbursement of national resources (World Vision, 2008)

### Party of National Unity (PNU)

World Vision (2008) and Otieno et al. (2009) explained that PNU was formed from a coalition of parties by Mwai Kibaki prior to the December 2007 elections, the PNU entered into an alliance with ODM-K following the post-election violence. With an ethnically strong following amongst the Kikuyu, PNU supporters include community groups, militia and various affiliate parties. With the intention of maintaining the status quo, the PNU sought to maintain power in the position of the President. Perceived as elitist and politically centrist its support comes predominantly from the Central and upper Eastern provinces. Its ethnically-rooted support base includes: Kikuyu, Embu, Meru from the Central and Eastern Province, Nairobi Area, Coast Province and RVP (from migration).

### Orange Democratic Movement (ODM)

Formed in late 2005 the party takes its name from the victorious 'no' campaign in the referendum of 2005. The party seems to appeal to the poor, given its reform agenda of tackling the perceived power interests of the dominant Kikuyu majority. The rivalry between PNU and ODM climaxed following the 2007 elections in the form of overt violence after the announcement of the disputed result. ODM are regarded as having a somewhat suspicious relationship with the business community, however international relationships have been harmonious following the break up of ODM-K. Since the signing of the peace accord growing competition between members has become more prevalent owing to the desire to gain positions within the Coalition government. Its ethnically-rooted support base include: Luo, Luhya, Kalenjin from Nyanza, Western Provinces, major urban centres and RVP. Also within coastal Muslims and North Eastern Province (World Vision, 2009 and Otieno et al., 2009).

### Local Government

Three categories of local government exist in Kenya, county councils, municipal councils and town councils. Members of the councils are predominantly elected during the general election. County councils are local authorities existing in rural areas within district administrative boundaries. Their main functions are to provide regulatory services, planning business and the provision of services through representation in the various district organs. Town councils have less civil and administrative facilities and are small local authorities covering less physical structures and lower numbers of the population. Municipal councils are the urban local authorities, most of which evolved as townships started during the colonial period for administrative and commercial purposes (Norad, 2009).

## 3.2 Security Actors

### National Security Intelligence Service (NSIS)

The NSIS is mandated to 'identify threats against the security of Kenya, collect and analyze intelligence on these threats, and advise the Government accordingly through intelligence reports'. It is not part of the Kenyan Police Force but is an independent civilian Government agency concerned with protecting national security.[161]

### The Police

Kenya's police service is made up of the Administration Police and the National Kenya Police. Together they oversee the enforcement of law and order within Kenya's borders. A number of special branches also exist, including the criminal investigations department, anti-stock theft, maritime police unit and the police air wing.

Most recently the Kenyan Police have been called into question over their alleged involvement in a series of 'death squads' - with evidence suggesting that the police have systematically and brutally killed suspects on a regular, and increasing, basis. The severity of the issue is reflected in the UN Investigators reports recommending that the Kenyan Police Commissioner and Attorney General be removed from post.[162]

### Private Security Services

The expansion of private security services in Kenya stemmed from the inability of the public security services to deal with the expansion of criminal activity, or provide adequate security, to international elite and businesses throughout the 1990s. Kenya's private security sector has

been one of the fastest growing sectors in the economy, with services based predominantly out of Nairobi. The exact number of companies operating in Kenya is unknown; estimates vary from 4000-2000. Most of the companies provide guarding and security-related technology to businesses, aid organisations and international government offices. A draft Bill to regulate the sector exists, but has not yet gone to Parliament. As a result there are no formal requirements for guard training and vetting. One of the main challenges facing the sector is the need to develop a more formal relationship with the police, as a means to act as a 'force multiplier' and increase security across society (Global Facilitation Network for Security Sector Reform, 2005).

## 3.3 Development and Civil Society Actors

### International Community

The international community is comprised of donors, global organisations (including the UN), regional institutions (African Union, European Community) and governments of different countries. Prior to the 2008 post-election violence the international community has regarded Kenya as a haven of peace within the continent. The active involvement of the international community in ceasing the violence of early 2008, specifically the Annan mediation team, demonstrates the willingness of external actors to participate in ensuring Kenya remains stable. Despite being motivated by differing interests, the UN, international community and business community have been vocal in wanting to see a halt to ethnic violence and have been actively pressurising key political actors within Kenya for a return to normalcy. The international community has good relations with the media, civil society, and business community and with ODM. Their relationship with PNU was somewhat strained by

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[161] See http://www.nsis.go.ke/faqs.php
[162] See http://news.bbc.co.uk/1/hi/world/africa/7909523.stm

the recent turn of events; however a common objective now exists - to support the Coalition government (World Vision, 2008).

## Business Community

The business is inherently linked to national politics; the government award contracts to supportive business elite, in turn businesses influence politics by funding political parties. Corruption between government officials and business elite ensures that applications are approved and awards granted. The business community are resourceful, well-organised and internationally connected. Internally relationships are characterised by competition and building alliances for the purposes of personal financial gain (World Vision, 2008).

## Civil Society

The political affiliation of civil society groups within Kenya varies; whilst some attempt to remain neutral others actively support the PNU or ODM. With an interest in promoting human rights, protection of the environment, equitable distribution of resources and reconciliation, civil society organisations have become more vibrant since the repeal of Section 2A of the constitution in 1991. With influential links to the international community and both local and national media, organisations play an important role in holding the government to account and acting as a pressure group for reform (World Vision, 2008).

## Media

The ownership of the media by prominent members of the business community has influenced the way events, news and reporting occurs - often aligning with certain political parties or ethnic groups. The media were particularly vocal in the run up to the 2007 elections and reports suggest high levels of violence were a direct result of incitement from local radio stations, who rallied support for particular causes. New regulations such as the recent amendments to the Communications Act

have seen an increase in control of media institutions by the government (Otieno et al., 2009 and World Vision, 2008).

## 3.4 Non-state armed groups

### Non-State Armed Groups

Wheeler (2009) detailed the various non-state armed groups present within Kenya and identified 6 broad classifications each with a particular regional focus (outlined below). Four non-state armed groups are then described in further detail: Mungiki, SLDF, Kalenjn and the Taliban.

- *Political militias* - Nairobi, Coast Province, RVP. Concentrated in multi-ethnic constituencies where election results hold higher degree of contention.

- *Traditional warrior militias* - ASAL, pastoralist areas.

- *Urban vigilantes* - Across the country, focused in urban areas including service-marginalised parts of Nairobi.

- *Criminal organisations* - Across the country, focused in urban areas.

- *New vigilantes* - Across the country, including Central Province and parts of the RVP.

*Source: Wheeler (2009)*

### Mungiki

The Mungiki is a pseudo-political criminal gang, responsible for inter-ethnic clashes during the post-election violence. They are also believed to be responsible for violence in Molo, Nakuru, parts of Rongai and Nyahururu and Laikipia West districts. Although the group was disbanded in mid-2007 they have since regrouped and are continually

active in inciting violence. Mungiki operate in the RVP, Nakuru, Naivasha, Central Kenya and are well entrenched in the Nairobi slums.

Although the groups initial aims included 'liberation' of Kikuyu from Moi oppression significant changes have taken place causing a lack of coherence regarding their overall objective in today's society. In Naivasha the sect is promoting female circumcision and using terror tactics including reminiscing of beheading of defectors in 2007 as a deterrent. Their arsenal includes a rapidly accumulating collection of weapons including guns.

The group have a history of receiving political contracts from parliamentarians from central Kenya who find cooperation with Mungiki useful for political mobilisation. More recently, they receive support from Nairobi city politicians, defeated PNU candidates and former parliamentarians. The group also has connections with local police and authorities (causing the release from prison of Mungiki convicts) and has increasingly been demanding funds from the Kikuyu middle-class (ICG, 2008).

## Kalenjin

The Kalenjin warriors are comprised of Kalenjin youths, particularly from the Nandi and Kipsigis communities. The violence they inflict is generally incited by local elders however suggestions of a well-orchestrated campaign should be treated with caution. Conducting operations in the North Rift, the group are responsible for much of the post-election violence in and around Eldoret.

## Sabaot Land Defence Force (SLDF)

The SLDF were responsible for mass displacement during the post-election violence, predominantly in the Mt Elgon region. Waging campaigns against so-called non-indigenous tribes, the SLDF believe the region belongs to them and aim to take control of Trans Nzoia (agriculturally important area) from Western Province and annex it to the RVP. The SLDF are also allegedly arming and training Kalenjin warriors (ICG, 2008).

## Taliban

The Taliban are predominantly a group who levy protection and other fees and charges from urban transport systems. They predominantly operate in Mathare, Huruma, Kariobangi and Baba Dogo slums in the east of Nairobi. Originally a self-defence vigilance force, the group was once outlawed but is still operating (ICG, 2008).

# 4.0 Gaps in Desk Research

This conflict analysis was compiled through desk-based research. Based on literature that was the basis of the desk research, it concentrates (perhaps overconcentrates) geographically on the Rift Valley Province and thematically on post-election violence. Whilst undoubtedly some of most intense sites of violence on a national scale that Kenya has witnessed in recent years, any thorough conflict analysis must take into consideration other sites and causes of conflict, and most importantly, the linkages between each geographical and thematic area.

The above limitations constrain the analysis from fully incorporating conflict associated with north-eastern regions of the country (specifically relating to Somali militia and their connections with SALW proliferation), coastal areas (including issues of Muslim radicalisation) and the Migingo island dispute (as part of a broader set of cross-border issues

with Uganda).

There is also much scope to further investigate the role of non-state armed groups operating within Kenya (some with international linkages). With an increasing role in generating violent conflicts, as Wheeler[163] concurs, our understanding of these actors remains somewhat limited. The methodological constraints notwithstanding, further research is needed into how these actors become conflict-inducing and their relation to Kenya's politico-economic arena.

With regards to the current political context, although analyses do exist on the progress of the KNDR at national level[164], local level monitoring needs to be undertaken to make accurate and informed assessments of its likely impact on conflict dynamics.

Finally, this desk research report relied on analyses that were equally desk-based. As such, the Consortium's field-based conflict analysis sought to address this gap. The field research utilised participatory research methods that have helped provide more insight into the local conflict dynamics.

The remainder of this report therefore captures primary information on conflicts in seven of the country's eight provinces.

[163] Wheeler, 2009.
[164] For example, see South Consulting, 2009.

# Part II: Field Research Findings

# Introduction

Coast province borders Eastern and Rift Valley provinces on the West, North Eastern province on the north and the neighbouring country Tanzania on the South. It is adjacent to the Indian Ocean to the east and is just next to Somalia along the coastline – a factor that has geopolitical significance in the global war on terror.

The province is divided into seven districts namely; Malindi, Kilifi, Taita Taveta, Tana River, Kwale and Lamu. The province covers a total area of 82816 sq. km. 31% of this land is arable and suitable for agricultural production whereas the rest (69%) is classified as arid and semi arid (ASAL) ideal for livestock production.

The main ethnic groups are the Mijikenda comprised of nine culturally and linguistically interrelated sub-groups among them the Rabai, Chonyi, Giriama, Mjibana, Kauma, Kambe, Digo and Duruma. Most of them profess the Christian faith save for the Digo who are mainly Muslims.

This analysis relies on the Wenje (in Tana River District) focus group discussion as the primary data, while relevant secondary literature has been utilised for enrichment.

FGD in Wenje during the conflict analysis



A participant mapping actors relationship in Wenje
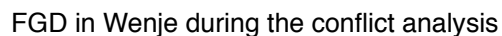
# Structural Causes of Conflict

Coast province has experienced violent politically motivated conflicts with every general election since the inception of multi party politics in 1991. But there are deep structural issues going back to the colonial times embedded within the fabric of the society that have fed coastal people's grievances over time. At the centre of these structural conflicts, which often escalate to violence, are issues pertaining to land, resources and political power.

The political dynamics notwithstanding, land at the Coast has been a thorny issue. Over the years there has been a significant migration of Kenyan citizens from upcountry regions drawn to the Coast in search of better economic prospects. This has had a profound bearing on the socio-economic and political relations within the Province. The indigenous communities perceive migrant communities especially the Luo, Kikuyu, Kamba and other upcountry people as outsiders.

Indigenous communities residing at the Coast have consistently complained of exclusion from the hinterland and exploitation of their resources without reward. The persistent claims and allegations of exploitation and exclusion are blamed on the non-indigenous communities commonly referred to in the Province as *wabara*. Since the re-introduction of multi-party politics in 1991, the politics in the region has become polarized along tribal lines and politicians have exploited the existing latent inter-ethnic animosity to intimidate perceived out-group communities giving rise to violence against other communities along partisan lines.

Specific root causes of the conflict identified in the assessment exercise are discussed in more detail in the following sections.

## 1. Poor leadership and poverty

The socio-economic predicament of the Coastal people is partly a result of unsatisfactory management of the province's resources. According to respondents, the leadership has been marked by corruption, individualistic pursuits, favouritism and crowned by authoritarian tendencies where people have not had a voice in matters affecting them. Besides poor policies, and overwhelming ignorance by majority of the Coastal population on their rights, the constitution has not been friendly in terms of addressing some of their most pressing rights, for instance land rights.

Political leaders are viewed with suspicion by their communities and considered direct and indirect sources of conflict in the region. They were accused of having allegedly incited and pitted groups against each other in the past. The leaders are also seen to have failed to effectively address development challenges that have been major structural causes of conflicts. The leaders have for a long time exposed their people to vulnerabilities of socio-economic calamities.

The Coast is characterized by high levels of poverty that takes the form of poor road and communication infrastructure, lack of clean water, lack of good health facilities and lack of proper education. The collapse of local industries and the exploitation of natural resources by multinational companies with little benefits trickling to the local communities have further complicated the high poverty incidences. In fact, salt companies in the region are accused of systematically displacing communities from their land as they seek more space for salt harvesting. This has often caused major confrontations between the salt company owners and local communities.

Most communities involved in land and housing rights struggles are poor. They lack the capacity required to set off the process of litigation

arising from their struggle against violation of rights. The high level of inflation has seen the rise in cost of basic commodities and services. Desperation has driven a section of the local population to seek solace in witchcraft in order to find redress for some of the prevailing social and economic problems – this is a reason, observed respondents, coastal communities are sometimes stereotyped as superstitious.

## 2. The land question

Compounding the problem of poverty in the region is the fact that after independence large tracts of land were leased out to investors at very low rates. Moreover, There has been a misunderstanding about the concept of "willing buyer willing seller," brought about by lack of information on one hand, and the tradition amongst some of the coastal communities that they do not strictly sell land. This means that if land was sold in the past it was by coercion or driven purely by need and desperation.

The squatter problem notwithstanding, the government has also not been impressive in the issuance of title deeds to the local landless communities. There has been a long running lack of political goodwill to confront and address land issues (although the current political reforms including the efforts to have a new constitution and a National Land Policy are useful indicators of government willingness to address policy gaps in relation to land distribution and management). A large portion of the province is classified as ASAL, a factor that has led to food insecurity since the little land accessible to the local populace is barely fertile enough to produce food enough to sustain them.

Among the various faces of the land question at the Coast is the issue of unresolved boundary problems. Communities surrounding Tana River (Coast Province) have for instance had boundary disputes with communities in Ijara (North Eastern Province). Communities in North Eastern Province (especially Garissa and Ijara districts) challenge the existing official boundary, which stipulates that their province ends three miles from the River Tana. This has resulted in feelings of marginalization among the nomadic North-Eastern communities who have now also staked a claim to the river (they want the river to be the boundary separating the two provinces). This has culminated into long running tensions between the Coastal and North Eastern Province communities. Unless well handled, this can heighten tensions to levels of erupting into large scale physical violence.

## 3. Conflicts over land-use, pasture and water

Among the predominant factors leading to conflict and insecurity in the region include pastoralists' and farming communities' conflict over scarce natural resources. Where pastoralist and sedentary communities live proximate to each other (e.g. Wenje and Bura), the two have conflicts over land utility. While the sedentary groups (e.g. Pokomo) farm, the pastoralist groups (e.g. Orma) find this to be minimizing pasture land, and sometimes let their livestock stray into farmers' plantations. Worse still, aridity in parts of Coast and North Eastern Provinces has meant that pastoral communities regularly move in search for grazing land and water for their livestock.

Further, River Tana has been at the centre of the conflict between the Pokomo (sedentary) and Orma (pastoralist) communities. The Pokomo have set up farms all along the riverbanks cutting off access to the river by Orma herdsmen, or leaving small pathways to the river that sometimes means livestock trampling and grazing on crops on the way to the water source.

Clearly, traditional and cultural practices have bred resentment between the two groups. This has led to perennial confrontations between the two groups that sometimes turns tragic and heightens insecurity.

## 4. Negative ethnicity

Relations between indigenous Coastal communities and migrant upcountry communities have for long been strained. The Coastal people (Wapwani) are wary of people considered originally from other parts of the country but reside in Coast province (Wabara), more specifically communities from Central province. Native coastal communities have persistently complained of exclusion through what they perceive as migrant communities' exploitation of their resources. People from "bara" (the hinterland) are accused of acquiring title deeds for lands originally belonging to the Coastal people who have in turn become squatters on their own land.

The politicians on another level have capitalized on these divisions to further stoke resentment between different groups and intimidate migrant communities. In the run-up to elections, politicians have been known to use inflammatory statements to pit communities against each other. During the 1992 and 1997 general elections, politicians are reported to have backed armed gangs that attacked migrant communities in the province.[165]

Just as is the case in other parts of the country, stereotypes have also gone a long way to shape the Coastal communities' perceptions about other groups. This has led to inter-ethnic stereotyping that has only served to generate suspicion and resentment between different groups while eventually fuelling violence in the region.

## 5. Banditry and Small Arms

The government has been accused of laxity with regard to ensuring personal security in the region. The government is accused of not doing enough to curb the problem of banditry and its attendant small arms menace in sections of Coast province. Bandits (shifta) have reportedly roamed freely in poorly policed swathes of the region. This has caused tension and fear within local communities while further protracting the already polarized conflict.

More concerning is the recent recovery of a cache of arms in the Indian Ocean. The arms were suspected to have been abandoned by Somali pirates that were reportedly arrested along the Somali coastline.[166]

## 6. Religion

The war against terror is an issue that has put the larger Muslim community and the government at loggerheads. Muslims have claimed that the Kenyan government's support of the US-led war on terror is specifically targeted at members of the Muslim community. The Kenyan government is reported to have deported its own citizens (to neighbouring countries) who it alleged to be terrorists linked to Al-Qaeda. This has in the past caused some ripples within the Muslim Coastal communities as relatives of the alleged terrorists came out to prove their kinship while claiming human rights violations by the state.

Secondly, there has been some level of inter-religious rivalry as well in the region. Mosque and church structures have borne the brunt of violent retaliatory attacks by both Christian and Muslim religious

[165] See Republic of Kenya, Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and other Parts of Kenya, Nairobi: Government Printers, September 1992 (also referred to as the Kiliku report), and Republic of Kenya, Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya, Nairobi: Government Printers, July 1999 (also called the Akiwumi report)

166 See "Alarm as Arms Cache Fished out of Sea" in Daily Nation, 19 May 2010 (Online: http://allafrica.com/stories/201005191205.html) Accessed May 30th 2010.

groups. This has induced fear and caused strained relations between the two groups and emphasized the need for inter-religious tolerance. The current national debate on the proposed constitution (ahead of the August 4th 2010 national referendum) threatens the deepen the mistrust between the two groups (over the Christian's opposition to the inclusion of the Kadhi's courts in the constitution).

There seems to be a lack of understanding of different religions. Christians for example have been thought of as linking the Islamic religion with violence. The Islamic religion has therefore over time apparently lost its respect within the Christian community. Some of these misperceptions and attitudes have been generated by perceived negative media publicity and government's actions against Muslims. Other religions have therefore to some extent been reluctant to go out of their way to understand Islam.

Thirdly, the government has in some instances been seen to exercise favouritism when it comes to its treatment of Christian and Muslims on matters pertaining citizenship. While Christians have enjoyed the opportunity to process their passports with ease, the government has on the other hand applied a more rigorous process of scrutiny of Muslims. The government has often demanded more documents for proof of citizenship from the Muslim fraternity as compared to their Christian counterparts.

Fourthly, the practice of both religion and tradition has often put the government and sometimes the community on one hand and various religious groups on the other on a collision course. Some adherents of both Islam and Christianity still follow traditional practices. The issue of witchcraft, considered as criminal by law has for example been a source of conflict. Witchcraft is understood by some as an attempt to steal from,

trick or even harm others. Government agents (chiefs and police) have at times arrested local witchdoctors much to the chagrin of a section of the local communities they serve. The community has also on the other hand taken law into their own hands by lynching traditionalists thought to be bewitching community members.

There is also a feeling among a cross-section of the Coastal community that by virtue of being predominantly Muslim, the government has done very little to develop the region. From this perspective, there is discrimination against Muslims, which has resulted in greater incidence of poverty among Muslims than other religious groups. The lack of development has by extension resulted into lack of jobs that has forced many a youth to turn to other societal ills like prostitution and drug abuse. But it is necessary to re-emphasize the sensitivity of inter-religious relations in the province.

# Table 1: Analysis of Root Causes of Conflict-Wenje(Coast province)

| Core Problem | Root Causes | Effects |
|---|---|---|
| Poor leadership | Corruption<br>Tribalism<br>Individualism<br>Favouritism<br>Authoritarianism<br>Traditions<br>Witchcraft<br>Bad constitution<br>Ignorance<br>Bad policies<br>Religion | Under-development<br>Poor road network<br>Lack of clean water<br>Lack of good health facilities<br>Lack of good education (facilities)<br>Violations of women's and children's rights and other abuses<br>Poverty<br>Inflation<br>Economic hardships |
| Land (lack of title deeds, squatter problem etc) | Lack of political goodwill<br>Historical injustices<br>Poor leadership<br>Traditional beliefs<br>Poor education and ignorance<br>Poor policies<br>Poverty | Lack of development (no permanent structures)<br>Food insecurity<br>Squatter problem<br>Health problems<br>Poverty<br>Lack of collateral for loans<br>Land grabbing<br>Conflicts |
| Unresolved boundary problem (Coast & NEP) | Political incitement<br>Clashes over land/ territory, water & pasture<br>Tribalism<br>Corruption | Violent conflicts<br>Deaths<br>Poor education<br>Insecurity<br>Human rights violations<br>Destruction of property |
| Conflicts over pasture and water | Drought<br>Traditions and culture (e.g. many cattle are symbol of wealth)<br>Individualism<br>Lack of knowledge on best livestock management practices | Economic decline<br>Deaths & sickness<br>Violence<br>Destruction of property<br>Hatred<br>Insecurity<br>Hunger<br>Lack of education |

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| Negative Ethnicity | Divisive politics | Favouritism & hatred |
| --- | --- | --- |
| | Bad leadership | Bad leadership |
| | Stereotyping | Breakdown of inter-group communication |
| | Colonial policies | Violence |
| | Bad traditions and culture | Division |
| | Scarcity of resources | Poverty |
| | Bad policies | Hunger |
| | Bad government | Corruption |
| Religion (intolerance & conflict) | Lack of understanding of other religions | Violence |
| | Bad leadership | Human rights violations |
| | Equating /mixing religion to/with traditions | Deaths |
| | Inter-religious rivalry | Lack of jobs |
| | Disrespecting other religions | Lack of development |
| | Favouritism | Corrupting people's faiths |



| Conflict Tree (Wenje situation) | Scenario analysis put forward by the community in wenje | Proposed solution to the identified problems |
| --- | --- | --- |

# Key Actors

## Tana River County Council/Coastal (Wenje) Community

The Wenje community practices farming, fishing, business, and are partly pastoralists. The Tana River County Council and the Wenje Community are locked in a protracted conflict over land. Whereas the local authority is seeking more land to plant a new jatropha plant species (that is also good for bio fuels) and conserve wildlife, the community accuses them of seeking to displace and dispossess them of their land. In addition, the community does not enjoy good relations with Kenya Wildlife Service (KWS), which is viewed as an ally of the Tana River County Council. There are fears that, in their efforts to conserve wildlife, KWS could end up displacing families from their land.

## Non-indigenous Coastal Communities

The Coastal people *(Wapwani)* are wary of migrant communities from the hinterland and are resident in Coast province *(Wabara)*, and more specifically those from Central province. The Wabara are accused of acquiring title deeds for land originally belonging to the Coastal people who have in turn become squatters in their own land. The two groups (wapwani and wabara) have unflattering stereotypes of each other that only serve to cement in-group and out-group images (e.g. "lazy wapwani" and "thieving Kikuyu").

## Ijara/North Eastern Province Community

Tana River and by extension the Coastal communities have an administrative boundary dispute with Ijara District in North Eastern Province. Communities in North Eastern Province especially in Garissa and Ijara Districts have challenged the official boundary, which stipulates that their province ends three miles away from the River Tana. As a result, the nomadic North eastern communities have felt marginalized from accessing the river. The North Easterners' claims to the river have fuelled tensions between the two communities (resident on either side of the river).

## GASA Elders

GASA elders are traditional leaders who the local community describe as authorities and guardians of communal traditions and therefore command respect. But the Pokomo youth have challenged the Pokomo Elders Council (known as GASA) over land issues. The GASA has traditional authority over forests in Tana River but the youth want increased say over land ownership and utility.

## Pokomo Youth

Pokomo youth have been described as educated and youthful. They are also at the centre of protecting the community's political and economic interests. In their clamour for empowerment, they have gone against the traditional norms about respecting elders. They have openly challenged the GASA elders over land ownership and utility.

## Politicians

Politicians are viewed in negative light by the local community. They are perceived as divisive and individualistic liars who believe in witchcraft and do not involve the community in important decisions revolving around land. They are believed to directly and indirectly contribute to conflict through incitement. They have also been reported to have failed to address development challenges in the region. The irony though is that the region's elected representatives get their mandate from the electorate (community members).

## Table 2: Actor Analysis –Wenje (Coast Province)

| Actor | Characteristics | Interests | Needs | Resources |
|---|---|---|---|---|
| Pokomo | Farmers<br>Fishermen<br>Weavers<br>Businesspeople<br>Keep livestock<br>Have educated people<br>Generous<br>Peaceful<br>Religious | To live in peace<br>Food security<br>Better education<br>Improved living standards<br>Land ownership<br>Conservation of wildlife<br>To have economic independence/empowerment<br>i.e. peace, political & economic interests | Farming and fishing implements<br>Good leadership<br>Land<br>Good education<br>Better roads<br>Developed market centres<br>Better service delivery (Water, health care, security) | Land<br>Numbers (they are one of the major groups in the area)<br>Wildlife<br>An educated elite<br>Plants<br>Water (River Tana and small lakes)<br>Forest |
| Orma and Wardei | Pastoralists<br>Nomads<br>"Bandits"<br>Practice FGM<br>"Hostile"<br>Farmers | Economic prosperity & independence<br>Pastoralism<br>Good business<br>Freedom<br>i.e. political & economic interests | Good health care<br>Security<br>Pasture<br>Water<br>Education<br>Land<br>Cattle dips & veterinary services<br>Better roads<br>Healthy livestock | Cattle<br>Guns<br>Water (river)<br>Land<br>Hides<br>Dairy products (e.g. ghee & milk) |
| Somali | Pastoralists<br>Nomads<br>Businesspeople<br>Hardworking<br>Bandits | Well-being of their livestock<br>Business/ economic interests | Adequate pasture and water<br>Better living standards<br>Good health care<br>Security<br>Education<br>Land<br>Cattle dips & veterinary services<br>Better roads | Livestock<br>Small arms & light weapons<br>Water (river)<br>Land |

| | | | | |
|---|---|---|---|---|
| Tana River District/Coastal (Wenje) Community | Farmers<br>Pastoralists<br>Fishermen<br>Businesspeople<br>Has educated people<br>Generous<br>"Lazy"<br>Lack title deeds | Maintain current district boundary (3 miles past the river)<br>Better leadership<br>Land ownership rights<br>Protecting their resources<br>Better living standards<br>Development<br>Educate their children<br>i.e. political & economic interests | Food security<br>Adequate land for plantation farming<br>Grazing land for livestock<br>Access to water points<br>Market centres for agricultural & livestock produce<br>Better education<br>Security<br>Better health care<br>Title deeds<br>Good infrastructure (roads, electricity) | Land<br>Plants<br>Livestock<br>Bee hives (and honey)<br>Water (river)<br>Many mango trees<br>Forests<br>Industries<br>Ocean<br>Tourism<br>Wildlife<br>Educated elite<br>Economic elite |
| Ijara/North Eastern Province Community | Pastoralists<br>Farmers<br>Businesspeople | Adjust boundary by 3miles to the river (let river be borderline)<br>i.e. political and economic interests | Adequate land for farming<br>Adequate pasture and water<br>Good business environment | Livestock<br>Dairy products (e.g. ghee & milk)<br>Hides |
| Tana River County Council | Legal & political power<br>Don't involve community in decisions on resource use<br>Corrupt | Protect natural resources<br>Land<br>i.e. economic interests | Good revenue base<br>Have investors | Human resource<br>Land<br>Revenue base |
| Kenya Wildlife Service | Are powerful<br>Want to conserve wildlife & plants<br>Skilled | Conserve wildlife & forests<br>Attract tourists<br>Arrest poachers<br>i.e. security and economic interests | Wildlife & forests<br>Water<br>Necessary resources for their work (money, vehicles, communication systems etc) | Specialized equipment<br>Skills |

| GASA Elders | Traditional leaders<br>Are capable<br>Farmers | Protecting communal land<br>Resolving local conflicts<br>i.e. social & economic interests | Better living standards | Land<br>Legitimacy |
|---|---|---|---|---|
| Pokomo Youth | Are educated<br>Youthful strength | Clamour for empowerment<br>Protecting community<br>i.e. political & economic interests | Better living standards | Education<br>Strength<br>Unity |
| Politicians | Divisive<br>Do not involve constituents in important decisions on land<br>Individualistic & liars<br>Belief in witchcraft | Political power and authority<br>Gain more wealth<br>Represent community<br>i.e. political & economic interests | Gain wealth<br>Be famous/ popular | Money<br>Cars/ mobility<br>Vast land<br>Huge houses<br>Power to implement decisions<br>Skilled<br>Persuasive power |

# Conflict Dynamics

Just like in other parts of Kenya, conflict and chronic insecurity at the Coast has been concentrated in certain areas. Some of these clashes are politically motivated while others are purely localised conflicts in which external political forces have had an incidental role. Much as the underlying causes of local conflict have been varied, some conflict drivers have appeared in regular patterns. Land issues and competition over pasture and water have been regular motifs that have sometimes been driven by ethnic tensions.

The social, political and economic dynamics of the conflicts are sometimes very complex and largely intertwined. These complex dynamics were for example observed in the 2007 general election when Coastal communities came together with a section of non-indigenous communities to support the dominant political party in the region. Yet these communities would not have come together at other times because of their different ethnic identities which inform some of the conflict dynamics.

As regards the land question, there has been some inconsistency when it comes to interpreting customary land rights based on hereditary and customary rights on one hand, and modern land rights based on purchase rights on the other hand. Good portions of the Coastal population are squatters (landless). Poor communities have in the past regrettably sold land parcels on a willing buyer willing seller basis only to reclaim it later. Land ownership including issues to do with absentee landlords and occupation by the upcountry settler communities has contributed to conflict in the region. The land conflicts do not remain isolated, but link up to other conflicts related to historical grievances and political power struggles.

Politicians have on another level have capitalized on these divisions to stoke resentment between different groups and intimidate migrant communities. In the run-up to elections, politicians have been known to use inflammatory statements to pit communities against each other. During the 1992 and 1997 general elections, politicians are reported to have backed armed gangs that attacked migrant communities in the region.

Lack of economic development especially in the ASAL areas has contributed to rising incidences of conflict over pasture and water. This is further compounded by the availability of small arms and light weapons that have accelerated conflict and given rise to other crimes for instance banditry. That climate change has adversely transformed the weather patterns has inevitably led to more frequent conflict over already very scarce resources.

## Scenario Analysis

Events in the larger national context will most possibly influence political, social and economic developments in the Coastal region. These include the establishment and operationalization of commissions such as the Interim Independent Boundaries Review Commission (IIBRC), the Truth Justice and Reconciliation Commission (TJRC) and the constitution making process.

The coastal community has always felt that the government has continually exploited their resources with very little being ploughed back to develop the region. This has been the basis for their clamour for a federal system of government (*majimbo*) in the past. The just promulgated constitution has introduced the system of devolved government based on counties.

The devolution system of government has been interpreted by many communities including sections of the Coast province to mean the utilization of resources by regional indigenous communities to the exclusion of migrant communities. With the new constitution in force, a key test would be how to manage the expectation that under a devolved system migrant communities will be required to go back to their areas of origin. This is an issue worth taking into account since non-indigenous communities have in the past been victims of violence. There is the risk that this section of the constitution could be used to justify the displacement of migrant communities to reclaim "lost land", an issue that has also been a source of conflict in the past. The government needs to ensure there is proper civic education and efforts towards encouraging peaceful coexistence.

Tied to the section of devolved governments in the new constitution is the sensitive issue of boundaries. The new constitution stipulates that the boundaries of a region may be altered while taking into account critical criteria set by the IIBRC. Considering that land issues have been a major source of conflict in the region, the alteration of boundaries may shift certain communities to regions they may not hitherto want. Some communities could also advocate for boundaries that conveniently separate them from communities perceived to be hostile. By extension, proposed future boundaries could be used to contain certain communities within their areas, for example farming and pastoral communities in the ASAL region. These are some of the murky waters that the IIBRC would need to muddle through and confront in a manner that is fair to all.

The Truth Justice and Reconciliation Commission faced its first challenge while on a tour to Mombasa to introduce its mandate and have preliminary hearings. Participants who had been invited to take part in the forum expressed lack of confidence in the Commission's

chair, Ambassador Bethuel Kiplagat. His and a section of other commissioners' credibility was put into question raising concerns yet again on the legitimacy of the commission and its potential to execute its mandate effectively. The arguments put forward by the participants revealed deep-seated memories of gross human rights violations both within and outside the region. Some of the participants stressed the need to abolish the Indemnity Act that granted amnesty to the perpetrators of the Shifta war. The perennial vilification of the TJRC as perpetuating impunity through reconciliation surfaced yet again in this sitting. If public participation and support of the TJRC is lacking right from the beginning, not much will happen in terms of reconciling different groups. Furthermore, if the twin concerns of the commission's credibility and the process of amnesty are not addressed, the status quo as concerns the co-existence of different communities may prevail but with the dire threat of a return to violence in future.

A lot of emphasis needs to be placed on building inter-community relationships. One possible avenue would be to confront and address some very complex issues such as the land question that the government has been dragging its feet on. The Ndung'u report on irregular land allocations recommendations are yet to see the light of day. There is need to address some of these salient issues at the macro level and develop effective policies that can then be implemented at the micro levels. A new constitutional dispensation may be a starting point if not the ultimate answer in the circumstances.

The new constitution addresses in detail issues pertaining to land in addition to providing a framework to address land grievances. The region has experienced violent conflict with every general election and there is still a window of opportunity for the government and its provincial structures to address and act to curb this nagging problem before the next election.

The local community has in the past and still continues to decry marginalization and lack of development in the region. The government has made some headway in terms of infrastructure development but more still needs to be done. Tourism, which is a major economic activity in the region, is slowly recovering from the aftermath of the 2007 post election violence. Communities have in the meantime continued to peacefully co-exist side by side. As has been the trend in the past, peaceful coexistence may not necessarily mean the return of true peace but the return to a latent state that could very easily be triggered into violence if some of the structural issues afflicting the region are not addressed.

Within the larger national political context, there have been major changes in the political landscape that have seen a realignment of some of the key leaders in the region. These shifts could determine the kind of relationships the people of this region will have not just with each other but more so with the migrant communities. So far it is not clear which direction the majority of the region's leaders will take but if focus is more on realignments then the leadership is missing the point. More focus should be directed towards development initiatives and bringing different communities together regardless of the prevailing political climate.

The best case scenario would be one where there is positive economic growth and wealth creation trickling down to the communities. Respondents also cited the respect for human rights that have in the recent past been violated with impunity in addition to employment creation that would have a multiplier effect in other aspects of life.

# Future Plans for Consortium Work

## Education

While children coming from agricultural communities have relatively good access to education, the same does not apply to children coming from arid and semi arid (ASAL) areas. Poor educational attainment has contributed to adoption of livelihood strategies that have failed to sustain the ASAL community in the long term. Education programmes should be targeted at providing these communities with alternative sources of livelihood that can substitute their livestock income. Schools strategically located between the boundaries of both agricultural and pastoral communities will go a long way in strengthening relationships between youngsters from both communities at an early age and mitigate the potential for violence. In order to provide a level playing field, there is need to ensure that schools have skilled teachers who can bring students to the same level as their counterparts in other regions.

## Water, Sanitation and Hygiene

Agricultural and pastoral communities have been in conflict over water on many occasions. Both communities need to be trained on ways to share and utilize available resources in a way that does not lead to conflict. In addition, drilling boreholes in the ASAL areas would minimize violent incidences arising from competition.

## Livelihoods and Food Security

One of the reasons there is conflict between the agricultural and pastoral communities is because the irrigation schemes that were previously there collapsed. These irrigation schemes should be revived or new ones started to cater for both agricultural and pastoral communities willing to take up farming as an economic activity. This will have a positive impact by improving the food security situation in the region.

Building more schools, health facilities and generally improving the conditions of public infrastructure will not only provide basic services but also diversify and create employment opportunities for local communities.

Robust veterinary services should be made available to the local pastoral communities. This will ensure the health of their livestock, reduce their mortality rate and plough in more returns arising from opportunity costs.

## Small Arms and Light Weapons (SALW)

Reliance on CEWARN reports and information sharing among different stakeholders on matters of security would improve response in conflict hotspots. Civil society operations need to be thoroughly grounded on regular conflict analysis in order for their development projects to respond effectively to the realities on the ground.

Civil society needs to advocate for disarmament of communities in possession of small and light weapons alongside government's stronger role in security provision. Disarmament should be a gradual process done simultaneously within all conflicting communities, but factors fuelling demand for small arms, such as insecurity (emanating from inter-community rivalry and laxity in government provided security) and porosity of international borders, should be addressed.

# North Eastern Province

## Introduction

North Eastern Province (NEP) is a semi-arid, sparsely populated and largely under-developed north-eastern region of Kenya bordering Somalia to the east and Ethiopia to the north.

The province, in addition to areas of Upper Eastern Province (Isiolo, Marsabit, and Moyale) formed the then colonial Northern Frontier District (NFD), which was the site of Somali irredentist armed struggle dubbed the Shifta War (1963 – 1967). Perhaps emphasizing the resolve of the Somali unification aspiration, NFD is one of the five points on the Somali star – the Republic's national emblem.[167]

Given this political history, and the ethno-religious similarities with Somalia, NEP's geopolitical significance in the Horn of Africa cannot be understated. It has remained regionally and internationally relevant to on-going security analysis of the ramifications of Somalia's state collapse. The province hosts over 300,000 Somali refugees[168], and has been the focus of increased Kenyan military surveillance with the sustained fighting across the border. Further, areas around the western and eastern parts of NEP are locked in boundary disputes with Eastern and Coast provinces respectively.

The province is almost exclusively Somali inhabited, and the main religion is Islam. On the economic front, it is one of the leading livestock production areas. However, in common parlance, development ends in Garissa – the provincial headquarters – given that past Garissa the area is utterly under-developed. While the marginalization of the province is rooted in the aftermath of the Shifta War – where the Kenya government subsequently ignored the region in development terms – this very factor (of being peripheral) equally informs conflicts in the province.

This field research covered two areas in NEP – Dadaab and Garissa – and shall be the fulcrum of this analysis.



*Members of the Isiolo community in FDG mapping conflict issues*

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[167] Lewis I.M., "The Problem of the Northern Frontier District of Kenya" in *Race & Class*, Vol.5, No.1, (London: Institute of Race Relations, 1960), p.48
[168] Online: http://www.unhcr.org/4b4c45a06.html (Accessed on March 1st 2010)

# Structural Causes of Conflict

From the outset, it is worth emphasizing the fact that while NEP is considered to have a high potential for violent conflict, it has had some recent extended period of peace, albeit unstable. NEP is however considered one of the areas with success stories in peace building and small arms interventions – with the success of District Peace Committees' interventions such as in Wajir.[169]

The question of resource utilisation and management alongside often sensitive inter-clan dynamics in an area with easy access to small arms are considered feeders of potential open conflict.

# 1. Resource Scarcity

While NEP is entirely arid and semi arid, its inhabitants are almost exclusively nomadic pastoralists in lifestyle and livelihood choice. Hence resource demands primarily relate to water, pasture and therefore land too.

## a. Water

Scarce water (for human and livestock consumption) heightens competition for this resource, and this struggle is often identity-based. While water scarcity is a root cause of conflicts, development of water sources (e.g. water pans & boreholes) and their management are often triggers for conflicts. Where a water point is developed in an area predominantly occupied by one clan, clan members insist on ownership and management rights for such a resource. In the event that a neighbouring group needs access to the same water source, identity-based rivalries are often heightened sparking bigger disputes. As such, inclusive water management committees are often set up to

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[169] The women led Wajir Peace and Development Committee pioneered bottom-up peace approaches in NEP.

mitigate problems relating to its use. But such structures are not free of identity-based concerns that inform wider societal interactions in the province.

## b. Pasture

An analysis of scarcity of pasture as a structural cause equally follows a similar thread of analysis as water. Settlement patterns in NEP are mostly clan determined, meaning therefore that clans lay historical territorial claims to different zones of NEP. Nomadic pastoralism therefore makes it imperative for herders to cross perceived clan territories into others' in search of pasture. Without prior notification of groups claiming ownership rights to the new grazing areas, disputes arise. But even with such notification, a negative response from the "owners" and/or defiance to such rejection heightens rivalry, especially in a context of drought.

## c. Administrative Boundaries

This brings in a third dimension to the resource issues – boundary disputes. Creation of new administrative units (e.g. districts) plays on identity politics and can feed conflict. As a matter of fact, at the provincial level, NEP is locked in boundary disputes with Eastern Province to the west and Coast to the east.

NEP's Garissa & Ijara contest for extension of the provincial boundary to the Tana River, arguing it is the most natural demarcation point and it would also grant them better access to the water source. But coastal communities resident in the area support the status quo.

In the west, Wajir authorities and residents are accused of creating locations in Eastern's Moyale. This is viewed as an expansionist move that has political undertones. If ignored it could spark a longer-running conflict.

### d. Firewood

In Dadaab, where the dominant group occupying the area is the refugee population, these immigrants' quest for fuel strains with the local community's environmental conservation interests. This has led agencies to grapple with questions of environmental friendly firewood exploitation, since refugees are locally viewed as agents of depletion of trees.

### e. Land

The refugee problem has elevated the importance of land in northern parts of the province. The humanitarian imperative to find more space for expansion of refugee camps (given their bulging population), has triggered strategic land acquisitions by political elites in areas around the camps. This has politicised land, and with that there is the danger of heightened refugee-host community conflicts as the immigrants are viewed as contributing to resource scarcity issues.

## 2. Refugee Problem (& Somali Instability)

The refugee problem in NEP is rooted in Somalia's instability. The two – the refugee phenomenon and Somalia's anarchy – have impacted on Kenya's internal dynamics. For instance, the late 2009 Al Shabaab charge to and take-over of Somalia's Dhobley close to the international border heightened fears that insecurity could spill over to Kenya.

Refugee issues on the other hand contribute to conflicts in the country in different ways. In the first place, by their very numbers, refugees are viewed as straining the already resource scarce NEP (with increased pressure on land).

But host community-refugee conflicts are also fed by feelings of exclusion from benefits of interventions among the hosts. The fact that humanitarian agencies, by their very mandate, focus on refugees in their work, has sowed seeds for demands for similar attention by Kenyans in Dadaab. This resulted in some agencies committing funds outside their mandate for projects with the host community, such as funds for schools development by CARE, and market construction by the International Organisation for Migration (IOM).

But refugees also have their own conflicts over resource use (e.g. firewood, accessing relief aid etc), which escalate.

## 3. Illicit Small Arms

NEP is considered a corridor for the illicit trafficking of small arms to other parts of the country. Given their contribution to violent conflicts and banditry, small arms are not only trigger factors in conflicts (e.g. where there is an inter-group arms race), they are also structural causes to insecurity manifested in the form of banditry and violent conflicts in pastoralist areas and urban crime and violence in urban areas (where such arms end up).

## 4. Cultural Values

The largely Somali NEP communities have aspirations for the government recognition of the Somali legal system (called *Maslaha*). Their hope that *Maslaha* be applied to all their cases including criminal cases has informed tensions between that system and the country's court system.

The communities in the province also practice female genital mutilation (FGM), which informs a socio-cultural conflict over the treatment of the girl child.

# Key Actors

## Refugees

The refugee population in NEP is big, outstripping the host community's numbers in areas like Dadaab. There are three main camps within a radius of 17km from Dadaab town – Ifo, Dagahaley and Hagadera camps.

The refugees are predominantly Somali – a testament to the extent of the long-running conflict in Somalia. But there are also some Ethiopian, Sudanese, Ugandans and Congolese refugees in the camps. According to UNHCR statistics, there are currently over 300,000 Somali refugees in Kenya as earlier noted.

The humanitarian imperative to provide refugee protection for persons displaced from war and accord them access to basic services including food, shelter, clothing, education and health facilities, has ironically been the feeder of conflict issues in NEP. Developing infrastructure for refugees' access to water in a marginalized pastoralist semi arid area has created expectations among the host community that similar investments can be made in them. Similarly, any facilities developed for refugees (e.g. schools, health facilities etc) have fed demands for equal measure of resource transfers to the hosts. However, this clashes with the agencies' humanitarian mandate but some concessions have been made as earlier discussed.

## Ethnic groups

There are several sub-clans following particular settlement patterns in NEP. These include the Murulle, Degodia, Ogaden, Harti, Hawadle, Marehan, Garre, Ajuraan, Sheekhaal, Isaaq, Majeerten, Habr Gedir, and Abgaal. But the main groups are the Ajuraan, Degodia, Ogaden, Garre and Murulle. It also noteworthy that the Somali have an elaborate clan structure that for instance sees the Hawadle, Habr Gedir, Ajuraan and Degodia sub-clans fall under the Hawiye clan, and the Marehan and Ogaden being under the Darod clan, among others.

The distribution of the main groups in NEP is as follows:

| Clan | Sub-clan | Area |
| --- | --- | --- |
| Hawiye | Murule | Mandera |
| Hawiye | Ajuraan | Wajir (& Marsabit & Isiolo in Eastern) |
| Hawiye/Rahanweyn | Garre | Mandera, Wajir (& Moyale in Eastern) |
| Hawiye | Degodia | Wajir, Mandera, Garissa |
| Darod | Ogaden | Wajir & Garissa |
| Darod | Harti | Urban areas in NEP (& in Nairobi & Mombasa) |
| Dir | Isxaaq | Urban areas in NEP (& Nairobi & Mombasa) |

The main interests of Somali groups are access to water and pasture, business profitability, and politics. Clan identity is considered to have the strongest hold on Somali groups followed by their common (Muslim) religion. Further, lifestyle and livelihood choices are sometimes determined by their sub-clan identity. For example, while Garres are mainly agro-pastoralist and businesspeople, the Ajuraan are mainly pure pastoralists.

## Security Forces

NEP is ironically poorly policed by the regular and administration police forces, yet it has for some time been under the focus of heightened military surveillance with the instability in Somalia.

On 25th October 2008, a joint military and police security operation dubbed *Operation Chunga Mpaka* (Operation Guard the Border) was launched to disarm warring (Garre and Murulle) militias and quell inter-clan clashes that had caused tens of deaths in Mandera. The clashes were triggered mainly by competition for scarce water and pasture, following flush floods that had been preceded by long drought. According to the Human Rights Watch, the operation left more than 1,200 injured, one dead and at least a dozen women raped.[170]

But the region is not new to the security forces' use of extreme force. In addition to NEP's Shifta War history which led to its marginalisation, it has suffered a past brutal government disarmament experience. In February 1984, 5,000 predominantly Degodia men were rounded up, detained and tortured at the Wagalla airstrip, resulting in the Wagalla Massacre (also called Wajir Massacre). There are no agreed statistics on how many were killed or died during the operation, but the government admitted to a death toll of 380 in 2000. On the other hand, a former area MP, Mr. Ahmed Khalif, argued in parliament that more than 1,000

people starved to death while under detention.[171]

The security forces are therefore treated cautiously by communities in the province. A case in point is the current military presence in parts of the province proximate to Somalia. The community finds solace in the fact that this force will secure the country from possible spill over effects of Somalia's conflict, but warily so.

## District Peace Committees

Local peace structures in NEP have been variously cited as success stories in peace building. Bottom-up approaches to peace building can be traced back to 1993, when women in Wajir district locally initiated peace processes that involved traditional structures. This initiative informed the formation of the Wajir Peace and Development Committee in 1995, a model that later informed the formation of District Peace Committees (DPCs) across the country.[172]

Currently, there are operational DPCs in the province, which are recognised by the residents. They are chaired by District Commissioners (DCs), and sometimes this provokes accusations of DCs' vested interests in the membership of the committees.

## Civil Society Organisations

A multiplicity of international, national, and local civil society organisations work in NEP with humanitarian, development, and peacebuilding mandates (or even multi-mandate organisations). Given the level of marginalisation of the province, civil society actors have a great significance in service provision (e.g. relief aid), development (e.g. boreholes and livelihood projects) and dispute resolution and small arms reduction efforts.

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[170] *Human Rights Watch, Bring the Gun or You'll Die: Torture, Rape and Other Serious Human Rights Violations by Kenyan Security Forces in the Mandera Triangle, New York: Human Rights Watch, 2009, p.4*

[171] *Ibid., p.14. See also Emeka-Mayaka Gekara, How the Wagalla Massacre Occurred and its Extent, Online: http://allafrica.com/stories/201002050966.html (Accessed on 10th March 2010)*
[172] *See Andries Odendaal, Local Peace Committees in Kenya: A Case Study, Online: www.gppac. net/uploads/File/Programmes/EWER/I4P/7.%20Kenya4.doc (Accessed on 10th March 2010)*

Where there are humanitarian organisations working with refugees, they've had to balance their refugee work with initiatives targeting host communities in order to mitigate refugee-host community conflicts. But in Dadaab, some respondents underscored the minimal focus on peacebuilding as a gap that needs to be addressed.

## Demographic Groups

Somali traditional structures remain influential and are composed of elders. The elders are frequently involved in dispute resolution of local family and inter-group disputes. The youth on the other hand are more actively involved in tending to livestock – seeking grazing land as well as protecting the livestock.

The involvement of women in peace efforts in NEP is well documented. The Wajir peace initiatives' success story is attributed to women's involvement. As such, the community has grown in involving women in dispute resolution.

## Conflict Dynamics

The entire landmass that constituted the Northern Frontier District (all of NEP and Upper Eastern province) is interconnected (with adjacent parts of Coast province). As such, some conflicts pitting groups from NEP are played out in Eastern's Isiolo, Marsabit and Moyale, for example. These confrontations are often identity-based and revolve around cattle raids, clashes over control of water points and grazing zones and sometimes, political supremacy battles.

The quest to access water for human and livestock consumption and pasture often leads to an increased concentration of livestock around known water points and grazing blocks. Besides heightening pressure on these resources (water and pasture), it also emphasizes identity-



*Women District peace committee in FAD session*

based tensions as human settlements are formed around these sources. Given that control of water points and grazing blocks is often on clan, sub-clan or even lineage basis, increased demand for water and pasture by wider groups often leads to power struggles over the right to control and use of these resources. When left unmitigated, this accelerates to violence.

Development and humanitarian agencies are sometimes in a dilemma about how best to intervene in such situations. A case in point is the aftermath of the 1998 Bagalla Massacre. This Massacre occurred years after the migration of marginalised Somali (Degodia) sub-groups from Wajir to Boran-dominated Isiolo. The Bagalla killings, rooted in the

subsequent increased competition for natural resources (between the Borana and Somali), were executed with the involvement of the Ethiopian rebel Oromo Liberation Front (OLF). Some of the Somali groups were displaced back to Wajir (in Arbajahan), and the International Commission of the Red Cross (ICRC) constructed boreholes for them. These water sources generated intense competition between two Degodia lineages to the extent that another borehole had to be constructed. Not even water users associations mitigate these problems as their membership is controlled by the dominant sub-groups.

Apart from having an inter-provincial dimension to its conflicts, NEP's conflicts have an international dimension too. The instability in Somalia often has spill over effects to the province, in the form of small arms trafficking and proliferation and refugee influxes that feed conflicts over relief and increased pressure on land.

## Scenario Analysis

From the history of NEP, many in the province would argue that the worst is behind them: They survived the Shifta War, the Wagalla Massacre, and the Malka Mari Massacre of 1981. This is part of the communities' record of historical injustices, in addition to consistent marginalisation from the colonial era.

In the worst case scenario, the present fighting in Somalia could spill over to the Kenyan side – with both the dissident groups and Transitional Federal Government (TFG) side enlisting Kenyan youths to the war as has already been claimed. The small arms problem can worsen, and if conflict mitigation structures weakened, inter-clan fights can get fierce.

On the national front, the approach to the implementation of the new constitution (especially the provisions on devolution and the implications for equitable development) and the boundaries review process are critical to either entrenching apathy in NEP or integrating it more to the nation. If the boundaries review process fails to navigate the slippery sub-clan and lineage identity issues in the NEP, then clan rivalries could escalate. Being a predominantly Muslim inhabited area, the debate on the constitutional provisions for the Kadhi's courts is especially keenly followed (in the light of calls for new amendments to the new constitution).

The status quo scenario is one of an area with mostly latent conflicts that have a high potential for rupturing. These especially break out seasonally due to competition for control of scarce resources. This is made worse by the fact of marginalisation and under-development that has fed detachment from Kenyan nationhood.

However, in the best case scenario, a flourishing livestock industry in a NEP that has better and extensively developed transport and communication infrastructure would economically boost the region. Further, bringing resolution of historical injustices against NEP residents through a credible Truth Justice and Reconciliation process would have an integrative effect through healing old wounds. Importantly, resolution of the Somalia conflict would be helpful in addressing the challenges associated hosting refugees in NEP.

# Future Plans for Consortium Work

## Education

NEP records low literacy levels, and worse so, enrolment rates are higher among refugees than host communities. This essentially emphasizes the divide between the two groups that feeds some of the conflict issues. It also points to the need for stronger advocacy for more government resources for education in the area.

Such resources can include scholarships, and construction of boarding and mobile schools (which are adaptable to the nomadic lifestyle). Being an arid area, school feeding programs would also help meet pupils' nutritional needs as part of a retention strategy.

## Small Arms

Participatory dialogical approaches to disarmament need to be considered with the caveat that factors necessitating small arms possession (e.g. insecurity) need to be first addressed in order to curb demand.

## Child Protection

Awareness programs on the cons of female genital mutilation and pros of educating children (especially the disadvantaged girl child) need to be strengthened.

## Livelihoods and Food Security

NEP is proximate to the River Tana, whose waters have been resourceful for human and livestock consumption. More importantly, the river has been critical to diversification of livelihoods for pastoralist groups closest to the river – they've resorted to aspects of fruit and other crop farming on a small scale. Hence, irrigation projects aimed at diversifying food sources are important.

There is also need for building communities' capacities on sustainable and productive livestock rearing.

Thirdly, development of markets for livestock products as well as fruit products is important. Advocating for expansion of markets for livestock products is equally useful.

Lastly, on the issue of NGO job opportunities; there is a two-pronged grievance among NEP locals – that "outsiders" take most of the opportunities. These "outsiders" are both refugees as well as Kenyans originating from outside the province. It is therefore important to resolve tensions around this.

## Water, Sanitation and Hygiene

In Dadaab refugee camps, 4.5 metric tonnes of solid waste – human and livestock – are produced daily. Worse still, there is a cholera outbreak every one to two years especially during rains.[173] As such, there is need for nuanced strategies for better management of solid waste.

Secondly, NEP being an arid land, there is still a need for more boreholes, water pans, and dams to guarantee adequate water supply in the area.

## Nature of Interventions

A major gap pointed out in Dadaab was the absence of well developed peacebuilding programs that address refugee-host conflicts and/or promote inter-group dialogue. It is therefore an opportunity for implementing peace initiatives that complement humanitarian and development interventions.

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[173]     Interview with CARE Kenya

# Rift Valley Province

## Introduction

Rift Valley is both the most populous and the biggest province in Kenya (it is over 173,000km$^2$). By its vastness, it cuts through western Kenya, neighbouring Ethiopia, Sudan and Uganda to the north westwards, and Tanzania to the south. This proximity to three (Ethiopia, Sudan and Uganda) countries that variously contend with historical and current armed conflicts defines conflict dynamics in the province, as shall be analyzed later. It is also one of the most diversely inhabited regions in the country (in terms of ethnicity), but most of its area is occupied by pastoralist groups.

The province is commonly divided into three regions – the North, Central and South Rift regions. The North Rift often refers to greater Turkana, Pokot, Marakwet and Samburu districts (including greater Baringo). The Central Rift commonly includes the areas around greater Uasin Gishu, Molo, Kuresoi, Koibatek, Bomet, Nakuru and Laikipia districts. The South Rift often refers to greater Narok, Kajiado, Gucha, Trans Mara, and Naivasha districts.

These distinctions are unofficial, and often times some districts in the Central and South rift regions are lumped together as part of South Rift. The North Rift is however more broadly agreed on as including the said areas (but other districts proximate to them, such as greater Trans Nzoia and Uasin Gishu are sometimes included in analyses of the region[174]). Pastoralist related conflicts are rife in the North Rift,

while the Central (and to some extent the South) Rift more frequently experiences electoral, ethnic and land clashes.

This analysis is in no way complete, since for this analysis the only area covered in the province was Tangulbei, East Pokot.

## Structural Causes of Conflict

Rift Valley province has in current analysis been considered the epicentre of the tragic 2007 post-polls violence. It has a long history of violent contestations for identity, resources and political voice. For instance, in its early pre-colonial history, nilotic groups (such as the Maasai and Kalenjin) fought for territorial control of pasture and water rich sections of the province.[175]

The colonial-era displacements of massive groups from their lands, and the immediate post-colonial resettlement schemes (especially around greater Nakuru) have fed the longest running grievances and historical injustices in Rift Valley. Whereas the grievances are cited for electoral and ethnic clashes in most parts of Central Rift, some historical injustices (such as mass displacements of the Maasai from greater Naivasha) have determined the economic status of communities to date.

The re-introduction of multi-party politics in 1991 ruptured perceived

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[174] For instance in the Commission of Inquiry in to Post Election Violence (CIPEV), *Report of the Commission of Inquiry into Post Election Violence (CIPEV), Nairobi: Government Printers, 2008*

(also called the Waki Report) *the North Rift comprises the districts of Uasin Gishu, Trans Nzoia West, Trans Nzoia East, Nandi North, Nandi South, Marakwet, Keiyo, Baringo North and Baringo South.*

[175] See Manasseh Wepundi, "The Huge Struggle for Redemptive History in Kenya" in the Horn of Africa Bulletin, April 2009, p.1-5

inter-group harmony, as identity became politicised to herald ethnic competitions for political power. This occurrence coincided with the ethnic and land clashes of the 1990s in parts of Rift Valley and its proximate areas in Western and Nyanza provinces.

In the North Rift, where the earliest incidence of illicit arms possession is recorded (in Turkana, West Pokot and Marakwet areas) with the aftermath of the late 1970's collapse of the Idi Amin regime in Uganda, pastoralist-related conflicts have been common over the years. This region is mostly arid and semi arid, has lower literacy levels than the rest of the country, and is food insecure.

It can therefore be said that Rift Valley as a province bears the widest array of conflict types, actors and issues. It is necessary to examine the structural causes of conflicts in this province[176]:

## Illicit Small Arms

The proliferation of illicit firearms in the Rift Valley is largely attributed to porous international borders, the insecurity arising from inter-ethnic rivalries in the Karamoja cluster area (around Kenya, Sudan, and Uganda), cattle rustling (and its commercialisation and sophistication due to small arms) and inadequate (or even absent) government provision of security to local communities. In Tangulbei for instance, the community noted that the only Kenya Police officer seen in the vicinity is a single traffic officer that is over 40km away (in Loruk). The Administration Police are more visible but few, hence insufficient to guarantee security.

## Land

Land is a major cause of conflicts in the Rift Valley. The land issue manifests itself in different ways, all feeding conflicts to various degrees:

First, there is the challenge of politicisation of territories, or drawing of "political maps" as expressed by respondents in Tangulbei. This is partly linked to the creation of a multitude of new districts by the government, most of which follow ethnic settlement patterns. These administrative units do not have clear boundaries, and this ambiguity has been fodder for inter-ethnic quarrels over territory. This is worsened by the role of politicians who behind the scenes seek to influence demarcation of boundaries and publicly want to be perceived as protecting their communities' territories.

The contestation for administrative units (districts, divisions and locations) is closely intertwined not only with the quest for territorial (and resource) control but also with identity issues. For instance, residents of East Pokot, which was carved out of Baringo, are averse to the abolition of newly created districts, based on the calculation that they were a marginalized minority group under the old Baringo. They are now the main group in East Pokot. However, with the new district (East Pokot), there is a new minority – the Njemps, whose relationship with the Pokot is broken based on the Njemps' alliance with the Samburu who are perennially conflicting with the former.[177]

Second, in the North and South Rift, the land is mostly arid and semi arid. This, in an area where the main means of livelihood is livestock rearing, presents communities with the immense challenge of seeking pasture

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for livestock and water both for human and animal consumption. The adaptive nomadic life in these areas presents opportunities for inter-group friction as they compete for the said scarce resources. As shall be seen in the analysis of actors, this has led to violent confrontations among different ethnic groups in the region.

## Table 1: Land area of the North Rift[178]

| District (based on old districts) | Land Area (km$^2$) |
| --- | --- |
| Turkana | 77,000 |
| West Pokot | 9,100 |
| Marakwet | 1,588 |
| Baringo | 8,655 (of which 140.5km$^2$ is water) |
| Samburu | 20,826 |
| Total | 117,169 |

## Scarcity of Water and Pasture

Closely related to the land problem is the challenge of limited livestock fodder and water. Most of North Rift and South Rift is dry land, and water sources consist of seasonal rivers, boreholes and water pans. In some instances, like in East Pokot, there are lakes (Lake Baringo in this case), which are more reliable sources. Aridity is a major cause of nomadic life among pastoralists.

Secondly, the weather patterns in the North Rift (dry and wet seasons) correlate with conflict patterns in the region. For instance, in East Pokot, most violent conflicts occur during the rainy season (in April) since there is sufficient pasture and water for livestock.

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178 *These estimations are based on information in Kamenju, J., Singo, S. & Wairagu, F., Terrorized Citizens: Profiling Small Arms and Insecurity in the North Rift Region of Kenya, Nairobi: SRIC, 2003*

## Cattle Rustling

While the practice of cattle rustling is rooted in pastoralist communities' cultures, it has over time fed the conflict cycle among these groups in the North Rift. The cultural requirement to pay bride price often leads warriors (*morans*) to raid cattle from neighbouring communities (in order to pay dowry). But there is also the heroism earned from successful raids – as such *morans* bask in the praises sang to them by women in their communities.

Beyond cultural factors, the sophistication of cattle rustling with the advent of small arms has made raids more lethal. This has in turn led to ethnic security dilemmas, which in turn have led to arms races by communities. This partly explains the proliferation of small arms in the North Rift.

## Identity Politics and Ethnic Clashes

Cattle rustling occurs in the form of fierce inter-ethnic rivalries which are fanned by incitement (by key actors like traditional leaders e.g. Laibons) and the desire to settle scores. This in a sense leads to a vicious cycle of violent conflicts that have contributed to the North Rift's development challenges. In East Pokot, most clashes are around the rainy season in April and during the festive season between December and January when nights are moonlit (which enables night-time movement).

Similarly, southwards, electoral competition for civic, parliamentary and presidential votes is largely based on ethnicity. The stoking of ethnic sentiment has often led to violent ethnic clashes in parts of central and south Rift ever since the advent of multiparty politics.

## Marginalization and Historical Injustices

Marginalization in the conflict-ridden pastoralist parts of Rift Valley is observable in the inadequacy of transport and communication

infrastructure, few schools and rarity of health facilities in the regions. In East Pokot for example, whereas Tangulbei is a major town and a divisional headquarters, it has no tarmac road, with the last potholed tarmac road in the vicinity being over 35km away. The town centre is lit by privately installed/bought generator and solar powered electricity. On the security front, there is no police station in the town.

The region is also characterised by minimal investment, and therefore unemployment is high, and the level of urbanisation is low. This is the norm rather than the exception in most of the North Rift and parts of the South Rift. Such marginalization has led to apathy, with most residents feeling their areas aren't a part of the country.

Besides such government neglect, there are also historical injustices rooted in the colonial past and immediate post-independent era policies. The post-independent government's failure to fairly address unequal land distribution issues occasioned by colonial displacements still haunts the country.

## Illiteracy

Deriving from the level of marginalization and partly due to their nomadic lifestyles, communities in Tangulbei (and most of the North Rift) have comparatively low literacy levels (to the rest of Kenya). Besides feeding the poverty trap in terms of high unemployment rates, low literacy rates have in turn contributed to the conflict cycle. This draws from the fact that a high mass of unemployed youth are a ready force of warriors (*morans*) that are deployed for cattle raids and conflicts.

It also came out that ignorance due to illiteracy levels (defined as lack of formal education) have made communities more easily politically manipulatable. This often times contributes to conflicts that turn violent where there are competing inter-community political agenda.

Members from pokot in Tangulbei discusses Conflict issues



A community member analysisng conflict-Tangulbei

## Table 3: Analysis of Root Causes of Conflicts in East Pokot

| CORE PROBLEM | Root Causes | Effects |
|---|---|---|
| Illicit SALW | Insecurity<br>Weak government security provision (hence need for self-defence) | Loss of lives<br>Lack of peace<br>Culture of theft<br>Lawlessness<br>Loss of property |
| Land | Politicisation of territories (political maps)<br>Unclear boundaries<br>Scarcity of pasture<br>Aridity | Violent conflict<br>Deaths<br>Hatred<br>Poverty<br>Illiteracy<br>Cattle rustling |
| Cattle rustling & ethnic clashes | Illiteracy<br>Ignorance<br>Inimical cultural beliefs/values<br>Marginalization<br>Illicit SALW<br>Land<br>Scarcity of water & pasture | Poverty<br>School drop-outs<br>Idleness<br>Poor health<br>Insecurity<br>Loss of life<br>Enmity |
| Water & Pasture (scarcity) | Seasonal rivers<br>Changing weather patterns<br>Marginalization<br>Over-stocking<br>Water scarcity (lack of dams, but there are few water pans)<br>Lack of knowledge on water treatment | Conflicts<br>Nomadic life<br>Deaths |

| Illiteracy & Ignorance | Marginalization | | School drop outs |
|---|---|---|---|
| | Insecurity | | Rustling |
| | Few schools | | Under-development |
| | Culture | | Poverty |
| | Early marriages | | Poor health |
| | FGM | | Drug abuse |
| | Nomadic life | | Violence |
| | Moranism | | Poor representation |
| | Poor infrastructure | | Idleness |
| | | | Young families |

# Key Actors

The main conflict actors in the eyes of respondents are ethnic groups. There is a multiplicity of such groups in Rift Valley. This analysis shall therefore restrict itself to actors specifically mentioned in the field (Tangulbei).

## Turkana

The Turkana predominate Turkana South district, to the north of East Pokot (mainly inhabited by the Pokot, and Njemps who are the minority). The Turkana have a discordant relationship with the Pokot, and the two communities perennially raid each other. Both sides have lost human lives and livestock over the course of their conflicts. Security forces often help in recovery of livestock lost by either side. But conflict between the two groups often spirals even when triggered by a minor single theft incident. This is especially due to their mutual mistrust. For instance, the Pokot's enemy image of the Turkana is that they are "good propagandists" and "proud".

## Pokot

The Pokot described their own as "slow tempered" but "vengeful". Although they are the predominant community in the new East Pokot district, they were previously a minority group in the larger Baringo. They felt marginalized under the larger district, and are keen on having their new district retained in the current national debate on administrative units to be recognized in a new constitution and the Interim Independent Boundaries Review Commission (IIBRC).

They are often locked in violent conflicts with the Samburu (who neighbour them to the east), the Turkana (to the north) and have a broken relationship with the maa-speaking Njemps in East Pokot. They consider their friends to be the Marakwet (to the west).

## Njemps

The maa-speaking Njemps are a minority group in East Pokot, but are settled just around Lake Baringo and as such have a huge source of fresh water from Lake Baringo (most are in neighbouring Baringo). They are also seen to be allies of the fellow maa-speaking Samburu.

They are equally perceived to enjoy the protection of well placed maa-speaking national political elites. As such they rarely hold common political positions with their immediate Pokot neighbours. But the two residents of East Pokot seem to suffer the same amount of economic marginalization (in as much as the only tarmac road in the district ends in Loruk, within the Njemps inhabited area).

## Samburu

Greater Samburu is to the west of East Pokot district. The Samburu and Pokot communities have had a history of deadly violent conflicts involving cattle raids, inter-community attacks and counter-attacks. This is especially made more lethal by the ubiquity of illicitly owned small arms in both areas. The Samburu are considered by the Pokot as allies of the Njemps in East Pokot.

### Traditional Spiritual Leaders

Also known as *laibons,* traditional spiritual leaders are known to have a hold on the youth, especially the warriors (*morans*), who are often blessed by the *laibons* prior to cattle raids. It is for this reason that these leaders are considered a factor in the perpetuation of inter-community conflicts.

But their perceived prophetic ability and their role as protectors of tradition have them revered by the community. This makes them an asset for politicians interested in maintaining their own relevance in society and businessmen, especially those considered to have commercialised cattle rustling.

### Civil Society Organisations

Civil society organisations are used here to refer to non-governmental organisations (NGOs), faith-based organisations (FBOs) and the District Peace Committee (DPC). These actors appear to have the respect and appreciation of the local community in East Pokot for their role in peace building and development initiatives. Ironically, it is because this role that civil society actors aren't particularly the favourites of *laibons*, who feel that their position in society is threatened as a result of the peace and development initiatives.

## Table 4: Actor Analysis in East Pokot

| Actor | Characteristics | Interest | Need | Resources |
|---|---|---|---|---|
| Samburu | Cattle rustlers<br>Inciters<br>Land Grabbers<br>Proud<br>Pastoralists<br>Hot tempered<br>Polygamist<br>Bandits | Riches<br>Heroism<br>Expansionism (more grazing land)<br>More livestock | Land<br>Livestock<br>Pasture<br>Water<br>Business opportunity | Land<br>Livestock<br>Weapons (SALW)<br>Influential leaders<br>Permanent source of water and enough pasture<br>Game reserve<br>Support from county council<br>600 home guards<br>Tourism |
| Pokot | Pastoralists<br>Nomadic<br>Cattle rustlers<br>Slow tempered<br>Accomodative<br>Polygamist<br>Illiterate<br>Ignorant | Riches/wealth<br>Heroism/Pride<br>Control enough grazing land<br>Preserve culture<br>Business<br>Protection<br>Moranism | Livestock<br>Land<br>Pasture<br>Water<br>Revenge | Land<br>Livestock<br>Weapons (SALW, spears, bows & arrows)<br>Oloibon<br>Businessmen<br>Numbers<br>War experience |
| Turkana | Cattle rustlers<br>Illiterate<br>Nomadic<br>Ignorant<br>Bandits | Culture<br>Wealth<br>Pride<br>More livestock | Pasture<br>Water<br>Business opportunity | Illicit arms<br>Politicians<br>Propaganda<br>Oloibon<br>Businessmen<br>Neighbouring countries<br>Tourism<br>Business<br>Livestock |

| | | | | |
|---|---|---|---|---|
| Njemps | Warriors (morans)<br>Temperamental<br>Proud | Isolation | Land<br>Pasture<br>Water | Lake (Baringo)<br>Learned persons<br>SALW<br>Leaders<br>Minority support |
| NGOs | Humble<br>Friendly<br>Accomodative<br>Knowledgeable | Creating awareness<br>Peace & harmony<br>Wealth<br>Job opportunity | Funds<br>Cooperation & support<br>from leaders &<br>community<br>Unity | Funds<br>Vehicles<br>Technical personnel |
| Laibon | Elderly<br>Jealous<br>Commercial-minded<br>Wise & sly<br>Value culture<br>Isolated | Tax/Wealth<br>Recognition<br>Protect culture | Power<br>Resources | Mystical power<br>Knowledge of culture<br>Herbs<br>Respect |
| DPC | Elders, youth & women<br>Peace loving<br>Articulate<br>Wisdom<br>Knowledgeable | Peace<br>Harmony<br>Wealth<br>Fame | Support from<br>government, NGOs, &<br>community<br>Funds | Money<br>Recognition |

# Conflict Dynamics

Conflicts among pastoralist groups in Rift Valley are essentially (ethnic) identity based, with different ethnic communities having a long history of violent strife. For instance, the Pokot (in East Pokot) have for long conflicted with their Samburu and Turkana neighbours.

These inter-community raids are assisted by the use of illicit arms, which are widely available in the North Rift. According to respondents, the incidence of violence is concentrated around the December to January festive season and April during the rainy season. In December to January, nights are normally moonlit and therefore easing night time mobility, since attacks are mostly conducted in wee hours of the night. Further, the April rains make raids conducive since there is enough water and pasture for raided livestock, which has to be transported over long distances.

It appears that the last major incident of violent conflict occurred in August 2009, when Pokot warriors killed 22 Samburus in Kanamcho.

## Table 5: Brief Timeline-East pokot

| Period/Date | Incident |
| --- | --- |
| December to January | Cattle raids are carried out: Festive season with moonlit nights, hence ease of movement. |
| April | A rainy season and cattle raids occur this time |
| April 2005 | Disarmament operation |
| 2006 | Samburu warriors attacked Pokot patients in Maralal hospital, castrating patients and killing others |
| April 2008 | Samburus attacked Amaya in East Pokot |
| July 2009 | Samburu warriors attacked Pokots in Malaso Market, Lorok |
| August 2009 | Pokot warriors killed 22 Samburus in Kanamcho |

## Scenario Analysis

East Pokot is part of a wider North Rift conflict system that draws in Turkana and Samburu. At its worst, conflict in the area is vicious, with tens of people's lives lost, and scores of livestock stolen. An example given by respondents was the case of Pokot warriors killing 22 Samburus in August 2009.

The easy availability of illicit small arms makes conflicts even more lethal. Further, living in a semi arid environment with increasingly unpredictable weather patterns, dynamics of water and pasture availability are critical to the stability of the area. Scarce water and pasture portend increased competition for the resources with neighbouring communities. This in turn would lead to violent conflicts.

Such conflicts have a toll on the education sector, investment in the area, and attendant development. The political manipulation of administrative units' boundaries complicates conflicts. This is because such manipulation ultimately heightens identity consciousness and inter-group rivalries.

An ideal scenario is one where resource issues (development funds, water and pasture) are successfully addressed. This shouldn't be done in isolation – it should be inclusive of neighbouring districts (Samburu and Turkana) whose well-being has just as much significance to true peace in the region.

## Future Plans for Consortium Work

### Education

East Pokot has very few schools, and is especially in need of boarding schools. In the light of their nomadic way life, boarding schools would serve to retain students in the learning institutions and ultimately boost literacy levels.

Besides the need for schools, implementing school feeding programs would be useful in ensuring proper student nutrition and their retention.

Respondents equally felt that adult education would be helpful not in enlightening the adult population but also in contributing to peace in the long term. This is therefore closely related to the need for peace education for the communities.

Lastly, advocating for deployment of more teachers from the locality was deemed necessary. These teachers are thought to better understand the community, and would therefore be better at the job.

### Water, Sanitation and Hygiene

Several approaches to provision of clean water were proposed:
- Drilling of boreholes

- Construction of dams (as opposed to water pans)

- Capacity building (on water treatment & management)

- Afforestation

## Livelihoods and Food Security

East Pokot predominantly relies on livestock rearing as a means of livelihood. But the herds are often many and hardly profitable. This is made worse by scarcity of water and pasture, which leads to livestock deaths. De-stocking livestock to manageable and viable levels, and development of group ranches would be helpful in making the sector profitable for the communities. But to achieve this, there is need for more education and raising awareness for communities.

It may also be necessary to develop an irrigation scheme to boost food production in the area. This is also helped by the presence of the fresh water Lake Baringo.

## Small Arms and Light Weapons (SALW)

The small arms problem in East Pokot is very much because of insecurity (and lack of sufficient security provision) as it is a due to easy availability of the arms. Therefore, appropriate security architecture needs:

- Deployment of security personnel to the area

- Disarming armed members of communities. This can be achieved through:

    - Amnesty and SALW buy-back programs

    - Peace meetings and dialogue

    - Integration of warriors in forces

- Infrastructure development (transport, communication, & health facilities)

- Increased border security to seal arms trafficking routes

Civil society advocacy strategies need to be well rounded, given the multifaceted nature of the small arms problem.

## Child Protection

Children in East Pokot are confronted with challenges of early marriage, female genital mutilation (FGM), few schools and food insecurity. As such awareness raising programs that discourage early marriages and FGM, school feeding programs, and alternative rites of passage are some of the interventions that can be considered.

# Nairobi Province

## Introduction

Nairobi was founded in 1899 as a simple rail depot on the railway linking Mombasa to Uganda. The town quickly grew to become the capital of British East Africa in 1907 and eventually the capital of a free Kenyan republic in 1963.[179] Nairobi is the most populous city in East Africa, with a current estimated population of about 3 million, according to the 1999 Census. In the administrative area of Nairobi, 2,143,254 inhabitants lived within 696 km$^2$ (269 sq mi).[180]

Nairobi continued to grow under the British rule, and many Britons settled within the city's suburbs. The continuous expansion of the city began to anger the Maasai, as the city was devouring their land to the south. It also angered the Kikuyu people, who wanted the land returned to them. After independence, Nairobi grew rapidly and this growth put pressure on the city's infrastructure hence occasioning challenges of power cuts, water shortages and rising slum populations.

The city is divided into four districts – Nairobi North, Nairobi West, Nairobi South and Nairobi East. The province has eight constituencies namely Makadara, Kamukunji, Starehe, Langata, Dagoretti, Westlands, Kasarani and Embakasi. The main administrative divisions include Central, Dagoretti, Embakasi, Kasarani, Kibera, Makadara, Pumwani and Westlands. Nearly two million of Nairobi's residents (estimates put Nairobi's current population at somewhere between 4-6 million) live in low income residential neighbourhoods and informal settlements like Kibera, Mathare, Dandora, Huruma, Korogocho, Kariobangi, Kangemi and Mukuru where crime and daily violence – including extortion, murder, illegal taxation and rape – has become something that area residents have had to live with.[181]

## Structural Causes of Conflict

Kenya has been plagued by the scourge of ethnic manipulation throughout its colonial and post-colonial history, and Nairobi its capital has not been spared. Essentially, the problem stems from the persistent and increasing 'ethnicisation' of the political sphere. Linked to this process of ethnic manipulation is the instrumentalisation of political power to gain, secure and entrench economic advantage. The politics through the reign of its three post-colonial presidents (Jomo Kenyatta, Daniel arap Moi and Mwai Kibaki) has degenerated into a realm of ethnic contestation.[182]

Certain communities feel they have been relegated to the periphery with regard to the distribution of land and other national resources. These feelings are compounded by the apparent inaccessibility to public services and goods by the poorer sections of the communities in Nairobi's informal settlements. Politicians have capitalized on eminent feelings of marginalization within these groups to further mobilize negative sentiments that has on occasion stoked latent conflict into

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[179] City-Data.com. *"Nairobi History"*. *http://www.city-data.com/*. *http://www.city-data.com/world-cities/Nairobi-History.html*. *Retrieved 2010-08-25*

[180] *"Population distribution by province/district and sex: 1979-1999 censuses"*. Kenya Central Bureau of Statistics. *http://www.cbs.go.ke/sectoral/population/census1999.html*. *Retrieved 2009-03-20.*

[181] CIPEV, Report of the Commission of Inquiry into Post Election Violence (CIPEV), Nairobi: Government Printers, 2008 (Waki Report)

[182] Stephen Ndegwa, 'Citizenship and Ethnicity: An Examination of Two Transition Moments in Kenyan Politics', American Political Science Review, 91(3), September 1997, p. 607

open confrontation and violence.

The glaring asymmetry in economic development has also played a role in galvanizing ethnic sentiments against those communities perceived to be favoured beneficiaries of state supported economic empowerment programs. Upcountry populations migrating to Nairobi have carried these feelings with them and they have been manifested in their relationships with other ethnic communities within poor neighbourhoods.

The years of misrule, economic mismanagement and corruption coupled with deep seated tensions and resentments have often provided recipes for the occasional episodes of violent conflicts witnessed around Nairobi. Further, given that Nairobi is pivotal to influencing national politics; political leaders have often been keen on maintaining some relevance in the city. As a result, and also because of the restless desire for positive change, Nairobi has been an epicentre for popular struggles for reforms (e.g. 1990s' struggle for multi-party politics). The populace have however been locked in disastrous and murderous inter-ethnic conflicts over electoral controversies as was the case in the post 2007 polls violence.

The growing population of poor, unemployed, educated and uneducated youths have been easy targets for militia recruitment. Some of these youths represent individuals who were displaced from their home areas and later moved to Nairobi joining groups like Mungiki. Once seen as substituting for delivery of basic social services in the slums (by the Nairobi City Council), these gangs later turned to extorting money from residents for services rendered. Public outcry has in the past led to heavy handed reactive response by the police to finish off these militias. In the process the police has been accused of committing extrajudicial killings across different slums and the cycle has more or less continued with the gangs hibernating into sleeper cells and resurfacing every

once so often.

## Landlords versus tenants

Landlord-tenant disagreements are some of the biggest triggers of larger scale inter-ethnic violence in Nairobi's informal settlements. The class of landlords is mainly composed of members of the Kikuyu community who are viewed as latecomers to areas like Kibera (Nubians are the earliest dwellers of Kibera).

The fact that earlier settlers (e.g. Nubians) pay rent to landlords that are considered newcomers fuels tensions. Further, members of the Luo community who are perceived to believe in only constructing homes in rural areas, view themselves as earlier settlers than the Kikuyu landlords. Similar landlord-tenant tensions are observable among the largely tenant-class members of the Luhya community. As such, renting residences in informal settlements is viewed through the ethnic lens, which informs fault lines during conflicts. For instance, during the 2007 post-election violence, houses believed to belong to Kikuyu landlords were targeted for destruction.

Landlords on the other hand, have also reportedly mobilized gangs of unemployed local youth to eject tenants who fail to pay their rent on time. It is clear that unemployment, landlord-tenant relations and rise in crime are closely intertwined. Yet the landless urban poor are highly unlikely to own land due to perceived ethnicization of land ownership in some of these areas.

## Population explosion

The growing population of poor unemployed youth has put a lot of pressure on the limited available resources in Nairobi. Pull factors leading to migration into slum areas and poor planning of upcoming low income residential neighbourhoods has put further pressure on land as

a resource and led to lack of access to employment opportunities. The rising youth population bursting along the seams with no access to a meaningful means of livelihood have ended up joining gangs that have engaged in criminal activities in the city.

## Encroachment into private land

Apart from limited access to resources, the government has failed to adequately deliver basic social services and equitably distribute resources to the urban poor. High level corruption in the public service has seen private developers encroaching both private and public land and further displacing already disadvantaged slum communities like those in Kibera. This has caused new conflicts between city residents in informal settlements and private developers.

## Religious conflicts

The constitution of Kenya provides for freedom of religion. There is generally a great level of tolerance among different groups yet beneath this veil is a clear latent religious conflict between Christians and Muslims. There have been episodes of violence within the Christian community and also between Muslim and Christian groups.

Muslims often complain that they are not fully recognized in a largely Christian state. The long constitution making process whose seat has largely been in Nairobi has exposed part of the discord between these two groups. There have been calls from Muslims to increase the jurisdiction and numbers of Kadhi's courts in the country. Christian religious leaders on the other hand have strongly opposed the inclusion of the Kadhi's courts in the new constitution. They have argued that the inclusion of Kadhi's courts in the new constitution will be tantamount to giving one group preferential treatment. Due to fear of the unknown, they have supported a secular state. They argue that the inclusion of the Kadhi's courts could pave way for full Shariah law in Kenya.

There have been episodes of violence that have sometimes resulted into deaths within and between different religious groups in Nairobi. Previous disputes between Christians and Muslims have also seen the torching of churches and mosques as retaliatory acts between the two groups.

Christians within the same churches have also had differences that broke out into open conflict. Some of the contentious issues have revolved around poor church leadership and land feuds. These conflicts have sometimes resulted into injury, destruction of property and eventual arrest of the perpetrators of violence.

## Political parties – affiliations and ideologies

Political affiliations and ideologies tend to become more pronounced just before and during elections. It is paradoxical that the government would normally crack down on illegal gangs yet during electioneering periods these same groups are activated in support of different political parties to intimidate political opponents and render other services. Some of these gangs have grabbed the monopoly of use of force from the government by becoming shadow governments in their respective residential areas and in turn caused conflict between them and surrounding communities.

Different communities are also known to align themselves along ethnic lines in supporting candidates from their communities. This has been a source of conflict in the informal housing settlements as minority communities have in the past been compelled to support parties with candidates coming from the major groups.

## Land issues

Certain communities strongly feel that they have been systematically

marginalized in land allocation processes in the city. Corruption in the allocation of land has not only been a problem in the countryside but also within Nairobi. Politicians have over time capitalized on negative sentiments brewing between different communities to draw more attention to historical injustices including land allocation grievances. This has in turn generated deep-seated hate and tension that when fuelled has led to violent episodes as witnessed in Kenya's historical past. These deep-seated feelings have been transmitted to informal housing settlements in Nairobi.

During the 2007 post-election violence communities residing in slum areas were reported to have Balkanized these settlements by drawing ethnic boundaries in the areas (e.g. Mathare). Community enclaves within urban informal settlement settings required "rival" communities to respect and observe these boundaries.

Further and as earlier noted, encroachment of land by private developers has put more pressure on the growing slum population and has been a source of conflict between these investors and surrounding communities.

## Structural Inequalities

There are glaring inequalities in the distribution of wealth; the gap between the rich and the poor has been on the increase. Dissatisfaction in the distribution of wealth has often been manifested in political violence. The majority poor live in deplorable conditions and barely have the means to make it through the day while the gap between the rich and poor increases by the day. Yet there are frequent cases of the corruption by the rich, such as grabbing of both private and public land by private developers. This impunity is feeding disillusionment and apathy among the poor who feel neglected.

Rising unemployment among the youth has contributed to high crime rates in the city and tense landlord-tenant relations. Yet there appears to be little done to address fundamental issues surrounding inequality because of perceived failure by stakeholders (government, donors, civil society etc) to apply workable participatory development approaches.

## Domestic violence

Domestic violence is on the rise due to drug abuse, poor living conditions and meagre pay which cannot sustain the daily needs of numerous families.

## Under-development

Parts of Nairobi especially the informal settings are marked by either poor or lack of well developed infrastructure. Industries that offer a source of employment for the majority poor are expensive and time consuming to geographically access. Workers walk for very long distances not just to work but also to access public facilities.

Growing dissatisfaction with social and economic conditions among the youthful population in Nairobi has resulted in many of these youths joining gangs that have engaged in different forms of crime and violence.

The Nairobi City Council is perceived to have slackened in its delivery of public social services. In its place, organised gangs have taken over and delivered essential services to the people. Over time these gangs have been at conflict with surrounding communities for overstepping their "mandate". Poverty and opportunism have indeed had a significant impact on slum dwellers' willingness to engage in political violence.

## Unemployment

Lack of employment and poor wages especially among the youth has

contributed to crime. Various patrons have turned to these youth for different services. Landlords have for instance mobilized the youth to evict tenants who are late with their rent from their houses. In addition, politicians capitalizing on the youth's weak financial backbone have hired the youth during campaigns to intimidate opponents. When mobilized to engage in violence members of these groups are sometimes promised payment for their services and activities. Some of them also benefit from looting during chaotic situations in order to enrich themselves. With lack of gainful employment or meaningful means of livelihood, these youths are easy prey for individuals who want to fuel violence and unrest.

## Table 6: Analysis of Root Causes of Conflict-Nairobi province

| Core Problem | Root Causes | Effects |
|---|---|---|
| Unskewed distribution of resources | Inadequate political good will<br>Lack of clear distribution of resources<br>Ignorance<br>Apathy<br>Institutionalization of social prejudices<br>Corruption | Poor service delivery<br>Social instability<br>Rise in poverty index<br>Poor infrastructure |
| Governance | Structural imbalances<br>Deficits in institutional framework<br>Legislations<br>Leadership | Poor service delivery<br>Social instability<br>Rise in poverty index<br>Poor infrastructure |
| Ideology & religion | Misinterpretation of religious teachings<br>Ignorance<br>Fear of the unknown | Conflicts & discord<br>Divisions<br>Deaths<br>Fanaticism |
| Population explosion | Migration<br>Poor planning<br>High rate of mortality | Competition for resources<br>Encroachment on both private/public lands<br>Poor services unemployment & underdevelopment |
| Land | Lack of land policy<br>Lack of title deeds<br>Unclear procedures of acquiring land | Land grabbing<br>Landlord/tenants conflicts<br>Ethnic tension<br>Mushrooming of slums<br>Forceful eviction |

| Governance | Lack of proper structures | Poor infrastructure |
| --- | --- | --- |
| | | Unemployment |
| | | Impunity |
| | | Corruption |
| | | Violation of human rights |
| | | Ethnicity |
| | | Unequal distribution of resources |
| Poverty | Unequal distribution of resources<br>Bad governance | Unemployment |
| | | Insecurity |
| | | Crime |
| | | Domestic violence |
| | | Drug abuse |
| | | HIV/AIDS/STD |
| | | Prostitution |
| | | Child labour |
| | | Ethnic clashes |
| Politics | Struggle for power<br>Meager resources | Tribalism |
| | | Selfishness |
| | | Insecurity |
| | | Crime |
| | | Ethnic clashes |
| | | Unequal distribution of resources |
| | | Land grabbing |
| | | Corruption |
| | | Impunity |
| | | Imperialism |
| | | Lack of democracy |

# Key Actors

## Ethnic Groups

Negative ethnicity has been a challenge not just in upcountry Kenya but also Nairobi, the capital city seen as largely cosmopolitan. The main groups locked in antagonistic relations in the informal settlements of Nairobi are the Luo, Kikuyu, Luhya and Nubian communities.

A majority of the landlords in the slum areas are the Kikuyu and Nubians while the Luo and Luhya make the bulk of tenants. The Luo are among the major groups living in informal settlements in Nairobi. They are largely tenants living in houses rented out by the Kikuyu and sometimes Nubian communities. They mostly engage in casual labour and are described as frank, proud and are considered strong advocates for change. The Kikuyu community is very active in business and comes across as aloof among surrounding communities. The mistrust and resentment between the Kikuyu and Luo goes back to the country's post-independence history. The Luhya who eke a living as labourers and traders and have also ventured in the service industry are seen as religious and well informed on current affairs. The Nubian community's attempts at bridging ethnic divide through intermarriage and their rich culture notwithstanding; there exists a general perception that they are ignorant.

The diverse background and stereotypes these communities have formed about each other has gone a long way to shape interrelations between them that has sometimes led to episodes of open conflict. One issue that has fuelled conflict between the Kikuyu and other tenant communities (Luo and Luhya) has been over the exorbitant rent charged by the landlords, which has also depicted them as selfish and exploitative. The Muslim Nubian community are the original inhabitants of Kibera. Their predominance as landlords in Kibera for example has complicated the rent issue. The Nubians are not happy about paying rent to other latecomers like the Kikuyu community. The Kikuyu and Luo who initially resided in the rural areas have grown in numbers and have had to share the little space with the original inhabitants. The Nubians now feel the urgent need to acquire title deeds for what they consider their ancestral land.

Political affiliations and ideologies within the informal settings tend to follow ethnic lines especially during elections. This has been yet another source of conflict as dominant tribes in specific areas have forced minority communities to support and rally behind the majority communities' party of choice.

## The Police Force

The police are reported to have failed the communities they are supposed to protect. Their actions and inactions have often instilled fear and negative perceptions within the public who they have also often been in conflict with. These law enforcers are viewed as loyal to authority and have at times used excessive force in their work. They are accused of being unprofessional, incompetent and lack skilled training that is needed on the job. Their arrogant and abusive nature has seemingly done little to build their relationship with their communities. Their working conditions, although gradually improving, are still poor and could partly explain why they are accused of turning to corruption and extortion.

## Militias/Gangs

The government's authority has been challenged by gangs operating in informal settlements. Gangs typically composed of young males have been responsible for terrorizing especially poor neighbourhoods on the pretext of maintaining security where the government has failed. Some of them were initiated on moral platforms but have over time

evolved into criminals who have repeatedly extorted money from the public for services rendered. Intimidation and use of crude weapons as a strategy to instil fear in society has enabled them to control public transport routes, water and electricity supply among other services. These outfits are by extension groups that have been locked out of mainstream political, social and economic processes and have resorted to crime and violence as a means to achieve their goals. Some of these gangs are formed along ethnic lines notably the Mungiki (Kikuyu) and Taliban (Luo) as examples. The government's strategy in dealing with these gangs has oscillated between neglect and heavy handedness depending on the state's prevailing interests at any given time.

## Youth

Lack of employment and poor wages especially among the youth has led to their disillusionment, which has in turn caused them to turn to crime and violence. Various patrons have capitalized on the youth's disillusionment and engaged them in activities that are questionable in nature. In their ignorance the youths have for example been used by landlords to evict tenants who are late with their rent. Politicians have also misinformed the desperate and gullible youth and have at certain occasions hired them to campaign and intimidate their political opponents. The youth are vibrant, energetic and ambitious but the lack of gainful employment has made them vulnerable to individuals who have exploited them for temporary and little economic pay offs.

## Table 7: Actor Analysis-Nairobi province

| Actor | Characteristics | Interests | Needs | Resources |
|-------|-----------------|-----------|-------|-----------|
| Luo | Tenants<br>Casual labourers<br>Frank & reactive<br>Political i.e. change<br>Generous & proud | Advocating for change<br>Economic<br>Good governance | Shelter<br>Security<br>Good employment<br>High social status | Numbers<br>Knowledge<br>Organized |
| Kikuyu | Landlords<br>Traders<br>Peaceful<br>Selfish<br>Non-supportive to other tribes<br>Exploitative | Protecting territory<br>Economic interest<br>Space<br>Retain status | Health<br>Security<br>Clients<br>Peace | Houses<br>Money<br>Business<br>United<br>Big number |
| Luhyias | Tenants<br>Security guards<br>Cooks/Chefs<br>Polygamous<br>Traders<br>Labourers<br>Religious<br>Being updated | Economic<br>Affordable housing<br>Politics<br>Socio/economic development<br>Communication | Shelter<br>Security | Human resource<br>Business<br>Religious & educational institutions<br>TV's,mobile Radios |

| Nubians | Landlords<br>Traders<br>Ignorant<br>Rich culture<br>Original occupants of Kibera<br>Polygamous<br>Muslims<br>Encourage intermarriages | Full ownership of Kibera<br>Socio/economic<br>Development<br>Get information | Security<br>Customers<br>Employment<br>Shelter<br>Title deeds<br>Improved infrastructure<br>Need of representation in government | Houses<br>Own business<br>Land<br>Have invested in matatu business |
|---|---|---|---|---|
| Police | Corrupt<br>Law enforcing<br>Suppressive<br>Loyal to the authority<br>Incompetent<br>Violent<br>Extortion<br>Arrogance<br>Abusive<br>Unprofessional | Economic<br>Ranking (promotion)<br>Maintaining law and order<br>Provide security<br>Accountability | Good payment<br>Training<br>Better housing<br>Transport<br>Communication gadgets<br>Welfare | Power derived from constitution<br>Fear by public<br>Guns<br>Back ups<br>Training<br>Community support<br>Government support |
| Gangs | Organized<br>Intimidating<br>Exploitative<br>Illegal<br>Criminals<br>Extortion | Economic<br>Political<br>Territorial<br>Business interest | Shelter<br>Wealth<br>Power<br>Recognition | Fear<br>Crude weapons<br>Organized<br>Money |

| Youth | Violent | Socio-economic progress | Counseling and proper | Human resource |
| | Vibrant | | guidance | Education |
| | Ambitious | | Employment | Talents |
| | Disorganized | | Good examples & mentors | Businesses |
| | Temporarily organized | | Spiritual guidance | |
| | Energetic | | Ethics | |
| | Informed/mis informed | | Education | |
| | Ignorant | | Shelter | |
| | Highly political | | Security | |

## Conflict Dynamics

The political elite have thrived on ethnic manipulation played out through feelings of historical injustices and marginalization to advance their own personal interests in the political sphere. The institutionalization of violence with impunity has seen the deliberate use of force by politicians to obtain power by stirring ethnic hatred that has often led to conflict. The episodes of violence witnessed during previous electioneering periods and more recently in the 2007 post-election violence that also engulfed Nairobi are not only a clear manifestation of political manipulation, but are also a pointer that the security forces have never been adequately prepared to deal with such incidences. The government has in the past treated episodes of ethnic tension and violence as security issues and has never attempted to scratch beneath the surface and address underlying structural issues. Violence has therefore inescapably been a common phenomenon in daily life.

This analysis would be incomplete if it overlooked the youth who have been a regular motif in the Nairobi conflict landscape. The low income residential neighbourhoods in Nairobi are densely populated and have been the epicentres of most conflicts within the capital city. Some of the informal settlement areas are largely Balkanized along ethnic lines. With the differentiation between various ethnic groups made geographically easier, it has been easy to launch targeted attacks towards specific communities. Furthermore, the City Council's failure to provide basic social services has given rise to organized criminal gangs who have come up to fill this vacuum.

Most of the organized gangs are youthful and vibrant men (and women) who initially started off as alternative service providers (from the state), but have evolved into criminal gangs with extortionist tendencies. They have terrorized their neighbourhoods, engaged in violent killings and destroyed public property. The money they make from looting and extortions substitutes for their lack of employment and lack of meaningful regular wage thereof. These groups have also provided a regular ready pool for politicians to tap into to campaign for them and intimidate their opponents. Much as most of these groups have been outlawed, the relationship these youth have with politicians and sometimes the state has brought into question the status of their legitimacy.

Depending on the political interests at certain points in time, the elite

would either court and use them for their ends or exercise severe heavy handedness in government crackdowns. Their lives oscillate between politically correct "legitimacy" and "illegitimacy". The gangs have taken on the nature of a movement with a life of its own and a momentum that can stop or mobilize when the conditions are ripe. These groups have also been known to align and realign with political elites or parties and/ or along ethnic lines depending on where their interests are being met. A case in point is the Mungiki phenomenon.

Scenario Analysis

The overall future scenario is currently being and will be more or less driven by the state's efforts at the national level to address underlying causes of conflict. Nairobi as a region should be juxtaposed alongside the larger national context. The capital is indeed strategic because it is where the seat, heart and centre of power are situated. While the state has in the past treated episodes of conflict as security issues there have been increasing efforts at the national level to establish commissions to address various structural issues. The Interim Independent Boundaries Review Commission (IIBRC) has been set up with the mandate to review and make recommendations on the country's administrative boundaries. In addition, the Truth Justice and Reconciliation Commission (TJRC) has been established to investigate historical human rights violations and address post-2007 elections atrocities. It has been further entrenched in the new constitution. What remains to be seen is whether these commissions' recommendations will be implemented to the letter, and whether Kenyans will finally find closure to historical injustices and better representation (with reviewed electoral boundaries).

The IIBRC seems to have its work already cut out as it stands facing some insurmountable challenges should it fail to take different perspectives into account. The work of the commission may not entirely escape

political interference after all. Much as the commission's mandate has clearly been spelt out, the country has in the recent past witnessed the creation of new administrative units. In addition, while reviewing the proposed constitution (prior to the referendum) in Naivasha, some MPs and members of civil society accused the Parliamentary Select Committee on the Constitution for overstepping its mandate. This was after the PSC delved into the sensitive issue of boundaries that had already clearly been mandated to IIBRC.  A cross section of politicians has already tried to pre-empt the commission's work pressing for determination of constituency boundaries based on population size (this would in effect create many more constituencies for larger ethnic groups to the exclusion of the smaller groups). Other communities feel that adapting this principle would give MPs from Central Kenya, who will have majority in numbers, the power to control proceedings in parliament and by extension marginalize other communities. Political partisan interests could eventually supersede larger community interests and fuel proxy conflict in various parts of Nairobi.

Should this commission recommend new boundaries for Nairobi, some constituents may not be happy being transferred to new administrative units. Nairobi has also been growing over the last several years and previous attempts by the Nairobi Metropolitan Department to expand the city have been met with stiff resistance by communities living in the outskirts of Nairobi. The commission has walked a tight rope while balancing between making realistic recommendations on one hand and mitigating the potential for conflict on the other.

The Truth Justice and Reconciliation Commission is already experiencing its share of challenges. The appointment of Ambassador Bethuel Kiplagat as the chair of the commission alongside other commissioners has brought the commission's credibility into question. There are claims that some of the commissioners have links with the

previous regime accused of committing gross human rights violations on its citizens. The general public perception of the commission is that since the commission has emphasized a lot on reconciliation, it exists to give amnesty to perpetrators of 2007 post-election violence. The victims of post-election violence who also happen to live in Nairobi's urban informal settlements have little faith that they will get either reparative or retributive justice. If their concerns are not addressed and the commission given a clean bill of health, their attempts at national reconciliation may prove futile. Nairobi could witness a repeat of the violence that rocked the province's poor areas in the search for mass justice.

A recent phenomenon in Nairobi's Eastleigh area has to do with the growing economic power of the Somali population in the area. There are claims that the rise of piracy in the coast of Somalia has resulted in money laundering activities by the Somalis in Eastleigh and other neighbourhoods within Nairobi. Piracy money it is claimed, has found its way in the Kenyan economy and Somalis are increasingly investing in real estate and other business ventures. There is no denying that these investments have indeed had a positive effect on the Kenyan economy. However, the premium rates at which Somalis are reportedly willing to purchase real estate has distorted property market price in the country since new prices are pegged on the premium price.

The relationship between Nairobi residents and the Somali community in Kenya has revolved around trust and suspicion. Nairobi residents feel that the Somalis are slowly taking over Nairobi's economy. This is further complicated by the already existing negative perceptions of the Muslim community in the country. The Somalis on the other hand have had a number of run-ins with the government as the latter has continued to crack down on illegal Somali immigrants. A section of Nairobi's residents feel that Somalis' growing economic power

may soon (if it hasn't yet) transform them into key players in Kenyan politics. Given the Kenyan political elite tradition of wooing strategic communities just before elections, the same may soon be the case with the Somali community.

Politicians could soon tap into the economically powerful Somali community to fund their campaigns while promising "Somali-friendly" policies that would entrench this community deeper into the Kenyan fabric. This would have a number of possible outcomes.

First, it could spark religious conflict within Eastleigh and possibly other areas within Nairobi with considerable populations of the Somali community. Other groups may justify this (economic) proxy violence with the fight against terrorism and/or other ills like piracy.

Secondly, government policies geared towards accommodating the Somali community may not augur well with their Kenyan counterparts and more so their Kenyan business rivals. The formulation or mere connotation of such policies would be perceived as favouring the Somali community with the intent to create a more conducive environment for their businesses to flourish. This scenario would create suspicion and conflict between the Kenyan and Somali communities while pitting politicians who may not know how to reconcile the two interests right in the middle.

Thirdly, the Somali community's growing economic power could revive fears and ambitions of Somali irredentist movements not just in Nairobi but also within the wider region. Lastly, a return to peace in Somalia could result to gradual capital flight should the Somali business community decide to relocate and invest in their country. This could have a devastating effect on the Kenyan economy and more specifically the local people's livelihoods whose sustenance was pegged and

interwoven with Somali businesses. The government needs to put into place proper economic policies that would cushion the economy from such possible effects.

Political temperatures were raised in Nairobi in the thick of the debate on the passing of the new constitution. The usual bickering between politicians that has occasionally degenerated into fist fights once again became common place. Politicians increasingly made inflammatory statements, sometimes along ethnic lines. Conflict between politicians and their constituents were also more pronounced. On one hand this may be healthy possibly because of the realization that constituents have a voice may go a long way in helping to discipline their parliamentarians. On the other hand, this could yet be another indicator that constituents are not happy with the status quo in terms of little, slow or total lack of economic and political reforms. These frustrations may eventually be played out in open conflict.

In the past Nairobi citizens' actions have largely been informed by what is happening within the political arena. The city is slowly recovering but there is a risk that if the political class fails to put its house in order then prevailing conditions could very easily trigger other incidences of violence. Open bickering among the political class and disagreements over the war on corruption and management of coalition politics could translate to violence in Nairobi's informal settlements. In fact there have been recent disturbing reports of slum violence along ethnic lines yet again. This means that even though communities seem to be living in perfect harmony there is still a huge risk that if fundamental structural issues are not addressed Nairobi could become a scene of yet another major conflict.

Recent developments have also shown that there is still a risk that Nairobi's youths remain exposed to politicians' whimsical manipulations.

The government through programmes such as the Youth Fund and *Kazi kwa Vijana* (Jobs for Youth) has provided an opportunity through which youth can engage in various economic activities. More still needs to be done in terms of creating employment opportunities among the youth as they are walking time bombs.

A desirable best case scenario would be one where the state institutes both political and economic reforms at the national and regional levels with special attention to the informal settlements. Some of the economic advantages are yet to trickle down to the common *mwananchi* (citizen) and until they enjoy the pay offs, then not much will change. Nairobi may be a cosmopolitan city but oftentimes its residents have often fallen back to their ethnic cocoons for political expediency.

## Future Plans for Consortium Work

### Education

School children in Nairobi generally have good access to both primary and secondary education. The free primary education programme has contributed to making this possible. However there is still a challenge with regard to access to education in Nairobi's informal settlements and other poor neighbourhoods.

The HIV/AIDS scourge that has afflicted a good proportion of the slum population has turned school-going children into early caretakers of fellow siblings on their parents' death. The cost of retaining children in school is sometimes also not affordable to parents. These factors have contributed to a high school drop out rate.

There is need for education programmes to target both access and retention of children in schools. School feeding programmes would

also motivate children to attend classes and help address the problem of retention. In addition it would be helpful to ensure that schools are furnished with proper learning aids for both teachers and students.

## Water, Sanitation and Hygiene

Access to clean water has been a perennial problem in Nairobi and poor households have borne most of the brunt. One possible solution would be to install central water points (taps) at different spots that would ensure that people not only have access to water, but also the water they drink is clean and they are protected from waterborne diseases. There is also need to train the community on safe water treatment and storage.

There is the problem of solid waste management, such as challenges with dumpsites in residential areas, flying toilets and burst sewers. These issues have often contributed to sicknesses such cholera in sections of the city. There is need to address such sanitation issues.

## Sustainable Livelihoods and Food Security

Respondents did well to highlight the resources they have within the community. The unemployed youth in Nairobi should be discouraged from relying solely on formal employment. Even though a good proportion of the youth community in the poor informal settlements are school drop outs, they possess a diverse range of skills that can be tapped in order to generate some regular income. There is therefore need to provide opportunities for vocational training that can hone and maximize these skills.

Both formal and informal organizations should be encouraged to create and operationalize apprenticeship/internship/volunteerism programmes

in order to enable the youth, not just to manage their time but also gain necessary skills that can be used as relevant experience when seeking future employment opportunities.

Organizations can also provide seed money or establish revolving funds to enable the youth establish small enterprises. Possessing skills is one thing and applying them is just as important.

## Personal/Community Security

Advocacy issues for civil society include:

- Bolstering security in residential areas through community-based policing strategies that also take into account the issue of witness protection.

- Response to insecurity should be more proactive prevention than reactive.

- Different stakeholders should rely on community intelligence as a way of preventing imminent conflict especially in slum areas.

- Facilitation of genuine dialogue with organised gangs to address their grievances.

- Access to and better policing equipment that would aid response

- Better wages for security forces.

- Close collaboration between private and public security systems.

- Good relations between community and security forces.

# Western Province

## Introduction

Western Province is strategically located – sandwiched between Rift Valley to the east and Nyanza to the south while bordering Uganda to the west. The province was not spared the experience of post 2007 polls violence, as about 12,000 people were displaced to Uganda as a result.[183]

There are multiple conflict issues in different parts of the province, but the focus of this analysis is Mt. Elgon district, which, as the name suggests, is located around Mt. Elgon, and borders Uganda to the west. The district has experienced vicious conflicts revolving around grievances over land and politicisation of identity and land issues.

## Structural Causes of Conflict

Rooted in a long historical quest for fair and equitable distribution of land (spanning back to the colonial regime), the Mt. Elgon conflict flared shortly after the 2005 National Constitutional (Banana-Orange) Referendum.[184] In the period between December 2006 and April 2007, the conflict displaced over 60,000 people, with 144 people dying 115 wounded.[185] Later intervention by security forces (Kenya Police, Administration Police, General Service Unit and Kenya Army) to quash

the main militia group behind the conflict – the Sabaot Land Defence Force (SLDF) – resulted in the killing of at least 735 people.[186]

This research sought to interrogate new dynamics to the conflict. Therefore, while structural causes of the Mt. Elgon conflict will be discussed here, the focus shall be on what findings were made in relation to the study:

## Land Distribution

The historical displacement of the Sabaot people from Trans Nzoia (to Mt. Elgon) by colonialists sowed the seeds of land grievances among them. Subsequent government failures to expressly and conclusively resolve the issue fed the conflict.

The latest government effort to bring closure to land problems was the Kaguthi-led Task Force. This task force had the limited mandate of establishing claimants to the contested Chepyuk Phase III and resettling them.[187]

But this research found that there are still questions about the approach adopted by the Task Force and their targeting of beneficiaries of resettlement. Respondents claimed that the actual number of original claimants could actually be less than the Task Force actually plans

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[183] UNHCHR, *Report from OHCHR Fact-Finding Mission to Kenya, 6-28 February 2008*, (Geneva: UNHCHR, 2008), p.14

[184] UNDP/OCHA, *Mt. Elgon Conflict: A Rapid Assessment of the Underpinning Socio-economic, Governance, and Security Factors*, Unpublished, 2009, p.2

[185] Kenya Red Cross Society, *Mount Elgon Clashes Status Report*, 4th April 2007

[186] See Bernard Kwali, "Mt. Elgon Killings: Fingers Point at Army and Rebels", *Daily Nation*, August 25, 2008, http://www.marsgroupkenya.org/multimedia/?StoryID=229122&p=Kimilili&page=4 (Acessed on: 18th February 2010)

[187] UNDP/OCHA, *Op.Cit. 34*

to resettle. The government initiative targets 1732 registered people (claimants). Respondents questioned the inclusion of some individuals in the list, alleging that one opinion leader is not as needy since he owns 10 acres of land in Chepyuk Phase I and another 10 in Phase II. Further, it is claimed that this list of 1732 includes children, signifying that some families could actually benefit from multiple allocations.

Officials of the provincial administration haven't been spared the same (old) accusations of having questionable dealings in land allocation and resettlement efforts. It is felt that the list of beneficiaries is not accurate; the number of beneficiaries is exaggerated, while the provincial administration isn't (satisfactorily) consultative.

Further, it is felt that the size of land offered for allocation (2.5 acres per beneficiary) is not adequate.

## Political and Territorial Traditional Structures

Traditional spiritual leaders (*laibons*) and the Council of Elders in Mt. Elgon are still considered critical institutions in determining peace or conflict in the district. The *laibons* were particularly deeply involved in the violent conflict over land that involved militia groups. At least two of them were suspected of blessing rival militia groups' rank and file to fight.

Yet *laibons* have been looked upon to cleanse ex-combatants of SLDF and other such militias in Mt. Elgon in order to reintegrate them in society. In one such recent attempt, overbearing political interests in the process led to the withdrawal of some civil society organisations from the process.

The politicisation of the *laibons* threatens to erode their traditional role and attendant legitimacy. Further, given that *laibons* spiritually "administer" particular territories within the district, the clash between the "spiritual territories" and administrative boundaries (especially with the creation of new administrative units), feeds conflict issues in Mt. Elgon.

## Identity Politics

The issue of ethnic and/or clan identity in Mt. Elgon has been a root driver of the conflict in the district. The identity-based dynamic to the conflict – where militias from the predominant Pok clan were seen to mostly target the Ndorobo – fed the Ndorobo isolationist aspirations for a new district.

The recent creation of a new district in Mt. Elgon played in to these clan-based rivalries. But in very much the same way that the carving out of Mt. Elgon from then Bungoma district created new minorities (the Bukusu and Ndorobo) in Mt. Elgon, so will the new unit. It is therefore evident that marginalisation of minority groups underlies conflicts in this area (for instance the Sabaot, who are composed of the Pok, Bongomek, Kony and Ndorobo clans, had long held grievances against the Bukusu of Bungoma over marginalisation).

## Illicit Arms

Given Mt. Elgon's proximity to Uganda, and the spill over effects of conflict from greater Pokot, the district is prone to the availability of small arms. The organisation of youths in to armed militia groups prior to the military intervention in 2008 underscored the extent of small arms availability.

The guns are still considered to be accessible in as much as the militia menace appears to have been contained.

# Key Actors

## Laibons

They are considered to be custodians of Sabaot traditions, and are believed to have mystical powers. Each *laibon* is believed to command spiritual authority over a defined "spiritual territory" that does not necessarily tally with formal administrative boundaries (this is a source of conflict).

They are however increasingly being viewed as politicised, and have competing interests with the government (especially over territorial and administrative issues e.g. chief's authority competes with the *laibon's*). They are also traditionally inaccessible and are considered rigid (in their views and values).

## Provincial Administration

These are at the heart of government peace making efforts, and land allocation and resettlement initiatives. They have often been accused of manipulating land allocation efforts by awarding land to non-deserving cases (including influential personalities).

They are involved in the current land distribution initiative under the government appointed Task Force for Mt. Elgon.
*Youth*

Respondents attested to the reintegration of youthful ex-militia combatants to the society. This section of the youth is especially tempted to revert to crime and militia activities given the scarcity of income generating activities.

The youth at large are equally in a similar catch: Where they are mostly unemployed, they become a ready recruitment pool for militias and politicians. This potentiality coupled with the easy availability of small arms poses a challenge to peace. Most of the youth seek income generating opportunities, desire for the development of their human resource and a voice in shaping their present and future. Ironically, belonging to the SLDF (prior to the military intervention) gave them a semblance of this status.

## District Peace Committee

The Mt. Elgon District Peace Committee (DPC) is a harmonised one – following efforts by the provincial administration, Saferworld and PEACENET (and possibly other civil society actors) to have a uniform structure rather than multiple ones.

The DPC enjoys widespread recognition in Mt. Elgon, and is currently engaged in confidence building, partnership building and contextual analysis (for six to eight months) prior implementing their core peacebuilding mandate. The DPC works closely with the Council of Elders, Laibons, provincial administration, NGOs, and community members.

## Ethnic Groups

Identity consciousness has been an important determinant of conflict dynamics in Mt. Elgon. The three main groups in the district have been the Sabaot, Bukusu, and Teso. Politicisation of land and identity has led to inter-ethnic clashes pitting the Sabaot and Bukusu in the early 1990s, and even the mid-2000s to 2008 land conflict took inter-ethnic dimensions at some points. But the most vicious conflict – the latter – was predominantly intra-ethnic, pitting the Pok-dominated SLDF against the mostly Ndorobo members.

Politics, which often take identity-based perspectives, often heightens group rivalries. The Ndorobo feel under-represented in civic positions, and have never had "their own" as MP. The Mt. Elgon parliamentary seat has been historically occupied by representatives from either Kony or Pok clans.

## Conflict Dynamics

Grievances over inequitable resource distribution fed Mt. Elgon residents' clamour for a separate district from then Bungoma district. This feat (a new district), achieved in 1993, created a new minority – the Ndorobo clan of the Sabaot (and the Bukusu resident in Mt. Elgon). But Mt. Elgon has not been spared the politics of resource distribution even after its formation. Mt. Elgon's Kopsiro division is disadvantaged in resource terms such as education, health and other infrastructure facilities.

But the biggest resource issue that has defined conflict in the district has been land. Disgruntlement with the government (read provincial administration) handling of land allocation ultimately led to an armed struggle for land, through the SLDF militia group in 2005 (see table below for brief historical timeline).



*Consortium and community members during analysis mapping-Maralal*

### Table 1: Mt. Elgon Conflict Historical Timeline (Mostly sourced from NCCK Report) Year  Event

| Year | Event |
|---|---|
| Pre-Independence (1956) | Conflict among Mosop. Elders were divided on where to be allocated land by the colonial administration. |
| 1963 | Inter-ethnic clashes between the Sabaot and Bukusu |
| 1970 – 1975 | In 1970 Chepyuk Settlement Forest was excised for allocation of communal land with involvement of elders. Elders took an oath not to sell land. But allocation process was not transparent, and there was cronyism. |
| | There was severe drought in 1971. |
| 1978 | Change of leadership from Kenyatta to Moi and from Moss to Kisiero. |
| 1975 – 1985 | Ndorobos harassed on suspicion of arms possession, in the process losing land. |
| 1983 | Wilberforce Kisiero and the provincial administration are alleged to have taken cattle from Ndorobos and driven them to Kapsokwony. |
| 1985 – 1989 | Provincial administration pursued a 5acre per person land allocation policy (community wanted 50acres per person). Process was also made a settlement scheme |
| 1990 – 1997 | Intra-Sabaot clashes occurred in 1993 after the Soy invaded Chepkurkur Farm. |
| | Four Mosop people were killed by the Soy and Ugandan Sebei people in 1996. 720 cattle and 20 donkeys were stolen and taken to Uganda and Cheptais. |
| | Sabaot-Bukusu inter-ethnic clashes in early 1990's. |
| | There was an alleged Mt. Elgon connection to the suspected FERA movement. |
| | 1997 defeat of Kisiero by Kimukung. |
| 1996 – 2001 | Land allotment letters issued without consulting Mosop elders. It is alleged that it was the beginning of corruption. |
| 2000 | Mt. Elgon County Council made the national park a National Game Reserve. |
| 2002 – 2007 | In 2002 John Serut defeats Kimukung on promise of the Nyumba kwa Nyumba land allocation policy. |
| | After 2005 referendum, a 50:50 land allocation process (between Mosop and Soy) is adopted. This was contentious. There were allegations of corruption among politicians, settlement officers and provincial administration. |
| | 10 Ndorobos were killed by Soys triggering the conflict. |
| | In 2006 there was the emergence of militias – the Sabaot Land Defence Force (SLDF) and the Moorland Defence Force. |
| Oct-07 | The administration police's Rapid Deployment Unit (RDU), the regular police, and the GSU launch an unsuccessful joint operation to dismantle SLDF |

## Water, Sanitation and Hygiene

Mt. Elgon has an abundance of water. Respondents felt an important intervention in this sector may be one on water treatment and protection of water sources. This is inclusive of environmental conservation needed to protect water catchments.

## Gender

Mainstreaming gender in every intervention program would be best. Security and development programs need to be gendered. For instance, challenges experienced by some men and women during the *Operation Okoa Maisha* are different, though the common denominator was sexual violence. While some women are said to have survived rape (under SLDF and security forces), men survived castration and torture.

Health care programs are needed to address challenges survivors live with. This should also include trauma healing and counselling programs.

On the development front, there are displaced widows who live as integrated internally displaced persons (IDPs) and risk losing claim to land previously owned by their late husbands.

## Livelihoods and Food Security

Sustainable livelihoods in Mt. Elgon are a factor of a number of issues:

- Displacement/Resettlement – Current resettlement efforts are thought as not fully considering displaced families living as integrated IDPs. There are some families that were displaced to Trans Nzoia and other parts of Rift Valley (e.g. Eldoret), and they are living in

poverty. There is even an argument that in addition to the 1732 + 352 that are being settled by the Mt. Elgon Task Force, there are at least 5,000 more that need consideration. There is therefore need for an advocacy program highlighting this issue, and an on-going audit to establish the transparency of the land allocation process as well as the determination of whatever other needy cases there are.

- Unemployment – There is a considerable level of unemployment in the district, especially among the youth. Mt. Elgon district has a huge potential for horticultural agriculture, yet its markets and road and communication infrastructure are under-developed. Efforts to open up the district, and create opportunities for commercial agriculture would boost livelihood options.

- Farming – Mt. Elgon has very productive land, yet the district has ironically suffered food shortages due to the conflict. Supporting farmers to acquire farm inputs, and training them on productive farming methods would help boost food security.

## Small Arms and Light Weapons (SALW)

In addressing SALW issues, there are some considerations that need to be made on several levels:

- Reintegration of militias – While the military succeeded in breaking the SLDF struggle, it did not eliminate all its rank and file. Some of the ex-combatants have come back to nothing, and therefore may be lacking incentives for peaceful co-existence. There are ex-combatants who were tortured and need appropriate health care, others are school drop-outs and need education, while others are in early marriages and lack a means of livelihood. There is also the challenge of hatred and suspicion between civilian youths (those who never joined militias) and ex-combatants. Thus, a reintegration

program that focuses on disarmament, economic empowerment, health care provision, education and reconciliation is needed.

● Regional security architecture – The SALW problem is as much a result of border porosity as it is symptomatic of the interconnectedness of Mt. Elgon to the North Rift conflict system. Advocating for a regionalised security architecture, that is not only state security oriented, but embraces the participation of the public (through the DPC, for instance) is necessary.

## Child Protection

The Mt. Elgon conflict negatively affected children's right to education, shelter, and food. Many dropped out of school, and some were subjected to sexual and physical abuse by militias. Thus, child protection programs are needed to enable children's access to education and a better life.

# Eastern Province

## Introduction

Eastern province is the second largest province in Kenya after Rift Valley, with the provincial capital being Embu. In July 2009, it was unofficially sub-divided into three sub-provinces for administrative purposes – Lower Eastern (headquartered in Machakos), Central Eastern (headquartered in Embu) and Upper Eastern (headquartered in Marsabit). Most of its landmass is semi-arid, with the most agriculturally productive and more developed areas being those within Central Eastern. Hence, the most marginalised are the dry lands (Upper Eastern is the least developed).

It borders Ethiopia to the north, and this informs some of the conflict dynamics in the province. Further, Upper Eastern together with North Eastern Province (NEP) formed the Northern Frontier District (NFD) during colonialism as earlier pointed out (see chapter on NEP).[189] The NFD was the site of the 1963 – 1967 Shifta War between Somali Irredentists and the Kenyan military forces.

The province's proximity to Ethiopia and Sudan has defined conflicts in Upper Eastern. For instance, the Ethiopian dissident Oromo Liberation Front (OLF) has been variously accused of involvement in local inter-community conflicts leading to massacres such as the 1998 Bagalla Massacre (in Isiolo) and 2005 Turbi Massacre (in Marsabit). The Dassanech towards Lake Turkana, on the border with Ethiopia, are alleged to access small arms with OLF assistance.

Although they are a minority group that is marginalised, the Dassanech are said to unwittingly protect Kenya's sovereign integrity by their occasional clashes with Ethiopian forces. It is also possible that the Ethiopian government dam construction on River Omo, which feeds Lake Turkana, has a potential of feeding greater pastoralist conflicts and violent communal backlash against the project should waters recede in the lake.

Another development with the potential to lead to violent conflict is the on-going oil exploration in Isiolo. This venture has heightened identity-based claims for rights to land with prospective oil. The Borana and Somali groups in Isiolo now have competing claims to the land under exploration. This, coupled with the reality of clan politics (coalitions and counter-coalitions) in the area could feed intensified conflict. As such, management of natural resources (in this case if oil is struck), should be done in a manner beneficial to local needs rather than simply focusing on investors' and national needs.

The field research covered Isiolo, Dabel, Moyale and Marsabit.

## Structural Causes of Conflict

In analysing conflict in Eastern Province, it is necessary to pinpoint that the most conflict affected districts are in Upper Eastern, with the province's districts proximate to this region also occasionally drawn in (especially the Meru region). For instance, cattle raiders from Eastern's Isiolo and neighbouring Rift Valley's Samburu have occasionally struck

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[189]It is important to note that the NFD also included other zones now in Rift Valley (e.g. Samburu and Turkana)

some of the Meru districts (e.g. Meru North and Meru Central). This analysis will focus on structural causes of conflict in Upper Eastern (from Isiolo northwards), while the conflict dynamics section will factor in how the conflict spills over to the Meru region of the province.

It is therefore valid to state that conflicts in the province are intertwined with those of areas of Rift Valley, North Eastern and even across the border to Ethiopia (and to some lesser extent Somalia and Sudan) – they form a conflict system, or a regional security complex. Conflicts in this area are essentially identity-based, with identity issues being regionalised (crossing provincial and state boundaries). They are also about resources and the competition for and politics of resource use and control. Some of the structural causes of conflict include:

## Resource Scarcity

Upper Eastern is an entirely arid landmass that has the hot Chalbi and Didi Galgalu deserts[190] in Marsabit and the Golbo Plains in Moyale District. The region is characterised by scarce water and pasture in an area where the dominant means of livelihood is pastoralism.

While water and pasture are not reason for conflict, the competition for control of these resources given their scarcity ripens conditions for hostility. Control of grazing land and water points is based on ethnic settlement patterns. As such, communities have cultural and historical claims to given resource endowed territories. In the case of the recent Isiolo (late 2009) conflict for example, respondents from Samburu observed it was rooted in the fear that they would lose their historical grazing land to Isiolo.

Communities have designated grazing zones that are fodder banks

for use during drought. Often times when other groups, in their quest for pasture and water, fail to respect such boundaries, the situation escalates. The 1998 Bagalla Massacre was partly due to the increased competition for resources caused by the migration of Somali groups from Wajir to Isiolo.

Similarly, strains in relationships between the Ajuraan of Wajir and Sakuye of Moyale are caused by the former's forays into Dabel for water and pasture without negotiating with the latter. Dabel is considered be resource rich (in terms of number of water points) by the neighbours. Similar water and pasture rivalries can be observed among other groups within upper Eastern. The tension that existed between the two tribes finally explored into fully fledges conflict in June 2010 and tension is still high.

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[190] Other accounts consider Didi Galgalu as part of the Chalbi desert. See Online: http://multimedia. marsgroupkenya.org/?StoryID=252435&p=Laisamis&page=2 (Accessed on March 1st 2010)

## Table 8: Timeline of Recent Ajurana-Sakuye Conflict

| Timeline (2010) | Incidents |
| --- | --- |
| June 5th | Two OLFs militia members are killed in Dabel |
| July 12th | Three Ajurana are killed by OLF as a revenge for OLF deaths. The Ajurana blame this on the Sakuye of Dabel and vow to take revenge against them |
| June 13 | Sakuye report threat to the Moyale District Security Committee |
| June 13 | District security team calls for calm and promises that government will investigate |
| July 26th | A Sakuye elderly woman is killed in Qoran-jido by Ajurana (10Km from Dabel town) |
| July 27th | Tension is high and MPs from Moyale and Wajir North fly in to address both communities and call for calm |
| July 28th | Two Gabras are killed by Ajurana attackers in Dabel division |
| July 29th | A Borana and 2 Sakuye are ambushed and killed by Ajurana in Dabel Manyatta |
| August 7th | Sakuye is killed and this result to the increased tension |
| August 8th | A peace meeting flops |
| August 27th | A meeting is called and Ajurana members accept role in perpetrating killings and resolve to compensate for the 7 people killed in Dabel (under the *Xeer* system) |

## Identity

Defining the fault lines of conflicts in upper Eastern is (ethnic) identity. Alliances and enmities are defined on the basis of identity and the long history of inter-ethnic interactions in the area (including perceived historical injustices committed by one group over another). A multiplicity of ethnic groups have alliances and counter-alliances, with the minorities banding together to counter-balance the majority groups (in the case of Marsabit), or minorities staying allied to major groups for strategic reasons (in the case of Moyale).

Specifically, the Sakuye – a minority group in Moyale – are friendly (or even in an alliance) with the Borana (who are a major group in upper Eastern) and this has helped deter Ajuraan (in Wajir, NEP) aggression towards the former. In similar terms, the Garri, who are rivals with the Ajuraan in Wajir, are in alliance with the neighbouring Sakuye to counter the Ajuraan.

In Marsabit, the Rendille conflict with the Borana has them in alliance with the Gabra (who equally have a history of conflicts with the Borana). The Borana-Gabra conflict has also fed an interesting debate on identity in Upper Eastern. Whereas the Borana embrace their ties to the Oromo

nation (which spreads to Ethiopia), the Gabra are keener to espouse their Kenyan identity, in effect asserting an independent identity away from a history of a skewed but close relationship with the Borana.[191]

Identity issues have also influenced politics in the entire region. In Isiolo, the Borana dominance has the Somali population in a political alliance with them. But the gradual rise in numerical significance of the Turkana, to the extent that their parliamentary candidate polled second in the 2007 elections, has fed inter-group tensions. The Borana are uneasy about the prospect of losing political control of the area to another group. The Turkana on the other hand, have an alliance with the Samburu and Rendille to counter their rivals.

Further, spaces for political competition are dominated by identity-based dynamics. An example is the case of the Kenya National Union of Teachers (KNUT), Marsabit branch. Here, teachers from smaller ethnic groups have formed the REGABU alliance (Rendille, Gabra and Burji) in order to win elective posts in the teachers' union. But such dynamics trickle down to schools, where the ethnicity of the head teacher or other teachers matters in relation to the school's location.

Some NGOs (e.g. CIFA and PISP) in Marsabit initially adopted policies of deploying staff to different areas based on their identity, but have now put emphasis on speciality rather than ethnicity.

## Administrative Boundaries

Contestations for cultural rights to grazing zones (based on historical settlement and migration patterns) are often magnified by lack of clarity on administrative boundaries. Where new administrative units (e.g. districts, divisions and locations) are formed, these create new claims and/or expectations of exclusive or primary rights to the land and its resources – "the district was created for our community," so the expression goes. While land is communally owned, the public served by a public good are first and foremost locally expected to be the members of a particular identity group rather than the collectivity of groups around that area.

Ambiguity of administrative boundaries is on multiple levels. At the provincial level, there is heightened discontent in Moyale (specifically in Dabel division) over the creation of Wajir district administrative sub-units on the Moyale side of the boundary. This seems to emanate from unclear boundaries demarcating Eastern and North Eastern provinces. Lower south; there is a simmering border dispute between Eastern and Coast provinces.

At lower levels of administrative units, the setting up of such units based on settlement patterns has also been viewed to cause conflict. Given that nomadic groups in Upper Eastern often settle around water points, these are often converted to divisions, locations and/or sub-locations. As earlier pinpointed, this creates stronger claims for exclusive rights to such resources, and defines new conflict lines as other groups seek to access them. But in the Meru region, where new districts were created, this development emphasized previously latent identity rivalries. The contestation for territories as boundaries were debated and demarcated led to violence along frontiers separating the Meru sub-groups (in 2008).

One more issue that has regional implications is one of an area in Marsabit referred to as the "Promised Land". It is claimed that some Ethiopians have settled in this area, to the discomfort of a section of the Marsabit community.

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[191] *The Borana historically considered the Gabra as their servants.*

## Inadequate Security Provision

The scattered police (both regular and administrative police) presence in Upper Eastern is considered a major reason for conflicts. In the absence of the deterrent availability of security forces in the region, communities are primarily left to self-help arrangements. These have been in the form of armament. Arms proliferation and a warrior culture (*moranism*) that has led to militarization of communities have contributed to a culture of violence.

Police stations are located up to 600km away from some of the remotest parts of the province. In an area where security threats not only emanate from internal inter-group rivalry but also from external cross border attacks, illicit arms proliferation aimed at securing life, territory, and priced livestock persists. Government disarmament efforts that are pursued without requisite security provision in this region are counterproductive as they trigger increased arms trafficking and an arms race. Worse still, the often partial disarmament programs (i.e. disarming one group while ignoring armed neighbours) only makes the disarmed community vulnerable to cattle raids and other attacks from environing rivals.

## Table 9: Core Problem Analysis-Upper Eastern province (Isiolo, Moyale, and Marsabit)

| CORE PROBLEM | Root Causes | Effects | Solutions |
|---|---|---|---|
| Pasture (shortage) | -Drought<br>-Over-grazing<br>-Overstocking livestock<br>-Inadequate Rainfall<br>-Government policy<br>-Unclear boundaries<br>-Disrespecting boundaries | -Insecurity and Violent conflict<br>-Poverty<br>-Displacement (IDPs)<br>-Pests and diseases<br>-Loss of livestock (deaths)<br>-Livestock rustling<br>-Theft of property<br>-Environmental degradation | -Council of elders should be used to resolve differences<br>-Respect grazing land & controlled animal movement<br>-Community sensitization<br>-De-stocking<br>-Pasture-sharing arrangements<br>-Communal ranches<br>-Seasonal grazing<br>-Capacity building<br>-Hay usage |

| Water (shortage & inaccessibility) | -Drought<br>-Overgrazing<br>-Collapse of wells<br>-Mismanagement of water points<br>-Shortage of water points (e.g. boreholes, dams & water pans) | -Internal & External disputes<br>-Water rationing<br>-Livestock rustling and deaths<br>-Human deaths<br>-Food shortage<br>-Nomadic lifestyle<br>-Outbreak of water-borne diseases | -Drill new boreholes<br>-Provincial administration should respect communities' decisions on protecting resources<br>-Police reforms<br>-De-silt dams |
|---|---|---|---|
| Boundary disputes | -Expansionist ambitions among groups<br>-Unclearly defined provincial boundaries<br>-Politically motivated formation of administrative units<br>-Unclear government land policy (Trust Land Act)<br>-Nomadic lifestyle<br>-SALW influx<br>-Economic constraints<br>-Human & Livestock diseases | -Confrontations and violent conflicts<br>-Ethnic animosity<br>-Loss of lives<br>-Destruction of property<br>-Displacement of people<br>-Marginalisation | -Revise ancestral boundaries (IIBRC)<br>-Enforce/respect existing boundaries<br>-Government should respect community views<br>- Recognize traditional conflict resolution methods |
| Supremacy and Ethnic Rivalries | -Unresolved historical injustices between ethnic groups<br>-Political mobilization along ethnic and other partisan lines<br>-Domination of minority by majority ethnic groups<br>-Search for ethnic identities by minority groups<br>-Resource scarcity & inequity<br>-Competition for land | -High levels of ethnic polarization<br>-Hatred and suspicion along ethnic lines<br>-Ethnic prejudice and stereo-types<br>-Avoidance or dissolution of informal relationships<br>-Violent conflict & deaths | -Community sensitization on ethnic tolerance<br>-Community-based -Truth, Justice and Reconciliation approach<br>-Equitable resource distribution |

| | | | |
|---|---|---|---|
| Land | -Unclear administrative boundaries<br>-Annexation of land to North Eastern Province (by formation of NEP locations in Eastern province) | -Violent conflicts<br>-Poverty<br>-Displacements | -Form boundary team<br>-Respect existing boundaries<br>-Enforce Modogashe Declaration<br>-Respect communities' birth places<br>-Avoid mass movements |
| SALW | -Unemployed youth with easy access to arms resorting to robbery with violence as an alternative source of livelihood<br>-Proliferation of small arms and light weapons<br>-Inequitable distribution of national resources and investment opportunities for employment and wealth creation in different regions<br>-Culture of violence<br>-Security lapse<br>-Porous borders<br>-Weak legislation | -Banditry and frequent attacks along the highway<br>-Loss of life and property<br>-Loss of business profits due use of longer and sometimes bad roads<br>-Displacement | -Community policing<br>-Youth vocational training and employment<br>-Establishment of good roads<br>-Responsive police presence along the highway<br>-Comprehensive disarmament program including "disarming the mind"<br>-Border patrols |
| Bad Leadership & Governance | -Negative ethnicity<br>-Political manipulation<br>-Lack of civic education<br>-Use of national resources for political gain | -Violent conflicts<br>-Under-development<br>-Poverty<br>-Poor resource management<br>-Unemployment<br>-Corruption | -Inter-group consultations<br>-Inclusiveness<br>-Continuous civic education<br>-Equitable distribution of resources |

| | | | |
|---|---|---|---|
| Low Literacy Levels | -Marginalization<br>-Insecurity<br>-Few schools<br>-Culture<br>-Understaffing (teachers)<br>-Ignorance<br>-Poverty | -Poverty<br>-Unemployment<br>-Tribalism/clanism<br>-Early marriages<br>-Slums<br>-Marginalisation<br>-Rural-urban influx<br>-Under-development<br>-Raids<br>-Insecurity/conflicts<br>-Child labour<br>-Deaths<br>-HIV/AIDS | -Improve school enrolment & girl child education<br>Stop FGM<br>-HIV Awareness creation<br>-Policy change<br>-Cultural/perception change |
| Inimical cultural practices | -Female circumcision<br>-Ignorance | -Deaths<br>-Diseases e.g. HIV<br>-Conflict with government<br>-Inter-communal conflicts | -Awareness raising<br>-Education<br>-Dialogue |
| Poverty | -Drought<br>-Cattle rustling<br>-Marginalization<br>-Armed conflicts<br>-Poorly developed markets<br>-Diseases<br>-Unemployment | -Cheap labour<br>-Arms trade<br>-Cattle rustling<br>-HIV/AIDs<br>-Starvation<br>-Rural-urban influx<br>-Slums<br>-Early/forced marriages<br>-School drop outs<br>-Illiteracy<br>-Child labour<br>-Prostitution | -Job opportunities<br>-Improved medical care<br>-Controlled livestock markets<br>-Comprehensive disarmament<br>-Security provision<br>-Pastoralist resource management<br>-Drought preparedness initiatives<br>-Alternative livelihoods programme<br>-More water points |

| Inequitable distribution of resources | -Bad politics<br>-Individualism<br>-Ignorance on human rights<br>-Corruption | -Tribalism<br>-Poverty<br>-Death<br>-Violent conflicts<br>-Mistrust, fear, suspicion & hatred<br>-Development imbalance | -Progressive constitution<br>Civic education<br>-Welfarism<br>-Religious education<br>-Promote social responsibility<br>-Education on patriotism<br>-Equity<br>-End culture of impunity<br>-Comprehensively vet office holders<br>-Awareness raising on Vision 2030 to demystify it |

# Key Actors

## Nomadic Groups

Pastoralist groups traverse the entire Upper Eastern. These include the Turkana, Samburu, Rendille, Borana, Gabra, Sakuye, Somali sub-groups, Dassanech, and El Molo. Being pastoralist groups, their interests are defined by the source of livelihood – livestock. They therefore have a nomadic lifestyle in response to the quest for water and pasture. There is a culture of cattle raids among these groups, and often times even sedentary groups such as the Meru in central Eastern lose their livestock to rustlers.

## Sedentary Groups

Sedentary groups in Eastern include the Burji and "Corner tribes" in upper Eastern. The so called "corner tribes" are an interesting phenomenon of a conglomeration of minority groups (e.g. Arabs, descendants of European settlers etc) allied to form a common identity group in Moyale. Their choice of the identity "corner tribes" reflects their peripheral significance to political dynamics in the region. But the Burji and Corner tribes are established and flourishing businessmen in Eastern province. The Burji are also sedentary farmers and are mainly Christians.

The Meru and Kikuyu in lower Eastern and neighbouring Rift Valley (Laikipia) are worth a mention for three reasons. First, the Meru have had an intra-Meru conflict over administrative boundaries in the recent past. Second, the Meru have been victims of cattle raids originating from Eastern (Isiolo) and Rift Valley (Samburu) provinces. And lastly, some unscrupulous Meru and Kikuyu businessmen are considered to be a factor in the commercialisation of cattle rustling in the region. They are said to fund cattle raids as a cheap source of livestock that has a ready beef market in Central and Nairobi provinces.

## Civil Society Organisations

International, national and local organisations work in the province. Perhaps one of the biggest lessons agencies have drawn from their work in Upper Eastern is the sensitivity of identity issues and how that relates to agencies' work.

In the period after the 2005 Turbi Massacre, when suspected OLF rebels killed tens and thousands of Gabra residents in Turbi, some agencies that concentrated their interventions in areas predominantly Borana (or Gabra) were deeply distrusted by members of the opposing group. Agencies were branded as "Borana organisations" or "Gabra organisations". Drawing from this experience, agencies have learnt to work with all communities and not be limited in geographic presence.

Civil society organisations remain important agents of development, humanitarian service and peacebuilding in Upper Eastern.

## Security Forces

Security forces (military, regular and administration police and General Service Unit) are actors familiar to residents of Upper Eastern, albeit considered ineffective in security provision.

The military are accused of not doing enough to protect the country's sovereign integrity. In fact, some argue that it is the local communities in Upper Eastern who protect the country's territory by virtue of being armed and for fending off cross border attacks.

The regular and administration police are considered far removed from hotspots of conflicts; hence they are unable to enhance security in the province. The General Service Unit (GSU) is best remembered for their intervention following the Turbi Massacre, but such episodic security initiatives don't promise sustainable security in the long term.

## District Peace Committees

District Peace Committees (DPCs) are among the most visible local community structures for peace and development. In Moyale, in addition to the DPC, there is a Cross Border Peace and Reconciliation Committee, while in Marsabit there is the Marsabit Inter-Faith Council that was formed in the context of the inter-faith tensions resulting from the Turbi Massacre (the Borana are largely Muslim while the Gabra are mostly Christian).

Like DPCs in other parts of the country, the role of the provincial administration in constituting the structures is sometimes questioned, although the involvement of such officials is testament to civil society-government cooperation.

## Table 10: Actor Analysis-Upper Eastern province

| Actor | Characteristics | Interest | Need | Resources |
|-------|-----------------|----------|------|-----------|
| Samburu | Pastoralists | Cattle raids<br>Politics<br>Revenge | Water<br>Pasture<br>Representation | Culture<br>Firearms<br>Warriors<br>Politicians |
| Rendille | -Pastoralists<br>-Lives in the newly created Laisamis district and borders the Samburu, Turkana, Gabbra and Borana | -Cattle raids<br>-Politics<br>-Revenge<br>-Independence from Gabbra and Borana<br>-Control over pasture and water resources within their own area | Water<br>Pasture<br>Representation | Culture<br>Firearms<br>Warriors<br>Politicians |
| Gabra | -Pastoralist<br>-A small pastoralist community settled mostly in Chalbi desert at the border with Ethiopia | - Expand area their under thus access more pasture and water resources<br>- Complete political autonomy from the Oromo nation<br>-  Identity with the rest of Kenya without further reference to their Ethiopian origins | Pasture & water<br>Political representation | Livestock<br>Land<br>Manpower |
| Somali (Ajuraan, Garri, Degodia) | Muslim<br>Pastoralist<br>Cushites<br>Nomads<br>Inciters (alarmist)<br>Brokers | Business e.g. SALW<br>Cattle & camels<br>Preserve & spread religion | Conducive markets<br>Water<br>Pasture | Livestock<br>Economic might<br>Weapons e.g. bombs<br>Religion |
| Borana | Muslim<br>Pastoralist<br>Cushites<br>Rustlers<br>Nomads<br>Inciters (alarmist)<br>Self-Centred | -Livestock<br>-Gun traffickers<br>Boundaries<br>-Control pasture and water resources<br>- Consolidate the Oromo nation from southern Ethiopia to northern Kenya<br>- Political leadership over the minority groups | Water<br>Pasture<br>Representation<br>Control territory (traditional land) | Weapons<br>Political leaders' support<br>Land<br>Livestock<br>Numerical power<br>Religion |

| | | | | |
|---|---|---|---|---|
| Turkana | Christians Pastoralists Charcoal burners Nomads Source of cheap labour Poor Considered squatters | Politics Income generating opportunities | Land ownership Representation Recognition Water Pasture | Weapons (SALW) They have numbers United Livestock Educated Land |
| Burji | Businesspeople -A Bantu community living in the midst of pastoralists -Specializes in running businesses and farming | Dominate business Access land for farming | Economic independence Land | Financial power Manpower Vehicles |
| Meru | Always on the receiving end They don't raid or revenge Polite God-fearing (contested) Have commercialised rustling (with the Kikuyu) | Protect land Acquire wealth | Land Conducive business environment | Land Livestock Education Infrastructure Market Factories |
| Kenya Police Reservists (KPR) | Operate in isolation and on tribal lines Unskilled personnel Brave | Protect communities' lives & property Earn income Eradicate petty crime in town Pride Business | Skills and training Community & government support Government Arms | Firearms Government goodwill Community contribution/ support |

| British Army | They make ammunition available to civilians Anti-social behaviour (rape) | Acquire military training/skills | Government support Training grounds | Land for training Government & community goodwill Ammunition & firearms Bilateral agreement Superpower status |
| --- | --- | --- | --- | --- |
| Politicians | -Liars -Inciters -They are community leaders -People's representatives at local (civic) and national (parliamentary) levels | -Quick wealth -Political power and control of community -Divide communities along ethnic lines for easy political control | Political power -Economic power, -Sustainable support from constituents | Money Authority |
| Provincial Administration | Government administrators (civil servants) | Public order Loyalty from people | Law and order Prevailing peace | Authority Funds Vehicles Manpower Security forces |
| Media | Relay information, even the unqualified | Profits | Readership Credibility | Radio TV Money Printing equipment |
| DPC | Inter-community peace building & conflict resolution structure | Independence from political interference | Sustainable peace & development | Technical personnel Office and equipment IEC materials Funds |

## Conflict Dynamics

As earlier noted, conflicts in Upper Eastern have a systemic basis. For instance, what began as an adaptive movement of pastoralists from NEP's Wajir to Eastern's Isiolo later led to increased competition over resources which led to the Bagalla Massacre. Similarly, the Ajuraan's bold incursion to raid the Borana in Upper Eastern attracted Sakuye intervention to forestall the movement of cattle through their territory to Wajir. Gabra and Borana rivalries draw in the OLF, who are believed to side with the Borana.

Thus, conflicts in Upper Eastern cannot be disaggregated and treated as separate occurrences. Rather, the level of interconnections – cross-provincial, inter-group, cross-state, and so on – need to be appreciated.

Identity issues also define inter-group relations. The growth in the numerical strength of the Turkana in Isiolo politics has recently been a trigger of inter-group tensions. The dominant Borana-Somali alliance feels their political dominance is at stake. But such political concerns, mixed with equally identity-based competition for grazing land has proven critical in accelerating conflicts towards violence. This, with the Chinese prospecting for oil in Isiolo, raised the stakes for pastoralist groups – land in the district has attained more value, and groups are keener to assert rights to territories in the area.

Further, livestock rustling in the region, which spans several areas – Samburu (in Rift Valley), Marsabit, Isiolo, and Meru – is commercialised. The Meru view themselves as victims of such cattle raids, but with commercialisation of rustling businessmen from Mt. Kenya region (the Kikuyu and Meru) are said to be intricately involved in the trade.

The protracted nature of identity conflicts in the region has made them difficult to permanently resolve. A good example is the Borana-Gabra discord that often turns violent. In the words of one respondent "even children can narrate the conflict history" between the two communities. It has led the two groups to assert different positions on identity as earlier discussed.

The sensitivity of identity issues means agencies need to wisely design interventions in the province in a way that doesn't brand them as partial.

Respondents detailed some of the local capacities for peace in their area:

## Systems

i.   Modogashe Declaration – applicable among the Somali & Borana

ii.  Dukana Declaration – applicable among the Borana & Gabra (in both Kenya and Ethiopia). It was passed in 2009

iii. Laikipia Peace Declaration – applicable in Eastern province and the North Rift

iv.  Traditional Norms

v.   It is taboo for Samburu and Borana to kill a woman

vi.  Poaching is outlawed among the Boran

vii. It is taboo among the Samburu and Rendille for one of their own to kill the other

viii. It is taboo for a Samburu to kill a Meru

ix.  Jiblo lossa among the Garri, Gabra & Sakuye

x.   Sabo Gona among the Sakuye & Borana

### Institutions

i.      Njuri Ncheke Council of Elders (in Meru), the head is titled "Mugwe"

ii.     Council of Elders among the Turkana, Samburu and Somali

iii.    Gadda system among the Borana

iv.     Traditional courts among the Samburu

v.      Age set system, with an age set chief (called *Launoni*) & age set godfathers

vi.     Morans

vii.    Sultan/Ugass among the Somali

viii.   Lamal (peace songs) sang by Samburu women

### Processes

ix.     Lamal (peace songs among Samburu women)

x.      Oath taking (not to kill women & children) among the Borana

xi.     Prayers at shrines/prayer places

xii.    Inter-marriages

## Scenario Analysis

In the present scenario, the cyclic nature of violent conflicts can persist. In such a condition, it is hard to break the conflict patterns, while small arms can proliferate. It is a region that suffers from harsh climatic factors (e.g. drought), and worse still, marginalisation.

The current prospecting for oil, the road construction, and development planning related to the Vision 2030 should be done delicately. The quest for oil has re-emphasized the value of land for groups in Isiolo, and led to an increased desire to define community territories. The government ought to have a clear policy on resource exploitation and wealth sharing arrangements to forestall problems. The killing of an expatriate engineer in the area last year is only a pointer to possible challenges with an unclear policy regime on oil exploration and possible exploitation.

The Isiolo groups are especially keen to understand the implications of Vision 2030 to them. There is some apprehension that with the implementation of the plan, they stand to lose their land and nomadic lifestyle. Hence, in the status quo scenario, the communities are bound to reject any development and/or investment efforts in their area whose aims aren't clear to them.

In the worst case scenario, the OLF factor in Upper Eastern can get more complicated as the conflict grows more internationalised. With this, there is bound to be heightened inter-group conflict over identity. But conflicts over resources and political representation have the potential to equally grow. With such conflicts the danger of increased poverty is real. Yet forceful government forces' intervention to stabilise the situation can add to more controversy given tendencies for the forces to commit human rights violations. Lastly, with challenges associated with climate change, pastoralist groups would be forced to adapt and diversify their livelihoods.

In the best case scenario, there is the prospect of better developed infrastructure (e.g. with current construction of Isiolo-Moyale road). Better investment in water supply and irrigation projects would yield

resource abundance (water & pasture) for human and livestock consumption. The local structures would be more effective in promoting inter-group harmony while the regional security architecture would be effective. Literacy levels would shoot up and employment opportunities would be abundant for the youth.

# Future Plans for Consortium Work

## Education

There is a need for civic education, sustained peace education, and advocacy programs on access to education. Further, it is necessary to develop schooling facilities and programs that address special challenges of nomadic lifestyles. It is therefore important to have more boarding and mobile schools in the province. School feeding programs are also important.

## Water & Sanitation

Construction of water points such as boreholes, water pans and dams are a major need in as much as a number of them exist. More importantly, it is necessary to build the capacities of community members to manage and share such water points in a sustainable and harmonious way.

## Livelihoods & Food Security

The communities in Upper Eastern have, on a small scale level began diversifying their food sources with isolated cases of some individuals and/or groups practicing agro-pastoralism. Capacity building initiatives aimed at strengthening such progress would be helpful. Further, there is need for advocacy strategies communicating the need to boost the livestock industry in pastoralist areas.

## SALW

Key to addressing the small arms problem is ceasing the current government preoccupation with a singular disarmament process. Rather, there is a need to first improve the regional security architecture as a confidence building measure for communities to surrender arms. Disarmament requires a regional and not an area-specific, partial approach.

## Interventions

Resources are the biggest drivers of conflict in the province. There is therefore need to enhance the role of the District Steering Group as a coordination mechanism for interventions in the province. Agencies need to embrace consultative processes to promote agency-beneficiary understanding.

# Nyanza Province

## Introduction

Nyanza province is in the western part of Kenya. It borders Tanzania to the south and Uganda to the west, sharing with the two countries the Lake Victoria. This proximity to the two countries has defined some of the conflict dynamics, such as the international border dispute with Uganda over the location of Nile Perch rich Migingo Island and its environing waters (in Lake Victoria). Identity-based politics involving the Kuria on the border with Tanzania are equally trans-national, as are security dynamics in the area.

The province, especially Luo Nyanza, has been a cornerstone of opposition politics for most of post-independence Kenyan political history. This fact has therefore also defined politically motivated conflicts in the region and the country.

This study covered Kisumu and Kehancha during the field research.

## Structural Causes of Conflict

By virtue of their long history of association with opposition politics, inhabitants of Nyanza province have for decades felt isolated from the centre of government development policies. Hence, grievances in Luo Nyanza relating to feelings of marginalisation draw from their disenchantment with national politics and years of political isolation. However, in southern Nyanza (and specifically Kuria) there is evidence of far much more marginalisation exemplified by its poorly developed infrastructure in comparison to the rest of Nyanza. The Kuria being a

minority group, their plight is comparable to other comparatively small communities in the country.

This study found the following as the most salient structural causes of conflict in the province:

## Marginalisation

The province has experienced marginalisation in different ways over the years. First, save for the recent (from 2002) and early history (when the late Oginga Odinga was Vice President in 1964-66), most of Nyanza's inhabitants and political leaders have been on the periphery of national politics and government but for their central role in the clamour for bigger democratic space. Given the close linkage between inclusion in government and development, one of the results of such isolation is the 65% poverty levels in Nyanza – the highest in Kenya as at 2003.[192]

Second, inequitable distribution of resources in the country and the province has meant places like greater Kuria are less developed as compared to other parts of Nyanza. The Kuria districts have less developed transport infrastructure. The Kuria community is comparatively smaller in size than the other major groups in the province – the Luo and Kisii, hence their relative lag in development only reinforces feelings of marginalisation.

Inequitable distribution of resources is blamed on poor leadership and

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[192] See Ndeng'e, G., Opiyo, C., Mistiaen, J., & Kristjanson, P., Geographic Dimensions of Well-Being in Kenya, Volume One: Where Are the Poor? From Districts to Locations, Nairobi: CBS, 2003

governance as well as negative ethnicity. This has in turn fed a deep sense of disenchantment with the government, and a strong desire to change the political order for social justice. Often times such a struggle turns violent, as was witnessed during the post-election violence (in 2008).

## Land

Vicious clashes over land have characterised parts of Nyanza for some time. Conflicts over land have been recorded over multiple sites – Gucha-Trans Mara, Kuria-Trans Mara, and Borabu-Sotik hotspots. These are examples of conflicts transcending provincial boundaries as they pit groups in Nyanza against those in Rift Valley.

In the Kuria-Trans Mara case, the agro-pastoralist Kuria lease land from Maasai and Kipsigis farm owners in Trans Mara for crop cultivation. But this process often leads to conflict in situations where land owners lease their land to multiple farmers or if they reclaim their land before harvesting.

## Administrative Boundaries

Closely related to the land problem is the challenge of unclear administrative boundaries and how these feed conflict. In the Borabu-Sotik case, claims that farms and tea estates in Sotik and Bureti districts in Rift Valley were annexed and transferred to Borabu district in Nyanza have been at the root of bloody clashes between the Kisii and Kalenjin (Kispsigis) groups.

Similar grievances over boundary demarcation have led to demands to redraw the boundary between Rift Valley's Kericho and Nyanza's West Nyando districts in order to "reclaim" the land around Kimategei, Koru, Chemelil, Thesalaia and Kaplelartet back to Rift Valley. These demands have been made formally to the Interim Independent Boundaries

Review Commission (IIBRC).

In Kuria, the creation of Kuria East district opened up a clan-based protracted fight on the location of the district headquarters. While the Bwirege clan routed for its relocation to Ntimaru, the Nyabasi insisted that it be maintained in Kegonga. This led to an escalation of the conflict.

## Negative Ethnicity

Many conflicts in Nyanza are identity-based: The four clans of the Kuria in Kenya – Bwirege, Nyabasi, Bugumbe and Bukira – have rivalries that have informed politics, incidents of stock theft and inter-clan fights in greater Kuria.

The post-election violence that hit many parts of the country played out uniquely in Nyanza. In addition to cases of excessive use of force by the security forces, cases of inter-ethnic violence were witnessed.

Although targets of attacks in these clashes were those perceived to have voted for the opposing party, this consideration did not necessarily apply in Nyanza. The Kisii, who largely voted with the Luo in Nyanza and Kalenjin in Rift Valley, were still targeted during the mayhem. This was due to the other underlying identity-based rivalries and land and boundary disputes that predated the 2007 elections.

## Impunity of Law Enforcers

Human rights violations committed by law enforcement agencies in Nyanza are not just a phenomenon of the 2008 post-election violence. Over 10 people were killed and scores injured by security personnel on October 25, 1969 when they opened fire on a crowd attending President Jomo Kenyatta's official opening of the "Russian Hospital" (New Nyanza General Hospital). This act was rationalised as aimed at

protecting the Head of State, and therefore justifiable.

Subsequent public run-ins with security personnel who've quelled mass demonstrations with force haven't helped to erase this memory. The peak of it was the police role in killings during the post polls crisis. Out of the 134 reported deaths in Nyanza, 107 were from gunshot wounds. And according to the Waki report, there was no evidence to prove that the gunshots were from a source other than the police.[193]

The resulting public outcry has increased pressure for police accountability for the deaths. But the police-public relationship has been injured, and it informs some of the grievances determining the state-citizenry divide.

## Cattle Rustling

The phenomenon of cattle rustling is essentially clan-based and inter-ethnic in Nyanza. In Kuria district, the cultural need for dowry and inter-clan rivalry have been causes of stock theft. However, as clans raid each other their rivalries have led them to form alliances with other ethnic groups. Thus, the Bwirege are allied to the Maasai while the Nyabasi have Kipsigis backing. But this doesn't insulate the Kuria from Maasai and Kipsigis cattle raids. This has therefore formed a bigger, more complex web of intra-Kuria and inter-ethnic raids and counter raids.

Stock theft is therefore a confirmation of local inter-group conflicts. But it is also symptomatic of the effect of national politics on local inter-community coexistence. For instance, where there are feuds between Raila Odinga and William Ruto, there has been a reported increase in cases of stock theft along the Nyanza-Rift Valley border.

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[193] Commission of Inquiry in to Post Election Violence, Report of the Commission of Inquiry into Post Election Violence (CIPEV), Nairobi: Government Printer, 2008, p.304-344

## Table: Analysis of Root Causes of Conflicts & Solutions in Nyanza (Kisumu & Kuria)

| Core Problem | Root Causes | Effects | Solutions |
|---|---|---|---|
| Bad politics/ leadership | -Power struggle<br>- Many political parties<br>- Different manifestos<br>- Inequitable distribution of political positions/ resources<br>- Political rigging<br>- P olitical dictatorship<br>- Lack of transparency and accountability<br>- Divide and rule | - Poverty<br>- Deaths<br>- Destructions<br>- Unemployment<br>- IDPS<br>- Violence<br>- Under development in some areas (regions)<br>- Improper coordination of activities<br>- Mistrust<br>  conomic sanction<br>- Communities indifference | - New constitution<br>- Equitable distribution of resources<br>- Reduce gap between haves and have not<br>- Stop negative publicity<br>- Set a maximum number of political parties<br>- Governing guidelines for political parties<br>- Avoid ethnic parties<br>- New constitution<br>- A body of experts should be formed to look into the policies of how the country should be run and not leave it to politicians<br>- Equitable distribution of political positions<br>-Devolution of power<br>-Power sharing |
| Stock Theft/ Rustling | -Money and poverty<br>-Idleness<br>-Culture/initiation e.g dowry payment<br>-Political rivalry<br>-Conflicts<br>- Ineffective policing<br>- Unemployment | - Insecurity<br>- Ethno-political hatred<br>- Economic sabotage<br>- Illiteracy<br>- Deaths and injuries<br>- Rape of women and young girls/children = trauma and spread of STI<br>-Food insecurity<br>-Unplanned settlements | - Government and private sectors to create employment opportunities<br>- Non-employed people to be empowered to start business i.e. opening of loan facilities (informal and formal)<br>- Involve all people in compulsory farming<br>- Ministry of Agriculture to assist the farmers with farm machines, equipments and fast maturing seeds.<br>- Food subsidy to the most vulnerable groups and orphaned children and widows.<br>- The reward to marriage should not be pegged on payment of livestock heads but should be open to any mode of reward.<br>- Civil education to bring communities together on common problems/interests |

| | | | |
|---|---|---|---|
| Land | - Bad politics<br>- Land grabbing<br>- Border land conflict<br>- Cross border cattle grazing<br>- Misuse of power on land matters<br>- Land policies<br><br>- Population growth<br>- Poor distribution of land | - Wars<br>- Displacements<br>- Death, injuries<br>- Hatred<br>- Violent conflict<br>- Destruction of property<br>-Crime e.g. looting | - Electing leaders with good records<br>- Good policies that will act as checks and balances to ensure good politics<br>-Good land policies should be put in place.<br>- Enforcement of the land policies and laws<br>- Proper Boundary demarcation should be put in place<br>- Confirmation of Border harmonization committees to deal with various issues that may a rise<br>-New constitution |
| Law Enforcement | - Inadequate laws<br>- Inadequate pay<br>- Greed<br>-Unjust governance<br>- Historical injustices<br>-Marginalization | - Lack of trust<br>- Civil unrest<br>- Oppression of poor<br>- No dedication to serve the population<br>- Scapegoat<br>- Corruption<br>- Selective law enforcement based on social class, tribes and political affiliation | -Constitution/rule of law<br>-Democratisation<br>-TJRC<br>-Restitution<br>-Affirmative action<br>-Equitable development<br>-Complete police reforms<br>-Better pay for police<br>-Strict penalties for errant police |

| | | | |
|---|---|---|---|
| SALW | - Culture of violence<br>- Insecurity<br>- Ineffective administration, laws & judiciary<br>- Cattle rustling | - Violent conflicts<br>- Crime | - Create awareness<br>- Education<br>- Community policing<br>- More police officers<br>- Dialogue<br>- Police Reforms<br>- Good legislation<br>- Employment opportunities<br>- Diversify means of livelihood<br>- Community policing |
| Unclear Administrative Boundaries | - Bad leadership<br>- Corruption<br>- Government delays solving the problems<br>- Greed (Uchoyo) | – War<br>– Deaths<br>– Incitement<br>– Weapons<br>– Poverty<br>– School dropout | - Dialogue<br>- To identify trouble makers<br>- Transfers of leaders<br>- Transparency and accountability<br>- Rapid response<br>- Awareness creation<br>-Education<br>- Demarcation of boundaries |
| Negative Ethnicity | - Culture (superiority)<br>- Clanism | - Fighting<br>- Deaths<br>- Destruction of property<br>- Low development<br>- Hatred/famine<br>- disabilities | - Unified cultures<br>- Community sensitization<br>- Involvement of enlightened elders<br>- Discard negative beliefs/cultures<br>- Joint council of elders<br>- Joint social activities<br>- Elimination of social devices (negative)<br>- Equal representation |

| Inequitable distribution of resources | - Poor leadership<br>- Poor governance | - Low development<br>- Hatred/disunity<br>- High rate of crime<br>- Lack of employment opportunities<br>- Fighting/Deaths<br>- Poverty at high rate<br>-Misunderstanding among leaders<br>- Low standards of education<br>- Low birth rate<br>- Unstable business<br>- Favoritism take place at high rate | - Integrated leadership along boundaring locality<br>- Leadership based on merit<br>- Joint community barazas<br>- Equal representatives in communities<br>- Joint activities e.g open markets<br>- Shared leadership<br>- Equal distribution of leadership position/resources<br>- Reforms<br>- Dialogue<br>- Effective/efficient services e.g youth polytechnics<br>- Rules of law enforcement<br>- Deployment of enough security personnel<br>- Community awareness |

# Key Actors

## Security Forces and Provincial Administration

State actors in Nyanza, specifically members of the provincial administration and security forces, are major actors in conflict and security dynamics in the province. Their law enforcement and public order brief has put them in the centre of quelling a multiplicity of inter-group conflicts, mass demonstrations and boundary disputes of the very administrative units they have jurisdiction over.

The public's trust and confidence in the security forces was dented following the extremely forceful way the police quelled public demonstrations and attendant crimes during the 2008 post-election violence. Close to 80% of deaths that occurred during that time in Nyanza were believed to have been caused by the police.[194]

However, these state actors have been important in enhancing inter-community dialogue over boundary disputes like Borabu-Sotik, and Gucha-Trans Mara. They are critical peace enforcers inasmuch as they occasionally court controversy.

## Civil Society Organisations

The study found that civil society organisations were among the most trusted institutions especially during the 2008 post-polls violence. The critical humanitarian role played by agencies was especially cited as the major reason for this confidence in them. However, in more peripheral areas of Kuria, communities don't see much of civil society organisations and this reinforces feelings of marginalisation.

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[194] *Ibid.*

## Ethnic Groups

Inter-ethnic mistrust and rivalries in Nyanza are fanned by political competition, resource-based struggles, and territorial disputes. Divergence of political positions between the two main groups in Nyanza – the Luo and Kisii – has periodically fed inter-group tensions. On the other hand, recent Kalenjin-Luo harmony has been dictated by national political dynamics – a fall out between Raila Odinga and William Ruto has had a direct negative impact on Kalenjin-Luo relationship along the Nyanza-Rift Valley boundary.

Kuria inter-clan rivalries have negatively affected their cohesiveness as an ethnic group, yet they've been equally locked in disputes with the Maasai and Kalenjin (Kipsigis) along the Kuria-Trans Mara boundary.

Therefore, while Nyanza has numerous cosmopolitan (urban) centres, these have not melted identities, nor have they been salad bowl models of inter-group harmony.

## Vigilante Groups

One of the results of the failure of the security forces to enforce law and order and the subsequent loss of public confidence in these forces has been the emergence of vigilante groups that have grown in power and influence in their respective areas.

In Kisii dominated areas, there are *chinkororo* and *amachuma* vigilante groups whose role has grown beyond local crime prevention to being utilised as militias in electoral politics. While in some areas they are credited with combating crime, they have been known to lynch crime and witchcraft suspects, and more recently have been implicated in political violence.

In Kuria inhabited areas, there are *sungu sungu* vigilantes. They are formed on clan lines to defend their groups from cattle raids, and are warriors protecting their communities during inter-clan conflicts.

In Luo-Nyanza, politically manipulated youth gangs, such as the *Baghdad Boys* exist. These are mostly activated during electoral periods and become inactive after that. These gangs often recruit from a pool of unemployed and frustrated youth who are desperate to make a living.

## Politicians

Politicians are accused of exploiting identity consciousness to advance divide and rule politics. In this sense, political leaders are sometimes seen to serve particular identity group interests to the exclusion of others. This cements inter-group divisions and the resolve by the perceived out-group to have "one of their own" elected to civic, parliamentary and even presidential posts.

Politicians are equally believed to use the youth in political gangs during political campaigns. Youth gangs are especially utilised for intimidation of rival groups and protection of political leaders during campaigns, but often times in the discharge of their roles they resort to violence (in the event of confrontations with opponents).

## Table 12: Actor Analysis in Nyanza province

| ACTORS | CHARACTERISTICS | INTEREST | NEEDS | RESOURCES |
|---|---|---|---|---|
| Police & Provincial Administration | - Maintaining law and order<br>- Insecurity<br>- Deals with defiance in the society<br>- Disaster management<br>- Mobilization & provision of linkages<br>- Tactful<br>-Have chain of command<br>- Confidential<br>- Cunning<br>- Influential<br>- Social<br>- Investigative<br>- Don't easily trust<br>- Want to lead<br>- Think ahead/ proactive<br>- Corrupt<br>- Manipulative<br>-24hr per day duty | - Peace & unity<br>- Monitoring society, development interests<br>- Food security for the people<br>- Cohesiveness of the community<br>- Equitable distribution of resources in an area eg food aid medicine etc<br>- Coordinating government activities in the locations<br>-Make money | - Good houses<br>- Water<br>- Better arms<br>- Good means of transport<br>- Better pay | - Education & training<br>- Charisma to speak<br>- Possess ammunitions<br>- Means of transport<br>- Community information network<br>- Stationary<br>-Community goodwill |
| CSO/FBO/ NGO | - Have a following<br>- Volunteerism<br>- Influential<br>- Charismatic<br>- Role models<br>- Empathetic<br>-Mediators & peace builders | - Create change<br>- Wealth<br>- Convert more people<br>- Build peace<br>- Save and improve life<br>- Educate the people (societies) | - Good representatives<br>- Equitable distribution of resources<br>- Fairness<br>- Justice<br>- Peace<br>-People<br>-Money | - Money/funds<br>- Education<br>- Trust<br>- Status<br>- Charisma<br>- Humility<br>- Sincerity<br>-Skills |

| | | | | |
|---|---|---|---|---|
| KALENJIN | - Closed community<br>- Male chauvinist<br>- Rites of passages are adhered to strictly<br>- Aggressive<br>- Agro-pastoralist | - Control preserve culture and infiltration by the enemy<br>- Wealth creation<br>- Keep livestock<br>- Control land | - Unity identified<br>- Livestock<br>- Land | - Cattle<br>- Guns<br>- Land<br>- People<br>- Money<br>- Water<br>- Education |
| LUO | - Open<br>- Proud<br>- Social | - Knowledge/ education<br>- Control/ influence others | - Unity identified | - Water<br>- Land<br>- People<br>- Knowledge<br>- Education |
| KIKUYU | - Self centred<br>- Control/domineering<br>- manipulative<br>- Aggressive<br>- Provd | - Control power<br>- Control economy<br>- Political power resources | - Unity identified | - Land<br>- People<br>- Money<br>- Power<br>- Education<br>- Economic power |
| POLITICIANS | - Manipulative<br>- Aggressive<br>- Popular<br>- Corrupt<br>- Charismatic<br>-Inciters<br>-Nepotists<br>-Moneyed<br>-Power crazed | - Power<br>- Wealth<br>- Position<br>-Dominance<br>-Divide and rule | - Good representative/ Staff councilors<br>- Money<br>- Fair election Process<br>- Followers<br>-Popularity | - Social network<br>- Money<br>- Knowledge/ education<br>- Followers<br>- Family history<br>-Charisma |

| | | | |
|---|---|---|---|
| YOUTHS | - Energetic<br>- Adventurous<br>- Creative/innovative<br>- Curious<br>- Easily manipulated or/and influenced<br>- Arrogant | - Recognition<br>- Future<br>- Career | - Love<br>- Guidance Understanding<br>- Role models<br>- Education/ Employment<br>- Training | - Education<br>- Family<br>- Energy<br>- Creativity |
| BODA BODA RIDERS | - Jungle mentality<br>- Survival of the fittest<br>- Hard working<br>- Poor | - Make a living<br>- Recognition<br>- Live a better life (politics) | - A voice<br>- Prospects | - Energy<br>- Networks<br>- Bicycles/ motorbike |
| Sungu Sungu | - Harassment<br>- Investigation | - Peace<br>- Unity<br>They want to finish cattle rustlers | - Support from the community<br>- Support from administration | - Suspects |
| Clan elders | - Source of wise advice<br>- They like peace<br>- They like to have committees in order to correct mwananchi | - Peace in the community<br>- They hate hunger (njaa) | - Payment from government<br>- Support from NGO/ Gov.<br>- Seminars/ workshops | - Community |
| Butcher men | - Like meat<br>- They are thieves<br>- They like corruption | - Cheap price of cattle/ livestock<br>- Make profit | - To have many cattle/ livestock<br>- Vichinjio (slaughter)<br>- To have more butcher | - Livestock<br>- Stolen cows<br>- Farming<br>- From other business |
| DPC's | - Peace builders<br>- Mediates<br>- Reconciliating others | - Peace<br>- Unity among communities | - Skills<br>- Enabling factors<br>- Support<br>- Facilities | - Money<br>- Skills |

| | | | | |
|---|---|---|---|---|
| BWIREGE | - Agro – pastoral<br>- Business<br>- Cattle rustling<br>- Christians<br>- Bantus<br>- Politicians<br>- Traditionalists | - Land control<br>- Territory expansion<br>- Economic gain<br>- Leadership | - Land<br>- Pasture<br>- Adequate land for cultivation<br>- Political gain<br>- Electricity<br>- Tarmac road | - Land<br>- Cattle (livestock)<br>- Guns<br>- Arrows & bows<br>- Politicians<br>- Vehicles<br>- N.C.P.B |
| NYABASI | - Agro – pastoral<br>- Business<br>- Cattle rustlers<br>- Christians<br>- Bantus<br>- Politicians<br>- Prominent persons | - Land control<br>- Territory expansion<br>- Leadership<br>- Economic gain | - Land<br>- Pasture<br>- Adequate land for cultivation<br>- Ambitious in politics<br>- Electricity<br>- Tarmac road | - Land<br>- Livestock<br>- Guns<br>- Educated persons<br>- Politicians<br>- Vehicles<br>- Kuria East District HQ<br>- Airport |
| BUKIRA | - Agro pastoral<br>- Business<br>- Cattle rustlers<br>- Christians<br>- Bantus<br>- Politicians | - Economic gain<br>- Leadership retention (M.P)<br>- Promote education | - Land for cultivation<br>- Colleges<br>- Tarmac road | - Schools<br>- Land<br>- Livestock<br>- Majority clan<br>- Vehicles<br>- District HQ<br>- Guns<br>- Borded point at Isebania<br>- Electricity<br>- Tobacco leaf centre |

| | | | | |
|---|---|---|---|---|
| BUGUMBE | - Agro-pastoral<br>- Business<br>- Christians<br>- Bantus<br>- Interact with other groups<br>- Politicians<br>- Traditionists<br>- Unity | - Promote education<br>- Leadership<br>- Economic gain<br>- Political gain | - More educated persons<br>- Land<br>- Tobacco processing factory<br>- Slaughter house | - Tarmac road<br>- Schools<br>- Tobacco leaf centre<br>- Livestock auction<br>- Learned persons |
| MAASAI | - Pastoralist<br>- Nomads<br>- Plain Nilotes<br>- Christians | - Keeping livestock<br>- Control territory<br>- Culture | - Water<br>- Pasture<br>- Livestock<br>- Milk<br>- Honey | - Majority<br>- Land<br>- Guns<br>- Political leaders |

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## Conflict Dynamics

Party loyalties and the nature of political contests for power determine politically motivated conflict dynamics in Nyanza. Types of alliances forged by Nyanza political leaders on the national scene and campaign tactics employed have determined the cohesiveness of different groups in the province and nationally. In the 1990s (with reintroduction of multiparty politics) most of Nyanza's populace was associated with opposition politics hence raising rivalry between these communities with those of Rift Valley. This escalated to land and electoral clashes in the early 1990s. Similarly, the broad based coalition of the Orange Democratic Movement (ODM) created alliances among groups in Nyanza and Rift Valley (and other parts of the country) to the exclusion of those perceived to be loyal to the rival Party of National Unity (PNU). This largely defined the patterns of the 2008 post election violence.

However the subsequent National Accord that put a stop to the violence has introduced a new dynamic. The heated debate about bringing perpetrators of violence to account increasingly took an ethnic dimension. Divergent positions taken by ODM leaders – Prime Minister Raila Odinga and William Ruto – have been reflected in their respective constituencies in Nyanza and Rift Valley. As such, the frequency and patterns of cattle rustling incidents reported along Luo Nyanza-Rift Valley border areas are now partly reflective of the national political dynamics. Electoral politics also often triggers intense inter-group rivalries amongst the Kuria clans.

On the other hand, conflicts over land and boundaries have at the heart of it group interests in controlling productive land and easing population pressure. For instance, in the Kisii-Kalenjin land and boundary dispute along Borabu and Sotik, there are intense interests to control productive land for tea and maize farming.

Hence, electoral politics remains a major trigger factor in conflicts in Nyanza. However, even more sensitive are (ethnic and clan) identity issues and questions of resource distribution and utilisation. Hotspots of violence are often areas bordering other districts or provinces (Borabu-Sotik, Gucha-Trans Mara, Kuria-Trans Mara, Nyando-Buret, Nyando-Kericho, and Nyando-Nandi among others). Other areas include cosmopolitan urban centres such as Kisumu and Kisii that have often been arenas for political confrontations.

## Scenario Analysis

In the current scenario, there are inter-community suspicions and perennial conflicts among different ethnic groups and clans (e.g. Kalenjin-Kisii, Kalenjin-Luo, and Kuria clans). Small arms, which are believed to be trafficked through the border with Tanzania, are available in parts of Nyanza. Reports of use of small arms in conflicts are often reported in greater Kuria. The present picture is also one of a number of organised gangs present in Nyanza province. With the poverty levels high in the province, the youth remain a fertile resource pool for militias.

In the worst case scenario, if the IIBRC fails to clearly demarcate district and provincial boundaries in Nyanza, there could be explosive inter-group conflicts over boundaries, resources and politics in different hotspots. Such escalation would mean increased militarization of groups in the province. Chances of a prolonged Migingo dispute are real, and such regionalised conflicts could hurt the East African Community integration process.

In the best case scenario, the IIBRC can successfully and consultatively demarcate district and provincial boundaries. This would play a part in resolving land disputes. This, together with a healthy pluralist democracy that has law enforcement agencies that observe the rule

of law would ensure equitable development, demobilisation of militias, and good security architecture.

# Future Plans for Consortium Work

## Education

There is need for sustained peace education and civic education considering the multiplicity of conflicts and the centrality of governance issues in defining conflict dynamics in Nyanza. Tied to such education programs should be advocacy programs aimed at achieving better governance.

## Small Arms

Small arms availability in Nyanza cannot be overlooked. These weapons are tied to inter-group conflicts, cattle rustling and other crimes in the province. There is need for increased community-based policing initiatives, police-public dialogue, and a strong regional security plan to curb the problem and boost security.

## Interventions

There were several needs and concerns raised on interventions in Nyanza province:

- Peace building programs – it was felt that there is need for more peace building programs that are more widely implemented in the province.

- Water treatment programs – while water sources in the province are numerous, the main challenge experienced is the need for clean water, hence the need for water treatment programs

- Advocacy programs – There is a huge need for advocacy programs especially on issues of equitable development, and the reform agenda (political, land, constitution)

- Organisational reach as perceived marginalisation – More marginalised parts of Nyanza such as Kuria, sometimes perceive the extent of organisational reach in an agency's programs as evidence of inclusion or further exclusion. In Kuria, there is a feeling that the area is not as covered as it should.

# III: Implications For Consortium Work

Based on the findings of this study, it can be summarised that several factors drive Kenya's conflicts:

## Identity Consciousness and Politics

Where elites manipulate ethnic and clan identities to mobilise groups around political (and sometimes violent) objectives, this becomes a major conflict driver. It is perhaps the most important factor since all the animation of most or all of the other drivers revolves around identity issues.

## Resource Scarcity and Competition

Political and economic resources, be they electoral seats and/or leadership positions, land, pasture and/or water are valued ends for which groups compete. While there is a variance in the types of resources most sought for within different contexts (e.g. clinching high political office for a representative of Luo Nyanza may rank as high as attaining sustainable water supply and pasture for semi arid areas), what remains constant is that the nature of the competition for these resources determines peace or conflict. This study has underscored the fact that resource scarcity becomes a root cause of conflict where groups pursue zero-sum approaches to resource use and management – groups seek to almost exclusively own a resource.

## Governance Issues

The struggle for territories and their control (in this case clamour for ethnicised administrative units and ethnocentric administrative boundaries and/or constituencies) is another important conflict driver. Additionally, where administrative units are created with regard to ethnic or clan settlement patterns, this legitimises ethnic ideology and the exclusivity (in resource use and control) that comes with it.

## Illicit Small Arms Flows and Possession

Small arms and light weapons (SALW) are a major indicator of the potentiality for armed conflict (especially in arid and semi arid areas). Where there is increased trafficking and arms acquisition that can be a conflict early warning sign. A subsequent communal arms race only accelerates the ascent to violence. In this case SALW are conflict drivers.

## Organised Gangs, Warriors and Militias

The youth are a major resource for peace or conflict. Their organisation and conscription into organised gangs, warriors and/or militias institutionalises and sustains the culture of violence at the communal level. In pastoralist communities where the warrior culture has taken root, the cultural imperative to protect one's community and the culturally-fed need to raid cattle for bragging rights and recognition drives communities to often vicious raids and counter-raids.

The above conflict drivers have not only been problems for resolution by some (or all) consortium members and other agencies, but they have also been challenges they've grappled with during implementation of their programs. The study examined these issues with a view to painting a realistic picture of the road the consortium treads in its aims of achieving conflict sensitivity.

There have been numerous interventions aimed at conflict management and/or transformation. Such have included formation of District Peace Committees, and perhaps relative successes of some of such local initiatives (e.g. the Wajir Peace and Development Committee), may be used to inform best practices. Such lessons may include enhancing local ownership of interventions and cultivating the goodwill of critical actors

such as government agents, community elders, women, and youth. But beyond such considerations, and especially for this Consortium, it is important to note the line between conflict sensitivity and peacebuilding, and to pursue the ends for which the Consortium was formed (this is noted without minimising the importance of peacebuilding).

For instance, in line with conflict sensitivity and in relation to the findings, a number of helpful observations can be made and questions asked about what the conflict analysis says for the Consortium's benefit:

i. Interventions will most likely be interpreted through the ethnic/ clan lens. Communities may ask questions like:
   a. Which group is benefiting more?
   b. Which area is the project concentrating on?
   c. How inclusive is the intervention?
ii. Organisational staffing is laden with unwitting messages. Communities keenly judge organisational staff asking questions like:
   a. Are we represented in the organisation (as compared to our "rivals")?
   b. Did the organisation only bring outsiders?
iii. There is a dilemma relating to whether agency interventions perpetuate marginalisation:
   a. Even in marginalised areas, there are the marginalised of the marginalised – areas that don't receive as much attention from the government and civil society organisations. This raises questions about targeting, but may also be a dilemma based on an organisation's resource constraints and strategic focus.
iv. Organisational mandates versus community needs:
   a. Often times a community has a huge basket of needs, how consultatively are projects developed?
   b. How can a conflict analysis inform the design of programs?
v. How sensitive are we when communicating organisational policy to the community?
   a. How do we tone down expectations?
   b. How do we explain what we can or cannot do? This can be a basis for real friction
vi. How do we desist from using the same ethnic/clan lenses that communities use in viewing each other?
   a. Some enemy images in the actor analysis included terms like "hostile", "thieves", "superstitious", and "lazy". Do we consciously choose to or not to use them?
vii. How area focused are we? Should we consider broader approaches where needed?
   a. By the very nature of some conflicts, focusing on one area almost paints an agency as partisan, unless it embraces a broader approach or partnerships

# Recommendations

Reflecting on these questions should be a value adding process. And while this study is a step in a series that the Consortium has laid out to execute in order to realise conflict sensitivity, recommendations on this study's usefulness need not necessarily be inward looking. Hence:

## To the Consortium and Partners

● Integrate findings of this study into member agencies' context analyses of their respective areas of focus

● Develop specific strategies for minimizing agencies' (inadvertent)

contributions to conflict in their areas of focus. For instance, there may be need to review organisational communication, human resource, and partnership policies (and so on), in order to minimise the potential for misunderstandings with partners and beneficiaries or to eliminate the possibility of being branded as too ethnic (and so on)

- Assess the feasibility of, and eventually develop an intra-Consortium strategy of cooperation to achieve several aims:

    - Redress the problem of the marginalised of the marginalised as discussed earlier

    - Maximise on each agencies' area of strength

    - Harmonise policies that may be sources of negative impacts on the ground (e.g. per diems, etc)

- Develop educational materials on the place of conflict analysis in conflict sensitivity (and related information)

- Engage relevant government actors on the need for a broad but systematic application of conflict sensitivity

- Strengthen and widen capacity building initiatives (on conflict sensitivity) to include partners and other relevant stakeholders (e.g. government and inter-governmental actors). Such initiatives should also target local peace structures, such as District Peace Committees and Cross-Border Peace and Reconciliation Committees.

## To the Government

- Through the National Steering Committee on Peacebuilding and Conflict Management (NSC), integrate conflict sensitivity in to the National Policy on Peacebuilding and Conflict Management

- Through relevant commissions and offices (e.g. TJRC, National Commission on Integration, NSC etc), implement a broad but systematic conflict sensitive practice

- Strengthen local peace structures, such as District Peace Committees and Cross-Border Peace and Reconciliation Committees and make them as locally owned and driven as possible.

# Bibliography

Abrahamsen, Rita and Williams, Michael (2005) *Globalisation of Private Security Country Report: Kenya.* Report prepared for the Department of International Politics, University of Wales, Aberystwyth.

Afrobarometer (2008) *Ethnicity and Violence in the 2007 Elections in Kenya* Afrobarometer Working Paper No. 48

Anderson, David & Lochery, Emma (2008) 'Violence and Exodus in Kenya's Rift Valley, 2008: Predictable and Preventable?' in *Journal of Eastern African Studies,* Vol.2 No.2 pp.328-343

Anderson, David (2002) 'Vigilantes, Violence and the Politics of Public Order in Kenya' in *African Affairs* Vol.101 pp.531-555

Bayne, Sarah (2008) *Post-election Violence in Kenya: An Assessment for the UK Government*

Bayne, Sarah (2009) *Violence in Kenya (draft). An assessment for Responding to Conflict.*

Bayne, Sarah and Muragu, Michael and Newton, David and Thomas, Bob (2007) *Strategic Conflict Assessment: Kenya*

Buchannan-Smith, Margie & Lind, Jeremy (2005) *Armed Violence and Poverty in northern Kenya: A Case Study for the Armed Violence and Poverty Initiative,* CICS/ University of Bradford

Commission of Inquiry in to Post Election Violence

(CIPEV), *Report of the Commission of Inquiry into Post Election Violence (CIPEV)*, Nairobi: Government Printers, 2008

Human Rights Watch (2008a) *Ballots to Bullets: Organised Political Violence and Kenya's Crisis of Governance*, New York

Human Rights Watch, *Bring the Gun or You'll Die: Torture, Rape and Other Serious Human Rights Violations by Kenyan Security Forces in the Mandera Triangle*, New York: Human Rights Watch, 2009

International Crisis Group, (2008) *Kenya in Crisis Africa Report,* No.137 21st February 2008

Kamenju, J., Singo, S. & Wairagu, F., *Terrorized Citizens: Profiling Small Arms and Insecurity in the North Rift Region of Kenya*, Nairobi: SRIC, 2003

Katumanga, Musambayi and Cliffe, Lionel (2005) *Nairobi – A city besieged: the impact of armed violence on poverty and development* Armed Violence and Poverty Initiative, University of Bradford

Kenya Red Cross Society, *Mount Elgon Clashes Status Report*, 4th April 2007

Kimenyi, Mwangi & Ndung'u, Njuguna (2005) 'Sporadic Ethnic Violence: Why has Kenya Not Experienced a Full-Blown Civil War?' in *Understanding Civil War* (Volume 1: Africa) – Evidence and Analysis Ed. Collier, Paul & Sambanis, Nicholas Washington: World Bank Group

KNCHR, *The Mountain of Terror – a Report on the Investigations of Torture by the Military at Mt. Elgon*, May 2008

Lewis I.M., "The Problem of the Northern Frontier District of Kenya" in *Race & Class*, Vol.5, No.1, (London: Institute of Race Relations, 1960)

Mkutu, Kennedy (2001) *Pastoralism and Conflict in the Horn of Africa,* Africa Peace Forum / Saferworld / University of Bradford

Mueller, Susan (2008) 'The Political Economy of Kenya's Crisis' in *Journal of Eastern African Studies* Vol. No.2 pp.185-210. p.191

Ndegwa, S., 'Citizenship and Ethnicity: An Examination of Two Transition Moments in Kenyan Politics', in *American Political Science Review*, 91(3), September 1997, p. 607

Ndeng'e, G., Opiyo, C., Mistiaen, J., & Kristjanson, P., *Geographic Dimensions of Well-Being in Kenya, Volume One: Where Are the Poor? From Districts to Locations*, Nairobi: CBS, 2003

NORAD (2009) Political Economy Analysis of Kenya. NORAD Report 19/2009 Discussion. By Sundet, Geir and Moen, Eli.

Otieno, C et al (2009), *Valley of Conflicts: Analysis of Conflict, Threats and Opportunities for Peace in the Rift Valley and Mt Elgon Regions of Kenya*, Saferworld & PeaceNet for DFID.

Peace and Development Network Trust (PEACENET-KENYA) (2007) *Conflict Analysis Report January – June 2007*.

Republic of Kenya, *Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya*, Nairobi: Government Printers, July 1999

Republic of Kenya, *Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and other Parts of Kenya*, Nairobi: Government Printers, September 1992

Saferworld Kenya team internal workshop report, *Priority Conflict Issues* (May 2009)

Simiyu, Romborah (2008) *Militarization of Resource Conflicts: The case of land-based conflict in the Mount Elgon region of Western Kenya*, Institute for Security Studies (ISS)

South Consulting (2009) *The Kenya National Dialogue and Reconciliation (KNDR) Monitoring Project. Status of Implementation of Agenda Items 1-4. 4th Review Report*.

UNHCHR, *Report from OHCHR Fact-Finding Mission to Kenya, 6-28 February 2008*, (Geneva: UNHCHR, 2008)

Wachira, K., Muluka, B. & Wepundi, M., *Mt. Elgon Conflict: A Rapid Assessment of the Underpinning Socio-economic, Governance, and Security Factors*, (Nairobi: UNDP/OCHA), Unpublished, 2009

Wepundi, M. "The Huge Struggle for Redemptive History in Kenya" in the *Horn of Africa Bulletin*, April 2009

Wheeler, T (2009), Briefing Paper – Non-State Armed Groups in Kenya, internal Saferworld document.

World Vision (2008) *Making Sense of Turbulent Contexts (MSTC), Analysis and Implications for World Vision Kenya.*

Wepundi, M., J. (2009, October). The Practice of Conflict Sensitivity in Kenya:  Beyond the Concept. A Documentation of Case Studies. ActionAid International Kenya. Nairobi. Kenya

# Online Sources

Andries Odendaal, *Local Peace Committees in Kenya: A Case Study*, Online: www.gppac.net/uploads/File/Programmes/EWER/I4P/7.%20Kenya4.doc (Accessed on 10th March 2010)

Central Bureau of Statistics, http://www.cbs.go.ke/sectoral/population/census1999.html. Accessed 25th January 2010

City-Data.com. "Nairobi History". http://www.city-data.com/. http://www.city-data.com/world-cities/Nairobi-History.html. Accessed on 25th January 2010

Daily Nation, 19 May 2010 (Online: http://allafrica.com/stories/201005191205.html) Accessed May 30th 2010

Emeka-Mayaka Gekara, *How the Wagalla Massacre Occurred and its Extent*, Online: http://allafrica.com/stories/201002050966.html (Accessed on 10th March 2010)

Kwali, B. "Mt. Elgon Killings: Fingers Point at Army and Rebels", Daily Nation, August 25, 2008, http://www.marsgroupkenya.org/multimedia/?StoryID=229122&p=Kimilili&page=4 (Acessed on: 18th February 2010)

http://multimedia.marsgroupkenya.org/?StoryID=252435&p=Laisamis&page=2 (Accessed on March 1st 2010)
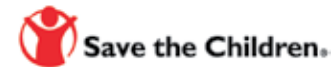
http://www.unhcr.org/4b4c45a06.html (Accessed on March 1st 2010)

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