



KENYAN NATIONAL COMMISSION ON HUMAN RIGHTS

**PUBLIC INQUIRY ON INSECURITY IN THE BARINGO AND
THE NORTH RIFT OF KENYA**

LITERATURE REVIEW

OCTOBER 2015

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1. Introduction

The Kenya National Commission on Human Rights (KNCHR) is planning a public inquiry on the continued insecurity caused by conflict in the Baringo and North Rift region. This paper seeks to develop a literature review that will inform the strategy that KNCHR will use to conduct the public inquiry and to establish the levels of insecurity in the respective areas.

The literature review will focus on six issues that will be used to compile the document, and the issues are as follows: conflict mapping and analysis, political, security, economic conditions, socio-cultural and environmental dimensions of the conflict in the Baringo and North Rift.

2. Conflict mapping analysis

Conflict analysis 'is the systematic study of the profile, causes, actors and dynamics of conflict'.¹ It is a process that assist development, humanitarian and peace building organisations to understand the environment in which they work and their role in that particular environment. Furthermore, the analysis can be conducted at local, national and regional level and it is important to be clear on the focus of the analysis. A specific focus assists with the dynamics of the conflict from all levels.²

2.1 The effects of insecurity in the Baringo and North Rift

In 2003 the factors contributing to conflict in these regions were identified as follows:

'cattle rustling, proliferation of illicit arms, inadequate policing and security arrangements, diminishing role of traditional governance systems, competition over and access to natural resources, political incitement, ethnocentrism, high levels of poverty and youth idleness.'³

In 2010 the National Conflict Mapping and Analysis: Peace and Conflict Trends in Kenya identified the same contributing factors.⁴ Seven years later and the contributing factors are still the same. This state of affairs calls for Kenya to re-evaluate the strategies that have been employed previously to address the conflict in Northern Kenya.

1 National Steering Committee on Peace Building and Conflict Management Secretariat & Ministry of State for Provincial Administration & Internal Security National conflict mapping and analysis: Peace and conflict trends in Kenya (2010)

2 Saferworld Conflict sensitive approaches to development, humanitarian assistance and peace building: tools for peace and conflict impact assessment www.saferworld.org.uk/downloads/pubdocs/chapter_2_266.pdf accessed 9 September 2015 and is available.

³ R Pkayla et al 'Conflict in Northern Kenya: A focus on internally displaced conflict victims within Northern Kenya' (2003) 10.

⁴ n 1 above

In a study conducted in 2003 by the Intermediate Technology Development Group of East Africa (ITDG-EA) and Vision Volunteers, it was identified that loss of human life and property, displacements, disruption of socio economic activities and livelihoods, and increased hatred between communities, starvation and malnutrition were the effects of insecurity in the Baringo and North Rift regions.⁵

The contributing factors to the conflict show that the communities are affected by crime, death, ethnic clashes and hatred, poverty, starvation and malnutrition, lack of governance and political instability. The literature also indicates the following:

According to the National Conflict Mapping and Analysis: Peace building in Kenya:

‘These pastoral communities suffer both physical and psychological insecurity. Physical insecurity manifest in death, injury, and cattle rustling or when raiders burn and destroy property, during and families are displaced or family members lose their lives. The remaining family members having witnessed the atrocities, suffer psychological stress, are traumatised and are unable to lead normal lives.’

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The Intermediate Technology Development Group (ITDG) study also identified that the communities are affected by:

‘Violent conflicts, that results in loss of human and property, displacement of large segments of the communities, disruption of socio economic activities and livelihoods, increased hatred between communities, environmental degradation, threat to water catchment areas’⁷

UNICEF report January to March 2015

‘The first quarter was marked by several terrorist incidents and intercommunity conflicts. Insecurity is a continued challenge for humanitarian access, for the delivery of assistance and for the continuation of delivery of essential social service areas particularly affected are Mandera, Waji, Mandera, West Pokot, Baringo and Turkana. The total number of children and youth affected by conflict, drought, and disease outbreaks is estimated at 1,2 million or over 60% of the total affected population, including 400,000 children in primary and 65, 000 youth in secondary education in North Eastern, North Rift and Lake regions, with limited access to other basic services’.⁸

The conflict in these regions is ongoing and the insecurity in the community continue unabated. The recent development in trying to address insecurity was on the 10 May 2015 the leaders in the Baringo and North Rift lead by chairman, Benjamin Cheboi of the Baringo County held a press conference and called on the national government to establish a ministry that would be dedicated

⁵ n 3 above.

⁶ n 1 above.

⁷ R Pkayla et al ‘Conflict in Northern Kenya: A focus on internally displaced conflict victims within Northern Kenya (2003)

⁸ UNICEF Kenya Country Office Humanitarian Situation report January to March 2015, 1. http://www.unicef.org/appeals/files/KCO_Humanitarian_Situation_Report_Jan_Mar_2015.pdf (accessed 15 September 2015)

to addressing the ongoing cattle rustling and border conflicts that have claimed lives.⁹ This call provides the KNCHR with an opportunity explore during the public inquiry if the call made by leaders resonates with community members needs.

2.1.1 Persons with disabilities

Persons with disabilities to the amount 7.7 million of the world's 51 million are displaced by conflict. Persons with disabilities are isolated from communities and they are also the most affected by conflict. They are also unable to access aid programs due to their isolation from the general community because of physical and social barriers or because of negative attitudes and biases. They are often not identified when aid agencies and organizations collect data and assess needs during and after a humanitarian disaster. They are more likely to be forgotten when health and support services are provided. Often, refugees with disabilities are more isolated following their displacement than when they were in their home communities.¹⁰

2.1.2 Women and Children

History has shown that conflicts in different parts of the world further marginalize already vulnerable women. In the course of the conflict, several men are killed; leaving women burdened the task of raising the children alone.¹¹ Many of the women engage in the selling of illicit brew to make ends meet.¹²

Also prominent in the region is conflict induced displacement which adversely affects the standard of living of women and children.¹³ Susan Masiah like many other women knows what it means to move from one home to another because of conflict.¹⁴ The mother of five from Kapindusum village, Baringo County, has just moved to her eighth temporary home at Marigat junction; a small one roomed house made of iron sheets with a small wooden bed with a partitioned curtain tells the ordeals this. Like many other families this family, agony, fear and pain cloud the humble family that is struggling to put a single meal on the table.¹⁵ Due to the lost of cattle, goats and land, families such as this one have lost their livelihood and source of maintenance.¹⁶ The education of children in these homes have is continuously affected as they always change schools and miss exams as well.¹⁷

2.2 Internal and External Forces contributing to the insecurity.

⁹ Leaders want ministry of North Rift formed to handle insecurity Standard Digital accessed 9 September 2015 and is available at <http://www.standardmedia.co.ke/article/2000161751/leaders-want-ministry-of-north-rift-formed-to-handle-insecurity>

¹⁰Disabilities among refugees and conflict affected populations

<http://www.fmreview.org/en/disability/FMR35/08-10.pdf> (accessed 10 October 2015)

¹¹ Pragma 'Conflict assessment in Northern Kenya' http://www.pragma.org/doc/Conflict_Assessment_Report.pdf (accessed 15 September 2015)

¹² M Mwendwa 'Women sell illicit brews for child survival' <http://awcfs.org/kw/article/women-sell-illicit-brews-for-child-survival-in-baringo-county/> (accessed 6 October 2015)

¹³Internal Displacement Monitoring Centre (IDMC) 'Kenya: too early to turn the page on IDPs more work is needed' <http://www.internal-displacement.org/sub-saharan-africa/kenya/2014/kenya-too-early-to-turn-the-page-on-idps-more-work-is-needed-> (accessed 6 October 2015)

¹⁴ Baringo women pay the price as conflict bites <http://awcfs.org/kw/article/baringo-women-pay-the-price-as-conflict-bites/> (accessed 10 October 2015)

¹⁵ As above

¹⁶n 13 above

¹⁷ n 13 above

2.2.1 Internal Conflict

Traditionally cattle rustling in pastoral areas was culturally approved and occurred within the same clan. The practice was used by clans as a sustainability mechanism to redistribute their livestock amongst each other so that ownership can rotate and clan members can balance their livestock within the clan. However, the cultural practice was internally controlled as women and children would not be killed as the clan agreed to a peace building mechanism that were facilitated by the elders in the community in case a dispute arose.¹⁸

Limited space for feeding livestock, drought, and lack of enough land for all clan members has led to hatred between members. The conflicts are no longer culturally approved and they are characterised by proliferation of arms that results in violence and the loss of life. They are driven by greed that is also fuelled by external political and commercial sources. Furthermore, intra communal conflict is occurring as communities are taking over agricultural land of their neighbours in search water and more fertile land.¹⁹

2.2.2 External Conflict

Cross border conflicts are also driving insecurity, Kenyan pastoral communities who inhabit and feeding the livestock along the borders of Ethiopia, Somalia and Uganda. Also Turkana, Samburu, Marsabit and Mandera Counties have experienced increased incidences of cattle rustling from neighbouring cattle raiders.

These raids are perpetrated by the following groups:

‘Tepeth (Uganda), Jie (Uganda), Dodoth (Uganda), Matheniko (Uganda), Merilee (Ethiopia), Dongiro (Ethiopia) Daseenech (Ethiopia), Topo (Sudan), Nyangatom (Sudan)’²⁰

The neighbouring states raids into Kenya are exacerbated by lack of clear administrative demarcations between the countries, long established intercountry travel ways and harsh environmental changes. Furthermore, the droughts and famine in the region has increased cross border migration that means the migrants are also using pastoral community resources which is a further strain on the dwindling resources.²¹

2.3 Non-State Actors response to the conflict

As noted above, the conflict in the region is driven by non-state groups organised along community identity lines. Community based conflicts like this often revolve around cattle rustling, access to resources; land, water amongst others.²² Therefore, the perspectives of these non-state groups engaged in the conflict must be taken to perspective.

18 Pragma ‘Conflict assessment in Northern Kenya’ 7

http://www.pragya.org/doc/Conflict_Assessment_Report.pdf (accessed 15 September 2015)

19 n 1 above.

20 n 1 above

21 n 1 above, 6.

22 E Elversoon ‘Third Parties, The State and Communal Conflict Resolution: A Comparative Study of Kenya’

http://www.academia.edu/3388123/Third_Parties_the_State_and_Communal_Conflict_Resolution_A_Comparative_Study_of_Evidence_from_Kenya (accessed 6 October 2015)

However, the non-state actors referred to in this section are the intermediary to conflict such as civil society organisations. These organisations or actors have over the years endeavoured to resolve the conflict in the region. A key response by these non-state actors has been the involvement in and influence on State policy drafting and implementation through advocacy and civic engagement.²³ For instance, CSOs have been particularly in the forefront of the enactment of the Lands Act 2102, Land Registration Act 2012, and National Land Commission Act 2012 amongst others.²⁴ Thus, non-state actors play important roles as capacity builders, conflict resolution facilitators and watch dogs for State policies as well as implementation of legislation at the community and national level.

3. Political dimension of conflict

It is important to look at how Kenya has developed politically in order to understand the political aspects of Kenya's political conflict. Four phases are identified as Kenya's political development.

3.1 Historical account of the conflict

The summary of the development of conflict politics starts from the post-independence and is as follows:

3.1.1 Phase 1: 1960 to 1970.

Jomo Kenyatta was the founding President of Kenya for fourteen years and he died in 1978. During Kenyatta's presidency the political landscape was dominated by a small Kikuyu elite, the so called Kiambu Mafia from Kenyatta's home district. The group isolated other ethnic groups including other Kikuyus not conforming to their separatism.²⁵

There was conflict between the then President Jomo Kenyatta and Vice President Jaramogi Oginga Odinga. The dictatorship under Kenyatta leadership was getting stronger and that resulted in the murder of Tom Mboya a renowned politician at the time²⁶

3.1.2 Phase 2: 1970 to 1980

Kenyatta's government trials and tribulations were exposed and the excitement of independence had subsided and Kenya was aware of the ills of Kenyatta regime. Competition among the elite politicians resulted in the murder of Josiah Mwangi Kariuki in 1975. During this period the constitution was also amended as a strategy that was to stop Vice President Daniel arap Moi's taking the presidential seat in case of Kenyatta's death.²⁷

²³ R Bagine 'The Non-State Actors Facility - Pact - Kenya (ACT!) Midterm Evaluation Report' <http://www.sida.se/contentassets/8d8a0a61a9de4791b6d3334255450592/336ef9db-6841-4515-8cc0-8b979946fce4.pdf> (October 5 October 2015)

²⁴ As above.

²⁵ African studies quarterly 'Human rights abuse in Kenya under Daniel Arap Moi, 1978 - 2001' accessed 14 September 2015 http://asq.africa.ufl.edu/adar_munya_winter01/

²⁶ n 1 above 6.

²⁷ n 1 above.

3.1.3 Phase 3: 1980 to 1990

President Moi succeeded Kenyatta after his death, he was regarded by Kenyans as the right candidate to eradicate ethnic dominance as well as restore human rights. He consolidated the perceptions that Kenyans had of him by promising a new Kenya immediately after taking over. He released political detainees, and assured Kenyans that under his leadership drunkenness, tribalism, corruption and smuggling would not be tolerated. He immediately acted against civil servants accused corruption, and that resulted in the resignations of the Police Commissioner Hinga. Kenyans were convinced that he will certainly take Kenya to a new era based on these actions.²⁸

The dawn of the new era did not last as he entrenched personal rule. The legislation and the judiciary sanctioned anything the President Moi wanted and Kenya became a one party state.²⁹

3.1.4 Phase 4: 1990 to 2002

The death of Foreign Minister Robert Ouko, in suspicious circumstances led to increased dissatisfaction against the government. Kenya returned to a multi-party politics and the ethnic, land and electoral clashes began. President Kibaki is elected in 2002 after Moi ruled for 24 years.

3.1.5 Phase 5: 2003 -2013

In 2003 conflicts started between members of parliament due to President Kibaki failing to honour agreements of the memorandum signed prior to the elections. In 2005 the rift between parliamentarians widened as pro Kibaki and anti Kibaki stood firm as opponents. The general elections did not go well as they became the crux of Kenya's worst electoral violence. During this period political power was associated with ethnicity and increased ethnic consciousness, fuelling identity based grievances and distrust, which caused violence.³⁰

In 2007 disputes arose due to the presidential elections and the violence managed to split Kenya into two ethnic regional groups. If the African Peer Review Mechanism (APRM) warning that was issued in 2006 was taken seriously the violence in 2007 would have been avoided. In 2010 a peaceful referendum was held in 2010 to usher in the new Constitution. The two groups who were adversaries, Kikuyu and Kalenjin in 2007 conflict went to the 2013 elections united and won them.³¹

Politics in Kenya have been marred by ethnicity since the dawn of independence to date. Politicisation of ethnicity has become the strongest single determinant in the domain of governance in Kenya. The politicisation of ethnicity needs to be addressed for a united Kenya for all.

3.2 Local politics in the Baringo and North Rift Valley.

²⁸ n 1 above.

²⁹ n 1 above.

³⁰ n 1 above.

³¹ K Kanyinga and Open Society Foundations Kenya democracy and political participation (2014) 3.

Local politics in these areas have an influence on the recurring conflict and the insecurity experienced by the community. The political issues cited below are playing out in the areas affected by conflict and insecurity:

3.2.1 Chiefs

The behaviour of local chiefs has been found to be questionable regarding conflicts in their communities. In Samburu and Laikipia, chiefs are suspected of having a hand in the violence as some admitted to being court in the middle as chiefs of their tribes and duty bearers as state officials. It is suspected as well that chiefs may play dual roles in the conflict, they may be promoter of the armed raids so that they can receive part of the raided stock as well as distribute arms to the bandits. Additionally chiefs have been found to not disclose guns available in their communities as a form of loyalty towards their community members.³²

On the 3 of March 2015 the County Commissioner Peter Okwanyo gave chiefs in the Baringo notice over insecurity and cattle rustling. He issued a warning as government moves to stamp out insecurity in the county. The chiefs risk been sacked if they are not willing to fight cattle rustling.³³

3.2.2 Voter registrations

Voter registrations have proved to be a difficult endeavour in the Baringo and North Rift. People have been internally displaced due the conflicts. Independent and Electoral Boundaries Commission, Coordinator said that the ongoing voter registration ahead of the 2017 elections are hindered as residents have moved to Marigat whiles other have moved to the upper north due to fear of attacks.³⁴

The conflict and the insecurity its causing is prohibiting communities in the Baringo and North Rift from fully participating in political arena of their country.

3.2.3 Local Politicians

There is already conflict brewing regarding the upcoming 2017 presidential elections. The Baringo County politicians are publicly declaring their support for the current President Kenyatta for the upcoming elections and the North Rift is pledging their support for the leader William

³² J Broek 'Conflict motives in Kenya North Rift region' (2011) 26.

³³ Chiefs in the Baringo put on notice over insecurity over, cattle rustling Daily Nation 3 March 2015 accessed 14 September 2015 <http://www.nation.co.ke/counties/cattle-rustling-Baringo-chiefs-warned/-/1107872/2640802/-/idnd3kz/-/index.html> and is available

³⁴ IEBC says insecurity in parts of North Rift hindering voter registration Daily Nation 3 May 2015 accessed 14 September 2015 and is available at <http://www.nation.co.ke/counties/nakuru/IEBC-North-Rift-voter-registration-insecurity/-/1183314/2708374/-/view/printVersion/-/7j55dkz/-/index.html> and Poll Agency: Insecurity may disrupt voter registration Standard Digital 7 May 2015 accessed 14 May 2015 and is available at <http://www.standardmedia.co.ke/thecounties/article/2000161327/poll-agency-insecurity-may-disrupt-voter-registration>

Ruto.³⁵ The Baringo leaders are supporting a “working formula” of Kenyatta’s regime and they accusing those who are supporting Ruto of planting a “seed of discord” among the people.³⁶

It is irresponsible of politicians serving in conflict ridden regions to be making such public statements when their constituents are faced with insecurity caused by internal and external factors. Senator Ziporrah Kittony who was present during pronouncement at least calmed the fire by stating ‘All this politicking will hinder us leaders from serving Wananchi. Let us leave 2017 to God because he is the one to make the decisions when time comes. If all the time you are arguing about the next elections, when will you serve these people? Are you even assured of reaching 2017?’³⁷

Irresponsible political utterance in a conflict ridden environment may cause further violence and animosity amongst community members.

3.2.4 Local political discourse

A political scenario is unfolding in Baringo County where United Republican Party (URP) is said to be grooming Former Cabinet Minister Musa Sirma to topple Senator Gideon Moi for the senatorial seat. It is being claimed that Sirma, who at times refers himself as the “Rift Valley Governor”, has the backing of Deputy President William Ruto in bid to cut to size the junior Moi, who has declared interest in the presidency. Sirma has recently closed ranks with DP Ruto as the battle for political supremacy in the Rift Valley region intensifies.³⁸

3.2.5 Political violence

Violence is a prevalent strategy in the Kenyan political arena. In 1991 when Kenya became a multi-party state the political violence became even more pervasive. The violence is connected to the elections and it includes inter-ethnic clashes, injury, sexual violence, mass displacement, destruction of property and increased ethnic based political differences. Irresponsible and hate inciting speech by politicians, leaders and the elite with the intent to cause conflict among communities worsens the violence. The post 2007 election violence is evidence of how political violence can be increased by irresponsible utterances by leaders.³⁹

4. Security Dimension

The prevalence of conflict in Kenya is in the pastoral and agricultural areas, rural and urban areas. However pastoral areas are some of the most underdeveloped in the country and they suffer from a number of insecurities that negatively affect the livelihood of the pastoral communities, leading to cycle of violence, revenge and perpetual insecurity.⁴⁰

³⁵ UKaid and Conflict Consortium ‘Embracing the practice of conflict sensitive approaches: an analysis of the Kenyan context’ (2010) accessed 14 September 2015 and is available at <http://www.northriftnews.com/we-will-back-president-kenyattas-re-election-in-2017-baringo-governor-and-mps-say/>

³⁶ n 21 above.

³⁷ n 21 above.

³⁸ The URP grooming Musa to topple Senator Gideon Moi Baringo NRift 24 January 2015 accessed 14 September 2015 and is available northriftpolitics.com/.../643-is-urp-grooming-musa-sirma-to-topple-senat

³⁹ n 23 above, 14.

⁴⁰ n 1 above, 8.

4.1 Cross border

Failling and inadequate policing and security provisions have been found to increase criminality and unruliness. It then results in lack of control of the porous borders. The gap in security provides criminals and armed groups with leeway to do as they please. For example Kenya's international borders such as the Arid and Semi-Arid Lands (ASAL) region and Mount Elgon's border with Uganda. The lack of adequate security increases cross border proliferation of illegal arms trade, cattle rustling and competition over fertile land.⁴¹

'The common borders between Kenya, Uganda and Sudan are not demarcated and huge tracts of land is disputed, the so called 'traditional' occupation of these lands by the Turkana is contested. This brings about cross border conflicts in which primarily Toposa, Nyangatom, Dassantech, Dodoth and Turkana can fight each other. Especially the disputed Elemi-triangle - essentially a "broad belt of dangerous noman's-land" between South-Sudan, Kenya and Ethiopia - and the adjacent Turkana North District - where violence is concentrated along the Ugandan and Sudanese border near the towns of Nadapal (and the Nadapal corridor), Lokichoggio and Oropoi and further more along the Mogila Range and "around the escarpment that divides Turkana North and the Ugandan plateau" are extremely violent.'⁴²

Turkana has been the hardest hit by conflict due to cross border issues since 2009, and in 2010 65% of Kenya's pastoral killing occurred in Turkana.⁴³

Continued civil war in Somalia as a result of the failed administration of Bare has affected Northern Kenya. One million Somalis are refugees in neighbouring countries but the majority are in Northern Kenya as a result the warring clan, militia, warlords and armed bandits came to Northern Kenya with their small arms, the same happened when Mengusto's administration fell as well.

4.2 Proliferation of arms

The availability of arms emanates from the conflict situation in the Horn of Africa. The recurring and devastating conflict in Sudan, Ethiopia, Uganda and Somalia since the 1950s is causing the proliferation of small arms into Kenya.⁴⁴ Due to the history of underdevelopment and marginalisation of pastoral areas including land degradation and competition over natural resources small arms have been taken up by bandits in these areas to rustle and terrorise communities.⁴⁵

Armed pastoralist groups engage in cattle rustling to, among others, replenish herds, after droughts, diseases, raids and social practices such as bride price and heroism. Furthermore there has been increasing commercialisation of cattle raiding where livestock is raided to meet the urban demand for animal products. The commerce is facilitated by middlemen who provide transport and markets for sale. Additionally, locally the animals are sold to buy weapons.⁴⁶

⁴¹ n 26 above, 16.

⁴² n 19 above (2011), 7.

⁴³ n 29 above.

⁴⁴ n 1 above, 8.

⁴⁵ n 1 above, 9.

⁴⁶ n 1 above.

4.3 Government Strategy

State response has been judicial and administrative. Legislations had been enacted to address conflicts and the following legislation contain provisions that address conflict and to the extent that conflict affects those sectors. The relevant sections of the Constitution of Kenya through the Bill of Rights and provisions relating to administration of justice addressed conflict. The Penal Code , Civil and Criminal Procedure Codes, Evidence Act, the Commission of Inquiry Act, the Magistrate Court Act, Kadhi Court Act. Sectoral laws such as the Agriculture Act, Forest Act, Water Act, Environmental Management and Coordination Act, Land laws, Labour Laws, Local Authorities Act, Chiefs Act, Preservation of Public Security Act.⁴⁷

Other dispute resolution mechanism have been established under sectoral laws for their sectors, Kenya Human Rights Commission, Kenya Anti-Corruption Authority, Electoral Commission of Kenya and National Environmental Management Agency are established by statute to handle issues that relate to conflict situations.⁴⁸

The government has also deployed police, general services unit, anti-stock unit, and armed forces in areas affected by conflict and community members are experiencing insecurity. The presence state security forces is not manging to address the problem, the porous borders are not controlled adequately and this problem leads the proliferation of small arms into Kenya.⁴⁹

Government has also encouraged political leaders from warring communities to hold peace meetings jointly. Political leaders are tasked to also encourage their communities to surrender their arms.⁵⁰

5. Economic dimension-economic conditions

During the focus discussions held in 2010 with Kenyans from rural and urban areas the participants identified poverty, inequality and youth unemployment especially young men as contributing factors to the conflict. Young men shared that the loss of the family means of subsistence and their cultural expectation that as men they are entitled to a certain economic status has been eroded by the reality on the ground. One of the participants in the focus group highlighted that the inability of societal and political institutions failing to address issues of conflict will ultimately lead to underdevelopment, such as low economic growth, and may result in deep unhappiness that may result in individuals or groups arming themselves.⁵¹

5.1 Food Security and Means of production

The Kenya country office of UNICEF report January to March 2014 states:

‘The food insecure population increased from 1.5 million in August 2014 to 1.6 million people in February 2015, due to poor rainfall performance in the last short rains season (October to December 2014). Normal to below-normal long rains from March until May 2015 are expected to increase food and nutrition insecurity both in the pastoral

⁴⁷ M Adan et al, Conflict Management in Kenya: Towards Policy and Strategy Formulation (2006) 8.

⁴⁸ n 25 above.

⁴⁹ n 1 above.

⁵⁰ Poll Agency: Insecurity may disrupt voter registration Standard Digital 7 May 2015 accessed 15 September 2015 and is available at <http://www.the-star.co.ke/news/rift-valley-security-chiefs-complain-uhuru>

⁵¹ n 1 above, 61.

and marginal agricultural areas through August 2015. The onset of rains will also result in sporadic flooding and potential threat to water contamination and disease outbreak.⁵²

The report additionally indicates that the food insecurity improved in the Northern Counties of Samburu and Baringo, where concentration of food insecurity moved from crisis to stress. Long dry seasons, drought and poor rainfall are adversely affecting agriculture and livestock as the main food producers.⁵³

The Tugen Hills produces coffee on a small scale, food crops like cereal, fruit trees and horticultural crops are produced and Kerio Valley has potential for cotton. In Mariga, Kollowa and Barwessa livestock and beekeeping are the major sources of economic activity.⁵⁴ Additionally maize, finger millet, sorghum, beans, cow peas, green grams, garden peas, Irish potatoes, garden peas cover the lowest spaces.⁵⁵

5.2 Low income

Studies have shown that poverty which is linked with inequality and uneven distribution of wealth is a catalyst for violence and persistent conflict in any given area.⁵⁶ The Baringo and North rift valley of Kenya as a whole is not an exception. As highlighted by the KNCHR's report 'A country under siege: The state of security in Kenya an occasional report (2010 - 2014)' the conflict in the region has led to a significant drop in tourism, GDP growth and employment amongst the youth employed within the sector.⁵⁷ In Kenya, around 64% of those employed are youths.⁵⁸ Linked with low income is the high level of youth unemployment. For a marginalised and conflict affected region, the impact must be devastating. Also linked with unemployment, low income and inequality is corruption which must also be addressed for long term sustainability of peace.⁵⁹

Therefore the state of low income amongst the youth and residence in the Baringos and North Rift is a key economic dynamic to the ongoing conflict. Also given the historical nature of inequality and uneven distribution of wealth within the region, the result of which has been low income and deeply entrenched economic disparities often with an ethnic dimension can be rightly noted as the backbone of the conflict.⁶⁰ Therefore, these issues must be addressed for long term peace to ensue. In as much as poverty and low incomes can be resultants of conflict they are also conflict drivers.

Chronic poverty and low income give rise to deeply entrenched grievances along especially along ethnic lines is a major factor which triggers the recurrent nature of the conflict.⁶¹ Therefore, durable solutions addressing the root of poverty, low income and economic disparity within the

⁵² n 7 above, 1.

⁵³ n 40 above.

⁵⁴ Baringo County Annual Development Plan (2015-2016) 4.

⁵⁵ n 42 above, 6.

⁵⁶ Cilliers, J. & Sisk T. 'Assessing long-term state fragility in Africa: prospects for 26 'more fragile countries' ISS Monograph no 188; See also Cilliers and Schünemann <http://www.issafrika.org/> (accessed 2 August 2013).

⁵⁷ Kenya National Commission on Human Rights 'A country under siege: The state of security in Kenya an occasional report (2010 - 2014)' (2014) 50.

⁵⁸ N 1 above 12.

⁵⁹ G, Sanjeev, Davoodi, R Hamid and AT Rosa *Does corruption affect income inequality and poverty?* (2002)

⁶⁰ National Steering Committee on Peace building and Conflict Management (NSC) Secretariat 'Peace Committees in Kenya :A Report on Mapping of Existing Peace Structures' (2011) 43 - 44.

⁶¹ J Goodhand, Violent conflict, poverty, and chronic poverty, Chronic Poverty Research Center Working Paper no. 6, 2001, http://www.chronicpoverty.org/uploads/publication_files/WP06_Goodhand.pdf (accessed 26 August 2013).

region should be considered. Otherwise, the conflict would recur if temporary or surface strategies are adopted.

5.3 Slow growth and development

Conflict-ridden communities like the Baringos are particularly fragile as they are caught in the vicious cycle in which conflict limits development and enhances slow growth which in itself is also a conflict driver.⁶² As expatiated above the effect of poverty and low incomes on the conflict cannot be over emphasied. Thus, slow growth and underdevelopment is a direct result of inequality and economic exclusion as supported by the skewed allocation of resources to the benefit of particular ethnic groupings over others. This in itself fuels the vicious circle of conflict in the region.

Scholars have also attributed a casual relationship between low income communities and instability.⁶³ In the same light the frustration – aggression theory can be applied to this context; the theory propounds that people become violent when there exist perceived or real obstacles to their success and progress in life.⁶⁴ Therefore, low slow growth and underdevelopment as influenced by the economic marginalisation and disparities within the region can be noted as the obstacle within the frustration-aggression theory which has greatly impacted on the persistent nature of conflict within the region. Other theorist like Marx, Dollard and Druman propelled the class and deprivation theory that people become hostile when they feel deprived as opposed to other members within the same community which is the case in the Baringos.⁶⁵

6. Socio – Cultural dimensions of conflict

Beyond the historical, political, economic dimensions of the conflict in the Baringos and North Rift Valley of the Country, there exists the socio-cultural dimension. Socio-cultural dimensions include both social and cultural factors which refer to how people relate with society, behavioral factors and their way of life and beliefs.

6.1 Ethnic interest and practices

Ethnicity has become a framework for perpetuation of violence.⁶⁶ Due to the politicization of Ethnicity and distribution of wealth, conflict has been ethicized in the region. ⁶⁷ Tribal or ethnic identity is a key issue amongst Kenyans and is sometimes used to trigger conflict.⁶⁸ The Rift Valley is a cosmopolitan province as such there exist a vast range of diverse ethnic communities.⁶⁹

⁶² n 45 above, 9.

⁶³ Cilliers (n 45 above).

⁶⁴ Van de Goor et al 1996 as cited in the National Conflict Mapping Analysis: Peace and Conflict Trends in Kenya (n 1 above) 10.

⁶⁵ Marx, Dollard and Druman as cited in National Conflict Mapping Analysis: Peace and Conflict Trends in Kenya (n 1 above) 10.

⁶⁶UK Aid, Conflict sensitivity consortium 'Embracing the practice of conflict sensitive approaches: An analysis of the Kenyan context' <http://www.conflictsensitivity.org/sites/default/files/Kenya%20Conflict%20Analysis%202010.pdf> (accessed 23 September 2015)

⁶⁷ Ibid

⁶⁸ n 1 above, 89.

⁶⁹ n 49 above, 43.

Cattle rustling in the region have significantly contributed to the insecurity as economic and political interests are now involved.⁷⁰ Recent studies show that the commercialization of stock-theft along with the proliferation of illicit arms in the region has taken a once normal practice of cattle rustling to the extent of conflict incitement.⁷¹

Practices such as secrecy and oathing in some communities increases suspicion by other community; often that escalates to violence.⁷² Tribal hatred is also induced by the re-enforcement of an ethnic, clan or tribal identity as opposed to a national identity.⁷³

Common practices in the Rift Valley particularly Baringos which effects conflict is 'revenge' as lack of revenge is a sign of weakness.⁷⁴ Thus, counter-revenge also ensues and ultimately leads to conflict. This practice particularly backed up by avenging of one's kinsman as it is believed the dead kinsman's spirit doesn't rest until he is avenged.⁷⁵ Other cultural practices and influences that impact on the conflict and insecurity in the region are proving one's manhood, pressure from society on youths, and fights over water and land use as would be discussed in section 6.

6.2 Peace building efforts

The Kenyan National Commission on Human Rights (KNCHR) and District Peace Committees (DPCs) have engaged the communities involved over the years in order to booker peace but the conflict is recurring. DPC members have been trained on peace and conflict management and they have in turn trained community members over the years.⁷⁶

Several programmes including a Peace Corps Programme (PCP) which monitors and reports on conflict were launched in the Rift Valley region including the Baringo province.⁷⁷ Several organisations working on minority and ingenious rights have tried to broker sustainable peace in the region to no avail.

6.3 Distribution of power

The ethnicisation of power is a factor influencing conflict in the region.⁷⁸ With the historical marginalisation of some communities, power is unevenly distributed.⁷⁹ This undoubtedly contributes to communal conflicts. Power is so fundamental in the sense that the wielder of power wields the resources and its distribution.⁸⁰ Another issue directly linked with the distribution off power is representation. To curb the conflict and insecurity within the region, the power imbalance must be addressed and adequate representation of all communities ensured as this would go a long way to settle all the other issues of poverty, economic inequalities and uneven distribution of wealth and resources which adversely impact on insecurity in the region.

⁷⁰ *ibid*

⁷¹ n 1 above, 90.

⁷² N 1 above, 92.

⁷³ *Ibid*

⁷⁴ M Munene & Ozonia Ojielo, *The Study and Practice of Peace in Africa: Focus on Eastern and Western Africa* (2013) 116.

⁷⁵ *Ibid*.

⁷⁶ n 49 above, 46.

⁷⁷ *Inbid*

⁷⁸ Saverio Krätli and Jeremy Swift 'Understanding and Managing Pastoral Conflict In Kenya a Literature Review' <http://www.eldis.org/fulltext/pastconf.pdf> (accessed 20 September 2015)

⁷⁹ *Ibid*

⁸⁰ *Ibid*

7. Environmental dimensions of the conflict

Recent studies have shown the correlation of environmental factors particularly climate change on conflict. This kind of conflict is commonly referred to as resource conflict as the changing environment influence the availability and quality of natural resources which they motivates conflict over which groups should have access to the limited resources.⁸¹

In 2012, Africa experienced the most extreme climate related events which led to the loss of over 1200 lives, flooding of several cities, droughts, famine, irregular changes in temperature to the detriment of agricultural yields. Noting the vast majority of Africans rely heavily on pastoralism and local agricultural with the help of rain and 'conducive climate' Africa is notably the most vulnerable to the effect of climate change.⁸² Kenya is not an exception to the damaging effect of climate change and the Rift Valley which is home to numerous pastoral communities definitely feel the crunch of climate change.

7.1 Arid/semi-arid conditions

Baringo is notably an arid and semi arid district in the Rift Valley as such it is challenged with water shortages and limited rainfall or erratic rainfall which induces erosion and flash flooding.⁸³ It is also characterised by bare ground, land degradation and limited vegetation due to overgrazing by the pastoralists.⁸⁴ With all these challenges due to its arid and semi-arid nature Baringo is plagued by resource driven conflicts the natural resources; water, land, vegetation become limited for the high demand by pastoralist particularly. The recurring cycle of droughts and flood in the region has further exacerbated poverty and decline in income.⁸⁵

Therefore, it is safe to say the arid condition in Baringo and other districts in the Rift valley is a environmental dimension to the conflict and insecurity in the region. There is inevitable competition amongst the majority in the district who are pastoralist for the scarce resources to allow their livestock graze. Therefore the mostly contested resources are water, pasture and land.

7.2 Land use and access

Land degradation due to climate change, overgrazing, deforestation and cultivation greatly affects the lifestyle and practices of the people.⁸⁶ Thus communities migrate to find greener pastures for their stock which increases the chances of their stock been raided and increasing conflict in the region. Also development induced displacement such as of the Endorois community in favour of reserves presents a source of conflict as the displaced community then compete with surrounding communities for grazing land.

Also there exist conflicts between the pastoral and agricultural communities who need land for different purposes. As the quality of land degrades and access is limited by both the State for the

⁸¹ AFDB 'Ending conflict and building peace in Africa: A call to action' 2014
http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Ending_Conflict_and_Building_Peace_in_Africa-_A_Call_to_Action.pdf (accessed 26 February 2015)

⁸² Ibid.

⁸³ PRAGYA 'Conflict Assessment: Northern Kenya' http://www.pragya.org/doc/Conflict_Assessment_Report.pdf (accessed 17 September 2015)

⁸⁴ Ibid

⁸⁵ Ibid

⁸⁶ C Lang, 'Environmental degradation in Kenya as a cause of political conflict, social stress and ethnic tension' (1995)

purposes of reserves and by the private sectors for commercial purposes, communities are left in conflict as they struggle they 'earn a living from the environment'.⁸⁷

7.3 Water use and access

With increased droughts, there is a lot of pressure on the amount of water available as all groups desire to use the available water for different purposes. The concentration of communities and livestock in those of the area with water cause conflicts as other communities migrate towards those area to benefit as well. As coupled with cattle rustling when pastoralist communities migrate to find pasture and water for their livestock the effect of the arising conflict is immeasurable.

Also conflicting interest by communities for the uses of available water impacts on conflicts: while some communities want to use water for fishing, other prefer to farm with it or rear livestock as such the demand for water is atimes higher than the supply especially in times of drought in Arid and semi arid districts within the Rif Valley.⁸⁸

7.4 Conservationists vs Community conflicts

Noting the significance of tourism in the Kenyan economy, and the vast wild life in the country, the Rift Valley like some other provinces is home to several conservatives. Conflict then arises when communities are displaced to accommodate wildlife and the same communities are not allowed to benefit from what was once their land for the purposes of grazing amongst others.⁸⁹ Also, most times the communities are not a part of the conservation management and over the years strained relations are developed between the community and conservation officers. Further, with the harsh climate and scare resources, pastoralist migrate towards areas increasingly reserved for conservation and private use; thus heightening the conflict between community and conservationists.⁹⁰

7.5 Climate change and degradation

In recent years, Kenya has endured the damaging effect of climate change from flash floods to famine, drought, landslides, erosion and ultimately degradation of land and other resources.⁹¹ Noting that a huge percentage of the population in the Rift valley depends on the environment by the nature of their means of their livelihood, the effect of climate change is indeed drastic. The sporadic nature of climate change experienced in the region increases the land aridity and threatens food security and survival. Consequently, more pressure is exerted on the scarce resources.

8. Conclusion

The literature review above on insecurity in the Baringos and Rift Valley clearly highlights that the conflict and insecurity is a resultant of a plethora of factors. First, the literature engaged in

⁸⁷ n 1 above, 118.

⁸⁸ n 1 above, 120.

⁸⁹ Ibid

⁹⁰Conservation Development Centre 'Climate Change and conflicts: Lessons from Community conservancies in Northern Kenya' http://www.iisd.org/pdf/2009/climate_change_conflict_kenya.pdf (accessed 17 September 2015)

⁹¹ Ibid

conflict analysis and mapping, and then expatiated on the political, security, economic, socio-cultural and environmental factors influencing conflict in the region. In as much as there are several dimensions to the conflicts inequality seems to be one of the major drivers of this conflict. Therefore, an all rounded approach taking into considering all the dimensions should be adopted in order to resolve the persistent conflict and insecurity in the region. Considering the recurrent nature of insecurity in the stated region regardless of the peace building efforts made over the years, it is essential to devise durable strategies for sustainable peace in the region. One of those strategies should include alternative dispute resolution.

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