Kenya and Uganda Pastoral Conflict Case Study

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This case study will analyse the nature of pastoral conflict and its implications for the border areas of Kenya and Uganda. While insecurity and conflict in these areas is often characterised as arising from competition over scarce resources, there are broader dimensions to these conflicts. These revolve around a long history of social, economic and political exclusion from the centre. As a result of weak state penetration in these remote border regions pastoralist communities retain a limited and negative experience of the state.

The state's role in service delivery in two areas- the provision of security to pastoral communities and support to pastoral livelihoods- is on the whole poor. In Kenya and Uganda the state responses to conflict in pastoral areas have historically been characterised by an indiscriminate and aggressive military response that has alienated pastoral communities. Aside from these periodic security interventions, pastoral communities largely fend for themselves and in this context the role of arms, both as a means of protection and as livelihood assets, becomes important. This section will examine these issues in more detail.

With respect to support to pastoral livelihoods, the analysis will illustrate that systematic marginalistion of pastoral communities from development opportunities has deepened inequality. There are signs that the policy environment in Kenya is improving and beginning to address some of the structural drivers of inequality while progress in Uganda has been slower and significant challenges remain.

The paper will outline the pattern of development assistance in pastoral regions in the two countries and the extent to which progress on human development has been achieved. The paper argues that insecurity and conflict *combined with* limited investment in pastoral livelihoods systems from the centre (in Uganda the settlement of pastoral communities remains a strong development objective despite the proven ineffectiveness of such strategies) present equal challenges to human development in the two countries.

The paper will analyse the different responses to pastoral conflict in Kenya and Uganda. This section will cover macro-level policy responses such as the Pastoralist PRSP process and arid and semi-arid lands (ASAL) programme in Kenya. In Uganda, the Northern Uganda disarmament programme and the Uganda Poverty Eradication Action Plan (PEAP) will be analysed. At a micro level NGO sponsored grassroots peacebuilding initiatives (such as the AU/IBAR Karamoja Cluster peacebuilding programme and the Wajir Peace and Development programme) will be analysed.

Background to conflict in pastoral areas

The border areas of northern Kenya and Uganda have, over the last three or four decades, been the arena for a variety of 'low intensity' conflicts, some of which are linked to wider cross-border and regional conflicts. The roots of these conflicts lie in a combination of political, socio-economic and ecological factors. These include: A long history of economic and social marginalisation from central authority; increased competition over resources; reduced access to land, water and other natural resources due to increasing demographic and environmental pressure, and reduced access to credit, markets and extension services.

Ecologically, the arid and semi-arid areas of Kenya and Uganda are characterised by the steady erosion of the natural resource and social asset base from which households and communities construct their (predominantly pastoral) livelihoods. This is further exacerbated by seasonal variations or shocks, such as drought. Pastoral livelihood systems have adapted to these ecological patterns through the development of highly resilient production systems: The nature of pastoral livelihoods demands a high degree of mobility guided by the need for access to water and grazing land without deference to state borders.

These systems have been significantly eroded, as a result of colonial and post-colonial legal definitions of land ownership and resource use. The increasing emphasis on individual rather than communal property rights has led to increasing restrictions on population movement and grazing rights, the foundations of pastoral economy, which has in turn undermined historic coping strategies and increased the vulnerability of pastoral communities. As a result, communities no longer retain the capabilities, activities and resources required to secure a minimal means of living.

In addition to these factors, the proximity of these border regions to wider regional conflict: Sudan, Ethiopia, Somalia[1] has made access to small arms relatively easy. In a context of increasing vulnerability at the household level both from insecurity and economic decline, small arms are regarded as household or community assets. This is the case in Turkana and other districts in northern Kenya where communities acquire weapons as a means of protecting, replacing or accumulating assets from both cross-border and internal raiding.

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[1] Uganda of course had its own civil war.

Pastoral conflict and violence in the subregion is historically linked to the violence that accompanied the state formation in the colonial era[2]. The genesis of these conflicts was triggered by colonial state policy. The gazetting and appropriation of large parts of the pastoralists' communal lands, as was the case in Uganda, triggered contradictions and conflict between pastoralists and the state. The violence meted out by the authorities pushed these communities to the fringes of the state and led to their being marginalized. This contributed to the strong impulse among pastoralists to acquire firearms to match or counter state violence.

The British authorities administered emergency law to rule the sub-region's people (northeastern Uganda, northern Kenya, and southeastern Sudan). The colonial authority's quest to pacify the people led them to neglect any meaningful investment in fields of social and economic development. Lord Harcourt's observation provides a clear illustration of this: "It appears to me both dangerous and unremunerative for the Governor of Uganda to undertake the administration of a country which is not easy to access from headquarters and which has no great resources."

Imposing fixed internal divisions (for example, northern Kenya was a closed district in colonial times) and international borders without regard for livelihood systems of pastoral communities had devastating results. It is clear that colonial borders – and the way they have been administered since then – are a crucial factor behind conflicts in border areas: Awuondo warns that "the pastoralist understanding and response to ecological pressures was systematically eroded by colonialism. This was affected by drawing ethnic and national boundaries as well as restricting cattle movements" [3].

Civil wars over the years in Ethiopia, Sudan, Somalia, and Uganda have led to proliferation of small arms and light weapons. The wide availability of arms, apart from being devastating in terms of human loss, has altered the cultural foundations of many communities – erosion of traditional conflict-resolution mechanisms in the face of arms-bearing youth being one of the most significant examples. Given the livelihood insecurity of communities in border areas, availability of arms has provided the means for communities to seek alternative livelihoods (inevitably violent ones) such as livestock rustling and banditry.

The phenomenon of livestock warlord rivalry has now emerged, most notably in the Kenya, Sudan, Uganda border area (particularly in the Pokot and Turkana communities). In Kenya, the Pokot have raided the Tugen, Marakwet, and Keiyo; internationally they have raided the Turkana and Karamajong of Uganda and the Toposa of Ethiopia. The warlords command small and well-equipped armies and, as Osamba reports, "have acquired more sophisticated weapons [as bandits] than those of government security forces; bandits have become *de facto* administrators in northern Kenya."[4]

Rebel activities along the Kenya-Ethiopia border further complicate the nature of conflict. The frequent tensions along the Kenya-Ethiopia border are largely rooted in the belief that the Oromo Liberation Front often uses Kenya as a base for retreat from Ethiopian forces following armed engagements. In response, Ethiopian militias often cross over into Kenya in hot pursuit of OLF rebels and end up in violent clashes with communities in Kenya. There are several reported incidents of these sorts of incursions and one reported incident in which several Kenyan policemen were killed and one captured and taken across the border. These incidents put a great deal of strain on relations between Kenya and Ethiopia.

Extract from *Early Warning and Conflict Management in the Horn of Africa*, Ciru Mwaura & Susanne Schmeidl (eds), Red Sea Press, 2001

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[2] See Peter Adwok Nyaba and Peter Otim, *Conflicts in Pastoral Areas along Borders: The Kenya, Uganda, and Sudan*. CEWARN Consultancy Report (London: FEWER, 2001).
[3] Odegi C. Awuondo, Life in the Balance: Ecological Sociology of Turkana Nomads, (Nairobi: ACTS Press, 1992).
[4] Joshia O. Osamba, "The Sociology of Insecurity," *African Journal on Conflict Resolution* 1:2 (2000).

The role of the state

Conflict in pastoral areas is often associated with their marginal location and weak state penetration. Pastoralists are seen as not only physically distant and occupying peripheral areas, but also as politically and culturally marginal. Their presumed distance from modern institutions and from the controlling action of the state is often accepted as a self-evident explanation for widespread violence. The situation is much more complex and closer analysis (as highlighted above) shows that the colonial and post-colonial state has had a direct role in increasing the insecurity of pastoral communities. For example, in Kenya, several shortcomings have characterised previous government responses to insecurity in the arid areas[5]:

- *Lack of response:* Frequently, there has been no response for 'normal' killing and raiding; a certain level of inter-clan or inter-ethnic killing among pastoral communities was often considered usual and acceptable;
- *Delayed response:* District administrations have complained that they lack sufficient resources such as fuel and 'night out' allowances to send timely responses;
- *Indiscriminate force:* Numerous cases where indiscriminate force was deployed in notorious army or police 'operations'. These tended to effect collective punishment rather than apprehending culprits of raiding. Such responses rarely brought lasting results in terms of ending the ongoing cycle of conflict;
- *Ineffective formal justice:* In addition, where perpetrators of murder, banditry or raiding were processed through the formal state justice system, there have been countless cases of the individual escaping justice through bribing police or magistrates;
- *Lack of motivation:* Security personnel have often had limited appetite or motivation for stemming stem inter-clan or inter-ethnic fighting.

The same is true of the role of the state in Uganda, most vividly illustrated in the government's failed attempts at forcible civilian disarmament in northern Uganda without providing credible security guarantees. So long as the state remains unable to provide credible alternative security mechanisms to communities, self-armament and enlisting in a militia group represents a 'rational' adaptation to violent conflict for many communities (Collinson, 2003).

Development assistance and pastoral livelihoods

In Kenya, arid and semi-arid lands (ASALs) cover 80 per cent of the total land surface and provide subsistence economy to 25 per cent of the population who are mainly pastoralists and agro-pastoralists (NDP 2002). These areas have the highest incidences of poverty and the lowest levels of access to

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[5] Conflict Reduction in arid and semi-arid areas of Kenya: Lessons learned, Oxfam GB, 2002

basic services[6]. While Uganda has made record progress in human development in the last 15 years, the notion of 'national development' is problematic given the gap between the north and the rest of the country[7]. The northern part of Uganda remains the poorest with 63% of the population estimated to be living below the poverty line in 2003.

Most analysis cites conflict and insecurity as the major reason for chronic underdevelopment. There is no doubt that conflict undermines resource effectiveness or that improvements will only be possible once security is established. That said, there is a long history of social, political and economic marginalisation from the centre that underpins the poverty and insecurity in northern Kenya and Uganda.

At a macro-level, the state has been reluctant to engage with pastoral economy and livelihoods. State-led development interventions in pastoral regions have historically been in direct conflict with the pastoral way of life. Pastoral livelihoods have often been regarded as primitive and unproductive. It is only relatively recently that the Kenyan government has moved away from overt attempts at settling pastoral communities. This still remains a policy objective of the Ugandan government.

This history of marginalisation was reflected in the Interim PRSP in Kenya, which failed to reflect the priorities of pastoral communities. As a result a Pastoralist Thematic Group (PTG) was created to develop thinking on poverty reduction in pastoral regions of Kenya: "The poverty reduction strategy paper provides an initial articulation of the government of Kenya's response to the urgent need to reduce the incidence of poverty in Kenya. As this is the highest among pastoralist households, (60%), the PTG has prepared an implementation matrix to accompany the group's paper for greater articulation in the final PRSP plan" [8].

The Uganda Poverty Eradication Action Plan (PEAP) cites armed conflict as a decisive factor in the impoverishment of northern Uganda and focuses on conflict resolution as a key element of the action plan. This analysis does not take into account the historical roots of underdevelopment in the north or focus on the role of central economic and development policy in contributing to the chronic poverty in the north.

At a micro-level, the increase/intensification of violent conflict as a result of developmental programmes and policies, or their absence or ineffectiveness has in many cases, skewed access to natural resources, accentuate existing levels of competition and concentrate resource degradation within particular

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[6] Interim Poverty Reduction Strategy Paper for the period 2000-2003: Government of Kenya, June 2000
[7] *Two Africas? Two Ugandas: An African democratic developmental state or another 'failed state'?* Timothy M Shaw

[8] Pastoralist Thematic Group on Poverty Reduction, Ministry of Finance, Republic of Kenya, March 2001.

areas. The following analysis provides a snapshot of the nature of development interventions in pastoral regions.

The Growth in Pastoral Poverty in Karamoja

Reduced mobility: A key state objective has been to limit mobility of pastoralists in Karamoja. A mobile lifestyle has been equated with backwardness and a threat to state security. County, district and international boundaries have had the effect of restricting mobile resource utilisation, the optimal pastoral response to unpredictable rainfall. Development of new water sources has repeatedly been linked with this objective of reducing mobility and encouraging settlement. Water is frequently perceived as the simple technocratic solution: water will develop the people because they do not have enough for their livestock. It will stop people having to move to other districts to look for it. Part of the rationale for the construction of dams and valley tanks by the colonial government was that it would limit the need for herders to cross the Karamoja boundaries. This view remains largely in tact. In 1995, the President gave a directive that the 'Karimojong' should remain within their district boundaries and the emergency rehabilitation of valley dams was planned to facilitate this (Watson, 1997: 11).

Unplanned water impacting on seasonal grazing patterns: In fact, pastoralist movement relates to a range of factors, the most fundamental, along with water, being availability of grazing. Provision of new water points does not obviate the need for mobility in arid environments to exploit the unpredictable distribution of grazing resources. At the same time, the introduction of new water sources in pastoral areas can have negative effects on rangeland. Water development during the colonial period apparently led to over-concentration and overgrazing of livestock in certain areas. An FAO team after independence advised a halt in construction of dams and tanks until a review was carried out. This was not done and dam construction continued (Mamdani et al, 1992: 52). Seasonal grazing patterns in Karamoja involve leaving some areas ungrazed during the wet season so they can recover and provide grazing during the dry season. The siting of new water points which fails to take account of such customary practices can undermine existing grazing patterns and result in permanent grazing throughout the year. It would appear that most new livestock water points introduced since the colonial period have not been based on an understanding of grazing patterns or planned in consultation with customary authorities.

Increase in areas of cultivation in rangeland: Promotion of sedentary, mainly agricultural, livelihoods has been the de facto aim of most state and non-state interventions. There has been an expansion of agriculture in the more fertile areas, such as Karenga in Dodoth, Namalu in Pian, and Iriir in Bokora, which were previously dry season grazing areas. Already by the 1960s, land under cultivation had increased up to five times in some areas since the introduction of the ox-plough (Dyson Hudson, 1996: 43). This has clearly involved benefits to some households in terms of increased agricultural production. However, increase in agriculture, has meant reduction in grazing land. A challenge lies in finding an effective balance between these two land uses. This has been elusive to date given the pre-occupation of state and development agencies with agriculture to the exclusion of pastoralism.

Gazetting of wildlife and forest reserves: 36% of the total land area in Karamoja is currently gazetted as protected areas for a national park and wildlife and forest reserves. Grazing, settlement and cultivation is prohibited in these areas, although these restrictions are not currently enforced in all areas. This is discussed further in section 3.3.

Shrinking rangeland under increased grazing pressure: The effect of the above has been a reduction in the grazing areas available to pastoralists and increased livestock pressure on the remaining areas of grazing. Mamdani et al (1992) conclude that the twentieth century saw a dramatic change in the vegetation ecology of Karamoja with deterioration in the status of grazing land.

Inappropriate and inadequate access to services: Service delivery in Karamoja is the weakest in Uganda and often nappropriate to pastoral livelihoods. Notable are the poor and declining provision of veterinary services and lowest primary school enrolment in the country.

Lack of alternatives to pastoral livelihoods: Reducing per capita herds make imperative the development of alternative livelihoods to pastoralism. But the poor state of basic

infrastructure and isolation of Karamoja have contributed to the lack of such alternatives.

Source: Anti-pastoralism and the growth of poverty and insecurity in Karamoja, DFID, 2002

Responding to conflict in pastoral areas

State failure in the provision of security and justice for civilians has led to an increase in grassroots peacebuilding initiatives often supported by international agencies. An investment in these sorts of initiatives has often provided the necessary stable conditions for the delivery of services. In their peacebuilding interventions, international agencies along with communities appear to be attempting to fill the security vacuum in remote border regions.

These initiatives have moved well beyond providing the space for dialogue, to the creation of ad hoc but innovative security structures known as peace committees. These often assume policing and judicial functions such as rapid response, investigation and dispute resolution have, in some cases, become the de facto framework for the provision of security and justice at a community level.

Community-based peace-building and conflict management is increasingly being mainstreamed into many standard development projects in conflict-affected areas, including the rehabilitation and delivery of social services, livelihoods and rural development programmes. The most advanced work on this has taken place in northern Kenya. In this context, district peace committees in arid districts have played a pivotal role in providing an interface between local administration, elders and civil society organisations in responding to insecurity.

This was certainly the thinking that informed the large World Bank funded Government's Arid and Semi-arid Lands Resource Management Programme (ALRMP) operating in the pastoral regions of Kenya. In response to endemic conflict and insecurity the ALRMP introduced grass-roots peacebuilding as a core element of its programme. A recent mid-term review of this programme indicates the following[9]:

- Traditional authorities particularly elders are now increasingly involved in responding to incidents of murder, stock raiding and assaults, with and sometimes without, government security personnel. There is an increase in elders and security forces working jointly to deal with security incidents. Security forces in some arid districts are more disposed than before to consult and liase with elders and communities. In some districts, there has been increased speed and commitment of district security response in tandem with these customary approaches.

- While customary approaches – such as payment of fines and 'blood' compensation – have always continued to operate in arid districts, the

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[9] Conflict Reduction in arid and semi-arid areas of Kenya: Lessons learned, Oxfam GB, 2002

change is an increase in their de facto recognition by the state, sometimes instead of formal justice processes of arrest, trial and imprisonment, where this felt to better guarantee overall security. Administration has played a role in actively supporting and enforcing these customary approaches – for example through forced confiscation of stock or holding a culprit in custody until 'blood' compensation is paid then releasing him/her without charge.

- In some cases, there has been a shift to collective responsibility for security among elders and chiefs of an area. Where banditry or raiding occurs, the relevant chief and elders are expected to deliver the guns used in the incident, and return stock, or face confiscation of livestock from the clan as a whole. In some parts of northern Kenya, particularly north Eastern province (e.g. Wajir) this appears to have been effective in reducing, although not eliminating, banditry and insecurity.

Lessons learned

Overall, government commitment and response to security remains inadequate in the border areas of Kenya and Uganda. Therefore, while there have been improvements in security in some districts with the introduction of peace committees, their increased role may have exacerbated government retreat from core security responsibilities.

The peacebuilding terrain is highly complex and variable in terms of its impact and effectiveness. The success of these initiatives is dependent on the type of conflict that is being addressed, in particular, the degree to which the wider civil war influences local conflict dynamics. It is, therefore, important to have a clear sense of where grassroots initiatives are most effective and ensure we do not overestimate their capacity.

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