University of Nairobi
Institute of Diplomacy and International Studies (IDIS)

Management of Internationalised Conflicts in Kenya: A Case Study of Marsabit District

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Project Paper submitted in partial fulfillment of the requirements for the award of the Master of Arts in International Studies, at the Institute of Diplomacy and International Studies (IDIS), University of Nairobi

September 2008

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DECLARATION

I declare that this research report is my original work and that it has not been presented to any other Institution of higher learning for the award of an academic certificate.

Signature

24TH NOV 2008

Date

This research project has been submitted with my approval as University supervisor

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ABSTRACT

Conflicts continues to pose major challenges to governments and all concerned, however of great concern is how internal conflicts are internationalised and how best to manage them.

The recurrence of ethnic conflicts and their impact on human development has led to the realization that this phenomena continue to grip society threatening the very fabric on which its stability and development is grounded. A number of interventions have been implemented to address these conflicts at community and national level with a range of management strategies. This study examines the institutions and strategies used in the management of internationalized conflicts in Marsabit district and appraises their effectiveness. The study also identifies the role played by key stakeholders in the management of internationalized conflicts and assess their capacity to deal with conflict management challenges. It makes recommendations on best conflict management practices, policy and administrative reforms needed to improve the management of internationalised conflicts in Marsabit district, in particular and Kenya in general.

DEDICATION

I dedicate this project to my loving family, wife and children and to all victims of conflicts.

ACKNOWLEDGEMENT

First and foremost I thank the Almighty God for giving me the strength and good health that made it possible for me to pursue this programme. I am equally indebted to the Government of Kenya through the Permanent Secretary Provincial Administration and Internal Security for the nomination to NDC and the scholarship that has seen me through the course. The successful completion of this project would not have been possible without the invaluable guidance and encouragement from my supervisor professor Makumi Mwagiru. His authoritative guiding comments on critical issues of conflict management was a big inspiration to me. I will always remember his positive criticism punctuated with humor which kept me on track as I worked on this project. My sincere gratitude to all members of my family particularly my wife and children for their love and patience while I was committed to this project. Finally, special thanks to all those I have not mentioned but who contributed in one way or another towards the successful completion of this project.

LIST OF ABBREVIATIONS

NGOs	-	Non-Governmental Organisations
IGAD	-	Intergovernmental Authority Development
USA	-	United States of America
UN	-	United Nations
ICTR	-	International Criminal Tribunal for Rwanda
NUR	-	National Unity and Reconciliation Commission
SSDF	-	Somali Salvation Democratic Front
SNM	-	Somali National Movement
USC	-	United Somali Congress
SDM	-	Somali Democratic Movement
UNITAF	-	United Nation Task Force
NEC	-	National Executive Committee
TNC	-	Transitional National Charter
PCG	-	Provisional Central Government
CPMR	-	Conflict Prevention Mitigation and Response
KOPEIN	-	Kotido Peace Initiative
DDC	-	District Development Committee
KANU	-	Kenya African National Union
NARC	-	National Rainbow Coalition
MP	-	Member of Parliament

Chapter One

Introduction to the Study

Intermittent conflicts and their disruptive manifestations have continued to be a common phenomenon in many parts of the world. Hardly a week elapses before the media splashes reports of inter-ethnic skirmishes resulting in enormous loss of lives, property and massive displacements of people. The famous Rwanda genocide in the Great Lakes region in which over a million people perished in ethnic driven clashes and the devastating ethnic skirmishes in the horn of Africa, West and Central Africa in which many people lost lives, property besides massive displacement of people, make an important statement about the impact of ethnic conflicts and the need to invest in the development of skills and policies to mitigate its disruptive consequences. As Mwagiru correctly puts it, conflict is part and parcel of our every day life. It is part of human society[1]. This observation makes conflicts one of the most pervasive and inevitable features in society.

In an attempt to mitigate the dysfunctional manifestations of conflicts several scholars have written extensively on theories and strategies of conflict management. The development of knowledge about conflict and the proper methodologies of its management have essentially underlined the fact that conflicts are extremely complex. Not only are there linkages between different types of conflicts but close analysis reveals that conflicts develops different persona as they evolve, develop and become mature.[2]

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[1] Mwagiru,M,et al: Understanding Conflicts and its Management: Some Kenyan Perspectives, Nairobi CCR_WLEA Publications, 1998. p 4.

[2]. Mwagiru, M. Conflict in Africa. Theory Processes and Institutions of Management, Nairobi Watermark Publications, 2000.

According to Bercovitch conflict among individuals, groups and states are pervasive and are part of every process of interdependence that brings various actors together. As a result, conflict relationships are part and parcel of human existence[3]

The question that continues to pose major challenges to governments and conflict analysts is how internal conflicts are internationalized and how best to manage them when they get internationalized. Mwagiru argues that the classical view was that conflicts were perceived as either internal or international. This dichotomous approach was a creature of realistic international relations doctrine, which maintained a dichotomy between domestic and international politics.[4] He however argues that many developments in the modern world such as transport Communications information technology, human rights and the general interdependence of the world have all demonstrated the faulty of this dichotomy. These developments have made the international society interdependent. Therefore the internationalization of conflict means that those internal issues spill over into the international sphere and are no longer purely internal.

The concept of internationalization of internal conflicts can not be discussed exhaustively without reference to concept of conflict system, the extent to which a conflict spills over and the number of actors it impacts on is determined by the conflict system. According to Mwagiru, a conflict system consists of a complex tessellation of relationships and interactions between actors and issues within the system[5].

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3. J. Bercovitch, Social Conflict and Third Parties Strategies Of Conflict Resolution (Boulder: Westview Press Boulder CO. 1984) p.142.
4. Mwagiru M: 'Conflicts and Peace making efforts in the Horn of Africa'. A paper presented to the IRG preparatory meeting for the conference on Peace and Regional Security in the horn of Africa (London UK 14th April 1996) p.30.
5. Mwagiru M: Conflict in Africa; Theory Processes and Institutions of Management. P. 74.

From a systems theory perspective, system theory or general systems theory is defined as a series of statements about relationships among independent and dependent variables in which changes in one or more variables are accompanied or followed by changes in other variables or combination of other variables[6]. It is this relationships and interdependence of actors that creates the environment for internationalization of the conflict.

Despite the prevalence and spread of conflicts and in spite of the efforts made by both Government and a myriad of NGOs and other community based peace initiatives internationalized conflicts have continued to be a common feature in border districts. Some of these conflicts have defied resolution efforts and transformed into more complex forms that eventually explode with more serious consequences because of the way they are managed. This research will examine both the existing formal and informal conflict resolutions management approaches in Kenya with specific reference to Marsabit district as a case study.

Marsabit is one of the 28 Districts that constitute Eastern province of Kenya. For the purpose of this study, the District is defined in terms of the administrative boundaries as they existed in 2003. During this period, the District was made up of six (6) administrative divisions and three constituencies of Saku, North Horr and Leisamis with a total District population of 121, 478 people.

The population is made up of three predominant communities of Borana, Gabra and Rendile who are pastoralist and their competition for water and pasture for their livestock has been the main cause of violent conflicts that have defied efforts to resolve

6. J.E. Dougherty and R.L. Pfalzgraff. Contending Theories of International Relations, A comprehensive survey. New York, Longman, 1996) p. 136.

them. The Borana and Gabra community share a common language (Borana) and similar cultural believes and practices and have had a long history of co-existence. Despite this cultural compatibility of the two communities have been involved in recent violent and bloody conflicts that have caused huge loses of life massive destruction of property and thousands of displaced persons. The conflict among the communities in Marsabit involves actors from neighboring Ethiopia because the communities cut across the national border thus providing a conducive ground for the internationalization of the conflict. This study will seek to determine the extent to which the conflict has been internationalized and the strategies employed in the management of the conflict. For the purpose of this study Marsabit district has been defined to cover the administrative boundaries as at 30th June 2007. This boundary covers Saku, Leisamis and North Horr constituencies. The study will be confined to the period between 2003 and 2007.

Statement of the Research Problem

Conflict resolution and peace building are issues that have become topical in debates and discussions on conflict management in Kenya. This is not only because of the elusive nature, but much more so due to its frequency of recurrence and the realization that in most cases the conflicts have negative impacts on Kenya's socio economic and political development. Thus conflict resolution and peace building processes have become very essential in solving the problem of conflicts in the continent.

> Mwagiru underscores the importance of conflict resolution when he says:
> "One of the distinguishing features of Africa's political landscape is its many dysfunctional and protracted social and political conflicts. This problem is made worse by lack of effective mechanisms to manage these conflicts. Where they exist they are weak and, thus, social and political relationships in the continent

have been disrupted. This has had negative consequences, including the interruption of the development and the diversion of scarce resources to the management of these conflicts"[7].

The recurrence of ethnic conflicts and their impact on human development has led to the realization that this phenomena continue to grip society threatening the very fabric on which its stability and development is grounded. A number of interventions have been implemented to address these conflicts at community, district and national level with a range of management strategies including traditional peace initiatives, district peace committee, and security initiatives to more recent national steering committee on peace building framework but peace and security continue to be elusive.

A close look at the conflicts that have occurred in Kenya during the period under reference clearly demonstrates how reactionary the management initiatives have been. A lot of coverage and attention is normally given to addressing the disruptive manifestations of conflicts. This study will examine the existing management strategies and institutional framework with a view to establishing any inconsistencies and structural weakness that may explain the frequent upsurge of ethnic clashes and where need be make proposals for appropriate administrative and policy reforms to improve conflict management in Kenya.

Objectives of the Study

This study seeks to achieve the following specific objectives:

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[7]. Mwagiru, Makumi, Conflict Management in Africa: Lessons Learnt and Future Strategies: Nairobi: Centre for Conflict Research (CCR) and Friedrich. Ebert Stifling (FES). 2001,

(i) To examine the institutions and strategies used in the management of internationalized conflicts in Marsabit district and to appraise their effectiveness.

(ii) To identify the role played by key stake holders in the management of internationalized conflicts and assess their capacity to deal with conflict management challenges.

(iii) To identify and make recommendations on best conflict management practices, policy and administrative reforms in order to improve the management of internationalized conflicts in Marsabit in particular and Kenya in general.

Justification of the Study

Effective conflicts management calls for the development and institutionalization of an integrated management system that blends both traditional and formal practices. Frequent upsurge of ethnic animosity and violent confrontations is normally a pointer to either unresolved or poorly addressed conflicts. Where the conflict is internalized by the introduction of other actors, its management becomes even more complex as it calls for resolution initiative which brings on board such actors. A successful outcome depends on how extensively the underlying issues are identified and brought on the table for negotiation, the openness and commitment of the parties to give and take and the inclusivity of all parties to the conflict. .The resolution of conflicts and the effective implementation of the negotiated agreement is critical in ensuring an acceptable outcome and peaceful settlement of conflicts.

This study will therefore identify and appraise the existing institutional framework for conflict management and seek to determine the extent to which Track One and Track Two models can be integrated and made more inclusive so as to effectively address the endemic problem of internationalized conflicts in the district. The finding of this study will form the basis for recommendations to government and conflict management practitioners. It is hoped that this study will be able to make some contribution to the existing knowledge on the management of internationalized conflicts in Kenya.

Literature Review

This section will review various literatures by accredited scholars who have conducted research in related fields, give account of what has been published on this topic by scholars and researchers and examine some theories that have been put forward to explain various issues related to conflict management.

Literature on internationalization of conflicts

The concept of internationalization of conflicts is very important for successful resolution or settlement of any conflict. Internationalization of conflict implies that new factors and actors are introduced to the conflict. As Mwagiru argues "it introduces new complexities to challenges of conflict management."[8] He observes further that the introduction of external actors and exogenous third parties e.g. mediators and facilitators

[8] Mwagiru, M., Conflict in Africa, op.cit., p. 68.

and agencies providing humanitarian aid, alter the structure of internal conflicts significantly and make the conflict management map much more complex.

Depending on the nature of conflict and the parties to the conflict, Internationalization of conflicts weakens sovereignty of the states as some of the actors who are drawn into the conflict such as relief agencies; the media, international organizations etc. operate outside strict control and direction from the Government and are governed by international law. Where the conflict pities the Government against rebel movement, the involvement of the international actors pressures Government to come to the negotiation table thereby legitimizing the rebels and giving them international standing which further internationalized the conflict.

Mwagiru further argues that internationalization of conflicts has several effects on the conflict. Firstly "it broadens the conflict and brings in external perspective. It also gives the third party a broader and more sophisticated view and appreciation of the conflict which in turn enables a more sophisticated analysis of the conflict"[9]. He argues, in reference to the Sudan conflict mediation process by IGAD that member states became jointly involved in the management of that conflict on the realization that the conflict had become internationalized. "These states which neighbours Sudan were inspired by the large dimensions of the conflict which required a more sophisticated conflict management approach. However the management methods adopted have not reflected the essentially complex nature of the conflict." [10] He argues that the management of the conflict has proceeded as if what was on the table was a simple conflict between two internal parties. The internationalization of that conflict and the complex inter-mediator

[9] Ibid, p. 70.
[10] Ibid.

relations has developed suggestion that more complex and sophisticated approach is called for.

Koech argues that "the notion of internationalization of conflict raises the issue of the relation between borders and states." The Somali conflict for example has defied the administrative boundaries as conflict among the clans inside Somalia spreads and affects some clans in the frontline states.

Literature on Conflict System

Mwagiru argues that until recently, the idea of conflict system was not generally accepted in conflict analysis. Individual conflicts therefore tended to be analyzed in a very idiosyncratic way "the result of this was that individual conflicts within a region erupted lived, thrived, were responded to and re-incarnated as individual conflicts which had no implications for or relationship with regional, diplomatic and environmental structures."[11]

He further argues that, "certain things become evident when conflicts in a region are surveyed through the conceptual glasses of a conflict systems approach. A system of interlocking and overlapping conflicts in a region becomes discernible." Secondly, it becomes apparent on close analysis that those conflicts are played out against the backdrop of into phasing and competitive regional politics and diplomacy.

Mwagiru defines a system perceived in this way, as a complex tessellatial of relationships and interactions between actors and issues within the system.

[11] Mwagiru, M, Conflicts in Africa, p. 73.

Hiteng observes that the proliferation of conflicts in the horn of Africa has generated the problem of proliferation of light weapons and that the influx of refugees and the uncontrolled movement of people within the region has made the trafficking of illegal arms much easier resulting into a security vulnerability within and between communities in the region."[12]

This vulnerability creates the ground for internationalizing conflicts.

Literature on conflict management

Mwagiru contends that the challenge of conflict management is not how to do away with conflicts but how to deal with them so that their harmful effects do not affect our societies and ruin our relationships.[13] He goes further to enumerate several methods of conflict management which he classifies into coercive (e.g. judicial settlement and arbitration) or non coercive (negotiation, mediation and problem solving workshops). He observes those coercive methods leads to settlement of conflicts, which is short lived, whereas non coercive methods lead to the resolution of a conflict with long lasting outcomes. According to him, "settlement of conflict is informed by the idea that given the anarchical nature of society, and the role of power relationships, the best that can be done in situations of conflict is to reach accommodations which the parties in conflict are forced to live with.[14] This position creates provision for coercive approach to conflict management. In support of non coercive approach, Mwagiru argues that "resolution is

[12] C. Hiteng, "Security Concerns in the Horn of Africa" in Mwagiru African Regional Security in the Age of Globalization, Nairobi, Heinrich Boll Foundation, 2000, p. 12.
[13] Mwagiru, M. et al, Understanding Conflicts and its Management: Some Kenya Perspective, Nairobi, CCR-WLEA Publications, 1998, p. 32.
[14] Mwagiru, M. Conflict in Africa: Theory Processes and Institutions of Management, Nairobi Watermark Publications, 2000, p. 40.

based on the belief that at the bottom of every conflict, are certain needs which are not negotiable. Conflict management should aim at identifying ways in which these needs can be fulfilled for both parties .... Resolution aims at reaching a mutually self sustaining solution".[15] For Mwagiru therefore, any of the methods of conflict Management whether coercive or non coercive can only be dictated by the situation at hand. He observes that settlement is anchored on the notion of power, while resolution rejects power as the dominant approach for managing a conflict. He adds that settlement does not address the causes of the conflict but readjusts and regulates conflict relationships. The outcome of conflict settlement is determined by the power relationships of the parties. Conflict resolution stresses the importance of addressing needs, which are neither negotiable nor in short supply. The parties can therefore redefine their needs. Conflict management according to Mwagiru is a process by which parties to the conflict are encouraged to come together and do something about their conflict.[16] Thus, parties to the conflict can negotiate about the issues of the conflict.

Zartman identify three phases of negotiation process: the pre-negotiation, negotiation and implementation phase. He observes that in the pre-negotiation phase the parties reach a consensus or differ before the actual negotiation.[17] Therefore, pre-negotiation sets the stage for negotiation and implementation phase.

Bercovitch introduces the concept of mediation in conflict management. He defines mediation as a peaceful process of conflict management which introduces a third

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[15] Ibid, p41.
[16] Ibid.
[17] I. W. Zartman, "Pre-negotiation and Negotiation in Ethnic Conflict: The Beginning, the Middle and the Ends"; in J. V. Montville (ed.) *Conflict and Peace Making in Multi-Ethnic Societies*, Lexington: DC Health; 1991, pp. 511-533.

party into the conflict.[18] He observes further that in the mediation process, the parties to the conflict seek assistance of or accept an offer for help from a third party in order to facilitate the settlement of the conflict without using force and it is a voluntary process. Mason introduces the dimension of institutional framework for conflict management. He argues that "Conflicts can also be institutionalized or uninstitutionalized. Institutionalized conflicts occur within geopolitical system and its management is handled through existing legal and institutional framework. Depending on how effective and efficient such institutions are, the conflict is resolved, quickly."[19]

Rupesinghe's view of conflict management lays emphasis on the development of an effective early warning system that is able to give early signals to a conflict and trigger early mitigating response. According to him, "no matter how well planned a strategy may be, if no real action is taken to prevent the outbreak of violence, then any early warning information, case study, statistical data or sophisticated system of indictors is of little use" [20]. He goes on to argue that "war does not start overnight. No matter how desperate or complex a society may be, communal violence does not erupt unprovoked. Inevitably, it is the manifestation of accumulated hostility and aggression between opposing sides"[21]. The absence of an effective early warning system creates a situation where a conflict develops, matures and explode into violent clashes with serious consequences that take governments conflict analysts and managers by surprise.

Mwagiru argues that conflicts are normal in society and the existence of social or political conflict is not in itself a cause of concern. Conflict is often a cause of creativity

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[18] I.W. Zartman, op.cit. p. 39.
[19] Mason S.A.: From Conflict to Co operation Diss (Zurich, Institute of Technology, Eth. 2003) p. 67
[20] Kumar Rupesinghe: Civil Wars Civil Peace: An Introduction to Conflict Resolution: London: (Pluto Press), p. 78.

and change in society and while individual people continue to relate to each other but in pursuit of different goals, there will always be conflicts."[22] He however supports settlement approach to conflict management by taking the position that "social institutions have developed to allow for the resolution of civil conflicts. "Police and security forces, courts of law and legislation, parliament, the press and the media and at the lower level even marriage councilors play an important social role in providing a structure through which grievances are voiced and conflicts resolved peacefully"[23] Rupisinghe advocates for management through institutional structures with some power relationships. He supports an effective early warning system by arguing that an "effective early warning should produce double warning signs: first a possibility for escalation of conflict and secondly, the impact that the conflict will create in other countries, if timely effective and successful intervention cannot be attained by the international community.[24] Although this argument is underpinned on the internationalization of a conflict, the concept can be localized as any conflict if not effectively mitigated, has the potential to create negative impact beyond the conflicting parties. The value of an effective early warning system is in its ability to trigger prompt mitigating response to cushion society against violence and other disruptive manifestation of conflict.

Sandole favors a system of management where the parties to a conflict are given an opportunity to sort out their conflict. He argues that "the goals of conflict resolution is to assist severely alienated parties in conflict to analyze the causes of their conflict to

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[21] Ibid.
[22] Ibid.
[23] Ibid, p. 27-28.
[24] Reychler L. "Conflicts in Africa: The Issues of Control and Prevention" in Medicin's San Frontiers, Conflict in Africa. An Analysis of Crisis and Crisis Prevention Measures (Brussels: King Boudoin Foundation, 1997), p. 29.

imagine methods of reconstructing or replacing the system that is generating it to cost out various conflict resolving options and to implement the options agreed upon".[25] He however recommends the involvement of a facilitator whose role is to help the parties 'to create a new social contract capable of satisfying long term human needs and class interests. The aim of this practice, therefore is to facilitate the carrying out-with minimum violence-of an agreed upon social transformation."[26] The emphasis in resolution of a conflict is laid on the free will of the parties to negotiate.

Ramsbothan argues that "conflict resolution is more than a simple matter of mediating between parties and reaching an integrative agreement on the issues that divide them. It must also touch on the context of the conflict structure, the intra-party as well as the intra party divisions and the broader system of society and governance within which the conflict is embedded.[27] They propose beyond the "ripe moment peace processes which address the long term peace building activities which will lead to transformation in the relationship between the conflicting parties. Transformation in the context used herein, "requires real changes in parties' interests, goals or self definition."[28] Romsbothan like Mwagiru supports some coercive intervention by Government and other third party mediators in circumstances where some degree of pressure is justified to bring the conflict some early ending. He argues that when "governments bring coercion to bear to try to force parties to change position; they become actors in the conflict. Forceful interventions clearly can bring forward war ending in some circumstances as was the case

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25. Sandole J. D. Dennis and Hugo Van der Merwe: Conflict Resolution Theory and Practice: Manchester (Manchester University Press, 1993), p. 153.
26. Ibid.
[27] Romsbothan, et al. Contemporary Conflict Resolution: The Prevention Management and Transformation of Deadly Conflicts: 2nd Ed. Cambridge (Polity Press 2006), p. 184.
[28] Ibid.

of Bosnia, where after many years of abstention, the USA tacitly build up the Croatian Armed Forces and sanctioned NATO air strikes on Serb positions in order to force the Dayton settlement."[29] He is however quick to add that "the question to be asked in such a situation is "whether the intervention leads to a stable ending and whether the imposed settlement sticks."[30].

Zartman contention that "only time resolve conflicts but time needs some help" raises the question of the right moment for intervention in a conflict. Successful outcome in conflict management depends on the timing of intervention. Zartman calls this timing the ripe moment. The ripe moment

Monville argues that "ethnic conflicts are consistently the most resistance to the traditional techniques of diplomatic or political mediation. Healing and reconciliation in ethnic and religious conflicts depend on a process of transactional contrition and forgiveness between aggressors and victims which is indispensable to the establishment of a new relationship based on mutual acceptance and reasonable trust[31]". He observed that the process depends on joint analysis of the history of the conflict recognition of injustices resulting in historic wounds and acceptance of moral responsibility where due[32]. He sees a problem solving workshop as the best approach to conflict management as it provide a forum where negative stereotypes held by conflicting parties are undermined and their relationships dehumanized.

Monterville hold the same position as that of Magiru, that power is necessary in certain circumstances by arguing that the "third party facilitation of communication

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[29] Ibid, P. 171.
[30] Ibid
[31] Joseph V. Montevile,. Sandole J. D. Dennis and Hugo Van der Merwe: Conflict Resolution Theory and Practice: Manchester (Manchester University Press, 1993), p. 153-155.

between groups or nations in conflict is probably least effective on the eve of or in the midst of violent combat. In such a case, a process of gradual confidence building between the representatives of the groups in conflict will most likely be swamped by the passions of the moment, in circumstances where parties are in the midst of a violent combat, a third party state or an international organization will be appropriate to separate the combatants. When emotions have cooled down and parties are ready to talk resolution can be underway."[33] The necessity of a nation state or an international organization in the midst of combatants as recommended by Monterville is due to the power and resources that such organization have to enforce a cease fire.

Dudley introduces the concept of conflict partnership which he defines as a "process which deals with a specific conflict in a contest of an overall relationship. He contends that Conflict partnership combines relationship building and the conflict resolution and ensures that all parties involved in the conflict feel that they have received something of benefit from the process"[34]. Dudley does not seem to favor cohesive approach to management of conflict. He is of the view that time and the perseverance is possible to create a conducive atmosphere for the parties to agree to negotiate.

In Kenya a combination of traditional and formal government system of management of internationalized conflicts is a common feature. Mwagiru observes that one of the problems highlighted whenever the place of traditional conflict management mechanism is discussed is that modern conflict, even in the communities themselves take

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[32] Ibid
[33] Ibid
[34] Dudley Weeks; The Eight Essential Steps to Conflict Resolution. New York (Jeremy P. Tarcher/Putnam, 1992, p 64-65

place in a vastly different setting than traditional ones did.[35] He further argues that since modern society is so vastly different from traditional society, its conflicts must be managed with this in mind. This argument supports the growing prominence of approaches of conflict management that combines both Track one and Track two

The debates on conflict management revolve around the balance between Track One and Track Two and the applicability of these approaches. Track one focuses on official or state controlled processes of conflict management while two approaches emphasize n non state actors in the process of conflict management. The challenge of for conflict managers is how to strike a balance between formal and informal approaches to achieve desired outcome and normalization of relationship. The manner in which this delicate process of building partnership in broken relationships is handled will determined whether the conflict is resolved or pushed under the carpet to emerge in the future with more devastating consequences. Effective management of internationalized conflicts must pay attention to the environment within which they are played, trace the history of the conflict, recognize the contribution of each party to the resultant wounds of the conflict and more importantly ensure that all the parties to the conflict are involved in its management.

This study interrogated the management strategies used by the local administration, concerned NGOs, relevant peace committees and other conflict management practitioners in Marsabit district to determine the extent to which they have blended Track one and Tract two approaches to resolve conflicts and how effective institutions the institutions of conflict management have been in management of internationalized conflicts in the District. The study also sought to identify areas of

[35] Mwagiru M; Peace and Conflict Management in Kenya. p.126.

weakness that may explain the recurrence of conflicts in the district with a view to recommending strategies to enhance management of internationalized conflicts in district and Kenya in general.

Theoretical Framework

This study was underpinned by the mediation theory within the Problem Solving workshop framework as the best approach to the management of internationalized conflicts. According to Mwagiru, Mediation is essentially a voluntary process where the parties in a conflict agree to continue negotiation under the watch of third party who is acceptable to them. Mediation is most successful when both of the adversaries request it[36]

Bercovitch argues that mediation can be described successful when it makes a remarkable difference in the conflict or settles it in a manner agreeable to the parties and to some extent successful when its activities commence negotiation between the parties, whereas its achievements are bonded when it secures only a ceasefire or cessation of animosity. He observes further that in the mediation process, the parties to the conflict seek assistance of or accept an offer for help from a third party in order to facilitate the settlement of the conflict without using force and it is a voluntary process[37]. According to Mwagiru Mediation is a continuation of negotiation by other means. The need for negotiation arises when parties to a conflict have attempted negotiation but have reached

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[36] Mwagiru M: Conflict Management in Kenya: A Catholic Justice and Peace Commission- Nakuru Diocese Publication in Partnership with Mission Austria. P II5.

[37]. Bercovitch in Sandole J. D. Dennis and Hugo Van der Merwe: Conflict Resolution Theory and Practice: Manchester (Manchester University Press, 1993), p. 153.

a deadlock[38] Mediation is preferred as a concept in conflict management because of it is a dynamic and flexible process and adaptability is its priced attribute and it's key to success[39]

Problem solving approach downplays the power relationships between the conflicting partners and acknowledges that the "the proper path to conflict management, indeed lies in resolution, among the parties to the conflict, re-perceiving the conflict relationship, and in so doing mutually building bridges that lead to a self-sustaining post conflict relationship.[40] Montville argues that parties to the conflict need to walk through the history of their conflict leading to the acknowledgement of mutual responsibility.[41]

Relman argues that "the problem solving approach is the most effective strategy to be used during the pre-negotiation phase of the conflict as it prepares parties in conflict for formal track one mediation"[42] This approach to the management of internationalized conflict places the responsibility of resolving the conflict on the parties in conflict and assigns the mediator(s) the facilitative role

Hypotheses

(i) The frequent incidents of internationalized conflicts in Marsabit district is as a result of inappropriate conflict management strategies.

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[38] Mwagiru M. The International Management of Internal Conflict in Africa: The Uganda Mediation 1985. PhD. Dissertation, University of Kent at Canterbury, 1994" P14-15).
[39] Zartman, I & Touval S(1985) Mediation in Theory and Practice (Boulder Colo, Westview) P 2
[40] Ibid.
[41] J.V. Montville, 'The Healing Function of Political Conflict Resolution' in DJD Sandole and H. Van der Merwe (eds) Conflict Resolution Theory and Practices: Integration and Application (Manchester and New York: Manchester University press 1993) p.112-127.
[42] H.C. Kelman: Informal Mediation by the Scholar/practitioner" In Barcovitch J. and Rubin J.Z. (eds), Medication In International Relations (New York : Saint Martins Press 1992) p.64-69.

(ii) The frequent incident of internationalized conflicts in Marsabit is not as a result of inappropriate conflict management strategies.

Research Methodology

This chapter focuses on the methods used to collect data which is analyzed herein and which I subsequently used to determine how conflict management is conducted in the district and the impact of those methods on the conflict situation and overall social economic development. The chapter consists of research design, population of study, sampling technique, data collection instruments, and data analysis and data presentation.

Research Design

This research project adopted a descriptive study involving on conflict management in the context of Marsabit District of Northern Kenya. The study assessed and identified and the key issues on the management of internationalized conflicts interventions that have been attempted and carried an appraisal of the of the issues and actors involved in the management process.

The question that guided this study all through was how effective and inclusive are the management interventions put in place whenever these ethnic conflicts arise and what improvement can be undertaken to enhance management of internationalized conflicts in Kenya and reduce their recurrence.

The researcher used systematic random sampling technique to pick respondents to whom the questionnaire were administered. Because the population is not homogenous as it consists of different clans with different cultural background. A list of the locations obtained from the DC's Office was to select the locations. The list of households in the location, which I obtained from the relevant locations, was used to select respondents through the systematic random sampling. Purposeful sampling was also found necessary in this study to enable to researcher to isolate persons and selected leaders who are routinely involved in management of conflicts in the district. A sample size of 70 respondents was used for this study and was drawn from the general public, local administration and security agencies, selected members of existing peace committees political and opinion leader's, members of public, NGO's, civil society organizations, faith based organizations and any person or organization with relevant information and experience on conflict management. The researcher assumed this figure a fair representation of the population in the district under reference.

Data collection

The main instrument of data will be a questionnaire and will be supplemented by personal interviews for the purpose of obtaining adequate and reliable data for those who may not find time to fill the questionnaire on their own. The researcher will use a structured questionnaire to collect data from all respondents with a view to obtain adequate information. The personal interviews will enable the researcher to collect adequate information from those respondents who are illiterate and those respondents who will be extremely busy or those who will not remember to fill the questionnaire on

their own. Both primary and secondary data will be collected for the purpose of this research.

Data analysis

The data collected was organized, analyzed and interpreted based on the study objectives by use of descriptive methods. Data is be presented in form of figures and percentages and the findings presented in a descriptive form to infer into conflict management.

Chapter Outline

This study is divided into 6 chapters as follows

Chapter One Covers the introduction, Background to the study, Statement of the Research Problem, Objectives, Justification of the study, Literature Review, Theoretical Framework, Hypotheses. Research Methodology and Chapter outline.

Chapter Two covers an overview on the management of internationalized conflict with reference to the Rwanda and Somali conflicts.

Chapter Three looks at management of internationalized conflicts in Kenya and highlights some case studies from Turkana and Wajir District.

Chapter Four looks at Management of internationalized conflicts in Marsabit District focusing on major findings.

Chapter Five deals with Management of internationalized Conflict: A Critical Analysis.

Chapter Six covers the concluding remarks

Chapter Two

Management of Internationalized Conflicts in Africa

A case of Rwanda and Somalia Conflicts

Introduction

This chapter looks at the management of internationalized conflicts in Africa and make reference to management issues in the post genocide Rwanda and the effort to resolve post Barre Somali conflict. The experiences that the said countries have gone through demonstrate how challenging and complex the management of such conflict can be and the importance of involving all the parties to the conflict for the sake of sustainable outcomes. The chapter demonstrates that that resolution of the conflict in the said countries is yet to be achieved and argues for greater involvement of the parties in conflict with government playing only a facilitative role.

Concept of internationalization of conflict

Africa has not been immune to the dramatic shifts in the world economic and political order. The end of superpower competition on the continent had significant implications for African regional security. One of the defining features of the new order is the increased scope and intensity of domestic conflicts that have spilled, or have the potential to spill over national borders into neighboring states. Conflicts easily attract the attention and involvement of international and regional actors because of their implications on human rights, the displacement of persons both internally and externally as refugees and the security complexes that such conflicts generate in the neighboring countries. When this happens, conflicts become internationalized and complex as their

management call for participation of external actors who are not parties to the conflict but are impacted negatively by the conflict because of being within the conflict system. According to Mwagiru an internationalized conflict introduces new complexities to challenges of conflict management. The introduction of external actors such as agencies providing aid makes the structure of the internal conflict (which has now been internationalized) very complex[1]

He observes further that because internationalization entails conferring on the conflict some international characteristics the manager of an internal conflict can borrow from methodologies of international conflict management. The Introduction of external actors and exogenous third parties such as mediators, facilitators and agencies providing humanitarian aid alter the structure of internal conflicts significantly and make the conflict management map much more complex.

The notion of state sovereignty and the norms of external intervention in domestic disputes are currently being reconsidered in international and regional fora. Mwagiru argues that the classical view was that conflicts were perceived as either internal or international. This dichotomous approach was a creature of realistic international relations doctrine, which maintained a dichotomy between domestic and international politics.[2] It is clear that mechanisms must be developed to allow Africans to address the most severe domestic tensions and conflicts before they become regionalized or internationalized. It is for this reason that attention is being paid to issues of capacity

[1] , Mwagiru, M, Conflict in Africa: Theory Process and Institutions of Management, Nairobi, (Exscape Printers 2000) p 68.
[2] Mwagiru M. Conflicts and Peace making efforts in the Horn of Africa: A paper presented to the IRG preparatory meeting for the conference on Peace and Regional Security in the horn of Africa (London UK 14th April 1996) P.30.

building and strengthening of CEWERN to effectively deal with conflicts in the African region.

The choice of Rwanda and Somalia

Rwanda and Somalia conflicts have been used to demonstrate how conflict continue to pose a big challenge to peace and security in the region and to show not only the impact of conflicts in terms of lives lost and displacement of people but also the challenges of managing internationalized conflicts. The 1990-1994 Rwanda conflict is perhaps the most devastating conflict recorded in the Great Lake's Region. About one million people were killed within hundred days and many more were displaced.

Mamdani puts the figure of displaced refugees during the conflict at 80,000 in February 1992, 350,000 in May 1992, and 950,000 in May 1993. Other sources gave the estimates at 1.1 million reaching beyond 15% of the total population of the country[3]placement of people in Rwanda and Somalia lead to many people crossing the border into foreign countries such as Kenya and other neighboring countries.

Insecurity in the affected countries together with other neighboring countries was a big challenge due to cross border smuggling of particularly small and light arms into the countries of asylum. Mamdani observes that for the civilian population the war translated into day- to-day hardship as it became much more difficult to find bare means of survival. Agricultural productions dropped greatly as people were out of their usual farming activities.

[3] Mamdani: op.cit. p. 205.

The post Rwanda genocide is a classic case of an internationalized conflict that was driven by ethnic differences and the fear of deprivation while the Somalia conflict challenges the common view that ethnic homogeneity minimizes opportunities for conflict. The predominantly single ethnic state of Somalia was brought down to its knees by clan rivalry and competition for control of state power for selfish clan interests. It led to disruption of social live of the affected communities as children were transformed into clan militia and killing machines. The collapse of the Barre regime was followed by the scramble by faction leaders with support from their clan militia, for control of the government in Mogadishu. The clan wars whose initial objective was to wrestle power in Mogadishu later degenerated into predatory looting, banditry and occupation of valuable real estate by conquering clan militia. Young gunmen fought principally to secure war booty and were under the loosest control of militia commanders.

Post genocide conflict management in Rwanda

The post genocide conflict management in Rwanda has been a long stretching process that combines both settlement and resolution approaches. The challenge faced by the Rwandese Government in resettling and reconciling the Rwandese society while bringing to justice those responsible for the genocide was ably highlighted by President Kagame of Rwanda when he observed thus "of course, there is no-one-size-fits-all prescriptions for conflict resolution in Rwanda or anywhere else. There is no single cause of conflict and there can never be a magic bullet to troubleshoot every time it breaks out."[4]

[4] Kagame Paul Rwanda Remembering Reconciliation and Rebuilding, President Kagame's address at Denver Univ.http.www.du.Edu/news/KagamePaul, 2004.

The mass killings in Rwanda of the minority Tutsi and the moderate Hutus by the majority Hutus in April-July 1994 in which about a million were left dead has been described as the worst tragedy of modern times. "The rocket that brought down President Habyarimana's plane on April 6 1994 became the catalyst for one of the greatest calamities of our age. After the chaos of the first hours following the plane crash ended, the government military structure built since the 1990 RPF invasion of Rwanda was used by the interim Hutu power in government and the Rwandan military leaders to execute the genocide as well as to fight a civil war"[5] without delving into the details about the causes of ethnic conflicts, between the Hutu and Tutsi's which led to the genocide, it will suffice to point out that the colonial system of administration, the privileges enjoyed by the minority Tutsi and marginalization of the majority Hutus by the colonial Government helped to arouse Hutu hegemony thus fueling the conflict.

Internationalization of the conflict

The colonial rule in Rwanda had placed the minority Tutsi's in a positions of influence both in leadership and business at the expense of the majority Hutus who felt marginalized. As independence drew closer the French acknowledged the Hutu numerical power and facilitated them to take over power in Rwanda in 1959 under President Kayibanda.

During his presidency, Kayibanda, who even before his rule had advocated the superiority of the Hutus and the inferiority of the Tutsi "foreign invaders," began to persecute the Tutsi living on the hills. Many Tutsis fled to neighboring Burundi and

[5] OAU: Rwanda, The Preventable Genocide: Addis Ababa, Ethiopia, 2000. p. 191.

began to launch attacks from there. These attacks often led to severe Hutu reprisals on Tutsis still living in the country. In Burundi, the Tutsi-dominated government began to systematically kill tens of thousands of Hutus. In response, Kayibanda killed several hundred Tutsi and sent tens of thousands more out of the country[6]. President Habyarimana came to power in 1973, and under his rule the Tutsis continued to suffer. Tutsi refugees in Burundi and also Uganda organized themselves into the Rwandese Popular Front and began to launch invasions on the borders of Rwanda, calling themselves "inyenzi", or cockroaches. Rwanda began to slip into economic crisis, and heads of the surrounding states, mainly because they were tired of dealing with the refugee situation, pressured Habyarimana to do something about the conflict. The French president echoed their sentiments, and so in 1993, Habyarimana, desirous of French aid, agreed to the Arusha Accord[7] the pressure of refugees in the neighboring countries and the insecurities the conflict posed in the region played a big role in the internationalization of the conflict

In summary, a combination of many causes conspired to generate the conflict that led to the genocide. The post genocide peace process in Rwanda has been characterized by peace building initiatives which have blended both resolution and settlement

approaches in managing the Hutu Tutsi conflict. Mwagiru argues that there is a difference between conflict resolution and settlement. He observes that "settlement is anchored on the notion of power while resolution rejects power as the dominant approach for

[6]Emily Harpster, Rwanda, a Report of the Conflict. U.C Berkeley War Crimes study Centre.
[7] Ibid

managing a conflict."[8] He adds that the outcome of conflict settlement is determined by the power relationships of the parties. Conflict resolution on the other hand stresses the importance of addressing needs, which are neither negotiable nor in short supply.

The peace process in Rwanda is underpinned by the belief by government that "there can be no durable reconciliation as long as those who are responsible for the massacres are not fairly tried. In an attempt to ensure that all those responsible have been subjected to a fair trial, several judicial or quasi judicial structures have been established and operationalized. The following are some of the institutions and processes for reconciliation in Rwanda

The International Criminal Tribunal for Rwanda (ICTR)

In pursuant to UN Security Council resolution No 955, the International Criminal Tribunal for Rwanda (ICTR) was set up in 1995 in Arusha, Tanzania. As stated in its preamble, "in particular circumstances to Rwanda the prosecution of persons responsible for serious crimes violations of international humanitarian law would contribute to the process of national reconciliation and to the restoration and maintenance of peace."[9] The tribunal has been a subject of criticism from various shades of opinion in Rwanda. This criticism is captured in Zobas's argument that "It is nearly impossible to overstate the

bitter disappointment and ill will the ICTR's alleged corruption, bureaucracy incompetence and above all it meager results"[10] The backlog of pending cases and the

[8] Mwagiru M. Conflict in Africa Op cit P 109
[9] Preamble to ICTR Statute.
[10] Eugenia Zorbas: Reconciliation in Post Genocide Rwanda in African Journal of Legal Studies.

slow progress in hearing pending cases is a big challenge that Rwanda will continue to deal with.

National Court System

Despite having suffered the blunt of the genocide the national court system has slowly been restored and by early 2004, over 5500 individuals had been tried. To strengthen the court system in Rwanda, parliament passed in 1996, the "organic law on the organization of prosecutions for the crimes of Genocide or crimes against humanity committed between October 1, 1990 and December 31, 1994 to try and address the problems of delays and irregularities."[11] This was a reaction to the frustration caused by the dysfunction of ICTR and the impatience of the Government to speedily dispense with thousands of suspects awaiting trial for their role in the genocide. "Three member judicial panels in each of the country's 10 Districts were to consider cases, its members drawn from some 250 lay magistrates who were to receive a four-month legal training course."[12] The Organic Law was to regulate prosecutions against genocide, crimes against humanity and other crimes committed during the period under reference. The law divided the accused into a hierarchy of four categories based on the extent to which the accused participated in the crimes committed.

Category one, included planners, organizers, inciters, leaders of the genocide and various other crimes against humanity and also covered the national, prefectoral, communal sector or cell level or in a political party that fostered such crimes. These murderers by

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[11] Ibid.
[12] Amnesty International "News Release, AI INDEX: AFR: 47/13/97" 8 April 1997.

virtue of the seal or excessive malice with which they committed atrocities, distinguished themselves in their areas of residence or where they passed. Persons who committed acts of sexual torture were also placed under this category.

Category two included persons whose criminal acts can be placed among perpetrators or accomplices of international homicide of serious assault against the person causing death and category three covered persons whose criminal acts or whose acts of participation made them guilty of other serious assault against the person. The last category included persons who committed offences against property.[13]

"An appropriate scale of punishment was allocated to each category: the death penalty was permitted but not mandated for the highest category while there would be no imprisonment at all for the fourth and lowest merely reparation to victims for the crimes against their property."[14] This effort by the government could not resolve the problem of too many suspects detained and awaiting trial, often in the most deplorable conditions."[15] The pressure from the huge number of pending cases led to the establishment of the traditional judicial tribunals called Gacaca.

The Gacaca Tribunals

Gacaca court is based on the traditional concept of justice among the Banyarwanda. A gacaca is not a permanent judicial or administrative institution, it is a meeting which is convened whenever the need arises in which members of one family or different families or inhabitants of one hill participate supposedly wise old men will seek to restore social order by leading the group discussions which in the end, should result in

[13] Organic Law 8/96 of 30th August, 1996.
[14] IPEP/OAU: Op cit, p. 199.
[15] Ibid.

an arrangement that is acceptable to all participations in the gacaca. The gacaca intends to sanction the violations of rules that are shared with the sole objective of reconciliation."[16]

The spirit behind this traditional concept of justice was not to determine guilt as is the practice in state courts, but to restore harmony and social order in the society and to re-integrate the wrong doer back into the society. The use of gacaca court to try individuals involved in the crimes committed between October 1990 and December 1994 was a departure from the traditional mandate of the courts which dealt with "land use and land rights, cattle, marriage, inheritance rights, damage to property caused by one of the parties or animals etc. Most conflicts would therefore be considered to be of a civil nature when brought before a court of law. However despite the traditional roots of gacaca, it gradually evolved into an institution which though not formally recognized in Rwanda legislation, had found a modus vivende in its relation with the structure."[17] The gacaca tribunals handle all cases except those in category 1. This justice system has been able to resolve the pending cases much faster than both the national court system and ICTR

National Unity and Reconciliation Commission (NURC)

The creation of the national reconciliation commission has been instrumental in initiating consultations throughout the country on issues related to co-existence. The commission has been involved in confidence building initiatives among the communities. The commission "seeks to highlight common problems and solutions and to promote a

[16] Ibid.
[17] Ibid, p. 202.

common history for Rwandans and remove myths and confront bigotry in all its forms. Perhaps its most important innovative mandate is to monitor all government programmes to determine how they affect peace reconciliation and national unity."[18]

"Rwanda has made significant progress towards recovering from the catastrophic genocide in 1994 led by the Rwandan Patriotic Front (RPF). The strategy for ending conflict between the Hutu majority and the Tutsi minority has been to de-legitimize the overt political expression of ethnicity, rather than institutionalizing power sharing arrangements as in Burundi."[19] The commission is also mandated to monitor implementation of government funded programmes to ensure equity in resource allocation and to embrace inclusivity and to undermine the sense of marginalization. As Peter correctly observes that poverty, Inequality exclusion and prejudice 'cumulatively structural violence' fed into the dynamics of genocide. It follows that national unity and reconciliation have as a necessary foundation the notion of economic development, equality, participation, tolerance, human rights and the rule of law[20] The campaign against poverty and marginalization has been at the centre of the healing process.

The Future of Rwanda

The post genocide reconciliation process in Rwanda has been a process that demonstrates the Rwandese commitment to shade off the dark history of the past and forge ahead with the business of reconstruction and development. The Rwanda experience is a story of a post genocide government committed to building institutions of

[18] United States Institute of Peace Report in http://www.Ugip.org/pubs/speicalreports/sr990915.html. Accessed on 8/11/2008.
[19] URL: http//www.parliament.UK.
20. Uvin P, Aiding violence; The Development of Enterprise in Rwanda (Westford CT, Kumarian Press) 1998.

justice and reconciliation, as a precondition for peace, security and development of all the Rwandese people.

Alison supports this effort by arguing that "there must be justice for the genocidaire, political murders and other violations of human rights in 1994. The guilty must be punished and prevented form inflicting further harm. The innocent must be freed from unjust assumptions about their culpability and, if jailed, they must be released.....demanding justice is morally and legally right and it is also politically sound. Without justice, there can be no peace in Rwanda or in the surrounding region."[21] The challenge faced by the post genocide era in Rwanda has been to integrate a society that was divided by deep hatred and suspicion, the devastating memory of the genocide, and massive internal and external displacement of thousands of families.

The effort put in rebuilding institutions of justice, reconciliation and cohesion and ensuring that all suspects of genocide are subjected to the due process of law that is a step in the right direction in the national healing process. However, more attention need to be paid to the extent to which the process is community driven as currently, the process appears to be largely government driven. This is the biggest challenge on the road to peace.

Management of the Somali Conflict

Introduction

Somalia's history of conflict reveals intriguing paradoxes which fuel endemic clashes over resources and power. Significant armed conflict was absent during Somalia's first 17 years of independence (1960–77). The first 10 years of independence

[21] Alison des Forges: Leave None to Tell the Story: Human Rights Watch, Washington, 1999, p. 87.

were marked by vibrant but corrupt and eventually dysfunctional multiparty democracy. When the military came to power in a coup in 1969, it was initially greeted with broad popular support because of public disenchantment with the clannishness and gridlock that had plagued politics under civilian rule"[22]. In the context of the cold war, the regime, led by Siad Barre, recast the coup as a socialist revolution and with funds from international partners built up one of the largest standing armies in sub-Saharan Africa.[23]

Between 1977 and 1991, the country endured three major armed conflicts. The first was the Ogaden War with Ethiopia in 1977–78, in which Somali forces intervened in support of Somali rebel fighters in a bid to liberate the Somali-inhabited region of the Ogaden. Siad Barre was humiliated in his bid for expanded Somalia sparking internal conflicts, prompting the rise of several Somali liberation movements' intent on overthrowing his military regime. Siad Barre, was held accountable for the debacle.

The first of these movements was the SSDF, established in 1978 by Abdullahi Yusuf. This mainly Majerten clan movement engaged the Siad Barre regime in periodic skirmishes in the northeast of the country and was met with harsh repression.

The second major armed conflict was the war between the Somali military and the SNM for control over northwest Somalia. The SNM was formed in 1981 by some members of the Isaaq clan following the Ogaden War. The civil war mounted by the SNM began in May 1988 and produced catastrophe. Government forces committed atrocities against civilians (an estimated 50,000 to 60,000 Somalis died, mostly members of the Isaaq clan, which was the core support for the SNM; aerial bombardments leveled the city of Hargeysa; and 400,000 Somalis were forced to flee across the Ethiopian

[22] Conflict analysis report by world bank- Somaliland 2004.
[23] Conflicts in Somalia: Drivers and Dynamics, January 2005.

border as refugees, while another 400,000 were internally displaced.[17] These atrocities fueled Isaaq demands for secession in what became the self-declared state of Somaliland in 1991.[24] The Somalia crisis was by this time capturing international attention

The third armed conflict before 1991 pitted embattled government forces against a growing number of clan-based liberation movements in 1989 and 1990. The strongest of these movements included the, USC (Hawiye clan), the Somali Patriotic Movement (Ogadeni clan), and the Somali Salvation Democratic Movement (Majerten clan). This multifront war presaged the predatory looting and banditry that characterized the warfare in 1991–92.[25]

In addition to these wars, many other legacies of the Barre period fuelled conflicts in Somalia seriously undermining the legitimacy and authority of government leading to the overthrow of Siad Barre and subsequent collapse of the state of Somalia. Siad Barre had presided over an oppressive and exploitative regime that was tightly controlled by cronies from his clan, and was used by some political leaders to dominate others, monopolize state resources, and appropriate valuable land and other assets. As a result, reconciliation and power-sharing discussions in Somalia were complicated by high levels of distrust and a "zero-sum game[26] the competition among several faction leaders (war lords) to wrestle power further complicated the conflict. The massive displacement of people both internally and into the neighboring Ethiopia, Kenya Djibouti and Sudan due to the Trans boundary nature of the community quickly internalized the Somalia conflict. The conflict further draws the attention of the international community through media

[24]. World Bank Report: Conflict in Somalia; Drivers and Dynamics; January 2005
[25]. Ibid
[26] Ibid

publicity and the resultant response from the humanitarian organizations. Somalia has since been embroiled in many unsuccessful attempts to reconstruct itself

The Road to Peace in Somali

The road to peace in Somali has been long and winding with very little prospects for peace. Several peace initiatives have been tried in a bid to resolve the Somali conflict, though without much success. The following are some of the attempts to reconstruct the state of Somali.

The Djibouti Accords

The first Djibouti peace conference was held from the 5th-11th of June 1991. It was attended by the Somali Salvation Democratic Front (SSDF), the Somali Patriotic Movement and the SDM. The Somali National Movement (SNM) which had declared the independence of Somaliland in May 1991 did not attend. The meeting was also attended by Aden Abdille Osman, first president of Somalia, Addirizak Haji Hussein and Mohammed Ibrahim Egal both former Prime Ministers of Somalia. The conference appealed to Siad Barre to leave Somalia; there was also a resolve to bring Siad Barre and his allies before a competent judicial authority. The conference issued an appeal for a general peace throughout the Somalia territory and the creation of a climate of hospitality and mutual understanding. The conference further reiterated the indivisibility of the Somalia Nation. It therefore appealed to the SNM in northern Somalia to participate in the National Reconciliation Conference.

The Second Djibouti Conference

The second Djibouti conference was held from 15th-21st July 1991, the Somali National Movement again boycotted this meeting, insisting that they were an independent

Republic. This conference was attended by representatives from Germany, United States, France, Italy, Saudi Arabia, Egypt, Libya, Yemen, Nigeria, Ethiopia, Kenya, Uganda, Sudan, China, the Arab League, OAU, OIC, EED and IGAD. The second Djibouti conference established a provisional government, it was also agreed to establish a ceasefire among movements involved in the fratricidal wars with effect from 26th July 1991. The conference unanimously concurred that the unity of the people and the national integrity of Somalia were sacred.

The conference also set forth the establishment of a 123 members constituent assembly based on the 1969 regional boundaries. Other major decisions included the appointment of Ali Mahdi Mohamed as a President of the Republic of Somalia for a period of two years from the date of his swearing in ceremony; the appointment of two vice presidents from the SSDF and SPM as 1st and 2nd vice presidents respectively; the appointment of a prime minister who had to be a native of the north of the country; the selection of the speaker of the constituent assembly, a member of the SSDF; and the two vice speakers, from SDA and USF.

Further, it was agreed that the interim Government would be charged with the responsibility of drafting a new constitution, organizing free and democratic elections, where the president of the Republic and the members of parliament would be elected[27]. Although the outcome of the 2nd Djibouti conference was endorsed by international organizations it did not hold for long. General Aideed did not attend the swearing in ceremony of the interim president, Ali Mahdi's Government, leading to a power struggle between the two in Mogadishu. Thousands of people lost their lives while others were displaced.

[27] World Bank Report: conflict in Somalia; Drivers and Dynamics; January 2005.

The Addis-Ababa Conference on the National Reconciliation

In January 1993, leaders of the southern factions meeting in Addis-Ababa agreed on a ceasefire and the procedure, for disarmament. This was followed on 27th March, 1993, by a conference on the national reconciliation. The 15th factional leaders took part in the conference. These important agreements brokered in Addis-Ababa concerned the formation of the transitional political and administrative structures that would guide the country to elections in two years. The Addis-Ababa conference adopted a two-tier approach to peace building in Somalia. This involved the formation of both regional governmental institutions and of district councils. The aim of the district councils program was to offer a second track or grassroots approach to nation building. It was aimed to complement the first track of "top down" approach persuade through the Addis-Ababa conference.

The program implementation was, however problematic. The council's representativeness was a matter of concern given the large displaced population, the lack of clarity and dialogue on the role of the councils and their authority. Equally problematic was the rapid pace with which they were created, their uneasy relationship which indigenous councils of elders and with factional leaders.

United Nations Operation in Somalia (UNOSOM I and II)

UNISOM I was established by the UN Security Council to monitor the ceasefire between Ali Mahdi and Mohamed Fara Aideed and to provide emergency humanitarian assistance. The UN Secretary General appointed Mohammed Sahnoun as his special representative (SRSG). He was provided with a staff of 50 an-armed monitors, 500

lightly armed Pakistani troops arrived in Somalia in September 1992 and the ceasefire did not last. By November 1992, President Bush of the USA agreed to offer US troops to lead a UN military action to avert and even greater human tragedy. In December 1992, the UN Security Council passed resolution 794, creating the UNITAF. From 21st December 1992 to May 1993 UNITAF had about 38,000 troops drawn from 21 nations, including 28,000 American soldiers, whose parallel separation during the UNITAF period was called Operation Restore Hope.

In March 1993, the UN Security Council resolution 834 mandated UNISOM to replace UNITAF. This was an ambitious resolution calling for the rebuilding of state institutions and the disarming of Somalia militias. This ambitious plan could not materialize the Somalia nation's disintegration further deepened into real anarchy. In June 1993, Aideed's militia ambushed and killed 24 Pakistani soldiers, in the response; the UN Security Council through resolution 837 authorized US marines to apprehend those responsible for the action. On October 3, 1993, 18 American Soldiers were killed and 75 others wounded in their manhunt for Aideed. President Clinton forthwith announced the phased withdrawal of American troops that was completed by March 1994. This marked the end of UNISOM II and the beginning of another mayhem in Somalia as a warlords scrambled for the control of portions of the country.

The Sodere Declaration

The Sodere declaration was Somali political organization after peace meeting (conference) held from 22nd November to 31st December 1996, in Sodere, Ethiopia. At

Sodere, the national salvation council composed of 41 members selected from the 26th political movements participating in the Sodere conference. A National Executive Committee (NEC) with 11 members and a 5 member co-chairmanship with the authority to act and speak on behalf of the NSC was also created. The NSC was to embark on a preparatory course leading to the establishment of a provisional National Government of Somalia.

The Sodere Declaration had 5-points program which included:

a. To work for the restoration of peace, stability, law and order.
b. To hold reconcile the differences among clans and to revive and strengthen the national cohesion of the Somali people so as to ensure the return of a lasting peace and the full participation of political groups in the political decision-making process.
c. Programs including drafting a Transitional National Charter (TNC) and the Provisional Central Government (PCG) as well as preparing such other documents as are deemed necessary.
d. To coordinate and facilitate the provision of emergency relief and rehabilitation programs as well as other services like: education, health care, environment protection and the reactivation of the productive sectors of the economy and
e. To act as the counterpart to the international community in the effort to assist in the reconciliation process and the rehabilitation of Somalia.

The Sodere Declaration was endorsed by Ethiopian Government and the Diplomatic Community. It was later endorsed by IGAD, the AU, and the Arab League. The Sodere Declaration, however, became a cropper as no further support initiative accompanied the endorsement by the aforesaid organizations.

The European Commission in Somalia

The European Commission, tried to facilitate a search for a peaceful resolution of the Somali conflict by Commissioning the London School of Economics and Political Science in 1995, to conduct a comparative study to assess the implications of various types of political and administrative decentralization both to the general public and leading Somalia intellectuals and decision-makers. The report entitled; Study of Decentralization, structure for Somalia, a menu of options focused on four models which they proposed to the Somali people to choose. The alternatives governance structures were;

a. Confederation
b. Federation
c. A Decentralized Unitary State and
d. A community based type of power sharing known as consociation.[28]

The European Commission Sponsored two seminars each in Naivasha and Nakuru, Kenya in June 1996 to discuss the study's findings, some traditional and religious leaders, intellectuals, professionals, women and other representatives of Somali civil society attended the seminars and supported the concept of establishing a

[28] Ibrahim, Farah et, al, (2002) op cit, p. 328.

decentralized state with constitutional guarantees for the full autonomy of the constituent units. Three follow-up seminars were also held in Somalia.[29] The establishment of the Puntland state in 1998 can be credited to this EC intervention. The initiative failed because it focused on governance issues and at the expanse of resolving the conflict.

The Arta Conference

This conference was the 13th initiative in the long and winding road to peace in the war torn Somalia. The conference was convened by President Ismail Omar Guelle of Djibouti from May 2000 and was called a national reconciliation conference. The conference was held under the background of several failed attempts at the reconstructing the state of Somalia which had been plunged into a civil war for almost a decade following the collapse of the Barre regime in 1990.

As a departure from the previous attempts President Guelleh focused more on the civil society intellectuals and professionals from within Somalia and the diaspora.[30] The conference draws representatives from all major clan's business community and Islamic clerics. Four months later, and to the surprise of many outsiders the Arta Conference achieved so much where all twelve previous conferences had failed by electing a Transitional National Government which in term elected an interim president."[31]

The Arta Conference had come up when the conditions were ripe for negotiation. The faction leaders once so powerful had lost much of their power. Where once faction

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[29] Ibid.
[30] Fiona Lorgan: "Africa Watch: Rebuilding the Somalia State": African Security Review, Vol. 9, No. 5/6, 2000.
[31] Ibid.

leaders and their militias held sway businessmen and Islamic clerics were now the power brokers. For businessmen, the initial advantages that came with the absence of state had become a liability and they now were the principle groups supporting the resurrection of the Somali state. A growing number of Somali entrepreneurs were now perceiving that their business interests would best be served by the creation and recognition of some sort of authority though, one which would co-exist with rather than challenge the mafia-based economy on which these mar chants profit.[32]

The decade long civil war had created a ripe moment for actors in the Somalia conflict to come to the negotiation label and the Arta offered this opportunity. The conference like all the previous had its share of shortcomings. The inclusion of individuals closely associated with the discredited Siad Barre in the TNG, the appointments of individuals closely associated with war crimes such as General Hasi Ganni and General Hersi Morgan considered as the two butchers of Hargeisa into the Government were among the issues that were contested.

The focus on the civil society also had its share of problems. Just who is Somali society and how it is identified. This lack of clarity allowed a number of militia groups such as PRA and leaders to repackage themselves as grassroot organizations thereby earning the right to represent Somali civil society in Arta.[33]

The Nairobi Somali Peace Process

The initiative was undertaken in the context of several failed attempts to broker

[32] K. Menkhaus and J. Prendergast. Political Economy of Post-Intervention: Quoted in G. Prunier, Somalia: Civil War, Intervention and Withdrawal: Write net United Kingdom, nd.
[33] Fiona Lorfan: Africa Watch, op. cit.

peace for Somalia and every effort was made to avoid the pitfalls of the previous attempts. "The framers of this round of talks came up with several innovations. The IGAD led Peace Process started with a meeting of the IGAD Council of Ministers meeting in Nairobi on 6th September, 2002 where they considered and approved the report by Somalia Frontline States Technical Committee, made up of Kenya, Djibouti and Ethiopia who had been mandated by IGAD to run the Conference and who had already embarked on the pre-negotiation process. The Technical Committee had "traveled to Somalia for this purpose and widely consulted on the main actors to the conflict and had sent out invitations to the identified actors"[34] to attend the planned conference in Kenya. As part of the pre-negotiation state, Eldoret was identified and agreed upon as the venue of the peace talks and all the logistics for travel and accommodation of delegates were finalized and by 15th October 2002 the14 peace conference at Eldoret in Kenya.

Pre-negotiation

The initial stages of the talks run into the first test of successful conflict management. The issue of how the delegates were identified and their representation posed a big challenge to the talks and threatened to break the talks at their initial stage. Although the conveners of the conference had invited 366 representatives of various clans and interest groups, 1000 delegates turned up at the conference and any "attempt to reduce the number by sending away some of them was met with stiff resistance from the leaders with some threatening to boycott the talks."[35] The overwhelming number of uninvited delegates who turned up at the meeting was an indication of the extent of

[34] IGAD Working Document: A Report on the Visit to Somalia (Djibouti), 1999.
[35] Ochieng Kamudhayi: The Somali Peace Process in Mwagiru (Ed), African Regional Security in the Age of Globalization, Nbi, Heinrich Boll Foundation, 2004, p. 3.

vested interests in the Somalia conflict. This gives credence to the believe that peace-making is a risky business and the greatest source of spoilers- leaders and parties who believe that peace emerging from negotiation threatens their world view and interests use all means available to undermine any small achievements." The Conference also endorsed rules of procedure that were to guide the conference.

Negotiation Stage

This stage of the mediation process brought the parties to the negotiation table where the agenda issues were agreed upon. Because of the nature and extent of the issues that were in contest among the parties in conflict, the conference identified and adopted 6 committees to which they assigned the responsibility to deal with the identified conflict generating thematic issues

The first committee dealt with the question of the constitution and type of government the Somali's wanted. The second committee dealt with disarmament and reintegration while the third committee dealt with land property and rights. The forth committee was tasked to deal with economic recovery and reconstruction.

The fifth and sixth committees were to deal with the question of conflict resolution and reconciliation and regional and international relations respectively. The selection composition and representation of these committees was another source of bitter disagreements among the parties. "Some of the delegates were not familiar with the issues at stake as they were illiterate to participate effectively. Others had been away in

self-exile and were unfamiliar with current realities that continued to change fast."[36]. The contested issues were resolved to allow the process to move forward.

The committee on the constitution and the type of Government for Somalia was the one whose work was most contentious. The committee split the delegates into two, as soon as it started its work. There were those who supported a unitary government while the other group supported a federal system of Government. Those positions were supported by some front line states who for their own vested interests, wanted to see the future Somalia government adopt a given structure. Djibouti wanted the Conference to endorse the results of the Arta Conference and the President of its choice, Mr. Abdukassim Salaad while Ethiopia wanted to push for a friendly ally from SRRC. Both Djibouti and Ethiopia have vested interests in Somalia. Ethiopia fears the possibility of a renewed claim to the ogaden region and would do everything to ensure a friendly government in Somalia while Djibouti's economic survival depends on a stable Somalia. Ethiopia supported a federal government while Djibouti favored a unitary system of government.

Kenya shares a long and porous border with Somalia and due to the state failure in Somalia, had suffered through the influx of refugees and the proliferation of arms and resultant insecurity. A stable Somalia would relief Kenya the burden of refugees and help stabilize the security situation in the border areas. Eritrea used the forum to settle scores with Ethiopia over the long standing border dispute. Uganda on its part was more

[36] Ochieng Kamudhayi: The Somali Peace Process in Mwagiru (Ed). African Regional Security in the Age of Globalization. Nbi, Heinrich Boll Foundation, 2004.

interested in regional leadership as Museveni considered himself the senior most head of state following the retirement of President Moi of Kenya.

All these vested interests had a lot to do with the delays, postponements and other intricacies that characterized the peace talks. The talks were also affected by the political changes in Kenya which saw a new NARC Government under the His Excellency President Mwai Kibaki, replace the KANU Government under President Daniel Arap Moi. Ambassador Bethuel Kiplagat replaced Elijah Mwangale as the special envoy and Chairman of IGAD Technical Committee. These changes according to Ochieng affected the tempo of the Conference. The diplomatic approach that Kiplagat took did not go well with the Somalis who mistook it for weakness. Considering that these were people who had been used to dictatorship and police state, their psychology was that of authoritarianism."[37] Mwangale's departure was prompted by allegations of corruption which brought his credibility to question.

The shift of the venue of the peace talks from Eldoret to Nairobi also affected the momentum of the conference and created some logistical problems. Due to the proximity of the venue to the Somali settlements in Eastleigh, many Somalis invaded the conference causing confusion and threatening to derail the talks.[38] Despite all these developments, the committees were able to come up with their reports for the plenary for consideration by April 2003. The plenary, which was the highest decision making organ of the conference, adopted all the committee reports except the two proposal submitted by committee one on the constitution and the type of government that the Somalia wanted. "One committee led by Somalis aligned to the TNG of Abdikassim Salaad and Djibouti

[37] Ochieng Kamudhayi: The Somali Peace Process in Mwagiru (Ed), African Regional Security in the Age of Globalization, Nbi, Heinrich Boll Foundation, 2004.
[38] . Ibid

produced a report that was in favor of centralized form of government. The other group aligned to the SRRC and the Ethiopian government came up with pro-federalist structure.

The dispute generated by these divergent views on the type of government for Somalia divided participants into two hostile blocks and efforts to merge the two documents became futile After a long period of negotiations and lobbying by women at the Conference the leaders came up with an agreed document on 5th July, 2003."[39]

The disagreements over various aspects on the issues under negotiation did not seem to come to an end. Ochieng further observes that a stalemate on Article 11 on the form of the government ensued as diplomatic efforts were steeped up to forestall disagreements. The final version of the transitional Charter was adopted by the plenary on 15th September, 2005 in the face of disagreements and criticisms. To save the talks from eminent collapse the 10th IGAD Summit met on 20th-25th 2003 and expanded the technical committee to include all IGAD member states thus bringing in Uganda, Eritrea and the Sudan. To address concerns raised by Djibouti over the ownership of the conference, the Summit emphasized the Somali ownership and renamed the technical committee the IGAD Facilitation Committee to underscore the facilitative role of the committee and to emphasize the Somali ownership of the peace process. It further directed the facilitation committee to meet at the ministerial level and review the status of the peace process with a view to removing all obstacles towards attainment of peace in Somalia."[40] By mid-September a full parliament was selected, followed by the election of Abdullahi Yusuf as President of TFG on October 10th 2004. President Yusuf selected Professor Ali Muhammed Gedi to serve as Prime Minister.

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[39] Ochieng Kamudhayi: The Somali Peace Process in Mwagiru (Ed), African Regional Security in the Age of Globalization. Nbi, Heinrich Boll Foundation, 2004.
[40] Ibid.

The cabinet composed by the Prime Minister in December 2004 was subsequently rejected by Parliament but a new cabinet based on different clan quotas was approved in January 2005.

Outlook for Peace in Somalia

The road for lasting peace in Somalia is depended on the same forces that saw it degenerate into a collapsed state. The clan rivalry that deconstructed Somalia is still very critical in its reconstruction process. 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[41]. These factors centered on clan interests and their perception on how the new state of Somalia will affect these interests. The resolution of the conflict will also depend on how the interests of the foreign actors will be served by the new state. The entire attempt to procure peace in Somalia have failed or made remarkable achievements on account of how inclusive they have been as regards these interests.

An analysis of the Somalia peace process clearly demonstrates that settlement approach as opposed to resolution was employed to the extent that some important and basic aspects of mediation process were glossed over in an attempt to bring peace to the war torn country. The negotiations were marked with open disagreements and open contest among some actors whose involvement was driven by their own national interests. Their participation had overriding influence in the process at the expense of the conflicting parties. The conflict between Somalia and Djibouti over the type of

[41] World Bank Report: Conflict in Somalia: Drivers and Dynamics; January 2005

government in Somalia is a good example of external interests in the Somalia peace process. The outcome of the peace process was therefore bound to run into implementation problems which clearly explain the correct situation in Somalia.

Chapter Three

MANAGEMENT OF INTERNATIONALISED CONFLICTS IN KENYA

Introduction

Management of internationalized conflicts in Kenya clearly manifests processes that blend both official and unofficial methods approaches. The traditional methods of negotiating peace and reconciling clans in conflict have a long history among local communities. The strategies used differ from one community to another. Traditional methodologies of conflict management also referred to as community based dispute resolution approaches use practices indigenous to particular communities involved in conflicts. This conflict resolution approaches are prominent in the management of conflicts arising from resource use especially land, water and pastures. These approaches apply community participation in conflict management to arrive at mutually beneficial solutions that are acceptable to the cultural backgrounds of those involved. The emphasis on community participation in traditional peace building is an important component of the robustness of solutions arrived through traditional conflict resolution approaches.

Mwagiru argues that different conflicts call for different diplomatic tracks of management or duality of tracks"[1]. He further argues that the distinction between official and unofficial actors in the process of conflict management is useful not only as a basis from which to understand the nature of the conflict but also in designing the proper methodologies and approaches to conflict management.[2] The emphasis on community

[1] Mwagiru M : The International Management of Internal Conflicts in Africa. Op.cit. p.361- 433.
[2] Mwagiru M: Conflict: Theory Processes and Institutions of Conflict Management. Op. cit p.122.

participation in traditional peace building is an important component of the robustness of solutions arrived through traditional conflict resolution approaches.

The important question to be asked is to what extent the two methods (tracks) should be blended for quick and acceptable outcomes. The two tracks can and have frequently been employed in different combinations and degrees to achieve results. Each truck has its own advantages and disadvantages (Weaknesses). The challenge for conflict analysts and managers is how to strike a balance between the two tracks to achieve desired outcome.

As a conflict manager there is need to dig into the history of the conflict to understand and appreciate the underlying cause of the conflict so as to adopt a combination of tracks that can produce the best outcome. Some conflicts are underpinned by strong differences in values such as self determination or identity that they may require more of track one approach in bringing the parties to the negotiation table, while some are generated by differences in interests that can easily be bargained through the facilitation of non-state actors.

Conflict management in Marsabit in particular and Kenya in general, combines both track one and track II with a strong bias towards track one leading to conflict settlement which are conditioned by power play. This may account for the recurrence of conflicts in several conflicts prone areas of Kenya.

The scramble for Africa and the resultant administrative boundaries of various colonial territories in Africa did not pay attention to the existing settlement patterns of the various ethnic communities in the region. Subsequently, the boundaries that emerged

from this arbitrary demarcation of the African continent divided communities into different countries thus disrupting the unit cohesion and loyalties of such communities.

Those arbitrary boundaries gave rise to a situation common particularly in Africa where some ethnic groups are separated with national boundaries that impose some restrictions on free movements and interaction among them thus interfering with their unity, loyalty, solidarity and identity. When the Masaai in Kajiado or Borana in Marsabit or Moyale cross into Tanzania or Ethiopia respectively, for water and pasture, they do not pay much attention to the administrative or legal implications of such cross border movements. Their movements are prompted by the pasture and water availability within their bigger community or nation to which the administrative boundary does not mean much. Whenever a conflict arises among these communities over the sharing of resources or over land, it is very easily internationalized as the bigger nation which cuts across the national boundaries are drawn into the conflict because of their ethnic loyalties and solidarity.

The management of such internationalized conflicts is usually a complex process and its management calls for a more integrated approach that must incorporate the foreign factor in the dispute. In Kenya, the following are some of the internationalized conflicts whose resolution efforts are worth noting.

Turkana-Karamoja Conflict

The Turkana community is found in the North Rift part of Kenya. It borders Uganda and Sudan to the North West area of Kenya. The Turkana border the Karamoja of Uganda, and Toposa community in Southern Sudan with whom they have protracted conflict over the use of water and pasture. They also have cultural generated conflicts.

"Warfare is an essential part of social life of the Turkana. The interaction between the Turkana and other surrounding communities is characterized by hostility and violence."[3] The community has very elaborate customary institutions of conflict management which include the extended family system, the clan and tribe which is organized into 15 clans from which elders are picked to represent the tribe which is "the highest Organ and Supreme Court in the Turkana land."[4]

Because of the cohesive nature of the Turkana society and the respect accorded to traditional institutions of conflict management, enforcement of the decisions of these institutions is easier and compliance is good. The Turkana community has provisions for fines and compensation for every crime including from murder (Akibut), adultery (Elomit), rape and theft.

The Turkana community is surrounded by several hostile communities with whom they have regular violent conflicts. Some of these communities border the Turkana along the international border thus making these conflicts international in character, and therefore complex in its management. Among the communities (tribes) that border the Turkana are the Dongiro and Merille to the North (Ethiopian border), Toposa to the Northwest (Sudan) and Karamoja to the west (Uganda). The main factors that generate conflicts between the Turkana and the said communities from the neighboring countries is competition for limited natural resources such as water and pasture, cattle raids and the resultant revenge attacks, cultural egos which prompt warriors to conduct raids so as to earn special recognition as heroes of the community.

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[3] Ruto Pkalya; et al: Indigenous Democracy Traditional Conflict Resolution Mechanisms: Nbi. ITDG, p. 43-55.
[4] Ibid.

Other causes include quest for identity, commercialization of cattle rustling and decline or breakdown of traditional believe systems

The Turkana community has very rich traditional knowledge on how to manage conflicts. The "use of secret agents (ng'ikarebok and ng'irototin) to gather intelligence information" is one of the methods used by the Turkana to prevent and manage conflicts. Evidence of suspicious footprints, movements of neighboring communities or appearance of strangers in the suspected areas is an early warning to the possibility of an attack"[5] Such a signed elicits pre-emptive response which may involve mobilizing community security agents (warriors or KPR), relocating to safer areas or calling for government intervention. This is a very common conflict management approach among the Turkana community.

Another important strategy of conflict management is negotiations and peace pacts. Inter-community meetings and negotiations are commonly used to prevent and manage conflicts. A good example where negotiations and pacts have been used to manage conflicts is the 1973 Peace Agreement between the Turkana and Matheriiko (Karamoja) of Uganda. This peace process was facilitated by the two Governments (Uganda and Kenya) through logistical support. The elders from the two communities came together at a small border town called Lokinama and talked over their conflict. According to Mr Ayonga; "the peace between the two communities that has lasted for 30 years was as a result of the symbiotic relationship that emerged from the peace talks. Both groups benefited considerably from the peace process. The Turkana desperately

[5]. Development Alternative Inc; Report on Conflict Prevention Mitigation and Response Program for Africa. Managing African Conflicts.

needed the dry season grazing available in the metheniko land and the metheniko desired protection against their enemies provide by the Turkana[6]

This was a case of conflict management through the workshop approach. As Bollig observes, participatory approaches used with awareness of their limit, may prove useful. Ayonga observes that the Turkana Karamoja conflicts has several challenges occasionally threaten harmonious co existence between the two communities. Cross border grazing rights have conditions attached and among these conditions is that elders seek consent from host clan leadership whenever they enter their grazing grounds. Where this consent has not been sought or where it is denied, any violation of this regulation is a potential cause of conflicts.

The Kenya Uganda government security requires that visiting grazers do not carry firearms which posses another big challenges when they cross with this firearms and they are promptly disarmed by the authorities. These generates tension as local leaders complain of harassment from the government thus raising even more tension among the pastoralist communities Negotiations between the two governments are able to resolve some of this conflicts.

Dodoth-Turkana Conflict

The Dodoth-Turkana cross-border conflict mitigation initiative which is being implemented by the Development Initiative Inc DAI with funding from USAID and CEWERN has demonstrated the effectiveness of traditional approaches to conflict management. The program was prompted by frequent violent clashes between the two communities which had left behind massive displacement of families, destruction of

[6]. Mr Ayonga M. is the DC Turkana District

property, death and misery to these border communities. The Turkana live on the Kenyan side of the border whereas the Dodoth occupy the Ugandan side.

The programme was initiated with the objective of "enabling the Dodoth and Turkana communities to engage in amicable and sustainable sharing of natural resources (water and pasture) and contribute to the peaceful co-existence and restoration of good relationships between the two communities. It was also to contribute to increased social economic interaction between the two communities and strengthen the early warning and conflict prevention capabilities of communities and other actors."[7]

The programme was designed in such a way as to provide a forum that would bring together a broad spectrum of conflict parties and other actors to discuss and arrive at a consensus on substantive issues generating conflict in their community and propose possible solutions to address the problem. The process was community driven but facilitated by Government through existing security structures.

The implementing agency DAI facilitated the consultations through the "provision of financial assistance to (Riam Turkana) the officially recognized District Peace and Development Committee and Kotido Peace Initiative (KOPEIN) to support them to minimize further conflict and reinforce efforts to establish peace building networks at the border."[8] The Dodoth-Turkana cross-border conflict mitigation initiative operates within the broader context of a CPMR strategy for pastoral areas of the greater Horn of Africa which was developed by DAI and approved by USAID East Africa in November 2004.

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[7] Ibid.
[8] Ibid.

This initiative has contributed immensely in stabilizing the security situation in the area where conflicts, death, destruction of property and displacement of families have been a common phenomenon. "As a consequence, raids have been substantially reduced both in scale and number, and negotiated livestock recovery from those raids has increased substantially. Large-scale organized raids have not taken place in 2005-2006."[9]

Other achievements of this community conflict management initiative incjude improved relations evidenced by increased interaction and cross-border networks and the signing of "a provisional Peace Agreement reached in December 2005 by the youth of both communities."[10] The involvement of the youth in the peace negotiations and their signing of the peace agreement was an important shift from the normal practices in the management of ethnic conflicts where elders negotiate and sign peace pacts while the youth who are the perpetrators of ethnic clashes are left out. The youth are not strictly bound by the decisions taken by the elders and often ignore such agreements. The management of this internationalized conflict demonstrates that such conflicts are best resolved through strong cross border partnerships that bring on board conflict parties and other actors in the process of negotiating and resolving conflicts.

The management of internationalized conflict in Wajir District

The security environment that has characterized most of northern Kenya is best described by Oyugi in his observation that" Over the years, North Eastern region/ province has remained one of the most insecure region in the country, a region where both government and civilian vehicles cannot move without armed escort. It has

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[9] Ibid.
[10] Ivan Malkovic; From the Second World War to this War: Croatia Library Life between Ideology and Nationalism. Tri Quarterly Issue, 97, Gade Group, 1996, pp. 5-6.

remained a region where, the collapse of the Somali State and the resultant proliferation of small arms has made lawlessness, banditry and inter-clan fighting prevalent as the assailants commit crimes and cross over to the neighboring state where some have built up special relations with the warlords"[11]. This statement is particularly relevant to the situation obtaining in Wajir District in the1970s and 1980s.

Wajir District lies at the border between Kenya and Ethiopia to the north and is occupied mainly by Garre, Ajuran and Degodia sub tribes that cut across the border into Ethiopia. Because of this cross border settlement linkages of the said clans and considering their strong ethnic loyalties, any ethnic conflict involving any of this groups is quickly internationalized and its impact defies the administrative boundaries with resulting cross border instabilities. Most of the cross border conflicts that afflict Wajir District are resource driven where competition to control shared resources such as water and pastures is common cause of violent clashes.

Ethnic conflicts in the District are also generated by ethnic nationalism where clans compete against one another for supremacy over political and administrative control of the District. These conflicts as argued by Menklaus 'have been exacerbated by the fire power' and changed clan demographics arising from the Somali civil war which has lead to endemic tension between the three clans over rights to pastures and watering points. He further observes that clashes which occurred in 1992 and 1993 between the Degodia, Ajuran and Ogaden clans were triggered by the arrival of multiparty politics and competition by MPs over constituencies. The elections were viewed as high stakes

[11].Walter O. Oyugi. Politicized Ethnic Conflict in Kenya, A Periodic Phenomenon, Addis Ababa, 2000.

zero-sum contest by clans fearing that victory by rivals would institutionalize the rivals hold on resources and eventually disfranchise the losers"[12]

What happened next is one of the more extraordinary turn of events in Kenya's troubled frontier violence, and is well-documented in print and now film. An initially small women's civic group helped set in motion a peace process which eventually culminated not only in a relatively durable peace among the three main clans in Wajir, but also helped produce a new type of civic-government partnership for conflict management that went on to become a model for peace committees throughout much of Kenya"[13]. This type of conflict that blends both traditional and government approach to conflict management has helped to bring peace in a region where peace has been elusive for many years.

The Wajir experiment in civic-governmental collaboration or, in some respects, government sub-contracting out of key functions to local civic and traditional authorities was formalized via a decision to unite the peace groups as a sub-committee of the District Development Committee (DDC), a forum within the district administration bringing together government and civil society. The Wajir Peace and Development Committee (WPDC) chaired by the District Commissioner, includes representatives from the District Security Committee, heads of government departments, NGOs, elders, women, youth, religious leaders, the business community, and the district's MPs"[14]. The initiative has established grassroots community committees whose responsibility is to monitor and initiate appropriate action to address potential conflicts and to refer those that require the

[12] Menkhaus Ken: Kenya – Somalia Boarder Conflict Analysis.
[13] Dekha Ibrahim and Janice Jenner, "Wajir Community-Based Conflict Management," paper presented to the USAID Conference "Conflict Resolution in the Greater Horn of Africa (June 1997).
[14]. Ibid.

intervention of the District Peace and Development Committee. Through this initiative the relations between the Ajuraan and Degodia were stabilized and no armed clashes have occurred between the two since 1994. In an effort to resolve the source of the conflict the MP seat over which the two clans fought was resolved when the government created a new parliamentary constituency, Wajir-North, to give the Ajuraan their "own" seat in parliament. This tactic, embraced at the urging of many Somali Kenyan politicians, has resulted in Wajir district sporting four constituencies: Wajir-North (Ajuraan); Wajir-East (Degodia); Wajir-South (Ogaden); and Wajir-West (split between Ajuraan and Degodia)."[15]

Despite the achievements recorded through the Partnership between government and civic governance structures in the management of conflicts, the phenomenon of conflicts continues to glare its face in the district and the region although with less Intensity and spread. According to local District Commissioner Mr.Ndambuki, commercialization of cattle rustling and the declining authority and influence of elders on the community particularly on the youth is the main factor contributing to this situation. The youth no longer require blessings from the elders whenever they organize cattle rustling raids against other clans"[16]. He adds that the cross border nature of such crimes make it difficult for the security forces to pursue the suspects beyond the border. The DC confirms that the establishment of cross border committees has greatly reduced the incidences of cross border cattle rustling and other crimes.

The cross border peace committees take responsibility over crimes committed in their area of jurisdiction and handover to the relevant committee when evidence from

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[15]. Markiaus: op.cit.
[16]. Mr. J. Ndammuki is the District commissioner Wajir East and formerly DC of the Larger Wajir District before its sub-division in 2007.

foot marks shows that the stolen livestock have gone out of their area of jurisdiction. This system of tracing stolen livestock is used where the footmarks cross the national border. Regular joint security meetings between Kenyan and Ethiopian security official are another important management Institution. This committee oversees the operations of the cross border peace committee to ensure that conflict generating issues are resolved before they transform into violent conflicts.

From this overview of conflict management in Kenya it is evident that the government plays an important facilitative role in the process. Whereas the community plays a critical role in the actual process of negotiation, the coordination and facilitative function is left to government and NGOs and community based organizations. Thisscenario explain the remarkable reduction of conflicts in the District. An effective community driven process as Mwagiru advises should be one where parties sit and talk out their conflict and agree to implement their negotiated agreement"[17] This leads to successful outcome which addresses the underlying causes of the conflict. The approach in which parties in conflict work in partnership with government NGOs and other stakeholders in the management of a conflict guarantees resolution of the conflict.

[17]. Mwagiru, M. Conflict in Africa. Theory Processes and Institutions of Management, Nairobi Watermark Publications, 2000, p.

Chapter Four

Management of internationalized conflicts in Marsabit District:

Major Findings

Introduction

This chapter presents the findings of interviews conducted during the research work at Marsabit District. To be able to select respondents covered during the interviews, the researcher obtained data on the population of the District and its distribution according to the existing administrative units. On the basis of this information, a sample population of 70 respondents was picked and questionnaires were administered to this selected group. The actual selection of the responds was carried out through systematic sampling system based on the list of households obtained through the locational administrative offices. The selections of locations covered ware done through the purposeful sampling technique. Through this technique, the administrative divisions and locations which had reported incidents of internationalized conflicts were isolated and listed. On the basis of this listing the random sampling approach was used to select the locations.

The researcher sent out 70 questionnaires but received 54 responses representing a return rate of 77.1% with a default rate of 22.9%. From the analysis of the respondents, 37 persons representing 68.2% were male while 18 representing 31.8% were female. The analyses further showed that majority of respondents were youth aged between 20-25 years. Bellow are the main findings from the study.

The prevailing security situation

The general security environment in the district attracted varied responses. Asked to describe the security situation in their respective areas in the last one year, 64% described it as fair while 22% felt that the situation was good. 14% of the respondents described the situation as bad. Asked to account for the trend, most respondents attributed it to the effort of the cross border peace committees. They however felt that the suspicions among the communities in the district still pose a big challenge to the security of the district. The security committee in the district supported the view that there has been some remarkable improvement in the security situation and linked it to the effort by the cross border. From the analysis the following issues were captured.

Frequency of conflict occurrence

On the question of the frequency with which conflict occurred 47% of the respondents said that conflicts occurred monthly, while 32% of the respondents said quarterly. 21% of the respondents said that conflicts recurred on a monthly basis. From this analysis it is evident that conflicts are a common feature in the District.

The frequency of conflicts according to the district police boss changes with the weather patterns because of its implication on pasture and water resources, There are more opportunities for conflicts during the wet months or on the onset of rain as opposed to periods of drought. The body condition of livestock is normally poor during the draught period and animals stolen have minimal chances of survival.

Conflicts generating factors

.Competition for Resources

Competition for access to and control of pasture and water resources is a major cause of conflict in Marsabit District. 76.4% of the respondents' linked conflicts to competition for resources and observed that the conflicts usually started at water points or grazing areas. This resource driven conflicts had positive colleration to scarcity of water and pasture and was predictable. As the draught bites and water and pasture scarcity set in the pastoralist will move to the limited dry grazing areas which in turn generate pressure on these scarce resources. The difference in resource management practices is another aspect of resource driven conflict common in the district. While the Boran have strict control and regulation of dry and wet season grazing areas the Gabra, whose grazing grounds are located in the climatically harsh chalbi desert often encroach into the controlled Boran grazing Grounds thus generating conflicts.

b. Politically generated conflicts

Marsabit District is home to about 5 main tribes. The majority are Borana, followed by Gabra, Rendile, Burji and other non indigenous communities who are collectively referred to as Corner Tribes. Except the Burji and corner tribes who are mostly businessmen, the other communities are indigenous pastoralist who freely graze their livestock in their vast clan land whose boundaries are a subject of disputes. From the analysis of responses on the nature or type of conflicts, 27% of respondents described conflicts in Marsabit as political or politically instigated. On the question of why the politicians found it necessary to instigate conflicts, respondents said they did so to

enhance their popularity among their people Politically generated conflicts are common Between Boran and Gabra because of their conflict over identity. The district commissioner Chalbi district Mr Satia observes that politicians often generate conflict when they are politically threatened so as to mobilize support and deviate the attention of their constituents away from their weaknesses.

Identity and ethnicity

The politics of identity and ethnicity is another main cause of conflicts in Marsabit and the conflicts they generate can correctly be described as conflicts of identity and ethnicity. The conflict between Borana and Gabra in Marsabit fall under this category. The two communities share the same language and cultural believes and their origin can be traced to Ethiopia where for many years, they lived as one sharing water and pasture. Their settlement patterns are similar and they have always lived together in same mixed Manyatta sharing water and livestock. According to the Borana myth, some Borana ceremonies cannot be complete without the participation of the Gabra.

The Gabra, on their part argue that they are a separate community from the Borana whom they blame for their suppression and domination. They are currently fighting for their own separate identity and land from the vast land claimed by the Borana. This identity conflict and the determination of the Gabra for a separated identity and space has been fueling conflicts in Marsabit. 9% of the respondents blamed identity and ethnicity for ethnic conflicts.

Other conflict generating causes identified include cultural factor and revenge. Cultural factors involve such practices among the Borana, Gabra and Rendille

community as cattle raids after circumcision which is carried out to proof that the young Moran have come off age. They also conduct raids to raise pride price when they are ready to marry. Revenge is conducted by the youth after blessings from elders to restock stolen livestock and does not necessary target the clan or tribe that may have been involved in the raid. Revenge on the animals stolen by the Turkana from the Gabra can be directed on the Borana. What clearly came out from the study is that any attack on the pastoral community leads to revenge and the revenge may not be immediate but will surely take place. 3.5% of the responds identified boundary conflicts as another cause of conflicts in Marsabit district. The Turbi massacre was linked to the boundary dispute between Gabra and Borana and is still a regular source of tension between the two communities. The recently created administrative units have generated a new conflict among the Boran, Gabra and Randile which seemed to be taking shape during this study. If urgent measures are not taken to address concerns arising from the new boundaries, the conflict is likely to blow up into violent ethnic clashes.

Actors in fueling the Conflict

On the question of key actors fueling the conflict, 53% of the responds blamed politicians while 22% blamed elders. The interesting finding in respect with the actors was the revelation that this high percentage of involvement by elders and politicians was with regard to violent attacks where there was already an outstanding issue not resolved. Under such circumstances, elders and politicians actually mobilized and blessed the youth to attack other communities. The study however identified the youth as major actors in fueling conflicts over cattle raids and conflict generating acts where there was

no known difference or outstanding issues among the communities. The youth without involvement of the elders and politicians are responsible for commercialized livestock thefts which generate conflicts.

High levels of Poverty

The recurrence of conflicts in Marsabit District underscores a number of issues and interests that fuel the protracted conflicts. Among the most pronounced is the question of high levels of poverty.

Marsabit District is among the poorest Districts in Eastern province. The economy of the District is dependent on Pastoralism. The harsh climatic conditions and the long spells of drought that are common in the District explain the high level of poverty. Drought spells leave behind high levels of livestock death with devastating food vulnerabilities and insecurity. High levels poverty in the district was identified as one of the causes of the conflict. Related to the problem of drought is the issue of scarcity of water and pasture. This accounts for the vicious competition for the scarce resources which spark violent conflicts among the communities in the District.

Conflict Mediation

On the issue of conflict mediation 53% of the respondents were of the view that the government should play a facilitative role in conflict management to help tone down

tribal animosities and create the environment for mediation. 31.4% proposed faith based organizations as suitable institutions for mediation of conflicts while 11.1% of respondents felt that the role of conflict mediation should be played by political leaders.

Only 3.7% of the respondents preferred mediation by peace committees. 83.5% of the respondents were categorical that mediation could not work without the watch of government. Only 17% felt that government should be left out of the process of conflict management and allow parties to resolve their conflicts without undue influence. The strong support of the government involvement in mediation is a driven by the deep seated differences suspicion and hostility among these pastoral communities. The involvement of government undermines the opportunities for a negotiated outcome which offers the best chance for conflict resolution

Foreign Link in the Marsabit Conflict

On the issue of whether these conflicts have any link to any foreign country, 78% of the respondents linked Ethiopia to the conflicts while 22% saw the conflicts as an internal affair without foreign involvement. Asked to comment on the nature of involvement by the Ethiopian connection 33% of the respondents said Ethiopia was the source of the firearms fuelling the conflict while28% linked Ethiopia to the conflict as a market for the stolen livestock. 22% of the respondents said Ethiopia was the source of armed tribal militia that was hired whenever there was a conflict. !7% said cattle rustlers came from Ethiopia. From these findings there is overwhelming evidence on the Ethiopian link in the conflicts in Marsabit The transboundary nature of settlement patterns particularly among the Boran and Gabra accounts for this phenomenon..

What should be done to minimize recurrence of conflicts

On the issue of what should be done to minimize conflict recurrence in the future 42% of the respondents were of the view that the government should deploy adequate

security to the affected areas while 24% of the respondents favored provision of adequate resources by the government as the best way to manage these conflicts. 20% supported the disarmament of illegally armed while 7 % favored peace building initiatives. On who should be charged with the responsibilities of ensuring that conflicts do not occur majority of respondents supported the fact that it is the responsibility of the government while others saw it as the duty of the leaders together with the peace committees.

Early Warning Signs

From the responses obtained about early warnings on impending conflicts, 31% of those interview indicated that theft of livestock was an indicator that a major conflict was in the offing while 27% of the respondent said water shortage was an indicator of possible conflict occurrence as most conflicts that occurred were related to competition and control of pastures and water for livestock, while 14% thought the best warning of impending conflict occurrence was water shortage. 28% of the respondents attributed the early signs to propaganda, tension and other traditional signs of individual communities. The traditional early warning signs include the signs from the stars the behaviour of some animals the signs from the intestines of slaughtered animals. The art of interpreting such signs is a preserve of some elders from specific clans.

The study noted that despite the rich stock of knowledge on traditional early warning mechanism there has not been any effort to promote this important cultural heritage The value of an effective early warning system is in its ability to trigger prompt

mitigating response to cushion society against violence and other disruptive manifestation of conflict. [1] The value of traditional early warning system is yet to be exploited.

Action taken on impending conflict occurrence

On the action taken by the community following occurrence of a conflict or upon the realization that a conflict was a bout to occur, 58% of the respondent said they mobilize their morans to defend the clan and sent out alerts to their allies. 19% said they report to the government so that arrangements are made to provide security, while 21% said that they move away from the vulnerable area(s) together with their livestock to safer grounds while 2% of the respondents said that peace talks are initiated to try and resolve the conflict.

The high rating of defensive reaction to the threat of a conflict and the demand and support to KPR is big challenge to conflict management as it undermines the condition for peaceful approach to conflict management

These responses clearly indicates the low rating of locally driven inter community peace initiatives and a high tendency to mobilize for self defense.

To whom the conflict is reported

The research attempted to establish who the conflicts were reported to whenever they occurred. Out of 54 respondents interviewed by the researcher 57 % said that they reported to the government agents, 30% said they report to the local peace committee, 8%

[1] .. Sandole J. D. Dennis and Hugo Van der Merwe: Conflict Resolution Theory and Practice: Manchester (Manchester University Press, 1993), p. 153

said they report to the elders and 4% said they report to the clan elders so as to arrange for clan defense. 1% of the respondents said that a report is given to religious leaders to arrange for prayers for peace

Training and Capacity Building

On the question of training and capacity building 65% of the respondents said no training is given to peace committees and other local peace actors while 27% said that that the relevant training was being given to the peace committees. On the question of who should offer training and capacity building 67% proposed that NGOs should play a leading role while 24% supported the government as a lead actor in training and capacity building. 9% of the respondent were of the opinion that faith based organization should play this responsibility. There was overwhelming support of 93% of respondents who appreciate the value of training and capacity building.

Chapter Five

Management of internationalized Conflict: A Critical Analysis

Introduction

The management of internalized conflict is a growing phenomenon. For a long time, management of conflicts tended to focus on addressing the manifestation of conflicts and paid little attention to the factors that create conditions for conflicts to develop and grow. As argued by Tillett, conflict resolution is a multi disciplinary analytical problem solving –approach that seeks to enable participants to work collaboratively towards its resolution[1]. He further argues that the analysis of conflicts requires the study the totality oh human relations whether conflictual or not , for its human motivation and values that are involved conditioned by the totality of the environment-economic, social and ecological- in which this relations are enacted. In managing conflicts it is important to look at all the actors and their interests and to embrace a management framework that accommodates all the actors and their interests in the spirit of give and take.

The Role of Government in Conflict Management

Whereas successful resolution of a conflict requires that parties on their own sit and talk over the conflict the deep rooted suspicion and hatred among the communities in Marsabit District has created an environment which undermines free interaction of the parties in conflict. This has created a situation that puts the government at the centre of conflict management process. Wherever, a conflict arises among the communities in the

1. Gregory Tillett, Resolving Conflict, A Practical Approach, Second Edition(Melbourne, Oxford University Press) p1

District, parties talk to each other through the government to which they also report all complaints against each other. The study found out that the facilitative role of government is very critical in crating the environment for negotiation among communities that are separated suspicion hostility and problems of identity. The Boran Gabra conflict is at the centre of most conflicts in the district. The two communities cut across into Moyale district and extend across the national border into Ethiopia. The quest for self determination of the Gabra is more of an issue in Moyale and Ethiopia where they live among each other and share water and pasture. Any difference between the two communities in Marsabit attracts attention and reaction throughout the Borana nation whose territory spreads into Southern Ethiopia. The hostility between the two communities has been responsible for the internationalization of the Marsabit conflict. A conflict between the two whether it is sparked by a fight between two herds-boys or a cattle raid, is easily internationalized. The Turbi massacre is said to have been executed by the Borana from Ethiopia. Many revenge attacks in the District are planned land executed by people across the national borders. The stolen livestock find their safe hiding grounds across the border. 80% of the conflicts occur in Dukana, Maikona and Turbi Divisions which border Ethiopia. The suspicion and hatred among the communities has placed the government in a position where it continues to play a central role in the conflict management process. This situation undermines the basic principles of resolution of conflicts which require that parties sit down on their own will and talk out their differences and chart their way out of the conflict. The involvement of government implies some element of power relationship in the process which mostly lead to

settlement and not resolution of the conflict. This should explain the phenomenon of recurring conflicts in the district.

Conflict Management Methodologies

The conflicts management in Marsabit district is carried out within a framework that combines both Track one and Track two approaches. The role government in conflict management raises certain fundamental questions that are important in determining the nature of outcome of the negotiation or mediation process. The goal of conflict resolution is to assist severely alienated parties in conflict to analyze the causes of their conflict to imagine methods of reconstructing or replacing the system that is generating it to cost out various conflict resolving options and to implement the options agreed upon"[2]. Government participation is very critical in facilitating conflict parties to come to the negotiating table. The hostility of the parties make it difficult for parties to agree to come to the negotiation table. The parities in conflict were unanimous on the critical role of government, in creating the atmosphere for parties to negotiate. The respondents proposed the faith led organizations as the alternative to the facilitative role of government.

Early warning system

Most of the literature in conflict management acknowledges the critical role played by an effective early warning system. The development and operationalization of his kind of system serves as a warning of an impending conflict and a notice to conflict managers and analysts to move in and activate preventive strategies. With proper management of an effective early warning system an impending conflict can be avoided

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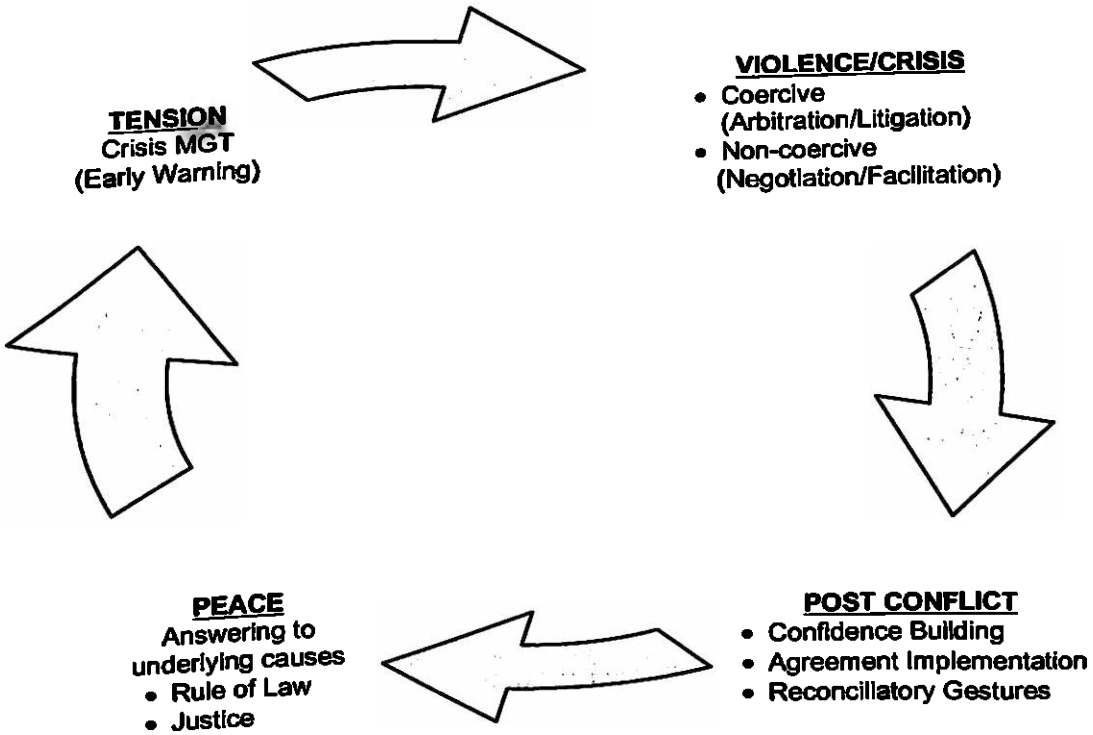
[2]. Sandole J. D. Dennis and Hugo Van der Merwe: Conflict Resolution Theory and Practice: Manchester (Manchester University Press, 1993), p. 153.

through appropriate preventive measures. Where it is not possible to prevent conflicts post conflict initiatives can help to build partnerships and rebuild broken relations. The field of conflict management in Kenya has not given a lot of prominence on early warning system. The study did not show any evidence of serious post conflict activities by other stakeholders except effort by government to address water resource constraints by developing more water points and through the creation of peace committees. There should be more partnership building activities and meetings.



This system must be informed by the conflict cycle so that relevant interventions are developed at various stages within the cycle. Emphasis should be placed on activities that will help to maintain and preserve peace and where a conflict is unavoidable focus should be on post conflict activities. The study in Marsabit revealed that the community has very rich knowledge on traditional early warning systems that have been practiced for centuries but for which there has been no effort by government to engender it into the formal conflict management framework. The value of traditional early warning system must be acknowledged and deliberate effort made to promote it. For peace among the communities to endure they must be involved at all stages in the conflict management process. Their involvement must focus more on preventive and peace building activities using their traditional strategies. Conflict management as correctly argued by Mwagiru should aim at reaching a mutually self sustaining solution".[3] .

Mediation Framework

Conflict management in Marsabit is a challenge that continue to preoccupy both government and other conflict managers because of its international character and the problem of ethnic identity between the Boran and Gabra communities whose differences are responsible for about 80% of the conflicts in the District.

As argued by Mwagiru Mediation is a continuation of negotiation by other means. The need for negotiation arises when parties to a conflict have attempted negotiation but have reached a deadlock[4] Relman supports Mwagiru position by arguing that "the problem solving approach is the most effective strategy to be used during the pre-

[3]. Mwagiru, M. Conflict in Africa. Theory Processes and Institutions of Management, Nairobi Watermark Publications, 2000, P 41.
[4] Mwagiru, M. Conflict Management in Kenya Op cit p 115.

negotiation phase of the conflict as it prepares parties in conflict for formal track one mediation[5]

.This argument presupposes that the parties in conflict are in talking terms and that they have attempted negotiation. The hostility among the communities in the district severely undermines this theoretical premise.

Mediation theory as underpinned by the problem solving workshop concept is the ideal theoretical framework that offers the best alternative approach to the management of internationalized conflicts in Marsabit District. The management of conflicts in Marsabit district has evolved a fragile cross bread of both track one and two which operates through the District Peace Committee, the relevant Locational and District cross border committees under a loose structural linkage with the District security committee and the District Development committee. Focus should now shift to strengthening these linkages. Conflict management should institutions should be integrated and mainstreamed into the district security structures to enhance their operation and supervision

Poverty and Drought

Marsabit District has very high levels of poverty which combine with the harsh natural environment characterized by frequent Episodes of drought and famine to create conditions for regular ethnic conflicts. The competition for scarce water and pasture resources are complicated by breakdown of the traditional strategies of pasture and water management. While the Borana have elaborate traditional system of managing pasture, the Gabra who occupy very harsh and rocky part of the Chalbi desert are forced to encroach into the Borana grazing grounds, sometimes contravening their pasture management system thus generating conflicts. In Moyale District and inside Ethiopia,

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[5]. H.C. Kelman: Informal Mediation by the Scholar/practitioner" In Barcovitch J. and Rubin J.Z. (eds), Medication In International Relations (New York: Saint Martins Press 1992) p.64-69.

the two communities share common watering points and grazing grounds. Any dispute among the two communities anywhere within the bigger Borana nation, is a source of tension and sometimes violent conflict. The government effort to develop more water points through drilling and construction of dams and pans has itself generated conflicts as these water points are privatized by one community to the exclusion of the others.

On the question of poverty, the government's affirmative action in the development of the district has focused more on the development of more water resources and schools. The severe food security challenges and appropriate alternatives to pastoralism have not yet been accorded prominence in the development agenda. Issues of poverty and the vagaries of drought and frequent episodes of famine must be at the centre of the search for a solution to the frequent conflicts in the district.

Instrumentalization of Ethnic Identity

The strong sense of self determination among the Gabra community and the determination of the Borana community to suppress their quest for a separate identity plays a big role in generating the hostility between the two communities and creates a reason for the protracted conflicts between the two communities. This explains why 80% of the conflicts in the district involve the two communities. The paradox to the Gabra-Borana conflict is the fact that an attempt to resolve this identity question cannot succeed with the involvement of the traditional and spiritual leaders of the two communities. The spiritual leader of the Borana (Abagada) lives in Ethiopia and must be involved in resolving the ethnic problem between them. The Gabra have their traditional 'Yaa' System which historically was linked to and came under the overall umbrella of the

Abagada. The self determination of the Gabra has tried to pull out of this historical connection in favor of a separate and independent Yaa system based on what they call the five drums. The drums refer to the main sub clans or sections of the Gabra community which have their own traditional governance system. To address the ethnic identity problem between the two communities, these traditional authorities must be invoked and both the Ethiopian and Kenyan governments involved in facilitating the negotiations between two clans. A solution to the question of identity between the two clans will set the stage for the management of the conflict.

Security and Infrastructure

Security coverage in Marsabit District is seriously undermined by the limited number of security personnel and the few police posts found in this vast district. The government attempt to beef up security through recruitment and deployment of KPR has not helped the situation as some of these firearms are used to perpetuate the conflict through cattle raids and highway banditry. The command and control of the KPR is also very weak as the existing police posts which are charged with their control are far apart and therefore not able to effectively control them. Incidents of misuse of KPR firearms are common in the district. The community policing concept has not been rolled out to the district as most of the respondents did not seem to be aware of this policing strategy. Interviews with district security officials indicated that the concept is being rolled out but there was no evidence of this process from the respondents.

Poor infrastructure in the district has complicated conflict management as many parts are inaccessible because of poor roads and the distance from the district

headquarters. Occurrence of conflict generating incidents such as cattle rustling or fighting among herders over access to water Take long before any action is taken because of poor infrastructure. Lack of communication facilities is another aspect of infrastructure which complicates management of conflicts. The management of the protracted conflicts n Marsabit should address the issues of infrastructure with particular focus on security roads and progressively increase the number of security officers to a level that can meet the challenges policing such a vast district. In the meantime the operation and command of the KPR should be streamlined. The KPR mostly operate on their own and are sometimes implicated in criminal activities such as cattle rustling and highway robberies which sometimes generate conflicts.

Institutional weaknesses

Whereas the cross border peace committees play a key role in resolving internationalized conflicts, their operation is largely dependent on government push and their meetings are largely ad hoc depending on when there is a conflict among the tribes. There is also an apparent conflict between the district peace committees and the cross border committees. While every location has sub committees of the District Peace Committees, cross border committees are usually operational at the border locations and divisions and their institutional linkages are not clear. The institution of elders has also been a source of confusion in the whole process.

While the District Peace and the cross border committee members are elected and the committees operate as permanent features of the conflict management institutions, some very influential elders who have a lot of control in the community are

left out. In negotiation of inter tribal conflicts, some of these elders are sometimes used outside the existing committees. This sometimes causes disagreements. In some cases, the elders serving in the cross border committees and the District Peace Committees are appointees of politicians and are often used by politicians to pursue their agenda which may not be geared to conflict resolutions, as some of the politicians survive on perpetuating these conflicts so as to remain relevant. There is need to resolve the inconsistence and depoliticize the committee by integrating them into the district security system.

The Politics of Ethnicity

Politicians cash in on the differences among the various tribes in the District and play them against each other and using the conflicts as an opportunity to demonstrate their ability to defend their communities. A politician who stands up to strongly defend their community interests easily perpetuates himself in leadership.

Policy issues

Conflict management is enhanced by a clear policy framework that creates institutions, defines there mandate, clarifies the role of various actors and their responsibilities and provides for rewards and sanctions for non compliance to the agreed set of rules and regulations.

From interviews with local leaders and security officials n the District, there is overwhelming concurrence that the security officers deployed in the District are not commensurate with the task of policing the vast District with enormous security challenges compounded with a long porous border with Ethiopia. The government

should urgently increase the number of security posts in the District with special focus on strategic border points. The new posts together with the existing ones should be with not less than a full section of either Administration Police or regular police so as to effectively deal with any security challenges in the District. To enhance supervision of police officers manning the said posts, senior non commissioned officers should be posted to the aforementioned posts.

Most Divisional offices in the conflict prone areas of Marsabit District have no serviceable vehicles for use by police officers in a quick response to distress call. To strengthen the capacity of divisional security officers to respond to conflict generating disputes and facilitate security operations against cattle rustling and illegal grazers, each division should be allocated serviceable vehicles are sufficient funds to enable them carry out their mandate. Allocation of patrol vehicle should also be considered for police posts that are for from the existing Divisional Headquarters or Police stations.

The government should engage the Ethiopian Government in initiatives to strengthen the cross border peace committees to effectively play the role of security and conflict management The Government must screen the elders appointed to the cross border peace committees to ensure that they are men of integrity and good character. The role of women in the cross border peace committees is critical as they are the most affected by conflicts and other forms of insecurity they must therefore be incorporated in peace initiatives because they are stakeholders.

The pastoral communities in the District must be sensitized to appreciate their critical role in conflict management as they are the most affected whenever conflicts occur. The government should ensure that the membership of the cross borders peace

committees are not less than a third to total membership. This gender equity will enhance the committees' capacity to resolve conflicts. The Government should strengthen the weak linkages between the existing security committees by establishing formal Divisional and District peace forums which will hold scheduled meetings to review progress in their peace imitativeness. These forums should bring on board political leaders and other selected representatives from the NGOs, CBOs and faith based organizations.

The government should operationalise the community policing strategy to involve the community in security management to reduce opportunities for crime. Some of the criminal activities such as cattle rustling should be contained before they spark conflicts. The community policing strategy should be supported by a relevant policy to create a framework for its operation and clarify responsibilities and mandate of all stakeholders to avoid confusion community participation should be given prominence.

The government should support and engage NGOs, faith based organizations and CBOs, to support capacity building programmes to equip cross-border committee members with skills to negotiate and resolve conflicts. The Government should deal firmly with political inciting and hate speeches. Politicians must be held responsible for actions/conduct that is likely to generate conflict.

The government should take deliberate effort to address high levels of poverty and access to essential services. District Poverty eradication programs should focus on development of more water points, and improving communication infrastructure. The poverty eradication program should develop market outlets such as abattoirs for livestock to support the huge livestock production capacity in the district.

The high number of unemployed youth in the district should be organized into groups and facilitated to access financial assistance from such government funds as Youth Development Fund to enable them to engage in gainful activities. They should also to participate in rural security roads improvement contracts and other small government contracts so as to benefit from government funds and earn a living outside cattle rusting and cross border crimes.

The government should review the operations and management of Kenya Police reservist to strengthen their supervision and control. The government should consider placing their management under the locational administration where the distance to the nearest police post may not allow effective control. Incidents of misuse of firearms and involvement in crime by KPR should quickly be investigated and appropriate legal action taken.

The government should hasten the process of formulating a policy frame work to guide conflict management. The policy should focus on strong community driven institutions for conflict management and peace building. The policy also should provide incentives for leaders who champion's peace in their community and reward system for elders involved in peace management.

The government should urgently engage leaders and the community in efforts to resolve outstanding border disputes and clearly demarcate negotiated boundaries to minimize opportunities for border related conflicts. The implementation of these recommendations will go along way in enhancing conflict management in Kenya.

Another important area that government must start to pay more attention is the link between research on conflict and the practice of conflict management. There is need

for a deliberate policy by government to create institutional linkages between the universities and the departments of government who are charged with the responsibility of managing conflict. This institutional linkage will tap the wealth of knowledge in the domain of universities and help to build capacity in government so as to enhance effective management of conflicts in general and internationalized conflicts in particular.

Finally, on the basis of data analyzed i support the null hypothesis that the frequent ethnic conflicts in Marsabit District are as a result of inappropriate management strategies. While i appreciate the positive developments such as the introduction of cross border committees, as an effective approach to conflict management, their ad hoc nature of operation and the weak linkages with the formal government security organs is a gray area that must be re-looked into. Urgent measures must be taken to formulate a comprehensive policy framework to create institutions and clarify the role of various actors and create linkages between formal and informal structures of conflict management.

Chapter Six: Conclusion

This chapter seeks to tie together the salient issues of conflict management raised in all the previous chapters and gives a comment on the salient issues highlighted. Chapter one identifies the research problems, demonstrates the study objectives and reviews the literature by various scholars on the question of management internationalized conflict. The chapter also identifies the theoretical framework hypothesis and the methodology employed in this study.

Chapter Two of this study highlights the concept of internationalized conflict with practical examples on the management of the post genocide conflict in Rwanda and the management of the internationalized conflict in Somalia.

Chapter Three delves into the management of internationalized conflicts in Kenya and picks examples from the Turkana. Dodoth, Turkana-Karamoja and the internationalization of inter-clan conflicts in Wajir to demonstrate how Kenya has evolved a system of management that blends track one and track two to resolve conflicts. The chapter argues for the place of across bread of Government and local non governmental initiatives in the management of internationalized conflicts in Kenya.

Chapter Four presents the finding of a case study on internationalised conflicts in Marsabit District and gives highlights of major issues and interests in the protracted conflict among the pastoral communities in Marsabit District. Some of the salient issues discussed include competition for scarce resources, poverty and its impact on conflicts, the actors, issues and interests, the Early Warning Systems and management issues.

Chapter ffive makes a critical analysis of the findings of the case study and discuses the emerging issues of conflict management in Marsabit district.

This chapter ties together the main issues raised in the study by way of reflections on various issues and challenges on conflict management of internationalized conflicts and argues for a management framework that addresses all the complexities of such conflicts

The frequent upsurge of conflicts in Marsabit district and their devastating impact on the general development of the district provides a good justification for an urgent refocusing on the approaches of conflict management that have been used to deal with the internationalized conflicts in the district.

Most of the conflicts occurring in the District have four major characteristics that should be that should inform any management initiative by both government and other conflict managers in their quest to seek solutions.

First and foremost, the disputes among the communities in the district are driven by deep seated hatred and suspicion which easily transform into violent reactions. This is particularly true of conflicts involving the Gabra and Borana because of the instrumentalization of their ethnic identity and the emotive disagreements it generates. This factor explains their protractiveness and frequency. A contest between the two, offers an opportunity for them to sort out their racialized differences.

The second characteristic of the conflicts in Marsabit revolves around their complexity because of the number of actors it brings on board. The transboundary nature of settlement patterns and the ethnic loyalties that tie together the Gabra and Boran communities both in Kenya and across

the border in Ethiopia transforms any dispute among them into a conflict between the bigger Gabra and Boran nation. A fight between Gabra and Borana herds men has the potential to generate a conflict that involve the two communities in Kenya and Ethiopia. The larger Borana or Gabra nation transcends national boundaries. A successful management framework for internationalized conflicts that operates under such forces must pay attention to these realities

Thirdly, most conflicts occurring in the district are predictable. Revenge is very central in many of the violent conflicts recorded in the district. The Turbi massacre for example was executed to avenge the killing of alleged murdered Borana by the Gabra. The Borana had given demands and ultimatums to the Gabra which had sent clear signals of possible revenge. The Gabra on their part had initially blamed the Borana for the murder of a herdsman from the community whom they blamed on the the Boran and for whose reason they had confiscated Boran livestock.

Fourthly, competition for and control of resources is at the centre of most ethnic conflicts in the district. The management of these conflicts therefore must pay more attention to the development and equitable distribution of water and good range management practices.

These characteristics of internationalized conflicts in Marsabit district are good representations of the issues that inform management of such conflicts in Kenya. The challenge of creative conflict management poses serious challenges for the analyst or manager of conflict. It requires that possible and emerging trends of conflict within and without neighboring states be identified and tracked s to factor their possible influence in the local conflict. Conflicts that are most likely to be diffused across borders and internationalized must be identified and proper modes of their management designed. The various levels of influence must be disentangled, and the interfaces

between different types of conflict identified. Within this broad approach, the conceptual basis on which analysis and practical conflict management must be embedded must be defined: for, without a sound conceptual basis that takes cognizance of all these dynamics, any type of conflict management is bound to founder.

Lack of infrastructure to spur economic growth coupled with problems of water shortage, lack of pastures due to prolonged draught with lack of other resources are the major causes of conflicts among the communities living in Marsabit and its environs. Need for political goodwill and commitment to end insecurity and cattle rustling should be a priority issue among the leaders and all the stakeholders in this conflict prone region. There is need for posting of competent, well trained government officers to manage conflicts in the District and to address real and potential issues arising from resources and boundary.

Strengthening of early identification of warning, rapid responses mechanisms need to be put in place to effectively monitor and put preventive mechanisms to avert occurrence of conflicts. Lack of adequate security forces along borders to take care of the expanse areas will be a solution as most of problems seem to stem from the likely absence of security in these areas. There are double standards by politicians and government officers charged with the responsibility of enhancing sustainable peace in this area.

Conflict management has evolved into a subject that is supported by a rich theoretical and conceptual thought against which analysts and parishioners can predict the behavior of actors and their interests and design interventions that accommodate the interests of the parties for desirable outcomes where all the parties feel they have got as much as they have lost.

Traditional approaches to conflict management were characterized by such considerations and negotiations were conducted in a manner that benefited the parties in a conflict. Their ultimate object was to restore broken relationship. The concept of restorative justice is the guiding principle that underpins approaches to conflict resolution.

The Garissa and Modogashe declaration was negotiated and agreed among the pastoral communities of north eastern and eastern province on the basis of this concept. According to these communities, lost life was compensated at the rate of 100 cattle for men and 50 for women. There was also compensation for stolen livestock. This negotiated concept of compensation has not effectively been implemented as it lacks enforcement mechanizations for such traditionally, negotiated peace agreements. This is a common problem as traditional agreements are left to the good will of respected communities to implement. It is one area that calls for integration both traditional and modern approaches where government enforces the traditional pacts.

The challenge of managing internationalized conflicts calls for the strengthening of interstate management structure to create networks among cross border communities while paying attention to those conditions which generate internationalization of conflicts. Where internationalization is driven by kin country syndrome, the ideal management framework should deal with those conditions that promote kin country solidarity and foster cross border networks that undermine the potential for the feeling of deprivation within the bigger tribal nation.

In Masabit, the Boran in Kenya will react to any threat against the bigger Boran nation that cuts across the Border and vice versa. The same is true for the Gabra community. It this tribal solidarity, that easily internationalizes any dispute among the two communities in the district.

In general, management of internalized conflict must address the gap between theory and practice. The wealth of knowledge generated by scholars and researches in conflict management has not been effectively integrated into the practice of conflict management. Conflict management continues to operate in isolation of proven theories of conflict resolution. As a matter of great urgency, a policy of conflict management should redefine the place of scholarly work in universities and other academic institutions so that this wealth of knowledge is factored in the design of the conflict management frame work.

In addition, the future in the management of internationalized conflict lies in formulation of a policy that blends the positive attributes of track one and two modes and the extent to which the knowledge generated by scholars and researchers can be integrated to give conflict management a scientific approach. This paradigm shift is required to enhance conflict management in Kenya y way of acknowledging the important role of all actors and creating a strong partnership among all actors in search for a sustainable outcome. In this paradigm the government has a facilitative responsibility.

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