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Institute of Diplomacy and International Studies**

“Implications of Cross Conflicts in North Eastern Kenya”

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A research project presented in partial fulfillment of the requirements of the award of the Degree of Master of Arts, in International Studies Institute of Diplomacy and International Studies, University of Nairobi



OCTOBER, 2011

DECLARATION

I, the undersigned, declare that this is my original work and has not been submitted for a degree in this or any other University for examination.

Signed:



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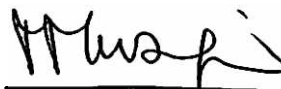
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15 November 2011

PROF. Makumi Mwagiru

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DEDICATION

This project is dedicated to all the communities in the cross borders of Kenya, Ethiopia and Somalia who have suffered decades of cross border violence and hostilities.

ABSTRACT

Resource based conflicts is considered to be the single most obstacle to peace and security in North Eastern Kenya. Conflicts in these environments are products of deep seated historical-structural issues such as marginalization, poverty and general under development. The recent new pressures such as the rise of Islamists groups like Alshabab have worsened the communities' susceptibility to armed violence and altered the nature of "traditional" conflict.

This study focuses on the identification and analysis of key conflict actors in the cross borders of Kenya, Ethiopia and Somalia and examines the causes of conflicts in these areas. An extensive study of relevant literature and the implementation of practical research had been undertaken, with the latter carried out through select individual interviews and focus group discussions with representatives from the tri borders of Ethiopia, Kenya and Somalia.

This research produced a number of key findings. One is that resource based conflicts continue to shape the nature of cross border conflicts. The study also shows that each cross border violence since 2005 has plunged the region into more intractable and dangerous levels of crisis and conflict, adding new layers of grievances, hardening divisions of the communities and fostering radicalization. A coherent and well-coordinated cross border peace initiatives and linkages will have the potential to reduce cross border conflicts.

The main conclusion drawn from this study is that the need to track new developments is particularly crucial for the tri-border areas where the shifting politics of the Horn of Africa frequently alter local dynamics. The implication here is that basic mechanisms - preferably locally based ones - to monitor trends, highlight threats, and issue warnings of any rising conflict situations are critical. The study revealed that strengthening cross border linkages and relations may be the first step towards securing the borders. Active engagement of tri border States in cross border affairs will effectively strengthen cross border peace and stability.

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CHAPTER ONE

INTRODUCTION TO THE STUDY

1.1 Introduction

The North Eastern Kenya region has over the years been characterized by conflict, natural disasters (floods) and poor development. This area has been, and still is, subject to the winds of regional politics with local conflicts being harnessed and utilized in the interests of national or regional agendas that operate across national boundaries and that exploit ethnic and other divides¹². This chapter will discuss the overall methodologies and approaches used in carrying out the study. It will also outline the key objectives of the study and analyze the concept of human security while exploring its linkages to resource based conflicts in North Eastern Kenya and its borders with Ethiopia and Somalia.

1.2 An overview of Conflicts in North Eastern Kenya.

North Eastern Kenya which is the subject of this study is one of the poorest provinces in national rankings and has suffered over time from extreme social and political marginalization. Historical legacies and artificial administrative boundaries continue to shape the sentiments of the people. A sense of injustice and an accompanying need for a strong identity amongst the different clans form the contours of the conflicts found here which often exacerbate conflicts³ A combination of recent climate change and an increasing population has put enormous pressure on the available resources. This region

¹ Paul Murphy, PACT International RELPA baseline report, (unpublished) 2008

² Management Systems International; Systematic and pragmatic recommendations addressing pastoralist conflicts in Somali Cluster of Kenya, (Unpublished) 2002

³ Paul Murphy, PACT International RELPA baseline report (unpublished) 2008

is characterized among others; by unpredictable weather conditions leading to famine, necessitating migration of people and livestock in search of pasture and water. Given the continued upheaval in Somalia and the increasing number of refugees, there is intense pressure on both communities and resources along entire tri-state region.

This study comes against a backdrop of the recent conflicts witnessed in Mandera between Alshabab and the Ethiopian backed Transitional Federal Government of Somalia. These new developments have further heightened the level of cross border tension with Alshabab playing the ethnic alliance cards once again to solicit support from a section of the community whilst further sharpening inter clan hostilities between the Garre community on one side who currently form a big number of the Ethiopian forces fighting Alshabab and other clans such as the Degodia, Murrule and Marehan clans on the other. These turn of events continue to increase the influx of refugees coming through the Somali border amidst fears of Alshabab infiltration in Kenyan and Ethiopian territories. ⁴ Since the fall of the President Siad Barre's regime in Somalia, business rivalry in NEP has also frequently degenerated to bloody clashes within communities across the border. These conflicts are aggravated by the use of small arms acquired through the porous borders with Somalia and Ethiopia borders⁵.

1.2.1 Statement of the research problem.

This study comes at a time of geo-political tensions and clan divisions further sharpened by the threat of Alshabab in the cross borders of Kenya, Ethiopia and Somalia. Ultimately, a study that looks at the implications of cross border conflicts in North

⁴ Mandera focus group discussions, May,2011

⁵ Richard Hugg, *The new Pastoralism, Poverty and Dependency In North Eastern Kenya*; Journal of the African International Institute , Vol. 56, No. 3 (1986)

Eastern Kenya will be crucial to develop and implement a joint and viable policy for manning the borders as well as help prevent and manage cross border conflicts. While several studies have been commissioned to assess cross border conflicts, there is an enormous gap in understanding the frequently changing dynamics and implications of cross border conflicts. This study will examine the implications of cross border conflicts and assess the new trends that are altering the internal and international relationships between constituencies in Kenya, Ethiopia and Somalia with respect to how their respective borders with Somalia (and each other) are being managed.

1.2.2 Objectives of the study

- To examine the implications of cross border conflicts in north eastern Kenya
- To identify and analyze the causes and actors of cross border conflicts.
- To propose viable policy options towards preventing and managing cross border conflicts.

1.2.3 Literature review

Introduction

This area of the study will review academic contribution on cross border conflicts in the horn and more specifically in North Eastern Kenya. Relevant literatures will be reviewed to enrich and deepen the study. This study will rely heavily on the work of Ken Menkhaus, Paul Murphy and Deka who have undertaken extensive studies in examining the history and current dynamics of conflicts in the cross borders of Kenya, Ethiopia and Somalia.

This section will critically review existing literature on conflicts in North Eastern Kenya and its socio-political and economic implications. This study will also examine the broader regional impact of cross border conflicts and explore its relationship to human security. The study will also review ongoing responses of governments and communities to the fast-changing political environment in the tri-borders of Kenya, Ethiopia and Somalia.

Competition in a fragile economy has had grave consequences for the economic security of families in the cross borders of Kenya, Ethiopia and Somalia ⁶ The instability which periodically plagues the Kenya-Somalia border area is part of a broader, complex pattern of state failure and communal violence afflicting much of the Horn of Africa. Violence and lawlessness are particularly acute in these remote border areas where states in the region have never projected much authority. When they have, state authorities have sometimes been the catalysts of insecurity rather than promoters of peace.¹ In Kenya, the vast, remote, and arid frontier areas bordering Somalia and Ethiopia were never entirely brought under the control of the state in either colonial or post-colonial eras. Thousands of Kenyans have died in periodic communal violence in these border areas over the past fifteen years, in clashes which sometimes produce casualties levels normally associated with civil wars. Kenyan government administration of its peripheral territory ranges from weak to non-existent. There, government outposts are essentially garrisons; police and military units are reluctant to patrol towns after dark, and are badly outgunned by local militias. Conflicts in North Eastern Kenya are products of deep seated historical-

⁶ Asfaw Kumssa, John F. Jones, James Herbert Williams, (2009) "*Conflict and Human Security in the North Rift and North Eastern Kenya*", International Journal of Social Economics, Vol. 36 Iss: 10, pp.1008 - 1020

structural issues such as marginalization, poverty and general under development. Due to chronic poverty in this region and its dependency on Pastoralism, the area's communities, including the Degodia, Adjuran, Murrule, Borana, Gabra, Rendille, Rahaweyn, Marehan, and Garre have a long history of recurring conflicts. Resource based conflicts and livestock raids had to some extent became an aspect of traditional pastoralist culture. However, the recent pressures have worsened the communities' susceptibility to armed violence and altered the nature of "traditional" conflict. Environmental degradation and human activity have dramatically altered and damaged much of the region's ground cover, reducing the carrying capacity of the land. Predictably, this has led to an increase in communal conflict over access to increasingly scarce pasture. Increased human population, larger livestock herds, and inappropriate placement of boreholes (for political reasons, mainly in Kenya) have for decades resulted in severe overgrazing in some areas. Harvesting of acacia trees for commercial export of charcoal or for firewood has led to heavy erosion and rangeland degradation in the southern half of the border area, from the Dadaab refugee camp (near Doble/Liboi) to the Kenyan coast⁷

The Somali-Kenya border thus is doubly troubled – by the chronic failure of the Kenyan government to establish a meaningful administration in its border areas, and by the complete and prolonged collapse of the state in Somalia. But the region's general crisis of instability is by no means unique. Similar patterns of communal violence and lawlessness occur throughout Somalia and all along Kenya's "arc of crisis" from the Karamoja cluster through Marsabit to Wajir. That no central government authority exists on the Somali side of the border is unquestionably a major part of the problem, but cannot be blamed as

⁷ Mandera focus group discussions, May 2011

the sole source of the crisis. Ken Menkhaus argues that were that true, Kenya would only be plagued with insecurity in North East Province, not along its borders with Uganda, Sudan, and Ethiopia as well⁸

US policy-makers did not in the past consider fragile and failed states as threat to security and stability of the West after the end of the Cold War. It was only after the 9/11 attacks that these states occupied the centre stage in US foreign and security policies. Defined as 'a policy that is no longer able or willing to perform the fundamental tasks of a nation-state in the modern world. Rotberg argues that these states are characterized by 'severe political instability' caused by revolutionary wars, ethnic wars, adverse regime changes, genocides and politicides⁹ Policy-makers, scholars and development practitioners generally agree that failed states are the real as well as potential sources of critical threat to regional and global security and stability. However, there is no consensus on what exactly makes a 'failed state'. Rotberg for example, emphasizes two factors—internal violence and the incapacity of states to deliver 'positive political goods to their inhabitants'. By this criterion, Afghanistan under the Taliban (1996–2001) or Iraq under Saddam Hussein were not failed states, since both regimes put effective check on internal violence and ensured political goods, such as security and a functioning government for their citizens. ¹⁰The problem of evolving criteria to determine state failure is complicated by the absence of a universally accepted model of a successful state. When Western policy-makers and experts speak of state failure, they usually have the Weberian state in mind. Francis Fukuyama notes that American policy approaches to development were

⁸ Ken Menkhaus, Kenya- Somalia Border Conflict Analysis Report (unpublished) 2005

⁹ Rotberg I. *When states fail: causes and consequences*: Princeton University press, 2004

¹⁰ Mohammed Naruzzaman; *Revisiting the Category of 'Failed and Fragile States' in International Relations, International Studies*, Vol. 46, no. 3

heavily driven by American foreign policy. The events of September 11 have brought the development orthodoxy once again to the table. Institutional strengthening he says is one of the many dimensions of development; resources in the form of investment capital, good economic policies and reduction of disease burdens will contribute to development outcomes¹¹ Gutierrez Romero argues that ethnic identity in many African countries influences political and social behavior. Ethnic identity influences who one trusts, does business with, gets married to and whom to vote for. The reasons why ethnic identities play such a strong role in African's lives is still debated. Some argue that ethnicity is hard-wired within the socio-economic system, it is the way people have learned to live and there are no incentives to change. Others argue that the salience of ethnic identities is a political construct. Some countries with high ethnic diversity such as Tanzania have used the education system and redistribution of resources to develop a sense of national as opposed to ethnic identity. However, in other ethnically diverse countries, like Kenya, politicians have used ethnic identity to mobilize voters and to establish political alliances, leading in some cases to violent ethnic conflicts¹² Menkhaus argues that identity and politics in the border area is the notion of territorial or local citizenship and rights which can be claimed thereby. Somalis in the trans-Jubba region make a sharp distinction between guri ("indigenous") and galti ("newcomer") residents. This distinction – which occurs within clans and sub-clans -- has taken on new importance since 1990, when hundreds of thousands of mainly Darood clansmen fled into the Jubba regions of southern Somalia. Most of these displaced groups were galti, and they have struggled

¹¹ Francis Fukuyama, *After the Neocons: America at the Crossroads*; Profile Books, and New Haven: Yale University Press, 2006

¹² Romero R. G; *The role of Ethnic Identity and Economic Issues in 2007 Kenyan elections*, University of Oxford. (unpublished) 2008

with the *guri* kinsmen, sometimes in lethal conflicts, for 15 years over control of local political and economic interests. He notes that the *guri-galti* tension is part of a broader debate within Somali society in both Somalia and Kenya over the nature of political rights and entitlements. One discourse invokes lineage and the principle of *u dhashay*, (“born for a region,” or *jus sanguinis* in Western legal terms), the notion that one may claim full rights in one’s clan’s home region, and no other. Territory thus becomes a vehicle for ethnic exclusionary rights and land access. A second discourse invokes a birthright claim, *ku dhashay*, (“born in a region,” roughly equivalent to the legal concept of *jus solis*), or the notion that one may claim full rights in one’s region of birth, even if one is from an “outside” clan. A third Somali discourse is *ku dhaqmay*, which holds that Somalis may naturalize in any region and enjoy full rights there; no ethnic or birthright claims may be made to restrict rights and land access to any.¹³ Caste or hierarchical identities within clans matter a great deal as well. In the trans Jubba regions of Somalia and northern Kenya, social hierarchies are quite complex. Arguably the lowest status groups are the Somali “Bantu” along the Jubba river and now in Kenyan refugee camps. Somali Bantu are still casually referred to by ethnic Somalis as *addoon*, or slaves, are subjected to blatant discrimination, and have been the victims of land grabbing, forced labor, and predation at the hands of Somali militias since 1990.¹⁴ However, in several towns in the Kenya and Somali border areas, a rare but a more specific cosmopolitan identity exists in which residents view themselves primarily as citizens of that town. This strong urban-place identity invariably occurs in multi-clan towns, and appears to be

¹³ Ken Menkhaus, “From Feast to Famine: Land and the State in Somalia’s Lower Jubba Valley,” in *The Struggle for Land in Southern Somalia: The War Behind the War*, edited by Catherine Besteman and Lee Cassanelli (Boulder, CO: Westview Press, 1996), pp. 133-154.

¹⁴ International Rescue Committee, “IRC Works to Reduce Malnutrition among Somali Bantus in Kenya,” press statement (New York, 20 June 2003).

designed to reinforce local solidarity and peace and minimize the importance of potentially divisive lineage identities. One of the earliest such instances of civic identity was in the Kismayo area, where Absame and Harti clans embraced a shared “reer Waamo” identity. More recently, residents of Luuq (Rahaweyn, Marehan, and other) speak of being “Reer Luuq,” and the multi-clan Kenyan town of Wajir appears to possess a growing sense of “Reer Wajir” as well. Another ingredient potentially contributing to the instability of the area but that has not been sufficiently explored or addressed is the changing nature of religion. Islam in North Eastern is a significant social and cultural force that fundamentally shapes the values, attitudes and behaviors of some of its communities¹⁵. The influence of Alshabab from Somalia across the borders and the values of Alshabab may be displacing more moderate Sunni expressions of Islam that have characterized the region in the past. Recruitment of youth to Islamic militias expressing more extreme ideals, with the promise of food, a salary and provision of weapons, is another manifestation of a way of life with extreme poverty and limited livelihood options.¹⁶ The isolated and often inaccessible terrain of the border area makes for an appealing location for terrorist and armed criminal activity, though the extent of terrorist activity in the border area has at times been overstated, coastal areas of the border feature numerous small islands and remote inlets where dhows and fishing vessels can freely come and go undetected; the dense bush and lack of roads in much of the Lower Jubba region and coastal zone provides safe haven. The radical Somali Islamist groups Alshabaab have periodically exploited the Lower Jubba region as a safe haven

¹⁵ Ken Menkhaus, Somalia: *State Collapse and the Threat of Terrorism*, chpt. 2. Adelphi Paper 364. Oxford: Oxford University Press, 2004

University Press, 2004

¹⁶ Oxfam-GB ; *Pastoralists Under Pressure: The Politics of Sedentarisation and Marginalization in Wajir District, Northeast Kenya*, (unpublished) 2002).

and transit point, while al Qaeda operatives operate out of Kenya's northern coastal zone and cross into Somalia from there. To the north, the remote settlements of El Wak and Luuq (Somalia) have in the past been sites controlled by Alshabaab. The border itself is in no way based on any natural geographic or socio-economic boundary; it is essentially a "line drawn in the sand" by way of a colonial-era treaty (the Treaty of London in 1924) in which the U.K. ceded territory from the Jubba River to the current border to Italy, as part of an agreement insuring Italian alliance during World War I. From 1895 to 1924, the border between British Kenya Colony and Italian Somaliland was the Jubba River. Al-Shabaab militia was originally a special armed unit of the Sheria court system in Mogadishu, and according to some was established sometime after 1998 by Islamist hardliner Hassan Dahir Aweys.¹⁷ Dahir Aweys¹⁸ sought to create a well-trained, well-equipped, multi-clan militia that answered to the top leaders of the Islamic Courts. At that time, all other Sharia militia in Mogadishu were clan-based, only loosely dedicated to the Islamists, and limited only to the local jurisdiction of their sub-clans Sharia court. By contrast, Al-Shabaab was a sort of Somali *Mujahedeen*, composed of young fighters committed to a radical Islamist agenda. The relationship between Al-Shabaab and the Islamist leadership has remained a topic of much interest and speculation.¹⁹ Already by 2004, Al-Shabaab was assumed to be an autonomous and radically violent force after a series of assassinations against Somali civil society activists were linked to them, and no

¹⁷ Ken Menkhaus, *Somalia, a country in peril, a policy nightmare*, Enough strategy paper (published) 2008

¹⁸ Sheikh Hassan Dahir Aweys is considered the father of Islamists in Somalia, and headed the now defunct Al-Ittihad Al-Islamia that was listed as a terrorist organization by the U.S in the 1990s. He is also the leader of Alliance for Liberation of Somalia (ARS - Asmara) and has now assumed leadership of Hizb-al-Islam (a coalition of four Islamic groups) leading the current war against the new government of Somalia. He is on the U.S terror list.

¹⁹ Ken Menkhaus, *The crisis in Somalia; Tragedy in five acts*, African Affairs, 2007, Published by Oxford University Press, 2008

longer controlled by Aweys. By 2004 Al-Shabaab were believed to number about 400 fighters, and were led by a veteran of Afghanistan, Aden Hashi Ayro. Despite suffering heavy casualties, Al-Shabaab has emerged as the most daring group currently fighting the government and control most of Southern Somalia. Whilst the counter terrorism in the Horn of Africa and Somalia in particular adopted the usual tactics of shock and awe, the tactic has been effective in dispersing the “terrorists” but not in crushing them completely. The war against al-Ittihad led by the Ethiopians in the 1990s simply made members of the group disperse and melt into Somali society to fight another day.²⁰ These dynamics continue to add to the much uncertainty in this region. Oleh Rumadi argues that any ideological and political conflict, it is possible to objectively distinguish between a terrorist from a freedom fighter. In contemporary politics, our perceptions of acts of violence conducted by such groups as the Palestinians, the Kashmiris, the Tamil Tigers and Northern Irish Republicans are variable. There is a great measure of truth in the well-known cliché that ‘One man’s terrorist is another man’s freedom fighter’. It is also the case that views and values of whether a particular individual or entity is pursuing terrorist acts is subject to political persuasion and nationalistic sentiments²¹ Moreover, as David Keen suggests in his article, Saddam Hussein, Osama Bin Laden and the Taliban have all at one time been deemed allies of the United States. Because the question of who is employing or threatening terrorism is open to interpretation, in her article Jo Beall follows Jonathan Barker who argues that only actions are unambiguously terrorist (Barker, 2003). Beall, Gutierrez Sanin and Putzel all include in their analysis the notion of ‘state terrorism’, that is acts of terror perpetrated by governments, with the rationale

²⁰ Andre Le Sage, *Somali Council of Islamic Courts*, (unpublished) 2006

²¹ Oleh Rumadi. 2004. *The Relation Between Religion and Terrorism*. www.islamlib.com

for this provided in the article by Beall. 'Canadians cannot be safe in an unstable world or healthy in a sick world; nor can we expect to remain prosperous in a poor world. Failure to achieve significant political, economic, social and environmental progress in the developing world will have an impact on Canada in terms of both our long-term security and our prosperity' He explains that security and development are inextricably linked. Security is a necessary precondition for development. A contribution to the reestablishment of security and the promotion of peace, in countries and regions where there previously was systematic violence, crime and terror, is an investment in poverty reduction and economic growth.²²

This statement illustrates the extent to which foreign ministries and development agencies are coming to view security and development as two sides of a coin. The first reflects the view that in order to achieve sustainable security 'at home', the pursuit of progress in the developing world is now vital as a tool of foreign policy. The second expresses the linkage from the opposite perspective—that economic development in developing countries is itself dependent on security. Thus, security is conceptualized both as objective and as instrument. Earlier waves of religious and politically motivated terrorist activity in the 1970s and 1980s prompted a more disciplined and rigorous study of the dynamics of terrorism from a quantitative analysis perspective. Hamilton and Hamilton were among the first to study these dynamics from a formal perspective using stochastic models for social contagion. Not surprisingly, they find that more open societies have a harder time responding effectively to terrorism and reversing the

²² Jo Beall, Thomas Goodfellow and James Putzel; *Discourse of Terrorism, Security and Development*, *Journal of International Development*, PP 51–67 (2006)

tendency of terrorist acts to incite further violent acts.²³ Krueger and Laitin conducted a study to determine which countries are more susceptible to develop terrorists and which countries are these terrorists more likely to attack²⁴. They find that the origins of terrorism are in countries that suffer from political oppression; the targets are countries that enjoy economic well-being. Krueger and Maleckova continue the research initiated in the previous paper, focusing on finding variables that could reduce the creation of terrorists within a country. They do not find evidence that reductions in poverty or increases in education reduce significantly the exporting of terrorist activity. Further, on the relation between poverty and terrorism activity, they claim that ‘any connection is complicated and weak.’ This is best corroborated by the fact that the nineteen Al Qaeda operatives who used civilian planes like guided missiles in September 2001 were well educated and mostly from middle class backgrounds.

Any attempt to broadly capture the current status of the tri-border area, and its layered complexities, is an unavoidably nuanced. The overall situation for those living in North Eastern Kenya remains to be tense, with people for the most part weary from the widespread uncertainty in the cross borders. An underlying unease about the future persists and the medium term potential for conflict to reoccur remains high²⁵ Religious extremists reject the authority of both secular governments and traditionalists view legal systems that are not based on their religious beliefs as illegitimate. They may even view modernization efforts as corrupting influences on their culture and religion. In the

²³ Hamilton, Lawrence C. and James D. Hamilton, *Dynamics of Terrorism, International Studies Quarterly*, Vol. 27 (1), pp. 39-54.

²⁴ Krueger, Alan B. and David D. Laitin, 2004, “Misunderstanding” Terrorism; *Foreign Affairs*, Vol. 83(5), pp. 8-13.

²⁵ Mander focus group discussions, May, 2011

Relation Between Religion and Terrorism', Oleh Rumadi argues that when religion is related and tied to terrorism, it is dragged into a dirty war which is contrary to the basic tenets of religion itself. The link between the two exists because the terrorists often use the spirit and symbols of religion and hence the suspicion that members of a specific faith are more likely to espouse terrorist ideologies.²⁶ Rumadi points out that the problem is often with the interpretation and not the doctrine of religion. This explains why a single religious provision evokes diverse and sometimes contradictory actions and reactions from its adherents. The Islamic concept of Jihad is one such. To most Muslims, Jihad simply means a struggle; be it against ignorance, evil temptations; be itself discipline and in strict military terms, self-defence. But unfortunately, the view held by a few radical elements, which defines Jihad as offensive holy war is the transcendent interpretation of the concept even among non-Muslims. Perhaps the strongest link between religion and terrorism is derived from the capacity of religion to raise fundamentalists who attach an extreme interpretation and violent response to its doctrines. These perspectives and interpretation of "Islamic" views continues to inform the conflict trends in North Eastern Kenya and pose difficulties in engaging militant Islam

1.3 Conceptual framework

This study is grounded on the concept of human security which seeks to study cross border conflicts through a human security perspective. Human security is an emerging paradigm for understanding global vulnerabilities whose proponents argue that the proper referent for security should be the people and their needs rather than the state. Human

²⁶ Oleh Rumadi; The Relation between Religion and Terrorism. www.islamlib.com

security holds that a people-centered view of security is necessary for national, regional and global stability.²⁷ The United Nations Development Programme's- human development report states that ensuring "freedom from want" and "freedom from fear" for all persons is the best path to tackle the problem of global insecurity.²⁸ It defines human security as a means of protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people's strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity.

Proponents of human security claim that by focusing solely on the military dimensions of security, one risks by passing non-military threats to security such as economic decline and deteriorating human health conditions — both induced, in part, by demographic and environmental pressures such as population growth, pollution, and resource scarcity. Proponents stress that in an increasingly socially and economically interdependent post-Cold War world, it is misguided to consider military threats as the consummate security concern. Economic and environmental policies, not to mention overlapping ethnic and cultural conflicts, need to be addressed by understanding their definition of security. Opponents of human security argue that by including non-military threats, the definition of security becomes so broad that it loses all practical utility. They therefore support the

²⁷ United Nations Development Programme; Human Development Report (Oxford University Press Oxford New York Toronto) (published) 1994

²⁸ Paris, Roland (2001): *Human Security - Paradigm Shift or Hot Air?*: International Security, Vol. 26, No. 2

continuation of a strict demarcation between what they consider “low” (economic and environmental) and “high” (military) ²⁹ Alkire pushes the idea for supporting a human security approach a step further as to say human security safeguards the vital core of all human lives from critical pervasive threats, without impeding long-term human fulfillment”. ³⁰In a concept as such, she suggests the "vital core" cover a minimal or basic or fundamental set of functions related to survival, livelihood and dignity; and all institutions should at least and necessarily protect the core from any intervention. However, Sunga cautions that a concept of human security that is fully informed by international human rights law, international humanitarian law, international criminal law and international refugee law should take into account the relevant international legal norms prohibiting the use of force in international relations. Such an approach he says will likely prove more valuable to international legal theory and practice over the longer term, than a concept of human security which does not meet these conditions because these fields of law represent the objectified political will of States rather than the more subjective biases of scholars.³¹

Critics of this concept argue that while much discussion today have been most favourable to upholding human security, there is little emphasis on who is in charge of implementing it. Many states have adopted it as a foreign policy tool which has for the most part been ignored as a domestic policy on development and human rights. Also, people seem to be absent in the process of human security. People are not passive recipients of security or

²⁹ Daniel Shwartz and Ashbindu Singh; *Environmental Conditions, Resources and Conflicts* UNEP, (unpublished) 1999

³⁰ Sabina Alkire, “A Conceptual Framework for Human Security”, Centre for Research on equality, Human Security and Ethnicity (CRSE), London: University of Oxford, 2003

³¹ Tadjbakhsh, Shahrbanou & Chenoy, Anuradha M. *Human Security: Concepts and Implications*, London: Routledge, (unpublished)2006

victims of its absence, but active subjects who should contribute directly to identifying and implementing solutions to security problems.”³² Despite this contending views and perspectives, this concept is most relevant to the study of cross border conflicts in north eastern Kenya mostly because of the perennial conflicts experienced here over competition for limited resources, poverty and poor systems of governance that have greatly contributed to insecurity in North eastern Kenya.

1.4 Justification of the study

While there is substantial literature available on the causes of cross border conflicts, very little has been done in terms of understanding the broader implications of these conflicts. The underlying root causes of cross border conflicts have social, economic, political and even religious derivations and therefore requires a much more holistic approach to understand them. At a religious level, there is a vital need to foster moderation and dialogue and this requires co-opting religious groups, governments and community leaders in managing cross border conflicts. However, the idea of engaging religious elements has long been resisted by regional governments often leading to open ended bloody conflicts in the cross borders of Kenya, Ethiopia and Somalia. This study will provide a deeper understanding of the cross border dynamics as well as propose mechanisms for engaging Islamic radicals and state actors to manage the current onslaught and chaos within civilian populations. It is increasingly becoming necessary for policy-makers to understand how specific actions of governments and their policies are being perceived by the cross border communities. Presently, developments at the

³² (Seven challenging questions on the cconcept of human security) paper presented at the UNESCO human security conference in New York on September, 2005.

geopolitical level are having a profound and mixed effect, but are key when interpreting many of the more recent developments taking place within the cross borders, the regional (and wider) interest in challenging Alshabab foothold in Somalia, and supporting the installation of the Somali Transitional Federal Government (TFG). In Kenya, at the policy level, the closure of the border with Somalia and the official 'hard line' positioning of not engaging militants and refugees continues to send an unequivocal message regarding Kenya's opposition to the perceived militant Islam threat and their support for the TFG and the hope that Somalia will acquire stability soon. However, its application at the local level in terms of the management of the border routes and the treatment of refugees is producing mixed results. This animosity is expected to intensify if the current policies are not modified or checked. This study will also make feasible policy recommendations to among other things improve trading relationships' as a critical component for enhancing cross border linkages and peace. This study will therefore contribute to the ongoing policy discourse on conflict management in the tri-borders and explore both formal and informal institutional frameworks designed to prevent and manage cross border conflicts.

1.5 Hypotheses

1. Conflicts in neighboring Somalia have further sharpened clan Alliances in North Eastern Kenya with serious cross –border implications on peace and security.
2. The current regional responses to cross border conflicts are uncoordinated, often bloody and driven by national political interests.
3. If well managed and controlled, cross border trade could provide an entry point for improving cross border interactions and relations

1.6 Research Methodology

This study will mainly be analytical and descriptive. Data will be collected through unstructured informal group discussions; At least two focus group discussions will be held with a selected sample of Somalis from North-eastern Kenya, Gedo Somalia and Suftu Ethiopia. This will be followed by select individual interviews to ‘match-up’ or triangulate as well as deepen the principal findings. To validate answers of the key informants, the different groups will participate in a joint analysis of their respective districts, which is expected to generate partial but graphic depictions of the conflict dynamics current in their localities. Guiding questions will be used for the interviews and focus group discussions and the information from the different sources will be thoroughly examined.

1.6.1 Sources of data

The study will utilize both primary and secondary sources. The main sources for primary data for this study will be through select individual interviews, and facilitated focus group discussions. A conflict relationship mapping tool will be utilized to analyze cross border relationships and their broader implications on peace. Focus groups participants will be asked to identify all actors and establish their relationship using the relationship mapping tool. The relationships being examined will include inter-clan relationships and clan alliances, cross border trading relationships as well as relations with clan militias and Islamists. The findings of the relationship map will then be used to highlight types of conflicts which are broadly indicative of communities’ relationships and its implication on cross border peace. Data will also be collected through secondary sources such as journals, websites, print media, and books etc that provide details of the nature of cross

border conflicts. The responses from the key interviewees, focus group discussion and secondary sources will be incorporated, analyzed, triangulated and appropriate conclusions drawn. However, there will undoubtedly be important nuances and gaps that only a more stable environment might have facilitated, but which can be compensated for by other existing sources of information. Ideally, a corresponding level of detail and perspective from Ethiopia merits further research.

CHAPTER TWO

2.0 Contextualizing Cross Border Conflicts in North Eastern Kenya

2.1 Introduction

This chapter will provide historical background and overview to the conflict causes in North Eastern Kenya with a special focus on the cross border towns of Mandera, Bulla Hawa and Elwak. This chapter will also discuss border diplomacy and relations in the tri states of Kenya, Ethiopia and Somalia.

2.2 Causes of cross border conflicts in North Eastern Kenya

The Somali people live in four countries of the Horn – Djibouti, Ethiopia, Kenya and Somalia. While they are numerically and politically dominant in Somalia and Djibouti, they form a minority and are politically marginalized in Ethiopia and Kenya. In the cross borders of Kenya and Ethiopia, there is a great sense of economic and political alienation which has subsequently led to border wars and political disturbances¹. Relations are complicated by the fact that the borderlands are inhabited predominantly by Somali populations with high mobility and political cross-border linkages. During the pre-colonial period Somali communities in the Horn of Africa moved freely in the area in search of crucial range resources, such as pasture and water². Somali-inhabited areas in Ethiopia and Kenya are the most volatile and insecure zones in the Horn of Africa. Although the Somali-inhabited province in Kenya accounts for about 22 per cent of the total land area of Kenya, making it the third largest province, it accounted for only 3.4 per cent of the national population at the time of the 2010 population census. Its population density of about eight persons per square kilometer is well below the national average of about 49³. The relationship between Somalis and the state in Kenya has been

¹Ahmed Samatar, *Socialist Somalia: Rhetoric and Reality*, London: Zed Press, 1998, p.137.

²I.M. Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa* (Oxford: James Currey, 2002 [1965]) pp 15-19

³Kenya National Bureau of Statistics, 2010 census

constrained by the conflict of the 1960s between the two countries, with state harassment and marginalization of the Somali province occurring at different times and levels⁴

Conflicts have continued to shape the social-economic and political landscape of north eastern Kenya, gradually evolving in both structure and intensity. Indeed, conflicts have become so fundamental an aspect of pastoralists livelihoods that people have tended to organize and reorganize their lives around them. Livestock which is the economic mainstay of the region has seemingly become the liability with year long drought diminishing livelihoods. Whereas the amount of devastation and destitution that conflicts have visited in North Eastern Kenya is disturbingly high, the level of attention that the government and other partners have paid to the conflicts is commensurately low and uncoordinated rendering the conflicts intractable and exceedingly destructive.⁵In lineage-based Somali community where clans define relationships, clan identity is not static and fixed but is shaped and manipulated according to changing situations, mostly fuelling inter clan conflicts. This does not suggest that clans are inherently conflictual but that rather clan identities have been manipulated purposefully to acquire control over resources and power. Warlords and divisive leaders emphasize differences among clans and formulate demands that play on those differences. These Warlords are instrumental in invoking loyalty to raise or lower the level of identity from clan to sub clan and sub-and back again depending on what is most convenient⁶.

Different clan identities are used as a tool to mobilize clan members when in conflict, and cleavages are drawn upon to wage war. In this way, clan and sub clan differences have

⁴ T. Hagmann and Mohamud H. Khalif, '*State and Politics in Ethiopia's Somali Region since 1991*', *Bildhaan: An International Journal of Somali Studies* 6,2006:PP 106-114

⁵ Dr Fugich Wako; *Rationalization of Conflicts in Northern Kenya* (unpublished paper) 2005

⁶ Interview with Abdiwahab Mohamed, Director of Advancement for Small Enterprise Program For Somalia, Gedo Somalia, March, 2011

been used as a force for division and fragmentation, particularly when manipulated for political purposes. Simultaneously, clan leaders are a source of deterrence and traditional conflict management for clans, providing protection and support during periods of crises. In fact, traditionally, the clan system was a moderating force used to bring about reconciliation and cooperation⁷.

Conflict and insecurity in these environments have both cultural and structural foundations. Increasingly, it is the latter that dominate. Weak governance resulting from an erosion of traditional forms of governance coupled with the failure to replace customary institutions with a strong alternative modern variant have left the population with no confidence in the rule of law⁸ Inconsistent political will from national governments to address the situation seriously; the logistical issues of administering such vast areas with few resources; and a chronic lack of investment in these areas on the government side combined with a lack of social cohesion emanating from deep suspicions of government, poor education and poor leadership have resulted in a situation where communities are vulnerable to political manipulation by their own leaders and often take the law into their own hands with a consequential spiralling of violence fuelled by an abundant supply of small arms coming through the porous borders of Kenya and Somalia.⁹

It is this context where mobility across national borders, blurred identities, lack of economic or development alternatives and flexible loyalties provide the backdrop to and

⁷ Development Research Center (PDRC) 2004; and Conflict Analysis Regional Report – Somaliland, Center for Creative Solutions (Unpublished) 2004.

⁸ Mandera focus group discussions, May, 2011

⁹ Paul Murphy, PACT International RELPA baseline report, (unpublished) 2008

constraints to address instability. Many militia groups have clan affinity. Such cleavages by groups denote implications of “*Clan republics*” within the context of governance and the management of peace. “Each clan claims some ownership and autonomy to a piece of land” Furthermore, the instability and peace balance is greatly influenced by the factors resulting from the impact of a dysfunctional Somali state, which has over the years undermined the state of peace and security in North eastern Kenya¹⁰

Clan infighting amongst the Marehan who live on the Somali border has increased tension in Mandera. Usually this kind of tensions spill over to Mandera affecting the stability of Mandera.

The Evasion of tax by both the Communities in Mandera and Their counterparts on the Somali border does not go down well with the Kenyan authorities’ thereby increasing tension and cross border conflicts. The creation of new districts by the Kenyan government is another factor that continues to fuel conflict in the region. Competition over new and growing urban settlements is a more immediate driver of conflict in the Kenya-Somalia border area. This has led to more influx of refugees coming to towns and villages on the Kenyan side of the border¹¹ These areas are seen as important sites for trade and aid. On the Kenyan side of the border “locations” serve as seats of local government, conferring upon those who control them¹²

The effects of ‘pastoral dropout as well as increasing number of conflict IDPS of the Bagalla and Isiolo Somali –Borana conflicts of 1998 have increased the levels of the ‘hidden’ poor on the periphery of towns such as Bulla Makaror in Wajir. The conditions

¹⁰ Elwak focus group discussions, May, 2011

¹¹ Mandera focus group discussions, May, 2011

¹² Ken Menkhaus; Kenya- Somalia Conflict Analysis (unpublished) 2005

these people live in are meager and the perceived wider impact dire and controversial: further increasing the numbers of unemployed, the rate of banditry, child labor and recruitment to Islamists militia. These kinds of situation have generally put a strain on livelihoods and state of security. The impact of communities encroaching on each other during the dry season is an unrelenting problem that continues to fuel cross border conflicts. The long-term trend in reduced rainfall and the corresponding decline in pasture and the rangelands' capacity to carry sufficient livestock is having a detrimental impact – made worse by the general increase in the local population and the lack of accessible markets to off-load expanding herds. These pressures are causing an increasing number of rangeland clashes, pastoralist drop out from their livelihood systems, and sparked new human settlements around water points¹³.

The result is a region in crisis; economically fragile, politically neglected and socially under stress. The natural environmental is under pressure and the area is prone to conflict. The institutional environment has eroded, including the region's critical customary practices, which has tragically undermined the capacity of groups locally to effectively address their concerns and issues. Thus at a fundamental level, a lethal blend of structural factors combine to negatively influence each other and create a series of interconnected but often imprecise linkages between causes and effects¹⁴Enduring repeated cycles of hardships and forced migrations, violence and lawlessness, can only but have an impact on the collective consciousness of the cross border areas. It's no wonder then that communities living in these border areas share a deep restlessness over their ethno-political identity and ambivalence about their citizenship while living on the edges of

¹³Paul Murphy, PACT International RELPA baseline report, (Unpublished) 2008

¹⁴Paul Murphy, PACT International RELPA baseline report, (Unpublished) 2008

their respective states (since their foundation). Any confidence in the very structures that are supposed to protect its citizens and administer the rule of law has effectively waned and been replaced by a sense of alienation and mistrust, leaving a despondent legacy in the hearts and minds of the people¹⁵.

The creation of new districts by the Kenyan government is another factor that continues to fuel conflict in the region. Competition over new and growing urban settlements is a more immediate driver of conflict in the Kenya-Somalia border area. This has led to more influx of refugees coming to towns and villages on the Kenyan side of the border. These areas are seen as important sites for trade and aid. On the Kenyan side of the border “locations” serve as seats of local government, conferring upon those who control them¹⁶

2.3 Border diplomacy and challenges of cross border linkages

The determination of international borders and administrative boundaries during the colonial era has left an enduring legacy. Firstly, international borders between countries in the region separated pre-existing clan, ethnic and social groupings, thus creating ambiguities and tensions between cultural, national and citizenship identities. As a pragmatic tactic for survival, many border communities frequently amend and interchange identities for instance at one time being Kenyan another Ethiopian or another time asserting over-riding clan identity and loyalty to participate in conflict in Somalia at a given time to get acceptance across the border. Secondly, the demarcation of pastoralist blocks for clan- or ethnic-based grazing was formally a measure to reduce potential conflicts. However, these early rangeland borders are still invoked today with little

¹⁵ Garowe online (Somali website), analysis of the culture of conflict in Somalia, appeared on 22nd January 2009.

¹⁶ Ken Menkhaus; Kenya- Somali Conflict Analysis Report; (unpublished) 2005

consideration for the later changes in available pasture, demographics, herd sizes and current administrative and political boundaries, leading to disastrous effects¹⁷Chronic instability along the Kenya-Somalia border zone is part of a larger pattern of state failure, lawlessness, and communal violence afflicting the Kenyan border areas from Ethiopia to Somalia, frequently described as “not peace not war.” Local communities suffer levels of displacement and casualties akin to civil war, but in a context of sporadic, low-intensity communal clashes punctuated by extended periods of uneasy peace. Spoilers embrace armed conflict not in pursuit of victory but to create conditions of “durable disorder” from which they profiteer¹⁸. Former colonial demarcations, while perhaps appropriate at the time, continue to create persistent conflict over access and control of grazing land and water. Forced withdrawals from the pastoral way of life, and the subsequent migration of the so called ‘dropouts’ to other countries along the border is also putting pressure on local communities¹⁹

The consultations in Mandera and Elwak identified specific sources of instability along the eastern border with Somalia, which experiences banditry, rape, killings, livestock raids and aggressive movements for pasture and water, on the Ethiopian border along the river Dawa between Malkamari and Border Point 1, and on the western boundaries with Wajir District. While the direct conflict is between the Garre and the Murrule community, these groups have also allied themselves with other clans such as Degodia. Ajuran and corner tribes on the other sides of the border who provide volunteer militias

¹⁷Abdi Umar, “Resource Utilization, Conflict, and Insecurity in Pastoral Areas of Kenya,” Paper presented at the USAID Seminar “Conflict Resolution in the Horn of Africa,” (Nairobi, 27-29 March 1997)

¹⁸Ken Menkhaus, *Not war not peace in the horn*, African Affairs, 2007

¹⁹Mandera focus group discussions, May, 2011

and arms during conflict. While the conflict has subsided due to a military intervention in 2009, tensions remain high between the two clans²⁰

The lack of coordination between the Kenya, Ethiopia and the Somali administrative and security organs was given as an instance of what happens. The Administration Police from Kenya may seize an illegal alien only to have him released by the regular Police because of a prior financial arrangement to smuggle him into Kenya. The issuance of Kenyan ID cards and the registration of aliens operating businesses in Kenya and Ethiopia is another contentious issue between the authorities and communities.

The demographic pattern above indicates that the international boundary is imaginary to most people. The communities' nomadic life demands that they follow water points and pasture wherever they are. This kind of lifestyle makes conflicts transcend boundaries further increasing arms trade and crime across international borders.²¹

Another major factor has been the state collapse in Somalia and its repercussions in Kenya and Ethiopia. This caused the breakdown of authority and law and order; the unchecked flow of light weapons and the culture of crime and plundering; the rise in factionalism and fierce competition for clan control of strategic locations; and the perceived rise in prevalence of militant Islam. It was also the period when new trade routes opened up around the border areas – a phenomenon which produced mixed results for the local population.

Developments at the geopolitical level are having a profound and mixed effect, but are key when Interpreting many of the more recent developments taking place within the

²⁰ Elwak focus group discussions, May, 2011

²¹ Mandera focus group discussions, May, 2011

cross borders of Kenya, Ethiopia and Somalia.. In particular, the regional (and wider) interest in challenging the Alshabaab foothold in Somalia, and supporting the installation of the Somali Transitional Federal Government (TFG), has altered internal as well as international relationships within and between constituencies in Kenya and Ethiopia – as well as Somalia itself and influenced how their respective borders with Somalia (and each other) are being managed. In Kenya, at the policy level, the closure of the border with Somalia and the official ‘hard line’ Positioning regarding retreating combatants (and refugees) had sent an unequivocal message regarding Kenya’s position of opposition to the perceived militant Islam threat and their support for the TFG and the hope that Somalia will acquire stability soon. However, its application at the local level in terms of the management of the border and the treatment of refugees is producing mixed results and, according to informants interviewed, may intensify animosities and conflict locally if not modified or checked. According to the focus group respondents, the effects of the official closure of the Kenyan border with Somalia have had the following impact on the residents of Mandera and Bulla Hawa²²

It is penalizing the more legitimate trading relationships (i.e. important stabilizing cross border linkages), and increasing the trade controlled by less legitimate and more opportunistic trading (associated with crime, guns, and with capacity and interest in maintaining instability along the border areas). The closure is producing enticements for those managing the border (police, customs, administrators) to either gain from lucrative

²²Mandera focus group discussions, May, 2011

offers for alien safe passage or mistreat (with impunity) Somalis who have no authority to protect their rights nor recourse to the law²³

These aforementioned dynamics effectively ‘spoil’ local efforts to build peaceful relationships across the border, and indirectly antagonize Somali Kenyans who believe they are being viewed (and sometimes treated) in a similar way to their neighboring Somalis.²⁴

Participants at the focus groups argued that when the Kenya government shuts the border, it is collectively punishing all law abiding Somalis and Kenyans, not just the criminals from either side, and undermining the counter environment in favor of justice and peace. According to Abdi billow Mohamed of the Wajir peace committee, border closures obstruct business — the lifeline of the local economy – and create widespread frustration, which lead to increasing levels of tension and violence. ‘When people hear the border is closed, they interpret it to mean the relationship is bad and therefore it’s acceptable to use force on a Somali. Eventually, negative impressions are created and those who are frustrated or experience harassment end up scheming with criminals for their survival. On the other hand, if collaboration between the two sides was consistent and institutionalized, trust would build and frustrations would diminish²⁵.

²³ Interview with Abdiwahab Mohamed, Director of the advancement of Small Enterprise Program for Somalia, Nairobi, April, 2011

²⁴ Interview with Abdille Sheikh Billow, Chairman of Mandera East Peace Committee, Mandera, May, 2011

²⁵ Interview with Abdi Billow Elmi, Wajir Peace Committee, April, 2011

The focus group discussions emphasised the need to coordinate efforts towards enhancing cross border security and linkages in a bid to reduce illegal trade and arms smuggling in the tri- state borders of Kenya, Ethiopia and Somalia²⁶

2.4 Impact of geo-political trends and border dynamics

There are numerous factors borne in the last century that have shaped present day perceptions and policies towards the tri-border area, conditioned the social interaction among its inhabitants, and contributed to the deep sense of social and political alienation associated with the region. Some of the major factors include: At independence, the Republic of Somalia proclaimed a vision for a ‘Greater Somalia’ and political unity for all Somali peoples – including those in Ethiopia, Kenya and Djibouti – a dream that faintly lingers to the present day²⁷. One particular consequence had a lasting impact in North East Kenya when locally based Somali insurgents unsuccessfully challenged the Kenyan government in what became known as the Shifta wars (1960s). The fall out was the imposition of repressive military-like emergency laws on the area that were only repealed in 1997, reinforcing the sense of suspicion on, and corresponding alienation of, the people from the area. Development, customary institutions, the formation of civic institutions all suffered greatly as a result²⁸ another example of how the ‘peripheral’ nature of these lands became reinforced was the Post-independence policies of the Kenyan government in favor of investing in the high potential areas of the country (Sessional Paper No 10) at the expense of areas such as Kenya’s Northern provinces. This highly sensitive position reinforced economic as well as political structural

²⁶ Mander focus group discussions, May, 2011

²⁷ Ken Menkhaus, *Somalia, a country in Peril, a Policy Nightmare*, Enough strategy paper, 2008

²⁸⁴⁶ Ken Menkhaus, “Gedo Region,” (Nairobi: UN Development Office for Somalia report, (unpublished). 1999

disparities between the center and outlying areas such as North Eastern, and compounded negative perceptions between pastoralists and the (economically more powerful) Bantu agriculturalists - pastoralists perceived as 'troublesome' while Bantus are 'bigoted'.

The amalgam of neglect, suspicion, prejudice and remoteness associated with these borders areas was further intensified by the manner in which governance was structured and implemented within the regions; perceived locally as inadequate and ineffectual at one level, as insensitive and brutal at another. The mixture was certain to alienate the population from the state and view local administrations with disdain. Consequently, public services, such as domestic or clan security, were seen by necessity as the responsibility of the clan or ethnic group, not the state (which encourages the retention of personal weapons)²⁹ Presently, eyes everywhere are fixed on the current drama unfolding in Mogadishu; whatever the outcome, the ramifications on local populations will be profound. Linked of course is the running dispute between Ethiopia and Eritrea and the long hand of both parties penetrating local disputes – proxy wars that are having repercussions on the conflict dynamics³⁰. Recent events suggest that the TFG will continue to make its presence felt in Somalia, but that the journey and process of asserting governance nationwide will be slow, uneven and possibly violent in the period to come.

Linked to the OLF agenda, and other military concerns associated with the TFG's battle for control in Mogadishu, Kenya's and Ethiopia's common interests in Somalia have softened what was previously a tense relationship and improved their interaction along,

²⁹Robert Walker and Hassan G. Omar, "Pastoralists Under Pressure: The Politics of Sedentarization and Marginalization in Wajir District, Northeast Kenya, Oxfam-GB, (unpublished) 2002

³⁰Mandera focus group discussions with the Mandera mediation council and representatives from the Gedo Peace Consortium.

and the administration of, their shared borders. Cross border security meetings have taken place and the possibility of other cross border institutions forming has improved – although there is Skepticism among those living on the border that this will not last or produce any real positive effects³¹.

2.5 Disillusionment amongst the youth and the rise of Islamists

The globalized youth, through education, satellite TV etc, are disillusioned with clan structures that exclude them and are opting to connect with bigger aspirations such as belief in the Islamic emirate espoused by Islamic groups such as Al-Qaeda.³² Amongst other things, Al-Shabaab espouses the creation of the Islamic emirate with equal opportunity for all Muslims (not just Somalis). This is a motivation for minority clans excluded by the pervasive clan structures and attracts recruits to Al-Shabaab from the minority clans³³. On the Somali side of the border, the warlords - assumed to be protectors of clan interests against bigger clans - lost appeal for the youth immediately after the end of the Somali civil war. The clan war soon degenerated into sub-clan wars driven more by clan warlords than real clan grievances³⁴the clan militias mainly the youth who are no longer paid regularly by the clan elders set up illegal checkpoints to extort money from Somalis and fight amongst themselves over war booty. This has intensified the levels of frustration amongst the youth³⁵

³¹ Interview with Zebe Ahmed Ismail, Gedo Peace Consortium, Mandera, April, 2011

³² Ibid

³³ International Crisis Group, 'Can the Somalia crisis be contained?' Africa Report (unpublished) 2009 no. 116 (10 August 2006), pp. 5–6, www.crisisgroup.org/home/index.cfm?id=4333

³⁴ Mandera focus group discussions, May, 2011

³⁵ Elwak focus group discussions, May, 2011

Poverty and ignorance are major factors contributing to the existence of terrorism. Since the tragic events of September 11, 2001, many prominent observers notably U.S. officials, have called for increased financial aid and educational assistance to end terrorism by eliminating what is believed to be its core causes³⁶ Former United States Vice President Al Gore told the Council on Foreign Relations in New York on February 12, 2002 that an 'evil axis' is formed primarily by poverty and ignorance, forcing many to engage in terrorist activities. Edward Djerejian, a top US diplomat and former U.S. ambassador to Syria (1988-1991) and to Israel (1993-1994): said this: "Experience suggests to us that political Islamic movements are to an important degree rooted in worsening socio-economic conditions in individual countries" Foreign officials from all over the world seem to hold the same views regarding this

Linkage: British Prime Minister Tony Blair in a speech at the Lord Mayor's banquet, Tuesday, November 13, 2001: "The dragon's teeth [with regards to terrorism and terrorists] are planted in the fertile soil of poverty and deprivation " Elaborating on the causes of terrorism, the prime minister cited political, economic and social conditions, including poverty ignorance and frustration as the key driver to recruitment to terrorists organization particularly amongst the youth. Ken Menkhaus argues that the Kenyan Somali youth are largely attracted to Al-Shabaab because of a quest for a higher purpose, an impulse for adventure, an adolescent search for identity and the alluring conflation of Somali nationalism and Islamism. He notes that in no small part, Ethiopia's harsh

³⁶ Congress, House of Representatives, Committee on Foreign Relations, *Recommendations for U.S. Foreign Assistance to Africa: Hearing before Subcommittee on Africa before the Committee on Foreign Affairs*, 103rd Congress, 1st Session, 12 May 1993, p.91

military occupation of Somalia appears to catalyze and radicalize Somalis across the world.

Somalia's unprecedented crisis of complete state collapse has immensely contributed to cross border conflicts and insecurity in north eastern Kenya. While it could plausibly be explained in broad structural terms, the country's protracted state of collapse was both likely and understandable given the confluence of internal and external interests and pressures working against the revival of a central government. Extraordinary events in Somalia since 2005, culminating in three major armed conflicts, the rise of a powerful Islamist movement, Ethiopian occupation of Mogadishu, a major humanitarian crisis in the capital and Somalia's essentially local and regional conflict globalized as part of al Qa'ida's call for jihad and America's Global War on Terror. This new and dynamic change has bred new grounds for recruiting youth in to Islamists groups with a promise of heaven in the hereafter and financial dividends. This has seen youth exodus across the borders from Wajir, Garissa and Mandera as new recruits signing in to Alshabab³⁷The false start of the TFG in late 2004 and early 2005 was not merely a missed opportunity to forge a real government of national unity. Placing Abdullahi Yusuf and a very pro-Ethiopian, anti-Islamist government in power, was a godsend for Mogadishu's struggling Islamist movement. For a variety of reasons, the Islamist movement—organized in a Sharia court umbrella movement in the capital—had been facing declining legitimacy and local support in 2003. Hardline Islamists mobilized their base of support not only from within Somalia but also from within Kenyan and Ethiopian Somali communities.

³⁷International Crisis Group, 'Counter-terrorism in Somalia: Losing hearts and minds?' Africa Report no. 95 (11 July 2005), p. 3, <http://www.globalpolicy.org/empire/terrorwar/analysis/2005/0711somalia.pdf>.

From a jihadi perspective noted a Crisis Group report in mid-2005, ‘Yusuf’s rash appeal for foreign troops—especially from neighboring Ethiopia—and the furore it unleashed must have seemed like an answer to their prayers. Throughout 2004 and 2005, a dangerous jihadi militia, the shabaab (‘youth’), was engaged in a ‘dirty war’ of political assassinations in Mogadishu against Somalis suspected of collaboration with the TFG, Ethiopia or the US in counter-terrorist operations. However, this wave of assassinations was not only limited in Somalia but spread across the borders with Kenya and Ethiopia.. By mid-2005, the Islamists organized in the Supreme Council of Islamic Courts (SCIC) were arguably the strongest political and militia force in Mogadishu, and while the movement constituted a very broad umbrella for moderate and hardline elements, the violence and extremism of the shabaab would cast a long shadow over the movement.

A review of the CIC’s accomplishments in its six months in power is essential in order to fully appreciate the rise of Islamists across the Kenya, Somali and Ethiopia borders. The CIC’s greatest success in 2006 was not its impressive military victory over the Alliance in Mogadishu, but rather the widespread public support it enjoyed as an administration. No other Somali faction or coalition had come close to mobilizing and uniting so many Somalis since 1990. This support was strongest in Mogadishu and within the Hawiye clan (its core source of support), but clearly reached across a broad spectrum of Somali society including Kenyan Somalis and portions of the Somaliland population. The CIC generated this public support in several ways. First, many Somalis embraced the Courts for having rid Mogadishu of warlords and criminal militia gangs, and for restoring a much greater level of law and order to the city than it had seen in 15 years. This

'performance legitimacy' stood in stark contrast to the woeful governance record of most other regional and factional administrations in Somalia—including the TFG³⁸

For many Somalis, the Courts appeared to be the long-sought solution to years of state collapse, reason enough to support the Islamists. This factor appears to have been especially important among the large Somali diaspora, most of which was fiercely supportive of the CIC. The CIC's popularity especially amongst the youth across the border was due to other factors as well. For the youth, the appeal to Islamism was an attractive alternative to clanism. The CIC's conflation of Islamist rhetoric with pan-Somali nationalism and anti-Ethiopians added to its appeal³⁹ The ability of the CIC to present itself as a 'big tent' movement encompassing a range of moderate and hardliner Islamists also helped it win supporters, especially among more secular Somalis who could point to moderate leaders like CIC Executive Committee Chairman Sheikh Sharif Sheikh Ahmed to justify support for a movement that otherwise might have provoked unease. Even as the more radical Alshabab wing of the CIC become more powerful across Gedo region, more youth from the cross borders who no sources of livelihoods and employment flocked to the South of Somali to join Alshabab.

The CIC's capacity to appeal to Somalis on so many different and in some ways contradictory, levels allowed it to tap into strong emotions among Somalis at home and abroad. While a portion of Somalis rejected or had reservations about the Courts, most Somalis were supportive of the CIC and were either unwilling or unable to entertain criticisms of the Courts. That popular support was broad but not deep, however. Lurking

³⁸Krueger, Alan B. and David D. Laitin, 2004, "Misunderstanding" Terrorism, *Foreign Affairs*, Vol. 83(5), pp. 8-13

³⁹Mandera focus group discussions, May, 2011

beneath the public support for the Courts was a bundle of anxieties, mistrust, latent rivalries, clan divisions and alliances of expediency which quickly resurfaced the moment the Courts suffered losses against the Ethiopians in December 2006. Not all of the Courts' success in concentrating power was positive. While much of the CIC's public support was earned by its rhetorical appeal and provision of public order in Mogadishu, it also consolidated power by intimidating potential critics and working to eliminate any potential platform that an opposition movement could use against it. This revealed in the movement a worrisome authoritarian tendency, notwithstanding its many moderate public statements about promoting peace and democracy⁴⁰

The violent history of the shabaab militia—the jihadist unit within the CIC responsible for dozens of political assassinations in Mogadishu since 2004—also had a chilling effect on critics and opponents of the CIC in Mogadishu. Though presenting itself to the outside world as a movement committed to democracy and the will of the people, some of the CIC's actions reflected those of an authoritarian movement seeking to monopolize military and political power. Even more disconcerting was the fact that this concentration of power was accruing to the hardliners within the movement, not the moderates. Most of the weaponry and financial support flowing to the courts were controlled by Hassan Dahir Aweys. One of the most effective ways the Courts' hardliners consolidated power was by failing to institutionalize authority within the CIC. When the Courts first took control of Mogadishu in June 2006, they appeared intent on creating a routinized, representative decision-making body. An initial reorganization in the summer of 2006 created an executive committee, comprising moderate Chairman Sheikh Sharif Sheikh

⁴⁰ Interview with Zebe Ahmed Ismail, Gedo Peace Consortium, April, 2011

Ahmed and a cabinet of about 10 members; and a shura or consultative committee, headed by Aweys, to be composed of 91 members drawn from a dozen Islamist constituencies, militias and business groups. In that sense, the threat of war with Ethiopia was politically useful to Aweys in that it allowed him to rally support to the CIC cause and to put off looming, hard political dilemmas faced by the movement⁴¹

Development aid has adversely contributed to the nature of cross border conflicts as resources (food aid and others) are shared along tribal lines and clan affiliations. The US National Security Strategy has most recently identified underdevelopment and poverty within failed states as the biggest threat to national security and interests. Humanitarian aid remains essential to helping the victims of armed conflict survive. It can influence the conflict itself — in particular its length and level of violence — either for better or for worse. National security is linked to successful state-building initiatives in countries that posed a threat to security. The objective is to reorient these countries to neutralize their threat and emphasis on advancing a world safe for democracy, human rights and free market economy (Barnett 2004).

In recent years, donors and governments have targeted an increasing amount of development aid to conflict-affected areas, some of it in the hope that aid will reduce conflict by weakening popular support for insurgent movements. Benjamin Crost argues that an increasing amount of development aid is targeted to areas affected by civil conflict; some of it in the hope that aid will reduce conflict by weakening popular support for insurgent movements. But if insurgents know that development projects will weaken

⁴¹ Ken Menkhaus, *The crisis in Somalia; Tragedy in five acts*, African Affairs, 2007; Published by Oxford University Press, 2007; pp 106-110

their position, they have an incentive to derail them, which may exacerbate conflict. Based on these argument, one might expect that development projects can reduce conflict, either by winning the “hearts and minds” of the population or by increasing individuals’ returns to peaceful activities. However, development aid may in certain situations exacerbate situations of conflicts. Arms purchases made possible by diverting aid tend to make conflicts drag on even longer⁴² Another factor to be considered is the role of aid as a ‘fig-leaf’, a substitute for political action to resolve conflict. Those seeking to help the victims are caught in a trap: aid does help lower the level of violence — its fundamental role — but in the eyes of the political world that very fact minimizes the need to settle conflict, and thus actually prolongs it⁴³ sharing the aid equally between the parties to the conflict amounts to basing humanitarian aid on political considerations, and no longer on the victims’ needs, with the result that humanitarian aid’s impartiality is called into question: “The principle of impartiality lays down two clear rules of conduct: (a) there must be no discrimination in distributing the aid given by the Movement (either in peacetime or in time of conflict or disturbances); and (b) relief must be proportionate to need — the greater the need, the greater the relief.” By the same token, giving humanitarian aid to the parties in order to gain access to the victims is tantamount to rewarding those who, by initially refusing access to the victims, violate international humanitarian law. The latter is most relevant in cross border conflicts in north eastern Kenya. While development aid has significantly reduced resource based conflicts amongst cross border communities, it remains the single most drivers because of clan

⁴²Mandera focus group discussions, May,2011

⁴³ Benjamin Crost and Patrick B. Johnston, “Aid Under Fire: Development Projects and Civil Conflict,” Belfer Center Discussion Paper, No. 2010-18, Harvard Kennedy School (Published) 2010.

based aid distribution mechanisms, over concentration of aid in certain areas and inter clan completion of staff recruitment⁴⁴

⁴⁴ Manderu focus group discussions, May 2011

CHAPTER THREE

3.0 Actors in the cross border conflicts of North Eastern Kenya.

3.1 Introduction

The preceding chapter provided historical background and overview to the conflict causes in North Eastern Kenya. The previous chapter also discussed border diplomacy and the relations in the states of Kenya, Somalia and Ethiopia. This chapter will give a demographic overview of clan dynamics in the cross borders of North Eastern Kenya, Ethiopia and Somalia. This chapter will also analyze the key conflict actors in the conflict. The chapter also discusses the manifestations of these in detail at the levels of sub-regions and localities.

3.2 Demographic overview and clan dynamics

The Somali community in north eastern Kenya is relatively homogenous linguistically (Somali) and religiously (Islam). Lineage underpins Somali society, with divisions defined along clan and sub clan lines. Traditionally, the main clans living in the cross borders are the Murule, Dagodia, Marehan, Ogaden, Garre and Rahaweyn community. The Somali Bantu constitute the minority clans¹Identity and politics are central to the cross border conflicts, and are also extremely complex and nuanced. The Kenya-Somali border area is dominated by the Somali ethnic group. But a number of other ethnic groups live in the border areas, especially in the northern Kenya border zone. Many of these groups – such as the Garre, Gabra, and Rendille -- possess highly ambiguous and fluid ethnic identities, making it difficult to categorize them as “Somali,” “Oromo” or other. The Garre, for instance, are considered a Somali clan but speak a dialect of Oromo. The

¹*Conflict Analysis in Northern Somalia; Regional Report—Somaliland*, (unpublished) 2004

flexible, fluid nature of ethnic identity among the Garre, Gabra, and Rendille has historically been a useful tool for negotiating relations between the dominant groups²

Somalia's history of conflict reveals an intriguing paradox—namely, many of the factors that drive armed conflict have also played a role in managing, ending, or preventing war. For instance, clannism and clan cleavages are a source of conflict—used to divide cross border communities, fuel endemic clashes over resources and power, used to mobilize militia, and make broad-based reconciliation very difficult to achieve. Most of Somalia's armed clashes since 1991 have been fought in the name of clan, often as a result of political leaders manipulating clans for their own end games. Yet traditional clan elders are a primary source of conflict mediation, clan-based customary law serves as the basis for negotiated settlements, and clan-based blood-payment groups serve as a deterrent to armed violence³. The Somalis themselves are much more hybrid in the Tana-Jubba interriverine area than in central and northern Somalia. In the process of south-western expansion across the Jubba River and into present day Kenya, Somali clans freely employed the practice of clan “adoption” (*shegad*) either as newcomers seeking protection from a stronger clan or as a means of absorbing weaker groups. As Cassanelli notes, “during the periodic migrations of Somali nomads from the drier central plains into the interriverine area, the incidence of contractual clientship multiplied⁴

The result is that many members of Somali clans in the border areas are *shegad* – some are originally Orma, Wardei, while others are adopted members from another Somali

² Management Systems International; Systematic and pragmatic recommendations addressing pastoralist conflicts in Somali Cluster of Kenya, (Unpublished) 2002

³ Besteman, Cathereen and Lee Vee Cassanelli, eds 1996 *The struggle for land in Southern Somalia: The War behind the War*; Westview press, Haas publishing house

⁴ Lee Cassanelli, *The Shaping of Somali Society*; Pennsylvania Press, (1982), p. 77.

clan. Occasionally, when political advantage dictates, adopted clans can “rediscover” their original identity and revoke their old clan identity

Ethnic identity in the region is not nearly as fixed and immutable as observers often assume, but is rather used as a tool by communities to pursue what they need – protection and access to resources. As Laitin and Samatar noted two decades ago, “the essence of great politics in the Somali context is the clever reconstruction of one’s clan identity”⁵ what follows is a simplified explanation of clan and ethnic settlement in the Tana-Jubba region. Further north in the border areas, ethnic settlement becomes more complex. In Gedo region, the Marehan are the single largest group, probably constituting half or more of the total population. Other Somali clans in Gedo region include the Rahanweyn, Bantu, and Ajurann (along the river and east of the Jubba); a small group of Dir nears the Ethiopian border; and the Garre in El Wak district⁶

On Kenyan side of border, in Wajir district, the Somali clans include Ajuraan, Dagodia, and Garre. In Mandera district, Murule and Garre are the main Somali clans. To the east, in Marsabit Province, the Borona, Rendille, Gabra, (all related to the Oromo) and Oromo predominate. In addition to clan-based identities, these border communities also possess salient identities based on citizenship, geography, and caste. One important identity marker is citizenship in Kenya, Somalia, or Ethiopia. This distinction is important even within the same Somali sub-clans, and has two dimensions. One has to do with political culture, the other with political rights. Both are a source of local tensions, but rarely armed conflict.

⁵David Laitin and Said Samatar, *Somalia: Nation in Search of a State* (Boulder: Westview, 1986), p. 31.

⁶Lewis, Loan M. (1975) “The Dynamics of Nomadism; prospects for Sedentarization and Social Change” in Theodore Monod (ed) *Pastoralism and Tropical Africa*, London (2007)

Culturally, the “reer Somali” (Somali citizens) have been viewed as much more politically aware, aggressive, and clannish than their “reer Kenya” kinsmen. By contrast, the Kenyan Somalis had lived under emergency rule in Kenya for nearly thirty years (until 1990) and could fairly be described as politically quiescent at the time. Sub-clan identity for the Kenyan Somalis was in the past of little importance; many were not even aware of their sub-clan lineage. Kenyan Somalis attribute their new-found assertiveness in Kenyan politics to the catalyzing impact of the reer Somalis, but nonetheless resent what they perceive to be pushiness and lack of respect for the rule of law on the part of the reer Somali. The split over political rights has to do with the fact that Somali Kenyans are entitled to access to public school and other rights of citizenship inside Kenya while the reer Somali are not. Reer Somali in the border areas have predictably sought to acquire Kenyan papers so as to access these benefits and facilitate their travel inside Kenya and abroad. Kenyan clan elders are quite willing to take a bribe and vouch to local authorities (who may also be willing to accept a bribe) that a reer Somalis is actually a nomad from the Kenyan side of the border who needs to be registered as a Kenyan.⁷

Tensions arise when reer Somalis in the border area exploit facilities such as primary schools which become overcrowded. Caste or hierarchical identities within clans matter a great deal as well. In the transJubba regions of Somalia and northern Kenya, social hierarchies are quite complex. Arguably the Somali “Bantu” along the Jubba river and now in Kenyan refugee camps are casually subjected to blatant discrimination, and have

⁷Interview with Abdiwahab Mohamed, Director of Advancement for Small Enterprise Program for Somalia, March, 2011

been the victims of land grabbing, forced labor, and predation at the hands of Somali militias since 1990.⁸

In several towns in the Kenya and Somali border areas, a specific, more cosmopolitan identity exists in which residents view themselves primarily as citizens of that town. This strong urban-place identity invariably occurs in multi-clan towns, and appears to be designed to reinforce local solidarity and peace and minimize the importance of potentially divisive lineage identities. One of the earliest such instances of civic identity was in the Kismayo area, where Absame and Harti clans embraced a shared “reer Waamo” identity. More recently, residents of Luuq (Rahanweyn, Marehan, and other) speak of being “Reer Luuq,” and the multi-clan Kenyan town of Wajir appears to possess a growing sense of “Reer Wajir” as well.⁹

Finally, on the Kenyan side of the border the many different clans frequently fighting over territory and pasture land share a common identity as the communities of the Northern Frontier Districts (NFD) - part of the vast expanse of marginalized, generally pastoral groups living on the edge of a country dominated by “up-country” Kenyans. The mutual disdain between these two categories of Kenyans can be fierce at times.¹⁰ Nearly all armed conflicts in contemporary Somalia break out along clan lines. Clan identities are malleable and can be shaped by leaders to pursue control of resources and power. Clan identities are not the basis for conflict; rather, their deliberate manipulation creates

⁸ Mandera focus group discussions, May 2011

⁹ I. M. Lewis, *APastoral Democracy*, Oxford University Press, 1961.

¹⁰ Conflict Analysis Regional Report – South-central Somalia, Center for Research and Dialogue (CRD) (Unpublished) 2006

and exacerbates divisions. Clan groups can serve as destructive or constructive forces as well as traditional conflict moderators¹¹.

In lineage-based Somalia, Warlords and divisive leaders emphasize differences among clans and formulate demands that play on those differences. Warlords are instrumental in invoking loyalty to raise or lower the level of identity from clan to sub clan depending on what is most convenient. Different clan identities are used as a tool to mobilize clan members when in conflict, and cleavages are drawn upon to wage war. In this way, clan and sub clan differences can be a force for division and fragmentation, particularly when manipulated for political purposes. Simultaneously, clan leaders are a source of deterrence and traditional conflict management to provide protection and support during periods of crises. In fact, traditionally, the clan system was a moderating force used to bring about reconciliation and cooperation.

In Somalia, clan identity both impacts and is impacted by conflict. In the post-independence period until the outbreak of the civil war, conflict resulted from divisions among major clans battling over power and resources. In recent years, conflict increasingly has devolved to sub clan and even sub-sub clan levels. The collapse of the central state led to fragmentation and an economy of plunder that brought leaders into conflict with other leaders, sometimes from the same clan, vying for control of the same local area and resources. It was this struggle for territorial control, political power, and economic control of a region that prompted lowering the level of clan identities so as to mobilize support from the sub clans. Thus, with the collapse of the central state, the clans

¹¹ Mandera Focus group discussions; May, 2011

tended to clash less across regions (northwest versus south-central versus northeast) and more within regions¹²

Examples from the three regions illustrate this point. In all three regions, homogeneity of the clans has given way to the emergence of sub clan identity as dominant, with clans lowering their level of identity to the level of sub clans in the competition for economic power and political ascendancy. In South-central Somalia, protracted conflict over control of the Gedo region has been waged within the various sub clans of the Marehan clan. In Puntland, within the Majerten, which is numerically and politically the most dominant of the Harti clans, rivalries between sub clans and sub-sub clans struggling for political dominance in the regional administration and economic control often manifest themselves in violent conflict. Whilst divisions on the basis of clans may lead to cleavages and deep-seated resentment among clans, clans are also a cohesive force providing a sense of identity, physical security, social insurance, and application of customary law (xeer) to resolve disputes, especially important in the context of state collapse¹³

Members of a clan or sub clan tend to provide unqualified support to their leaders as they see their upward mobility closely associated with the success of their clan or sub clan. In return, in times of need, strong clans and sub clans provide protection against external attacks and support for loss of kin. It is members of strong clans and sub clans who gain, because weak clans and clans cannot provide the same level of benefits to their members. This has made it propitious for weak clans and sub clans to forge interest-based alliances

¹²Ken Menkhaus, *Somalia: State Collapse and the Threat of Terrorism*, chpt. 2. Adelphi Paper 364. Oxford: Oxford University Press, 2004.

¹³ Center for Research and Dialogue (CRD) 2004; Conflict Analysis Regional Report – Puntland, Puntland

with other weak clans and sub clans so as to challenge stronger clans, thus potentially contributing to conflict. The conflicts among Somali clans and sub clans seem to be for political ends – quest for power, position in a potential new government – and material ends especially the control of resources. At a social level, there have always been networks of rich and deep relationships across clans. Interclan marriages, cross-clan associations in the form of civil society organizations (CSOs), cross-clan businesses, and social interactions among clans are common. In fact, cross-clan CSOs and business partnerships are on the rise, and they are playing an important role in increasing the potential for peace and weakening the destructive aspects of clans¹⁴

They operate across clan and geographic boundaries and are instilling vibrancy and hope in Somali society. CSOs are increasingly presenting a united Somali voice in providing social services, especially for health and education, and promoting causes such as peace, human rights, and gender equality. Business groups, impelled by profit considerations, see cooperation across clans as imperative because they need to operate across districts and regions of Somalia.

Economic interests, too, have had an ambiguous relationship with conflict in Somalia. In some places, war economies have emerged that perpetuate violence and lawlessness, while in other instances business interests have been a driving force for peace, stability, and rule of law. Understanding under what circumstances these and other variables serve as escalators or de-escalators of violence—or both—are the subtle challenge.

¹⁴ Development Research Center (PDRC) 2004; and Conflict Analysis Regional Report – Somaliland, Center for Creative Solutions (CCS) 2004.

3.3 Key actors in the cross border conflicts

3.3.1 Clans and sub-clans

Interaction with the state plays an important role in the creation of ethnic/tribal identities. Anthropological analysis of the historical processes of construction and reconstruction of ethnic identities in Africa shows that identity formation in the past was characterized by a high degree of dynamism and fluidity¹⁵. Interaction with the colonial administration first, and with independent states later, has modified that situation, freezing existing ethnic identities as well as creating new fixed ones. Although largely a creation of the colonial administration, tribal labels gradually became a social reality as the various groups found it convenient or necessary to be recognized as an administrative entity when dealing with the state. Within the context of the fluid and dynamic construction and reconstruction of ethnic identity, tribal labels worked as new poles of aggregation and were readily exploited by people as a way to adapt to a drastically altered socio-economic and political environment. Lidwien Kapteijns argues that clan communal identity is a product of Somali late-colonial and post-independence interaction with each other and with the state in the context of patriarchy and the capitalist world economy¹⁶

Competing clans increasingly view control over locations not merely in administrative terms but as a means for establishing exclusionary zones within which they can evict or block other clans from access to pasture and business activities. The result is misuse of locations to engage in localized ethnic cleansing, which in turn greatly increases the political stakes for control over locations. The trend toward clan or tribally-based

¹⁵ Ali Chemisto Satya, *Understanding Inter-Pastoral Conflicts in Uganda*, European Peace University, Center for Peace Studies, Austria 2004

¹⁶Lidwien Kapteijns, *Women's Voices in A Man's World: Women and the Pastoral Tradition in Northern Somali Orature*, (Published)1899-1980

locations in Kenya, ethno-states in Ethiopia, and proportional clan-based representation in Somalia's nascent federal government has led to a "hardening" of ethnic identities in northern Kenya (where identity was previously more flexible and nuanced) and some ethnic groups now face an increasingly exclusionist political environment¹⁷ On both sides of the border, the arrival of newcomer, or *galti*, clansmen has been a major source of destabilization. The outsiders are members of local clans but hail from other regions, are typically much better armed, and are not stakeholders in local peace processes. Much of the internal conflicts plaguing the Marehan clan in Gedo region are animated by tensions between indigenous (*guri*) and *galti* Marehan. The current conflict in El Wak has drawn heavily on outside Marehan from Kismayo and Garre militia from Ethiopia¹⁸

Over the years, the number of livestock and human population has increased tenfold leading to environmental degradation. This overgrazing and utilization of dwindling natural and environmental resources has in turn led to competition among pastoralists and also with semi-pastoralists groups with cumulative result being heightened by inter clan tensions, deepening of poverty and decline of productivity¹⁹. Attendant to these factors is the lack or unwillingness of the state institutions to respond to resource scarcity, resulting to survival tactics on part of the concerned clans rather than innovative technologies and approaches to respond to the resource scarcity. For instance, in a single episode in July 2005, 180 people were killed in an inter-communal violence over natural resources, mainly water, in northeastern Kenya²⁰

¹⁷ Mandera focus group discussions, May, 2011

¹⁸ Interview with Abdi Billow Elmi, Projects Manager, Wajir Peace Committee, Nairobi, April, 2011

¹⁹ Mandera Focus group discussions; May, 2011

²⁰ Mandera Focus group discussions; May, 2011

Traditionally, communities in this region of Kenya had developed a highly sophisticated approach to sharing scarce water and grazing land in an unstable, ecological system. Livestock raiding to restock decimated herds were a traditional part of this system and so was shared land use between different ethnic communities. This practice was often sanctioned by elders and other traditional institutions for in addition to restocking; it resembled a sport complete with ground rules. Women, children and the elderly were not killed and raided livestock were not sold or consumed but taken care of. This is why it is often exclaimed that livestock in Northern Kenya have been stolen and re-stolen so many times that it is impossible to identify its rightful owners²¹. Bows, arrows, spears and shields were the main tools of the trade. However, in the recent past, these kinds of ground rules have been thrown to the dogs as more and more women and children are becoming victims of these militarized raids²²

3.3.2 Regional governments

Cross-border political movements such as Oromo nationalism and the growing pan-Oromo identity are changing the way some pastoral societies represent themselves and their relationship with their neighbors and with the Kenyan state. Until a few years ago the term “Oromo” was unknown to ordinary Boran in Kenya. Today, on the contrary, Boran by and large perceive themselves as part of a pan-Oromo identity. On the other hand, the *gada* generation-set system, ‘by no means an Oromo invention but distributed

²¹ *Armed Conflicts Report, Kenya*, Ploughshare, Updated January 2006 at site <http://www.ploughshares.ca/libraries/ACRText/ACR-Kenya.html> accessed on September 12, 2006)

²² Muli, Elizabeth (ed.) 2006, *Conflict Management in Kenya: Towards Policy and Strategy Formulation*, Practical Action, Nairobi.

in independent forms throughout the cultures of Lowland Eastern Cushitic speakers' has been constructed within pan-Oromo ideology as the mark of authentic Oromo identity²³

Since livestock markets in Ethiopia and the weapons trade — a long-standing difficulty in a central district like Isiolo — as well as an increasing involvement in the political activities of the Oromo Liberation Front (OLF). Kenyan Boran, who are losing out in Kenya, are increasingly becoming involved in south and west Ethiopia. In a geo-political context in which the state has collapsed in Somalia and Eritrea is using the OLF to destabilize southern Ethiopia, some north Kenyan pastoral conflicts should rather be seen as part of an Ethiopian proxy conflict. Through the use of Boran traditional symbolism as “mythomoteurs” (Zitelmann, 1997) to mobilize and legitimize political action, Oromo nationalism generates a peculiar merging between

Political disorders in neighboring countries have increased the availability of automatic weapons in the region. Sudden and localized access to automatic weapons had changed the balance of power across borders and between different groups within Kenya and this has frequently resulted in the escalation of raids. The effects of civil war and widespread fighting in neighboring countries, however, go well beyond the direct consequences of the weapons trade. The wars in the Horn of Africa have created thousands of refugees and displaced people, whose massive movements has affected the patterns of resource management and alter relationships between groups²⁴ Men from Kenya, who enroll as fighters in conflicts across the border, receive military training and receive weapons that they usually keep if they survive and return. Meanwhile, deserters and ex-combatants

²³Schlee Gunther, *Identities on the Move: Clanship and Pastoralism in Northern Kenya*. Nairobi, Gideon S. Were Press 1994

²⁴ Interview with Amina Hassan, Mandera Women for Peace and Development, May, 2011

drift into Kenya from the areas of fighting in neighboring countries, swelling the ranks of bandits, or making a living as mercenaries or cheap fighters in commercial raids²⁵ Schlee notes that during the Ogaden war, it was common that young men pretended to want to join the guerrillas but, once armed and trained in Somalia, returned to Kenya and gave themselves to banditry. Somali internal conflicts in the 1970s and 1980s had a direct effect on the rate of banditry in northern Kenya, including Tana River and Lamu. Since livestock markets in Ethiopia and the weapons trade — a long-standing difficulty in a central district like Isiolo — as well as an increasing involvement in the political activities of the Oromo Liberation Front (OLF). Kenyan Boran, who are losing out in Kenya, are becoming involved in south and west Ethiopia. In a geo-political context in which the state has collapsed in Somalia and Eritrea is allegedly using the OLF to destabilize southern Ethiopia. Some northern Kenyan pastoral conflicts are seen as part of an Ethiopian proxy conflict.

Chiefs and DCs in Kenya are sometimes involved in raids as facilitators or promoters, and take a share in the division of the booty. During the 1992-94 clashes in Wajir, chiefs had a major role in funding and directing the conflict. In Wajir the military used to get involved in every conflict, and often their harassment of the local population, including habitual rape, made those people sympathize with the bandits²⁶

Trade usually unites cross border communities and brings the communities together, but in Elwak, trade volumes have decreased since 2006 (after the Garre-Marehan conflict), exacerbated by the recent closure of the border by the Kenyan authorities.. Though the

²⁵Interview with Zebe Ahmed Ismail, Director of the Gedo Peace Consortium, Mandera, May 2011

²⁶Deka Ibrahim "Wajir Community-Based Conflict Management." Paper presented to the USAID Conference on Conflict Resolution in the Greater Horn of Africa, June 1997, Nairobi

conflict has subsided in El Wak, there are still roadblocks and militias hassling traders and demanding unreasonable taxes on the Somalia side - driving business people further away. The current Mogadishu crisis is also affecting trade in Mandera and El Wak. Most of the goods used to come through Mogadishu's main port, but that has ceased of late. Livestock trade in El Wak for example has declined as Mogadishu had been the major market. Trade is also said to have decreased because large numbers of livestock were wiped out as result of the 2005-6 drought. The recent closing of the border is also having a detrimental impact. Kenyans cannot access Somali markets and the number of goods for consumption in Kenya has declined. 'Lack of business leads to idleness which in turn leads to troublemaking', explained an informant.

3.3.3 The business community

Outside elements – political and business leaders in Nairobi, merchants from outside clans, the diaspora, and the *galti* interests noted above – have exploited or fomented inter-clan tensions in the region for a variety of reasons. Though local communities at times exaggerate this factor to absolve themselves of responsibility, there have been several instances in which interests in Nairobi or Mogadishu have accelerated local conflicts with military assistance or political meddling.²⁷

Arms sellers often supply weapons on credit. While this practice may be seen as a form of investment, often weapon traders also have had a role in marketing raided livestock. According to Goldsmith, the political transformation in Somalia after 1991 'generated a change of *shifto* banditry towards financed and well-connected trade barons who recruit

²⁷ P. Little, *Somalia: Economy without State* (Oxford and Bloomington, IN: James Currey and IndianaUniversity Press, 2003)

from retired army personnel and school-leavers - a new class of professional and sophisticated highwaymen.

Local spoilers have exploited local tensions and blocked reconciliation efforts in pursuit of their political and business interests. Warlordism is no longer as acute a problem today as in the early 1990s, but some spoilers remain, particularly those local actors operating businesses which rely on humanitarian aid contracts. The proliferation of small arms in the border area has increased the flammability of local conflicts and increased the carnage of local raids. Customary clan law and blood compensation mechanisms, designed to manage small numbers of casualties, are overwhelmed by raids and attacks in which dozens of people die.²⁸

Business community in the nineteenth century, southern Somalia was drawn into the expanding regional commerce, notably the slave and ivory trade. The growth of trade between southern Ethiopia, northern and northeastern Kenya, southern Somalia and Somali coastal cities is evidence of a strong link between them and of the prominence of these regions in international trade. Despite this history and the continuing strong commercial relations between these regions, Somalia's political relations with its Ethiopian and Politically, cross-border livestock trade is a significant integrating mechanism through which vital connections between communities have been maintained. Economically, the trade provides incomes for livestock and livestock products.²⁹

²⁸ P. Little, 'Conflictive Trade, Contested Identity: *The Effects of Export Markets on Pastoralists of Southern Somalia*', *African Studies Review* 39 (1),

²⁹ H. Mahmoud, 'Innovations in Pastoral Livestock Marketing: *The Emergence and the Role of "Somali Cattle Traders-cum-ranchers" in Kenya*', in J. G. McPeak and P. D. Little

Livestock trade is the main economic activity and a critical source of livelihood for the pastoral Somali populations and an important link between the borderlands in Somalia, Ethiopia and Kenya. Such trade, mainly in cattle has existed across these border areas for centuries, but in the past couple of decades, particularly since the collapse of the Somali state in 1991, it has experienced phenomenal growth, along with changing trading directions and clan relationships. Livestock procurement begins in southern Somalia and southeastern Ethiopia.³⁰

Complex market arrangements and channels involving a wide range of participants have created a web of cross-border relations based on trade and clan affiliations. While livestock are usually trekked from village markets to primary and secondary markets, traders truck their animals to the terminal markets of Nairobi and Mombasa. Politically, cross-border livestock trade is a significant integrating mechanism through which vital connections between communities have been maintained. Economically, the trade provides incomes for stock and livestock product.

3.3.4 Militia groups

Acts of crime – principally stolen vehicles, rape, and murder – are typically the sparks which produce widespread communal violence. Even clans with historically close ties have had difficulty preventing reprisal attacks which then provoke larger cycles of violence. Use of the border by criminals to escape apprehension aggravates the problem.

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³⁰ H. Mahmoud, 'Risky Trade, Resilient Traders: Trust and Livestock Marketing in Northern Kenya', *Africa* 78 (4), 2008: 561–81

³¹ Mandera focus group discussions, May, 2011

Commercial and political raids are increasingly organized around wage-labor. Some hired fighters may be trained people with experience in armed conflict in neighboring countries, but many are youngsters with no military training, not necessarily herders but also urban unemployed, school leavers or occasional wage-laborers. There have been cases of groups of “warriors” hired by different ethnic groups to counter-raid for them.³²

Today, conflict in the cross border areas has changed in nature, scale, and dimension due to a number of factors, including but not limited to the proliferation of automatic weapons (modern weapons such as AK 47, G3 guns, hand grenades and shoulder missiles are now in abundance thanks to the ongoing conflicts in Somalis, Southern Ethiopia, Southern Sudan and North Western Uganda), government policies of neglect and interference for political gain, high youth unemployment, increased demand for and decreased productivity of land, a long term pattern of desiccation, and reduced respect for traditional rules governing cattle raiding and warfare³³

Elders are no longer listened to and more often than not raided livestock find their way to major livestock markets. It’s no longer a traditional practice as the scale of the actors involved, number of lives lost or maimed, weapons used and tactics used (correct military formation) shows. It’s the single biggest obstacle to development in the region. While this conflict is unlikely to directly threaten the stability of the state, it continues to contribute to the country’s overall decline³⁴

³²“Kenya: Conflict over Resources in Border Areas,” *IRIN* (August 1 2005), <http://www.irinnews.org>.

³³Pkalya, Ruto *et al.* (2003). “Conflict in Northern Kenya: A Focus on the Internally Displaced Conflict Victims in Northern Kenya.” Nairobi: ITGD. <http://payson.tulane.edu/conflict/Cs%20St/GOLDSFIN2.html>.

³⁴ Muli, Elizabeth (ed.), 2006 *Conflict Management in Kenya: Towards Policy and Strategy Formulation*, Practical Action, Nairobi.

3.3.5 Politicians (MPs, councillors) and warlords

Politicians may facilitate conflict by not intervening or they may directly promote conflict by propaganda or even as a form of political competition before elections. Sometimes raid have been used to generate funds for an electoral campaign. Cases of administratively appointed chiefs and elected member of local county councils have incited communities to conflict. A politician may sometime enhance his reputation by initiating a raid. The instrumental use of raiding for politics is not a recent phenomenon. In his classic monograph on the northern Somali, Lewis (1961) says that the Administration succeeded in lowering the rate of conflicts by fining local political authorities who in any way incited raiding.³⁵

3.3.6 Regional states

Conflict in pastoral areas is often associated with their marginal location. Pastoralists are seen as not only geographically marginal, but also as politically and culturally marginal. Their presumed distance from modern institutions and from the controlling action of the state is often accepted as a self-evident explanation for widespread violence. However, the equation less state = more violence, which polarizes violent conflict and the state, fails to recognize the latter as a key factor in situations of conflict. On the contrary, evidence from the literature suggests that any analysis of the actors in a situation of conflicts should include the state.

The borderlands have been conflict hotspots since the creation of colonial boundaries. Border conflict and instability can be identified at two levels – state and community – and in the context of two phases – colonial and post-colonial. In addition to the conflict

³⁵ Lewis, I.M. (1955). *Peoples of the Horn of Africa*. London: International African Institute.

between Somalia and Kenya over the administration of the NFD, there were conflicts between border communities in both periods, but their scale and intensity have increased in the post-colonial period, particularly in the past couple of decades³⁶The collapse of the Somali state and its ensuing disintegration

has contributed greatly to instability in the border areas. The mistrust between Somalia and Kenya resulting from the long-standing border conflict has had both positive and negative impacts on cross-border livestock trade. While Somali traders have used existing opportunities and innovations to expand commerce, uncertainty and intense political volatility on the

Somali sides have often prompted the Kenyan authorities to close the border for security reasons³⁷

3.3.7 Religious and traditional institutions:

Religious and traditional leaders have in the past used customary laws to reduce conflict and promote peace. They potentially have a major role to play as mediators, arbitrators and administrators of justice when addressing disputes over water and pasture and can provide important linkages between the community and the political class. But when capacity is weak, the same groups can drive conflict and ‘take sides’, making a situation much worse.

Earlier in Somalia’s current political crisis, elders brokered power and even formed militias to protect their communities – only to find later that they can’t disband them.

³⁶I.M. Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa* (Oxford: James Currey, 2002 [1965]).

³⁷ T. Haggmann and Mohamud H. Khalif, ‘State and Politics in Ethiopia’s Somali Region since 1991 (unpublished) 1992

More often than not, they are powerless to enforce laws in the face of the uncontrolled militias they once formed; deeply compromising their standing and role in the community. Elders therefore may have the legitimacy, but it's the authorities locally who have the final say. They don't usually have the means to solve conflicts when called to do so, as the resources are essentially in the hands of the authorities and the militias. In the present context, unless they have independent resources to intervene, they are effectively tied to the hands of the militias³⁸ There has been growing evidence regarding the widespread and systematic recruitment of children in central and southern Somalia, with child recruitment patterns known to be significantly more aggressive on the anti-government elements' side, especially within Al-Shabaab, including the newly merged Hizbul Islam. Partners on the ground consistently reported on the extensive forced recruitment of children by Al-Shabaab, especially in the schools. According to military sources, an estimated 2,000 children were abducted by Al-Shabaab in 2010 for military training in different camps in southern Somalia. An increasingly large number of these children are reportedly used by the insurgent groups to fight against the Government and troops of the African Union Mission in Somalia (AMISOM) in Mogadishu, and, as a result, many of these children are killed, injured or captured by the armed forces or other armed groups. Further, while the recruitment of girls has been rare and is generally regarded as socially unacceptable, there are documented accounts of girls working for armed groups, particularly for cooking and cleaning. Girls are also brought in to transport detonators, provide logistics support and collect intelligence. Girls are also reported to be increasingly recruited for marriage to fighters. In October, Al-Shabaab summarily

³⁸Mandera focus group discussions, May, 2011

executed two teenage girls in Beled Weyne whom they accused of spying for the Transitional Federal Government.

Nevertheless, representatives from Dollow and Belled Hawa during the focus group believed traditional leaders on the Somali side could, with support, play a greater role than traditional leaders on the Kenya side, as the latter appear to have little influence over their government (the chiefs, for example, have to answer to the District Commissioners). A key starting point will be to revive customary practices in the light of more contemporary systems of governance and to clarify their role in relation to local administrative institutions. This will require a series of well prepared and coordinated meetings between traditional and religious elders and local administrators - deliberating for the present within the restricted space available³⁹

³⁹Mandera focus group discussions, May, 2011

CHAPTER FOUR

4.0 The Garre, Murule and Marehan conflicts: Case studies.

4.1 Introduction

The preceding chapter gave a demographic overview of clan dynamics in the cross borders of Kenya, Ethiopia and Somalia. The chapter also analyzed the key conflict actors and the manifestations of these conflicts in detail at the levels of regions and localities. This chapter will select three case studies in the cross borders of Kenya, Ethiopia and Somalia. Two major focus groups and a number of interviews have largely informed this chapter. Focus groups were conducted in Mandera and Elwak District with representatives from ManderaTown; representatives from Belled Hawa Somalia and representatives from both the Kenyan and the Somali border towns of El Wak (also known as Boru Hache). The informant's present at the two focus group discussions had put emphasis on the immediate issues dominating their lives at the time of the discussions and factors precipitating tensions and conflict¹ this chapter will also look at the centrality of Mandera district in relation to the three case studies.

4.4.1Marehan- Garre conflict.

Violence flared up between the Garre and the Marehan community in 2005. This conflict has left carnage in its wake, drawing fighting forces from Somalia, Kenya, Eritrea and Ethiopia either in the form of organized militia or community volunteers. The conflict ostensibly started with a single killing of a Garre man which led to a spiral of revenge,

¹ Mandera focus groups discussions, May,2011

but the underlying issue was land and the ownership and control of the strategic border crossing of Elwak Kenya and Elwak Somalia² The major cause of this conflict is the twin problems of disagreements over the status of former colonial boundaries and the general scarcity of water and pasture for livestock. In recent years, the conflict has become more violent and international with militias from other countries becoming involved. Because the leadership and administration of El Wak town is contested, the issue is affecting business interests and has become deeply politicized. The cross border issues between these two communities dominated the discussions in Mandera even though a number of other sources of instability were identified within Elwak District and along its boundary with Wajir to the south and Region 5 in Ethiopia to the north. The lack of a government and therefore stability in Somalia, and the poor regulation of trade and administration at the border, was the two top issues for those consulted in Mandera. The focus groups and interviews also highlighted a number of other issues they believed were having a negative impact on stability in their districts³ The former colonial demarcations are creating persistent conflict over access and control of grazing land and water for this communities. Increase in the population of both livestock and humans have increased competition over scarce water and pasture resources. Forced withdrawals from the pastoral way of life, is also putting pressure on these communities therefore constantly putting them in conflict. The District Commissioner in Mandera reported that the northern regions currently have the highest rates of ‘urbanization’ in Kenya. The traditional way of life is under immense pressure⁴

² Interview with Abdille Sheikh Billow, Chairman of Mandera East Peace Committee, Mandera, May, 2011

³ Mandera Focus group discussion, May, 2011

⁴ Mandera focus group discussions, May, 2011

Abdiwahab Mohammed, also a representative of the Gedo Peace Consortium argues that the role some politicians adopt – effectively sow the seeds of conflict. In seeking votes, they ‘want to look like a hero of sorts to the community’, and often divide the communities on a clan basis⁵ A representative from Takaba Division spoke of the price women and children pay during conflict – the victims of violence and rape: ‘In Elwak Somalia, twenty three women from the Garre community had been burnt in their homes following the Garre- Murrule conflicts. Four of these women were pregnant and this further fuelled the conflict⁶

Poverty has played a key role in driving this conflict; ‘the militias from both tribes have no employment and have resorted to use the gun as a means for survival.’ Before the conflict, traders from both tribes used to transfer money and goods for each other. This does not happen in the same way and the wealth of the Garre and Marehan traders has been greatly reduced because of the conflict⁷ The Ethiopian border appears relatively calm, but not so with Somalia. Trade usually unites the people and brings the communities together but in El Wak, they reported trade volumes decreased since 2006 (after the Garre-Marehan conflict), exacerbated by the recent closure of the border by the Kenyan authorities. Though the conflict has subsided in El Wak, there are still roadblocks and militias hassling traders and demanding unreasonable taxes on the Somalia side - driving business people further away and increasing mistrust between the communities⁸

⁵ Interview with Abdiwahab Mohamed, Director of the Advancement of Small Enterprise Program for Somalia, Nairobi, April, 2011

⁶ Interview with Hussein Ali, Chairman, Takaba Peace Committee

⁷ Interview with Rahma Ibrahim, Elwak Cross Border Peace Committee

⁸ Focus group discussions, Mandera, May, 2011

The current Mogadishu crisis is also affecting this conflict. Most of the goods that used to come through Mogadishu's main port has ceased of late. Livestock trade in El Wak for example has declined as Mogadishu had been the major market. Trade is also said to have decreased because large numbers of livestock were wiped out as result of the 2005-6 drought. The recent closing of the border is also having a detrimental impact. Kenyans cannot access Somali markets and the number of goods for consumption in Kenya has declined. 'Lack of business leads to idleness which in turn leads to troublemaking', explained an informant further fuelling this conflict. In terms of open violent conflict, the situation had relatively improved (though at least one participant said it was getting worse). However, all informants agreed the situation was extremely fragile and warrants intensive and coordinated attention, starting with efforts to 'change people's attitudes' away from prejudice and typecasting in favor of cooperation and peaceful coexistence. Key to this transformation was thought to be reform and investment in how the border areas are managed, and the urgent establishment of legitimate administration on the Somalia side if the border areas are to achieve stability and peace⁹

Following the Marehan-Garre conflict, a contingent of community elders and religious leaders negotiated a cease fire which culminated to the signing of a peace agreement between the two communities. While the agreement had the full backing of the entire clans, in fact it evaded the central issue that was causing the conflict and therefore understood as an elaborate cease-fire rather than a resolution of the issues – delicately balanced by the strategic interests of both parties. The ownership issue was entrusted to a small group of parliamentarians and elders who were tasked to pass it on to the

⁹ Mandera focus group discussion, May, 2011

Transitional Federal Government in Somalia.). Although conflict has subsided, and there are grounds for believing the agreement will hold, it is still precariously in the balance therefore the respective communities continue to remain on a high state of vigilance¹⁰

The Marehaan are keen strategists - they know the Garre are not satisfied with ceasefire and community agreements reached. The Garre believe that if they wait long enough for a government to be in place, they will eventually win their claim over the town. The Marehaan have the bigger fire power, yet they also have an incentive for keeping this 'imperfect' status quo. Through coercion over the years, the Marehan have come to dominate the other districts in southern Somalia and don't want others to see that a 'smaller' group can take control of a town by force - lest a precedent is set. A peaceful El Wak therefore is presently good for them while they position themselves politically in anticipation of a possible federal government. The Marehaan militia has since refused to disarm. Seeing this, the Garre re-instituted their own militia to balance the forces further escalating the levels of tension between the two communities¹¹

Lots of Marehan property was looted by the armed Garre militia, and this has made the peace process a little tense. However, positively, there have been no tribal killings since the resolutions were agreed. People share relief foods peacefully; have compensated each other on both sides; and can now move freely without hostilities or in danger of being killed. Communities appear to be getting on better and drinking from the same well and grazing in the same pastures. Some stolen property has been returned. Informants reported that the agreement was mostly successful, but remain worried that the

¹⁰ Management Systems International; Systematic and Pragmatic recommendations addressing Pastoralists conflicts in Somali cluster of Kenya. (unpublished) 2002

¹¹ Interview with Zebe Ahmed Ismail, Director of the Gedo Peace Consortium; Nairobi, April, 2011

institutions to oversee and implement the agreement might fail them. A big issue was the recommendation to have 16 representatives each on the joint administration committee. This was contentious for the Garre who wanted a majority. They did agree on a joint police force, equally shared with the expectation that their militias would either withdraw or disarm. Elders formed committees on both sides and a joint committee was supposed to oversee security and disarmament - but have no resources to do so. Overall, the communities believe they have implemented their side of the bargain, but not the respective authorities. Both sides appear to have been badly hurt by the conflict, and have little interest in resuming for now¹²

4.4.2 Degodia- Garre conflict

There are a number of background issues to the Degodia- Garre conflict over the formers sense of political marginalization and the need for political representation. Back in the 1990s, the Degodia agitated to have a political constituency in Mandera district which was vehemently objected to by the Garre – fearing they might lose more traditional grazing land because of the new political boundaries but also out of fear of creating a political imbalance with their neighbors. The Garre argued that since the Degodia were the Majority in Wajir district and had two parliamentary constituencies, they should contest for a third political constituency in the district where the Garre are the Majority (and ostensibly had only two political constituencies). The matter was shelved for the sake of peaceful relations, but revisited in 2006 when the government revised and increased political boundaries throughout the country. Both clans were not disputing the benefits of

¹² Mandera focus group discussion, May, 2011

additional constituencies, but did not agree on the boundaries¹³ . This conflict led to a bloody confrontation between the two clans following the 2007 general election that saw the election of a Degodia candidate after the Garre votes were divided amongst three Garre contestants¹⁴

Another underlying issue in this conflict revolves around the Malkamari National Park which was created in the 1980s after several Garre communities were removed and relocated elsewhere without being compensated for the land they lost. Shortly after, the Degodia moved in and resettled in what was supposed to be the national park and it is claimed a senior Degodia government official influenced the de-gazetting of the national park. The park was then said to have been 'disbanded'. The Garre claim the land was theirs and that the Degodia have displaced them from their home areas. The Garre believe they (the Degodia) should be resettled in their original homes on the Ethiopian side of the border. While these matters were still unresolved, the Kenyan government again offered more districts to be carved from Mandera, putting the location of the district headquarters and its boundaries back in contention¹⁵

Degodia stress that they need a fixed constituency in order to have political voice and influence; given how marginalized and underrepresented they feel generally. Both sides are in agreement that a new district be formed, but clash over the critical details. The Degodia want to be fully represented in the Mandera North parliamentary seat while the Garre say Mandera District is essentially Garre land and as such, the Degodia shouldn't

¹³Oxfam-GB; Pastoralists under Pressure: The Politics of Sedentarization and Marginalization in Wajir District, Northeast Kenya, (published) 2010).

¹⁴ Peace II Baseline Mandera Conflict analysis report, USAID (unpublished) 2008

¹⁵Paul Murphy, Regional Enhanced Livelihoods for Pastoral Areas report,(unpublished) 2008

be making such claims. The Garre claim that the Degodia have not been marginalized in any way whatsoever, and have allowed them to have six elected councilors in Mandera District and over 10 chiefs in the administration¹⁶ This state of affairs continues to raise tensions between these two communities. Slight triggers over access to pasture and water is likely to renew the conflict.¹⁷ There are also allegations in the midst of this that NGO resources are not being equally shared between the two communities, which some claim is a failure of the local authorities to coordinate agencies sensitively.

4.4.3 The Garre-Murule conflict.

The conflict between the Garre and Murule is still considered among the urgent priorities facing the district, though presently, both communities appear reluctant to discuss this issue publicly in any depth. Relationships appeared to have broken down, and while the conflict has subsided, there is a real threat that it could easily be sparked off again¹⁸ Some of the underlying issues go back to when the Mandera Central constituency was formed out of the larger Mandera East (1988), following violent clashes between the Murule and Garre clans in the 1980s. The intention was to calm the tensions between the clans over political representation. The Mandera Central constituency did address the issue of political representation, but a growing hatred emerged between the clans. A killing of a Garre aid worker by suspected Murule gunmen in 2004 (Fino-El Wak road junction) triggered the clashes and eventually led to a full-scale confrontation in 2005 claiming 63 lives. Women and children were targeted in particular¹⁹

¹⁶ Paul Murphy, Regional Enhanced Livelihoods for Pastoral Areas report, (unpublished) 2008

¹⁷ Paul Murphy, Regional Enhanced Livelihoods for Pastoral Areas report, (unpublished) 2008

¹⁸ Mandera focus group discussions, May, 2011

¹⁹ Elwak focus group discussions, June, 2011

Presently, the Murule have been confined to a specific area of land next to the border with Somalia which, while based on the demarcations made during the colonial period, the Murule find insufficient for their livestock. The Garre on the other hand have insisted that the Murule stay confined to these lands, and not move out without notice; and register any guns they may be carrying; and in the event of drought, move their livestock only after they acquire prior permission from the Garre community. A number of factors appear to have aggravated this standoff. Informants spoke of the agitating role a number of politicians and Diaspora members (whether in Nairobi, the UK or the US) are adopting. Clansmen are sending funding for weapons. There seems little trust among communities; addressing past grievances is often problematic between the two groups. The Garre perceptions of the Murule have become increasingly negative and hardened. Garre give the impression that the Murule barely exist; possibly a part response to negative cultural practices associated with the Murule which need to be better interpreted and understood (through anthropological research)²⁰

The consultations identified specific sources of instability along the eastern border with Somalia, which experiences banditry, rape, killings, livestock raids and aggressive movements for pasture and water, on the Ethiopian border along the river Dawa between Malkamari and Border Point 1, and on the western boundaries with Wajir District. While the direct conflict is between the Garre and the Murrule community, these groups have also allied themselves with other clans such as Degodia, Ajuran and corner tribes who

²⁰Elwak focus group discussions, May, 2011

provide volunteer militias and arms during conflict. While the conflict has subsided due to a military intervention in 2009, tensions remain high between the two clans²¹

4.2 Mandera District- a central flash point in the three conflicts.

Mandera administrative district stretches over 25,000 sq.kms, and borders Region 5 (Somalia) of Ethiopia in the north and north east, the Gedo Region of Somalia in the north east and east, Moyale and Marsabit districts to the west, and Wajir District to the south. The Garre are the majority in Mandera and in neighboring Region 5 of Ethiopia while the Marehan are the majority in the Gedo Region of Somalia. The Garre, Murrule and Degodia are on the Kenyan side while the Marehan and the Garre are in Somalia. Both Garre and Degodia are also found in Region 5 of Ethiopia²² The proximity of Mandera to both Somalia and Ethiopia makes the town a strategic location for inter-clan militias. The impact created by illegal trading in particular including the use of donkey carts to ferry undeclared or illicit goods and firearms continue to make the town a front line for cross border conflicts. Acts of crime – principally stolen vehicles, rape, and murder – are typically the sparks which produce widespread communal violence in Mandera. Even clans with historically close ties have had difficulty preventing reprisal attacks which then provoke larger cycles of violence. Use of the border by criminals to escape apprehension and come to Mandera further aggravating the conflict situation²³

Any attempt to broadly capture the current status of the tri-border area, and its layered complexities, is an unavoidably nuanced task. Based on the May consultations, the overall situation for those living in the Mandera and neighboring border towns such as

²¹ Elwak focus group discussions, May, 2011

²² Regional Enhanced Livelihoods for Pastoralists Areas Report (unpublished) 2008

²³ Kenya- Somalia border conflict analysis, (unpublished), 2009

Bulla Hawa Somalia and Suftu in Ethiopia are found to be tense, with people for the most part weary from the widespread hostilities of the past few years, and, despite relatively low but persistent levels of violence, somewhat relieved by the albeit uncertain decline (subsidence) in open conflict.²⁴

Renewed cross-border clashes between Al-Shabaab and pro-TFG forces in neighboring Somalia's Bulla Hawo town, have led to heightened tensions and insecurity in Kenya's Mandera town. More than 5,500 people (Kenyans) have recently been displaced due to insecurities in the town, and another estimated 6000 Somalis registered as asylum seekers after fleeing the fighting in Bulla Hawa. Large numbers of IDP's are being hosted at Moi Stadium, Kamor (near Shafshafe), and Handathu (near Neboi) and spending nights in the open. More Somalis refugees are stranded at Border Point 1 (no man's land) and have difficulties accessing Kenya²⁵ Presently, this lack of attention is contributing to a general air of complacency, particularly by those in authority from non-pastoralist parts of the countries – that somehow, violence and manipulative conduct is what is expected from 'regions such as these.' participants pointed out that the manner in which people's dignity and rights are not being respected and protected will have considerable impact on the status of peace and security in the district²⁶

Broad range of issues was raised during the discussions especially the challenges associated with movement of people to and from Somalia. The impact created by illegal trading in particular (including the use of donkey carts to ferry undeclared or illicit goods and firearms) was highlighted: 'They come for business and get into business conflicts -

²⁴ Mandera focus group discussions, Mandera, May, 2011

²⁵ Kenya Cross-Border Conflict Situation Report No. 3, United Nations Office for the Coordination of Humanitarian Affairs, 2nd March 2011, (Published)

²⁶ Mandera focus group discussions, May, 2011

drugs, tax evasion and clan disputes. Some of the community members in Mandera are in league and harbor these people: At night we don't move after 6pm' said one informant who went on to stress that even praying at the mosques in the evening was restricted. The situation is aggravated further by the easy availability of firearms and the general porous nature of the borders. The lack of an official administration on Somalia side was particularly harmful. However, the frequent closure of the border was repeatedly cited as counterproductive to stability and peace in Mandera further fuelling cross border conflicts²⁷ The spillovers from the fighting in Somalia have also increased tensions in Mandera, such as the infighting between two Marehan sub-clans (over e.g., food aid distributions) and those fleeing the fighting in Mogadishu. In particular, the influx of Al-shabaab members entering Bulla Hawa and Mandera was raised: The contention that extremists are penetrating Mandera as a result was of deep concern (specific clerics were named), but this claim was hotly contested by some of the stakeholders interviewed. The fear was over the danger of impressionable youth from Mandera being put under such influences and giving credibility to some individuals who have deep sympathies with movements such as Al-shabaab in Somalia²⁸

Clashes over the hiring and controlling transportation along clan interests, is also common. Some public officials were said to be complicit with unlawful behavior at the border, such as customs and revenue officers, the police and politicians. The lack of coordination between the Kenya security organs was given as an instance of what happens. The Administration Police may seize an illegal alien only to have him released by the regular Police because of a prior financial arrangement to smuggle him into

²⁷ Interview with Zebe Ahmed Ismail, Director of the Gedo Peace Consortium, Mandera, April, 2011

²⁸ Mandera focus group discussions, May, 2011

Kenya. The issuance of Kenyan ID cards and the registration of aliens operating businesses in Kenya is another contentious issue between the authorities and communities. The demographic pattern above indicates that the international boundary is imaginary to most people. The communities' nomadic life demands that they follow water points and pasture wherever they are. This trend also forces elderly men to have more than one homestead where they can relocate their herds during the drought season. This kind of lifestyle makes conflicts transcend boundaries further fuelling the conflict.

Currently relations between communities within the Mandera area remain tense. Intermittent skirmishes in Somalia between Transitional Federal Government of Somalia and members of Al-shabaab forces have contributed to the tensions and have created an environment of mistrust and insecurity. Internally Displaced Peoples (IDPs) and refugees from Somalia and parts of Ethiopia flock to the districts. This state of affairs has caused a major strain on the environment and the limited resources in this area further aggravating the situation.²⁹

Mandera is effectively a common market for livestock in the neighboring parts of Somalia and Ethiopia which also attracts its share of thievery. Mandera also hosts the cross border joint livestock market that serves all the other neighbouring districts including districts in Ethiopia and Somalia where about 1500 animals are traded daily. Any harassment of those who bring their animals is a sure cause of cross border conflicts³⁰ Significant trade in consumer and other goods has developed between the Somali ports of Kisimayu, Merka and Mogadishu and the interior of Kenya mainly

²⁹ Interview with Abdiwahab Mohamed, Director of Advancement of Small Enterprise Programs for Somalia (ASEP) Nairobi, April, 2011

³⁰ Mandera focus group discussions, May, 2011

through Mandera much of it in the form of unregulated contraband. This has led to growth of significant settlements in the border region on the Somalia side with warehouses and other facilities for moving merchandise onward into Kenya. Competition for control of these commercial circuits is a source of tension and rivalry among social groups in the area. An isolated attack on a merchant truck by a rival clan over a disputed transaction often escalates quickly into a large scale inter-community conflict with substantial humanitarian consequences³¹The administration in Mandera is overstretched and operating in an extremely harsh and complex environment, but is widely perceived as aggravating rather than reducing conflict whether through unbalanced service delivery or bias towards a particular tribe or clan. Police services are accused of dishonesty among border officials and a lack of responsiveness to crisis situations³²

Participants emphasized that police personnel are mostly not from the area, and at times understandably feel intimidated or threatened when operating in this environment. While there is a sense that you are not being protected by the state, people tend to focus on their own security and resist initiatives such as disarmament and take up arms to protect themselves³³ Underlying perceptions against Somali Kenyans - aggravated by the Shifta wars in the 1960s - are still current today according to the informants interviewed. Many residents feel that they have been punished by successive Kenyan governments for their involvement in the insurgency to secede to Somalia. They believe they are treated with suspicion and have suffered systematic underdevelopment, and therefore poverty, as a result. Any attempt by the people to speak out in the past has been met by repressive

³¹ Paul Murphy, Regional Enhanced Livelihoods for Pastoral Areas report, (unpublished, 2008)

³² Mandera focus group discussions, May, 2011

³³ Mandera focus group discussions, May, 2011

actions and there are several cases where it led to massacres. One participant stressed how the marginalized communities in Mandera feel ‘we are like Somalia; we don’t have an effective government. Consequently, the people do not trust their government also. The Constituency Development Fund presented one intentional effort to treat the region on a par with the rest of Kenya. This he says is welcome, but the region needs vastly larger interventions to compensate for the years it has been neglected and marginalized due to official government policy³⁴ The spillovers from the fighting in Somalia have also increased tensions in Mandera, such as the infighting between two Marehan sub-clans (over e.g., food aid distributions) and those fleeing the fighting in Mogadishu. The aforementioned dynamics continue to make Mandera a volatile border town and the subject of regional discussions.

Competition over commercial routes and border crossings in the district is also another contentious issue mainly between the authorities and cross border communities. Underlying perceptions against Somali Kenyans - aggravated by the Shifta wars in the 1960s - are still current today according to the informants interviewed. The Somalis on the Somali side of the border believe that they are treated with suspicion and have suffered systematic arrest from the Kenyan authorities.. Any attempt by the people to speak out in the past has been met by repressive actions and there are several cases where it led to massacres. ³⁵ The location of the unofficial Somali “Consulate” in Mandera makes the district very attractive for the different clans. The population of Gedo relies heavily on Mandera for livestock trading and other commercial activity as well as for access to basic services such as education and health care, which are not available on the

³⁴Mandera focus group discussions, May, 2011

³⁵ Mandera focus group discussions, May, 2011

other side of the border. Unofficial Somali Consulate in the form of the “Gedo NGO Consortium (GNGOC) office in Mandera has been established within the Mandera District Peace Committee premises. The resulting cooperation between GNGOC and the MDPC and local district authorities, has reduced tension in the area by creating a forum for discussion of cross-border problems. GNGOC has strong ties to both authorities and clan leadership on the Somali side and has come to serve as an unofficial “consulate” very well however, the district faces a lot of security challenges based on its strategic location further sharpening clan divisions and conflict³⁶

4.3 Comparative analysis of the three conflicts

A common factor fuelling these conflicts are mainly related to environmental degradation of rangelands which has contributes to increased communal conflicts. Competition over water and rangeland are endemic. A long and on-going western expansionism by Somali pastoralists at the expense of other groups contributes to periodic clashes over land. Competition over new and growing urban settlements is a more immediate driver of conflict in these three conflicts. Towns and villages are important sites of trade and aid. On the Kenyan side of the border “locations” serve as seats of local government, conferring upon those who control them paid positions as chiefs and assistant chiefs and control over local patronage. Dramatic expansion of cross-border commerce from Somalia into Kenya has also had a variable effect on conflict, at times creating conflict over control of key trade routes. Competing clans mainly the Marehan Garre and Murule increasingly view control over locations not merely in administrative terms but as a means for establishing exclusionary zones within which they can evict or block other

³⁶Mandera focus group discussions, May, 2011

clans from access to pasture and business activities. The result is misuse of locations to engage in localized ethnic cleansing, which in turn greatly increases the political stakes for control over locations.

Recent attempts to revive the state-building exercises inside Somalia have contributed to armed violence on the Somali side of the border, especially in El Wak, where the Marehan and Garre clans are jostling fiercely to expand or maintain their control over land in order to maximize the number of parliamentary and cabinet seats they hope to claim. The trend toward clan or tribally-based locations in Kenya, ethno-states in Ethiopia, and proportional clan-based representation in Somalia's nascent federal government has led to a "hardening" of ethnic identities in northern Kenya (where identity was previously more flexible and nuanced) and some ethnic groups now face an increasingly exclusionist political environment. On both sides of the border, the arrival of newcomers, or *galti*, clansmen has been a major source of destabilization. The outsiders are members of local clans but hail from other regions, are typically much better armed, and are not stakeholders in local peace processes. Much of the internal conflicts plaguing the Marehan clan in Gedo region are animated by tensions between indigenous (*guri*) and *galti* Marehan. The current conflict in El Wak has drawn heavily on outside Marehan from Kismayo and Garre militia from Ethiopia.

4.4 Conclusion

The broader objective of the study was to examine the implications of cross border conflicts in north eastern Kenya as well as analyze the causes and actors of cross border conflicts. The study also sought to propose viable policy options towards preventing and managing cross border conflicts. These objectives have largely been achieved.

The findings of this study shows that each cross border violence since 2005 has plunged the region into more intractable and dangerous levels of crisis and conflict, adding new layers of grievances, hardening divisions of the communities and fostering radicalization. As a result, the challenges of promoting reconciliation and strengthening cross border peace committees are considerably greater than was the case in the 90's. The fact that most of the setbacks since 2005 have been the product of miscalculations, misreading or malfeasance on the part of the principal internal and external actors on the scene only adds to the frustration of cross border communities trapped in the regions spiraling violence.

The situation in many parts of the cross border districts continues to be tense and extremely volatile. While open violent conflict has in many cases subsided over the last year though in some areas (such as Mandera), low level killings continue, the latent nature and structural potential for conflict to re-emerge and rise is unchanged. Without addressing the major underlying causes of instability in the tri-border area, any progress in terms of improved livelihoods or social services will be tenuous and susceptible to decline, even failure. Markedly, although the many and complex factors generating conflict and deepening poverty appeared overwhelming, participants inferred that with the right type of support, significant progress could be made on mitigating and reducing conflict over time.

Observations on the civil institutions encountered through the study presents further considerations to this challenge. Informants both formally and informally through the discussions and interviews characterized local actors and their institutions in two ways; firstly they are extremely weak in their capacity to undertake development activities let

alone specifically address them within the context of the conflict environment; secondly the majority of the actors, be they Community Based Organizations or other institutions, are compromised as they are ethnically locked into the conflict dynamics themselves and therefore not objective when considering the conflict environment. The need to track new developments is particularly crucial for the tri-border areas where the shifting politics of the Horn of Africa frequently alter local dynamics. The implication here is that basic mechanisms - preferably locally based ones - to monitor trends, highlight threats, and issue warnings of any rising conflict situations are critical. The discussions revealed either, weak, non-existent or ignorance about formal conflict early warning systems, but pointed to two institutions with potential to improve the service greatly. Firstly, to build upon IGAD's Conflict Early and Response Network (CEWARN) capacity on the ground and secondly, build upon Arid lands Resource Management Projects (ALRMP) drought monitoring system as ready and effective information sharing mechanism.

The Transitional Federal Government of Somalia (TFG), though it appears committed to an elusive victor's peace in Mogadishu, more thoughtful members of the government understand that the administration can function in Mogadishu only if the TFG is made more inclusive and wins the acceptance of most of the population in Somalia. Continued TFG intransigence runs the very strong risk of the loss of donor support and diplomatic isolation. In sum, most parties to the conflict in Somalia are facing both real costs and growing risks if fighting continues.

CHAPTER FIVE

5.0 CONCLUSION

Despite the considerable critical feedback heard from Mandera and Elwak on how the institutional context is functioning in the district - and perhaps failing in the struggle to reduce conflict and promote a more conducive environment for stability and peace - significant opportunities and capacities for peace remain. These foundations, such as the District Peace Committee (DPC), The District Steering Group (DSG), the monthly 'drought monitoring' reporting mechanisms should be built upon under an agreed district-wide strategy for peace.

Initiation of further dialogue between the parties – uniting them by jointly engaging representatives in consultations over the administration of the cross border porous borders is needed. The raising of public awareness on peaceful coexistence and the promotion of trust building initiatives is critical; in particular, the need to facilitate the establishment of local laws to govern the communities and the towns. Traditional and religious institutions have the potential to positively improve the situation. The opposing sides need more face to- face meetings to jointly solve common problems and set agreed by-laws to facilitate joint administration.

The need for training to interact with contemporary administrative systems is necessary. However, government and community elders must respect and back up these laws. Support is required to document known customary systems and law, as it is still an oral tradition.

The strengthening of local conflict early warning and early response mechanisms. Early warning of incidents can create heightened vigilance amongst the public to observe, for example, unusual movement of warriors, suspicious persons or behaviors, unexplained migration of herders and so on. At practical level, the community can relay warnings to the security agencies to emerging conflict situations to allow for timely interventions to avert wide scale conflict. Building these conflict early warning structures will in the future help facilitate timely response.

While there are many challenges facing Mandera Town, there is need to facilitate consensus among the prime stakeholders on how the trading environment can be regularized and improved in a way that promotes and not undermine stability, security and peace. As a starting point, this can only be effectively achieved once more robust cross border institutions are functioning – a prospect that may be interesting to explore is the establishment of common cross border livestock market that will enhance cross border interactions and relations.

Despite the difficulties Kenya faces with Somalia's lack of central government, there is an urgent need to improve conditions that will favor legitimate cross border trade. Overall, cross border trade is going on a downward spin though it always goes up during the rainy season. It will be imperative for leaders of institutions to set the tone for others (whether government or non-governmental institutions), and make the environment more enabling. Regulating the tax regime sensibly and encouraging greater flexibility in general, including the movement of livestock will be critical to improve cross border relations.

There is also the need to enhance coordination between the Kenyan security organs and the local Somali and Ethiopian cross border officials to properly Mann the borders and deploy Kenya Police Reserve (KPR) at the village level. This will effectively enhance legitimate cross border trade and relations.

Discouraging any tendency towards extremism among religious leaders that has potential to promote violence is necessary. Both short term and long-term policies for countering terrorism in Somalia needs to be explored. It should not however be misconstrued to disallow use of military means under certain circumstances. This calls for sensitively designing a strategy with clear targets and greater focus on potential recruits.

The terror list in Somalia should be amended or shelved all together since it is perceived to only target Islamic leaders and is the single major impediment to all possible engagement with Islamic groups in Somalia. The real “terrorists” in the eyes of the ordinary Somalis are missing from the list. The most important list in Somalia should be the list of “spoilers of peace in Somalia” that includes warlords, militia leaders, Islamists, businessmen, external spoilers, amongst others.

However, it must also be acknowledged that for the communities living in this part of Kenya, there has been a long struggle with their collective ethno-political identity in what is the periphery of the state. Repeated cycles of hardships, and a breakdown in confidence in the very state structures that are supposed to protect its citizens, has left people despondent. Underlying any attempt to tackle the causes of conflict and instability therefore, must address over time the core attitudes that are harbored in leaders, officials and the general public - attitudes about ethnicity, justice and rights. Along with civil

society groups, the state will eventually have to transform itself if its institutions are to prevail over the deep causes of conflict and return the area to acceptable and levels of stability peace.

The most promising platform to advance reconciliation and attract wider Somali support for the TFG may be to de-emphasize the TFG's role as a government and focus instead on its task as the vessel within which key transitional tasks are executed. A focus on political transition— drafting of a permanent constitution, training and development of an effective and respected National Electoral Commission, and other essential tasks leading up to elections would possibly engage Somali political energies in constructive rather than destructive directions, requiring sustained dialogue and support.

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