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Spaces of insecurity : human agency in violent conflicts in Kenya

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Spaces of insecurity

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Spaces of insecurity

Human agency in violent conflicts in Kenya

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(editors)

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Prologue

As I was not involved in the production of this book, I felt honoured when Karen Witsenburg asked me to write a prologue for it. She said she would like me to write one, even if I were too busy to read all of it beforehand. But I felt uncomfortable with the idea of writing some ritual laudatory remarks about something I had not really read, and so I asked her to send me the whole manuscript. I was immediately captured and read all of it. Often, collected volumes are criticised as being weakly integrated 'bookbinders' syntheses', but this one is a very good book.

Being a scientist (although only a social one) with an analytical mind frame, I wanted to find out why I found this book to be good; and, being a stubborn, pedestrian empiricist, I immediately started counting things. The following numbers are based on the unfinished draft of the book that I had at my disposal.

How many theoretical frameworks are there? Just one! All of the authors examine conditions of security and insecurity in a mosaic of ethnic groups influenced by national, regional and global factors.

How many epistemologies are employed? Also just one. All authors are moderate constructivists. That is, they are realists who take social constructs and their consequences seriously. They expect social constructs to change in response to social forces affecting them but not to change ad hoc and overnight. The authors seem to share this realist or pragmatic mind-set with the pastoralists on whom they are working. Material incentives and disincentives of warlike action play a major role in this volume. Although many anthropologists would rather be crucified than to admit that they have been influenced by rational choice theories, such an influence is clearly present in this book.

How many overlapping themes link the single contributions, apart from the general one of insecurity? Prominent themes which are taken up by more than one author and which serve to establish a sort of dialogue among the chapters, include the effects of resource scarcity and resource abundance on the frequency of conflicts and the level of their escalation, the effects of the presence of arms and of unbalanced disarmament, and the workings of cross-cutting ties and double affiliations.

Next, I counted and analysed co-authorship, which is, perhaps, inspired by the now ubiquitous bibliographic analyses of what people like us are doing. Of the ten contributions, two have two authors and one has three. Of these co-authors, one also has an individual contribution, and three others figure as co-authors of more than one chapter. Author credits take the form of permutations of a finite

set of names. Taken together, then, the authors of the chapters in this volume are not individuals working alone and celebrating their originality but members of a team of people, who, in addressing a number of issues, divide the labour amongst themselves and complement each other in various ways.

Evidence of the close integration of the volume can also be found in the references. One contribution has ten references to other contributors to this volume, one has nine, others six, four, and three respectively (not even counting citations of other chapters in the volume, which do not show up in the list of references). This is indeed an intensive conversation. Contributors also share some of their reading background. The classical monograph by Peristiany and the more recent one by Bollig are cited in more than one contribution, and some of my own findings are taken up by seven contributors. I cannot deny that this flatters me. But the point is, of course, that the authors share a framework of discussion, not that I am part of this framework.

To reiterate, this is a good book. I claim, further, to have been able to show why it is a good book, perhaps with the effect of showing others how to proceed with their work, if they strive for similar achievements. What remains to be said is that I wish this book a wide circulation, both in the academic world and in that of politicians, local leaders and peace workers. To solve a problem one needs to understand it, and this book is a significant contribution to the understanding of insecurity.

Günther Schlee
Halle/Saale, September 2012

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1

Spaces of insecurity

Karen Witsenburg & Fred Zaal

"If men define situations as real, they are real in their consequences"
(W.I. Thomas & D.S. Thomas 1928)

Introduction

The question why people use violence against each other in certain situations is interesting and urgent. This book is the outcome of a seminar held in Nairobi in 2007 where we questioned the rationale behind conflicts in rural Kenya. At the time, most contributions were characterized by the concern that many mainstream explanations of violent conflicts do not suffice in understanding the problems between ethnic groups in the modern Kenyan state. Not much later, the elections in Kenya were held, and violence broke out, to the shock of a great many people. Even though what happened was horrific, the violence that occurred did not develop into a civil war, like we have seen in other African countries. In Kenya, the majority of the people prayed for peace together, protected their neighbours, stuck to their inter-ethnic friendships and supported the peace efforts that the outside world offered eventually. The question as to why sometimes violence stops and people decide to keep peace is equally interesting. What constitutes a secure space?

We hope we can compile a next volume that answers that latter question. This volume deals however with insecure spaces, and the need to look at old ideas in a new way. Resource scarcity, greed or grievance, ethnic diversity, the small-arms race, the crumbling of traditional norms and values cannot provide us with convincing explanatory power to which we can ascribe the current violent conflicts in place.

The causes of these violent conflicts will be found both in structural conditions and trends in the social, political and ecological environment, and in the way

people organise themselves to either solve these conflicts, or use them to cause conflict to their advantage. We will also see that modernisation and social change has often made this organising for peace impossible, and new ways of problem solving need to be devised.

Several contributions in this book volume try to answer the question why some areas in rural Kenya are insecure. Violence and conflict have always been regular occurrences in Kenya. The question, however, whether the intensity or the nature of violence is changing is interesting, in the view of the most recent political turmoil after the 2007/2008 general elections.

The development from a one-party from 1991 to a multi-party state, from a presidential to a presidential-prime ministerial state as from 2008, and from an essentially post-colonial state to a state with a new constitution has unfortunately also been accompanied by the development of the state from being repressive to being conflict-ridden (Posner 2005). With a multi-party system where parties are based on ethnicity, and where the supreme power is divided between a president and prime minister who also differ along ethnic lines, structural causes of conflict have entered the political centre, a centre that was always meant to be the arena of conflict mitigation. This situation at the national level mirrors conflict situations at lower political institutional levels. What is sometimes seen as an ethnic conflict is usually a general political problem. For instance, the post-election turmoil in 2007-2008 was not ethnically motivated (see Cheeseman 2007 and Branch & Cheeseman 2008), and the fact that most deaths occurred by police guns is quite revealing in that sense (KNCHR 2008). Even though it is hard to find hard data, several reports indicate that in many regions in Kenya over the years most violent deaths are caused by bullets originating from police guns (see BBC News, 14 January 2002). Even though this book deals with ethnic conflicts, in relation to state-sponsored violence, we should be careful not to overrate ethnic violence compared to state-sponsored violence (Kahl 1998).

Some chapters in this book deal with violence as a result of conflict. The demise of mitigating institutions and traditional systems, or the ineffectiveness of modern ones established by the state, prevents the political processes to solve conflict and prevent it from developing into full-scale violence. However, from the chaos that results, occasionally lessons can be learned. This boiling pot of conflicts in Kenya can also be considered a laboratory, where people try to invent means and measures that solve rather than instigate conflicts. We as researchers or the local population find lessons from conflicts that occur, whenever they occur, to explore their potential for conflict mitigation. This book tries to do just that by presenting and discussing a number of conflicts that have occurred in Kenya, and from which valuable insights can be derived that need exploring.

Those insights are desperately needed, not only in Kenya but also in many other African countries and beyond.

The case studies presented in this book cover a range of conflicts. Some are resource access-based conflicts over the use of a specific geographical space for different forms of livelihood such as pastoralism, agriculture and wildlife. Some conflicts arise from public policy implementation whereby the interests of (parts of the) state elite and those of local people of different ethnic identities are at variance for various reasons. The latter conflict threatens to involve not only the population versus the state, but parts of the populations and their power elites against each other. What binds the chapters in this book is the special relationship between the actor and structure, between individual and the collective, between space and subject.

A framework for analysis

Space

We look at space from a geographical point of view; 'space' is a concrete area, identifiable on a map, with x and y coordinates, where things happen between people, where the natural environment is visible, where society interacts with nature occur, where human structures are built, and where people move between concrete points.

This particular definition differentiates our work from approaches where space is just an abstract social construct existing in the minds of people, or transnational space that exists as a result of (global) networks, like terrorist or migrant networks, or like the digital space.

This does not mean however that space is not at the same time a social construct and natural phenomenon. In fact, spaces of insecurity are social constructs, but nevertheless localised and identifiable on a map. For the purpose of understanding how space and social behaviour are connected in this context, let us first look at the concept of insecurity (see Peluso & Watts 2001).

Insecurity

'Insecurity' usually refers to a condition of being unsafe, or being in a state of danger. The danger can be the risk to be robbed, or violated, or in the extreme case, being exposed to a life-threatening situation. The concept of 'insecurity' is stronger than the concept of vulnerability (see Brons *et al.* 2007*)*, and is usually not restricted to natural environmental risks. There is a difference between 'being insecure', or 'feeling insecure'. 'Being insecure' can be established by analysing some facts and statistics, calculating the chance of being robbed, violated, wounded or killed. Feeling insecure is a subjective perception about threats, about feeling unsafe or uncertain or less protected. Whether those feelings are

based on real facts or on the perception of the environment depends on what others say, do, and how they act. Feelings of insecurity are usually successfully manipulated by leaders, and do not need to be based on real exposures of risks. A space of insecurity is therefore as much a social construct as it is a concrete context. What counts is when people define things as real, they become real in their consequences (Thomas & Thomas 1928).

Individuals, in living and creating their livelihood, live in and create their own space. Spaces of insecurity are contexts of every day life, created, recreated, hindering or advancing specific activities. The study of spaces of insecurity has recently been progressing among geographers (see for instance Penny 2010 or Ingram & Dodds 2009). Theories on urban spaces of insecurity, the wars on terror and drugs, insecurity related to migration and resettlement have been developed. This volume does not pretend to provide a new theory on spaces of insecurity. It simply combines anthropological and geographical perspectives on spaces of insecurity.

Spaces of insecurity

Spaces of insecurity are created by people individually and in groups in their interaction with each other. A space is not necessarily insecure when it is devoid of human life. It may be insecure when a lot of people perceive it as such, even in the absence of real insecurity. People feel insecure when they lack information about other's potentially violent behaviour.

Let us, for the purpose of this introduction, imagine how it feels to enter a large, unlit town park in the night, which is known for incidents of rape and violent robbery. Alertness will be evoked, as every sound and movement can mean an attack. One would feel the need to be strong, mobile and fast. But why exactly? Darkness alone does not scare people. Neither are people who are recognisable during the day necessarily scary. It is a combination of the two; that is, the context of invisibility and remoteness that makes people apprehensive of people whose activities are doubtful. Context variables like invisibility and remoteness from effective social control are however advantageous for people who may want to harm others, because their actions are supposed to be unseen. The remoteness may also result in the absence of well-intending individuals who may help or protect others in a dangerous situation. Because one knows he or she is alone in a dangerous situation in a dark park in the night, one may only go in there when he or she is strong enough to fight someone, with one's own strength. When one does not feel strong enough, he or she may feel more secure in a larger group, when collectively they can deal with the imagined enemy together. When one has more time, power and resources at owns disposal, he or she may be able to change the context of insecurity, by mobilising decision makers who act to

have the park lit and patrolled at night. However, whether someone is able to change the context of insecurity depends on his or her ingenuity and effective agency to find the right technology and institutions to cooperate with others and engagement in collective action.

We have already summarised some important ingredients of survival strategies in a context of insecurity. Whether people alone or in groups can live and act in insecure areas depends on their ability to react to insecure situations, and their ability to change the context in such a way that they have more control. Both victim and perpetrator live and react to places of insecurity, sometimes in a similar way.

Identifying the elements of spatial insecurity is important to understanding people's strategies in insecure areas. The present Kenyan situation is however exacerbated by many factors: The criminal nature of the post-colonial state, the exploitative nature of the market, the scarce natural resources and the fact that otherwise illegal small arms are almost openly found in the possession of local people. This is not to say that conflict is a necessary outcome of the presence of these factors, or that violence is a necessary outcome of conflict. But this combination of personal social insecurity in a social context necessitates an approach to violence that combines the environment, the social institutions with individual actions that may make both violence and peaceful conditions possible

We think that therefore a study on the relationship between natural phenomena and humans should not have *a priori* a structural or an agency approach (see Adano *et al*. 2012). A sole structural approach tends to ignore all the personal decisions and the opportunistic behaviour of individual actors (Felson & Clarke 1998), while an agency approach would not take geographical and other variables into the analysis. As the case studies show, we need to combine both approaches. As Eaton (this volume) suggests, contextual explanations of violence strip the perpetrators of any agency. Yet they are the ones who chose whether to fight or not. Regions of insecurity (context) are inhabited and used by actors who may decide to change their context of insecurity, and who can, together, make it more insecure by using violence. Even a few individuals may be responsible for the state of insecurity of a large area. It probably takes more effort, more (financial) resources and more individuals to make an area secure and safe.

All the authors in this volume deal with these ingredients, either separately or in relation to each other. The lessons learnt from them may lead us to strategies that may be used to successfully avoid, fight or redress conflict and violence.

The role of space and actor in resource-based conflicts

Fighting for ownership and access

The idea that violence in poor countries is triggered by lack of resources is widespread. It has a strong imaginative power as this portrays a future picture of crowds of poor people fighting and killing each other due to limited resources or adverse effects of climate change. The question whether natural resource depletion would be a condition behind much civil violence has been widely debated (Peluso & Watts 2001; Collier & Hoeffler 1998). Degraded or depleted renewable resources (Kaplan 1994; Homer-Dixon 1999) and mining of non-renewable resources (Collier & Hoeffler 2004) were both used as explanatory variables in violent conflicts. Limiting environmental variables negatively (Malthus 1798) or positively (Boserup 1965, Tiffen *et al*. 1994) impacting on human behaviour has received a new impetus by the worldwide concern about climate change. New predictions of the Intergovernmental Panel on Climate Change (Boko *et al*. 2007: 435) assess Africa as one of the most vulnerable continents to climate change and climate variability:

> [a] situation aggravated by the interaction of 'multiple stresses', occurring at various levels, and low adaptive capacity. African farmers have developed several adaptation options to cope with current climate variability, but such adaptations may not be sufficient for future changes of climate.

This concern is not surprising, given the African context, where many people live in ecologically marginal areas and where concurrently many violent conflicts take place. Environmental marginality is the context for several studies in this volume. The conclusion of all these chapters is that scarcity itself does not trigger violence. It would in fact stimulate cooperation (Witsenburg & Adano 2009).

On the one hand, people experiencing scarcity may not trigger conflict and violence. For some it may mean access rather than exclusion or the loss of access to precious resources. From the contributions in this volume the question arises whether violence and conflicts are disadvantageous to people's welfare, or whether a situation of insecurity is purposely created to reach certain goals. It cannot be denied that large groups of people suffer when violent conflicts escalate. These situations are most visible, because they create fear, displacement and migration, a collapsed market economy, closed schools, and a large number of casualties in hospitals and/or burial grounds (see Martin, this volume). Those who suffer most are children who cannot defend themselves and who are left orphaned. Schools that are usually meeting grounds for people of different ethnic backgrounds become very insecure places, and many children face an insecure time from home to school (Witsenburg, this volume).

Also women suffer as they face difficulties in defending themselves. Hospitals and dispensaries become more difficult places to reach, but in a time of insecurity

it is even more difficult. Women play however often a double role in conflict. They operate as mediators in times of peace, but also as instigators in times of war (Mieth 2006). Those women with a large herd who don't need the market for survival may even profit from raids as their husbands may bring back booty and increase social 'status'.

Remote and marginal areas are attractive environments for certain types of violence and criminal behaviour. People belonging to a 'warrior age-set' hold a powerful position in society. When there is no state of insecurity they lose an important *raison d'etre.* It is no wonder that young men don't mind breaking peace treaties as Eaton suggests (Chapter 3, this volume). This is in line with Fleisher, who observed in Southern Kenya no effective opposition to cattle raiding among herding communities because of recurring clan warfare. This locally legitimizes cattle raiding behaviour, and functions as a training opportunity for young men. It reinforces a climate of insecurity and lawlessness that is needed to raid effectively, especially against certain groups in the absence of effective enforcement of the rule of law. Indeed as correctly put "War is good for thieving' (a Kuria cattle raider, quoted in Fleischer 2000, p. 750), or "opportunity makes the thief" (Felson & Clarke 1998).

Fighting for the sake of fighting?

Are pastoralists war-like? This claim has been widely debated in the literature. Several reasons have been put forward why raiding and counter-raiding take place in the pastoral areas (Osamba 2000; Gray *et al*. 2003). Martin raises also this issue in addressing the agro-pastoral conflicts in the Tana region. Orma and Wardei herders are seemingly in a constant preparedness for war, while the Pokomo farmers, on the other hand, need to be especially trained and drugged with herbal medicine in order to be able to kill. Does this mean that herders are culturally more inclined to use violence?

De Vries argues that the Pokot herders are indeed seen as a fierce and warlike community. According to Mieth (2006) they prefer to be seen like that. For community building and feelings of internal cohesion and preparedness to stand up for each other, there is a ritual training and initiation for warriors. Mieth also describes how for the identification op Pokotness, a young man wants to be seen as a strong warrior. However, self-identification and perception by others is not static. With the changing of traditions, and new generations being exposed to other sorts of education and new sets of norms, this (self-)perception of Pokotness changes rapidly.

There is another dimension to the explanation why pastoralists are perceived to be in a constant preparedness for war. Ordinary life in pastoral areas often converges with factors that contribute to an insecure social climate. One may

wonder why it happens that certain crisis-prone pastoral areas are often situated straddle international borders, and coincide with the most marginal lands. Insecurity and the incident of violent conflict may occur all over the world, but conflicts are usually concentrated in specific areas. By a way of comparison, in a metropolitan area people know which streets are more dangerous than others. A state of insecurity is territory specific. Insecurity, like dirt and garbage, is a territorial aspect that is localized and affecting all people in that area. As Eaton (Chapter 3) & Mieth (Chapter 4) suggest the only way for current East African pastoralists to survive is by being armed. People are able to move into insecure areas, which otherwise would have remained unused and unoccupied, only because they own guns. Pastoralists are not protected by state power or accorded privileges of security services, and hence have to protect themselves and each other. From this perspective it is not economically effective to disarm a group of pastoralists, because they would not either be able to defend themselves from aggressors or use the large dry lands in border areas. To leave range land ungrazed for an extended period of time causes degradation because of unpalatable bush growth (Conant 1982). Other lands may be overused because of a concentration of animals and people. An unhindered use of marginal drylands makes therefore economically and ecologically sense. As there does not seem to be an alternative in the short term, disarming a group of pastoralists while other neighbouring groups remain armed has only a negative impact on their security and livelihood.

Space, territory and identity

In Chapter 2, Kurgat explains that owning a piece of land is an important factor in the creation of 'identity'. Land ownership instills a sense of belonging to a community, and creates the need to protect it against the 'excluded'. This may explain why pastoralists, who have a strong sense of belonging to common property resources usually strongly (and violently) oppose land titling programmes (see Martin, Chapter 8). Even if conflict is often called a herder-farmer conflict, in most cases in present-day Kenya the conflict is not about clash of lifestyles or cultures. It is simply because farmers are usually advantaged in titling programmes, and herders feel threatened that part of their collectively used territorial space will be permanently taken from them and non-negotiably owned by others.

Kurgat argues how land is becoming a source of power, which again transcends the direct territory, enveloping the space in which an ethnic group seeks cohesion, inclusion, and exclusion of 'the other'. Thus, land transformations make land-based resources the nexus of the struggle between cultural identity and political-economic power.

We delved out some aspects of survival strategies in spaces of insecurity; insecurity as a characteristic related to a place, yet created by individuals living

there. Such spaces often seem to be clearly marked and delineated. Space may seem physically clear and defined, but Kurgat's paper shows that 'space' is as much a creation of the mind as is ethnic identity.

Space therefore not only refers to a territory. Kurgat (Chapter 2) uses the term 'space' to imply that the conflict over land parcels and the construction of identities go beyond the competition for the physical land but involves how that land can be utilized as an arena. In land are embedded various symbolic meanings and implications. Political competition, settlement patterns and the numerical weight of a particular ethnic group in this arena are likely to determine the ethnic leadership in local society and automatically the loss of political space for another ethnic group. This power relation determines the governance of spaces of influence and whose culture dominates in an area. For instance during the violent conflicts in Turbo District (Kurgat, this volume), the Nandi did not contest individual ownership of someone's land. They felt that their 'space', their area of governance and cultural autonomy was not recognized. Space goes therefore beyond territory or individual landownership. In other words, one can own land and occupy it. Yet, if one is not allowed to perform own rituals, or govern that land according to his or her own preferences, it is not one's political, cultural or religious space. 'Space' is then contested and can trigger violence, and not the individual land ownership as such.

The same applies to the emotional attachment to 'space'. Someone's territory or land can harbour values that belong to this notion of 'space'. For instance, the Hurri Hills in north-western Marsabit district is not considered someone's territory as such (see Witsenburg, Chapter 6). It is a common pasture, where everyone is in principle allowed to graze animals. The same applies to Forolle hills on Kenya-Ethiopia border. These places harbour a religious space of local communities, which goes beyond the notion of territory as such. In a similar vein, a church compound universally has this notion of a space where individuals should be safe and free from prosecution; for example many victims of post-election violence in Kenya (1991, 2007) found refuge and help in church compounds. It is a safe haven in times of turbulence and turmoil which also goes beyond territory. It is territory infused with belief, heritage, and becomes a space of religion, or an ancestral space of peace.

Individual actions

This vision on space among pastoral peoples raises the question whether old explanations of conflicts still work. Adano *et al.* (Chapter 7) discusses the issue of violent livestock raiding in the context of extreme climate variability, and concludes that the wetter the season is the more people die in violent livestock raiding. Remoteness and inaccessibility of the terrain weaken government initiatives

to provide security, which shows it cannot deal with this kind of violence. During droughts, pastoralists deploy institutional arrangements that guarantee access rights to water to all, reducing violent conflicts. Violence is thus not scarcity induced here. Rainy seasons are usually times of relative abundance, not only of pasture, water and milk. There is also a labour surplus unlike in the dry season when watering animals is labour intensive, which makes it easy for young men to engage in raiding. The conclusion that livestock related violence is therefore not scarcity induced is unavoidable. This finding confirms the importance of understanding both individual behaviour or collective action in violence as rational behaviour, and the phenomenon of cooperation to overcome climatic stress rather than indulge in violence conflict induced by scarcity.

There are a number of interesting descriptions of the practice of violent livestock raiding confirming this hypothesis. Very illustrating are the accounts of Mieth (Chapter 4), Eaton (Chapter 3) and de Vries (Chapter 5). They all, independently, asked raiders in the Pokot area for their motives, and looked at their practices, and their perceptions of insecurity. Their findings make clear that raids are organised by small groups, of which the whole ethnic group is not necessarily always informed. Approval of elders was often not sought. Therefore, a raid should not simply be called 'ethnic warfare' or 'ethnic clash' since it is not the ethnic group as a whole that is involved in violence. In addition, raiding parties consist of a small selection of warriors who have, or at least strive to achieve, some social standing in the pastoral society. They are often young, strong and certainly not the poorest. They value respect, bravery and earning a name, particularly among peer-groups. To be seen as a hero, and gaining the image of a fierce cattle raider is of immense importance to the warriors. Again, understanding the intricate interaction between resources, livelihood systems, culture and social fragmentation sheds more light on conflicts as tools than assuming it is the outcome of structural processes of resource control.

In Pokot, like in other dryland areas, keeping a region unsafe serves the raiders well. The raiders have not necessarily the same interests as others in the society who would like to live in a secure and peaceful community. Raiding can be seen as training for survival in insecure areas. Understandably, finding a partner who is able to fight is a matter of survival for girls in such a context. Eaton's contribution sheds new light on the raiding practices; retaliation by small gangs. He talks of a culture of revenge, which again stresses the importance of individual choice of people whether or not to engage in violence. Especially in the absence of a strong state and any legal recourse for victims, retaliation will spiral off large scale violence endlessly. He also finds that the presence of small arms should not be overstated in explaining violence. Killing with spears is as lethal, if not more, as guns, because they are silent and an attack may take place in the night without

the surrounding hearing anything. Again, killing a person is as much a personal decision as it is prescribed by culture. A certain level of insecurity has helped shaping cultural 'devices' which in turn make such regions even more insecure. In turn, spaces of insecurity long served such communities against government control.

Old and new institutions in the creation of peace and insecurity

Traditional and new leadership

In order to understand the situation in spaces of insecurity, it is equally important to look at why there is absence of peace. Peace is not always a desired 'common good' but since cultures have institutionalized 'peace treaties', arrangements, conflict solving mechanisms and ways for negotiation it can be assumed that now and again a situation of peace is desirable by some sections in society.

Most pastoral communities are organized in age-grades (Spencer 1973; Tablino 1999). The age-set system is a strong institution among pastoral groups, whereby one age-group of young men between 15 and 35 years old belong to the warrior age group. Even though most violence is organized or actually fought by the warriors, whether the elders are involved or not may influence the extent of the violence used in a conflict. As is vividly described in Chapters 3 through 6, and 9 the political situation in insecure areas is often capricious and not transparent. A coalition of formal governmental administrators and local leaders can be powerful and paralysing for local groups. In the Loita case, the coalition between political and civic leaders did not have enough power to monopolise the revenues of Loita forest. However, in many areas local elders feel their authority being undermined by such coalitions. The coalitions responsible for the failures can very well be consisting of the ones who are frustrated by the modern coalitions of formal government administrators and local. At times, peace keeping activities of NGOs prove to completely lack local support, with insecurity actually increasing (see Eaton, Chapter 3).

New links between old and new institutions supporting conflict and peace

Collective action

An interesting case is presented in Chapter 9, where Zaal & Adano describe how Loita pastoralists mobilised in a case against the government to secure access to a natural resource that was of vital importance to their livelihood. Individual and group actors, cleverly using new institutions to fight their case, won a conflict over forest resources non-violently. The potential resource grabber, in this case a government minister, could not win against the community, showing again the

strength of local initiators and actors in this particular conflict of interests over resource. Loita forest did not become a 'natural resource curse', because a mixture of old and new institutional arrangements prevented it from being grabbed by a few rent seekers. Its revenues are now used and shared by a large number of producers.

This case shows the importance of institutions and ingenuity in the question whether a natural resource becomes a curse or not. If the Loita forest would have been gazetted and only accessible for tourists, its foreign revenues would have been high and visible on the balance of trade. The government would give preference to this type of private land use over and above community shared use rights. But, natural resources that show high revenues are also very attractive to grabbing behaviour. However, the case of the Loita Forest shows how individual actors can be quite influential in starting conflicts, but the actual cause of this conflict being taken up and played out by social groups in society who must remain with wider confrontation within society. The underlying tension between Purko and Loita Maasai, dating back to well before the colonial period, but strengthened by colonial policies of population displacement and boundary establishment, proved to be a fertile ground for both Purko players to gain control, and Loita players to resist this usurpation.

Interestingly, more modern sets of legal entities, both elected and non-elected, have been added to this conflict. The present *status quo* could not have been reached without a modern judicial institution, used profitably by the Loita Maasai through institutions such as development projects and a re-established Council of Elders. This fascinating case shows that old ethnic and sub-ethnic conflicts, as between the Purko and Loita Maasai, over a key resource, potentially devastating at a regional scale, can be contained on the basis of complex and unexpected alliances. The Loita case, where new and old institutions were used to prevent conflict is contrarily to the Tana delta case described in Chapter 8, where all institutions failed. In the Tana case the traditional rules of war were violated, the government representatives failed to provide security, and took even part in the violence, and justice has not prevailed. Until today, the local communities struggle with the government and the corporate world for access rights to their own land. The threat of being evicted from the land was overruling any traditional form of war making. Therefore, human agency and collective action ultimately determine whether natural resources turn into a curse, but geographical information to inform about the potential threats and opportunities is much needed.

New administrative boundaries and land titling

With the creation of administrative boundaries, whereby new districts (like Moyale District in 1995, Chalbi and Laisamis Districts in 2007 in northern Kenya), new divisions and locations, are meant to mark ethnic 'pure' territories. This process is making it increasingly hard to maintain the traditional arrangements of water and land sharing that are so common among nomadic livestock keepers. The violence between Gabra and Borana in Turbi (2005), between Rendille and Gabra around Medatte (2007), and between Gabra and Turkana in Moite (2007/2008), can be seen in that light. In all these places, water points were 'territorialized' after the creation of new boundaries, and traditional use rights were violated. This is in line with an earlier finding on creating clear territorial boundaries triggering violent conflicts (Witsenburg & Adano 2007).

That creating clear ethnic divisions and territorial boundaries can be a very bad idea is clearly shown by recent work of Schlee (2011). This work points out that the assumption that there are group rights to territory fueled violence and that electoral politics is shaped around the idea that there are unique, indigenous or ancestral rights to territory.

The current practice of creating administrative boundaries along seemingly clear ethnic divisions, thus territorializing ethnicity, is a complete break away from the traditional ways of neighbourliness, of opportunistic grazing and negotiation patterns, of ethnic fluidity and vagueness in ownership rights. If there was ethnic differentiation in the past, with clanhood as most constant factor, it developed into a current situation of ethnic segregation and separation, leading towards a state of 'apartheid' of a possessive nature, that potentially leads to exclusion of the 'ethnic other'. Were groups easily aligned, associated or integrated in the past, nowadays the boundaries will prevent such integration from happening. Why territorial separation of ethnic groups is the political outcome of current negotiations is therefore a question that demands more scrutiny. As Schlee, for instance, points out the tendency towards territorialized ethnicity in Ethiopia and Kenya follows a world-wide discourse on legitimizing group rights, indigenous peoples, minority rights etc. Schlee warns how ethnicization of politics and the tolerance towards or even promotion of ethnic violence is connected to this trend. The idea that every group has a 'homeland', and therefore has the right to expel minorities is a very dangerous step into that direction. In this volume, the problem of new administrative boundaries that are used to exclude the 'cultural other' are dealt with in Chapters 6 (Witsenburg) and 8 (Martin).

Also land adjudication programmes are misused to this purpose. That this can create violence, is also clear from Martin's chapter on the conflict between the Pokomo farmers and the Orma/Wardei herders. The adjudication programme favoured initially the Pokomo farmers. Wardei/Orma used violence to show their

discontent. Lack of participation in decision making causes serious stress and aggravates feelings of exclusion. It is furthermore obvious that the land acquisition procedures were related to modern plantation agriculture plans of the Kenyan government and the Tana River Sugar and Biofuels Company. Clarity in land tenure is preferred by the state and the corporate world in such situations; as it will ease the purchase of land, and speed up resettlement procedures. The current land grabbing problems arising all over the world can be seen in this light.

Role of the state

There is an interesting feed-back system of violent conflict and insecurity at work. Insecure spaces trigger violence, and violence itself creates a space of insecurity and lawlessness that can cross boundaries, creating new spaces of insecurity. In the perception of many pastoralists, scholars and NGOs the absence of state power can be partly held responsible for the escalation of violence in pastoral areas. In certain areas there is indeed very few state personnel. Mieth (Chapter 4) reports about the situation where the next police station is 80 km far away, which makes it virtually impossible for poorly resourced army and police personnel to respond adequately to a raid. Also during the escalation of violence between Gabra and Borana (Witsenburg, Chapter 6) the extent of violence was partly attributed to the non-responsiveness of the police. In this case however, as in many other cases 'absence of state-power' does not mean that the state-representatives are not there. Police and army-officials are usually there, but they are inactive and non-responsive to warnings, complaints and worries of people who feel threatened. There are also examples where the state representatives, the army and the police contributed heavily to insecurity (Martin, Chapter 8; Kurgat, Chapter 2; Akong'a, Chapter 10).

However, local security is also a normative concern related to the state. Should this type of violence for instance be seen as merely a localized cultural practice or as a serious issue of state security? We think there is reason to treat violent raiding more as an issue of state security. Firstly, from a human rights perspective, the state is responsible to protect all citizens from violent attacks and provide security. There is also a second reason why security should be taken as a matter of national concern. Violence creates a space of insecurity that may start to affect the whole country. Such spaces attract individuals from outside the region who thrive in insecure environments, where there is little or no effective state control. Insecurity also prevents the settling of peaceful individuals, firms and organizations. 'Insecurity' therefore transcends the region. In addition, flows of people, goods, information, money and weapons involved in violence, either directly or indirectly, are not hindered by borders. On the contrary, the presence of an international border with weak or ineffective control is an asset for smug-

glers and raiders. In a raid, tracing livestock is more difficult once they have crossed a border. In a globalized world, rebel or guerrilla movements with international support networks look for sparsely populated border areas for their training camps and their secret transport routes. Such insecure spaces also provide recruitment grounds for unemployed youths whose bravery and courage can be exploited and cultivated. A particularly difficult feedback mechanism develops when business and political elites link up with actors within these spaces of insecurity, to gain economically. A pseudo-state supported network may develop with sufficient incentives to prevent state-delivered security that may have violent conflict as a method and a goal. As a result, insecurity and violence deny components of economic and other forms of development and the opportunity to respond to peoples' needs, thus making the state of poverty and impoverishment to persist.

The feedback relationship between violence and poverty is important in explaining causality. It is not that poor people are more likely to use violence. But a situation of insecurity leads to lack of economic growth and opportunities, lack of new ideas. People with potentials leave the area, whereas only poor people who are unable to change their way of life remain. Insecurity, partly a context variable, attracts people who need insecurity for their own benefit, thereby hampering overall economic growth, and reinforcing the state of insecurity and poverty once again.

Spaces of insecurity are created when people who share a space, do not uphold the norms and values in dealing with conflicts, not even the rules *about* conflict, and who have different opinions on crime and punishment. Akong'a (Chapter 10) addresses the link between feelings of insecurity and space, when describing how, in the last political violent turmoil in Kenya after the elections of 2007, churches and mosques were attacked and people killed. He remarks that such a breakdown of what is normally respected suggests is indicative of a gap between the old ways of dealing with conflicts and the modern, institutionalized ones. The intra-group mechanisms that Akong'a describes, like joking relationships, avoidance behaviour and stock associates served society to manage conflicts. The more people share the same culture, the easier it is to create a safe space. However, with the collapse of these old institutions, the modern arrangements superseding the old ones are eventually the hope of restoration of peace.

Towards a new 'collectiveness'

Akong'a touches upon the question whether the loss of traditional intra-group conflict resolving mechanisms is a necessary outcome of secularization. However, there is reason to doubt whether secularization takes place in Kenya yet. The way current church religions are practiced for instance are reminiscent of the old

spirit and ancestor worship practices. The new religions (including Islam) seem to have replaced the old spirits with new ones. Certain principles behind the old rituals, such as ancestor and spirit devotion, exorcism practices, leader glorification and charismatic preaching are quite similar to they way religions are practiced in Africa. Partly, these principles are broader in character than just being characteristic of the way religions are 'organised', practiced and experienced. In the secular world, the way politicians at the top 'grab' what they can, under the justification of old customs, shows how traditional mechanisms are still at work. In the modern states in Africa, this mechanism still works, but the other side of the medal: The responsibility and sharing that was also part of the role of the traditional leader, has not developed. The legitimacy of the leader is not affected by that situation. However, present-day leaders obtain their power from both introduced democratic systems that have no place for this personal type of responsibility, and from forces of global, non-transparent government fora and the opportunities of centralized commodity markets. Globalisation partly allows state leaders to become greedy without checks and balances, a situation that is often referred to as the 'resource curse'. In Western societies there is some kind of containment mechanisms that stop leaders from being too corrupt, In Africa these mechanisms are quite often lacking (Wrong 2009). In Kenya for instance, the best thieves are considered heroes The Member of Parliament who is not extremely wealthy by the end of his term is considered a stupid weakling or a coward. This belongs to an 'un-secular believe system'.

The above process goes as far as the collective allows it to go. Traditional leadership roles as perceived by the communities and allowed by the political system that was introduced in the colonial period are still strong, despite the negative repercussions. There is however a trend of individualization taking place, as has been happening in Western societies. What the collection of chapters show in this respect, is an increase in individual agency. Individuals defect from the 'tradition', about which the elders are mourning (Akong'a, Chapter 10; de Vries, Chapter 5). If the elders in the past control the behaviour of their community members by invoking traditional norms and values, they now have to accept that the younger generation, being exposed to other norms and values (through the formal school system or in modern religious institutions), defects at times. In a way, individual choice has widened and people can now choose whether to behave as a raider, to behave as a church/mosque follower, as a modern town resident, to combine roles, to adapt to various lifestyles at the same time (play multiple roles in different environments) or to one lifestyle or one role only.

Given that the elders have less control over the behaviour of their youngsters (Baxter & Almagor 1978), this exacerbates *spatial* insecurity, since political culture and space or territory are so much intertwined. Shared culture, shared norms

and values and behaviour are necessary for collective action. People can improve the security of a space by mobilizing each other for protection. The elders cannot organize the collective anymore, neither are they able to change their environment (the space of insecurity) on their own. Their spatial insecurity has therefore considerably increased. There is always the danger of individuals behaving as free riders, or as disruptors of peace. The collective damage caused by such individuals is huge. Yet, if individuals have the choice to defect from the tradition, this means they can also refuse to take part in traditional raiding and age-set duties. Defecting from the tradition can thus as well improve security.

Akong'a (Chapter 10) further raises the important question how conflicts should be avoided in a world where traditional conflict avoiding mechanisms are disappearing, new forms are yet to develop, but where time and again violence is flaring up at local, national and global levels of scale. Is there one answer, in a world where people believe to belong to one political party, one ethnic identity, and one religion only? Should we look for a new 'commonness', new collectives in which citizen can find a new shared culture? Society cannot solve or avoid conflicts and violence if people do not share common norms and values, or have a shared opinion on crime and punishment in a just manner. Traditional institutions that keep peace do not work at the intra- and inter-group level anymore, as the elders have explained. In a world where various legal systems exist side by side, partly overlap, or get overruled, and where state power is at times weak and partial, there is reason to be concerned about state of insecurity.

As we argued earlier, security in the drylands in general, but of borderlands in particular, should be more of a national concern than it is currently seen. In matters of security and peace keeping, legal pluralism will not help in building shared norms and values. A shared culture of security is needed. The development of a modern shared culture can be greatly enhanced by adopting supra-cultural norms and values, as for instance are currently being articulated at the level of the United Nations, on the form of the Universal Declaration of Human Rights. The question is how Universal Human Rights relate to and can build upon local peace-keeping traditions that are reminiscent of these universal norms and values. The search for ways to align these is worth the effort. It is only in certain overly culture-relativistic circles that this is denied. Most individuals will feel that universal norms must exist. A quote from Amartya Sen's *Identity and Violence* (2006: xv, xx) book illustrates this point:

> Many of the conflicts and barbarities in the world are sustained through the illusion of a unique and choiceless identity. The art of constructing hatred takes the form of invoking the magical power of some allegedly predominant identity that drowns other affiliations and in a conveniently bellicose form can also overpower any human sympathy and natural kindness that we may normally have. The result can be homespun elemental violence, or globally art-

> ful violence and terrorism. … I try to argue as strongly as I can for a wider use of our voice in the working of the global civil society ….

This book shows that in present-day Kenya, the illusion of the unique and choiceless identity is very prevalent. A wider use of voice, and the search for behaviour based on universal norms and values, can be built upon to achieve a situation where spaces of insecurity will diminish in extent and dry up for lack of incentives to continue their existence. Much can be gained if a transition can be achieved away from a territorial culture of identity, and towards a culture of diversity and inclusion based on a reworking of old and new traditions of responsibility and accountability.

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2

The ethnicization of territory: Identity and space among the Nandi in Turbo Division

Alice J.C. Kurgat

Many scholars have attempted to analyze the role of ethnicity in violent conflicts over resources. However, research on the role of space and place in the construction of ethnic identity and other associated boundary creation is still limited. This chapter attempts to examine how the organization and representation of territory, that is land is implicated in the construction of a Nandi identity that is malleable. The questions raised are as follows; how is land connected to ethnic identity? How has the national politics of space and place resulted in coalescence of ethnic group(s)? How has this resulted in the construction of different local identities? What state policies and practices are implicated in the politicization of ethnic space and the (re)constructing of group identity and boundaries? In an attempt to answer these questions, this chapter will examine the contestations around the shifting boundaries between the individual, the community and the state in relation to land and how these impacted on inter-ethnic relations. The theory that will guide this chapter integrates resource competition theory with a social constructivist view.

Introduction

This chapter examines the role of 'space' and 'place' in the construction of ethnic identity. The research analyses a case study of the Nandi in Turbo Division of Uasin Gishu District in Kenya. To do this, the chapter focuses on land and how over time it has impacted on Nandi identity. Land in people's lives acts as a stage for political, socio-economic, cultural and environmental contestation. The chapter therefore explores how land bestows on a people not only a sense of ownership. Land also provides the feeling of belonging and security. The chapter investigates how issues of land, the most cherished resource in Kenya, contribute to the construction of identity and conflict. Land has remained core to the forma-

tion of political and group consciousness. The chapter concludes that 'place' and 'space' are social constructs and in themselves creates identity boundaries that are both stable and fluid.

The Nandi people: An overview

The Nandi people presently form a sub-group of the Kalenjin ethnic group. The term "Kalenjin" emerged in the 1940s, a people earlier referred to as the "Nandi-speaking peoples" (Huntingford 1953; Kipkorir 1969; Mwanzi 1975; Sutton 1976; Ogot 1977). According to Matson (1975), the term Nandi was derived from the Swahili word *mnandi* (the cormorant) coined by the coastal Arab traders.

The original homeland of the Nandi is uncertain, like that of many other East African peoples. Lewis Greenstein (1975) supposed it was probably far to the north of their present location, perhaps in the Sudan. One reason for the uncertainty surrounding the origins is attributed to the paucity of traditions among the Nandi, as compared with their Bantu-speaking neighbours. Matson (1975) offers several reasons for this. The final migration of the Nandi was through uninhabited or sparsely populated areas and their expansion eastwards and northwards (after an initial southward migration) onto the Uasin Gishu plateau was similarly into unoccupied land. Thus, the accounts or events and conflict of migration and settlement that make up a large part of the traditions of other peoples are scanty in case of the Nandi.

Prior to the establishment of British rule, it is assumed that the Nandi territory covered the Southern Uasin Gishu plateau, which was marked at the north by the mass of Mt. Elgon and the Cherangani Hills. The eastern edge of the plateau was delimited by the sharply defined western wall of the Rift Valley. The Nyando River valley, lying to the south and flowing into the Kavirondo Gulf of Lake Victoria, marked the southern edge, with the western limit not clearly marked, with the exception of an escarpment approximately half-way between Mt. Elgon and the Nyando valley (Walter 1970). Snell (1986) observed that although the boundaries were fluid, the tribal lands proper were more or less stable by the advent of British rule, in what was later to be referred to as the Nandi Native Land Unit.

There is however some reference to the role of territory in shaping the Nandi identity related to Nandi migration, conquests and expansion in their traditional folklore. As Matson (1975: 61) observed:

> The Nandi possess a much smaller body of traditions than many East African tribes, and a number of themes which occur in the traditions of other peoples have no place in Nandi recollections of their past. The expansion of the tribe from the original settlements in the south-west and military operations against the Maasai and other tribes provide the principal subjects of Nandi traditional folklore.

It is apparent that the Nandi claim to ownership of lands beyond the present Nandi district can be traced to these earlier migrations and conquests, and later colonial interventions. There were times when growing populations could expand into unoccupied lands, a time when there were truly empty spaces and 'frontiers', but as Kent *et al.* (1995) caution, when one group encounters others, in a more consistent and insistent manner, one person's homeland may have become another's frontier. In Turbo, migration history has it that the area was probably occupied first by the Sirikwa, a tribe who lived on the plateau and built stone kraals. The remnants of these kraals can still be seen in the district. Who the Sirikwa were is contestable. Many Kalenjin and Maasai traditions agree that the Sirikwa were quite akin to the Kalenjin-speaking people, but some scattered Kalenjin sources contradict this by claiming that the Sirikwa were related to the Maasai (Sutton 1978; interview, Turbo, 16.4.2005). The Nandi recall that they were once expelled from their country by the Sirikwa. Indeed, who were the first occupants is unclear. Nevertheless, there exists an agreement that the Sirikwa did really inhabit the plateau. In the middle of the 18th century the Sirikwa were looted and driven out by the Maasai. Turbo (a division of Uasin Gishu district), once a former frontier, is now perceived by the Nandi to belong to them, thus a Nandi territory. The identity of the community changed over time however. The passage of time and the memories that go with it form the identity of people, just as the organisation of space and its use over time does. Land has been a symbolic base for ethnic mobilization, to use Nagel's phrase (Nagel 1994: 152).

Research area

This chapter focuses on the Nandi living in Turbo Division of Uasin Gishu District of Rift Valley province. The division borders with Lugari, Kakamega and Nandi districts. The area has a relatively high economic potential because of the fertile soils and favourable weather conditions prevailing across the division. The division is in the eastern part of the district. It covers an area of 321 sq.km, with seven locations and ten sub-locations (Republic of Kenya 2002). The town of Turbo and later the surrounding area that came to be Turbo Division was named after a small Turbine that was installed by an American, L.A. Johnson, to work at a small flax factory, he and his friends erected at a nearby valley. The small town was christened Turbo, thanks to the turbo charged engine (Kamau 2004: 8).

The area has a long history of hosting various identity groups. The Sirikwa, the Maasai, the Nandi, and the European settlers have all lived there, and after independence any person that was able to buy a piece of land in the area when it was opened up to multi-racial and ethnic settlement could come in. The rural part of the division however is predominantly inhabited by the Nandi. Within this multi-ethnic composition of the area, the basis of ethnic relations is the presence

and interaction of members of many different ethnic groups, but with one forming the majority: the Nandi.

An identity is generally based on the real or symbolic notion of the homeland and how over time the Nandi people have defended this 'homeland' strongly. To open up the discussion, an overview to the guiding concepts that will be used in this chapter will be explored first.

Ethnicity as an identity construct

The term *ethnicity* derives from the Greek *ethnikos*, the adjective of ethnos. It refers to a people or a nation (Fenton 2004; Jenkins 2001). In its present form, 'ethnic' still retains its basic meaning in the sense that it describes a group possessing some degree of coherence and solidarity, and is composed of people who are at least latently aware of having common origins and interests. Indeed, an ethnic group is not a mere aggregate of people or a sector of a population but a self-conscious collection of people, united or closely related by shared experiences. Historically the word 'ethnos' contains an interesting double meaning; a people in general as well as a people which is different from the speaker. It is a term of in-group self-description and out-group ascription (Sollors 2001).

According to Gorgendiere (1996) and Chazan *et al.* (1992), ethnicity is a complexity of human existence and behaviour which defies simplistic definitions and explanations. It denotes perceptions of common origins, memories, ties and aspirations as well as a sense of nationhood having its foundations in common values and norms. Glazer & Moynihan (1975) earlier associated this with a sense of belonging to a particular ethnic group, but characterized by a very special sense of pride.

The concept 'ethnic group', like its base ethnicity, traces its scholarly source to Weber's (1978) founding definition in *Economy and Society*. Weber (1978: 389) postulated ethnic groups as:

> Those human groups that entertain a subjective belief in their common descent because of similarities of physical type or of customs or both, or because of memories of colonization and migration. This belief must be important for the propagation of group formation, conversely, it does not matter whether or not an objective blood relationship exists.

Weber emphasized that the sense of commonality or 'ethnic membership' does not in itself constitute a group but facilitates group formation. The perception of common ancestry, both real and mythical, is important to outsiders' definitions and to ethnic group self-definitions. These include rules for behaviour within the group and a shared sense of identity and belonging According to Cohen (1974: ix), "ethnic groups are a collective of people who share some patterns of normative (collective) behaviour and form part of a larger population interacting with the people from other collectivities within the framework of a social system".

"Basically, an ethnic group is a community of people who have the conviction that they have a common identity and common fate, based on issues of origin, kinship ties, traditions, cultural uniqueness, a shared history and possibly a shared language and group obligations and benefits" (Thomas 2000: 58). Of importance in this chapter is how the notion of ethnicity becomes pronounced when it is used to distinguish one social group from another in the division we are talking about. In the case of multi-ethnic areas like Turbo Division of Uasin Gishu District, group distinctions are likely to follow ethnic fault lines rather than any other, like class.

The concept of *identity* in the social sciences has one of its main sources in psycho analysis, where the concept is connected and sometimes even used synonymously, with ego and self. The term refers to a continuity of a person's 'being' as experienced by him and by others. Identity thus is not an inborn quality which exists from birth. It develops slowly through interaction with the social environment and is identical with the socialization biography of the individual. Hence, identity is the "socialized part of the self" an attribute that has to be equally negotiated anew in each interaction by the participants. Indeed, "no individual is a member only of one solidarity collectivity but a plurality", the various identity attributes exist in 'flux' (Berger & Berger 1972).

Stone (1962) conceptualizes identity as "the coincidence of placements and announcements", a process that holds for individuals and collectivities, a which has always been a characteristic feature for human interaction. Issues of identity become more problematic and unsettled as societies become structurally differentiated, fragmented and culturally pluralistic. Historical variations in the extent to which matters of identity are problematic do not undermine the two-sided process of the reciprocal imputation and avowal of identities as a necessary condition for social interaction. Identities are rooted in the requisite conditions for social interaction over time (Giddens 1991 Castells 1997; Snow 2001). While individuals and groups look for 'same' they also construct the 'different' in the process. As Martin (1999: 2) puts it:

> The only way to circumscribe an identity is by contrasting it against other identities. Consequently, identity is an ambiguous notion. It gets its meaning from what it is not from the other; like a word in a crossword puzzle, it is located in a place where uniqueness, defines in a negative way … meets a sameness which needs an else ness to exist.

The above process can apply to ethnic groups, states and other group identification. In essence, social identities are the identities attributed or imputed to others in an attempt to situate them in social space and whatever their specific sociocultural base, social identities are fundamental to social interaction in that they provide points of orientation to 'alter' or other' as a social object. Jenkins (1997) observes that the existence of a group is not a reflection of cultural difference.

Ethnic groups imply ethnic relations, and ethnic relations involve at least two collective parties, they are not unilateral, what Hughes refers to as the *outs* and the *ins*. He thus notes:

> An ethnic group is not only one because of the degree of measurable or observable difference from other groups, it is an ethnic group on the contrary because the people in it and the people out of it know that it is one; because both the ins and the outs, feel and act as if it were a separate group (Hughes 1994: 91).

There is need to conceive of identity as a process of continual negotiations, of claims and validation. An ethnic identity is thus developed and modified as individuals become aware of other groups and of the ethnic differences between themselves and others, and an attempt to understand the meaning of their ethnicity within the larger settings. Although developmental processes (from childhood to adulthood) underline the formation of ethnicity, ethnic identity may be renegotiated throughout life in response to individual, contextual and historical changes (Phiney 2001). Ethnic identity can be high at one time and place and low (deemphasized) at another. The durability of an ethnic identity depends both on factors within the ethnic group and on the broader societal or historical context. Ethnic groups and their individual members may adopt different group identity modes, similar to modes of acculturation (Berry 1990).

Internal or self-identification whether by individuals or groups is however not the only 'mechanism' of ethnic identification. People are not always in a position to 'choose' who they are or what their identity means in terms of its social consequences. In the accomplishment of identity two mutually independent but theoretically distinct social process are at work, Internal and external definition (Jenkins 1997). Thus, while ethnic groups define themselves, their name(s), their nature(s) and their boundary(ies) as ethnic, characteristics are defined by others. Although identity formation therefore is regarded as both part and outcome of interactive bargaining and negotiation, the individual may be under considerable pressure from his social environment to develop a predefined identity, an identity to which he may fails to align (Conger 1978; Heidt 1985). The ethnic requirement assigned by one's social environment is not always grudgingly accepted, but something eagerly searched for and considered normal. It satisfies the individual's needs for social and psychic security.

The relevance and strength of the sense of belonging, of being an accepted member, depends on the trust of the individual that the social group functions and that one can rely on the members. The more consensuses there is about what is right or wrong within that group, the more secure the individual will feel, and the more likely he is to identify with and be loyal to that group (Heidt 1985). This individual loyalty on group level is what Parson (1973) referred to as a collective identity. Parson maintained that the use of the collective pronoun 'we' in

essence indicates that the collectivity referred to has some kind of relatively definite identity and that the individual participant has a sense of 'belonging' to it, that is, a 'membership' (Parson 1973: 6). The collective representations of a group, the aggregate of all values, norms, knowledge, attitudes and ideas which a group has in common, influences if not determines how people think about what provides a frame for social construction of reality. In the quest to explain the processes of ethnic group formation, and the consequences that it has for integration or conflict in society, the chapter analyzes how competition for territory adds to the construction of an ethnic identity that is both inclusive and exclusive. This chapter will therefore use constructivism theory to analyze and enable us to understand ethnization of territory in Turbo Division.

Constructivism assumes that the self or the self-identification with a group are variable. Identities depend on the historical, cultural, political and social context (Hopf 2000). What runs common with the 'constructivists' paradigm is that identity is created, reconstituted, or cobbled together rather than being biologically, preordained or structurally determined. From the 1980s a number of works have attempted to demonstrate that through reconstruction in history many identities that we take for granted today were actually social constructs (Anderson 1983; Hobsbawn & Ranger 1983; Banton 1983; Schlee 1984; Smith 1983, 1987; Sollors 1989, 2001; Lentz 1995; Hutchinson & Smith 1996; Yeros 1999, Cohen 2000; Fishman 2000).

Constructivists emphasize that ethnicity it is not super-natural and quasi-national membership in a group, but rather constructed under specific historical, political circumstances. The basic assumption of the constructivists exists only in the plural in the relationship between 'us' and 'others' (Lentz 1995). They emphasize the subjective, manipulability, flexibility and strategic quality of ethnicity, but arguments and positions vary widely in detail (Banton 1983; Sollors 1989). Indeed, there is an agreement that ethnic groups and identity are both dynamic and subject to modulation according to circumstances and relative position of the significant others (Barth 1969, 1994; Cohen 1992; Deverick 1995, 2000). In this case study, it is the Nandi being the majority with a relatively high presence of other ethnic groups. The process of access and ownership of land in Turbo will be used to demonstrate how Nandi identity is constructed around this resource.

Land, politics, construction of identity and conflicts

Like elsewhere in Kenya, land in Turbo has been a strong factor behind the construction of identity. Land ownership evokes a sense of belonging to ones community, the need to protect it against the outside 'others'. This probably explains why conflicts are referred to either as land or ethnic conflict interchangeably,

while in fact they are different. Land therefore becomes a resource, and a source of identity. Loss of land either through disinheritance or sale deprives not only the owner of his or her status but also his or her sense of belonging: Land endows the owner with an identity, or with being (as the Nandi refer to it) *chi* (credible personality).

Land, like good jobs and other scarcities are 'positional goods' that help establish one's place in the hierarchy of the community as the individual acquires position, money and space. Land therefore becomes a key to many doors (Holliday 1986; Dietz 1996; Hirsch 1978; Kanyinga 2000). It is therefore important to note how changes in socio-political institutions which regulate access to land impact on inter-group relations. As Berry (1988, 1993) points out, social identities and other non-market factors play an important role in regulating access to resources. Berry accentuates the fact that access depends on the influence one brings to bear in negotiations over property rights, an influence that is enhanced by having followers and the necessary social networks. This concurs with Schlee's argument that any collective identity cannot fruitfully be studied without taking the property relationship/ links between collective identities, property rights and problem of legal pluralism into account (Schlee 1999, 2000). This follows from the fact that collective property rights require definitions of the collectivities involved, while incentives and disincentives for manipulating the affiliation to a collective identity tend to be provided by different property collectivities (Schlee 2000).

Strictly speaking, we are talking here about intra-ethnic processes. However, though in the process of state formation this issue has become inter-group, in most African societies, land has never been a commodity in the strict sense of the term within the territories of ethnic groups. It has become a national, inter-group phenomenon, and so land right disputes arise due to the plurality of laws. Intra-group, there are *de jure* no secured property rights with respect to land. However, in Kenya as a collective of groups under national law, there is. Any person or group or person(s) can purchase land anywhere in the country (a constitutional right) given that a single state implies a single market for land, labour and capital. In reality, though its labour market may be a single national market, Kenya's populations are encapsulated within ethnic and psychological boundaries. These were easy to spot on a map: They are District boundaries, which follow ethnic boundaries from the colonial period onwards. Ethnic boundaries have become very pronounced after the colonial government created these administrative units. This links ethnic with political-administrative boundaries. In political contestation, legitimacy is sought through an appeal to the territorialisation of identity rather than to class position. The implication of this in present political processes is that the presence of non-Nandi in and around 'traditional' Nandi lands and towns means the politics of the place will be controlled by perceived 'outsiders'.

Indeed, access and security of land tenure is linked to the overall security of the social formation. Land tenure systems must then be seen as part of both the broad socio-political and the economic context of local society. Group economic interests and capitalist approaches to land issues have frequently caused socio-political divisions in the political arena. The use of land (territory) in most cases has become a political-social act, in which people communicate and cooperate, within different positions of command, and with different rewards. Ethnic group interests in land, though in principle economic in nature, has tended to influence political alliances (Kanyinga 2000; Dietz 1996). Land rights have always generated political conflicts. Land is an integral part of social networks and local politics. Consequently, keeping land rights flexible allows for possibilities to adjust the interpretation of law (and custom) to the changing local power structures, its politicization (Neubert 2000).

Norms and customary rules on which communities (groups) base their self-identification and which are used to define the identity of individuals and groups are continuously being invented or reinvented through the interaction of developments taking place at the local and national level, but so have the inter-ethnic political consequences. Ethnic communities in Turbo like elsewhere in Kenya have therefore been pre-occupied with land hunger, land struggle and an unrelenting pursuit of territoriality. As Miller & Yeager (1994) argue, for a century now, a central theme running through the Kenyan experience has been intense competition for prime farming land, land to bequeath to kindred and to be withheld from strangers.

In Turbo, conflicts between communities over land resources have been mainly blamed on the political elites. Competition for state power has always divided ethnic communities along party loyalties. These parties have a core ethnic leadership and representation. Elites act as political entrepreneurs appealing to ethnic sentiments, though it is hard to differentiate: ethnic, political, administrative and even class boundaries are often aligned. However, to say that ‘elites act’ is not to maintain that the masses as merely passive actors in ethnic/ political/ administrative/ class conflicts, performers of the will of the elites. The masses are not at all a political group, waiting to be incited by their political leaders. In reality the type and course of conflicts, is determined by the struggle of various identity groups within territories, be these territories ethnically homogeneous or not. The role of elites in conflict therefore can only be understood by examining their actions in the struggle within social groups and the struggle between these groups. Political behaviour can be grounded in both class and non-class organization and solidarity (Horowitz 2000). Identities such as those of kinship and ethnicity constitute alternative and very powerful bases of solidarity. Political entrepreneurs

have to realise these varied sources of group consciousness, and can not be simple cynical manipulators whose activities are governed by self-interest alone.

At times in social analysis, there is a tendency to exaggerate the degree to which a population can be or has been aroused to action. An analytical approach should be taken to avoid a blank acceptance of the claims of the leaders as a true reflection of the realities on the ground. Nevertheless, there is need to acknowledge the impact of interaction of such leaders with grassroots protest. Though the masses have often been brought into the question not as activists themselves but as individuals that can be manipulated, they are generators of popular grievances on which the elites base their action. In an ethnic conflict, both elite and mass behaviour is explained by its passionate, symbolic and apprehensive aspects:

> Group entitlement conceived as a joint function of comparative worth and legitimacy does this – it explains why the followers follow, accounts for the intensity of group reactions, even to modest stimuli, and clarifies the otherwise mysterious quest for public signs of group status. (Horowitz 1985: 226)

According to Horowitz (1985), ethnic conflict arises from a common identifying significance accorded by groups that are subsequently played out in public rituals of affirmation and exclusion. Effective political authors can recognize this and present a desired future for their relevant public as a project that builds on the triumphs of a living past or avenges defeat (Lonsdale 1992), which may be very much linked to ethnic identity. Images of the past can seize and recast a memory as it flashes up at a moment of danger. They can help ignite political passion in even the bleakest of situations (*Ibid*.) and as Horowitz (1985) observes, the ambiguity of ethnic loyalties suggests the existence of varied needs to which they put to use.

Indeed, on the one hand, ethnic interests in a given situation demand leadership; on the other hand, leadership can use the ethnic identity card to its own advantage (Cairns & Roe 2003). For this, an important concern is that of establishing the outer limits of who is included as "one of us". This has much to do with the choice of strategy and the relative appeal of ethnicity, political interest, territorial history or class consciousness in a concrete situation. In the 1992 ethnic conflict in Turbo, elites in their political propaganda strategy appealed to the emotions that went with both ethnic and territorial identity. With the threat of a new political competition occasioned by the 1990s global wave on multi-party democracy, anxiety swept the leading elites. The state institutions and the ethnic elites owning them sought for whatever group identity was most appealing and none served like revisiting the ethnicity-land nexus. As the state had given out land for patronage to members of the ethnic groups dominating the state apparatus, the opposition capitalized on this. They maintained there was a need to reform the land laws that had allowed this to happen. A perceived sense of loss of

ethnic land and identity had enhanced the construction of a sense of community under siege among the Nandi. With construction being an ongoing process, here historical truth was merged to contemporary facts and future visions of ethnicity being threatened.

The Turbo ethnic conflict was thus not purely due to the possibility of multi-party conflict, but had other underlying forces. The most important one was of unresolved conflicts over land access and land rights. These were determined by State law, but the state was seen as an actor in the ethnic-political conflict. The relationship between land reform and the rule of law is a complex issue in Kenya. The law has historically been used to dispossess certain identity groups (race, ethnic, class, gender, generation) of access and ownership of land. As Okoth-Ogendo (1976, 1982, 1991) observed, most prime land was appropriated by the state or the private sector. This has brought into question the moral authenticity of land laws. Kenya's legal history has shown that in land law, ethnic identity competes defiantly with state identity. This is corroborated by Anderson (1983) and Alonso (1994): nationalism and ethnicity are constructed reciprocally, because patriotism is not about loving one's fellow nationals in such a case. It is about disagreement, and hating a fellow national or at least condescending to tolerate others within national space.

A crucial point in time of course was the moment of independence for Kenya. The Lancaster conference and the agreement that followed was only achieved after a compromise on how the regions were to share power with the central government, strongly guided by a regional land control policy. As Bates (1989: 55) explains:

> The groups incorporated into KADU wanted as much of the land vacated by the Europeans as they could get; they feared the competition of the Kikuyu, who as tenants and labourers were established on the ground, were numerous, … driven by 'land hunger', and ... rich. KADU responded by advocating the adoption of a federal constitution, in which regional barriers would be created to land settlement, within these divisions, the land market would be allowed to operate subject to oversight by regional political authorities.

Rothchild (1968) observes that the minority ethnic groups feared being swamped by other ethnic groups, the central government, or by a combination of these forces. The result was that fears of land seizures "caused many a minority leader to urge the establishment of *majimbo* as a protection of his stake in society". The concession arrived at at the Lancaster conference was simply an effort to speed up the process of achieving independence. A regional land control policy was never given a chance by the newly independent Kenya government dominated as it was by one ethnic group. They wanted a unitary system. The state-dominating ethnic political abhorrence of a *majimbo* (quasi-federalism) system, was casued above all by the infeasibility of such a system of for a national land market transfer to the dominant ethnic groups and to state directives. Large

tracts of land did not only remain in the hands of a few European settlers, but a big portion of those changing hands was either bought by the ethnic elite dominating state institutions or given to their less well-off group members under resettlement schemes, given to state bureaucrats or simply gazetted as state (public) land.

The vesting of land control in the hands of the central government has become a catalyst to land conflict in Kenya. The modes of settlement of the landless in the 1960s through the *harambee* settlement schemes, private purchases of large farms by co-operatives or companies to presidential 'handing over' of large farms to hundreds of assembled people at well publicized ceremonies, led to large scale immigration especially of the Kikuyu to the Rift Valley, which is regarded by the various Kalenjin groups as traditionally theirs (Leys 1975; Widner 1992; Wanyonyi 2000). In the 1970s it led to a strong politicization of the land market (Njonjo 1977). According to Widner (1992), the *majimbo* constitution having been scrapped had opened up land in the former Maasai reserve, in Kericho, Nandi, Uasin-Gishu, Trans Nzoia and Nyandarua. This limited land control by the ethnic groups 'traditionally' living in the Rift Valley. KANU instead had urged central control of the region in an effort to forestall local legislation restricting land transfer to those born in the area and to maintain the foothold of the party's Kikuyu supporters in the Rift Valley land markets (Widner 1992). According to Harbeson (1973) the land transfer scheme started at the eve of independence had already been resented for its impartiality of settling the landless members of the Kikuyu community. According to Bates (1989: 94):

> In many areas in the Rift Valley, Kikuyu migrants sought to establish settlements, and local political leaders opposed their land claims … among the most virulent of these disputes were in Nandi which represented one of the wealthiest of the Kalenjin speaking areas. It was Moi who negotiated with the leaders … and quietened their militant opposition to the Kikuyu incursion … Moi thus proved a valuable ally to the KANU elite. And following the withdrawal of the radicals from the party, Jomo Kenyatta promoted Moi to the vice presidency of KANU and the nation.

In these land struggles, Kenya's future ethnic relations translated to what Atieno-Odhiambo (2002) referred to as the fears of Kikuyu domination. According to the Rift Valley leaders, especially the Nandi, the question arose on how the same government was settling 'others' through government assisted programmes, while denying communities the right to buy land in their own areas. Arguments had been given that land was being set aside for government projects and Transnational investments.

According to a World Bank agreement, a total of 23,000 acres of forest land had to be planted, about 18,000 acres in Turbo and the balance in other areas to be identified later (KNA 1970). This was part of the 'million acre scheme' that would produce wood for pulp and paper. In Turbo, the project led to a conflict

between squatters (landless Nandi) and the afforestation programme. The East African Tanning and Extract Company (EATEC) management resorted to the use of provincial administration and police to ensure that the squatters did not encroach on the EATEC land. Demolition of squatter houses was carried out in Manzine, Forrestal and Coopers schemes in 1971 (KNA 1971). The Ministry of Natural Resources in response to EATEC action, declared that the people could not be considered as squatters but as trespassers, who awaited stern action. The Nandi felt that there was little government sympathy for their need of land and decided to sent a delegation to the prime minister (Jomo Kenyatta), who on his part sent Tom Mboya to Kapsabet to meet six Kalenjin elders from the six Kalenjin districts. Mboya had to assure these leaders and their constituencies that they would be given alternative settlement opportunities (KNA 1971). That assurance was never honoured by the government.

Indeed, the government went on with the forestation programme and by 1966, most forest plantations producing pulp were located in the Rift Valley (KNA 1966). The target acreage for the million acre scheme in Turbo was drastically reduced in 1965-1975. State land originally set aside and totalling 27,898 acres was handed over to the Ministry of Natural Resources. According to a memorandum to Her Majesty's' Government on the Turbo afforestation scheme, June 1966, it was officially declared that "after full consideration the Kenyan government has decided that the national interest would be served better by establishing forestry plantations in the area, which are essential for an economic pulp and paper mill, rather than continuing with high density settlement as planned" (KNA 1966: 3). It was argued that the forest/pulp project would employ more people than the high density settlement scheme. The then permanent secretary in the Ministry of Lands, Peter Shiyukah in his letter to the permanent secretary, Ministry of Treasury and Settlement, pointed out that government's double standard policy had caused outright public agitation against the afforestation scheme. Shiyuka wrote

> … there is no doubt that if the afforestation project is proceeded with, it will be impossible to contain the local feelings without purchase of additional land for the settlement of those who would otherwise have been settled on the afforestation area, including those areas earmarked for settlement, but not actually purchased. This creates a disproportionate problem since as it is the present policy of government that in the selection of settler's priority shall be given to legal labour already on the land. It means that an area very considerably in excess of that originally earmarked for settlement in Turbo area will have to be purchased if both the legal labour on it and the Nandi who would otherwise have been settled are to be observed …, the Nandi want to be land owners and not forestry employees, and this is a problem which has to be faced, and which has been made particularly difficult …. Persons concerned have been firmly under the impression that the land at Turbo was earmarked for settlement by them (KNA 1966: 1-2).

The sentiments captured in Peter Shiyuka's argument reflected the true perception among the locals, especially with regard to the settlement programmes. On the contrary, further land in Turbo was proposed to be transformed from the ownership of the central land board for the development of a National Youth Service (NYS) camp. The NYS was meant to be a buffer zone to prevent further illegal encroachment from the Nandi people who always grazed in the area (KNA 1965). A Nandi delegate to the meeting on the land transfer reminded the government representatives that the Nandi have been waiting for Europeans to leave Kenya so that the land taken from them in 1924 could be returned, adding that in the Carter Commission report of 1930, the area was included and recognized as being within the Nandi area. In response to the delegate views, the government representative stated that, "although the government of the past might have promised that after the Europeans' departure, the land in question would be handed back to the Nandi, the present government is thinking of developing the area in a way that will benefit the nation as a whole" (KNA 1966: 3). He also advised the area MPs that they did not necessarily had to agree with their electorate on everything (*Ibid*.). The same view was expressed by the then Minister of Lands and Settlements, J.H. Angaine. Angaine had told the Nandi elected representatives in a meeting in Turbo that settlement and afforestation were all government projects (*Ibid*.).

In reality, the loss of settlement area to the afforestation programme not only impacted negatively on the socio-economic activities because people in the area became landless for decades but it became a bond between the people and their representatives, acquiring a political dimension. The community had lost their *kaptich* (grazing grounds) to their own government, a sense of loss that was later felt in the politics of the area. Alonso points at how past nationalist policies produced by those in control of the state system, appropriate and transform local and regional histories and the memories of particular groups.

The construction of hegemony by agents and institutions of the state was challenged by alternative and oppositional traditions of the affected community that disputes governments' dominant articulations of space, time, and substance. The difference between the concepts of nation and state are made obvious here. This difference explains the silence of the Kalenjin and the Abagusii in the area over land acquisition, which was "a sign of those too satisfied with land to complain over anything" (Oucho 2002: 164-165).

Elite political contestation in Turbo and other 'contested' Nandi lands in general has largely been guided by the Nandi land question. The community's alliance with Kenya African Democratic Party (KADU) and their support for a *majimbo* system had more to do with their aim to control their access to land than with simple power sharing. In the post-independence period, whoever openly ar-

ticulated the need for the Nandi community's access to land was assured of political support. On the other hand, the politicians who took a neutral stand or supported government projects were seen as 'sell-outs'. Daniel arap Moi, in whose tenure as the Home Affairs Minister the Turbo afforestation scheme was discussed and passed was seen by the community as having exchanged the community's rights for his political interests. In post-colonial Kenya, state power has been used to acquire and distribute resources from 'above' by a small ethnically homogeneous elite. Indeed, ethnic conflicts rotate around land and other related resource issues (Kurgat 1996). The failure or weaknesses of government policies on land have given way to 'redistribution from above' and 'land grabbing' (Kanyinga 2000; Klopp 2000).

A counter process developed that instrumentalized land for community/group survival. In essence, the politics of dissent among the Nandi in the last four decades of independence have mostly been woven around the land issue. This explains why elites fighting for power and political survival in peripheral regions go back to the theme of loss of land. In the Turbo conflict it led to calls to remove *madoadoa* (the 'non-indigenous' a Kiswahili word meaning 'spots') who were perceived to be a threatening *political* group. According to the Parliamentary Report Committee (Republic of Kenya 1992), the violence that rocked the Rift Valley was presided over by politicians in Kapsabet on the 8th of September 1991, and in Kapkatet on the 21st of September 1991. According to these politicians, pro-opposition groups should be 'crushed' or not to be tolerated in Kenya National Party (KANU) zones. 'Outsiders' were warned that they would be required to go back to their 'motherland'. In the subsequent violent phase of the Turbo conflict, this was taken very serious indeed.

An important line of reasoning in conflict studies states that the members of society are constantly in competition with one another for valued resources. Out of their struggles, social order develops, either because one side wins a conflict and becomes the dominant force or because contending parties reach a balance of force and neither side is able to gain further advantage over the other. Hypothetically, in Turbo like in other settlement areas in Kenya, scarcity of prime land has influenced the construction of identity by communities. There has been agitation against past injustices to justify their present rights to a particular territory while concurrently attempting to build barriers against competitors from the constructed 'other' (Kurgat & Kurgat 2006).

Conflict is about the legitimate distribution of future costs and benefits. It often arises because somebody benefits at someone else's expense. However, in reality the situation is more complicated. Whether this distribution is changing or not may not be the true issue, it is the perception of change that is the issue. The notion of 'legitimacy' is vitally significant. As De Reuck (1984) argues, legiti-

macy depends upon existing relationships, upon people's identities and with whom they identify – in a word, their identity-based definition of the situation. Legitimacy is a value placed upon a relationship and like all values it is subjective. Values may seem to be objective factors, but they are not. They are assessments and they may change. In Turbo, ethnic and land conflicts are conflicts over legitimacy, over perceptions of change, and it is the construction of identity around land which legitimizes the struggle for access to resources.

Territory and identity in Turbo

There is a close relationship between land and the formation, representation and construction of a Nandi identity in Turbo Division. The uncertainties over sustainable access to land in a multi-ethnic environment have been reflected in the need to authenticate ones 'true belongingness' to the place in a process of 'getting ownership'. Groups have found power and promise in maintaining that land represents ethnicity and identity.

Among the Nandi a particular identity might be expressed by individuals and the community as registered on different occasions and situations. An example is the question of who is Kalenjin or Nandi. The term 'Kalenjin' is used to describe a conglomeration of eight sub-ethnic groups (Sutton 1976), whose history and language although interlinked are distinct. The group from 'outside' seems homogeneous, but each is different. The term 'Kalenjin' is derived from a word 'Kalenjin' which means "I tell you", or "I say", common to all the seven groups. The shared similar heritage of traditions, culture and language enables one to stress his 'Kalenjinness' at a given time, and be a Nandi, Marakwet, Keiyo, Tugen, Sabaot, Pokot or Kipsigis at another time. Thus, the 'we' when referring to the Kalenjin is indeed crucial when 'Kalenjin' are competing with non-Kalenjin, while being Nandi becomes advantageous in competition with the other Kalenjin sub-ethnic groups.

In Turbo in particular (or more precisely in this context the Manzzine settlement scheme) and Uasin Gishu in general, the Nandi harbour a grudge not only against non-Kalenjin but also against their 'cousin-Kalenjin' especially Keiyo and the Tugen, whom they perceive were favoured in the allocation of the forest land by the Moi administration. The degazzetment of Manzzine forest (1996) and the settlement in 1996 of 'squatters' on the degazzetted Manzzine forest is often pointed out as an anti-Nandi gesture. The majority of those settled were resented as not only being from outside (not Nandi) but they were not locals known to be landless. We can therefore argue that access and ownership of land are interwoven to other rights as demonstrated by Figure 2.1.

Figure 2.1 Perception of land ownership and access in Turbo

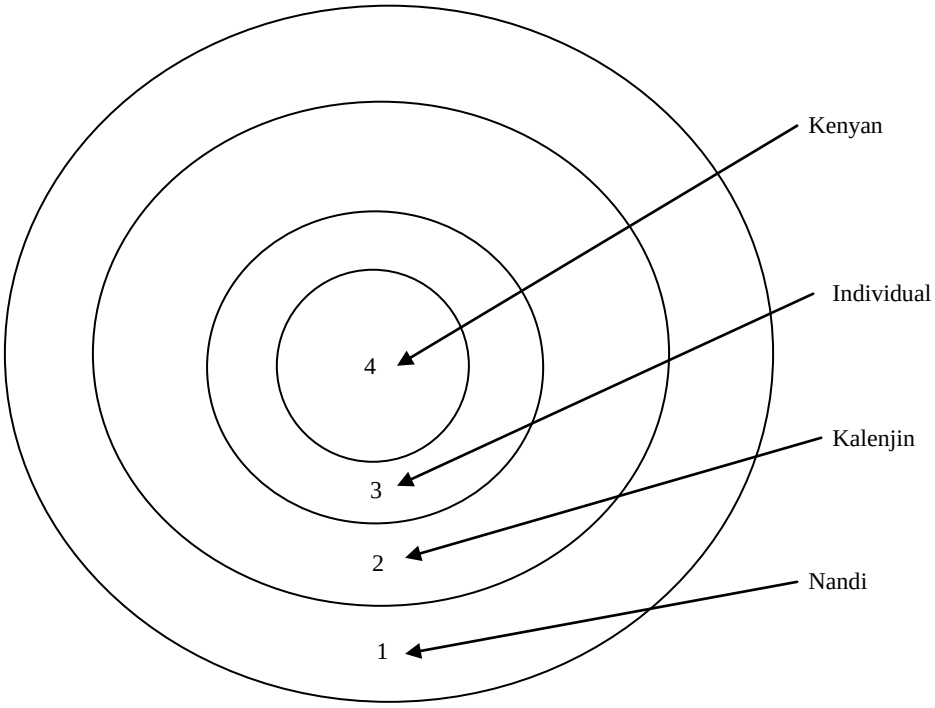

Figure 2.1 attempts to illustrate the *boundary definition* between the intra and inter ethnic relations to land. In Turbo, land is perceived first as Nandi land; second as Kalenjin land; third as individual (private) land and fourth as Kenyan land. Nandi land seems to engulf all the other access and ownership rights, during times of intra and inter-group competition. Territorial boundary and the acceptance of the 'other' keeps on shifting according to what is at stake however. During election politics for example, focus is on the first level of space (for local representation – Nandi). This may be followed by the second level, to counter the 'others' that do not fall under the Kalenjin cluster group. The third and fourth are totally underplayed or negatively contrasted with the first and second. The imagined Nandi land boundary is utilized to construct the political space.

Land conflicts during election amplify the various layers of identity. Local and national politics are driven by the interaction or indeed conflict between local loyalties (intra-group), inter-group (Kalenjin vs. 'others') and national (when alliances are forged with groups beyond or outside the resident area). Thus, within the division, several internal 'frontiers' exist, to use Kopytoff's phrase (1987), with land, politics and identity reinforcing each other.

The hardening ethnic boundaries (having a real-life meaning when they become political/administrative) and shifting of ethnic frontiers in Turbo like else-

where in Kenya is common. Lonsdale (1992: 267), writing on ethnic groups and boundaries in Kenya, observed:

> These common tribes inherit internal solidarity, guard mutual boundaries, organize competition against rival teams for public good and reduce contemporary politics to functional conflict … [Nonetheless] there is creative achievement unresolved internal competitions to build political community. The inner and outer faces of identity are admittedly inseparable. To illustrate what is 'our own' darkens the shadow of the others but the relative balance and historical enquiry profoundly affects one's view of the formation of political identity, how unquestioning or critical it may be, how exclusive and unchanging or inclusive, contingent and contractual.

The above observation supports our view that ethnic groups appear monolithical from the outside but in essence they suffer from problems of identification from within. The Turbo case study showed that inter-ethnic competition is not as straightforward as it is sometimes assumed. Rivalry cuts across and can take ethnic, sub-ethnic, clan or even inter-generational dimensions. A similar observation has been made by Klopp (2002), with regard to the sale of East African Tanning and Extract Company (EATEC) land in Uasin Gishu in the 1990s, in what she referred to as "moral ethnicity … political tribalism and the struggle for land and nation" (Klopp 2002: 1). The same applies to the factor time. The narrative is useful to authenticate the 'true owners'. It is common to hear Nandi speak of land conquered by "our" forefathers from the Maasai, fought over with and taken back from the Europeans and bought with "cattle money" (cattle sold to buy shares) after independence (interview, Turbo, 2005). The narrative does not only serve to justify the right to ownership but a sense of identity pride, a pride that not all present residents are allowed to indulge in. It belongs only to the Nandi. It moved from a type of pride that implies respect for others, to a type of pride which creates hostility towards others (Martin 1999). Thus, whenever there is conflict of interest between the Nandi and the other identity groups, it is the 'other' that is found neither respectful to the Nandi people who feel they 'belong' nor adaptive to the 'place'. This attitude may permeate life in general, and not be restricted to specific conflicts. The conflicts between neighbours in 1992 and 2008 bear similar characteristics. The examples of conflicts given in Box 2.1 illustrate how spaces are linked to perception and sense of landownership.

The 1992 ethnic conflict shaded another dimension of interethnic relations. At the height of conflict families shared not only the brunt of violence but whatever little they had for survival. Mothers from Ngenyilel a village in Turbo narrated how while in hiding in the bush from the attacks they sought comfort with each other and shared food (interview, Ngenyilel, 2004). A Nandi mother could send her young male relatives home at night to fetch milk from het cows, which was shared with her neighbour, a Luyia. Another Nandi mother provided flour for

Box 2.1 Space- and territory-related conflicts

Apart from the large scale violence of 1992, there were incidents associated to the mentioned attitudes. Four examples are cited below.

Incident 1
In 1992 a fight broke out between children playing. Their parents took sides and began to accuse each other for the poor upbringing of their children. Stereotyped accusations followed. Neighbours were divided further and at the end of the day houses in the village had been burned along ethnic lines (interview, Tapsagoi Location, 2004).

Incident 2
In 1992 in Chepsaita two men in a social gathering, drinking local brew argued over a female's relationship. The two in their drunken status started fighting. With each receiving sympathy and physical support from his side of the community, the fight turned into a violent conflict between two communities (interview, Chepsaita, 2004).

Incident 3
In 2004 a resident in Kamagut who is not from the dominant community was given a house to live in and a piece of plot to plough by the title owner (local). After planting his maize he fenced the area, but his neighbour destroyed the fence so as to access his house instead of following the surveyed route (interview, Kamagut, 2004). An elders' intervention was sought through a *baraza* (meeting)

Incident 4
In 2006 near Jua Kali shopping centre a schoolboy picked young tree twigs from a farm belonging to a person not from the dominant community in the area. The owner was enraged and physically punished the boy. His family and neighbours took revenge by uprooting the trees and destroying the fence. In response the m atter was reported to the police and the parents of the boy were arrested. Their neighbours raised bond money and bailed them out of custody .The case is still in court. The neighbours are still angered with the farm owners' action and have sworn that they will never allow him to access and use his farm. (Interview, Jua Kali, 2006).

The verdict in all the four cases was that 'foreigners' had refused to integrate into the community (interview, Kapkeben, 2004). In incident 1 and 2 property was destroyed and residents perceived as 'outsiders' were ordered to leave. In incident 3, through the intervention of the title owner and the elders the affected was allowed to continue residing in the area. Incident 4 is still an ongoing conflict.

making porridge. In a number of cases non-Nandi families were given 'protection' and were not attacked. Specific properties of social relations are involved. Many of the families from other non-Nandi ethnic groups who were known to participate in community events like circumcision, wedding ceremonies, burial rites and other community works were deemed as 'good neighbours'. For those who had inter-married or had a family member who had undergone the rite of passage of the local Nandi community were accepted as "belonging to the place". One such example was the family of Kamagut farm. Their grandson, though of Luo ethnic parentage, lived with his parents and grew up with Nandi children.

The name of this person, being a short version of a Luo name, was pronounced with a Nandi accent. After passing the Nandi rite of passage like the rest of the Nandi youth, he was given the name Arap Tuwei (black bull). According to the Nandi tradition, this young man and his extended family are no longer 'foreigners' but owners of the place. The social meaning of the name binds to the Nandi culture of cattle keeping. Through various avenues like these, individuals and families are adopted.

The aforementioned examples agree with our observation that in narrative, ethnic identities are far from being statically characterizing isolated groups, but are constructions in progress. This social construct of the ethnic group brings meaning and value to a relationship or a set of relationships with others (Martin 1999), and brings risks (when groups are excluded and seen as 'outsiders', or can bring harmony and security (when they are seen as 'insider' to some degree). The construction of identity has created relations of affection and of serious conflict. The 1992 ethnic conflict in Turbo showed that the constructed 'other' of ethnic groups was countered by another construction, the 'other' is 'ours' at another much more personal level. It is at this personal level that hope lies for the future of conflicts such as these.

The other issue is the question of access, sale and ownership of land. At times, Nandi individuals sell their land to those perceived to be outsiders while opposing the same type of sales in public discussions. This situation reveals how relative and flexible boundaries can be. Ethnic meaning arises only out of the interactions of individuals whose expressions of ethnicity can be confirmed by the presence of 'others'. Groups and group identities are products of social environments. Eriksen (1999) points out that people are loyal to ethnic, national or other imagined communities not because they were born into them, but because such foci of loyalty promise to offer something deemed meaningful, valuable or useful.

In Turbo, heightened ethnic consciousness and the desire to 'protect' land from other ethnic groups became most pronounced during political transition years of general elections. The physical boundaries collapsed with the socio-political boundaries of the ethnic communities. Ethnic groups, like nations in most respects other than their lack of a formal state apparatus and international recognition, are arenas of political debate (Lonsdale 1992). The *majimbo* debates that have dominated Rift Valley politics since the 1960s for example, attest that attempts have been made to not only devolve power but territorialize identities too.the debates have raged in newspapers around the country.[1] The *majimbo* de-

[1] *East African Standard*, February 2, 1963; *East African Standard*, September 26, 1963; *Standard*, June 22, 1992; *Standard*, July 18, 1992; *Daily Nation*, January 30, 1993; *Sunday Na-*

bate was again becoming a major campaign tool in the 2007 general election with two political parties, Orange Democratic Party and Orange Democratic Party of Kenya. The two parties draw leadership and membership mainly from Eastern, Coastal, Nyanza, Rift Valley and Western provinces. The situation in Turbo, presently an opposition stronghold (ODM), is relatively peaceful in comparison to the eve of the 1992 general elections.

Violence in Turbo: 1992 and 2008

The 1992 violence in Turbo took place prior to the general elections. The conflict was between the Kalenjin, particularly the Nandi who are the majority, on one hand and the Luhya, Kikiyu, Luo and other ethnic groups on the other. These were communities that supported mostly the opposition parties (Forum for the Restoration of Democracy, Democratic Party of Kenya, Social Democratic Party of Kenya and others).

The 1992 ethnic conflicts in Turbo was an extension of the widespread 1991-1992 conflicts in Kenya advocating for *majimbo* system of governance. Many people saw it as deliberately initiated to counter the calls for the introduction of multiparty politics. The triggers of conflict in Turbo were basically arguments that began purely as non-political, but mainly social in character. However, they quickly degenerated into political conflict given the already charged environment. The people who were not targeted protected and cared for are those referred to as the accepted.

In the 1992 conflict, property, not people was mainly targeted. There is no official number of people chased away from the division. According to the Report of the Parliamentary Select Committee to investigate ethnic clashes in Western and other parts of Kenya 1992, 159 people died, 138 were injured and 4,000 people were displaced in Turbo (Republic of Kenya 1992: 85). The majority of them moved to the main towns and shopping areas within the division and engaged in business activities. Others sold their land while still others exchanged theirs, especially the Nandi and Luhya. The Luhya moved to Lugari and Kakamega districts bordering the division and the Nandi crossed over. Land was valued and money added to any party that thought the value of his/her land was higher than what they got. The 1992 violence was mainly restricted to the rural part of the division. For those who did not want to sell their land and were also not willing to resettle, the only options left were to plant crops but settle elsewhere, and to

tion, June 27, 1993; *Weekly Review*, December 17, 1993; *Weekly Review*, January 7, 1994; *Weekly Review*, July 15, 1994; *Daily Nation*, July 26, 1994; *Economic Review*, October 10-16,1994; *Kenya Times*, June 10, 1995.

hire the land out to other people, or to leave it unused. In the latter case, nobody settled or cultivated these pieces.

The mechanisms that were put in place to reconcile the people in Turbo were mainly carried out by the local population and did not include all communities. Some of the methods used were to appeal to Elders to assist the affected communities. This was only done to those families that their neighbours 'vetted' were good neighbours. Another method was through traditional cleansing. This was mainly done between the Kalenjin and the Luhya, who have had this type of relationship for longer. Thirdly, various NGOs took charge. Churches – like the National Christian Council of Churches and the Anglican Church of East Africa – and NGOs – like World Vision and Oxfam – sponsored justice, peace and reconciliation committees. These were organizations that provided relief services during the conflict and after the violence resorted to organizing peace committees and sponsoring peace meetings. The Catholic Peace and Justice Committees for example used the Catholic Small Christian Communities (*Jumuiya*) to try and teach the people on the need to co-exist. However, given the fact that violence broke out again in 2008 the attempted reconciliation methods did not bear fruits for very long. As for the traditional cleansing and commitment ritual, since it was done between the Nandi and the Luhya, it is difficult to pass judgment since the two communities in 2008 were allies in the conflict that erupted that year.

Luhya and Kikuyu were reinstated as landowners in two ways: By acknowledgment of the title deed or with the provision they could use it but not own it. though the constitutional claim to land based on ownership of title deed remained valid, the indigenous claim (based on a perception of what was once Nandi territory) usurped the constitutional claim to land, hence the recurrent evictions of people (actual owners in law) with title deeds.

The Turbo registration and the issuing of titles have been going on. Those who acquired plots from the 1970s to 1990s have or can now get their titles. The majority have not acquired theirs, mainly due to the lengthy process and the fee that is quite expensive to many. For example, in Kamagut location out of 4,000 titles only 1,000 have been collected. In Kapkong the former Manzzine forest was degazzetted and allocated to people for settlement. The process of formalizing title deeds is still going on. In general, the increase in land sales and purchases means that many people are yet to receive titles. A cross check revealed that quite a number of people use informal means to formalize their agreement during land sales. They use a simple paper signed by the parties and witnessed by two or three people. These papers act as evidence of ownership and it might take many years before the parties inform the land board.

The role of the Land Board is dubious. Officially, the role of the land control boards is to regulate sales, transfers, lease, mortgaging, partitioning or other dis-

posal of, or dealing with any agricultural land within a land control area. Apart from the divisional control boards are the provincial appeal boards and the central appeal boards. Despite the mentioned role, the boards have little power in arbitrating land rights and issues associated with ownership since most cases come to their attention when it is too late for intervention.

The post-2007 elections violence had some similar characteristics with the 1992 violence. Again, destruction of property was the aim at both instances. This time, apparently there was no prior organization or planning of violence. In the two incidents of violence in 2007/2008, the youth seem to have been defiant of the elder's reprimands with regard to looting of property at the time of conflicts. It was in both cases not the plan to kill. Many victims were allowed to leave their houses and were escorted to safe havens (for instance the district officer's office and Turbo police station). In both situations the role of youths was quite prominent. Most of them were school dropouts and unemployed. They mobilised themselves rather than being mobilized. For the majority, the chaos provided an opportunity to loot.

In 2008, however, ethnic alliances had changed. The Kalenjin, Luhya, Luo, Somali and other groups allied against the Kikuyu and Kisii. The first group belonged to the Orange Democratic Movement (ODM) supporters, the latter were Party of National Unity (PNU) supporters. The alleged flawed elections pitted the groups against each other. PNU was declared the winner in the election poll. The violence began initially as anti-election results protests but when the government barred all protests and any public gathering it degenerated into riots and destruction. It gained momentum when ethnic groups were accused of 'aiding and stealing the election', and subsequently countered with revenge attacks.

Both the Kenyatta and Moi regimes were perceived to have contributed to the influx of other ethnic group to the area. During the 2007 political campaigns there was rumour that President Kibaki was arranging to hive off part of Moi Barracks, a settlement scheme started by President Moi and settled by squatters, to be given to Kibaki's political supporters. Clearly, blame was not restricted to only one regime, and so violence was not restricted to one group: It was directed against non-Nandi in the one and against non-Kalenjin in the second instance. The violence against the Kikuyu, it was argued, stems from their support of their 'own' candidates in the district during elections and the accusation that they were never supportive of local Nandi leadership.

The assumption of this study is that land provides and symbolizes the 'space' and 'place' of engagement in the struggle for national leadership, particularly given the fact that political parties in Kenya 'belong' to ethnic groups or a coalition of ethnic groups. In the 1992 and 2008 conflicts, the Nandi residents were willing to co-exist with others despite their perceived land loss. Nevertheless, the

Nandi strongly argue that when it comes to leadership, others have their own ancestral lands and therefore their 'own' leaders within their own territory; the Nandi should not be an exception. According to the Nandi, the proverb "*too kiboi*" (a visitor should allow the host to govern) becomes pertinent. Buying land is not enough to gain all rights to govern. One can own land for own use, as a residential plot, a business premises and a farm, but the politics of the place should be the prerogative of those who trace their ancestral roots to the place.

Conclusion

This chapter investigated the relationship between territory and the construction of identity. An overview of the Nandi history showed that there is a strong influence of 'place' (the physical environment) on peoples' lives. Narratives of territorial ownership do create and produce an identity. This identity is used to create and mobilize groups toward the attainment of particular goals. With regard to land, territory is used as a boundary to 'other', and when given in use or sold, is also used as a symbol of acceptance. The study showed that narratives of identity produce change and cannot be understood as expressions of social homogeneity or representations of immutable social realities. There are several identity narratives in competition in the same space, and the inhabitants can choose among them and even reconstruct new ones from the old.

That strong sense of belonging to the group at a particular time by the Nandi featured in the study carried out in Turbo Division. It revealed that primarily ethnicity as a phenomenon is a social construction, a product of human thought and action .The most powerful influences on the space and shape of 'we' and 'they' is constructed by territoriality, which consequently impacts on socio-political boundaries. The societal, political and historical process and circumstances are determinants in constructing ethnic groups. In Turbo, we agreed with the constructivism argument that ethnic groups and identity are both dynamic and subject to modulation according to circumstance and relative position of the significant others. In this case, the Nandi are the majority with a relatively high dominance over other ethnic groups, especially the Luyia and Kikuyu. The process of access and ownership of land in Turbo demonstrates how Nandi identity is constructed around land.

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3

Revenge, ethnicity and cattle raiding in north-western Kenya

Dave Eaton

In the aftermath of Kenyan election violence from 2007-08, many authors have connected cattle raiding with political violence over land. While this is helpful in some instances, this paper contends that the majority of cattle raids are the result of the inability of the state to resolve minor stock thefts through effective policing. Using the breakdown of a peace between the Pokot and the Matheniko Karimojong as an example, this paper provides a detailed case study on how perceptions of who is responsible for a theft can lead to asymmetrical retaliation, and how this can in turn lead to the collapse of a carefully negotiated peace. While an example from Nauyapong provides reasons to believe local forms of conflict resolution can maintain peace, this paper ultimately suggests that without proper policing violence in north-western Kenya is unlikely to end.

Introduction

North-western Kenya has long been the setting for numerous cattle raids. These raids are widely believed to have increased recently, an escalation attributed to a variety of factors including small arms proliferation (Mirzeler and Young 2000; Bollig & Österle 2007), resource scarcity (Dyson-Hudson 1966; Ocan 1992), the criminal nature of the post-colonial state (Knighton 2003), and the gradual spread of commercial livestock markets (Eaton 2010). More recently, election violence in Kenya has led scholars to argue that cattle raids are part of elite-orchestrated ethnic conflicts aimed at acquiring land (Straight 2009; Boye & Kaarhus 2011; Greiner *et al.* 2011). Although some analysts suggest elites exercise less instrumental control over land clashes than is commonly assumed (Lynch 2010), territorial gain has become the focus of literature on Kenyan cattle raiding.

As ethnicity and land are increasingly linked through notions of autochthony (Geschiere 2009), it seems likely that 'political raiding' will grow in significance in the future. Politics has also played a key role in the calculations of cattle raiders; the protection of patrons like Francis Lotodo and Nicholas Biwott, for example, encouraged Pokot raiders to believe they could act with impunity against the Luhya and Marakwet in the mid-1990s (HRW 1993; KHRC 1998). However, the vast majority of raids in places like West Pokot are far less dramatic, and revolve around issues quite different from those linked to election violence. The process of "state informalization" under President Moi has left the police in north-western Kenya completely incapable of investigating stock thefts (Branch & Cheeseman 2008; Mwangi 2006). This has forced pastoral peoples to deal with stock thefts independently (or with the dubious assistance of NGOs, see Eaton 2008b), and this has proved deeply problematic. Local solutions to cattle thefts are often quite creative (Pkalya *et al*. 2004), but without proper policing Kenyan pastoralists have struggled to avoid cycles of violence that can lead to large-scale suffering.

Stock theft and escalation

Writing about the 2005 Turbi massacre, Bilinda Straight argues that "cause and effect are indistinguishable. Within this fraught crucible, the question of ethnicity paces back and forth uneasily" (Straight 2009: 24). This issue of how to sort out the relative importance of ethnicity among a variety of other potential causes of raiding is deeply frustrating. In a 2008 article, I argued that structural explanations for cattle raiding such as resource scarcity and small arms proliferation are inadequate. After concluding that the causes of minor stock thefts are as varied as the thieves themselves, I suggested that "a more fruitful avenue of exploration is the series of decisions made by both sides in the aftermath of a theft" (Eaton 2008a: 106). This section will expand on how ethnicity can play a role in these calculations at a local level, hopefully without presenting the violence as either "timeless" or completely instrumental.

Once livestock have disappeared, pastoral Pokot have to decide whether to seek compensation from the suspects (either through violence or negotiation) at the risk of triggering a larger conflict, or to ignore the provocation and suffer the loss of badly needed animals. This choice is heavily influenced by nebulous perceptions of the ethnicity of the thieves, the willingness of other communities to assist in recovering the stolen livestock, and the existence of local alliances across ethnic lines.

Major raids usually take place only in retaliation for an earlier theft. Time and again raiders explain their actions in these terms. The motivation is sometimes vulnerability to poverty; without replacements for the stolen livestock, some

people fear they will be condemned to destitution (de Koning 2004: 23; Interview #11). But in many other cases, the reason for a retaliatory raid is anger (Interview #197). J.T. McCabe, writing about his Turkana informants, notes that "the Pokot had killed children, wives, brothers and sisters of many of the Ngisonyoka whom I came to know well. One may be able to identify some underlying ecological or economic factors that help explain the perpetuation of raiding, but when members of another group kill those you love, the relationship becomes personal. Exacting revenge is a powerful motivation, and it is not easy to persuade those who have lost a loved one to pursue a course of peace" (McCabe 2004: 98). This sentiment was reflected in many of my interviews in West Pokot as well (Interview #18, 113).

Cycles of violence can be created by even the most seemingly insignificant thefts. Two raiders in Mbaru described how a minor theft can escalate:

> There are those people with few cattle like two, three or four cows so when it rains he will ask himself how he can make himself the same as other people with many cattle. Thus he will form his gang and raid those people who will be relaxed knowing there is nothing to fear as there is peace. Those people will revenge by raiding the innocent because they don't know who stole their cattle, they only know the specific community who raided them. (Interview #146)

Even the recovery of the stolen animals is no guarantee against further retaliation. In Katilu we were told "maybe your cows were five and you have recovered them, you will claim they were six, you lie and that is the beginning of a fight" (Interview #199). In these circumstances the potential for violence is enormous, and it is little wonder that the North Rift has witnessed countless raids throughout much of its history.

The decision to retaliate for an earlier theft is rarely made by an entire ethnic group. Instead, this choice is a struggle between the victim, his close acquaintances, and his self-appointed 'friends'. This decision can have a disproportionate impact on the security situation, and for this reason the community attempts to exert some influence over this process, usually through respected elders. However, among fiercely individualistic pastoralists there are few effective sanctions capable of preventing a raid should the victim decide to respond. In the words of one Ngisonyoka herder "ordinarily Turkana's believe that if anything happens it is God, but it's an individual decision as to whether or not one retaliates" (Interview #197).

Further complicating the issue is that other members of the victim's ethnic group may wish to retaliate 'on the victim's behalf'. In the Cherangani Hills, an offer by Pokots from Kasai was accepted by the raid victims; "after they (Marakwet thieves) took the animals we did not follow as we have no guns. After one week our brothers from the lowland came up to revenge. They raided Kapsangar, Keptabok, up to Tapach and they took the cows. Many people were

killed" (Interview #108). Involving outsiders can improve the chances of success, but the raiders have their own agenda, which usually is to acquire as many livestock as possible while exposing themselves to very few risks. As a result, they will rarely pursue the stolen animals directly since the thieves will be expecting pursuit, and instead try to raid the community held broadly responsible for the theft. (Interview #117) Retaliation is not an exact science.

Occasionally the victim will object, usually because he knows he will not personally benefit from the proceeds of the raid (Interview #125) and will likely face the brunt of any subsequent retaliatory attack. In a discussion about an ongoing conflict between Kapcheripko Pokot and Sebei herders from Bukwa, one ex-raider observed that "these Pokots from Kadam were planning to attack the Sebeis but Pokots from Losidok refused to allow them to do so because should they do this, then the Sebeis will come to us and will say Pokots are Pokots and attack us. We hence refused the Kadam people to attack Sebeis, they had to go back" (Interview #47). In the above example, the credible threat of Sebei retaliation helped avert a potential raid. This is the main communal benefit to retaliatory raiding, and given the absence of an effective police force in north-western Kenya (Eaton 2008c: 280-288), it is a very valuable one. However, the need for both sides to maintain such a threat makes even a minor stock theft potentially dangerous, and cycles of violence can escalate very quickly. Indeed, many elders and raiders conceded revenge attacks do little to prevent future violence (Interview #112).

Immediately after the theft, the trail left by the livestock will be followed. Usually, this also takes the victim further from his network of friends and family. The North Rift is home to at least three mutually unintelligible language groups and eight to ten distinct dialects; this often means trying to gather information without being able to speak to the majority of the people living there. Furthermore, the need to carry firearms for protection (in case the tracks lead one to the thief) makes it difficult to enter a new community without arousing suspicions. Most trackers must announce themselves to the locals who then decide whether or not to assist in the pursuit. This is a crucial and risky choice. With assistance, the thief is much more likely to be caught and the stolen livestock, but the tracker could be lying about the number of animals stolen, or even be scouting out enemy territory in preparation for a future raid (Interview #73). The long history of raids, government atrocities, and failed peace negotiations also means few people will side with strangers against a member of their own ethnic group. Among the Karimojong, this is called *kimuk ekile*, or 'covering the man'. The term refers to the Karimojong practice of protecting young men accused of crimes by outsiders or the government (UHRC 2004: 20). It is also important to note that a surprising number of people benefit from the general insecurity in the region and are thus

disinclined to offer genuine aid. These not only include other thieves, but also corrupt chiefs who receive a percentage of the stolen cattle (Interview #175), elders who accept an animal in exchange for non-cooperation with pursuers or for sanctioning the raid, and livestock 'traiders' who can make a large profit by purchasing raided cattle at a deep discount (Eaton 2010). As such it is very rare for trackers to receive unconditional help, and in some cases may even be attacked themselves (Interview #63, 161). But even with assistance, it is not always easy to recover the stolen animals. Once away from the scene of the crime, the thieves will quickly divide the livestock and return to their homes with them, scattering the tracks in all directions (Interview #125). These tracks will also be mixed with those of other livestock as soon as possible, and most stolen animals are promptly sold in distant markets (Interview #54). Once this happens there is virtually no chance of finding the original animals.

Good trackers can occasionally reveal those truly responsible for a theft. In this example, a group of Kapcheripko Pokot raid victims, having been robbed by unknown thieves, tracked them towards Karimojong territory:

> When the Pian agreed on peace immediately the thieves hit us. In fact, we are confused not knowing who we made peace with and who are these striking. We do not blame the Pian because when we follow up we find that our stolen calves go past them and even they are crying they have been raided like us.
>
> Those who raided the calves had realized that the cattle are under tight security and so opted to steal the calves knowing they are only guarded by children. Again their trick is to drive the stolen livestock towards the Pian's territory only to change direction so that those who follow the livestock may suspect the Pian. (Interview #64)

This is a common tactic among thieves. One group of Pokot raiders told us they raided the Matheniko via the territory of the Tepes, a separate ethnic group with whom the Matheniko had a peace agreement (Interview #157). A similar example can be found on the border between Trans Nzoia and West Pokot, where Luhya thieves "use a tricky route which would otherwise cause Pokots to think that the raiders were the Sebeis …" (Interview #28). This ruse is used by raiders who wish to spare their families the threat of retaliation or to increase their chances of successfully escaping with the livestock, but in the process they can create bitterness between their victims and neighbouring groups. One group of elders told me that thieves will "jeopardize peace at all costs" (Interview #109). By deliberately manipulating their tracks, thieves add more fuel to the fire of conflict in the North Rift.

It may seem excessive to attribute major raids to extremely minor thefts. But this is not as far-fetched as one might imagine. The Murkutwo massacre in 2001, which resulted in the deaths of over fifty innocent people, had its origins in a series of escalating raids which took place after the murder of an administrative police officer in Marakwet. (KHRC 2001: 13-23) In the absence of effective and

impartial policing, seemingly insignificant thefts can escalate rapidly, creating cycles of violence that become increasingly difficult to arrest. This, I would argue, is responsible for the majority of cattle raids across the North Rift.

Asymmetrical retaliation and the peace of Aramtori

The nature of stock theft creates enormous problems for peace makers in the North Rift. Thieves do not always act with the approval or awareness of the ethnic group within whose territory they are based, but when they steal livestock their tracks run in that direction. This leads to misconceptions as to who is responsible for the theft, and can lead to unnecessary violence if the victims (or raiders acting on their behalf) launch a retaliatory raid. Owing to the range of views regarding who is ultimately responsible for a theft, the extremely broad spectrum of targets which can legitimately be targeted as revenge for a prior theft, and the obvious desire among the raiders to be successful, many retaliatory attacks are consciously directed against people who are obviously innocent of any wrongdoing (Interview #145). As one Luhya farmer told us "you see, after yours is stolen, because of anger you just take any on your way [ie while raiding]" (Interview #36). This sort of attack can accurately be termed 'asymmetrical retaliation', and it subsequently provides a legitimate grievance for the bewildered and enraged victims, another retaliatory raid is launched, and the cycle of violence begins anew. Asymmetrical retaliation ensures peace is exceptionally hard to make and equally difficult to sustain.

The complex relationship between retaliation, ethnicity and conflict was quite apparent during my fieldwork in 2005 and 2006. At the start of this period the Angoromit Pokot, under the auspices of kraal (or cattle camp) leader Aramtori, were at peace with the Matheniko territorial sub-group of the Karimojong and had been for many years. This peace had greatly improved the economic situation in the region. Amudat, a Ugandan town on the Kenyan border, enjoyed an unprecedented economic boom, and livestock numbers were widely considered to be on the increase. This peace was credited to Aramtori, who had approached the Matheniko (a territorial sub-section of the Karimojong), convinced them and the Angoromit Pokot to accept the arrangement, and then moved his cattle to Torokinai, a kraal located directly between the Matheniko and Pokot (Interview #14, 62). Aramtori's ability to exercise authority south of Moroto is considerable; even among members of the rival Pian Karimojong territorial sub-group he is acknowledged as "another President Museveni" (Interview #79). For this reason his gesture eased worries as to whether this peace was sincere or merely strategic, and many Matheniko moved to Torokinai to live with Aramtori's Pokot followers.

By October 2005, the situation had changed dramatically. Although the peace had not technically broken, it was barely holding and most people in the region expected it to collapse during the next rainy season. Several key things had changed during the year. The most important change was a major division within the Matheniko over whether or not they should ally with Aramtori. Pokot herders living adjacent to Aramtori's kraal offered the following explanation:

> [Aramtori] has made peace with the Matheniko and is staying with them. Sometime recently, the majority of the Matheniko moved to Pokot manyattas where Aramtori stays, but later they divided themselves after a misunderstanding. One group stayed with Aramtori while the other went away. This is the group that is raiding us. There are other Pokots accompanying them. When we ask Aramtori why his people are raiding us, he declined saying those are just *chelolos* (thugs). (Interview #62)

The Matheniko had effectively divided into two distinct groups. The first can be called the Loputuk Matheniko, named after a major kraal near Moroto and allied with Aramtori. The other group became known as the Lorengedwat Matheniko, and were based close to the town of the same name further south (Interview #73, 155). When we interviewed Aramtori he claimed that the Lorengedwat Matheniko wanted peace, and that only a smaller Matheniko sub-clan called the Ngitomei continued to trouble him. In either case the Matheniko, which in theory was a united territorial sub-section of the Karimojong, were deeply divided on issues related to peace with the Pokot.

This division created a nightmarish situation for Aramtori, since the Lorengedwat Matheniko were accused of involvement in a number of thefts from the Kapcheripko Pokot living to the south of the Angoromit. Normally a peace agreement between the Pokot and Matheniko would allow the victims to trace these cattle deep into Matheniko territory, but the Lorengedwat Matheniko refused to cooperate. The Kapcheripko Pokot then asked Aramtori to help them return the livestock, but he could do little since the Loputuk Matheniko with whom he was living had no authority in Lorengedwat (Interview #155). In some cases, the Loputuk Matheniko were also the victims of thieves from Lorengedwat who were probably working in tandem with the Bokora, another Karimojong territorial sub-group located further west (Interview #63). Aramtori desperately tried to hold the peace together by preventing his Pokot and Matheniko from retaliating after small thefts; one peace worker in Nakapiripirit described this as the kraal leader's most important contribution to peace in the region (Interview #92). While Aramtori and the Angoromit Pokot had successfully come to terms with the Loputuk Matheniko, this peace was useless to Pokot elsewhere. Despite his efforts, tensions escalated with every theft.

The Kapcheripko Pokot increasingly saw the peace with the Matheniko as a liability instead of a benefit, and began looking elsewhere for allies. They quickly found one in the Pian, another Karimojong territorial sub-section. The Pian were

sick of being targeted by raiders (probably including Aramtori's Pokot and Matheniko at Torokinai), and they reached an arrangement to hold joint livestock markets at Namalu with the neighbouring Kapcheripko Pokot. These markets proved quite popular, and were well-attended in 2005.

Aramtori had little choice but to accept this agreement, since any raid by the Angoromit Pokot against the Pian could lead to the accidental killing of a Kapcheripko Pokot, a situation Aramtori was desperate to avoid. His decision to accept this second peace turned the local strategic situation on its head. The Matheniko, including the Loputuk, were livid with Aramtori that the Pokot and Pian had come to terms, and feared that this alliance was directed against them. One group of Pokot raiders described the arrangement as follows:

> Around Alapat we have peace with the Pian, but there is no peace with the Matheniko. The Matheniko refused to make peace saying what should we do with our bullets? The thing is this – the Pokot made peace with the Matheniko first and then made peace with the Pian. So the Matheniko got annoyed with Aramtori. They asked him, why did you make peace with the Pian, where do you want us to raid? So the Matheniko started raiding the Pokot one by one, though they are friends. (Interview #44)

Tensions increased further during the summer of 2005 when a group of Kapcheripko Pokot and Pian from Nabilatuk together killed a number of Matheniko raiders involved in attacking the Pian (Interview #62).

The use of the term 'Matheniko' as opposed to the more accurate 'Lorengedwat Matheniko' is justified because at this point neither the Pian nor the Kapcheripko Pokot seem to have fully understood that the Matheniko were divided. Aramtori himself made this point when we challenged him on whether his people were stealing from the Pokot:

> These people of Kapcheripko are not good. There is no single cattle stolen from their place that has been brought here. These people are planning to raid my people (his Matheniko supporters). And if there were some who raided them, then they were Ngitomei (a Matheniko sub-clan based near Lorengedwat). The Ngitomei also steal from our Matheniko; the Bokora also steal from Matheniko. Now if Kapcheripko want to quarrel with me because of the peace I have made, then that is not good. They are staying with Pian, but I have not bothered them; so why are they after my peace with the Matheniko? Do they want to spoil my peace? I have told them, if they want, let them go and raid Lorengedwat, but not my people. The Kapcheripko do not differentiate between the Karimojong; they think all are the same … (Interview #74)

This simple misunderstanding extended to the Pian as well. For this reason, the Pian were not impressed with Aramtori's self-proclaimed status as a man of peace; one Pian elder bitterly observed that "he isn't a peace maker, he is an ally. Once he allies with the Pokot or Matheniko they always raid their neighbour …" (Interview #87). Another Pian herder suggested that he "catalyzes misunderstandings between two enemies" (Interview #88). This was a common sentiment among the Pian; time and again Pian elders mentioned how Aramtori situated

himself between the Turkana, Matheniko and the Pokot, reached an agreement with the one of these groups and then together they raided the others.

The exact ethnic identity of the thieves plaguing this part of the North Rift was not clear. One interview contained a fascinating exchange between Pokot elders and youths in Akorkeya. In response to a question on where these enemies were from, the following debate took place:

> Old man: We think they were Bokora.
> Youth: No, they were Matheniko.
> Old man: Why are you people separating these people? I think a Karamojong is a Karamojong, no separation. (Interview #7)

This was a revealing moment. Most Pokot elders tended to side with Aramtori, and indeed helped the Loputuk Matheniko when a group of Pokot youths stole their cattle (Interview #153). The elders often felt it was in their best interests to support Aramtori's peace, and as such they were more likely to attribute petty thefts to the distant Bokora. The youth, on the other hand, saw little benefit to the peace with the Matheniko since they had no herds of their own, and had less to lose if the peace broke down. For this reason, they seem to have been more willing to blame the Matheniko for the insecurity. In this case, identifying the ethnicity of the thieves proved highly contingent upon the age of the observer.

Most Angoromit Pokot, especially those living nearest the Matheniko, were willing to accept that the thieves were living on their own and could not be controlled by Aramtori (Interview #75, 161). The thieves were no doubt from a whole host of ethnic groups, and despite the fact that some of their individual identities were known they were able to evade capture. Aramtori himself knew of five Pokot thieves who were operating together with the Lorengedwat Matheniko. The Kapcheripko Pokot asked the Loputuk Matheniko to arrest these thieves but they refused, saying the Pokot should deal with these dangerous men themselves. The Pokot in turn were not willing to risk killing the thieves since they were unsure if their families could subsequently demand compensation (Interview #73). The lengthy debate over who was responsible for the thieves did nothing to ease the frustration of their Kapcheripko Pokot, who repeatedly traced stolen animals back to Matheniko territory. They became more aggressive with the Angoromit Pokot, whom they now accused of spying on Kapcheripko herds for their Matheniko relatives (Interview #148). One aggrieved Kapcheripko Pokot elder assessed the situation as follows:

> They [Bokora] together with Matheniko and Lotikomut [Aramtori's Pokot and Tepes followers], these people come to that ridge and go beyond the hills and steal from the Pokots. They were recently confronted as to why they pretend to be Pokot … They were warned that soon they will be killed if they continue to pass by this place since they are spies … They pretend to be peaceful and come home, then stay out spying every moment in the villages and later raid. (Interview #41)

The Pokot followers of Aramtori had so angered the Kapcheripko Pokot that they described the Angoromit as a "Karamojong blend" (Interview #41). This was highly significant since Pokot generally refuse to attack each other. By suggesting that the Angoromit Pokot were not 'real' Pokot, the Kapcheripko were making a thinly veiled threat.

Aramtori, despite the divisions within the Matheniko, had little choice but to defend them against allegations of theft; after all, if hostilities were renewed, his cattle at Torokinai would be directly between the two sides. To this end, he refused to allow raid victims to follow their cattle into Matheniko territory; no doubt he feared that they would take the first Matheniko cattle they found as compensation, something which could well inspire a retaliatory attack. He also tried to restrain his Matheniko followers from antagonizing their neighbours; one Matheniko warrior managed to trace a stolen cow back to the Bokora but after consulting with Aramtori decided not to pursue the issue further (Interview #63). Given the circumstances, Aramtori did his best to try to hold the peace together, but minor thieves continually undermined it, and the peace gradually became obsolete. As evidence grew stronger that Matheniko were involved in thefts from Kapcheripko Pokot, they decided to launch a retaliatory raid. Aramtori heard about this attack and warned his Matheniko followers, who moved away from the danger area with their cattle (Interview #75). This infuriated the Kapcheripko Pokot further, and they began to act independently against the Matheniko without informing Aramtori.

The dynamics of power between the Pokot, Pian and Matheniko are extremely complicated, and a strong peace between two of those groups is generally understood to be directed at the third. One Pokot raider described the issue in terms that resemble a form of ethnic 'geopolitics':

> You know when we made peace with the Pian the Matheniko didn't like the idea since the Pian were their enemy. That is why they want to spoil our peace. The idea is to separate us from the Pian so that we do not enjoy peace. (Interview #62)

When threatened by possible encirclement, the obvious solution is to try to tear apart the unity between the rival powers. And to this end, the isolated ethnic group will often allow thieves to operate from their territory, using them as a weapon to try to break up the peace agreement between the other two. Broadly speaking, some Matheniko felt threatened by the new alliance between the Pokot and Pian, and due to this began trying to break it apart. The Bokora saw things in similar terms, and collaborated in this endeavour. By allowing thieves to operate out of their territory while protecting them from enemy trackers, the Bokora and Lorengedwat Matheniko were able to create enormous tension in the region. In the end, this proved sufficient to break the Pokot-Pian alliance and led to several raids between the two groups at the start of the 2006 rainy season.

If the circumstances surrounding Aramtori's peace seem confusing, that was a view shared by most of the Pokot and Karimojong involved. Ethnicity is a fluid concept, and in the North Rift perception is often as important as reality. Most pastoralists are aware that ethnic groups in the region do not act as homogenous units when it comes to cattle raids. However, nuanced information on divisions within an ethnic group is not always widely available. For reasons of kinship, geographical distance, or linguistic skill, certain people know more than others. And from Aramtori's peace, one can see that the less someone knows about the situation, the more likely they are to hold a larger group of people responsible. On the border between Kenya and Uganda, this helps create and sustain cycles of violence.

Aramtori's peace work is perhaps the most critical of any in the region; controlling the urge to retaliate among aggrieved raid victims is a difficult, thankless task. Unfortunately, his inability to orchestrate the return of stolen Pokot cattle through negotiations with his Matheniko allies increased tension between the two groups as well as between the Kapcheripko and Angoromit Pokot. In this instance, the chaos created by the thieves overwhelmed the good will which existed on both sides, and eventually two significant peace agreements collapsed.

It should be clear that knowing conclusive evidence as to whether a thief was Bokora, Matheniko, or Pokot did not exist. The most useful sources of information were the tracks of stolen cattle and rumours about those involved, both of which were manipulated to achieve different aims. For this reason, ethnicity in the North Rift contributed to the process of asymmetrical retaliation. In the end it appears a group of multi-ethnic thieves operating among the Lorengedwat Matheniko orchestrated the collapse of a truce between the Kapcheripko Pokot and Pian as well as the Angoromit Pokot and Loputuk Matheniko. Even with local kraal leaders making a sincere effort to bring people together, determined thieves were able to undermine and shatter two peace agreements in less than a year. This is a sobering reminder of the fragile nature of peace in the region.

Asymmetrical retaliation does not always lead to further violence, however, and local forms of conflict resolution can occasionally achieve real results. The peace between the Turkana of Lorengipi and the Pokot of Nauyapong provides an excellent example of how cycles of violence can be prevented. The peace started due to a drought in Turkana in 1989, but for three years theft was still frequent throughout the region. By 1992, both sides were fed up with the situation, and in a dramatic meeting a significant breakthrough was accomplished; the Lorengipi Turkana and the Nauyapong Pokot agreed to help each other locate thieves and track stolen animals. This peace agreement held during 1999 despite a devastating raid by the Turkana on Pokot living in nearby Apuke. With help from the Amukuriat District Officer (DO) and sympathetic local Turkana, the

stolen animals were traced to a location deep within Turkana District. Since the neighbouring Turkana were not involved, the peace held. In 2005 it was still holding, and intermarriage between these two communities was common (Interview #12, 70, 146).

However, the Pokot and Turkana were still having their animals stolen on a frequent basis (Interview #70, 71). Although these thefts were small, usually involving fewer than ten raiders, they were a major aggravation and kept tensions high. Nonetheless, the peace held. The Pokot in Nauyapong told us that "we are at peace with the Turkana around Lorengipi. Those from Lokiriama, Kosipu, and Murua Ngithigerr are killing our people and taking away cattle. Up to Loiya are good people. Otherwise those who are attacking us … they are not the usual Turkana raiders we know, they are thugs" (Interview #12).

The Turkana likewise recognized that the Pokot living nearby "stay peacefully" and were not responsible for the frequent petty thefts (Interview #70). Importantly, elders on both sides were also cooperating to bring the real thieves to justice (Interview #13). Understandably, people who lost livestock and were unable to recover them became upset, and there was considerable scepticism on both sides about the prospects for peace over the long term (Interview #204). But during the past twenty years a measure of tranquillity has taken hold in what had previously been one of the most violent corners of the North Rift.

The two examples above certainly suggest it is extremely challenging for local communities to maintain a long-term peace agreement. In these cases, however, what is not said is perhaps of even greater significance. Except for the brief and unexpected intervention of the Amukuriat DO in 1999, at no point did any informant indicate government forces played a major role in either creating peace or perpetrating violence. In north-western Kenya the state is conspicuous in its absence, and from 2005 to 2006 few people seriously considered referring crimes to the police or military. Improved police investigations and more effective cross-border cooperation between Kenya and Uganda could contribute to the resolution of many of the stock thefts described above without need for retaliation, but without additional resources, closer administration, and an end to punitive disarmament (which has widely eroded trust in government authorities; Mkutu 2008: 124) this is unlikely in the near future.

Conclusion

While scholars like Boye and Kaarhus are correct to argue that politics can in certain circumstances lead to major eruptions of violence in the North Rift, this article contends that other, more mundane issues may be of greater importance on a day-to-day basis. In particular, I would argue that small-scale thefts occur constantly in arid and semi-arid regions. How people respond to these minor

thefts is crucial to understanding the constantly fluctuating levels of violence. In the absence of effective policing, raid victims must decide whether to pursue their animals or suffer their loss, and in many cases the latter option is unacceptable. In other instances members of their community or ethnic group opt to retaliate on their behalf in an effort to deter future attacks, or also to obtain livestock for themselves. In an area where the police and the army are either absent or exceedingly feeble, pursuing the animals through the vehicle of the state is not an option. The weakness of the state in the north-western Kenya enables the cycles of violence I have described above.

Thieves often undermine whatever fragile peace agreements exist. As one raider told us, "the idea of raids is complicated because when there is peace amongst the two communities there are people amongst us who don't want that; thugs take advantage of peace so that they can get animals easily" (Interview #44). In some cases, this is an intentional effort to tear apart peaceful communities, as it was for the Lorengedwat Matheniko and Bokora who felt threatened by the agreement between the Pian and Pokot. In others, it is a simple matter of expediency, since people at peace are less likely to be alertly watching their herds. These thieves are exceedingly difficult to track since they will usually take an indirect route, thereby slowing pursuit and allowing them to quickly sell the stolen livestock.

However, the desire for revenge often leads to asymmetrical retaliation against people living near the escape route of the thieves. These people may be innocent of wrongdoing, and for this reason will perceive the attack against them as entirely unprovoked. If they respond in kind yet another cycle of violence will have been started, and the painstaking process of resolving the grievances of both sides must begin anew. I would argue it is this process which is behind the majority of cattle raiding violence in the North Rift. Efficient, politically-neutral policing capable of nipping these cycles of violence in the bud is necessary to preserve peace along the Kenya-Uganda border.

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4

In between cattle raids and peace meetings: Voices from the Kenya/Ugandan border region

Friederike Mieth

The apparent decline of East African pastoralism has been of interest to a large number of scholars and researchers from various disciplines. A phenomenon that has been discussed extensively during the past ten to fifteen years is the impact of automatic weapons on the livelihoods of pastoralists. The militarization of these societies has, so it is argued, contributed to an escalation of violence in the entire region, to power shifts within the societies in favour of young men, and to the commercialisation of cattle raiding. But while there exists a great amount of literature on such recent changes of these societies, there is little information available about how the pastoralists think about this themselves. This chapter presents such local views and explanations, for the case of the Pokot agri-pastoralists of Northwestern Kenya, it scrutinises local perceptions of and attitudes towards external interventions of states and NGOs. It will be demonstrated that local perceptions differ significantly from those of outside actors, which is mainly rooted in a different understanding of violence and conflict. The findings presented here will not only contribute to a greater understanding of the situation the pastoralists see themselves in, but they also help to explain why external interventions – and especially peace building activities – have so little success. The empirical data used in this chapter has been collected during a fieldwork period of three months, which I have spent in a small Pokot community in the border region of Kenya and Uganda in early 2006.

Introduction[1]

Much has been written about the decline of East African pastoralism, which is supposedly not only rooted in the increasingly unsustainable way of the pastoral-

[1] This chapter draws on parts of my Master's thesis "Defying the decline of pastoralism: Pokot perceptions of violence, disarmament, and peacemaking in the Kenya/Uganda border region" (Mieth 2006).

ists' form of living – due to advanced degradation of the environment, for example – but more and more related to their engagement in inter- and intra-ethnic conflicts. Authors who concentrated on this latter aspect often conclude that the availability of small arms represents one of the greatest threats to pastoralism in the region: "We argue that an entire mode of existence seems to be endangered because of the failure to cope socially and politically with the introduction of automatic guns" (Österle & Bollig 2003: 132). Others state that "… AK-47 raids currently represent the single greatest risk to the persistence of the pastoralist systems … and to the continued survival of pastoralists themselves" (Gray *et al*. 2003: S21).

However, as I will demonstrate in this chapter, the pastoralist perception differs significantly from the situation portrayed in recent academic literature and consultancy reports. While researchers primarily focus on the effects of small arms on pastoralist warfare, they tend to overlook that many pastoralists do not see guns as a cause of increasing violence in the region. What is more, throughout my fieldwork few of my informants agreed with the fact that violence had actually increased after the introduction of automatic weapons. The motives of warriors to participate in cattle raids and thefts, the two most common forms of inter-ethnic conflict in the research area, have not changed in any significant way. "The difference is only in having guns, but the fighting is the same, there is no difference. The hotness of the killing is the same" is how Kokoroi, an older warrior, put it.[2] It is thus of crucial importance to reveal what pastoralists think about their situation, not only in order to find an answer to what the pastoralists *do* perceive as problematic but also to learn more about their way of thinking and the resulting actions needed to address violence and its impact.

A further, important aim of this chapter is to demonstrate how futile external interventions have been either to disarm the pastoralists or to facilitate peace in the region. Both Uganda and Kenya have initiated numerous disarmament operations, which have usually led to mass migrations of pastoralists across the international border in order to escape disarmament. Moreover, the operations were often followed by periods of heavy raiding after one group had been disarmed and left without security – only forcing this group to quickly reacquire guns to be able to counter-attack. So far, the two governments have acknowledged that only joint disarmament initiatives will be successful in the long run, but there has not been a serious attempt to coordinate activities on the ground. Peace building, on the other hand, is on the agenda of numerous NGOs working in the area – with equally negligible achievements. NGOs realise that only days after they organ-

[2] In order to protect my informants, I have chosen to change all names as well as the name of the research location.

ised a peace workshop and initiated peace talks between enemy groups, the warriors are out there raiding each other again. But even traditional peace agreements are said to be broken more often than in earlier times, and this phenomenon demands a closer look at what difficulties the groups themselves experi- experience in peace making. In the latter sections of this chapter, I will therefore examine external interventions and their effects on the local population.

The research area

The centre of Kenan, the research location, is situated about five kilometres away from the border to Uganda (Map 4.1). Most villages in the area look like Kenan: half a dozen shops along the road and some stone houses make up the centre. Around it, blending into the landscape and widely spread out, lay the *manyattas*

Map 4.1 Map showing the area around Kenan
(Adapted from United Nations Map No. 4187 Rev. 3, December 2011)

of most of the community members. There is not just a geographical split; most of the villages consist of a 'traditional' and a 'town' community. The traditional community members almost exclusively rely on agro-pastoralism, i.e. livestock keeping, combined with growing maize or sorghum on a small field, the *shamba*. Most of the town people work for churches, schools, dispensaries, or run one of the shops in the centre, and the majority send their children to school. Some families were able to afford to build 'iron' houses (clay houses with roofs of corrugated iron) in the centre, and the majority still relies on farming and keeping some livestock. Traditional community members referred to themselves as 'pastoralists' or 'traditional people', the latter they used to distinguish themselves from the town people. In this chapter I will use these terms accordingly.

It is thus only the traditional people that actively engage in the conflicts. This needs to be stressed, especially since it is rarely mentioned by NGOs, media, or scholars. This is not to say that this difference has not been noticed so far, rather, it has not been sufficiently discussed. Some scholars, and even more so consultants (for the case of NGO-funded studies), either presuppose that their readers know about this and only write about the traditional community, or they do not consider it as an important distinction to make. But it is important for the pastoralists. At the latest, this became clear to me as some respondents were noticeably amused about NGOs trying to convince town people to live in peace. This chapter is thus about the traditional community, but I will address the relationship between the two groups and its consequences where necessary.

Pokot perceptions

> "Remember, we are adapting (to this life). We might not feel well, but this is common here, it's how we live, and we can't do anything about it." (Alicia, older woman)

It is the expression of a pragmatic and almost indifferent attitude that I encountered throughout my entire fieldwork, and it will be recognisable in many quotes I use in this chapter. The respondents usually divided 'society' into three groups – warriors, old men and women – categories that I found useful for my description as well.

Warriors' doubts

To be a warrior in Pokot society means to establish yourself in the community. Young warriors need to acquire cattle in order to marry, and they are even more under pressure as the age of marriage decreases – it was common in Kenan that 15-year-old warriors were married already. Their main objective is to obtain independence; that means to be able to have and maintain one's own *boma*, *shamba*, and of course a respectable cattle herd. Warriors develop very close friendships with each other, and these friendships are ritually strengthened, for

example by giving each other (raided) cattle.[3] Warriors orientate themselves much more towards their peers than to their families, and many of them felt they had to get married when one of their friends did.[4]

To be regarded as a hero and to gain status in the community is of immense importance to the warriors. Unanimously, all warriors agreed that raids are unavoidable, and so is death: "Death is compulsory among us. You go there for appreciation of others, they say this is a hero, he brought a lot of cattle, he killed an enemy; that is why we are out there, we don't have another trade" (Lodukwi, young warrior). If a warrior dies "in the cattle trails", he augments his and his family's status enormously. In the same way, if he proves to have poor skills he will be teased with no mercy. Other warriors will think of songs to humiliate him and his family, and he will be called a 'woman'.[5] To describe the unity the warriors feel when opposed with an enemy, Simonse (2003: 250) has developed the concept 'enemy complex': 'Violence aimed at an enemy is not only socially approved, it also marks the progression to full membership of the society'.

However, not all warriors are very confident with the idea of a life based on male heroism. There was often doubt among them and some of them seemed to realise that their current behaviour is not sustainable. When asked what they look for in life, many young warriors avowed that they want to have big families and a comfortable life and the period of raids is seen as a means of reaching this status. Remarkably enough, such a doubtful attitude was more often articulated by younger warriors while especially older warriors were regarded as the most stubborn raiders by their wives and other warriors.[6] Their explanation was simply that they saw the raids as a supplement income as few of them actually needed the animals:

> "Well, I only know the positive sides of raiding. We need something to eat and we have to look for that. We want to get married. I don't know the negative side of it. Somebody knows himself well, he will resign when he is too old. You believe in yourself, you will still go." (Longon, older warrior)

Old men's loss of power

Ritually, elders are the most powerful actors in Pokot society and they have gained this power because of their age. They are supposed to make decisions concerning society, culture, issues of daily life, and they are responsible for

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[3] For an explicit description of bonding between (young) Pokot men and how this is expressed in economic relationships see Bollig 1992: 89-92.

[4] An exception to this is warriors that have an older brother – they did not feel pressured, because the older brother needs to be married off first.

[5] Similar observations have been made among the Eastern Pokot (Österle 2006: 25).

[6] Here, I am referring to warriors who I estimated to be older than 30 years.

peacemaking. In Kenan, the major problem articulated by old men was the lack of respect for them by the younger generation:

> "Oh, this age of today is very bad, they don't respect you. They don't know who is an elder. You will be pushed, beaten; they lack respect!" (Lokui, old man)

Yet, the impression I got during fieldwork was that elders made extremely little effort to change the status quo. Why were they so passive? Did they not see any solutions? Did they think the situation was hopeless?

A range of scholars agrees that rapid militarization of pastoralist youth has undermined the traditional power of elders in many societies (see Österle & Bollig 2003; Simonse 2003; Mirzeler & Young 2000; Abbink 1994). And indeed, many elders considered the guns to be a threat to their power – they often mentioned that nowadays a son could just shoot his father in an argument.[7] Moreover, old men realised that if they discourage their sons to go on raids they would not get a share of the raided cattle, and this caused some older men too refrain from open criticism.

> "In the old days we would talk more with each other. Nowadays you have a gun, and that decides many things. You let the gun talk." (Apaloyaka, old man)

However, to ascribe this apparent loss of power of elders solely to the militarization of the younger generation is a hasty and uncritical conclusion. Pokot life has changed profoundly in the past three decades, not only because of the influx of weapons but much more so because of 'development': the current generation did not only grow up with automatic weapons, but with dispensaries, schools, fundraisings, politics, money, relief food, and so forth. Older people, especially those that had a son or daughter in school, were starting to feel lost because suddenly the younger generation knows how to 'do things'.

> "Some years ago, a person that gave his child to school, you know that man will not suffer in times of drought because his child knows where to find food. The rest of us, we just don't know, even to go to Kapenguria,[8] we don't know how." (Longon, older warrior)

Elders did not only see a loss of their own power, they also realised that Pokot society as a whole is losing its independence. The pastoralists can no longer solely live off their livestock – the ideal situation many elders still use as a point of reference – and after incorporating agriculture in their way of living, they now see themselves depending on relief food, medicines, and under increasing pressure to send their children to school.

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[7] However, no one could remember this ever happened in the research location.

[8] Capital of West Pokot District.

While this might explain the pessimistic and often indifferent attitude of elders that I so often encountered, it does not give a satisfying answer to why they seemed so passive. And indeed, elders had their own explanation:

> "This is a natural change; we call this a new generation. We were told, the generation will be different now, and people will know vegetables. That's why we call it the green generation. See, even your child cannot fear you, even if you are his father or mother, they will not hear you. We did not live this way. [The prophet] said, 'the younger generation, the kakariakech, will have no respect, not even something like humbleness, even the cattle is reducing, and people start chewing vegetables.' This generation was predicted by the prophet but the man is dead now. He predicted things of the earth, not of heaven, they are all true." (Apaturkan, old man)[9]

This younger, 'problematic' generation has thus been predicted long ago. It is a *natural change*, as Apaturkan put it, and it explains why elders do not see themselves responsible for changing or even interfering with the activities of the *kakariakech*. Consequently, for some there was only one way to solve the problem – to wait for the next generation: "Let us leave this generation until their children come, and then we will see the difference" (Limangole, old man).

Yet another reason why older people refrain from criticising their children is that, because they are no longer in charge of societal changes, they cannot offer better solutions. For example, many older people disapproved the early marriages of their children. But, as one old man mentioned, maybe the young people are just adapting to the 'new world':

> "We came to realize that to have a person grow older and older before he marries; that is not the kind of living today. We will be killed instead of having children. I don't know if this is good …" (Ngorakamar, old man)

To summarise, the loss of elder's power seems to originate from both sides rather than from the side of the power-seeking warriors only. Guns might support the young men's struggle for independence, but the idea of a 'bad generation' among older people as well as the challenging confrontation with structural changes of the whole society have both contributed much more to the passiveness and declining influence of elders.

Women's influence

The traditional Pokot society is a patrilineal and patrilocal society, two features common to most East African pastoralist societies, and usually women are not involved in decision-making. In some cases, e.g. concerning the marriages of their children, mothers will be asked for an opinion, but only within the household sphere they exercise a certain amount of power. The realm of cattle, raids, security and conflicts have, on the other hand, remained purely the business of

[9] *Kakariakech* is not a specific generation name; it means 'younger generation'.

men. However, in recent literature women have been ascribed a greater – supporting – influence than previously assumed (Watson 2003; Masinde *et al.* 2004). Here, I want to discuss how the Pokot women saw the issue themselves. Do and *can* they encourage or discourage their sons or husbands to go on raids? And are the ideas of men about women's roles in conflict positive or disapproving?

Similarly to the statements of men, most women thought that the raids simply belong to the life of a Pochon (singular for Pokot), as does fear – for example that the husband could be killed – and this is the way they are used to live. Many women felt that the raids are unavoidable, and did not bother thinking about causes or solutions. Consequently, they seldom talked about the raids with each other, which they also explained with the fact that none of the pastoralists' wives were educated enough to understand these issues.

Like men, women of different ages thought very differently about the raids. Clearly, older women were more assertive in stating their opinion. The majority of older women openly complained about the negative effects of the raids, and they often mentioned they wanted to convince their husband or sons to stop raiding. This openness might have been a result of their higher status in society, as opposed to unmarried girls or younger co-wives. However, none of the older women felt that they could do anything to change the situation – beyond complaining about it. Younger women, on the other hand, were quite ambiguous when we talked about the raids. Some said that they did not like their husbands to go on raids and some even claimed they do not appreciate that they bring raided cattle into the household. However, the majority of younger women had a supportive attitude towards their husbands' activities, arguing that there was no alternative to survive in the region:

> "See, the majority of us, we lack pasture and food, and we will be raided by enemies. That is when we encourage [them], and we ask then men, if possible – because they can get killed – to go and bring the cattle back. If our cattle have been raided, what can you do, if all has been taken?" (Olivia, middle-aged woman)

Moreover, co-wives seem to encourage each other, not least because they are 'competing' for the same man. A younger wife referred to the typical cheering for raiders who come home:

> "Well, you don't keep quiet because they bring the cattle. Even the other wives can laugh about you, they can say, our husband brings home some cows, and you, you stay quiet?" (Janet, recently married girl)

When talking with men about women's role in raids and conflict, most of the answers coincided with women's statements. Especially young warriors asserted that girls were encouraging their raiding activities, because they liked to be the wife of a respected raider. Others simply said, their wives told them to participate in a raid because they lacked milk cows and the children were hungry. Having

said that, old men firmly disagreed that women could have any supporting or discouraging role at all; women are not supposed to disagree with their husband nor should they concern themselves with men's issues:

> "Since women are not talking to us, you know, they are not supposed to stand in front of men or talk, they don't influence the men to go on raids. They are young, and we call them children. You know, how do you expect that the children will advice the elder?" (laughs) (Lomuria, older man)

It can be concluded that the role of women in conflict remains marginal in 'public' society. In the household sphere however, especially young women tend to support the raids rather significantly. Generally, one could assume that no warrior would accept the humiliation of his wife complaining to him and his fellow warriors how small their herd is.[10]

Who rules this land?[11]

In Pokot society, similar to many other pastoralist groups, the warriors are responsible for community security and each community has its own strategy of securing its territory.[12] Older warriors are supposed to scout the area before the herds go out and after they come back at night, while younger shepherds herd the cattle. Cattle are grouped in medium-sized herds, allowing smaller households or households without guns to profit from the protection of others. Among the western Pokot, similarly to other pastoralist groups in the region, a group of warriors and old men organises a security meeting every morning to decide about the grazing routes of the day.[13] Generally, the pastoralists thought their current way of securing the area was relatively effective.

Women, of course, saw the issue of security from another angle; as their duty was to run the household with all its different chores, while their husbands' were responsible for securing this household. Consequently, many women stated that they felt most secure when the herds were in the cattle camps and the chance of attacks was small. Other women criticised the state:

> "We are not seeing the government around. There is nobody who can make us feel secure, who will even ask us." (Alicia, middle-aged woman)

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[10] Similar findings have been made by Watson (2003). In the report, Watson describes in detail how women indirectly contribute to pastoralist conflict, for example by performing certain (secret) rituals, or even by nagging or abusing their men at home (Watson 2003: 18-20).

[11] Full quote: "Who rules this land? Only soldiers? We don't even have soldiers now. And we don't have strong soldiers; it is only the warriors we have" (Losilang, old man).

[12] See de Koning (2004) for the Jie, Simonse (2003) for the Karimojong, Bollig (1992) for East Pokot.

[13] De Koning *op cit.*

And indeed, Kenan could not have been more remote in terms of state representation and protection. Except an assistant chief, a position that is usually held by a community member, there was no government official or institution situated anywhere near to the village. The next Kenyan police post, consisting of *one* AP officer,[14] was about 30 kilometres away, and the next army base, court, or governmental administrative institutions were more than one hundred kilometres away. There was a police station and an army base located in the neighbour Ugandan community, but these institutions have proved to be of little help in protecting the communities.

The Kenyan government has tried to improve the security situation in such remote areas by setting up the Kenya Police Reservist (KPR) programme. For more than two decades now, 'homeguards' are being assigned and provided with government guns. Nevertheless, this did not change much in the security situation in Kenan, as the majority of the KPRs were pastoralists and their activities were not at all different from what warriors would do when protecting the community. If the community had been raided, a group of warriors would chase after them and try to get as many animals back as possible. In fact, the KPRs criticised that they were not allowed to take the government guns across the border into Uganda when following Karimojong raiders. This situation leaves the KPRs with two options; either to illegally take the guns into Uganda or to have a second (illegal) gun for such missions and for conducting raids.[15]

Informants usually described the relationship between Pokot and the government as one based upon suspicion and mutual mistrust.[16] On the one hand, many respondents articulated that the government was not interested in them, and consequently did not expect any help at all. The government was then referred to as yet another enemy, albeit one that cannot be defeated. On the other hand, many pastoralists criticised both governments of 'letting them alone' out there, and forcing them to defend themselves.

There has not always been such a lack of state presence in Pokotland and there was – not surprisingly – a nostalgic feeling towards colonial times among older

[14] Administration Police (AP) officers are untrained and supposed to assist the DC and used to be recruited locally (Dietz 1987: 189). However, all officers I met during my stay were members of the dominant Kikuyu or Coast ethnic groups in Kenya.

[15] It must not be assumed that the KPRs feel connected to the state in any way, as the 'selection process' does not necessarily involve government officials other than the chief of the location. KPRs are not paid, but most of them consider the gun as payment. Some of the respondents of this research were KPRs; their opinions did not differ from that of other respondents. Furthermore, the unusually high number of KPRs in the research location demonstrates a great deal of Pokot pragmatism.

[16] I am using the term 'the government' because most Pokot did not see a difference between the Ugandan and Kenyan government.

community members. They remembered colonial times and the years shortly thereafter as a time of 'enforced' peace and order, even though they were restricted in their activities:

> "When the *wazungu* (whites) were here, and the Karimojong came and took the cattle, or even when Pokot took cattle, they would have to pay back. The wazungu would go and find the cattle and return it. … There were no complaints, you just saw your cattle being taken away by wazungu. They brought them to [the village in Uganda] and returned it to the people that lost it. But that doesn't happen now. You know, last week, we heard our cattle were taken by Karimojong and I am only praying to God to help my cattle there." (Losilang, old man)

Elders also remembered that they felt more secure because of this state presence, especially during times when both armies were stationed along the borders of Pokot and Karimojong territories.

Nowadays, however, Pokot seem to have lost any respect for the government. Again, it would be misleading to assume that this is a consequence of the pastoralists' militarization. In the eyes of Pokot, the image of the government had suffered substantially because of its inability to manage local problems. It is interesting, for example, that the current government is seen as a part of the *kakariakech* generation:

> "In our time it was better because the government, they respected themselves, they were hearing each other. Nowadays, they themselves start killing each other, those are the stories we will hear when we go to Kapenguria, you hear a soldier has been killed in Nairobi or in other big places like Nakuru, they kill each other. This is now the generation that was long predicted, for a long time, and now we know they have come." (Apaturkan, old man)

With amazement the pastoralists realise that nothing happens when a police officer or soldier gets killed in a fight with warriors. The lack of interest on the part of the government and its increasing ineffectiveness to deal with it's 'own problems', so the Pokot reason, have led to an inability to deal with the pastoralists' situation:

> "See, because we take each other's cattle, the government is not in charge of the situation." (Lokui, old man)[17]

Disarmament

> "We disagree with the government and we fight with them. We were disarmed twice and when our neighbours saw us disarmed they came and took our cattle. We disagree to give

[17] The situation is not much different in areas where the state is present in form of executive forces. In the village across the border in Uganda, despite the presence of police and army, Pokot saw themselves left alone by the state: "Ah, the government is doing nothing! Even four days ago, the Karimojong came to [the village in Uganda] and even to the centre, and they were taking goats from somebody. That man was calling for alarm, and they were following them on the main road, but the soldiers were not doing anything! Not even a sign from them." (Lomuria, old man)

> our guns that we have bought for a lot of reasons, like insecurity and self-defence." (Ngorakamar, old man)

Trying to summarise the Pokot attitude towards disarmament, I could not have said this any better. After numerous unsuccessful and often chaotic disarmament attempts by Kenya and Uganda, Pokot have become suspicious of just about any intervention by both governments. When asking Pokot about their perceptions of disarmament, the answers were similarly resolute like the quote above; and no single respondent considered disarmament as a possible or even legitimate solution to any of the problems we talked about. Although some women and elders mentioned that they would like the warriors to be disarmed, they could not trust the government in disarming other pastoralist groups at the same time, and thus concluded that it is indeed better to keep the weapons. Even households that were not armed showed a great deal of irritation about the government plans to disarm them:

> "I think badly about it, because they disarm the people over there (points westwards). These people are the ones protecting us and if the government disarms them we will die together. Remember, while we are sitting here, those people are protecting us. If they did not do that we would not walk the way we are walking. We depend on those people, what do we have to protect ourselves?" (Abele, middle-aged man)[18]

For the Western Pokot, the single most memorable disarmament operation was the one of 1984, when the pastoralists felt for the first time that their own government saw them as enemies. The Kenyan army confiscated about 8,000 head of cattle in order to force the pastoralists to surrender their guns. Helicopters were used to round up the animals and to bomb homesteads or places where people were thought to hide. Only 1,000 animals were returned more than two months later, after the army had sold and eaten part of the herd, and let the majority of the animals starve to death. This happened shortly after a prolonged drought and many Pokot lost all the cattle they had (see Dietz 1987: 191). This event still significantly shapes the negative opinion the Pokot hold of the government.

While many respondents thought that such a disarmament operation would not repeat itself, the fact that the government was still trying to disarm them demonstrates their lack of understanding of the local situation. Many informants argued that disarming the pastoralist groups does not solve the problem of the illegal arms trade in the region. Similarly, warriors could not understand why the government would not make an effort to stop them from acquiring guns and instead actually fuelled arms trade in the region:

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[18] Contrary to some estimates, not all male members in Pokot society own weapons. This household, for instance, was still suffering from a *lapai* punishment imposed on them three years ago. Because they were not able to acquire cows since then, they could not pay for a gun.

> "The government, they don't know where the guns come from. If we have to deliver a gun we can just go to that place – and we are not telling where that is – and we can get a new gun." (Loberun, warrior)

Other respondents simply did not understand the reason for the recurring disarmament operations, which also indicates that these interventions are carried out without effective prior sensitisation. Some respondents came up with bewildering explanations for the operations, for example, that they are carried out because the government lacks funds:

> "The government took our protection for no reason! We wonder and we want to say, that the government of Museveni (Uganda) was missing money and that is why they were taking the guns from us. We don't see the reason, we did not fight with the government!" (Lomuria, old man)

Another idea shared by many respondents is that of discrimination. Although most Pokot know that other pastoralist groups are equally marginalised compared to the agriculturalist ethnic groups in Kenya, they still have the idea that they are treated worse. The neighbouring Turkana – who have more members in parliament, so it is said among villagers – seem to be more resourceful:

> "See the government only comes to take guns after something happens. Last year, a lot of Turkana were killed. Then the Turkana NGOs complained to the government and they started to disarm the Pokot." (Ngoratepa, shop keeper)[19]

Disarmament is genuinely perceived as useless by the Pokot and disarmament is an issue that arouses incomprehension, irritation, and anger in the community. On the one hand, Pokot cannot understand the reason for disarmament exercises while guns are freely available. On the other hand, it seems that such operations are just another example of the government taking advantage of its power vis-à-vis the Pokot. This, combined with the criticism of the government as such, more than explains the poor cooperation in disarmament operations. At the same time, it predicts that any future disarmament will be equally useless and only aggravate the relationship between Pokot and the two states.

Powerful actors

As it becomes evident that the post-colonial state remains absent in Pokotland, it is crucial to look at who are powerful actors in the communities instead. The two most dominant actors in the research area were missionary institutions and politicians. In the West Pokot and Nakapiripirit Districts, missions have often provided services that would normally have been the responsibility of the state.

[19] This is a very typical situation. Pokot are very secretive and usually do not talk about their ideas and wishes openly, let alone their emotions. Few complaints (e.g. when they have been raided) reach the 'outside', be it through NGOs or MPs, and unlike the Turkana, they seem less assertive.

Their power and authority must not be underestimated: "In many fields, missions can be regarded as 'semi-states'. As soon as the local government in West Pokot or Karamoja gives permission to build a missionary station … the freedom of action is virtually unrestricted in practice" (Dietz 1987: 207). These observations were made in the early 1980s, but they still hold true for the region. The role of the mission in the village of Kenan has been fundamental in the 1970s and 1980s and only because of this mission – and therefore foreign funds – the village has grown to a considerable size; it now has a centre, a church, a school, a dispensary, and several stone houses. The mission did not only provide water by drilling boreholes, but it was the only actor to decide where these boreholes would be drilled; a decision that did have great influence on relationships between communities.

The government must have been aware of the fact that missions could also use this power in ways that undermine the sovereignty of the state. One mission in the area was reported to actively support the armament of the Pokot, by both providing weapons and assisting the pastoralists during disarmament operations.[20] With time, however, the role of missions concerning security matters has become less eminent; they now concentrate on providing relief aid and supporting development projects.

The importance of politicians, on the other hand, is a rather recent phenomenon that needs to be scrutinised with even more earnestness. During my fieldwork I experienced the Ugandan parliamentary elections (and, more importantly, the campaigns), which gave me a unique insight in both the role of politicians in the area and how politics can be interconnected with conflict. In order to analyse the role of politicians in the area it is helpful to look at what Pokot understand as 'politics' first.

Generally, Pokot do not expect that the government will assist them. Therefore, their understanding of a 'multi-party democracy', the political system in Kenya and Uganda, differs significantly from Western interpretations. For the community members, to have an MP in Nairobi does not mean that they will be represented in the national parliament. Rather, it means that this MP is the connection to 'Kenya' and the *wazungu*, to sources of money, and to other influential people. Hence, both MPs and their challengers will be approached with all kinds of enquiries; they are supposed to help community members with financial problems, to raise money for the (few) children who go to secondary school, or to provide jobs for the ones that have completed school. Furthermore, they are supposed to attract donors for development projects and the like. Especially to the

[20] See Dietz (1987: 208) for a quote of a Kenyan newspaper stating that the missionary imported automatic weapons into the area.

traditional community members, the MP is seen as an asset to the community himself, and little is thought about what he could – and should – do for the community in the realm of national politics.[21] Politicians, on the other hand, know how to benefit from this understanding of politics. Not only do they give out food or alcohol during election campaigns, but it has also become common to hand out money to prospective voters – a development that has been stimulated by the increasing demands of the pastoralists.

A more alarming development, however, is that politicians are more and more concerned with their votes than with solving the conflicts. I am being suggestive when I claim that politicians are 'using' raids for their own purposes in that they, albeit indirectly, show the warriors that they will not be punished for breaking the peace. And in fact, this appeared to be the case when I was conducting this research. The peace between Karimojong and Pokot was not expected to last for much longer, it was thus no coincidence that it broke during the campaigns for the parliamentary elections in Uganda. The reasoning behind this is rather plausible to the warriors:

> "See, for the elections, it is good to do a raid during this time, because the politicians want to have their vote, they will have it their way." (Lorepai, raid organiser)

Apparently, warriors assumed that each of the two competitors would not dare to criticise them of breaking the peace, because they were too afraid of losing a rather substantial part of their votes.[22]

Peacemaking in Pokotland

Contrary to what is repeatedly been taken for granted by NGOs and academics, pastoralist conflict, at least in the research area, has little to do with resource scarcity. Peace brings many economic benefits such as common grazing grounds and water resources. For the Pokot, this is especially important in the dry season because during this time they need to have access to grazing grounds in Karimojong territory (see Masinde *et al.* 2004). The consequence of this is that the wet season is seen as a time of 'weaker peace' and not surprisingly, many respondents told me that the raids happen during wet seasons. Scarce resources thus lead to cooperation instead of conflict (Eaton 2006; Adano & Witsenburg 2004). Therefore, when talking about peace agreements, one should keep in mind that

[21] I am using the male form for MP, as there is a separate position for 'Women MP'. This position was not regarded as equally powerful.

[22] During the elections, none of the competitors spoke openly about the raids, while after the challenger had won; each supporting group accused the other competitor of inciting the raids with the intent of harming the opponent.

traditionally peace is usually not considered to last forever but rather reflects strategic considerations of the pastoralist groups.

For the pastoralists, the matter of peacemaking – like that of politics – puts emphasis on the difference between the town people and the traditional people. Sentiments that often came up during talks with the traditional Pokot were anger and distrust towards the town people, mainly because they did not feel that they had been asked in matters of peace. Consequently, the pastoralists affirmed that they could not believe in peace initiated by the town people:

> "See, these things come from the side of the government and through the people of the town. We, as pastoralists, we are not there. We don't believe in their peace, because only from pastoralist to pastoralist, only that one we believe." (Longon, older warrior)

Furthermore, traditional community members had a strong feeling that they wanted to deal with their conflict in a way they were used to, and outside interference was not desired.

> "There was a time when the Karimojong came and took many cattle and one of the believers came and wanted to pray that the cattle would get back here. Even without the boys going after them. People got really angry!" (Lodukwi, young warrior)

The town people generally thought of the traditional pastoralists as stubborn, inconsiderate and inward looking. Such ideas reinforce negative opinions held by both groups and provoke an almost rebellious attitude from the ones involved in conflict, namely the warriors: "The old men, together with those of the towns, who are they talking to?" (Lopeke, warrior).

NGO dilemmas

Generally, peace organisations have tried to imitate traditional peace meetings, i.e. to call together elders of different groups and try to stimulate peace agreements between them. However, with time (and after unsuccessful attempts) the use of other methods and media has increased and target groups became more specific. NGO peace meetings are normally organised in the form of a 'tour' in order to reach many communities, sometimes using video screens, microphones, or recorded material. There have been meetings for warriors only, for warriors and elders, mixed meetings, and women's *alokitas* (peace crusades). Most of these meetings take place in workshop form, and they are often the only time that NGOs are physically in contact with pastoralists. This is one of the reasons why most NGOs find it difficult to monitor and evaluate their work.

Many organisations establish 'peace committees' on village or district level as a way to stay in contact with the communities. These committees consist of community members who function as contact persons and who are supposed to report from their location. However, NGOs are faced with an organisational problem: Ideally the contact persons should be able to communicate in English,

but those are almost exclusively members of the 'town' community, as very few pastoralists are educated. NGOs do not even mention this difficulty publicly, either because they do not understand the crucial difference between the two communities – if they are aware of it – or because they fear to be regarded as less competent when presenting this issue to international NGOs. Furthermore, these committee members often get confused because several NGOs in the research area each operate with their own committees. Yet for the rest of the community the work or even existence of these committees was practically invisible. In Kenan, for example, none of my respondents knew that a woman of their community was a member of the West Pokot District Peace Committee.

The peace organisations are not situated in the villages but almost exclusively in the two regional centres, in Kapenguria for the Kenyan side, and in Moroto, the capital of the Karamoja region, for the Ugandan side. In these two towns the sheer number of peace organisations, peace committees, or even white land rovers with the respective NGO logos easily give the impression of a thriving 'peace industry'. The fact that NGOs are virtually not present in areas where conflict takes place only provokes sceptic opinions of the pastoralists. Most respondents claimed that if the NGOs were serious about peacemaking, they should come to the places where conflict takes place, instead of calling individuals to meetings far away. Moreover, NGOs usually call back employees who are in the field once there is news of an evolving conflict. This creates a 'cowardly' image of the NGOs and their employees, something many Pokot keep joking about.[23]

Not surprisingly thus, the relationship between NGOs and their 'target population', the traditional people, is not one of mutual trust and understanding. Many informants of this study were grouping NGOs in the 'government category', meaning that they are not present in the area, that little could be expected from them, and that many of them were only interested in their own benefits. One man answered to the question why he thinks a certain NGO has stopped working:

> "That is because the leaders, who are controlling the NGO, they probably got their money and it was enough. And later, they failed to go on." (Kokoroi, middle-aged man)

Such a lack of trust is easily reinforced by unresponsive or uncompleted NGO projects. A local NGO in the research area experienced a major setback when they could not finish a peace project due to funding problems. With the funding of an international NGO, they had organised a meeting with Pokot prophets to

[23] FBOs (faith-based organisations) are an important exception here. As members of FBOs are often pastors or other persons working in the local churches, they are easier approachable, and they stay in the area when conflicts break out. Nevertheless, community members knew very little of the work of churches in this context.

talk about their role in the conflicts.[24] They were to ask the prophets to cooperate with them and refrain from telling the warriors to raid. In return, the prophets asked the local NGO to organise a peace meeting with elders from other ethnic groups. Thereafter, the local NGO went back to the international NGO in order to ask for a second funding, which was denied with the explanation that the budget for peacemaking was used up already. Other donor NGOs responded similarly. The prophets still continue to heavily criticise the NGO for making false promises.

Unfortunately, this is a very typical situation and it is a good example of the dilemmas local organisations are faced with. They often have to adjust to the agenda of international NGOs, which in turn promote their own, donor-oriented programs. Hence, local peacemaking will only be supported if it fits the paradigm of international – Western – development aid. Wabwire (1993), who evaluated the work of NGOs in Karamoja, argues that local CBOs or NGOs are "subject to almost total dependence on foreign support which often inhibits certain actions and types of project as these must be compatible, to some extent at least, with the donor agencies' objectives and policies" (Wabwire 1993: 75).[25]

Another dilemma faced by NGOs is that peace initiated or facilitated 'from the outside' is regarded less respectable than traditional peace. It seems clear that, for the pastoralists, a certain 'ownership' of the peace process must be felt; otherwise it will not be respected:

> "See, when these two groups meet they will make peace. But when it comes from NGOs or the government, they will not hear. The peace will run for a short time and then it will break. We tried to do that but it would not last, not even a year." (Margie, middle-aged woman)[26]

If NGOs fail to consider this attitude, their projects are doomed to fail. A former local employee of an international NGO told me that exactly this disrespect forced them to stop organising peace meetings. Their approach was to take a group of warriors with them in order to meet and talk with warriors from another ethnic group. While the warriors seemed very cooperative during the workshops, the NGO soon realised that they were actually using the meetings to scout the area. Eventually, about two weeks after each peace meeting, the community where it took place was attacked and raided. This illustrates that even if the war-

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[24] It can be assumed that none of the NGOs have been in contact with a 'real' Pokot prophet (*werkovon*). Generally, a *werkovon* has several messengers who normally interact with the public. That said, it is still questionable that NGOs would even get hold of these messengersSome communities have purposely sent someone else as a 'prophet'.

[25] Unfortunately, the data of this study demonstrates that this has not changed over the past decade, and what is more, the attitude of donor NGOs seems to have become less tolerant with time.

[26] For the Pokot, one year actually means one season; i.e. a half year of the Gregorian calendar.

riors acknowledge the purpose of the meetings, they are not seriously thinking about stopping their current activities. Finally, the lack of respect on the part of the pastoralists is increasingly communicated by not attending NGO peace meetings at all. A recent report documented that a peace meeting facilitated by two international NGOs was ignored by both Pokot and Karimojong, two of the three groups invited (Practical Action 2003).

Difficulties of traditional peacemaking

While it becomes clear that current NGO peacemaking has little effect, the lack of traditional peace agreements still needs to be scrutinised. What is it then that makes peace so difficult in the area? Are those difficulties experienced and communicated by both pastoralists and NGOs? In the following, I want to concentrate on five issues that came forth as the most problematic.

First and most importantly, peace is an act of trust, and this trust is lacking in all communities in the area. If two groups, in this case the Karimojong and the Pokot, agree on peace, one group will have to initiate the peace process – and each group expects the other to take this step. Yet, when talking with the informants about these issues, and even more so during informal conversations, it became clear that a peace deal offered by the Karimojong cannot be trusted:

> "The people keep saying, these Karimojong, they want us to come and graze near to them, and then they will raid us." (Lomuria, old man)

But has this trust been there before? Many respondents denied this and claimed that it has always been this way; they often told stories of peace attempts that turned out to be tricks by the Karimojong to raid cattle. However, they agreed that periods of peace were indeed longer in past times. This inconsistency might be explained by the fact that Pokot and Karimojong have only started to seriously raid each other in the 1950s, and a severe deterioration of the relationship between the two groups only occurred after 1976 (Dietz 1987: 124-126). For the NGOs working on conflict resolution in the area, this lack of trust between the communities represents a critical problem. On the one hand, there are few obvious 'methods' to increase trust between the communities, such as exposure – an example would be the building of two villages close to each other. Projects like this often require more time and funds than most of the organisations in the area can afford. On the other hand, even such projects cannot 'force' the pastoralists to trust each other, as this must come from within the groups.[27]

Secondly, it is interesting to look at the role of the prophets. A majority of the NGOs argued that the prophets were actively trying to hinder peace processes.

[27] Respondents have identified intermarriages as the most important indicator of inter-group trust. Naturally, intermarriages only happen after a long period of peace between two groups.

To a certain extent, community members agree with this, because prophets often benefit from raids:

> "Even the prophet will disagree with the peace, because he will get his cattle of the raids himself. [The prophets] don't want to be influenced by NGOs." (Losute, warrior and raid organiser)

This has caused many NGOs to tackle the 'prophet' issue directly, for example by trying to convince the prophets to stop initiating raids, as mentioned above. However, this is the wrong reasoning. As I was talking with my informants about NGO plans to get in contact with the prophets, many could not help laughing aloud. Of course, prophets call for raids, they answered, but they are not powerful enough to create peace.

A third difficulty is of an economic nature and poses a significant obstacle to not only NGO peacemaking. Warriors normally argue that the raids are their only form of income and often expect NGOs to provide some sort of compensation. Most NGOs are not able to provide alternatives, partly because this would require an involvement over a long time span and considerable funds, but also because there are very few alternatives of earning a living for the pastoralists. They have tried to convince pastoralists to take up farming, but with little success. Almost all NGOs experience this dilemma and it shows that 'real' peacemaking can only be successful if the economic structure of the conflict is tackled.

Fourthly, the influence of politicians on local peacemaking seems to be underestimated by both international NGOs and scholars. The most successful local peace building initiative in the research area was severely impeded by political interference and had to stop working after only three years. Most initial members of the organisation were highly respected community members; they took part in local meetings and 'showed up' during times of conflict, which contributed greatly to their credibility. Due to a political conflict between the current MP of the constituency and the initiator of the project, the latter was forced to leave the organisation. The work of the organisation was then reduced to organising peace conferences with (international) NGOs and churches. It is widely believed that the current MP felt threatened by the rising popularity of the initiator – a result of his success in peace making. The case highlights the important role of politicians in causing conflict as well as the power they are able to exercise. Several former members of the initiative mentioned above told me they wanted to revive the project, which will probably depend on the success of the initiator in the next election. The political dimension of peace and conflict represents a significant obstacle to peace initiatives that originate from within the communities, as they need to be 'approved' politically.

It is difficul to reach all community members in order to make the peace effective. This is certainly a problem for peace organisations but it seems to constitute

a problem for traditional peacemaking as well. An effective peace agreement is one that all community members feel responsible for, because a broken peace needs only few actors. Cattle thefts are often done by only a small group of warriors. They even may have gotten the idea to steal animals while drunk. Similarly, it only needs a few women that will cook the food for warriors. If a raid is planned, warriors tend to seek the blessings from a few or only one elder they consider supportive. Most of the respondents concluded, and some in a quite indifferent way, that this aspect needs to be accepted:

> "Remember, we know death can happen anytime to one of us, but we like the peace. … See, the raids will not stop. Let us assume we have peace right now, but there are always people that do wrong things. We live with wrongdoers. They will break the peace and we will fight again" (Lokiru, warrior).

Obviously, 'weak' peace will not survive such an attitude and at the same time this cannot easily be countered by NGO efforts.

Discussion and conclusion

Whereas we may keep on arguing whether pastoralist conflict along the border of Kenya and Uganda has indeed intensified over the last decades, or if you want, after the introduction of automatic weapons, the pastoralists themselves are concerned with other issues.[28] As observed many times already, young men need to gain status within their community and they do so by proving themselves as warriors, fighters and successful raiders. Young women, aiming for a comfortable life and respect, wish to be married with warriors who are heroes, not least because those will be able to feed the family. These remain the driving motivations of the young pastoralist generation and cannot be repeated often enough when dealing with conflict in the region.

What has indeed changed in the communities is caused by economic and social development. Most villages in the research area now consist of a town community and a community of traditional pastoralists; and the town communities are often the ones that receive more attention in development projects, not only because they are more receptive for change. For the pastoralists, of whom many refuse to 'develop' – i.e. to send their children to school, participate and invest in farming projects, or even to go to church, all part of a world that threatens them – there are very few alternatives other than simply continuing the life they are liv-

[28] Knighton (2003) writes that the Karimojong and the Pokot have been involved in heavy fights throughout the last century. As early as 1910 tribal figthing between the Pokot and the Karimojong had been reported. The Pokot, Sebei, Karimojong and Turkana were encouraged by the British to hold a peace ceremony in 1920, however, hostilities resumed shortly after. Since that time Pokot have reportedly tried to expand into Karimojong territory (Knighton 2003: 434).

ing. The changes cause worries among the traditional community, and the pastoralists have long begun to realise that they depend on help from the outside, be it food aid delivered by the government or boreholes drilled by a mission.[29] This realisation is painful – not only in years of prolonged draught.

Seen from this angle, the continuation of violence in the region seems quite logic for the pastoralists. It also pleads for a different view on the militarization of these groups. As mentioned earlier, the feeling of helplessness expressed by many pastoralist elders is rather rooted in this general feeling of dependency and incertitude than the militarization of the society, as argued, for example, by Mirzeler & Young (2000) and Simonse (2003) for the Karimojong. Weapons might enhance the status of young men in pastoralist societies, but it is only a small part of a structural change that these communities undergo.

Quite interesting results come about when discussing state interventions from the Pokot viewpoint, first and foremost the disarmament operations. Not only are the operations regarded as a major security threat by the pastoralists; they also threaten economic security and cultural identity. Mkutu rightly pointed out that '[d]isarmament initiatives have … failed to properly take into account the fact that they threaten livelihoods, however problematic these may be for peace and security in the border area' (Mkutu 2003: 15). It is thus imperative to understand and disseminate the pastoralists' ideas of 'security' and 'securing livelihoods', as this seems to be of little interest to the governments. Only in 2006, the minister of Internal Security in Kenya has ordered another forceful disarmament campaign, with the Pokot as a main target (*East African Standard*, 02/05/2006). Taking the attitudes of the pastoralists into account should be a starting point for any activity planned by the governments, as recent interventions have been deferred with scant success.

Another issue that I discussed earlier is the role of politicians in the region. I have argued that politicians are rather concerned with their own votes than in some way strengthening the position of the pastoralists. But this remains a moot point to discuss as the question that needs to be answered here is to which extent politicians *can* play a role in disseminating the pastoralists' voice to the two governments. While politicians have fiercely pleaded for other solutions than disarmament operations in the past, there was no way that they could have interfered with the government plans.

Considering the attitude and perceptions of the pastoralists are equally significant for NGOs that organise or fund peace work. It is too often taken for granted that the Pokot are suffering from the conflicts they are involved in and that they are in constant search for solutions. One of the greatest mistakes of NGOs active

[29] See Lind (2005) for an extensive elaboration on aid dependency in Northern Kenya.

in peacemaking is that they underestimate the pragmatic attitude of the pastoralists, which is often expressed in their disbelieve in long lasting peace. All three groups portrayed earlier in this chapter show a certain tolerance of the conflicts and at the same time, none of the groups feel that they are supposed to or responsible for changing the current situation. After all, the primary objective of the traditional Pokot is not to find peace, but to live with (and survive) raids and theft. As long as it seems that only certain a part of the communities is interested in stopping the conflicts, most of the Pokot will not even make an effort to establish peace.

The disappointing effects of peace building activities have so far not been discussed – neither in academic literature, with the notable exception of Eaton (2008), nor have NGOs critically evaluated their own activities. Fact is that most information available about pastoralist conflict in the region stems from studies conducted or funded by NGOs and that this information is being used for the implementation of new projects. As showed earlier, these studies have come to rather questionable conclusions if one takes a closer look 'on the ground'.

Eaton (2008) argues that peacemakers have to concentrate on retaliation practices, instead of tackling the popular 'root causes' so often mentioned in NGO literature. Only by helping pastoralists get their animals back after an enemy attack are they able to regain the trust, and only from this starting point can peace work be successful. At this moment, this has not been effectively tackled by any NGO in the region, which is chiefly due to the fact that they are not in contact with traditional pastoralists, as I have showed earlier.

Finally, NGOs do not seriously address the criticism they receive by the Pokot and other groups in the region of being cowardly. Omaar & de Waal (1994) discussing the hypocrisy that often accompanies peace work: "Most international organizations … put the physical security and well-being of their staff ahead of sharing suffering and risk with local people" (Omaar & de Waal 1994: 29).[30] The comments made by my informants are quite the same. Although it is unrealistic to expect that NGOs will relocate their activities to villages in conflict areas in order to prove their commitment, it remains to be seen how the organisations will manage to improve communication with the pastoralists under those circumstances. Their staying would seriously increase their accountability and level of being trusted, which is in fact a requirement before any peace work can start.

Clearly, there is an urgent need to closely monitor and evaluate NGO peace work in the region. NGOs involved should work together so as to minimise confusion among the pastoralists and to focus on activities that are truly effective.

[30] The authors do make a distinction between NGOs and churches, wherein the latter share suffering with the local community.

Again, as Eaton (2008) has demonstrated in his article, pastoralists are well aware of the fact that these days peace work needs to be 'showy' in order to satisfy donor expectations. Especially international NGOs that often fund local NGOs – and therewith impose their agendas on activities in the region – should reconsider their approaches.

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5

Identity strategies of the Western Pokot; exploring the meaning of livestock raiding

Kim C.M. de Vries

This chapter examines the meaning of the raiding conflict for the Western Pokot, an agro-pastoral community living in the border regions of Kenya and Uganda. To this end, 119 interviews were held during seven months of fieldwork in 2005 and 2007. From a constructivist perspective, making use of the theory on integration and conflict proposed by Schlee, identity strategies among the Pokot are assessed for two different periods. The first part deals with the latter half of the 19th century, when the Pokot adopted cultural characteristics (including the sapana age organisation) from the Karimojong, a neighbouring rival group, whom they admired for wealth in livestock. The second part concerns the period from the late 1970s onwards, when pastoralism was severely undermined by a series of natural crises and insecurity situation resulting from raids and state repression. In this context, an influx of external development activities fostering sedentary 'modern' lifestyles as well as heated ethnic politics feeding on a discourse of marginalisation, have made many Pokot to emphasise different features of their identity. Especially the more sedentarised Pokot started not only to disassociate from the Karimojong and their cultural characteristics, but also showed ambivalence towards ethnic traditions such as raiding. The chapter shows that the decisions underlying these identity strategies are inspired by the raiding conflict, whereby choices are instrumental, but also bounded by specific cultural givens. While widening their scope of identification allowed the Pokot to expand territorially and become more pastoral in the 19th century, narrowing it in more recent times allows them again to acquire new resources in times when pastoralism and associated traditions are less viable then before.

Introduction[1]

> "Dark, towering and wearing a no-nonsense look, the Pokot are an ethnic phenomenon forever firing from all flanks." (*East African Standard*, February 5, 2005)

In the minds of other Kenyans, the Pokot clearly invoke the image of stubborn and fierce people endlessly enrolled in livestock raiding. Newspapers often portray the most northerly Kalenjin group as a violent community associated with raids, weapons and inflammatory statements of politicians. And indeed, despite projects aiming at conflict management and peace building ranging from disarmament to sensitisation meetings, raiding is still persistent and perhaps even more than in the past. Raiding is often associated with savagery or primitivism. The use of automatic weapons in the conflict has made Pokot territory, especially the pastoral lowland areas, for many a dangerous place to be.

From an outside perspective, raiding is thus seen as a negative and innate element of the Pokot ethnic identity, but one may ask how the Pokot themselves relate to the practice. To examine this, I have analysed the meaning of raiding for the Western Pokot, an agro-pastoral community living in the border regions of Kenya and Uganda. From an historical perspective, Pokot identity strategies related to raiding are assessed for two different periods of time that are characterised by great changes for the Pokot society, whereby both inter-ethnic as well as intra-ethnic relations are taken into account. My hope is that this analysis contributes to a better understanding of the practice as well as the ways the Pokot have responded to changes in their society.

I make use of the theory of integration and conflict proposed by Günther Schlee (2001, 2003, 2004, 2008). According to him, identity consists of certain markers or features, such as descent, language, social organisation, religion etc, whereby strategies of inclusion and exclusion can be negotiated upon through changing the importance of these markers. The aim of defining either wider or narrower identities is to control of resources, varying from natural/physical to political and socio-economical to emotional (or social) capital. Schlee combines instrumental and primordial aspects of ethnic identity in his theory, whereby he

[1] I am especially grateful for the stimulating efforts of my research assistants 'in the field', Rachel Andiema, Simon Lopeyok Lokomolian, Albino Kotomei, Moses Kamomai and Jacob Kalalyo Aitaruk. Moreover, I thank Dr Karen Witsenburg and Prof. Joshua Akong'a for the possibility to publish parts of my Master's thesis in this book. Through the book conference that was held in Kenya, they also enabled me to visit the Pokot again to discuss some of the data I had collected during my first fieldwork period in 2005. Lastly, I am very much indebted to Prof. Ton Dietz, the supervisor of my thesis, and Friederike Mieth and Dave Eaton, who both studied the raiding conflict in Pokot thoroughly during the same period as I did my research. All three contributed in a fundamental way to my understanding of the matters described here. Needles to say, responsibility for the views expressed, as for any errors and omissions, is mine alone.

stresses that identities can be chosen but not 'invented' outside a context of certain 'givens'. The narrative approach is used to explore how identity strategies are 'storied'. In order to become aware of how people 'make sense' of identity strategies, it is essential to examine which aspects of identity are emphasised and remembered, and which are forgotten or repressed.

The first part of the chapter deals with the latter half of the 19th century, when the Pokot became more pastoral and expanded their territory westwards. In this process the Pokot chose to adopt certain cultural characteristics (including the sapana age organisation) from the Karimojong,[2] a neighbouring rival group, whom they admired for their wealth in livestock. Until now these Karimojong elements are integrated in the Pokot culture, although they are more important to the pastoral Pokot of the lowlands than to the more agricultural Pokot of the highlands. The first part of this chapter is therefore dedicated to the question why the Pokot chose to identify with cultural elements of a rival group with whom they have a long history of mistrust and why ethnic unity has been preserved.

The second part of the chapter shifts our attention to more recent times, and concerns the period from the late 1970s onwards. Since then, the Pokot community has faced great changes. First of all, pastoralism was severely undermined by a series of natural crises and insecurity resulting from raids and state repression (mainly disarmament operations). In this process, raiding itself was modified most obviously by the influence of automatic weapons that have become widely available in the area since the late 1970s. Furthermore, the area saw both an influx of external development activities fostering sedentary 'modern' lifestyles and heated ethnic politics feeding on a discourse of marginalisation. These changes have made many Pokot to narrow their identification, by disassociating from not only the Karimojong and their cultural characteristics, but also by showing ambivalence towards other ethnic traditions such as raiding. Again, we see a variation in the extent to which the identity strategies have changed, as they are more important to the sedentary (more agricultural) Pokot than to the semi-nomadic pastoral Pokot. By exploring the meaning of these changes for the Pokot, we can study how the conflict has changed their ethnic identity and whether this spatial variation in changes has influenced ethnic unity.

[2] The Karimojong consist of several subgroups, such as the Matheniko, Pian and Bokora. The territorial identities of these sections have become increasingly prominent over the last decades, meaning conflict relations are negotiated at the sectional rather than the ethnic level (see also Eaton, this volume). I acknowledge the point made by Ocan (1994) who argues that the Karimojong should therefore not be seen as one single political entity. However, in this chapter I do speak of the Karimojong as a whole since I am mainly concerned with cultural characteristics, which do not significantly differ per subgroup.

The research area

The study area comprises of the western part of the (former)[3] West-Pokot District, and is predominantly inhabited by Pokot (sing. '*Pochon',* under colonial administration referred to as Suk). The Pokot are classified as a subgroup of the Kalenjin cluster of the Southern Nilotes (formerly known as Nilo-Hamites). They are found on both sides of the international border. In Uganda, they live in Pokot County (formerly known as Upe County, the Ugandan Pokot are also known as Upe Pokot) of Nakapiripirit District in the Karimojong Region.

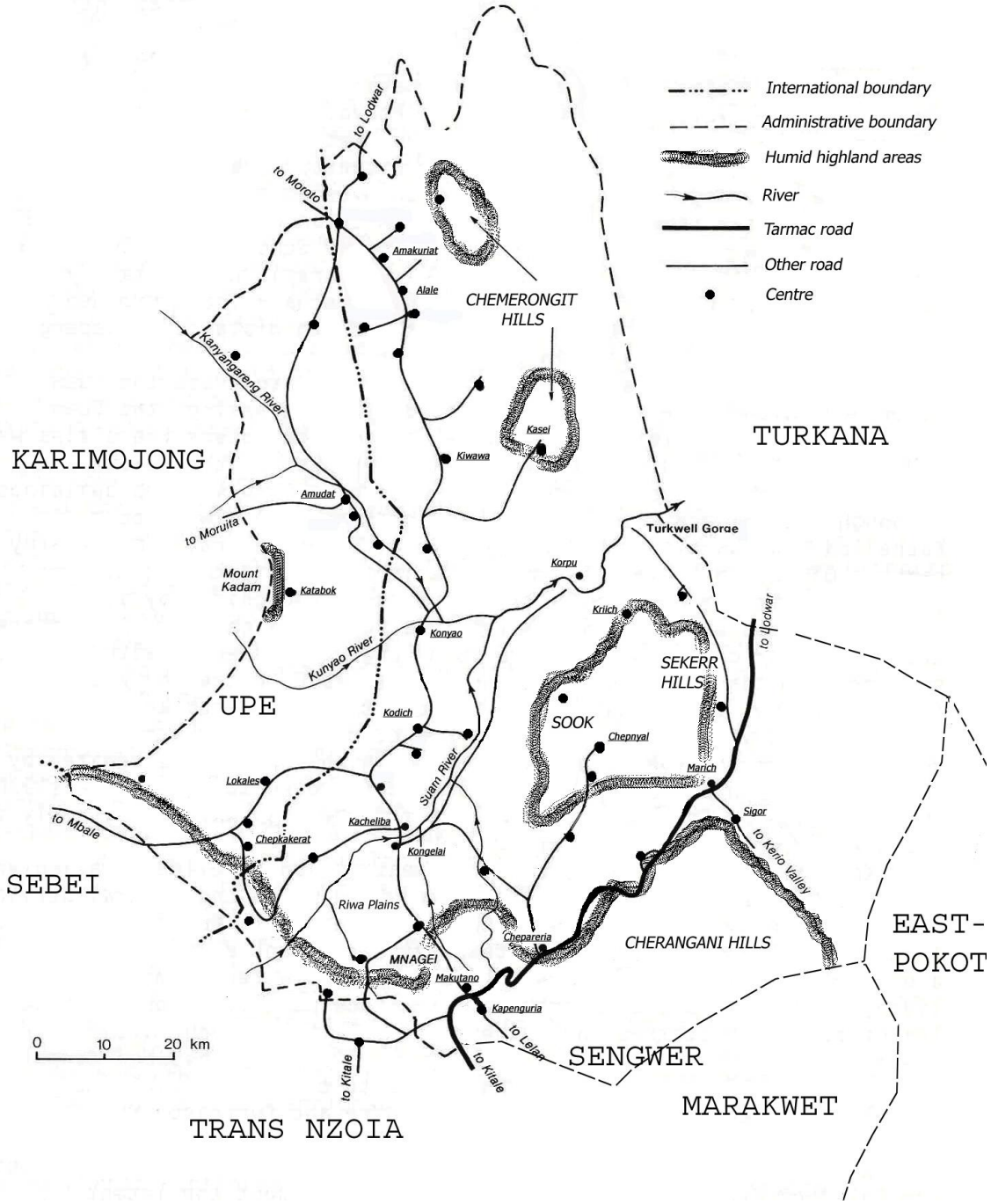
Upe and the western area of Kenya's West-Pokot District form one economic region because of a shared economic history and herd mobility during droughts (Dietz 1987). The Pokot are able to cross the border easily for grazing or security purposes, since the area is expansive and hardly controlled by security forces. Therefore, the Western Pokot from Kenya have strong links with – and in fact often are – the Pokot from Uganda, as many Pokot are said to be in possession of both a Kenyan and a Ugandan identity card. Furthermore, many Pokot who once lived in Uganda have migrated since the 1970s to the Kenyan side as a result of Amin's brutal regime and continuing conflict with the Karimojong.

The Pokot border the predominantly pastoral communities of the Karimojong to the west and the Turkana to the east, who both belong to the Ateker grouping of the Eastern Nilotes. In between the Pokot and the Karimojong, the Tepeth, with whom the Pokot have an historical friendly relation, are found on Mount Kadam and Mount Moroto. Furthermore, the Pokot border separates them from Kalenjin groups who focus more on agriculture. These are the Sebei to the southwest on the slopes of Mount Elgon in Uganda, the Marakwet to the southeast in the northern Kerio escarpment, and the Sengwer – often portrayed as a section of the Marakwet, but actually a distinct ethnic grouping – in the Cherangani hills. Lastly, the area of Trans-Nzoia to the south has a mixed ethnic population, consisting of Luhya, Kikuyu (Bantus) and other ethnic groups who came to farm there after the colonial settlers had left.

The Pokot community can traditionally be divided into two sections. The eastern part of the research area, comprising of the high mountainous and remote areas of Chemerongit and Sekerr, are inhabited by agricultural or Hill Pokot ('Pipöpagh', 'people of the grain'). They practice extensive agricultural production and keep some livestock. The western lowlands stretching into Uganda are

[3] Since the beginning of 2007, a new district was installed in the research area, namely North-Pokot District. The new district is carved out of the former West-Pokot District and covers the area west of the Suam River. Most of the sources used in this chapter however still refer to the former West-Pokot District.

Map 5.1 West-Pokot District (based on Dietz 1987: 24, 80)



mainly used as grazing lands by the pastoral or Plain Pokot (‘Pipötich’, ‘people of the cattle’). Although agriculture is practiced by them to some extent, especially alongside the rivers (Suam, Konyao and Kanyangareng) and mountains, life centres predominantly on the herding of cattle, sheep, goats, and in smaller numbers donkeys and camels. Whereas the hill Pokot live more sedentary lifestyles, the lowland Pokot are highly mobile as they travel long distances with

their livestock moving between dry and wet season grazing areas. A third area which can be identified are the 'urban' towns of Makutano, Kapenguria and Chepareria, where political and commercial life is centred, and the Southern Mnagei lands bordering Trans Nzoia, where people practice mixed-farming. In the lowlands, agriculture has become more important for pastoral people and many (have been forced to) practice more sedentary herding strategies.

Part I: Expanding from the core

Establishing contact with the Karimojong

The area west of the Suam River is believed to have become Pokot territory only after the period of rinderpest epidemics and droughts between 1886 and 1896, which seriously affected all East African pastoralists (Dietz 1987). Before that time, the Karimojong controlled this land as they had been using the areas around the Kanyangareng and Suam Rivers for dry season grazing (Turpin 1948; Brasnett 1958).[4] Several places in the western plains of the study area still bear Karimojong names. During the 1880s-1990s, the Western Pokot had been mainly confined to the mountainous areas of Chemerongit, Sook and Sekerr, and were therefore presumably less affected than the Karimojong, who lost most of their stock and had to survive by hunting and gathering (Turpin 1948).

This advantage of isolation in the mountains coupled with territorial pressures during the 1910s-1920s from the Turkana in the northeast and colonial settlers in Trans Nzoia in the south, made the Pokot rapidly expand westwards, supported in their movement by the colonial administrations (Cox 1972; Barber 1968). Barber (1968) states that in the early 20th century, "the Suk were 'the strong' and so they adopted a militant, aggressive, expansionist policy, while the Karamojong were 'the weak' (...), yielding ground as slowly as possible, counter-attacking when they could, but gradually, inexorably falling back". The Pokot expansion got as far as the present day Pokot county in Uganda, of which they got in full control during the 1930s (Brasnett 1958).

It is often thought that prior to the 1880s-90s, the Western Pokot were "still essentially a hill tribe" (Brasnett 1958: 115; see also Turpin 1948) and thus found

[4] Before the Karimojong got in control of the area west of the Suam River, it was inhabited by the Oropom people who have now been assimilated into other ethnic groups, among them the Pokot and Karimojong (Clark 1950; Novelli 1999; de Vries 2007). The Oropom had been forced to live on the banks of the Suam River over the years because they had been attacked by various groups, among them the Turkana, Karimojong and Pokot. The Karimojong got in control after the final defeat of the Oropom around 1830 near Kacheliba (Turpin 1948; Wilson 1970).

on the mountains in the east of our research area. This idea is derived firstly from the fact that the core group of Pokot was historically founded in the mountains of Sekerr and the northern Cherangani where they practised mainly agriculture, possibly with a small number of livestock, and were hunting and gathering as well (e.g. Beech 1911; Barton 1921; Huntingford 1953; Peristiany 1951a; Porter 1988; Bollig 1990a). Furthermore, the suggestion of Pokot moving into the western lowlands only after the 1880s-1990s was probably strengthened because the first accounts on Pokot territory were made during and soon after these years of rinderpest and drought, which left the plains west of Suam almost entirely empty. Early explorers such as Teleki and Von Höhnel travelling in the area in 1888, still recognised the western plains as Karimojong territory (von Höhnel 1894).

Nonetheless, even though the western plains may have still been controlled by the Karimojong until the 1880s-1990s, the Pokot must have grazed there before this time since a process of cultural fusion had already taken place (Bollig 1990a).

Cultural fusion

In the process of expanding westwards, the Pokot thus encountered the Karimojong, an ethnic group that although considered a rival, was admired because of being more affluent in terms of livestock. According to Bollig (1990a), the Pokot then grazed in the Karimojong territory, where they noticed that even though they had been circumcised, the Karimojong did not regard them as men, because they had not undergone the initiation rite of sapana. He argues that "(t)hough they were generally welcomed by their hosts out of ritual obligations they could not be given the best pieces of meat" (*Ibid*.: 82). In order to gain social standing among the Karimojong, which ensured them grazing rights and stock friends,[5] the Pokot thus began to adopt certain cultural characteristics.

The most prominent feature the Pokot adopted is the Karimojong age-system based on the initiation rite sapana for males.[6] The rite involves the spearing of an ox by a young man, averagely of about 20 years, after which he is rubbed with the contents of the ox's stomach. Sapana defines the time of entering manhood; the ritual grants the young man rights to marriage and access to ceremonies that involve the *kerket*, a semi-circle of men who are seated according to seniority. Prior to the adoption of sapana, the initiation rite of circumcision provided the single means of age-organisation among the Pokot. The practice of circumcision

[5] Stock friendships involve the exchange of livestock between friends out of mutual solidarity (e.g. Bollig 2006 and Schneider 1957). In this way herds are dispersed, something which acts as a form of social insurance (Dietz 1991).

[6] For detailed information about the sapana age-organisation, see Peristiany (1951a).

is clearly recognised as more ancient (Sutton 1976). Circumcision is performed during a boy's adolescence and is followed by a period of seclusion of about three months during which the boy and his age-mates who have been circumcised in the same ceremony receive instructions on how to behave responsibly in family and security matters. Strong bonds are formed between members of the same sets.

As part of marking adulthood through sapana, the Pokot adopted a certain style of head dressing, a practice that is almost nowadays. Initiated Pokot traditionally wore the *siolip* headdress whereby the hair is plastered with mud, coloured with clay and often decorated with feathers. Another headdress that was traditionally worn by initiated men is the *atoro*, a beaded head adornment that was mostly worn on specific occasions such as dancing sessions. The most important Karimojong dances that have been adopted are the *amumur* and *adongo*, and many of the songs are still most often sang in Karimojong language. In addition, other material cultural features were adopted by the Pokot that were, found among the Karimojong and Turkana, but not among other Kalenjin groups. These included the long and narrow shaped shields, wrist and finger knives, skin capes, lip plugs and nose discs and headrest-stools (Huntingford 1953).

Important for our argument, and specific to the Pokot, the adoption of sapana has also spread among them from the western plains in Uganda to the eastern plains in Baringo. This is noteworthy since it is circumcision only that is the primary identity marker concerning age-organisation for all other Kalenjin groups (Daniels 1982).

Merkol as a hero

The story about adoption of sapana is related to a fundamental aspect of the Pokot ethnic identity, namely the strategy of adopting cultural characteristics of neighbouring (enemy) groups for security purposes. The adoption of sapana is believed to have been instigated by a Pochon named Merkol, who came to live among the *Kasauria* section of the Pokot in the present day Alale division, after Pokot elsewhere expelled him because of small theft. In these northern parts, the Pokot lived with the Karimojong and so Merkol learned about their customs. Merkol, who was in close contact with a Pokot prophet,[7] told the Pokot to copy the Karimojong culture in order to be superior to them. One element of this strategy is that Merkol was instructed by the prophet to advise the Pokot to adopt sapana and leave circumcision in order to be less easily identifiable as a Pokot by

[7] Prophets (in Pokot known as *werkoy*) are highly respected. They are able to predict the future through their dreams and they advise the community according to which upcoming dangers and opportunities they foresee. Prophets inherit their position through the sub-clan line.

their ethnic neighbours, who do not circumcise. Because the Karimojong trusted Merkol (because he had assimilated by doing sapana), he was able to scout their territory. Merkol is still remembered as a hero among the Pokot, because he was able to deceive the Karimojong by informing the Pokot about their position and mobilizing large groups of warriors to raid them.

Considering Merkol and his interests, Peristiany (1951a: 190) also believes that the adoption of sapana and the headdress were strategically instigated by Merkol "to become invincible in battle". Furthermore, Schneider (1967), who gathered folktales among the Pokot, recorded a story about a hero named Merkol, who was known for deceiving the Karimojong. Concerning the deceiving attitude, it might be illustrating to quote Andiema *et al.* (2003: 199), who rightly postulate that, for the Pokot "[i]n the traditional 'scale of tribal values', the highest one is the ability to increase one's herd through intelligence, force and even cunning".

The story of Merkol is indicative for a general survival strategy among the Pokot, whereby adopting cultural characteristics of a neighbouring rival group, and thereby hiding one's original identity, is considered essential in order to noy only cooperate but also to take advantage. At the time of adopting sapana, the Pokot had probably lived together with the Karimojong in relative concord, with fairly stable territorial boundaries between the ethnic groups.[8] The Pokot who did move to the plains came to live in Karimojong territory, whereby they adopted their form of age organisation to be equally respected by their neighbours – whom they admired for their pastoral lifestyle – and with the strategic aim of sharing resources.[9] For the Karimojong it might have been acceptable that the Pokot lived among them and adopted their practices, as they felt respected or at least it made social gatherings easier as seniority could be defined for all. For both ethnic groups the adoption can believed to have widened their circle of exchange through the exchange of livestock, wives, services and food.

The story points to the believe that the Pokot used the trust they acquired out of the assimilation to overpower the Karimojong, thereby illustrating a change in the balance of power between the two groups during the early decades of the 20th century. Consequently, the adoption of sapana and related Karimojong cultural characteristics by the Pokot can be seen as an identity strategy; by defining a

[8] I use the expression 'relative concord', because before the 1880-90s the more powerful Karimojong (in both population and livestock numbers), might have been too strong for the Pokot to attack on a regular and large-scale basis.

[9] The admiration for the Karimojong (and Turkana) is also expressed through the fact that the pastoral Pokot like to marry their women, as they are considered tough. It was said that such mixed marriages would produce strong offspring (especially strong warriors).

wider identity, survival of the Pokot ethnic group was assured through securing a more stable resource base.

Adopting cultural characteristics of neighbouring rival groups for security purposes is still common among the western Pokot. In order not to be detected when scouting the enemy territory, many Pokot along the borders of their territory are fluent in both the Karimojong and Turkana languages. Furthermore, most men refrain from circumcision in the northern parts of Pokot territory. This is done, not only to identity with the Karimojong, but also because the homesteads might be attacked if groups of warriors would be in seclusion for a period of several months.[10]

Considering the adoption of cultural elements of the enemy, it invokes feelings of superiority as one respondent explained:

> "For the Pokot its means pride to have copied this. We feel advanced and are generally known to be very good at adopting, not only names, but also language and dances. We consider it as additional knowledge. Also, it is necessary for survival to know about the other's culture. In order not to be identified when spying, it is very useful that the Pokot are able to speak the Karimojong and Turkana languages. Something that is almost impossible vice versa. The Turkana and Karimojong find it very hard to speak the Pokot language".[11]

The pastoral tradition of raiding

For the Pokot raiding livestock from enemies has been an integral aspect of their culture, and they claim the practice has existed from time immemorial. For as far as can be traced back in the national archives, the Pokot and surrounding neighbours, most notably the Karimojong and Turkana, have been raiding each other on a regular basis, at least since the end of the 19th century.[12] The Pokot therefore generally refer to themselves as an isolated group that is surrounded by enemies (e.g. Bollig 2006). Historically, this led to the ideological belief that in order for them to survive they have to conceal their identity through adopting cultural characteristics of their neighbours.

Bollig (1990a) has linked the raiding tradition among the Western Pokot to the adoption of the sapana age organisation. However, I believe it was not necessarily the new age organisation that enabled large-scale military mobilisation. A

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[10] In case of the Eastern Pokot, Muir (1985) also found that men had refrained from circumcision for the same reasons in Nginyang for approximately 25 years because of intensive conflict with the Turkana.

[11] From interview KONYAO # 2 (6-6-2005).

[12] The suspicious attitude of the Pokot towards the Karimojong and the Turkana can also be shown by the way they refer to them as strangers/enemies ('*ghomin'* or '*gham'*) There is traditional hostility and mutual distrust between the groups as one respondent noted: *"Even when we graze together, we know the peace can always break*". From interview KAPENGURIA # 14 (7-6-2007).

very well organised and effective military organisation was also found among other Kalenjin groups, most importantly the Nandi, who base their age-organisation on circumcision.[13] In the case of Pokot, military organisation is not that strictly defined to certain age-ranks anyhow (e.g. Schneider 1959). Peristiany (1951b: 282) correctly states that "(1) although entry into manhood is regulated by the age-system no obstacles are put in the way of the would-be warriors (2) the age-system does not provide for enforced retirement, and (3) the offensive and defensive organization is based on the principle of the nation armeé so that all able-bodied men carry and use arms as long as they are in a position to do so". Bollig (1990b: 88) also notes that among the Pokot the rhetoric of age-sets may be used to motivate men for warfare, however "[a]ge-sets are not organized as a military organization. They lack internal leadership and formal group organization". According to Pokot tradition, all able-bodied men are considered warriors who have the duty to defend the Pokot community, which includes its territory and livestock.

Instead of explaining the origins of raiding through age-organisation, we might rather see the promotion of militarization among the Pokot, as a means to occupy the western plains ans as a consequence of the increasing focus on pastoralism during the 19th century. In his assessment of the eastern expansion of the Pokot, Bollig (1990a) confirms this point. The highland Pokot, initially poorer in terms of livestock, may prefer to live a pastoral lifestyle, which is traditionally considered superior to an agriculturalist lifestyle, and raiding is a means to attain this. Although livestock is highly valued by both the agricultural and the pastoral Pokot (e.g. Edgerton 1971; Meyerhoff 1981), logically the latter are more dependent on it not only for food needs but also in terms of dowry, stock friendships and ritual ceremonies. This makes raiding more important for the pastoralists of the lowlands than for the agriculturalists of the highlands. The pastoral Pokot are respected for their raiding skills and therefore the defence of the community. People from the highlands could speak about them in heroic terms: "They are the real Pokot. They live out there on the plains and protect us".[14]

For all Pokot life rotates around livestock and defending this key resource ensures the survival of the community. By tradition, it is better for a Pokot to die when protecting the community and its livestock during raids, than to die of any other cause (e.g. Lipale 2005). Raiding parties are principally defined by ethnic-

[13] During the 19th century the Pokot were under heavy attack by the Nandi, who were notorious for their skilled military organisation. In addition, the Nandi warriors, led by their prophets, were able to strongly resist the establishment of colonial rule (e.g. Matson 1972).

[14] From interview MAKUTANO # 3 (17-5-2005).

ity, and warriors act on the basis of primordial attachments.[15] The high risks taken during raids are explained by a central motivation behind raiding, namely the desire of warriors to prove themselves, to establish a reputation. Warriorhood is associated with aggressive and violent behaviour; raiding and killing enemies adds to the social prestige of men (e.g. Bollig 2006). The symbolic value is underlined through the fact that the names of warriors may be changed after they have killed an enemy and body marks may be placed as to show their courageous achievements.[16] The heroism associated with raiding is also publicly promoted, for example in traditional dances and songs that incite men to fight.

A desired situation of independence and prosperity of the Pokot household is fostered through raiding. Hence, a successful and thus respected warrior is someone who is self-sufficient and has a homestead with more than one wife, children as well as a large herd of livestock. Only married individuals are considered full members of the community. The younger warriors carried out raids because they are eager to marry and they needed to accumulate livestock for dowry payments. Also for the somewhat older warriors, raiding is still a prestigious act, because when successful, it increases the herd through gifts from the raiders and thus independence and prosperity of the household. It opens possibilities for further marriages.

Ethnic unity despite internal differentiation

Even though both forms of age organisation (circumcision and Sapana) are found among the Pokot, their importance varies considerably in Pokot territory. For the pastoral Pokot of the eastern and western plains the ritual of sapana is most important in defining adulthood, for the agricultural Pokot of the highlands circumcision is imperative and sapana is considered by them merely as an additional and last step in process attaining maturity. That the more ancient custom of circumcision is most important in the highlands can be explained because the ethnic core area of the Pokot is situated here.[17] A respondent that portrayed the variation stated:

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[15] Because familial ties may cross ethnic boundaries as inter-ethnic clan networks exist, it is possible for warriors to kill relatives during raids.

[16] In order to signify that a warrior has killed either a male or a female enemy in a fight, respectively the suffixes – *tum* and – *le* or – *moi,* may be added to his name (e.g. Lipale 2005). Furthermore, the shoulders of Pokot warriors are traditionally scarred after killing enemies, whereas in addition, sisters of warriors may put scarring marks on their bodies as to praise the strength and courage of their brothers.

[17] This different perspective on ethnic traditions is also shown by the fact that female circumcision is more important for the highland Pokot than for the lowland Pokot.

> "The functions of the circumcised men are still very much clear in the (highland) areas of Sekerr, Sook, Chepareria, Ortum, Marich, Sigor and Lelan. Here uncircumcised men are regarded as children, which means that they cannot bless, do parpara (ritual cleansing), or talk with authority. Among the pastoralists of the lowlands, it is not such a big deal when you are not circumcised; here it is sapana that counts".[18]

According to Peristiany (1951a: 204-205) the existence of a dual age-system among the Pokot has the following implications for people from the highlands: "[T]o marry without having made sapana only results in a loss of prestige. There is no uncleanness from which to purify oneself, no danger of contagion for one's sexual partner, kinsmen, or neighbours. Kerket feasts are not as frequent in the hills as in the lowlands but when they do take place the man who has not made sapana will not enter the kerket but will stay outside it".[19]

Even though there might be some disapproving remarks about the difference in defining manhood between the people of the lowlands and highlands (i.e. they might refer to each other as children or women), the dual age-system has not led to internal disarray or even disaffiliation among the Pokot. I believe that this ethnic unity can be explained because the Pokot understand that the adoption of sapana was essential to the survival and expansion of the Pokot community as a whole. In addition, and perhaps more important, sapana and related Karimojong characteristics are associated with the highly valued pastoral lifestyle.

> "Having livestock is essential for a Pokot, because it is needed for food and dowry. A Pochon would, provided that there is enough livestock, always prefer to live fully of the livestock".[20]

Livestock and cattle in particular, is what makes life meaningful to the Pokot; it provides food and it structures life as relationships, such as marriage and stock friendships, are mediated through the exchanges of it. Already in the early 20th century, Beech (1911: 9) noted: "The Suk lives for his cattle, and everything is done to make them an object of reverence." Among the Pokot, livestock is very much esteemed for its beauty and is associated with most of the rituals – it is the resource that is valued most. This resulted in the general term '*mey'* among the Pokot, which refers to poor people within the community, especially to those

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[18] From interview KONYAO # 3 (7-6-2005).

[19] Besides the adoption of sapana, it was found that among the pastoral Pokot on the western plains more cultural Karimojong characteristics were adopted. Firstly, some clans originated from Karimojong and certain clan praises and burn marks for the livestock were taken over from Karimojong clans that shared the same totem. These practices were said not to be in use among the highland Pokot. Secondly, the Pokot have adopted Karimojong names (for both persons and livestock) and learned their language. The latter also resulted in a dialect on the western plains that differs from the Pokot dialect that is spoken in the highlands.

[20] From interview KACHELIBA # 14 (28-4-2005).

without stock.[21] Schneider (1957: 281) mentions that "cattle wealth is undeniably a source of prestige and some status". Especially the people from the lowlands expressed this rather strongly:

> "If you don't have livestock, you are considered a dead man. You cannot speak in front of a public; you will not have an audience. You will not be given the best meat".[22]

Kotomei (1997: 18) emphasises once more: "A Pochon who has no livestock is as good as a dead one. Pokot take livestock as their life line, that is no livestock no life".

Despite the fact that livestock herding is traditionally perceived as the ideal way of life, there is also great respect for the agricultural Pokot of the highlands. People from the lowlands put it this way:

> "The relation with the hills is always there",[23] and "The Pokot honour the highlands, because it is their ancestral land and there is food in times of hardship on the plains."[24]

The clan land in the highlands forms a base where clan relatives from the plains can ideally fall back on. Furthermore, the ethnic core area in the highlands was considered as a safe haven where moral standards were strict and pure Pokot culture was preserved. Peristiany (1951a: 189) clearly summarises the relation between the people from the plains and hills in his description of the sapana age-system of the pastoral Pokot: "[I]f, from utilitarian motives, they fell in with the ways of the Karamojong, the pastoral Pokot never failed to display the greatest respect for everything connected with the ritual of the hill people. The pastoral lowlands may be a provisional Eldorado, the hills are the ancestral home and its inhabitants the living repository of ancestral values".[25]

Part II: Settling down

Conflict in the context of 'depastoralisation'

The second part of this chapter discusses how the Pokot regard the pastoral life-style and the tradition of raiding in more recent times. Both were believed to

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[21] The Pokot also distance themselves from the more agricultural Marakwet by terming them *Chepleng*, meaning 'poor people' or 'those without stock'.

[22] From interview KACHELIBA # 20. (5-5-2005).

[23] From interview KACHELIBA # 20 (5-5-2005).

[24] From interview KACHELIBA # 21 (3-6-2005).

[25] Respect for the highlands is furthermore asserted through the worship of Mount Mtelo, the central and highest mountain in the Pokot territory, which is situated in the ethnic core area at the eastern part of Sekerr Mountains. Mount Mtelo is considered as a sacred place by all Pokot, something that is expressed during ceremonies whereby the *kerket* is formed and the circle of men is facing the mountain.

have been seriously affected since the late 1970s, whereby the time of major change was often traced back to the year 1979. This year coincides with the start of a three-year period known as the 'Dark Age' among the Pokot, throughout which the community was hit by several calamities (Andiema *et al*. 2003). Especially the pastoral lowlands were affected, according to Dietz (1987: 241) by "probably the severest crises of the century". During these years, there was an escalation of insecurity problems, rinderpest, drought, epidemic diseases and famine.

Insecurity increased firstly because the raiding conflict flared up after 1979. This was the year when Idi Amin's regime collapsed, which made Ugandan soldiers in Upe open up the Moroto Barracks that were fully stored with AK47 arms, in the hope of receiving support of the local people. The Matheniko section of the Karimojong as well as Tepeth grabbed the chance to arm themselves and raid their neighbours. As a result the region quickly armed, and whereas the raiding situation had been relatively peaceful before, because the Karimojong feared reprisals from Amin, from 1979 onwards large scale conflict arose between Pokot, Karimojong and Turkana (Dietz 1987).

The situation worsened because a prolonged 2-year drought had made grazing poor and harvests fail. Furthermore, outbreaks of goat disease and rinderpest caused animal loss during these years. Even though some relief food was distributed, people were left desperate for food. It was said that people had to eat the carcasses, something that led to a severe cholera outbreak claiming many lives.

Just as the Pokot had began their restocking and raiding between the Pokot and Karimojong had died down, in 1984 disaster struck again. After some Pokot had raided Sebei and large landowners in Trans Nzoia, the government decided to carry out a major disarmament operation. This operation was targeted on the Pokot alone, leaving them vulnerable to the attacks of their non-disarmed neighbours. In order to force people to surrender their guns, cattle was confiscated in large numbers. During the operation many people lost all their cattle, as only a very small portion of it was returned and most of it had died while being crammed in the army camps. As a result, dowry payments had to be postponed. The situation aggravated since the operation was carried out in another period of drought and famine, and relief food was hardly distributed.

Osamba (2000: 22) argues that the disarmament operation of 1984 could be seen as "evidence of attempted depastoralisation of the Pokot". Although already in 1979, "the point had been reached where less than one-third of human food requirements could be secured from subsistence livestock production", since then, "the gradual process of undermining pastoralism suddenly accelerated"

(Dietz 1993: 86-87).[26] By the mid-1980s, many Pokot had become in Dietz' (1987) words, 'pastoralists in dire straits'.

The calamities since 1979 plus the operation of 1984 have made many Pokot to look for other than pastoral means of survival. The insecurity led to "an exodus towards the south*"* as someone who had also fled articulated.[27] Many northern Pokot residents of Alale and Kasei divisions (in addition to many Upe Pokot) settled around Kacheliba, a relatively safe area compared to where they had lived before. Many tried to survive with the little livestock that was left, others started farming, or opened shops. A portion of the new refugees together with some of the original residents from Kacheliba proceeded and migrated to the mountainous areas of Kapenguria, Lelan, and Chepareria and even further to Trans Nzoia to look for jobs as casual labourer. Later on these changes were also brought back to north Pokot, where people also began to invest in livestock trade. Furthermore, gold and ruby mining, as well as the selling of *miraa*[28] have brought some new opportunities, which also stimulated the cash economy. Insecurity also increased school enrolment because many parents send their children to school for food and protection.

The raiding conflict continued after 1984, and coupled with famines and outbreaks of diseases, this meant that it has been hard for the Pokot to recover from what had happened to them in the period of 1979-1984. Although there have been times of peace, the effects of the conflict are disturbing. To give an indication, it was estimated by Adan & Pkalya (2005) that in the whole of West-Pokot district during the years 1994-2004, more than 50,000 livestock was stolen, 349 lives had been claimed, and 94 people had been injured livestock raids.[29] Because of decreasing herd sizes,[30] livestock raiding has increasingly become regarded as

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[26] Dietz (1993: 86) explains that the decline of pastoralism was already underway before 1979, because of strong population increase attributable to improved medical conditions over the years. All this, "despite the fact that the number of animals had probably increased by more than 60 percent since the 1920s".

[27] From interview KACHELIBA # 8 (19-4-2005).

[28] Related to the khat family of stimulants.

[29] The authors do not make clear on which sources their estimation is based. Most probably, they have looked into files of the police and local administration. Therefore, the actual number of stolen livestock, deaths and injured persons may be considered much higher as figured here, because by far not all raids are reported in the official records.

[30] Zaal & Dietz (1999) have shown that the number of Tropical Livestock Units (TLU) per capita has decreased strongly during the last century. (1 TLU = 1.42 head of cattle, ten hair sheep or goats, one camel; whereby a absolute minimum of 3 TLU is required for strict pastoral survival in terms of food needs, not taking into account livestock requirements needed to support a local network.) The figure for the whole of West-Pokot district stood between 4-7 TLU/cap in 1926, and dropped to between 3 and 4 TLU/cap from the 1920s until the 1950s. In 1983, the figure had dramatically fallen to 0.5 TLU/cap, and the year 1987 gave

'excessive'. People mentioned that since they already had less livestock to depend on, it was more difficult to rebuild herds after raids. Additionally insecurity has negatively affected development activities as many developmental workers feel safe enough to work 'in the field'. Moreover, the insecurity has led to massive displacement (Pkalya *et al.* 2003), whereby people retreat to safe areas around the towns, which also causes for overgrazing and soil erosion.

Gun culture and ineffective security

The most obvious change in raiding since 1979 is due to the prevalence of automatic weapons. Guns, especially AK47's, are very popular among the pastoral Pokot and the opening up of the Moroto barracks in Uganda made them available on a large scale. While it is difficult to estimate how many guns are owned by the people, most people are accustomed to living with guns. As a mission report notes: "In West Pokot, carrying small arms is only strange to a stranger in the community" (NCA 2006: 5).

Besides the recruitment of home guards,[31] disarmament operations have proven to be the most consequential attempts by the Kenyan government to address the raiding problem. Since the late 1970s, the Pokot have been disarmed every few years (Mkutu 2003). Both the Kenyan and the Ugandan governments have generally taken the stance that insecurity in the region follows primarily from the proliferation of small arms. For example in 2001, when president Moi ordered the people to surrender their guns, he preposterously tried to make his point by stating that, "[t]raditionally (in a situation without guns), cattle rustling does not involve killing people" (*Daily Nation*, April 18, 2001).

During my fieldwork in May 2005, the Kenyan government had just started a new disarmament operation. This reminded my respondents of the 1984-operation described above, especially when they saw helicopters flying to the army camp in Kacheliba.[32] One week before the operation, notably a former Pokot Administrative Police officer described the deteriorated relation between the Pokot and the state as follows:

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only a slightly better figure of between 0.6 and 0.7 TLU/cap. At the time of writing (1999), they estimated that the western lowlands still only had 1.3 TLU/cap.

[31] In Kenya these are KPRs (Kenya Police Reservists) and in Uganda LDUs (Local Defence Units). However, there are strong doubts about the success of these forces. Home guards may either lack support of the government to work effectively, or use the guns they are provided with to participate in raids (e.g. Mkutu 2003; Adan & Pkalya 2005; NCA 2006; Mieth, this volume).

[32] The operation of 1984 is also known by Pokot as *Lotiriri*, which refers to the noise of the helicopters that were used (Dietz 1987).

> "The Kenyan government is ever picking on the Pokot, especially now when there is a new threat of operation. The government does not act like a father, who is interested in his kids and provides security, as it should be doing, but instead it treats the Pokot as mad dogs, having rabies, by which the only means to end it, is to kill it. … I blame the government for never doing real research on the causes of violence. Since 1984 there have been no sustainable improvements, nothing has been done. The Pokot feel they have been left on their own. … The images of the operation of 1984 are still very much alive. They were reminded once more in 1997 when tanks and helicopters stood ready again and 60 Pokots were killed when fleeing to Uganda. Every government has so far done an operation among the Pokot, it is kind of like a tradition."[33]

The continuing disarmament operations have made many Pokot regard the government as an enemy, whom they treat with great suspicion.[34] Guns are needed for protection, so the majority of the pastoral Pokot argue, and because the government is not providing this, they need to take matters in their own hands. Instead of 'targeting' the Pokot through disarmament, people felt the government should rather provide security through stronger enforcement of law. Yet, police forces are barely present in the isolated areas and people are prone to attacks from enemies. Furthermore, although the army camp in Kacheliba assisted the community for example through the distribution of relief food, they hardly reached out to the public to provide security from raids.

Apart from the more general complaint that the Pokot were marginalised, there is a strong underlying belief that actually the Pokot warriors are actually feared by the government security forces. The Pokot depict their warriors, especially those of the lowlands, as highly skilled, they consider them tough men who are familiar with the rough terrain they live in. They are known to strike and are easily able to hide themselves from security forces. Some respondents argued that disarmament operations were carried out with most force in the highlands where there are fewer weapons but where they can be found more easily. The search in the more remote parts of the lowlands was less intense as the pastoral Pokot were more cunning by tradition. The Pokot from the lowlands only handed in some of their older or defunct weapons, sometimes even with the assent of the army.

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[33] From interview KACHELIBA # 10 (26-4-2005). Because of fear for the operation, it was estimated that around 26,000 people had fled the research area into Uganda (*Daily Nation*, May 11, 2005). The disarmament operation proved unsuccessful, as many others that preceded it. After three months, only 2100 out of the targeted 50,000 arms in the North Rift districts had been surrendered. However, incidents of cattle raids had gone up by 30 per cent over the same period (*East African Standard*, August 6, 2005).

[34] It must be said that the disarmament operations place the chiefs and sub-chiefs in a difficult position, since it questions their loyalty to their community vis-à-vis the government. Kamenju *et al.* (2003), describe the same dilemma for Marakwet chiefs, who themselves became "victims of insecurity".

Ethnic politics and the discourse of marginalisation

As said, the Pokot do not respect the government security forces, even though at times they may be feared. In this regard, the colonial administration was rather commended. They were said to be present in the area in greater numbers and perform with more strength. Greater legitimacy was attributed also because they were seen as non-aligned. Since independence, Kenyan politics has become defined by ethnicity. This has made the Pokot reason that the lack of development and security in their area is a deliberate act of marginalisation by the government because they do not share the ethnic identity of the president and the ruling party. People mentioned they experienced this not only under the Kikuyu presidents Kenyatta and Kibaki, but also under president Moi, a Tugen and thus fellow Kalenjin. The devastating operation of 1984 was carried out when the latter was in power and the Pokot felt that they were intentionally marginalised, compared to other Kalenjin communities.

An important new catalyst of conflict since roughly the 1980s has been the influence of politicians, who are concerned with ethnic politics. By representing the most numerous ethnic group in their constituency, politicians may strategically choose to inflame or stay silent about conflict against other communities, as they position themselves for the next elections.[35]

For example, former Environment and Natural Resources Minister Francis Lotodo, also referred to as the 'King of Pokot', became known in the media for making inflammatory statements. According to the *Sunday Nation* (September 13, 1998): "Each time he issued an ultimatum to one or the other ethnic group to return stolen cattle or face the wrath of the Pokots, a murderous raid would ensue". A report of Human Right Watch notes: "The use of inflammatory rhetoric in the North Rift did not end with Lotodo's death (in 2000); to the contrary, incitement by Pokot leaders reportedly increased in 2001" (HRW 2002: 66-67 referring to KHRC 2001: 48-52).[36] Besides disarmament, major concerns have been the historical land losses in Trans-Nzoia, and the construction of the Turk-

[35] The fact that the Pokot are found on both sides of the international border, has made it interesting for MPs and councillors to campaign in both countries, since many Pokot are said to be in possession of both Ugandan and Kenyan identity cards (e.g. Singo & Wairagu 2001; *East African Standard*, October 25, 2007).

[36] Kapenguria MP Samuel Moroto, who succeeded Lotodo, warned in 2001 that the Pokot would use force to reclaim land in Turkana and Trans Nzoia Districts; "if they (the non-Pokot) are not ready to surrender the land peacefully my kinsmen should not worry because I'm going to protect their interests" (*Sunday Nation*, March 25, 2001). Just three months before I arrived in the research area, Moroto had been "spending the Christmas holiday in jail over incitement claims", as together with the mayor of Kapenguria and two councillors he had "allegedly urged the members of the community not to vacate land in West Pokot District belonging to non-Pokots" (*East African Standard*, January 3, 2005).

well Gorge Dam, for which it is strongly felt the Pokot were not fairly compensated.[37]

The MPs discourse of marginalisation strongly appeals to the Pokot, who feel they are 'left alone' or mistreated by their governments. To illustrate this, during the process of the National constitution-writing the MP of Kacheliba constituency stated: "Getting Kacheliba put on the record as an area deserving special affirmative action and having the Pokot included among those who suffered historical injustices are what this new Constitution is all about for me" (*Daily Nation*, August 15, 2003).

Through the influence of national politics, the Pokot have articulated their ethnic identity stronger. Overall, issues of control and access to land have become of vital importance to defining the Pokot identity. Whereas from tradition Pokot have a strong moral to live peacefully with other ethnic communities in their own territory, in the last few decades this open outlook has been questioned. For example, when there were threats of a coup against president Moi in 1982 and again in advance of multi-party elections in 1992, non-Pokot immigrants where chased away from the towns in Pokot District.

Modern values and generational conflict

The decision-making authority of the elders concerning raids had lessened, as increasingly the younger warriors are no longer following their advice. Compared to the warrior groups that were active in raiding in the years before 1979, the more recent warrior groups tended to behave differently. One concerned elder summed up some characteristics:

> "The Ngopotom and Ngisigira, [warrior groups that raided during the 1970s] are known for being organized, they organize themselves even when they were eating. They listened to the elders when they were going for raids, they don't make a lot of noise (quarrel). These people did not have the Kalashnikovs yet, only a few homemade guns that came from the Turkana. The appreciation of traditional culture among this group is still very strong. Besides, they don't drink so much. … The younger warrior groups are those such as the Ngidinkai (actively raiding since the late 1980s and 1990s). These guys don't listen to any advice. They are very aggressive. They are stubborn and they drink a lot. However, the Ngimunyongkwo (also known as Rumokorogh, who raided since 2000) is the worst group of all. They grew up with guns; they don't know about traditional weapons, each boy should have a gun. Just like the Ngidinkai, they do many evil things. They don't follow the clan marriage rules, even the

[37] These matters have also brought forward by political activists appealing for the Pokot case. One of them stated that the Pokot armed themselves because they were "simply seeking remedies for the historical injustices that saw us lose large tracts of arable land over the years" (*East African Standard*, December 16, 2002)

girls (of that age). The respect is gone. They can even shoot their fathers, if these don't agree with the sons' plans to marry. They are very dangerous because of the guns."[38]

This quote points to the belief that declining respect for the elders and for traditional Pokot culture is accompanied by the prevalence of guns. It is nothing new that warriors feel attached to their weapons – this has been the case with traditional weapons too. However, the authority of the elders was no longer effective in managing the conflict. The young generation was said to behave in more autonomous ways, for example by marrying or raiding without the advice or blessing of the elders. The complaint is especially strong because in traditional Pokot culture, expressing respect to elders is considered as one of the most important values and bypassing this is thus deemed as an offensive act. How then do we explain the rejection of traditional moral standards by the younger generation and, perhaps more important, why is the older generation not able to restore their authority? Instead of attributing this generational conflict to the introduction of guns, I believe we must investigate it in the light of a wider context.

To start with, the position of the elders is at stake because they are confronted with modern civilisation and development thinking, something that has brought new values to the area. These new values were attributed to the influence of Christianity and education. The majority of schools in the area are founded and sponsored by missions. Most of the missions are foreign funded and thus in a relatively good financial position compared to the government. Especially during the 1979-1984 period, they were able to take a prominent position as relief agencies, and many parents decided to send their children to school for food and protection.

The missions take an uncomfortable stance toward many of the Pokot traditions, although the approach varies per denomination, as the Protestants are stricter compared to the Catholics. In general, the missions express disapproval of livestock raiding, traditional initiation rites, requesting advice and blessings from traditional specialists (such as prophets, intestine interpreters and shoe tossers), worshipping of ancestors and the sacrificing of animals that is related to this. The Protestants generally require more changes as they may not approve the wearing of the traditional Pokot adornment, and order for the complete abolishment of alcohol. Besides, they are stricter on the point of monogamy.

Elders who are educated and Christianised are placed in a difficult position as they hinge between traditional and modern forms of identity. On the one hand, they see the benefits of development in the area and know that integrating in the

[38] From interview AMAKURIAT # 4 (17-6-2005). The names of these warrior groups are mostly identified in North Pokot, Alale Division; as such, they may not be recognised in other parts of the research area. However, the problems associated with the younger warriors are commonly acknowledged.

modern system is needed to acquire positions of political authority. Many of the individuals that have undergone these changes are the ones who are currently taking leadership positions (*e.g.* chiefs, teachers, religious leaders) in the community. They often regarded themselves as role models, who are to convert 'the traditional people' to the ideology of the nation state, so that the Pokot community comes out of marginalisation. On the other hand elders may fear the 'erosion of culture' as it was frequently described, probably even more so because their position of authority is affected. One elder who went to school in the late 1960s where he was also Christianised explained:

> "Elder people are not so tough on traditions anymore. They have benefited from education and religion. The older generation is gone now. Although the elders have left traditions themselves, they still find it unpleasant to adapt to the new situation."[39]

Related to the declining authority of elders is the depreciation of the traditional age-systems in the area. People who are influenced by modern values may regard the methods as outdated and uncivilised. Although most missions regard male circumcision as a good thing as they say that this is also preached in the bible, they prefer that the operation be carried out in medical clinics, for hygienic reasons but moreover because the traditional education taking place during the seclusion period of traditional circumcision, was considered improper. This means that a large part of the new generation grows up without the traditional education – which places emphasis on the respect for senior age-sets – and without the social bonding between age-mates that is related to traditional circumcision. Furthermore, elders complained that the proper naming and time-sequencing of age-sets was affected because of this.

A similar decline of the sapana initiation rite is recognised among people who are educated and Christianised. In addition, some people cannot afford to offer an the animal for the ceremony because of scarcity in livestock. A worried elder set out the implications:

> "Less people do sapana. This causes a generation conflict. The ones that have done sapana are proud and feel complete. They view the ones who did not do sapana as children – they are not allowed to sit in the kïrket, and they cannot eat specific parts of the meat. They may not speak inside the arena before the elders or officially open the girls who come out of circumcision. Their sons can never undergo sapana, it stops the chain. The ones that don't do sapana are mainly the Protestants, because they see the practice as something pagan."[40]

Whereas the traditional age-systems may be lost because of modern values, the idea that education will put an end to raiding proves unrealistic. Instead, it was put forward that many of the younger warriors were in fact 'dropouts', who had left school for various reasons such as feelings of indifference or difficulties

[39] From interview KACHELIBA # 5 (14-4-2005).
[40] From interview KONYAO # 2 (6-6-2005).

paying fees. This leaves these boys without the feeling of being rooted in traditional culture, and often without employment opportunities. A teacher noted:

> "There is a hanging group of youth, who go for rustling and robberies in order to gain economically. Many parents have left their children at school, without giving them direction. They think they are in the right place, but the young children go to town and chew miraa, drink bear, smoke cigarettes, while they claim to have gone for study".[41]

Besides the fact that modern values have altered the perception towards traditional Pokot culture, another incentive towards this is the commercialisation of the livestock economy. Especially since the 1990s, this has opened up opportunities for commercially inspired raiding. Large traders have come up, who transport the livestock to other parts of Kenya.[42] It was believed that these affluent individuals were facilitating raids, not because they organise raiding parties as is assumed by some authors (e.g. Mkutu 2003), but because they buy and export raided livestock. Raided livestock can be sold without difficulty, as there are no security forces that inspect markets in the area. Zaal *et al.* (2006) have estimated that approximately 10,000 heads of cattle leave West-Pokot District each year for the Western highlands and Nairobi, although they suppose this number is probably underestimated since much trade occurs outside of official routes. They assume a lot of the raided cattle end up in the market (*Ibid.*: 162).

Selling raided livestock also destabilised the social organisation of the community because thieves traditionally do not steal from fellow Pokot. This is considered a serious crime. The thieves may even be involved in a trading network that crosses ethnic boundaries. In Amakuriat, a victim of cattle theft by a fellow Pokot mentioned:

> "Now that there is peace with the Karimojong, the thieves sell the livestock in Karamoja. This makes it more difficult to trace stolen cattle. Cattle-thieves amongst the Karimojong and Pokot are friends. They help each other to find markets on the other side to sell the stolen cattle."[43]

Because stolen livestock is increasingly being sold, raiding is now increasingly perceived as excessive, since it can be carried out independent of the availability of land or labour for livestock management and moreover because it "excludes reciprocity as marketed cattle cannot be raided back" (Krätli & Swift 2001: 9).

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41 Interview: CHEPARERIA # 14 (31-8-2005).

42 Zaal & Dietz (1999) show that the 'caloric terms of trade' have become more positive for pastoralists in the research area during the 20th century, thus making it increasingly favourable for them to sell their animals in return for grains, especially when they trade for maize (compared to millet). However, they note that the market-based form of food security is affected because cereals are increasingly sold to the urban markets, instead of the pastoral lowlands, and liberalisation since 1990 has cause for sharp price fluctuations.

43 From interview AMAKURIAT # 4 (17-6-2005).

People from the bush

The extent of development activities and infiltration of modern values is spatially defined in the area. Places where people live a primarily sedentarised lifestyle are more involved in cultural change. Therefore, during the interviews that focused on the perceptions towards traditional Pokot culture, often distinctions were made between people from 'town' and people from the 'bush' or 'village', 'reserve' or 'interior'.

The pastoral community still desires a lifestyle in which livestock features prominently. Even though many people have to rely more on cereals these days, "as a way of life, subsistence pastoralism is clearly preferred", like Dietz (1987: 287) also found in the 1980s when the pastoral community had been tested to the extreme. For the pastoralists farming has become integrated in their lives, even though "in the past herders looked down upon the farmers. They were considered poor people. Nowadays people have actually learned that you could eat rubbish" referring to the consumption of grains without milk, as one pastoralist noted.[44]

Still, pastoralists are sceptic about some cultural changes that modern development has brought along. For example, for them to put an end to raiding or to be monogamous is contrary to their ideals. Therefore, churches are hardly visited by the pastoralists (especially the men) as their cultural perspectives differ. The changes of modernity are often met with ambiguity. While some of the pastoralists might send a few of their children to school (probably in the long run to provide for other income opportunities) and see the advantages of development activities such as medical clinics, boreholes or relief food, the cultural changes that come along with it are not so beneficial to them.

In contrast to the pastoralists perspective, the town community has internalised a discourse of modernisation. They often refer to the pastoralists not only as traditional but even as uncivilised or backward. For some former warriors, also called 'reformed warriors', this has meant that they ended raiding and began to invest in livestock trade or other small businesses, often inspired by Christian values. The ideology of modernisation as opposed to pastoralism, actually originates from the early colonial times, when "progress was to come from the Hill Suk" (Visser 1989: 34). The colonialists put emphasis on agriculture, and found it hard to convince the Pokot to change their pastoral lifestyle. The Pokot were therefore often thought to be 'conservative people', who were 'resistant to change' (Schneider 1959; Patterson 1969).

We could portray the attitude of the town community towards the pastoralists and the raiding tradition as ambivalent. On the one hand, many of the town peo-

[44] From interview KONYAO # 5 (7-6-2005).

ple, often consisting of former pastoralists who were forced to adopt a sedentarised lifestyle, still remember their live as pastoralists, which despite its hazards, seemed less complex to them. Moreover, many of them still own livestock that is often herded by their relatives who are continue living a pastoral lifestyle. The settled people still value livestock, as one of them illustrates: "As a Pokot, you should always have at least a few livestock, only then you can be respected".[45]

In addition to this, the heroic qualities attributed to pastoralists do not fade away. Pastoralists are still admired for their tough spirit and means to protect the Pokot community, even in the modern context. A teacher remarkably told that:

> "The pastoralists are generally believed to be sharper and wiser than the farmers. Even today, they (the children from the pastoralists) lead in class. The pastoralists are able to protect the community. When they campaign for parliamentary seats, the farmer has a hard time proving that he is capable of leading. In times of war the pastoralists are leading."[46]

On the other hand, new identity strategies are emerging. Town people argued that because the pastoralists were not giving up their old lifestyles, especially in regard to raiding, the Pokot became known as a violent and backward community. The media reinforce this suggestion through biasing their news coverage about the Pokot mostly to raids and the prevalence of arms.[47] A modern perspective on human rights condemns the violent practice of raiding. Also, being seen as a violent community living in an insecure place is not favourable for town people. They might see their trade or development diminish as people are afraid to visit or work in the place.

A grains salesman from Chepareria explained the complicated position of town people towards the pastoralists:

> "For example in the war with the Marakwet, the pastoralists from the lowland came to rescue the farmers from the highland. The pastoralists were camping in the highland, spying and fighting from there. They were the militia with skilled war techniques. … We tell them that they should stop raiding, because is gives the Pokot a bad name, it presents a poor picture. People elsewhere are afraid of the Pokot."[48]

The different response to the raiding conflict between pastoralists and the town people is also altering the scope of identification with the adopted culture of the Karimojong. Unlike in the past, when adoption was stimulated so the pastoral

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[45] From interview MAKUTANO # 12 (1-10-2005).

[46] From interview CHEPARERIA # 17 (6-9-2005).

[47] To highlight one, the *Daily Nation* (2003, August 4) heads: "For the Pokot firearms are a way of life" and continues by stating that the Pokot are "a people who have changed little with time. … a people who, from time immemorial, have regarded cattle rustling as a virtue and insecurity as a normal hazard to be endured. … It is not uncommon in the Pokot countryside to come across *shuka*-clad lads casually wielding guns in the bush where they could be anything from homeguards to herdsmen and bandits".

[48] From interview CHEPARERIA # 9 (30-8-2005)

Pokot could gain social standing in the Karimojong community to ensure grazing rights and stock friends, nowadays people who have other than pastoral means of survival ask themselves:

> "The new generation is giving their children Pokot names, instead of Karimojong names. This happens especially among the educated ones, who are proud to use the Pokot names and saying: Why should we borrow the culture of an enemy tribe?"[49]

A larger sense of 'Pokotness' which has been reinforced through the ethnic politics, has furthermore led to increased importance of the practice of circumcision. This was already forecasted by Peristiany (1951a: 205), who believed that: "... circumcision will be attended by a larger number. This is due to the 'increasing pride of race', of Pokot who, having now spread over a much greater area than they occupied before, feel that their increase of cattle and land entitles them to treat their pastoral neighbours on an equal footing". Although sapana is still important for the pastoral Pokot, and most of their men along the borders still refrain from circumcision because of security reasons, an increased number of pastoralists choose to be circumcised as well. When asking why, someone replied: "Because when you are among those other Pokot, you're the same" referring to the need to be equally respected by other circumcised Pokot.[50]

Conclusion

In this chapter, I have examined the meaning of the raiding conflict for the ethnic identity of the Pokot for two different periods from a constructivistic perspective. This was done by taking Günther Schlee's preliminary theory of integration and conflict in account, in order to examine how different conditions may opt for changes in the scope of identification.

By tradition livestock is the resource that Pokot value most, also by the more agricultural Pokot in the highlands. The raiding tradition was introduced as the Pokot gradually expanded from their mountainous core area to the surrounding lowlands. Therefore raiding is mostly associated with the pastoral section of the community, although it also offers opportunities for the more agricultural Pokot. And even though raiding may be regarded by outsiders as a practice which affects human rights, it is considered as a legitimate means for Pokot warriors to establish themselves in the community. It enlarges access to a key resource and hence increases the degree of personal independence. Furthermore, the act of raiding, which is accompanied by the killing of enemies, forms one of the ideals of warriorhood, as men involved are admired for showing courage. For the pas-

[49] From interview KONYAO # 2 (6-6-2005).
[50] From interview KONYAO # 2 (6-6-2005).

toralists, a certain degree of conflict and insecurity are accepted as part of their lives.

During the latter half of the 19th century, the Pokot got in control of the western lowlands, an area formerly inhabited by the Karimojong. This rival group was admired by the Pokot for being more affluent in terms livestock and for controlling the land to graze on. In the process of expansion the Pokot adopted cultural characteristics from the Karimojong, most notably the sapana age organisation. By doing so, the Pokot peacefully gained access to land and livestock as they were identified as equals by the Karimojong. As the Pokot prospered, especially after the Karimojong had been severely hit by droughts, diseases and famine in the years 1880s-1990s, they were able to shift the balance of power to their advantage. The story of Merkol, who instructed the Pokot to adopt sapana, points to the indicates that the Pokot saw it as a strategy to hide their original identity in order to eventually overpower their enemy. We can thus agree with Simonse & Kurimoto (1998: 4) who explain that age-systems as inter-societal phenomena "are instrumental not only in binding different kinship groups, village communities and territorial sections of a region, but also in bringing together different ethnic groups as meaningful units of interaction both antagonistic and peaceful".

That the Pokot chose to integrate the sapana age organisation is especially remarkable because they traditionally place more emphasis on the circumcision age organisation, something they share which other Kalenjin groups. Until today the Pokot practice a dual form of age organisation, whereby sapana is more important to the pastoralists of the lowlands and circumcision is more important for the more agricultural Pokot in the highlands. In this sense ethnic identity of the Pokot can best be described as a matter of spatial graduation, something which Dahl (1996) also found in case of the Boran. This has not led to internal disarray because there continues to be a need for a secure a stable resource base. While the pastoralists from the lowlands are admired for living a pastoral lifestyle and their protection of the larger Pokot community, the agriculturalists from the highlands are admired for living in the ancestral homeland (i.e. preserving pure Pokot culture) and because their land forms a refuge area for people of the plains to fall back on in times of hardship.

I also discussed identity strategies in more recent times; the period from the late 1970s onwards, when pastoralism was seriously undermined. The region was hit by several calamities including drought, famine, livestock diseases, and increased insecurity because of more frequent raids and harsh disarmament operations by the Kenyan government. This spurred intensified hatred not only towards the neighbouring ethnic groups, whose raids were seen as excessive in times of livestock scarcity, but also towards the Kenyan government, which was felt to deliberately marginalise the Pokot.

By voicing this sentiment, which I described as a 'discourse of marginalisation', politicians framed Pokot identity in the national context, something which may also explain why the Pokot are so much associated with raiding by other Kenyans. There is an imminent danger in addressing the community through this discourse. Kenya's typical political-administrative system is still very much spatially defined by ethnicity, which means that MPs may often speak in the name of the dominant ethnic community in their constituency. This may amplify inter-ethnic mistrust and hatred and incite people to violate often innocent 'others' on the basis of primordial attachments.

Faced by declining opportunities to live a pastoral lifestyle, and development activities that brought new services to the towns, many Pokot chose or were forced to sedentarise and opt for other livelihoods. This has caused for an ideological separation within the Pokot community, whereby people in towns have taken on a modernising discourse and have started to disassociate themselves from the pastoralists and their traditions (including the sapana age organisation). However, the attitude of the town people may be termed as ambivalent. On the one hand, they still value livestock and the warriors' courage and ability to protect the community. On the other hand, they adopt new identity strategies and livelihoods, whereby raiding is not beneficial to them in terms of development and trade.

The elder generation is in between these positions and they hinge between modern and traditional identities. While some of them benefitted from newly acquired positions, they also criticise the youth's disregard of Pokot traditions. Concerning raiding, elders complained that young warriors were no longer respecting them and raided without their consent. While they often attributed this to the introduction of the gun culture, I have argued that the gun may rather be seen as a symbol not only of the fear of the elder generation to be superseded by the younger generation, but also of the rejection of traditional moral standards by the latter.

This chapter has shown that, as Waller (1993: 302) noted for the Maasai, ethnicities are "in an endless process of transformation". Following the theory of Schlee (2008), it was illustrated that the Pokot have made use of both including and excluding identity strategies by emphasising different identity markers, whereby the choice for these strategies was based on securing resources crucial for survival. The absence or presence of conflict in the form of livestock raiding has been a defining factor in shaping these strategies.

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6

Ethnic tensions in harsh environments: The Gabra pastoralists and their neighbours in northern Kenya

Karen Witsenburg

This paper[1] explores the recent ethnic frictions of a pastoral group with its neighbours in Northern Kenya. The changes in the social setup, due to political and economic discrepancies, culminated in the 'Turbi Massacre' in 2005. This event and its aftermaths serve as a case study to explore the vicissitude of ethnic violence in a marginalized area where individual choices, collective action, political and economic marginalization, local and global influences are interrelated but obscure in its genesis due to an incessantly altering palette of group alliances. It is argued that seemingly 'traditional' fights like raiding are motivated by modern political tools that are used in the struggle to exclude and marginalise the 'hostile neighbour'.

Introduction

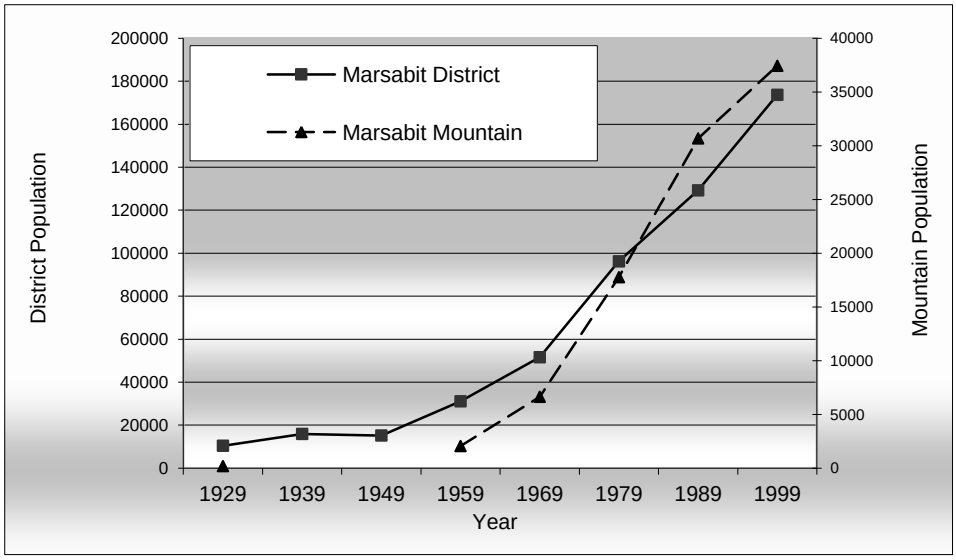
Marsabit District in Northern Kenya has always been pictured as an insecure area. In the colonial time it was a closed district governed by military rule. Today it still features in the media as an insecure area where banditry, raids and ethnic clashes seem to be part of every day life.

Marsabit District is mainly occupied by pastoralists of different ethnic backgrounds. Pastoralism is a traditional production system based on livestock, that engages in various degrees of mobility. Most people in this very dry area are nomadic pastoralists, whereby the whole family moves the homestead according to the rainfall pattern. The area is for over 80 per cent semi-desert and savannah

[1] The field data for this paper were collected in January-February 2007 and July-August 2008.

bush land, which is presently mainly used for extensive livestock rearing. Some groups only move the animals, but leave the homestead behind with some milk animals. Sometimes such households also engage in agriculture, once they have settled in an area where rainfall is high enough for crop cultivation. The population has grown steadily and fast since independence in 1963 (see Figure 6.1). The number of people living in the district has more than doubled over the past 30 years, but also the number of ethnic groups has grown due to immigrating refugees from wars and droughts in Somalia and Ethiopia. The main ethnic groups in the District are presently the Borana, the Gabra, the Rendille, the Samburu, the Burji and the Turkana. Smaller groups are the Somali (traders from Somalia), Degodia, Ajuran, Garre, Sakuye, Dassanetch, Waata, Konso and Sidam. Most of these groups have their near of kin living in Ethiopia and/or Somalia, except the Samburu, Rendille and the Turkana. Ethnic identities are dynamic, in the sense that individuals can identify themselves with different ethnic groups. Not only because of intermarriage, but also because in every group there are clans and subclans that overlap with neighbouring groups. Equally dynamic are the relationships between groups. Most have histories of animosity, temporal alliances and violent conflict. It is in a situation of conflict that clear boundaries between

Figure 6.1 Human population trends in Marsabit District[2] and Marsabit Mountain



Source: Adano & Witsenburg 2004, p. 139.

[2] In the era of the British colonial administration, Marsabit and Moyale Districts together were part of the Northern Frontier District. Until 1995, Marsabit and Moyale together formed one district. For these reasons, all data referring to Marsabit District also include present day Moyale District. The figures are based on population censes; of which the last one was conducted in 1999.

ethnic groups are drawn. This paper will narrate a situation where that suddenly happened.

The dotted trend line in Figure 6.1 shows an important change in lifestyle: The sedentarisation process among nomadic people. This trend line indicates the rapid settling down of pastoral people who, due to herd losses and impoverishment, increasingly inhabit towns and villages on Marsabit Mountain where they engage in arable farming, trade or casual employment. Impoverishment is partly a result of frequent droughts associated with heavy livestock losses and increasing insecurity. Not only pastoral impoverishment and insecurity caused settlement growth; also trade opportunities, a better access to educational and health services and the desire to leave the nomadic pastoral system attracted people to settle down (Adano & Witsenburg 2004).

Marsabit District was always known for its violence; frequent border attacks, military activities, banditry attacks (*shifta*) and animal raiding seem part of daily life (see also the report of the Kenyan Human Rights Commission for an overview of violent incidents since 1990 – KHRC 2000). However, there was a steady decrease in violence since colonial times, and the 1990s was a decade that showed a relatively tranquil situation (Adano & Witsenburg 2004). Since 2001 the situation seems to have changed for the worse.

Marsabit District is a vast area (over 66,000 km^2), where on all sides skirmishes and raids occurred in a relatively short period of time since then. 2005 may be one of the most violent years in the recent history of the District. Not all incidents are related, and not all Gabra and Borana were involved in an 'ethnic war'. However, there are many convergent factors resulting in deteriorating interethnic relationships between these groups in the process, which had the potential of becoming a true civil war.

The number of people that have been killed in interethnic violence fluctuates each year (see Table 6.1). On average it is about 36 persons per 100,000 inhabitants (what we call the 'Kill rate') each year from 2002 to 2008. From 1949 to 1959 it was about 25 persons per 100,000 inhabitants. There seems to be an increase in this last decade. With this high kill rate it comes close to the most insecure urbanised areas in the world.[3] Often, urbanised areas are perceived to be

[3] Nairobi (1997): 76.6 – Washington DC (1997): 56.9 – Pretoria (1997): 43 – Moscow (1997): 17.1 – London (1997): 2.5 – Amsterdam (1997): 5.6.
The figures in Marsabit are underreported compared to the other regions, because the Marsabit figures only include violence deaths as a result of interethnic fights or raids. The other regional statistics include also killings within families or within the own ethnic group. The London and Amsterdam statistics also include cases of death as a result of neglect or abuse (but not euthanasia). It is indeed very difficult to compare such figures, but the gap between Amsterdam and Marsabit is in reality certainly much wider. [Sources: Home Office, Gov-

much more insecure, as in essence everyone can fall victim to a violent attack, while in pastoral areas only specific groups are targeted at any time. Insecurity is therefore perceived to be higher in urbanised areas, since everyone feels threatened. By comparison, security in the pastoral drylands is enhanced by living and working in close proximity to the own ethnic group, whereas in urbanised areas this protection is lacking. We may therefore suggest that feelings of insecurity are partly instilled by the number of potential enemies. In an urban setting the number of potential enemies seems endless, because no one may know their true enemy. In the pastoral setting, the potential enemies may come from this one hostile ethnic group only. Therefore, just comparing kill rates does not say much about the quality of insecurity. Yet, looking at the high kill rate nevertheless raises questions about the capacity of the present government, the NGOs and local cultural formations to cope with life-threatening violence.

Table 6.1 Violence in Marsabit District, 2002-2008

	2002	2003	2004	2005	2006	2007	2008
People killed[a]	23	9	11	155	35	33	44
Injured	8	6	7	65	47	8	18
Livestock stolen[b]	849	1,071	1,289	11,601	39,477		
Raids			8	42	45	8	10
Kill rate[c]	18.9	7.4	9.1	127.6	25.5	27.6	36.2

Notes: a) This is the sum of people that were killed as 'bandits' and in raids.
b) This is an estimate.
c) Based on population census 1999 when the Marsabit population was 121,520.
Source: Police records Marsabit Station, adjusted with information from the Peace and Justice Committee Marsabit.

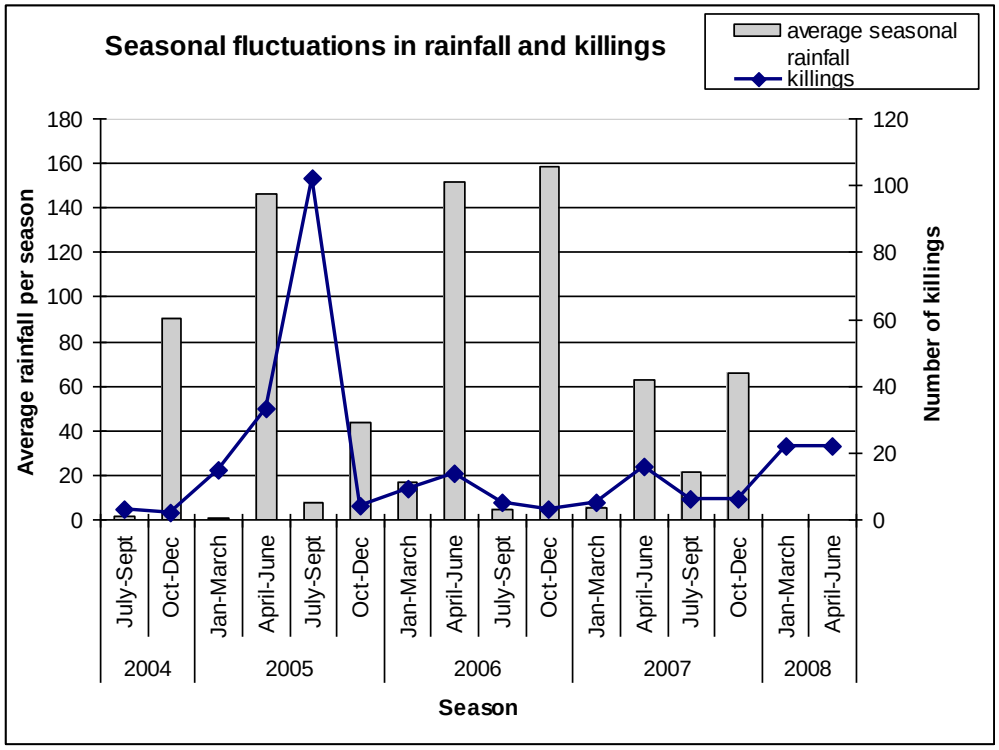
In Figure 6.2 we portray a timeline of the latest records of ethnic violent deaths, reported by the Peace Committee of the Catholic Mission in Marsabit. The pattern is in line with evidence from earlier work (see Adano & Witsenburg 2004, 2008), which generally shows an increase in violent deaths in the rainy season April-June, and a lower rate for the other seasons. An exception is July 2005 which showed a very high number of violent deaths. This is the time of the Turbi Massacre when many people were killed in an early morning raid. In the following section we will elaborate on the exceptional situation of that event.

ernment of the UK (Barclay & Tavares 2002) and Police Commissioners Report (in Gimode 2001)].

The Gabra-Borana conflict: Fight over natural resources?

In the morning of 12 July 2005, a gang of Borana fighters attacked Gabra inhabitants of Turbi, a small village along the Addis Ababa – Nairobi road in Northern Kenya, some 60 km to the south of the Kenyan-Ethiopian border. Around 70 people were killed with guns, spears and machetes, among them women and at least 22 school children. Around 15 Borana fighters were also killed on the way to Ethiopia where they wanted to seek refuge with thousands of raided animals.[4] The Turbi Massacre as it is named since then, received global media coverage and attracted worldwide attention. Until today, people are still wondering how such a cruel event could take place.

Figure 6.2 Seasonal fluctuations in rainfall and killings, Marsabit District, 2004-2008



Source: Records from the Peace Committee Marsabit Diocese.

[4] Figures vary per document. The Peace Committee of the Catholic Mission registered 85 deaths, including 15 'bandits' from Ethiopia. Nine Borana were killed in Bubisa on the same day. The 'fact finding commission' of the government reported 50 killed adults plus 22 children. (Marsabit Conflict Assessment Report 21-28 July 2005, The mission team had Oxfam, ALRMP, SNV, SRIC, ITDG, NCCK, DAI, PEACENET, CEMERIDE and COPA participating in it. The Teamleader was James Ndungu, SRIC.

Even though the relationship between many Gabra and Borana had cooled down for a while, the attack came as a surprise. The relationship between the two groups has mostly been familial and peaceful, be it at times competitive, but never so violent. How closely they were related can be seen from their frequent intermarriages, the sharing of waterholes and pastures, and the way they looked after each other's animals. Before the massacre most border villages were a mixture of Gabra and Borana residents living in relatively undisturbed coexistence, and social cohesion was strong. Moreover, they assisted each other in raids against other neighbouring groups, and provided hospitality and accommodation for each other while on transit (see also Schlee (1989, 2008) for an extensive study on the relationship between Gabra and Borana).

Since 2000, relationships between these two ethnic groups deteriorated. In August 2002 one Gabra was killed allegedly by Borana in Turbi. In retaliation, about 700 small stock were captured from the Borana by the Gabra. Despite peace meetings between the two groups no repayment was done. Borana herdsmen were denied access to Turbi town and its water dam, and Gabra were denied access to Rawana and Wolda boreholes. This situation continued through 2003. There was no sharing of resources, but no violence either. Both parties refused to pay the debt (100 Borana cattle to the Gabra for killing, the return of the small stock to Borana). Finally, at a peace meeting in May 2005, the Gabra agreed to return the small stock and the Borana said they would compensate for the killing of the Gabra in Turbi.

But before this was done, three Borana men were killed, allegedly by Gabra, at Forole, a small border settlement between the Hurri Hills and the Ethiopian border. Borana retaliated and raided Gabra villages along the border and animals were stolen. Then three Borana cattle herds were captured from Marsabit and Hurri Hills, whereby two Borana men were killed. Borana retaliated by burning Gabra houses in Marsabit and the killing of one person. Then, Gabra killed six Borana in Forole, a mountain ridge straddling the border with Ethiopia.

Between May and July 2005, before the Turbi massacre, there were around 10 fights between the Gabra by Borana from Kenya and Ethiopia, of which one attack was presumably carried out by Amarkoke from Ethiopia. About 30 people died in the raids and counter raids. This culminated in the large scale attack on Turbi town, when a large group of Borana attacked Gabra families in the early morning hours. The attackers killed a class of 22 school children, and shot dead many mothers who tried to run away with babies in their arms and raided thousands of animals.

The increasing hostility and frequent violent encounters show that the gap between Gabra and Borana had widened during that decade. The relationship between these ethnic groups deteriorated rapidly. The fact that people were killed

can be considered the sad outcome of the conflict. The reasons or triggering events remain to be discussed, and the following account of events presents those.

Fight over a borehole

In 2000, the Rawana borehole that is located between Turbi village and Wolda, was the focus of a power struggle between the chief of Wolda and the inhabitants of Turbi Town. The Rawana borehole was dug by the United Nations High Commission for Refugees (UNHCR) in 1991 for the refugees from Ethiopia and Somalia who were settled in Wolda in order to provide an alternative water source for the local communities. After the war in Ethiopia was over and the refugees returned, the borehole was handed over to the local people who organized themselves into a group called 'Rawana Water Users Association' who lived in Turbi, the village situated 3 km to the South of the borehole. This village was, and still is, mainly inhabited by Gabra herders. In 1997 however, a new administrative boundary was drawn which removed the borehole from Turbi Town. The borehole was now located in Sololo Division, while Turbi was located in North Horr division. Initially, the borehole was run as it was before: Water Users who paid a yearly contribution managed it collectively, and anybody paying for water could use it irrespective of ethnic affiliation. However, Borana from Sololo wanted full control over the borehole they claimed was theirs because of the new boundary that was drawn. It became a long and tedious struggle between the Gabra of Turbi and the Borana in Sololo, in which a number of politicians were involved. The battle was mainly headed by the chiefs of Sololo and Turbi, but soon also people in the administration and the Members of Parliament of Moyale (Borana) and North Horr (Gabra) were involved. The Gabra eventually decided to give up the borehole in Rawana, and revenged by obstructing Borana herders to use the dam in Turbi town.

This struggle marked a severe weakening of the traditional mechanisms of water allocation; Borana and Gabra have always used and shared each other's water sources (see also Adano & Witsenburg 2004). They could both own and use water holes in each other's grazing area without this being a source of discontent. It is important to note that it is not scarcity of water per se that motivated people to fight; no one was excluded from water as long as people adhered to the rules. The fact that it was not possible anymore for Gabra to own or manage a water hole in Borana territory (which it only became after the new boundary was established!) points at a serious deterioration of a previously relatively uncomplicated relationship. The reason for this deterioration was the problematic link between ethnicity and territoriality in Kenya, and the feeling that people had that what was located

outside their administrative division could no longer be considered theirs to manage.

Fight over the Hurri Hills

The Hurri Hills is a mountain ridge located close to the Ethiopian border, within Marsabit District. It is located within North Horr Division, and is now used by both nomadic pastoralists and agro-pastoralists of Gabra, Waata and Borana origin. Hurri Hills is a green and fertile place where rainfall is higher, and which is therefore attractive for settlers to practice rain-fed agriculture. Gabra and Waata perceive the Hurri Hills as originally theirs, since it has historically important ritual and symbolic meaning in Gabra and Waata culture. Gabra accepted Borana families in the past to come and settle, especially at a time when inter-ethnic relationships were friendly and resources not so scarce. Over the years, Borana from Ethiopia came in large numbers and joined their relatives in the Hurri Hills, while the Gabra felt that their hospitality was abused. In an attempt to create order between Gabra and Borana, the government ordered Borana to leave, since they had no identity cards and did not qualify to get them. The Borana felt furious about it, since they felt they had the right to live there like many of their relatives who are Kenyan citizens and who lived there already for 20 or 30 years (*Daily Nation*, July 10, 2005).

For a long time, the Hurri Hills served as a host area for Ethiopian poachers on the way to Marsabit Mountain. It is a source of pride for young Borana men to kill an elephant. Gabra spoke up against their coming, and started killing poachers who sought refuge in their villages.[5] Early 2005 more and more Borana were leaving their farms in Hurri Hills, though not with the intention to leave forever. As one man narrated to a journalist: 'I am not going forever. We are going to Ethiopia to strategise with our relatives who live there on how we can counter our enemies (the Gabra) who have forced us to move out of our productive farms' (*Ibid.*).

The Oromo Liberation Front: Visitor or trouble seeker?

The deterioration of the relationship showed itself clearly when the Gabra started to refuse hosting Borana travellers from Ethiopia. For years the Borana from around the Ethiopian border used to come to Marsabit to poach elephants, but also to raid Rendille and Samburu herders. Militia's from the Oromo Liberation Front (OLF), which is mainly a secessionist movement against the Ethiopian government, were also residing in Northern Kenya, and were hosted by some

[5] This is claimed by Borana and confirmed to me by some Gabra informants. There are however no police records or mission records showing these killings.

Gabra and Borana families. The Gabra have politically never really had an interest in joining a secessionist movement. After the colonial administration left Kenya, the Gabra were not interested in joining the Somali's for an independent Northern Frontier District. In a similar vein, most Gabra in both Ethiopia and Kenya were now not willing to participate in the OLF movement, preferring their independent albeit marginalised position in the present Kenyan or Ethiopian state, rather than being dominated by the Borana.

Borana travellers from Ethiopia who also came as refugees, escaping war and conflict in Ethiopia, and seeking a new home in Marsabit District, could however enjoy some hospitality among Gabra. This migration started a long time ago; the English colonial government tried to prevent Ethiopians from poaching and staying illegally in the country since the beginning of their administration in the Northern Frontier District (NFD).

But since the early 1990s not only Gabra, but also Rendille and Samburu became wary of this incessant influx of Ethiopian Borana, whether they were OLF fighters, poachers, refugees or family members of Kenyan Borana. Around 1999, after the Ethiopian government complained to the Kenyan Government about lack of support against the OLF, the Gabra in Dukana were punished severely by Kenyan government troops for 'hosting' OLF guerrilla fighters (KHRC 2000). Many Borana in Kenya, even though they might not have been ready to actively fight for an independent Oromia, sympathised with the Borana from Ethiopia who fought in the OLF. Gabra at the time however did not feel much sympathy for the OLF. Especially since 2001 when OLF fighters were suspected to hide in Marsabit Forest, where they killed some Rendille and Samburu women on the notorious Songa/Badassa road and Gabra were accused, the Gabra started wondering whether these visitors came as allies or as trouble seekers. A typical incident happened on 18 and 19 April 2005, when three boys and a 7-year old girl were shot dead on or around the Songa road, of which the OLF was accused.

The contribution of the OLF to the present hatred between Gabra and Borana is however difficult to establish. Many Gabra declared that the OLF was by no means a united army. Some factions treated the Gabra politely, and paid for their own food and accommodation. These factions returned to Ethiopia in 2001, 'leaving the Gabra behind in peace'. Other poorer factions raided Gabra villages, raped women and treated villagers rudely and authoritatively and stayed around. This caused hatred against OLF fighters. What complicates the matter is that Borana also accused these OLF factions of mistreating local Borana villagers, not only Gabra (see also Marsabit Conflict Assessment Report 2005: 21). The OLF factions differed in their attitude; some proclaimed that Oromo speakers should not fight each other; some said that Gabra Migo (the Southern Ethiopian Gabra) did not support the Oromo Liberation Movement enough, especially when the

Gabra Migo voted for the government candidates during the Ethiopian elections in May 2005. It was in 2005 widely believed that the OLF was directly or indirectly involved in the Turbi Massacre.

Interestingly, the accusation that the OLF was involved in the ethnic struggle between Gabra and Borana had changed in 2008. It was then said that OLF warriors had gone to Somalia to fight in the Islamist war against the Somali and Ethiopian governments, where many of them died. This rumour cannot be verified, as it is probably just a rumour indeed, but the fact is that in 2008 none of the informants at the study sites had heard about or seen OLF soldiers since 2005. Some informants now say that OLF soldiers may actually not have been involved, but that these assertions just served to exonerate locals from their responsibilities in the conflict.

Ethnic mobilisation after the Turbi Massacre

Before the Turbi massacre, not all Gabra felt as if they were at war with Borana. For instance, Gabra in Nairobi felt not involved in the conflict that developed in Hurri Hills or in other rural areas. However, the Turbi Massacre marked a turning point. Had there been killings and raids before, the magnitude of this attack was different, and it was widely felt as an act of war. People render a symbolic meaning to the killing of women and children. As children are the next generation and represent the prospects and hope for the future of a people, and women represent its procreation, inflicting harm on them is an assault on the ethnic group as a whole. This time, the Gabra felt attacked as a group and they resorted to taking a uniform stand against the Borana. Gabra moved away from Borana villages and settled in small refugee camps. All Borana from small centres like Turbi, Kalacha, Maikona and North Horr were chased away, some were killed, their houses were burnt and their livestock taken. Most of the formerly shared pasture land was quickly divided up, with the 'enemy' being excluded from use of water and pasture. Borana cattle then moved and concentrated on the Marsabit Mountain area, even in the wet season, and could not trek to Moyale anymore because they could not pass through Gabra territory. Neither could Borana livestock from the Sololo-Ethiopian border be permitted to graze around Turbi and Dida Galgalu plains.

The way Gabra reacted to the Turbi attack is a clear example of how ethnic sentiments only became stronger and social cohesion tighter in a conflict situation. Nothing creates more social cohesion in a society than an attack from a perceived common enemy or 'outsider' for that matter.

The conflict between Gabra and Borana turned out to have positive economic outcomes for some Gabra[6] who extended their grazing area in the aftermath of the Massacre. The Gabra could for security reasons effectively close off previously shared grazing ground. The Borana were left with small parts of grazing around Marsabit Mountain. Since the Gabra camels survived all the dry years much better than Borana cattle, there was a worsening economic situation for Borana since the Turbi massacre.

In Marsabit Township, Gabra responded by separating all Gabra transactions from the rest of the market. For a while, Gabra traders only bought and sold their goods from other Gabra, out-competing the other traders on the market. They then build their own market place for cloths, vegetables, hardware and livestock where no other groups were welcome. Separating a market does not seem economically efficient, especially because the Borana are the largest ethnic group in Marsabit District, but Gabra traders and businessmen declared that the separation between Gabra and Borana was economically profitable. By 2008 the market separation was still in place, even though customers did not restrict themselves and just bought their goods there where it was cheapest.

Economic stratification

Economically, there was a perceived growing difference between the Gabra and Borana of Marsabit District which showed itself most clearly in Marsabit Town. Perceived economic inequality usually troubles relationships between ethnic groups, especially when the smaller or 'junior' group economically outwits the one who feels dominant or 'senior'.

Many Borana in the Marsabit Mountain area claim to be considerably poorer than the Gabra inhabitants. No empirical research on economic stratification along ethnic lines has been done yet, but there seems to be a regional wealth difference on the Mountain. A residential area called 'Small Bubisa', an area to the west of Marsabit Township, and mainly inhabited by Gabra, is seen as the villa quarters of the Mountain. The type and size of houses, the presence of solar panels and satellite dishes and the number of cars in the compound show that there is a layer in this society becoming increasingly wealthy when judged by local standards. Most of the wealthy, educated and employed people in Marsabit are of Gabra descent. At present, most wholesale shops and lorries in Marsabit are owned by Gabra traders. And as in European history, those who have the best means of transport stand a better chance of economic improvement as compared to those who don't 'own the road'. Ironically, this was once the opposite. Before

[6] Not all experienced a positive effect; the internally displaced refugees and those who lost herds greatly suffered.

the Northern Frontier District was governed by English rule, the region was inhabited by people who were related to each other through the Pax Borana; a loosely organized number of ethnic groups who adopted the Borana language and accepted a Borana hegemony in political laws. The Gabra paid a tribute to the Borana (*tiriso*), but kept their own camel-related rituals, ceremonies and time-reckoning (see Tablino 1999 and Schlee 1989, 2008). The Borana were horsemen, and had power over those whom they considered their 'clienteles' like the Gabra, Waata, Konso and Sakuye. The English colonial administration however effectively undermined the military power of the Borana by disowning them of their horses, and since then the Borana authority dwindled slowly but steadily. Within Borana culture, seniority over other ethnic groups is still felt, but to what extent this exists only as a social construct within Borana society is a matter of interpretation. This seniority is presently not recognised by the Gabra of Kenya, whose self-confidence was boosted by changes in the nation state, the socio-economic landscape and their increasing economic capabilities.

This newly acquired self-confidence is partly inspired by the work of the late MP of North Horr, Dr Adhi Bonaya Godana, who died in a plane crash in April 2006, along with other prominent political leaders when they were all on the way to a peace meeting. The late MP of North Horr was under Kenya African Nation Union (KANU) reign a countrywide respected Minister of Foreign Affairs and later Minister of Agriculture (1996-2002). Coming from a small pastoral community he had no ethnic-political enemies in wider Kenyan politics, and with his outstanding educational profile (a PhD from Switzerland) he was a highly respected spokesperson and representative at international level. Since 2003 he was in the opposition and felt the NARC government increasingly undermining his efforts and activities to promote his Constituency (with North Horr as headquarter). The Borana resented the position and status of this former minister, whom they accused of only helping his own people. Even though Gabra informants told me that he played an instrumental role in keeping Gabra-Borana relations non-violent, even after the Turbi Massacre in 2005, others say he was one of the reasons behind the Borana hatred against the Gabra. Both MPs of North Horr and Moyale were at times accused of intensifying the conflict between Borana and Gabra.

After his untimely death in the plane crash in 2006 there was a brief interlude of one year with a NARC affiliated MP, after which an MP was elected who seemed no threat to the other MPs in the region. The unstable co-existence between Gabra and Borana was sustained with army forces, police and Kenya Police Reservists (KPRs or home-guards). A true arms race resulted, whereby all villages competed for government guns and bullets.

Environmental conditions

In addition to the economic and political differences, Gabra herdsmen have suffered less from the droughts than the Borana did. Even though Gabra inhabit the driest part of the district, their camels and goats were better resistant to the droughts than the Borana cattle. Borana in Marsabit District have therefore tried to acquire camels, but this did not translate into an improvement of their economic position yet. This is also partly due to the fact that they have relatively limited access to dry grazing land.

Borana in the Mountain area developed an intense feeling of being more marginalised than other groups in the region. Interestingly, competition and self-victimisation played a role in the Borana-Burji violence in the early 1990s as well. Burji then occupied most formal positions in the government ranks, because they were enrolled in education much earlier than the Borana. The considerable ownership of fertile land among Burji on the Mountain is historically explained because they were settled by the English colonial administrators who needed farmers to grow food. Borana envy was at the time claimed to be behind the resentment against the Burji in the early 1990s.

The Modogashe Declaration

To control raids and counter raids, the community representatives signed a treaty for compensation of stolen livestock and people killed in raids: the Modogashe Declaration. This basically entailed that the bereaved party would be compensated with 100 or 50 livestock in case of death of a man or a woman respectively. Also stolen cattle should be compensated according to the declaration. Apart from the fact that the fine was high and therefore hardly put into practice, the reason as to why the death of a man should be compensated twice as much as the death of a woman became a controversy, especially since the killing of women is more often seen as an act of war, while the killing of a man merely treated as a consequence of an ordinary raid. In addition, Gabra and Borana used to have their own compensation rules. A killer was supposed to pay 30 cattle for one person, not 100. Compensation was usually only paid when peace was established, and not to establish peace. Among the Gabra and Borana the Modogashe Declaration was not really popular, and later failed blatantly. It is not known whether it actually ever resulted in full compensation for the bereaved parties since it was signed in 2000. Its failure partly originated from the lack of a legal backing, and after the DC declared in 2003 that the Modogashe declaration is not a legal agreement, it lost its teeth forever.

Obscure politics

The political situation is capricious and not transparent. As described in an earlier work on local informal institutions, the area is governed by a coalition of formal governmental administrators and local leaders (Adano & Witsenburg 2004). The power of current informal local leadership is mainly based on wealth of any kind, be it livestock, land, assets or monetary income. In some rural areas local leadership is still determined by seniority in family and clan, combined by status earned through the age set system. However, informants widely complained that traditional forms of leadership among village elders is undermined and outweighed by the power based on wealth. Wealth is not stable, and has to be continuously secured. Neither can formal positions within the government be secured and sustained. Positions within the government are usually not earned with educational achievements only but also through ethnic alliances and networking. A combination of clan affiliation, political ties and personality may eventually determine the position within government ranks. This also seems to apply to positions within local NGOs. The continuous competition for such places creates temporal alliances that no one can predict or sometimes understand without thorough knowledge of clan politics. There is for instance the Constituency Development Fund (CDF). This is a large sum of money that used to be spent through the line ministries, but is now flowing to the ´community´. This is a policy outcome of the promise by president Kibaki before his election in 2003. The area MP is responsible for establishing a committee, who then can decide how to spend the money each year. The spending of this CDF money is presently highly politicised along ethnic lines, and serves as an incentive to create ethnically 'cleansed' areas. Since Saku Constituency (the Marsabit Mountain area) has a Borana MP, the other ethnic groups feel discriminated and complain that they get less money from the CDF. The same applies to people other than Gabra in North Horr constituency, who complain that all the funds go to Gabra projects.

A new political alliance was formed before the 2005 violent outburst. Some political leaders among the Rendille, Gabra, and Burji combined efforts to formulate a programme for cooperation, called REGABU. This 'ethnic coalition' had their teachers won an election during the Marsabit Teachers SACCO. Together, Burji, Gabra and Rendille form a majority over the Borana, which poses a direct threat against the Borana hegemony in Saku constituency.

The conflict after the Turbi Massacre

The recent Borana attacks against Rendille, and the reconciliation efforts towards the Gabra are often interpreted in that light. In 2006, Leyai was attacked by Borana. Leyai was an agricultural village on the east side or Marsabit Mountain, occupied by a mixture of Rendille, Borana and Gabra farmers. The settlement is

built on the last mountain ridge between Badasa and Songa, and therefore a contested boundary between Borana and Rendille/Samburu speakers. A Rendille was shot at in Songa, and in 2007 a Rendille KPR was killed in Marsabit. In March 2008 there was a Borana-Rendille clash where eight people died. Leyai was again attacked by a large number (at least 50) of Borana who raided the village in plain daylight. Leyai was almost deserted in August 2008. In all these skirmishes Gabra refused to side with the Borana against the Rendille and Samburu, which echoes the conflict between the Borana and the Burji in the early 1990s when Gabra did not support the Borana.

Ethnicising politics

The numerous raids and counter raids, the fight over territories in Turbi and Hurri Hills and Leyai, the refusal to share waterholes and the Turbi Massacre are all symptoms, but not causes, of a process of growing political ethnicity. This may be a process that is characteristic for other places in Kenya as well, in the case of Marsabit where scarcity of resources is nothing new, but raids between two related groups like Gabra and Borana are, the explanation should not draw attention to symptoms only. Consciousness about one's descent, one's clan affiliation and all the social constructs that belong to clan affiliation has always been there, but this overriding concern, or rather obsession with the own ethnicity at the expense of one's ethnic neighbour has only recently reached considerable proportions in Marsabit. Nowadays, all human transactions in Marsabit are motivated by ethnic- or clan affiliation. When political aspirations of MPs, councillors, chiefs and other local political leaders are frustrated by the national government because of lack of attention, leaders turn to local ethnic politics in order to score at the lowest level where grief can cause havoc: Between local ethnic groups. Ethnic politics shows itself in a leader-initiated fight over control of access to resources; which does not arise from scarcity (valuable resources are always scarce, otherwise they are not valuable) but from the chance to consolidate power, as is for instance the struggle over Rawana borehole, or the squabble over the Constituency Development Funds (CDFs).

The CDFs is a tool and a target to create ethnic pure areas. Local opinion also maintains that the creation of new administrative boundaries is directly fuelling the interethnic hostilities:

> "Raiding today is not for the same reason as in the past. Today, it is a way to express resentment against the authorities, for instance in the creation of administrative boundaries. For the nomads there is no other way to express their resentment. You cannot, like in Europe, demonstrate in the street and media coverage will take place. People here are out of communication. They want to show their resentment, through raiding neighbouring groups whose

> political leaders are powerful, and who are seen as the oppressors. If you go out fighting over land, and you see goats, there is no way you will leave them."[7]

Of course we recognize that there are many other motivations behind raiding, and this claim that raiding can also be an expression of outrage against government policy seems a very relevant one.

New administrative boundaries

The creation of new administrative boundaries refers to a very important current problem in pastoral societies, which causes politically motivated raids. Pastoral land in Marsabit, as in many other districts, is trust land, open to all. Accessibility of land is usually determined by availability of water. Use-rights are, traditionally, overriding ownership rights. This means that every nomad has in principle the right to use a well, also in the land of a neighbouring ethnic group if he negotiates well. With the creation of boundaries, whereby new Districts (like Moyale District in 1995, Chalbi and Laisamis District in 2007), new divisions and locations are meant to mark ethnic 'pure' territories, it is increasingly hard to maintain the traditional arrangement of water and land sharing. The violence between Gabra and Borana in Turbi (2005), between Rendille and Gabra around Medatte (2007), and between Gabra and Turkana in Moite (2007/2008), can be seen in that light. In all these places, water points were 'territorialized' after the creation of new boundaries, and traditional use rights were violated. This is in line with our earlier finding on creating clear territorial boundaries triggering violent conflicts (Witsenburg & Adano 2007).

The role of the world religions

Marsabit can be characterised by its relatively peaceful coexistence of the world religions. However, since 2005 there is an increasingly violent and fundamentalist Muslim community in and around Marsabit. Rumours about a possible OLF and Al Qaeda link were spread, especially after December 2006 and January 2007 when a number of OLF fighters were claimed to have died in the Islamist war in Somalia. Some politicians claimed in 2007 that there is cooperation between OLF and Al Qaida, but hard proof was lacking. The Oromo Liberation Front is essentially a non-religious movement, and siding up with one religion would not serve their political purpose. In 2008 these rumours had stopped. Islam is established among all the ethnic groups in the District, and has therefore little potential to play a serious role in ethnic conflicts. The same is true for Catholicism. The Catholic Mission is one of the most respected institutions within the

[7] Interview with Hilary Halkano, Marsabit July 2008.

villages in the District. During times of conflict it is the Mission who sends their priests and peace workers to provide help, consolation and a listening ear.

During the 2005 clashes however, the priests and other peace workers informed us that their activities were increasingly being undermined by Muslim leaders, who refused to participate in peace meetings, and also instigated people not to participate or accept proposals for negotiation. This could turn out to be a major social tragedy.

By and large Muslims, Christians and 'traditionalists' lived together harmoniously in the settled villages in Marsabit District. The Catholic Church maintained a peaceful interaction with Muslims. Muslims were usually not excluded from the health and primary educational services provided by the Catholic Church, nor did Muslims harbour outspoken resentment against Christians. Christians and Muslims have always invited each other to their religious festivities like Christmas and Idd (end of Ramadan), and as people in one family can belong to different religions there was no forthright tension between them. In addition, one can observe in Marsabit that ethnic affiliation is stronger than religious affiliation. As long as families are split and both religions present amongst all the communities, religion is not expected to play a significant role in interethnic conflict in the long term. However, these recent signs of religious animosity seem new and a worrying trend.

The problems and chances of neutrality

Even though such group conflicts as the one that developed between the Gabra and the Borana is called 'ethnic' and ethnic boundaries and territory seem clearly defined, at individual level many people have loyalty struggles and problems with taking sides. By no means are all Gabra in conflict with all Borana. This is the danger when talking of ethnic groups. Many individuals do not share the hatred against the other group, nor do they want to participate or be party to a violent conflict. Among them are for instance the many children from Gabra-Borana mixed families. If they resist being pulled to take one side, the price they pay for neutrality is high. They cannot go to ethnically 'cleansed' villages because they are treated as spies. Those who did not explicitly support one group against the other can hardly expect any support from anybody when in danger. And who can afford that? Those who refuse to take side are therefore a silent minority.

Likewise, women who under normal circumstances form a social link between clans and ethnic groups through intermarriage and love affairs, had to take sides. In the traditional setting, they sometimes form an intermediary between feuding clans or ethnic groups. But the scale and magnitude of the conflict in 2005 between Gabra and Borana paralyzed every traditional conflict-resolving institution or intermediary position of women. They either divorced and joined their own

ethnic group or broke the ties with their own families. Some became very militant to over-scream their previous loyalties. The role women play is usually obscure, as they are not supposed to publicly express their views and they are also left out during peace meetings, but many of them seemingly supported the separation between Gabra and Borana. An interesting detail is the frequent interethnic love affairs between the Gabra and Borana. These affairs had to stop for a while, but in 2008 these affairs were eagerly rekindled. It is even suggested that these affairs eventually helped stop the interethnic hostility. Inter-ethnic love affairs are popular, because love affairs within the own ethnic group are more difficult to keep secret. One informant in Marsabit showed us the new foot paths through the fields where people cross over to the neighbouring village in the night to meet their lover unseen. The influence of women in reconciliation may as well be positive in that sense, but in reality very hard to verify.

Who benefits from violent conflicts?

Ironically, since the violent outburst of conflicts between the Gabra and Borana, numerous NGOs are suddenly present in the District. The conflict has put Marsabit on the map, and this has generated sympathy and brought in a lot of money. 'The Peace Maffia' as it is sometimes called also thrives on the number of conflicts, and has many reasons to extent their contracts with Non Governmental Organisations (NGOs). NGOs, dry-land rehabilitation projects, these are all part of the war-and-peace machine and used by the warring groups against each other. Numerous people earn high salaries since the outburst of violence. Extra relief-food and water distribution to villages in the most remote part of the country, restocking of raid victims, shelters for the refugees, extra health workers and medical supplies were all needed, and new houses and offices that had to be build. It made people realize that it may actually not be beneficial for the economy to have peace at any moment. Every proposal for funding with 'peace-building' as a target gets accepted and brings more money now that NGOs and government institutions operate within the 'development-security' paradigm. The much neglected North got finally some attention, is a feeling widely expressed.

This conflict has no one sole aggressor. Even though an outsider may pinpoint the Borana as the aggressive party after the massacre in Turbi, this event should be merely seen as a stage in a wider process; a process of marginalization of the previously dominant, and emancipation of the previously smaller group. This marginalization finds its genesis also beyond the border of the Kenyan state, because in Ethiopia the Borana have had a very long struggle for existence and for adequate political representation against the Ethiopian government. It is obvious that the Borana do not benefit from this conflict in any case. To apologize to the

Gabra would go against their nature, yet this is what Gabra want of them if there is peace to be negotiated and if there is going to be a return of peaceful relations.

The role of the government

The Gabra of Kenya are by nature independent people who hardly tolerate any kind of externally institutionalized leadership. Yet, they would rather support the Kenyan Government than participate in a liberation movement (like the OLF) under the leadership of the Borana. Especially now that the relationship has turned sour, a joining of forces between Gabra and Borana seems not feasible in the near future; which serves the interests of both the Kenyan and Ethiopian government. The Kenyan government is aware of the secessionist feelings of the Oromo-Borana, and would not like these feelings to spill over to Kenya.[8] Likewise, the Ethiopian Government benefits from the Gabra refusal to host Borana OLF fighters in their villages. To what extent both governments can be held responsible for the split-up of Gabra and Borana people is therefore an interesting question that nonetheless cannot easily be answered. Oskar Mwangi (2006) directly implicates the government in its neglect of the region, and its passive role in preventing the conflict from escalating into a massacre. Obviously the government facilitated the conflict by not intervening at the time of escalation. Whether the government played a more direct role in fuelling the conflict is however a more interesting question but may be impossible to prove. The feuds over administrative boundaries could have been avoided if the government would have been willing to do that. The area MPs of Moyale, Saku, North Horr and Laisamis, who could have known how the government was directly involved, and were all accused of instigation, all died together in a plane crash in Marsabit in 2006.

Conclusion

The deterioration of the Gabra-Borana relationship to this magnitude is new in this region's history. The trajectory of discontent between these two groups however, seems to follow a combination of 'old' and 'new' pathways. Livestock raiding is an old, institutionalised way of pushing someone out of contested territory. Livestock raiding has also been called a way of redistributing wealth (see Fleisher 2000 on the Maasai), and an 'educational exercise' for young men to train their survival skills and gain social standing in the pastoral society, but also a powerful way to force the neighbour 'to move out'. Gabra interpreted the Turbi Massacre as an attempt to push them out of Turbi. Also Rendille and Samburu

[8] Interview with an Oromo-speaking MP in Nairobi, January 2007.

interpreted the attack on Leyai as a Borana attempt to chase them away from the Marsabit Mountain area. However, before these ethnic groups who have a history of intermarriage and co-habitation mobilised and defined themselves as separate and hostile neighbours, a whole process of loosening ties and deteriorating friendships went on in a foregoing timeframe. The creation of new administrative boundaries, the closing off of resources for neighbouring groups, the allocation of CDF funds to particular groups in society are the new, or modern tools to create division between ethnic groups. There is therefore a connection between the old and modern ways of creating these divisions. The creation of administrative boundaries and the allocation of CDF money to certain groups, and thereby marginalising the other can precede a rougher fight (which may look like a 'traditional raid') to push out perceived enemies.

It is therefore important to study seemingly 'traditional' ways of fighting, like livestock raiding, in its relation to modern ways of exclusion and marginalisation, within a context of altering palettes of modern political alliances.

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7

Natural resources and conflicts: Theoretical flaws and empirical evidence from northern Kenya

Wario R. Adano, Ton Dietz & Karen Witsenburg

The Horn of Africa is viewed as a battleground of violent conflicts which are prompted by growing resource scarcity and population increase. Such conflicts are argued to be particularly violent in poor regions where many ethnic groups have to compete for scarce natural resources and where people lack capacity to develop adaptable and ingenuous approaches to avoid or resolve conflicts. This paper tests the validity of such claims using a long-term data of inter-ethnic conflicts and associated incidents such as raids, banditry attacks and killings between pastoral communities in Marsabit District, Northern Kenya. The analysis is strengthened using case studies of access to a severely scarce water resources in rural Kenya. According to the herders, it is more rational to cooperate with people from different ethnic groups in times of drought in order to share the scarce water resources than it is to fight over them. This view was also supported by the yearly statistics on violence which show that twice as many deaths occurred in wet years than in drought years. We find no evidence that violence is increasing in relative terms, nor that ethnic violence is related to environmental scarcity. On the whole, the study cannot verify the assumption that increasing competition over scarce resources on Marsabit Mountain results in more ethnic violence. In particular, water resources seem to play a vital role in social interaction, reconciliation, sharing and cooperation in survival strategies. The result shows how important conflict-avoiding institutions are in societies which have learned how to deal with scarcity by century-old experiences in hardship areas. These conflict-avoiding institutions are shaped and reshaped through time, subjected as they are to natural hardship, external stress, modernity and technological change.

The tenets of conflicts among East African pastoralists

The East African pastoralists occupy arid and semi-arid environments. The ecological marginality of pastoral areas means they are mainly suitable for keeping

livestock, and crop cultivation is limited to a few relatively high altitude areas where rain-fed agriculture or riverine cultivation are practiced. Livestock significantly contribute to food production of pastoral households while also serving as different forms of capital, acting as a store of wealth, cementing social relations and mediating other cultural and ritual practices such as marriage and traditional ceremonies (Tablino 1999). Household ownership of a large herd is not only a source of social standing and prestige, but also serves as savings and insurance against future livestock losses. It is for these reasons that any means of herd accumulation is economically, socially and culturally rewarding. Herd accumulation is also stated as, and seen to be, the strongest justification for interethnic raids among pastoralists.

Scholars have developed and applied several approaches in trying to understand the causes and the underlying motives of interethnic conflicts (Fearon & Laitin 1996) and between pastoralists in particular (Oba 1992; Salih 1999; Osamba 2000). Here, two of these reasons are worth pointing out when keeping in mind the pastoralist groups under study: The changes in livestock as the principal assets and as a store of multiple values, and access to environmental (or ecological) resources in tipping inter-ethnic tension over into violent conflicts (Oba 1992; Hussein *et al.* 1999; Salih 1999). The arguments stated as mainly fuelling ethnic conflicts can be summarised as follows: Declining livestock wealth with differentiated holdings between ethnic groups, and ecological stress that bad rangeland policies are partly responsible for. We briefly reflect on each of these factors in turn.

Droughts and their effects on livestock numbers

The East African pastoral communities inhabit areas prone to high risks, where severe droughts and outbreaks of animal diseases occur regularly. The impacts of drought and other adverse factors cause considerable livestock wealth differentiations between households (Fratkin & Roth 1996) as well as between ethnically different groups. The need to rebuild and accumulate herds, and smoothen out differentiated herd losses after droughts are considered as strong motivations of the inter-ethnic raids and violent conflicts (Osamba 2000). According to this thinking raids constitute vehicles for climbing out of poverty and gaining social status. With repeated droughts and accompanying losses of livestock, and assuming conflict resolution and reconciliation mechanism are not in place, cycles of interethnic raids and counter-raids are likely to reinforce each other. The lack of peace building institutions is a given in view of the weak nation-states and poor enforcement of the rule of law in many African countries today. If this line of argumentation is true, then periodic droughts in the past few decades and pastoral-

ists impoverishment, would cause increased raids and violent conflict incidents in recent years, compared to the distant past.

Ecological stress

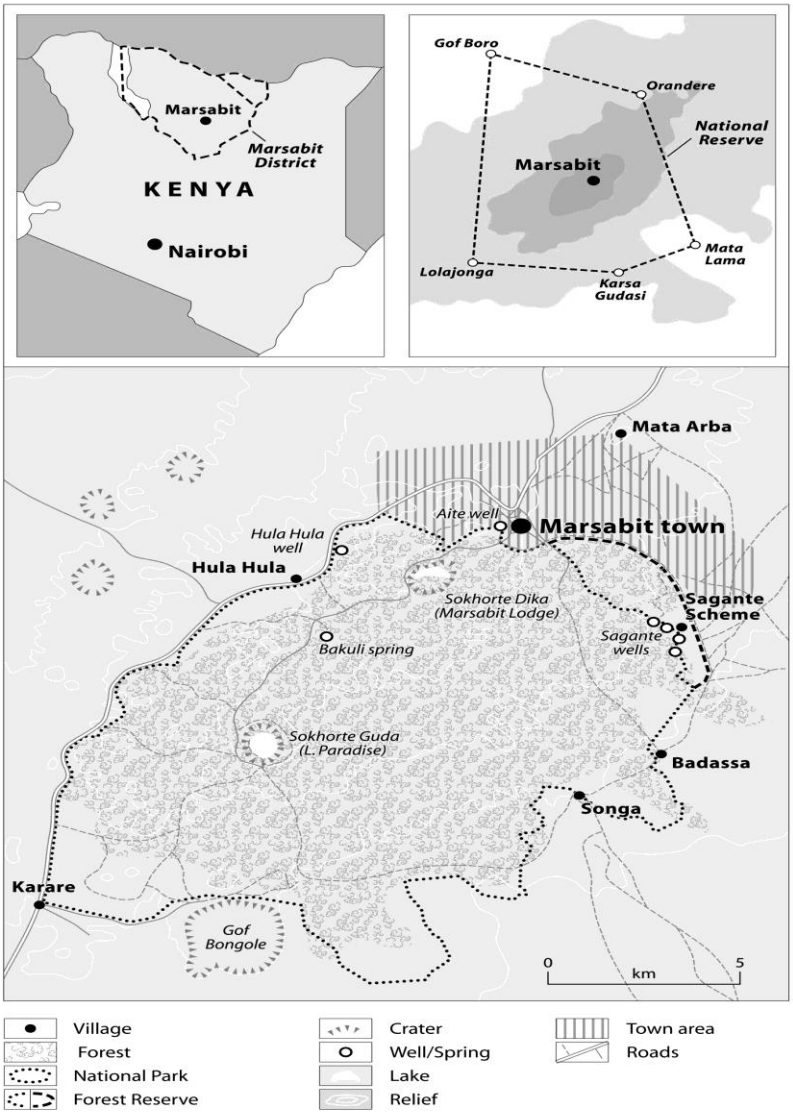
The pastoral production system is founded on flexible herd mobility that optimises production by making use of diverse livestock species combined with spatially distributed rainfall and patchiness of the rangelands. However, the colonial boundaries and present national boundaries are at odds with the pastoral strategies of making opportunistic use of rangelands and of obtaining better livestock production. The national boundaries therefore restrict herd mobility in pursuit of better pasture and water. Restrictive policies on herd mobility result in rangeland degradation, which in turn is followed by negative effect on the pastoral welfare as livestock numbers decline. In so far as political powers define territories and physical boundaries hinder herd mobility, then geopolitics becomes a decisive factor in environmental conflicts and a cause of insecurity across border lands (Salih 1999: 22).

Today many pastoralists depend on smaller livestock assets than ever before because of declining animal numbers. The downward trend in the livestock wealth among the pastoral communities has put human consumption derived from livestock and other obligations that animals fulfil at jeopardy. Indeed, pastoralists are today one of the poorest groups of populations in sub-Saharan Africa. The question is, if the widely held view that poverty is the cause of ethnic raids holds, has the occurrence of interethnic raids and incidence of violent conflicts increased with substantial decline in per capita livestock wealth over time? And, if resource scarcity and degradation causes conflict over these resources, are raids more numerous in dry than in wet years and seasons? This paper primarily deals with inter-related issues of resource availability with regards to access to water resources and changes in livestock wealth in northern Kenya. The overriding aim of the paper is to investigate the empirical basis of conflicts as it relates to the natural resource scarcity-causes-interethnic violent conflicts paradigm.

A study in Marsabit District, Kenya

This paper is a result of a research conducted in Marsabit District of Northern Kenya (see Map 7.1). In particular, an investigation on water resource issues of the use and management of shallow wells receives special attention in the paper. Ownership and access rights, allocation and use of water during drought, were the main topics of investigation that was carried out between 1997 and 2000. The fieldwork for the study coincided with the time of heavy El Niño rains in 1997/98 and the severe drought in 2000 in the region.

Map 7.1 Marsabit Mountain and its surrounding areas



Source: Adapted from Map 1, Survey of Kenya, GTZ/MDP (1988).

The well sites seemed the right places to collect the data because most households and animals in Marsabit District use water from man-dug wells. The water table in the wells has sunk deeper and deeper with increasing drought in 2000. Scarcity of labour, time and space at the few well sites demand that not everyone could come to drink at a convenient time. In such a situation, a considerable amount of labour is needed to water a herd, requiring a high level of organisation and cooperation to get this task done. Tight rules and water schedules were drawn. Moreover, ownership of resources can be ethnically linked, so we were particularly interested in how newcomers or people from different ethnic groups without their own well were treated at the well site. We made case studies of the

wells and their use, for which we interviewed the well owner and all the important elders related to a particular well. Groups of well users were interviewed at the spot, while individuals were interviewed in their houses.

The case studies of wells reported here were carried out around Marsabit Mountain, which is a high *inselberg* of volcanic origin, rising to an altitude of 1,700 m out of the surrounding semi-desert at 400 m altitude. A dense mist forest grows on its peaks and is responsible for the cool and sub-humid climate on the mountain. The average rainfall on the mountain is 800-1,000 mm annually, and drops to 200 mm in the surrounding lowlands, dispersed over a bi-modal rainfall pattern. Vegetation growth in large parts of the district is scanty due to low rainfall and high salinity of soils and water resources.

Marsabit Mountain supports farming, which can be successful in years of normal rainfall. During the colonial era, pastoralist groups were attracted by the green mountain, but were not allowed to settle by the local colonial administration (Adano & Witsenburg 2005). However, a large movement to the mountain started in the 1970s as a result of the Somali secessionist war, large losses of livestock and the droughts of 1973/1974. The Ethiopian war also caused widespread immigration into Kenya. Marsabit Mountain has become an area of refuge for victims from war and droughts.

More than one fifth of the population in the District has tried to establish a livelihood on the fertile slopes of Marsabit Mountain. The population density on the mountain has increased from 1 person/km^2 in 1959 to 18 persons/km^2 in 1999. Impoverished pastoralists of Rendille, Samburu, Gabra, Borana and Turkana origin, as well as Ethiopian migrants with a farming background, live in close proximity trying to establish new livelihoods in an insecure environment. It requires little imagination to guess that the population pressure on land, vegetation and water resources has increased tremendously. The mountain area therefore provides a suitable location for investigating issues of interethnic conflicts, with a primary focus on water, at the height of water scarcity during and after the driest year in the history of rainfall records.

Annual reports and intelligence reports of the Northern Frontier District in the British colonial era until 1960, and the Kenyan Human Rights publication of 2000 on Marsabit and Moyale Districts[1] were the main sources of information for the study. Especially the historical overviews from Marsabit District Annual Reports of the colonial period, Tablino (1999) and Sobania (1979) were a valuable

[1] In the Colonial period, these districts together were part of the Northern Frontier District (NFD). Present-day Moyale District was part of Marsabit District until 1995, and the incidents in both districts have been counted together and weighted for population growth for comparison reasons. Adano & Witsenburg (2004: 736-748) provide an overview of incidents derived from various reports.

source in assessing whether violence[2] in the region had increased over the past century, since they describe each and every incident in great detail. All the incidents and killings that were reported by the colonial government were listed and compared to the number of incidents and loss of life in the last decade. The annual reports of the present-day government do, however, not systematically list incidents and numbers of people killed in armed conflicts. Unfortunately, we had no data for the period from 1960 to 1989, which was an extremely violent time due to the Somali secessionist (s*hifta*) war during part of this period.

Issues linking resource scarcity to ethnic conflicts[3]

The availability of natural resources in relation to increasing population densities is to some extent problematic to address, as the danger of severe resource scarcity seems to be ever-present. Development workers and scholars alike have expressed fears of increasing tension between different groups in society in degrading environments (Kaplan 1994) and in their competition for access to resources (Homer-Dixon 1999). The fear about the relationship between environmental scarcity and violent conflicts is presently receiving considerable attention. It is widely assumed that in less developed countries environmental conflict is likely to happen because of high population growth and high dependency on renewable natural resources. Moreover, Homer-Dixon (1999) argues that poor countries cannot allocate (enough) wealth to research and development to invent new techniques to produce or substitute scarce resources (the so-called 'ingenuity gap'). In addition, developing countries are thought to lack well-defined or enforceable property rights to govern renewable resources (Maxwell & Reuveny 2000: 301-302). A substantial feature of the argumentation is the neo-Malthusian assumption that food production cannot cope with population growth, leading to all sorts of problematic events, including violent conflicts. At the core of this thinking lies the assumption that poverty is related to a lack of social institutions that are necessary to deal with increasing resource scarcity, which will inevitably result in violence. As Homer-Dixon (1999: 108) asserts:

> 'Poor countries start at a disadvantage: Many are under-endowed with the social institutions that are necessary for an ample supply of both social and technical solutions to scarcity …'

[2] Marsabit District is considered a 'hardship area' by the Kenyan Government; meaning civil servants get a 'hardship' bonus on top of their salaries. It does not benefit the police to underreport ethnic violence and raids, as that would reduce the chance that their area of service earns the 'hardship status'. Neither can one rule out the possibility that it might result in over reporting.

[3] The following subsections are based on Witsenburg & Adano (2007).

Thus, the explanation is that violence that results from competition over scarce resources is triggered by governance failures like unequal access to resources and social exclusion, the misuse or overuse of a common property resource and free riding problems among others. In the scarcity-causes-violence paradigm, this lack of good governance is held responsible for increasing tension and violent conflicts in developing countries in general and Africa in particular.

In marginal areas like semi-arid northern Kenya, people have coped with scarcities for centuries. Many institutions exist that have been shaped and reshaped over time to avoid 'resource conflicts' between ethnic groups during crisis times. In pastoral areas, scarcities increase during droughts. Lack of rainfall is directly linked with a number of environmental problems, which undermine the well-being of livestock and pastoralists.

The supply of and demand for resources fluctuate through time. Our first fieldwork period in 1998 was characterised by abundant rainfall. While excessive rainfall can cause its own scarcities, such as lack of food supplies in town, fuel, transport and medicine because of flood-caused inaccessibility, for nomadic households it is also a time of herd growth, enough milk for consumption, good pastures and relatively adequate water supply. However, in 2000 a severe drought had caused severe problems for farmers and nomads alike, and Kenya as a whole experienced an economic crisis. Salaries had gone down, shops closed, projects stopped, children dropped out of school and a famine was threatening the lives of thousands. Only relief food prevented this from happening as more than 80% of the households in the District received relief.

The above situation shows that resources are so dynamic and so fluctuating in their supply and demand that quantifying relative scarcity is difficult. There are nonetheless indications that point in the direction of increasing resource scarcity. One way of throwing some light on scarcity would be to assess trends in livestock numbers – the principal assets of the pastoralists. The absolute number of people and livestock has increased over the last century but livestock wealth relative to population has gone down. Whereas rangelands have had to support a larger number of animals, the number of animals (expressed in tropical livestock units (TLU[4])) per person has decreased tremendously (Table 7.1).

Based on a study in the district, Fratkin & Roth (1996) observe that 8 TLU per capita is generally considered sufficient for subsistence livestock production as pure pastoralists.[5] In 1984, the measured TLU per capita of 5.3 was already

[4] 1 camel = 1.2 TLU, 1 cattle = 0.7 TLU, 1 sheep or goat = 0.1 TLU (Lusigi 1993: 243).

[5] A threshold of 4.5 TLU per capita is the recommended minimum required to generate subsistence production. The estimate of minimum 4 TLU per capita is based on different TLU values for other parts of Kenya, but does not incorporate the livestock requirements needed to support a social network.

barely sufficient to support the population (Table 7.1), and the 2000 survey figures give much lower values. In 1998 we measured 5.3 TLU per capita only in the lowlands among the mobile pastoralists at Korr and Maikona centres of Marsabit District. The settled households on the mountain had 1.3 TLU per capita both in 1998 and 2000, and settled households in the lowlands had 3.4 TLU per capita in 2000. Similarly, Fratkin & Roth (1996) found a decline in the average TLU per household in the District of about 36% between 1976 and 1985 among Samburu Ariaal. McPeak (1999) reports average household herds of 6.9 TLU per capita in Chalbi and 3.9 TLU per capita in Dukana among Gabra nomads.

Table 7.1 Human population and TLU measures in Marsabit District

	Rendille country[a]		Household survey[b]	
	1932	1984	1998	2000
Population	7,250	24,501	2,036	1,901
TLU	106,118.3	129,554.2	4,278.8	3,498.2
TLU per capita	14.6	5.3	2.1	1.8

Sources: a) Rendille country is part of Marsabit District and is inhabited by Samburu and Rendille (from O'Leary 1990).
b) Authors' surveys, 1998 and 2000. The 1998 figures are for mobile pastoral households in the lowlands and Marsabit Mountain, while the 2000 figures are for settled households in the lowlands and Marsabit Mountain.

The downward trend in livestock wealth among pastoral groups is evidently a general phenomena, and not unique to Marsabit (see Dietz *et al.* 2001 for four Kenyan case studies). This suggests that livestock as productive capital has become increasingly scarce, while livestock is still considered the most valuable household capital, and herd accumulation remains critical in building up assets.

In many arid and semi-arid areas like Marsabit District, rainfall remains the most significant factor that influences conditions of the range, resource availability and herd growth. Yet, the relationship between livestock numbers and rainfall pattern for the period of which data is available does not show a significant correlation (Adano & Witsenburg 2005). While rainfall is quite variable, livestock population per capita has declined dramatically over the last 30 years, and the human population continued to grow.

Water and other natural resources became increasingly scarce during the drought. Many people with large herds moved away from the area in 2000 to escape local drought effects, and in so doing released the pressure on water and pasture. Still, people and animals had to queue for long hours to get access to water. The demand for forest resources, especially firewood needed to cook relief food, increased since 1998, and demanded high labour inputs of household mem-

bers. One could argue that these scarcities are cyclical, but cyclical scarcities have had an increasingly impact. Despite high level of poverty in the region, there was nevertheless a (temporary) situation of peace, cooperation and reconciliation between the ethnic groups. Many authors deal with violence as a static phenomenon, as if it would not come to an end (Mkutu 2002; Kahl 1998). Yet violence often suddenly stops, even when resources do not suddenly stop being scarce, because local people find ways to share or to cooperate, but this seldom gets emphasis. Also the assumption that common property resources are used as open-access resources still guides the 'scarcity-causes-violence' paradigm, even though others (Bromley 1992; Berkes 1989) have provided convincing examples which falsify this assumption. Local property regimes and conflict solving or conflict-preventing mechanisms are thus ignored, while these mechanisms are of crucial importance in mitigating conflicts.

The following example illustrates how existing institutions in societies deal with the allocation and management of natural resources without resulting in violent interethnic conflicts.

Ethnic tension and reconciliation in Marsabit

Increase of violence in 1998 and 1999

From 1994 to 1999, ethnic violence in Marsabit District seemed to increase. In 1998 and 1999, the local residents talked about nothing else than raids and killings and during certain months our research was seriously hindered. People were afraid to travel on the roads, especially after some bandit attacks on the main roads and murders on the forest road between Songa and Badassa on the mountain. It was absolutely impossible to ask people questions on ethnically delicate topics and to acquire reliable answers. In 2000, the Kenya Human Rights Commission published a report in which most of the armed incidents that took place between 1992 and 1999 in Marsabit and Moyale Districts were described in detail. In 1998, 24-armed incidents were registered, in which at least 93 people were killed and 12 people were wounded. There were 50 incidents in 1999, with 38 people killed and 69 people wounded. These were years in which tension and fear were almost palpable in Marsabit town. In 1998 and 1999, the situation looked like an escalation of ethnic violence, and it was tempting to interpret the violent conflicts in this ethnically diverse area as arising from competition over scarce resources.

Reconciliation in 2000

In 2000, the severe drought situation seemed a 'good' opportunity to find out how the 'traditional ways of resource management' would deal with this increased scarcity situation. Surprisingly, we found a peaceful atmosphere on the

mountain, even though the drought had caused widespread starvation among animals due to a lack of pasture. People with large herds had moved away from Marsabit, to places in Ethiopia and southwards to places like Waso and Garba Tula in Isiolo, Wamba and Maralal. This reduced the pressure from large herds on the Marsabit wells. However, thousands of poorer herders with small herds still had to use the mountain waterholes. Only waterholes with a greater capacity were used. This resulted in a situation where ethnically different groups all depended on a few water holes. Contrary to the expected outcome, the situation around the waterholes was one of cooperation, sharing and mutual understanding.

A perfect example was the temporary reconciliation around Bakato wells.[6] In 1998, the water site was the scene of fighting and shooting, killing and raiding. It proved impossible to visit that well site because of the fights. At the time, there was high rainfall, the pastures were and there were lots of raids. According to the herdsmen, long distance raiding tends to increase in a wet year when there is sufficient grass and water to get stock home, while the environment provides good possibilities to hide. The result of the violence in 1998 was that the Bakato wells were not used for a long time. With the onset of the drought in 1999/2000, pasture on the mountain deteriorated and the number of usable wells decreased. Herdsmen of both Rendille and Boran groups (usually rivalry groups) met and agreed that they should stop fighting (temporarily) in order to use the wells and pasture of Bakato. They said that they used to reconcile in such times of stress, for the sake of sheer survival. They pointed out that people with small herds are not as inclined to engage in raids and murder as those who have larger herds. In addition, wealthy herd owners and politicians like to instigate conflicts for their personal gain, without considering how poorer herdsmen suffer from such conflicts.

Although fights often happen during the wet season and around water places, people do not fight over access to water, as is often reported. Raids happen at water places because so many animals accumulate around a watering point and people are extremely busy with providing water for their animals. They are therefore completely unprepared for attack.

In any event, the situation during 2000 drought was a very illuminative contribution to our investigation of the mechanism of water use rights allocation and emphasised the importance that everybody should have access to water in times of drought, irrespective of ethnic or clan affiliation.

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[6] Bakato is a watering site in a grazing area between Badassa and Songa, exactly on the boundary between the Borana and Rendille/Samburu speaking communities.

In this respect it is interesting to mention the historical claims to the same water source by Rendille and Boran herdsmen on Mount Marsabit. The Rendille Galmagor was the first settler in Hula Hula. He said that the spring at Hula Hula was used by Laikipiak Maasai and Loroguchu Samburu before the Boran came to occupy the mountain with their cattle. By the time Galmagor settled in Hula Hula in 1969, Boran had dug wells and improved them with troughs. The Rendille were initially refused access to the water there. The Provincial Commissioner came to settle the case and in 1970 the Rendille were allocated one day in the watering schedule. Since then, the watering schedule has been such that the Samburu/Rendille, the town and the Burji and the Boran, Gabra and Manyatta Ginda are assigned one day. Every household pays Ksh. 10 per month to the water manager who opens the tap and manages the equipment at the well of Hula Hula (field notes, 2000).

In times of ethnic tension, Boran and Rendille/Samburu claim ownership over wells such as the Hula Hula and Bakato water sites, which lie on the border between the groups. During times of reconciliation, people admit they understand why the enemy has a rightful claim to the same well. Boran readily admit that the Rendille and the Samburu have used the water on Mount Marsabit long before they migrated from Ethiopia. The Rendille/Samburu admit, in turn, that the Boran have improved the wells over a long period of time. Everyone in Marsabit knows that improving a well and contributing labour and investments means building up use rights.

Situations of peace and cooperation in the colonial era

This case study shows how in certain situations resource scarcity can contribute to reconciliation and cooperation between otherwise antagonistic ethnic groups. Evidence from the colonial records shows that, also historically, this situation occurred often. The following was reported in both 1939 and 1955 respectively, which were years of severe droughts:

> During part of the year it was common to find Boran, Rendille and Gabra using common water holes, and surprisingly little friction occurred between them. (MDAR 1939: 7)

> There was no internal unrest; in fact relations between the three tribes were most friendly – which is most surprising in view of the severe drought conditions prevailing throughout the year. As with the Boran, the Rendille-Gabra relations remain most friendly and have shared their water and grazing. (MDAR 1955: 7-16)

The suggestion of the herdsmen is interesting, that more violent ethnic conflicts take place during the rainy seasons because of high grass, strong animals, and the availability of surface water. That implies that there should be a correlation between years of high rainfall and number of violent attacks. This contradicts the ‘scarcity-causes-violence’ paradigm, which stipulates that higher numbers of violent conflicts ought to occur at times of severe droughts and higher

scarcity. However, one could argue that after severe droughts herdsmen have to wait until the rains have started to raid their enemies to replenish their stock losses. That suggests that resource scarcity caused in a dry year could be a probable reason for conflict during a subsequent wet year. This also agrees with the hypothesis that restocking after heavy livestock losses to drought is one of the main reasons of raids. Evidence should show an increase in violence in a wet year following a drought, and this hypothesis can be tested empirically using long-term incidents data (see below).

Is there a trend in increasing violence?

Armed violence[7] is regarded as a typical characteristic of Kenya's drylands, or of the Horn of Africa in general.

> ... in the Horn of Africa in recent times, conflict among pastoralists has taken on new, exaggerated dimensions. A shrinking resource-base has provoked a desperate struggle for survival in which the existence of some groups is threatened. (Markakis 1993: 13)

> The most obvious threat to pastoral survival is the increase in violence in the sparsely populated pastoral areas: Warfare and raiding have been constant features in the lives of most pastoral peoples, but automatic weapons and grenades have revolutionised the intensity and deadliness of conflicts and quite altered their nature. (Baxter 2001: 236)

It is true that modern weapons have a different level of destruction, causing more deaths in a short time. Yet, to avoid misinterpretation of the present, it is necessary to look at the past. One can only claim 'an increase of violence' when there is evidence of an upward trend in violent incidents over time. While literature claiming 'increasing conflict' fails to give evidence of trends (Hussein *et al*. 1999), absolute numbers of incidents do not say much in an area where population growth is high. Thus, a trend in conflict incidents should be adjusted for changes in human population over time.

Markakis (1997: 5) states in his book *Resource conflict in the Horn of Africa* that 'the Horn of Africa is a textbook case of environmental degradation and conflict'. He convincingly quantified the trends of population growth, resource degradation and increasing food insecurity, but remained silent on trends in conflict

[7] In this paper, violent conflict encounters refer only to those incidents resulting in death, abductions and torture or injuries. The incidents are classified in the original reports as 'raid', 'armed attack' or 'murder' (Adano & Witsenburg 2004: Table 17.6). 'Raid' is an armed attack where livestock is involved, and 'murder' is an armed attack where one or two individuals are assassinated for various reasons. These incidents have an 'ethnic' character, as the identity of the groups involved was almost always reported. The incidents also includes 'violent' abductions of Kenyan residents by the Ethiopian army where threaten and abducted people are usually tortured severely. The militia operate more openly under the questionable protection of uniforms and legal possession of guns.

incidents over time. His book largely describes how tribal (descent) groups, and cultural movements confront each other (or the state) in different ways.

Mkutu (2002: 4) claims violent conflicts involving pastoralists is widespread and increasingly severe in much of the Horn of Africa without listing any trend in numbers.

Kahl (1998) shows how trends in population growth and increasing scarcity of resources in Kenya seem to have contributed to widespread politically motivated ethnic clashes in Rift Valley, Nyanza and the Western Provinces. The reported number of 1,500 deaths and about 300,000 displaced people were counted from 1991 to 1993 (*Ibid*.: 7).

The question is how large the population was on which these numbers are based. It has been suggested that Kenya has long been a relatively calm country, but we have no proof of population growth-related ethnic violence in the past. Despite a large number of studies on civil war, only a few have systematically tested scarcity-violence links using hard data (De Soysa 2002).

Although there have been a number of qualitative and descriptive case studies that tried to prove the 'scarcity-causes-violence' paradigm, the lack of statistical evidence is not compensated for by convincing qualitative studies. To come to a reliable and fact-based conclusion regarding trends in violence and population pressure, in the remainder of this paper, we will attempt (i) to use hard data to indicate trends in violent conflict incidents; and (ii) to combine quantitative and qualitative information on the governance of water resources (Adano & Witsenburg 2004: 271). So let us first look at what statistical data on violence in Marsabit, related to population numbers, tells us.

Analysing trends according to population and rainfall data

In addition to sources of information stated before, rainfall data from the Marsabit Meteorological Station was another important source of data for the study. In this regard, droughts in the rangelands in Marsabit District (Sobania 1979; Tablino 1999) correspond fairly accurately with an annual rainfall of 700 mm or less on Marsabit Mountain. As years of low rainfall usually result in scarcities of resources – reduced vegetation and pasture for animals, a lack of surface water in pools and wells, a lack of milk and crop harvests and starvation of animals – a drought year can also be taken to represent environmental scarcity.

Adano & Witsenburg (2004: 736-748) show that past conflicts were often raids, but the proportion of incidents[8] in which the Kenyan and Ethiopian army

[8] Interestingly, the majority of firearms deaths in several Kenyan districts are attributed to police activities (Leyan 2002): 'six out of every ten Kenyans who are shot dead are victims of police shootings'. But the statistics rise dramatically in 2001, when the police shot dead nine

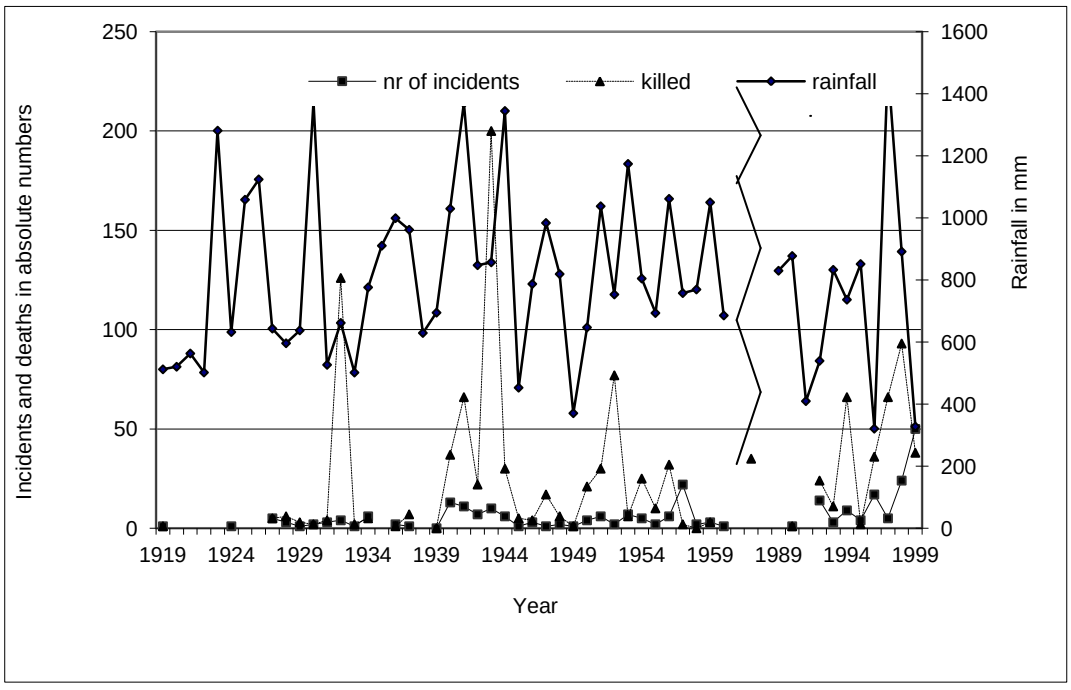
was involved in the 1990s is quite substantial. For example, twenty-three of the fifty incidents in 1999 were caused by the Ethiopian militia against Kenyan civilians, causing eight deaths and numerous abductions. In the same year, the Kenyan army was involved in nine incidents in which 17 civilians were killed in an alleged attempt to stop people from supporting the Oromo Liberation Front (OLF). In only 16 incidents, in which 12 people were killed, was the army not involved.

Analysis of the relationship between resource scarcity and ethnic violence

The question as to whether violence is related to the scarcity of renewable resources is more difficult to answer. Scarcity of resources is a relative variable and scores of indicators should be measured against scores in the previous years.

Figure 7.1 shows trends in absolute numbers of incidents, numbers of people killed[9] and rainfall. In some years it looks as if the number of incidents is higher, in line with increased rainfall. However, correlation measures do not show a sig-

Figure 7.1 Absolute number of armed incidents, people killed, and rainfall figures



Sources: Compiled from MDAR (several years), KHRC (2000) and Meteorological Station, Marsabit.

out of every ten victims. The study, first of its kind carried out in Kenya, attributes an average of 60% of firearm deaths to police and 39% to criminals in the past five years.

[9] 409 people were killed in 1943. This is omitted in the graph, for 'distortion of scale' reasons but is included in the following calculations and explanations.

nificant correlation between rainfall (in mm) and violence in absolute and in per capita terms (Table 7.2). One could think of a situation that droughts in one year could result in violence in the following year. That is tested in the row 'one-year time lag' in Table 7.2, which shows no direct significant correlation between rainfall and violence, and neither is there correlation between armed violence and rainfall in the previous year (violence rates lagged one year). However, using theaverage number of incidents and killings[10] in wet, average and dry years of rainfall produces interesting results (Table 7.3). What is most clear from this table is that more than twice as many people are killed in wet (or wetter) years (50 versus 23) than in drought (or drier) years, in both relative and absolute terms. Surprisingly, the number of incidents and killings does not rise in wet or average years following a drought. In fact, fewer people were killed (23) in wet years following droughts than in wet years in general (50). While the standard deviation is too high to derive firm statements based on these figures, there is clearly less violence in and directly after drought years than in wet years. Therefore, the violence occurring in the District is not related to drought-induced scarcity of resources (see Table 7.4 for details).

Table 7.2 Relation coefficient for rain, armed incidents and killings in Marsabit District

	Absolute number of incidents	Relative number of incidents	Absolute number of killings	Relative number of killings
Rainfall	-0.156	0.237	0.078	0.045
1-year time lag	0.141	0.128	0.094	0.016

Note: All figures are not significant at the 0.05 level.

Table 7.3 Average number of killings in dry, average or wet years (mean, std dev.)

Event	Drought years (<700 mm) (n=13)	Average years (701-850mm) (n=10)	Wet years (>851 mm) (n=16)	Average and wet yrs* (>700mm, <701 mm) (n=8)
Incidents	7.6 (13.84)	6.2 (6.3)	6.5 (6.0)	5.5 (3.4)
Killed	23.5 (34.06)	40.1 (57.5)	50.1 (99.7)	23.4 (22.2)
Incident rate	14.7 (12.67)	24.0 (22.7)	27.1 (26.8)	27.5 (25.8)
Kill rate	127.4 (339.3)	142.9 (203.5)	262.5 (676.5)	79.7 (83.6)

* This refers to average and wet years following drought (years >700 following years of <701 mm).
Sources: Compiled from MDARs (several years) and KHRC (2000).

[10] 'Incident rate' and 'kill rate' is the number of incidents and killings, respectively, divided by population numbers and multiplied by 100,000.

The absolute number of violence-related deaths is twice as high in years in which rainfall exceeded 700 mm, and there were even fewer deaths in the year following a drought (Table 7.3). In a sequence of years following a drought, the highest death rate is measured in the second and fourth year after a drought (Table 7.5). This table also shows a decrease in per capita deaths in years following a drought. There is a sharp increase in the second year after a drought year.

Table 7.4 Average number of incidents and deaths in drought and other years, per year

	Sample size (n)	Absolute number of incidents	Absolute number of deaths	Incidents rate (weighted for population)	Death rate (weighted for population)
Drought years	13	7.6	23.5	14.7	127.4
Other years	26	6.4	46.3	26.0	216.5

Source: Compiled from MDARs (several years) and KHRC (2000).

Table 7.5 Mean number of incidents and deaths in drought years and years following droughts

No. of years after drought (<700 mm)	N	Absolute no. of incidents	Absolute no. of deaths	Incidents rate (weighted for pop.)	Death rate (weighted for pop.)	Rainfall (mm)
Drought year	13	7.6	23.5	14.7	127.4	531.4
1 year after drought	8	5.5	23.4	27.5	79.7	1048.4
2 years after drought	7	10.1	72.1	26.0	235.8	910.0
3 years after drought	6	4.2	6.2	20.2	36.1	910.1
4 years after drought	4	5.0	111.0	28.2	732.6	918.3
5 years after drought	1	6.0	30.0	38.7	193.3	1344.7

Source: Compiled from MDAR (several years).

The first rains usually cause more death and disease among the weakened livestock, and the first wet year after a drought is crucial for herd survival. After rangelands and livestock have improved, especially in the second year after a drought, there are more incidents and higher death rates. Most interestingly these results suggest that it is not during times of environmental scarcity that ethnic violence increases. An additional question is whether the situation in Marsabit is different compared to places elsewhere, where scholars found apparently enough evidence to relate violent conflicts with resource scarcity. We will discuss this below.

Explaining the decrease in violence in drought years

The explanation offered by the herdsmen at the well sites in 2000 suggests a situation where cooperation or fighting between parties in question depends on which situation is expected to offer most advantages. Game theory, which is based on the analysis of choices in situations where the outcome of a decision by one player depends on the decision of another player, and where these decisions of others are not known in advance (i.e. game theory decision-making under uncertainty), may offer insights into this phenomenon. As vast field of game theory is beyond the scope of this paper, we would only suggest a pattern in part of the violence which is occurring in Marsabit.

Intervening circumstances: Game theory under uncertainty

In Marsabit we could test a simplified game theory model for two different ethnic groups who can chose between three possible types of collective action: They can cooperate, fight, or avoid each other. In the first type of collective action people cooperate, for example, by using water from a source together. Similar to the Folk theorem which says 'make a deal to cooperate every period, if you don't, you don't ever cooperate again' (Gravelle & Rees 1992), herdsmen of different ethnic groups tend to cooperate during periods of water scarcity because the deal ensures that they will always have access to certain water sources, and the pay-off is survival. The second form of collective action is to fight where groups of herdsmen raid each other's livestock and try to ban the other group from the water source. The pay-offs vary from stolen cattle to blood revenge, honour and increased unequal power relations between different groups and status for a local political leader. The third action is avoidance of each other resulting in a neutral outcome.

The question is now which type of collective action is more likely to occur during droughts? The herdsmen themselves suggested that cooperation and making deals during droughts was more rational, while they (sometimes) fight in times of high rainfall and abundance. The ultimate aim of each herder is that he and his livestock survive a drought. Negotiating access to a water source and cooperation as regards maintenance of this well, even if it belongs to another ethnic group, will increase the chance of survival for all. If fights were to occur and people were to try to steal each other's animals, there would be no place to water them. Tracking stolen animals during droughts can be rather stressful because of, the difficulty of trekking weak animals, limited availability of water points and a high labour demand among pastoral communities during droughts in general. The lack of information about the other parties' behaviour is limited because of the deal that is made: No cooperation during drought will mean a ban from the water

wells forever. It is thus more rational to fight during wet times and death rates are therefore lower in drought years.

The herdsmen in 2000 also contributed another aspect to the discussion, namely that of poverty. Pastoral households require a large herd and pack animals to make mobility possible and necessary. During droughts, the poor herders remain behind on the mountain because they have too few animals to move, and ethnic groups reconcile to be able to use the pasture and water that is left. The interviewed herders suggested that it was more rational for the poor who stayed behind to cooperate and share their resources, in the absence of the wealthy elites.

Mancur Olsen challenged the idea that if members of a group have a common interest or object they would all be better off if that objective were achieved through cooperation and that as a result individuals in that group would act to achieve that objective, assuming they were rational and self-interested. He says that 'unless the number of individuals is quite small, or unless there is coercion or some other special device to make individuals act in their common interest, rational, self-interested individuals will not act to achieve their common or group interests' (Olsen 1965, cited in Ostrom 1990: 5-6). This idea usually serves to explain why people lack enough incentives to contribute to common goods, but it explains precisely why large-scale fights are not likely to occur in Marsabit District during periods of drought. Ethnic conflict is a type of collective action where the benefits to the group do not outweigh the costs of fighting to each individual. The advantages of conflict might be higher in wet years, when the costs are low and fights can be carried out more easily.

Intervening circumstances: Non-resource related causes

The next step in the analysis of violence should be to identify the years of high occurrence of armed violence[11] and study for each specific incident such as which circumstances could have played a role. We will discuss the most important intervening variables in the following paragraphs.

When herdsmen say that raids take place in the wet season because of bush growth and improved livestock body conditions, there must be a time-lag between rainfall, improved range condition and the time of raids. This time-lag varies from weeks to months during which animal health might be disturbed by epidemics, the rangelands may be infested with locusts, or bushfires might destroy pastures.

[11] The circumstances of years with high numbers of armed incidents and killings are described in Adano & Witsenburg (2004: 748-749).

Anthropological studies have shown that raids often take place as revenge for previous attacks. However, revenge activities are not supposed to coincide with religious ceremonies, which take place in certain periods corresponding to the lunar cycle, irrespective of rainfall which is highly variable in distribution and amount, and uncertain in timing. In addition, a slight increase in violence is said to take place after age-set ceremonies, during which groups of warriors are initiated or ritual leaders are installed (Paul Baxter, personal communication 2002). Age-group warriors might also see raids as a form of adventurous sport which carries some sense of pride and achievement. The occurrence of ethnic violence in Marsabit Town from 1997 to 1999 was also linked to political activities of the 1997 multi-party general elections. Moreover, a lot of violence in the 1990s resulted from the agreement between the Kenyan and Ethiopian governments to eradicate the Oromo Liberation Front (OLF) from Marsabit District (KHRC 2000; Osamba 2000: 21). These considerations mean that the best way to investigate armed violence is a good analysis and explanation of specific case studies.

In sum, if ecological parameters influence incidents of violent conflicts, they might not be scarcity induced because times of rain are times of relative abundance. Although we do not deny that environmental conditions can correlate with conflicts, we think that other factors, which presently feature less prominently in the inter-ethnic conflicts and raids literature, might better explain eruptions of violence. In questioning the applicability of the 'scarcity-causes-violence-paradigm' in Marsabit District, it seems that increasing scarcity does not couple with ethnic violence. Neither do we find an increasing trend in ethnic conflicts in per capita terms, leading us to the question of how Marsabit *might be* different from the areas in which this relationship does seem to exist.

Intervening circumstances: The fluidity of ethnic identity

The reason for ethnic conflicts in times of scarcity being different in the Marsabit Mountain area might partly lie in the fluidity of ethnic identity. Territory in areas like Marsabit District and Mountain is not as strictly and permanently defined along ethnic lines as may appear at first glance. For instance, the ethnic identity of an individual, or even a whole family, is not as strict as it might seem. So far we have dealt with 'ethnicity' as if it is easy to define and distinguish ethnic groups. Ethnicity seems to be an important variable in explaining all sorts of problems in Africa, including violent conflicts. But what role does ethnicity actually play?

Although individuals carry identity markers like beads, ear holes, and spears to show to which ethnic group they presently identify themselves, it does not mean that all their relatives belong to that group too, or even that they have been born into that ethnic group. For instance, anthropologist Günther Schlee (1989)

found that every ethnic group in this area includes clans which can also be found in neighbouring ethnic groups. People can decide during their lifetime to move to a neighbouring ethnic group if that is advantageous, using their clan identity as a vehicle. These clans seem to be quite large in villages like Kituruni and Songa around Marsabit Mountain, where people have relatives in both Samburu and Rendille families. In Samburu-dominated Hula Hula for example there are many who belong to or have relatives in the Rendille Odhola clan. People do not like to emphasise this duality in ethnic identity, but double ethnic identity is especially used or reinforced when people marry or migrate and change their livelihood. For instance, when pastoralists settle on Marsabit Mountain, some redefine their own identity, and adopt the ethnicity of the receiving area which maintain their clan identity. Such people do not profit from conflicts at all as it forces them to take sides and this reduces the chance of obtaining assistance from another ethnic group. Thus, while sedentarisation increased the pressure on certain resources, it actually might also have increased the peacekeeping tendencies in society. Though many households have settled, they have to keep the peace to be able to negotiate access to resources in times of environmental stress. Unable to move away, settled people can quickly suffer the death of women and children, and the loss of houses and food stores, when violence breaks out.

Even though this fluidity of ethnic boundaries is a characteristic of Marsabit District, it would be wrong to suggest that this phenomenon would not exist outside this area. Barth observes flexibility in ethnic identity among the Basseri in South Persia (Jenkins 1997), Salih (1999) observes ethnic merging and alliances in the Sudan and Nigeria, and Duijzings (1999) observes it even in Kosovo before the war. Multiple ethnic identities might be a more common phenomenon than appears in studies when the existence of a single ethnic identity is assumed. But, as Markakis (cited in Salih 1999) commented:

> A persistent confusion between form and substance has often confounded our understanding of social conflict in Africa. Ethnicity, for instance, is often the ideological form such conflict takes, but its substance is seldom a clash of cultures. Like all ideologies, ethnicity is a symptom of social disorder, not its cause.

The social reality is a rather dynamic and complex pattern of multiple and changing ethnic identities, where cultures, norms and values merge and change until conflicts create boundaries and ethnic 'clarity'.

Intervening circumstances: Fluidity and flexibility of property regimes

Contemporary studies on resource conflicts have emphasised problems in land tenure and property regimes governing natural resources. Hardin's (1968) idea that the use of common property resources will inevitably lead to over-use and degradation, based on the assumption that common property resources are used

as open-access resources, still informs much of the literature on scarcity and violence (Homer-Dixon 1999; Maxwell & Reuveny 2000). However, it appears that in Marsabit strong common property regimes governing water resources cope well with increasing water scarcity, despite poverty and population growth (Adano & Witsenburg 2005). Numerous other studies have described similar phenomena (Berkes 1989; Bromley 1992), showing that in fact very few scarce natural resources are open-access resources.

Where it is needed to avoid conflicts, there is a strong enforceable property regime over natural resources, which does not change when population pressure increases. Interestingly, use rights to common property seem to be vaguely defined to avoid conflicts. Evidence shows that the traditional institutions of natural resource management, and stress coping mechanism are effectively blended with current practices to make wise use of available resources. The Bakato well site described earlier does not belong to a specific ethnic group. Some of the wells have been dug by the Boran, and therefore, ownership is legitimately claimed by Boran clans. However, the area of high water tables where the wells are located now was used as a watering area by the Rendille long before the Boran emigrated from Ethiopia to Kenya, so it is obviously and equally legitimate to call it part of Rendille territory. This well site is a typical example of a case in which double ethnic use rights exist. This suggests that vaguely defined property systems leave room for negotiation. It is important therefore to recognise such 'duality' in such areas, not only for possible conflictive claims, but also especially for their potential peacekeeping functions during times of severe scarcity such as droughts.

Proponents of the 'resource scarcity-violent conflict' paradigm might still be right in their assertion that the situation in Marsabit is different to that in other areas where the relationship is evident: Violent conflicts are not caused by a scarcity of natural resources, *because* there are clearly defined and enforceable property rights. But what about the Bakato well site where vague ownership rights exist in order to *prevent* conflicts? Unfortunately, many scholars and policy makers fail to see these nuances in property systems and easily deny their existence. Policies thus often result in defining and enforcing new legislation based on ethnic territories like group or individual title deeds and boundaries where previously duality existed, this legislation thus *creates* conflicts.[12] There are numerous examples in Kenya of attempts to implement 'high-order' policy deci-

[12] In this regard, the 'water conflicts' along Tana River between Pokomo farmers and Orma pastoralists started after the government launched a land adjudication programme there (Daily Nation Team, 10 March 2001, and Martin, this volume). Where vagueness in property rights along the Tana River existed, the attempt to define territory triggered violent conflicts resulting in at least 60 deaths and numerous injured and displaced families, while being explained as a typical case of scarcity-induced conflicts.

sions without prior consultation with local-level players, resulting in negative impacts on resource use arrangements at the communities' level. Ethnic violence resulting from land adjudication activities may, for instance, be reinterpreted in this light or seen as conflicts over natural resources, rather than that ethnic violence is attributed to lack of ingenuity and institutions.

Explaining the existence of ethnic violence

One important question that still remains unanswered is: What causes these eruptions of violent conflicts in Marsabit if not the scarcity of natural resources and traditional cattle raiding or revenges of past conflicts? Ethnic violence in the area, though no more violent now than in the past, *is* a problem and hindrance to development. Where violence is partly an institutionalised and organised pattern in society, the breakdown of traditional social institutions might mean that violence is reducing or changing its appearance. What is apparently clear is that the character of conflicts has changed over the last century (Adano & Witsenburg 2004): the number of traditional raids in the overall ethnic violence is decreasing, while the violence during election time and during land adjudication programmes or state-sponsored violence is increasing.

We observed that in the genesis of a violent conflict, people consistently refer to resourceful and powerful individuals who seem to orchestrate confrontations between less resourceful people. A study of the psychology of the sly and manipulative ways these leaders operate could illuminate much more on ethnic conflicts than a general 'scarcity-causes-violence' paradigm. That means that a study on the origin of violence should focus more on the people who own resources rather than on those who lack them and on those who profit from violence instead of those who suffer from it. This means that the present focus on poverty and resource scarcity disguises the causal factors behind ethnic violence, because the 'resource owners' who coordinate violence go unseen. This implies that the role of traditional elders and the new political elites for instance, should be investigated rather than the warriors who perpetrate the violence. The possession by ethnic groups of firearms illuminates more failure of the state to provide physical security entrusted in her than that it proves the prevalence of cultures of violence. At this higher level of analysis the role of the police, the army and (arms and livestock) businesses at district or national level should be the main focus. On a global scale, an analysis of the role and profits of multinationals and international organisations, and the arms industry could provide new insights.

The correlation between resource wealth and violence might thus be much more revealing than a focus on resource scarcity. A number of studies on a high scale of analysis have been carried out in this context (Collier & Hoeffler 1998; Collier 2000). De

Soysa (2002: 28-29), for example, correlated the scarcity of renewable resources and the occurrence of violent conflicts for 76 countries over 11 years and found that:

> … at no time did natural resources, both renewable and non-renewable, come close to predicting conflict negatively, nor human and institutional development positively. The results find ample [evidence] … that greed rather than grievance is likelier to generate armed violence.

In line with these results, a test needs to be carried out as to whether this relationship also exists at lower levels of analysis. A focus on the 'flow of wealth' to and from war-torn areas, and the identification of those groups or individuals who benefit will offer better causal explanations for the occurrence of violence. Given that such a focus is much more difficult and also dangerous for the researcher and his/her informants might partly explain why there is a lack of studies at this level of scale.

Conclusions

According to Homer Dixon (1999), resource scarcity can cause violent conflicts when populations increase. Such conflicts are particularly violent in poor, marginal regions where many ethnic groups have to compete for scarce natural resources and where people hardly have the capacity to develop 'ingenuity and adaptation'. However, results from our research cannot verify the assumption that increasing competition over scarce resources on Marsabit Mountain results in more ethnic violence. Water resources seem to play a vital role in social interaction, reconciliation, sharing and cooperation in survival strategies.

The poor herdsmen for whom transhumance is not affordable are left behind in drought areas. For them it is more rational to cooperate with people from different ethnic groups in times of drought in order to share the scarce water resources. This was verified by historic statistics on violence which showed that more than twice as many deaths occurred in wet years than in drought years. There is also no evidence that violence is increasing in relative terms, or that ethnic violence is related to environmental scarcity. The study shows how important conflict-avoiding institutions are in societies which have learned to deal with scarcity after century-old experiences. Such institutions are shaped and reshaped through time, and subjected to external stress, modernity and technological change.

At national level, there are many examples in Kenya where policy interventions have tended to ignore the importance of local institutions in resources allocation and conflict resolution. The role of such institutions is fundamental in enhancing inter-ethnic cooperation. Exploiting the synergies between local-level resource governance issues and national level policy prescription might hold a key to a mutual understanding of the state and the local communities.

To date, the respective governments have attempted to respond to the conflicts through punitive measures (Dietz 1987), which treat only the consequences but not the causes of unrest. Unfortunately these do not seem to resolve the problem. What is more, such measures have been associated with human right abuses (Osamba 2000; KHRC 2000) and a general increase in violence. In our minds, a serious redress of the problem requires a clear understand of the underlying causes of inter-ethnic conflicts in the region. Getting the underlying causes wrong aggravates interethnic tensions rather than solves it, and thus creates waves of ethnic hostilities that are likely to result in endless raids and counter-raids.

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8

Conflicts between pastoralists and farmers in Tana River District

Pilly Martin

This study has been conducted in Garsen division, Tana River district, Kenya between the Orma and Wardei pastoralists on one hand and the Pokomo peasant farmers on the other. There is an urgent need to address the conflict situation in Tana River and sustainable solutions to the problems of the conflict ought to be sought to ensure development in the research area. The study aimed at finding out the causes of the conflict, factors that compel the Orma/Wardei to be in a state of preparedness for war, the socio-economic and cultural impact of the conflict and finally ways of managing the conflict. The conflict had multiple causes related to ownership of and access to of resources (land, pasture and water). The factors that lead pastoralists to be in a state of preparedness for war were cultural in character, related to their need to control the harsh physical environment they live in. The impact of the conflict is likewise multidimensional, and is characterised by the interaction between socio-economic and cultural resources. Traditional rules or norms on conflict seem not to be observed any more, bringing us to question if culture is being degraded, and thus control reduced. From the research findings it is felt that policies on resources availability and access based on existing traditions land in the research area would be needed. In particular, it is recommended that the traditional rules on land use and ownership should be taken into consideration during land adjudication exercises that presently favour sedentary populations.

Introduction

This chapter presents the results of a study on the eruption of a violent conflict in Tana River District between two ethnic groupings: the Orma and the Wardei on the one hand, and the Pokomo on the other. The justification for studying this particular conflict is that studying this could assist in finding sustainable solutions to the problems of the conflict. There is an urgent need to do so in view of the limited level of development in the District. The study aims to identify the factors that compel the Orma and Wardei to be in a state of preparedness for war allowing the actual undertaking of hostilities, the socio-economic and cultural

impact of the conflict, the wider causes of the conflict, and finally ways of managing the conflict.

Both field methods and secondary sources of data were utilized. The results of the study show that in this conflict the traditional rules or norms of conflicts were not observed. This brings us to question whether either the culture of which these norms belong is being degraded, or whether the conflict had external causes to the extent that traditional ways of controlling it did not suffice?

Our view is that the latter scenario applies, and the bone of contention is the land ownership and access issue. From the research findings it is felt that there is need for proper policies on land in the research area. It is recommended that the traditional ways of land use and ownership should be taken into consideration on the land adjudication exercise. In addition the local communities need to be involved and consulted in the land adjudication process. This is to be done in order to attain acceptable alternatives for peace and development.

Pastoralists and farmers – history of a co-existence

Browsing the existing literature on pastoral societies shows that pastoral groups have usually had security problems with their neighbors over resources like livestock and pasture. Writing about the Nuer of the Sudan, Evans-Pritchard (1940) said that the primary objective of war (among pastoral communities) is acquisition of wealth, for cattle is a form of wealth that not only lasts a long time and reproduces itself, but is also easily seized and transported. The mode of life of pastoral societies that is centred on the care of livestock has therefore

> ... given pastoral peoples a bias in favour of the acts of war rather than the acts of peace … (because they) are not entirely dependent on their own cattle, but can augment their herds and restore the ravages of rinderpest, and have, in fact, for a long time increased their stock, and hence supplemented their food supply by raiding; a condition that has shaped their character, economy, and political structure, skill and courage in fighting well as the most profitable occupation, and some measure of political agreement and unity a necessity (*Ibid.*: 50).

In contradistinction, it is a common belief that farmers who have usually practiced agro-pastoralism by keeping some livestock mainly for milk and meat to supplement their predominantly grain-based diet have historically not invested a lot of resources, skill and energy in preparing for war in terms of weapons and training. Whenever they have encountered pastoral neighbours therefore, they have usually been disadvantaged militarily. In Kenya today, there are good examples of such one-sided military encounters as witnessed this century between the Pokot and Marakwet in the North Rift area, Orma and Pokomo in Tana River area and Maasai and Kisii in Trans-Mara District respectively, to just name but a few cases.

In the past, the culture defining what the relevant resources were, where they existed and how they should be exploited also prescribed the system of organization and social relations pertaining to the exploitation and – if possible – conservation of resources. The principles of fusion, when alliances and unity were required to facilitate reciprocity; and fission, when each individual, family or group could go alone, provided some element of balance of power. A code of ethics was also invoked to control excesses (Gluckman 1956), and ritual performed to placate the spiritual world and to reconcile the conflicting parties (Visser 1989). It was possible therefore for 'normal' life to go on within a society or between societies despite the existence of feuds (Gluckman 1956). Conflicts around resources were part and parcel of the culture of adaptation to the environment.

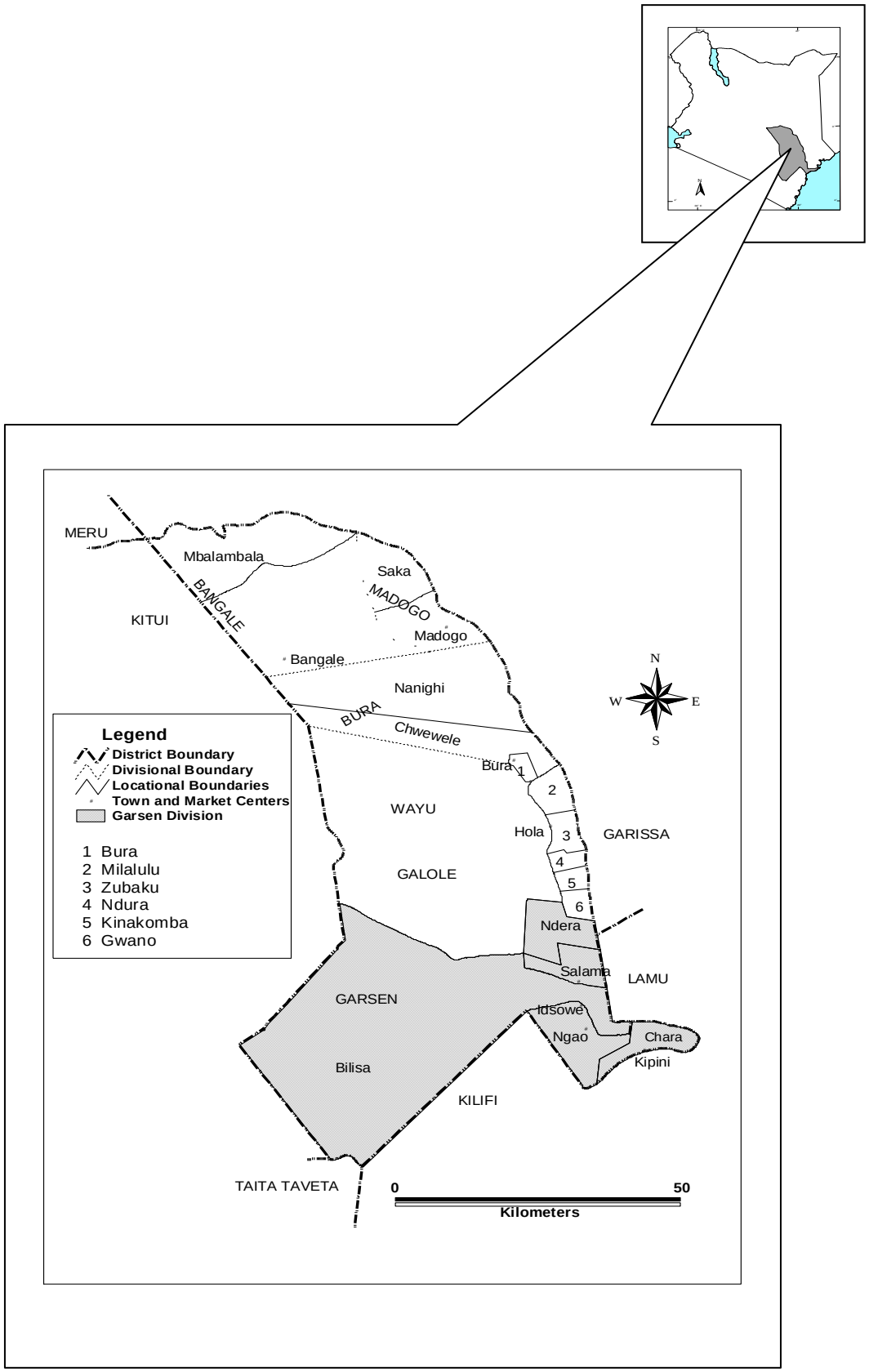
What is surprising in many parts of the country today is the use of excessive violence on neighbours by pastoral and agricultural societies alike despite the existence of modern institutions such as the provincial administration, the police and the army which are expected to oversee and to restore the existence of law and order (Gluckman 1956). It is in the light of this that a study of the Pokomo and the Orma was hatched.

Research area

Tana River District in Kenya covers an area of 38,782 km^2 (Republic of Kenya 1997). The main water resources in the district are the Tana River, seasonal rivers (*lagas*), groundwater, water pans and water holes in the inter-*laga* areas (NES 1985). The land in Tana River District is mostly Government owned and the system of land tenure is largely communal. Figure 8.1 shows the map of the research area.

The district is largely semi-arid and its population is mainly composed of Pokomo peasant farmers, Orma and Wardei pastoralists and the Waata, a former hunter/gatherer group who nowadays mostly combine farming, hunting, livestock keeping and trade. Most parts of the district are susceptible to drought conditions (*Ibid.*). There were severe drought conditions in 1978-79 in Tana River district and subsistence had to be sought from outside. During the 1984 severe drought in middle Tana River district, many Orma and Wardei pastoralists were forced to move into the delta region, or the Lower Tana River area (Garsen Division). Though the delta region is the permanent home to Pokomo farmers who farm along the river banks, it also serves as a fall back area for nomadic pastoralists.

Map 8.1 Map showing location of study area
(Source: Republic of Kenya 1997: 8)



The Pokomo

The Pokomo are a coastal Bantu group of people said to have come from the Shungwaya, and believed to originate from the territory of the former Somali republic (Prins 1952; Ogot 1976; Osogo 1968; Bonaya 1969). The Pokomo practice subsistence farming on an average farm size of 1.5 hectares per household. The crops grown include grains, mangoes, and bananas. Most farms are situated next to the River Tana and along the beds of the seasonal Rivers (*lagas*) where the farmers use residual moisture when the rain stops. Flood plains are also used as farming areas because of the fertility brought about by silting when the river floods. The farmers in the district live in clustered villages for security reasons (NES 1985).

The Orma and Wardei

The Orma is a sub-group of the Oromo linguistic group. The Oromo are made up of a number of various ethnic groups that live in Ethiopia, Kenya and parts of Somalia, such as the Gabra, Boorana, Waata, Burji, Guji, Arsi, Ittu, Karrayyu, Qottuu, Wollo, Rayya, Azebo, Macha and Tullama. The majority of these groups live in Ethiopia. They currently number 25-30 million (Kassam & Megerssa 2002). The Oromo are mainly pastoralists. The Wardei is a Somali-speaking pastoral group. During this conflict they were allied to the Orma, but during other confrontations they are portrayed as Somali newcomers. The history of conflict and cultural differences shows no evidence of open interethnic integration between the Pokomo and the Orma, as the two groups have not been intermarrying. The main connector between the two groups is the market. Pokomo families have close ties to specific Orma and sometimes Wardei sales women, supplying them with milk. In return, the Pokomo supply the pastoralsist with grains.

Pastoralism as defined by Cohen (1974) is a system of production devoted to gaining livelihood from the care of large herds of animals based on transhumance. The Orma and Wardei like many pastoralists practice, mobility as an adaptation strategy, in order to search for water and grass and to avoid the presence of raiders (Netting 1986). By the dry season pastoralists reside near permanent waterholes, where they build huts from reeds to allow air circulation in the heat of the day (Smith 1992). In the dry season, many pastoralists move to the Tana delta for pasture and water.

Keeping large herds is an adaptation strategy. Netting (1986) argued that a man who loses one-third of his stock is much better off if he begins with sixty cows than with six. Distribution of herds over a vast territory through complex forms of lending and borrowing is another form of adaptation practiced by pastoralists (Moran 1982). An individual pastoralist may lend his animals to another

pastoralist who temporarily needs a greater number of animals. It is agreed that the lender will be paid back the equivalent of the animals at a later date. The Orma/Wardei pastoralists practice these adaptation strategies and other alternative livelihood strategies.

In terms of alternative livelihood expansion strategies some pastoralists have started farming and small scale businesses as a way of supplementing livestock products (and a coping mechanism against droughts). Encouraged by a group of Wardei newcomers from Southern Somalia, some Orma and Wardei had embraced farming and were doing well. This was triggered by the need for an alternative livelihood system as well as the need to participate in "grabbing" land in anticipation of the process of the land adjudication that the Kenyan Survey was preparing, and which turned out to be one of the drivers of the conflict.

The pastoralists in Tana River District are largely Muslims or traditionalists. The Pokomo farmers are both Muslims and Christians. However, there was no unity between the Muslim pastoralists and the Muslim Pokomo farmers – they attacked and killed each other. The Pokomo Christians turned to their Mijikenda cousins living in Kwale district for 'help'. It is interesting to observe the critical role of rituals or traditional religion during conflicts, generally when Christianity seems to lack practical solutions. The normally faithful people turn towards rituals that would otherwise be considered unchristian. The Pokomo traditional religion is almost non-existent and has been replaced by Islam and Christianity. However, during the conflict people sought help from the lexicographically closer group – the Mijikenda of Digo sub-ethnic group (the Digo people as an ethnic group are largely Muslims but they still maintain some aspects of traditional religion) from Kwale District, southern Coast. The Pokomo then got help from the *kayas* or traditional Mijikenda shrines.

A history of conflicts

The Pokomo and Orma/Wardei inhabitants of Tana River district have had perennial conflict since time immemorial. Conflicts were usually caused by a combination of factors. Economic competition triggered many, mainly when pastoralists allowed their animals to graze on planted farms, But environmental factors were also important, such as droughts that increased the movements of pastoralists from the hinterland to the riverine areas. British colonial intelligence reports reveal that the Pokomo and the Orma have had a long history of conflicts, partly because raids and conflict caused similar actions in revenge.

The development of negotiating and conflict management institutions (such as the *Gasa* and *Matadeda Council of Elders*) as well as the developing role of more modern State actors shows that the daily sharing of resources and the concomitant competing claims between farmers and pastoralists were managed to a

certain extent, with some level of success. However, failures did occur and violence still erupted.

The colonial government for instance, designated water corridors for use by pastoralists during the dry seasons as means of managing persistent conflicts. Pastoralists were to strictly follow the designated routes leading to the water corridors. The Oromo and Somali had different water corridors to also manage conflict between the two groups.

> According to an Intelligent report [5th January 1950] from the District Commissioner's Office (DC) Kipini, Tana River to the Provincial Commissioner (PC), Coast Province (KNA, 1940-1950) it is reported that
>
> > Fighting amounting to native war broke out on the 9th and again on the 11th (December 1949) between Oromo and Pokomo … One Pokomo man was killed; two Pokomo women and three Pokomo men were injured. One Oromo is believed to have been killed though the body has not yet been found and two Oromo women were injured … the initial blame lies clearly on the Oromo who begun the first attack.

The Pokomo and Orma traditional conflict management mechanism

The Pokomo and the Orma traditional governance structures are the *Gasa* and the *Matadeda* Pokomo and Orma Council of Elders respectively. The *Gasa* and *Matadeda* settled disputes when the need arose, ranging from civil to criminal cases which were referred to them, or when they felt necessary to intervene. They also maintained peace and order in the community. They were responsible for all the resources ranging from land to water and forests. They could deliberate on issues related to individuals, clans and inter-ethnic conflicts. The decisions taken within these structures were binding and respected in the past. However, today, traditional structures are weak mainly due to parallel State government interference.

When interethnic conflicts occurred in the past, elders from both communities would involve a neutral community – *Msidhacha* (ALRMP 2001). The parties to the conflict would convene, look into the causes of the conflict and where possible resolve it and then reconcile. The offender would be identified and fined. Thereafter a reconciliation ceremony would be conducted to make peace – *Ibisa*[1]**.** The ferocity and extent of the most recent flair up of inter-ethnic conflict in Tana River in 2001 provides clear evidence that it is no longer possible to entirely use traditional instruments of reconciliation to restore peace.

Traditional rules of warfare

According to focus group discussions and key informant interviews the Orma and Wardei pastoralists have the following rules of war:

[1] The traditional system of conflict resolution between the Orma/Wardei and the Pokomo.

1. Women, children, the very old and mad people are not to be killed or attacked and should not go to war. People who kill such people become *Yakka* or outcasts. Also it is believed that killing such people leads to bad luck during conflicts – such as defeat.
2. Food stores and livestock were not to be destroyed or killed.
3. Women should not be raped. Women and children may be captured. Women in captivity should not be "touched" until they are socialized into the community and then married off properly in the community. Alternatively, if they wish, they should be returned to their own communities after the conflict is over.
4. In the process of spying or *Doya,* spies should not be killed. They should be taken to the *Matadeda* elders where they would be warned and released.
5. People found worshipping should not be killed.
6. Taking loot is acceptable.
7. The Pokomo should be fought only with walking sticks and not the spear or a knife so that no blood is shed since they are weaker in strength and are like brothers.
8. Fugitives even if they belong to the enemy camp should not be killed, but should be taken care of until it is peaceful for them to go to their land.

The development of conflict culminating in outright violence described below may give reason to believe that there are many factors that motivate pastoralists to be in a state of preparedness for violent conflict as they try to guard their livelihood.

The initial steps towards a new form of conflicts

In December 2000 we find a new twist in the traditional conflict that shows the weakening of the traditional conflict management mechanisms; a violent gun conflict erupted after the introduction of a government activity to survey land for land adjudication for the people of Tana River. The Pokomo farmers were to get title deeds on their farmland. The land adjudication programme was embraced well by the Pokomo who saw it as a possible way to end the pastoralist-farmer conflicts. The Orma opposed the programme as they perceived it as a threat to their livelihood. It would threaten access to fall-back grazing areas and it was perceived as a program that would limit access to the Tana River waters. It is to be noted that the Pokomo farms are lined along river Tana, Thought there are designated water corridors these have not always been respected by both the Orma and "visiting pastoralists" such as some of the Somali speaking Wardei. This in turn led to livestock grazing into farms, causing damage to crops, which instilled resentment among the Pokomo. For this reason they welcomed the surveying exercise, Initially it was reported that the Orma and Wardei communities feared that the land adjudication programme would close out the water corridors for their use (despite the presence of designated water corridors in place), and thus resisted the surveying forcefully, it was later on revealed that more and more pastoralists were also interested in riverine land to be able to farm there.

The fact that the conflict was characterized by the use of small arms was a new development. Because of anarchy in southern Ethiopia – where their broth-

ers across the border are waging a war against the Ethiopian government – and Somalia – where there has been no government to speak of since the fall of the Siad Barre Regime in the early 1990s – the residents of this area of Kenya as well as seasonal nomadic pastoralists who occasionally visit it have had easy access to sophisticated and small arms.

In their protest for the land adjudication programme the Orma and Wardei started by killing a Pokomo farmer who was clearing his farm and reinforcing his farm boundaries in Ngao village, Garsen division, on the 7th March 2001 by a group of armed pastoralists. This happened as he was marking the boundaries of his farm ready for the land adjudication and registration exercise, which had begun in the district. This first incident led to the deadly conflict which lasted until the end of election 2002.[2]

It was reported that the Orma and Wardei sought help from their brothers in Somalia[3] (UNOCHA 2001), and that as many as fifty militia had been recruited from neighbouring Somalia to assist the Orma and Wardei. The Pokomo on the other hand resorted to the use of "supernatural powers" – the *Kaya Bombo* assisted by their Mijikenda 'cousins' in Kwale – and embarked on arming themselves with crude weapons such as machetes. By 2001, more than 130 people were killed. Table 8.1 shows an overview of incidents from 2000 to January 2002.

The media played a critical role in reporting conflicts in an otherwise lost part of Kenya where insecurity manifested by "shifta-banditry attacks" has been on-going for years, illegal arms race by some so-called *Shifta* has been going on without so much of government action seen to curb the issue.

Impact of the conflict

Some general impacts of conflicts are dislocated valued relationships, and stress on structures on which relationships are based (Mwagiru 2000). Some scholars have argued that conflict can be beneficial too (Reuck 1984), but when conflicts turn out violent, the impact on society can be quite disruptive. In Tana, thousands of people fled their homesteads that were set on fire (see Table 8.2).

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[2] The elections turned out be an important factor: would it be won by a Pokomo candidate, the conflict would see a break for the next five years; a subsequent loss would have meant that the conflict continued between the Pokomo and Orma. As 2002 elections neared it became obvious that whether a Pokomo or Orma candidate (MP) won or not, the Orma and Wardei conflict had ripened and no action was on-going to see its resolution.

[3] UNOCHA (United Nations Office for the Coordination of Humanitarian Affairs) 30th November 2001.

Table 8.1 Summary of conflict incidents reported in the media

Period	*Incidents*
2000	Some 70 people have been killed over the last year (i.e. 2000) as a result of repeated clashes between the Pokomo and Ormas.[a]
2001	"The bodies of at least 30 people killed in ethnic clashes in Kenya are reported to have been dumped in the River Tana. Kenyan television quoting local officials said armed gangs from pastoral Wardey community attacked members of the Pokomo community in the area."[b] (*BBC News,* September 19, 2001).
18/11/2001	A total of 3400 displaced people,[c] Ngao location (Tarasaa and Ngao).
20-22/11/2001	19 killed, 20 seriously injured, some 600 pastoralists who had fled the area in search of greater security were also in danger of food shortages as they had been forced to move away from essential grazing lands, humanitarian sources told IRIN. "Everybody has run away from the place," Murithi said.[a]
4/12/2001	Over 1000 (at Catholic Church Tarasaa some report the figure to be 1200) Pokomo who lost their homes as a result of conflict with Orma wanted to sue government for compensation.[a]
Entire 2001	"Over 130 people have been killed in the (Tana River) district over the past year in violent clashes between the Pokomo and the Orma (*IRIN*, January 14, 2002).[b]
14/1/2002	5 people killed, two injured.[d]

Notes:
a) "KENYA: Tana River farmers claim compensation", at http://www.irinnews.org/report.
b) Armed Conflicts Report, Kenya (1991 – first combat deaths), update: January 2006.
c) Kenya Humanitarian Update 11, 01-30 November 2001 at http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/
d) Kenya Update: January 2006 – http://www.ploughshares.ca/libraries/ACRText/ACR-Kenya.html

Table 8.2 Population of displaced people in Garsen division, Tana River District[4]

Village	Families	Population
Tarasaa	160	800
Oda	178	1,276
Lailoni	104	569
Chamwanamuma	150	702
Tara	10	58
Total displaced	602	3,405

Source: UNOCHA, *Kenya Humanitarian*, Update Issue 11, 01-30 November 2001

[4] The internally displaced person's figures cited above are for the Pokomo farmers, the pastoralists were also displaced but they tended to move to places where Orma/Wardei outnumbered the Pokomo, for example most of the pastoralists moved to Oda when a total of 1276 Pokomo left to the Catholic Mission at Tarasaa village. Oda as a village became an "IDP camp".

The people, who were internally displaced, suffered badly, as reported by the nurse in charge of the Catholic Church dispensary at Tarasaa (where many Pokomo families had camped). She reportedly appealed to the government to send in medical supplies to combat diarrhoea and typhoid before the situation got out of hand as there were worries of impending deaths in the camp (Peacenet-Kenya 2001). Further, pastoralists could not go to most of the hospitals to get medical care because the hospitals were situated in Pokomo areas. They felt insecure.

Many of the 3,405 displaced persons urgently needed food aid, emergency healthcare, clothes and cooking utensils. By November 2001, UNOCHA estimated that at least three months food rationing was needed for the populations of Chara, Ngao, Oda, Ozi and Kilelengwani locations, Garsen division, (UNOCHA, November 2001).

Obtaining necessities was a great challenge; most of the people (46%) obtained their necessities through moving in groups to farms, herding areas and trading centers for security reasons. The people also depended on relief aid (both food and non-food items) and ate wild foods too. In some cases government security personnel escorted the locals to their farms and shopping centres. In addition, the pastoralists slaughtered their animals for food. This showed the gravity of the situation, as usually they would depend on cow's milk as a product for sale. This was one of the causes of the collapse of the food markets, causingadditional hardship. The market for cow's milk is dependent on Pokomo farmers buying and selling grains in return, with terms of trade that would allow the pastoralists to survive. Since there was poor intercommunity relations during the conflict period; the Pokomo did not buy anything from the Orma and *vice-versa*, hence the markets collapsed.

According to *IRIN News* (4 December 2001) over 1000 members of the Pokomo community who lost their homes as a result of violent clashes with Orma pastoralists were planning to sue the government for compensation. The government of the day was perceived by the Pokomo as unwilling or incapable of securing their safety. The Pokomo communities therefore took their sons to train in the *Kaya Bombo,* providing them with the skills of traditional fighting that has its roots in supernatural powers of the Digo Mijikenda people.[5] This was done in an effort to create a force against the Orma and Wardei and to counter a 'third force' or what UNOCHA (November 2001) reported as 50 militia men recruited from neighboring Somali to support the Orma and Wardei.

[5] The Digo language has 58% lexical similarity with the Lower Pokomo language at the Tana Delta. See http://members.jcom.home.ne.jp/mi-hamamoto/research/mijikenda/Mij_language.html.

People were wounded (as shown in Photo 8.4) and killed. By the end of 2001 it was estimated that over 130 people were killed in Tana River district in the violent conflict between the Pokomo and the Orma and Wardei (Ohlsson, ed., *EDC news*, 2001-2002). Livestock herding became a problem, the herders could not freely move around for fear that their animals would be attacked by Pokomo farmers. Houses (Photo 8.1) and *manyattas* (temporary shelters) were burned. Farms, *manyattas* (as shown in Photos 8.2 and 8.3) and sometimes the whole villages were abandoned.

Insecurity

In order to improve security in the area, the Kenyan government disarmed 638 police reservists in the district, to strengthen relative peace that had returned to the area 'after violent conflict between the two communities in November and December (UNOCHA 22-28 December 2001). Further, the government trans-

Photo 8.1 A burnt house at Tarasaa village

Photo 8.2 An abandoned *manyatta* (temporary shelter)

Photo 8.3 Abandoned farms overgrown with weeds

Photo 8.4 Youths wounded in the lower Tana Ngao village

Photo 8.5 A schoolboy from Golbanti village killed by raiders

ferred some policemen to stations away from the conflict area. As they belonged to the two communities and served in the area, they were believed to have taken sides in the conflict (*Ibid*.).

The government embarked on a disarmament process. The local District Commissioner (DC) at the time said 80 illegal guns suspected to have been used in the conflict had been recovered, the Standard reported (UNOCHA, 22-28 December 2001).

The majority of the respondents (60%) reported that they were not safe when the government brought in security officers during the conflict. The reasons they gave were that the security officers harassed people and beat them up for no reason. The security officers, it was claimed, embarked on their own parallel program of sexual based violence by raping some women, and this only served to increase the fear of insecurity. The security officers were also accused of taking people to prison (as they conducted forceful disarmament) for having weapons in their possession, though many were legal tools such as machetes *(panga)* and spears,in this area quite ordinary agricultural tools. Communities reported that the security officers were few and lacked sophisticated weapons to deal with the 'raiders'. Lastly, the communities felt more insecure and vulnerable to further attacks when police reservists were disarmed as some community members had camped in the police reservist's homes.

Government security, informants claimed, was biased, and went to disarm only the Pokomo and not the other groups. They would also go to conflict areas too late after attacks had occurred. They were allegedly also involved in some of the village attacks, thus they formed an 'external force', and at some point people were puzzled as they did not know whether to trust them or not. It was also reported that at other times they were "glued" at their stations most of the time and seemed undisturbed by what was happening in the areas under conflict. As a result, attacks still occurred despite the presence of security personnel (see Photo

8.4 for wounded youths in the Ngao village). The security officers seemingly were not confident about tackling attackers that were armed to the teeth. The same officers were said to be after money and looting. They were seen by local farmers as adding to the problem rather than solving it.

Impact on education

The indirect effects of conflict can also disrupt a society. Students could not concentrate in class because of the deaths of some of their schoolmates and relatives. They started to distrust each other since some of them were known to carry knives around the school compound. Some of the students, since they were a minority (Orma and Wardei) would leave the school compound during class breaks for fear of the majority of Pokomo students. This in turn frightened the Pokomo students, who thought they were planning to attack. The schools had turned into centres of fear and tension, they had to close early. The conflict in Tana River is one of the critical factors that contributed subsequently to poor performance of school children in the district.

Cultural impact

In Oda-Wachu location, at the Oda village, Orma and Wardei internally displaced persons settled on Pokomo graveyards. This caused tension in itself, as the Pokomo claimed they had no place to bury their dead. The graves of the Pokomo generally are unmarked, and it may have been a lack of knowledge that led to the choice for the site, but it caused tension just the same.

Observation of rules of war

There was a general feeling among all respondents that this conflict was different in many ways from those of the past. This was also shown by the lack of adherence to the traditional rules of engagement. During the most recent conflict, most of these rules of war seem not to have been observed. For instance, children were killed (Plate 5), women were wounded and killed, and food stores were destroyed. The flouting of traditional rules of war and the fact that the police came to the scene as spectators instead of enforcers of new rules of law and order caused people to feel abandoned. On the one hand, newcomers and those who have acquired new weapons ignored traditional local mechanisms for conflict prevention, containment, and the restoration of peace. On the other hand, the monopoly of government over the use of force for the sake of peace and security cannot match the determination and firepower of the pastoralists. This situation put to question the government's sincerity in the drama in the minds of the agricultural Pokomo. They felt abandoned as a people, and the conflict obtained an additional ethnic dimension.

The Orma and Wardei were not happy that their traditional rules of war were being ignored during the conflict. Initially the Orma and Wardei who started the fight this time, only attacked the able men. They were bitter that Pokomo attacked women. The Orma and Wardei then started attacking men, women and children. As the traditional balance was broken, the Pokomo, being not used to a full-fledged war, had to resort to ritualistic conflict assistance.

Positive impact of the conflict

One of the positive impacts of conflict was that the clans, usually divided, were united during the conflict period. The Pokomo peasant farmers are usually divided and likewise the Orma and Wardei communities, such that when either of the groups is not conflicting with one common enemy they conflict internally. This is in line with the sociological hypothesis which suggests that conflict is not only negative in impact; it can have some positive functions. For example, the pastoralists, who had to pay a little fee to be ferried across the river by the Pokomo, have in some places managed to ferry themselves and have acquired their own canoes, and are presently able to cross the river without the monopolistic assistance from the Pokomo. The Pokomo would never charge fees to their fellow Pokomo for crossing the river but would charge the Orma and Wardei pastoralists. This shows some institutionalized security measure taken or even some stereotyping that Orma and Wardei are hostile people and favours should not be accorded to them.

Causes of the conflicts

Of course, this conflict did not develop to the level of violence only because a land survey team appeared in the area. There are more fundamental reasons for the conflict, and we will discuss in more detail the process that lead to the situation described.

Demise of rules to guide the use of resources

In the past, during the dry season pastoralist groups were expected to ask for permission from the Pokomo farmers to use their land and water resources. Identified corridors were set aside to facilitate access to water and pasture and were not to be encroached by the farmers, since such areas were to be used whenever there was a need by the pastoralists. Further, pastoralists were only expected to use the accepted water corridors, because most of the farms were lined along the riverbank. This was therefore an institutionalized system by which people of different modes of livelihoods used the resources of the Tana River area with relative mutual consent, which created inter-group harmony. As we have seen, this

has changed as short cuts are taken by pastoral producers, and access is indeed threatened by the surveying exercise.

In addition, pastoralists were to graze away from the farms and had to ask for permission from the owner of the farm to graze their animals on the farm after-harvests. In case of crop damages caused by livestock, elders would decide whether the person grazing should be fined or forgiven. Pokomo farmers would be mostly forgiving when damage was done to avoid escalation of conflict, imposition of fines was rare. Presently some of the farmers report crop damages to government authorities and pastoralists are fined. A much harsher stance is taken generally.

However, though they are often seen as one category of people together with the Orma as pastoral people, the Wardei people are different. They generally do not seem to know the rules that guide the use of resources in the study area. They are aware that such rules used to exist in the past between the Orma and the Pokomo, but seem to have no knowledge of any rules presently being in use. Some of the Wardei pastoralists are newcomers in the district, and seen as visitors of the Orma people from Somalia. Others have been in and out of the district because of conflict with the Orma over pasture resources. Although some Wardei speak the Somali language, they are originally Orma people who had been enslaved by the Somali and have become refugees in Kenya because of political instability in Somalia. Still, their regular revisits and their background has not given them an intimate knowledge of present-day rules on natural resource management.

The rules of engagement no longer seem to be followed, and since Kenya's independence there have been too many pastoralist ‘visitors’ who do not follow these rules. These are pastoralists who do not normally reside in the area but come under the invitation and protection of the local Orma pastoralists. They are people who act in contempt of the Pokomo and whose herdsmen do not follow the designated corridors, thus destroying crops and attacking those who stand in their way. This makes the Pokomo wonder why these pastoralists behave in a war-like manner.

Preparedness for war among pastoralists and farmers

The causes of conflict are not simply related to resource scarcity, but causes of conflict not always lead to violence. Conditions must be met, and means available. According to the Akiwumi report (Republic of Kenya 1999) some cultural practices such as cattle rustling for example are meant to be a sign of bravery or an essential part of the initiation for boys into manhood. Often cattle rustling involves violence for those who resist letting their livestock go. Therefore the pas-

toralist culture of cattle rustling enables pastoralists to be in a state of preparedness for war; either waiting to be attacked or preparing to attack others.

Another condition allowing for the war-like behaviour of these pastoralists is due to their exposure to sophisticated weapons. The seemingly unstoppable influx of (small) firearms and ammunition into some regions of Kenya such as Tana River and the Northeastern province from neighbouring Ethiopia and Somalia has increased banditry and made fighting almost a hobby by pastoralist groups according to the Akiwumi report (*Ibid.).*

The belief by some pastoralists that they are the right owners of livestock or specific kinds of livestock for that matter justifies raiding and is a contributing factor to being "war-like" or in a state of preparedness for war; leading to conflicts with other herdsmen or farmers. Nunow (1994) argued that pastoralists are so dependent on livestock that they use any means available to access water and pasture for their livestock almost subordinating their own and other's needs and welfare to those of their livestock. This allows for very little flexibility in the relationships with sedentary farmers.

It is often pertained that the harsh physical environment may have contributed to the pastoralists' war-like nature as well. Pastoralists walk for long distances in bushy or desert-like areas and require arms and/or weapons for protection against enemies and wild animals. In order to be a successful herdsman therefore, one must be able to defend his animals as Netting (1986: 55) has argued:

> Since cattle are a volatile form of wealth, a man has the freedom to raise his status through initiative and skill. On the other hand he must be willing to defend his animals aggressively from predators and military raids to show fortitude and endurance when he meets with hardship.

The conditions for conflict are present at the other side as well; the Pokomo, in preparing themselves for resistance against the pastoralists have approached 'their cousins' the Mijikenda people of Kwale district to help them fight the pastoralists through the use of 'supernatural powers'. Young Pokomo men were trained in the bush using herbal medicine to also be mentally prepared to fight. It is interesting to note that the information was provided by an Orma key informant who said that the Pokomo are involved in what he called *Kaya Bombo* (this is the name of a Digo shrine). It is however notable that the Pokomo peasant farmers did not have easy access to modern sophisticated guns like the pastoralists during the conflict described. Instead they used traditional weapons such as machetes which are still common amongst the Pokomo farmers. This is partly why the elders had to fall back on the use of supernatural powers and witchcraft as a means of countering the power of the gun. One can assert that if the conflict is not resolved or institutionalized in a manner tolerable to both sides the Pokomo will embark on the expensive (economically and in terms of human lives put at

risk) exercise of arming themselves with modern weaponry as has happened among the Marakwet in response to costly Pokot incursions into their territory (Kamenju *et al.* 2003).

Other factors contributing to the conflict

Conflicts at whatever level have many different causes (Mwagiru 2000). It can be argued that, the major cause of conflict, be it interpersonal, inter-communal or interstate is lack of fulfillment of needs and a clash over interests. Natural resources of land form the most basic requirement in any social organization (Chisholm & Smith 1990).

In the research area, the local population identifies a number of causes for the conflict. Mostly a fear by pastoralists of displacement due to land adjudication. The conflict was also caused by incitement by politicians in the period prior to the elections. More immediate causes are also mentioned. Grazing of livestock in planted farms is one such immediate cause. Similarly, land ownership creation and the creation of new administrative locations contributed to the conflict. Further, closure of watering corridors for livestock, different uses of the same resources all may have contributed to the conflict. Drought and the creation of new watering corridors is a cause of the conflict, as is the influx of 'visitors' and their animals into the district.

The conflict, once started, was aggravated also by the violence itself. Wounding and killing of livestock that damaged crops does not tally well with livestock owners. A general disregard of other people's property (crops or livestock) in the view of the Pokomo angered them further. Further competition among pastoralists for pasture and water also protracted the conflict. As a result, some of them were forced to migrate to other areas, conflicting with the people they encountered. Diversion of the River Tana's water by pastoralists in Lower Tana through canals affected the flow of the river, affecting riverine farms and general livelihoods which also led to conflict.

Land adjudication

Of course, a major trigger was the land adjudication procedure that was going to be implemented, and the creation of a new locational boundary, which could mean that ethnic identity and territory would be fixed. People, especially the pastoralists, felt threatened, and feared they would be locked out.

Government had earlier on created locational boundaries, without considering ethnic groupings. That meaned that some of the locations where farmers lived were subdivided to include pastoralist areas, but the fact that an Orma name was given to a location made these pastoralists feel that they were now legally entitled to possess their own location. They felt therefore it was justified to restrict

farmers from accessing their farms which were in the new "pastoralists' locations".

For the Pokomo the names of the locations did not mean much; they are settled people and they know their farms and villages and inter-village boundaries. For the nomadic Orma and Wardei having their own names meant having a special attachment to the place. Owning that place, especially in the face of loosing areas elsewhere, made them keen to hold on to it. They regarded the new location as commons given to them by *God (Allah).* Similar conflicts arose between the Nuer pastoralists in Gambella Ethiopia and Anuak settled people who have seen pastoralists replacing Anuak names with their own names, and also between the Dinka and Shilluk in Malakal County. Pastoralists know nowadays the meaning of the unsaid rule "you either settle or lose the commons".

We discussed earlier the case of the Oda-Wachu area (initially called Furaha, but renamed by the Orma as Oda-Wachu), at the Oda village the Orma and Wardei internally displaced persons had settled on Pokomo graveyards. Here again we see the difference in perception of space and territory that contributed to misunderstanding and conflict. The Pokomo claimed that they had no place to bury their dead. Most of the graves they did have had not been built in a permanent way; they were just mounds of sand, and the displaced pastoralist groups had resided near the graves. The Pokomo were therefore afraid to go and bury their dead because they had to pass by the newly erected *manyatta* or temporary housing of the pastoralists (who built on older graves which are unmarked. It is possible that the displaced pastoralists did not even know that they had settled on graveyards).

External investments as threat

In addition, the Tana Delta sugarcane (a controversial $370 million project) project issue was pushed by the Member of Parliament in the area in a bid to increase employment opportunities (about 20,000 jobs) to be created as a result of Mumias Sugar Company using 20,000 hectares of the Tana Delta land to plant sugarcane. The government was keen to start the industry Those who supported the project at national level argued that the industry would produce 150,000 tonnes of sugar, that the sugarcane plantation would therefore be good for all Kenyans, and that more sugar means more employment for all Kenyans and not just the Tana River people.

The project was affecting (and was affected by) the conflict at different levels. At the general level, development versus traditional ways of nomadic pastoralism, poverty alleviation versus environmental conservation, and plantation farming versus nomadism all played a role. Those who oppose the project at the national level such as local conservationists maintained that it would threaten

biodiversity and the livelihoods of local communities. Tana delta is home to over 350 bird species, and is a large assemblage of globally threatened wildlife including nine plants, five fish, two amphibians, two primates and two reptiles. The Orma and Wardei pastoral population was firmly against the plan, but many Pokomo who were strongly against the proposed development did not come out in the open, since it was the idea of the Member of Parliament who was a Pokomo.

The majority of the Pokomo however trusted their Member of Parliament with the promise of employment, and yet there was no promise of adjudicating the land (be it ranches or farming land) that would have laid the foundation for compensation of any land lost by them. Alternatively, land adjudication before the project would start would have given them the right to rent or sell it to the Sugarcane company if they so wished.

The issues that the government needed to consider for both the Pokomo and Orma was the issue of entitlement of the land, proper compensation for the land and the provision of an alternative to the affected population. The Government however only saw an opportunity to access "free land", much like what happened elsewhere in the Coast Province, where most land is "Trust land" and thus not legally owned by individuals, though used based on ancient use rights. The Government formally only recognized the legal implications, which with Trust land are very limited in their consequences. In reality, both farmers and pastoralists would be changed into squatters, indeed a common trend in coastal Kenya. Many indigenous coastal people have no idea or awareness that they need a piece of paper to prove that they are indigenous people who own the land.

Some of the farmers did see that implication and their concern was that the project would take over the communal land that had not yet been adjudicated, with a high probability of not receiving any compensation for the land. They worried about how the government or TARDA (Tana and Athi River Development Agency) and Mumias Sugar Company would acquire the land for the Sugar plantation. Pastoralists, who bring about 60,000 cattle from as far as the Somali and Ethiopian border regions to graze in the delta during the dry season were also angry. They disrupted public hearings on the project (The Guardian 2008).

Those who support the project at national level argue that the industry will produce 150,000 tonnes of sugar per hectare, that the sugarcane plantation is good for all Kenyans, and that more sugar means more employment for all Kenyans and not just the Tana River people. Those who oppose the project at the national level such as local conservationists oppose the proposal as it threatens biodiversity and the livelihoods of local communities. Tana delta is home to over

350 bird species, and is a large assemblage of globally threatened wildlife including nine plants, five fish, two amphibians, two primates and two reptiles.

Broken alliances

As the tension rose, and increasingly the Orma felt the newly introduced Wardei, unfamiliar with the existing local rules, threatened the status quo between the Pokomo and Orma with their selfish behaviour in relation to the short cuts they made for the watering of animals, and with damaging the standing crops of the Pokomo. When an alliance is broken, tensions and sometimes feelings of betrayal emerge. After the Orma blamed the Wardei on many occasions as the conflict drivers in the Tana River conflict due to internal tensions between the two groups, violent conflict erupted between the two groups. The trigger of the conflict was the felt need for government representation by the Wardei. They felt that the Orma were using them to fight their own wars, and were upset that they threatened some of the Wardei that if they did not cooperate they would expose the fact that they came from Somalia, fuelling the government anti-terrorist policy and encampment policy (of all refugees). The Wardei decided to appease their 'hosts' the Orma for fear of being exposed. The Orma then blamed the Wardei for the farmer-pastoralist conflict with the Pokomo. When the Wardei saw the balance of power tilting against them, they acted fast, by creating friendship with the Pokomo farmers to save themselves. They decided that during elections (2002 as well as 2007), they would have their own candidate for the Member of Parliament seat and would not support an Orma candidate. The Pokomo leaders saw an opportunity to divide the pastoralist vote and an opportunity to win the elections, not having the majority vote in the area. This shows that alliances are dynamic and change all the time, interests and needs are at the heart of many conflicts.

Conflict management

Conflicts can be managed in different ways depending on the parties involved, and the type of conflicts experienced. In the Tana conflict, seminars, workshops and open-air meetings (*baraza*) have been arranged in an attempt to manage the conflict. All in all good leadership is an indispensable factor in conflict management. Many strategies were tried.

Organizations/institutions involved in managing the conflict in Tana River

The more formal organizations and institutions that were involved in conflict management during the period of uneasy calm were numerous. The list included the Council of Imams and Preachers of Kenya, World vision, The Red Cross So-

ciety, the various Council of Elders, Arid Lands Resource and Management Programme (in conjunction with Oxfam).

This high profile involvement did not have the expected impact however, Many local people saw no positive signs of achieving sustainable peace. Partly this was because the meetings took place outside the actual area of conflict, and people tended to get suspicious of peace meetings taking place outside the district. The above mentioned NGOs were seen to select people of their own choice, and these were considered as poor representatives of the community for such an important task. The local people felt that the traditional Council of Elders would have been the best representatives as they are traditionally responsible for resolving conflicts in the community. Though they were involved (see below), they did not participate as representatives. Still, some success was achieved, if only because it was felt that the fighting had exhausted the parties involved. The loss to all parties was coming to be felt.

Local solutions in conflict management

The involvement of external parties did not contribute much to solving the problems, and perhaps they should have listened more to the local population. A number of ideas circulated and could have been tried. One solution was seen to be for farmers to press for the land adjudication process to continue. This could have at least safeguarded their and the Orma's right to ownership and access to land. Another suggestion was for the pastoralists to graze their animals in the hinterland away from agricultural areas, and in case of droughts to monitor the animals very closely when they were moved close to agricultural areas. The major role proposed for the government was that the land adjudication programme should be made a reality in order to end the conflict between the farmers and pastoralists. It was seen (mostly by Pokomo farmers) as a programme that would legally prevent pastoralists to graze livestock on planted farms. Above all, the government should have improved security in the area.

Solutions contributed to the conflict by the Tana River Gasa elders

According to a report made by the *Gasa* (August, 2001); for the conflict to be managed the killers should be brought to book. In addition, the government should not deny the farmers, land registration because the issue has led to conflict, while ranches have been registered and title deeds issued to the pastoralists. The Pokomo occupy only 10% of the land in the district. Elders felt that it would be unfair to deny them this small percentage; hence the land adjudication should be continued in order to establish secure boundaries for the farmers.

Possible solutions of the conflict obtained from participants of a workshop

The above solutions all strike us as quite short-term, and therefore very valuable to quickly stop the conflict. More long-term solutions came from a report prepared by Arid Lands Resource Management Project (ALRMP 2001). It suggested that traditional structures could be strengthened through for instance, conducting of peace ceremonies such as "*Ibisa*". After conflicts occur, these ensure reconciliation. Land could be adjudicated to fit the needs of the conflicting groups for farming and grazing. In relation to that, at least two water corridors or *malka* should be availed in every location for the pastoralists to water their animals.

According to a Peace and Reconciliation Workshop for Councilors (by Caritas Malindi Development Office, February 2002) on the land adjudication issue, there could have been more involvement of community members so that both farmers and pastoralists would have known what was at stake. At present, theye were not very well informed. That process could have been more geared towards local cultural and traditional institutions as well. In addition, the involvement of the community elders proved crucial.

To deal with poor inter-community relations, it was put forward that conflict occurring in one area should not spread over the entire district because of ethnic reasons. Also, communities should respect each other's culture and lifestyles. Further, people should form a spirit of apology and forgiveness and finally that Tana River residents should have a common understanding towards visitors[6] in the district, who should be vetted and monitored by the Provincial Administration to avoid security risks associated with their presence.

Solutions contributed by the Orma and Wardei pastoralists

The above solutions have a clear background: They coame from Pokomo farmer communities and external organisations mostly. The Orma and Wardei had their own interpretation of solutions. Riverine land should not be registered according to Pokomo customs alone, but the government should also consider traditional ways of land-use among the pastoralists. This is because the pastoralists have found the hinterland not productive for those who want to farm or are already practicing agro-pastoralism. Thus, the pastoralists in Tana River wanted to share the riverine land with the farmers. The pastoralists also wanted to be educated on the land adjudication process, so that they would have known what was at stake for them before the programme would have been implemented.

[6] Visitors here are nomadic pastoralists from other districts or countries such as Somalia and Ethiopia, as has been discussed. The visitors may also be self-settled refugees who ran away from their countries' of origin together with their livestock.

Traditional method of conflict resolution

As refered to already above, when the Pokomo farmers conflicted with the Orma (not the Wardei) pastoralists in the past, they would perform a ceremony called '*ibisa',* usually done in the area worst hit by the conflict and therefore always done in the Pokomo villages. The pastoralists would provide a bull and the farmers their products, usually rice. People would discuss about the causes of the conflict and the perpetrators of violence. A prayer would be done, and anybody who would initiate the conflict afresh would be cursed such that bad luck would befall him and his entire family. According to Kamenju *et al.* (2003: 45):

> Unrestrained conflict escalation (involving pastoral groups) which have become quite common in Kenya, is therefore a sign of the elders' inability to exercise their institutional role of conflict management and a creeping feeling of neglect by the government so much so that they also feel victimized.

Conclusion

It is clear that conflict between the two communities arose from a combination of factors, and was triggered by a number of occurrences: Lack of institutionalized channels of communications over problems that are bound to occur (grazing on planted farms and trespassing when watering the animals, closure of watering corridors (*malka*), etc.), contempt for each other through the process itself and for immigrants who do not know the rules, competition for resources and government action at various levels that threatened to restrict access to them (as in creation of new boundaries without taking into account the local people's opinions and feelings, incitement by politicians during election campaigns, and the introduction of new land uses with powerful private interests).

Tana River being an arid and semiarid district and thus has limited resources, in most policy circles, an important source of conflicts is the different use of the same resources by the pastoral Orma and Wardei and the agricultural Pokomo. On this point, a number of recommendations suggest themselves. Ideally, a freeze on the introduction of new forms of land use should be considered. With the scarce resources, a 20,000 ha sugar cane plantation will severely curtail breathing space of the local population. Second, it seems that with the full involvement of local groups, a recognition and inventory of land use traditions and rights is necessary. Subsequently, pastoralists in particular but also cultivators should be educated on the land adjudication issue, and how that affects their rights. Any cooperation need in future on resource use needs to be institutionalized in rights mutually recognized. With regard to *malka* the government, in cooperation again with the local land users should demarcate the existing watering points and maintain them, and where possible fence them to avoid trespass. New locations created should be revoked and the old ones to remain as before.

The above would prevent the reduction of the extent of existing resources. In addition, one could consider the improvement and extension of presently rare resources, such as dry-season grazing. There are no proper drought coping mechanisms. This and scarcity in general could be tackled by using surface run off through seasonal rivers. Instead of letting it drain into the ocean, the water could be dammed for irrigation of crops and grassland and livestock watering. This will allow the pastoralist groups to both maintain herds and start cultivation, which has started now in the presently limited riverine areas. Finally there could be some form of monitoring of movements of visiting pastoralists from neighboring districts or countries. If they should cross international borders for grazing and watering purposes, they should be disarmed first. This is to ensure that local people are secure.

With regard to conflict management it is recommended that the government should as a matter of priority establish quality security services. A barracks in Tana River can be considered with regard to its strategic position to neighbouring unstable countries such as Somalia and Ethiopia. However, these security forces should be very closely monitored in their behavior in view of allegations voiced earlier and described above. Internally, the provincial administration should invoke both the modern security arrangements and traditional arbitration mechanisms.

The results of the study shows that, there is no intergroup, intercultural communication between the Orma and Wardei and the Pokomo due to institutionalized conflicts and contradictions based on mode of livelihood, stereotypes and ultimately social segregation. This could be addressed more. In addition, there is a great need for proper policies on land in Tana River district taking into consideration the traditional ways of land-use and ownership in which both the pastoral and agricultural communities are stakeholders. Concerning feuding communities that depend on each other for their livelihood, Gluckman (1956) states that it is essential for these various groups to be on some sort of friendly terms with one another, if they are to maintain their cattle (crops) and themselves alive. He pertains that ecological necessities force people to cooperate.

There have been long periods of peace in the district, when mutual agreements on resource use has facilitated both groups to acquire a living. Now, human suffering has already occurred in the district, as a consequence of the conflict and a fragile peace exists. The root causes of the conflict as seen in this study are complex and intertwined bringing together ownership and use of natural resources of land, water and pasture and the differences in views on these issues between local populations and national government and private interests. If these are not attended to as a matter of priority and in a way that would lead to the resolution of

the conflict and a positive conflict transformation then there will be no doubt that the existing peace will suffer unbearable strains.

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9

Resource conflict, governance and ethnicity: Loita forest and the fight for exclusion[1]

Fred Zaal & Wario R. Adano

A number of studies have looked at the convergence of economic, political and ecological marginality in several African countries. Yet, case studies focusing on livelihood and natural resources could inform us about violent behaviour as collective action or as individual decisions, and to what extent such decisions are informed or explained by local institutions or specific climatic conditions. Indeed, several case studies have shown that violence is an enacted behaviour, rooted in culture and an accepted form of interaction. This chapter discusses the relevance of climatic parameters in explaining the connection between human population, natural resource-base and conflicts in Kenya's pastoral areas. These issues are considered vis-a`-vis the role institutional arrangements play in preventing violent conflict over natural resources from occurring or getting out of hand. The paper uses historical records, archival information and a number of fieldwork notes. This chapter presents the case of the Loita forest and shows that traditional and introduced institutions can moderate resource conflicts. In this case, a multi-level qualitative analysis gives insight in how external actors' resource monopolisation can even be withstood on the basis of such a combined institutional framework.

Natural resource wealth, climate change and violent conflict

This chapter deals with the increasing tension between forest users within a context of growing populations. The case described is that of Narok District, Kenya, where rapid transformation of land use is taking place from traditional pasture land to commercial wheat production, small scale agriculture, and the potential withdrawal of forest (dry-season grazing) resources for pastoral use to forest con-

[1] This chapter is based on an earlier paper for the Special Issue of the *Journal for Peace Research* which was published in early 2012.

servation and tourism development. According to mainstream explanations of environmental stress and conflicts, there is a causal relationship between declines in the availability of environmental resources and increasing occurrence of violent conflict over these resources (Homer-Dixon 1999; Kahl 2006). This would mean that a certain determinism is supposed between scarcity and conflict rather than between scarcity and institutional management of the access to scarce resources. There are however divergent views about the connection between scarcity and conflict, indicating the complexity of issues, and how they have been taken up in the academic debate (Homer-Dixon 1999; Collier & Hoeffler 1998; De Soysa 2002; Mehlum *et al*. 2006; Gleditsch 1998). When we do find cases in which this causal linkage does not materialise, we should reconsider the case for processes that foster cooperation over resources rather than conflict (see for instance Buhaug *et al*. 2008).

This debate is relevant in the context of the increasing attention for the potential role of drylands in Africa for future food production and the production of biofuels rather than for livestock production. Large tracts of land are being taken over by farmers for the large scale production of these commodities, though small scale farmers are also encroaching into the better endowed areas, effectively blocking off the use of the dryer areas around them. Peri-urban uses of land are also on the rise, such as the establishment of schools and universities, flower farms and chicken production. Thus, the demand side of the equation shows that increasing tension could well result.

On the other hand, there are climatic trends that cause reduced quality and quantity of grazing resources. This is the supply side of the equation, and one that could have potentially devastating effects if not addressed urgently.

The UNDP's Human Development Report 2007/2008 emphasised the consequences of climate change for human security (UNDP 2007; IPCC 2007) rather than considering it as an environmental issue exclusively. Africa is considered a continent with climate-dependent economic sectors at risk of violent conflict (Kahl 2006; Carius 2009). Climate change evidence for Africa suggests increasing scarcity of water resources in many dryland areas, and declining and failing agricultural yields in the Horn of Africa especially (OECD 2008). This trend is clearly expressing itself now, as a new wave of food shortages is devastating the people in the Horn. Political-ethnic factors have further exacerbated this problem.

Others have argued that water (rather than food) scarcity will create violent conflict. Burke *et al*. (2009) have found correlations between changes in temperature or high levels of variability in rainfall and the likelihood of violent conflict events in Africa. Kenya and Tanzania have recently experienced drying up of lakes and rivers, dwindling water supplies, food shortages and electricity shortfalls; a typical situation where we would expect environmental resources-

induced conflicts (Kahl 2006). To date, these have not materialised, and one could wonder whether the institutional framework, including that of the well-developed civil societies in these countries, has contained the situation.

The changes in rainfall patterns and frequent droughts make the survival of pastoralist in arid environments particularly difficult (Boko *et al*. 2007). The timing of the start of the rainy seasons has become less predictable and the difference between a good year and a total failure in terms of rainfall is narrow. Cyclical droughts are increasing in frequency, with the drought cycle, on average, increasing from one in eight years to one every three years.

At the same time, conflicts between pastoral communities in the arid borderlands of northern Kenya, southern Sudan and southern Ethiopia are more numerous, the consent in mainstream thinking being that these conflicts are over access to pasture and water, livestock and small arms (Leff 2009). The fighting between pastoralists and farmers in the Oromia and Ogaden regions of Ethiopia, and interclan fighting in Somalia all seemingly indicate the links between the human impacts of climate change and the threats of violent conflicts (Human Impact Report 2009). The Horn of Africa, Ethiopia, Eritrea and Somalia have suffered more drought-related deaths (estimated at 600,000) over the last century than any other part of Africa. The Darfur case, where conflict has been going on for almost a decade (Kevane & Gray 2008), also seems to imply a causal relationship between climate change and violent conflict over resources.

In this tradition, many studies have extrapolated the trends and come with cataclysmic predictions. Lobell *et al*. (2008) for example predict a 54% increase in armed conflicts in sub-Saharan Africa by 2030 compared to the 1980 to 2000 period. Burke *et al.* (2009) support this and state that there are strong historical linkages between civil war and temperature increases in Africa.

However, not everyone is convinced that scarcity and conflict are causally related in such a straightforward fashion. Burke *et al*.'s claims were later refuted by Buhaug, who shows that, using a more accurate method of investigation and by making use of a more complete dataset, there is no causal relationship (Buhaug 2010a, 2010b). Witsenburg & Adano (2007, 2009) have also shown that more subtle processes are at work, actually contrary to the trends implied in mainstream thinking. Rather, the risk of increased conflict trends in Africa is likely to be a result of many complex reasons, including inadequate governance, uncontrolled corruption, heavy dependence on and conflict over *mineral* rather than *natural* resources and the impact of previous cycles of violent conflict. Some scholars have argued that climate change will not change the current security situation in Africa much since the existing socio-political structures are already prone to violent conflict (Halden 2007; Olsson *et al*. 2005; Schlenker & Lobell 2010). Natural resources may seem the natural cause, but conflict may also be

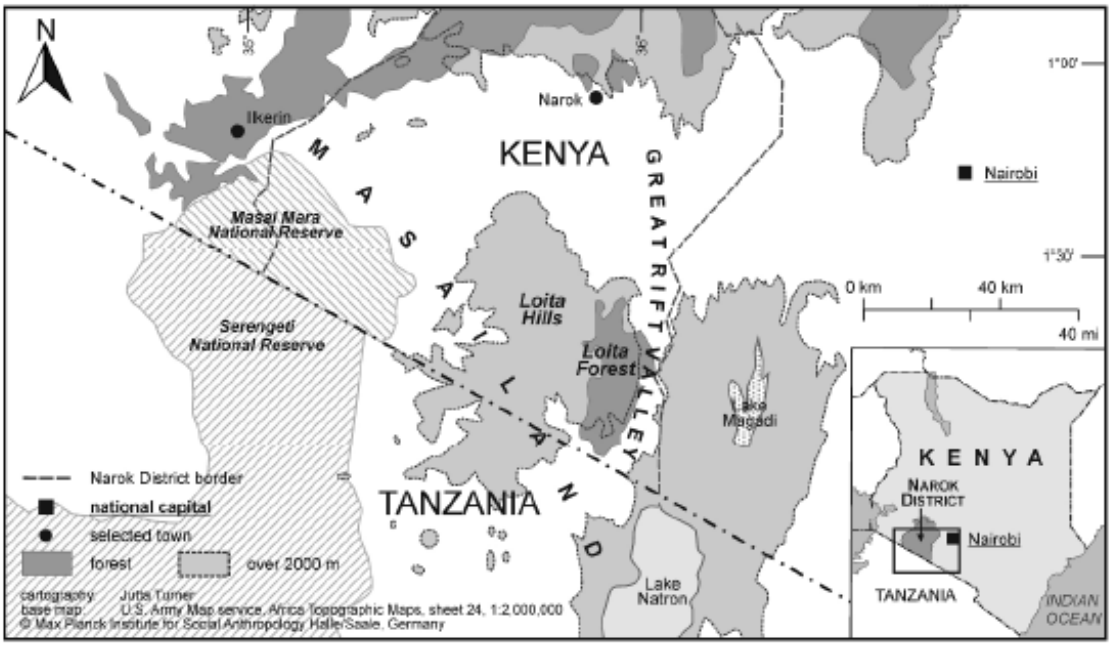
triggered by the absence of good institutions and by external interference. It would therefore perhaps be better to say that in combination with economic, social and political uncertainties, climate change *might* increase the risks of conflict and instability, especially under conditions of poor governance. Buhaug *et al*. (2008) give an overview of multiple factors that may play a role in the evolution of climate change-related violence, yet emphasize that there is no up-to-date empirical statistical evidence of violence directly related to climate change and environmental scarcities.

The actual impacts of climate change will remain controversial and speculative. One idea is that common pool resources, a characteristic of most dryland grazing areas, lack rigorous and controllable governance systems. According to Ostrom (1990) and Young (2011), however, natural resources, including common pool resources such as forests, grazing pastures and fisheries, are at times better managed collectively than privately. Ostrom (1990) explains that self-governing institutions under common property rights are able to regulate many resources for collective benefits, as people learn to cooperate when presented with a resource problem. In this regard, institutions subsequently could become a decisive variable in shaping human-environment interaction, and in preventing competition over resources turning into a violent conflict (Mehlum *et al*. 2006; Ostrom 2007; Young 2011). A continuation from resource management to conflict management seems more logical than a sudden breakdown of resource management into uncontrolled conflict and violence. The question whether resource scarcity brings about (violent) conflict or will generate modifications to institutions that subsequently moderate these potential conflicts is the subject in this chapter. It shows the outcome of an enquiry into the relationship between population growth, climate change, and reduced natural resources availability, and the result of continued and improved social and politico-institutional interactions between ethnic groups in a particular environment.

The case concerns the Loita forest in southern Kenya. Though severely contested, Loita forest turned out not to be a resource curse,[2] because through the use of old and new institutions the loss of the forest to a private 'developer' was avoided. The benefits from the communally used forest remained well distributed among the local community. The area was and is now still one of the few natural forests remaining in Kenya, and least disturbed by land use changes (Nyariki *et al*. 2009) (Map 9.1).

[2] Popularly, the 'resource curse' refers to a phenomenon where countries, regions or areas with an abundance of natural resources tend to show less economic growth and worse development outcomes than countries with fewer natural resources (Collier & Hoeffler 1998; Sachs & Warner 2001). In this chapter it refers to a situation where resource rich areas have a high chance of (violent) conflicts.

Map 9.1 Location of Narok District and Loita Forest in Kenya



This Loita Forest case brings to light a pluralistic (i.e. use of traditional and 'official') form of resource regulation and access rights through collective organization of certain Maasai sub-groups. These sub-groups make ingenious use of common-pool resource institutions and legal courts concurrently to peacefully settle differences over common property resources, despite increasing pressure on these resources due to changing climatic conditions. This result links up with other studies (Ostrom 1990; Anderies *et al*. 2004; Mehlum *et al.* 2006) that find the role of local institutions crucial to resource management, avoiding a potential resource curse and instead turning it into a blessing.

Ingenuity in social institutions moderating interethnic conflict over key resources

The contested resource is the Loita Naimina Enkiyio Forest (LNEF or Loita forest hereafter), a source of water, dry-season grazing area and natural forest on the edge of the Great Rift Valley. The forest is used by the Loita Maasai, but coveted by the Purko Maasai, living to the North but still inside Narok District. This case seemed to be exemplary of many similar cases in Kenya over the last few decades, where ethnic groups or sub-ethnic groups compete or sometimes fight over key resources for access, use of revenues or claims over ownership rights. Water resources and dry-season grazing in pastoral areas are often seen as the natural capitals triggering conflict when issues of access, usage rights and ownership are

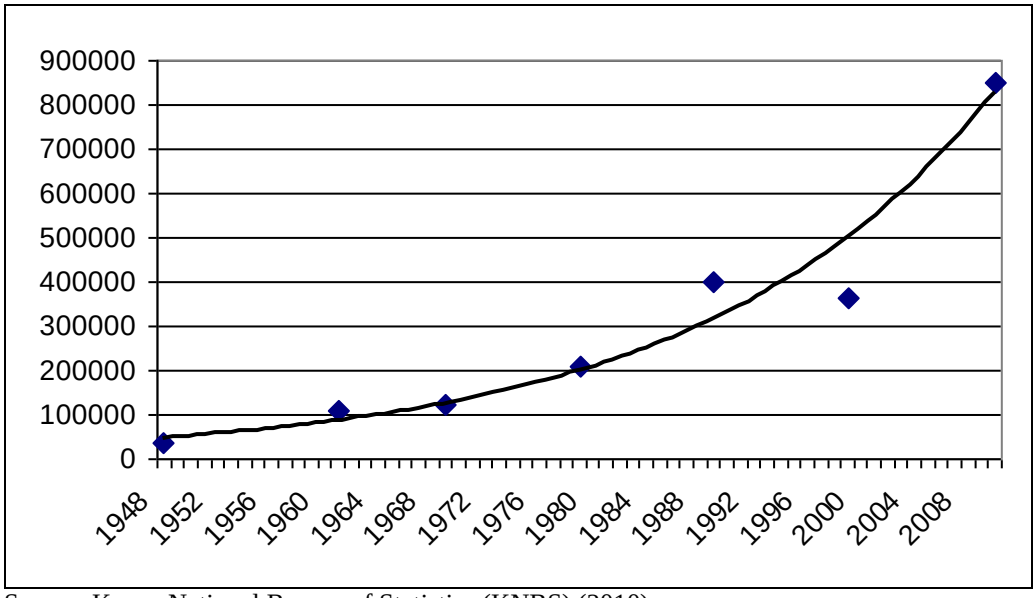
at stake. However, as we will see, the situation was slightly more complicated and pointed at quite different levels at which the conflict started from.

Due to its character, size and fixed location, and given the context of the Kenyan economy and political constellation, the Loita forest is also a resource that national actors are focusing on. Not only the ethnic groups, but also their ministers and even outsiders (private investors in the tourism sector for example, the most important economic sector in Kenya at the moment) wanted access for personal wealth. These two conflicts merged, and we describe the process chronologically.

The context is typical for Kenya and many other countries in Africa. The Kenyan population has increased rapidly, from 10.9 million people in 1969 to 38.6 million in 2009 (KNBS 2010) and shows no sign of reaching a stable number anytime soon. In Narok District, population growth has been even more rapid, with about a seven-fold increase over the same period. Already among the most densely populated semi-arid areas of Kenya, the pressure on land in Narok District has increased further with commercial wheat production taking large tracts of land away from use by pastoral producers (Serneels & Lambin 2001).

Figure 9.1 shows the result in terms of number of inhabitants of Narok District. An increasing part of the growing population is not Maasai by origin, and new groups appeared through in-migration. These are powerful in number and thus in political clout. They have influenced patterns of access to resources laid down in rules of access as determined by earlier judicial processes and present political pressures.

Figure 9.1 Population growth and exponential best-fit trend line in Narok District, 1948-2010



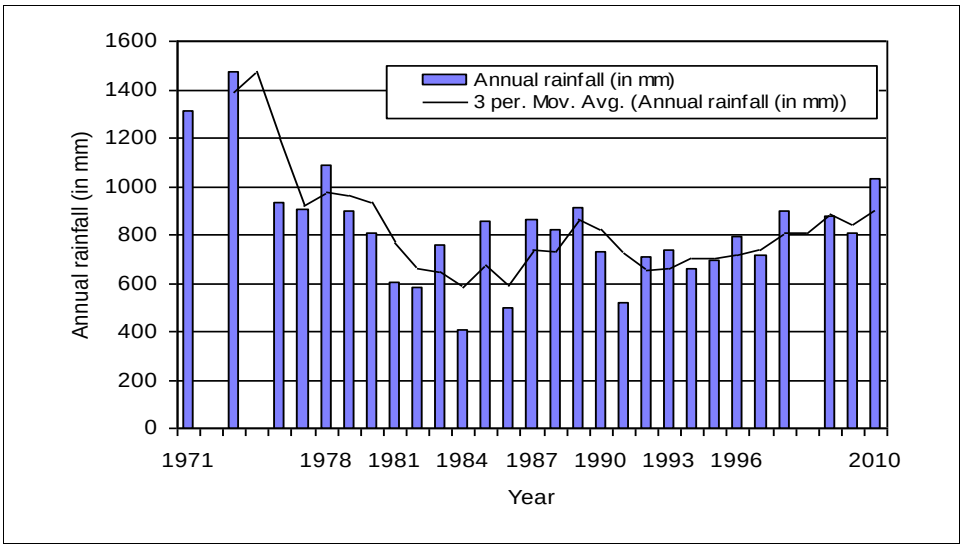
Source: Kenya National Bureau of Statistics (KNBS) (2010).

Population growth in Narok District clearly shows no sign of abating. Migrants settle in the dryland in the towns and around the arable farms as labourers. Even when the Maasai themselves do not grow rapidly in number, the pressure on grazing resources of their herds increase due to the limits now imposed on grazing movements and fall-back areas around wetlands and water resources.

This area has also seen an influx of Maasai from more northerly regions in the early years of the last century (Rutten 1992). In two moves, Maasai from the 'White highlands' were deported after an agreement had been reached between the leaders at that time and the colonial government to present-day Narok and Kajiado Districts. Though this hardly mattered in terms of population pressure, it did bring the various groups of Maasai more closely together, and started the situation of close proximity of Purko and Loita Maasai and their continued encroachment on each other's land, in particular the slow movement of the Purko Maasai towards the wetter Loita Hills.

In addition and more recently, climate change seems to have begun impacting the wider region too, and long-term rainfall figures show a decline in the western part of Kenya in the 1970s, which is supported by (still scanty) data on precipitation in Narok and nearby Kajiado Districts for this period. Droughts became lengthier, the rainfall within the rainy season more variable. However, rainfall seems not to have declined in the long-term thought the unreliability has remained. Figure 9.2 shows an initial rapid decline, but a clear increase in rainfall particularly in recent years in Narok District. Apart from the unreliability, the temperatures have increased, and subsequently evapotranspiration as well, so that despite increased rainfall, the moisture balance remains in deficit.

Figure 9.2 Annual rainfall and three-year moving average trend line in Narok District (mm)



Source: GoK (2004, 2005, 2006) and Ottichilo *et al.* (2000: 277).

Loita forest is a fall-back area for the Loita Maasai and the neighbouring Purko alike and is therefore increasingly important for the survival of the pastoral production system. As a consequence, there is a slow migratory movement within the District towards the forest. Therefore, this case also provides a long-term perspective on scarcity due to population growth, climate change and relative resource scarcity.

Loita forest is set between the Nguruman-Magadi escarpment bordering Kajiado District to the east, the *Osupuko Oirobi* (Purko Maasai land) to the north, the border of Tanzania to the south (though it extends into Tanzania for another 25 kilometres or so, mostly in the valleys of the hills to the south) and the rangelands towards the Maasai Mara National Game Reserve, the most famous tourist destination in Kenya, to the west. The Loita Maasai area encompasses a variety of ecosystems, of which the grasslands at lower altitudes and the Loita forest at a higher altitudes form dominant features. The forest is one of the few un-gazetted (i.e. with no legal restrictions of local access) and largely undisturbed indigenous forests in Kenya (Njogu 2004). The Loita Hills, with the Loita forest covering them are the main water catchments for the surrounding lowlands. The forested highlands receive, on average, an annual rainfall of between 700 and 1,200 mm, while rainfall in the surrounding lower rangelands is at 600-700 mm. The wetland areas and, during extreme droughts, the up-land semi-deciduous and mixed species forests form the ultimate fall-back grazing areas (Musyoka 1999; Dietz 1996). During the extreme drought of 2005-2006, almost all Loita Maasai herds were grazed within the forest.

The Loita Maasai community has an indigenous tenure system that gives use rights over natural resources to various groups in and outside of the community. There are certain resource types and uses that are strictly controlled, while other resources are more freely accessible. For example, the forest has considerable spiritual and emotional value. Many transition rites and other important rituals and ceremonies take place in the forest, such as the age-set initiation and cleansing rituals and fertility blessings for women who are unable to give birth (Maundu *et al*. 2001). Because of all these usage practices, the Loita community sees the spiritual leader, the *Laibon,* who performs his ritual duties at specific sacred sites in the forest, as the custodian of the forest. He is central to forest conservation. The *Laibonok* (plural for *Laibon*) have unlimited rights and access to the forest to provide divine services to the wider Maasai society rather than for their own private gains (Karanja *et al*. 2002).

The Loita community shares the grazing land with the neighbouring Purko Maasai community and the Loita Maasai of Tanzania. As long as the boundaries of the territories are undisputed and resource use is mediated and regulated by customary laws, the sharing of seasonal pastures by the different Maasai sections

poses no threat to any section. It is a reciprocal right used during emergencies and regulated by customary laws. In this case and depending on the season, the *Laibon* and the herders have overlapping rights to use the forest, for cultural ceremonies and grazing respectively (Ole Siloma & Zaal 2005).

However, Purko Maasai have been migrating towards the Loita highlands for many decades now, starting early in the colonial period as part of early 20th century upheavals.[3] The Purko population being more numerous and living in slightly dryer areas of Narok had been invading the forest and Loita area. Over the years, the valleys leading into the forest were slowly being occupied by Purko Maasai. This slow intrusion into Loita Maasai ancestral lands and into the forest is resented by the Loita Maasai who are frequently in conflict with the Purko migrants over illegal use of the forest, such as charcoal burning and timber production. The relationship between these two groups has been 'not cordial' to quote an interviewee. Yet, the Purko Maasai maintain that as long-time residents they have the right to use the forest, especially when they claim access on the basis of belonging to similar clans, as mutually exist within both the Loita and Purko Maasai communities.

Collective rights versus rent-seeking behaviour over the Loita Forest

The Loita forest is located on land, entrusted to the local County Council of Narok (Maundu *et al*. 2001) and managed in accordance with the Trust Land Act (Cap. 288 of the Laws of Kenya). The potential of the forest as a conservation area and tourist site has been a source of conflict among the different interest groups; notably the local community and the County Council. The local balance of power became complicated when one of the most prominent leaders of the Purko Maasai, a Minister in the Kenyan Cabinet, tried to generate support among local elected leaders (Councillors of the various Divisions of Narok District of which Loita Division is only one) to gazette the forest (i.e. restrict local access) and turn it into a forest reserve and national park. This would have expelled the present local users from the forest and would have allowed a few entrepreneurs to build lodges and generate private and public revenues from tourism. The Minister had a number of lodges in the neighbouring Maasai Mara District, and thus clearly had the business experience and opportunity to take over the forest and build tourist facilities there.

[3] The pressure on Narok and Kajiado Districts grazing resources had increased considerably due to the displacement, in two successive moves, of the Maasai community from the Central Kenyan Highlands such as Laikipia, when white ranchers, supported by the Colonial Government, appropriated these areas. Within a decade, the population in Narok and Kajiado Districts almost doubled; see above in the text.

The Purko Minister had allied himself with a Loita Member of Parliament and a Loita councillor. The three men seemed to have agreed that the Loita forest was to be demarcated for gazettement, and the councillor drafted a letter incorrectly writing that the Loita people agreed to the gazettement decision. The intention to gazette the forest was communicated to the Minister for Environment.[4] This minister himself had earlier benefited from a similar procedure, when a neighbouring group ranch had been demarcated and leased to him when he was still a Member of Parliament for the neighbouring constituency.

However, resistance began to build up, and the director of a regional development project, the Ilkerin Loita Integrated Development Project (ILIDP),[5] called a meeting of the Loita Council of Elders (LCE). The LCE had been installed earlier with the assistance from the ILIDP project to organize the community. The LCE was constituted with the intention to have a broad representation of the population in the council. The formation of the council was an important part of the intervention strategy of the ILIDP, and did ultimately lead to more relevant project work. Now, however, it also linked the population that started to resist the gazettement with the ILIDP, the senior elders, the elected councillors, the *Laibon*, the development officers in the government, and some women and youth groups. Some of the LCE members were also on the Board of ILIDP, for example. The Narok County Council (NCC) was acknowledged at the time as being entirely justified in managing the forest and deciding on its future use, as the Council kept all un-demarcated and un-gazetted land in trust for the benefit of the local population. Even so, the earlier loss of access to the Maasai Mara and Kamororo group ranch referred to above (Zaal & Ole Siloma 2006), which was previously allowed by earlier Council members and had benefitted the Minister for the Environment too, had made the ILIDP and LCE very concerned. Other similar cases included the destruction of the Mau forest in previous years which is also a Narok forest area under NCC trusteeship (Baldyga *et al*. 2007).

The LCE resolved to organize a broad resistance movement. The Minister for Environment subsequently changed his mind and agreed to assist the Loita community. A lawyer established the Loita Naimina Enkiyio Conservation Trust (LNECT), a registered entity with the primary duty to protect and manage the

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[4] This is according to Kenyan Law. As stipulated in the Forests Act (Cap. 385), a Minister has among others the powers, by notice in the Gazette, to either declare or alter the boundaries of a forest (GoK 1982).

[5] ILIDP was started in 1968 as the initiative of a local Loita leader and a Dutch Catholic Missionary. Support came from Dutch Catholic development NGOs. The conflict coincided with a period in development thinking (in general and within this organisation in particular) that promoted empowerment, advocacy and networking as strategies for development. Two decades after its start, ILIDP was confronted with the Loita Forest conflict. A decade later, it was successfully solved.

forest and its associated ecosystem heritage held in trust by the local Narok County Council.

Of course this merits the question whether the LCE, as an informal and non-legalised institution informally representing the population was in a position to organize resistance against a formal and legally recognised institution such as the Narok County Council, which had the responsibility by law to decide on the future of the forest.[6] However, the timing of the conflict is worth considering in the context of Kenya's history. The first truly democratic elections were to be organized in 1992, and at that stage of the conflict, the NCC could hardly be considered truly democratic in a representative and multi-party democratic meaning of the word. The conflict had erupted meanwhile, and protesters and those who wanted to appropriate the forest confronted each other violently. At one occasion opposite the ILIDP facilities in Narok Town, some people were killed when police started shooting prematurely (Dietz 1996).

The Loita Naimina Enkiyio Conservation Trust (LNECT) took the matter of the appropriation of the forest to court. In this court case, many found it very difficult to choose sides. Conflicting points of view became apparent within the Loita community. Groups were divided along clan lines according to their Purko or Loita background, and old and young also often disagreed, with the older people willing to adhere to old customs and informal rules of access while the younger generation wanted access for development of the area.

So far, traditional institutions (age groups, *Laibon*) and modern organizations (the ILIDP, LCE and LNECT) had joined forces to fight against the Purko Maasai and their Minister, for control over the Loita forest. The national elections gave the opportunity for both factions to present their views and drum up support. Within the Loita community, councillors supported by the ILIDP faction were better positioned to win this election. ILIDP had made available some resources to do this, such as transport. One item that came up for public scrutiny was the letter that the Loita Councillor had written, stating that the Loita people were supportive of the gazettement. This and many other issues ultimately led to

[6] In a recent landmark ruling, the African Commission found the Kenyan Government guilty of violating the rights of the Endorois community living around Lake Bogoria by unlawfully evicting them from their ancestral land in order to create a protected area (CMRD 2010). Two of the views of the African Commission in support of the ruling have relevance to the Loita example. First, the recognition that the State has a duty to ensure that indigenous sacred places, linked to cultural beliefs and practices, and ceremonial acts that are central to freedom of religion, be preserved, respected and protected. Second, the State is to apply international law concerning the protection of indigenous collective nature and of rights to lands and natural resources as a community, even in the absence of official title deeds. These aspects would support the Maasai community in defending their ownership rights to the local resources.

the political demise of the Councillor; he lost the elections. A new Loita Councillor took charge, split his constituency[7] and had four other Loita councillors elected. This increased the representation of Loitans on the Narok County Council considerably, and when a Loitan was elected as chairman of the NCC, the political clout of the Loita community in the NCC had improved. The power balance had shifted between the national elections of 1992 and the last years of the 1990s. The earlier Councillor and the Minister lost control in Narok District. As suggested by the new Loita Councillors and the Loita chairman of NCC, the case was withdrawn from court. The Loita forest did not gain the status of gazetted national park, but remained open for use by the Loita community. A decade-long conflict had ended at the start of the new millennium.

The Loita forest case shows that individual actors can be quite influential in how conflicts start and develop, but the actual course that conflicts may take and play out is ultimately determined by larger forces. The underlying tension between Purko and Loita Maasai, dating back to well before the colonial period but strengthened by colonial policies of population displacement and boundary establishment of the Districts in which they lived, proved to be a fertile ground for both Purko players to gain control and Loita players to resist this usurpation. Interestingly, more modern sets of legal entities, both elected and non-elected, have been added to this sphere of conflict. The present *status quo* could not have been reached without a modern judicial institution, used successfully by the Loita Maasai through legally authentic institutions such as development projects and a re-established informal Council of Elders. This case shows that old ethnic conflicts between Maasai groups over a key resource can be peacefully contained through complex and unexpected alliances.

The Loita forest case shows that with increasing pressure on resources due to population growth, land use change and resource withdrawal from pastoral use, and drought impacts of climate change, there are opportunities for moderation of potential conflicts. This evidence offers an important starting point for recognizing the importance of local knowledge and norms in crafting cooperate, non-violent solutions in collective actions. This case also shows that old institutional arrangements can link up with new institutions and organizations to achieve this moderation. Within a changing and interconnected world, new threats in the form of commercial interests arise. To counter this, new local-level alliances are formed to deal with potential conflict over a common-pool resource turning resource abundance into a blessing.

7 This was implemented after discussions with the relevant authorities in Kenya at national level. Support was sought from the Office of the President, which influenced this decision positively.

Discussion and conclusion

In Narok, around the Loita forest, a growing pastoral population was mobilized to fend against a neighbouring ethnic group that had high-level linkages to the national government to secure access to a typical common property resource vital for the livelihood of the Loita pastoralists. It also fended against the interest of a few elite individuals who aimed to control the resources for their personal benefit. Individual and group actors among the Loita Maasai made clever use of old and new institutions to win a conflict over resources non-violently. The Loita forest did not become a resource curse, because a mixture of old and new institutional arrangements prevented it from being grabbed by a collusion of competing pastoralists and a few rent-seekers. The benefits from the forest's functions and financial revenues are now used and shared by a large number of producers. The results reveal a rare insight into the importance of hybrid customary-cum-legal institutions and ingenuity as to whether or not a common-pool resource becomes a curse. Therefore, human agency ultimately determines whether natural resources turn into a curse, but we need the contextual analysis and historical pathway of institutional structures to inform us about the potential threats and opportunities.

Equally in a scenario of climate change, when the potential threats to the environment are known but cannot be influenced, coping largely depends on the institutional devices invoked by local actors. When south-western Kenya including Narok District indeed will become dryer, we may expect increased competition for forest resources or the water resources that are dependent on them. Yet, institutional development may address the need for conflict resolution.

From this case study, the significant role that institutions play clearly emerges, be these institutions traditional or 'official' institutions. These institutions can prevent resource access conflicts, and allow reconciliatory situations to prevail between rivalry communities in Loita. Therefore, turning natural resources into either a blessing or a curse depends on the community, shaping and using its own institutional apparatus and other possible means, and within its historic institutional context. This article, thus, shows that in areas where certain key resources are still abundant but where climate is changing, population is growing and pressure is mounting, the local institutional arrangements can still be instrumental in moderating resource-related conflicts.

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10

Precolonial models of conflict management in some African societies

Joshua J. Akong'a

In a modern state, law and order are the elements that form the foundation for development. And yet, in most of the African countries today, conflicts and contradictions remain frequent and pervasive, as if they are part of the normal social process. The causes and consequences of these conflicts are multiple and diverse, making it more difficult to manage and resolve the conflicts. In this chapter, it is argued that African societies have had a past history of institutionalizing conflicts rather than resolving them. This has inhibited the emergence of social forms that are devoid of contradictions and conflicts in which tolerance of diversity, especially in the ownership and access or use of resources, are cherished virtues. By surveying some of the institutions that held many African societies together in the past, such as kinship; avoidance and joking relations; age or generation set systems of social organization; special friendship arrangements; the use of ritual, the recognition of safe havens and the role of arbiters/mediators, it is possible to appreciate that in the past conflicts and contradictions were relatively contained. It is evident that the modern state in Africa lacks these institutions and so the use of brute force in the pursuit of individual and collective goals today are therefore very common when in fact some of the past mechanisms of conflict management could be revived to complement the law.

Introduction

Conflict and the need for conflict management have been pervasive phenomena in human experience since time immemorial. Management of conflict in human history has resulted in conflict resolution and peaceful co-existence required for the observance of human rights such as the sanctity of human life, the right to own and use property and consequently of social and human development. As Bekele observed of conflicts in Africa, "it is the ability to resolve conflicts peacefully that will enable Africans as other people's of the world, to put all their ef-

forts at the disposal of the development endeavour" (Bekele 2002: 209). This is partly because escalation of conflict usually leads to violence, which destroys human life and property; negatively affects people's psyche through anxiety and fear, and leads to the breakdown of the social fabric of society. Such state of affairs is inimical to people's participation in productive and reproductive activities, thus, the need for individuals, groups and countries to find ways of creating sustainable peaceful conditions of existence.

In the past, institutional channels of conflict management and resolution were varied, and, included public opinion, arbitration, song and dance, ridicule, duels, gossip, the invocation of the supernatural, kinship and other arrangements. Among the pastoral communities for example, stealing livestock did not only make economic sense in terms of provision of food, bride wealth and as currency in a very expensive social economic system (Pax Christi 2004; Letiwa 2008: 34), but it was also a value. Those who successfully raided their neighbors for livestock became heroes as they had the guts to act in risky situations befitting men worthy of their names. In a way, conflict brought both glory and shame to the participants, depending on what they were pursuing in the conflict and its outcome.

In many African societies today, there seem to be widespread ignorance of society's guidelines on how to pursue private and public goals, and in situations of conflict, how it should be managed. This may partly be because of the diversity in composition of groups and understandings of what is good and appropriate and what is not. There is widespread secularization too, by which symbols, institutions and ideas that had previously been associated with the sacred/ supernatural power have lost their contextual meaning and moral authority, thus, diminishing the sanctity of human life and respect for other people's property (Persell 1987). There are also many and diverse third parties that conspire to undermine institutionalized peaceful co-existence. Such parties include politicians and religious fanatics, pursuing personal or group interests. It may be partly why there is a wide gap between what the ruling elite think should be done and what the common masses expect, resulting into the ideal-typical Durkheimian state of anomie. This situation is made worse by modern law, formal western oriented education, modern religions from the west and east, financial institutions and new ethnicities, which do not look at reality from a single cultural point of view, leading to discordance between various co-existing systems. This is a situation that has the potential for misconception, misinterpretation and miscalculation, even miscarriage of justice in the process of conflict management and resolution (Samantha 2002).

Similarly, there is the emergence of government tolerated and sometimes, encouraged vigilante groups in East Africa as the "people's defense force". This is

a double-edged sword. On the one hand, people arm themselves due to "poor or too late government response to distress calls", while on the other hand, the institution has no legal standing in a modern state (Paciotti & Borgerhoff Mulder 2004). Thus, the vigilante groups and other mobs, which mete out mob justice, and which are common both in rural and urban areas in Kenya, can only be indicative of a breakdown of the legitimate political and justice systems of government. They are also evidence of individual and collective frustration and aggressive tendencies reminiscent of an alternative government system.

This discussion was provoked by some of the pertinent issues raised by Zartman (2002). According to him, the persistence of violent conflicts in the world in general and Africa in particular is not only an indication of the failure of home-grown mechanisms of conflict management and resolution, but also the failure of inter-group methods as well. Inter-group conflict management mechanisms in the form of inter-family, inter-clan, inter- ethnic or international interventions, are usually viewed as interference in the internal affairs of others, thus ignoring native wisdom, interests or needs. His questioning of the wisdom of deploying old methods of conflict management and resolution in contemporary society is interesting given the fact that character of society has since the pre-colonial times changed dramatically. The question is whether the causes, the scale, protagonists, and the character of conflicts have also not changed. Thus, is it possible to deploy some of the pre-colonial native mechanisms of conflict management to solve contemporary conflicts or would these old mechanisms provide insight? In this chapter therefore, some of the perspectives on conflict causation are identified and some aspects of conflict management during the pre-colonial era in some African societies highlighted, before some recommendations are suggested on how to bring about sustainable management of conflicts in contemporary African society. There is no suggestion in this discussion that conflict is always negative or destructive but that peaceful conditions are necessary for human and social development (Ritzer 2000: 259).

The definition of conflict

Conflict is experienced at various levels of human existence; at the intra-psychic, interpersonal, intra and inter-group, and the international levels. It is therefore, both psychological and social in cause and consequence. According to Boulding (1962: 5), conflict is "a situation of competition in which the parties are aware of the incompatibility of potential future positions in which each party wishes to occupy a position that is incompatible with the wishes of the other". It is questionable whether it is exclusively a social process as suggested by Boulding (*Ibid*.: 305), since it has psychological and other concomitants too. Doob, on the other hand, holds the view that "[T]he hallmark of Social Conflict is the existence of

two or more groups, at least one of which includes persons who believe that one or more other groups … are or will be depriving them of goals or values they would attain or preserve" (Doob 1975: 131). The two definitions would imply that a situation of conflict pertains when one party is blocking the possibility on the other hand to achieve a goal. However, conflict is not always manifest and deliberate in intention. Sometimes, it is unconsciously engendered and the parties involved need not be in contact with one another, aware of the existence of each other or even aware of the existence of conflict (Ritzer 2000: 259). In whatever form it occurs, it is about the exercise of power and that is why if left unattended for prolonged periods of time, can lead to frustration and destruction (Stig 2007). Doob however, gives us some insight into what conflict is about: Goals, values and we can add, culture, needs or resources and interests.

The causes of conflict

In Bernard Lonergan's philosophy (quoted in Kubasu 2006), conflict has its basic origin in an individual's psyche. This is because conflict begins in thought before it is operationalized in behaviour such as hostile speech acts, propaganda, denial of resources or attack. On the other hand, Matui & Kwonyike (2006: 118) are of the view that an attack is preceded by a psychological process of demonization of the other. It should be pointed out that it is this same process of demonization that is responsible for the formation and outward expression of stereotypes among the various races, religious groups, ethnic groups and countries, among others. Stereotypes inevitably lead to social isolation, alienation, segregation and even agression, as evidenced in recent times in form of xenophobic attacks in South Africa, in some Europeans countries, Russia and the USA. In a nutshell, stereotypes arise from unresolved, sometimes, unresolvable social, psychological and physical differences among individuals and groups of people. They may be institutionalized but can also develop, can be exploited and may come to the surface at certain places, times and contexts.

To Matza (1930), deviation from the norm, which conflict is, derives from the psychological process of neutralization of the law, norms or conventions of society. Neutralization is a kind of rationalization by which the individual belittles the standard norm, normative practice, conventional understanding or belief. This act provides the individual or group of individuals with the necessary moral justification to do what is not allowed, and leaves them devoid of the feeling of guilt that would normally accompany the act. It is therefore a conscious or unconscious process of deceptive reasoning that enables one to do or to hold views that the rest of society may consider wrong.

Following the December 27, 2007 civic, parliamentary and presidential elections in Kenya as an example, people of all walks of life were mocked, insulted,

attacked, raped, maimed, killed, evicted and burned alive, all because they were perceived to belong to "other" ethnic groups who therefore, "deserved" to be treated as such. This was in total disregard of the law, conventions and beliefs governing neighbourliness, affinal and other forms of kinship, religion and humanity. One of the most basic motivating factors was the psychological process of neutralization or demonization of the other. It only needed the immediate spark in the assumption that votes belonging to the presidential candidate from one or the other party, had been "stolen".

In his discussion of the relationship between social identity and culture in South Africa and the United States of America which are multi-racial and multicultural in composition, O'Toole (1973: 30) demonstrates that when social and cultural interaction arenas are not coterminous there is bound to be prejudice and segregation in spite of the sharing of the same symbols by the various groups involved. During the period of apartheid in South Africa for example, the white and coloured communities shared the same symbols in contradistinction to the black South Africans, who were also diverse in composition. The coloureds were however not accepted by the Whites as 'proper white', and could not share the same status, honor, prestige and consequently, roles and physical space. Up to about the 1960s, a similar situation pertained in the United States where all Americans were expected to share in the same (middle class) American dream as exemplified in virtues such as determination, success, wealth and self esteem. However, black Americans more particularly were not fully accepted as equal to the other groups, partly because of their slave ancestry and differential opportunity to the resources one needed to become successful. In this way, social identity may be in conflict with cultural identity, of course, with far reaching social, psychological, economic and political consequences as historically witnessed in South Africa and the USA.

According to O'Toole therefore, conflict can arise from self image as opposed to group image. From time immemorial, self image or identity has normally been closely associated with group image, which partly accounts for the pervasive desire by individuals to be counted as belonging to one or another group and not others, perpetually or in certain circumstances only. In Kenya for example, the Luo of Nyanza Province of Kenya categorize people in two broad categories: The Luo (Nya Luo), and the None Luo (Jamua). According to Lokira (2011), the categorization of people among the Pokot, a sub-ethnic group of the Kalenjin residing in the North Western part of Kenya, the categories are even sharper because they are opposites. There can only be Pokot or enemies (*pughung*). One of the consequences of stereotyping is that even when the individual's opinion and conduct are at variance with those of real or assumed group of membership, one is treated as reflecting the characteristics of the group.

What becomes apparent is that conflict is not only culturally and psychologically constructed; it is also multidimensional in cause and manifestation, making it a relatively complex phenomenon to comprehend and to find solutions to. Secondly, it appears that regardless of cause and effect, each incidence of conflict seems to have its own character, which makes it to appear unique. If this were not so, the human race would by now have mastered the art of avoiding conflict and mechanisms of conflict management and of resolution when it occurs. The numerous incidences of unresolved conflicts around the world are more than enough evidence to prove that successful conflict management on a perpetual basis has historically been elusive. In Africa more specifically, levels of tolerance for diversity of opinion seem to be declining fast, leading to increased incidences of tension and conflict. This is taking place at a time when the state seems to have lost the goodwill invested in its legitimate authority to use coercive power in preventing and resolving conflicts.

The ineffectiveness of the state machinery to manage and resolve conflicts has generated many questions as to whether there are alternative arrangements that can be deployed to prevent and resolve conflicts. Such an imagination should never even arise given the fact that the main obligation of the government in any country is to ensure law and order. Is it that the ruling elite in most African countries, are yet to master the art of using the instruments of power for the benefit of the majority as it is in the Western World and among the Asian Tigers of the East? If this is the case, is that why ordinary citizens are yet to be permitted to participate meaningfully in the democratization processes taking place in technologically less developed countries especially, in Africa?

It may be possible that most African Countries inherited Western models of bringing about law and order without understanding how to apply them to the African situation. This may have left a wide gap between the ruling elite with their self interest, and the rest of the population, whose point of view, needs and ambitions remain frustrated. According to this view, ways and means must be found on an urgent basis to bridge this gap by identifying the manner in which some African Societies in the past handled incidences of conflict for the betterment of the society. The ruling elite probably, requires education on those aspects that are still functional, which can be adopted. The situation is quite urgent partly because of the fatigue in the Western world arising from the cost of humanitarian intervention and the moral considerations related to the inability of some states especially in Africa to protect their citizens.

Out of frustration that some African counties are not doing enough to provide their citizens with adequate security, Western countries strongly advocate human rights (Snarr 2002), and even consider it a precondition for receiving development and humanitarian aid (Kindiki 2003). This as it has happened in several

countries so far including Sierra Leone, Afghanistan, Iraq, Liberia and Sudan, among others. In the case of Kenya in December 2007 and January to February, 2008, a civil war was averted when the immediate former Secretary of the United Nations, Dr Kofi Annan, brokered a coalition government. What the Kenyan situation clearly demonstrated is that when a conflict occurs, effective cessation of hostilities, or management of conflict is dependent on many factors; causes of the conflict; the psychological and emotional involvement of the parties; the stakes, the timing; potential mustering of alliances; potential for arbitration and the potential for some shared understandings over a range of factors, including the costs and benefits of cessation of hostilities for the parties (Coser 1967: 50).

Since this discussion is not focused on any specific conflict in any particular society or country, it is impossible to be exhaustive about its causes. This is partly because the causes of conflict may be similar or different from time to time in any one society and from one society to another. What becomes important for continuity of society is whether mechanisms of management and control can be harnessed fast enough to avoid the degradation and destruction of human life and property. The chaos that have characterized the political landscape in Kenya, Zimbabwe and to some extent, South Africa in 2008 (a role model for other African countries) are quite worrying, requiring a re-thinking of the meaning of instruments of democracy such as national constitutions, socio-political and economic institutions and elections. The issue is whether there is anything African democracies can learn from some of the native institutions of conflict inhibition, prevention, management and control if they cannot benefit from those in the west and east. The assumption by some of the African elites that conflicts in Africa as unique to the continent requiring African solutions may be flawed. What we have is a universal phenomenon that may require local approaches to its solution since ownership assures sustainability of the solution.

Some anthropological perspectives to conflict resolution in some African societies

Some of the first generation of anthropologists trained in British Social Anthropology, have given us an excellent view of how conflict and conflict resolution was handled in pre-colonial African societies. Gluckman (1956) for example, was of the idea that culture or custom was not only the cause but also the solution to conflict. He stated that "Conflicts are a part of social life and custom appears to exacerbate these conflicts; but in doing so custom also restrains the conflicts from destroying the wider social order" (*Ibid*.: 2). According to him, conflicts were generated, resolved or institutionalized through structural arrangements in society using the idiom of kinship in such a way that "everyone should be an ally

of everyone else in some respects, and an opponent in several others, and no one conflict, envy or fear will predominate" (*Ibid.*).

In his study of the Ndembu Society, Turner (1972) supported this view by stating that, "[C]onduct has been regulated over what we can assume to have been a very long period of time by norms, values, beliefs and sentiments associated with Kinship" (*Ibid*.: 90). Turner used processual analysis of events he referred to as "Social dramas", to identify three levels of conflict in Ndembu society:

1. Conflict arising from the contradiction between principles of social organization. This he referred to as structural conflict. For example, he, found that the matrilineal principle conflicts with virilocal residence for men who insist on bringing up their own children instead of sending them to their mother's brother's households.
2. Conflict between individuals or groups over scarce resources such as material goods like land and livestock; services; power, prestige and honor.
3. Conflicts within the individual which may be psychological or social and physical in manifestation and are therefore, egocentric as opposed to social drives or needs which would affect the collectivity.

From this perspective, social conflict is therefore a challenge to a normal state of being. Thus, the breach of a norm divides the community into those supporting the offender, the offended and those who have no interest in it. Depending on the depth of the breach, its social significance, social inclusiveness, the nature of the social group the offender or offended is located in, and the degree of autonomy from the wider social group, mechanisms can be put in place to prevent escalation through advice, informal arbitration, performance of a public ritual or formal legal machinery. These mechanisms may result either into re-integration or recognition of schism i.e. institutionalization of the conflict, which Gluckman referred to as "a feud" (Gluckman 1956).

According to Gluckman, norms in a traditional society were public knowledge, thus people did not so much differ about what was the appropriate legal or moral rule but over how the rule applied in particular circumstances (*Ibid*.: 9; Swartz & Jordan 1980). It may be true that, residents of particular villages in Africa were aware of what was expected of them and what they expected of others partly through socialization, imitation, identification and also because of common residence, thus similar experiences. But it is an overstatement to imagine that conflict arises mainly from how rules are applied.

In fact, in most African societies, kinship largely determined contiguity in residence. Households, lineages and clans, especially in patri-lineal societies, were localized, territorially based groups. One's neighbours were therefore, relatives of one kind or another. This is how conflict and the potential for its resolution were socially, culturally and emotionally constituted the same way social structure was. This is what led Gluckman (1956: 47) to conclude that

> [F]irst, quarrels arise between men because they live together in society. Secondly, each society has customs which shape the form which these quarrels take. But, thirdly, to some ex-

> tent, custom also directs and controls the quarrels through conflicts of allegiance so that despite rebellion, the same social system is re-established over wider areas of communal life and through longer periods of time.

It would appear that intra group conflict such as intra-ethnic or intra clan conflict could be managed more effectively than inter group conflicts since within one community, members are more likely to share understandings over a wider range of norms and values, including the causes and possible solutions to the conflict than people in two different communities, which would require external intervention (Swartz & Jordan 1980).

Some aspects of conflict management strategies in pre-colonial African societies

There are many scenarios describing how traditional mechanisms of conflict management operated. A review of several of these should demonstrate our earlier assertion that both conflict and mechanisms of management are universally found, but are culturally constituted, allowing communities to contain the conflict. When there is more diversity in composition, opinion, interests, goals, values and norms, this is more complicated.

Coser (1967) for example, contends that when conflict occurs among people who share some understandings in form of attitudes, needs, moral and perceptual worlds and symbols of power, authority, personal integrity, and so on, it is more likely to become contained. He states that

> [W]henever wars have been strictly limited, as in an eighteenth century warfare, some visible event, such as the taking of a particular fortress, the reaching of some natural barrier, and the like, symbolized to both parties that the desired objective has been reached by one of them and that the conflict could now be considered solved through the subsequent acquiescence of the loser. When such mutually acceptable symbolic clues are not available, the resolution of the conflict will be more difficult. (*Ibid*.: 45)

In African societies, common symbols were not in short supply. People lived close to one another physically, they were related to one another consanguineously, affinally and in other ways, and there was also the need to resume normal productive and reproductive activities to practical everyday needs (Fred-Mensah 2002). All these factors exerted pressure for a quick solution. In this way, conflict was not usually viewed as a single event but as the culmination of a process. This is partly why every incident of conflict needed not to be resolved for normal village life to persist. The phenomenon of refugees today is a sign that protagonists are less tolerant and cannot permit the normal process of activities while solutions are being sought by the authorities concerned as if it was in African societies in the past. Among the Azande of Sudan for example, while a more lasting solution was being sought, normal village life resumed under certain conditions. If there had been murder for example, members of the two households,

lineages or clans involved prohibited certain common activities that were considered ritually and morally polluting. The two parties put a moratorium on sharing of food, drink, utensils, sexuality and so on, until the conflict was resolved through compensation and re-conciliation (Evans-Pritchard 1974: 154). The distance of the relationship, the intensity of intermarriage among the communities involved and the compliance with the rules such as the release of the sharp instrument used in wounding the opponent and so on, made the difference between prolonged and short span feuding. Various African Societies therefore, had rules for managing conflict, and when it escalated, bringing about reconciliation.

Rules governing the use of violence

The use of violence implies failure to maintain peaceful co-existence, but it does not automatically mean that the same goal cannot be pursued by peaceful means. In many African societies, war was a sacred, almost religious activity, which was surrounded by much consultation among the living and between the living and the supernatural. Like in modern warfare, it was surrounded by a code of ethics in terms of what should be done, when, by who and why. There were severe penalties for a breach of the code of ethics. Thus, even though pre-colonial Africa is portrayed as having preoccupied itself with the use of violence, it is not a history of mere anarchy.

In many communities, the use of violence was, regulated in terms of who should go to war, who should be attacked, when and the choice of weapons to be used. For example, Evans-Pritchard (1974: 151) pointed out that among the Nuer of the Sudan,

> [B]oys fight with spiked bracelets, men of the same village or camp fight with clubs, for it is a convention that spears must not be used between close neighbours lest one of them be killed and the community be split by a blood-feud.

It was different when the Combatants were from other villages, clans or ethnic groups. He states, "when a fight starts between persons of different villages it is with the spear; every adult male of both communities takes part in it …" (*Ibid*.). Among the Kalenjin, apart from other regulations, there was a Code of ethics governing surrender during a fight. A man being pursued and feeling helpless had a number of options:

- He could pluck some grass, climb a tree and throw the grass towards his pursuers or simply hold it above his head. In Kalenjin Culture, grass is a symbol of nourishment from the earth. It nourishes livestock, which in turn nourish human beings through milk, blood and meat. One was not therefore expected to harm a person who invoked the protection of the life giving element, grass. If that were to happen calamities would occur such as thunder, drought, famine and disease.
- He could alternatively run into a crowd of women or children. In many African societies, women and children, because they were normally unarmed, were not supposed to be attacked. They could however be abducted and taken away, not necessarily as prisoners of war

for ransom but to become members of the enemy village. The women and girls were married off for bride-wealth by their captors, but the boys were adopted as children of the abductors. Such boys were given rights to life and property and cases of such boys becoming prominent in leadership, ritual activities and acquisition of wealth are prevalent.

Killing women and children in war, killing an enemy before a signal to begin fighting had been given, raping women, willful destruction of crops, wanton burning of houses and stores of food, these were dishonorable acts that were punished in some societies (Stig 2007). This is why even when a man abducted a woman/girl, except for purposes of marriage, he could not act as husband as this would be taking advantage of a person under one's protection. Instead, she was given to another man in marriage in exchange for bridewealth. On the other hand in many communities, sexuality and beer drinking were considered as some of the worst enemies of a man's strength (Akong'a 1986: 157). A newly married person or one whose beer had just matured for drinking, could not be permitted to go to war as they were ritually vulnerable. It was believed that they would definitely be killed in war sparking off reprisals and feuds.

Raping women on a raid was also considered open invitation of bad omen. During the post-election violence in Kenya in December 2007 to February 2008, many men, women and children, including those that were physically and emotionally handicapped and assumed to belong to "other" ethnic groups, were raped, some in front of their spouses, children and other close relatives and friends.

Rape is one of the worst crimes against humanity as it dehumanizes and humiliates the victim. When it happens in front of close relatives who are not supposed to see the person naked, this is is considered as contempt of all the members of the group to which the victim belongs. It underscores the helplessness of the victim and the entire group to which the victim belongs. Of course, the act of rape in the past would result into immediate mobilization of forces and a revenge attack. In the past, rape was avoided in order not to provoke vicious revenge attacks. On the other hand, it was probably the fact that it was considered as torture with long term consequences that rape was considered illegal in conflict situations.

What is evident is the fact that in many African societies, when conflict exploded into violence, it was not free for all. Preservation of life and human dignity and the protection of the livelihood of people, were important.

If the colonial administration and missionaries had wanted, they would have learned a lot about African's moral approach to the use of violence within the traditional setting. Even in the much misunderstood institution of wife beating, there were rules about who should be beaten, or which part of the body, where and when it should be done. Scanning through the so called Geneva Conventions reveals that what was codified as guidelines for humane treatment of the

wounded, prisoners of war and protection of civilian life in time of war (Academic American Encyclopedia 1980: 96) has been practiced in many African societies for generations before. Unfortunately, and as pointed out earlier, the current ruling elite do not want to learn from Africa's past about how, even in the use of violence, one could still remain moral and dignified both as the perpetrator and the victim. The use of violence witnessed in recent times after independence in African countries such as in Uganda, DRC Congo, Burundi, Ruanda, Ivory Coast, Liberia, Sierra Leone, Somalia and more recently Kenya and Zimbabwe are acts that cannot stand the test of any moral code, leave alone the much celebrated Geneva conventions. It is also unfortunate that in Africa as in much of the rest of the world, there are no longer shared sacred symbols of peaceful co-existence. Churches, Mosques, homes and acts of humble submission are no longer appreciated as genuine acts of surrender. This makes it impossible for people in desperate situations to find a refuge as witnessed in Kenya during the post-election violence early in 2008. Not only are there conflicts over rules, but the rules governing the conflict are also not adhered to. We need to search for these rules and see how they can be used and modernized for the management of future conflicts.

The structure of society for conflict prevcention and management

We have already alluded to the fact that the incidences of conflict and the potential for resolution revolved around fusion of kinship and residence-based allegiances; and fission the crumbling of alliances to pursue individual goals after restoration of peaceful co-existence (Evans-Pritchard 1974; Turner 1972; Gluckman 1956). Individuals, categories of individuals and groups, creating both horizontal and vertical relationships, minimize conflicts while facilitating law and order. Such factors as ownership and use of a territory, age, sex and marriage provided individuals with not only identity but also a point of reference in one's interaction with others, giving each individual and collectivity a social and psychological status. A status is usually associated with an appropriate role or expectation and is the building block of social structure. Social structure is therefore a medium through which culture, status, roles, social honour, power, prestige and other scarce resources are distributed in society. It is a significant source of self and social control (Akong'a 1988). In the following, we will present a number of institutions that, within social structure, facilitate the management of conflict.

Avoidance and joking relations

According to Boulding (1962), avoidance behaviour increases the social distance among people more likely to experience conflicts between each other, but who cannot afford to be in conflict. It is suggested that avoidance behaviour regulated

interpersonal relations and attitudes among some unequal categories of individuals among whom instances of conflict and incest were not only highly likely but were taboo and would be extremely embarrassing to those involved. This is one area of life in Africa where marriage divided rather than united certain categories of people. In many African societies, marriage was considered as an event which practically united two people together with their clans (which were usually exogamous especially, in patrilineal societies), while creating symbolic and practical social distance among them. One's affines became a welcome addition to one's allies but they also posed a dilemma because they were a special category of relatives. This is partly why their social interactions were governed by intricate regulations including taboos. Among the Luo and Luyia of Western Kenya for example, a marriage partner had to be drawn from clans other than one's own, the clan of one's mother and that of father's mother. In patrilineal, patrilocal societies, wives or husbands were therefore, drawn from clans without common blood relations, thus, with high potential for conflict. This is partly why among some categories of in-laws especially, sons and mothers-in-law, avoidance behavior was institutionalized. In avoidance behavior a son and mother-in-law were not expected to transact any business in face to face contact, be in a house without a third party, be in a closed house, or use common facilities such as the bathroom or toilet which required some measure of nakedness.

Avoidance behaviour took into account kinship relationship, age, sex and status. Among the Swahili of the East African Coast for example, the household space is segregated on the basis of age and sex. Children are not expected in the presence of adults when a person who is not a member of the household is visiting because they can tarnish the honor of the household. On the other hand, no two people of the opposite sex, except husband and wife, can pass time together in one room without a third party. One would have thought that this was an Islamic practice. But among the Nyakyusa of Tanzania, fathers and their sons lived in separate villages in order to prevent daughters and fathers-in-law on the one hand, and step mothers and step sons on the other, from being in the same physical space (Wilson 1967). The two societies therefore, practice the same principle with varying degrees of extremity.

It is suggested that avoidance behavior regulated interpersonal relations and attitudes among some unequal categories of individuals among whom instances of conflict and incest were not only highly likely but were taboo and would be extremely embarrassing to those involved. This is one area of life in Africa where marriage divided rather than united certain categories of people. According to Mafunga there is usually, co-occurrence of institutionalized avoidance behavior and joking relations (Mafunga "B" 1988). Symbolic joking took place among individuals that were structurally equal as peers, but at the same time unequal in

terms of status. For example, joking relations may exist between brothers-in-law who could be equal in age or generation but unequal structurally because, in patrilineal societies, wife givers are in a relative inferior position to wife takers. Their relationship is therefore filled with cynicism.

On the other hand, grandparents and grandchildren regardless of sex, structurally stand in relation to one another as equals but in alternate generations. They can therefore joke with each other (Akong'a 1995). A keen observer in modern boardroom committees would notice quite clearly that the more emotive the agenda for discussion, the more aggressive the joking relations (pecking order) before the meeting. The jokes preceding important meetings are consciously or unconsciously supposed to provide the stakeholders with an opportunity to size each other in terms of levels of equality or inequality as preparation for the actual discussions or negotiations. A party that is not willing to risk simulating the anticipated situation through jokes or one which takes jokes literally as a personal affront is not liable to share common symbols with their opposite number. Compromise is therefore unlikely. Thus, a part from communicating certain symbolic forms that may have practical significance in the specific or future interaction, joking relations can be for pure entertainment and in communicating messages that would otherwise have been considered as an affront or hostile if taken literally. This is partly why in the past, the use of metaphors and proverbs in emotive discussions including judicial matters, issues that were subject to diverse interpretation, in conveying information that would arouse anger, embarrassment or helplessness if said plainly, was common.

For the purposes of this discussion therefore, the assertion that joking relationship is "incompatible but complementary to avoidance behaviour", is probably true (Mafunga "B" 1988). First, they do not apply to the same categories of individuals. For example, mothers and sons in-law who are expected to socially avoid each other have no opportunity of joking with each other. However, each of the parties obligated to avoid one another can seek out the joking partner of the other in order to pass a message that would otherwise have been considered offensive if it had been communicated directly (*Ibid*.). In both avoidance behaviour and joking relations therefore, order is maintained and a breach restored, partly through ritual gift giving and the use of a third party acceptable to both parties. This is completely absent and untenable in modern judicial system as a mechanism of managing and resolving conflict.

Age grade/set system

Despite the fact that some African Societies are presented as having been classless, there were subtle forms of stratification through which law and order were maintained and conflicts resolved. Age grading was one of them. In most African

Societies, children were at the receiving end, to be seen, sent and provided for but without voice to express their opinions. They were therefore expected to be obedient and respectful to adults and those in positions of responsibility. The male youths had more freedom of action, especially as defenders of the community and in looking after livestock, but they had to do this with the authority of elders. A raid into the neighbouring community had to be sanctioned by elders after ritual divination and blessings. This was partly because they were going to operate outside their own moral community. They were as good as dead until they came back alive. On return, they were cleansed before re-integration with their families, symbolizing rebirth. Among the Kipsigis, they were met at the outskirts of the village by women holding grass in their hands as a symbol of peace (Hollis 1969).

In those communities that had no territorial leaders, and especially those that were pastoral age or generation systems operated frequently. This is a system by which all young men and sometimes, women of the same age were initiated together, acquiring the same age set name. An age set is in some societies a generation set because the distance from one set to the other was a generation since initiation was usually not carried out every year as in some societies today. In many societies, the generation set system was a system of super and subordination in that individuals in earlier sets had to be respected by those in subsequent ones. In fact, one of the major functions of a generation set was to bring up the next set as the members of the immediate earlier set had the responsibility of socializing the younger on a formal basis during initiation. If members of a set did not behave well in general, their leader and those members of the earlier set supposed to be their mentors were held responsible.

Evidence of stratification comes from the fact that a man could never be in the same set as one's father. Even in situations where a young man entered the same set as classified as "father", kinship relationship superseded other relationships. Such boys for example, could never be permitted to share a sexual partner, as this would have been considered incest. In fact a man could not marry from a generation that corresponded with those above his own as all its members were classified as his mothers. He could also not marry the daughter of a man from his own generation set as she was classified as his daughter. Women usually joined the generation sets of their husbands. It was therefore, common to find a young girl married to an old man being accorded more respect than her own mother because of structural positioning vis-à-vis the generation set of the husband. In a polygynous household however, the first wife was more important in ritual activities such as sacrifices, planting, harvesting, and in deciding inheritance for one's sons even though the younger wives were a man's favourite.

Secondly, each generation set had a role to play in society. The young men defended the society as warriors while the elders participated in ritual activities. In between were married men and women who took part in productive and reproductive functions. Thus, while the youths provided deterrent military force, the elders participated actively in restoring peace through arbitration, wisdom and ritual. Escalation of conflict today and the apparent lack in effectiveness of arbitration and conflict resolution can therefore be partly attributed to the transformation of the structure and functions of African society. Kamenju *et al.* (2003: 45) observed that, "unrestrained conflict escalation is therefore a sign of the elder's inability to exercise their institutional role of conflict management …" because of status inversion. Suda (2003) has the same view that the high incidence of violence among pastoralists is partly evidence of a generation gap whereby the younger are no longer subject to the ritual power and authority of the older generation (*Ibid*.: 287). Thus, the use of clan elders in managing and resolving inter-clan and inter-ethnic conflicts whenever they occur cannot work without involving the fighters who have a big stake in the conflict and the consequences.

Special friendship arrangements

There are many pseudo kinship arrangements that played roles similar to those played by kinship networks in African societies. Prominent among these are blood brotherhood, stock associate ship and special friendship arrangements. Blood brotherhood is no longer common today but it involved two men literally sharing their blood by performing a ritual by making small cuts to produce blood on which meat was dipped and consumed by the parties involved. Such a ritual bound the two, their families and to some extent, their clans in a special bond of friendship. It was common in mobile communities more particularly, those that were pastoral. Such a relationship enabled a man to receive special treatment such as grazing rights. In fact a blood brother had the obligation of ensuring the security of a blood brother in spite of a feud between their two communities. Furthermore, a blood brother could not marry the daughter of his counterpart since it would be considered as incestuous. Not everyone however, endeavored to establish such alliances without careful consideration. This is because, unlike one's biological brother, one was under obligation not to hold back any secrete from a blood brother. Herbalists for example, had to be strategic in their alliances if they did not wish to reveal the recipes of their secret herbal concoctions.

Stock associate ship on the other hand is still a very common phenomenon and although in literature it is commonly believed that it is a pastoral mode of adaptation, it is very common among agricultural communities which practice mixed farming also. Those involved are not necessarily related through kinship, but it is based on trust and the desire to multiply one's herd with less risk, while providing

subsistence to families of one's stock friends who use milk, blood and other products without reference to the owner. When the herd is repossessed by the owner of the original cow, a female calf is retained as compensation for the labor provided and as goodwill. Stock associate ship is therefore, one of the easiest ways of starting one's own herd although it can take long for one to start using the retained female calf as a nucleus for one's own herd. It is interesting to note that the Kenya-Finland Livestock Development Programme in Western Kenya, is modeled on this principle (Akong'a 1996). The project gives a pregnant grade cow to a woman, who is expected to raise it, if female, to be in calf before it is given to the next recipient. If the calf is male, it is sold and a female calf bought for handing over to another beneficiary. Since it is based on the principle of a revolving fund, the payment for receiving the cow is to raise the calf to the point of pregnancy. The assessment of this programme was that it was a viable mechanism of transferring rights of ownership of animals in a community partly because of common public knowledge about who had received the cow and who was the next recipient. The missing information was when, rather than whether a calf would be transferred to the next person or not. Stock associate ship has not been observed among affines whose relationship is cemented by the transfer of livestock, besides other gifts as bride wealth and the birth of children especially, sons.

In some communities such as the Turkana, two individuals regardless of gender, can also enter into a special dyadic friendship known as "lopae". One's partner becomes the "best friend" with whom one can exchange feasts, animals, grains, and other gifts (Renfrew 1990). Accordingly, such special friendship network, like stock associate ship, can be a source of investment capital in form of animals, an insurance against risks such as theft, drought, famine and physical danger, for one or both partners. In all cases, it is expected to be a source of favorable attitudes, goodwill and cooperation, providing another avenue for minimization and resolution of conflict.

Ritual process and the use of safe havens

In African societies, the use of ritual in exerting pressure on leaders to act rationally and objectively was a very powerful tool for conflict management and resolution (Gluckman 1956, 1963). Among the Zulu for example, the annual harvest ritual took a political dimension when commoners were provided with an opportunity to question, even insult the King but not to question the system of leadership. The reversal of gender roles in the same society questioned the dominance of men and the subjugation of women by men. These rituals provided safely valves for pent-up psychological and social frustrations, which ultimately ensured the persistence of the system. It is sad to witness common citizens being

beaten and shot to death in demonstrations considered by the authorities as illegal, when there are no occasion to vent-off or channel their frustrations. It points to the fact that some African Societies were more proactive, more practical and even scientific in the manner in which the common population was handled than in the repressive modern political systems which do not tolerate alternative opinions and do not provide fora for such alternative opinions. By its very nature ritual behavior mystifies reality and renders it unquestionable by raising it to the level of the supernatural. This is partly why conflict management was part of ritual process, culminating in a sacrifice and a common meal as part of reconciliation, cleansing of evil and re-integration of the community.

Divination, the use of the curse and administration of oaths or a threat of these, exacted the facts of the case in a public forum. may have been part of bringing conflict to the level of public knowledge. Focus was not therefore on punishment for wrongdoing but restitution and reconciliation (Massam 1968; Evans-Pritchard 1976). This is partly why ritual leaders were quite instrumental in maintaining restraint in conflict situations. Usually, their compounds provided a safe haven for this where no one had the right to hurt another. If such elders drew a line between the combatants, they stopped fighting (Evans-Pritchard 1974; Beech 1969). If a person was being pursued among the Luo and Luyia for example, and ran into another person's house, it served as a safe haven or sanctuary until elders arrived to investigate the case. This was out of the fear that if the person was killed in someone else's house or compound, the home would be haunted by the ghost of the victim. In fact, it was symbolic of the fact that the pursued had put himself/herself at the mercy of the male owner of the house, who had the right of confronting the pursuer if he/she insisted on entering the house or compound. It was considered an invasion of the privacy and sanctity of the home, while providing the pursued with a temporary safe haven.

Thus, some African societies have held in awe certain ideas, objects or spaces such as places of worship, be they modern churches, mosques or sacred groves, caves and trees among others. The desecration of such phenomena as places of worship, people's houses, and stores of food, among others, especially by burning or willful destruction or as hideouts for immoral purposes, was believed to elicit severe supernatural sanctions such as madness among the perpetrators. This is partly why the pursued was sure of being safe if he ran into any of these places considered sacred or sacrosanct.

Recent happenings in the world have challenged these beliefs and practices making it very difficult for an individual in danger to find refuge. There have been cases whereby the police pursuing a criminal have violated the sanctity of churches or mosques; certain church leaders have engaged in mass murder of their adherents such as it happened in Uganda (Kabazzi-Kisirinya *et al*. 2000)

and so on. During the post-election violence in Kenya in 2008, many places of worship such as churches and mosques to belong to people from other communities were burned down. What was considered even more outrageous both in Kenya and internationally, was the burning of a church near Eldoret city in the Rift Valley Province of Kenya, in which 35 of people, mainly women and children who were taking refuge there died. Around the country, many other public utilities such as schools, which are very handy during times of emergency to provide people with temporary accommodation, and bridges, were also burned down or destroyed. According to Persell (1987), such acts of desecration and destruction can only be explained by the process of secularization by which the belief in the supernatural or sacred power and authority is eroded due to increasing levels of tolerance of rationality, western oriented education, cultural and religious diversity and modernization.

In some indigenous beliefs and practices, the use of ritual tried to shift expectation and intervention from the mundane to the supernatural realm. This is not something that is unique to Africa as people from all continents of the world have at one point in time and place have invoked supernatural intervention through the belief and practice of witchcraft, magic, divination and prayer in the course of pursuing their private or collective goals. What is common in African communities however, is that witchcraft accusation is usually considered a hostile gesture, which breeds conflict between the accuser and the accused. In conflict situations, witchcraft and sorcery were (and are still being) in the belief that one's enemy or partner would be rendered powerless, in thought, word, deed and even in physical existence. Such supernatural powers are therefore deployed to secure one's goals such as obtaining wealth, love, employment, and keeping one's rivals at bay. It has also been used to disable the enemy (combatants) so that a battle was not only a clash of human resources, weapons, food supplies and strategy, but also the potency of the magic in use. This is partly why in Africa most rebel groups start off with ritual activities such as oath taking aimed at uniting its members and giving them confidence that they are immune from harm against the weapons of their enemies.

By their very mystical, sacred and threatening nature, witchcraft and magic therefore, elicit both positive consequences as evidenced by success or negative consequences as evidenced by failure, injury and death. In this way, the use of or belief in witchcraft and magic have generated both hope and despair, respectively. During the post-election violence in Kenya for example, there was widespread looting and destruction of property at the coastal towns and especially in Mombasa. However, a businessman who had lost a lot of property went public that he was invoking a curse used by muslims (Ahl Al-badri) and that only those who returned the looted property would be free from the deleterious influence of

the curse. In a few days, he and other business people in the town had recovered many of the things that they had lost. These incidences were widely covered in the electronic and print media and it is hypothesized that the fear of the curse minimized violence to the extent that eventually, there were no Internally Displaced Persons (IDPs) there as witnessed in other provinces (Letiwa 2008). In his discussion of the curse (*kithitu* or *muma*) among the Kamba of Eastern Province of Kenya, Penwill writes: "the accused is forced to swear to the magical paraphernalia (*kithitu*). If he refuses, he is found guilty, if not it is with him till the outcome, usually in a specified period of time" (Penwill 2005: 57). Either he dies or a close relative dies or is prone to frequent and unexplainable misfortunes. As Penwill points out, when someone invokes the curse or ritual, "the dispute has been sent for arbitration out of the human sphere", an appeal can only be made through the person who made the invocation (*Ibid*.: 57).

Arbitration/mediation

The existence of an arbiter acceptable to both parties was and still is important. In the past, arbiters had distinctive features. They were mainly prophets perceived as imbued with supernatural powers so that even though their counsel was advisory, it could not be ignored without dire consequences. In fact, they were considered selfless, interested mostly in the welfare of the community at large (Boulding 1962). One of the most powerful instruments for influencing compliance was the power of the curse (Peristiany 1939; Massam 1968). Otherwise, the personal attributes of arbiters in general included "patience, the ability to withstand frustrations (and) a willingness to endure the experience of being a target for hate or displaced aggression" (Doob 1975: 136).

Rothchild & Hartzell (1990, quoted in Oucho 2002: 188), identify several preconditions for the success of negotiations, especially, those involving third parties:

(a) There should be identifiable bargaining parties to the conflict;
(b) The bargaining parties should be determined to find a practical solution to the conflict;
(c) The arbiter/mediator should be external to the conflict;
(d) The arbiter/mediator should be on the scene.

When Kenya was shocked by post-election violence, there were only two major options to save the country from civil war. First, an appeal to God was made to intervene and have the politicians and their supporters to act with restraint. Individuals and groups of individuals organized prayer meetings wherever and whenever it was possible. Secondly, within the same week of the outbreak of violence, the country started receiving external personalities, and telephone calls from prominent international diplomats. Among the first ones to arrive was the Nobel peace price laureate, Bishop Desmond Tutu of South Africa. He stayed in

the capital, Nairobi for several days as a pariah as no government representative wanted to talk to him. Then came the South African businessman, Cyril Ramaphosa, dubbed as an astute negotiator who made a difference during the negotiations for the end of apartheid in South Africa. Again, no one wanted to listen to him, the government accusing him of being a business associate of Raila Odinga, whose party was disputing the results of the presidential elections. When the Chairman of the African Union, the President of Ghana, Mr. John Kufuor arrived, he was reported by top government officers as having come into the country to take a cup Kenyan tea. This was a process of neutralization, thus trivializing his mission and capacity to contribute to the issue.

As the security situation in the country degenerated, arrangements were made by the African Union in consultation with other international players such as the United Nations and the European Union, among other organizations and countries, to send into the country a team of three eminent africans led by the immediate former Secretary Generalof the UN, Dr. Kofi Annan. The others were the immediate former President of Tanzania, Benjamin Mkapa and Graça Machel, the wife of the former President of South Africa, Nelson Mandela. This finally made a difference and a process of negotiation started. Clearly, in all of this, the government dominated by one of the parties in the conflict did not want mediation to start until the very last moment when the conflict threatened their own position.

The purpose of providing all these details is to underscore the importance of an external mediator in a volatile situation and the difficulty of arriving at a person or persons that are acceptable to all the parties involved. It is a sensitive process, partly because not all the protagonists in a conflict are always interested in peace. Some players even invest in chaos in order to pursue their individual or communal interests. In the Kenyan situation, the international community had to send none other than the former Secretary General of the UN, himself an African, the former president of a neighboring country which had a stake in a peaceful Kenya, and Graça Machel who had led NEPAD peer review team to Kenya when Kenya became the third country to be reviewed on voluntary basis. These were personalities that had immense influence on the top politicians in the country and the government and were not coming as individuals per se but as representatives of very powerful international political, economic, military and humanitarian interests. The strategic importance of Kenya to the Western and Eastern interests was too high to leave it to go the DRC Congo or Zimbabwe way. When the talks seemed to break down, the American Foreign Secretary, Condoleeza Rice, was dispatched from Tanzania by the President of the United Stages, George W. Bush, who was at the moment visiting Tanzania. The President of Tanzania, Mr. Kikwete, was also dispatched within hours of the departure of Condoleeza Rice

to add to international and internal pressure for the conclusion of a peace agreement, which paved the way for the formation of the Grand Coalition government that is in power today. These dramatic events which took place within a few weeks of the breakdown of law and order demonstrate Boulding's (1962: 325) assertion that if mediation has to succeed, the conflict must be arrested when still young.

Conclusion

This brief survey of the structural and normative aspects of the African Society therefore, indicates that in any one society every individual was a node in a web of relationships, which triggered both conflict, and mechanisms of its resolution. What this means is that modern Africa may have lost one system of conceptualizing, managing and resolving conflicts, but it has not fully taken control of the new partly because of new circumstances and the negative attitudes the ruling elite have towards traditional institutions, practices and ideas, some of which are quite functional in modern circumstances. The logical conclusion therefore, is that there are positive elements in both the traditional and modern systems of the administration of law, order and justice. When it comes to conflict and its management, complementary aspects from both systems could be harnessed, ensuring that as many stakeholders, including elders; young men; women (including those widowed and raped during the conflict) and those orphaned by conflict are consulted and involved so that their voices are not ignored.

The implication is that shared culture in form of understandings, beliefs and symbols not only restrain people from getting into conflict situations, but also enable those in such circumstances to come to some agreement faster than would have been the case. Culture on the other hand may not bring about positive consequences as implied because adherence to one's culture can lead to what others may consider negative consequences. This is more common in multi-clan, multi-ethnic, multi-racial or multi-cultural situations in which consensus is difficult to engender (Gluckman 1960). As Emile Durkheim would say, the rapid erosion of indigenous culture may lead to loss of solidarity and more incidences of conflict since it provides room for diversity of composition, opinion, belief, etc while its persistence prevents the emergence of countrywide common symbols, culture or consensus.

There are therefore lessons that African societies can learn from modern Western and Eastern countries:

- The value and primacy of common utilities such as places of worship, schools and private houses which in times of emergency provide safe havens for the preservation of life and property. There is therefore an urgent need for civic education concerning the importance of these utilities.

- People in Africa, more especially, should be educated about the sanctity of human life, and tolerance for diversity.

Transformation of these into common virtues and symbols would be one of the beginnings of minimization conflict. The construction of kinship as a cross-cutting institution for example with which the individual and community can be nurtured in terms of welfare and identity would also be a major step in the right direction.

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