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Analysis of Conflict Resolution Strategies among Pastoralist Communities of Kenya

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Abstract

Globally, the practice of pastoralism as a source of livelihood has been in existence over centuries among different communities. The evolution of sedentary agriculture and other economic activities however, minimally changed nomadic pastoralism in many continents. Given the migratory nature of pastoralists in search of water and pasture, a number of challenges are encountered along the way. The rising human population, competing land uses, land tenure systems, and diminishing environmental resources resulting from climate change have all contributed to numerous conflicts between and among pastoralist communities. This article therefore uses secondary data to analyze some of the strategies of conflict resolution among pastoralist communities, highlighting success stories while suggesting how they can be replicated to address conflict. Two objectives guided this analysis. Firstly, was the evaluation of the impact of conflict resolution strategies on pastoralism and secondly was the assessment of some of the challenges associated with the implementation of the strategies among pastoralist communities. The article concludes that pastoralism remains a major livelihood source for a majority of populations in arid and semi-arid areas in Africa and Asia and in mountainous areas in Europe. Further, pastoralist conflicts are a consequence of shared natural resources without structured forms of utilization. Finally, some approaches/agreements of conflict resolution adopted by pastoralist communities have recorded some degree of success in ending conflicts between pastoralist communities. The article recommends that pastoralist communities adopt, implement and respect working conflict resolution strategies for sustainable utilization of natural resources to improve their socio-economic welfare. The article recommends that the government should formulate policies that support pastoralism in line with the 2010 African Union's policy on pastoralism. In addition, the government and Non-governmental organizations should support and strengthen successful community conflict resolution strategies. Successful strategies should also be replicated among pastoral communities sharing similar cultural institutions.

Key words: Pastoralists, Conflict, conflict resolution, Resources, agreements, oaths, strategies, Kenya

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Introduction

Many people practice pastoralism, though they may not necessarily be herders. According to Kratli and Swift (undated), “A Maasai wage laborer in Nairobi, Kenya, a Turkana university student (in Kenya), or a Boran director of an NGO, may all define themselves as “pastoralists”. It is therefore necessary, when talking of pastoralists and conflict, to remember that some of the actors involved may not be herders at all, yet would still be considered, and would consider themselves, pastoralists.” According to Omosa (2005:8) Pastoralism is “a production strategy in which people raise herd animals as a means to earn a livelihood, often in Arid and Semi-Arid Lands (ASALs). Pastoralism refers to extensive livestock production in the rangelands (Davies et al: 2018). Pastoralism relies on the availability of water, pastures and labor to thrive.” Pastoralism plays an important role in the national and regional economies of Africa. It supplies millions of animals to both domestic and international markets through substantial livestock trade networks that link local and cross border markets to neighboring countries and international markets (FAO, 2018). In a study of pastoralism in world's dry lands, Jenet *et al* (2016:22) found that rangelands cover about 40% of the world's land surface and support about two billion people by providing food, water and biodiversity. Many rangelands are dry lands inhabited by pastoral communities.

Dong (2016) traces the practice of pastoralism to 4040 B.C. in the Andes of South America, and 7050 B.C. in North East Africa. It exists in all continents except Antarctica and is mainly practiced in more than 100 countries in the dry lands of Africa, Arabian Peninsula, highlands of Asia, and Latin America and occupies 25% of the global land mass. Pastoralism contributes significantly to the subsistence economies of the world's poorest regions and supports 200 million households. Pastoralism as a form of livelihood is however faced with several challenges that include agricultural expansion, industrial development, and sedentary livestock farming in recent decades. Dong (2016) however does not discuss conflict which is the main problem affecting pastoralism in Africa. We agree with Omosa (2005) that pastoralism is the raising of livestock for livelihoods in ASAL areas but also add that pastoralism is a cultural way of live which has historically been prone to conflicts globally.

As a coping strategy, pastoralists move from one place to another in search of water and pasture for their livestock. These movements are one of the major sources of misunderstanding and conflict between them and their neighbors and even the government. Key among these challenges, which usually lead to conflict, include lack of access to economically important resources, misguided government policies and approaches to pastoral development, proliferation of small arms and light weapons, divisive politics, ineffective governance of pastoral areas and uneasy state–citizen relations (Pata and Sara, 2013).

According to Nori (undated), contemporary pastoralism is practiced in the following regions of the world: Sub Saharan Africa, Mediterranean, South – Central India, North America, Andes, and Circumpolar. Similarly, apart from presenting the pastoralist regions of the world, Dong (2016) also presents the different types of pastoralist practices according to regions. Table 1 illustrates this.

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Table 1: Pastoral species and their management strategies in the world

	Species	Scientific Name	Main regions	Nomadic	Transhumant	Agro-pastoral	Enclosed
1	Alpaca	<i>Lama pacos</i>	Andes	-	✓	✓	-
2	Bactrian camel	<i>Camelus bactianus</i>	East and Central Asia	✓	✓	✓	-
3	Buffalo	<i>Bubalus Bubalis</i>	Iran, India	✓	✓	✓	?
4	Cattle (taurine)	<i>Bos taurus</i>	Europe, West Asia, West Africa	-	✓	✓	✓
5	Cattle (zebu)	<i>Bos indicus</i>	Africa, Central Asia	✓	✓	✓	✓
6	Donkey	<i>Equus Asinus</i>	Africa, Asia	✓	✓	✓	-
7	Dromedary	<i>Camelus dromedarius</i>	Africa, West Asia	✓	✓	✓	-
8	Goat	<i>Capra Hircus</i>	Africa, Europe, Asia	✓	✓	✓	✓
9	Horse	<i>Equus Caballus</i>	Central Asia	✓	✓	✓	-
10	Llama	<i>Lama lama</i>	Andes	-	✓	✓	-
11	Reindeer	<i>Rangifer tarandus</i>	Circumpolar Eurasia	✓	✓	-	?
12	Sheep	<i>Ovis aries</i>	Africa, Europe, Asia	✓	✓	✓	✓
13	Yak	<i>Poephagus grunniens</i>	Highland Central Asia	-	✓	-	-

Source: Dong (2016)

In a study of natural resource-based conflict among pastoralist communities in Kenya, Gakuria (2013:2) illustrates the impact of pastoral conflicts in Kenya by reporting that an estimated 459,905 livestock valued at over 5 billion Kenya Shillings were stolen in ten districts of northern Kenya between 1994 and 2004. The study also found that conflict caused the death of 3,094 people during the said period in addition to 206,830 people who were displaced.

Statement of the Problem

Pastoralists possess nearly a billion livestock, produce 10% of the world's meat, and support about 200 million households. Pastoralists live in conflict prone regions of the world and face myriad challenges; their herds get raided, their grazing areas get diminished as they compete for land with sedentary communities, get affected by inter- state conflicts, conflicts with conservationists and governments among others (Nori, undated: 3). Despite all these challenges, pastoralism has continued to exist for centuries. It is therefore curious to analyze the strategies used by pastoralists to resolve conflicts and to evaluate the successes and challenges of these strategies.

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Research Objectives

The objective of this article was to analyze some of the strategies used by pastoralists to resolve conflicts and the factors underlying the success and challenges. The following research questions were used to attain the research objective.

- i. What are the strategies used by pastoralists to resolve conflicts?
- ii. What causes success or failure of the strategies used?
- iii. Can successful strategies of conflict resolution be replicated?

Methodology

The data used in the article was based on content sourced from secondary sources. The data captured global strategies for conflict resolution in regions occupied by pastoralists, particularly in Africa with more examples from Kenya. The data was analyzed using content analysis. The next section discusses related literature which was reviewed; it captures practices of pastoralism and conflicts in Europe, Australia, Latin America, Asia and Africa; and later focuses on Kenya.

Pastoralism in Europe and Australia

In Europe and Australia, the practice of pastoralism as a source of livelihood exists and supports a significant proportion of the population. Pastoralism dates back to around 9,000 years ago, in the form of transhumance in Europe (Biber and Liechti, 2016). Transhumant pastoralism remains a prevalent form of land use especially in mountain areas in Europe. Besides generating food and other products, this practice provides a range of public goods and services, often highly valued by broader society. Advancement in technology, changes in legislations and diversified income sources in these regions have had a negative impact on the growth of pastoralism. Changing land uses and infrastructural developments are among the reasons for recurrent conflicts among pastoralist communities.

Biber (2001) notes that competing land uses including mountain protection and mountain farming, as demonstrated by the SAMI project, in Switzerland creates conflict between management authorities and the livestock farmers. Biber concludes that with proper planning, socio-economic activities can be undertaken harmoniously with ecological conservation, thereby minimizing conflicts amongst users and between uses. Forni (1998) in her study on communal management of production systems in Central Italy with focus on 'mobile herding' (pastoralism) noted that conflicts over resource use was a consequence of unstructured forms of resource use and recommended the inclusion of communities in designing conflict resolution mechanisms.

In pastoralism in Spain, Birber (2001) noted that competing land uses and changing land tenure systems contribute immensely to conflicts between pastoralists and environmental administration institutions. Major pastoralist problems include; political distribution of territorial competences across the different levels of government involved and the different systems of land ownership and tenure. In addition, lack of nature conservation policies, lack of legitimacy experienced by herders and transfer of rights of land use from local communities to environmental administration who are more interested in reforestation or firefighting than preserving traditional land use exacerbate conflicts. The importance of pastoralism and some of the problems facing it in Europe and Australia are similar to those of pastoralism in Latin America. Agrarian reforms in Bolivia and Peru were meant to address some of the problems as discussed in the next section.

Pastoralism in Latin America

Jenet *et al* (2016:25) indicate that 86% of the Peruvian Andes and the Bolivian highlands are used exclusively as rangeland, with pastoralism as the predominant land use. They also indicate that the

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Bolivian range-lands were traditionally managed collectively. Strict rules regulated the access to and use of these lands, and maintained a balance between the population and resources.

The Bolivian government however regarded collective ownership of pastures as not in tandem with modernization efforts and hence started agrarian reforms in 1953 after the 1952 revolution. The aim of the reforms was to provide land titles to peasants. Pastoralists resisted these initiatives until 1970s when they had a compromise with the government. The compromise was to subdivide land into small hamlets owned by a group of families and each group was issued a title. Dong, *et al* (2011) argues that these reforms have contributed to widespread poverty and underdevelopment in Bolivia because of the changing socio-political, economic, and environmental conditions.

Similarly, Dong, *et al* (2011) indicates that the agrarian reforms which took place in Peru in 1969 were meant to modernize agriculture. This policy disrupted customary pastoral systems by forcing transhumance pastoralists to settle in communities. The policy also disrupted the migratory nature of pastoralism that involved seasonal use of pastureland as a risk coping mechanism. In 1990s, new agrarian policies focused on concentration of land, capital and agribusiness knowledge. Communities became true owners of pastoral land but these created conflicts between communities. In addition, the policy brought inequalities between hired herders and property-owning pastoralists leading to more pressure on pastureland and overgrazing. We can therefore posit that government reforms in Latin America altered the cultural ways of pastoralists and created new types of conflicts among communities. The next section discusses the phenomenon of pastoralism in Asia where the practice is faced with competition for land with sedentary agriculture. Government reforms, which are some of the strategies used to combat the problems of pastoralism/pastoral conflicts, have been considered insufficient.

Pastoralism in Asia

Puppala, *et al* (eds) (2011:4), projected that in the next fifty years, pastoralism in Asia will be difficult to be maintained because it would likely face reduction in range area and increased feed resource limitation. They estimated the population of livestock keepers at 550 million globally out of the one billion poor people in the world. Out of these, an approximate of 336 million poor livestock keepers is from South and Southeast Asia, the Middle East and scattered parts of Africa and South America. Those whose livelihoods depend on livestock are about 60 million. Puppala, *et al* (eds) (2011) indicate that, in India's state of Gujarat, like other states, pastoralists are faced with the challenge of shrinking communal grazing land known as panchayat grazing lands or gauchar, as a result of agricultural intensification even in marginal lands. Consequently, pastoralists dependent on fallow lands, forests and wastelands for grazing. They however face restrictions imposed on grazing in forests.

In a study of the problems facing pastoralism, Jodha (2011) focuses on the dependence of the poor on India's dry lands in the Himalaya dry land and mountain commons. He found that common property resources (CPRs) have not only declined in terms of productivity but also in terms of ownership which is changing to private hands. In a study of the relationship between pastoralism and contemporary development interventions in the state of Rajasthan, India, Kavoori (2011:11) notes that the issue of pastoralism is inadequately addressed by policies that address environment and livelihoods. Despite this, the government of India, in 1960s and 1970s, attempted to improve the local breeds of livestock through artificial insemination and vaccination. It is reported that the vaccination was a success story as far as the pastoralists were concerned. In 1974, the government with the support of the World Bank, attempted to build 100-hectare pasture plots in 158 selected villages in different districts of western Rajasthan. This project was evaluated as a failure by state government of Rajasthan. Kavoori (2011:12) proposes an integrated policy that

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addresses pastoralism in relation to aspects of agricultural policy, stakeholder relationships, grassland development schemes, forests, and markets.

Jenet *et al* (2016:25) posit that pastoralism in South Asia is under pressure because of the expansion of crop-growing, the intensification of production, the collapse of agro-pastoral systems, the disruption of migration routes and land acquisition for industrialization and nature conservation. The next section examines pastoralism as a livelihood system in Africa and the problems associated with it. We argue that unlike Europe, Australia, Latin America and Asia, pastoralism in Africa is threatened by the cultural practice of livestock raiding which is a major cause of conflict. Otherwise, pastoralism in Africa and other parts of the world share similar problems of land, water and pasture. Various strategies have been employed by pastoralists, governments and other stakeholders to address these problems.

Pastoralism in Africa

Pastoralism in Africa is practiced by many societies as a source of livelihood. This form of farming is enhanced by climatic conditions of many countries which do not favor crop production. Hundie (2010) discusses the causes and consequences of conflicts in Ethiopia with specific reference to Afar region in the Horn of Africa, where the Afar pastoralists are in constant conflict with their neighbors. The neighbors are the Issa- Somalis and Karrayyu- Oromo. The article also discusses peaceful (formal and informal) methods of conflict management. Intra clan conflicts among the Afar were settled by elders who were elected by the clans, excluding the clans involved in conflict. The elected elders form a jury locally known as *Madaa*. The jury use customary law to settle conflicts using mediation. This approach has also been used for some inter- community conflicts. For instance, the Afar has used it to manage conflicts with the Karrayyu who seem to have similar institutions with them. For instance, the two communities practice exchange of fugitives and payment of compensation (Hundie, 2010: 143).

Hundie (2010:144) however notes that the *Madaawas* were no longer effective in managing inter- ethnic conflict because it lacks the ability of enforcement. Formal mediators are therefore used to ensure that agreements were enforced. Hundie notes that the formal institutions of government and NGOs, however, intervened only in an *Ad hoc* basis because there is no government policy to guide conflict management affecting pastoral groups. Formal mediators also face the problem of lack of knowledge and experience to apply formal and informal ways of mediation. They also depend on budget (per diem) which is sometimes exaggerated, and they are dominated by local government officials and are also influenced by politicians. In a study of reciprocal grazing agreements, Obala et al (2011) reported that the Dasanach and Hamar have fully utilized resources which were previously unused due to conflict. The agreements have led to peaceful sharing of pasture and water in the areas around Surge, El-Nyakuwanga and Langai along the Kenya–Ethiopia border.

The UNDP (2011) in a study of conflict between farmers and pastoralists in the commune Rugombo, Cibitoke province in Burundi, found that the social contract model worked in restoring peace between the two communities. In the social contracts for peace model, communities formally commit to peaceful coexistence, by negotiating the “social contracts”. These are morally binding contracts which commit all parties in the conflict to contribute to a culture of peace and refrain from negative behavior identified during the community conversations. These social contracts are signed by representatives from the various conflict parties.

In a review of the scale and consequences of conflicts among pastoral communities living in the borderlands connecting Kenya, Uganda and Sudan and the responses to these conflicts, Leff (2009) examines the strategies employed by USAID among other stakeholders in conflict

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management. However, he does not look at any peace agreements that existed among the communities studied.

In West Africa, pastoralism is practiced by many communities as a source of livelihood. West African countries with pronounced pastoralist activities include Nigeria, Mali, Niger, Guinea and Boukina Faso. Jenet *et al* (2016:21) indicate that West Africa accounts for over 65 million cattle and 160 million sheep and goats. They note that the Sahel countries are the most important pastoralist countries with an area covering about 5.7 million hectares between the Sahara and the wetter savannah to the south. The communities in these regions use reciprocal land-use agreements between pastoralists and farmers. They also note that the expansion of agriculture and a shift towards agro-nomadic grazing are pushing into pastoralists marginal areas. This has made governments of Guinea, Mauritania, Mali, Burkina Faso and Niger to legislate laws to protect pastoral land and enhance livestock mobility. These laws were formulated to address the growing problem of conflict between pastoralists and farmers.

In pursuit of their pastoralist engagements, these farmers encounter a number of conflicts driven by several factors among them, competition for land, water and forage, political and socio-economic (UNOWAS, 2018). These conflicts mainly occur between farmers and pastoralists and or between pastoralist groups themselves. Conflicts between pastoral groups can be particularly difficult to mediate, especially where these involve cross-border attacks and there is a need to identify leaders from each side who are representative of those involved in the fighting (for example, Fulani and Daoussahak). Third party mediation is often required (e.g. pastoralist associations and/or the state authorities). Fair judicial processes and access to justice are other important elements (UNOWAS, 2018).

While the impacts of conflicts among pastoralists have extreme adverse effects on the local populations, many of the West African countries have come up with local solutions to deal with this menace. In Guinea, Burkina Faso and Niger, there are local conflict management committees comprised of pastoralists and farmers, traditional leaders, and sometimes state authorities. Such committees do exist in parts of Nigeria but seem less frequent. Niger and Burkina Faso have also drawn up *local conventions*, which stipulate the rights and responsibilities of farmers and pastoralists and establish mutually-agreed enforcement procedures, which are sanctioned by local state authorities. All this help to promote conflict prevention, mediation and resolution, ensuring that farmlands and pasturelands are both protected (UNOWAS, 2018).

In Niger, periodic farmer-herder clashes exist – some of them very violent – most disputes of this type are resolved peacefully through mediation between the communities involved. There are also land commissions, which intervene where there are disputes to establish who owns a certain land and for natural resource management. These are meant to be community based, chaired by the mayor and with representatives from concerned parties – including farmers, pastoralists, and traditional leaders. In cases of crop damage caused by livestock, the commission will ask the conflicting parties to provide evidence of the value of the crops that were destroyed. Disputes are usually settled with the payment of compensation by the herder (UNOWAS, 2018; Nori et al, 2006).

Jenet *et al* (2016:21) notes that pastoralism is important in the economy of the southern region of Africa. In Southern Africa, pastoralism accounts for about 60% of the national cattle herd in the country. Pastoralism dominates the livestock sector in Namibia as it contributes 28% of the agricultural GDP. Comparatively, pastoralism contributes less in the economies of Lesotho, Mozambique, Zimbabwe and Angola. Historically, the British indirect rule policy allowed the keeping of a large percentage of tribal land as communal pastoral land under chiefdoms.

In North Africa, Jenet *et al* (2016:22) found that Morocco and Algeria are the biggest pastoral countries in terms of rangeland. They are followed by Tunisia, Egypt and Libya. In

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absolute terms, Libya has the same area of rangelands as Tunisia. The importance of livestock in these countries is their significant contribution to agricultural GDP. Pastoral communities in these countries include the Bedouins, Kurds, Berbers, Tuareg and the Western Saharans, whose pastoral way of life, with Islam religion, bind them together though they are divided by national borders or clan allegiances. According to Jenet *et al* (2016:22), pastoral communities are faced with problems related to desertification, high population growth, conflict and insecurity, exposure to trade and culture of southern Europe, and migration. Pastoralists are thought to be resilient in their practices as they have institutions that regulate them including how to avoid what Garrett Hardin calls the tragedy of the Commons.

In recognizing the importance of pastoralism in Africa, the African Union (AU) in 2010 formulated a policy for pastoralism so as to address the problems bedeviling pastoralism. The AU noted that pastoralism helps to protect and safeguard certain national resources existing within their ecosystems and is practiced by an approximately 268 million people in African (AU, 2010:11). The policy aimed at securing, protecting and improving the lives, livelihoods and rights of African pastoralists.

The AU posits that the challenges facing pastoralism include changing demography, protracted conflicts, and reduced access to grazing land and water, and climatic changes. The AU identified conflict as a serious concern in pastoralist areas. The conflicts were caused by poor governance, cultural norms such as livestock raiding, forced abduction of children among others (AU, 2010:24). All these threaten the livelihoods of pastoralists and make them exceedingly vulnerable. The AU, however, is optimistic because they consider pastoralists highly adaptive and supportive to new systems and services which recognize their way of life and production systems (AU, 2010:5).

In North Africa, particularly pastoral areas in the Mediterranean, Saharan and sub-Saharan zone, Islam religion play a key role in managing conflicts related to access to pasture and water resources. Pastoralists in the Sahelian region practice transhumance based on peace agreements between their traditional rulers and the traditional rulers of crop farmers. This practice has ensured peaceful sharing and exploitation of pasture land along the wet plains of the Logone River in the far north region of Cameroon to Lake Lere in Chad (AU, 2010:11).

In Tanzania, pastoralist conflicts are on the rise due to traditional rivalries between pastoralists resulting from land competition for pasture and other competing needs. According to a research report by GRET-FAO (2006), pastoralist conflicts in Tanzania emanate mainly from land pressures which give preference to investor development and conservation for wildlife, excluding pastoralists and their natural resource requirements for survival. Conflict resolution related to pastoralism in Tanzania have depended on traditional Maasai conflict resolution mechanisms, their knowledge and experience, implementation of the 'Land Use Planning' policy and capacity building of pastoralists on land rights and their obligations in dispute resolution (CARE, 2016). King (2013) notes that the establishment of District Councils, which enforced bylaws, set out and imposition of fines have worked in addressing conflicts between pastoralists and crop cultivators in Tanzania and seen a reduction in the number of reported conflicts between the two groups.

Conflicts related to livestock raiding, water, pasture and land affect pastoralism in Kenya. The next section analyzes strategies of conflict resolution among pastoral communities in Kenya and border communities (from neighboring countries) highlighting cases where strategies have been beneficial to the communities and cases where strategies failed.

Pastoralism and conflict resolution strategies in Kenya

Schilling *et al* (2012) underscore the role of pastoralism in Kenya's economy and livelihoods. They estimate that there are 13 million cattle, 25 million goats, 14.9 million sheep, 1.7 million donkeys

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and 2.9 million camels in Kenya's Arid and Semi- Arid Lands. (ASALs). Pastoralists possess the largest population of these livestock. Pastoralism accounts for 12% of the country's gross domestic product. Out of this, the livestock sector provides an estimated 90% of all employment opportunities and more than 95% of household incomes in ASALs.

Rohwerder (2015) notes that conflicts in the pastoralist dry lands of Kenya are highly complex and multi-layered, pointing out that the long tradition of cattle raiding is meant for prestige and bride prices, as well as competition over scarce and diminishing water and pasture resources. Further, Sharamo (2014) explains that conflicts and violence taking the form of cattle rustling and displacements have characterized inter-communal and clan relations among the various pastoralist communities of northern Kenya, the case of Isiolo and indeed the greater Horn of Africa region.

However, livestock raids are a source of conflict among pastoralists. Conflicts among neighboring pastoralist communities, boundary disputes, rivalry over access, cultural beliefs (to own livestock) use and control of pasture and water especially during the dry season between pastoralist communities, define the context of pastoralist way of living (Aberi, 2015; Gakuria, 2013; Ministry of Justice, National Cohesion and Constitutional Affairs, 2011).

In western Kenya, frequent conflicts are witnessed between the Kuria and Maasai and also between the Sabaot and Karamajong of Uganda. The Kenya Human Rights Commission (2010) notes that conflicts related to cattle rustling rampant among pastoralist communities can be contained through improvement of development of pastoralist regions and civic awareness on peaceful co-existence among pastoralists. Sing'oei & Young (2011) point out the use of the media, litigation and frameworks have worked in addressing conflicts especially those affecting minority groups such as the Endorois in Kenya. Further, they note that improvement of availability of resources (access and use to conflicting parties) addresses conflicts and are likely to bring lasting peace in the affected regions.

According to Osamba (2001), communities which have been in conflict can seek for reconciliation. This would involve entering into a treaty or agreement. Oath was used as a way of invoking the supernatural power (God) to punish those who break the oath. Osamba (2001) explains how the Turkana use Oath to settle conflict by describing:

A bull would be slaughtered and its blood collected and sprinkled into the air as a way of binding the community to the peace covenant. As a gesture of reconciliation, the whole group would eat the meat together. Thereafter, feasting, singing, dancing and celebration would continue for several days. The whole society would thus be part of the agreement and anybody who violated it could suffer some calamity.

Osamba (2001) also describes how oath was used to settle conflict between the Luo and the Maasai as follows:

The elders and the "whole community" women, children and the youth would assemble at one point along their common border. A makeshift obstacle consisting of tree branches would be created along the border and the warriors would place their spears over it. A dog would then be slain and cut in half and its blood sprinkled along the border. Then, mothers would exchange babies with the "enemy" group and suckle them. The warriors would also exchange spears. Prayers would then be offered by the elders and a profound curse pronounced on any one who attempted to cross the border and create havoc to either side. After such an agreement it would be almost impossible for the two sides to fight again. This was a form of creating blood brotherhood.

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According to Osamba (2001) oaths (peace agreements/ reconciliation) have benefits because agreements reached are more than merely solving the problem or rectifying the injustice but create the possibility and social space where both truth and forgiveness are validated and joined rather than a framework in which one must win over the other. Schilling et al (2012) examines why the Turkana and Pokot traditional pastoral conflicts have become more frequent, violent and destructive. They dwelled on the causes and consequences of conflict. However, they did not attempt to look at possible mechanisms of attaining peace. Despite this, they recognized that the relationship between the Turkana and Pokot is that of cooperation and conflict.

Huho, (2012:463) describes how the Pokot make peace pacts. It includes sharing a meal among the warring communities' elders was a sign of peaceful coexistence. This strategy, however, largely dealt with the situation at hand and thus served for specific warring situations. Oba (2001:99) argues that peace treaties have not been binding since the introduction of small arms because guns are easy to dispossess opponents and acquire wealth. This makes victims to acquire guns and use them to revenge, hence escalating conflict.

In a study of the Maasai of Kajiado, Mwangi, (2011:14) found that the Maasai acquired title deeds on land that was previously considered as the commons and engaged in leasing pasture for between two to twelve months. Leasing occurs among neighbors, friends and reputable persons. The leases are done orally and can't be terminated because of rain failure but can be extended. Leasing of pasture helps to bring access to sharing the resource and avoid conflicts.

Mkutu (2016) examines the phenomena of pastoralist conflict, small arms and governance in North Rift and North East Africa and notes that 50- 60% of the 30-40 million people in arid areas who depend, for a living, on livestock are from Africa with a majority of them ailing from the North Eastern region. He argues that the government of Kenya does not have a policy on conflict management and resolution and hence uses occasionally, poorly coordinated and executed disarmaments to mitigate the phenomenon of conflict. His main concern was the presence of small arms that are used to propagate conflict. Mkutu did not examine issues of reciprocal resource agreements. In his literature review on pastoralist conflicts, Mkutu (2016:127) noted and quoted Lord Palmerstone, who argued that 'nations (read tribes) do not have permanent alliances or enemies; they only have permanent interests'.

Opiyo *et al* (2012) examined the complexity of conflicts between pastoral Turkana and Pokot communities. They noted that scholars are divided on what triggers conflicts as some relate to resource scarcity while others relate to resource abundance. They also noted that majority of conflicts take place during the dry season when there is scarcity of pasture and water. The study found that conflicts are resolved by the council of elders through mediation, a customary mechanism which has been weakened and recommend reciprocal grazing arrangements in order to achieve sustainable peace among pastoral communities not only in north western Kenya but also in other areas which bear similarities with the region. However, Opiyo *et al* (2012) did not give examples of cases where reciprocal resource sharing has taken place so as to evaluate the successes and challenges.

Jenet and Obala (2012:13) note that reciprocal resource agreements govern the use of shared resources and help to increase the resilience of pastoral communities. Reciprocal agreement is a resource sharing strategy that provides for the mutual access and utilization rights to resources that one had prior limited access to. In this arrangement, the parties involved in resource-based conflict could reach a win-win negotiated mutual agreement. This means the resources, say pasture or water, under the custody of one community can be made available for sharing with the neighboring community during drought. The agreements are part of the coping strategies of pastoral communities who have to migrate from time to time. Kratli and Swift (undated: 30) explain

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“reciprocity” as a customary conflict management institution in Kenya. This can be summarized as follows:

It is the common perception of a condition of reciprocity which helps to maintain co-operative relationships. Dry land herders are aware that no matter how good one's situation might be at the present, at any time in the future one may depend on the favor of others and therefore, one can't afford to have enemies, and vice versa. Reciprocity does not exclude occasional raids and killings, but provides the context and motivation to avoid excesses and, on the other hand, to isolate unusual episodes and deal peacefully with them (for example through compensation) in order to prevent the escalation of violence. Reciprocity here refers to the customary practice of paying a standard compensation for grazing in another community pasture or even murder. This was to show good will.

Kratli and Swift, however, did not discuss the aspect of agreements for reciprocal resource sharing. This statement is hanging.

Discussion of Peace Pacts among Kenyan Pastoralists and among Border Communities

In a technical brief on how shared resource use management through reciprocal grazing agreements can increase resilience, Obala et al (2011) found that cross border communities in northern Kenya use ten steps in an elaborate process of reciprocal resource agreement:

Step 1: Mobilization and sensitization of communities using a participatory approach

Step 2: Establishment of core working groups.

Step 3: Drawing of resource use maps

Step 4: Community validation of resource use maps.

Step 5: Inter-community meetings.

Step 6: Strategic planning of inter-community resource use.

Step 7: Ratification and validation of the proposed plan.

Step 8: Final signing of the Reciprocal Agreement.

Step 9: Implementation of Reciprocal Resource Agreements

Step 10: Monitoring of the Reciprocal Agreements.

Case One

Gabra and Hamar

Jenet and Obala (2012:14) report that the Gabra and Hamar communities have used reciprocal resource agreements to settle their conflicts over water and pasture resource around Sabare, Minongerti and Hado areas along the Ethiopia–Kenya border. This reciprocal resource agreement was considered successful because it caused resilience and reduction of the impact of drought in 2010 and 2011. The factors which helped the agreements to be honored include; dialogue meetings to monitor the agreements, (community-managed monitoring system has ensured regular dialogue meetings to improve social cohesion and improved security among the communities involved), return of stray cattle, and peaceful cross border joint grazing. Jenet and Obala (2012) attribute the success of reciprocal resource agreement between the Gabra and Hamar to the elaborate processes that are part of the pastoralist customary traditions.

In our view, the successes were also contributed by the support given to the communities by external actors, including government representatives and NGOs such as the Veterinaires Sans Frontieres (VSF) consortium.

Case Two

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Gabra and Dasanach

Due to conflicts between Dasanach and the Gabra, pasture and water resources around Bulluk was inaccessible. VSF Germany facilitated a workshop on reciprocal resource sharing between Dasanach and the Gabra, in July 2009 at Bulluk AP camp and in May 2010 at Illeret primary School, to enable both communities share these previously unused resources and co-exist peacefully (Jänz et al Undated:9). An agreement was reached in July 2010

Jenet and Obala (2012:15) report that the Gabra and Dasanach reciprocal grazing agreements helped them share pasture at Sabare, Darate and Bulluk, leading to the following mutual benefits: Gabra traders who visit Dasanach are allowed to sleep in Dasanach villages. In addition, Dasanach trucks have been allowed to travel to Ileret to transport food relief and for commercial de-stocking to Nairobi.

Case Three

Gabra and Borana

Odhiambo (2012:11) notes that conflicts between Borana and Gabra among other communities have led to inaccessibility of grazing land along disputed areas thus creating tensions and insecurity. He also found that one of the strategies, employed by the Borana community to deal with conflict, was sharing of pasture and water (Odhiambo, 2012:17). This agrees with the study by Jenet and Obala (2012:15) who report that the Gabra and Borana communities made an agreement to share water and pasture in 2009/2010 to allow the Gabra to share their pasture reserve at Hurri Hills with the Borana. In exchange, the Borana of Dillo Woreda would share their water resource with the Gabra. The agreement led to resilience of the two communities during drought. Okumu (2013) cites a sample of a peace agreement between the Gabra and Borana which reads as presented on table 2.

Table 2: Peace Agreement between the Gabra and Borana

MAIKONA AND WALDA PEACE DECLARATION 28th July, 2009
<ul style="list-style-type: none">• We, the undersigned, have accepted peace between our communities, the Borana and the Gabra. We pledge to live peacefully with one another and to share the natural resources of water and pasture. Peace will be maintained through regular meetings between representatives of both communities, at alternating locations.• Peace will be safeguarded through the implementation of the following fines. If a person is caught with a stolen animal, the fine is 4 animals per animal stolen. The culprit also has to pay the expenses incurred for tracking that animal, and will be handed over to government law.• If a person injures another with intent to kill, the fine is 15 cows and they will be handed over to government law. If a person kills another, the fine is 30 cows and they will be handed over to government law. If a person is spreading lies and propaganda, inciting people to fight, they will be fined expenses and 5 cows.• If a person conceals a culprit or information, they and the concealed person will be fined the same, depending on the crime. Five representatives (3 men and 2 women from each) of the two groups have signed the Walda Mikona declaration.

Adopted from Okumu (2013:17)

Case Four

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Pokot and Border Communities

The Lokirama Peace Accord of 1973 was aimed at settling banditry and cattle rustling among the Tepesi and Karamajong of Uganda and the Pokot of Kenya, who fought over shared resources. It was also to include the Merrile, Nyangaton and Toposa of South Sudan. Before the peace agreement, the Pokot, Tepesi and Karamojong used to fight between Mt Moroto in Uganda and Mt Loima in Kenya.

As a sign of agreement, guns, spears, arrows, traditional razor blades and knives were buried as a sign of peace to end animosity. Among measures put in place to sustain the treaty are stiff penalties imposed on aggressors and compensation for anyone killed during an attack. At Lokirama Village, some 120 kilometers southwest of Lodwar Town, is Lokirama Monument, which signifies the peace agreement negotiated by elders and local administrators from Kenya and Uganda. The peace pact has led to sustainable peace at border towns such as Nakiloro and Lokirama markets.

Case Five

Pokot and Samburu

Okumu (2013:4) indicates that due to escalation of Pokot, Samburu and Turkana conflicts, the three communities suffered losses that forced them to have a peace pact. In December, 1996, for instance, Pokot raiders attacked a Samburu village and made away with 600 cattle. In the same year, the Turkana raided the Samburu eleven times within six months while the Pokot retaliated eight times. The Samburu also raided and killed 50 Turkana in a village. Between 2004 and 2008, about 500 people were killed in the Pokot and Samburu conflicts. Following the Kanampiu massacre of 2009, young educated elites from Pokot and Samburu, under the auspices of the Laikipia peace caravan initiated a peace pact leading to the Damu Nyekundu peace accord which was signed in June 2010. This peace agreement was later replicated by the Turkana and Pokot in the Sarmach-Turkwel-Masol Corridor Peace Agreement which borrowed the Damu Nyekundu 13 commandments of fighting cattle rustling (Okumu, 2013:38)

Case Six

Pokot and Turkana

The Kainuk-Sarmach-Turkwel-Masol Corridor Peace Agreement was to enable Pokot and Turkana communities to share water and pasture resources, thus reducing the chances of conflict. “The peace agreement was reached following a meeting between elders from both the Pokot and Turkana communities in the presence of police officers, professionals, and chiefs (Okum, 2013).

The peace pact enabled the recovery of stolen livestock, and therefore reduced cases of revenge attack that often spiral into massacres. For every animal stolen, the thief is fined four livestock (cows, goats, sheep, and camels). If murder is committed against a member of a different community (in this case, a Pokot killing a Turkana or vice versa) during a raid, the culprit and his family are obliged to pay the family of the deceased forty head of livestock, while in cases of bodily injury, the perpetrator is fined twenty head of cattle. The peace agreement led to the recovery of fourteen goats and six cows by the Pokot from the Turkana, while the Turkana have had to pay twelve goats as a fine for one cow. On the Pokot side, eight sheep stolen from Kainuk have been returned and a fine of four goats paid to the Turkana for one goat slaughtered by Pokot warriors (Okumu, 2013: 38).

Case Seven

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Pokot, Ilchamus and Samburu

The Pokot, Ilchamus, and Samburu took an oath at Katulbei (now Tangelbei) in 1913 to bind the communities not to fight each other. During the ceremony, each community participated in the oath by contributing items required which included milk, knife, dry wood, sharpening stone, tree branches, blood and a spear which had at least been used to kill a human being. Four white and four black rams were slaughtered after which, the blood and the tripe were buried in the ground. Before then, all participants were smeared with ram fat to symbolize both a new beginning and the burying of the hatchet. The items were then mixed before they were buried at Tangelbei. As soon as this was done, all participants left the spot running. (Mutsotso, 2013).

It is reported that the Maasai Laibon who led the ceremony decreed that the stone used to sharpen the spears during the ceremony should never be returned to the warring communities for peace to be sustainable. Despite this, the Pokot elders went against the decree. They also bought guns for self-defense against the Turkana and later sold them to the Ilchamus. The communities have equated the gun to a modern sharpening stone (Mutsotso, 2013). The peace pact, therefore, has not been sustainable.

Case Eight

Pokot and Tugen

The Tugen and Pokot conflict resolution is a case of a failed peace pact strategy. Mutsotso (2013) traces the Tugen- Pokot disputes to 1907 when the two communities had disputes over water resources at Chepkesin River. According to him, conflicts started when the Tugen denied the Pokot access to the water. The conflict was further aggravated by deceit during the attempts to resolve the dispute. It is alleged that the Pokot Chief Loiwalan convened a peace meeting to resolve the dispute but the Tugen did not attend. Thereafter, he convened a second meeting and gave conditions that the Tugen should come to the meeting with arrows only but without bows and strings. The condition for the Pokot was that they come with spear sticks without the spear on it. However, he secretly instructed the Pokot to attend the meeting while ready to attack as soon as he called the meeting to order. Using concealed spears, the Pokot attacked and killed many of the Tugen warriors. This incident made the Tugen never to trust the Pokot. We can therefore argue that efforts to resolve Tugen- Pokot conflicts have been derailed by mistrust and feelings of betrayal. It is alleged that since then, the Tugen have used every opportunity to revenge and avenge the killings of their people.

Case Nine

Keiyo and Tugen

The Keiyo and Tugen case are an example of a successful strategy of conflict resolution. In a study on learning from indigenous communities' peace pacts in Sub-Saharan Africa, Chelang'a *et. al* (2018) report that before 1870s, the Keiyo and Tugen had protracted conflicts over resources such as pasture, water, boundary, land and livestock. The livestock raids and revenge raids were organized during bountiful seasons when the livestock were fat and strong enough to withstand the terrain and long-distance travel. The raiders used traditional weapons to carry out livestock raids along the Kerio River. Frequent raids led to losses of livestock and human lives in both sides of the communities. A major consequence of the conflict was the massacre of Tugen warriors, who belonged to the *Maina* age set, by either the Keiyo or the Maasai or an alliance of the two. Although scholars are divided as to who killed the Tugen warriors, there is consensus that the incident took place and that is why the Tugen do not have the *Maina* age set.

As a result of the losses incurred by both communities, the Keiyo and Tugen made a pact in 1870s which ended the conflicts. Oath was used in the peace agreement ritual and since then, it has

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been periodically renewed. The consequence of the peace pact is that the two communities have lived harmoniously in a volatile region of conflict. The peace agreement facilitated intermarriages, cross-border trade, joint cultural festivals, and sports among many activities that have cemented the peace.

Case Ten

Turkana and Border Communities

The Turkana of Kenya and Matheniko of Uganda are pastoralists who live on the Kenya- Uganda border. Conflicts between the two communities, over pasture and water, resulted into losses of human lives. In the conflict at Nakiloro River, hundreds of both communities perished and this made the two communities to sign the Lokirama peace accord in 1973, an agreement which is celebrated annually. The UNDP reported in 2013 that the Lokirama peace accord was an example of a successful peace pact among pastoral communities (UNDP, 2013).

Another community which borders the Turkana is the Dodoth of Uganda. Okumu (2013:4) reports that in some occasions, the communities in the Karamoja cluster could form an alliance against other communities. For instance, an alliance between the Turkana and the Karamojong against the Dodoth in August 1999 resulted in a massacre of the Dodoth. According to Jenet and Obala (2012:15), the Dodoth and Turkana have since made reciprocal grazing agreements following the many years of protracted conflicts. The peace agreements have since brought benefits of allowing the communities to jointly graze in areas around Naporoto, Loile, Pire, Matakul and Kalopeto.

Conclusions and Recommendations

Pastoralism as a source of livelihood is an old practice dating back to about 9,000 years in Europe and 6,000 years in Africa. It is practiced across the globe, more so in Sub-Saharan Africa, Asia and some parts of Europe. A sizeable proportion of the populations of these continents derive their livelihoods through pastoralism in rural areas thereby supporting the rural economies.

Communities continued dependence on pastoralism as a livelihood source has been faced with several challenges which vary across continents, regions and countries. Conflicts over shared resources remain a notable challenge constantly disrupting the economies of pastoralists in the world. In Europe, pastoralist conflicts relate to land-use and legislative issues while in Sub-Saharan Africa, they emanate from differences between pastoral groups on structured ways of utilizing natural resources for their livestock.

Strategies employed in conflict resolution determine the success or failure in pastoral conflicts. Peacemaking efforts by many communities in Sub-Saharan Africa have demonstrated that indigenous methods of conflict resolution can help resolve conflicts between pastoral communities. Peace pacts and the use of sanctions between and among pastoral communities were instrumental in restoring peace as illustrated by the cases from various countries presented in this article.

Recommendations

Pastoralism is a source of livelihood which if well developed and regulated can support rural populations in ASAL regions. Pastoralist conflicts arise from unstructured sharing of resources. To address conflicts, there is need for pastoralist communities to adopt, implement and respect working conflict resolution strategies for sustainable utilization of natural resources to improve their socio-economic welfare. Indigenous peace pacts significantly scale down the occurrence of conflicts among pastoral groups; this therefore calls for governments to incorporate these pacts into conventional conflict resolution methods. Indigenous communities' reciprocal resource sharing could work better when supported by governments and Non-Governmental organizations.

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