THE POLITICAL ECONOMY OF VIOLENCE AND INSECURITY IN THE BORDERLANDS OF NORTHERN KENYA: A SOCIAL CUBISM PERSPECTIVE

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I.	ABSTRACT	941
II.	INTRODUCTION	942
Ш.	BANDITRY AND CATTLE RUSTLING IN THE PASTORAL	
	ECONOMY: A CONTEXTUAL BACKGROUND	943
IV.	A SOCIAL CUBISM PERSPECTIVE	947
V.	HISTORICAL FACTORS	948
VI.	PSYCHOLOGICAL FACTORS	949
VII.	ECONOMIC FACTORS	950
VIII.	RELIGIOUS FACTORS	951
IX.	POLITICAL FACTORS	952
X.	DEMOGRAPHIC FACTORS	955
XI.	POSSIBLE THIRD-PARTY INTERVENTION IN THE CONFLICT	956
XII.	Conclusions	961

I. ABSTRACT

Since the 1980s, conflicts and violence involving pastoral communities in the borderlands of northern Kenya have become endemic. The violence has especially taken the form of banditry and cattle rustling. The emergence of cattle warlords among the pastoral groups has contributed to the internationalization and commercialization of cattle rustling activities. Acts of banditry and cattle rustling have led to loss of human lives, stealing of livestock,

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and displacement of populations. Thus violence and insecurity have become the order of the day in the region. This Chapter analyzes the violence and insecurity in the borderlands of northern Kenya using the social cubism perspective to demonstrate how issues in a conflict are often related and interlinked with one another. The Chapter also examines possible strategies for a third party conflict intervention to control or deescalate the violence.

II. INTRODUCTION

Since the 1990s communal conflicts have become endemic all over the World. There are both internal and external events and trends that have contributed to the emergence of these conflicts. In Africa for example, conflict and violence seem to assume different dimensions, ranging from civil wars in Somalia, Liberia, Congo Democratic Republic and Sierra Leone to genocide in Rwanda and Burundi. Such conflicts have severely undermined the social cohesion of African states.

The last twenty years have witnessed an escalation of violence and insecurity in the form of banditry and cattle rustling (raids) in the borderlands of northern Kenya.² Generally speaking, cattle rustling between pastoral groups cuts across communal lines and national borders. The phrase, "borderlands of northern Kenya" is used in this article to refer to the region straddling the Kenyan, Ugandan, Sudanese, Ethiopian, and Somalian borders. The area is often referred to as "bandit zone" or "bandit belt" because of the illegal firearms in the hands of pastoral groups who are using them to create havoc in the form of cattle rustling and banditry.³ The term "pastoralists" is applied in the study to denote people whose main mode of production is the herding of livestock such as cattle, camels, goats, and donkeys on extensive bases or in combination with some form of agricultural activities.⁴ In Eastern Africa, such communities include the Turkana, the Pokot, the Samburu, the Somali, and the Borana of Kenya, the Toposa and the Merille of Ethiopia and Sudan, and the Karamojong and the Jie of Uganda.

^{1.} TED ROBERT GURR & BARBARA HARFF, ETHNIC CONFLICTS IN WORLD POLITICS, (1994); RODERICK VON LIPSEY, BREAKING THE CYCLE: A FRAMEWORK FOR CONFLICT INTERVENTION (1997); WILLIAM I. ZARTMAN, COLLAPSED STATES: THE DISINTEGRATION OF LEGITIMATE AUTHORITY (1995).

John Mbaria, Suguta Valley of Death, THE EAST AFRICAN, Oct. 9, 2000, at 12; Makumi Mwagiru, Borders, Frontiers and Conflict in the Horn of Africa: Some Preliminary Hypotheses (2000) (unpublished seminar paper, University of Nairobi).

^{3.} Alex Mwangangi, Kenya's Pastoral Areas-An Arch of Conflict?, THE EAST AFRICAN, September 15-21, 1999, available at http://www.nationaudio.com/News/EastAfrican /130999/.../opinion2.html; Ferocious Tribal Warfare, WEEKLY REVIEW, March 12, 1999: available at http://wwww.africaonline.co.ke/weeklyreview/990312/kenya3.html.

^{4.} M. Mahmud Khan, Market Based Early Warning Indicators of Famine for the Pastoral Households of the Sahel, 22 WORLD DEVELOPMENT 2, 198 (1994).

Thus, a study of the political economy of violence and insecurity amidst challenges of globalization and the new World order is central to our understanding of ethnopolitical and communal conflict in Eastern Africa. We intend in this chapter, to address the following pertinent issues as they relate to violence and insecurity in the borderlands: What are the main causes of violence and insecurity in northern Kenya? Is the conflict resource or identity based? How can the conflict and violence be addressed? What level of conflict resolution intervention is necessary in the region?

This chapter examines and analyzes the political economy of violence and insecurity in the borderlands of northern Kenya with particular emphasis on the banditry and cattle rustling phenomena. Part One of the chapter provides a contextual background of the pastoral economy as it relates to conflict over resources, especially in the last thirty years or thereabout. Part Two provides an analysis of the conflict using the social cubism model. Part Three discusses what type of third party intervention may be useful in facilitating a resolution of the conflict. In the conclusion, the chapter provides a compressed discussion of the key ideas in the study.

III. BANDITRY AND CATTLE RUSTLING IN THE PASTORAL ECONOMY: A CONTEXTUAL BACKGROUND

Much of northern Kenya is semi-arid, and the area is only suitable for a pastoral mode of production. Available evidence shows that pastoralists have been able to eke out a frugal existence from the harsh climatic environment of the borderlands for centuries.⁵ Throughout their history livestock has been their economic and social lifeline. Some of the pastoralists such as the Turkana and the Pokot, however, practice transhumance, a settled form of pastoralism through which only animals are moved in search of pasture and water while the families settle "permanently" in given locations.

Historically, firearms seem to have not played a prominent role in the early military organization of East African pastoral and semi-pastoral communities. It was only in the late 19th century that the pioneer East African Coastal Arab-Swahili traders and the 'Khatoumers' ventured into the borderlands of Eastern Africa and the Nile headwaters thereby introducing firearms as a trade item. Undoubtedly, at present pastoralists in the borderlands are facing unprecedented

^{5.} See Mohammed Ali Salih, Agro-Pastoralism: An Underestimated Regional Food Production System, in Eastern African Social Science Research Rev. Vol.1X, No.1, at 23 (1993); R. M. A VAN ZWANENBERG & ANNE KING, AN ECONOMIC HISTORY OF KENYA AND UGANDA, 1800-1970 (1975); KATSUYHOSHI FUKUI & DAVID TURTON, WARFARE AMONG EAST AFRICAN HERDERS (1979).

^{6.} See BETHUEL A. OGOT, ECONOMIC ADAPTATION AND CHANGE AMONG THE JII-SPEAKING PEOPLES OF EAST AFRICA (1996); ETHNICITY AND CONFLICT IN THE HORN OF AFRICA (Katsuyoshi Fukui & John Markakis, Eds. 1994); THE WARRIOR TRADITION IN MODERN AFRICA (Ali Mazrui, ed. 1997)

challenges in their long history that often lead to serious violent struggle for survival. In the last twenty-five years, for example, ecological cataclysms, droughts, famines as well as competition for resources have contributed to conflict and violence among pastoral communities. A majority of pastoral societies in the borderlands have therefore become militarized and increasingly rely on firearms.

However, Odegi-Awuondo contends that the root causes of the current socio-economic problems in pastoral areas can be traced to the policies of the British colonial Government.⁸ For instance, in its attempt to pacify these communities, the colonial Government adopted harsh policies, which contributed to the economic and political marginalization of these communities. For example, the Government favored the establishment of White settler plantation agriculture in Kenya at the expense of peasant economy. In order to make more fertile land available for alienation for White settlement, the colonial Government demarcated small 'tribal' reserves for African populations.9 Most pastoral communities were consequently pushed out of the most fertile land into the drier parts of the country. Moreover, colonial officials regarded pastoralism as a primitive mode of production and efforts were therefore made to discourage it. For instance, the first colonial Governor of Kenya, Sir Charles Eliot declared that pastoralism had no future in Kenya. 10 Also colonial anthropologists propagated myths about the low status of pastoralism in the human social and economic evolution.

Since colonial times pastoral communities have faced State harassment and repression. For example, during the colonial period, northern Kenya was a closed district and was administered by military officers. ¹¹ Free movement of people and animals in and out of the district was restricted. This policy was aimed at monitoring activities of the pastoral groups. The British referred to pastoral groups such as the Turkana and the Pokot as 'war-like', violent, and as recalcitrant communities. This stereotyping was a way of creating an enemy image and justification for counter aggression. ¹² For example, the Government often sent punitive military expeditions against the pastoralists. Such expeditions often led to the killing of people, and confiscation of livestock.

^{7.} ETHNICITY AND CONFLICT IN THE HORN OF AFRICA, supra note 6, at 147.

^{8.} CASPER ODEGI-AWUONDO, LIFE IN THE BALANCE: ECOLOGICAL SOCIOLOGY OF TURKANA NOMADS 44 (1990).

^{9.} R.M.A.VAN ZWANENBERG, COLONIAL CAPITALISM AND LABOUR IN KENYA 1919-1939 (1975); M.P.K, SORRENSON, ORIGINS OF EUROPEAN SETTLEMENT IN KENYA (1968).

^{10.} David M. Anderson, Cow Power: Livestock and the Pastoralists in Africa, AFRICAN AFFAIRS 92(366) (1993), at 121.

^{11.} WILLIAM R. OCHIENG, AN OUTLINE HISTORY OF THE RIFT VALLEY (1980).

^{12.} ETHNICITY AND CONFLICT IN THE HORN OF AFRICA, supra note 6, at 193.

The post-independence Kenyan Government seems to have adopted the same strategy in dealing with frequent cattle rustling activities in the borderlands.¹³ However, despite the use of force, the State has not achieved its objectives. Rather it has exacerbated the problem. The bandits and cattle raiders, for example, often possess more sophisticated weapons than those of the Government's security forces. The bandits, therefore, appear to reign supreme in the borderlands. Consequently, as a means of obtaining a few animals and improving one's fighting ability, raiding had evolved into almost full-scale military operation.¹⁴ Not only young men were killed, but women and children were murdered as well. Huts, stores, and harvests were set on fire and shops looted.

The political turmoil in the neighboring countries in the 1980s provided an opportunity for pastoralists to easily acquire lethal firearms. Moreover, some African governments, rather than resolving long-standing ethnic conflicts, have tended to provide weapons to one group to fight against another. For example, the on-going civil war in Southern Sudan has proved to be a boom for the firearm trade in the borderlands. For instance, both the Sudanese government and the Sudanese Peoples Liberation Army (SPLA) guerillas, provide arms to their collaborators in the region.

Since the late 1970s, the following combination of factors has contributed to the apparent destitution of pastoralists in northern Kenya. First, cattle diseases wiped out most of the livestock. Second, perennial droughts led to famine. Third, there was an increase in cattle raids and military attacks by heavily armed Karamajong and Turkana raiders, collectively termed Ngorokos (bandits). In addition, between 1984 and 1986, the Kenyan Government sent a punitive military operation into the pastoral district of Pokot ostensibly to seize illegal firearms. That major security operation is referred to by the Pokot as the "Lotiriri," after the noise of the helicopters used in the Government

^{13.} ODEGI-AWUONDO, supra note 8.

^{14.} Mwangangi, supra note 3.

^{15.} ETHNICITY AND CONFLICT IN THE HORN OF AFRICA, supra note 6; Ferocious Tribal Warfare, supra note 3.

^{16.} Stop These Merchants of Terror, WEEKLY REVIEW, Feb. 25, 1999, available at http://www.africaonline.co.ke/weeklr review/990312/editorial.html; and Marc-Antoine P, de Motclos, The Proliferation of Light Weapons in Pastoral Northern Kenya, in Monograph, No.30, Controlling Small Arms Proliferation and Reversing Cultures of Violence in Africa and the Indian Ocean 8 (1998) (Cape Town Institute of Strategic Studies, available at http://.iss.co.za/Pubs/ Monographs/30/Section%20 one.html).

^{17.} IN SEARCH OF COOL GROUND: WAR, FLIGHT AND HOMECOMING IN NORTH EAST AFRICA (Tim Allen, ed. 1996); Eboe Hutchful, *Demilitarising the Political Process in Africa: Some Basic Issues*, 6 AFRICAN SECURITY REVIEW 2, 1 (1997); ODEGI-AWUONDO, *supra* note 8.

onslaught against them and their animals.¹⁸ During the operations, the security forces confiscated thousands of Pokot livestock while others died because of the drought or lack of adequate attention while in the hands of security forces. Such measures obviously did not achieve the intended results since they seemed not to address the root causes of cattle rustling.

Furthermore, from the late 1970s cattle rustling operations took a new dimension based solely on individualistic rather than societal interests. For example, while traditional raids hinged on communal interests and were monitored by the community through laid down social norms, these new raids are based entirely on private interests and are controlled by armed village leaders. 19 This tendency has led to the emergence of cattle Warlords. Cattle warlordism is a phenomenon that emerged among the Pokot and the Turkana in the 1980s. The phenomenon came into the limelight when a number of charismatic, influential, and wealthy people arose in these communities promising the people prosperity and security. These Cattle Warlords include ex-chief, ex-servicemen, businessmen, and ritual experts. They have created armed private militia, which, apart from providing local security, also go on cattle raids against neighboring communities and across the border into Uganda. Ethiopia, and Sudan. Warlordism has thus apparently turned into a profitable venture for both Warlords and their retainers.²⁰ For example, they have maintained a strong trade network with neighboring countries. The Warlords often organize joint cattle raiding operations, involving thousands of retainers into Uganda, Sudan, and Ethiopia. Cattle Warlords thus appear to be the new entrepreneurs of violence. According to Reno, a warlord is typically a civilian who arms civilians with rudimentary weapons to serve his political, economic, and social interests.²¹ Ironically, some State officials, especially security forces and former servicemen, are also reportedly engaged in cattle rustling activities, an occupation that has become a lucrative venture for them.

Traditionally, cattle rustling among the pastoralists was a cultural practice and was regarded as merely a kind of "dangerous sport." Under the traditional government system, the elders had the power to control or sanction raids. Cattle raids were thus regarded as an acceptable communal response to natural calamities and as a means for replenishing lost stock. The youth play a

^{18.} Ferocious Tribal Warfare, supra note 3.

Charles M. Ocan, Pastoral crisis in north-eastern Uganda: The changing significance of raids, WORKING PAPER No. 2. (1992) (Centre for Basic Research Publishers).

^{20.} Ferocious Tribal Warfare, supra note 3.

^{21.} See generally WILLIAM S. RENO, WARLORD POLITICS AND AFRICAN STATES (1998).

^{22.} John Mbaria, Suguta Valley of Death, THE EAST AFRICAN, October 9, 2000, available at http://www.nationaudio.com/News/EastAfrican/current/Featurres/Features1.html. See also Macharia Gaitho, Arming the Pokot was Folly; Now Disarm Them, DAILY NATION, March 26, 2001, at 6.

prominent role in the system of warlordism. They offer their services by joining the warlord ragtag militia groups. Violence and insecurity in the borderlands have become serious regional issues and not merely a local problem. Much of the borderlands is deserted. Most families are often forced to flee their homes for refugee camps and small trading centers in Kenya and Uganda.²³

Banditry and cattle rustling activities in northern Kenya have affected millions of people, ranging from the Turkana in the north, the Samburu and the Pokot in the center, and the Keiyo, the Marakwet, and the Tugen in the south of the study area. Cattle rustling activities however, are more intense among the Pokot and the Turkana communities. For example, each pastoral group tries to tilt the military scale to its favor. It keeps on shifting especially between the Pokot and the Turkana.²⁴ This apparent rivalry leads to an endless cycle of retributive raids and counter-raids between the two communities. The pastoral communities are thus involved in an arms race of their own coinage. Bandits and Cattle Warlords seem to thrive in this environment of lawlessness. The ability of the Warlords to organize and arm their forces is a clear indication that the State has lost the monopoly over the use of force.²⁵ It is worth noting that pastoral groups often live in scattered villages which makes it difficult for the State to effectively control them. Because of the state of anarchy and lawlessness in the borderlands of northern Kenya, it is very difficult to implement any development project. The few Government officers and NGOs based in the area live in constant fear of bandits.

IV. A SOCIAL CUBISM PERSPECTIVE

The chapter now analyzes the dynamics of violence and insecurity in the borderlands of northern Kenya using the social cubism framework.²⁶ The social cubism model takes cognisance of potential internal factors to elucidate the complexities of conflict. The framework shows how in ethnopolitical conflicts, the conflict plays out in diverse dimensions of social life such as the political, economic, and social realms. It is possible to use the model to demonstrate the nexus of relationships between economic, political, psychocultural, demographic, religious, and historical factors. These dynamics of conflict in the various social locales relate mutually with each other to entrench the conflict and make it resistant to resolution.

^{23.} Ocan, supra note 19.

^{24.} Ferocious Tribal Warfare, supra note 3; Mwangangi, supra note 3.

^{25.} Id

^{26.} Sean J.Byrne & Neal Carter, Social Cubism: Six Social Forces of Ethnoterritorial Conflict in Northern Ireland and Quebec, in PEACE AND CONFLICT STUDIES, 3(2), at 52. See also Neal Carter & Sean J. Byrne, The Dynamics of Social Cubism: A View from Northern Ireland and Quebec, in RECONCILABLE DIFFERENCES: TURNING POINTS TO ETHNOPOLITICAL CONFLICT (Sean Byrne & Cynthia L. Irvin, eds., 2000).

The social cubism framework is useful in conflict analysis because it shows the need for conflict resolution interveners to analyse conflict from all angles and perspectives. In other words, just like a cube that has six sides, issues in any given conflict are often related and interlinked to one another. Consequently, in order to comprehend a conflict we have to identify and address all factors that impinge on it in one form or another.

V. HISTORICAL FACTORS

Historically, pastoral communities have inhabited the borderlands of northern Kenya from time immemorial.²⁷ It is important to note that like other African countries except Ethiopia, Kenya just like many other African countries, is a colonial creation or a 'geographical expression'. Before colonialism, each pastoral group was a separate nation living under its own social and political institutions. Colonial boundaries, however, incorporated diverse groups of people who had no cultural or political links or who were traditional enemies into the same political entity in the name of Kenya.

Many pastoral communities for example, do not see themselves as Kenyans because of their long distance from the center of political administration.²⁸ For instance, they refer to any person travelling southward beyond their districts as 'going to Kenya'. Interestingly enough, the economic way of life of pastoral communities is quite different from that of the majority of other Kenyan groups. Apparently, the pastoralists seem to feel that they have very little access to state economic resources. Pastoral communities in northern Kenya generally view the Government as representing a sort of internal colonialism. For example, in the 1960s, the Somali of northern Kenya waged protracted though unsuccessful guerrilla warfare against Kenya in an attempt to secede and join the republic of Somalia. Apart from missionaries and NGOs, State involvement in economic development and provision of social services to the pastoral groups in northern Kenva is minimal.²⁹ Consequently, influential pastoral leaders often instill a 'siege mentality' within their people to make them feel they have been pushed to the wall and they must react in one form or another to re-assert themselves, safeguard their interests, and make the Government accede to their various demands. For instance, Jay Rothman clearly points, conflicts in Africa are often

^{27.} VAN ZWANENBERG & KING, supra note 5, at ch.1.

^{28.} Mwagiru, supra note 2

^{29.} David Western, *Drought: Kenyans Have Not Seen Anything Yet*, THE NATION, June 29, 2000 available at http://www.climateark.org/articles/2000/2nd/drkehano.html. See also MUKISHA KITUYI, BECOMING KENYANS: MAASAI PASTORALISM (1992) (African Centre for Technology); ODEGI-AWUONDO, supra note 8.

"deeply rooted in existential issues like cultural expressions and survival itself." 30

VI. PSYCHOLOGICAL FACTORS

Psychological factors include identity, self-esteem, fear, and anger, among others. The pastoralists traditionally regard themselves as a fearless and a hardened people.³¹ This feeling is probably due to their harsh environment. For example, they have high regard for their cultural practice of cattle raiding. Moreover, they feel that unless they keep their enemies at bay they may be overwhelmed and defeated militarily. Hence, the tendency to organise raids against their neighbors. They also have a strong attachment to their culture, which they feel has passed the test of time.³² Pastoral groups have remained homogenous in values and interests. Such a uniformity often leads to what Von Lipsey describes as concern for preserving only those things that are perceived to be of value to the group or capable of increasing the group's power relative to others within the society. That preservation of narrowly defined interests work to the detriment of broader affiliations required for stability within the society and the state.³³

Over the years there has been systematic erosion of the pastoralists' value, ideology and lifestyles. However, livestock still remains the cornerstone of their economy.³⁴ For example, cattle have a lot of social and ritual values to most pastoral groups. Cattle are used in many forms of reciprocal relationships such as building social alliances, exchanges in times of marriages, to pay fines, sacrifices, loans to friends and relatives. Pastoralists see their cultural values as superior and unadulterated by 'outside' influence. Thus, among pastoral communities, killing of out-groups members (especially warriors) and stealing their livestock are culturally and socially acceptable practices and a sign of bravery.³⁵ For example, among the Turkana and Jie (of Uganda), cattle raiding was such an important activity that everybody was expected to partake in. As John Lampear observes: "Any one even the uninitiated, could go and fight . . . What would uninitiated men eat if they just remained at home? Does the

^{30.} See generally JAY ROTHMAN, RESOLVING-IDENTITY-BASED CONFLICT IN NATIONS, ORGANIZATIONS AND COMMUNITIES (1997).

^{31.} KANA ROBA DUBA ET AL., HONEY AND HEIFER, GRASSES, MILK, AND WATER: A HERITAGE OF DIVERSITY IN RECONCILIATION (1997). See also Mbaria, supra note 22.

^{32.} Id

^{33.} VON LIPSEY, supra note 1.

^{34.} DUBA ET AL., supra note 31.

^{35.} Francis Deng, Reaching Out: A Dinka Principle of Conflict Management, in Traditional Cures For Modern African Conflicts: African Conflict Medicine 95 (I. William Zartman, ed.) (2000); DUBA ET AL., supra note 31.

stomach distinguish between men?"³⁶ Such 'bravado' attitude encouraged militancy among the youth who wanted to prove their manliness and military prowess by going on raids. Traditionally, cattle raiding by pastoral communities was both a natural response to disasters such as drought, and an attempt to increase the numbers of their livestock as an insurance against disasters. Also, it was a cultural practice of proving the worth of one's community.³⁷

Kenyan Governments, since the colonial era, have attempted to control pastoral activities. During the colonial period, for example, the aim was ostensibly to pacify the pastoralists and to enforce law and order.³⁸ Thus, for a long time the official State policy tended to view cattle rustling as a mere cultural problem of the pastoralists and not a serious issue of State security. Yet, cattle rustling has now turned out to be a threat to State security.

VII. ECONOMIC FACTORS

Economic factors are also important in our understanding of the violence and insecurity situation in the borderlands. For example, Ali Said³⁹ points out that pastoral groups had self reliant economies which met most of their basic needs Also, networks of exchange between pastoralists and cultivators have always existed. Such reciprocal relations could enable the pastoralists to gain access to cereals, salt, and pasture, among other items when required. However, at present, because of the strong resource competition and conflict in the region, the herder-farmer dichotomy has become quite manifest.⁴⁰

Basically, the age-old economic existence of pastoral economy has been undermined by three major factors, namely: the emergence of nation-states, the penetration of the market economy, climatic changes, and ecological cataclysms. The incorporation of the pastoral economy into the global market economy to some extent has also impacted negatively on societal structure, as well as on the ethical, and moral foundations.⁴¹ The Government's apparent bias towards agriculture is a clear indication of the low regard of pastoralism in

^{36.} ETHNICITY AND CONFLICT IN THE HORN OF AFRICA, supra note 6, at 63.

^{37.} Deng, supra note 35.

^{38.} OCHIENG, supra note 11.

^{39.} Ali Said, Resource Use Conflict Between Pastoralism and Irrigation Development in the Middle Awash Valley of Ethiopia, Vol. 1, No. 2, EASTERN AFRICAN SOCIAL SCIENCE RESEARCH REVIEW 21, 29 (1994).

^{40.} Gudrun Dahl and A. Hjort, Pastoral Change and the Role of Drought, SAREC Report R. 2 (1979) (Stockholm: Swedish Agency for Research Cooperation with Developing Countries). *See also* Mohammed Babiker, East African Dryland Pastoralism: Some Methodological Anxieties (1999) (unpublished seminar paper, University of Khartoum).

^{41.} Said, supra note 39.

State circles. For example, the international economy puts demand for more cash crops hence alienation of pastoral land for the establishment of large agricultural plantations. Much of the traditional pastoral grazing lands have thus become private property of other people, under the State sanctioned "willing-buyer-willing seller" principle. As John Mbaria correctly sums it: "The old symbiosis between the pastoralists and the sedentary farmer has broken down, suspicion and occasionally bloody conflict have taken its place, fanned by politicians with a self-aggrandising agenda."⁴²

Undoubtedly, pastoral production system requires extensive land space for livestock movements in response to changing weather and climatic patterns. Pastoral groups depend largely on the products of their livestock. Thus to continue with their age-old pastoral practice they have to raid other communities to replenish lost stock. Hence, they suffer "tit for tat" raids. Moreover, the pastoral districts of northern Kenya are largely underdeveloped in terms of infrastructures, resource allocations, and availability of economic and social services.

VIII. RELIGIOUS FACTORS

Religion seems not to play a prominent role in the violence and insecurity of pastoral groups in the borderlands. It is worth noting that most members of the pastoral communities still practice traditional religion although a significant number of people have converted to Christianity. Traditional ritual experts (Emuron) had a lot of influence in pastoral societies. In case of conflict, these religious leaders in tandem with the elders would seek an amicable solution acceptable to all the parties involved. Ritual experts were regarded as divinely inspired and no one could challenge their decisions. Moreover, in the traditional pastoral set up, elders were the judicial and political decision-makers.

The elders, at various levels handled all major conflicts in the society. For example, whenever there was a serious conflict between neighboring groups the elders from both sides would call a peace palaver to try and resolve the dispute. Members of the public were also allowed to attend and participate in the peace making ceremony. The meeting would be held in a carnival atmosphere punctuated with stories, songs, dance, and proverbs. The name of God and spirits would be invoked during the meeting. A bull would be slaughtered and its blood sprinkled into the air as a way of binding the disputants and members of the two communities to the covenant. As a gesture of reconciliation the whole group would eat the meat together. The whole

^{42.} Mbaria, supra note 22.

^{43.} DUBA ET AL., supra note 31.

^{44.} Id.

society would thus be part of the agreement and anybody who violated it could suffer some calamity. By and large, negotiation, reconciliation or peace making was seen as re-establishment of relationship between the people and also with their God and spirits that were seen as witnesses and active participants. Agreements were entered into solemnly by the taking of oaths and participating in rituals that were regarded as binding and sacred. Punishment, restitution, and reconciliation were based on the norms and values of the society. Thus, emphasis was placed on the repair of damaged relations rather than retribution.⁴⁵

However, the pastoral societies are currently undergoing transformation due to Western and Christian influence.⁴⁶ Thus the powers of the elders and ritual experts have declined as warrior-youth and educated elite acquire more prominence in the society. Traditionally, before any raiding expedition, the elders or spiritual leaders had to bless the raiders. Nowadays, however, such blessings are rare since cattle Warlords themselves tend to organize most raids without consulting the traditional political leadership. Nevertheless, there are still a few pockets of ritual experts who bless warriors before raids, for economic gains. For example, in April 2001, President Moi of Kenya is reported to have issued a warning to such ritual experts telling them to discontinue the practice or face arrest by police.⁴⁷ It is my contention that these ritual experts are likely to ignore such threats. In reality the State no longer has effective control over northern Kenya. In that respect there are good reasons to believe that indigenous approaches to conflict resolution could be valuable in helping to resolve some of the conflicts in the borderlands.

IX. POLITICAL FACTORS

Politics is a major contributory factor to the current insecurity and violence in the borderlands. The Government's reaction to its frustration and inability to control acts of lawlessness has mainly been to send in security forces, who more often than not opt to harass the civilian population for allegedly collaborating with bandits and cattle rustlers instead of facing the enemy. Such inhuman acts tend to make the State unpopular and the people unwilling to cooperate with security forces. For example, whenever security forces fail in their operations against bandits, they often vent their anger on civilian

^{45.} See generally, Jannie Malan, Conflict Resolution Wisdom From Africa, Accord (1997); David W. Augsburger, Conflict Mediation Across Cultures: Pathways and Patterns (1992).

^{46.} DUBA ET AL, supra note 31.

^{47.} DAILY NATION, April 15, 2001 http://www.nationaudio.com/News/DailyNation/15042001/News/News72.html.

^{48.} Ferocious Tribal Warfare, supra note 3; see also Joshia Osamba, The Sociology of Insecurity: Banditry and Cattle Rustling in Northwestern Kenya, in ACCORD AFRICAN JOURNAL ON CONFLICT RESOLUTION 1(2), at 1(2000).

population. They are terrorized both by the government and by the bandits. Hence, the peoples' tendency to run away and escape from the reach of both. The question that one may ask is what are the options left for the pastoralists?

The pastoral communities feel disfranchised by the Kenvan political system. 49 For example, leaders of pastoral communities often express feelings of exclusion from the center of national power and marginalization in all aspects of life. For instance, the Kenyan Government seems to have adopted economic and political policies, which tend to perpetuate the marginalization of pastoral communities. This fact is evident in the distribution of economic and political resources. The Government appears to recognize the importance of these societies only when it requires their political support, such as during election As such, pastoral leaders have often used the poverty and time. underdevelopment in their areas as evidence of State marginalization.⁵⁰ Some local political leaders tend to encourage their people to continue with the ageold cultural practice of cattle rustling. These politicians seem to fear that a denunciation of the practice of cattle rustling may be politically suicidal. Such leaders claim to be defenders of their people when in fact their aim is to safeguard their own interests or to forestall the emergence of any potential challenge to their authority. It is important to note that while these leaders ask their people to remain steadfast in their cultural way of life, these same leaders send their children to local colleges and abroad for higher education.⁵¹ This tends to create a form of class differentiation in the society in which a few educated pastoral families continue to possess political power at the expense of the poor majority peasant-herders.

In addition, these local political elite inculcates in their people a 'siege mentality' by claiming that unless they act decisively to defend themselves they would be wiped out by their traditional enemies. For example, the Pokot leaders have rejected a call by the President of Kenya, Daniel arap Moi that they surrender all illegal arms to the government. They declared that surrendering their weapons would make their people vulnerable to attacks by the militarized Karamonjong of Uganda. The Pokot are thus turning to their history to support raids and other acts of violence against neighboring communities. For example, in March 2001, a man by the name of Samuel Moroto was elected the new Pokot Member of Parliament for Kapenguria to replace one of the alleged Pokot Warlords, and former Cabinet Minister, the late Francis Lotodo. A few days

^{49.} Id.

^{50.} DAILY NATION, Feb. 21, 2001, available at http://www.nationaudio.com/News /DailyNation /21022001/index.html; Mbaria, supra note 22.

^{51.} Babiker, supra note 40.

^{52.} Mbaria, supra note 22; see also SUNDAY NATION, Apr. 22, 2001, available at http://www.nationaudio.com/News/DailyNation/22042001/News/News58.html.

after he was officially sworn in as Member of Parliament, Moroto addressed a big rally in his constituency, and he declared that the Pokot were going to use violence (force) to reclaim all land, which historically belonged to them.⁵³ Some of those lands were incorporated in the neighboring districts of Turkana and Trans Nzoia during the colonial period Moroto's remarks were seen as a symbolic declaration of 'war' against non-Pokot.

The Pokot are thus using history to justify their actions and to emphasize territorial and communal cohesion. They feel justified in evicting non-Pokot who have taken over their ancestral land. As Carter and Byrne note: "Political elites often attempt to instil a sense of common fate and group solidarity by emphasizing in-group similarities and out-group differences, depicting group members as interchangeable and personalizing inter-group conflict." Carter and Byrne at the same time point out that groups tend to focus their story to fit into their current situation, perception, and worldview. 55

There is clear evidence of prejudice and discrimination against pastoralists in Kenya. For example, they are often referred to as "primitive," "uneducated," and a people suffering from a "cattle complex" mentality. ⁵⁶ Moreover, the few members of pastoral communities in wage employment are mostly performing menial tasks such as night security guards and waste collectors in towns. This is due to the fact that western education is not yet rooted among these pastoral communities. ⁵⁷

As a matter of fact, State officials often threaten local chiefs with dire consequences for failure to identify bandits and cattle rustlers who may be operating in their localities. For example, these officials often apply 'collective punishment' on suspected clans whose members may have participated in a cattle raid against neighboring communities. Such acts tend to alienate the people further from the government, whom they see as an outside force interfering with their way of life. Seemingly, such punishment and coercion often opens a 'Pandora's box' and often exacerbates conflict. As John Burton posits "if co-operative and non-violent social relationships are sought by

^{53.} MP Warns Over Land in Pokot, DAILY NATION, March 23, 2001, available at http://www.nationaudio.com/News/DailyNation/25032001/News/News26.html.

^{54.} Byrne & Carter, supra note 26.

^{55.} Id. at 45.

^{56.} Mbaria, supra note 22; WESTERN, supra note 29.

^{57.} Eric Both, Education, Training and Household Labour among the Rendile Pastoralists of Northern Kenya, in Institute of Development Studies Bulletin 22(4) (1991), at 136 (University of Nairobi); see also Michael A. Little, The Illusive Granary: Herder, Farmer and State in Northern Kenya (1992).

societies, social norms, and institutions must be adapted to human aspirations and not the other way a round."58

The Government has tended to condemn cattle rustling among the pastoral communities based largely on the false assumption that such raids are a primitive factor relating to nomadic life. ⁵⁹ Thus, the State does not view raids as partly an outcome of modern economic intrusion impinging on the sociocultural setting of the pastoralists. To a large extent, changing social and economic relations has compounded the cattle rustling activities. ⁶⁰ Part of the reason is that commercialization and internationalization of cattle rustling appear linked to the expanding global market for livestock and livestock products, and the proliferation of weapons, all in the over the years.

Clearly, poverty, hunger and destitution have become part and parcel of aggressive and predatory pursuance of political goals. In such a scenario, the State becomes an inconsequential irritant.⁶¹ Currently the politics of pastoral communities seem to be dominated by warlordism. The state of insecurity and lawlessness in the borderlands and the collapse of social and economic structures have created a category of poverty-stricken peasant-herders who in order to survive often resort to acts of banditry and cattle rustling.⁶²

X. DEMOGRAPHIC FACTORS

In the last two decades or so, there has been some significant improvement in medical services, especially by Christian missionaries and NGOs in the borderlands.⁶³ Such services have led to a steady rise in the population of the pastoral people. In addition, the numbers of their livestock have increased. These factors create demographic pressures resulting in more conflict over grazing lands and water. At the same time, many people from non-pastoral communities have acquired land in the pastoral areas. Such land loss inevitably reduces the ability of the pastoralists to maintain large herds of livestock. The new landowners have acquired title deeds (certificates) giving them legal rights over such land. However, pastoral groups traditionally do not recognize individual ownership of land since their mode of production requires expansive territory and communal ownership of grazing lands and other resources.⁶⁴

^{58.} JOHN W. BURTON, VIOLENCE EXPLAINED: THE SOURCES OF CONFLICT, VIOLENCE AND CRIME AND THEIR PREVENTION 26 (1997).

^{59.} Ocan, supra note 19, at 12.

^{60.} Babiker, supra note 40, at 8.

^{61.} Salih, supra note 5.

^{62.} Osamba, supra note 48.

^{63.} Gufa Oba & Walter J. Lusigi, An overview of Drought's Strategies and Land Use in African Pastoral Systems (1998).

^{64.} DUBA ET AL., supra note 31.

Thus, attempts by pastoral societies to ignore individual land ownership and boundaries tend to exacerbate tensions between pastoral and agricultural communities. Consequently, there is often a clash of cultures between western and traditional legal systems of land ownership.

Due to insecurity in the borderlands the pastoral groups have abandoned more than forty percent of their grazing lands and compressed into smaller areas.⁶⁵ This state of affairs affects pastoral economy thereby contributing to land degradation, which in turn exacerbates conflict.

XI. Possible Third-Party Intervention in the Conflict

The violence and insecurity that has been created by banditry and cattle rustling activities in northern Kenya can be addressed at different levels of intervention. It appears that for a long time the Kenyan State has tended to adopt a top-down or power-based approach in addressing the issue. Such a method has failed miserably. Consequently, we suggest that there is a need for State officials, pastoralists, and other affected parties should come together and address the problem from a common ground. Such an intervention process would involve the use of a "grass-roots-based" or a "bottom-up" approach, an approach that is often referred to as "peacebuilding from below. At the same time the conflict could be addressed from an interests-based approach. This is an approach that could help the interveners to assist the parties identify their concerns and needs, and therefore possibly to be in a better position to develop common interests on which to build some consensus. In other words, a transformation of the peoples' attitude and worldview is vital in any conflict intervention in the borderlands.

For example, the pastoral system must be recognized as an important component of the Kenyan economy rather than an archaic practice that has to be discarded. In that respect, both the Kenyan State and the pastoralists must begin to acknowledge that each has the right to exist. Apparently, it appears that pastoralists are yet to participate fully in making decisions affecting their social life and economic development. Thus it is correct to say that many past development interventions in pastoral areas have become a cropper due to non-involvement of the pastoralists in their planning and implementation. ⁶⁸ Conflict resolution intervenors, therefore, must try to address the underlying causes of

^{65.} OBA & LUSIGI, supra note 63.

^{66.} See generally WILLIAM L. URY ET AL., GETTING DISPUTES RESOLVED: DESIGNING SYSTEMS TO CUT THE COSTS OF CONFLICT (1993).

^{67.} See generally John Paul Lederach, Building Peace: Sustainable Reconciliation in Divided Societies (1995); see also Duba et al., supra note 31.

^{68.} See generally Gudrun Dahl, Suffering Grass: Subsistence and Society of Waso Borana, (1979).

the conflict rather than merely dealing with the symptoms. Interestingly enough, more often than not, it is 'outsiders' who decide what they perceive as problems afflicting pastoralists and suggest their resolutions without involving the local people themselves. In other words, the policy seems to be that pastoralists are to be 'seen and not to be heard'. In that regard, these interveners tend to blame the pastoralists either for "overstocking and overgrazing" rather than addressing the underlying causes of their problems. ⁶⁹

An important point to remember is that many conflict resolution scholars and practitioners agree, it is almost impossible to transform a society unless the underlying needs of the parties involved in conflict are adequately identified, recognized, and addressed.⁷⁰ Thus, any solutions recommended by interveners should take cognizance of the fact that pastoral communities have managed to survive in their harsh environment for thousands of years. Hence, it would be unreasonable to expect them to fundamentally change their lifestyle to an untested future. Thus change must be gradual and should not be imposed from the top. Due to suspicions and past negative experiences, both the Government and pastoralists are often marooned in their cocoon unsure of the other's real intentions.⁷¹

Does pastoralism in northern Kenya have a future? Will the pastoral mode of production survive against the various onslaughts ranged against it? Both Aronson and Dyson-Hudsons contend that pastoralism faces an uncertain future. On the other hand, Mustafa Babiker opints out that pastoralists are not static and throughout their history they have adapted to new socio-economic and physical conditions when necessary. Babiker at the same time is not amused with claims of the imminent collapse of pastoralism. Furthermore Babiker avers that the focus of studies of pastoral systems should change from the 'crises of survival' model in favor of 'survival in crises' framework. Moreover, Babiker opines that outsiders under the guise of 'experts' tend to offer solutions to problems that they have never experienced. Some of their

^{69.} John Helland, Some Aspects of and Implementation of the Development of the Grazing Blocks in North Eastern Province (1980) (unpublished research paper, Nairobi International Livestock Centre for Africa).

^{70.} See BURTON, supra note 58; LEDERACH, supra note 67; URY, supra note 66; ROTHMAN, supra note 30.

^{71.} Maurice Lokong, Dialogue Education-A Tool for the Equitable Incorporation of Nomadic Pastoral communities in National Development with Special Reference to Turkana of North West Kenya 7, (1987) (unpublished diploma thesis, University of Readings). See also BOTH, supra note 57.

^{72.} David R. Aronson, Must Nomads Settle? Some Notes toward Policy on the Future of Pastoralism, in When Nomads Settle: PROCESSES OF SEDENTARIZATION AS ADAPTATION AND RESPONSE 173 (Phillip Carl Salzman, ed. 1980); see also Neville Dyson-Hudson and Rada Dyson-Hudson, The Structure of East African Herds and the Future of East African Herder, 13 DEVELOPMENT AND CHANGE 213 (1985).

^{73.} Babiker, supra note 40, at 1.

recommendations are half-baked and cannot stand the test of time. These conflict resolution and development experts rarely seek the views of the local people when deciding on development plans aimed at ameliorating their conditions.

It is important to note that most of the African borders are porous and contested.⁷⁴ Bandits and cattle rustlers thus find it easy to oscillate between the neighboring States, crossing international borders at will.⁷⁵ The fact that the neighboring countries have developed different conflict management strategies and regulations often makes it difficult to effectively manage cross border conflicts. For example, in Uganda pastoral groups are often permitted by the State to own firearms, yet in Kenya the government has banned gun possession by pastoralists.⁷⁶

It is our argument that for peaceful coexistence to be achieved, the pastoral communities must accept the reality that each is part and parcel of the wider geo-political and economic entity. We suggest that for durable peace in the borderlands, indigenous methods of conflict resolution and cultural values should be incorporated into the modern conflict resolution mechanisms. This hopefully could greatly contribute to the restoration of peace, security, and stability and cordial relations among the pastoral communities in the borderlands. Both Aronson and David Western among other scholars of pastoralism have poignantly argued that social life in the pastoral areas has not improved.⁷⁷ For example, pastoralists still rely on nature for their survival.

According to John Burton, for any effective conflict resolution intervention, third party intervenors must avoid prejudiced and preconceived views of the local situation.⁷⁸ Thus, to address a conflict adequately, there is a need for some change in the institutions and structures of the society. Thus, we contend that to forestall or to de-escalate the inter-group conflict in the borderlands it is necessary to address the basic human needs of the people such as security, recognition, identity, self-esteem, and acceptance. Structural violence⁷⁹ is evident in the way the Kenyan State has handled the predicament of pastoral people since colonial times. Government policies have impacted negatively on pastoral economic production. It should be noted that from a

^{74.} BORDER AND TERRITORIAL DISPUTES (Andrew J. Day, ed. 1987).

^{75.} MWAGIRU, supra note 2.

^{76.} See, e.g., SUNDAY NATION, April 22, 2000, at 3.

^{77.} Aronson, supra note 72; Western, supra note 29.

^{78.} See generally JOHN W. BURTON, RESOLVING DEEP-ROOTED CONFLICT: A HANDBOOK (1987); CONFLICT: HUMAN NEEDS THEORY, (John W. Burton, ed. 1990).

^{79.} See generally JOHAN GALTUNG, PEACE BY PEACEFUL MEANS: PEACE AND CONFLICT DEVELOPMENT AND CIVILIZATION (1996); Burton, supra note 86, at 32.

psychological perspective, feelings of alienation could be dangerous to both the individual and the group.

It is our contention that for conflicts in the borderlands to de-escalate, it is necessary to identify the underlying root causes of the problem rather than blaming the parties involved or merely addressing the symptoms of the conflict. It behoves conflict resolution interveners to identify and analyze the interplay of various factors and their internal and external dynamics when addressing the issue of violence and insecurity in the borderlands, Byrne and Carter point us in the right direction.

Von Lipsey has developed a conflict resolution model that he refers to as the "intervention cycle."80 This framework incorporates the relationship between prevention, mitigation, and resolution. Durable conflict resolution measures often require a change in the status quo, and a strong commitment by parties involved to play according to the 'rules of the game' rather than coercion or acquiescence on the part of one of the parties. In other words, the building blocks of peace must be laid on a firm ground. Jay Rothman, Edward Azar, and Louis Kriesberg hold similar views.81 For example, according to Rothman, some deep-rooted conflict often cannot be resolved because the conflicts are "misdiagnosed and handled badly."82 Rothman has proposed the ARIA (Antagonism, Resonance, Invention, and Action) framework of conflict management that may help parties in conflict to move from adversarial to cooperative change. Rothman emphasizes the importance of positive dialoguing between parties to create a conducive environment of understanding and problem solving. As Azar correctly points out, identity based conflicts are bound to recur unless the underlying causes have been adequately identified and addressed to the satisfaction of all of the parties.83

This article therefore suggests that this nexus between human needs and conflict should be clearly comprehended by local political leaders, the provincial administration, and the Kenyan State. In that regard, Kenyan Government policy makers must take cognizance of these facts by identifying how the environmentally (ecologically) related threat to peace can be contained deescalated or resolved. In actuality, pastoralism cannot be simply dismissed as an old-fashioned practice. As Doonrboss correctly puts it, the pastoralists, "have demonstrated economic and social acumen in the exploitation of their arid homelands. Those lands are too arid for anything but nomadic, or at best,

^{80.} VON LIPSEY, supra note 1, at 6.

^{81.} See ROTHMAN, supra note 30; Edward Azar, Protracted Social Conflict: Ten Propositions, in International Conflict Resolution: Theory and Practice (John W. Burton & Edward E. Azar, eds. 1986); Louis Kriesberg, Constructive Conflicts: From Escalation to Resolution (1998).

^{82.} ROTHMAN, supra note 30, at 6.

^{83.} Azar, supra note 81.

transhumant pastoralism. The only other option is to migrate and leave the bush to the game."84

It is necessary to accord the pastoralists the opportunity of determining their future. In that regard we contend that 'outsiders' should not impose important decisions and policies affecting pastoral mode of existence without their active involvement from the initial stages to the implementation process. Et is an undeniable fact, to a large extent it is mainly Non-Governmental Organizations and church missionaries that have attempted to alleviate the plight of pastoral communities through the provision of schools, boreholes, health centers, and other facilities. As already stated, the Kenyan Government should change the tendency of ignoring and neglecting the welfare of the pastoralists in terms of development and the distribution of political and economic resources. The Government should adopt some affirmative action to make the pastoralists move up the ladder in terms of provision of government sponsored social, educational, and economic development services.

By and large, third party intervention should help the disputing parties to adopt a 'give and take' approach when addressing their conflict. The use of coercive measures to modify a behavior or resolve conflict may be counterproductive. This is evident in the failure of government depastoralization campaigns in the borderlands. In deed, the pastoralists regard State measures such as the provision of food relief during droughts as a temporary short-term stop-gap measure as they wait for opportunities to revert to pastoralism, either through cattle raids or other methods to rebuild their stock.⁸⁷

The "us-them" dichotomy is a common future in human interaction.⁸⁸ Thus, generalizations, perceptions, and projecting negative attributes on others is always manifested in conflicts. However, the use of negative and pejorative terms such as "bad," "primitive," "callous killers," or "bandits," should be avoided by conflicting parties while they are trying to resolve the problem of violence and insecurity in the borderlands. Such terms tend to create an environment of mistrust, vindictiveness, and "passing the buck."

^{84.} ETHNICITY AND CONFLICT IN THE HORN OF AFRICA, supra note 6, at 87.

^{85.} Western, supra note 29, Osamba, supra note 48.

^{86.} Gufu Oba, Perception of Environment among Kenyan Pastoralists: Implications for Development, 19 NOMADIC PEOPLES 33 (1985).

^{87.} Richard Hogg, Pastoralism and Impoverishment: The Case of the Isiolo Boran of Northern Kenya, DISASTERS 4(3) (1980), at 299.

^{88.} VAMIK VOLKAN, BLOODLINES: FROM ETHNIC PRIDE TO ETHNIC TERRORISM (1997).

XII. CONCLUSIONS

This article has attempted to analyze the political economy of violence and insecurity in the borderlands of northern Kenya using the social cubism model. It has pointed out that the phenomena of banditry and cattle rustling have greatly contributed to the emergence of an environment of violence and insecurity in this region. Cattle rustling appears to have undergone a fundamental transformation from a cultural practice to an international commercial venture apparently under the control of cattle Warlords. By and large, the changing land use, demographic pressures, political, and economic conditions have contributed to the current increase in conflict and violence in the borderlands. The institutionalization of violence and the resultant insecurity has contributed to widespread social, political and economic problems among the pastoralists.

The Government seems not to have adopted the necessary policies and mechanisms that could help to forestall and address the underlying causes of insecurity and violence in the region. Consequently, the situation has become insurmountable. The Government's laxity has therefore somehow contributed to the emergence of warlords, who have emerged as the undisputed masters of the region.

In order to make any meaningful intervention in the conflict; there is a need to reassure the pastoralists that their age-old way of life will be recognized. In that connection, it would be appropriate to reinforce the pastoral institutional capacities with specific reference to traditional norms, rules and regulations of conflict resolution. By and large, third party intervention in the conflict must take note of the underlying interests, needs, and aspirations of the local populace when developing a conflict resolution framework for the region. The State must try to cultivate good working relations between the security forces and the local people for the mutual benefit of the State and the local inhabitants. The study concludes that a concerted effort by the all stakeholders is pivotal in any meaningful resolution of the conflict in northern Kenya.