



‘Natural Resources Conflict in Africa- Is Water the New Oil?’

Venue: International Conference
United Nations Conference Centre
ADDIS ABABA, ETHIOPIA, 13 – 14 November 2008

ACCESS-MANAGEMENT- OWNERSHIP: The ‘Water & Pasture Menu’ in Pastoralist Conflicts in the Greater Horn of Africa (GHoA)

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Preamble

Pastoralism's main ideology and production strategy is the herding of livestock on an extensive base or in combination with some form of agricultural activities. Pastoralist communities in the Greater Horn of Africa (GHoA) are divided into two main groups – the agro-pastoralists and nomadic pastoralists. Pastoralist areas are characterized by endemic insecurity, whereby, on one hand the conflicts and risks are caused by recurrent natural disasters, particularly long drought periods and on the other, they arise from conflicts between different migrating groups, who are competing for the use of key resources, mainly water and pasture. The close relationship between these key resources and the survival of the communities means that the pastoralists will usually employ any means available to them, including violence, to seek and/or claim control of the resources.

In recent times, pastoralist conflicts, both general and natural resource-based ones in particular have escalated and become violent, indiscriminate and destructive. This escalation is attributed to numerous factors with socio-political, -economic, -social and –environmental attributes which are diverse and fluid. Indeed, the attributes distil into a complex cocktail of cause and effects, a factor that makes it extremely challenging to find the necessary sustainable solutions and approaches.

Fortunately,, even though there exists subtle differences in the socio-structure and organization amongst the different pastoralist groups in the region, they however share commonalities in their approaches to natural resource management - after all, they share and exist in largely similar environments. While the question of scarcity and dwindling resources, particularly water, is a global phenomenon and one that the pastoralists are not necessarily ignorant about, the contributory factors to these global trends e.g. climate change, globalization etc are slightly removed from the pastoralist lens. The everyday pre-occupation of pastoralist, especially the nomads, is purely simple survival for them and their livestock in an unforgiving harsh environment.

Thus, in the context of natural resource management, survival of the pastoralist communities hinges not on the global phenomena but on three simple aspects – access, management and ownership. This paper contends that these aspects are the basic ingredients that constitute the 'menu' of pastoralist conflicts over natural resources. The paper attempts to present this 'menu' by first, grounding within the wider pastoralist conflict sphere, highlighting challenges thereof, presenting a region typical instrument and finally a simple generic checklist summarizing a problem-solution analogy.

Introduction

Pastoralism and Nomadic Pastoralists in the Greater Horn of Africa (GHOA)

Pastoralism can be loosely defined as a practice whose main ideology and production strategy is the keeping and depending on livestock and livestock products on an extensive base¹. To a pastoralist, livestock and particularly cattle are not simply a food resource but are also social and economic capital. Livestock is used in all kinds of negotiations, alliance and status building, thus, herding of livestock is also the way-of-life of many pastoralists.

Understanding Pastoralism

Pastoralism is an adaptation to marginal environments, characterized by climatic uncertainty and low-grade resources. It has considerable economic value and latent potential in the drylands, and is central to the livelihoods and wellbeing of millions of the world's poor, but the state of knowledge regarding this sector of the economy is weak. Pastoralism is not something to be tolerated until a 'modern' alternative can be found to replace it: it is a sophisticated system of production and land management that has itself been modernized in many countries, and is irreplaceable in extensive environments.

Yet despite overwhelming evidence to the contrary, many policy makers consider pastoralism to be archaic, economically irrational, and in need of modernization or replacement. Such conclusions are based on a narrow view of what constitutes value in pastoral systems. The policies that emanate from this thinking continue to devalue pastoralism, often at significant cost to national economies and to the natural environment².

The pastoralist population in sub-Sahara Africa is estimated at more than 50 million people with Ethiopia, Eritrea, Djibouti, Kenya, Somalia, Sudan and Uganda supporting around 20 million³. There are two key factors that differentiate between different categories of pastoralists thus, (a) the degree of mobility practiced and (b) the degree of integration with crop cultivation. Pastoralist communities can hence be divided into two main groups – the agro-pastoralists who live a settled existence in fertile areas capable of supporting agriculture, integrated into the socio-economic sector, and nomadic pastoralists, whose lives are governed by the harsh environment and revolve around their livestock and its needs⁴. There is another category of pastoralist where in times of stress, livestock moves with herders in search of water and pasture but the communities or families remain settled in 'permanent' given locations⁵.

In brief, although pastoralist systems are diverse amongst many communities, they share common characteristics including:⁶

- Livestock depend on natural pastures for their diets, and rainfall is the most important factor determining the quantity and quality of pastures and water
- Herds are composed of indigenous livestock breeds
- Livestock represent more than just economic assets - they are also social, cultural and spiritual assets, and define social identity
- Natural resources are managed through common property regimes where access to pastures and water is negotiated and dependent on flexible and reciprocal arrangements.

For the purposes of this presentation, the focus will be on nomadic pastoralists for whom natural resource-based conflicts -mainly water and pasture - are more profound. Nomadic pastoralism is largely dependent on a sparse natural resource base in ecologically marginal areas. These areas are manifested by relentless harsh weather, scarce rainfall and poor soils. The system involves a more or less predictable seasonal pattern of movement or migration in search of water and pasture. In the wet season, grazing is concentrated in hilly areas where the livestock can survive with the moisture present in the vegetation. At the onset of the dry season the pastoralists move to natural catchment areas particularly those along seasonal rivers. With the progression of the dry season, the pastoralists migrate to areas with natural springs, human-made catchments, hand-dug wells, boreholes etc⁷.

Conflict in the Pastoralist Areas

Pastoralist communities have a long history of both violent and non-violent conflicts. These 'traditional' conflicts have, in recent years, escalated and become violent, indiscriminate and destructive. This escalation is attributed to among other factors, inadequate policing and state presence, disputed land ownership, political incitement, proliferation of illicit small arms and light weapons, commercialization of 'traditional cattle rustling', lack of alternative livelihoods, increasing levels of poverty, retrogressive cultural practices and an increasing breakdown of traditional governance systems.⁸ Violence in the pastoralist areas has had a severe negative socio-cultural, -political and -economic impact on the pastoralist communities including loss of human lives and property, displacement of communities, breakdown of economic activities and infrastructure (roads, health, markets, schools etc), environmental degradation, inter-ethnic hatred and mistrust etc⁹. Conflicts in the pastoralist areas in the GHoA revolve around the questions of:

- a) Population pressure and competition over resources especially during droughts;
- b) Insecurity as a result of banditry and rampant cattle rustling leading to vicious cycles of settling of scores that is, attacks and counter-attacks with indiscriminate loss of lives;
- c) Poor dialogue between the different ethnic groups resulting in tribal animosities and inter and intra community conflicts over range resources mainly water and pastures;
- d) Widespread employment of illicit modern weaponry available from various civil strife, and;
- e) Strive for cultural identity, basic needs and the escalating degradation of the natural resource bases etc.

These questions are rooted in a variety of foundations of either historical and/or more recent origins/developments. Some of the foundations are briefly highlighted below.

Social-political factors

Geo-politics - The removal of patronage by the superpowers in the early 1990s largely weakened most of the governments in the GHoA. This led to the emergence of the hitherto suppressed ethnic, economic disparities, resource competition, religious differences etc within the states¹⁰. Pastoralists in the region were not left out in the resulting inter and intra-state conflicts. The goals of many of these conflicts - struggle for power albeit waged under different banners whether ethnic, national, regional or religious, are not always related to the immediate concerns of the pastoralists. However, pastoralists have proved enthusiastic recruits in various militias. Involvement is for opportunistic reasons to acquire weapons for use in their own conflicts. They conflicts are usually over natural resources but may also be in response to calls over identity¹¹. In addition, 'battle-weathered' pastoralists are usually recruited by embattled regimes and front-lined to tackle presumed state protagonists e.g. the recruitment of Karamajog warriors to fight against the National Resistance Army (NRA) by the Ugandan administration of Obote II in mid-1980s. More recently the government of Sudan has been accused of recruiting and clandestinely arming Arab pastoralist 'Janjaweed' militias who are engaged in a bloody and violent conflict in the Darfur region to the west of the country¹².

Marginalization and absence of state governance – The arrival of colonialism was a significant factor that set in motion the demise of pastoralism in the GHOA. The colonial administration attempted to rein in the pastoralists not only by confining them within set boundaries but also by imposing taxes and penalties on them; yet, these were alien concepts to the pastoralists and their lack of adherence to them put them in perennial conflict with the administrations. These conflicts led to the pastoralist areas being classified as 'restricted' and all travel to and from these districts required prior permission from the government. Livestock movements were severely restricted and often prohibited altogether. The states also found reasons to arbitrarily expropriate pastoralist lands. Besides appropriation of lands and the restriction of migration by the pastoralists, many pastoralist areas did not benefit from the social and cultural advances started in the colonial era. Thus, social services and infrastructural development was severely limited. The impact of the enactment and imposition of special emergency laws - the north eastern province of Kenya was under a state of emergency from 1966-1991 with similar emergency laws applied in the Somali region of Ethiopia and in the Karamoja area of Uganda - continue to aggravate the remoteness and isolation of many pastoralist areas¹³.

Political (dis-)engagement and control by the local elite - In the disfranchised and largely disadvantaged pastoralist communities, ascendance to any positions of authority guarantees one the instruments of near absolute power, control of the populace and not least, to opportunities to amass wealth and influence. Communities, long denied the opportunities to participate in governance issues, hold their political leaders in very high esteem and look up to them as advocates of their cause and as avenues to the state and its resources. This presumption has the potential to spark off inter- and intra-community conflict. This has been witnessed in the Anuak and Nuer contention for political dominance in the Gambela regional state in Ethiopia which climaxed into violence in 2003. At the national level there is an enduring apathy of pastoralist communities apparently because their geographical location and their assumed disregard for state borders and law; their avoidance of taxation; their evasion of livestock health regulations; their participation in smuggling and raiding and their methods for settling disputes combine to create a pastoralist-problem phenomenon that governments and the general citizenry would rather not deal with. This allows the local elite to create localized political fiefdoms. These fiefdoms are a sure source of conflicts with those in power fighting to keep it and others without endeavoring to acquire it¹⁴.

Proliferation of Small Arms and Light Weapons (SALW) - The proliferation and use of illegal small arms and light weapons (SALW) has scaled up the severity and frequency of violent confrontations in pastoralist areas in the GHOA. Arms are readily available from the many civil conflicts but, in addition, governments have also provided training and inadvertently created armed militias among the pastoralists - Kenya Police Reservists in Kenya, vigilantes in Karamoja - where local warriors are engaged in the recovery of stolen livestock¹⁵. It is true that pastoralists have always had and used one type of weapon or other but these were crude and were used on a one-to-one or in face-to-face combat. This is different in recent times with the advent modern weaponry that are not only more deadly and efficient but do not require a face-to-face confrontation with ones adversary¹⁶.

Socio-cultural factors

Male rites of passage (Warriorhood) – In many pastoralist communities, initiation into manhood entail a demonstration of being a fearless warrior not only to protect the community but also to acquire wealth and enhance one's standing in the community. Indeed, for the pastoralists, a military career is closely associated with the economics of cattle production as illustrated in the case of the Boran where it is observed that '...to be a stock herder and to be a warrior then are not separable occupations, because being the former involves being the latter. A herder must not only guide the stock in his charge to good and safe pastures but he must also protect them from predators and raiders...'17 These warriors instigate and engage in violent conflicts that begets retaliatory responses.

Marriage and dowry - The ability to acquire wives and establish a sizeable household is a compliment to ones standing in the community. However, the payment of dowry, mainly in the form of cattle and other types of livestock, as widely practiced among the pastoralist communities is an expensive undertaking. Dowries can attract upwards of 100 cows in addition to other gifts18. Given that the number of livestock owned by individual families has continued to dwindle, it has meant that the livestock has to be obtained through raids from other pastoralist communities. This phenomenon has been a source of serious and violent conflicts.

Socio-economic and -environmental factors

Effect on the Flora and Fauna – Better veterinary services in the pastoralist areas has meant that livestock numbers have grown steadily but at the same time, land available for grazing has continued to shrink due to encroachment. The inevitable result has been overstocking and overgrazing leading to ecological degradation19. In addition, violent conflicts result in pastoralists abandoning traditional grazing areas and fleeing to areas of relative safety. The abandonment of grazing areas has a negative ecological impact as the un-grazed lands causes an immediate loss of production as well as the emergence of bushy, un-grazable vegetation that gradually replace grass20. Pastoralist communities who have lost their livestock through conflicts turn to other income generating ventures like producing charcoal and small-scale farming which have negative environmental and ecological impacts.

Climate related environmental degradation and pastoralist conflicts

There have always been tensions between the Turkana and other pastoralist groups for access to water and pasture, but these have increased as water sources have dried up and pastures been lost. Because the water table is not being recharged, the wetland areas that the Turkana could traditionally fall back on in times of drought have dwindled. Even the huge Lake Turkana has receded. Territorial disputes have become more common as the lake recedes, taking with it the landscape features that formed traditional boundaries between groups. Many such disputes are settled peacefully, but each time one party or the other is perceived to have broken an agreement, the willingness to trust the next time, and to respect borders, is eroded. Cattle raiding is also linked to drought. Raiding has always been used as a strategy to restock herds during or after a drought. Not surprisingly, prolonged drought and more cattle deaths leads to more raids. And raids lead, in turn, to new cycles of retaliation21.

Manifestation and impact of the conflicts

There are many negative manifestations and impacts of conflicts in the pastoralist areas. In brief these include:

Disputed State Authority and unprecedented insecurity - The state is usually 'technically' represented through the police or some other form of security machinery or by a local administration system. However, in most cases these structures are ineffective usually because they lack basic resources like fuel, ammunition or a motivated staff²². As they are present, the perceived inaction by these security state structures contribute directly to conflict as people seek alternative ways of self defence e.g. through illicit armament. Such actions escalate insecurity as the acquired firearms are often misused. The resulting insecurity usually results in massive displacement of people and exodus of essential manpower like teachers, doctors, traders etc. This is itself a basis for additional and/or escalation of the conflicts.

Demographic changes and erosion of societal-values - Protracted conflicts in the pastoralist areas lead to the breakdown of contacts between neighboring or adjacent communities. They also result in the breakdown of old-age social networks constructed through inter-clan social institutions like marriages that have always been crucial as a coping mechanism in times of uncertainty²³. The death of large numbers of men involved in the conflicts has also meant that traditional family roles have changed with women assuming male responsibilities on top of their own. Insecurity coupled with the collapse of the pastoralist economy has further led to large out-migration and displacement of communities who migrate to areas with relative good security.²⁴ Such migration seriously constrains basic amenities like health services, raises the levels of petty criminality mainly as a result of idleness of the youth²⁵.

Pressure on coping mechanisms, poverty, economic decline and food insecurity - There is a clear link between poverty among pastoralist communities and conflicts. Pastoralists' livelihood security is affected by their dependence on markets and exchange mechanisms, which are highly susceptible to conflicts²⁶. Insecurity in the pastoralist areas has contributed to a breakdown of trade and commerce where 'commodity supply is interrupted and essential items such as maize salt or sugar' are exorbitantly priced²⁷. Conflicts further constrain food production as people abandon farms or crops are destroyed resulting in food shortages and subsequent in high rates of malnutrition rates²⁸.

The preceding discussion has attempted to illustrate the interconnectedness of various factors that constitute the general pastoralist conflicts. The following section will attempt, more specifically, to ground Natural Resource Management-based (NRM) conflicts in the pastoralist areas.

Natural Resource-based conflicts and their manifestations

Pastoralist areas are characterized by endemic insecurity, whereby, on one hand the conflicts and risks are caused by recurrent natural disasters, particularly long droughts. On the other hand, they arise from conflicts between different migrating groups, who are competing for the use of key resources, mainly water and pasture. The close relationship between these key resources and the survival of the communities means that the pastoralists will usually employ any means available to them, including violence, to seek and/or claim control of the resources. There are several factors that contribute to the natural resource -based conflicts.

Mis-conceived pastoralist development planning - For nearly 20 years beginning in the early 1970s livestock development projects in most of dryland Africa, which includes the GHOA, stressed on conventional range management practices adopted from North America and Australia²⁹. Some of the attributes of this approach include sedentarised ranching; communal land ownership with title deeds as collateral for loan acquisition; permanent livestock water development; rest rotation grazing systems; maintenance of proper stocking rates; livestock management structures (ranch boundary and paddock fences, cattle dips, corrals etc); herd structure that encompasses a breeding programme and an established off take; institutionalized livestock marketing systems and formalized loan acquisition and repayment procedures³⁰.

Traditional livestock herding practices on the other hand entails: maintaining as big herds as possible both as a representation of wealth and protection against risk e.g. drought; migration in search of water and pasture; herd loaning among relatives and friends both as security or to help poor people; communal ownership of grazing land; customary laws to regulate grazing conflicts and a marketing system based on need. These traditional management techniques are largely in conflict with the conventional range management approaches adopted in the region³¹. This is because, traditionally, the majority of pastoralist land resources were held under a controlled access system, which was communal in form meaning that the tribe or clan or a group (that is linked by descent or cultural affiliation) had access to the land. Tenure was thus a social institution: a relationship between individuals and groups or tribes consisting of a series of rights and duties with respect to the use of land and its resources³².

Discriminatory land tenure and use - Traditionally, the majority of pastoralist land resources were held under a controlled access system but there was always skepticism in the ability of the pastoralists to manage their natural resources. The skepticism was based on the mistaken belief that the prevailing pastoralist production modes were responsible for the wide-scale degradation and desertification in the pastoralist areas³³. This led the colonial and post-colonial governments in the GHOA to constitute and implement various land acts on top of surviving customary tenure which created great confusion in land tenancy³⁴. In addition to the confusion wrought by the application of conflicting tenure systems, pastoralists continue to lose their grazing land either to the ever expanding sedentary agriculturists or to state backed ventures like national parks and reserves, commercial ranching, mining, training grounds for the armed forces etc. Land matters in the GHOA are emotive and the governments have failed to enact any clear-cut land legislations. This has resulted in serious land conflicts both for non- and pastoralist communities.

Expanding commercial agriculture, in particular irrigated agriculture, encroaches and takes up inordinate large areas of pastoralist land. The dawn of independence did not herald the review of the hitherto disproportionate colonial boundaries that had discriminated the pastoralists. Indeed, the few elite who came to power and who bought out large portions of the departing colonial settler farmers greedily embarked on enlarging their holdings pushing the pastoralists further to the margins inevitably leading to conflicts³⁵.

Competition and politicization of natural resources - It is now generally accepted from a political economic point of view that chaos and insecurity open new opportunities and enable new, otherwise impossible, access to resources and power to the protagonists. This is one of the reasons why those in power fight to keep it while those not in power fight to attain it.³⁶ Indeed, 'insecurity itself may be understood as an additional resource which, as with any other resource, some individuals are in a better position than others to exploit'.³⁷ Politics of patronage have led to disproportionate and indiscriminate exploitation of natural resources in large areas of the GHOA. For example, large tracts of lands have been turned into national parks or nature reserves or through extortion, acquired by rich and politically well connected individuals for ranching or horticultural purposes. This not only denies the pastoralists grazing pastures and migratory routes but also disproportionately uses and diverts scarce resources like water away from the pastoralists to the ranches and horticulture farms.

The Samburu National Reserve on the banks of the Ewaso Nyiro River forced many Samburu herders to move out of the area by blocking their access to the river. Soon, tourists came to outnumber the indigenous peoples within the reserve. The sharp contrast between the affluence of the tourists and the poverty of the local people led to attacks on tourists, making police protection a necessity for visitors to the area³⁸.

Cattle rustling - Raiding of livestock, or as popularly known, 'cattle rustling' or 'cattle raids' and its attendant violent conflict in the pastoralist areas is synonymous with pastoralism in the GHOA. Traditional cattle raids among the pastoralist communities were executed under specific and controlled circumstances. These included for example³⁹:

- Where the social and economic base in which an individual without livestock could not actively participate in the socio-political affairs of the society;
- Where competition for grazing land and water driven by scarcity or dwindling of resources as a result of population growth or adverse climatical changes forcing certain groups to move their livestock to other peoples territories or clans thereby sparking resource-based conflicts;
- As a survival strategy where loss of cattle led to raids to replenish depleted herds and/or raiding to increase one's stocks as an insurance against unforeseen calamities thus cattle rustling constituted a communal response to natural calamities.

Cattle rustling has however undergone irreversible transformation where it is now executed for reasons other than those stated above. It is now an organized violent commercial enterprise supplying meat to urban areas and for export. These entrepreneurs do not hesitate to use religion, ethnicity, clan and fear to mobilize people into conflict in order to create conducive environments to perpetuate their selfish exploitation of pastoralist resources.⁴⁰ This transformation is depleting the economic mainstay of the pastoralists as the wealth is physically taken out of the pastoralist areas as opposed, for example, to localized cattle rustling and counter-raids but where the livestock remain within the communities.

Grounding NRM-based Conflicts in pastoralist areas

The preceding discussion has attempted to highlight the many and diverse aspects related to conflict over natural resources in the pastoralist areas. More specifically, as regards water and pastures, these conflicts revolve around three important aspects thus; access, management and ownership. The question of scarcity as a result of dwindling resources is equally important but as this is related to other global trends and developments e.g. climate change, globalization etc, they are, to an ordinary pastoralist, far removed from their everyday experience and interaction.

While the pastoralists are not necessarily ignorant of these global trend, their everyday concern is purely basic survival from one day to the next. Thus, to an ordinary pastoralist three aspects - access, management and ownership of the natural resources available to them are what concern them most. Indeed, the concerns will, often, determine the type, nature, manifestation and transformation of the natural resource-based conflicts that might ensue.

Access to natural resources

It has been pointed out that nomadic pastoralism is practiced in areas characterized by harsh and unreliable climatic conditions. The pastoralist have therefore adopted such coping mechanisms as migration over wide areas in search of water and pasture. While this was traditionally possible in the past, various developments such as population increases, land encroachment and appropriation has limited such movements. But, as much as the natural resource base has continued to diminish, there are still pockets where they are abundant. In other words, scarcity is usually a localized and not necessarily a national phenomenon. Even in times of severe stress, pockets, sometimes adjacent to the pastoralists, may have sufficient resources. Such areas may include national parks and game reserves, forest reserves, private ranches, military installations etc. These areas are however protected and, there are moral ethical questions of whether pastoralists should be allowed access to such reserves at the expense of, say, conservation of water catchment areas. The choice is difficult as one has to choose between degradation of the resource or letting large numbers of livestock, and sometimes people, starve to death.

The problem is while these questions remained answered, the pastoralists can not only see the resources through the fences on land that is or was apparently theirs but also they are rarely involved in the search of answers to the questions. Conflict therefore regularly occur when the pastoralists take matters into their own hands and break the fences and 'invade' protected and/or 'private' property. In times of very severe stresses and given the choice of either massive death of livestock and/or inevitable violent confrontations with the pastoralists, governments have often allowed limited access to these areas.

Management of natural resources

To ensure survival in the face of a challenging habitat and difficult livelihoods, pastoralist communities have had to develop and adopt various coping mechanisms in response. As it will be discussed in subsequent sections, such mechanisms include supervised watering schedules

and marked seasonal migratory routes. While there are rules that govern the management of these coping mechanisms, often, external factors dictate and/or lead to lack of adherence with the obvious consequence being conflicts.

Survival of the clan and tribe depends on accessibility to large land areas, obtained by a combination of territorial rights and alliances with neighboring tribes. Boundaries between tribal areas are based on topography and ecology and do not follow modern administrative boundaries. Competition and co-operation are a normal part of pastoralist livelihood strategies. When these break down, in times of hardship, there is conflict and raiding of stock from neighboring tribes⁴¹.

Ownership of natural resources

It has been pointed out that there are conflicting perceptions and interpretation of the question of ownership of natural resources in the pastoralist areas. For example, land was traditionally communally held and used by the communities. There was no individual ownership. However, the pastoralist areas have largely been demarcated and allocated to titled individual owners. In addition, land grab and appropriation by the state and other powerful functionaries have irreversibly changed the land use patterns in the pastoralist areas. As the majority of pastoralists have been marginalized and/or left out of these changing environments, the question of who are the 'rightful owners' of these valuable resources are increasingly being asked. These are genuine questions given the fact that in many cases, the lands in question were forcefully acquired from the pastoralists with little or no compensation.

Mitigating NRM-based Conflicts

Conventional Approaches

By its very nature and general perception governments in the region have tended to adopt hard-line approaches to the solution of pastoralist conflicts without necessarily bothering to address the root cause of such conflicts. It has already been pointed out that many of the conflicts are rooted in either one of the three aspects of access, management and ownership of natural resources. The violence that accompany NRM-based conflicts have often led governments to embrace reactive and adhoc solutions to the perceived problems/root causes. Forceful disarmament of pastoralist groups is a case in point. Governments are of the mistaken contention that it is the proliferation and use of illicit arms that are behind the violent conflicts in the pastoralist areas. It cannot be denied that the availability and misuse of arms exacerbate the conflicts but the primary question should always be why the people endeavor to arm themselves in the first place. Unfortunately, it is not so much that the answer to such questions is not known but the complexity of the conflicts, their manifestations and requisite solutions are too intricate and apparently overwhelming that governments would rather deal with the symptoms if and when they occur and not bother with the root causes. Indeed, the government reactions are usually for political expediency rather than genuine concern and search for sustainable solutions. This is illustrated by the following example.

Governments in the HOA view cattle rustling as a primitive manifestation unique to nomadic life and do not recognize or fail to appreciate that it is partly the outcome of modern economic intrusion impinging on the socio-cultural setting of the pastoralists⁴². Based on this interpretation, the governments have criminalized cattle rustling among the pastoralist communities but, they are unable to eradicate it. Out of frustration and inability to control what they consider as acts of lawlessness among the pastoralists, governments adopt draconian methods executed by indifferent security forces. These methods are sometimes characterized by terror on the civilian populations through the use of extra-judicial methods of torture, rape and confiscation of livestock⁴³. As governments are prone to bias and favoritism towards one of the competing communities, these extra-judicial methods have not endeared the governments to pastoralists and have led to indiscriminate and unprecedented violent cattle rustling and killings of communities perceived to be favored by the governments. The government's reaction is the use of more force which subsequently attracts heavier reprisal by the communities and the cycle never ends.

Governments in the region and in collaboration with their development partners have increasingly promoted infrastructural development in the pastoralist areas. Such interventions include the making of access roads, building of livestock crushes and marketing outlets, provision of veterinary services, drought resistance seeds as well as social services like schools, hospitals etc. These interventions make valuable contributions that mitigate conflicts. In regard to natural resources, improved water catchment and retention techniques and range managements techniques have also been introduced to increase water and pasture resources. More expensive interventions like the sinking of boreholes are also undertaken. During times of stress, relief foods, containerized water and animal folder is also provided. While these

interventions are noble and indeed save many lives they are ad hoc and unsustainable. Some of the interventions have been a source of serious albeit inadvertent inter-community conflicts. For example, the location of boreholes can sometimes result in congregation of people and livestock in one place or the mushrooming of settlements within the vicinity of the borehole. This development results in tensions over the resource – land, water, pasture, trees etc - ownership between the local inhabitants and those who are lured by the availability of water and who migrate and settle. In addition, congregating large numbers of livestock in one area can also lead to environmental degradation, itself a source of conflict. One of the solutions to the above problem is the deliberate involvement and inclusion of the relevant stakeholders in the conflict sensitive search for solutions.

Community-based Approaches

Naturally, conflicts are inevitable and range from minor disagreements, for example, over watering schedules to more serious issues like rape or murder, all of which are or can, in most cases, be successfully resolved between the contending parties. Various institutions and approaches, both conventional and traditional, e.g. local administration (government), faith leaders, elders etc. are employed to address the conflicts. As nomadic pastoralism is a highly regulated system, the harsh and unpredictable nature of the environment has dictated the development of strong social obligations for use in times of drought, disease and conflict. Traditionally, migration, herd sharing and splitting, the redistribution of surplus livestock within social networks, and the formation of alliances with neighboring groups are strategies embraced to protect the communities against destitution in times of severe stress hence reducing violent confrontation⁴⁴. As pointed out earlier, it is unfortunate that these intervention strategies are facing serious challenges and are largely ineffective.

Although various ethnic pastoralist communities across the region differ in the details of their social organizational structures, cross-cultural comparison suggests that there exist common themes to the pattern of decision-making authority - approaches and practices - over natural resource management⁴⁵. Indeed, natural resource management units are usually clustered around common resources regardless of the ethnic identity of the communities or conventional administrative boundaries⁴⁶. There has been growing emphasis placed on understanding traditional environmental management practices. This is in recognition of the fact that community-based multiple resource use rules have been in existence based on priority of user groups that include 'primary users' who are accorded the highest priority within their home territory, 'secondary users' who are granted seasonal access and 'tertiary users' who enjoy infrequent access to the resources in times of severe stress⁴⁷. This is a reciprocal inter-dependence commitment amongst pastoralist communities.

Community-based mitigation approaches to natural resource-based conflicts across the pastoralist areas are generally hinged on the following premises:

- a) Recognition of the fact that acceptance that the main cause of land degradation in the range areas is insecurity resulting from banditry and violent cattle rustling;

- b) Knowledge of the fact that inter-ethnic hostilities mean that prime grazing/reserve areas particularly, along border areas remains inaccessible. This leads the majority of the nomadic groups to settle permanently in secure areas like the administrative centers against their wishes and normal lifestyles;
- c) Understanding that degradation of the natural resource base can be used as a neutral entry point for the implementation of conflict resolution and peacebuilding activities;
- d) Acceptance that the majority of the fighting communities are conflict-fatigued from endemic violence. The communities are usually willing to discuss their problems and are confident that they can devise acceptable solutions;
- e) Realization that against the backdrop of diminishing natural resources and competition, intra- and inter-tribal conflicts over resources are bound to escalate if remedies are not found;
- f) Awareness of the fact that any community-based strategies developed should primarily complement the conventional efforts and that they should not attempt to replace the role of government.

Taking the above premise into account, pastoralist communities have continuously sought for solutions and have endeavored to address pertinent and specific aspects of their conflicts. One of the strategies adopted is to constitute issue-based fora e.g. resource user-groups or associations that focus on specific issues like water or pasture. The following examples from Marsabit and Wajir districts in Kenya highlight two of such interventions.

Marsabit district: Environmental Management Committees (EMCs)

A development agency working in Marsabit was faced with the question of ownership and sustainability for its environmental programme activities. After many years of discussions and consultations with the community the idea of Environmental Management Committees (EMCs) was born. In due course the EMCs became the preferred vehicle for dealing with all the environmental issues in the community. The EMCs went further to develop by-laws on the use of natural resources. In addition, these by-laws not only covered natural resource issues but also other issues affecting the community like indiscriminate murders, theft of property etc.

Out of the EMCs specialized technical committees and associations were born to deal with and address specific technical matters concerning livestock, health and environmental sanitation etc. Of these offshoots the Water Users Association (WUAs) became such a success that the community, which did not have a strong money culture, was able to effectively manage its water resources and to accumulate significant funds. As a result, the WUAs were able to lend money to other community development initiatives in the area especially during emergencies⁴⁸.

Wajir District: Community-based resource user-associations

The pastoralist community in Wajir wanted to address a wide range of issues affecting them including – water, education, livestock marketing, income and drought. They proposed that the best way to corporate was by forming pastoral associations – *shirkada holadaqatadha*, in Somali. Each pastoral association had its base in one of the small trading centers that provided essential services for the pastoralist population, such as water and health care.

The members of the association were drawn from the trading centers (*bullas* - the villages around the edge of towns populated by those who had lost their livestock) and from the herding groups (*baadia* - the rangelands) in its vicinity. Membership was defined in different ways with the most common being all adults over 18 years being eligible to join. Another definition of membership stated that a 'member' meant both a man and his wife, while in some cases the *rer* (a group of 5-20 nomadic households; the smallest unit of the clan structure) was regarded as the basic unit of membership.

The pastoral associations managed basic services – livestock drugs, education, traditional birth attendants, women's income generation, borehole management and well protection – through an elected committee of up to 12 officials. At one level, the associations were seen as mechanisms through which pastoralists could better manage resources which were commonly owned, or which collective access was required in order to benefit the group as a whole. More strategically, the associations were seen as channels through which the pastoralists could represent their interests to government and other practitioners involved in development activities in the district⁴⁹.

Challenges to community-based mitigation approaches

There are many challenges that hinder effective community-based mitigation approaches. These include for example, the questions of participation and representation, equity, gender, insecurity, recognition, sustainability etc. Many of these challenges can be adequately covered by adopting sensitive approaches and dispositions in the development of interventions. It must also be accepted that there exists traditional community-based approaches to many of the pastoralist conflicts and while they may not be wholesome appropriate, it is imperative to take them into account when considering mitigating interventions. Briefly, the main challenges to community-based mitigation approaches include:

- a) Insecurity - The question of insecurity remains a fundamental and cross-cutting challenge. By simply improving the security in pastoralist areas, the direct and spin-off benefits would have tremendous positive impact on the socio-political, -cultural and – economic wellbeing of the communities;
- b) Climatic setbacks – Frequent and prolonged drought in the pastoralist areas scuttles and seriously destabilizes the communities. Natural resource-based conflicts especially over water and pasture during the dry periods easily escalate and become violent. The limited available 'development' resources in the areas are redirected towards the management of the violent conflict in order to save lives. Insecurity also mean that the available resources - pasture and water - located in hostile areas are not used while resources located in relatively secure areas are over-utilized;
- c) Inadequate participation – In the search for solutions to conflicts, the primary users or managers of the environment like the youth - warriors and herdsmen – are often not involved in important decision making processes. They are ignored in favor of elders and leaders who are thought to be the decision makers. Unfortunately, the elders may not necessarily be involved in the day-to-day management of the resources for example, in far away camps where the livestock has migrated. Here, the youth are solely responsible for the everyday decision making to guarantee the survival of their stock;
- d) Untenable practices - Reduced livestock movement within traditional home ranges because of increasing establishment of new settlements and changed land-use patterns has increasingly meant that traditional coping mechanisms are impracticable thus threatening pastoralist livelihoods;
- e) Socio-transformation - Rapid changes in socio-cultural, -political and –economic attributes that are themselves influenced by modern thinking and, not least, by the authority of the state machinery have left the pastoralist communities in limbo as they are not able to cope with the rapid changing environments and/or are not facilitated to do so;
- f) Conflict transformation - Fluidity and transformation of conflicts in the pastoralist areas that pose unprecedented problems, such as violence by and against women, children and the elderly is new amongst pastoralist communities and they are not able or do not have the capacity to address them;
- g) Incompatibility - Non-recognition of the community-based mitigation approaches in the conventional law. The incompatibility of the two approaches – traditional and conventional - and which render superiority to the conventional law means that the communities find it extremely difficult to enforce their own by-laws and/or those

dissatisfied with decisions reached through traditional approaches turn to the conventional system. This frustrates and negates the entire traditional processes of conflict resolution of which the communities are more adept to.

Unfortunately, the 'magic-bullet' that can be used to adequately address these challenges is yet to be found. It should be said that it is not necessarily for the lack trying that the bullet has not been found. There have been and are many initiatives undertaken in search for solutions to pastoralist conflicts in general and NRM-based ones in particular. One such encompassing and regional initiative is the Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa.

The Protocol on Cattle Rustling

The continuing transformation of cattle rustling that has seen it shed its cultural attributes and assuming criminal commercial dimensions involving organised criminal groups who increasingly tend to use deadly weapons makes its eradication necessary. This is especially so because the gangs take advantage of insecurity emanating from cattle rustling to engage in serious criminal activities. It is an accepted fact that cattle rustling is not a local or national problem but one that traverses across international borders. This is as a result of pastoralists who straddle these borders and/or those in constant movement in search of water and pasture. This means that solutions to the cattle rustling menace have to be, by necessity, regional. In addition, because of its security implications such solutions need to be rooted within a regional binding legal framework.

It is against this background that the East Africa Police Chiefs Cooperation Organization (EAPCCO) together with its partners developed a regional instrument - Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa – primarily to address the problem of cattle rustling. The Protocol on the prevention, combating and eradicating cattle rustling in Eastern Africa defines cattle rustling as **'the stealing or planning, organising, attempting, aiding or abetting the stealing of livestock by any person from one country or community to another, where the stealing is accompanied by dangerous weapons and violence'**. The objectives of the protocol are to:

- Prevent, combat and eradicate cattle rustling and related criminal activities in the Eastern Africa region;
- Systematically and comprehensively address cattle rustling in the region in order to ensure that its negative social and economic consequences are eradicated and that peoples' livelihoods are secured;
- Enhance regional co-operation, joint operations, capacity-building and exchange of information;
- Promote peace, human security and development in the region.

The Protocol is a detailed document that is sensitive to the complexities and interrelations of factors that contribute to cattle rustling. The Protocol contains 21 Articles; Articles 1-4 contains working definitions, objectives and relevant international initiatives that Member States are urged to commit to; Articles 5-13 details the necessary measures and mechanisms that can be used to address cattle rustling. Article 14-21 outlines the principles guiding the Protocol implementation and enforcement.

The Protocol captures the specific measures for addressing cattle rustling in the following articles:

- a) Article 5 Legislative Measures: The current statutes used to address the problem of cattle rustling have gaps that limit their effectiveness in tackling the problem. Based on the understanding that cattle rustling is a serious criminal offence in the region, the Protocol endeavors to make provisions fill these gaps in all the Member States. This will

be achieved through the enactment of standardized legal mechanisms and approaches. These approaches will take into account relevant traditional conflict resolution mechanisms and alternative dispute resolutions that can be used to address the problem of cattle rustling.

- b) Article 6 Livestock Identification Systems and Record-Keeping: It is premised that an effective livestock identification system would greatly mitigate the problem of cattle rustling by acting as a disincentive to potential cattle rustlers for fear of being caught and a prosecuted with irrefutable evidence. In addition, proper livestock identification would facilitate the monitoring and tracing of livestock which is necessary in the marketing of livestock and livestock products as well as for disease control and surveillance.
- c) Article 7 Operational Capacity: More often the relevant arms charged with the responsibility of tackling the problem of cattle rustling do not respond adequately to the problems when they arise chiefly because of diminished operational capacity. The Protocol endeavors to improve the capacity of police, customs, border guards, the judiciary, communities, local leaders, respected individuals and other relevant agencies in order to facilitate their work. This will be done through training, standardized data bases and the establishment of inter-agency working groups etc.
- d) Article 8 Public Education and Awareness Programmes: The solution of the problem of cattle rustling can only be achieved through the involvement of a diverse number of interested stakeholders. These stakeholders need to be reached with the correct, timely and relevant information which is what the Protocol endeavors to facilitate in collaboration with different stakeholders.
- e) Article 9 Development: One of the key contributory factors to cattle rustling is the lack of alternative livelihoods and opportunities for the pastoralist communities. The Protocol recognizes this fact and has made provisions for pastoralist communities and other affected communities to increase schooling facilities, enrolment opportunities for basic education, adult education and vocational training; the provision of water and pastural lands, improvement of infrastructure, appropriate administrative structures and community security; facilities or measures aimed at reducing the effects of disasters such as drought, famine, disease and environmental degradation which are likely to instigate and/or exacerbate cattle rustling.
- f) Article 10 Joint and Combined Operations Across Borders: It has been noted that the problem of cattle rustling is not a local phenomena but one that cuts across boundaries. Similarly, the requisite interventions to address the problem must also cut across the same boundaries if they are to be effective. Thus, the aim is to facilitate joint and combined operations across borders in Member States pursuant to the objectives of the Protocol.
- g) Article 11 Mutual Legal Assistance: It has been noted that criminals especially those involved in cattle rustling take advantage of the different and/or absent legal facilities between states to escape the law once they cross international borders. The Protocol

aims to eliminate this by ensuring that the legal provisions in the Member States are tightened through better coordination and facilitation.

- h) Article 12 Law Enforcement: Similarly, the Protocol provides for facilitation of law enforcement amongst Member States in order to ensure they are more effective. This will be achieved through the establishment of inter-border communication systems, Anti-Stock Theft Units and promotion of cooperation with national, regional and international stakeholders.
- i) Article 13 Other Measures: Given the case-specificity of the problem of cattle rustling, the Protocol makes provisions for Member States to elaborate and implement any appropriate measures they deem necessary and which contributes towards the full implementation and realization of the Protocol.

In light of the discussion regarding the many setbacks that face the search for sustainable solutions to the problem of cattle rustling, once ratified and fully implemented, the Protocol will be an important instrument with the potential to make significant contributions in the prevention, combating and eradication of cattle rustling in the region.

Conclusion

The title of this presentation thus, ACCESS-MANAGEMENT-OWNERSHIP: The 'Water & Pasture Menu' in Pastoralist Conflicts in the Greater Horn of Africa (GHOA) cannot purport, in any way, to adequately capture the entire spectrum, intensity and depth of the factors that constitute the question of natural resource-based (water and pasture) conflicts and its niche in the wider and more complex aspect popularly referred to concoction as - pastoralist conflicts.

Logically, the starting point in trying to understand Natural Resource Management (NRM)-based conflicts should be an appreciation of the complex and divergent inter-relationship between the causes, manifestations and potential interventions necessary to mitigate the conflicts. What the presentation has attempted to do is to clearly demonstrate is that comprehending pastoralist conflicts in general and NRM-based ones in particular is an intricate undertaking. Elaborating sustainable solutions for the same is even more challenging especially for those that think that pastoralist conflicts are a problem for and of the pastoralists; unfortunately, they are not and the presentation has succinctly pointed out that they, indeed, impact on the local, national, regional and international sphere of every state in the GHOA.

True, there is scarcity of natural resources and water and pasture resources are increasingly dwindling and, yes, the scarcity can be a source of and/or is capable of exacerbating conflicts not only amongst pastoralists but as well as with their adjacent neighbors, the state or even suck in international interests. There are established global trends why natural resources in the world continue to diminish and how this impacts on people's livelihoods. Global warming leading to climate change, globalization etc are some of such contributory trends. Are these trends and their effects manifested in the pastoralist areas in the GHOA? Well, probably more than anywhere else if they were to be disaggregated to the household level. Are the pastoralists aware of these trends and their effects? Yes and no. Yes because pastoralists are, in their own ways, an informed lot who even have time tested traditional coping mechanisms to counter them. No because the way they are popularly portrayed is far removed from the standard lens through which pastoralists look or see their immediate world. Life in pastoralist areas is harsh and unforgiving and the life of many pastoralists and in particular nomadic pastoralists is a major preoccupation of basic survival from one day to the next for themselves and their livestock.

Basic survival then boils down to the simple question of access, management and ownership of the little natural resources they have. Of these resources, water and pasture are top on the agenda. The presentation contends that these three aspects are what occupies and interests pastoralists and the question of scarcity is secondary. This is even more evident in situations where the scarcity is a localized problem and not a national, regional or international phenomenon. In other words, to the eyes of pastoralists, it is the relative deprivation that is the key question especially if they live next to a protected area with abundant water and pasture that is inaccessible.

Solutions to NRM-based conflicts whether approaches or instruments abound; but, is there will to find sustainable solutions? This remains a debatable question. But if it is change that we want, we can have it – **YES We CAN!**

Notes

- 1) Poverty: The Oxford English Dictionary defines poverty as: 'The condition of having little or no wealth or material possessions; indigence, destitution, want', and suggests its first use was in AD 1075. In recent years, research tapping the perspectives of poor people has recognized that poverty involves a wider set of deprivations, including vulnerability and exclusion from society, in addition to material destitution and a lack of basic human needs, such as adequate and nutritious food, clothing, housing, clean water, and health services (www2.ucsc.edu/atlas/glossary.html); <highered.mcgraw-hill.com/sites/0809222299/student_view0/glossary.html> (Accessed October 2005).
- 2) The Group of Governmental Experts Reports (A/52/298 and A/54/258) focus on Small Arms and Light Weapons designed for military purposes and define them as follows (Note #5 of A/54/258): "Broadly speaking, small arms are those weapons designed for personal use, and light weapons are those designed for use by several persons serving as a crew. The category of small arms includes revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine-guns. Light weapons include heavy machine-guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of calibers of less than 100 mm. Ammunition and explosives form an integral part of small arms and light weapons used in conflicts, and include cartridges (rounds) for small arms, shells and missiles for light weapons, anti-personnel and anti-tank hand grenades, landmines, explosives, and mobile containers with missiles or shells or single-action anti-aircraft and anti-tank systems" (United Nations (2003, p. 14), General Assembly Report of 11 July 2003: A/58/138, The illicit trade in small arms and light weapons in all its aspects (http://www.iansa.org/issues/documents/2003_gge_marking_tracing_en.pdf) (Accessed October 2005).
- 3) In the context of this presentation, the general operational definition of a community is a particular type of social system distinguished by the following characteristics:
 - People involved in the system have a sense and recognition of the relationships and areas of common concerns with other members
 - The system has longevity, continuity and is expected to persist
 - Its operations depend considerably on voluntary cooperation, with a minimal use (threat) of sanctions or coercion
 - It is multi-functional. The system is expected to produce many things and to be attuned to many dimensions of interactions
 - The system is complex, dynamic and sufficiently large that instrumental relationships predominate.

Usually, there is a geographical element associated with its definitions and basic boundaries; note, careful attention must be paid to geographic characteristics. Everything and every person within the geographic area is not associated with the community system (Cook, James B. (1994), 'Community Development Theory', Community Development publication MP568, Department of Community Development, University of Missouri-Columbia, Reviewed October 1994).

- 4) Pastoralist conflicts in the GHoA are concentrated along international borderlands of Ethiopia, Kenya, Somalia, Southern Sudan and Uganda. Examples of cross-border pastoralist conflicts include between the Turkana (Kenya) and Dodoth (Uganda), Turkana (Kenya) and the Toposa (Southern Sudan), Pokot (Kenya and Uganda) versus the Sabiny (Kenya and Uganda) and the Turkana (Kenya) and Matheniko (Uganda). Other conflict corridors along the GHoA include those between the Turkana (Kenya) the Dassenach (Ethiopia) and the Nyang'atom (Ethiopia/Sudan)⁵⁰
- 5) The Karamoja cluster refers to the geographical area encompassing northeastern Uganda, northwestern Kenya, southern eastern Sudan and southwestern Ethiopia inhabited by agro- and nomadic pastoralists who generally share a common language and culture⁵¹.

Annexes: Clustering the causes of Natural Resource-based Conflicts

It has already been noted that even tough pastoralist groups across the GHoA may differ slightly in their social structures and administration; they nevertheless share common attributes in their management of their natural resources. The following section is a generic attempt at clustering the NRM-based conflicts and their potential mitigating interventions.

Annex 1: Causes of natural resource use conflicts

1. Use and management of Water

- ◆ Disputed ownership and user rights of traditional shallow wells
- ◆ Poor management of water sources leading to quarrels and fights
- ◆ Lack of respect for existing by-laws by the herders
- ◆ Using water outside normal watering schedules e.g. at night
- ◆ Water shortages during the dry season
- ◆ Concentration of livestock around water points

2. Common pasture and other natural resources (trees and wildlife)

- ◆ Movement of livestock into neighboring areas during the drought without prior agreement
- ◆ Uncontrolled outbreaks of livestock diseases especially from migrating herds
- ◆ Disputed claims over ownership of grazing lands and poor grazing management plans
- ◆ Poor rainfall distribution patterns
- ◆ Livestock thefts that lead to retaliatory raids
- ◆ Rampant alarmist reports of banditry attacks between conflicting communities
- ◆ Indiscriminate cutting of trees for charcoal, livestock fodder, building posts etc.
- ◆ Indiscriminate killing of wild animals by the home-guards, bandits, police and herders with access to guns
- ◆ Inadequate awareness on the importance of trees and wildlife protection and conservation

3. Boundaries between neighboring communities

- ◆ Claim over ownership of resources and lack of information on political or administrative boundary changes
- ◆ Uncontrolled movements of livestock with little territorial respect particularly where land ownership is in dispute
- ◆ Local politics that question the contention that pastoralists can access land anywhere they wished
- ◆ Indiscriminate exploitation of resources e.g. illegal fishing activities in neighboring territories

4. Co-operation between local leaders from neighboring areas

- ◆ Lack of respect and trust among local leaders
- ◆ Poor communication between local leaders and elders from different areas resulting in poor leadership and governance
- ◆ Lack of adequate dialogue which leads to mistrust of local leaders who are perceived to be partisan
- ◆ Incitement and involvement of the leaders in banditry attacks
- ◆ Intolerance and bias over important issues by the leaders
- ◆ Weakened traditional authorities and governing structures
- ◆ Herders from neighboring areas not respecting hosting community leaders

5. Banditry, raids and murders

- ◆ Livestock raids and robbery with violence resulting in cold blooded murders
- ◆ Revenge and use of force to sort out disputes giving no room for dialogue
- ◆ Stealing of livestock and small items like guards, bells, small goods from livestock camps
- ◆ Out-of-date customs e.g. heroism and fame which encourage livestock raids and murders
- ◆ Collusion with raiders and giving false reports on attacks and harboring or allowing passage of bandits especially from the same ethnic groupings
- ◆ Eminent threats of attack from neighbors that may lead to preemptive attacks
- ◆ Poor law enforcement and inadequate support from the government security personnel
- ◆ Easy availability of small arms that lead to misuse of firearms

6. Discipline among herders, warriors and vigilante groups

- ◆ Conflicting customs between communities where one group may not be under the control of the elders while the other is
- ◆ A general 'don't care attitude' among the youth and warriors aided by many unfounded mysteries of 'invisibility' which is used as excuses for abuses
- ◆ Poor cooperation and dialogue between the elders from the different communities
- ◆ Hatred, hostility and suspicion based on past experiences
- ◆ Vigilantes not being under the control of elders especially where they are armed on their own accord
- ◆ Poor training of the vigilantes in responsible handling of firearms
- ◆ Partisan attitudes and bias towards own communities
- ◆ Low morale and poor leadership among vigilantes exacerbated by the lack of incentives or welfare plans for them
- ◆ Collaboration between the vigilantes and bandits which is made worse by the inability of differentiating between them.

Annex 2: Resolutions to prevent and mitigate resource-based conflicts

Once the causes of natural resource based conflicts are clustered, it is possible to develop generic interventions to tackle them. Such interventions would include the following:

1. How to minimize conflicts over the use and management of water

- ◆ Water management committees responsible for scheduling watering timetable should be established at all the important range water points
- ◆ The water management committees should prepare water management schedules and rota to accommodate herders from neighboring communities
- ◆ Migrant herders should report to the area water management committees for inclusion in the water use schedules
- ◆ Herders who fail to respect the established watering schedules should be penalized without favoritism. The penalty should be commensurate with the degree of the offence
- ◆ Appropriate water sources should be identified and developed

2. How to minimize inter-ethnic conflicts in the grazing areas

- ◆ Environmental Management Committees (EMCs) should be established and be charged with the responsibility of elaborating wet and dry season grazing management plans in their areas
- ◆ Local leaders and EMCs to inform and report movements of their livestock to their counterparts should there be any intention to move into the neighbor's grazing areas
- ◆ Each group of fora herd moving to a neighbor's territory should have a leader known to the entire group
- ◆ Representatives of the fora herds and resident Environmental Management Committees including their local leaders should jointly work out procedures of maintaining peace in the shared grazing areas
- ◆ Fora herds should honor and respect area specific grazing management by-laws of the host communities
- ◆ Penalties should be decided, agreed upon and imposed on those violating the laid down by-laws and requirements
- ◆ Sick animals should be isolated and excluded from the migrating stocks until they are treated and certified to be disease free. Disease outbreaks should be reported immediately to the relevant authorities
- ◆ Those who disregard the disease control measures should be punished accordingly
- ◆ Fora herders led by their representatives should thank and bid their hosts farewell before moving back to their respective areas

3. How to reduce exploitation of natural resources (trees and wild animals)

- ◆ Local leaders and elders to enforce the EMC by-laws on conservation of trees and other natural resources
- ◆ The EMCs and leaders to sensitive the community on the importance of conservation
- ◆ Leaders and the EMCs to encourage the herders to use alternative materials for building their shelters e.g. using stones where such materials exist
- ◆ Those violating area specific rules and regulations of conserving useful tree species to be penalized in accordance with the extent of destruction caused
- ◆ The herders should be responsible for putting out fires immediately they start in the grazing areas
- ◆ Local leaders and EMC to sensitize fora herders on the dangers and damages of uncontrolled fires
- ◆ The EMCs and elders should investigate cause of fires and depending on the extent of the destruction caused , impose penalties on those found starting the fires intentionally
- ◆ The relevant wildlife authorities should train the EMCs on the importance of conserving wildlife

- ◆ The rules should be clear on the process and amount of compensation one is entitled to in the event of damage suffered or caused by wild animals
 - ◆ Local leaders and the EMCs to be involved in the prosecution of poachers
- 4. How to access range resources in the neighboring territories**
- ◆ Local leaders and the EMCs to promote sustainable utilization of grazing resources in their areas
 - ◆ Local leaders and elders to urge their people to honor and respect their neighbor's grazing territories
 - ◆ Communities leaders to officially communicate to their counterparts movements of their fora herds and livestock into their territory
 - ◆ Migrant herders to bring letters of introduction from their leaders and to report to the local leaders and the EMCs of the area they move into
 - ◆ Fora herds from other districts, provinces or countries to return home once the weather conditions in their own areas improve
- 5. How to reduce banditry, raids and murders**
- ◆ Peace or dialogue committees should be established at the lowest administrative levels possible
 - ◆ The Peace committees should be charged with the responsibilities of punishing those who hide criminals
 - ◆ Peace committees to report crimes committed in their areas to the relevant authorities e.g. the police
 - ◆ People involved in robbery with violence and murder should be arrested by the Peace committees and handed over to the authorities
 - ◆ Neighboring Peace Committees to maintain contacts with each other and should report on strangers or suspicious looking people passing through their areas
 - ◆ Leaders and Peace Committees of the areas where the trails of raided/stolen livestock ended should direct the security personnel to where the raided animals are hidden failure to which livestock from their herds should be confiscated until the raided livestock is recovered. If the stolen livestock is not found within three days the confiscated livestock should be handed to the relevant authorities until all the stolen animals are recovered
 - ◆ Penalties should be decided, agreed upon and imposed on those found with stolen livestock. A simple criteria like the one below should be adopted:
 - For every 1 goat stolen the fine could be 5 goats
 - For 1 head of cattle stolen a fine of 3 heads of cattle
 - For every 1 camel stolen a fine of 3 camels
 - For every 1 donkey stolen a fine of 3 donkeys
 - For any tools and equipment stolen a fine of 2 goats
 - ◆ Local leaders and peace committees to discourage their people from maintaining bad customary practices that encourage thefts and murder
- 6. How to improve dialogue between different ethnic groups**
- ◆ Frequent meetings between leaders, elders, Peace Committees and Environment Management Committees from different ethnic groups and neighboring areas to be promoted in order to foster peaceful coexistence
 - ◆ Local leaders to be dedicated and to be encouraged to live within their communities rather than moving into the trading centers
 - ◆ Local leaders and elders to cooperate in solving problems immediately they arise and not wait for them to fester and break into violent confrontations
 - ◆ Leaders and peace committees to investigate rumors thoroughly and take action against those spreading them
 - ◆ Peace committees to put in place measures for dealing with emergencies and natural calamities e.g. prolonged drought/famine
 - ◆ Local leaders to appreciate the roles of elders and delegate responsibilities to them

7. How to improve discipline among herders and vigilantes

- ◆ Local leaders and elders to urge the youth, warriors and herders to abide by peace agreements reached at in order to maintain peace and harmony between the communities
- ◆ The youth, warriors and herders to have leaders in-charge of the fora herds
- ◆ Local leaders to encourage elders to solve small petty problems in their areas according to their customary laws
- ◆ The security agencies should provide adequate training on handling of firearms to the vigilante groups
- ◆ The vigilante groups to appoint leaders who are known to the community and the relevant authorities
- ◆ Peace Committees and elders to be involved in the identification and selection of vigilante group members
- ◆ The vigilante groups should be issued with official uniform and identification documents
- ◆ Peace Committees and elders should ensure that the welfare of the vigilante group members is taken care off
- ◆ Any member of a vigilante group who misuses a firearm should be asked to hand it over and should be reported to the relevant authorities.

¹ Joshua O. Osamba (2000, p. 13), 'The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya', *Africa Journal in Conflict Resolution*, No. 2/2000, ACCORD, South Africa (http://www.accord.org.za/ajcr/2000-1/accordr_v1_n2_a2.pdf) (Accessed March 2005).

² Jonathan, Davies and Richard, Hartfield (2007), Global Review of the Economics of Pastoralism, Sunday Nation February 25, 2007, pg. 30.

³ CAPE OAU/IBAR brochure (n.d., p. 1), 'Introducing the community-based animal health and participatory epidemiology', CAPE Unit, Nairobi.

⁴ Khan (1994, p.198) cited in Osamba (2000, p. 13), *op. cit.*

⁵ Ocan n.d., p. 4 cited in Osamba (2000, p. 13), *op. cit.*

⁶ Ced, Hesse and Lorenzo, Cotula (2006), Climate change and pastoralists: Investing in people to respond to adversity, *Sustainable Development OPINION*, International Institute for Environment and Development (IIED) (<http://www.iied.org/pubs/pdf/full/11059IIED.pdf>) (Accessed January 2007)

⁷ Berger, Rachel (2003:246), 'Conflict over Natural Resources among Pastoralists in northern Kenya: a look at recent initiatives in Conflict Resolution', *Journal of International Development*, Volume 15, Issue No. 2, March 2003, pp. 245-257 (<http://www3.interscience.wiley.com/cgi-bin/fulltext/103520443/PDFSTART>) (Accessed January 2006).

⁸ Hogg (1988) cited in Saverio, Krätli and Jeremy Swift (2001), 'Understanding and managing pastoral conflict in Kenya: How contemporary understandings and knowledge of pastoral conflict can guide practical work', Environment Team, IDS Sussex, UK (<http://www.eldis.org/static/DOC8749.htm>) (Accessed March 2005).

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