

Cooperation and Conflicts over Access and Use of Natural Resources in the Arid and Semi-Arid Lands (ASALs) of Kenya - by Moses Mwangi

Nature of Conflict among the ASAL Communities in Kenya

Conflict for resources has characterized human lifestyle throughout history. In Kenya, socio-political and economic rights bequeathed and protected by the constitution have not been fully actualized and the public still face significant challenges in regard to their security and livelihoods. These challenges are often felt most severely in situations of instability, conflict and fragility. One of the most important aspects of conflicts and need for peace building in the ASALs is to understand the complexities and the fact that the conflicts cannot be solved overnight. The situation is aggravated by the rapid shifts towards conventional laws and resolution mechanisms that do not largely give due recognition to local mechanisms. Traditional institutions have been influenced by the national governance and legal systems which are highly monetarised, as opposed to the indigenous ones that dwell on goodwill and knowledge and wants of the local people. An end result is confusion on which path to follow to handle conflicts and even manage community sources. This paper briefly shares on the happenings in the ASALs, with specific reference to Kitui and Tana River Counties. The two have repeated problems related to natural resources and, solutions are seen have premise in application of local institutional arrangements. The government system has been more prone to peace keeping through use of the gun while the local situations call for dialogue.

This ontology is validated in the ASAL region where resource use conflicts abound. These areas are characterized by scarcity of pasture and water, resources that are often found in disputed lands. The ASALs, covering about 80 per cent of the country have been prone to conflicts. This has been a major obstacle to social and economic development and shapes social values and community dispositions. Most of the conflicts are over natural resources. Generally the animosity between various ethnic groups in the ASALs centres on conflicting lands use systems. Others are socio-cultural conflicts which also adversely affect resource utilisation and implementation of micro-projects.

For the most part, conflicts revolve around livestock, divergent modes of livelihoods and cultural identity. A resultant effect is displacement of populations, loss of lives and increase of widows and orphans, hence increased poverty. Women are most affected and are in the end unable to maintain their livelihoods, making the lives of their children even more precarious and uncertain. These often result at times to family breakdowns and anti-social behaviour such as prostitution. Examples of conflicts abound in the ASALs. In Marsabit and Samburu districts, the Samburu and Rendile regularly fight it out with the Borana over grazing land and water resources. This kind of conflict is more pronounced on the border areas of the two districts as well as in the hinterland where the Rendile clash with Gabbra (both in Marsabit district) over grazing resources. Overall, competition over the use of resources accounts for a larger percentage of conflicts in Eastern Africa region.

For many years the Pokomo and Orma pastoralists have clashed over access to grazing, farmland and water, along the River Tana. These attacks are related to poverty, competition for scarce resources and marginalization of minorities. On many occasions, communities use violence to attempt to regain possession of lost land or secure access to other land resources. Pastoralist communities like Borana, Maasai and Samburu are currently facing stiff competition from increasingly expanding land grabs by government and private actors. If government continues with policies like the privatization of rangelands, commercial ranching and sedentarisation of nomads, without the active participation of communities, peace will continue to elude the ASAL regions.

Rustling, a criminal activity of raiding other communities for cattle and other livestock has been a lifestyle in the ASALs. Traditionally, pastoralist communities raided each other as well as recentralized communities for livestock, mainly to replenish their herds depleted by severe droughts, diseases, raiding or other calamities. Raids were also orchestrated to expand grazing land, raise bride price and to a lesser extent to demonstrate their heroism among warriors. Elders often sanctioned such raids, blessing the raiders before they set off. However, in recent times, inter-communal rustling incidents have become more severe and frequent, degenerating into armed activity with no precedence in the history of the region. This has even puzzled the elders of the region by the extent and viciousness of the clashes. Banditry has largely been characterized by armed criminal gangs waylaying travellers including livestock in transit, and relieving the victims of their possessions. For example, the stretch of the road between Isiolo and Marsabit is very rife in banditry. It is noted that whenever there were negative anomalies i.e. depressed rainfalls, the raids increased tremendously, even though they were not instantaneous most of the years. There was always a time lag.

Drought, Famine, and Conflict

Drought has been associated with the ASALs. It is increasingly becoming common such that the drought season seem to mark an important part of the annual calendar. The drought normally worsens conflicts, bringing to the fore the debate on the two's symbiotic relationships. Of course conflicts do not change weather patterns, but affect agricultural practices, land use, and other social factors that intensify the effects of diminished rainfall, particularly by causing famine. Short-lived droughts are seldom dangerous; but sequential drought years are. Though sequential droughts are common in the areas, people do not successfully respond to it. Rather, they have been devastated by it. What has progressively become clear is that that drought is a contributing factor to conflict and conflict exacerbates drought, making famine more likely. Therefore, drought, conflict, and famine are inextricably linked, with each acting as a catalyst to the other. Environmental degradation caused by the overuse of farmland and deforestation such as in cutting of trees for household and other purposes aggravate drought. People's lack of capacity to respond to natural disasters and inefficient or lack of early warning systems also worsens the effects of drought. Famine is often associated with the droughts. Under normal circumstances, ASAL areas are low in resources and under substantial ecological pressure. When drought occurs, the living conditions of the inhabitants become very difficult. In these conditions, the land yields no crops and water is insufficient for livelihoods support. People compete for the meagre available resources.

During drought the movement of pastoralists people in the ASALs with their livestock to look for usable pasture land and water increases. Sometimes, different pastoral groups move to the same place and want to use the same scarce resources, which cause conflicts between the two communities. There is a history of pastoral communities fighting for scarce resources in Northern Kenya. Most of the conflicts in those areas were manageable, and tended to be resolved by elderly leaders through traditional conflict resolution mechanisms on an ad hoc basis. However, these conflicts are exacerbated and more difficult to resolve when drought occurs. In the North of Kenya, people fight for scarce resources. Drought normally worsens the conflict with people dying from starvation and conflict, as they fight for water and food. Families lose their livestock, which is their main source of livelihood. Subsequently, drought-affected people migrate into other parts of the country. This spreads the pressure on resources and results in conflict spreading into other areas as well. In addition, nomadic groups take their cattle to farmlands in search of pasture.

The availability of small arms and light weapons along border areas where pastoral communities reside also contributes greatly to conflict. Arms ownership is regarded as necessary for the protection of one's community and livelihood in such areas, as they are situated in remote regions, far from the protection of regular state security. But the prevalence of arms also means the prevalence of armed conflict. The response of the central government

to the drought-affected region determines, to some extent, when and where conflict breaks out. Delays of aid often create a feeling of alienation and marginalization among the affected groups. Poor communities are especially exposed to drought and famine since they lack the capacity to respond to natural disasters. Furthermore, when communities recruit warriors that means taking productive labour from the individual households.

Denying or Limiting Access to Natural and Social Resources

In the web of causes that collectively precipitate violent conflicts, scarcity, resulting from denying or limiting access to renewable natural resources and from growing environmental degradation, stands out as probably the most important factor. Violent conflicts arise mainly out of economic and ecological distortions. Except for 'old' conflicts, ethnic dichotomies appear to be rather a consequence than a cause of violent conflicts. However, ethnic and cultural dichotomies are very potent as people's perceptions of conflict, perceptions held by many fighters on both sides of the conflict divide. The longer, however, a conflict persists, the more these ethnic, religious and cultural factors come into play. In an old conflict, when even the initial causes have petered out or died away, that 'abstract', ideological ethnicity, becomes an active material and social force.

Ecological degradation can act as a cause or catalyst of violent conflicts. Greater emphasis has however been given to the impact of ecological degradation than to the implications of denying or limiting access to natural resources. The focus on the degradation of the natural resource base imparts by default greater significance to the causes of environmental degradation, namely, land-use, human and animal population growth, climatic variations and so on. Such conflict analysis tends to limit conflict resolution to tackling the causes of ecological degradation. The proposed conflict resolution mechanisms are thus more technical than economic or political. For example, better water management, soil conservation, reforestation, family planning to curb population growth, etc. The crucial issues of the economy, the state and politics are inadvertently pushed aside. Persistent inequity in resource allocation, which is inherently political and economic, and the role of the beneficiaries and perpetrators of the status quo, are thus taken out of the limelight. However, in all group scrutinised in the ASALs, access to natural and social resources expressed in terms of justice, fairness, equitable sharing and equal development are primary concerns of people in arms.

Fragile Ecology, Fragile Social Peace

In the ASALs, human and animal life depends on the delicate balance of soil, climate, water and flora. This equilibrium has been upset. In addition to the persistent drought, unsustainable methods of land-use, such as large-scale mechanised rain-fed farming and overgrazing in marginal lands, are destroying the ASAL eco-zone in which 20 percent of the population live. The slow processes of natural wear and tare on the environment have been accelerated enormously by the unprecedented extraction of renewable resources. This has been compounded by a steady decline in international terms of trade, brought about by the collapse of primary commodity prices, which has had a knock-on effect on the local market, where terms of trade have also worsened. To maintain their living standards, the pastoralists and other land users have had to produce more from a shrinking resource base. In the past, those in distress simply moved to richer eco-zones. However, this exit option is increasingly being hampered by an expanding population, large-scale mechanised farming, political and ethnic tensions and the general worsening of the environmental situation. The movement of people and herds from one affected eco-zone to another, which is already occupied by a different ethnic group, is a recipe for tension and hostility. Conditional agreements used to be reached when the need for sharing land was occasional, but now that this need is for prolonged periods (or even for permanent sharing), the strains are much greater.

The frequent return of clashes to the Tana Delta had generally been variously regarded as a typical ethnic conflict between the Pokomo and Orma. While this categorisation was true in the past, ecological degradation over the past three decades, caused mainly by increased

pressure on resources have added a new dimension to the old conflict. It has almost transformed the nature of the conflict from a classic ethnic strife into a resource struggle triggered almost solely by ecological scarcity. The quest for land, water and pasture has aggravated the problems. Although most people on opposite sides of the conflict divide still perceive the clashes as of ethnicity and, culture, it is conceivable that the recurrent conflicts are mainly about land and water.

Though the ASALs experience increasingly frequent droughts, households in these areas have not had sufficient time to recover from previous droughts before the next one hits, increasing their vulnerability to food insecurity and poverty. On the other hand, conflicts in these areas exacerbate the effect of the drought, disrupting lives and livelihoods and preventing external assistance from reaching affected populations at the right time. As such, drought has a direct effect on the performance of the livestock sector, and hence on the food and livelihood security of most pastoralists.

Livestock forms the basis of the livelihoods of pastoralists. But inadequate pasture and water for livestock lead men to migrate to other regions in search of better pastures. Women, children and the elderly remain behind, with little means of survival. Food availability and access sharply decline and drinking water become scarce. Inadequate food undermine the nutritional and health status of most households, while water scarcity often lead to unhygienic conditions, resulting in water-borne diseases such as diarrhoea and typhoid. The lack of food, combined with compromised health conditions, led to malnutrition and increased morbidity and mortality, especially among children under five years of age, the elderly, the sick and HIV/AIDS patients.

Land Conflicts

Land ownership continues to be an emotive in Kenya's social set up, and has been a central political theme even prior to independence. Although the problem is rife in highly productive and fertile lands, the situation is worse in the ASALs where poorly defined tenure rights have instigated clashes over access, ownership and control of grazing lands. In December 2004, for example, land clashes emerged when Pokot raiders allegedly invaded private farms belonging to the Luhya community in the neighbouring Trans Nzoia district. In Mandera, a long standing conflict between the Garre and Murulle clans over the grazing land has resulted in deaths. The two clans each claim ownership of the forage-rich lands in El Wak, Lafey, Fatuma, Shimbir and Rhamu divisions. In the neighbouring Moyale district, the Borana and Ajuran over the years have fought repeated battles over grazing lands along Moyale and Wajir district borders.

Turkana and Samburu communities living in Baragoi division, Samburu district have fought over grazing lands in the division, with the situation deteriorating in the dry season when the Pokot and Rendile join the fray. What happens in these areas affects Marsabit in one way or the other. Practically, a single incident or cycle of violence will have multiple causes. In addition, conflict begets conflict, with the impacts of previous incidences emerging as new causes themselves. In Marsabit, the competition for water and pastures is increasing. Pastoral lands of Marsabit and Kajiado are under increasing encroachment by farming communities and commercial farming, placing communities there in a precarious situation in the dry season. These and other factors are threatening the very survival of pastoral way of life. Competition over access and control of the diminishing resources then becomes one of the major causes of conflicts. Control of these resources is often squared out in terms of violent clashes.

The hypothesis that competition over resources to meet the needs of the livelihood strategies of various communities is the primary cause of conflict in many ASAL areas is affirmed by the fact that most violent clashes occur over areas well-endowed with pasture and water,

especially in the dry season. A clash between agricultural and pastoral communities in Marsabit as is in other ASAL areas are not uncommon. Growing population also continues to exert enormous pressure on finite and already deteriorating natural resources, heightening competition to a level where tensions flare out into violence. Insufficient resources to meet the economic and subsistence needs of the communities is a major source of conflict.

Water Scarcity and Poverty: An Issue of Life and Livelihoods

Water is essential for all socio-economic development and for maintaining healthy ecosystems. As population increases and development calls for increased allocations of groundwater and surface water for the domestic, agriculture and industrial sectors, the pressure on water resources intensifies, leading to tensions, conflicts among users, and excessive pressure on the environment. The increasing stress on freshwater resources brought about by ever rising demand and profligate use, as well as by growing pollution worldwide, is of serious concern.

Imbalances between availability and demand, the degradation of groundwater and surface water quality, intersectoral competition, interregional and international conflicts, all contributes to water scarcity in the ASALs. Scarcity often has its roots in water shortage, and it is in the ASAL regions affected by droughts and wide climate variability, combined with population growth and economic development, that the problems of water scarcity are most acute. The situation in the ASALs will be exacerbated as rapidly growing urban areas place heavy pressure on neighbouring water resources. Kajiado County has experienced the pressure of growth of the City of Nairobi, which has led to a huge groundwater drawdown and drying of shallow wells.

Water scarcity is an issue of poverty. Unclean water and lack of sanitation are the destiny of poor people across the world. For the poor people in the ASALs, water scarcity is not only about droughts or rivers running dry. Above all, it is about guaranteeing the fair and safe access they need to sustain their lives and secure their livelihoods. For the poor, scarcity is about how institutions function and how transparency and equity are guaranteed in decisions affecting their lives. It is about choices on infrastructure development and the way they are managed. In many places throughout the world, organizations struggle to distribute resources equitably.

Conflicts in the Tana Delta

The centuries-old conflict between Pokomo and Orma communities in Tana River has centered on resource rights, mainly land, water and other resources due to the conflicting lifestyle and the different perspectives on resources between the two communities. The Pokomo are mainly farmers and believe in individual ownership of land. On the other hand, the Orma are mainly herders and believe that land is for use by all people. However, the conflict has evolved over time and the reasons for the inter-communal conflicts are no longer just about resources but also ethnic and political rivalry. Tana River is also one of the most underdeveloped and vast regions on the Kenyan Coast. Poverty rates are high and infrastructure is virtually non-existent. Along with this is the minimal presence of “government”, particularly the security forces, in the region. As a result, there is a general feeling of insecurity, which has led to people arming themselves. The common government responses in times of conflict normally encouraging. However, this must be sustained for long-term peace to be realized.

Tana River district is one of the seven districts that makes up the coast province. The district has a population of about 180,000 people with the Pokomo (Bantu/farmers), Orma and Wardey (Cushitic/pastoralists) being the dominant ethnic groups in the district. The name of the district is derived from river Tana, the largest river in Kenya, which traverses the northern and eastern part of the district down to the Indian Ocean where it enters the sea at Kipini with

a delta of approximately 40 km wide. River Tana is an important ecological and natural resource in the district. Both the pastoralists and farming communities in the district derive their livelihoods from this river. Rainfall in the district is low bimodal and erratic, the mean ranging between 300mm and 500mm. With the rains being erratic especially in the hinterland, the district experiences drought almost every year. The coastline is wetter than the hinterland. The coastal region receives up to 1200mm of rain annually although it varies and is highly unreliable. The higher rainfall at the coast support cash crops while the dry climate in the hinterland only supports nomadic pastoralism. Generally therefore the district is dry in most of the seasons with temperatures averaging 30°C.

In the 1980s, there were 3 major irrigation schemes in the district, which greatly influenced the local people's lifestyle in terms of employment and source of income. There were no conflicts during those days since people were busy on the schemes. However, since the collapse of these schemes (Bura, Hola and Tana Delta irrigation projects) the poverty rate has alarmingly soared and became a major source of conflicts in the district. The pastoral communities reverted back to their traditional method of nomadic pastrolism while the farmers (the Pokomos) started small scale subsistence farming along the Tana river from Mbalambala (Asako) in north, to Kipini on the Tana river estuary. The Nomadic pastoralists (the Ormas) moved far into the hinterland with their large herds of animals while the Pokomos remained along the river. This created two distinct and competing lifestyle (farming and pastoralism).

Conflicts have flared whenever the pastoralists try to access the river to water their livestock for virtually all the riverbanks have been occupied by the farmers. This subsistence land use by the farmers has left no space for the pastoralists to access the water and this has been the main and leading cause of conflict, especially during the dry period when all the pastoralists have moved with their livestock to the Tana Delta. Whereas the farmers claim the land, the pastoralists claim unfettered access to the water. These conflicts are therefore predictable and preventable if adequate conflicts resolution mechanisms are put in place. This scenario perhaps provides an express manifestation and understanding of conflict over natural resource (water).

On the other hand, unresponsive land adjudication and regimes have bred conflicts in the district. Ostensibly to promote productive land use, the government implemented a controversial land adjudication programme in the district. Land was subdivided and allocated to individuals (mainly settled farmers) as private property. However, it become apparent that this process did not go down well with the pastoralists since they thought it would limit their movement and that's why they opposed and continue to oppose the policy. The farmers who felt that the adjudication would legalize their ownership of land embraced the adjudication.

Conflicts in Kitui: The Somail and Kamba Clashes over Pasture

Bloody conflicts over pasture and water have now become a common occurrence in Kitui County between pastoralists from North Eastern Province and local residents. This normally follows the move by the herders to drive thousands of their livestock into parts of Kitui County. The residents claim that the herders of Somali, Orma, Borana and Galla communities intentionally allow their livestock to stray into private farms thus occasioning untold destruction to crops and other plants. Besides, the livestock are said to compete for limited resources with the locals' animals hence straining the relationship between the involved communities.

In 2012, close to 3,000 pastoralists of Somali origin migrated to Tseikuru and Kyuso districts in Mwingi North constituency, Malalani and Twambui areas in Mutito constituency, and Engamba and Mutha zones in Kitui South constituency with their livestock. This has led to conflicts in the area over pasture and water. The Government has had to be called in to quell

tension in Malalani Location, Mutito following a clash between the pastoralists and residents over dwindling resources. Deaths were reported and other people ended up with serious stab wounds on local farmers who were opposed to the pastoralists' intrusion to graze in their farms. In retaliation, the residents attacked the invaders. The villagers indicated that the pastoralists were uncooperative and had abused their hospitality. They accused the invading pastoralists of grazing their livestock in their farms without consent. Four primary schools (Twambui, Malalani, Ililuni and Koi) and one secondary school (Malalani Mixed) had to be closed after pupils and students deserted the institutions for fear of attacks by the armed pastoralists.

One of the areas that has seen uncontrolled influx of the pastoralists' livestock is Mutha Location in Mutomo district. Here the herders from the neighbouring Tana River County are said to have invaded the area and literally taken it over with their livestock. The local people claim that at Kalambani village of Mutha location, the number of Somalis has in recent times doubled that of the local people! They have established makeshift houses, shops, hotels and at least a chemist where they buy chemicals for their livestock. They graze, water their livestock and collect water for domestic needs along Thua River that cuts across the village.

The locals have been up in arms over the invaders whom they insist should be driven back to their places of origin before a serious and tragic fight erupts. They claim that the Somali livestock invade their farms and destroy their crop. Their worry is that the authorities do not take action when the problems are reported. There have been violent confrontations that have landed some people in hospital on being harmed by the Somali. There are also claims by the local people to the effect that children cannot go to school freely since they have never seen camels before. The animals are blamed for making weird noises which terrifying the young kids. Another worry is death of local livestock because of diminishing water and pasture. There is also the fear of transmission of diseases from the foreign livestock. At cultural level, the local people say that the new comers have refused to co-operate with the locals. They are blamed for not integrating with the locals and we do not understand the local language.

Conflicts in Kitui: With Fears, Coal Basin Hopes for Riches

The finding of coal in Kitui may result to various conflicts. There have been conflicting reports over the ownership and capacity of the Fenxi Company to undertake the project. This has sent mixed signals to the local community, raising fears that the residents will get a raw deal from the project. As such, the High Court has blocked the signing of the mining contract between the government and Fenxi, and given the government up to October 23 to file its response to the case. The Kenyan High Court has blocked the signing of the mining contract between the government and Fenxi, and given the government up to October 23 to file its response to the case. The court case has however elicited divided opinion among residents and the leadership saying it was premature to have gone to court.

Though Fenxi has won the tender to develop blocks C and D of the Mui coal bed, signing the 21-year mining contract is only expected to come after negotiations for benefit sharing among the Chinese firm, the government and the local community is concluded. Gazettment of the 10-member Mui Basin Liaison Committee gives the community a legal avenue to negotiate for compensation terms with Fenxi and the government. Blocks C and D of the Mui Basin are estimated to hold about 400 million tonnes of coal valued at Sh3.4 trillion going by current market rates. Blocks A and B, which are still in the tendering stage, are yet to be fully explored to determine their total potential. The four blocks are estimated to have 30,000 households who will have to be moved to pave the way for the project. The residents are afraid that botched up resettlement process could impoverish generations of Mui basin residents. There is however a general consensus that the project could transform the local and national economy by providing cheap electric power. The current Mining Act is however silent about compensation of the locals where minerals are discovered. The Act says that 80 per cent of the revenue generated should go to the central government, 15 per cent to the local

government and five per cent should be used to develop projects that benefit locals. This is what makes the people feel that if they go into the project with the current Mining Act, they won't benefit. The general feeling is that the mining should await the full implementation of the Constitution, conclusion of the General Election and setting up of county governments, which will negotiate better on our behalf. A preferable benefit sharing agreement would be one that would give locals shareholding in the mining firm that would guarantee a steady source of income in the future. Within the basin itself, opinion is divided on how the mining should be carried out but what is apparent is the fact that lack of information is hindering useful engagement with the community, making it difficult for the local people to make informed decisions. They say if they knew first-hand what is expected of them, it would be easy to engage meaningfully with the authorities but now it is my case against that of the rest. Their major fear is that there is the possibility that the government would forcefully take over the land and only compensate those who agree to relocate. But the villagers say they will resist such a move, saying that without proper agreement, they will not budge.

Controversy surrounding the award of a multi-billion shillings coal mining tender to the Chinese company Fenxi Industry Mining Group has been seen to intensify with details pointing to possible collusion with a Kenyan firm operating from behind the scenes. Some politicians are also shown as having clashing interests in the coal project, filing contradicting reports in support and opposition to the Chinese company's suitability for the lucrative tender.

Fenxi Industry Mining Group was picked in November 2011 by the Ministry of Energy to develop block C and D of Mui Coal Basin in Kitui County in an investment valued at more than Sh8.5 billion, but the deal has now run into controversy over corruption claims. The local political elite has vowed to lobby to shoot down the tender in the Cabinet and in Parliament, claiming the Chinese company was a "proxy", and that it was awarded the tender irregularly at the behest of powerful individuals angling for a share. The Law Society of Kenya chairman has also been lining up a suit to block the signing of an investment agreement between the government and Fenxi before full disclosure on the company. But the Assistant minister for Defence from the County who led a 15 member delegation to China in March 2012 filed a report, giving Fenxi a clean bill of health to proceed. The LSK boss was apparently a member of this delegation whose cost for their one week trip was fully paid for by the Chinese company. However, the May trip led by the Mutomo Member of Parliament for a similar trip to China with 14 people and sponsored by the government pointed out that Fenxi Industry Mining Group was a briefcase company that did not exist in China.

Attempts to Address the Conflicts Problem

Lessons learnt by various development agencies show that conflicts have the potential of undermining development efforts if not addressed sufficiently. An important lesson is that it is important to take knowledge of the local people in resolving these conflicts. As such, a stakeholder approach then becomes of ultimate necessity. Some of the development support programmes have opted to this dimension utilising traditional methods of conflict resolution as well as using innovative ways such as supporting activities of women, which has seen them earn respect as peace makers in most communities. A number of community initiatives in conflict resolution and peace building have emerged. Women have increasingly taken the lead in the peace-building initiatives in the recent past and though this was not readily acceptable to men initially, the success has earned them respect and recognition.

Addressing the root causes of conflicts has been recommended to avoid calamities. The government has a whole been variously called to take a long lasting solution to protect the lives of affected communities and prevent a further escalation of violence. It can do this by building on the positive environment created by the new and progressive constitution, to address the thorny land issue via appropriate legal and institutional reforms in order to reduce marginalization and ease tensions. Cattle rustling and clashes over grazing and farming land are relatively common between communities in the ASALs and often escalate into revenge

attacks. Allowed to continue, this will continue to threaten the stability of the eco-zone, unless the governments acts decisively to ensure dialogue among warring groups, inclusive representation for all communities, and equitable access to land and natural resources.

On the whole, there is need for collaboration with other stakeholders to support conflict management initiatives to foster dialogue between different groups in the arid and semi-arid lands such as pastoralist groups and between pastoralists and sedentary farmers. Cognisance is recommended that triggers of conflicts such as drought, famine, and conflict are highly interlinked. None of the problems can be solved without addressing the others. Key aspects of conflicts response include the following:

1. *Building Early Warning Systems:* Developing a strong early warning system for drought and desertification is crucial. It should be adopted at local, national, and regional levels.
2. *Strengthening Intergovernmental Cooperation:* the states should strength cooperation among neighbouring countries to combat drought and prevent conflicts. Furthermore, building networks and collaboration with various actors in the area helps to tackle problems of drought and conflict. For instance, the UN Convention to Combat Desertification has recommended research on drought and desertification, identifying causal factors both natural and human, addressing specific needs of local populations and enhancing local knowledge, skills, and know how. This, they say, is an important area of collaboration.
3. *Adding Greater Capacity and Preparation to Traditional Mechanisms:* Building the capacity and preparation of traditional mechanisms for combating drought is an important factor. Some of the traditional mechanisms are collecting/harvesting rainwater in man-made ponds, diversifying grazing lands, and planting trees that adapt to dry climates. In addition, strengthening and empowering traditional conflict resolving mechanism contributes to building relationship among and across communities, which diminishes the frequency and intensity of armed conflict, and encourages cooperative solutions to other problems-for instance, drought and famine.

The best way seems to the coming together stakeholders to address conflicts has several advantages It is more effective and desirable to work through local partners because it means that local capacity to implement interventions is strengthened and remains in the area of operation. This may not be the case if an international NGO implements programmes directly. Advantages include the following:

1. Partners have a local presence in the area of operation.
2. Partners have an on-going relationship with communities, thereby making the mobilisation of local resources for implementation easier.
3. Partners have indigenous technical knowledge and understanding of local conditions, local culture and local coping strategies.
4. The staff of implementing partners are often local, and therefore face no language difficulties.
5. Partners have developed networking and collaborative relationships with other agencies and organisations. These relationships can be very useful in implementing emergency interventions.
6. Local people are more willing to trust implementing partners, especially because most of the community-based organisations and local NGOs are established by people from the same location.
7. Most implementing partners have considerable experience in doing community-based interventions, and therefore have an advantage in working with the local governance structures to implement interventions.

Effective community participation and involvement increases community ownership and community contributions (both financial and in kind) and enhances the sustainability of project outputs in the long term. Furthermore, it is important to ensure that gender issues are considered in such interventions.

Addressing scarcities in the ASALs requires actions at local, national and river basin levels. It also calls for actions at global and international levels, leading to increased collaboration between nations on shared management of water resources (rivers, lakes and aquifers). It requires an intersectoral and multidisciplinary approach to managing water resources in order to maximize economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems. Integration across sectors is needed. This integration needs to take into account development, supply, use and demand, and to place the emphasis on people, their livelihood and the ecosystems that sustain them. On the demand side, enhancing water productivity in all sectors is paramount to successful programmes of water scarcity alleviation. Furthermore, protecting and restoring the ecosystems that naturally capture, filter, store and release water, such as rivers, wetlands, forests and soils, is crucial to increasing the availability of water of good quality.

The violent attacks on women, men and children in Tana River District only expose the deep-seated suspicion and hatred between the Pokomo and Orma communities. What has been shown progressively is the need for working with communities in the area to push for a peaceful coexistence between the two communities. It is believed that a multi-pronged and long term approach is needed for harmony to be realized. Cognisance is taken of the fact that conflicts are complex and require a holistic approach. The critical part is not to limit the process to a short period of time, merely focusing on the actual violence. The work towards peace cannot be a rushed process.

Tapping from the Roots: Indigenous Knowledge in Conflicts Resolution

In many aspects, indigenous knowledge and values for communities in the ASALs have proved to offer a golden key to unlock the door to peace between warring communities. Peace facilitators in a communal conflict situation need to be responsive and sensitive to the indigenous cultural and knowledge systems and values of the communities they work with, if they are to make any sustainable impact. Communities often not only have their own customary legal orders, but also have access to state or other legal systems. While communities may be able to appeal to different legal orders, not all people have equal access to all options. In general, all legal orders rely, to varying extents, on the same basic procedural modes to handle disputes avoidance, coercion, negotiation, mediation, arbitration, and adjudication. The preferred path to cooperation and conflict aversions in relation to natural resources normally requires the process path of negotiations, mediation, and, arbitration.

The process of negotiation is one of the most common forms of local-level dispute resolution, in part because it usually costs less than other methods, but also because it allows disputants to work out their own resolutions, often leading to more satisfying and enforceable settlements. The disputants seek to move beyond their impasse through discussion and persuasion, culminating in a collaborative decision. Negotiation is relatively inexpensive; allows much flexibility in scheduling and procedures; respects local values and customs; encourages participation by community members; and involves collaborative decision-making by the disputants. Consensus emerges from wide-ranging discussion, often fostering reconciliation among disputants. Local socio-cultural and political institutions can serve as a framework for dispute processing.

Negotiations often involve the use of mediators, individuals who help disputing parties reach a decision. Mediators by definition lack the authority to impose a settlement. Yet, when

effective, they can considerably influence the negotiating process. Their goal is to foster an ongoing exchange of views so that a dialogue of compromise may emerge. The process of arbitration involves submitting a dispute to a mutually agreeable third party, who renders an advisory or binding decision. In practice, the distinction between mediation and arbitration can be quite fuzzy. Rural communities generally use a bargaining model based on collaboration, consensus building, and mutual agreement for both processes. The boundary is also often unclear between arbitration and adjudication, the latter process being based on decision-making by a judge or an administrative officer.

Decision-making in adjudication is vested in judges and administrators, who possess the authority to impose a settlement on disputants. It is sometimes depicted as the antithesis of negotiation. Adjudication is more likely to apply legal norms in a rigid manner, to offer all-or-nothing decisions, to be expensive, and to show little concern about the complexities of local relationships. There are many issues about the accessibility and appropriateness of adjudication for processing disputes in small communities, as will be discussed below.

For communities in the ASALs, there is obvious value to understanding and formally recognizing the role that local institutions and mechanisms play in conflict resolution and raising cooperation in access and use of natural resources. It must however be recognized, that adaptability to changing circumstances and a willingness to incorporate new ideas is a hallmark of indigenous knowledge systems. It is therefore preferred to view indigenous knowledge as a repertoire of ideas and techniques which individuals and communities draw upon when resolving problems, including resource conflicts. A key aspect of this conflict management toolbox is the flexibility that its users have when faced with a particular situation. For this reason, any attempt to codify indigenous responses to conflict may lead to even greater problems, as local people find themselves restricted in the methods for dispute resolution that are available to them.

Local people faced with community conflicts use the same mechanisms available to them for other resource conflicts. These include various forms of negotiation, mediation, arbitration and adjudication. The patterns that individual disputants follow in seeking satisfactory resolution of their disputes depend on a variety of factors, including personal knowledge, past experiences, available resources; their status or rights within (or outside) their community, and so on. A similar range of options exists for communities engaged in conflicts with other communities or with state or private entities.

It must be indicated that by suggesting that a particular form of dispute resolution is most appropriate for a given ASAL community, it may actually affect the balance of power in that community by weakening the position of those who reject that structure. In a community where men traditionally control dispute resolution processes, for example, women may wish to have access to venues which better protect their individual rights. For them, external courts and other non-indigenous mechanisms may actually offer a better chance for an equitable decision. One cannot assume that all forms of conflict resolution based on local or indigenous knowledge are based on achieving consensus, fair and equitable, supported by all community members with equal enthusiasm, or capable of promoting sustainable resource management.