Indigenous Democracy

Traditional Conflict Resolution Mechanisms

Pokot, Turkana, Samburu and Marakwet

Ruto Pkalya
Mohamud Adan
Isabella Masinde

Edited by Betty Rabar,
Martin Karimi

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A publication of ITDG-EA,
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Intermediate Technology Development Group

Intermediate Technology Development Group (ITDG) was established in 1966 based on the then radical ideas of Fritz Schumacher, an economist and the author of "*Small is Beautiful*". ITDG has since grown into an international development agency with its head office in UK and regional offices in East Africa, South Asia, South America and Southern Africa. It also has country offices in Bangladesh, Nepal and Sudan.

ITDG's work is driven by its vision of "***a world free of poverty and injustice in which technology is used for the benefit of all*"**. ITDG's mission is **"*to help eradicate poverty in developing countries through the development and use of technology by demonstrating results, sharing knowledge and influencing others*".** ITDG's development is guided by the following core principles; putting people first; working in partnership, respect for diversity and a concern for future generations.

Intermediate Technology Development Group-Eastern Africa (ITDG-EA) is a regional office of ITDG. The organization works towards fulfilling its mission in Eastern Africa by reducing vulnerability, increasing services to the people, making markets work for poor producers and introducing new technologies.

Conflict resolution and cross-border harmonization is an integral component of the group's aim of reducing vulnerability among poor people especially the pastoral communities in the Greater Horn of Africa. Through the Conflict Management Project, the agency is implementing peace programmes in Northern Kenya (Turkana, Marsabit, and Samburu) and works through partners in West Pokot, Marakwet, Moyale, Mandera and Wajir Districts. In conjunction with partners, ITDG-EA is implementing cross-border activities in Southern Ethiopia (Omo region), Southern Sudan, Eastern Uganda (Karamoja cluster) and Western Somalia.

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Acronyms

ASAL	Arid and Semi Arid Land
AU IBAR	African Union InterAfrican Bureau of Animal Resources
CAPE	Community Based Animal Health and Participatory Epidemiology
CBO	Community Based Organization
CORDAID	Catholic Organization for Relief and Development Aid
CSO	Civil Society Organization
DDC	District Development Committee
DRC	Democratic Republic of Congo
DSC	District Security Committee
DSG	District Steering Group
EACBBP	East Africa Cross Border Biodiversity Project
ITDG	Intermediate Technology Development Group
NGO	Non Governmental Organization
PEDP	Pokot Educational and Development Programme
PPG	Pastoralists Parliamentary Group
SALW	Small Arms and Light Weapons
SRIC	Security Research and Information Centre
USAID	United States Agency for International Development
USIP	United States Institute of Peace

Understanding Inherent Terms

For the purposes of this study, conflict refers to disagreements between two or more people, groups or communities. It can be a disagreement over the use of natural resources such as water, pasture and grazing land or disputes over ownership of livestock, land or even domestic quarrels . This study focuses on the destructive conflicts within and without the four pastoralists' communities under question. Cattle rustling is a thematic type of conflict that features promptly in this study. It represents the struggle among the pastoralists over the possession of cattle, which have been stolen, and re-stolen so many times, that no modern court can determine who justly owns the animals.

Conflict prevention is used to refer to the act of inhibiting the occurrence of conflicts as well as mitigating conflicts. Thus, even though the phrase suggests that the effort only takes place before violence breaks out, conflict prevention takes place throughout the cycle.

Conflict management focuses on measures aimed at reducing the intensity of violent conflict. The phrase also includes pre and post-conflict prevention measures. This phrase is favoured because it refers to the mitigation process. Peace building generally goes beyond management measures. It involves developing institutional capacities to alter the situations that lead to violent conflicts.

Early warning may be regarded as the ability to collect and analyse information in the interests of providing strategic options for preventive actions or, as may be required, informed response. Early warning and traditional intelligence systems are very often used interchangeably. However, traditional intelligence is secretive and not liable to critique, for it is laden with superstitious beliefs.

Abstract

This publication details the indigenous methods of conflict resolution among the Pokot, Tukana, Samburu, and Marakwet communities of North Rift Kenya. Traditional conflict resolution structures are closely bound with socio-political and economic realities of the lifestyles of the African communities. These conflict resolution structures are rooted in the culture and history of African people, and are in one way or another unique to each community. The overriding legitimacy of indigenous conflict resolution structures amongst these communities is striking.

The publication outlines scarce and unequal access to natural resources and power, ethnic mistrust (ethnocentrism), inadequate state structures, border tensions and proliferation of illicit arms into the hands of tribal chiefs, warlords and fellow tribesmen as some of the causes of inter-ethnic conflicts in northern Kenya.

A brief description of the three communities regarded as representative of the entire pastoralists community in the greater horn of Africa region has been given. In addition, a detailed description and analysis of their indigenous governance and conflict resolution institutions has been carried out. The *Kokwo* amongst the Pokot and Marakwet, the *tree of men* amongst the Turkana and *Nabo* among the Samburu communities are perhaps the most important governance institutions amongst the study communities.

The study found out that cattle rustling, and to some extent, land clashes are the main manifestation of conflicts in northern Kenya. In response to the cattle rustling menace that has ravaged the vast and rugged region, the communities under study have evolved over time and institutionalised an elaborate system and mechanisms of resolving conflicts whether intra-

community or inter-community. The elders in the three communities form a dominant component of the customary mechanisms of conflict management. The elders command authority that makes them effective in maintaining peaceful relationships and community way of life. The authority held by the elders is derived from their position in society. They control resources, marital relations, and networks that go beyond the clan boundaries, ethnic identity and generations. The elders are believed to hold and control supernatural powers reinforced by belief in superstitions and witchcraft. This is perhaps the basis of the legitimacy of traditional conflict resolution mechanisms amongst the pastoralists.

Among other findings, this study has given due consideration to the unique pastoralists' cultures that emphasise the resolution of conflicts amicably through a council of elders, dialogue, traditional rituals and common utilization of resources especially dry-season grazing land. Peace pacts between these communities have largely been hinged on availability of pasture and water and entirely cushioned on a win-win situation. The current peaceful relationship and military alliance between Pokot and Samburu, Turkana and Matheniko and Pokot and Matheniko are testimonies to the power of indigenous customary arrangements of peace building and border harmonization. Nevertheless, such peace pacts are flouted as soon as conditions that necessitated the pact cease to hold as they are governed by opportunistic tendencies. In total, the said communities have consistent and more elaborate methods of intervening in internal (intra-ethnic) conflicts than the inter-ethnic conflicts.

The study reports that among the three communities, there is a marked absence or inadequacy of enforcement mechanisms/framework to effect what the elders and

other traditional courts have ruled. The customary courts rely on goodwill of the society to adhere to its ruling.

In terms of gender consideration, the whole process is grossly flawed. There is a serious gender and age imbalance as women and youth are largely excluded from important community decision-making processes. Women and children are there to be seen and not heard despite of the fact that they play a critical role in precipitating conflicts.

Limited government understanding of pastoralists' livelihoods and the ensuing marginalization of pastoralists' issues, livelihoods and institutions have corroded the efficacy and relevance of customary institutions of conflict management. Such traditional structures are referred to as archaic, barbaric and that they lack a place in the modern global village. As a result, governments fail to appreciate, collaborate and complement the traditional methods of resolving conflicts. These pseudo critics have failed to acknowledge that the African traditional mechanisms of conflict resolution are fundamentally different from the Western ways of conflict resolution.

The study proposes that there should be increased collaboration and networking between the government and customary institutions of governance. In particular, the government should recognize and aid customary courts enforce their rulings. The elders should be trained on modern methods of arbitration and at minimum, traditional mechanisms of conflict management should be more sensitive to the universally accepted principles of human rights.

Gender and age mainstreaming in conflict resolution should be prioritised in all traditional courts and in

decision-making processes. Women and children voices should be heard and be seen to fundamentally alter the pace and direction of community governance system.

The regional problem of illicit arms that has scaled up the severity and frequency of cattle raids should be addressed by the governments in the region. These arms have also sneaked in the veiled aspect of commercialisation of cattle raids in the region. Pastoralists are no longer raiding to replenish their stocks especially after periods of severe drought and animal diseases, but are increasingly raiding to enrich themselves by engaging in trade of stolen livestock. This aspect has overwhelmed traditional conflict resolution mechanisms and should be addressed.

Chapter 1

Introduction

1.1 Problem Statement

For a long time, Africa has been saddled and bogged down by intermittent conflicts both within and between its states. From Algeria to Sierra Leone, Liberia to Sudan, the Horn, East and Central Africa and the Great Lakes Region armed conflicts are increasing and are almost exclusively within rather than between states. Even countries that were once regarded as island of peace and tranquillity such as Ivory Coast have fallen victims of the escalating armed conflicts in Africa.

In these conflict scenarios, poorer and more marginalized people are the principal victims rather than members of the armed forces. In addition to death and wanton destruction that it brings in its wake, the conflicts also contribute to displacement and disruption of livelihoods of the poor people.

Conflicts among the Pokot, Turkana, Somali, Boran, Rendille, Marakwet and Samburu are the trademark of the vast, marginalized and rugged terrain of northern Kenya. Hardly a week elapses before the Kenyan media reports inter-ethnic cattle raiding and intra-ethnic clan (Somali) skirmishes among these communities, resulting in enormous loss of lives, property and displacements.

Nomadic pastoralism is the main economic activity and the main source of livelihood in the arid and semi arid northern Kenya. Apart from environmental vagaries, conflicts are many and centre mainly, on the exploitation of the limited resources. Conflict over natural resources such as land, water, and forests is ubiquitous. People everywhere have competed for the natural resources they need or want to ensure or enhance their livelihoods. However, the dimensions, level, and intensity of conflict vary greatly. Conflicts over natural resources can take place at a variety of levels, from within the household to local, regional, societal, and global scales. Furthermore, conflict may cut across these levels through multiple points of contact. The intensity of conflict may also vary enormously — from confusion and frustration among members of a community over poorly communicated development policies to violent clashes between groups over resource ownership rights and responsibilities. With reduced government power in many regions, the resource users, who include pastoralists, marginal farmers and agro-pastoralists, increasingly influence natural resource management decisions.

However, the causes of conflict are diverse, and include: limited access to water and pasture resources, loss of traditional grazing land, cattle raiding, lack of alternative sources of livelihood from pastoralism, diminishing role of traditional institutions in conflict management, political incitement, non-responsive governments policy and inter-tribal animosity. The complexity of the conflicts is heightened by the presence of international and regional boundaries that have affected nomadic pastoralism through creation of administrative units, which split communities that once lived together. This is true for example, between the Pokot and the Turkana who occupy parts of Kenya and Uganda. These boundaries have interfered with seasonal movements (nomadism)

that were occasioned by resource dynamics. Proliferation of small arms and light weapons (SALW) from war torn countries in the Horn of Africa and the Great Lakes Region (Rwanda, Burundi and DRC) have amplified the problem. The failed Somalia state coupled with the ongoing civil war in Southern Sudan has resulted in proliferation of thousands of dangerous arms into the hands of tribal chiefs, warlords and ordinary tribesmen.

Due to remoteness, rugged terrain, underdeveloped infrastructure and pastoralists' migratory nature, the formal security system is inaccessible and/or inappropriate to manage the nature and the magnitude of the current conflicts. This is why despite the presence of formal security personnel in Kenya, Uganda and Sudan, conflicts executed in the form of cattle rustling has continued to claim human lives, loss of property and destruction of biodiversity.

Despite the sustained local, state and regional efforts to resolve inter-community conflicts in northern Kenya and across the borders, there has been no success in reducing the tally of these conflicts in successive years. The inability of these efforts to contain and resolve the conflicts infers a failure to identify a conflict-resolution framework that would satisfy the traditional (though changing) socio-political and cultural dynamics of the parties in conflict. Such a framework will have to be rooted in customary principles of "war and peace" as embedded in traditions and social structure of a community that takes into consideration not only the distributive issues that are amenable to negotiation and acceptable solutions, but also the subjective and emotionally loaded issues such as group status, identity and survival that are often non-negotiable and principal sources of unmanageable conflicts.

Indigenous conflict management and resolution mechanisms use local actors and traditional community-based judicial and legal decision-making mechanisms to manage and resolve conflicts within or between communities. Local mediation typically incorporates consensus building based on open discussions to exchange information and clarify issues. Conflicting parties are more likely to accept guidance from these mediators than from other sources because an elder's decision does not entail any loss of face and is backed by social pressure. The end result is, ideally, a sense of unity, shared involvement and responsibility, and dialogue among groups otherwise in conflict.

Community members involved in the conflict participate in the dispute resolution process. These community members can include traditional authorities, for instance elders, chiefs, women's organizations, and local institutions.

The elders in traditional African societies form a dominant component of the customary mechanisms of conflict management. The elders have three sources of authority that make them effective in maintaining peaceful relationships and community way of life. They control access to resources and marital rights; they have access to networks that go beyond the clan boundaries, ethnic identity and generations; and possess supernatural powers reinforced by superstitions and witchcraft.

The elders function as a court with broad and flexible powers to interpret evidence, impose judgements, and manage the process of reconciliation. The mediator leads and channels discussion of the problem. Parties typically do not address each other, eliminating direct confrontation. Interruptions are not allowed while parties state their case. Statements are followed by open

deliberation which may integrate listening to and cross-examining witnesses, the free expression of grievances, caucusing with both groups, reliance on circumstantial evidence, visiting dispute scenes, seeking opinions and views of neighbours, reviewing past cases, holding private consultations, and considering solutions.

The elders or other traditional mediators use their judgment and position of moral ascendancy to find an acceptable solution. Decisions may be based on consensus within the elders' or chiefs' council and may be rendered on the spot. Resolution may involve forgiveness and mutual formal release of the problem, and, if necessary, the arrangement of restitution. Local mediation typically incorporates consensus building based on open discussions to exchange information and clarify issues. Conflicting parties are more likely to accept guidance from these mediators than from other sources because an elder's decision does not entail any loss of face and is backed by social pressure. The end result is, ideally, a sense of unity, shared involvement and responsibility, and dialogue among groups otherwise in conflict.

Traditional forms of mediation and legal sanctioning often appear in the aftermath of widespread conflict where no other mechanisms for social regulation exist. This is particularly true in the case of failed states such as Somalia and partly Sudan, where indigenous mechanisms, some ad hoc, others traditional and long-established, provide order where the outsider's eye sees only chaos. In many areas of Somalia including parts of Mogadishu, Sharia courts are enforcing law and order, a welcome novelty for residents who have been deprived of a functioning judicial system for years.

Traditional mediation is effective in dealing with interpersonal or inter-community conflicts. This approach has been used at the grassroots level to settle disputes over land, water, grazing-land rights, fishing rights, marital problems, inheritance, ownership rights, murder, bride price, cattle raiding, theft, rape, banditry, and inter-ethnic and religious conflicts.

It would be correct to argue that the elders in the pastoralist communities of northern Kenya are not entirely able to operate and resolve conflicts within these structural limits of customary conflict management. The process may be time-consuming and encourage broad discussion of aspects that may seem unrelated to the central problem, as the mediator tries to situate the conflict in the disputants' frame of reference and decide on an appropriate style and format of intervention. Nevertheless, they are critically important in maintaining peaceful relationships in these communities.

1.2 Purpose of the study

The purpose of this study was to conduct participatory research and in-depth analysis of traditional conflict resolution mechanisms amongst the Pokot, Turkana, Samburu, Marakwet and Borana communities in Kenya. This was conceptualised on the basis of under-utilised efficacy of traditional institutions in conflict management. Conceptualisation of the pastoralists' conflicts as resource-based and with cultural overtones puts the emphasis on the access and distribution therefore allows essential insights into alternative, culturally acceptable disputes resolution mechanisms. The pastoralist's situation in Kenya and across the borders jeopardises states' legal and moral obligation to provide security to its citizens. In the case of northern Kenya, one notices the classical retreat of the state, first, on its existence and, second, its ineptitude. Where the state fails or is

unable to provide such security to its people, logic demands that the people seek alternative means to meet these challenges. Traditional conflict resolution mechanisms become the alternative.

The ability of local mechanisms to resolve conflicts without resorting to state-run judicial systems, police, or other external structures is the ingenuity of these structures that have largely been ignored and marginalized. Local negotiations can lead to ad hoc practical agreements, which keep broader inter-communal relations positive, creating environments where nomads can graze together, urban people can live together, and merchants can trade even if military men remain in conflict.

Additional results of local conflict management occur when actors who do not have political, social or economic stake in continuing violence come together and build a 'constituency for peace.' In some cases, this can undermine the perpetrators of violence, leading to the development of momentum toward peace.

The introduction of police, courts and prison systems have been erroneously interpreted to infer that the customary law has been rendered obsolete and its place taken by the western styled court system. Nevertheless, pastoralists have continued to rely on customary law and mechanisms in resolving their conflicts both within and without the communities.

Documented reference will bridge the information gap that has existed in African societies and this will go a long way in passing customary law and system from generation to generation.

The specific objectives of this study were:

- To have an in-depth understanding and analysis of traditional conflict resolution mechanisms.
- To collect and collate the most common types of intra-ethnic and inter-ethnic disputes and the traditional mechanisms of their management among the Pokot, Turkana, Samburu and Marakwet communities.
- To critically assess the role and efficacy of customary institutions of conflict management in present-day pastoralist conflict and the modern state legal framework.
- To examine the ways in which customary institutions of conflict management can be strengthened and integrated within the formal modern state judicial framework.

Local mechanisms aim to resolve conflicts without resorting to state-run judicial systems, police, or other external structures. Grassroots mediation depends on an existing tradition of local conflict management mechanisms, even if these are currently marginalized or dormant.

1.3 Study Methodology

Pokot, Turkana, Samburu and Marakwet communities were strategically selected as study samples since they demonstrate a rich indigenous knowledge and mechanisms in conflict resolution. The pastoralists are

in constant acrimony. They have also tried to resolve the conflicts using traditional mechanisms. It is a documented fact that pastoralist communities have elaborate mechanisms of resolving their intra and inter community/clan conflicts. The word 'pastoralists' is often used to indicate a broad ethnic origin and livelihood. However, it should be noted that, pastoralism is a way of life and livelihood largely cushioned on resource scarcity and dynamics.

The methodology that was applied in this study involved surveys of the existing indigenous conflict resolution mechanisms, interviews with pastoralists' elders, warriors and women and plenary discussions by peace committees among the study communities. Both field interviews as well focused group discussions and in-depth analysis of relevant secondary data sources such as published and unpublished books, magazines and journals were put to use.

The primary methodology of the study involved interviews and discussions with pastoralists' communities' elders in each of the four communities covered. The elders were selected on the basis of leadership experience in the community, command of knowledge of the community's folktale and way of life, and proven longstanding participation in forums to settle or manage conflicts and disputes in the community. The elders had to show knowledge of community values, practices and philosophy of life.

The researchers also used participant observation in collecting the information. The researchers participated in a number of forums that customary mechanisms were used to resolve inter-ethnic conflicts. These forums included the Todonyang declaration between Turkana, Merille and Dong'iro communities, Pokot and Marakwet

communities peace talks organized by Pokot Educational and Development Programme (PEDP) at Kameley Primary School ground, Wajir regional peace meeting that brought together Wajir, Moyale and Marsabit districts at Wajir and the Modogashe declaration meeting. Video documentation of various pastoralists' traditional conflict resolution processes was also used in the study. Age and gender balance was maintained throughout the study.

Chapter 2

The Study Communities

2.1. The Pokot

The bulk of the Pokot people are found in West Pokot district, situated along Kenya's western boundary with Uganda and borders Trans Nzoia and Marakwet districts to the south, Baringo and Turkana districts to the east and north respectively. The district is arid and semi arid. Apart from West Pokot district, a substantial number of Pokot people are in Baringo, Trans Nzoia and to a lesser extent Samburu district. In Uganda, the Pokot people are found in Nakapirpirit district in the larger Karamojang region.

Pokot history is difficult to sketch. Linguistically, they seem to be related to numerous peoples who live in the region with ties to both the Nilo-Hamitic peoples who came from North

Africa and to Bantu peoples who came from central Africa. For purposes of the Kenyan census Pokot are placed in the Kalenjin group, which consists of many diverse groups of people who share Nilo-Hamitic ancestry and history. Some authorities also consider the Pokot community as the fourteenth tribe of the larger Karamojang cluster. This assumption is derived from the fact that each Pokot man, like the rest of Karamojang cluster men, has a bull that is particularly significant to him. The choice of a bull is made using appearance as a criterion and a name that reflects the look of the bull is assigned to it. The man will then adopt the name of this bull as his own, and sing songs in praise of his bull in an attempt to attract women. This description could as well suggest that even the lowland Marakwet are the fifteenth Karamojang cluster.

Amongst the Karamojang people, from birth until death, cattle constitute not only their livelihood but also the very centre of their lives. Birth, the passage to adulthood, marriage, death and the passing of decision-making power from one generation set to the next are all marked by the praising, slaughter and sharing of cattle.

The nomadic way of life that most of the Pokot live has allowed them to come into contact with numerous different peoples throughout history. This interaction has allowed them to incorporate social customs that in some circumstances included marriage with other communities. Many specific Pokot customs seemed to be borrowed from their Turkana and Karamojang neighbours.

About one quarter of Pokot peoples are cultivators (corn people), while the remaining are pastoralists (cow people). Between both groups, however, the number of cows one owns measures wealth. Cows are used for barter exchange, and most significantly as a form of bride

wealth. A man is permitted to marry more than one woman, as long as he has sufficient number of cows to offer as bride price. This is the primary way for wealth and resources to change hands in Pokot society. Cows are rarely slaughtered for meat. They are much more valuable alive. Cows provide milk, butter, and cheese, which form the core of Pokots' dietary needs.

Pokot community is governed through a series of age-grades. Group membership is determined by the age at which one undergoes initiation. For young men this occurs between ages fifteen and twenty, while for young women it usually occurs around age twelve at the onset of menarche. After initiation, young people are allowed to marry and are permitted to begin participating in local economic activities. Young men and women form close bonds with other members of their initiation groups, and these bonds serve for future political ties. When a man or woman reaches old age, he or she is accorded a certain degree of status and respect. Responsibilities of elders include presiding over important community decisions, festivals, and religious ceremonies.

Tororot is considered the supreme deity among the Pokot. Prayers and offerings are made to him during communal gatherings, including feasts and dances. Such ceremonies are usually presided over by a community elder. Diviners and medicine men also play a significant role in maintaining spiritual balance within the community. Pokot believe in sorcery and use various forms of protection to escape the ill will of sorcerers. Pokot also revere a series of other deities, including sun and moon deities and a spirit who is believed to be connected with death. Dances and feasts are held to thank the god for the generosity and abundance, which he bestows upon Pokot communities.

2.2 The Turkana

The Turkana are one of the most courageous and fierce groups of warriors in Africa. They are traditionally nomadic shepherds, the majority of whom live west of Lake Turkana in the present day Turkana district. Turkana district is part of Kenya's arid and semi arid lands. It is situated along Kenya's northwestern border with Uganda and Sudan, and Ethiopia to the north. It also borders Kenyan districts of West Pokot and Baringo to the southeast and Marsabit to the east. About 22,000 Turkana of Ethiopia live west of the Omo River in the extreme southwestern regions of the country. Other Turkana people can be found in eastern Uganda, Marsabit, Isiolo, Samburu and Trans Nzoia districts of Kenya.

The myth of *Nayere* (a heroine) indicates that the Turkana originated from the Jie people of Uganda, probably during a severe drought and entered their cave-land (*eturkan*), through Tarach River, near *Moru anayere* (hill of Nayere).

Turkana land is a semi desert plain consisting of sand, gravel, pebble beds and scattered volcanic ranges. The vegetation varies from desert to shrubs with scattered thorn bush. In the Northwest the vegetation consists of grass such as *Cynodon dactylon*. In the central area, the vegetation is very poor and the ground cover is less than 5%. Along the watercourses, the vegetation consists of higher acacia trees, palms, and in some places thick thorn bushes.

The Turkana refer to themselves as *Ngiturkan* and to their land as *Eturkan*. Although they emerged as a distinct ethnic group during the nineteenth century, the Turkana have only a vague notion of their history. Their main concerns are land and how to win it, and livestock and

how to acquire it. They have pursued these aims with single-mindedness for nearly 300 years.

Among the traditional Turkana community, socio-political influence and power belongs to those who have age, wealth, wisdom (*emuron*), and oratorical skill. Social organization is based on territorial rights (the rights of pasture and water), kinship, relationships between individuals, and rights in livestock and labour.

The Turkana men often have multiple wives. When a wife marries into a household, the head of the family gives her a portion of his livestock. Her sons will later inherit these herds. Because of the unusually high bride price, it is almost impossible for a man to marry until his father has died and he has inherited livestock. The Turkana household consists of a man, his wives and their children, and often the man's mother.

Young men undergo initiation at the age of 16 to 20. This ceremony involves animal sacrifice. Initiation is a prerequisite for later taking a human life. The status of a warrior is determined once a man has killed his first enemy-an event he will mark by notching a scar on his

right shoulder or chest. After that time, he begins carrying a weapon. His clan sponsor gives him a spear and other weapons, a stool that serves as a headrest, and a pair of sandals. The Turkana dress consists of a *shuka* (sheet of cloth) wrapped around the waist. Scars are made on the arms to indicate how many victims the warrior has injured. White ostrich feathers are also worn on the heads of the warriors who have killed at least one person.

Camels, cattle, sheep, and goats provide for most of the needs of the Turkana. Donkeys are mainly used for transport especially during migrations. Turkanas' diet consists of goat milk, goat meat, grains, and wild fruit. Along the shores of Lake Turkana, some engage in fishing and farming. The isolated Turkana do very little trading with other tribes. They sell livestock in order to buy grains and other household goods.

The Turkana ascribe to their traditional African religion. Though fearless in all aspects, they are highly superstitious. They believe in dreams and place great faith in diviners (*emurons*) who have the power to heal the sick, make rain, and tell fortunes (by casting sandals or reading animal intestines). The Turkana believe in a single, all-powerful god, *Akuj*, who rarely intervenes in human affairs. The Turkana are skeptical of any diviner who professes to have mystical powers but fails to demonstrate that power in everyday life.

2.3 The Marakwet

Marakwet district is virtually the present home of the Marakwet People. The district was created through an executive order on 4th August 1994. Initially, it was part of Elgeyo-Marakwet district. Marakwet district borders West Pokot to the north, Trans Nzoia to the west, Uasin Gishu to the southwest, Keiyo to the south, and Baringo to the east. The lower parts of the district are arid unlike

the highlands, which are suitable for mixed farming and sedentary life. A number of Marakwet people are found in Trans Nzoia, Uasin Gishu and Keiyo districts.

Like the Pokot, Marakwet history is difficult to trace. They are considered as a sub-tribe of the larger Kalenjin community that also comprises the Pokot, Tugen, Keiyo, Nandi, Kipsigis and Sabaot. Their pastoral livelihood and governance is similar to that of the larger Karamojang cluster, and thus they are considered to be the fifteenth Karamojang cluster member. Linguistically, they are closer to the Pokot community and to a lesser extent to the other Kalenjins.

The Marakwet society is divided into thirteen patrilineal clans, each of which (with the exception of the Sogom clan) is divided into two or more exogamic sections distinguished by totems. Homesteads are in totemic settlements scattered widely throughout the district. The community lives in territorial groups, which are politically distinct but interconnected by the clan structure and the age-sets. Their religious leader is known as the *orgoy*. He is consulted regarding the outcome of war, before the warriors set out.

Traditionally the Marakwet rarely fight wars as a territorial group. Nevertheless, Pokot and Tugen are traditional enemies of the Marakwet. An

individual is armed with a shield, a sword, a club and either a spear or a bow and arrows.

The Marakwet people are pastoralists, hunters as well as agriculturalists. They keep cattle, sheep and goats and depend on their animals for milk and meat. They traditionally built their homes on the escarpment. There is no story of creation told but *Asis*, is thought to be a supreme, omnipotent, omniscient arbitrator of all things and guarantor of right.

2.4 The Samburu

The Samburu are the semi-nomadic pastoralists who dwell in the present day Samburu district in the central parts of northern Kenya. Five districts in the Rift Valley and Eastern Provinces border the district. To the northwest is Turkana district while to the southwest is Baringo district. Marsabit district is on the northeast, Isiolo to the east and Laikipia district to the south. The language of the Samburu people is called Samburu. It is a Maa language very close to the Maasai dialects. Linguists have debated the distinction between the Samburu and Maasai languages for decades. The Chamus (Njemps) speak the Samburu language and are often counted as Samburu people. The Samburu tongue is also related to Turkana and Karamojong, and more distantly to Pokot and the Kalenjin languages. The Samburu community is characterized by the gerontocracy with age systems.

The district is semi arid and supports crop farming especially in the highlands whereas the lowlands are predominantly endowed with livestock resources. At present, most of the Samburu people keep cattle, sheep, and goats. Pastoralism is the most prominent activity in the district, taking up more than 90% of the land.

The division of labour between the sexes and the ages organizes the daily livestock keeping activities of the Samburu. Uncircumcised boys and girls graze the animals. The circumcised young men are admitted to the age set and are supposed to maintain the local security. After marriage, old men are in control of the family and animals. Girls are married off immediately after circumcision. This ranges from the age of 12 years. Women not only maintain households but also check and milk the animals every morning and evening. The Samburu mainly live on milk. Their staple food is the stock products like yoghurt, butter, boiled meat, and roasted meat. Cattle blood is drawn to drink sometimes mixed with milk or meat. Clothes, footwear, ropes, and bed sheets are made of animal's skins. The community plaster's their house walls with cowpat.

To the Samburu, the livestock are important not only as a means of subsistence but also as a means of social communications. For example, if a person gives a castrated sheep to another person, they call each other '*paker*' which means "a castrated sheep" without referring to their proper names. In the Samburu community, livestock can be a medium of the social ties. Without paying dowry in form of livestock as bride wealth to the fiancé's family, a man cannot marry in the Samburu society. Likewise, to undergo initiation, it is mandatory for a Samburu to perform rites of passage. In most cases, the rites involve livestock and or livestock's products. For example, when sons and daughters are getting circumcised, a village elder has to smear butter on the head of the boy/girl's father.

Initiation is done in age grades of about five years, with the new "class" of boys becoming warriors, or morans (il-murran). The moran status involves two stages, junior and senior. After serving five years as junior morans, the

group goes through a naming ceremony, becoming senior morans for six years. After this period, the senior morans are free to marry and join the council of the junior elders.

Samburu people are very independent and egalitarian. Community decisions are made by men (senior or both senior and junior elders), often under a tree designated as a 'council' meeting site. Women may sit in an outer circle and usually will not speak directly in the open council, but may convey a comment or concern through a male relative. However, women may have their own 'council' discussions and then carry the results of such discussions to men for consideration in the men's council.

The Samburu traditional religion is based on acknowledgment of the Creator God, whom they call *Nkai*, as do other Maa-speaking peoples. They think of him as living in the mountains around their land, such as Mount Marsabit. They also believe in charms and have traditional ritual for fertility, protection, healing and other needs. But it is common to have prayer directly to *Nkai* in their public gatherings. Samburu and Maasai Christians use traditional Maasai prayer patterns in prayer and worship. They also use the term *Nkai* for various spirits related to trees, rocks and springs, and for the spirit of a person. They believe in an evil spirit called *milika.*

The greatest hope of an old man approaching death is the honour of being buried with his face toward a majestic mountain, the seat of *Nkai*. The Samburu are devout in their belief in God. But they believe he is distant from their everyday activities. Diviners (*laibon*/ *laibonok*) predict the future and cast spells to affect the future.

Civilization has brought so many changes in the lifestyle to the Samburu community. People now eat not only the livestock products but also agricultural products, which are bought with cash. The skirt made of goatskin has been replaced by the ready-made dresses. Plastic beads have also replaced the necklace made of the doom palm.

Chapter 3

The Pokot

The Pokot community does not have a single word to refer to conflict. A number of phrases are used to describe and understand the concept. *Poriot* refers to the actual fight/combat whereas *siala*, *kwindan*, *porsyo* denotes quarrels and general disagreements. Nevertheless, the community defines conflict as disagreement between a man and his wife or wives, disputes between parents and children or children amongst themselves especially concerning inheritance issues. Competition over pasture, grazing land and water resources, often leading to cattle rustling or raids, is the Pokot definition of inter-ethnic conflicts.

Among the agro-pastoralists Pokot found in high potential areas, access to land or outright land ownership is another emerging description of conflicts. Land disputes are prevalent both at the community and inter-community levels.

The Pokot community has an elaborate and systematic mechanism of classifying and resolving their internal conflicts vis-à-vis external conflicts. For instance, it is a serious crime for a fellow Pokot to steal a goat or a cow from a fellow Pokot. Stealing cattle (cattle raids) from other communities is culturally accepted and even not regarded as a crime. It is the moral obligation for Pokot

warriors to raid other communities solely to restock their livestock especially after a severe drought or generally for dowry purposes.

3.1. Institutions of Conflict Management

Among the Pokot people, the family, the extended family, the clan and the council of elders (*Kokwo*) are the main institutions of conflict management and socio-political organization of the community.

a) The Family

An ideal Pokot family is composed of the husband (head of the family institution), his wives and children. The husband's authority in the family is unquestionable. He is the overall administrator of family matters and property including bride price, inheritance and where applicable, land issues.

b) The Extended Family and Neighbourhood

The extended family is made up of the nucleus family, in-laws and other relatives. All matters that transcend nucleus family are discussed at the extended family fora. The extended family serves as an appellate court to family matters. In some instances neighbours (*porror*) are called to arbitrate family disputes or disputes between neighbours.

c) The Council of Elders (*Kokwo*)

The *Kokwo* is the highest institution of conflict management and socio-political stratum among the Pokot community. *Kokwo* is made up of respected, wise old men who are knowledgeable in community affairs and history. The elders are also good orators and eloquent public speakers who are able to use proverbs and wisdom phrases to convince the meeting or the conflicting parties to a truce. Every village is represented in the council of elders. Senior elderly women contribute

to proceedings in a *Kokwo* while seated. Women participate in such meetings as documentalists so as to provide reference in future meetings. They can advise the council on what to do and what not to do citing prior occurrence or cultural beliefs. Before a verdict is made, women are asked to voice their views and opinions. The *Kokwo* observes the rule of natural justice. Both the accused and the accuser are allowed to narrate their story before the panel. Traditional lawyers (eloquent members representing the plaintiff and defence) can speak on behalf of the conflicting parties. The *Kokwo* deals with major disputes and issues and is mandated to negotiate with other communities especially for peace, cease-fire, grazing land/pastures and water resources. The *Kokwo* is the highest traditional court and its verdict is final.

3.2 Types, Prevention and Management of Internal Conflicts

Imposing heavy fines and severe punishment has proved to be an effective method of preventing conflicts within the Pokot community. For instance, the practice of punishing the whole family or clan if one member commits murder, is in itself a prohibitive measure. In case of adultery, the fine is higher than the normal bride price rendering the act economically and socially unviable. In addition, the purification process is tedious and frustrating. The culprit is ridiculed in public and may be excommunicated from the community.

Although there is a marked absence of an elaborate mechanism or practice discouraging the Pokot from engaging in acts of external conflicts, prohibitive fines reinforced by superstitious beliefs, norms and taboos have played a key role in controlling an upsurge of internal conflicts.

a) Domestic Conflicts

Like any other community, domestic quarrels do exist among the Pokot people. At the family level, disputes do occur between the family members. A man and his wife or wives might quarrel over issues such as lateness, poor milking skills, selfishness, and disobedience or general laziness. If a man fails to provide food for his wife or wives, disputes arise. In polygamous homes (most families are polygamous), a husband might be accused of spending too much time in a certain house (wife). The wives might also pick quarrels among themselves and so can their children.

Inheritance is another prominent cause of domestic conflict among the Pokot. It is a customary principle that male children are entitled to their father's property especially when they are about to break-off from the family to start their own homes. In such cases, some children might claim that the property was unevenly distributed. In polygamous families, a woman might incite her male children to demand certain things from their father to match her co-wife's children. In isolated cases, a man might refuse to hand over part or all of his property to his children advising them to seek their own by raiding neighbouring communities. Inheritance disputes also arise after the death of the head of the family. How to share and or manage the deceased property normally generates disputes since there are no written wills.

Sharing of dowry earned from marrying off a daughter is another source of domestic conflict in Pokot community. However, there is an elaborate rule or procedure of determining who gets what. Nevertheless, quarrels emerge during the process of sharing the dowry.

Domestic conflicts are resolved at the family level. The head of the family arbitrates such cases and where he is

an interested party or the accused, extended family can be called to arbitrate the dispute. Neighbours can also arbitrate domestic quarrels if called upon to do so. Issues that cannot be conclusively or adequately resolved at the family level are referred to the council of elders (*Kokwo*). There is no prescribed form of punishment for any given kind of crime committed at the domestic level. It varies from household to household and solely determined by family members.

b) Thefts

Theft cases are prevalent and lead to conflicts within the Pokot community. This is a crime punishable by a range of fines including death. Interestingly, the Pokot community regards stealing from a fellow Pokot as a serious crime whereas stealing from other communities is not a crime but a just cultural practice of restocking. Livestock (cattle, goats, sheep, and camels) are the most stolen property among the Pokot people. Grains, poultry, clothes, spears, arrows and shields are rarely stolen.

Theft cases are normally arbitrated at the *Kokwo* Supreme Court. When an individual or family loses something (a goat, sheep, cow, bull, steer, grain, poultry, camel, beer, gourd or money), the first thing that is done is to make the loss publicly known. At the same time investigations are undertaken with the help of wise men who cast skin sandals to tell which direction the stolen item is, and the sex, age, and colour of the suspected thief. Circumstantial evidence is sought including footprints of the thief. If somebody shows up and admits guilt, he or she is fined accordingly. As noted earlier, there are no hard and fast rules guiding the fine. The fine is decided upon at the whims of the elders. If nobody owns up, a *Kokwo* is convened. However, the punishment becomes severe if the *Kokwo* proves you guilty.

If no suspect is arrested, or in some instances where the suspect refuses to admit guilt, the elders announce that a 'satan' (*onyot*) might have committed the crime and the community is given a grace period of two weeks before the 'satan' is condemned to death in a traditional ritual. During the grace period, parents are expected to grill their children and relatives in the hope of finding the culprit in order to avert the catastrophe that might be meted on the family if one of them is responsible for the theft. If the two weeks elapse and still nobody admits guilt, the *Kokwo* reconvenes and a date of performing (*muma*) is scheduled.

i) Muma

Muma is an act of witchcraft. It is however culturally acceptable due to the fact that it is done in daylight. It only targets the 'satan' and the community is informed in advance. Currently, a permit to perform the ritual is sought from the government making it legitimate. It is used for the good of society and not to harm innocent individuals.

The complainant is asked to avail a steer (castrated bull, preferably not white in colour) and traditional beer (*pketiis*) for the ritual. On the material day, a last minute appeal is made to whoever might have committed the crime. If nobody admits guilt, one of the respected elders announces that the culprit (satan) who has terrorized the community is about to be witched for the interest of the community.

A red-hot spear is used to kill the availed steer by piercing it around the chest (heart). The red-hot spear, which looks now reddish due to blood from the steer, is pointed towards the sun while elders murmur words, condemning the thief (*onyot*) to death including members of his or her family and clan. The meat is roasted, eaten and its remains (bones and skin) are burnt to ashes, buried or

thrown into a river. Anybody who interferes with the steer's remains is also cursed to death.

The effects of the *muma* are so devastating that it can wipe out members of the whole clan if not reversed. After sometime, death will visit members of the family responsible for the theft and they start dying one by one. Interestingly, only men die as a result of *muma*. The afflicted family or clan members convene a *Kokwo* and plead to pay back what was reported stolen so as to stop more deaths. The elders convene and a steer is slaughtered eaten and the affected family members are cleansed using traditional beer, milk and honey. The elders reverse the rite and further deaths cease.

Muma acts as a deterrent to theft and other crimes in Pokot society. The process is scaring and its effects dreadful. Nobody would like to be caught in it. It is an effective preventive measure to internal conflicts among the Pokots.

ii) Mutaat

Mutaat is just like *muma*. It is another way of cursing and bewitching thieves in the society. *Mutaat* is specifically directed at thieves unlike *muma*, which can apply to other crimes in society like adultery and property disputes.

Before *mutaat* is performed, the initial processes undertaken during *muma* are carried out. Only specific elders perform the *mutaat* ritual. Currently permit to perform the ritual is sought from the government (chiefs) thus validating and legitimising the ritual. Like *muma*, *mutaat* is directed towards the 'satan' and is performed in daylight. The whole community participates.

During the ritual, specific elders collect soil, put it inside a pot, and mix it with meat from a steer and other undisclosed ingredients. (The respondents were not sure of or refused to divulge the nature of the concoction). The elders murmur words to the effect that before the culprit dies, he or she should open his or her mouth (talk about the crime). The ritual is carried out in a secluded place. The pot, with its contents, is buried and people dispatch waiting for the results.

After a period of time, the contents of the pot decompose. This heralds that somebody or groups of people are about to die. And immediately, the thief or thieves die one by one while admitting that he or she is the one who stole the property in question. The family of the deceased immediately convenes a *Kokwo* pleading to pay back what was stolen so as to reverse the curse and save other members of the family. A cleansing ritual similar to that done during *muma* is performed.

c) Adultery

Adultery is another cause of conflict within the Pokot community. An adulterous person is considered unclean and is subjected to strenuous rituals of cleansing the moment proved guilty or caught in the act. Fornication also attracts a harsh penalty. In such situation, the face value (dowry) of such a girl is drastically reduced. Among the Pokot, high importance is attached to a girl's virginity and is used to determine the bride price.

Rape is a relatively new phenomenon among the Pokot. The line between adultery and outright rape is so blurred that you cannot openly talk of the two. For the purposes of this study, rape is treated as adultery since the respondents refused to admit its existence.

Adultery cases are handled by the *Kokwo*. Where there is enough evidence to prove that somebody slept with somebody's wife, a *Kokwo* is immediately convened.

i) Amaa / nwata /ighaa

If the two parties were caught in the act or admit doing it, then no time will be wasted. The man responsible for the act is fined heavily, *amaa*, (pays cattle more than bride price that was paid for the woman) and is told to cleanse (*mwata, ighaa*) the family of the affected man. Interestingly the responsible woman is not fined but is beaten by her husband. The *mwata* / *ighaa* cleansing ritual is performed using contents of a goat's intestines mixed with honey and milk.

ii) Kikeemat

If the suspect pleads not guilty, the case will be argued in the traditional court (*Kokwo*). Both sides can enlist services of traditional lawyers and circumstantial evidence can be adduced to help the elders establish the truth. If the couple insists that they did not commit the crime, then the *Kokwo* requests them to undress. Their clothes (skin clothes) are washed, mixed with some undisclosed concoctions and then drained. The two are asked to drink the resultant liquid. At this point, if one party admits guilt, he or she is saved the trouble of drinking the mixture leaving the adamant party to drink the concoction. The ritual is known as *kikeemat.*

If *kikeemat* was performed till completion and the accused man was guilty and refused to own up, catastrophes will befall his family and if the situation is not reversed, (*ama followed by kikeemat*) the man will die. After death of the suspected man, his family will convene a *Kokwo*, pay an adultery fine and cleanse the family of the aggrieved man.

Kikeemat is also used in witchcraft cases. The only difference is that the suspects' clothes are washed, mixed with some herbs and the said suspects forced to drink the solution. Like adultery, the suspect if indeed was a witch would die.

d) Murder

The Pokot people regard murder as the act of terminating somebody's life intentionally or accidentally. Killing a fellow Pokot tribesman is an atrocious crime that leads to the punishment of the whole clan or the extended family of the culprit. Murderers are regarded as outcasts in the community and are not allowed to mingle with others until and unless traditional purification (cleansing) rituals are performed. However, it is not a big deal for a Pokot to kill a person(s) from other tribe(s). In such a case, the killer is regarded as a hero and special tattoos are etched on his body as a sign of honour and respect.

In murder cases, the accused may not deny if he or she was caught in the act. However, the possibility of a suspect denying the charge exists. These scenarios are handled differently.

i) Lapay

Lapay is sought if the suspect admits killing or was seen murdering the deceased. *Lapay* is a fine or compensation in murder cases. Where *lapay* is administered, the family and clan members of the deceased take all the property of the murderer including that of his clan. *Lapay* is a collective punishment. The whole clan pays for the sins of an individual. Its collective nature makes it a deterrent and preventive measure for murder.

Lapay is an interesting method of seeking justice in the community. If a murder occurs within a family, for instance, a man kills his brother, then the family/clan of

the wife will demand that you pay for the blood of their slain relative. One loses a family member and at the same time all his property is taken.

There is no standard fine for murder. The fine is largely circumstantial. A heavier penalty will be administered if the deceased was married than if the victim was single. Also, if your bull kills somebody then you will be liable to *lapay*. Women victims attract a lenient fine.

ii) Kokwo

If a suspect pleads not guilty to a murder charge, a *Kokwo* is convened and the case is argued with both sides getting ample time to argue their case. Circumstantial evidence is adduced before the court. If the traditional court proves the suspect guilty, *lapay* is prescribed as the judgement. The family of the deceased immediately assumes ownership of the murderer's property together with that of his clan. In case the court fails to prove that the suspect is guilty, and the plaintiffs argue that the suspect has a case to answer, then *muma* is prescribed. This is the last resort.

e) Land Disputes

Land disputes are a relatively new phenomenon among the agro-pastoralists Pokot. This kind of conflict is more pronounced in agriculturally productive and settled places and also along riverine areas where crop farming/furrow irrigation is practiced. Among the pastoralists, land is a communal property and is administered by elders for the benefit of the whole community. This is also reinforced by the fact that their land is generally arid making nomadic pastoralism the only suitable means of livelihood. The question of land ownership is seen as an impediment to nomadism and a capitalist lifestyle in a community which is essentially socialist.

In the high potential areas, land has been adjudicated and given to individuals as private property. This has not only bred conflicts within the community but is also responsible for the escalating inter-ethnic conflicts in Kenya. At the family level, land conflicts might plunge the whole family into chaos that could lead to death.

Land and other minor disputes in Pokot community are dealt with at different levels. Land disputes between family members are solved by the family, extended family, the immediate neighbours and where necessary at the *Kokwo*. Agreements and verdicts are based on consensus. *Kokwo* is the Supreme Court and nobody can appeal against its ruling. However, based on new or emergent evidence, the *Kokwo* can be reconvened to deliberate on the matter based on the new evidence.

f) Witchcraft

Witchcraft is not tolerated in Pokotland. Witches are categorised with murderers in the community and deserve to die in the most painful way possible. Conflicts do arise when certain individuals, family or clan members are suspected to be witches. Whenever a calamity occurs, blame is apportioned to the suspected witches and this might breed hatred, animosity and eventual violence in the community. Families or clans that are suspected to be witches or harbouring witches are not allowed to participate in important cultural rituals and ceremonies.

From the foregoing, it can be inferred that the prohibitive fines, the collective nature of some of the punishments, and the strenuous process involved in purification makes Pokot customary methods of conflict management preventive and highly respected. However, the major drawback is that this method can't be applied to other ethnic groups thus limiting its impacts and efficacy to

community level. Nevertheless, it has put the Pokot social fabric closely knit.

3.3. Pokot Inter-ethnic Conflicts

Conflicts with other communities is best manifested through cattle rustling, a practice that has ravaged the Greater Horn of Africa. All other forms of inter-ethnic conflicts are pegged on cattle rustling and expansive tendencies of the Pokot people. The community is in constant conflicts with neighbouring Turkana, Karamojang, Marakwet, Sabiny and Bukusu communities. Karamojang and Sabiny communities are in Uganda but they regularly raid the Kenyan Pokot. This is the region where cattle have been stolen and moved so many times that it is difficult to ascertain the rightful original owners.

3.3.1. Causes of Inter-ethnic Conflicts

The Pokot community has advanced a number of reasons to explain the increasing cases of cattle rustling and inter-ethnic conflicts. Cattle rustling is permitted if it is intended for restocking especially after a period of severe drought or disease outbreak. Meanwhile warriors are under pressure to raise enough cattle for dowry purposes, which can be as high as 100 cattle. This traditional culture is amplified by stereotypes and prejudices which depict other communities as inferior in terms of military superiority. Turkana and Karamojang are considered as lesser men for they don’t circumcise their boys.

Competition over scarce pasture, dwindling grazing land as a result of expanding agricultural land and water resources are perhaps the main causes of conflict between Pokot and her neighbours. The community is in constant conflict with the Karamojang, Turkana and Sabiny communities owing to scarcity of resources.

The flow of arms into the hands of Pokot warriors has increased the severity of conflicts. Pokot proximity to Uganda and southern Sudan's gun merchants has made guns easily available and cheap to acquire. A study by Security Research and Information Centre (SRIC) *Profiling Small Arms and Light Weapons in the North Rift,* reports that there are over 44,710 assorted rifles in Pokot land. This situation has commercialised cattle rustling. The urge to own a gun and ammunition has led to raids. The proceeds from stolen animals are used to acquire guns. Barter trade also takes place where animals are exchanged for guns.

Land conflicts between Pokot community and her neighbours is another manifestation of inter-ethnic conflicts. History has it that the Pokot community was chased away from the current Trans Nzoia district to create the white highlands. Upon independence the post colonial administration settled other communities in the former white highlands and the Pokot community continued to live in the dry, arid and rocky present day home. Pokot's conflict with the Bukusu in Trans Nzoia is an offshoot of the bitter memories of their ancestral grazing land.

Political incitement is another relatively new dimension of inter-ethnic. Political leaders are on record as having incited Pokot-Marakwet conflicts in the Kerio valley. This conflict became pronounced immediately after the dawn of political pluralism in Kenya in the early 90s. Marakwet community was seen as betraying the larger Kalenjin political destiny as they were leaning towards the political pluralists.

The respondents also cited insensitive government policies as a cause of inter-ethnic conflicts between Pokot

and her neighbours. The Pokot community is considered as embracing illogical cultural attachment to large herds of animals, which is environmentally destructive. The district is least developed, further reinforcing the argument that government's development plans favour some districts.

Women, especially girls among the Pokot are a known catalyst of conflicts. They sing war songs that praise successful warriors and ridicule those considered as under performers in cattle raids. Warriors who have killed enemy forces are spoon-fed by girls and given special goatskin clothes *(atele)* as a sign of honour. Brave warriors are also smeared with special oil made from milk or animal fat on their foreheads. Such practices would prompt warriors to engage in cattle raids and kill as many enemy warriors as possible.

3.3.2. Prevention of Inter-ethnic Conflicts

a) Traditional Early Warning

Traditional early warning among the Pokot community involves collection of sensitive intelligence information concerning other communities' security and external threats. A number of methods are employed in collecting and disseminating military information to the community so as to take preventive measures.

Casting of skin sandals by knowledgeable and expert community elders can foretell an impending attack on the community. Other elders can verify such information and if similar findings are obtained, then the intelligence report is disseminated to the community. To foretell an impending strike, such experts often consult intestines of goats. Such information is very accurate and the community members adhere to it. In such a situation, the community members are advised to move away from danger spots together with their livestock. Warriors are

stationed in strategic places to ward off possible attacks or engage in pre-emptive strikes. To back up the early warning information, a ritual called *putyon* is performed. Based on the collected and analysed intelligence information, the elders advice the community to sacrifice a goat of a specific colour to the gods so as to protect the community from external attacks. Warriors also spy their territory for any foreign footprints. In case of suspicious footprints, the information is relayed back to the community for appropriate action.

b) Negotiations

To protect the community from external aggression, Pokot elders initiate negotiations with enemy communities and plead for peace to prevail. Such meetings are high level and involve respected community elders from both sides. The elders table the collected intelligence information while negotiating for peace. If convinced that the consultations are genuine especially when there is a traditional peace pact (*miss*) between the said communities, the respective elders promise to go back home and advice their warriors (*ngoroko*) to abandon the planned raid.

During the meeting, neutral communities can be requested to act as mediators and arbitrators. Decisions are arrived at by a consensus. Among other things, the elders come up with a compensation scheme to appease affected communities. The scheme serves as a preventive measure to future conflicts. For instance, the

elders can agree that the concerned community will pay 100 cattle to the family of the slain person as compensation. The compensation scheme is not uniform. It differs from community to community. For example, between the Pokot and Turkana communities, the compensation is currently 100 for every killed person while between the Pokot and Marakwet, the Kolowo declaration puts the figure at 40 cows.

c) *Miss*

Miss is a peace pact signed by two or more warring communities. The decision to enter into a peace pact is arrived at after lengthy inter-community negotiations. *Miss* is tricky in that the signatory communities more often than not enter for strategic material gains rather than for peace. The Pokot community enters into peace pacts mostly during dry seasons. The pact allows them access to pasture and water in the neighbouring communities. When the rainy season sets in, there is a high likelihood that the pact will be flouted.

After the elders agree that a peace pact is to be brokered, the communities are asked to donate bulls, milk, honey and come with instruments of death. During the material day of the ritual, the donated steers are slaughtered. All the instruments of death i.e. spears, arrows, bows, knives, swords etc are collected, destroyed and are burried in a pit with a mixture of milk, honey, traditional beer and intestinal fluids. The mixture is then buried while elders from the concerned communities verbalise curses to whoever flouts the just brokered pact.

The peace between the Pokot and Samburu communities is attributed to a *miss* ceremony that was brokered hundred of years ago at around Mt. Elgon. The Pokot have also enjoyed cordial relationship with Matheniko sub tribe of the larger Karamojang community

and also with the Ugandan Sabiny courtesy of *miss*, which was brokered in year 2000. However, *miss* that has been brokered between Pokot and Turkana, other Karamojang tribes and Marakwet community has been flouted with impunity reason being the *miss* was brokered for convenience (access to pasture and water resources during droughts). Nevertheless *miss* is a very reliable method of preventing inter-ethnic conflicts.

d) Women

Women can prevent inter-ethnic conflicts in a number of ways. Among the Pokot, there is a belief that a woman can protect her son from external harm of any kind by wearing a birth belt called *leketio. Leketio* is a belt, which supports pregnancy hence life. The belt is studded with cowry shells. *Leketio* is considered as a powerful charm that protects children from harm. Before warriors set out for a raid, each of them informs his mother so that she can wear the belt while he is away. To prevent conflicts, women refuse to wear the belts prompting the warrior to abandon the mission. Women could also lay their belts in front of warriors who are about to go for a raid. Crossing a *leketio* is considered a curse. For instance, when fighting is raging, a woman may remove her *leketio* and lay it between the fighting men. The fight ceases immediately. The concept of using pregnancy belt to halt or prevent conflicts is the same in all the 18 Kalenjin sub tribes.

e) Elders/soothsayers

Before warriors go for raiding expeditions, elders and or soothsayers normally bless them. The elders can prevent conflicts by refusing to bless the warriors.

f) Nature

Nature can prevent conflicts in a number of ways. When warriors are about to go for raids and one of them falls

sick suddenly, it is interpreted as a sign of bad lack and the mission has to be aborted. Similarly, if a tree falls on the path of warriors on a raiding journey, the mission is abandoned. Also, certain animals are regarded as signs of bad luck and if they are encountered, the mission is aborted.

4.5. Strengths of Pokot Customary Mechanisms of Conflict Management

Based on the efficacy of Pokot traditional methods of conflict management, the respondents preferred it to the modern judicial system. A number of strengths of the system have been pointed out. Traditional conflict resolution methods are preventive and deterrent measures of conflicts both within and without the community. Most of the rituals performed during the conflict management process are horrifying, strenuous and expensive and such are avoided. This has been reinforced by cultural beliefs, taboos, norms and superstitions that further make the mechanisms binding and adhered to.

The penalties, fines and compensations imposed by customary courts (*Kokwo*) are very severe and prohibitive making it a perfect mechanism of preventing intra and inter-ethnic conflicts and crimes. The collective nature of some of the punishments places the role of preventing conflicts at the family and clan level enlisting the support of everybody in the clan. Oaths administered during

cleansing rituals are also very scary and expensive and so are the curses.

Traditional conflict resolution mechanisms are free of corruption and graft related incidences that have marred the integrity of modern judicial system. The traditional system is also accessible, culturally acceptable and morally binding. The rule of natural justice is observed and nobody is condemned unheard. The system is regarded as community owned as it is backed and based on customary law, norms and culture.

3.6 Weaknesses of the Pokot Traditional Conflict Resolution Methods

The role and efficacy of the Pokot traditional conflict resolution mechanism has been greatly eroded, marginalized, and diminished by modern civilization and development thinking. The system is regarded as an archaic, barbaric and outdated mode of arbitration. The emergence and institutionalisation of modern courts system has greatly marginalized traditional conflict management system among the Pokot people.

Lack of proper and efficient enforcement instruments and mechanisms has reduced the relevance of Pokot customary methods of dispute administration. Apart from curses, there is no prescribed system of enforcing rulings by council of elders courts.

External factors and opportunist tendencies largely influence customary methods of brokered peace. For instance, the Pokot community would broker peace pact (*miss*) with other communities if the pact will meet their ethnocentric desires. The Pokot people normally broker *miss* during dry spell so as to enable them access certain dry-season pasture and grazing resources. The pact is flouted as soon as rains start.

Among the Pokot, deterrent methods of conflict prevention are only applicable to community members and not other communities. It is believed that you cannot curse non-Pokot people. This belief limits the impact of the traditional conflict resolution mechanisms.

Chapter 4

Turkana

Just like the Pokot, Karamojang, Toposa, or the Merille, the Turkana community is endowed with elaborate and systematic mechanisms and institutions of conflict management both within and without the community. To get a good grasp of Turkana community institutions of conflict resolution, it is necessary that we understand the community's socio-political organization that forms the basis of customary methods of conflict resolution.

4.1. Turkana Understanding of Conflict

The Turkana community does not have a single word that defines conflict. The word *arem,* which means confrontation, violence or absence of peace, is widely used to define conflicts among the Turkana. *Aremusio* refers to insecurity; *ejie* is the actual fight or combat whereas *egurgur* refers to quarrels and or disagreements. In a nutshell, the respondents defined conflict as disagreements, quarrels, fights or cattle raids between individuals, groups of people, families, and clans or outside communities.

Warfare is an essential part of social life Turkana. This condition was as valid in the past as it is today given that the interaction between the Turkana and the surrounding communities continues to be hostile and violent. But

even within the Turkana community, conflicts still arise around matters ranging from family issues to issues concerning other sub-tribes.

4.2 Customary Institutions of Conflict Management

The socio-political organization of the Turkana community and customary institutions of conflict management can be summed up as the extended family, neighbourhood (clan) and tribe. The extended family includes relatives living in a group of huts around a recognised authority, the head of the homestead. A homestead may comprise of the head with his wife or wives and children, his ageing parents and a few in-laws who are dependants. The homestead when joined with other closely-knit households forms a *kraal* or *adakar*. The Kraal is always under the leadership of one of the elders.

a) The Extended Family

The nuclear family comprises the husband, wife or wives, and children. The aging parents, in-laws, relatives and other dependants form the extended family, the basic socio-political institution and mechanism of conflict management. The extended family is the first institution of conflict management.

b) The Clan

The clan is the second level of socio-political arrangement of the Turkana community. The clan is made up of a number of closely-knit families collectively grouped under one name (*enachar*). *Enachar* is an exogenous group of people with their own customs. The name is usually associated with a certain riverbed. In total, the Turkana community is made up of fifteen clans. Members of the same clan do not inter-marry but can marry across the clans.

a) The Tribe

The tribe is perhaps the highest socio-political organization and hierarchy of the Turkana community. As earlier indicated, the Turkana community is made up of fifteen clans. The community is divided into territorial sub-sections along clan divisions. Each sub-section (clan) has different territorial grazing zones. The tribe is the highest organ and Supreme Court in the land. It is mandated to broker inter-community peace pacts, negotiate for peace, grazing land, water resources and compensation arrangements. The tribe is the custodian of the community land, resources and customary law.

4.3. Turkana Internal Conflicts

In the Turkana community, conflicts often occur within and between families, within and between clans, and between age-sets. Turkana internal conflicts are centred on family disputes, clan rivalries over scarce pasture resources, and sheer acts of egoism. These can be classified as domestic, clan, or inter-clan conflicts. For the purposes of this study, adultery and murder are classified as relational and criminal conflicts respectively. The following are the main types of internal conflicts among the Turkana people.

a) Domestic Conflicts

Family related conflicts can be disputes between husband and wife or wives, parents and children or misunderstandings amongst members of the extended family. Domestic conflicts also emanate from inheritance of property and wives, and the right to share the salary of a working family member (current wage labour scenario). Concerning issues of inheritance, young men who are eager to inherit their father's property may be despised as lazy, poor and keen to take the easy way out in life. Conflicts may also arise over who should inherit the wife/wives upon death of the husband because

this will also entail inheriting the property (livestock) of the late husband.

Inter-family conflicts often arise over ownership of water points, particularity during drought periods when wells *(echor)* and springs dry up. Families whose well have dried up seek water from active wells belonging to other people. However, the clans with active wells may deny 'outsiders' access to the water point, thereby generating disputes.

b) Clan conflicts

The Turkana community is divided into fifteen territories along clans. Each clan has its grazing zones. Negotiations must precede accessing grazing land and watering point of the other clans. Where this is not done, conflict is bound to occur and this is one of the manifestations of inter-clan conflicts.

Major clan related conflicts take two forms. Inter-clan competition for access to pasture and arable land, and on the other hand disputes over theft of livestock or unfair sharing of raided animals or bride price.

Invasion of clan pastureland by another clan is a contravention of customary protocol. This can trigger intense inter-clan fights. Such disputes over pasture (*ngingia)* are exacerbated if it is established that the herd of the invading clan has animals suffering an infectious disease. Inter-clan conflicts also occur when clans jostle for arable land to cultivate and grow cereals such as maize, millet and sorghum. Yields from these food crops are an important source of food to supplement animal products in the household.

Inter-clan disputes over theft of livestock are a new development in Turkana. This is occasional and involves

youth who steal livestock, sell, and then disappear. Traditionally, theft of property or internal raids were highly discouraged and disdained. It is a curse *(ngilam*) to raid fellow a Turkana. The few cases of internal animal theft arise due to poverty and possession of guns.

Currently however, disputes arise frequently among families and clans over the fair share of bridal wealth *(ekimar).* In addition, clan disputes occur over sharing of the loot after successful raids (*lung'atara).* Once the stolen animals are brought home, they become common property for the raiding clans. Since there is no set formula for sharing the loot, conflicts arise over differences in allocation of animals to clans and families.

c) Other Internal Conflicts

There are some conflicts that cannot be classified as either domestic or clan conflicts. They are best considered as criminal acts that are not tolerated in the society. These include adultery and rape (*atikonor*). In both cases, the men involved are heavily punished. Women are regarded as property and are rarely punished. A girl who is raped loses value and will fetch fewer livestock (bride wealth) upon marriage.

Murder is a serious crime among the Turkana people. It is handled outside the precincts of domestic or clan conflicts.

4.4 Prevention and Management of Internal Conflicts

According to the Turkana community, prevention and management of internal conflict is solely the responsibility of the individuals involved, their families or clans and their age sets. The head of these units (i.e. family, clan or age set) plays an important role in preventing and resolving internal conflicts. Some of the methods and

mechanisms of preventing and managing Turkana internal conflicts are:

- ***Education and Socialization***

The Turkana prevent internal conflicts and disputes through education and socialisation. For example, the mock fights *(etaparath)* and mock dance *(etum)* are used to inculcate a sense of societal harmony *(enikitene)* and unity and thus prevent individuals from developing anti-social behaviours. If a member of the society adopts an unbecoming behaviour, emissaries are sent to the concerned family and seek ways of rectifying the wayward member of the family are sought.

- ***The Tree of Men (Ekitoe Ng'ekeliok)***

When intra-ethnic disputes occur, they are immediately referred to the council of elders', which is also referred to as the 'tree of men' (*Ng'ekeliok).* The council is composed of clan representatives and all the respected leaders in the neighbourhood *(adakar)*. At a typical 'tree of men', elders play the stone-counting and scoring game *(ngikiles)*, do wood carving and hold discussions. Any matter about the community is reported at the 'tree of men' where discussions are held and decisions made. Very many issues are discussed, hunger or starvation, raids, lack of pasture and water for livestock, impending drought and many others.

In conflict situations the involved parties and witnesses are summoned. However, the procedure and proceedings are highly informal and the gathering can be convened anywhere at any time. The men can meet at watering points, in the grazing pasture, under the shade of a tree, at a dance or at a feast. The 'tree of men' will listen to the conflicting parties/individuals, weigh adduced evidence and pronounce the verdict accordingly. Punishment and or fines to be imposed are then administered as per the crime committed.

In the Turkana community, public opinion is highly respected. Consequently, members of the public are not shut out from informal gatherings *(Nge'keliok)* to deliberate on personal or family matters. The ideals of societal harmony and group solidarity often prevail over individual interests.

- ***Fines and Compensations***

Given the cohesive nature of the Turkana society, and the fact that the resolution of intra-ethnic disputes is simple, hardly any controversy arises on the kind of punishment to be administered or the obligatory responsibilities of the guilty party. Every crime has a predetermined compensation, which can also be negotiated depending on social and economic circumstances of the guilty party. Each compensation is broken down to its equivalent in number and type of animals.

a) Murder/Akibut

Murder is regarded as a serious crime among the Turkana people. If proved guilty beyond any reasonable doubt, the murderer is fined heavily depending on the sex and marital status of the slain. For a man, 30 animals (cows or camels) are paid as compensation whereas 60 animals are paid for an unmarried woman. A married

woman is compensated with 40 animals. The reason advanced for the variation between a married and a single woman is that the higher compensation for the latter covers the would have been bride price and the murder. Compensation for men does not change with marital status. Unlike in other communities, women attract a higher compensation fee.

The murderer is expected to meet the cost of the fine. However family members are free to assist. Neither the extended family nor the clan are held responsible for murder committed by one of their own. As a last resort, if due to poverty or any other reason the murderer fails to pay the compensation, he or she is killed. A member of the bereaved family is asked to kill the murderer to offset the crime. It becomes a case of tit for tat.

After the compensation, a cleansing ritual *(Akibel Akoit)* is performed to clean the murderer for having shed innocent blood. The murderer provides a white goat. It is slaughtered and the femur bone *(areten)* removed. The killer and one of the family members of the murdered hold the *areten* together and break it using a stone murmuring the words “let it end here”. Then they suck and eat the bone marrow. This ritual avows that there will be no revenge and that the two families will live harmoniously.

In instances where the suspected murderer refuses to admit guilt, a skull of a human being is filled with blood from a brown bull. Normally the ear of the bull, donated by the bereaved family, is chopped off and the blood collected in the skull. A stick of *Engeso* tree is inserted in the skull. The razor blade that was used to shave the foreheads of the bereaved family members (among the Turkana, foreheads of bereaved family members are shaved clean) is placed on top of the skull. The chopped

off ear is used to stir the contents of the skull. The conflicting parties sprinkle the contents of the skull on each other. This is repeated four consecutive times. After a week or so, if indeed the suspect committed the murder, he or she will die. This ritual is called ***aiyomit /asubes / akinyam / mumo.***

b) Adultery/Elomit

The suspects are brought before the elders at the 'tree of men', beaten severely and at times burned with a red-hot livestock-branding tool. The aggrieved husband takes the assets (livestock) of the culprit, as a form of punishment. To make the punishment more humiliating, the two are publicly stripped and forced to carry intestines of a cow around the *adakar* murmuring the words *toyon, toyon* (calm, calm). This is done in the presence of the members of the society. The suspects are whipped and ridiculed in a very embarrassing manner. This humiliation forms part of the cleansing especially the word *toyon*, which is believed to restore calm in the home of the wronged man. The cleansing process is called *akidak aboii* while the fine is referred to as *akirem / amudar ejuron.*

To reunite the woman who committed adultery with her husband, another cleansing ritual is performed. Contents of a goat's intestines are smeared on the bodies of the couple and the intestinal fat is tied on the hands and the necks of the couple. After the ritual, they are declared fit enough to continue living as husband and wife.

c) Rape

As with other crimes, the rapist is brought before the 'tree of men' and is beaten severely. The elders then order the rapist to slaughter one of his bulls to be eaten and in addition ordered to avail a white sheep or goat to be used to purify the raped girl. The white animal is

slaughtered and the rapist is told to smear the victim with the intestinal fluids. No fine is imposed on the rapist but if a pregnancy arises, *ekichul* is imposed. The fine amounts to 10 cows.

d) Thefts

Among the Turkana people, thieves are beaten in public and ordered to return the stolen goods. A family can choose to kill one of its members if it is publicly known that he or she is a thief. It is the price of avoiding embarrassments. However, if a Turkana steals as a result of hunger (steal in order to eat), such a thief can be forgiven.

These fines and severe punishments have and continue to act as deterrent measures to Turkana internal conflicts. The rituals are undesirable. The Turkana people also believe in curses. Cursing (*ng'ilam*) wrongdoers has to a large extent prevented internal conflicts.

4.5. Turkana Inter-ethnic Conflicts

Among the pastoralists' communities under focus, Turkana community is the hardest hit by inter-ethnic conflicts. This is partly explained by her geographical location (surrounded by hostile communities), proliferation of arms in the community as a result of contact with Menelik II of Ethiopia during colonial period and proximity to war-torn neighbouring countries such as Sudan, Ethiopia and Uganda, and the communities' expansionist tendencies and cultures. The community is in conflict with Merille and Dong'iro to the north (Ethiopian border), Toposa to the northwest, Karamojang to the west, and Pokot and Samburu to the south. The community uses the word *emoit,* meaning an enemy, to refer to a non-Turkana person. All the other communities are regarded as enemies.

5.6 Causes of Inter-ethnic Conflicts

A number of factors have been advanced to explain the causes of conflict between Turkana community and her neighbours. Most of these issues revolve around livestock ownership and access to scarce natural resources.

- ***Cattle Raids***

Like other pastoralists, Turkana community is culturally attached to large herds of cattle. The community exudes erroneous belief that all livestock in this world belongs to them. Other communities are not entitled to rearing animals. As such, it is their cultural obligation to raid all livestock. In addition to this belief, the Turkanas raid other communities to restock especially after severe droughts and or livestock diseases. The respondents confirmed the culture of inter-ethnic cattle raids.

- ***Limited Natural Resources***

Turkana is one of the driest districts in Kenya. The district is characterised by scarce natural resources. Competition over the use of limited pasture, grazing land and water resources between Turkana and her neighbours is perhaps the major cause of inter-ethnic conflicts perpetrated as cattle raids. Most natural resources are found on the borderline of the Turkana land thus posing inevitable clashes with these neighbours. For instance, the Elemi triangle that is shared between Turkana, Dong'iro and Merille is endowed with abundant resources. Competition over these resources explains the rampant inter-ethnic conflicts between these three communities. In the south, the Turkana community is in constant clashes with their erstwhile neighbours the Pokot over grazing land around Turkwel and Kainuk areas.

- ***Cultural Egos***

Among the Turkana, the importance attached to heroism contributes to inter-ethnic conflicts. Heroes (*ekaruang*) are men/warriors singled out for special recognition for

protecting the community. They are recognised for killing enemy soldiers. Those who kill the enemy are marked with special tattoos to show that they are dangerous. The more tattoos are warrior gets, the more successful and brave he is and commensurate cultural honour is bestowed upon him. Women, particularly young ones act as catalysts in encouraging inter-ethnic conflicts. They sing in praise of raiders *(akekutangen*) who display chopped genitals of the men they've killed. Heroes attract the best of the girls in the village. Currently, girls only talk to men with guns, and not spears. The men perceived as cowards are regarded as barking dogs.

Other neighbouring communities regard the Turkana men inferior culturally since they do not practice circumcision. This causes the Turkana to engage in deadly cattle raids to prove their critics wrong.

- ***Trade disputes***

Trade disagreement between the Turkana and other communities is another cause of conflict. Being pure pastoralists with a negligible population practising mixed farming, the Turkana trade in farm products to supplement their diet. It is difficult to agree on terms of exchange between animals or animal products and farm products. Occasionally, this has generated serious disputes.

4.7 Prevention and Management of Turkana Inter-ethnic Conflicts

Like other pastoralists, Turkana community relies on early warning and indigenous knowledge in preventing conflicts. It is argued that the Pokot community learned traditional early warning techniques of casting sandals and reading intestines from the Turkana. Turkana elders are the unmatched experts in early warning and indigenous information gathering. Some animals also

send signals/ warnings of an impending strike. For instance, certain birds make unusual noises, donkeys shake their ears simultaneously, cows drink water while kneeling and they also push their tongues outwards facing upwards. Based on such indigenous intelligence information, the community is advised to adopt measures that will prevent conflicts e.g. moving livestock away from certain danger spots or engaging in inter-community dialogues.

Use of secret agents *(ng'ikarebok* and *ng'irototin)* to gather relevant intelligence information is another method used by the Turkana people to prevent and manage conflicts. The kind of information sought revolves around suspicious foreign footprints, movement of neighbouring communities and location of their livestock. If suspicious footprints are noticed or suspicious movement of people and livestock is ascertained, the intelligence information is relayed back to the community to take necessary pre-emptive and preventive measures.

Inter-community meetings and negotiations are extremely important in preventing inter-ethnic conflicts. During dry seasons, the Turkana engage in peace

seeking missions with other communities. Often, abundant pasture and water points are found in grazing grounds belonging to other communities. It is during this time that emissaries are used to perform quasi-diplomatic roles to reach a resource-sharing agreement. As such, it becomes absolutely necessary to negotiate for a common framework of inter-cultural interaction in order to avert inter-ethnic conflicts. Creating such a framework is the responsibility of emissaries. Based on this framework, a joint understanding between the parties is drawn up on modalities of access to pasture, grazing land, water and management of disputes that may arise. Such framework is what can be referred to as peace pacts *(ekisil).* If a decision to have *ekisil* between the concerned communities is brokered, then traditional rituals to confirm and reinforce the same accompany it. Like the Pokot and other pastoralists, weapons from the concerned communities are collected, broken and or bended and buried with honey, traditional beer and milk with other charms. To reinforce it, elders from all the concerned sides curse whoever will flout the peace pact.

The decisions made by such pasture sharing arrangements meetings are transmitted by word of mouth. The decision reached becomes the inter-cultural yardstick, tools and codes by which possible actions and reactions of individuals are measured.

Socialization and education is another mechanism adopted by the Turkana community to prevent inter-ethnic conflicts. Through socialisation, children realise the importance of maintaining peace and harmony. The child is socialised not to provoke dispute, to avert conflict and to shun confrontation. The adverse consequences of conflicts in the society are brought to their attention through proverbs, epics, legends, songs *(etum*) and through narration of real life cases that produced

prolonged suffering. The Turkana normative system continuously urges the people to conform to community norms, avoid confrontations, and seek non-violent ways of resolving disputes.

Conflicts between Turkana community and her neighbours are to a large extent solved and managed through dialogue, negotiations and arbitration. Pre or post-conflict meetings are normally held with the aim of reaching amicable solutions. Both parties to the conflict are given enough time to plead their case. Elders with good oratory and negotiation skills represent the community. In such meetings, decisions are arrived at through consensus.

In such dialogues, the use of a third party (neutral community intervention) to arbitrate is often sought. Mediation involves the non-coercive interaction of a third party seeking to influence or resolve a particular conflict. This is an interactive process. Currently, there is growing interest in developing mediation models with cultural legitimacy. Inter-ethnic mediation is inter-cultural and it requires an understanding of the cultural forces involved in the conflict. The mediators among the Turkana are rooted in the cultural milieu of the society. The elders perform this role as it is defined and conferred on them by customs.

During the inter-community negotiations and arbitration, reference is made to past similar cases of conflicts that were amicably resolved. Through the explanation given by the conflicting parties, the elders, using their experience and wisdom, will decipher any hidden meaning behind every statement, gesture and posture. In violent conflict, emotional or temperamental people are not allowed to speak. Preference is given to those capable of brokering peace through speech. Through prolonged debate, evaluating pros and cons, the

disparities between the conflicting parties are eventually reduced. Compromises are arrived at on the basis of truth, honesty, justice and fairness with social harmony as the greatest concern.

4.8 Strengths and Weaknesses of Turkana Customary Methods of Conflict management

Strengths

Unlike other pastoralists groups, the Turkana 'tree of men' can enforce decisions. There is an elaborate mechanism to enforce verdicts and punishments imposed. The elders have a right to enter the house of a murderer and take away his or her property to compensate a slain person.

The Turkana people have faith in the customary mechanisms of conflict prevention. The system is regarded as accurate. Circumstantial evidence is adduced and analysed accordingly. The curse is believed to be binding therefore deterring conflict.

The respondents regarded the traditional method of solving disputes as incorruptible unlike the modern judicial system that is synonymous with corruption. All parties to a conflict have faith in the system and none of them feels aggrieved or denied justice. The system is regarded as accessible, objective and community owned as it is backed and based on customary law, norms and culture.

Weaknesses

The role and efficacy of the Turkana traditional conflict resolution mechanism has been greatly eroded, marginalized and diminished by modern civilization and development thinking. The system is regarded as archaic, barbaric and an outdated mode of arbitration. The emergence of the modern court system has marginalized traditional conflict management system among the Turkana people.

Despite the existence of an elaborate mechanism of conflict management among the Turkana people, conflicts have taken toll. Criminals have largely gone unpunished and arbitrary defied the 'tree of men'. In some cases, they have refused to be enjoined in the proceedings and the ensuing rituals.

The respondents regarded the customary system of arbitration as gender insensitive since women are culturally not allowed to contribute to the 'tree of men' proceedings. Women, especially if their in-laws are present in such courts, are barred from talking. This practice has denied women their rights to assembly, speech and natural justice.

Initially the pastoralists administered the customary conflict resolution mechanisms in the entire region. However, with the advent of colonialism and drawing of

international boundaries, the efficacy and scope of the system has been curtailed. It is now difficult to charge people dwelling across the border.

Other external factors and opportunist tendencies largely influence customary methods of brokering peace. Just like the other Karamojang cluster communities, the Turkana community would broker peace pact *(ekisil)* with other communities if the peace will meet their ethnocentric desires. *Ekisil* is normally brokered during dry spell so as to enable the signatory parties access pasture and grazing resources. The pact is immediately flouted with the onset of rains!

According to the Turkana, deterrent methods of conflict prevention are only applicable to Turkana community members and are inefficient in other communities. It is believed that you cannot curse people from other communities. This belief limits the efficacy, scope and impact of the traditional conflict resolution mechanisms.

Chapter 5

Marakwet

To a large extent, Marakwet community customary law and conflict resolution mechanisms are similar to that of the Pokot. What differs is mainly the pronunciation of the words used but they generally refer to the same thing and or process. During the field interviews, the respondents (both Pokot and Marakwet) could not agree on whether to classify Pokot-Marakwet conflicts as intra or inter-ethnic conflicts. Most of the respondents, especially the Pokot elders, felt that Pokot-Marakwet conflicts should be regarded as intra-ethnic conflicts. Nevertheless, this study decided to focus the Marakwet conflicts both within and without as an independent subject.

5.1 Marakwet's Definition of Conflict

Like the other communities under focus, Marakwet community does not have a word that wholly describes conflict. *Kwindan* is the Marakwet word that refers to disagreements, arguments or lack of consensus. Like the Pokot, the word *poriot* is used to describe the actual fights, combat or violence. *Poriot* refers to inter-ethnic conflicts that are normally exhibited as cattle raids, land clashes or tribal clashes. *Siala* refers to quarrels among people or a group of people or communities.

The Marakwet people define conflicts as disagreement, quarrels, fights between two people or a group of people or generally a situation that violence reigns supreme. It is a situation devoid of peace. Internal or domestic conflicts are disagreements or fights between the Marakwet people whereas inter-ethnic conflicts are quarrels and fight with other communities especially the Pokot. Cattle raids and land clashes are the main manifestations of inter-ethnic conflicts between the Marakwet and her neighbours in the Kerio Valley.

5.2 Customary Institutions of Governance and Conflict Resolution

Among the Marakwet people, the family, the extended family, the clan, and the council of elders are the main institutions of conflict management and socio-political organization.

a) The Family

An ideal Marakwet family is composed of the man, his wife or wives and children. The husband is the ultimate head of the family and nobody can challenge or question his authority. He is the overall administrator of family matters and property including bride price, inheritance and where applicable land issues.

b) The Extended Family

Like in the other communities under focus, a Marakwet extended family is made up of the nucleus family, in-laws and other relatives. All matters that transcend the nucleus family are discussed at the extended family level. The extended family serves as an appellate court to family matters. In some instances neighbours (*porror*) are called to arbitrate family disputes or disputes between neighbours.

c) The Clan and Council of Elders *(Kokwo)*

The Marakwet community is divided into thirteen patrilineal clans, each of which (with the exception of the Sogom clan) is divided into two or more exogamic sections distinguished by totems. Marakwet residences are in totemic settlements scattered widely in the Kerio Valley. They live in territorial groups, which are politically distinct. The clan structure and the age-sets also intersect these.

Kokwo is the highest institution of conflict management and socio- political stratum among the Marakwet community. *Kokwo* is made up of respected, wise old men who are knowledgeable in the affairs and history of the community. The elders are eloquent public speakers able to use proverbs and persuasive phrases effectively. Every village is represented in the council of elders. Senior elderly women contribute to proceedings in a *Kokwo* but must do so while sitting down. The *Kokwo* deals with major disputes and is mandated to negotiate with other communities especially for peace, cease-fire, grazing land/pastures and water resources. The *Kokwo* is the highest traditional court and its verdict is final.

5.3 Types, Prevention and Management of Marakwet Internal Conflicts

a) Domestic Conflicts

At the family level, disputes do occur between the family members. A man and his wife or wives might quarrel over issues such as lateness, poor milking skills, selfishness, and disobedience or general laziness. If a man fails to provide food for his wife or wives, disputes arise. In polygamous homes (most families are polygamous), a husband might be accused of favouring one wife over the others.

Like among the Pokot community, inheritance is another emerging manifestation of domestic conflicts. It is a customary principle that male children are entitled to their father's property especially when they are about to break-off from the family to start their own homes. In such cases, some children might claim that the property was unevenly distributed. Sometimes, a father might refuse to hand over his property to his children advising them to seek their own by raiding neighbouring communities. Inheritance disputes also arise after the death of the head of the family. Sharing of dowry earned from marrying off a daughter is another source of domestic conflict in Marakwet.

Domestic conflicts are resolved at the the level of occurrence. The community culturally bequeaths power to prevent and manage such conflicts to family heads, extended family, neighbourhood association, age sets and the respective clan leaders. Conflicts between wives or children are solely brought to the attention of the head of family. He will listen to both sides and make a ruling accordingly. If the head of the family is part of the conflict, members (elders) of the extended family or clan can be called in to arbitrate. Members of his age set are can also called in to resolve the impasse.

Socialization and education are used to avert conflicts. Children are taught to obey and live harmoniously in the community. The children are taught to regard themselves as brothers and sisters.

b) Murder

The Marakwet community regards murder as the heinous act of terminating somebody's life intentionally or accidentally. The respondents could not figure out under what circumstances one could kill a fellow tribesman. Murderers are regarded as outcasts in the community.

Traditional cleansing rituals must be performed before being accepted back to the society.

Murder is a serious crime among the Marakwet people. Murder cases are normally brought before the council of elders and can take weeks or months to resolve. The accused and the accusing party are given enough time to argue their case. Circumstantial evidence is also sought and examined. The plaintiff meets the expenses of the sittings. They will slaughter bulls or goats and provide traditional brew to the elders.

If proved guilty, the murderer is forced to pay a certain amount of livestock as will be agreed upon by the customary court *(rang'ia)*. The compensation or fine paid to the family of the deceased is called *kwaiwamet*. After the fine has been paid, the murderer goes through a cleansing process. A black goat or sheep is slaughtered and the killer is bathed with the intestinal fluids as elders murmur cleansing words. The elders eat the meat of the slaughtered animal. The killer is pronounced clean and fit to mingle with the rest of the society once more. If the suspect does not plead guilty to the offence, *muma* is opted for as a last resort. The process is similar to that of the Pokot and Turkana communities.

c) Land disputes

Land disputes are a relatively new phenomenon among the highland agro-pastoralists Marakwet. This manifestation of conflict is more pronounced in agriculturally productive and settled places in the highlands unlike in the lowland. It is also experienced along the river where crop farming (furrow irrigation) is practiced. The Marakwet people perceive land as a communal property that is administered by elders for the benefit of the whole community. This practice and

belief is still embraced in the valley where nomadic pastoralism is the best and only viable land use.

In the highlands, land has been adjudicated and given to individuals as private property. Individual title deeds have also been issued. This has not only bred conflicts within the community but has been also advanced as a driving force for the escalating inter-ethnic conflicts in the Kerio Valley.
Land disputes are taking a toll among the Marakwet people. The clan elders arbitrate land disputes pitting family members against each other. Such a clan gathering listens to all parties involved and makes a decision based on the adduced evidence and guided by the customary law. If one party is unsatisfied with the verdict, they are encouraged to lodge an appeal in the appellate court of elders.

The council of elders address land disputes between families or clans. The council also tries appeal land cases from lower level neighbourhood or clan courts. All the conflicting parties are allowed to present their version of the dispute. Circumstantial evidence is also sought and elders use their wisdom and customary law to deliver a ruling. Such decisions are normally arrived at by consensus and the court's decision is final. Since the council is the highest court in the land, its decision is not appealed against.

d) Adultery, Fornication and Rape

Adultery, fornication and rape are serious manifestations of conflicts within the Marakwet community albeit not widely acknowledged in public. An adulterous person is considered unclean and is subjected to strenuous and vigorous rituals of cleansing the moment proved guilty or caught in the act. At the same time, fornication attracts a similarly harsh penalty. In such a situation, the value

(dowry) of the girl involved is scaled down. Like the Pokot, the Marakwet community attaches importance to girls' virginity as the determinant of the bride price. Rape is a relatively new phenomenon among the Marakwet people. Adultery, and lately rape, cases have always been shrouded in secrecy. Just like other crimes, the parties to it are given enough time to present their story. Based on adduced evidence, the council punishes the culprit accordingly. However, there exists no standard punishment. This is agreed upon by the sitting.

The adulterous man is asked to cleanse the home of the aggrieved man. He provides a black goat or sheep preferably male, honey, and traditional brew. The intestinal fluids from the animal will be littered all round the house of the aggrieved husband as elders murmur cleansing words. The people present are asked to spit on green grass in the compound as elders cleanse the offender too.

Respondents cited imposition of heavy fines and severe punishment as proven and an effective method of preventing conflicts within the Marakwet community. The fear of punishments and fines has been reinforced by beliefs in curses and the ensuing consequences. All the respondents did not wish to be enjoined in any cursing or cleansing rituals. This has greatly reduced crimes rates within the Marakwet land. In adultery cases, the culprit is fined more than the standard bride price rendering the act economically and socially unviable. The purification process is tedious and frustrating and open to public ridicule and excommunication. Prohibitive fines reinforced by superstitious beliefs, norms and taboos, have played a key role in preventing Marakwet internal conflicts.

5.4 Inter-ethnic Conflicts

Compared to all other communities under focus, Marakwet community is in conflict with the least number of communities. The Pokot are probably Marakwet's main enemy but history has it that the community also used to fight with Tugen and to a lesser extent with Keiyo. Interestingly enough, the Marakwet, Pokot, Tugen and Keiyo are all sub-tribes of the larger Kalenjin community and yet they fight amongst themselves.

Unlike the Pokot and Turkana who border unstable countries and hostile communities, the Marakwet is right inside Kenya eliminating the issue of cross-border conflicts. In a nutshell the Marakwet's inter-ethnic conflicts are manifested in the form of cattle raids and land/boundary clashes with the neighbouring Pokot, Tugen and Keiyo communities.

5.4.1 Causes of Inter-ethnic Conflicts

Marakwet living in the Kerio Valley and along the escarpment are agro-pastoralists. This group has suffered the brunt of cattle raids in the north rift region unlike their highland and sedentary tribesmen. Scarce grazing land and water resources have forced the community to scout for alternative pasture resources. Kerio River, which is the boundary between West Pokot and Marakwet districts, has better pasture. This has forced the Marakwet to come into contact with the Pokot herders resulting to cattle raids. The respondents cited the Pokot aggression on their traditional dry season grazing resources along river Kerio as the main cause of conflicts between the two Kalenjin sub-tribes.

Proliferation of automatic weapons in the Kerio valley has increased the severity of cattle raids. Before the early 1990s, the Marakwet primarily relied on their traditional weapons (bows, poisoned arrows and swords). As Pokot raids intensified, the Marakwet community was forced to look for firearms that could match those of the Pokot. Interestingly

enough, their main suppliers of guns are the very Pokot they intend to contain. It is estimated that there are over 1,000 illicit arms in the hands of Marakwet warriors.

High cultural ego among the Marakwet people is another source of inter-ethnic conflicts in the Kerio valley. Marakwet embrace a cultural belief that they are militarily superior to the Pokot and as such they should not be intimidated by the latter's emerging military prowess. This belief has engineered a number of attacks and counter attacks to avenge Pokot belligerence.

The respondents also cited land/boundary disputes between their community and the neighbours. Apart from the grazing land along Kerio River, some people dispute that the river is the actual boundary between the two districts. The Marakwet claim that Chesegon division in West Pokot district is their ancestral land whereas the Pokot laid claim to the whole of Kerio valley as their traditional dry season grazing land. Meanwhile, the Marakwet are in conflict with the Keiyo over district boundaries. Initially, both the Marakwet and Keiyo were sharing the same district, Keiyo Marakwet, but a presidential order in 1994 divided the district into two, Keiyo and Marakwet districts. Since then, conflicts have emerged over boundaries.

Political incitements have also bred conflicts between Marakwet community and the Pokot. This can be traced to the dawn of political pluralism in Kenya in the early 1990s. The Marakwet were victims of their independent political stance taken by some of its prominent members who contradicted the then prevailing wave of ethnic political homogeneity within the Kalenjin group. This is what has been termed by Kenya Human Rights Commission as "informal repression" in the rural sector by the state.

By design and fault, the Marakwet community has been the main victims of armed conflicts that have been erroneously described as a continuation of the traditional culture of cattle rustling among Kenya's pastoralists. This form of ethnic violence has taken on a deadly dimension, particularly with the proliferation of small arms and light weapons.

5.4.2. Prevention and Management of Marakwet External Conflicts

From the interviews conducted with Marakwet elders, it is evident that civilization and modernization has eaten into the culture of the community. Most of the respondents were quick to refer to modern judicial system and had difficulty in detailing customary methods of conflict resolution. Nevertheless, the community's customary governance system is similar to that of the Pokot.

i) ***Early Warning***

In comparison, Marakwet community does not command a grasp on indigenous intelligence information when compared with their Pokot and Turkana neighbours. Collection and analysis of intelligence information through casting traditional skin sandals and reading goat intestinal is not widely practised. It is only appreciated in the valley and to a lesser extent in the highlands. Nevertheless, the community, especially the agro-pastoralist group, rely on indigenous security information systems. In case of alarm, community members are advised to vacate certain conflict hotspots. Elders initiate pre-emptive inter-community

negotiations. Soothsayers, the *orgoyot*, are relied upon for intelligence information. Warriors also spy their territory for any foreign footprints or suspicious movements and grazing trends by neighbouring communities. Such information would be relayed back to the community for preventive actions.

In addition to the indigenous information, the Marakwet people are experts in signalling imminent danger or conflicts through use of specific voice alarms. If danger has been sensed or enemy soldiers identified somewhere, women and to an extent men will make certain noises that will inform the rest of the community that a strike is imminent. The warning signals hint the locations of the enemy soldiers and the warriors are dispatched in that direction. Such noises are reinforced by specific smoke signal.

ii) ***Women***

Women are a known catalyst of conflicts among the Marakwet people. Women can also play a great role in preventing inter-ethnic conflicts. Women in Marakwet community wear a special belt called the *leketio***.** Like in Pokot community, *leketio* is a belt of life, a belt that protects children. It is imperative for Marakwet women to wear the *leketio* tightly especially when their sons have gone out to raid other communities or for retaliatory missions. Women prevent conflicts by refusing to wear *leketio*. This act can scuttle a raiding expedition. At the same time, if a Marakwet woman would throws *leketio* in front of a Pokot or a Kalenjin warrior during combat, he would stop fighting and flee.

However belligerent rustlers are no longer fearful of crossing *leketio* and can even kill such a woman. The respondents regarded this unusual act of killing innocent women, children and the elderly as a curse that has fallen on humanity. The interviewees attributed the current severe droughts, human

and animal diseases and diminishing productivity of cattle to such curses.

iii) ***Miss***

The Marakwet community normally brokers peace pact/ agreement *(miss)* with their neighbours the Pokot. This entails inter-community agreements to live harmoniously, share dry season grazing resources, and conduct barter trade. Like among the Pokot and Turkana communities, respected elders from both sides perform *miss* where instruments of war are broken and buried together with certain charms. Such arrangement sets a mutually consented framework for punishing the community that would be the first to flout the agreement. Currently, according to the Marakwet-Pokot peace agreement that was brokered at Kolowo, Baringo District, the two communities are sharing grazing resources along Kerio River. The Kolowo declaration states that the culprit (community) is to pay back twice the amount of the stolen livestock whereas for every person killed, 40 cattle are paid as compensation to the family of the bereaved.

iv) *Dialogue*

Inter-community dialogue between Marakwet and her neighbours is not a recent phenomenon. Elders from the concerned communities still meet under a designated tree or riverbank before, during, or after conflicts periods. They engage in dialogue aimed at resolving the real or imagined conflicts. The eloquent and mentally sharp elders, who command respect in the society, represent the community

in such high level dialogues. Decisions to prevent, resolve conflicts or broker peace *(miss)* are reached at by consensus. Elders and soothsayers can be requested to stop blessing warriors before they set out for their raiding expeditions. Women get an opportunity to contribute in such dialogues.

5.5 Strengths and Weaknesses of Marakwet Customary Mechanisms of Conflict Management

The respondents preferred the traditional methods of arbitration since it is easily accessible and is devoid of bureaucratic hitches that have marred modern court system. In case of a dispute, elders can easily convene anywhere in the villages and solve the problem. It is a quick and effective way of administering justice.

The traditional method is also culturally accepted and adhered to. Nobody dares to challenge the elders for such a person risks being cursed or excommunicated. Customary law is based on societal norms, taboos and beliefs. The verdict of informal court sittings is taken as a direct reflection of the cultural norms and customary law. The customary law is reinforced by a strong belief in curses.

Customary law is incorruptible. Unlike the modern system, the customary courts are objective and corruption free. The elders arbitrating in this system are many. This reduces the

possibility of corruption. The verdict arrived at is fully based on the adduced evidence and societal norms.

5.6 Weaknesses

Diminishing role and efficacy of customary mechanism of conflict management amongst the Marakwet people is one of the main weaknesses of the system. Civilization and modernization have marginalized traditional conflict resolution mechanisms rendering it totally irrelevant in some places. More and more people are turning to the modern police and court system. Allegations that the customary court is harsh have made people shy away from seeking justice in these indigenous bodies.

The modern crop of Marakwets regard the system as archaic and barbaric. Customary law is said to belong to the old generation and not the 'learned' Marakwet.

Another conspicuous deficit of the customary law is the marked absence of mechanisms to enforce its rulings. The community lacks a police force or any other alternative to enforce customary law rulings. The culprit could refuse to pay the imposed fine or simply flee. The customary system of arbitration is also limited in its application. Apart from the brokered peace pacts *(miss)*, it is impossible to administer the other types of punishments to non-Marakwets.

The respondents cited lack of documented reference on customary law, norms and taboos as either slowing down or hindering the work of customary courts. It is difficult to refer to preceding cases for guidance while handing down a sentence. This deficit slows customary court proceedings. It is also hard to pass on such customary knowledge and practices to future generations.

Chapter 6

Samburu

The Samburu community uses a number of words to refer to conflicts or absence of peace and security. One of such word is the *nkisima* that refers to or describes force, confrontation or physical fights. Nevertheless the community defines conflict as a situation devoid of peace. It is a disagreement, quarrels, confrontation or violence between two or more people. Competition over grazing land and water resources, often leading to cattle rustling or raids, is the Samburu's definition of inter-ethnic conflicts.

On the other hand, among the agro-pastoralists Samburu (less than 10% of the total Samburu people) found in high potential areas, land ownership is another emerging description of conflict. Land disputes are prevalent both at the community and inter-communities levels.

6.2 Samburu Socio-Political Institutions

The socio-political organization of the Samburu community and customary institutions of conflict management can be summed as the family, extended family, neighbourhood *(Manyatta)*, age sets, and the council of elders.

a) The Nuclear and Extended Family

The Samburu people are generally polygamists. A man could have as many as 10 wives and a commensurate number of children. In a typical Samburu family, the old man (the husband) is in control of his family and animals. He is the unchallenged head of the family institution and all family issues and disputes are under his jurisdiction. The family can also be extended to include the man's in-laws, unmarried siblings and his aging parents. This is the extended family. The family institution among the Samburu community is the basic institution of governance and conflict management.

b) The Neighbourhood (Manyatta)

A *manyatta* comprises between five and ten families. This is a settlement that lasts as long as the pastures. It is a transition dwelling before families move on to new pastures. The *manyatta* is under the leadership and jurisdiction of a senior elder. Neighbourhood courts *(nabo)* reign supreme in the *manyattas.* The senior elders manage the courts. In the *manyattas*, men graze cattle while women are in charge of maintaining the portable huts, milking cows, obtaining water and gathering firewood. A fence of thorns surrounds each family's cattle yard and huts. The *manyatta* is fortified with a live fence (closely-knit poles) that is hard to penetrate. The *manyatta* has one entrance.

c) The Age Sets

In Samburu, initiation is done in age brackets of about five years, with the new class of boys becoming warriors, or morans *(il-murran)*. The moran status involves two stages, junior and senior. After serving five years as junior morans, the group goes through a naming ceremony, becoming senior morans for six years. After these eleven years, the senior morans are free to marry and join the junior elders. This ritual of passage doubles as a form of

socio-political organization of the Samburu community. People in a given age set regard themselves as brothers and sisters respectively and are expected to behave in a certain way in the community. The age set is supposed to regulate its members and where necessary punish troublemakers.

d) The Council of Elders

The council of elders is perhaps the highest socio-political organization and institution of managing conflicts amongst the Samburu. This institution is the equivalent to the *tree of men* and the *Kokwo* among the Turkana and Pokot respectively. The council of elders is composed of respected elders in the community, respective heads of the *nabos* and representation from age sets and to a lesser extent, elderly women. In Samburu community, men (*il-moranis* excluded) make decisions often under a tree designated as a 'council'. Women may sit in an outer circle and may speak only while seated and grasping green grass. Alternatively, a woman may convey a comment or concern through a male relative. However, women may have their own 'council' discussions and then relay the results to men for consideration.

6.3 Samburu Internal Conflicts

a) Domestic Disputes

It is virtually a universal fact that disputes or disagreements occur when two or more people live together. In Samburu community, domestic conflicts centre around husband and wives, disputes among the wives and also amongst the children. It is a common phenomenon for the old wife to grumble over the love, attention and care that the younger wife enjoys at her expense. Children might also quarrel amongst themselves especially if one of them is regarded as the father's favourite.

b) Murder Cases

Terminating somebody's life intentionally or accidentally is a serious crime in Samburu community. Killing a fellow Samburu tribesman is an atrocious crime. It is not culturally tolerated. Murderers are regarded as outcasts in the community and are not allowed to interact with others until and unless traditional purification (cleansing) rituals are performed.

c) Theft

The respondents defined thefts as taking somebody's property without consent or knowledge. To an extent, robbery with violence is also classified as theft. In the *manyattas* or in grazing field, it is a common for a cow, donkey, sheep or goat to disappear. A thief can steal such property from his or her own family, *manyatta*, age set or from another *manyattas* in the community. Stock thefts were cited as the main manifestation of intra-ethnic conflicts in Samburu community.

d) Other Crimes

Adultery and rape were identified albeit the respondents were shy to elaborate or even the occurrences. They insisted that according to the Samburu community, it is a taboo and curse to commit adultery or rape. The elders said that they couldn't recall any rape or adultery case although they admitted that it might happen but nobody would divulge or talk about it. When it happens, it is clandestinely solved and never brought to public limelight.

6.3.1. Prevention and Management of Internal Conflicts

Conflict management isn't a recent phenomenon among the Samburu community. Elaborate customary mechanisms of conflict management still exist in Samburu district. To a larger extent, conflict prevention

and management is the responsibility of the individual families, neighbourhood *(nabo)* and the community as a whole. Heads of such institutions are charged with maintaining law and order within their jurisdiction.

Socialization and education among the Samburu people is an effective method of conflict prevention both within and without the community. Children are taught the Dos and Don'ts of the community at an early age. They are told to respect all grown ups as fathers and mothers for they belong to the society. Societal norms, taboos and lifestyle are inculcated into the minds of the young Samburu boys and girls. Gender roles are clearly defined at this stage, as boys are encouraged to look after the young animals as girls assist their mothers in household chores. Boys are taught fighting skills at that early age. They know that they are the community soldiers. Among other things, they are reminded that they should uphold brotherhood in society, live harmoniously and that no family needs war. *"Meatae ngang nashan larabal."*

Social education and ethics become more rigorous during the initiation period. The initiates are taught how to be caring and responsible husbands and wives. The boys are now prepared to join moranism. A group of morans will be selected to monitor troublemakers in the society and are given powers to punish through beating or slaughtering the culprit's favourite bull. *Ibubu*, mob justice, can also be meted on any age set member who violates societal norms. *Lbubu* is a person killed by mob. In the Samburu community, mob justice is not a crime but is seen as a way of curbing conflicts. *Ibubu* can also be prescribed for any other crime in the society, for instance theft or adultery. Conflict prevention and management is emphasized at the initiation stage.

At the basic level of governance, the head of the family, the husband, is held responsible for preventing and sorting out domestic disputes that may arise in the family unit. He calls the parties in dispute to his hut (in Samburu community, the husband has a separate house from the wives) and arbitrates accordingly. If he is part of the conflict, he will request the *nabo* or his age set to arbitrate. The elders decide on punishment to administer and or amount of fine to be paid.

Murder cases are brought before the council of elders for arbitration. The respondents pointed out striking similarities between the formal judicial system and the Samburu customary methods of conflict management. This is in the sense that natural justice or the rule of law reigns supreme. In the Samburu council of elders (customary court), elders are the judges and advocates in conflict situations. The council handles all types of cases ranging from murder, adultery to theft cases. Both the plaintiff and the defence are allowed to cross-examine each other and other witnesses that might be called.

After listening to the conflicting parties, the elders convene a mini meeting, consult, and agree on the verdict. The decision is announced and blessed and the elders leave the venue immediately. No appeal is tolerated after the sitting. If the offender disregards the court's decision, the elders may curse him or her. Laisi clan is renowned for producing the experts in cursing, for instance the snake, lion, and elephant totemic clans.

In the Samburu community, the court will compel the murderer to pay 49 heads of cattle to the family of the slain man. There is no provision for the compensation of a woman since traditionally women were not to be killed. It is a curse to kill a woman, child or the elderly person. In theft cases, the court orders the thief to pay back three

times the number of animals stolen. If an animal is stolen, slaughtered and eaten, all those who taste the meat, even if they were not aware that it was a stolen animal, will be regarded as thieves and forced to pay back three times.

6.4. External Conflicts

Throughout their history, the Samburu community has been in a defensive position with all their neighbours. They have had clashes with most of the migrating or nomadic people. Their main concern is cattle. Cattle raids are the major inter-ethnic pre-occupation or manifestation of conflicts with the neighbouring communities. The community is in conflict with the Turkana, Borana, Meru, Kikuyu, and to a lesser extent the Pokot. Samburu and Pokot have a common peace pact. They have maintained a military and cultural alliance with the Rendille, largely in response to pressures from the expanding Oromo (Borana) since the 16th century.

6.4.1 Causes and Manifestation of Inter-ethnic Conflicts

i) ***Diminishing Grazing Land and Resources***

Competition over the rapidly diminishing pasture and grazing resource base triggered by climatic vagaries, environmental degradation, encroaching state lands (game parks) and farmlands are perhaps conspicuous causes of inter-ethnic cattle raids in Samburu district and beyond. Samburu community keeps large number of cattle and the shrinking resource base can no longer support the large herds. The encroachment of crop farming and sedentary life in Samburu has further worsened the situation. Samburu land has good pastures and water points thus attracting neighbouring pastoralist communities like the Turkana, Borana, and Pokot. This is common during dry season as all pastoralists move their cattle towards Samburu grazing lands. During

severe droughts, Samburu community migrates with their cattle towards neighbouring Laikipia district leading to conflicts with the settled farmers especially the Kikuyu. Competition over the use, control and access of pasture resources is thus the leading cause of inter-ethnic conflicts in Samburu district and beyond.

ii) ***Ethnocentrism and Prejudice***

Samburu community are in record of embracing the belief and claim that they own all the cattle in the world. They believe that other communities should not own cattle and those that own probably stole from them. To reclaim their 'stolen' cattle, the morans are encouraged to recover them. However, times have changed and the community is now acknowledging that indeed other communities own cattle just like them. They do not mind other pastoralists communities owning livestock, but they can't figure out how a farming community can keep cattle. They are incensed when they see tethered or restrained cows (zero grazing) and to spare such cattle 'the agony' they steal them. Mostly, the community raids to restock their herds especially after severe droughts or animal diseases that a might have wiped out their cattle.

The community also prides herself of military superiority. They raid other communities at will in a bid to stamp their authority.

iii) ***Land Disputes and Territorial Expansion***

The Samburu community is by nature an expansionist egalitarian society. To keep more cattle, they need more land, grazing resources and water. They will move to wherever there are grazing resources and this justifies their nomadic lifestyle. On the other hand, the community claims that part of Laikipia and Isiolo districts that border them are their ancestral dry season grazing area. They thus come into conflicts with settled communities in those districts. Like their fellow Maa speakers, the Samburu peoples have lived and fought from Mt. Elgon to Malindi and down the Rift Valley into Tanzania and they harbour claims to all these areas.

iv) ***SALW***

The proliferation of small arms and light weapons (SALW) into the hands of Samburu warriors and fellow tribesmen has compounded cattle rustling and conflicts in the entire north rift. Arms traffickers from as far as Somalia, Sudan, Ethiopia and Uganda have found a ready market for their products in Samburu land. It is estimated that 16,478 illicit arms are in the hands of the community. Analysed further, half of the males aged 15 years and above in Samburu community possess guns. Some have more than one gun. The desire to acquire and own guns (gun culture) in the community has precipitated the desire to engage in cattle rustling in the region. Since guns found their way into the hands of the community, inter-ethnic cattle raids and conflicts have taken toll resulting to loss of lives.

v) ***Other Causes***

Apart from the above causes, the respondents cited political incitement as a manifestation of conflicts between Samburu and other communities. Political leaders have been quoted as inciting the Samburu against other communities. This is prevalent during electioneering periods and community security meetings.

6.4.2 Prevention and Management of Inter-ethnic Conflicts

Due to their nomadic lifestyle and cultural attachment to large herds of cattle, the community have come into constant conflict with other communities. In response to the security threat, the community has operationalised an elaborate customary mechanism for inter-ethnic conflicts prevention and management.

i) ***Indigenous Early Warning***

Use of indigenous intelligence information among the Samburu community is not a new phenomenon. Throughout their history, the community has sought the services of indigenous intelligence information experts to prevent and manage conflicts. Like their counterparts the Turkana and Pokot, the Samburu people are regarded as experts in reading and encoding intelligence information in goat intestines. Experienced elders can foretell danger by looking at the intestines of a goat.

The *Lesepe* family is endowed with indigenous skills of studying stars in the sky and foretelling any impeding inter-ethnic conflicts, natural or even man made disasters. After studying, analysing and verifying such sensitive information, the elders from the *Lepese* family advice the community to take necessary pre-emptive or preventive actions including initiating inter-community dialogues. Apart from the *Lepese* family, soothsayers *(Laibons)* prophesy and advice the community accordingly.

Samburu community sends their warriors to spy especially along the borders and grazing lands for any suspicious movements. The spies *(laikijalak)* are skilful in differentiating a Samburu footprint from that of any enemy community. Such information will be traditionally analysed and if necessary, disseminated to the community for pre-emptive or preventive action. The community uses specific screams and or horn sounds to relay any alarm or danger.

ii) ***Lmumai (Peace Pacts)***

As a means of preventing inter-ethnic conflicts, the Samburu community has entered into binding peace arrangements *(lmumai)* and military alliance with their strategic neighbours. Hundred of years ago, the Samburu and Pokot communities signed *lmumai* at around Mt. Elgon and since that time, the two communities have maintained a close military alliance and have generally lived harmoniously. Just like *miss* and *ekisil* among the Pokot and Turkana communities respectively, weapons (spears, arrows, swords) are collected from the participating communities, broken, destroyed, burned and then honey, traditional brew, and milk are poured into the pit before its covered. Bulls (preferably white in colour) are slaughtered and the blood is mixed with milk and honey. All the present elders and warriors drink it. They smear their bodies with cattle oil and milk. This ritual was carried out between the ancestors of the Pokot, Samburu and the Rendille. It is the basis and framework of the

current military alliance between the three communities.

iii) ***Dialogue***

Since time immemorial, Samburu community has engaged in dialogue with her neighbours either to prevent or manage real or imagined conflicts. In response to early warning and intelligence information gathered in the community, respected elders and *laibons* are mobilized to initiate inter-ethnic negotiations to prevent the conflicts. Elders from the two warring communities come together and negotiate for an amicable solution to the existing conflict. Such high-level negotiations are cushioned on customary methods of conflict resolution as may be practiced by the negotiating communities. In addition to cease-fire, such negotiations could also lead to brokering of *lmumai*.

iv) ***Other Methods of Conflict Prevention and Management***

In addition to the above methods and mechanisms of inter-ethnic conflict management, the Samburu community also intimidate neighbouring communities using charms, sorcery or witchcraft *(laisu)*, which are thought to be effective in disabling potential aggressors or enemy soldiers. It is also believed in the community that some specific individuals *(laisi)* are endowed with supernatural powers to curse aggressors or enemy soldiers. *Laisi* can spit on the enemy making him blind or disabled. Such superstitious beliefs have aided in preventing not only inter-ethnic conflicts but to larger extent Samburu intra-ethnic conflicts.

6.5 Strengths and Weaknesses of Samburu Conflict Resolution Mechanisms

Strengths

Curses, taboos and superstitions have proved to be very effective methods of conflict prevention and management both within and without the Samburu community. This

institutionalised fear and awe of traditional conflict management processes has deterred potential troublemakers in society and forced them to embrace peace. The effects of the supernatural powers are beyond individuals and could affect a whole clan if cleansing isn't done in time.

The respondents observed that unlike the formal court system, Samburu people trust customary institutions of conflict management since they understand and appreciate the mechanisms and framework under which it operates. Since the system is based on the customary law and order, definitely nothing but the truth will prevail. Customary courts rulings are objective, just and culturally acceptable unlike the police and formal court systems that are riddled with corruption and graft cases.

Customary law in Samburu community has ensured that the social fabric and cultural heritage has been kept intact. The law has kept the society closely knit both in times of war and peace and is seen as a unifying factor and community's identity. Perhaps the customary law and norms in society under which traditional conflict resolution mechanisms are modelled have preserved the Samburu culture. The respondents cited the unique Samburu community conflict resolution mechanisms as their cultural heritage and unique identity in the modern cosmopolitan society.

Weaknesses

Customary methods of arbitration and conflict management among the Samburu people have been bogged down by lack of a framework or approach to enforce its rulings. After the traditional court has made its ruling, it is socially and culturally assumed that the concerned will just abide by it. However lack of a community police to enforce the rulings have weathered

down the role and efficacy of the customary methods of arbitration.

The whole system is prone to bias and favouritism. Some individuals, especially deadly warriors are accorded undue attention in such informal court proceedings because it is presumed that the society needs their braveness and stamina in killing enemy soldiers. Some families who are thought to have superstitious powers are also feared and if they are involved in disputes with other members of the society, justice might not be administered fairly. Nobody would for instance talk against a soothsayer or somebody from the *lepese* family because the consequences might not be pleasant.

In addition to curses, the traditional system of arbitration mostly relies on the fear of *laisi* (witchcraft), which is not objective. *Laisi* has been greatly challenged by modern thinking, as it is scientifically unverifiable. The advent of Christianity and Islam has also discredited witchcraft as ungodly thus nobody would like to be associated with or enjoined in it.

The emergence and appreciation of modern civilisation has greatly diminished the role and credibility of customary law. More and more people are turning to modern formal courts in solving their problems. The educated elite's, Christians, Muslims and town dwellers regard customary law as archaic and barbaric and argue that it should be discarded. Such kind of thinking has greatly diminished the credibility and relevance of traditional conflict resolution mechanisms in the present day Samburu community.

On the other hand, proliferation of automatic weapons in the region has increased the severity of cattle rustling and this new phenomenon has overwhelmed the capacity

of traditional systems of peace building. The entrance of arms into the then traditional culture of cattle raiding has brought in unprecedented issues such as commercialisation of cattle raids, mass rape and killings that have pushed traditional courts to the periphery of inter-ethnic conflicts resolution. During the study, the respondents hinted that those who possess guns even don't have time to attend to such informal meetings for they are always in the bush or in raiding expedition. If tried and proved guilty in absentia, they normally threaten to shoot those who participated in judgment and this has also affected the role and efficacy of customary system of conflict management in the society.

Chapter 7

Improving Traditional Mechanisms of Conflict Resolution

The communities made various suggestions regarding enhancing the efficacy of the traditional mechanisms of conflict resolution.

The respondents urged the government to support the traditional conflict resolution mechanisms by linking it to the modern judicial system. Modern institutions like the police and the judiciary should help enforce the rulings and verdicts of the traditional courts. Traditional peace structures should work hand in hand and a legal framework be established to legitimise the indigenous conflict resolution structures.

To improve the government's understanding and appreciation of customary methods of conflict management, workshops, seminars and meetings between community elders and the government officials (judiciary) should be held. This will ease the existing suspicion between the two institutions.

For reference and clarification purposes, traditional conflict resolution mechanisms should be documented, filed and disseminated widely in the society. Documentation can also strengthen the customary laws and norms making arbitration easy and standardized. Future generations would benefit if the processes were

documented. The respondents also suggested incorporation of customary law into the formal education system so as to inculcate the societal norms and laws into the minds of future generation.

Women should be empowered to actively participate in the tree of men proceedings, as they are the majority of the victims of conflicts. Cultural norms and practices that hinder or prohibit participation of women in conflict management activities and public discourses should be discarded.

The various fines and punishment imposed by the customary courts should be synchronized so as to come up with a set of consistent and uniform punishments and compensation scheme. The system should also be broadened to include other communities as well.

The Pokot felt that punishing the whole clan for a crime committed by an individual should be reversed. Individuals should bear the penalty of their wayward actions.

The Samburu felt that warriors (*morans*) should be involved in all peace building and conflict management initiatives since they are the people who cause trouble in the society. The respondents noted that warriors are always excluded in intra and inter-community peace meetings and conflict resolution initiatives.

Among the Turkana, the various courts (trees of men) were advised to collaborate and share information and experiences. This could be in the form of exchange tours or learning visits where elders from one locality visit and participate in the proceedings of other courts.

Meanwhile the Marakwets suggested that the Karamojang cluster of communities disregard the porous boundaries that have separated them and curtailed application of customary law across the borders. The law should be applied uniformly across the borders in the cluster so as to stop criminals from engaging in crimes and hiding in the neighbouring countries.

Lastly, the pastoralists urged the civil society and the faith-based organizations to take the lead in revitalizing marginalized traditional conflict resolution structures and link them to modern judiciary.

Chapter 8

Conclusion and Recommendations

Pokot, Turkana, Samburu and Marakwet pastoralist's communities have a common characteristic. They experience and are affected by frequent internal and external conflicts. These conflicts have invariably resulted in loss of life and livestock, the major source of livelihood in these communities. The other common characteristic is the fact that they reside in a fragile eco-system marked by prolonged drought periods, dwindling vegetation cover, restricted movements, and isolation from essential services such as education facilities, health centres, transport and communication infrastructure and market facilities.

From the foregoing, it can be emphatically concluded that customary indigenous governance mechanisms can provide a solid framework for building a community's conflict resilience through strengthening traditional conflict resolution mechanisms, enhancing local people's potential and rediscovering elders' wisdom, knowledge and other resources.

Pastoralists' conflicts over the control, use and access of pasture, grazing land and water resources have existed since the history of these communities. Nevertheless, these conflicts were largely contained by the existence of strong indigenous natural resource governing mechanisms.

Traditionally, elders organize the daily use of available pasture and water, as well as the seasonal migrations to and from dry seasons grazing areas. Migration is an essential part of managing resource use, to ensure consistent and adequate access (both within and between neighbouring communities) to water and grazing areas. In addition to pastoral resource management, elders arbitrate matters of peace and justice within pastoral societies. In most of the Karamojang cluster communities the age set system is the traditional mechanism for distributing the power of decision-making. This study confirms that such customary arrangements are indeed existent and should be revitalised. The government should strengthen these indigenous mechanisms instead of adopting measures that disregard people's livelihoods as dictated by resource dynamics that characterise the arid and semi-arid Pokot, Turkana, Samburu and Marakwet land.

Indigenous conflict management and resolution mechanisms aim to resolve conflicts locally, preceding or replacing external dispute resolution and thereby reducing reliance on external structures. Traditional mediation helps the community keep control over the outcome of the dispute. Implementing this approach does not require sophisticated structures or expensive campaigns; it provides a low-cost, empowering means of resolving conflicts within a relatively short timeframe. Traditional mediation will speed up the administration of justice since in most of these districts under study, formal

police and courts are located far away - in district headquarters. For instance, in Turkana district it is financially prohibitive to travel from Kibish to Lodwar, 300 km away, to attend court proceedings. Strengthening and institutionalizing customary courts could easily bridge the problem of inaccessible formal police and court systems.

Among the pastoralists communities, elders have traditional jurisdiction in facilitation, arbitration, and monitoring outcomes. Local conflict mediators typically possess moral status, seniority, neutrality and respect of the community. They are acceptable to all parties and demonstrate capable leadership capacity. Resolutions are generally accepted and respected by all concerned parties. However, experience from the Pokot, Samburu, Marakwet and to a lesser extent Turkana has shown that customary courts often bring important social influence but lack the power and the means to enforce the resolutions adopted. Advice is only accepted when both parties agree to it. Both parties must feel that their concerns were properly addressed. Traditional structures' power to prevent the occurrence of violence is limited. There is thus a call to assist these local mediation tools to enforce their resolutions and improve their capacity to prevent conflicts. The government through the police, courts and provincial administration should assist councils of elders in enforcing their resolutions and verdicts.

In all the studied communities, traditional conflict mitigation efforts have been weakened by age or gender bias. In all the four communities, women have been completely excluded from conflict management processes. For instance among the Pokot and Marakwet communities, women act as reference resource people but not to challenge or influence decisions adopted by male-dominated *Kokwo*. The Samburu women are

supposed to convey their suggestions through their male relatives and such information might not be conveyed at all. Indigenous, traditional authorities generally are not progressive elements of social change. Youth and more specifically warriors are also left out in such customary sittings yet they are the main perpetrators and victims of armed conflicts. Gender and age bias must thus be streamlined in all indigenous peace building endeavors.

In order to dispel fears that customary law is an archaic, barbaric outfit and a competitor of modern formal courts, governments, international and local agencies should promote local dispute resolution mechanisms to ensure that local actors participate in conflict management by partnering with the local institutions. The communities felt that the government and development organizations should:

i) Acknowledge and appreciate the relevance, role and credibility of traditional conflict resolution mechanisms. These actors could do this by organizing meetings with traditional institutions and securing their input into planning and policy processes.
ii) Build on existing traditional structures for peace and conflict resolution, and use those structures in dealing with ongoing conflicts.
iii) Develop a strategy for identifying conflict arbitrators and peacemakers within each community while validating and empowering existing conflict arbitrators, and creating opportunities for their interaction with other communities.
iv) Evaluate some of the traditions and approaches to peacemaking that worked in the past, and thinking through how they can be helpful today. The various customary mechanisms of conflict management and respective peace agreements (Modogashe, Laikipia, Kolowo, Todonyang, Moroto declarations etc) should

be linked and harmonized. This will not only provide a framework for recognition and legislation of laws and policies that recognize and promote customary mediation but will also aid in wider inter-community collaborations and enhance complimentary efforts in solving pastoralists conflicts. Traditions that promote conflicts should be discarded and replaced with cultural overtones that embrace peace and unity in society.

v) Learn, analyze and document the best attributes of traditional conflict resolution methods and disseminate the same to a larger constituent of peace activists and the general public. This will provide a consistent and objective mechanism of pastoralists' customary law in the country. Learning could take place through exchange visits and inter-community meetings. This should also be extended to include cross-border communities especially the Karamojong and Sabiny of Uganda, Toposa of Sudan, and Dongiro and Merille of Ethiopia.

vi) Sponsor forums to develop comprehensive customary strategies for conflict mitigation initiatives in the region.

vii) Conduct workshops to focus on processes of empowering local groups in managing conflict.

viii) Train elders and customary court personnel in basic modern judicial system, democratic governance and rule of law.

Inter-community dialogue should be facilitated as much as permissible as a way of bringing warring communities together. Negotiations will increase communities' interactions as a first step towards discarding stereotypes and prejudices that have fuelled conflicts in northern Kenya and across the borders. The volatile illicit arms issue should be emphasized in such meetings. The government should consult widely on how to go about

disarming these communities. It may not be wise for instance to disarm the Turkana or the other Kenyan tribes when their immediate cross-border neighbours are still wielding AK 47 and G 3 rifles. At minimum, the government must guarantee the security of her citizens. Disarmament should be discussed at a regional level.

The disarmament of pastoralists is a pressing policy question for governments in the Greater Horn of Africa region. Nevertheless, it could be argued that a broader approach to conflict management based on understanding the forces behind the emerging gun culture in pastoral areas should be considered. Pastoral communities in northern Kenya are surrounded by conflict and until these conflicts are resolved, arms proliferation is likely to continue unabated to undermine the gains of disarmament, as confiscated weapons are replaced with new arms from conflict zones in the Horn of Africa and great lakes region. Working through elders (indigenous mechanisms) and Chiefs (modern formal institution) to boost the traditional social controls on

raiding, counter raiding and security measures is one method that has been found successful in controlling the use of existing arms. Additionally, this serves to reinforce the traditional authority of elders as leaders and negotiators in the communities.

Currently, many NGOs and development partners have begun to direct their efforts towards peace building in pastoral areas, with the particular goal of reinforcing the traditional authority of the elders over their communities, as well as linking these indigenous institutions to local governments. This positive development is to be encouraged, scaled up and replicated, even where conflict is not the core business of the partners concerned, since all development interventions from education to water, food security and sanitation projects should be conflict sensitive.

At minimum, the study found out that there exists vast untapped potential in revitalizing customary mechanisms of conflict management amongst the pastoralists in the Greater Horn of Africa region.

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Annex: Research Questionnaire

Conflict Management: A Study into the Customary Institutions of Conflict Management among the Pastoralist Pokot, Turkana, Marakwet and Samburu Communities.

Study Questionnaire

1. What is your definition or understanding of conflict?

2. What are the differences between conflicts?
a). Within your community
b). Outside your community

3. Which communities are in constant conflicts with your community?

4. What are the various types and or manifestation of conflicts?
a). Within your community
b). Outside your community

5.What are the various causes of conflicts?
a). Within your community
b). Outside your community

6. What are the methods or measures taken by your community to prevent conflicts?
a). Within your community
b). Outside your community

7.When conflicts occur between members of your community:
a). What traditional methods were used or are still being used to resolve the disputes

b). What ceremonies or rituals were or are performed during the resolution of disputes

8. When conflicts occur between members of your community and other communities:
a). What traditional methods/institutions were used or are still used to resolve the conflicts.
b). What ceremonies or rituals were or are performed during the resolution of disputes
c). Describe any inter community conflict incidence (date, place, participants) and how the communities solved it.

9. What roles do the following groups of community members play in causing, preventing, managing conflicts or negotiating for peace?
i). Women
ii). Youth (warriors, girls)
iii). Elders (Soothsayers, opinion leaders)
iv). Government agencies/officials
v). Faith-based bodies.

10. What symbols represent peace in your community?

11 (a). What makes traditional conflict resolution methods/institutions binding and adhered to

(b). What penalties are meted on defaulters

12. How have the traditional conflict management systems linked with modern formal judicial system of conflict arbitration?

13. Between the traditional and modern methods of conflict arbitration, which one do you prefer and why

14. Have traditional institutions preventing and resolving conflicts been successful in your view?

15. (a) What are the weaknesses of traditional conflict resolution mechanism in your view?

(b) What are the weaknesses of modern conflict resolution mechanisms in your view?

16. (a) What do you suggest to improve the efficacy/ efficiency of traditional systems of resolving conflicts both within and without your community.

(b) What do you suggest to improve the efficacy/ efficiency of modern judicial systems of resolving conflicts both within and without your community?

17. What more can we learn from the traditional conflict resolution system and institutions?

Indigenous Democracy

Traditional Conflict Resolution Mechanisms

Vision
A world free of poverty and injustice in which technology is used to the benefit of all.

Mission
ITDG aims to help eradicate poverty in developing countries through the development and use of technology, by demonstrating results, sharing knowledge and influencing others.

Ambition
To become the leading international authority on the use of technology to reduce poverty in developing countries.

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