

CONFLICT RESOLUTION AMONG COUNTY GOVERNMENTS IN KENYA: A CASE OF BARINGO AND TURKANA COUNTIES

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Abstract: This article seeks to analyze the ways conflict resolution can be employed to avoid the escalation of conflicts ultimately maintaining peace in the region. The article will highlight the reasons for conflict in these counties as cattle rustling and competition for the scarce resources. Turkana and Baringo are located in the semi-arid region in Kenya that is prone to drought and famine because of the unfavorable climate changes which poses a threat to conflict in the region. Despite the rising conflict, both counties have carried out various conflict resolution techniques.

Keywords: Conflict resolution Baringo Turkana.

1. INTRODUCTION

According to Browd and Barbra (2010), conflicts are defined as an escalated competition between two or more parties with an aim of gaining advantage over power or in form of power, resources, interest, values or fulfillment of needs over other party or parties. When a dispute arises, the best course of action is negotiation to aid in resolving the disagreement. In an attempt to define conflict resolution, Browd and Barbra (2010) further argue that it is a way in which two or more conflicting parties find a solution to a disagreement among themselves. Africa is one of the developing continents in the world today. It is rich in natural resources which are one of the main causes of conflict as a result of the exploitation of the natural resources for the benefits of the few in the society or in a country as a whole (Odhiambo, 1996). Odhiambo, (1996) notes that the end of the cold war marked the beginning of violent conflicts which was characterized by crimes against humanity and violation of human rights, massive destruction of property among others. Conflicts in Africa have resulted into negative impacts in the affected states also across the other states due to the increased number of refugees fleeing their own countries, economic depreciation, increase in the number of child soldiers, displacement among others.

Folger, Poole & Stutman, (2009) state, conflict offers a mixture of the good, the bad and the uncertain. On the positive side, conflicts allow us to air important issues; they produce new and creative ideas; they release built up tensions. Handled properly, conflicts can strengthen relationships; they can help groups and organizations to re-evaluate and clarify goals and missions and they can also initiate social change to eliminate inequalities and injustice. In all interaction, and particularly in conflicts, one of the key problem's parties face is their uncertainty about how to act and about what the consequences of their actions will be. Even if it is a dreary rehash of a long-standing argument, each conflict holds the potential for change, for better or worse and uncertainty always hangs over its course and outcome.

Global environmental and population increase has led to the demand for resources. Serious issues such as fighting for natural resources like grazing fields and water points in order to control them has led to communities to engage in violent conflicts. Another root cause of conflict includes strong belief in culture, cattle rustling raids and of late increase of illegal weapons (USAID, 2005).

In Africa, misuse of natural resources as well as cultural practices and of late, proliferation of illicit weapons are crucial in all the faces of conflict from the outbreak, sustaining of violence thwarting the possibility of peace and reconciliation.

Competition over natural resources contributes to at least 40% of intrastate conflicts (Mathew *et al*, 2009). In analyzing conflicts in Africa, Romania Malejaq argues that western theoretical perspective and explanations of conflicts in Africa has been primarily focused on the socio-political and economic causes of conflicts and that the approach to understanding conflict has been influenced by the western policies and reactions to Africa (Greiner, 2012).

Conflicts in Kenya are based on the ethnic community one is affiliated with. According to Pkayla *et al.*, (2003) conflicts in Kenya are closely related to the issues of land, borders and historical injustices. Other than the perceived causes of conflicts, religion has been also analyzed as another cause of conflict in Kenya (Kenya Human Rights Commission, 2010). Some of the contributing causes of conflicts in the Baringo and Turkana region include; cattle rustling, ethnocentrism, proliferation of illicit arms, diminishing in the traditional arms, competition over and the access to the natural resources, political incitement, high poverty level and youth idleness. To date, conflicts in Baringo and Turkana counties are still ongoing and the insecurity within the communities mostly living in the arid and semi-arid areas of the counties stays unabated.

Baringo County is situated in the former Rift Valley Province and shares borders with quite a number of neighbors namely, West Pokot, Marakwet, Nakuru, Laikipia and Uasin Gishu Counties. It occupies 11,015 square kilometers and has a population of 555,561 people who predominantly belong to the Kalenjin community (Osamba, 2000). On the other hand, Turkana County is situated in the former Rift Valley Province and shares borders with Marsabit County (in what was Eastern Province) to the East, Samburu County to the South East, West Pokot and Baringo Counties to the South, Republic of Uganda to the West and Republic of Ethiopia to the North. It occupies 68,680 square kilometers (the second largest in the country) with a population of only 855,399 people who predominantly belong to the Turkana community consisting of important towns namely Lodwar, Kakuma, Lokichoggio and Lokitaung. Lodwar is the largest with a population of 48,000 people (Osamba, 2000). Currently Turkana county has six constituencies namely Turkana North, Turkana Central, Turkana East, Turkana West, Turkana South and Loima.

Muigua, (2014) argues that conflicts among pastoral communities are manifold and it is reported that a serious drought broke out between 1999 and 2001. This caused the death of several livestock of the Turkana prompting them to attack and raid animals from their neighboring communities to compensate for their lost animals. This created rivalry between the different groups leading to violent conflicts as they competed for little pastures and water points. In 2014, the Pokot community from the East Baringo South Sub County invaded some of Mochongoi areas and Makutano which are located in Baringo South Sub County and drove away the Tugen community who had hitherto inhabited the area. They claimed that the land in question which had enough pasture and water was part of their ancestral territory. Conflict manifests itself in the inequity arising from the structural set up and imbalanced distribution of the resources and control.

2. CAUSES OF CONFLICTS AMONG THE COMMUNITIES IN KENYA

Leff, (2009) argues that violent conflicts among the pastoral communities in Turkana, Samburu and Baringo is attributed to the competition over the available resources. The resources include the diminishing water and pasture. The water and pasture resources have greatly reduced thus contributing to the escalation of violence livestock keeping communities that compete for them in East Africa. During drought, the herders are forced to relocate to other places to look for pastures for their livestock where they have to fight it out with the others who graze their animals in such pastures. Shared grazing fields like Lonyeki, Amaya, Kurkur among others have continued to cause high incidences of conflict and as a result they have been declared “no man’s land”.

A similar story of battle arising from such important natural resource was manifested among the Pokot and Turkana in Kapedo, Baragoi among Turkana and Baringo as well in Amaya pitting the Samburu against the Pokot. The groups which live in the neighboring East Pokot are interested in the Pokot ancestral land such as Lake Baringo and Kapedo Naundo. This kind of perception could change, urge for the acquiring livestock to heroism or commercial purposes to the violent conflict which is aimed at the reclaiming of land. Furthermore, the Samburu gave IIBRC, a memorandum laying claim to their ancestral land (IIBRC,2010).

According to Moru, (2010) there are successful raiders who are praised, considered heroes and accorded social mobility as opposed to the cowards who are ridiculed and shamed for failure to bring home any raided cattle. This heroism versus villain propels conflict among the pastoralist communities. In addition, the violent nature is closely associated with the socio-cultural need to accumulate capital in form of cattle for social obligations like marriage and basic sustenance. On

the other hand, Bollig, (2007) argues that apart from the marriage and sustenance, there is also the social urge to earn respect among peers by being celebrated as a hero after a successful cattle raid among the pastoral communities. When the raids are successful, the warriors return home to ululations and heroic welcome and their potential brides will be among the ones singing and praising them. This is common among the counties of Turkana and the Baringo as each community wants to prove their cultural beliefs and this could potentially be a cause of conflict. In addition, Greiner, (2013) states that while in previous decades the stolen livestock was redistributed or used to pay bride prices, rustling has more recently turned into a form of organized crime. This involves the commercialization of stolen animals, and includes actors from outside the pastoralist system.

Raids and counter attacks by different pastoral communities have been witnessed for so long among many communities in Kenya. The KHRC (2010) records state that a revengeful attack is usually in response to the killings and stealing that occurred in the past decade. This has been at the center of violence among the Samburu, Pokot and Turkana. KHRC reports detail how the retaliatory attacks are widespread among the pastoral communities mainly due to the reluctance nature of the government to respond to cattle raids in Kenya. Among the core incentives for raiding is to amass cattle for commercial purposes demands are high. This means that violence should also be perceived from an economic dimension of making maximum profit. This aspect of commercializing raiding involves the powerful people who hire the youth to use excessive force to carry out raiding to supply meet to the urban population. The weapons conflict prone zones are given to on credit while those who supply them assist finding quick market for the raided cattle. This means that a well-connected and powerful network of business interests sustain the violent conflicts witnessed in the area with aim of gaining profit from the supply of weapons and raiding of livestock. This mutual relationship between the raiders and the middlemen in proliferation of weapons has led to violent conflicts in the region (Kratli & Swift, 1999).

As indicated by Lind, (2006) there are politicians as well as business people who sustain raids for commercial purposes in the Northern West Kenya most of the illegal weapons used in raiding in Kenya are supplied from the conflict prone zones of the neighboring communities from Sudan, Ethiopia, Northern Uganda as well as Somalia (Kumasee *et al*, 2009). Increase in illicit weapons has become a threat to regions in North Kenya and neighboring regions are slowly getting affected. The efforts by the government on disarmament have not been successful because they are not often well informed on the root causes of the conflicts (Moru, 2010). In addition, Greiner (2013) argues that the erosion of traditional governance structures has led to a power vacuum that is increasingly filled by political leaders and other power brokers, who grasp the opportunity to renegotiate boundaries and access to land. They have realized that on the national level ethnic mobilization has played a major role in political struggles, and they carry these dynamics even into the remotest pastoralist areas, where the struggle for land is progressively ethnicized.

3. CONFLICT RESOLUTION AND PEACE BUILDING IN KENYA

Conflict resolution is a way in which two or more conflicting parties find a solution to a disagreement among them. When a dispute arises, the best course of action is negotiation to aid in resolving the disagreement. On the other hand, peace building is a process in which the conflicting parties seek to establish a lasting peace and tries to prevent the recurrence of conflict by addressing the root cause and the effects of conflict through reconciliation, institutional building and political as well as economic transformation within the conflicting parties. Mwaniki, (2010) explains that it is important to have an analysis on the situations of the protracted conflicts and there is need for a revised method and approaching conflict that is more regional in its nature and that it coordinates the actors and the stake holders in peace building process.

John, (1991) argues that Civil Society Organizations are vast and wide and have activities across the globe which include a diverse set of organizations, ranging from small, informal, community-based organizations to the large, high-profile NGO's. These organizations vary in their structure, mandate as well as who is involved in their activities. They work freely and are not under government control and management. This means that they can approach people based on their specific needs and fight for their rights through the development of policies that are beneficial to communities around the globe as well as in implementing these policies.

In addition, Masinde *et al* (2004), notes that Civil society organizations often provide communities with alternatives to violence as they support all aspects of conflict management through intervention in issues and disputes that government mechanisms are unable to prevent and resolve. Non- governmental organizations play an important role in conflict prevention and management because they are able to respond much faster and better than most governments in poor

countries. Due to their mechanisms and processes as well as guidelines, NGO's are able to work with a multitude of stake holders in order to prevent conflict. They are also trusted by the communities giving legitimacy to their activities in society.

District Peace Committees play an important role on facilitating consultative peace dialogues, act as alert systems to prevent conflict before they happen and also raise awareness within and between warring communities. There are several concerns however which were raised touching on the role, the structure and capacity of these Peace committees. With regard to their roles, many felt that the Peace Committees do not have defined roles and as a result their impact at the grassroots level where the actual planning and carrying out of conflict particularly by the Samburu Morans has not been realized. The structure of these peace committees is also loosely organized, unrepresentative and not all-inclusive. They are also under-resourced both logistically and financially making their capacity and attempts to prevent and mediate conflicts less effective. The Peace Committees also lack enforcement mechanisms. They just have to rely on community goodwill in the process of implementing and enforcing peace agreements.

Conflict transformation through religious peace building is taking shape across local communities that are affected by conflict. It is still uncoordinated and in need of greater numbers of adequately trained practitioners, more study and testing and theoretical elaboration. Religious institutions have always been at the forefront of criticizing governments, militaries as well as those in the business arena. Religious institutions in Africa have always stood for people's rights and fought against the abuse of the people. In so doing, religious actors have always been mediators in conflict in Africa. Many of these religious organizations encourage dialogue among the community in order to prevent and resolve conflict. Due to the fact that they are accepted by the communities, religious leaders have been able to gain the trust of individuals and groups and derive their authority from this. In regard to this, communication and dialogue are initiated in order to commence the healing process especially after violent conflict. These organizations also assist in setting up structures that encourage further dialogue in order to prevent the eruption of conflict in the future.

Zartman, (2000) notes that Traditional leaders are part of the cultural heritage in African society and derive their importance and authority from local traditional structures that exist within society. These leaders are important in promoting peace, cohesion and harmony in communities as well as preventing and resolving conflicts. These institutions comprise of elders, opinion leaders and communal leaders who play a big role in conflict prevention and resolution. They are respected in the community and thus have the authority to make decisions as well as punish wrong doers. Elders have a respectable status in society. They derive this authority from the traditional African structures that give authority to the elderly due to their knowledge, experience and wisdom and are thus equipped to make decisions. The dispute is understood as a problem between the offender and community.

However, Osamba, (2000) notes that the elders' authority has been undermined especially in dealing with the youth who have found a wide range of centers of power thus eroding the traditional systems of preventing and resolving conflicts. Thus, traditional authority has been replaced by new structures that are not in tandem with the reality of communities. These new structures include the government that is not community based and neither do its decisions focus on relationships in society.

Quam, (1999) explains African societies were traditionally ruled by a council of elders. These groups were given the responsibility of governing and controlling the affairs of the community with the help of institutions, solved conflicts and acted as judicial courts and counselors. This implies that every person had to meet certain social expectations. Quam (1999), posits that elders among the Karamoja, Uganda decided on important issues through deliberations, discussions and averted violent conflicts through peaceful resolutions in their community. Kenyan Samburu equally managed their community in a unique way which relied on clan government. The elder's decision had a binding consequence in resolving conflicts (Masinde *et al*, 2004). The elder's role catered across various activities. Their roles included management of natural resources, determining ways of producing, distributing and sharing basic needs and animals. A most comprehensive and elaborate traditional conflict management mechanisms is among the Pokot.

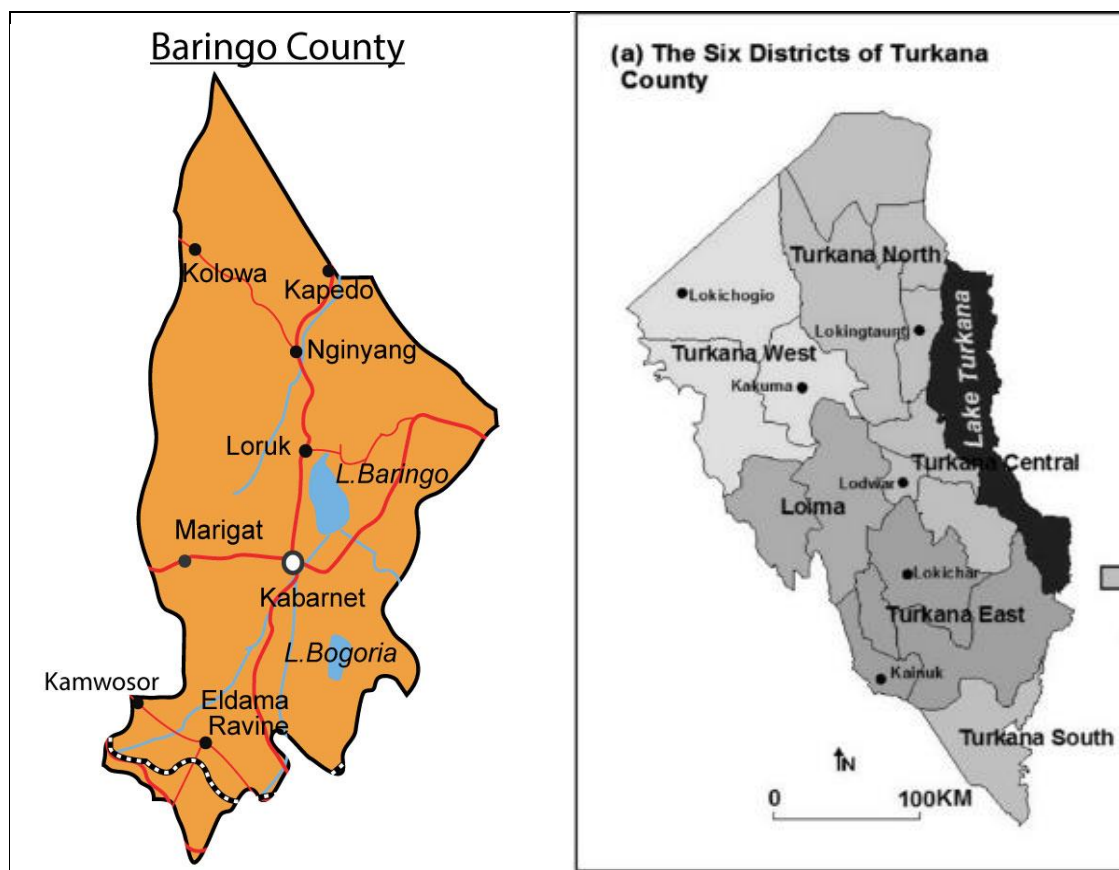
Cordell and Wolff, (2010) explain that the realistic group conflict theory was first formulated by Muzafer Sherif in 1954. It adopts basic premises of the rational choice approach in assuming that inter group conflict originates in the perceptions of group members with regard to real competition for scarce resources, thus suggesting that hostility between groups results from real or perceived conflicting goals because they generate inter group competition. In other words, the dynamic that evolves when groups are engaged in competitive zero-sum competitions leads to each group developing

negative stereotypes about and enmity towards the other groups with which it competes. The above theory seeks to give a clear depiction about how the Turkana and Baringo communities associate or rather view each other, the other believes they should control the natural resource in order to feed her cattle but is faced with hostility for the opposing county which ultimately creates a hostile environment.

4. CONCLUSION

Alternative dispute resolution mechanisms are important for preventing conflict and ensuring peace and stability. They provide the opportunity and space for parties in conflict to resolve issue in contention amicably while avoiding the costs and delays associated with normal court processes. They ensure ownership of the process and of the outcomes by the community. This way, all the communities and parties in the region can find mutually acceptable solutions to their problems thus preventing conflict. These mechanisms need to be further entrenched into the justice system and practiced widely through the country. There needs to be further awareness of these mechanisms and the adoption of them by communities. Alternative dispute resolution provides a means to which communities, CSOs and the government can work together to ensure peace and prevent conflict.

APPENDIX - 1



Source: Government of Kenya

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