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Foreword

The International Peace Support Training Centre (IPSTC) is a research and training institution focusing on capacity building at the strategic, operational and tactical levels within the framework of the African Peace and Security Architecture and has developed to be the regional center of excellence for the African Standby Force (ASF) in Eastern Africa. It addresses the complexities of contemporary UN/AU integrated Peace Support Operations by describing the actors and multi-dimensional nature of these operations. The research conducted covers a broad spectrum ranging from conflict prevention through management to post-conflict reconstruction. The Center has made considerable contribution in training and research on peace support issues in the Great Lakes region and the Horn of Africa through design of training curriculum, field research and publication of Occasional Papers and Issue Briefs; the Occasional Papers are produced annually, while the Issues Briefs are produced quarterly. The issue briefs are an important contribution to the vision and mission of IPSTC.

This first quarter Issue Brief No. 1 (2013) has two titles on peace and conflict in Eastern Africa; **Inter-Communal Conflicts in Kenya: Real Issues at Stake in the Tana Delta** and **Dynamics of Conflict in the African Great Lakes Region**. The Issue Brief provide insights into pertinent peace and security issues in the region that are useful to policy makers and aims to contribute to the security debate and praxis in the region. The articles in the Issue Brief are also expected to inform the design of the training modules at IPSTC. The articles in the Issue Brief have been developed by IPSTC researchers from Kenya and Burundi.

The research and publication of this Issue Brief has been made possible by the support of the Government of Japan through UNDP. The European Union also supports some researchers from the region whose papers appear in this publication.

Brig. Robert Kabage

Director, IPSTC

Acronyms

ACLED	Armed Conflicts Location and Events Data Set
AFDL	Alliance des Forces Democratique pour la Liberation du Congo
AU	African Union
CEPGL	Communauté Economique des Pays des Grands Lacs
CIPEV	Commission of to Investigate Post Election Violence in Kenya
CME	Coronal Mass Ejections
CNDD-FDD	Conseil National pour la Défense de la Démocratie-Force de Défense de De la Démocratie
CSO	Civil Society Organisations
DFID	Department for International Development
DPC	District Peace Committee
DRC	Democratic Republic of Congo
FNL	Forces for National Liberation
EAC	East African Community
GLR	Great Lakes Region
GoK	Government of Kenya
ICGLR	International Conference of the Great Lakes Region
IDPs	Internally Displaced Persons
IDMC	Internal Displacement Monitoring Center
IGAD	Inter Governmental Authority on Development
IMTC	Inter Ministerial Technical Committee
IRIN	United Nations International News and Analysis Agency
ISES	International Space Environment Service
KADU	Kenya African Democratic Union
KANU	Kenya African National Union
KNBS	Kenya National Bureau of Statistics
KRCS	Kenya Red Cross Society
LAPSSET	Lamu Port-South Sudan-Ethiopia Transport
MoJNCCA	Ministry of Justice National Cohesion and Constitutional Affairs
MONUSCO	United Nations Stabilization Mission in DR of Congo
MRC	Mombasa Republican Council
NCCK	National Council of Churches of Kenya
NCIC	National Cohesion and Integration Commission
NGO	Non Governmental Organisations
REGABU	Rendille, Gabbra and Burji
TARDA	Tana and Athi Rivers Development Authority
TJRC	Truth Justice and Reconciliation Commission
UN	United Nations

Introduction to the Issue Briefs

The topics in this first quarter issue brief address diverse issues of peace and security in Eastern Africa. The first paper examines the root causes of inter-communal conflicts in the Tana Delta and the second looks at the complex security situation in the Great Lakes region.

The first paper, *Intercommunal Conflicts in Kenya: Real Issues at Stake in the Tana Delta*, presents a survey of inter-communal conflicts in Kenya highlighting their historical evolution, patterns and relations with politics especially general elections. The paper examines the root, primary or real causes as well as secondary or triggers of inter-communal conflicts in the Tana Delta. Resource access comes out as the most salient feature of the conflicts, especially land tenure and administration. Some communities in the region have lost land to a number of interested parties without compensation thereby triggering conflict among pastoralists and farmers in the use of scarce water and land in the region. This development, coupled with declining pasture and water owing to climate change, has accelerated conflict in the region. The paper examines measures put forward to address these conflicts, which include short-term security measures to long term land administration strategies. The traditional social capital prevalent among communities in solving communal conflicts is also appraised in relation to modern formal peace building institutions. The paper holds that conflict-sensitive development including securing land rights for the communities is a key pillar of sustainable peace in the region.

In the second paper, *Dynamics of Conflict in the African Great Lakes Region*, the author identifies the key factors that create protracted insecurity in the African Great Lakes region. The GLR has for many years experienced political and socio-economic problems manifested in civil wars, disease, poverty, and lack of institutional governance. The colonial legacy has been deeply embedded in the country's troubled experience of war and poverty, a situation that has continued into the post-independence era. This paper argues that in effect, it is not the question of colonial legacy but rather, lack of proper conflict transformation culture that greatly explains the lack of sustainable peace. The deep-rooted causes of many of these conflicts have been left unresolved, which has led to the recurrence of violent conflicts. According to the United Nations Millennium Development Report of 2005, internal violent conflicts in Africa caused the death of over 9 million, of which about 1 million were as a result of the Rwandan genocide and over 5 million from the on-going conflict in the Democratic Republic of Congo. Therefore it is important to bring together all the actors in the conflict to promote a peace and security agenda that can bring about sustainable peace in the region.

Inter-Communal Conflicts in Kenya: The Real Issues at Stake in the Tana Delta

Joseph Kioi Mbugua

I. Introduction

The objective of the study on which this Issue Brief is based was to establish the root causes of inter-communal conflicts in Kenya with specific reference to the Tana Delta. The paper assesses the capacity of local and national institutions to manage conflict and identify opportunities for more effective conflict management and prevention in the region. This information is meant to serve as a guide to policy makers to enhance harmonious co-existence among different communities. This paper is divided into 4 chapters. Chapter 1 provides the background of inter-communal conflicts in Kenya and presents a conceptual and theoretical framework for analyzing the conflict in the Tana Delta. Chapter 2 examines the socio-economic and political context of inter-communal conflicts in the Tana Delta and highlights the responses of different actors and dynamics of the conflicts while chapter 3 evaluates the options for sustainable inter-communal co-existence in the region. Chapter 4 provides the conclusion and recommendations.

Inter communal conflicts have been a challenge to development in Kenya before and after independence. They threaten peace, stability and sustainable development.¹ Most parts of Kenya have either experienced different forms of inter-communal conflicts or have potential for conflict. Since the emergence of multi-party politics in 1991, the following areas have been affected by inter-communal conflicts: Malella, Maai Mahiu, Naivasha, Bungoma, Trans Nzoia, West Pokot, Nandi, and Mt. Elgon districts, Njoro, Elburgon, Molo and Olenguruone in Nakuru district; Narok (especially Enoosupukia) and Kericho, Laikipia, Uasin Gishu (especially Burnt Forest); Sondu, Trans Mara, Gucha, Kisumu, Mombasa, Nairobi (especially Kibera and Mathare); Turkana, Samburu, Moyale, Mandera, Marsabit, Isiolo, Tana River, Garissa, Wajir and Mandera districts. The conflicts have involved different ethnic groups² such as Samburu, Turkana, Boran, Gabbra, Pokot, Burji, Luo, Kipsigis, Orma, Wardei, Pokomo, Somali, Nandi, Gusii, Luhya, Kikuyu and Maasai.³

Violent conflicts have caused immense loss of human life and property, injury and displacement. It is estimated that the 2007/8 post election violence in Kenya caused the loss

¹ Nyukuri Barasa, *The Impact of Past and Potential Ethnic Conflicts of Kenya's Stability and Development*; p. 4

² An ethnic group here is defined as a distinct group with several features; a name, common ancestry, shared historical memories, common culture, a link with a home land and a sense of solidarity (Adapted from Hutchinson and Smith (1996: 6-7)

³ An appraised list from Nyukuri's list, *Op. cit.*, p. 8

of more than 1,000 lives and displaced more than 600,000 people.⁴This was a culmination of previous election-related inter-communal violence where the perpetrators escaped justice and the victims did not receive compensation.⁵

The KANU and KADU merger of 1964 marked the beginning of centralized governance as a step towards national integration. However, colonial land alienation presented the post-independence administration with the delicate and sensitive issue of land redistribution.⁶ Land has remained a thorny issue in Kenya. The Ndung'u Commission of Inquiry into Irregular Allocation of Land in Kenya (2004) exposes a number of malpractices in land acquisition and administration.⁷ Many of the recommendations that have been put forward by this commission and other land commissions have not been implemented. However the new constitution and the national land policy have captured the concerns of Kenyans across the nation and provided leadership in land management.

Though land has been a major issue in the conflict between the Kalenjin and Kikuyu in the Rift Valley, Pokot and Turkana, Turkana and Samburu, Pokot and Samburu, and Maasai and Kikuyu, the most prominent trigger of conflict appears to be partisan politics. A pattern has been observed whereby ethnic conflicts coincide with general election periods since the first multi-party elections in 1992.

Majority of inter-communal conflicts have occurred in the Rift Valley province. These conflicts were informed by the then ruling party, KANU's interest, in maintaining political power and support of opposition parties by particular ethnic groups.⁵ In 1997 there were ethnic clashes at the coast pitting the local people over up-country migrants. This was a period of Kenya's general election and the violence was meant to prevent communities perceived as supporters of the opposition from voting.⁶

The most preferred policy of managing ethnic diversity in Africa was advocating for national unity in a centralized governance system (mostly presidential). This approach criminalized dissent and saw diversity as a threat rather than a resource. The new political dispensation has brought more plural governance systems, where devolution is preferred. The new constitution of Kenya (2010) has created counties, which gives more voice and resources to regions. However, there are instances where the ethnic distribution in a given county becomes a new ground for ethnic contestation.

⁴ KNCHR, *On the Edge of the Precipice: Post Election Violence in Kenya* (2008), p. 7 and Commission to Investigate Post-Election Violence in Kenya (CIPEV) Report, 2008

⁵ Kimenyi, Mwangi S. and Ndungu Njuguna, *Sporadic Ethnic Violence, Why Has Kenya Not Experienced a Full Blown Civil War?*, (2005), p. 129

⁶ *Ibid.*, p. 135

Inter-communal conflicts have tended to increase in the country towards general elections, (rising from 12.1% in 2008 to 12.4% in 2012).⁷ There has been a significant increase in conflicts in the Coast province and North Eastern provinces. Competition over access to power and resources has been at the core of most of the conflicts in the country.

More than 118,000 people were displaced due to inter-communal and resource based violence in 2012. Moyale led with 50,592 IDPs, followed by Tana River with 30,000, then Samburu (11,000), Isiolo (9,575), and Baringo (4,255). Wajir has had 1,785 IDPs, Nandi 1,000 and Masaba 500.⁸ Apart from displacement resulting from conflicts and violence linked to a combination of ethnic, political and economic factors, other people have been displaced as a result of natural disasters and development projects in the country.

In November 2012, about 40 police officers lost their lives in the North Rift region over a cattle-rustling incident, triggering the deployment of 300 military officers to pursue the attackers. It is alleged that the attack was carried out by cattle rustlers with close links with the Turkana community.⁹

A number of commissions of inquiry such as Kiliku (1992) and Akiwumi (1997) were formed to investigate ethnic clashes. The findings of these commissions were fairly credible and they gave appropriate recommendations but which were not implemented. Some of the public officers and senior cabinet ministers implicated in the clashes continued to serve in government and were not prosecuted. Most of the displaced were never resettled or compensated.¹⁰ This pattern seemed to legitimize violence as a tool of determining electoral outcome.

1.1 Theoretical Approaches to Inter-communal Conflicts

An ethnic group is defined as a community of people who share cultural and linguistic characteristics such as history, tradition, myth and origin.¹¹ Ethnic conflict refers to 'protracted social and political confrontation' between ethnic groups.¹² The search for identity, affiliation and belonging or security from people related to one by virtue of common ancestry, language, culture and geographical abode is positive ethnicity while

⁷ Real Time Analysis of African Political Violence, Conflict Trends, December 2012 (No.9), ACLED, p. 5

⁸ Rajab Ramadhan; Kenya: Over 200,000 displaced in 2012; Internal Displacement Monitoring Center (IDMC); Norwegian Refugee Council, 31 December 2012

⁹ Daily Nation, November 23, 2012

¹⁰ Mbugua JK, Audit of Report of Commissions of Inquiry, TJRC, 2011

¹¹ Irobi Emmy Godwin, Ethnic Conflict Management in Africa: A Comparative Case Study of Nigeria and South Africa, p.1, the definition is also shared by Donald Horowitz, Ted Gurr and Donald Rothchild in 'Ethnic Groups in Conflict', University of California Press, 2000

¹² Rodolfo Stavenhagen, Ethnic Conflicts and their Impact on International Society, 1998, p. 284

hatred, discrimination and exclusion of some people from access to resources on similar grounds is negative ethnicity, which is also called tribalism. Ethnicity in this paper is defined as: *the practice of excluding other groups in socio-economic or political spheres on the basis of their ethnic identity.*¹³ Ethnic identity is not a cause of conflict per se but the pursuit of common groups' interests at the expense of other groups may cause conflict. Therefore ethnicity is an instrument for mobilization of perceived group's political, economic and social interests. Some scholars have argued that Africa's ethnic diversity helps, rather than impedes the emergence of stable development as it necessitates and facilitates inter-group bargaining processes.¹⁴

Ethnic conflicts are often the expression of underlying social, economic and political grievances between classes, population segments, or interest groups within the wider society. Ethnic identity in Kenya is a powerful and resilient form of expression of human solidarity and social integration.¹⁵

There are a number of theories that have been advanced to explain occurrence of ethnic conflicts:

1.1.1 Competition for Scarce Resources

A number of writers attribute competition for resources among ethnic groups as a major cause of conflict in Africa. When groups feel they are deprived in comparison with other groups with no legitimate explanation, conflict can erupt.¹⁶ Groups advance their worth through economic and political competition.¹⁷ Kenya is said to have wide horizontal inequality among ethnic groups.¹⁸ This perceived inequality creates feelings of resentment which are prominently expressed during elections especially presidential elections.¹⁹ Since political parties usually have a dominant ethnic group, competition for political power becomes an ethno-political rivalry. The presidential system concentrated power at the center thereby giving a partisan group absolute power to control resource distribution. Calls for devolution in Kenya were informed by this grievance.

¹³ Adapted from Donald Horowitz., *Structure and Strategy in Ethnic Conflict*, 1998

¹⁴ Elbadawi and Sambanis, *Why are there So Many Civil Wars in Africa, Understanding and Preventing Conflicts*, 2000

¹⁵ Kinyanjui Sarah and Maina Grace, *Ethnic Conflict in Kenya; An Analysis of the Politicization of Ethnicity and the Impact of Free Markets on Ethnic Relations*, in *Ethnicity, Human Rights and Constitutionalism in Africa* (2008), International Commission of Jurists (ICJ) Kenya Chapter, p. 58

¹⁶ Gurr Ted, *Why Men Rebel*, 1970

¹⁷ Horowitz Donald, *Ethnic Groups in Conflict*, 1985

¹⁸ Kenya was placed 128th out of 169 countries with respect to the Income Gini Coefficient in 2010

¹⁹ Neiss Michael, *Walking Kenya Back from the Brink; A Micro Level Study of Horizontal Inequality and Civil Conflict Prevention*; CISSM Working Paper, June 2010, p. 3

1.1.2 Relative Deprivation

This theory was advanced by Ted Robert Gurr in *Why Men Rebel* (1970) borrowing from Aristotle's works. The theory maintains that instead of absolute deprivation, a gap between the expected and achieved welfare creates collective discontent. This theory can apply to both individuals and groups who find their own welfare inferior to other groups that they compare with. As groups become frustrated in their pursuit of livelihoods, they develop feelings of aggression. This explains the emergence of inter-communal violence during periods of shortage in the supply of essential commodities. This theory was applied to gauge perceptions of inequality and marginalization among communities in the Tana Delta.

1.1.3 Fear of Domination and Insecurity

Ethnic groups are said to engage in violence when they feel uncertain about their wellbeing or security following the loss of a power base during a general election. Ethnic entrepreneurs are said to hack on this trauma to reinforce community solidarity thereby escalating mistrust and polarization.²⁰

1.1.4 Bad Governance

Some scholars maintain that ethnic conflicts are caused by failure of national institutions to recognize and accommodate ethnic differences and interests.²¹ Most African states lack national integration and have failed to implement constitutional frameworks that accommodate and mediate the interests and identities of its diverse population. National institutions and norms lack a foundation in the socio-cultural values and historical traditions of its diverse people, and also fail to serve as a suitable framework for achieving a just and democratic society.²²

This calls for constitutional engineering that devolves power closer to the people and gives legislative guarantees for equal distribution of resources. Poor governance leads to human rights abuse and impunity. When groups engage in conflict and perpetrators are not held to account or victims compensated, ethnic conflict is bound to recur. The post-election violence of 2007/8 in Kenya was largely informed by the impunity of perpetrators especially in the Rift Valley from 1991/2 to 1997.²³ Most institutions in the country were

²⁰ Irobi Emmy Godwin, *Ethnic Conflict Management in Africa: A Comparative Case Study of Nigeria and South Africa*, p.1, the definition is also shared by Donald Horowitz, Ted Gurr and Donald Rothchild in 'Ethnic Groups in Conflict', University of California Press, 2000, p. 3

²¹ *Ibid.* p. 3

²² Dersso Solomon A., *Post Colonial Nation Building and Ethnic Diversity in Africa*, 2008, ICJ, p. 15

²³ Evidence of impunity is well recorded in the Kiliku Parliamentary Select Committee Report on Ethnic Clashes in Western and other parts of Kenya (1992) and the Akiwumi Judicial Commission of Inquiry into Tribal Clashes of 1997

weak and subordinated to the executive and precluded checks and balances on executive power. The concentration of power in the executive increased the perception that elections were a zero-sum game, thus increasing the likelihood that the election results would inevitably provide ample ground for violence.²⁴

1.1.5 Primordial School

Some scholars have also maintained that ethnic conflicts are inevitable owing to fixed biological characteristics of individuals and communities.²⁵ This theory has been discredited by other scholars since ethnicity is a dynamic condition that changes to accommodate new demands and interests.

1.1.6 Instrumentalism

As opposed to the primordial school, instrumentalists see ethnicity as a social construct with a purpose of advancing group interests especially economic.²⁶ Due to rampant poverty in Africa, ethnic groups mobilize to improve their lot through political competition.

1.1.7 Human Needs Theory

According to John Burton (1979, 1997), groups will engage in conflict if their needs (basic needs, recognition, participation, identity, security) are denied. This theory is closer to the root causes of most ethnic conflicts in Africa. Beneath ethnic identity and mobilization for political action is perception of threat to felt needs.

1.1.8 Peace Building and Conflict Transformation Theory

According to Lederach (2009), communities that have engaged in conflict can reconcile with each other through deliberate efforts to address the root causes of conflict. Addressing the root causes of conflict from the socio-economic and political dimensions is the only way of ensuring sustainable peace.²⁷ This study was informed primarily by the *human needs theory* in diagnosing the causes of inter-communal conflicts in the Tana Delta. Other relevant theories include competition for resources, fear of domination and insecurity, bad governance and instrumentalism. It employed a holistic approach which is the essence of the peace building and conflict transformation theory.

²⁴ Kinyanjui Sarah and Maina Grace, *Ethnic Conflict in Kenya: An Analysis of the Politicization of Ethnicity and the Impact of Free Markets on Ethnic Relations*, in *Ethnicity, Human Rights and Constitutionalism in Africa*, 2008, ICJ Kenya Chapter, p. 60

²⁵ Viera Bacova, *The Construction of National Identity – On Primordialism and Instrumentalism*, Institute of Social Sciences, Slovak Academy of Sciences, 1998

²⁶ *Ibid.*, p. 31

²⁷ Lederach, J.P, *Conflict Transformation: In Conflict Transformation; Three Lenses in one Frame*, *New Routes. A Journal of Peace Research and Action*, Vol. 14. No. 2 pp. 7-10

2. Conflicts in the Tana Delta

2.1 Background

The Tana River Delta is a vast triangle of land stretching from Garsen in the north to Kipini in the east. The Malindi road forms the southern and western boundaries. The Tana Delta covers about 160,000 hectares of land. It is a diverse ecosystem with savannah grassland, seasonally flooded plains, forest fragments, lakes, mangroves, sand dunes, beaches and rivers. The delta provides drought season grazing land for the Orma and Wardei and for migrants from as far as Somalia. Farming is done along the banks of the river by the Pokomo and Miji Kenda who grow rice, maize, cassava, bananas, melons, beans, mango and vegetables mainly for subsistence.²⁸

The Tana Delta is one of the 3 districts of Tana River County. It has a population of 105,363²⁹ people predominantly from the Pokomo, Orma and Wardei communities. The Pokomo farmers are the predominant community on the lower side of the Tana, followed by the Orma and Wardei and there are the smaller groups of Malakote, Somali, Munyoyaya, Mijikenda, and the Waata.³⁰ Much of the district is dry and prone to drought. Floods are also a common occurrence whenever it rains heavily upstream. It has historically experienced conflicts between settled farmers (Pokomo) and pastoral communities (Orma and Wardei) mainly over grazing/farming land and access to water. Such conflicts are particularly common during the dry season when water and pasture are scarce. The region constitutes about 50% of Kenya's potential land for irrigation.³¹ There are a number of factors that make the region vulnerable to conflict. It has an illiteracy rate of 60%, an unemployment rate of 33%, and about 68% of the people are below 25 years of age. The poverty rate is estimated at 75%.³²

Besides resource access and utilization, recurrent pre-election violence has exacerbated the on-going cycle of poverty. The devolution being implemented under the current constitution has led to border demarcations and establishment of political 'capitals' that might have contributed to increased tension on the ground. An increase in illegal arms in the area is also believed to have significantly fuelled the conflict.³³

²⁸ See www.tanariverdelta.org/tana/about/html, accessed February 8, 2013

²⁹ Ibid, 63-65

³⁰ Kenya National Bureau of Statistics, 2009

³¹ Op. cit, accessed February 8, 2013

³² The Kenya Integrated Household Budget Survey (Kenya National Bureau of Statistics 2009): 44-45

³³ Tana Delta Multi-Agency Preliminary Report, 2012

2.2 Root/Primary Causes of Conflict

Conflicts in the Tana delta have appeared since the first multi-party elections of 1992. There were clashes between the Pokomo and Orma in 1991, 1992 and 1995. The conflict revolved around cattle raiding, land and grazing rights. The Orma and Wardei pastoralists accused the Pokomo farmers of restricting their access to water points and grazing fields. In turn, the Pokomo blamed the pastoralists of grazing on their farms and destroying their crops. The pastoralists were also against the government-supported land adjudication process. Land that had been taken away from the communities during the colonial times became government land. Some of this land has been alienated by political elites from other regions. This hampers community access to alternative grazing areas during the dry season.³⁴

However, the 2012 violence was blamed on politicians who sought to drive away parts of the population who they believed would have voted for their rivals in the general election of March 4, 2013.³⁵ An influx of small arms and light weapons in past years has upped the stakes. Raiders armed with guns, machetes and arrows made several tit-for-tat attacks with devastating effects on the local communities.

Kenya's political elites and their supporters have in the past unleashed violence and intimidated voters with the objective of spreading fear to dissuade opponents from voting.³⁶

The clashes in the Tana River area involving the Orma and Pokomo communities claimed more than a hundred lives in August and September 2012. While the communities have clashed over resources in the past, of interest was the scale and style of this most recent violence. A local politician was charged with incitement but acquitted after a local court found him innocent.³⁷

The same region was in the last few months engulfed in violence with a separatist group, the Mombasa Republican Council (MRC), demanding secession on the grounds of land and other historical injustices, political marginalisation, exploitation and underdevelopment by the rest of the nation.³⁸

³⁴ Land Acquisitions in the Tana Delta, Kenya: Bio-(Fueling) Local Conflicts, 2012, p. 43

³⁵ Malalo Humphrey and Macharia James, Reuters, January 17, 2013

³⁶ Klopp Jacqueline et al, Internal Displacement and Local Peace Building in Kenya, 2010, pp. 4-5

³⁷ Daily Nation, January 17, 2013

³⁸ Ibid, December 16, 2012

Perceived injustices at the coast include the disproportionate allocation of land there to non-indigenous people amidst high poverty levels in a region which earns the country the highest revenue from tourism.³⁹ Communities in the Tana Delta and Malindi lost thousands hectares of land which were seized without their consent. They have been displaced without compensation to pave way for the growing of sugar, rice and for mining. This has added new impetus to the conflicts in Tana Delta.⁴⁰ For a better understanding of conflict in the Tana Delta, this paper analyzes the conflict from various levels as presented below.

2.2.1 Structural Causes of Conflict

Conflict researchers recognize that conflicts occur as a result of an inter play between different factors/variables in a given socio-economic and political situation in a specific time and context.⁴¹ There seems to be a direct correlation between systemic factors, secondary factors and triggers of conflicts. From a structural perspective, there are underlying socio-economic and political pillars that drive the conflict in the Tana Delta. These drivers are rarely appreciated in past analyses and responses of the actors to the inter-communal conflicts in the area.

2.2.2 Land Acquisition

Large-scale commercial farming that began in the 1970s and recently accelerated has created greater pressure on the remaining land, further reducing access to water and grazing areas. The impact of these investments on the eco-system, land use patterns and local means of livelihoods has not been studied. From 1978, the Bura Irrigation Scheme took about 25,000 ha and later TARDA took 80,000 ha of land in the Delta. Many other local and external companies followed in the acquisition of land to produce food or bio-fuels. Large scale investments in the Tana Delta wetlands may have escalated the conflict between the Orma and Wardei pastoralists and the Pokomo farmers besides exerting pressure on the environment. Such land acquisitions have not only alienated the local people from their ancestral land but also posed threats to environmental quality. The net benefit of large-scale land leasing in Africa has been questioned bearing in mind that the host countries are food insecure. The projects are also said to be having negative effects on the environment and the local peoples' sources of livelihoods.⁴²

³⁹ Goldsmith Paul, Tana Delta Clashes Do Not fit the Farmer-Herder Competition for Resources Narrative. The East African, November 2012

⁴⁰ Ibid, p. 11

⁴¹ Paraphrasing Pickmeier Uli, Land Acquisitions in the Tana Delta, Kenya: Bio-(Fueling) Local Conflicts, 2012, p. 38

⁴² Ibid, p. 11

Land acquisition is hardly a transparent process. The public has no access to the agreements entered into between the government and investors and the local people are rarely consulted.⁴³ Most of the Pokomo people are not against large scale investments but they complain about not being consulted by the government and the investors. They perceive these investments as sources of employment and economic development. Most of the Orma people are against the large-scale land acquisition because of the potential loss of grazing land and water especially when followed by inadequate or no compensation.⁴⁴

2.2.2.1 *Acquisition of Farm Land by Emirate of Qatar*

In 2008 it was reported that the Government of Kenya entered into an agreement with the Emirate of Qatar to convert 40,000 hectares of land in the region for horticultural produce. This was in exchange for funding the construction of the proposed Lamu port.⁴⁵ The fate of the project is however not clear with the entry of China into the massive LAPPSET project that brings together Kenya, South Sudan and Ethiopia.⁴⁶

2.2.2.2 *Mumias, Mat International and TARDA Sugar Projects*

The Tana and Athi Rivers Development Authority and Mat International entered into an agreement in 2006 to put up the Tana Delta Sugar Company. Subsequently, Mumias Sugar Company entered into a deal to establish a massive sugar plantation (covering about 40,000 hectares) in the Delta. Mat International has also acquired about 90,000 hectares adjacent to Mumias' in the delta.⁴⁷

2.2.2.3 *Bedford Biofuels (Canada)*

Bedford Biofuels of Canada has been negotiating to acquire 65,000 hectares to produce *Jatropha* for biofuel production. The local people are opposed to the project because the land is owned by local group ranches and that *Jatropha* has not proved to be an environmentally safe means of producing fuels.⁴⁸

2.2.2.4 *G4 Industries (UK)*

This company is reportedly set to acquire land in the Tana Delta (50 000 ha) for growing *Jatropha curcas* to produce bio-fuels and oil seeds.⁴⁹

⁴³ Ibid, p. 8

⁴⁴ Ibid, p. 93

⁴⁵ See <http://www.nation.co.ke/News/-/1056/504642/-/u0n6yu/-/index.html>

⁴⁶ See <http://www.nation.co.ke/News/-/1056/504642/-/u0n6yu/-/index.html>

⁴⁷ Environment and social impact assessment, Kenya Project Feasibility, 2009, accessed February 7, 2013

⁴⁸ www.tanariverdelta.org, accessed February 7, 2013

⁴⁹ Abdirizak Nunow A, *The Dynamics of Land Deals in the Tana Delta*, Kenya, 2011

2.2.2.5 Titanium Extraction by Tiomin Kenya Limited

The Tana Delta is said to have large deposits of titanium. The company is in discussion with the national and local authorities to establish procedures of exploiting the mineral. The local people fear that there will be no compensation or benefits accruing to them.⁵⁰

2.2.2.6 Unplanned Land Development

Though the new constitution has provided some direction on land management in the country, a number of provisions are yet to be implemented. The fragile wetland in the Tana Delta cannot sustain haphazard development; the impact of various large scale investments on the environment needs to be ascertained together with the likely impact on the local communities. The government in cooperation with DFID and other partners has been developing a comprehensive land use master plan for the region but it is yet to be enforced.⁵¹

2.2.2.7 Oil Exploration

The Tana Delta is one of the blocks leased to foreign firms for oil exploration. This vital national resource should not have negative effects on the local people.

2.2.2.8 Environmental Degradation

The wildlife rich Tana Delta was declared as Kenya's sixth Ramsar site in 2012.⁵² The region has a rich diversity of sea species such as fish and turtle and rare species of elephant and monkey. It is home to rare bird species (over 350 species) and it is one of the most important estuarine and deltaic ecosystems in Eastern Africa.⁵³ These development projects have occasioned loss of access to land, fisheries, water resources and forest products such as honey for small scale farmers and pastoralists.⁵⁴ The new agricultural investments are poised to endanger the rich biological diversity and ecosystem. Inter-communal conflicts are bound to continue as the new land owners are likely to prevent the local people from accessing the land.

⁵⁰ Op. cit, accessed February 8, 2013

⁵¹ GoK, Draft Communiqué of the Inter Ministerial Committee on Sustainable Development of Deltas in Kenya, 15th September 2011, p. 1

⁵² www.tanariverdelta.org/tana/about/html, accessed February 8, 2013

⁵³ Eyong Ako Charlotte, Ramsar Spokesperson, New Ramsar Site for Kenya, Arochakenya, 12th October, 2012

⁵⁴ Makutsa Pauline, Implications for Small-Holder Farmers, Eastern Africa Farmers Federation, 2009, p. 6

2.2.3 Insecurity of Land Tenure

It is important to note that 80% of Kenya's land is classified under arid and semi-arid lands (ASALs). Land is considered a symbolic, cultural and historical asset among communities. It has been stated that land is one of the major causes of ethnic conflicts in Kenya.⁵⁵ Nearly all the land in the Tana Delta is trust land, which means that majority of the people do not have title deeds to bestow legal security of ownership or tenure and are therefore squatters. This means that the land is vulnerable to acquisition by influential people in government. The insecurity of tenure exposes the local people to exploitation, marginalization and poverty, which constitute major root causes of the conflict in the Tana Delta.⁵⁶ The revival of the Hola and Bura Irrigation Schemes managed by TARDA is also poised to reduce grazing land. The establishment of the Baomo Primate Reserve has also had similar effects.⁵⁷

Kenya's national development blue print, Vision 2030, identifies agriculture as a driver of economic development. It defines the role of foreign direct investment in driving the national agenda and cautions on conflict-sensitive development initiatives.⁵⁸ Therefore, it appears that the mega-projects and land grabbing in the Tana Delta are in contravention of the provisions of Vision 2030. However, given the commitment of the government to grant land in the delta to investors; short term national economic interests seem to override the interests of local communities.⁵⁹

There are also conflicts among the pastoralists especially between the Orma and Wardei, over access to communal rangeland, and Somali's Abdalla clan, whose cattle raids during the 1980s made the Orma to acquire fire arms.⁶⁰ Recent Orma-Pokomo conflict stems from the expansion of riverine farms that block the herders' access to the river.⁶¹

Senior politicians in the government have also been accused of acquiring huge tracts of land in the area. In 2001 there was a government initiative to demarcate land and issue title deeds. The Pokomo were in favour of the decision since they are sedentary but the idea was vehemently opposed by the nomadic pastoralists since it would limit their movements. This partly led to eruption of violence in 2002. However, since 2002 was an election year

⁵⁵ Huggins Chris, A Historical Perspective on the Global Land Rush, 2011, p. 50

⁵⁶ Mghanga Mwandawiro, "Usipoziba Ufa Utajenga Ukuta", Land, Elections and Conflicts in Kenya's Coast Province, 2010, p. 49

⁵⁷ Ibid, p. 50

⁵⁸ Makutsa Pauline, Implications for Small-Holder Farmers, Eastern Africa Farmers Federation, 2009, p. 6

⁵⁹ Opp.cit. Huggins, p. 55

⁶⁰ Pickmeier Uli, Land Acquisitions in the Tana Delta, Kenya: Bio-(Fueling) Local Conflicts, 2012, p. 46

⁶¹ Earlier in 2002, an individual is said to have triggered the conflict cycle when he demarcated an agricultural plot for registration. He was attacked and killed and the ensuing violence claimed 200 lives between 2002 and 2004.

in the country, both communities felt that this was a government move to ignite clashes among them.⁶²

2.2.4 Climate Change

Climate change as a potential conflict promoting factor has been recognized by researchers especially its impact on water and pasture.⁶³ The rainfall pattern in the Tana Delta has changed over the last two decades causing a decline in water and pasture. The water in the Tana River recedes severely during the dry season. It has been projected that annual average temperature in Kenya increased by 3-5 Degrees Celsius by the end of the millennium.⁶⁴ This brought about loss of moisture, increased evaporation and transpiration rates. Climate change worsens the aridity of the region thereby making water and pasture scarce commodities. This variability coupled with poor implementation of appropriate natural resource management policies undermines livelihoods security of the local people especially the pastoralists. It has been observed that there is a correlation between the onset of the dry season and increased incidences of ethnic conflicts over competition for water and pasture.⁶⁵

2.3 Secondary Causes of the Conflict

There are other activities of the local communities and politicians that have accelerated the conflict. These are the secondary causes discussed below.

2.3.1 Marginalization

The drive towards national unity after independence in Kenya created a strong central government. Due to perceived injustices perpetrated by the government, many voices emerged in the early 1990s demanding for devolution and reduction of the powers of the central government. One of the outcomes of power concentration at the center was perceived marginalization of the periphery. A number of national economic household surveys undertaken in the country have confirmed the existence of severe poverty in peripheral regions such as the Coast and North-eastern Kenya.⁶⁶ Hitherto, the centralized

⁶² Abdirizak Nunow A, The Dynamics of Land Deals in the Tana Delta, Kenya, 2011

⁶³ Pickmeier Uli, Land Acquisitions in the Tana Delta, Kenya: Bio-(Fueling) Local Conflicts, 2012, p. 46

⁶⁴ Roger Few et al, Linking Climate Change Adaptation and Disaster Risk Management for Sustainable Poverty Reduction, 2006, p. 14

⁶⁵ Savatia Victor, Impacts of Climate Change on Water and Pasture Resulting in Cross-Border Conflicts within the Turkana and Pokot Pastoralists of North Western Kenya, p. 2

⁶⁶ Kenya Demographic Survey 2009, Kenya National Bureau of Statistics (KNBS)

governance system has accelerated unequal regional development thereby causing grievances among ethnic groups. According to Oucho,

“Kenya’s rapid population growth and multi-ethnic character has tended to neglect the needs of marginalized groups, in particular women and youth and inhabitants of arid and semi-arid lands.”⁶⁷

The case of the Tana Delta is an example of transfer of conflicts from the center to the periphery. The County has become the new center of power where communities will elect a Governor, Senator, Members of Parliament and Women representatives among other electoral and administrative positions. This means that in the absence of inter-communal dialogue and cooperation, ethnic arithmetic at the County level becomes a sticky issue, more so, when and where violence is used to disenfranchise communities as happened in the 1990s with the introduction of multi-party politics in Kenya.⁶⁸

The logic of violence is to drive communities away from the County so that they cannot vote freely. This enables the perpetrators to win the local elections since their opponents are outside the County. It is important to note that the present conflict is informed by past conflicts that took place in the 1990s and whose wounds have never healed. Control of the political levers is perceived to be a source of power for the control of local resources. Given the threat on livelihoods security in the region, the need to control local power dynamics becomes a significant driver of conflict. According to the results of the March 4, 2013 general election, the Orma took all the elective posts in the Tana delta.⁶⁹ The elected leaders immediately extended an olive branch to the Pokomo losers, a pointer to the potential of such an outcome in causing conflicts.

2.3.2 Youth Unemployment

Unemployment in the Tana Delta is reported to be at 33%. Given the high illiteracy and poverty level in the region and the threat to livelihoods security, the youth are rendered vulnerable to manipulation by powerful elites in the region and beyond. The youth from different ethnic groups are members of armed militias that perpetuate violence in the region. The demand for weapons exacerbates the proliferation of small arms in the region.

⁶⁷ Oucho John, Undercurrents of Post Election Violence in Kenya: Issues in the Long Term Agenda, p. 30

⁶⁸ Ibid, p. 36

⁶⁹ Daily Nation, March 7, 2013

2.3.3 Damming of River Tana

The Kenya government has built a number of dams along the Tana river for production of electricity which is often in short supply in the country. This made the river change its course downstream moving towards Kipini which is about 26 Km further north with negative effects on the affected people. In 1988, the Pokomo dammed the Kalota Brook (the main channel), for irrigation purposes. This reduced water flow downstream thus diminishing dry season grazing areas for the Orma.⁷⁰ It is important to note that conflicts erupted in 2002/4 coinciding with the period of water shortage and prolonged drought. The government's short term measure of providing relief food lacked a long-term strategy to mitigate the negative effects of development on the local community's livelihoods.

2.3.4 Weak Early Warning and Response Mechanisms

The security agents have been accused of lack of commitment in quick response and provision of early warning information. They are also accused of using the wrong strategies to address the conflict:

"..The guns are not the problem and seizing them will not end these conflicts. The key issues must be addressed. They can take the guns but these people will be left with machetes. These killings are planned and executed by people who are known but they have not been arrested. They are never intercepted when information is given to authorities that they are planning to attack, hence all these killings".⁷¹

It was alleged that the police and local administration in Tana River failed to respond to reports from residents over the past six months that violence was imminent.⁷² The civil society urged the Kenyan authorities to investigate and prosecute those responsible for violence in the Coast Region.⁷³

2.3.5 Impunity

Given that most perpetrators of inter-communal conflicts were never prosecuted, it makes it easier for politicians to incite and organize inter-communal violence. Violence seems to have been legitimized as a factor in Kenya's politics. Most of the perpetrators of the current conflict in the Tana Delta have also not faced justice as the suspects are released for lack of sufficient evidence.

⁷⁰ Stanley Storm, *Cats, Sands and Stars: Community Conservation in the Tana Delta*, p. 2

⁷¹ Dado Hussein, a retired diplomat and gubernatorial candidate who lives in Tana River District, Quoted in IRIN report, 14th September, 2012

⁷² Mombasa, 14 September 2012 (IRIN)

⁷³ Human Rights Watch, 13th, September, 2012

2.4 Triggers of Conflict

2.4.1 Run-up to the General Elections 2013: Control of the County

The new constitution of Kenya has given more powers to the regions through devolution. This means that ethnic groups that have had conflicts within a county before fear domination by their rivals. The Orma and Wardei would fear political domination by the Pokomo in the Tana River County. The Pokomo would also fear marginalization by the Orma and Wardei. Therefore the race for governor and senator of the county becomes a source of conflict. Politicians may incite violence to drive away potential voters from the region. This political calculation could have been the trigger of the latest violence between the communities in the region. Local politicians have featured as behind-the-scenes inciters in both the 2002/4 conflict and the current eruptions of bloodshed.⁷⁴ The perennial rivalry between the Orma and Wardei is a case in point.

2.4.2 Organized Ethnic Militias and Proliferation of SALW

Criminal or ethnically-based gangs were mobilized to achieve desired political objectives. They have perennially caused violence prior to elections. Politicians use violence as a bargaining tool and the affiliated interest groups view losing power and political space as a loss of communal benefits. Klopp argues that:

*“Kenya’s ‘ethnic clashes’ clearly demonstrate that playing the ethnic card can be an effective short-term strategy for ‘winning’ multi-party elections”.*⁷⁵

2.4.3 Dry Season Grazing

During the dry season, the Tana River is the main source of water for pastoralists' livestock. Due to the large number of livestock dependent on the river during the dry season, some occasionally stray into the Pokomo farms and destroy crops. This is often an immediate trigger of conflict in the area.⁷⁶ During the dry season, pastoralists from as far as Ethiopia and Somalia descend on the delta with thousands of cattle thus increasing the pressure on resources. Some of the immigrants do not return to their original abodes even when the dry season ends.⁷⁷

⁷⁴ Goldsmith Paul, Tana Delta Clashes do not fit the Farmer-Herder Competition for Resource Narrative, *The East African*, September 15, 2012

⁷⁵ Klopp Jacqueline et al, Internal Displacement and Local Peace building in Kenya, 2010, pp. 4-5

⁷⁶ Abdirizak Nunow A, The Dynamics of Land Deals in the Tana Delta, Kenya, 2011

⁷⁷ Pickmeier Uli, Land Acquisitions in the Tana Delta, Kenya: Bio-(Fueling) Local Conflicts, 2012, pp. 46, 83, 84

2.5 Impact of Inter-communal Conflicts in the Tana Delta

The latest inter-communal conflict between the Orma and Pokomo began late in 2012. The conflict left more than 150 people dead, several hundred injured and thousands displaced.⁷⁸ The conflict resulted in the death of many innocent civilians and police officers, wanton destruction of properties and displacement of hundreds of innocent civilians.

At least 477 Kenyans have been killed and several others displaced since January 2012 when inter-communal clashes began in Tana Delta.⁷⁹ The Kenya Red Cross Society (KRCS), MSF and Action Aid have been providing assistance in the form of protection, food and non-food items, health and support to the displaced population in general. The conflict has brought about disruption of family life, psycho-social effects, disruption of public services such as health and education, identity and cultural crisis, and increased vulnerability among people with disabilities, the elderly, women and children. There has been an increase in ethnic and political polarization and rising fear of further ethnic violence. The conflict has led to increased food insecurity, disruption of commercial and transport sectors, destruction of property and the environment. Thousands of people were left homeless, landless, destitute, abused, injured and traumatized.⁸⁰

2.6 Responses to the Conflict

2.6.1 Government Response

The government responded to the insecurity situation in the Tana Delta region by beefing up security. After police officers were killed, the government sent 2,000 General Service Unit (GSU) officers to the area. Most of the officers deployed however, were unfamiliar with the physical and human terrain, and their ability to respond was limited by lack of adequate transport.⁸¹ The security agents embarked on mopping up illicit fire arms but with limited success since the people hid their weapons deep in the forests. As a result, attacks continue in spite of police presence in the area. The government also set up a commission of inquiry to investigate ethnic clashes in the Tana delta.

Kenya's experience with commissions of inquiry has been a tale of postponing serious issues of the day. Apart from the Kriegler and Waki commissions of inquiry into the 2008 post election violence reports, most of past commission reports have not been acted upon. It is hoped that this trend will change with devolution in the new constitutional dispensation.

⁷⁸ Ibid, p. 94

⁷⁹ Report of the UN Office for Coordination of Humanitarian Affairs (OCHA), Kenya, 2012

⁸⁰ Ibid, p. 10

⁸¹ Human Rights Watch, 13th, September, 2012

The Tana River Delta is recognized in Vision 2030 as a key area for economic development through agricultural expansion.⁸² The government established a Deltas Board at the national level supported by an Inter-Ministerial Technical Committee (IMTC) to oversee development of the Tana delta region. The Global Delta Alliance is also helping the country with knowledge about current trends in delta management. The Tana Delta is poised to be the first beneficiary of the Alliance's assistance.⁸³

Earlier on in 2002, the government had deployed a massive security operation which is said to have reduced the conflict. The local people were also in favour of the idea at that time.⁸⁴

2.6.2 Civil Society Response

The civil society has been active in addressing environmental risks in the Tana Delta through a number of initiatives. The Tana Delta Conservation lobby took the sugar cane plantation issue to the High Court in 2008 but the High Court ruled in favour of the developers in 2009. The Tana and Athi Rivers Development Authority (TARDA) was allocated 40,000 ha by the government. This move is reported to have displaced many local people.⁸⁵ Attempts by the local people to seek redress from the national authorities were not fruitful. Conservation NGOs, farmers' organisations and communities have rallied against land grabbing in the delta by seeking court intervention, conducting scientific research and campaigning against land deals through the local and international media.⁸⁶

2.6.3 Traditional Conflict Resolution Mechanisms

In the past, the Pokomo, Orma and Wardei resolved their conflicts through various traditional methods. The *Gasa and Matadeda Councils of Elders* for the Pokomo and Orma and Wardei respectively regulated access to natural resources by resolving disputes whenever they occurred to preempt violence. The entry of migrant pastoralists from outside the country changed the equation as these did not respect these traditional arrangements. This jeopardized the success of local dispute resolution mechanisms. The Elders Council mechanism has also been overtaken by external political forces which have the power to influence or determine the course of conflict in the area.⁸⁷

⁸² GoK; Draft Communiqué of the Inter Ministerial Committee on Sustainable Development of Deltas in Kenya, 15th September 2011, p. 2

⁸³ GoK; Draft Communiqué of the Inter Ministerial Committee on Sustainable Development of Deltas in Kenya, 15th September 2011

⁸⁴ Pickmeier Uli, Land Acquisitions in the Tana Delta, Kenya: Bio-(Fueling) Local Conflicts, 2012, p. 46, 81

⁸⁵ www.tanariverdelta.org/tana/gi/projects

⁸⁶ Makutsa Pauline, Implications for Small-Holder Farmers, Eastern Africa Farmers Federation, p. 6

⁸⁷ Pickmeier Uli, Land Acquisitions in the Tana Delta, Kenya: Bio-(Fueling) Local Conflicts, 2012, pp. 46; 98

Politicians also seek dialogue among themselves and with local elders.⁸⁸ There are peace committees in place to facilitate government and community representatives to restore peace. The traditional elders and peace committees were quite successful in managing conflicts before 2002.⁸⁹ Today, the conflict has become more complex with the use of guns instead of spears and machetes and women and children are killed contrary to traditional values and practices.

The Witu Convention of 2009 was a traditional agreement between the Orma, Pokomo and Wardei in the three districts of Tana Delta, Ijara and Lamu. The agreement was witnessed by the government where communities agreed to; share common resources; restrict movement of animals into the residential areas of the communities; limit the numbers of herds during drought; and require that all foreign pastoralists must report to the local provincial administration. The Pokomo and the Orma also agreed on access to the river and safety of crops near watering points. This agreement helped to prevent conflict in the following years.⁹⁰

2.7 Dynamics of the Tana Delta Conflict

As the research findings indicate, ethnic diversity is not necessarily a source of conflict. Multi-ethnic nations such as Tanzania have not experienced significant ethnic conflicts while Somalia, which has only one ethnic group, has been torn by clan-based conflicts. The promotion of harmonious ethnic relations in Tanzania under President Julius Nyerere, demonstrates that negative ethnic relations are not fixed elements but social constructions that can be de-constructed using appropriate constitutional and policy interventions. Due to the protracted nature of the conflict and different lifestyles, feelings of superiority and inferiority have emerged.⁹¹

The increase in conflicts in the delta in the last decade has been occasioned by increasing demands for competing land uses, natural resource conservation, and community interests. Deterioration of land carrying capacity due to climate change among other factors is also a driver of conflict. The different stakeholders rarely come to an agreement or a common vision for sustainable development in the region. The fact that there have been canal breaching in the areas held by TARDA and attacks on the police during the recent conflict in 2012, indicates that the government is a target of the feuding communities.

⁸⁸ Former Tana North MP Omar Soba, Speaking to reporters, January 28, 2012

⁸⁹ Pickmeier Uli, Land Acquisitions in the Tana Delta, Kenya: Bio-(Fueling) Local Conflicts, 2012, pp. 46; 83

⁹⁰ Ibid, p. 89

⁹¹ Ibid, p. 87

Part of the solution to inter-communal conflicts in the Tana Delta is good or accountable leadership based on observance of human rights and principles of constitutionalism, power sharing, affirmative action, and redress of historical injustices through measures aimed at redressing marginalization, oppression and bitterness, in the search for national reconciliation.

The new constitution, however, addresses many of these inadequacies by reinforcing institutions, specifically a stronger and transparent judiciary and a powerful and independent legislature. The prospects of peace and security, and the enjoyment of fundamental human rights and freedoms in many parts of the country depend on satisfactory solution of inter-communal conflicts.

Now that national governance is being improved and appropriate legislations, policies and institutions put in place; new ethos for promoting positive inter-communal relations can be nurtured. Whilst there has been fundamental promise in the new constitution for improved judicial functions, recurrent conflicts indicate that old habits die hard and that sustained reform initiatives are required.

It is imperative that institutional and policy mechanisms must be put in place to ensure that the rights of minorities in every county are protected. These measures must go in tandem with addressing land management and mitigating the effects of climate change. Implementation of the National Land Policy (2009) and the establishment of the National Land Commission are expected to address some of the major land concerns in the area. The constitution provides protection of indigenous lands and peoples and also gives room for restitution. Foreign ownership of land is limited to 99 years lease.⁹² These are however, long-term interventions but conflict also requires immediate solutions. It is anticipated that the commission appointed to investigate the clashes in the Tana Delta will come up with appropriate recommendations which will be implemented in the short run.

3. Towards Harmonious Inter-communal Relations

This paper has established the main causes of conflict in the Tana delta. There are a number of measures that can be taken to prevent, let alone manage, the conflicts. The government should ensure that the wellbeing of local communities and natural resources is protected especially when foreign investments for agriculture are sought. Alternative models of agricultural investments which do not involve the transfer of land rights from communities to investors, such as contract farming and joint ventures between foreign investors and local communities should be promoted.

⁹² Constitution of Kenya, Chapter 4

The civil society, media and the affected communities should play a watch-dog role against land grabbing by naming and shaming the perpetrators. The Land Commission should stop irregular land allocations that leave the local communities vulnerable to food insecurity. The Land Commission should secure the land rights of all communities especially where land is held communally by groups or in trust by government through institutions such as county and municipal councils.

The proposed Strategic Environmental Master Plan for the Tana Delta which highlights the high-potential economic activities that do not endanger the ecosystem should be completed and implemented. Investment policies should ensure that investments are in harmony with environment strategic plans.

To improve on transparency, agricultural investment contracts should be open and inclusive of the local stakeholders. A contract must specify the value of the project to the community including the specific number of jobs or social amenities to be created or provided. Strict enforcement of contracts should be observed. Community advocates should have copies of these lease agreements which should be well understood and accepted before they are signed. There is need to ensure that the local communities do not end up being more marginalized and/or impoverished.

The truth, justice and reconciliation process is necessary for long-term peace in the region. This cannot be achieved in the short run when memories of the pain inflicted on communities, is still fresh. The short run actions include peace keeping, whereby the government increases security personnel on the ground to create confidence among the residents to rebuild their homes. The lull before the storm (absence of open violence) should not be mistaken for peace. Various national organs that are charged with forging cordial inter-communal relations such as the National Steering Committee for Peace Building and Conflict Management (Office of the President), Ministry of Lands, Ministry of Environment and Natural Resources, Ministry of Justice, National Cohesion and Constitutional Affairs (MoJNCCA), National Cohesion and Integration Commission (NCIC) should forge an inter institutional committee to spearhead conflict management and reconciliation among the people of the Tana Delta.

The findings of the TJRC and the recommendations advanced for the Tana Delta touching on aspects of transitional justice should be implemented to prevent ethnic conflict in future.

There are civil society organizations and faith based organizations that have been working for peace in this region. The National Council of Churches of Kenya (NCCK) has vast

experience in peace building in the Tana Delta. These organizations can collaborate with government organs to create the necessary synergy for sustainable peace. Recognition of the local social capital for peace building is vital for local ownership of the peace building process. These communities co-existed for a long time during which there were periods of peace and conflict. The traditional reconciliation mechanism can be given new impetus through formal recognition of traditional structures and the role of women in community reconciliation.

The fears of domination at the County level brought about by the new constitutional dispensation can be addressed through negotiation. A similar conflict in Moyale (2012) pitting the Boran against the REGABU (Rendille, Gabbra and Burji) was addressed through dialogue between government, local leaders and the District Peace Committee (DPC).

4. Conclusions and Recommendations

This Issue Brief has analyzed the root causes of the Tana Delta inter-community conflict. The research has presented salient issues that require action and calls for implementation of a comprehensive approach to development in the delta. The study has unmasked the socio-economic and political pillars behind the superficial image of ethnic conflict. Inequitable access to local resources lies at the root of most of the inter-communal conflicts. The government should take care of the interests of pastoralists as well as the farmers. Agricultural investments in the region must consider the prevailing livelihoods in the region and accommodate them in planning. Marginalization of local communities should presumably end with the implementation of the new constitution (2010). The land rights of the local communities must be well addressed by the National Land Commission.

The District Peace Committee must be strengthened as a permanent conflict resolution mechanism where inter-communal disputes can be addressed. Lack of early warning and quick response mechanisms provides space for violence to escalate. The elders, women and people with disabilities must be given space in local peace building initiatives. More often than not, there is no sustainable peace when critical groups in the community are not actively involved in the search for peace. The national peace building institutions must have long-term projects for peace building in the region. This is necessary to build capacity of the local peace-building actors and to create a momentum for peace.

Ultimately, inter-communal conflicts in the Tana Delta are a microcosm of the failure of governance in the country. The implementation of devolution as proposed in the new constitution should empower local communities through provision of more resources for funding of local development priorities. However, it is important to prevent some groups

from marginalizing others at the local county level. The various national peace building institutions can help the local peace actors to develop appropriate political and economic power sharing methods to enhance inter-communal justice that is necessary for sustainable peace.

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Dynamics of Conflicts in the African Great Lakes Region

Lt Col. Donatien Nduwimana

I. Introduction

Driven by political instability, civil war, genocide, ethnic and pastoral hostilities, states in the African Great Lakes Region, primarily Uganda, Rwanda, the Democratic Republic of Congo (DRC), and Burundi, have been overwhelmingly defined by conflict. This paper presents the history and politics of conflict, highlights the complex internal and external sources of both the persistent tension and creative peace building measures that have been taken within the region.

1.1 Geographical Location

The Great Lakes region can be and is defined in various ways. On the one hand, it is (and was) used to refer to former Belgian colonies: Rwanda, Burundi and the DRC. On the other hand, the United Nations /African Union/ International Conference on the Great lakes Region extended this definition over eleven countries: Angola, Burundi, Central African Republic, Republic of Congo (Congo Brazaville), DRC, Kenya, Rwanda, Sudan, Tanzania, Uganda and Zambia¹. Herein we will only look at four countries namely, Burundi, DRC, Rwanda and Uganda because of the conflict dynamics existing between them. Tanzania has been indirectly victim in hosting refugees from almost all of the great lakes countries.

The actual African Great Lakes region includes the countries to the east and north of the Democratic Republic of Congo that have been involved in a complex set of violent conflicts that started with the Rwandan genocide in 1994 and have resulted in well over five million casualties. Low levels of economic development and extremely poor infrastructures, highly polarized ethnic conflicts, weak and illegitimate states, and the not always helpful role of external powers have appeared to abet to the continuation of conflict².

1.2 Historical and Political Background

The Great Lakes region of Africa has progressed over the past few years but the root causes of conflict are yet to be addressed and the region remains highly militarized. The major challenge to the return of peace in the region remains the instability in the Eastern part of the Democratic Republic of the Congo, which continues to be fuelled by militias, warlords and external forces.

¹ Anastase Shyaka : Understanding the Conflicts in the Great Lakes Region: An Overview, 2012

² <http://scholarcommons.usf.edu/jacaps/10.30>

On a more positive note however, elections were held in Rwanda in 2004, bringing to an end a ten-year post-genocide transition period. In Burundi, the former rebel force, the CNDD-FDD, was elected to power with an overwhelming majority in September 2005 and also in 2010. However, the peace process remains extremely fragile. The leader of one of the rebel groups, the Front National de Liberation (FNL), suspected mass fraud in the recent presidential elections and ran away from the country with a significant number of former combatants. This situation brought insecurity within the country and eastern parts of the DRC.

The eastern DRC has been in a state of chaos for a long time. The first rebellion which overthrew the late President Mobutu Sese Seko began in the city of Goma in the mid-1990s. The second rebellion of 1996 also began in the eastern Congo. The root causes of the current crisis are the presence of over a dozen militia and extremist groups, both Congolese and foreign, and the failure to fully implement the peace agreements signed by the various parties. Over the past 19 years, the former Rwandese armed forces and the *Interahamwe* (meaning those who kill together) militia have been given a safe haven in eastern Congo and have carried out many attacks inside Rwanda and against Congolese civilians. The Tutsi Banyamulenge and a Ugandan rebel group, the Lord's Resistance Army (LRA), are also hiding here where the Ugandan army occasionally employs hot pursuit of the rebels.

The wars in the DRC and its neighbors have led to a dramatic increase in poverty in the region, which heightens the humanitarian crisis. Both the DRC and Burundi are included in the British Government's proxy list of fragile states, and the former ranks second in the failed states index compiled by the US Foreign Policy magazine and the US-based Fund for Peace think-tank. In Burundi, the percentage of the population living below the poverty line has gone from 35% in 1992 which is the year before the war started, to 70% in 2005. In the DRC, the Poverty Reduction Strategy Paper (PRSP) estimates that 80% of the population lives on under a dollar per day. Poverty remains high in Rwanda with 60% of the population still living below the poverty line despite considerable efforts made by the government since 1994, to rebuild the country and its basic institutions³.

1.3 Citizenship and Land Rights in Eastern DRC

During the colonial period, the Belgian imperial government moved thousands of Banyarwanda (Rwandese) peasants to the eastern DRC districts of Masisi, Rutshuru and Walikale in North Kivu between 1937 and 1955, and recruited thousands more for work in mining, transport and agricultural enterprises in Shaba, Maniema and South Kivu provinces.

³ Georges Mavrotas : Security and Development, 2001

A new influx of Banyarwanda, mostly Tutsi political refugees fleeing their homeland as a result of the Rwandan Revolution, arrived between 1959 and 1961.⁴

In January 1972, Congolese citizenship was granted to all natives of Rwanda and Burundi who had settled in Congo before 1950. However, in June 1981, a decree invalidating the 1972 law by defining Congolese or Zairian nationality or citizenship on the basis of membership of an ethnic group known to exist within the territorial borders of Zaire as defined in August 1885, was passed. By this decree, only those Rwandese who had actually solicited and obtained naturalization in the DRC (then Zaire) were declared citizens. All those who were citizens by virtue of being descendants of the pre-1885 settlements, of the 1910 boundary change, and of the pre-1950 migratory movements, were automatically deprived of their Congolese/Zairian citizenship.

Stripped of their citizenship, the Rwandese peasant migrants were also denied land rights, as the land they occupied and used began to be claimed as ancestral land by the indigenous groups among whom they lived. This is how the land question came to the fore of the conflict between them and other Zairians/Congolese in both North and South Kivu. Thus, even before the genocide in Rwanda, thousands of people had died in inter-ethnic violence in 1992-93 in North Kivu.

Overpopulation is a structural geopolitical fact in the Great Lakes region. Burundi, which has 10 million inhabitants in an area of 27,834 km², and Rwanda, where millions of people are crowded in an area of 26,338 km², is overpopulated as are parts of the Kivu in the DRC following population movements from Rwanda and Burundi since the mid-1990s. Their economies are mainly agricultural and unable to improve the standards of living of their people. Population pressure also causes numerous land disputes. In North Kivu, land disputes remain an explosive issue between the Nande, Hunde and Banyamulenge ethnic groups. This “poverty machine”, which is still ticking, allows armed bands to easily find new recruits among the young “have-nots”. The Mai Mai in Northern Katanga have not all turned in their weapons, and several other armed groups without any firm command structure including the *Interahamwe* continue roaming and harassing the populations of the Kivu⁵.

⁴ Koen Vlassroot and Timoty Raeymaekers: *Conflict and social Transformation in Eastern DR Congo*, Academia press, 2004

⁵ Special file by the MFI about the 24th France-Africa Summit

2. Causes and Consequences of Conflict in the Great Lakes Region

The economic and political consequences of the conflict in the African great lakes are enormous and present a renewed challenge to stability and development. It is imperative to understand the causes and tragic consequences of conflict and how to resolve them in order to enable development assistance and programs to make an impact in post-conflict transition. The conflicts experienced in the Great Lakes region are a manifestation of serious structural weaknesses. Their underlying causes have internal as well as external components. The interaction between the colonial legacy and post-independence models of governance, as well as the global social, economic and political milieus, in which this interaction occurs, form an appropriate context in which to place the recurrent conflicts in the Great Lakes region⁶.

2.1 Long-term Causes

The artificial boundaries created by the former colonial masters brought together many different people within nations that were not conducive to cultural and ethnic diversity. Instead building on this diversity, the leaders of these communities sought to exploit it for their own selfish ends. In the process, they ruptured social cohesion, and dislocated social entities and culturally homogeneous groups of people. In other words, post-colonial ethnic conflicts in the Great Lakes Region, and in many parts of Africa, have their roots in the colonial policy of separating communities along language, religious and ethnic lines. Where ethnic communities did not exist such as in Rwanda and Burundi, they created them.

It is no longer a question of colonial legacy but rather lack of proper non-violent conflict resolution techniques that appears to explain the lack of sustainable peace. Deep-rooted causes of many of these conflicts have been left unresolved, which has led to their recurrence in the region⁷.

The rather permanent absence of the rule of law and refusal to embrace democracy, coupled with the persistence of authoritarian tendencies by some conservative heads of state, constitute the principal endogenous causes of insecurity. The internal cohesion of states continues to be undermined by among others, deepening ethnic consciousness, politicization of the armies as a means of acquiring, exercising and conserving power; absence of the rule of law; systematic and flagrant violation of human rights; and constitutional/legal and ideological manipulation".⁸

⁶ Paul Kagame, President of Rwanda: Conflicts in the Great Lakes Region in African Development.

⁷ Lisa Kwaleyela: Sustainable Peace Building in the Great Lakes Region, May 2012, p. 3

⁸ Ladislas Bizimana: Conflict in the African Great Lakes Region: A critical Analysis of Regional and International Universidad de Deusto, 1999.

2.2 Short-term Causes

Short-term causes of conflict are risk factors, which may not automatically translate into conflicts. Their translation into conflicts depends on how the tensions are managed. This has a direct bearing on the policies and strategies of the prevailing regimes, which may assuage tensions, or fuel them into violent conflicts. Policies that are discriminatory and exclusionary lead to discontent and fuel social conflicts. When incumbent presidents violate the constitution, such as during elections or when large sections of the population are excluded from the benefits of natural wealth and basic social services, the eruption of conflict is only a matter of time. This is evident in the African great lakes countries where social groups are deeply involved in politics. Shifts in power bestow dominance upon a given ethnic group enabling it to control a country's economy and misuse economic rents especially mineral wealth, which is a sure recipe for conflict.⁹

Specifically, bad governance and erosion of the state lead to corruption and economic failure, which in turn weaken the institutional capacity and authority of the state to manage or mitigate conflict. This makes a country lose administrative control over a part or parts of its territory. Such instability leads to massive movement of people thus transmitting conflict across national borders. Finally, easy access to arms, particularly small arms and light weapons at low cost becomes easier when new conflicts erupt, and in resource-based conflicts, the wars become self-financing.

2.2.1 Poverty and Youth Unemployment

Poverty is an issue that should be examined in order to understand how it fuels conflict. Burundi has been classified among the world's 25 poorest countries. The majority of the population lives below the poverty threshold. They lack basic means of livelihood, such as food, shelter, clothing, health care and education. It has been said that a hungry man is an angry man. Few people live happy and fulfilled lives, and disgruntled people become fertile grounds for harmful ideologies¹⁰. That is why several young people of the great lakes countries notably, Burundi, Congo and Rwanda have joined different armed groups like FNL in Burundi and M23 in the DRC.

Within the region, there is a mismatch between the aspirations of the youth and the opportunities available to them. A majority of the youth have high hopes and ambitions. However, a demographic bulge of young people; poor macroeconomic performance; unemployment; an education system that suffers from problems of access, quality, and

⁹ Seema Shekhawat: Governance crisis and Conflict in the Democratic Republic of Congo, 2009

¹⁰ Baregu, Laurent Mwesiga: Understanding Obstacles to Peace: Actors, Interests, and Strategies in Africa's Great Lakes Region, 2011.

relevance; and a society that negates the self-expression of young people means that the latter are unable to translate their aspirations into a productive and fulfilling future. High expectations, disappointing employment and life prospects, and marginalization among young people fuel frustration and desperation resulting in crime and violence.

Poverty is cited as a major contributory factor to violence among the youth and participation in armed organizations in the region¹¹. In Burundi for instance, involvement of the youth in armed conflict has been high since independence. Unemployment and underemployment are cited as the major economic reasons of why young people engage in armed rebel groups.

2.2.2 Partisan Cleavages and Bad Governance

Socio-ethnic cleavages have featured in most of the Great Lakes region's conflicts while masking their personalized and exploitative nature. The inability to respond to the challenges of managing multi-ethnic societies was compounded by the failure of political society to evolve adequate rules for governing itself and exacting accountability from its members. The conflict surrounding the Banyarwanda in the DRC today is a classic example of the denial of citizenship. The degree of dominance or suppression of the Rwandese and Burundian Diaspora in the Great Lakes greatly contributes to the domestic conflicts of the states in which they reside. Conflict in this respect is linked to who has the right to full citizenship. This leads to intensification of social divisions and tensions as well as a halt in the nation-building process.

The role of politicians continuously remains at the centre of identity-based conflicts, which have torn African Peoples apart specifically in the African great lakes region. Identity-based wars would not occur today in Burundi, Congo and Rwanda if post-colonial leaders had not systematically built their political discourse on themes that divide communities. Bad governance emanates from two main structural issues: unequal distribution of national resources and rise of conflict-generating systems. Related to the first issue are nepotism, clientelism, corruption and exclusion which have been practiced by successive regimes since independence. The second has to do with crystallization of conflict-generating cleavages such as failure to nurture or grow democratic systems that could mitigate negative ethnicity.

¹¹ Alain Korong: Regional Report on Youth Policies and Violence Prevention in the Great lakes Region, 2nd Ed.

2.3 Consequences

Where conflict escalates, normal economic activities get strained and social services cease. The chronic instability in the African Great Lakes region has economic and sociopolitical consequences on the countries concerned.

2.3.1 Economic Consequences

The consequences of the conflict continue to weigh heavily on the region's economic recovery and development. In addition, the crisis has generated a new type of war economy characterized by a phenomenon of plundering natural resources, in which illegal traffickers are actively involved. Today, the eastern Congolese regions are still controlled by gold and diamond-trafficking networks, over which the State has no authority and from which it receives no revenue. The Economy of all the countries concerned has been the first casualty of the incessant wars. The greatest challenges to economic cooperation remain the current state of relations between Burundi, the DRC and Rwanda, particularly the latter two, and the continuing conflict in Eastern DRC. Moreover, state fragility in the DRC and Burundi continues to affect these states' abilities to act effectively in regional networks. These challenges should not be seen as negative externalities that regional cooperation efforts and related institutions can sideline, but rather should inform all areas of planning and institution building for regional cooperation¹².

2.3.2 Socio-political Consequences

The number of refugees and internally displaced persons (IDPs) in the region are two factors that have a significant impact on regional potential for conflict or peace. The flows of such populations have a destabilizing effect on countries in the region especially by negatively impacting areas such as living standards, human development, and the environment. Over the past decade, Eastern Africa and the Great Lakes have consistently faced large numbers of refugees and internally displaced persons across the regions. While Kenya, Tanzania and Uganda generally do not produce significant numbers of refugees, between them these countries host about a million people who have fled the neighboring states. At the same time, while the number of refugees hosted by Burundi, Rwanda, the DRC and Kenya have been declining in recent years, both Uganda and Tanzania are hosting increasing numbers of refugees. What this suggests is that the populations who continue to flee are no longer attempting to seek refuge in Burundi, Rwanda or the DRC for reasons of declining stability.

¹² Natural Resource Perspectives No. 96, March 2005

3. Typology of Conflicts in the Great Lakes Region

There has been extensive public and academic debate about the primary causes of conflict in the African Great Lakes region. Four major typological factors have been identified: tribalism or negative ethnicity; rebellions; state failure and border disputes.

3.1 Ethnic Competition for Control of the State

There is no question that ethnicity has been an important factor in generating conflict in the Great Lakes region. However, ethnicity must be understood in historical and political contexts. For example, Hutu and Tutsi identities are in no way primordial. These identities hardened under colonial rule and became virtually the sole basis for political action in Burundi and Rwanda after the colonial era. Ethnicity has also undoubtedly played a major role in Uganda and the DRC in causing conflict. The FDLR rebels are fighting the Congolese Tutsi (Banyamulenge)¹³. Yet, in Tanzania, it has been a much less significant factor. Ethnicity has promoted conflict in the region for three main reasons:

- a) It has become the exclusive way by which ordinary people define themselves;
- b) Political elites have deliberately deployed it as a vehicle for violent political mobilization;
- c) The political and economic resources being competed for have become increasingly scarce and the 'rules of the game' shift towards 'winner takes all'.

Based on these criteria, the immediate origins of the inter-state regional conflict in the Great Lakes between 1996 and 2002 are to be found in events in Rwanda, from where hundreds of thousands of Hutus were expelled following the 1994 genocide, most of who were the *Interahamwe*. This was followed by the Rwandan/Ugandan invasion of eastern Zaire (DRC) in 1996. However, ethnicity is never a factor by itself but usually works in combination with other impulses and interests. Writing about the civil war in the DRC, one African commentator claimed: "It has its roots in the structures of power, power relations and power struggles in the neighboring states (Burundi, Rwanda, and Uganda). However, the invasion was facilitated by the vacuum created by the collapsing DRC state, the nature of the ADFL, the ethnic composition in the Kivu provinces, the competitive even conflict-dominated relations among the ethnic groups, and the opportunistic nature of some segments of the Congolese intellectuals and political elite".¹⁴

¹³The FDLR was formed in the aftermath of the Rwandan Patriotic Front's takeover in Rwanda following the 1994 genocide. It is a rebel group comprised primarily of Rwandan Hutu which was allegedly fighting against the "Tutsi" government in Rwanda. They are also seen as a primary source of the ongoing insecurity in eastern DRC.

¹⁴ Adolphe Kilomba Sumaili: Introduction in Analysis, Prevention and Resolution of Conflicts, University for Peace, 2001

3.2 Rebellions and Collapse of the State

The African great lakes region has experienced several rebellions and wars since the 1960s. From 1960 onwards, there have been eleven outright wars in the DRC, five in Burundi and two in Rwanda, not forgetting the constant low-intensity warfare. An estimated four million people lost their lives as a direct result of these conflicts and another four million forcibly displaced. These conflicts greatly undermined the viability of the state in the DRC.

There are two dominant factors which could be considered as reasons why the Congolese state finally collapsed in 1997 after so many years of teetering on the brink. Firstly, the changes in the international arena that occurred as a result of the end of the Cold War led to diminished control of the state by President Mobutu Sese Seko. Mobutu was assisted by Western powers in his take-over of the state in 1965, and was helped by European states and especially the US throughout his rule. The end of the Cold War meant that African states had less strategic importance. Mobutu could only hold on to power for a limited amount of time once he had been deserted by his Western allies.

Another factor leading to the collapse of the Congolese state was regional instability. Although state collapse is usually emanates from intra-state phenomena, regional factors may play an important role in the collapse of the state. This was true for the DRC. The Great Lakes region showed considerable instability during the last decade which served to exacerbate the situation in the DRC and ultimately hastened its collapse.

The Rwandan refugee crisis played an important role in the defeat of Mobutu. There had been tensions in South Kivu in eastern DRC for many years. This region is situated along the border between the DRC and Rwanda and Burundi. A number of Tutsi living in the region were involved in disputes about their entitlement to Congolese nationality. The instability in this region was worsened by the conflict in Rwanda and Burundi. More than 1.5 million Hutu refugees fled to the DRC in 1994. This situation was viewed as a security threat by Burundi, Rwanda and Uganda, who subsequently became involved in the conflict in the DRC. In addition, there were other internal opposition groups which also played a role in the conflict¹⁵.

3.3 Border Disputes

Lake Albert is shared by the DRC on the western side and Uganda on the east. Relations between the two countries have been complex since the Rwandan genocide, and particularly since 1996, when the Ugandan army helped to overthrow President Mobutu

¹⁵ Mathews Sally and Solomon Hussein: *The Challenges of State Collapse in Africa: The Case of the Democratic Republic of the Congo*, 2002.

in favor of Laurent Desire Kabila. In 1998, Ugandan and Rwandan armed forces and military consultants were requested to leave the country, which led to the Second Congo War. The Congolese Army was unable to control its territories, even with the help of Angolan, Zimbabwean, and Namibian forces. The war ended in 2003 with the implementation of power sharing agreements, reached in Sun City in April 2002 under the mediation of the then President of South Africa, Thabo Mbeki. As a consequence of these events, the Congolese have a contentious relationship with Ugandans and Rwandese. Part of the border between the DRC and Uganda, which runs over Lake Albert, complicates the equation still more. In a treaty signed in 1915, the British and Belgian colonists fixed the lake's source, the Semiliki River, as the boundary between the two countries. The danger inherent in this definition is that the river's banks have continually shifted in one direction. The Semiliki River has moved of 3.5 km to the west, and thus onto Congolese land, since the signing of the treaty. In theory, Uganda should now have more territory than is specified in the map drawn during the colonial period. Thus, Uganda's oil exploration and discovery proceeded amidst controversial geopolitics".¹⁶

In addition to Lake Albert, the DRC shares other basins with its neighbors in which it has important stakes. Lake Kivu, which the DRC shares with Rwanda, produces methane gas for the latter's electricity supply since 2008. As for Lake Tanganyika, which lies between the DRC, Burundi and Tanzania, it is not far from bearing the first fruits of exploration. Eventually, these two lakes will witness the same problems as Lake Albert unless a way is found to manage resources belonging to several states. The main issue that the Berlin Conference of 1884–1885 sought to define was the main spheres of influence in Africa among colonists, but did not take into account the location of hydrocarbons. This was due to the fact that, at that time, the only significant oil production was restricted to the US and the Baku Region of Azerbaijan. Unlike water, petroleum was not a criterion for the delimitation of African states' borders. Today, due to the rise in oil prices, and consequently greater interest in the African continent in terms of exploration, countries and companies alike are facing the problem of having to share sedimentary basins among different sovereign states. When those states discover fields partially located under the territory of a neighboring country, conflict may be inevitable.

¹⁶ Auge Benjamin: *Border Conflicts Tied to Hydrocarbons in the Great Lakes Region of Africa*, Institut Français de Géopolitique (Paris VIII).

4. Regional Approaches to Peace Building in the Great Lakes Region

Efforts at peace building have been made in the African Great Lakes region through regional organizations but the results remain insufficient. Regional approaches to peace building can be integrative or cooperative. Integrative and cooperative approaches mainly pursue different objectives, establish different institutional structures and vary in their effectiveness. Existing integration agreements in the Great Lakes Region, for example, mainly focus on trade and production. Cooperation agreements involve selected policy harmonization or joint production of public goods, such as security, while integration arrangements are characterized by much deeper mutual interaction or synergies.

Regional cooperation initiatives tend to be more selective in their coverage and generally require less long-term commitment than integration. Research indicates that the countries of Sub-Saharan Africa can benefit more from regional cooperation than from formal trade integration. However, regional cooperation may also hold some critical stumbling blocks hindering successful institutionalized regional cooperation. The biggest obstacles for the African Great Lakes region are the lack of political commitment to and ownership of regional cooperation by member states; lack of capacity of member states to engage in such initiatives; insufficient attention to existing regional political and economic asymmetries; continued mistrust and mutual suspicion among member states; and top-down approaches that exclude many stakeholders¹⁷.

There is a risk that institutions promoting regional cooperation may remain ineffective or that their failure could jeopardize regional prosperity and sustainable peace in the long term. Further, promoting such economic cooperation without first analyzing the political economy and ignoring the ways in which the economy itself may drive conflict dynamics can aggravate hostilities. These include underlying systems of control and access to economic resources based on coercion as well as horizontal and geographical inequalities that feed resentment and tension. They also include corruption and patronage closely linked to the ruling elites or armed groups that continue to play a key role in perpetuating and benefiting from violent conflict. While regional cooperation may be important in developing constructive relations between states, it cannot be assumed that pooling resources to provide public goods for populations and creating platforms for dialogue regarding shared interests will automatically follow. Whether regional cooperation yields peace building benefits depends on the capacities and willingness of those involved as ownership is a key element of success as well as the design and processes of the cooperation.

¹⁷ Meike Westerkamp, Moira Feil and Alison Thompson: Regional Cooperation in the Great Lakes Region, a Contribution to Peace Building, 2009, p.12

4.1 International Conference on the Great Lakes Region (IC/GLR)

The ICGLR aims to strengthen peace building processes and to address economic issues in the region as a means of achieving durable peace and security. The key objective of the ICGLR, which was established in 2004, is to build a regional framework for consultations structured around the Pact on Security, Stability and Development adopted by member states in 2006. The Pact is based on four priority areas: Peace and Security, Democracy and Good Governance, Economic Development, and Regional Integration as well as Humanitarian and Social Issues.

This reflects the premise that peace and security cannot exist without good governance, economic reconstruction and development, or without resolution of issues of impunity, displacement, land rights and sexual violence. Specifically, the Pact also aims to facilitate the return of refugees as well as the repatriation of fighting forces that have crossed borders, an issue that is highly contested between Rwanda and the DRC.

The member states are Angola, Burundi, Central African Republic, Democratic Republic of Congo, Kenya, Republic of Congo, Rwanda, Sudan, Tanzania, Uganda and Zambia. The East African Community can play a major role in the organization by developing awareness on political governance and genocide prevention. The eastern DRC is historically connected to the neighboring countries and special attention therefore needs to be paid to the interests and needs of the eastern provinces. Of special importance is accessibility of seaports (Mombasa and Dar es Salaam) for import and export trade, to which EAC member states notably, Rwanda, Uganda and Burundi, already have, relative to eastern DRC.

The Conference's budget comes from contributions from member states as well as pooled finances from its so-called "Group of Friends", composed of various donor agencies offering financial as well as technical and political support. In 2006, the ICGLR had already garnered more than US\$10 million in contributions¹⁸.

4.2 The Great Lakes Centre for Conflict Resolution

The Great Lakes Center for Conflict Resolution is an independent organization started in January 2008 with the aim of preventing conflict and promoting peace in the Great Lakes Region of Africa. The organization is registered as a not-for-profit and non-governmental organization in Uganda and its activities cover Kenya, Tanzania, Uganda, Rwanda, Burundi, Democratic Republic of Congo and Southern Sudan. With the exception of Tanzania, all the countries mentioned above have gone or are going through political unrest and/or civil wars. The conflicts in Rwanda, Burundi, Uganda, Democratic Republic of Congo and

¹⁸ www.initiativeforpeacebuilding.eu

Southern Sudan have claimed the lives of millions of innocent civilians and armed groups in these countries have committed gross violations of human rights including recruitment of child soldiers. The strategic objectives of the organization are to establish and disseminate early warning signs of conflict and lobby for timely resolution of the same; assess capacity building for civil society and government leaders in conflict resolution and peace building; and implement peace dialogue programs to promote cross-cultural and cross-border reconciliation.

4.3 The Economic Community of Great Lakes Countries (CEPGL)

The CEPGL aims at strengthening the economic cooperation in the Great Lakes Region and facilitating stable and peaceful relations through this cooperation. The Economic Community of the Great Lakes Countries was originally founded in 1976, but collapsed in the mid-1990s due to conflicts within and between the member states. It was launched in 2007. It was originally designed as an economic cooperation organization, but the recently re-established Secretariat is developing a more explicit mandate with respect to governance and peace building. The CEPGL's current five priorities are: peace and security; democracy and good governance; agriculture and food security; energy, infrastructure and communication; education; and research and investments.

To achieve its objectives, the CEPGL works in conjunction with specialist bodies like the Energy Organization of the Great Lakes Countries (EGL). EGL's main objective is to ensure cooperation between the member states in the energy sector. It serves as a planning and research body and also ensures project implementation.

The International Great Lakes Energy Company (SINELAC) is a joint venture of Electrogaz, Rwanda's state-owned electricity supplier; Burundi's Régie de Production et Distribution d'Eau et d'Electricité (Regideso) and the Congolese Société Nationale d'Électricité (SNEL). Its purpose is to run the community hydro-electric power station of Ruzizi II as well as to market the energy produced in the three member states through their national electricity companies. Currently, SINELAC is the only properly functioning organization within CEPGL.¹⁹

¹⁹ International Conference on the Great Lakes Region, 2006b.

5. Peace Building Challenges and Opportunities

To understand the prospects of success of future initiatives in peace building in the region, it is important to identify the challenges and opportunities.

5.1 Challenges

Bad governance and instability are clearly the main challenges across the region as a whole. Going by the history of armed conflict in the area, the DRC has, by far, the highest overall level of risk in the region. The country has long served as a conduit for small arms into and out of neighboring countries.²⁰

The provinces of North and South Kivu in the eastern DRC have been the epicenter of the fighting. They constitute the largest source of recruits for a constantly shifting mix of militias. By one count, there are at least 19 non-state militias comprising 7,000 to 17,000 fighters in the KIVU. Many of these groups are criminally oriented militias seeking to profit from trafficking in the region's natural resources. Some are led by local politicians and others are community self-defense forces. Alliances, goals, and leadership among these groups are often temporary, opportunistic, and at times contradictory. Conflict in the KIVU also has powerful external drivers. Militias opposed to the governments in Burundi, Rwanda, and Uganda are based in the KIVU. In response, these countries have deployed troops and sponsored militias in the eastern DRC, feeding the proliferation of armed groups. Nearly all of the illicit traffic in Congolese minerals that funds armed groups, transits through Burundi, Rwanda, and Uganda.²¹

The ambiguous relationship between regional cooperation and peace building in the Great Lakes Region is evident in both CEPGL and ICGLR. Both claim to have peace building aspects to their work and are supported by donor agencies. The instability in the region as well as the remaining hostilities and mistrust between governments especially between those of the DRC and Rwanda, pose great challenges to regional cooperation and peace building. To foster regional institution-building, this challenge must become the focus of all areas of planning and action and adoption of different strategies. The Congolese government's continued disengagement with CEPGL, for instance, cannot be treated as an aside by the member states as well as by the donor governments but must be taken seriously and addressed. Burundi and the DRC are highly fragile states, requiring capacity support to enable them to fulfill their commitments.

²⁰ Jon Lunn, International Affairs and Defense Section; the African Great Lakes Region: An End to Conflict? 25 October 2006.

²¹ MinaniBihuzo Rigobert: Unfinished Business: A Framework for Peace in the Great Lakes, 2012

The fact that many districts began forming their own protection forces after the surge in violence around 1998 suggests that weapons are not scarce and are indeed easily obtainable. This adds to the general problems of militarization, indicating that the general public is often prepared to answer violence with violence, as well as further complicating any demobilization efforts that may be undertaken as part of recent peace agreements. Ultimately for instance, if the Congolese government is unable to effect progress in disarming and demobilizing Rwandan rebel forces, the success of the recent deal between these two countries may be in jeopardy and the Rwandan military may be reluctant to withdraw as planned.

5.2 Opportunities for Peace

It is essential to stabilize the Democratic Republic of Congo and reconcile other countries of the Great Lakes towards the building of a more consolidated group. States can work together in setting up and managing a viable cross-border organization to propagate the ideals of regional cooperation. Indeed, the political stability of the member states is the only guarantee of the success of the CEPGL. A study needs to be done on the role of the United Nations/African Union, the instruments of regional integration and the motivations of the countries concerned. In the same vein, economic programs and strategies that concern the whole region should be harmonized. More explicitly, beyond the economic aspect, it is important to take into account security requirements and policies. Indeed, if the well-being of the vulnerable is not prioritized, the various attempts at integration may be doomed to failure. The countries bordering the Democratic Republic of Congo should not envy her natural resources. In addition, their rich neighbor can ultimately serve as a breeding ground for conflict not only in the African Great Lakes region but also throughout Central Africa. The future of the region seems to lie in economic development and non-aggression agreements reinforced by effective control of the eastern DRC.

6. Conclusions and Recommendations

Sustainable peace building is imperative and long overdue in the African Great Lakes region. However, peace building is not an automatic result of regional cooperation. When technical cooperation and local trade networks are having positive spill-over effects at the political level, lack of political cooperation can impede technical solutions and cooperation that can foster human and livelihoods security. Different mechanisms of political engagement, such as regular dialogue, joint planning and consultation which strategically link trade and energy cooperation to peace building, should therefore be systematically exploited. Conflict-sensitive approaches, including broad stakeholder consultations and transparent decision-making must be pursued in the Great Lakes region. Following are some approaches

regarding regional cooperation in the Great Lakes Region which can bring lasting or sustainable peace in the region.

Security dialogue and conflict management need to be employed to establish and maintain peace within the region. The objective here will be to develop systems of military cooperation based on mutual collaboration to reduce the dangers of negative activities. The international community should then integrate conflict-sensitive peace-building approaches into efforts to promote regional cooperation on energy, natural resources, trade and security. Regional cooperation should contribute to a holistic understanding of peace and security by incorporating social, economic and political agenda”.

For economic cooperation and peace building to become mutually reinforced in ICGLR's work, the Conference needs to refine its mandate in all areas of engagement in light of the instability and capacity of governments in the region. In economic cooperation, large-scale infrastructure projects can represent highly contested resources worth fighting over. Further, initiatives such as a natural resource certification scheme (instrument to implement ethical standards and transparency in mineral production against illegal production and trade) and risk spreading have already proved costly and ineffective. The value added of the ICGLR's engagement in such activities must be better articulated. ICGLR would be better off focusing on more security-related issues, or at least collaborating with the Tripartite Plus mechanism. The Tripartite plus mechanisms is a security consultative mechanism that regroupes Burundi, DRC, Uganda and Rwanda to strengthen regional security collaboration.

The international community through the UN and AU should develop mechanisms to select regional cooperation efforts for support to ensure institutional effectiveness. When similar or identical regional cooperation projects are taken forward by multiple regional cooperation institutions, it creates multiple levels of overhead, which is both costly and inefficient in realizing the set goals. This can be accomplished by prioritizing institutions that already exist, especially those with tested approaches for stakeholder engagement like the CEPGL.

The humanitarian pillar must also take into account planned actions in economic cooperation and development. The overriding aim of peace building must be articulated across pillars, with impact assessments reflecting such priorities. The ICGLR can represent an acceptable space where governments such as those of the DRC, Rwanda, Burundi and Uganda feel free to enter into dialogue on every issue, where other diplomatic avenues may be closed. This has confidence building potential.

The Great Lakes communities have made big strides toward peace and security cooperation in recent years. As nations move forward to address threats to peace and stability, they

must also ensure that the tools they use to combat these threats do not become threats themselves. Strong, professional and cooperative militaries are essential to regional security. As the eastern DRC's chronic instability negatively impacts the security, political, economic, and development goals of the country's neighbors, it is imperative for the international community to work with the DRC and other regional partners to break this cycle of violence. For the moment, the MONUSCO may establish mechanism to extend the collaboration with different armies from the neighboring countries to fight the negative forces in the eastern DRC.

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Highlights of the Key Messages in the Issue Briefs

This fact sheet is a quick reference guide regarding issues discussed in the two papers.

The Key messages include:

Inter-communal conflicts in Kenya: Real Issues at State in the Tana delta

- Inter-communal conflicts in Kenya have been exacerbated by national and local politics especially during general elections.
- Use and management of resources is at the root of these conflicts especially land acquisitions that do not take local needs and interests into consideration.
- There are long term, short term causes and triggers of the conflict which should inform strategies of conflict resolution and peace building.
- The prevailing local traditional peace building mechanism should be given space in the formal peace committees to enhance effectiveness of interventions.
- The government should implement provisions of the new constitution having to do with empowerment of counties and the Land Commission should provide lasting solution to the conflict in this region.

Dynamics of Conflicts in the African Great Lakes region

- The nature, scale, the time-span and proliferation of conflicts have negated national and regional stability needed for economic integration and regional development and continue to poison relations among the states in the region.
- Damaged/obsolete physical capital and production facilities. Disintegration of infrastructure such as power plants, transportation and communication networks, schools and health facilities is widespread, particularly in the DRC and Burundi.
- The international community, AU/UN, should support regional organizations like ICGLR to implement programs of actions action with a view to ending the cycle of crises, and ensure durable peace, security, democracy and development in the region.
- The Region requires leaders and institutions that can unite and reconcile its peoples, especially after this turbulent history; embrace diversity; seek to improve the livelihood of all citizens without discrimination; embrace regional economic integration and work towards shared prosperity and sustainable peace.



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